TOBACCO, DRUG AND ALCOHOL-FREE POLICY

Our Service is committed to creating and maintaining an environment that promotes the safety of all children, staff and visitors. We believe in maintaining a healthy, safe and productive workplace environment that reduces risks and hazards associated with the use of drugs and alcohol for all staff, children and visitors.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.2	Professional Standards	Professional standards guide practice, interactions and relationships.
QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service that is child safe.
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service.

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
S. 2A	Paramount consideration—safety, rights and best interests of children
S. 3A	Paramount consideration
S.167	Offence relating to protection of children from harm and hazards
82	Environment to be free from tobacco, vaping devices, vaping substances, drugs and alcohol
83	Staff members and family day care educators not to be affected by alcohol or drugs
84	Awareness of child protection law
155	Interactions with children
168	Education and care services must have policies and procedures
170	Policies and procedures are to be followed

RELATED POLICIES

Child Protection Policy Child Safe Environment Policy Code of Conduct Policy Dealing with Complaints Policy (staff) Excursion/Incursion Policy	Interactions with Children, Family and Staff Policy Privacy and Confidentiality Policy Safe Transportation Policy Work Health and Safety Policy

PURPOSE

We aim to ensure our education and care service is a tobacco, drug, vape and alcohol-free environment at all times in accordance with the Education and Care National Law and Regulations. The use of alcohol and/or other drugs, including prescription medication, may impact the ability to work safely with, supervise and care for children. Impaired workers can mean increases in lateness, inefficiency, absenteeism, and lost time. Employees should present themselves for work and remain, while at work, capable of performing their work duties safely.

Research provides evidence that exposure to tobacco smoke and vaping substances poses major health risks to both children and adults. Babies and young children are especially vulnerable to the poisons of second-hand smoke because their bodies are developing. Effects of passive smoking include Sudden unexpected death in infancy (SUDI), respiratory infections and conditions, including croup, bronchitis and the increased likelihood of childhood asthma. *(Red Nose, 2020).*

Our Service provides a policy regarding a tobacco, drug, vape and alcohol-free environment with clear guidelines to ensure we create an environment that is safe for all children, employees and visitors. This policy sets out expectations for all employees, volunteers and visitors regarding what is and what is not acceptable behaviour and practice in relation to alcohol and drug use and provides procedures which outline how to deal with impaired people, employees, volunteers and visitors at the Service.

SCOPE

This policy applies to families, staff, educators, management, approved provider, nominated supervisor, students, volunteers and visitors of the Service.

IMPLEMENTATION

The Education and Care Services National Regulations state the approved provider must ensure the Service environment is free from the use of tobacco, vaping devices, vaping substances, illicit drugs and alcohol. It is also required that employees or volunteers at the Service are not affected by alcohol or

drugs (including prescription medication) as these may impair the person's capacity to supervise or provide education and care to children being educated and cared for by the Service. Our Service is committed to ensuring that children's safety, rights and best interests are the paramount consideration in all decisions, actions and practices. All staff, employees, volunteers and students will abide by this policy.

DEFINITIONS

Alcohol

- Alcohol is the most commonly used depressant drug. It affects both mental and motor function. Examples include beer, wine, and spirits.

Under the Influence

- Includes a person who has taken drugs or alcohol that interferes with sound judgement and acceptable behaviour that may impair mental and physical ability to perform their duties safely.

Drugs

- **Illegal Drugs:** drugs such as cannabis, amphetamines, ecstasy, cocaine and heroin are illegal. They are not subject to quality or price controls, and the amount of active ingredient varies. A person using illegal drugs can never be sure of how strong the drug is or what is actually in it.
- **Prescription Drugs:** Prescribed and over-the-counter medications can also be misused for the purposes of intoxication. Employees taking medication should find out how it may affect them by consulting their doctor and advising the nominated supervisor or responsible person if the prescribed medication will affect their mental and physical ability to perform their duties safely.
- **Illicit Drugs:** Illicit drugs include illegal drugs, prescription medicines that have been obtained illegally or are not being used for medicinal purposes, and other substances that are being used inappropriately, for example, sniffing glue or inhaling paint thinner.

E-Cigarettes (Vaping)

- Battery-powered devices called e-cigarettes are utilised to heat a liquid substance that generates a vapour, which is then inhaled, thus imitating the smoking process
- **Vaping device:** has the same meaning as in section 41P of the Therapeutic Goods Act 1989 of the Commonwealth.
- **Vaping substance:** has the same meaning as in section 41P of the Therapeutic Goods Act 1989 of the Commonwealth.

