

Tobacco, Drug and Alcohol Policy

Quick reference: smoking | vaping | drinking alcohol | illegal drugs | illicit drugs | prescription drugs | social events | staff conduct | visitors | signage | staff functions

PURPOSE AND BACKGROUND

- (1) To set out the rules for the use of tobacco, drugs and alcohol at our service, ensuring that children, staff, families and visitors are not subjected to their associated dangers
- (2) This policy helps us to comply with requirements under the *Education and Care Services National Regulations* for the approved provider to ensure that children being educated and cared for by our service have an environment that is free from the use of tobacco, illicit drugs and alcohol (s 82), and that staff are not affected by alcohol or drugs while they are at work (s 83)
- (3) It also helps us to comply with our obligations under workplace health and safety laws to provide a safe workplace

SCOPE

- (4) This policy applies to:
 - ‘Staff’: the approved provider, paid workers, volunteers, work placement students, and third parties at our service (e.g., contractors, subcontractors, self-employed persons, employees of a labour hire company)
 - Children in our care, their parents, families and care providers
 - Visitors to our service
- (5) It applies during all service-related activities conducted within or outside our premises, including excursions, training, events and service-hosted staff gatherings and functions

DEFINITIONS

- (6) The following definitions apply to this policy and related procedures:
 - ‘Illicit drugs’ are drugs that are illegal to have (e.g., cannabis, heroin, cocaine) and the non-medical use of drugs that are legally available (e.g., pain killers, sleeping pills)
 - ‘Prescription drugs’ are medications prescribed by a medical practitioner for legitimate health reasons. Some prescription drugs can impair function

- 'Vapes' (electronic cigarettes) are devices that deliver nicotine and other chemicals through inhalation
- 'Under the influence' is being affected/impaired to any degree by alcohol or a drug

POLICY STATEMENT

We have a tobacco, drug and alcohol-free environment for children

Tobacco and vapes

- (7) Smoking or vaping is not permitted:
- At any time within 4 metres of the pedestrian entrances/exits from our service
 - During any off-site service-related activity where we are caring for children or meeting with families (e.g., excursions, parent meetings, special events, travelling with or transporting children etc)
 - In sight of children while they are in our care
- (8) Staff must not have detectable tobacco smoke odour on their clothes or hands while at work
- (9) 'No Smoking' signs are displayed at the entrance to the service

Illicit drugs, including the misuse of prescription drugs

- (10) Possession or use of illicit drug (including misused prescription drugs) is not permitted at our premises or during any service-related activities, whether they are held on-site or off-site
- (11) By law, staff members must not be affected by drugs (including prescription drugs) in any way that would impair their ability to supervise or care for children at our service (*National Regulations s 83*)

Alcohol

- (12) Possession or consumption of alcohol is not permitted:
- At our premises
 - During off-site service-related activities where we are caring for children or meeting with families (e.g., excursions, parent meetings, special events, travelling with or transporting children etc)
- (13) By law, staff members must not be affected by alcohol in any way that would impair their ability to supervise or care for children at our service (*National Regulations s 83*)
- (14) By law, the nominated supervisor must not consume alcohol while we are caring for children at our service (*National Regulations s 83*)

- (15) If a staff member receives a gift of alcohol at work, they must immediately store it out of view in a locked cupboard away from children's areas and remove it from our premises by the end of the day
- (16) Photos must not be used to represent alcohol fundraising prizes or awards, and such prizes or awards must not be stored at our premises

Service-hosted staff gatherings and functions

- (17) Alcohol may be consumed at service-hosted staff gatherings or functions:
- Outside of operating hours when no children are present
 - In moderation, with all attendees expected to act responsibly
- (18) The person responsible for the gathering or function must ensure that alcohol is served in a manner that reduces or eliminates risks to staff. This includes making sure that:
- An adequate variety and supply of non-alcoholic drinks are available
 - Food is also supplied
 - Service of alcohol is done responsibly (e.g., standard serves, not serving minors or people who appear to be intoxicated)
 - Service of alcohol ends at the time the function ends
- (19) Illicit drugs, including misused prescription drugs, are prohibited at all times
- (20) Staff, volunteers and students under 18 years old are strictly prohibited from consuming alcohol, smoking or vaping at any service-related event. Those who are of legal age should model appropriate behaviour, and must not supply alcohol, tobacco, or vapes to anyone who is under 18 years old
- (21) The approved provider must eliminate or reduce the hazards associated with alcohol use by staff at our service

Professional and responsible conduct

- (22) We are committed to having a safe environment for staff and maintaining our service's professional reputation during staff social events taking place in private at our service or in public places where the behaviour of staff may be witnessed by families and community members
- (23) Staff, including volunteers and students, who are consuming alcohol at service-related gatherings or functions should be mindful to drink in moderation, safely, and in a way that is respectful, dignified and not harmful to themselves or others
- (24) Guidelines for responsible drinking can be found [here](#)

