



ST. MARY'S
ACADEMY TRUST

St. Mary's Academy Trust

Smoke-Free Policy

Date agreed by HR Committee: June 2020

Date to be reviewed: June 2022

1. Introduction

- 1.1 The purpose of this guidance is to outline how the Trust will fulfil its legal obligations to provide a smoke-free working environment for our employees, visitors and children in our care.
- 1.2 The Government continues to emphasize the dangers of second-hand smoke to health and has legislated to reduce the risk of second-hand smoke through the following Act, which came into effect on or after 1st April 2007:

- Health Act 2006 (as amended 2009)

All employees also have a duty under the:

- Health and Safety at Work Act 1974 to:

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

- 1.3 All school buildings, grounds, car parks and vehicles which serve the public and/or are used for work purposes will be smoke free, apart from any external designated smoking area. Where practical, 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.
- 1.4 With the introduction into general public use of Electronic Nicotine Delivery Systems, otherwise known as electronic or e-cigarettes, this No Smoking Policy informs employees of the school’s position on the use of e-cigarettes in the school’s premises.
- 1.5 Electronic cigarettes are battery powered devices which deliver a vaporised liquid nicotine solution to the inhaler and mimic a real cigarette in that they emit a ‘smoke like’ vapour when used. E-cigarettes are not a tobacco product and to date there is no statutory prohibition of their use in the workplace. However, as e-cigarettes are currently only covered by general product safety legislation and are regulated as a smoking cessation aid, the safety of their use cannot be quantified at this time.
- 1.6 In enforcing the statutory ban brought under the Health Act 2006, the Trust’s prohibition on the smoking of tobacco products in enclosed public and workplaces is extended, in this policy, to using electronic cigarettes, otherwise known as ‘vaping’, within all school workplaces and premises.
- 1.7 Therefore, all school buildings, grounds, car parks and vehicles which serve the public and/or are used for work purposes will continue to be smoke/vapour free apart from those authorised and designated smoking areas.
- 1.8 This policy does not aim to dictate whether an employee has the right to smoke, but is concerned with where and when they smoke, or ‘vape’, when using an e-cigarette, together with its effect on colleagues and the wider community.

- 1.9 The Teacher's Standards (Department of Education) make note of the requirement to "demonstrate consistently positive attitudes, values and behaviour which are expected of pupils", "make a positive contribution to the wider life and ethos of the school" and "demonstrate consistently high standards of personal and professional conduct". The school's position is these particular standards apply to all staff.

2. Aims and Objectives

- 2.1 The Trust recognises its staff act as role models for children in all aspects of school life, including health promotion. In light of evidence that second hand smoke causes damage to health this Smoke-Free Policy has been implemented to comply with legal requirements of the Health Act 2006 to:
- Protect the staff and children, visitors and contractors from the effects of tobacco smoke;
 - Acknowledge the educational role of the organisation in discouraging children from starting to smoke;
 - To be a health promoting organisation.

3. Who Does This Policy Apply To?

- 3.1 This policy covers all employees of the school, children, visitors, volunteers, contractors, agency staff and other people who enter the grounds and premises.
- 3.2 Employees and other individuals representing the school must also be aware of their responsibilities when working away from the school buildings and grounds.
- 3.3 Where school premises are used for purposes other than school related activities the school smoking policy will still remain in operation.

4. Legislation

- 4.1 The legislation underpinning this policy is the Health Act 2006 (as amended 2009).
- 4.1.1 The Health Act 2006 was established to make provision for the prohibition of smoking in premises, places and vehicles; for amending the minimum age of people to whom smoke tobacco may be sold and to make provision in relation to the prevention and control of health care associated infections.
- 4.1.2 "Smoking" refers to smoking tobacco or anything which contains tobacco or smoking any other substance. Smoking includes being in possession of lit tobacco or of anything lit which contains tobacco or being in possession of any other lit substance in a form in which it would be smoked. For the purposes of this policy smoking also refers to the smoking or 'vaping' of electronic cigarettes.
- 4.1.3 Premises will be smoke-free if they are open to the public and/or are used as a place of work. The school premises include all buildings, sports fields and areas under the auspices

of the Trust. Smoking is also prohibited on vehicles hired by the school or in any vehicle on the school premises.

- 4.2 The Health and Safety at Work Act 1974 informs employers they have a duty of care to their employees as mentioned in section 1.
- 4.3 There are financial penalties for both employees and schools if smoking is not stopped in the workplace or if signs are not displayed

5. Responsibilities

- 5.1 All employers have as far as reasonably practicable, the health and safety of their employees. This duty is reflected in legislation, which places on the employer the requirement to assess risks to employees', children's and visitor's health in the workplace and take appropriate remedial action.
- 5.2 It is the responsibility of the Headteacher to maintain the policy at all times, to advise employees, ensure that visitors to the site comply with these arrangements and to display signage.
- 5.3 It is the responsibility of employees to make themselves aware of policies and adhere to them.
- 5.4 Any visitor/s and any contractor/s employed on site are made aware of relevant policies on entry to the school site and are required to adhere to them.
- 5.5 Groups hiring school premises are made aware of the policy and are required to adhere to it.

