

HR Policies & Procedures

Title:	Smoke Free Policy – November 2016
Purpose:	To propose a model policy to be adopted by Governing Bodies
Operational Contact:	YourHR Operational Team & Schools Nominated Officer
Policy Contact:	Jo Evans, HR Services, 01384 814719, jo.evans@dudley.gov.uk
Supersedes:	January 2014 version of the policy
Consultation:	This policy has been formulated in consultation with the NUT, NASUWT, ATL, ASCL, NAHT, UNISON and GMB and agreed by all Trade Unions.
Policy History:	

Revision No	Date	Amendment	Revised By
00	June 2007	Creation	Rachel Jones
01	January 2014	Revision	Peter Titley
02			

Policy Adoption

Policy adopted by the Governing Body off ?	
Date adopted by the Governing Body off ?	
Signed by the Governing Body off?	

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1.0 PURPOSE

This policy has been developed to protect all employees, students, service users, customers and visitors from exposure to second hand smoke and to assist compliance with the Health Act 2006.

2.0 OBJECTIVE

The Health Act 2006 aims to:

- Protect the health of employees
- Protect the health of customers/service users

3.0 SCOPE

This policy applies to all employees of the school students, volunteers, the Governing Body, visitors to the school and members of the public whilst on school grounds.

4.0 RESPONSIBILITIES

4.1 The Governing Body

- That the School's Smoke-Free Policy will be maintained, and delegated responsibility for implementation and enforcement be given to the Headteacher
- That resources are made available to enable the Smoke-Free policy to be maintained

4.2 Headteacher

- Ensure the school continue to allocate resources to display the required no-smoking signs in such a way as to ensure all employees(and future employees in the recruitment process), students, visitors, volunteers, contractors and service users are aware that they must comply with the smoking law
- Inform all employees, students, visitors, volunteers, contractors and service users of their role in the implementation and monitoring of the policy

4.3 Line Managers/Supervisors

- Enforcing the Smoke-Free Policy within their area of control and ensuring compliance with the legislation
- Ensuring that all employees and new recruits in their area of control are formally made aware of the Smoke-Free Policy

4.4 Headteacher and Governing Body

- Display the required no-smoking signs in such a way as to ensure all employees, visitors, volunteers, contractors and service users are aware that they must comply with the smoking law

4.5 All Employees

- Observing the School's Smoke-Free Policy whilst complying with the legislation of the smoking ban
- Co-operating with management in the implementation of the Smoke-Free Policy
- Ensuring all visitors are aware that there is a statutory duty not to allow smoking in premises/vehicles and advise them that by doing so they are committing an offence

5.0 ELECTRONIC CIGARETTES

The school acknowledges that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace, particularly as an aid to give up smoking.

E-cigarettes are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user.

Although they fall outside the scope of smoke-free legislation, the school prohibits the use of e-cigarettes on the school site by employee's, visitors and members of the public.

The rationale for a ban on e-cigarettes is that:

Although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees; Some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to monitor, and creating an impression for other employees / visitors / customers that it is acceptable to smoke.

(It is understood that there will be, in the near future, Government Regulation in relation to the sale of these products – a review of usage will be undertaken in the light of the outcome).

6.0 PROCEDURE

6.1 Policy Statement

It is the policy of the school that our workplace is smoke-free. Legislation on this came into effect on Sunday 1st July 2007.

Smoking is prohibited anywhere on the school site. This includes vehicles. This policy applies to all Governors, employees, consultants, contractors, customers and visitors.

Employees will be given paid time off to attend on-site smoking cessation sessions, however, this will only be granted for one group of support sessions. Any further support required by the employee, must be in his/her own time.

The school prohibits its employees from smoke breaks during work time.

Smoking will be allowed during unpaid lunch breaks as long as the employee is ...

“not on school grounds”.

7.0 NO SMOKING SIGNAGE

There are legal requirements to display no smoking signs in or on any premises that are affected by the ban, so that they can be read by people on the premises and approaching the premises. They must be obviously displayed and protected from tampering, damage, removal or concealment.

The minimum requirements for signage are:

- States the premises are no smoking premises and that it is an offence to smoke there
- At least one legible no smoking sign must be displayed in a conspicuous position
- No smoking signs must display the international no smoking symbol

Information is contained within the Smoke-free (Signs) Regulations 2012 with regard to the appropriate size of signs.

7.1 External Smoking Areas

If smoking is not prohibited on the school site:

There is no requirement under the legislation to provide an external smoking shelter.

7.2 Home/Domiciliary Visits

People's homes are not covered by the legislation, whether they are private or school houses. Employees who visit (or care) for pupils in their homes are at risk if they are visiting a smoker.

Parents, carers and pupils who do smoke should be requested by the employee visiting them that they, their relatives and visitors do not smoke in the same room as the School employee during the visit.

7.3 Premises used by Children

Under the legislation, all public premises used or visited by children must be smoke-free.