Dealing with alcohol and drug use in staff, family members or visitors

Staff

- (25) Any staff member who is suspected of being in possession or under the influence of alcohol or illicit drugs (including misused prescription drugs) at work will be removed from their duties immediately and assessed by the responsible person/nominated supervisor or the approved provider
- (26) Staff will document observations and incidents, including physical signs such as slurred speech, red eyes, unsteady movement, and changes in behaviour
- (27) Staff members who are found to be in possession or under the influence of alcohol or illicit drugs may be referred to the police and/or subject to disciplinary action. Their employment may be terminated, depending on the circumstances

Family and visitors

- (28) If a family member or visitor attends our service under the influence of alcohol or illicit drugs, staff must:
 - Communicate with them calmly, discreetly and respectfully
 - Politely explain that, by law, we are a tobacco, drug and alcohol-free environment and that anyone under the influence is not allowed on the premises
 - Not allow the person to be in the presence of children
- (29) If the person is at our service to collect a child, staff must follow our Delivery and Collection Policy and Procedure, which details our duty of care towards the child and requirements to act if a child is at risk of harm (in accordance with our Child Protection Policy and Procedures)

Dealing with unsafe situations

- (30) If a situation seems threatening or otherwise unsafe, staff must try to alert a senior staff member immediately and follow our Lock Down Policy and Procedures

PRINCIPLES

- (31) Our service is committed to maintaining a safe, healthy, and tobacco, drug and alcohol-free environment for all children, families, staff, and visitors
- (32) The safety and well-being of children is our highest priority, and no staff member who is under the influence of alcohol or drugs will be permitted to care for children
- (33) Educators engage children in conversations and learning experiences that promote the benefits of a healthy lifestyle

- (34) We act quickly and professionally to address any breaches of this policy to ensure the safety and wellbeing of everyone at our service
- (35) We provide clear communication, training and support to staff and families so they can uphold our rules on smoking, vaping, illicit drugs and alcohol
- (36) We regularly review and update our policies and procedures to make sure they still reflect current best practices

POLICY COMMUNICATION, TRAINING AND MONITORING

- (37) This policy and related documents can be found in the front office and on our website.
- (38) The approved provider and nominated supervisor provide information, training and other resources and support regarding the Tobacco, Drug and Alcohol Policy and related documents
- (39) All staff (including volunteers and students) are formally inducted. They are given access to review, understand and formally acknowledge this Tobacco, Drug and Alcohol Policy and related documents, including our Child Safe Code of Conduct
- (40) The nominated supervisor runs a professional development program for each staff member, which covers this policy
- (41) Roles and responsibilities are clearly defined in this policy and in individual position descriptions. They are communicated during staff inductions and in ongoing training
- (42) The approved provider and nominated supervisor monitor and audit staff practices and address non-compliance. Breaches to this policy are taken seriously and may result in disciplinary action against a staff member, including termination of their employment
- (43) At enrolment, families are given access to our Tobacco, Drug and Alcohol Policy and related documents
- (44) Families are notified in line with our obligations under the *National Regulations* when changes are made to our policies and procedures

LEGISLATION (OVERVIEW)

Education and Care Services National Law and Regulations

Law	Description
s 165	Offence to inadequately supervise children
s 167	Offence relating to protection of children from harm and hazards
Regulations	
s 82	Tobacco, drug and alcohol-free environment

s 83	Staff members not to be affected by alcohol or drugs
ss 99 - 102	Collection of children from premises and excursions

Other applicable laws and regulations

Act / Regulation / Standard	Description
<i>Work Health and Safety Act 2011</i>	Describes the primary duty of care to people in the workplace
<i>State/territory smoking legislation</i>	Prohibits smoking in specified areas

National Quality Standard

Standard / Element	Concept	Description
2.1	Health	Each child's health and physical activity is supported and promoted
2.2	Safety	Each child is protected
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazards
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented
2.2.3	Child protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service

My Time, Our Place (MTOP) V2.0 / Victorian Early Years Learning and Development Framework

Outcome	Key component
3: CHILDREN AND YOUNG PEOPLE HAVE A STRONG SENSE OF WELLBEING	<ul style="list-style-type: none"> Children and young people are aware of and develop strategies to support their own mental and physical health, and personal safety

National Principles for Safe Organisations

Most relevant principles

Child safety and wellbeing is embedded in organisational leadership, governance and culture

Families and communities are informed and involved in promoting child safety and wellbeing

People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

Policies and procedures document how the organisation is safe for children and young people

RELATED DOCUMENTS

Key Policies	Child Safe Environment Policy Child Safe Code of Conduct Work Health and Safety Policy Enrolment Policy Child Protection Policy Delivery and Collection of Children Policy Lockdown Policy
Procedures	Roles and Responsibilities – Tobacco, Drug and Alcohol (attached) Child Safe Environment Procedures (in Child Safe Environment Policy) Child Protection Procedures (in Child Protection Policy) Enrolment Procedure (in Enrolment Policy) Delivery and Collection of Children Procedure Delivery and Collection of Children Policy

