

**Honiton Community College
Academy Trust**



This Policy was approved by the Governing Body of
Honiton Community College Academy Trust
on 3rd February 2016
and will be reviewed every 3 years.

**SMOKING AT WORK
POLICY**

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TERMS/ABBREVIATIONS

FLOW CHART

POLICY HISTORY

POLICY

Introduction

- 1.1. From 1 July 2007 the Smoke-free Regulations prohibited smoking in virtually all enclosed public places and workplaces. The regulations also cover public transport, work vehicles and the provision of indoor smoking rooms, with some exceptions, are no longer allowed.
- 1.2. Each school has been advised to adopt its own policy to meet the smoke-free Regulations.
- 1.3. This policy amends the previously used Devon County Council Smoking at Work policy to include the use of electronic cigarettes (e-cigarettes).

Principles

- 2.1. This policy sets out how Honiton Community College will meet its obligations under the 2007 smoke-free Regulations.
- 2.2. The College will make every effort to ensure a healthy and safe environment for employees and all visitors to its campus. This includes providing a smoke-free environment both within College, on the campus and in vehicles.
- 2.3. This policy applied to employees, Governors, students, visitors and contractors whilst on the College site.
- 2.4. Employees wishing to smoke must leave the College site. Smoking is not permitted on, or within view of, the grounds. Smoking breaks will not be permitted during core time and smoking breaks taken at other times must be deducted from flexitime where this is in operation.
- 2.5. Employees who wish to stop smoking may be provided support and counselling from the Wellbeing at Work Service.
- 2.6. All recruitment is on the basis that candidates understand they will not be afforded time away from the workplace to smoke at any College location. All employees of partner agencies working within joint agency teams within the College will be informed of the Smoking at Work policy.
- 2.7. Disciplinary procedures will be followed if any member of staff does not comply with this policy. Those who do not comply with the smoke-free law may also be liable to a fixed penalty fine and possible criminal prosecution.
- 2.8. For the purposes of this policy, the term 'smoking' and/or 'smoke-free' will also apply to the use of e-cigarettes.

Smoke-free Buildings

- 3.1. The smoke-free law applies to virtually all 'enclosed' and 'substantially enclosed' public places and workplaces. It therefore applies to all College buildings, the policy also includes the grounds surrounding these buildings.
- 3.2. No-smoking signs, which comply with the law, must be displayed in a prominent position at every entrance to the smoke-free building.
- 3.3. The manager of the building has the legal responsibility to ensure that the building is and remains smoke-free.

Smoke-free Vehicles

- 4.1. Smoking is not permitted in any College owned vehicles regardless of use.
- 4.2. Vehicles must display a no-smoking sign in each compartment of the vehicle in which people can be carried.
- 4.3. Drivers must check the smoking restrictions of lease and hire car companies before smoking in any of their vehicles. Regardless of any agreement to allow smoking in such vehicles, the College's no smoking policy extends to lease and hire vehicles if one or more individuals are being driven in the vehicle.
- 4.4. Members of staff who use their own vehicles in the course of their work are not required to keep their vehicles smoke-free, however, the risks to passengers carried in the course of duty, whether they are service users or colleagues, must be considered.
- 4.5. It is the legal responsibility of anyone who drives, manages or is responsible for order and safety on a vehicle to prevent people from smoking.

Electronic Cigarettes

- 5.1. The use of e-cigarettes is covered under this policy as they would create a potentially unprofessional impression for students, other employees, visitors, and could threaten what has become the norm of not smoking in HCC. In addition, the vapour emitted from vapour emitting e-cigarettes could be an annoyance to colleagues.

Equality Statement

- 6.1. Honiton Community College is committed to equality in its Smoking at Work policy.
- 6.2. No employee will be unlawfully disadvantaged on the grounds of age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.

