

Governing body meeting
Autumn term 2015

Report by the Assistant Director for
Human Resources

SMOKING POLICY

1. INTRODUCTION

- 1.1 This paper provides a revised model smoking policy which schools can utilise to comply with statutory obligations and more recently the upsurge in the use of electronic cigarettes (ecigarettes).

2. BACKGROUND

- 2.1 The Smoke Free Regulations 2006/7 require employers to ensure that their buildings and vehicles are smoke free. The regulations also provide guidance around appropriate signage that must be displayed by law. In 2007 a policy was introduced to provide detailed guidance in relation to the smoke free regulations.
- 2.2 The model policy is intended to provide sufficient detail on the obligations of the smoke free regulations and now also, guidance around ecigarettes.
- 2.3 The LA has already made explicit in its smoking policy that the use of ecigarettes are not permitted.

3. INFORMATION

- 3.1 Recently there has been an increase in the use of ecigarettes. Ecigarettes are battery powered products which can release a visible vapour that contains liquid nicotine which is inhaled by the user. Ecigarettes fall outside the scope of the smoke free legislation but are very similar in appearance to regular cigarettes. There have recently been some queries regarding their use on school premises.
- 3.2 The revised policy seeks to make explicit that the use of ecigarettes on school premises is prohibited. This was felt necessary because:
- Schools are smoke free environments and this supports a healthy environment for students, visitors and employees;
 - the potential impact on the image of the school and;
 - because of the similarity of appearance with regular cigarettes makes enforcement of the policy more difficult.

4. ISSUES FOR CONSIDERATION

- 4.1 The governing body is asked to consider the adoption of the revised model smoking policy should they wish to explicitly prohibit the use of ecigarettes. 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 may choose to continue with the existing smoking policy which deals only with statutory elements or to 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
(WHOLE SCHOOL)
FOR SCHOOLS WITH DELEGATED POWERS

INTRODUCTION

1. This document provides a policy to assist Heads and Governors in complying with health & safety duties and to meet the terms of statutory obligations on smoking at work.
2. As a responsible employer this school is concerned to ensure the health, safety and welfare of its employees, its governors, the public it serves and all others who are affected by its activities. The school believes that all individuals should have the right to breathe smoke-free air.
3. This policy applies to all employees of the school. Furthermore the policy encompasses governors, members of the general public, contractors and service users of the school and relates to all school premises and the immediate vicinity thereof, which are in day to day school management together with school transport, except where expressly stated.

LEGAL POSITION

4. The Health Act, which received Royal Assent in July 2006, included provision to make enclosed public places and workplaces smoke-free. As a result the **Smoke-free (Premises and Enforcement) Regulations 2006**, which came into force in England from 1 July 2007, place a duty on employers to provide smoke-free workplaces for employees.
5. This smoking policy complies fully with the requirements of the Smoke-free (Premises and Enforcement) Regulations 2006.
6. In addition to this, the school does not permit the use of electronic cigarettes (ecigarettes) on school premises or in school 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 premises.

STATEMENT OF PRINCIPLES

7. All school 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 rooms previously allocated as smoking rooms.
8. The immediate vicinity of the buildings is defined as all entrance/exit areas and attached hard standings.
9. All operational school vehicles will be smoke free.

10. The school 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 LA's Confidential Staff Welfare and Counselling Service. This support may take a variety of forms including; counselling, the provision of information and guidance and referral/signposting to the local NHS Stop Smoking Service. Where appropriate and with the support of the employees or governors GP these services can help facilitate the provision on prescription of nicotine replacement therapy (patches/gum etc.) to support a quit attempt.

THE POLICY RELATING TO EMPLOYEES AND GOVERNORS

11. Employees and governors must not smoke in school buildings or the immediate vicinity at any time.
12. Employees will not be permitted to smoke in operational school vehicles at any time.
13. Drivers must not smoke whilst travelling on school 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.
14. Employees who hire a LA 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.
15. Employees will not be allowed to take smoking breaks.
16. Where the school currently has designated external smoking areas for employees and governors, the use of these will be reviewed as the school works towards being totally 'smoke free'. The use of these facilities will only be permitted outside of normal working hours or during official meal breaks.
17. The Head Teacher/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 the local authorities recruitment material will endeavour to promote this policy and make all potential employees aware of its application at an early stage.
18. 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.
19. All contractors entering into a contract with the school 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

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

THE POLICY RELATING TO THE SCHOOL AS A COMMUNITY LEADER

22. The school 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.
23. Tobacco products will not be sold in the school building.
24. Where possible and appropriate the school will work in partnership with and actively support other agencies and community groups who are promoting non-smoking.
25. Employees of the school involved in promotional, outreach or enforcement roles will advise on the dangers of passive smoking and promote the advantages of smoking policies.

ENFORCING THE POLICY

26. Employees and governors 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.
27. Employees and governors 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.
28. The Head Teacher/nominated officer will be responsible for promoting the policy, ensuring compliance with the policy, its effective implementation and consistent application.