In addition to the legislation, for schools to be awarded the National Healthy Schools Standard, the entire grounds should be smoke-free. As there is no legal obligation, the decision has been taken by the Governing Body to make the grounds of the school smoke-free.

7.4 Smoke-Free Vehicles

The law requires school owned vehicles to be smoke-free at all times if they are used:

- To transport members of the public

- In the course of paid or voluntary work by more than one person – regardless of whether they are in the vehicle at the same time

All school vehicles will be smoke-free. Smoke-free vehicles will need to display a no-smoking symbol.

Vehicles that are used primarily for private purposes will not be expected to be smoke free – except for when they are being used by school staff to transport children or other staff for work purposes.

7.5 Smoke Breaks

The Governing Body prohibits employees from taking smoke breaks during work time.

Smoking will be allowed during unpaid lunch breaks as long as the employee is:

“not on school grounds”.

7.6 Dealing with Non Compliance – Employees

- Report the incident to a member of management
- If the person refuses to acknowledge the School Policy, the employee will be liable to disciplinary action in accordance with the School's Disciplinary Procedure
- Managers should maintain a record of all such incidents and outcomes

7.7 Dealing with Non Compliance – Customers/Visitors

- Explain that staff are obliged to refuse service if they continue to smoke (on School premises or vehicles)
- If the visitor carries on smoking, ask them to leave the premises
- Implement the normal anti-social/ illegal behaviour procedure.
- Maintain a record of incidents and outcomes
- It may be necessary to contact a member of management to assist

7.8 Dealing with Non-Compliance – Home Visits

- Ask the service user (or their relatives/visitors) politely if they could refrain from smoking for the duration of the visit or if they could smoke in another room
- If they continue, implement the normal anti-social/illegal behaviour procedure
- Maintain a record of incidents and outcomes

7.9 Dealing with Non-Compliance – In General

- In all situations, failure to comply with the law is a criminal offence. Individuals and organisations could be liable to a fixed penalty fine for smoking in no smoking premises/vehicles
- The law will be enforced by Environment Health Officers

8.0 FIXED PENALTY NOTICES AND MAXIMUM FINES

- A fixed penalty notice of £50 imposed on the person smoking a maximum fine of £200 if prosecuted and convicted by a court. (Fixed penalty reduced to £30 if paid in 15 days)

Failure to display no-smoking signs:

- A fixed penalty notice of £200 on whoever manages or occupies the smoke-free premises or vehicle a maximum fine of £1000 if prosecuted and convicted by a court. (Fixed penalty reduced to £150 if paid in 15 days)

Failing to prevent smoking in a smoke-free place:

- A maximum fine of £2,500 imposed on whoever manages or controls the smoke-free premises or vehicle if prosecuted and convicted by court. There is no fixed penalty notice for this offence

Sales of Tobacco Products

- It is a criminal offence for anyone to sell, transport or possess illegal tobacco products. Illegal tobacco can either be smuggled (bought outside the UK and resold) or counterfeit (illegally manufactured to look like UK brands)
- The selling/storing and dealing in any way of illegal cigarettes and tobacco on premises will not be tolerated. We will fully co-operate with the Law enforcement agencies, such as HM Revenue & Customs, in their investigations. Any such conduct will be considered as Gross Misconduct and will result in appropriate disciplinary action
- Penalties for such offences may also include imprisonment and/or fines of up to £5,000 applying to individuals as well as managers knowingly allowing their premises to be used for such purposes

9.0 WORKPLACES IN A THIRD PARTY OWNED PREMISES

Some employee's may be required to work in a building owned by a third party (e.g. the NHS, Children's Centre's). In these cases the employee must adhere to any smoking policy enforced by the building owner. They may have designated smoke free zones or only allow smoking in specific areas.

It is the employee's responsibility to familiarise themselves with the policy of the building owner. Any breach of the building owner's policy may lead to disciplinary action in accordance with the School's Disciplinary Procedure.

10.0 HELP FOR SMOKERS WHO WANT TO QUIT

Dudley Stop Smoking Service provides a wide range of services across Dudley. The service is based within the Office for Public Health which is now part of Dudley MBC. Advice and support in the form of 6-7 weekly sessions is FREE and can provide access to treatments such as patches etc on prescription for people registered with a Dudley GP. Weekly support sessions can be accessed through most GP practices, Pharmacists and evening clinics. Find out where your nearest service provider is by contacting Dudley Stop Smoking Service on 0800 0850 652. You can also visit www.dudleystopsmoking.co.uk or join us at facebook.com/DudleyStopSmoking.

Workplace Stop Smoking Service

In addition one to one support for staff from Stop Smoking Workplace Advisor. This generally involves weekly sessions of 10-15 minutes and can be arranged during work or break time. Employees will be monitored weekly, using a carbon monoxide monitor, and will need to show commitment to stop to receive ongoing support and treatments. Should you wish to arrange this support contact Stop Smoking Workplace Advisor on 01384 816840 or email Kevan.mcdermott@dudley.gov.uk

11.0 ASSOCIATED DOCUMENTS

Health Act 2006