6. Recruitment Procedures

- 6.1 The information sent out with job packs will include reference to this policy, Headteachers should re-affirm the school's position during the selection processes.

7. Employee Cooperation

- 7.1 Staff are not allowed to smoke on the school premises.
- 7.2 Staff are requested to avoid smoking in the presence/sight of children or parents/ carers. By presence/ sight, this includes:
 - Smoking off-site but within the line sight of the school windows.
 - Smoking off-site but within line site of the outside of the school premises.
- 7.3 Staff are not allowed to smoke in the presence/sight of children or parents/carers on school trips.
- 7.4 Staff are not allowed to leave smoking paraphernalia within access or sight of children.

- 7.5 Staff who smoke are asked to be aware of the residual odor of smoke on their person and, as members of a community, advised to take measures to mitigate/minimalise this.
- 7.6 Staff can only leave their assigned duties to smoke during their designated breaks.
- 7.7 It is advised staff taking a smoking break away from the school premises during school hours avoid congregating together in groups of more than two as this can draw unwanted attention from children, school visitors and members of the neighbourhood.
- 7.8 Employees who do smoke/vape in their own time are encouraged to minimize their identity as an employee for example, badges, uniform and logos should be covered up.
- 7.9 All new and prospective employees will be advised of the restrictions and rules regarding smoking at work through the recruitment and induction process.
- 7.10 It is anticipated that all employees will adhere with the Smoke-Free Policy. In circumstances where there is willful contravention of the Smoke-Free Policy.

8. Parents/Carers

- 8.1 The school Smoke-Free Policy applies to all visitors using the Trust's buildings.
- 8.2 Parents/Carers are informed of this Smoking Policy and any changes there to through the Trust's website.
- 8.3 Parents/Carers are asked to support the Trust in the implementation of this policy. Any Parent/Carer concerned about smoking issues should contact their child's Headteacher.

9. Visitors Using the School Premises

- 9.1 The Smoke-Free Policy applies to all visitors using the Trust's buildings.
- 9.2 If/when 'non-school events' are booked for the building, individuals must be made aware that the Smoke-Free Policy remains in force.
- 9.3 Any visitor concerned about smoking issues should contact the Headteacher of the school.

10. Designated Smoking Areas

- 10.1 There will be NO designated smoking areas provided within the school premises. This policy is in line with the National Schools Status criteria.

11. Signage

- 11.1 No smoking/No Vaping signs will be displayed at all main entrances to the school buildings (as required by the Health Act 2006). The Headteacher will ensure the signs refer to both no smoking and no vaping as some people don't see vaping as relevant when they see no smoking. Suitable posters will also be displayed in school areas to create a positive visual message which supports a non-smoking working environment.

12. New Buildings

- 12.1 This policy equally applies to all future premises at the design stage of any new building and refurbishment or relocation project.

13. Dealing with Breaches of the Policy

- 13.1 Where an individual, or a group of individuals, infringe this policy, the Headteacher shall remind them of this policy's requirements and that breaches may be dealt with under the Disciplinary Procedure. This could ultimately lead to the dismissal of the employee.

14. Dealing with Abuses of the Policy

- 14.1 Employees who abuse this policy may face disciplinary action. The school takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

15. Support

- 15.1 There are opportunities available to help people give up smoking, details can be found below:

NHS Yorkshire Smoke Free Service

Contact them on:

- 0800 612 0011 (free from landlines)
- 0330 660 1166 (free from most mobiles)

Between the times of:

Monday: 8.30am-8pm

Tuesday: 8.30am-8pm

Wednesday: 8.30am-4.30pm

Thursday: 8.30am-8pm

Friday: 8.30am-4.30pm

Saturday: 8.30am-4.30pm

Sunday: CLOSED

For Free Proven Support to Help You Quit!

16. Confidentiality

- 16.1 All information will be handled sensitively and used for its proper purpose.
- 16.2 Under the Data Protection Act 1998, individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

17. Data Impact Assessment

- 17.1 At all stages of the procedure data obtained will be used for the purpose for which it is intended and will be stored securely with restricted access to those involved in the process. Following the process, data will be stored on the electronic personal file for the duration of the employees' employment with the Trust and for 6 years thereafter. The data will be destroyed at this time using a confidential shredding service.

18. Equality and Diversity

- 18.1 This policy has been impact assessed by Human Resources, if on reading this policy you feel there are any equality and diversity issues, please contact HR who will if necessary ensure the policy is reviewed.