

EQUITAS ACADEMIES TRUST



EQUITAS
— ACADEMIES TRUST —

SMOKE-FREE POLICY

Review Date: Sept 2021
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Agreed: Equitas Leadership Team
Policy Lead: HR Manager

SMOKE-FREE POLICY

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1. INTRODUCTION

- 1.1 The Trust is committed to protecting the health, safety and welfare of all those who work within the Trust by providing a safe place of work and protecting all staff, pupils, Trustees and visitors from exposure to smoke.
- 1.2 The Trust accepts that it is an individual's choice to smoke. However, staff should be aware that they are role models for pupils and smoking is not a healthy choice for pupils to make. The Trust expects that staff comply with this policy for this reason, as well as to ensure that The Trust meets its obligations under the relevant legislation.
- 1.3 All sites within The Trust (including vehicles) are smoke-free and all staff, pupils and visitors have a right to a smoke-free environment.
- 1.4 This smoke-free policy complies with the Health Act 2006 and associated regulations. The Trust is committed to a programme of action to make this policy effective and to bring it to the attention of all staff.
- 1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time. Any non-compliance of this policy may result in disciplinary action.

2. AIMS

- 2.1 This policy aims to:
 - a. protect all staff and those visiting and working at Trust sites from the harmful effects of second-hand tobacco smoke;
 - b. ensure that all parties have a clear understanding of their rights and responsibilities;
 - c. ensure that the Trust complies with relevant legislation. This policy recognizes that second-hand smoke adversely affects the health of all employees and is therefore concerned about where people smoke and the effect this has on other employees, students, visitors and members of the public. This policy has been created to ensure that the Trust complies with current legislation (see appendix 1 for further detail of the legislation and references).

3. SCOPE AND PURPOSE

- 3.1 This policy seeks to guarantee all staff, students, parents, children and visitors the right to work and study in air free of smoke generated by all types of burnt and smoked products. Smoking is prohibited throughout all enclosed/substantially enclosed Trust workplaces and Academy vehicles, with no exceptions. The term "enclosed or substantially enclosed" refers to a place that has a ceiling or roof, with walls (including doors and windows) around at least half the perimeter. Smokers are asked to refrain from smoking at entrances and exits to buildings, or near to open windows or air handling units, where smoking is already banned.,
- 3.2 This policy applies all individuals working at all levels and grades, including all employees, contractors, trainees, homeworkers, part-time and fixed-term employees, casual, agency staff and volunteers (collectively referred to as staff in this policy).
- 3.3 Third parties who have access to The Trusts premises (such as consultants, contractors, parents and visitors) are also required to comply with this policy.

- 3.4 The purpose of this policy is to ensure that everyone who works at, or visits the Trust, understands that this is a smoke free environment and complies with the Trust's expectations.

4. STATEMENT OF POLICY

Definition

- 4.1 The Smoke-free policy covers all types of burnt and smoked products including cigarettes, tobacco, pipes, cigars and other non-tobacco cigarette products. This policy also applies to e-cigarettes and vapour pipes.

Smoking Areas

- 4.2 Smoking may be permitted in areas designated by local Academy sites, but is not permitted inside Trust buildings and is discouraged near entrances and exits.
- 4.3 Where smoking is permitted on land owned by the Trust, receptacles will be provided for the disposal of waste smoking materials and must be used at all times.
- 4.4 Staff, students and visitors are only permitted to smoke in unenclosed designated areas.

Smoking Breaks

- 4.5 Staff who wish to smoke during the working day may do so during normal work breaks, in accordance with local arrangements at the academy.

Students and Visitors

- 4.6 Staff members are expected to inform temporary staff, students, volunteers and visitors, including contractors and deliverers, of this policy. However, they are not expected to enter into any confrontation that may put their personal safety at risk.

5. INFORMING STAFF OF THE POLICY

- 5.1 HR induction sessions will refer to the Smoke-free policy and the reasons for it, and staff responsible for local inductions are encouraged to refer to the Smoke-free policy.
- 5.2 Signs will be placed at all entrances and at selected places within all buildings.

6 Recruitment Procedures

- 6.1 Further particulars of a vacancy will include reference to this policy.

7. Non-Compliance

- 7.1 It is expected that all staff will comply with this policy. Any infringement of these rules by an employee may result in disciplinary action being taken against them.