GUIDANCE

Responsibilities of Smoke-free Premises Manager

- 7.1. You have the legal responsibility to ensure the building remains smoke-free. In addition under the Smoking at Work policy you have the responsibility to ensure that the site remains smoke-free. As detailed in 3.1 of the Smoking at Work policy, this will also include the use of e-cigarettes.
- 7.2. You must ensure that the required signs are displayed in a prominent position at every entrance to meet the following minimum legal requirements:
 - Be a minimum of A5 in area (210mm x 148mm)
 - Display the international no-smoking symbol at least 70 mm in diameter
 - Carry the following words in characters that can be easily read: **'No smoking. It is against the law to smoke in these premises.'**
- 7.3 Words that describe the premises may be substituted for 'these premises' for example 'College'.
- 7.4 Smaller signs consisting of the international no-smoking symbol at least 70mm in diameter may displayed instead at entrances to smoke-free premises that are only used by members of staff – providing the premises displays at least one A5 sign.
- 7.5 Where your premises is permitted to have a designated smoking room under the exemptions in the smoke-free law you also have further responsibilities.
- 7.6 It is your responsibility to ensure that all the conditions in paragraph 5 of the policy are met.

Responsibilities of Drivers or Managers of Smoke-free Vehicles

- 8.1. You have a legal responsibility to ensure that your vehicle remains smoke-free at all times.
- 8.2. You must ensure that the correct signs are displayed in each compartment of the vehicle in which people can be carried. The sign must show the international no-smoking symbol no smaller than 70mm in diameter.

What to do if visitors or members of staff smoke on site or in a smoke-free vehicle?

- 9.1. Visitors and members of staff should all be aware of the smoke-free law and members of staff should also be aware of the Smoking at Work policy, including the use of e-cigarettes. However if someone smokes in a smoke-free building or vehicle for which you have legal responsibility you must be prepared to take action. In addition all members of staff should be prepared to take action in the absence of the responsible person.
- 9.2. If you see someone smoking on the HCC site or in a HCC vehicle you should draw the person's attention to the no-smoking signs and ask them to stop. If they are smoking a cigarette inside a smoke-free premises or vehicle point out that they are committing a criminal offence by smoking in a smoke-free premises or vehicle. If you are the responsible person remind the person that under the law you have responsibility to prevent smoking and

that you could both receive a fine. If they are using an e-cigarette remind them that they are covered under the smoking at work policy.

- 9.3. If the person smoking is a visitor you can ask them to leave the site or vehicle if they continue smoking.
- 9.4. If an employee is smoking or continues to smoke you should remind them that disciplinary action may be taken.
- 9.5. If you have concerns for your safety or are threatened with violence by the person smoking you should seek assistance from the police.

TERMS / ABBREVIATIONS

Smoke-free Law – the law in England from 1 July 2007 which prohibits smoking in virtually all enclosed public places, work places and public and work vehicles.

Smoke-free Premises or Building – premises under the smoke-free law where smoking is not permitted, includes workplaces.

Smoke-free Vehicle – vehicles under the smoke-free law where smoking is not permitted, includes work and public vehicles.

Smoke-free signs – Signs which comply with the smoke-free law. In buildings the sign must be at least A5 in size, display the international no-smoking symbol at least 70mm in diameter and carry the following words in characters the can be easily read: **'No smoking. It is against the law to smoke on these premises.'** In vehicles the international no-smoking symbol at least 70mm in diameter must be displayed.

NHS Stop Smoking Service - A service provided by the NHS to give advice on stopping smoking. Contact 0800 022 4332 for further information.

Advice can also be given by Wellbeing@Work who can be contacted by telephone on **01392 384800**.

DOCUMENT CHANGE HISTORY

The following amendment was adopted by the Governing Body on the 3rd February 2016:

Section 2.4 'Smoking is not permitted on, or within the grounds of the College' now included. This is to bring Honiton Community College in line with Devon County Council policy.

- 2.4. Employees wishing to smoke must leave the College site. Smoking is not permitted on, or within view of, the grounds of the College. Smoking breaks will not be permitted during core time and smoking breaks taken at other times must be deducted from flexitime where this is in operation.

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What to do if visitors or members of staff smoke on site or in a smoke-free vehicle.

If someone does smoke in any premises or vehicles you are responsible for, here are some practical steps you can take to deal with them. If they are using an e-cigarette, remind them that they are covered by the Smoking at Work policy and take the appropriate action below.

