1 Scope

This policy is recommended for adoption by the governing bodies of all schools and academies.

It applies to all employees, agency workers and volunteers at the school/academy who are under the direction of the governing body.

This policy applies to smoking indoors at work premises and in vehicles used for work purposes. It applies to all substances that can be smoked, including cigarettes, herbal cigarettes, cigars, and also to electronic cigarettes or e-cigarettes.

2 Purpose

The school/academy believes that smoking constitutes a fire risk and a hazard to the health of all its employees, both smokers and non-smokers (as a result of "passive smoking").

As there is clear evidence that both smoking and the inhalation of second-hand tobacco smoke are dangerous to health, the school/academy has a responsibility both to protect its non-smoking workforce and to support those who do smoke in their efforts either to smoke less while at work or to stop altogether.

The purpose of this policy is to:

- guarantee a healthy working environment and protect the current and future health of staff and other visitors whilst on the school's/academy's premises and whilst using the school's/academy's vehicles;
- guarantee the right of everyone to breath in air free from tobacco smoke;
- take account of smokers' needs;
- support staff who wish to stop smoking;
- inform staff and managers of their responsibilities in respect of the policy;
- support smokers to help them adjust to increased restrictions on their smoking during the working day ;
- promote the culture of a smoke free organisation; and
- comply with current relevant legislation.

3 Policy statement

The school/academy is committed to supporting the health and wellbeing of its workforce.

The school's/academy's premises and vehicles are designated as smokefree areas. Internal spaces (more than 50% enclosed) and work vehicles must be smokefree by law. Smoking in these areas would attract penalties under the legislation for both the smoker and the school/academy. Under this policy,

exterior space is also smokefree, except under the arrangements outlined below.

Smokers will be allowed to smoke only at locations a reasonable distance from the school buildings (or work vehicle) and away from pupil and public view. This avoids the health risks posed by second-hand smoke entering the buildings through doorways and windows. It also ensures that the school/academy, with its leadership role and public health responsibilities is not associated with smoking and that seek to de-normalise it, especially for the sake of children and young people. For this reason, where practical, any school/academy badges or uniforms should be covered when smoking.

Staff working in residential establishments and who smoke will be subject to the same provisions of this policy as all other staff.

Residential caretakers who occupy a property on the school site will be subject to the provisions of this policy during working time. During non-working time they may smoke within their property as this is not classed as a workplace, however they should not smoke in exterior space within pupil and public view during school hours.

Electronic cigarettes or e-cigarettes (which look like cigarettes to an observer) will be treated in the same way as cigarettes under this policy with identical restrictions. Although, e-cigarettes do not contain any burning substances, they do give off a vaporised water-based mist and it should be noted that research is unclear on the effects of e-smoking.

Signage will draw attention to the policy and also to sources of help for smokers who wish to stop. This includes approved 'no smoking' signs in conspicuous places to inform people entering the building of the no smoking status. Receptacles will be provided for cigarette waste and will be positioned away from the buildings. Where smoking does take place, it is the personal responsibility of the individual to ensure that all waste materials are disposed of safety in an appropriate waste receptacle.

Smoking by staff is not permitted in the homes of parents/pupils. This includes smoking households and also where a cigarette is offered to the member of staff.

This policy has been the subject of consultations with the relevant trade unions and has their support.

This policy has the full support of the governing body and senior managers and all employees will have access to this policy in their school/academy and electronically via the Northumberland Schools' Network.

4 Legal considerations

Smoking indoors at work premises and other enclosed spaces in England became unlawful on 1 July 2007.

Legislation applicable to the banning of smoking is the Smoke-Free (Signs) Regulations 2012, the Smoke-free (Exemptions and Vehicles) Regulations 2007; the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007; the Smoke-free (Premises and Enforcement) Regulations 2006; and the Smoke-free (Penalties and Discounted Amounts) Regulations 2006.

Section 2(2) of the Health and Safety at Work 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 Health Act 2006 makes provision for the prohibition of smoking in certain premises, places and vehicles. Section 2(2) states: *'…premises must be smokefree if they are used as a place of work including vehicles.'* The Act also places a responsibility on employers to ensure that no smoking takes place in areas which may lead to others being exposed to second-hand or side stream smoke.

5 Roles and responsibilities

Governing body: The governing body has responsibility for developing and reviewing this policy and ensuring that effective monitoring systems and procedures are in place.

Head teacher: The head teacher has responsibility:

- for ensuring that the policy is implemented and maintained within the school/academy;
- for ensuring that all staff are aware of the policy and receive appropriate training;
- for ensuring that all smoking and non-smoking areas are clearly signed; and
- to monitor the effectiveness of the policy.