USE OF TOBACCO, DRUGS, VAPES AND ALCOHOL

- Our Service supports the Smoke-free Environment Act 2000 (NSW) and will follow all relevant

conditions outlined in this Act

- Our Service is bound by the Education and Care Services National Regulations. Alcohol, drugs, or other substance abuse by employees, volunteers and students can have serious adverse effects on their own health and the safety of others. As such, all employees, volunteers and students must not:
    - consume illegal drugs or alcohol before starting work
    - consume illegal drugs or alcohol while working
    - be under the influence of illegal drugs or alcohol while working
    - smoke or vape while working
    - use, sell or possess illegal drugs while working
    - drive a vehicle, having consumed alcohol or suffering from the effects of illegal substances, or
    - bring alcohol or any illegal drugs onto the premises
- Noncompliance with the above may result in termination of contracts and agreements
- Smoking or vaping is NOT permitted in or on the surrounding areas of the Service. (The smoking/vaping ban extends to an area of up to 5 m around the land where the Service is approved to provide education and care).
- Educators, staff, visitors, volunteers and students must not carry or use vaping substances or vaping devices on the Service premises while education and care is provided to children
- It is expected that the odour of cigarette/e-cigarette smoke will not be detected on an employee's, student's or volunteer's clothing or hands. If an employee is found smoking on the premises, disciplinary measures may be taken.
- Smoking or vaping is NOT permitted while staff are supervising or participating in excursions or other off-site activities.

Employees, volunteers and students undergoing prescribed medical treatment with a controlled substance that may affect the safe performance of their duties are required to report this to the nominated supervisor. A medical certificate may be required before their approval to provide education and care.

RESPECT FOR PEOPLE AND THE SERVICE

- Management and employees understand that *workplace health and safety is everyone's responsibility*
- Management and employees have a responsibility to take reasonable care for the health and safety of themselves and others at the workplace to enable compliance with the Work Health and Safety legislation outlined in the *Work Health and Safety Policy*

- Management and employees must provide adequate supervision of children at all times and ensure the health, safety and welfare of children and young people in their care. This includes taking all reasonable action to protect children and young people from risk of harm
- Management and employees are committed to the Service philosophy and values, inclusive of best practice in early childhood education and building positive partnerships with children, families and staff.

THE APPROVED PROVIDER/MANAGEMENT/NOMINATED SUPERVISOR WILL:

- ensure all actions prioritise children's safety, wellbeing and best interests as the paramount consideration
- keep employees, volunteers and students informed about essential information and any relevant changes and make all documents readily accessible to them
- model professional behaviour at all times whilst at the Service
- take appropriate action if a breach of the *Tobacco, Drug and Alcohol-Free Policy* occurs
- advise new employees, volunteers and students of the Service's *Tobacco, Drug and Alcohol- Free Policy* during the induction process
- advise visitors of the policy through signage at the front entrance of the Service
- remind families and visitors that
    - smoking or vaping is not permitted in or around the service
    - they should not enter the premises if they are under the influence of prohibited drugs or alcohol.

EMPLOYEES, VOLUNTEERS AND STUDENTS WILL:

- act honestly and exercise attentiveness in all Service operations
- carry out all lawful directions, retaining the right to question any direction that they consider to be unethical. If uncertain, they can seek advice from the nominated supervisor, approved provider or the Ombudsman
- report any instances of suspected alcohol or drug use at the Service
- report any observations of instances of smoking or vaping in the presence of children to management
- be mindful of their duty of care towards themselves and others
- not sell, offer to sell, purchase, use, transfer or hold possession of illegal drugs while on the Service premises or when representing the Service after operating hours
- be committed to valuing and promoting the safety, health, and wellbeing of other employees, volunteers, children, and families

- ensure that they are not, by the consumption of drugs or alcohol, in such a condition as to endanger their own safety or that of others at the Service
- ensure they do not operate heavy machinery or operate/drive vehicles while under the influence of, or after consuming drugs or alcohol.

ADHERING TO SERVICE CONFIDENTIALITY

- All issues about to these matters shall be kept strictly confidential
- Unless authorised to do so by legislation, employees must not disclose or use any confidential information without appropriate approval
- All employees are to ensure that confidential information is not accessed by unauthorised people
- Employees will adhere to the Service's *Privacy and Confidentiality Policy*.

SOCIAL EVENTS AND FUNCTIONS

Our Service expects all employees, volunteers and students to follow the *Tobacco, Drug and Alcohol-Free* Policy and Code of Conduct during social events held at the Service or an external venue, including events held outside of general operating hours. Management will arrange non-alcoholic drinks and food to be supplied, and public transport will be arranged where required. It is expected that everyone acts responsibly while at Service social events and gatherings.

