

9.7 Management of Intoxicated or Persons Under the Influence Policy

The following policy and procedure are written and described without prejudice:

On occasion, Nominated Supervisor or the Responsible Persons in Charge of the service may need to exercise Duty of Care in managing particular situations. These occasions may include those in which it is suspected that children may be released into the care of intoxicated or under the influence persons. All persons considered or expected under the influence of drugs, alcohol or other substance that are under the employ (at the time) of the service shall be referred to the Fit for Work policy (see 8.17). All persons who are not under the current employ of the service shall be requested to follow the policy and procedure as described.

Under no circumstances would the service recommend that unfit persons take on duty of care for children unless the following procedures have been duly considered.



Relevant Laws and other Provisions

The laws and other provisions affecting this policy include:

- *Education and Care Services National Law Act, 2010 and Regulations 2011*
- *Duty of Care*
- *Child Protection Act 1999 and Regulations 2000*
- *Family and Child Commission Act 2014*
- *Work Health and Safety Act 2011*
- *National Quality Standard, Quality Area 6 – Collaborative partnerships with families and communities*
- *Policies: 2.2 – Statement of Commitment to the Safety and Wellbeing of Children and the Protection of Children from Harm, 2.4 – Arrivals and Departures of Children, 8.10 – Employee Orientation and Induction, 9.3 – Communication with Families, 9.8 – Parent Conduct.*



Procedures

The family shall maintain the parental responsibility under the relevant acts and provisions to care for their children. In this case the parent shall:

- Understand and follow all laws regarding the collection and care of school age children and any individual service laws that they select of their own accord to use.

Should the Coordinator/Responsible Person or other senior employee reasonably suspect that the relevant parent, guardian or person authorised to collect the child is under the immediate influence of alcohol, drug or other substance, they shall:

- Make attempt to discuss concerns with the parent, guardian or authorised person;
- If not the parent, then make attempt to contact the parent to discuss concerns;
- Only release the child if required to by law;
- Call the police if an immediate threat to the welfare and wellbeing of children/and or family exists.

DATE DEVELOPED	DATE RATIFIED	DATE REVIEWED	DATE RATIFIED
August 2018	August 2018	July 2021	October 2021
		August 2023	October 2024