



SMOKE FREE POLICY

HEATON SCHOOL

TO BE REVIEWED SEPTEMBER 2020

Heaton School Policy Record

**Smoke Free Policy Agreed at:
Resources Committee 20/11/18**

Signed and Approved by:

Headteacher (Signature)

..... (Name)

..... (Date)

Chair of Committee..... (Signature)

..... (Name)

..... (Date)

To Be Reviewed: September 2020

Designated person: J Curtis, Headteacher

Policy Statement

Stockport Council is committed to promoting health and preventing disease for all its employees. This policy recognises that there is overwhelming evidence that smoking and the inhalation of passive smoke is detrimental to health and that as an exemplar employer, it has a responsibility to provide a healthy working environment.

The Council, as part of its contribution to furthering public health in Stockport, has pledged to provide progressive and health promoting working conditions for its employees within available resources and to encourage other employers to do the same.

In addition, the *Smoke-Free (General Provisions) Regulations 2007*, made under the Health Act 2006, came into effect at 0600 on the 1st July 2007.

NB. Where there is a legislative requirement, this will be identified by *italics*.

Aims

This policy contributes to ensuring and improving the health and safety of its employees by making all Council owned or leased offices/occupied buildings which are either *wholly or substantially enclosed**, smoke free.

**substantially enclosed means if there is a ceiling or roof where the permanent openings in the wall or perimeter are less than half the total area of the walls - known as the "50% rule" - no account is taken of any door or window openings.*

This will be supplemented by:

- Supporting employees who want to give up smoking by offering smoke cessation information and support.
- Minimising the risk to employees who work in clients/service user's homes/accommodation – separate guidelines will apply (Appendix 1).

Application

This policy applies to all Council employees, Elected Members, visitors to and contractors working in Council offices/occupied buildings/schools and employees working in the homes of clients/service users.

Where the term “smoking” is used it relates to the use of tobacco products and electronic cigarettes.

Employees who Smoke

Whilst at work, employees who smoke must do so in their own time and ensure that any smoking related litter is properly disposed of.

Employees must record time spent away from their normal work on “smoking breaks”, and this time must be deducted from their weekly hours. In those workplaces where formal time recording does not occur local arrangements must be introduced to ensure that individuals account for this time.

Vehicles

Smoking will not be permitted in *vehicles owned or leased* by the Council whilst on Council business during working hours.

No smoking signs must be displayed in all Council liveried vehicles

NB. Although the legislation does not include leased or private vehicles, the Council's Smoke Free Policy will apply to all leased vehicles, including those for private use.

Shared Occupancy

Where Council owned buildings are shared by Non-Council employees, this policy will apply to all occupants.

Entrances to Buildings/Car Parks

Smoking close to entrances or in car parks is not permitted.

All entrances to buildings must display an A5 size notice which displays the internationally recognised no-smoking symbol and contains the words:

"No smoking. It is against the law to smoke in these premises."

The sign must be positioned in such a way that it can easily be read by persons using the entrance.

Where an area falls under the definition of "substantially enclosed", then similar signage will be posted.

Sale of Tobacco

Sale of tobacco products in employee occupied Council premises is not permitted.

Electronic Cigarettes

Employees, official visitors and contractors, volunteers and members of the public should treat the use of e-cigarettes in the same way as their usual tobacco products in relation to the Smoke Free Policy.

Electronic cigarettes will not be permitted anywhere in enclosed public spaces including, entrances and exits to buildings, school playgrounds and in other areas where residue may enter enclosed spaces and Council owned vehicles which are used as a shared commodity or indoors.

The Smoke Free Policy for Council Staff refers to the smoking of tobacco products and the use of electronic cigarettes and similar devices. Electronic cigarettes do not contain tobacco and therefore are exempted from the smoking ban via smoking law. However the residue is covered via the Control of Substances Hazardous to Health Regulations [COSHH].

Whilst evidence suggests that electronic cigarettes are considerably less damaging to health than smoking tobacco and their use creates vapour rather than second-hand smoke, they are currently unregulated and there is insufficient evidence as to whether they are safe, effective or made to a consistent standard of quality.

Local authority staff should not smoke e-cigarettes indoors or whilst on duty as this may give a misleading impression and it does not support the council's aim of 'de-normalising' smoking.

Non-compliance with the Smoke Free Policy

If any employee does not comply with this policy they will be:

- Informed of the policy.
- Offered information about smoking cessation support.
- Asked to discuss the issue with their line manager.

If employees continue to ignore this policy, then disciplinary procedures will be followed as a last resort.

In addition, fixed penalty notices could be issued to individual employees if they are found smoking in a smoke free place or vehicle.

Monitor and Review

This policy will be monitored and reviewed at least every 12 months and when any changes to legislation occur.

Signage

The appropriate “no use of electronic cigarettes” signage will be posted adjacent to no smoking signs.

Sources of Further Information

If managers/employees require any further advice regarding the application of the Smoke Free policy and guidance, please contact the corporate Health and Safety team via 0161 474 3056 or HRSafety&HealthTeam@stockport.gov.uk

SMOKING GUIDELINES FOR COUNCIL EMPLOYEES WHO WORK IN OTHER PEOPLE'S HOMES/ACCOMMODATION

Introduction

Council employees are often required to work in other people's homes for variable amounts of time and as such they may be exposed to the harmful effects of passive smoke.

The aim of this protocol is to provide some practical guidelines, which will enable managers and employees to manage this situation and reduce the risk to health.