REASONABLE BELIEF OR SUSPICION

If a co-worker suspects a colleague, volunteer or student to be affected by drugs or alcohol, they must inform the nominated supervisor immediately. Employees will report any concerns they may have about inappropriate actions of any other employee, volunteer or student that involves the use of drugs or alcohol at the Service to management. Any incidents or reports are to be documented confidentially, including action taken following the incident or report.

Management will observe and document any reasonable suspicions that an employee, volunteer or student is under the influence of drugs or alcohol, this may include:

- noticing the smell of alcohol
- eye dilation or red/bloodshot eyes
- slurred speech
- inability to act in a professional manner within the workplace
- emotional signs, e.g., where the employee is argumentative, agitated, irritable or drowsy
- movements e.g., where the employee is unsteady or fidgety ~~or~~

- other behaviours.

If the nominated supervisor or responsible person has reasonable grounds to believe that an employee, volunteer or student is under the influence of illegal drugs or alcohol, they will be removed immediately from working directly with children. Disciplinary action may follow, which may include termination of employment or engagement due to a breach of the Service policy. A breach in the *Tobacco, Drug and Alcohol-Free Policy* may result in termination of employment/agreement, even for a first offence.

The employee, volunteer or student may be requested to submit to a drug or alcohol screening test if there is reasonable suspicion that they are under the influence whilst working directly with children at the education and care service. They are expected not to return to the workplace until the test results are available.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

Our Service provides an Employee Assistance Program (EAP) free of charge to all current employees. The EAP Program may be accessed to provide confidential, professional counselling and support. For further information regarding the EAP Program, please speak with management.

SMOKE-FREE ENVIRONMENT LEGISLATION

Each state and territory has legislation that bans smoking in enclosed public places. While specific regulations for outdoor areas vary across jurisdictions, they all enact similar laws to protect people from harmful second-hand smoke.

VIC: Tobacco Act 1987

WORKPLACE HEALTH AND SAFETY (WHS) LEGISLATION

Each state specifies Work Health and Safety Acts and Regulations, which involve the management of risks to the health and safety of everyone in the workplace. This includes providing a tobacco, drug and alcohol-free workplace for children, visitors and employees at the service.

VIC: Occupational Health and Safety Act 2004 and Occupational Health and Safety Regulations 2017

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Tobacco, Drug and Alcohol-Free Policy* will be evaluated and reviewed on an annual basis or earlier if there are changes to legislation, ACECQA guidance or any incident related to our policy. Feedback will be requested from children, families, staff, educators and management, and notification of any change to policies will be made to families within 14 days.

RELATED RESOURCES

Code of Conduct – Staff Acknowledgement

SOURCES

Australian Children's Education & Care Quality Authority. (2026). *Guide to the National Quality Framework*
Australian Government. Business. *Work Health and Safety*
Australian Government. Department of Health. *What are drugs?*
Australian Government. Safe Work Australia. *Drugs and alcohol*
Education and Care Services National Law Act 2010
Education and Care Services National Regulations 2011
Fair Work Act 2009 (Cth).
NSW Government. SafeWork NSW. *Alcohol and other drugs*
NSW Government: *Smoke-free Environment Act 2000*.
NSW Government. Work Cover NSW. (2006) *Alcohol and other drugs in the workplace, Guide to developing a workplace alcohol and other drugs policy*
Commonwealth Ombudsman
Privacy Act 1988
Queensland Government. Workplace Health and Safety Queensland. *Framework for alcohol and drug management in the workplace*
Tasmanian Government. WorkSafe Tasmania. *Alcohol and drugs*
Victoria State Government. Work Safe Victoria. *Guide for developing a workplace alcohol and other drugs policy*
Work Health and Safety Act 2011 (Cth).
Work Place Law. *Drug and alcohol testing in the workplace.*

REVIEW

POLICY REVIEWED BY	[NAME] Amy Flockhart	[POSITION] office admin	[DATE] 26/06/2026
POLICY REVIEWED	JUNE 2026	NEXT REVIEW DATE	JUNE 2027
VERSION NUMBER	V8.06.26		
MODIFICATIONS	• annual policy review • edits for clarity and consistency: e.g., some points are now combined; strengthened focus on safety incl. paramount consideration		

	• content updated to include volunteers as per regulations; and students • added state specific smoke-free environment legislation • sources updated as required • hyperlinks checked and repaired as required
PREVIOUS MODIFICATIONS	
SEPTEMBER 2025	• policy reviewed out of regular calendar review due to legislation changes • minor edits within policy • sources checked for currency and updated as required