

Governing Body Meeting
Autumn Term 2019

Report by the Director of Business
Development

SMOKING POLICY

1. INTRODUCTION

- 1.1 This paper provides a revised model smoking policy which schools/academies can utilise to comply with statutory obligations placed upon them as by employers by 'smoke free' legislation.

2. BACKGROUND

- 2.1 The Smoke Free Regulations 2007 require employers to ensure that their buildings and vehicles are smoke free. In 2007 a policy was introduced to provide detailed guidance in relation to the smoke free regulations.
- 2.2 This policy was last updated for autumn term 2015 to include reference to electronic cigarettes.

3. INFORMATION

- 3.1 Paragraph 3 - The legal position was originally written for the original introduction of the smoke free legislation back in 2007. Specific references to the statute have been removed and detail on what is actually covered is now included.
- 3.2 Paragraph 8 – Following the transfer of public health functions to local councils in 2013, the references to support services for smoking cessation have been updated to reflect that these services are now delivered by the council's 'Healthy Lifestyles' service not the NHS.
- 3.3 Paragraph 13 – It has been made clear that smoking rooms are not permitted.
- 3.4 Section on 'community leader' role – The last two paragraphs of this section have been removed as they fall within the council's remit, not that of individual schools/academies.
- 3.5 Paragraph 23 – This has been rewritten to make clear any smoking would be in the environs of the school/academy, not within the grounds and that waste should be disposed of in a safe and appropriate manner.
- 3.6 Paragraph 25 – This has been added to make clear the risk of fixed penalty notices and ultimately fines for failure to adhere to the smoke free regulations.

4. ISSUES FOR CONSIDERATION

- 4.1 The governing body is asked to consider the adoption of the revised model Smoking policy. Voluntary aided schools and academies which are part of the HR service level agreement, are asked to receive the policy for information and consideration.
- 4.2 Should the governing body decide not to adopt the model policy it should produce an appropriate alternative in consultation with the recognised teacher associations and trade unions. Community schools will be required to provide an alternative to the council, which the council as employer is satisfied, meets the necessary standard.
- 4.3 All governing bodies who adopt an alternative document or modify the model provided are requested to submit final documents to schoolsHRpolicy@northlincs.gov.uk
- 4.4 The governing body is reminded of the need to communicate policy changes to all staff at the earliest opportunity.

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NORTH LINCOLNSHIRE COUNCIL

SMOKING POLICY FOR _____ SCHOOL/ACADEMY

INTRODUCTION

1. As a responsible employer this school/academy seeks to ensure the health, safety and welfare of its students, employees, governors, members of the public and all others affected by its activities. The school/academy believes that all individuals should have the right to breathe smoke-free air.
2. This policy applies to all employees of the school/academy. Furthermore the policy encompasses governors, members of the general public, contractors and students of the school and relates to all school/academy premises including the entire school/academy site, together with school/academy transport, except where expressly stated.

LEGAL POSITION

3. It is against the law to smoke in virtually all enclosed public places, work places and public and work vehicles. The legislation applies to anything that can be smoked including cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes.
4. In addition to this, the school/academy does not permit the use of electronic cigarettes (ecigarettes), also known as 'vaping' on school/academy premises or in school/academy vehicles. Ecigarettes are battery powered products which release a visible vapour that contains liquid nicotine inhaled by the user. Ecigarettes fall outside the scope of the smoke free legislation but some models can, particularly from a distance, look like real cigarettes, making this policy difficult to enforce. This may also create an impression for visitors, other employees or students that it is acceptable to smoke on school/academy premises.

STATEMENT OF PRINCIPLES

5. All school/academy buildings and their immediate vicinity will be smoke free areas. This includes all work areas, public areas, class rooms, corridors, entrance halls, toilets, lifts, meeting rooms, recreation areas, staff rooms, common rooms and any rooms previously allocated as smoking rooms.
6. The immediate vicinity of the buildings is defined as all entrance/exit areas and attached hard standings.

7. All operational school/academy vehicles will also be smoke free.
8. The school/academy recognises the difficulty that some employees and governors may have in complying with this policy. It also acknowledges that not all smokers will wish to quit. However, any employee or governor considering stopping smoking can access the support of the North Lincolnshire Healthy Lifestyle Service. This service offers initial one-to-one assessments, help to access nicotine replacement, and other support for individuals wishing to become smoke free. The council's Confidential Staff Welfare and Counselling Service is also available for support.

THE POLICY RELATING TO EMPLOYEES AND GOVERNORS

9. Employees and governors must not smoke in school/academy buildings or the immediate vicinity at any time.
10. Employees will not be permitted to smoke in operational school/academy vehicles at any time.
11. Drivers must not smoke whilst travelling on school/academy business, if so requested by a passenger in that vehicle. This is defined as any journey for which mileage may be claimed. The driver may also request passengers not to smoke.
12. Employees who hire a vehicle will not be permitted to smoke and will be responsible for ensuring that passengers do not smoke in the vehicle. This statement will be incorporated into the published conditions of hire. Each vehicle will display a 'No Smoking' sticker.
13. Substantially enclosed smoking rooms are no longer permitted.
Note 1: Enclosed or substantially enclosed is defined as a building, room, shelter or entrance which has a roof and an opening in the walls (excluding doors and windows) which are less than half of the total area of the walls. Put simply, a roof and three or more walls and more than 50% enclosed.
14. Employees will not be allowed to take smoking breaks.
15. The Head Teacher/Principal or nominated officer involved in the recruitment process will be responsible for informing all job applicants of this policy before offers of appointment are made or accepted. In addition, recruitment material will highlight this policy and make all potential employees aware of its application at an early stage.
16. Information on the policy will be included in the induction training for all employees and governors. This will include information on the support available for employees and governors trying to stop smoking.

17. All contractors entering into a contract with the **school/academy** must abide by the policy. This will be made clear in contract documentation prior to any contract being agreed.

THE POLICY RELATING TO THE PUBLIC

18. Members of the public will not be permitted to smoke on **school/academy** premises and will be discouraged from smoking in the immediate vicinity.
19. Signs prohibiting smoking will be prominently displayed in every **school/academy** building and a copy of this policy will be readily available.

THE POLICY RELATING TO THE SCHOOL/ACADEMY AS A COMMUNITY LEADER

20. The **school/academy** will not approve the use of any of its buildings, outdoor facilities, vehicles or advertising space including publications, for any purpose which is promoted or sponsored, by any firm or organisation engaged in the sale of tobacco or tobacco products.
21. Tobacco products will not be sold in the **school/academy** building.

ENFORCING THE POLICY

22. Employees who are in breach of the smoking policy will initially be advised that their behaviour breaches the policy, they will be reminded of/offered the use of the previously identified support that is available to them and warned that further breaches may result in formal disciplinary action.
23. For those employees choosing to smoke in the environs of the school/academy are reminded of their responsibility to dispose of all cigarette waste in a safe and appropriate manner. Failure to properly dispose of cigarette waste could result in individuals being issued with a fixed penalty notice.
24. The **Head Teacher/Principal** or nominated officer will be responsible for promoting the policy, ensuring compliance with the policy, its effective implementation and consistent application.
25. Failure to comply with the legislation is a criminal offence and employees should be aware that smoking in smoke free premises or enclosed work vehicles can attract a fixed penalty, or if an individual is prosecuted, a substantial fine. Failure to display no smoking signs can also lead to a fixed penalty or if prosecuted, a substantial fine. Failure by the **school/academy** to prevent smoking in a smoke free place can also lead to substantial fines.