Employees: Every employee has a personal responsibility to implement this policy, report incidents where the policy is being breached and is under a duty to behave appropriately at all times in accordance with this policy.

6 Arrangements for Smoking

Staff (including workers, agency workers and volunteers)

If members of staff wish to smoke they should do so at normal and agreed break times. On no account should smokers be granted paid time to smoke.

Visitors

All visitors, contractors and deliverers to school/academy premises are required to abide by the Smokefree Policy. Staff members are expected to

inform visitors of this policy and direct them to an appropriate area in which to smoke.

Vehicles

Smoking is not permitted at any time in vehicles belonging to or leased by the school/academy. When a member of staff's private vehicle is being used to carry a colleague, pupil, or visitor, this policy must be observed.

7 Disciplinary Action

Any member of staff refusing to observe the policy, for example by smoking in unauthorised areas, will be liable to disciplinary action in accordance with the School's/Academy's Disciplinary Procedure.

All members of staff have a role to play in enforcing the policy and are required to report any observed or reported breaches to their manger and/or to the Head Teacher. It is important to note that primary emphasis should be placed on preventing such situations from arising. In the event of a breach of the policy by a staff member or by a visitor, s/he should be asked to extinguish all smoking materials and be informed of the availability of external smoking areas. If s/he continues to smoke, the matter should be referred to the appropriate manager or to the Head Teacher, as appropriate. In the event that visitors continue to breach the Policy, the appropriate organisations should be advised in writing of the consequences of breaching these requirements.

It is a criminal offence for anyone to sell, transport or possess illegal tobacco products.

The selling/storing and dealing in any way of illegal cigarettes and tobacco on School/Academy premises will be considered as gross misconduct and will result in appropriate disciplinary action and on ward reporting to the appropriate authorities.

For more information on illegal tobacco products, visits www.get-some-answers.co.uk. If anyone has an information or concerns about illicit tobacco, they should contact the Public Protection Service Trading Standards Team on 01670 623870 or by e-mail at tradingstandards@northumberland.gov.uk.

Maintained schools only: The Council also has a Fixed Penalty Notice Policy which sets a £50 fine for littering. This covers all publically accessible land in the country, and hence most school sites. Littering is defined as 'if a person throws down, drops, or otherwise deposits in, into or from any place to which this section applies, and leaves, anything whatsoever in such circumstances as to cause, or contribute to, the defacement by litter of any place to which this section applies, he shall, subject to subsection (2) believe, be guilty of an offence'.

8 Support to Stop Smoking

The school/academy will actively support those who wish to stop smoking. Stopping smoking is not easy but is enormously beneficial to the health and wellbeing of the smoker and his/her family. Quit attempts with support have four times greater chance of success than those without.

Locally, Northumberland NHS can be contacted on 01670 813135. They can provide information on stopping smoking with support from local smoking cessation services. Another good source of local information can be obtained from the FRESH website at www.freshne.com which includes information about the 'Take 7 Steps Out' campaign to increase the number of smoke free homes and to protect children from second hand smoke.

Nationally, the NHS Smoking Helpline number is 0800 169 0169. The helpline can offer advice and support on stopping smoking. In addition, there is a useful website at www.nhs.uk/smokefree.

Maintained Schools Only: As part of the Healthier Together Workplace Health Strategy, advice on stopping smoking, campaigns and information about avoiding tobacco harm will be promoted. If a member of staff wants support or information on an individual basis, s/he should contact the Health Improvement Officer on 01670 625527.

9 Monitoring and Review

The following will be monitored:

- that staff are advised of the policy;
- that the policy forms part of the induction programme;
- compliance with the Policy (a register of breaches will be kept);
- smoking status as part of assessment of health needs of staff through surveys;
- that discarded smoking materials are disposed of safely and in an appropriate waste receptacle.

This policy will be amended as necessary to reflect any changed circumstances or to comply with relevant legislation.

Any issues regarding the interpretation of the policy, or proposed changes to it, should be directed to the Head Teacher.

Revision Record of Issued Versions			
Author	**Creation Date**	**Version**	**Status**
Northumberland HR for Schools (DJ)	22 April 2014	1.0	Final version agreed with Joint Unions
Changed by	**Revision Date**		

Copyright Notice – Please Read

This document is only available to those schools and academies in Northumberland that purchase the HR SLA for Maintained Schools or the HR Service Contract for Academies from Northumberland County Council. All rights are reserved. The copying, reproduction, distribution (including by e-mail, facsimile or other electronic means), publication or transmission of these documents to any other party is STRICTLY PROHIBITED unless otherwise agreed by the author. If you are in any doubt about the permitted use of these documents, or believe they have come into your possession by means that contravene these instructions, please contact us.