7.2 In the event of a breach of the policy by a student or visitor they should be asked to extinguish all smoking materials and be informed of the availability of external smoking areas, in a manner in accordance with local arrangements. If they continue to smoke, the matter should be referred to the appropriate manager or site staff. If students refuse to comply with this policy, the academy Headteacher will be informed in the first instance. Visitors will be asked to stop smoking and if they refuse to comply with this policy will be asked to leave the academy site.

8. RESPONSIBILITY FOR IMPLEMENTATION OF THE POLICY

8.1 The Trust Board has overall responsibility for the effective operation of this policy, but has delegated day-to-day responsibility for its operation to the Headteacher and the HR Manager of the Trust. Any questions concerning the operation of this policy should be directed to the Headteacher or HR Manager. Responsibility for monitoring and reviewing the operation of the policy and any recommendations for change to minimise risks to our operations also lies with the Headteacher and HR Manager.

8.2 All staff have a specific responsibility to operate within the boundaries of this policy, ensuring that they understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.

8.3 All staff must comply with and support this policy. The Headteacher / HR Manager has responsibility for informing all staff, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. All new staff will be given access to the policy during the recruitment or induction process.

8.4 Smoking is banned at all sites within the Trust. The ban applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars, e-cigarettes, vapes and herbal cigarettes.

8.5 Staff may only smoke outside of the Trust premises and outside of the exclusion area during breaks. When smoking outside, staff should ensure that they dispose of cigarette butts and other litter appropriately.

8.6 Staff must not promote smoking in any form to pupils. This includes the purchasing of, selling to, or sharing of cigarettes or other products that can be smoked as described above to any pupil regardless of whether they are of a legal age to smoke.

8.7 Staff must not smoke with pupils.

8.8 Staff using vehicles belonging to the Trust, whether as a driver or passenger, must ensure the vehicles remain smoke-free.

9. Support for Smokers

9.1 The Trust is committed to making this policy effective and to promoting a healthy working environment. Staff who experience particular difficulty complying with this policy should discuss their situation with their line manager, the Headteacher or the HR Manager.

9.2 Comprehensive advice and support on giving up smoking can be found at: <http://www.nhs.uk/smokefree> <https://www.facebook.com/NHSSmokefree>.

- 9.3 Call the free Smokefree National Helpline to speak to a trained, expert adviser. Call : 0300 123 1044 All lines are open Monday to Friday 9am to 8pm and Saturday and Sunday 11am to 4pm*.
- 9.4 Alternatively contact your local NHS stop smoking advisers via the following link:
<http://www.nhs.uk/Livewell/smoking/Pages/NHS-stop-smoking-adviser.aspx>

10.. REVIEW AND AMENDMENT

This policy is reviewed and amended every 3 years by the Trust.

Approved by	Date approved	Next review date
ELT	08/09/2021	Sept 2024

Appendix 1

References:

<https://www.unison.org.uk/get-help/knowledge/health-and-safety/smoking-in-the-workplace/>

https://www.hr.admin.cam.ac.uk/sites/www.hr.admin.cam.ac.uk/files/smokefree_policy_v1.pdf

The policy is compliant with the following legislation:

Health and Safety at Work Act 1974

Section 2(2) of this act places a duty on employers to ensure “the provision and maintenance of a working environment for his employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work”.

Management of Health and Safety at Work Regulations 1999

These Regulations, under General Principles of Prevention, cover risk management, including avoiding risks, combating risks at source, replacing the dangerous with the non/less dangerous and giving collective protective measures priority over individual protective measures.

Health Act 2006

From 1 July 2007, as a result of the Health Act 2006, virtually all enclosed public places and workplaces in England became smoke-free.

Section 2 of this Act sets out that premises that are open to the public, or are used as a place of work by more than one person, or where members of the public might attend to receive or provide goods or services, are smoke-free in areas that are enclosed or substantially enclosed.

Premises are considered to be enclosed if they have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed, whether on a permanent or temporary basis.

Premises are considered to be substantially enclosed if they have a ceiling or roof, but there are permanent openings in the walls which are less than half of the total area of walls, including other structures which serve the purpose of walls and constitute the perimeter of premises. When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings can be open or shut. This is known as the 50% rule. A ‘roof’ includes both fixed and moveable structures.

The regulations also require enclosed vehicles to be smoke-free at all times, if they are used by members of the public or in the course of paid or voluntary work by more than one person.