



**Tudhoe Learning Trust**

# **Smoking Policy**

**Policy, Procedure and Guidance**

**Approved by:** Trust Chief Executive Officer      **Date:** December 2019

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## 1. Introduction

Second hand smoke is a known health hazard. In 2004, the Government's Scientific Committee on Tobacco and Health reported that the increased risk to non-smokers of lung cancer from exposure to second hand smoke was 24% and the increased risk of heart disease 25%.

The Government has emphasised the dangers of second hand smoke to health and has legislated to reduce the risk through the Health Act 2006. Following provisions made under the Health Act 2006, all enclosed and substantially enclosed workplaces and public places are legally required to be smoke free.

In addition, all employers have a duty under the Health & Safety Act 1974 to:

**“Ensure so far as reasonably practicable, the health and safety & welfare at work of all their employees”.**

The purpose of this policy is to describe how the Trust will fulfil our obligations to provide, as far as possible, a smoke-free working environment for our employees, visitors and children in our care. Therefore, all school buildings, grounds and car parks will be smoke-free.

The ban on smoking in public places is extended to include the areas immediately outside all buildings and windows within the curtilage of school property where tobacco smoke could cause a nuisance to occupants.

Anyone wishing to smoke is asked to respect the rights of others to enjoy a smoke-free environment. Smoking is also prohibited in company vehicles used by more than one person, and in private vehicles if a passenger is carried.

This smoking policy also applies to the use of electronic cigarettes and vaping. These devices directly undermine the effects and intentions of existing legislation including the ban on smoking in enclosed public spaces, therefore as a consequence and to avoid confusion and interpretation on the smoking policy, the use of electronic cigarettes and vaping is prohibited wherever smoking is prohibited.

Where practicable, an accessible designated smoking area may be allocated, but this must not be located near any entrance area to a school building or where its location will put at risk others from any second-hand smoke.

This policy covers all employees of the school, service users, visitors, volunteers, contractors, agency staff and other persons who enter the grounds and premises.

All employees will be reminded of the policy during staff briefings. A copy of the policy will be available on the Trust Website [www.tudhoelearningtrust.co.uk](http://www.tudhoelearningtrust.co.uk) and form part of new employees' induction packs.

## 2. General Principles

The policy is not so much concerned with whether an employee smokes, but with where and when they smoke, together with the effect on colleagues and the wider community.

The main aim is to secure a smoke-free workplace, thus minimising the effect of tobacco smoke within the school. Employees will not be permitted to smoke during work time.

The objectives of the policy are to:

- Protect the health of employees
- Protect health of children, visitors and contractors when visiting the school buildings or using our facilities
- Provide information to employees of their responsibilities in respect of the policy
- Support employees who smoke to help them comply with the guidance, including supporting anyone who wishes to give up smoking

Head Teachers should be aware that this guidance is based on the Health Act 2006 which introduced a statutory ban on smoking in enclosed public and work places with effect from July 2007.

The following may assist with the operation of the guidance:-

- Ensure that everyone receives a copy of the policy, including all new entrants to the school/Trust
- Ensure that any employee who wishes to cut back or give up smoking are made aware of any services available to help in this process, including guidance from the Occupational Health Service
- Advise that breaches by employees may be dealt with through the disciplinary procedure
- Ensure clear signage is posted at all locations advising employees and visitors.

### **3. Responsibilities**

The Board of Directors have overall responsibility for implementing and evaluating the guidance. The Head Teacher is responsible for ensuring that the guidance is adhered to within the school and the Chief Executive Officer must strive for effective implementation and consistent application across schools within the Trust.

All employees have a responsibility to ensure this guidance is implemented and any individual will be supported if they challenge anyone breaching the policy.

Employees not complying with the policy will be referred to Occupational Health/their line manager for support subject to the disciplinary procedure.

Visitors not adhering to the policy will be asked to comply or leave the premises or site.

### **4. Operational Guidance**

#### **Buildings & Grounds**

Smoking will not be permitted in school buildings, grounds and car parks apart from any external designated smoking area where this has been provided following a suitable risk assessment and has been communicated to employees and other building users. This area must not be located near any entrance area to the school building or its location puts at risk others from second-hand smoke. Smoking shelters will not be provided.

#### **Visiting other premises**

Employees required to visit other premises not covered by smoke free legislation as part of their duties (i.e. domestic premises) should advise the person they are visiting when arranging a visit of the Trust's smoking policy. Although the Trust has a duty of care to

protect its employees it cannot control the smoking policy on premises external to the Trust. Employees should therefore agree that the person they are visiting arrange for a non-smoking area to be provided for the duration of the visit. Where this is not possible, employees should ask the person they are visiting to refrain from smoking inside the premises or in the meeting area for one hour before the visit and that the person they are visiting does not smoke during the duration of the visit.

### **School Business**

Employees and other individuals representing the school/Trust must also be aware of their responsibilities when working away from the school buildings and grounds. Smoking is not permitted when working on official School/Trust business.

### **Employees**

Employees will be permitted to smoke when they are off-duty, including official breaks such as meal breaks. Smoking breaks are not permitted during paid working time. Smoking in any designated area will only be possible during official breaks, for example a lunch break.

Employees who do smoke in their own time are encouraged to minimise their identity as an employee, for example, badges, uniform and logos should be covered up.

## **5. Health Guidance**

Any member of staff wanting to have a confidential discussion about the options for giving up or cutting back on smoking should contact Occupational Health & Wellbeing Services (OHS) on 0191 383 3368. OHS also have a number of easy-to-use measurement devices that may help assess the effect of smoking on health.

Any member of staff wanting support on stopping smoking can be sought from the NHS Smoking Helpline on 0800 169 0 169 or at [www.givingupsmoking.co.uk](http://www.givingupsmoking.co.uk).

## **6. Equality & Diversity**

This guidance considers the requirements of the Equality Act 2010 including the elimination of unlawful discrimination and promoting diversity.

## **7. Sources of Assistance**

NHS Stop Smoking Services offer a range of services for people who want to give up smoking. For details of your local Stop Smoking Services contact: NHS National Smoking Helpline - 0800 022 4 332. or long onto [www.gosmokefree.co.uk](http://www.gosmokefree.co.uk)

You may also be able to access NHS Stop Smoking Services through your GP practice or pharmacist.

For assistance form the NHS Asian Tobacco Help Lines call:

0800 169 0 881 - Urdu

0800 169 0 882 - Punjabi

0800 169 0 883 - Hindi

0800 169 0 884 - Gujarati

0800 169 0 885 - Bengali

For help on giving up smoking if you are pregnant call 0800 022 4 332

If you want to know more about the above services before contacting them, speak to the Occupational Health & Wellbeing Service (OHS) on 0191 383 3368. They can provide confidential advice on quitting smoking. You can also ask your manager for a referral to OHS if you have any general worries about health issues.

## **8. Further information**

If you require further advice of information relating to this policy please contact Trust HR on 01388 811765 or [office@tudhoelearningtrust.co.uk](mailto:office@tudhoelearningtrust.co.uk)