NB. There is no legal restriction on people smoking in any part of their private dwelling used for work, if the work is undertaken solely to:

- *Provide personal care for someone living in the dwelling.*
- *Assist with the domestic work of the household in the dwelling.*
- *Maintain the dwelling.*
- *Install, maintain or remove any service provided to the dwelling for the benefit of people living there.*

Protocol

However, it is expected that a smoke free environment will be provided whilst a Council employee is working in a client's/service user's home/accommodation. Therefore smoking by the client/service user, or by others who may live in the house/accommodation (including visitors), must not take place during this time.

Council employees will inform clients/service users of this requirement at their first contact or assessment.

The smoking status of the client/service user will be recorded and advice given with regards to smoking cessation and support from the Healthy Stockport Service.

If a smoke-free environment cannot be provided, a risk assessment must be carried out, and then alternative strategies must be explored in the following order of risk avoidance measures:

- a) If possible, the employee should leave the room if the client/service user or someone else is smoking.

- b) If this is not possible, increase ventilation in the room by opening a window/door etc.
- c) Agree with the client/service user that they will try and limit the number of cigarettes that they smoke whilst the employee is in their home/accommodation.
- d) Where exposure to passive smoke is still unacceptable, reducing the amount of time that any one employee spends there must be considered. Although this may affect the service provided it will reduce the amount of risk to the employee but will also mean that more people may be affected.
- e) If none of the above measures can be implemented then consideration should be given to withdrawing employees from the situation.

This must only be considered as a last resort, and after all else has failed.

Any issues involving clients/service users who do smoke should be documented in any care plans or similar procedures, so that all employees have prior warning.

It must be ensured that Council employees who smoke are treated in the same way as non-smokers when allocating clients/service users who are smokers.

In Council buildings, e.g. Hostels, Sheltered Accommodation, etc., any communal areas *must be smoke free.*

GUIDELINES FOR SCHOOLS

SMOKING AND THE USE OF ELECTRONIC CIGARETTES

Additional guidance regarding the use of electronic cigarettes is covered in the above policy.

Introduction

This appendix relates to the use of smoking materials/e-cigarettes in Local Authority maintained school property and grounds.

- Neither smoking nor the use of e-cigarettes by school employees, pupils, contractors or visitors is allowed on council maintained school property inclusive of both indoor and outdoor areas at any time.
- Neither smoking nor the use of e-cigarettes by school employees, pupils, contractors or visitors is allowed whilst such people are on formal school trips /events etc. and whilst they are representing the school inclusive of both indoor and outdoor areas at any time.

The aim of this protocol is to provide some practical guidelines, which will enable Headteachers, managers and employees to manage this situation and reduce the risk to health noting that Council employees who smoke/use e-cigarettes must be treated in the same way as non-smokers.

Heaton School SMOKE FREE / E-CIGARETTE POLICY

Aims of the Policy

Heaton School has a responsibility for the health of pupils, staff and visitors in its buildings. **Heaton School** acknowledges that breathing other people's smoke is a health hazard and a welfare issue, which is proven to cause ill health. This policy recognises that second-hand smoke adversely affects the health of employees and children and is in line with national legislation which bans smoking in all enclosed public places.

Heaton School actively encourages its employees, contractors and formal visitors inclusive of volunteers to refrain from smoking at any time as this will benefit the health of the employees and children present.

The policy seeks to:

- Guarantee a healthy working environment and protect the current and future health of employees, children and visitors.
- Guarantee the right of everyone to breathe air free from tobacco smoke or any fumes.
- Comply with legislation inclusive of Smoking, Health & Safety and Employment Law.
- Raise awareness of the dangers associated with exposure to tobacco smoke.

The Health Act made a commitment to secure smoke free workplaces in England from summer 2007. Section 2(2) of the Health and Safety at Work etc. Act 1974 places a duty on employers to: '...provide and maintain a safe working environment which is, so far as is reasonably practical, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.'

The aim of this policy is to:

- Protect the health of staff and children.
- Protect the health of visitors, volunteers and contractors.
- Inform employees and managers of their responsibilities in respect of the policy.
- Support smokers to help them cope with increased restrictions or to stop smoking.

This policy will apply to all staff, visitors, contractors and other persons who enter the premises, inclusive of outside areas of **Heaton School**.

Restrictions on Smoking Smoking is not permitted in any part of the buildings, grounds/or entrances managed, leased or owned by the school at any time, by any person regardless of their status or business with the organisation.

All visitors, contractors and deliverers are required to abide by the smoke free policy. Staff members are expected to inform visitors of the policy. However, they are not expected to enter into any confrontation that may put their personal safety at risk.

Smoking is not permitted in school vehicles – i.e. mini bus vehicles. Smoking is not permitted in leased or staff private vehicles while used on school business and when pupils are present.

Contractors working on behalf of **Heaton School** should adhere to this policy. The following wording should be added to contractor agreements:

Heaton School has a duty to protect the health of its employees and residents. As part of this, contractors undertaking work on behalf of **Heaton School** will abide by the smoke free policy which requires staff to refrain from smoking while on premises.

Support for Smokers Heaton School recognises its duty towards employees who smoke. Support is available from the Healthy Stockport Service.

Implementation of the Policy The formal implementation for this policy will commence on January 1st 2014

To ensure that everyone entering the school site understands that smoking is not allowed on school premises and that clear signs will be displayed.

Tenders and contracts with **Heaton School** will stipulate adherence to this policy as a contractual condition. Existing contracts will be modified as soon as possible. Any member of staff refusing to observe the policy by smoking or using e-cigarettes will be liable to disciplinary action in accordance with the school's Disciplinary Policy. In the event of a breach of the policy by a visitor or employee of other organisations, they should be asked to extinguish all smoking materials. If they continue to smoke the matter should be referred to the Headteacher who will raise the matter with the organisation in question. Formal complaints procedures will be invoked.