SOURCES

Education and Care Services National Law and Regulations | National Quality Standard | Work health and safety laws | Smoke-free environment laws | Australian Government's Safe Work Australia – Alcohol and Drug Guidelines | Red Nose (2020) – Research on second-hand smoke and infant health

POLICY INFORMATION

Approval	Dina Kahn
Review	<p>Reviewed annually and when there are changes that may affect this policy or related procedures. The review will include checks to ensure the document reflects current legislation, continues to be effective, or whether any changes and additional training are required</p> <p>Reviewed: 23/3/25</p> <p>Date for next review: 23/3/26</p>

ROLES AND RESPONSIBILITIES – Tobacco, drugs and alcohol

Approved provider responsibilities (not limited to)

Ensure our service meets its obligations under the *Education and Care Services National Law and Regulations*, including to:

- Take every reasonable precaution to protect children from harm and hazards likely to cause injury and adequately supervise children at all times
- Ensure that children at our service are provided with an environment that is free from the use of tobacco, illicit drugs and alcohol
- Ensure that the nominated supervisor or other staff members or volunteers are not affected by alcohol or drugs (including prescription medication) so as to impair their capacity to supervise or educate or care for children at the service

Ensure that our service's governance, management, operations, policies, plans, (including risk management/action plans), systems, practices and procedures for tobacco, drugs and alcohol are appropriate in practice, up-to-date, best practice, and comply with all relevant legislation, standards and guidelines

Ensure this Tobacco, Drug and Alcohol Policy and related procedures are in place and available for inspection

Take reasonable steps to ensure our Tobacco, Drug and Alcohol Policy and related procedures are followed (e.g. through clear and accessible communication, and systemised inductions, training and monitoring of all staff – including volunteers, students)

Ensure we have 'No Smoking' signs displayed at the service

Act on breaches of this policy

Regularly review this Tobacco, Drug and Alcohol Policy and related procedures in consultation with children, families, communities and staff

Notify families at least 14 days before changing this Tobacco, Drug and Alcohol Policy if the changes will: affect the fees charged or the way they are collected; or significantly impact the service's education and care of children; or significantly impact the family's ability to utilise the service

Nominated supervisor / persons in day-to-day charge responsibilities (not limited to)

Ensure our service meets its obligations under the *Education and Care Services National Law and Regulations*, including:

- To take every reasonable precaution to protect children from harm and hazards likely to cause injury and adequately supervise children at all times

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- While caring for children at our service, not to consume alcohol or be affected by alcohol or drugs (including prescription drugs) so as to impair your capacity to supervise or educate or care for the children

Support the approved provider to:

- Ensure that children at our service are provided with an environment that is free from the use of tobacco, illicit drugs and alcohol
- Ensure that staff members or volunteers are not affected by alcohol or drugs (including prescription medication) so as to impair their capacity to supervise or educate or care children at the service

Support the approved provider to ensure that our service's management, operations, policies, plans, (including risk management/action plans), systems, practices and procedures for tobacco, drugs and alcohol are appropriate in practice, up-to-date, best practice, and comply with all relevant legislation, standards and guidelines

Implement this Tobacco, Drug and Alcohol Policy and related procedures and take reasonable steps to ensure they are followed (e.g. through clear and accessible communication, and systemised inductions, training and monitoring of all staff – including volunteers, students)

Act on breaches of this policy

Contribute to policies and procedure reviews and risk assessments and plans in consultation with children, families, communities and staff. Support the approved provider to notify families of reviews and changes according to legislation and our policies and procedures

Educator / other staff responsibilities (not limited to)

Follow this Tobacco, Drug and Alcohol Policy and related procedures, including our Child Safe Code of Conduct

Do not be affected by, or in possession of, alcohol or illicit drugs at work. Tell the nominated supervisor/responsible person if you may be impaired by medication you have been prescribed. Do not come to work if you are not able to supervise or care for children properly as a result of the medication

Do not smoke or vape within 4 metres of the pedestrian entrances/exits from our service. Follow our rules about smoking/vaping during service-related activities held off-site. Do not smoke in sight of children in our care. Ensure clothes and hands are free from tobacco odour at work

If you receive a gift of alcohol at work, lock it up in a cupboard in a room away from children and take it home by the end of the day

Report any concerns or incidents according to this policy and related policies and procedures

Be professional, respectful and drink responsibly during staff gatherings and functions

Families responsibilities (not limited to)

Do not smoke or vape within 4 metres of the pedestrian entrances/exits from our service or within sight of children in our care at service-related events that are held off-site (e.g., excursions, functions)

Do not be affected by, or in possession of, alcohol or illicit drugs while you are at our service

