



Smoking Policy

Balfour Primary School

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Smoking Policy

1. Introduction

Under the Health Act 2006, the council is required to protect its employees and the public from the effects of second-hand tobacco smoke, by prohibiting smoking in all enclosed and substantially enclosed premises.

However, since this legislation was introduced, Electronic Nicotine Delivery Systems (ENDS), more commonly referred to as electronic cigarettes or e-cigarettes, have appeared on the market. These are rapidly gaining popularity amongst smokers who view them either as a 'healthier' alternative to conventional cigarettes/other forms of tobacco or as an aid to help them stop smoking.

Although the council is supportive of employees who wish to reduce or stop smoking, the manufacture of electronic cigarettes is currently un-regulated and there is evidence that the nicotine they contain can also include small quantities of toxic substances, some of which are carcinogenic. Trace amounts of other hazardous compounds and toxic metals have also been found in the vapour produced by these devices.

In view of this, and the fact that more research is needed before the long-term health effects of using electronic cigarettes is known, the council considers that it is prudent as part of its general duty to protect the health and well-being of its employees, to extend the scope of this policy to include the use of Electronic Nicotine Delivery Systems (ENDS) such as electronic cigarettes.

2. Aims of the Policy

The aims of the Policy are to:

- protect the health of staff in accordance with Section 2(2) of the Health and Safety at Work Act 1974 and the Health Act 2006 which places a duty on employers to provide and maintain a safe working environment;
- inform staff and managers of their responsibilities in respect of the Policy;
- confirm the Council's continued commitment in providing support to staff who choose to stop smoking.

3. Scope of the Policy

This policy covers the smoking of conventional tobacco as well as the vaping of other substitute materials using Electronic Nicotine Delivery Systems (ENDS) such as electronic cigarettes.

This Policy will apply to all staff, whether paid or unpaid, agency workers, visitors (including service users) contractors, elected members and other persons who enter Balfour Primary School premises.

Staff on secondment or temporary contract from partnership organisations or agencies should also adhere to this workplace policy.



4. General Restrictions on Smoking /Vaping

Smoking/vaping is not permitted in any part of Balfour Primary School (or at the entrances) by any person regardless of their status or business with the school.

4.1. Charging of electronic cigarettes

For safety reasons, the charging of batteries for electronic cigarettes or any associated equipment is prohibited on Balfour Primary School premises. This is because the batteries have been known to explode when being charged and therefore pose not only a fire risk but also a personal safety risk.

5. Roles and Responsibilities of Staff

Day to day responsibilities for implementing this Policy rests with the Headteacher. Employees are responsible for ensuring that they co-operate and comply with requirements regarding smoking/vaping in the workplace.

5.1. Staff who work in Balfour Primary School and smoke/vape during work time

Balfour Primary School recognises that it does have employees who smoke/vape.

Employees wishing to smoke/vape must go “off site” to do so but they must have secured the prior agreement of their line manager. In this context “off site” means not on property (i.e. buildings and surrounding external areas such as walkways, entrances, driveways, car parks etc.) which are managed, leased or owned by the council.

Wherever staff smoke/vape, they are responsible for being considerate of others and disposing of their litter appropriately at all times.

If a manager believes that the amount of time an employee is taking away from the work place to smoke/vape is having an adverse effect on the employee’s personal productivity at work, or the ability of the office or section to provide an efficient and effective service, disciplinary action may be taken.

Consequently it is the responsibility of managers locally to determine what is deemed to be reasonable in terms of the minimum/maximum amount of smoking/vaping breaks having regard to the need to provide an efficient and effective service and to communicate this appropriately to their staff.

5.2. Disciplinary Action

Smoking/vaping in what is considered to be unauthorised or inappropriate areas or charging electronic cigarettes or associated equipment on Balfour Primary School premises will be considered a disciplinary matter and could result in dismissal.



5.3. Visitors to Balfour Primary School Premises

All visitors, contractors and deliverers are required to abide by the smoke/vape 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.

5.4. Breaches of the Policy

All staff have a role to play in enforcing the policy and are required to deal with any observed or reported breaches. If managers or staff feel apprehensive about their own safety in regard to addressing any breach they should seek management support or advice through their line manager. It is important to note that primary emphasis should be placed on prevention of such situations arising.

In the event of a breach of the policy by a visitor or staff member of other organisations, they should be asked to stop smoking/vaping and be informed of the policy. If they continue to smoke/vape the matter should be referred to the appropriate manager. Should staff of other organisations continue to breach the Policy, the appropriate organisation should be advised in writing.

6. Offsite – Visiting a parent/carer

Staff must not smoke/vape when attending a meeting at the home of a parent of a pupil in the school.

When a member of staff is required to visit a parent/carer in their own home, it is recommended that a request be made for the family members not to smoke/vape during the visit.

7. Signage

Managers are locally required to ensure that each smoke free building within their control displays appropriate signage in accordance with the Health Act 2006 legislation.

For further information regarding signage requirements refer to Appendix A

8. Penalties for breaches of the Health Act 2006 legislation

An employer, employee or visitor caught smoking may be subject to a penalty charge in accordance with the legislation (refer to Appendix A).



9. Support to stop smoking

Support for members of staff at Balfour Primary school to stop smoking can be found at NHS “Stop Smoking” Service “Stop Smoking” sessions. Staff will be able to attend these sessions in work time subject to line manager approval.

The NHS provides a ‘Smoking Helpline’ 0800 169 0169 that offers advice and support on stopping smoking. There is also a website at <http://www.nhs.uk/smokefree>

Community Stop Smoking Service

Find out where your local stop smoking service is or speak to a Stop Smoking Advisor at your GP surgery or local pharmacy if you are thinking about quitting. They offer:

- free expert advice and face-to-face support
- prescription stop smoking treatments to help beat cravings

For more information on how to stop smoking go to the HR site on the Wave or go to the Stop Smoking section on the council’s website: <http://www.brighton-hove.gov.uk/content/health>



Appendix A

1. Supporting Background Information

- 1.1. The foundation of the “Smoke-Free City Charter” in 2005 set out the City Council’s commitment to local smoke-free policies in public and work places for local public, private and voluntary bodies to sign up to.
- 1.2. Second hand smoke (breathing other people’s tobacco smoke) and side stream smoke has now been shown to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions. Scientific evidence also shows that ventilation does not eliminate the risks to health of second hand smoke in enclosed places.
- 1.3. 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”
- 1.4. The Health Act 2006 (effective from 1 July 2007) will help protect employees and the public from the effects of second-hand smoke, prohibiting smoking in all enclosed and substantially enclosed premises.
 - Premises will be considered ‘**enclosed**’ if they have a ceiling or roof and (except for doors, windows or passageways) are wholly enclosed either on a permanent or temporary basis.
 - Premises will be considered ‘**substantially enclosed**’ if they have a ceiling or roof, but have an opening in the walls, which is less than 50% the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.

Premises means any building or substantially enclosed public or private area occupied by one or more members of the general public or a workspace whether used by one or more members of staff.

- 1.5. The new legislation applies to anything that can be smoked, which includes cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes. Failure to comply with the new legislation will be a criminal offence with penalties and fines for smoke free offences applied accordingly.
- 1.6. It has been estimated that the new legislation will save thousands of lives over the next decade, prevent serious diseases and help create cleaner and healthier enclosed environments for everyone to work in or visit.
- 1.7. Further detail on the Health Act 2006 and the regulations associated with it is available on www.smokefreeengland.co.uk

2. Penalties under the Health Act 2006 legislation

- 2.1. An employer, employee or visitor who is caught smoking may be subject to a fixed penalty of £50. If unpaid or unsuccessfully challenged a fine of up to £200 can be payable. There are also fines of up to £2,500 for failure to prevent smoking in a smoke free place.



- 2.2. An employer (i.e. anyone who manages or occupies smoke free premises), who fails to display a prominent “No Smoking” sign, may be subject to a fixed penalty of £200. If unpaid or unsuccessfully challenged the fine can increase to £1,000.

3. Signage

- 3.1. Managers are locally required to ensure that each smoke free building within their control continues to display an A5 sign with the international no-smoking symbol (70mm) including words at all public entrances in accordance with the requirements of the legislation.
- 3.2. All other entrances (i.e. staff only) must continue to display a sign with the no-smoking symbol (70mm). Self-adhesive signs are available, free of charge, from the Smokefree England website (<http://www.smokefreeengland.co.uk/content/order-materials.html>)
- 3.3. Plastic signs designed for wall mounting can be ordered from a specialist provider, (i.e. www.seton.co.uk) when replacement signage is required, i.e. deliberate removal or exposure to the elements. Purchase decisions should be made at a local level and need to be justified from a cost/benefit perspective.
- 3.4. City Council vehicles that are used to transport clients or those that may be used by more than one person must display a sign with a no smoking symbol (70mm) in a suitable prominent position. Managers have a responsibility locally to ensure that these are adequately displayed at all times.



Appendix B

Smoking: Designated Smoking/Vaping Areas & Fire Safety

Where designated smoking areas are in use on council premises, fire risks and risks of secondary smoke/vapour must be managed. The location of any designated smoking/vaping area should therefore be determined by the findings of a suitable risk assessment.

N/A – Smoking/Vaping is not allowed anywhere on the school site.