Castle Bromwich Junior School

Where together we can learn, work and succeed.

No Smoking

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NO SMOKING POLICY

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This policy sets out the terms of agreement reached by those participating in the Solihull MBC's Consultation and Negotiating Framework. (Version 0723).

Prosper Together Multi Academy Trust (the 'Trust') refers to all the Trust member schools and the central team.

NO SMOKING POLICY

1. Introduction

Section 2(2) of the Health and Safety at Work Act 1974 places a duty on employers with regard to members of staff 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.'* In addition, the Health Act 2006 prohibited all smoking in enclosed public places and workplaces in recognition of the harmful effects of second-hand smoke.

Prosper Together Multi Academy Trust (the 'Trust) acknowledges that second hand smoke (inhaling other people's tobacco smoke), from products such as cigarettes, cigars or pipes, has been shown to cause lung cancer and heart disease in non-smokers as well as smokers in addition to many other illnesses and conditions. The Trust acknowledges that inhaling other people's smoke, which contains both toxic and addictive substances, is both a public health hazard and a welfare issue, therefore this policy, concerning smoking within all Trust premises including school grounds, has been adopted in accordance with smoke free legislation.

2. Scope of the Policy

This policy will apply to all members of staff, including agency workers and volunteers, service users, contractors, visitors and other persons on Trust premises. Elected Members are also required to observe the requirement that forbids smoking within Trust premises at all times. Any breach of this policy or its application by staff will be addressed appropriately by managers and may result in disciplinary action against an employee or the termination of the appointment of members of staff not classed as employees.

3. Policy Statement

The use of e-cigarettes or similar devices are covered under the requirements in relation to 'smoking' for the purpose of this policy.

The Trust recognises its legal duties and responsibilities to provide a safe working environment to all its employees, agency workers, contractors, volunteers, service users and visitors, acknowledging that second hand smoke represents a risk to wellbeing. The Trust has therefore developed and enforces a dedicated no smoking policy which conforms to the requirements of smoke-free legislation and includes the use of all products which people can smoke. This policy applies to Trust owned/leased schools' premises and grounds, where smoking is not permitted by any person irrespective of their status.

This policy has been implemented to promote staff wellbeing and eliminate smoking at work. It is not designed to force members of staff to quit smoking, though it is recognised that the entitlement to work in a safe environment overrides the right to smoke. The Trust has a separate policy relating to drug, alcohol or substance misuse.

4. Policy Objectives

The Trust recognises that smoking and second-hand smoke could adversely affect the health of employees. It is concerned with where people smoke and the effect this has on service users, visitors, colleagues and other members of the wider community. It wishes to minimise the exposure from environmental tobacco and electronic cigarette vape to those who choose not to smoke and also raise awareness of the health risks associated with smoking.

The specific objectives of the Policy are as follows:

- Complying with Health and Safety legislation, the Health Act 2006, employment law and inform others of relevant statutory obligations.
- So far as is reasonably practicable, ensuring a healthy and safe working environment and protecting the current and future health of employees and all other individuals covered by the scope of this policy by maintaining the right for everyone to breathe air free from smoke.
- Raising awareness of the dangers associated with exposure to smoke and encouraging and supporting employees who are looking to cease smoking.
- Requiring members of staff to refrain from smoking while undertaking any activity on behalf of the Trust, including during any out of hours working or daytime or evening meeting.
- The Trust requires all employees to uphold the same standards of professionalism regardless of the workplace setting, therefore smoking, including the use of e-cigarettes, is not permitted as part of a hybrid working arrangement when employees are undertaking video calls whether on camera or not.
- Line managers are not permitted to exercise discretion in allowing any member of staff to smoke during their working hours.
- Creating and promoting smoke-free workplaces and act as a model of good practice for other organisations to follow.

5. Responsibilities

Managers

- Ensuring that staff are aware of this policy and understand the implications from not adhering to any of the provisions.
- Acting appropriately against individuals who do not comply with the request to refrain from smoking.
- To ensure compliance with the policy to protect all individuals from the dangers of smoke in the immediate environment and relevant surrounding area, including passive smoking in risk assessments where appropriate, such as service users' homes.
- To provide encouragement and support to employees who wish to stop smoking.

Employees

- To ensure that they are familiar with the contents of this policy document and comply with it.
- To understand that any infringement may result in formal action, which would be addressed in accordance with the Trust's Disciplinary policy. Employees are also reminded that it is a criminal offence to smoke in enclosed public places.

Human Resources

- Providing appropriate support and accurate advice to ensure the terms of this policy are adhered to.
- To monitor and evaluate the policy for its effectiveness, incorporating amendments as necessary, to reflect any changes in response to revised legislation and appropriate standards and guidelines through the cooperation with stakeholders, including Trade Union partners.

Building/Facilities Manager

- To ensure that agreed signage is in place to inform visitors to Trust/school premises of the no smoking requirements.

Trade Unions

- Engaging in the consultation process for agreeing the terms contained within this document and supporting their members through the application of the policy.

6. Communication

Prospective new members of staff need to be informed about the Trust's no smoking requirements during the recruitment process. New employees will be advised of the contents of the policy documentation at induction and during their probationary period. A copy of the policy will be available on the extranet and also communicated to other individuals not employed by the Trust.

7. The Policy in Operation

No member of staff working at the Trust will be permitted to smoke whilst on duty or representing the organisation. Staff are only permitted to smoke whilst off duty (either before or after work or during official break times under the terms of the employment contract e.g. lunch breaks). All members of staff must take a lunch break of at least 30 minutes every day if working more than 6 hours per day (this is a local agreement that builds on the Working Time Regulations).

In practice, the No Smoking policy will mean that smoking is not permitted in any of the following areas:

- Any part of a building or premises under the management of the Trust, including doorways, windows, refuse areas, where smoke may potentially impact another person or present the Trust/school in a negative way.
- The grounds of all Trust workplaces including internally situated car parks (nb. see *exception below).
- All Trust owned or hired vehicles, including single occupied vehicles irrespective of whether these display the Trust logo, to avoid committing an offence.
- Private vehicles used by staff at any time when carrying service users on Trust business. The Smoke-free (Private Vehicles) Regulations 2015 imposed a ban on smoking in vehicles carrying children and confirm a failure to comply constitutes a criminal offence.

***Exception:**

Where smoking takes place immediately outside Trust premises, and it is considered that this arrangement is potentially hazardous or damaging to the Trust/school, its members of staff, service users, any individual associated with conducting business at the Trust/school or members of the public, the Trust may give consideration to designating an open smoking area on Trust premises where one can be made available. This will be subject to the suitability of such an area and a risk assessment being undertaken. Any discarded cigarettes must be extinguished and disposed of in an appropriate way in order to avoid any potential liabilities for littering and because of the fire hazard risks.

Notices will be displayed in buildings informing everyone that the building and/or designated area is smoke free. If a breach is observed, a request should be made, wherever possible or appropriate, to the person/s involved to extinguish all smoking materials. If they continue to smoke, the matter should be referred to an appropriate manager. Members of staff should not approach individuals unless they feel comfortable and safe doing so.

An account of any incident, including the date, time and descriptive details of the situation and individual, if known, should be recorded.

When appointments are offered to children, young people, adults or any other person that will take place at the individual's home address, a request should be made to provide a smoke free environment. Alternative arrangements may need to be considered if members of staff are scheduled to make repeated visits to areas where they will be exposed to smoke. A member of staff may bring an appointment to an early close if an individual is smoking during the visit and refuses to stop or provide sufficient ventilation, however, to ensure safeguarding obligations are not compromised, there may be certain, specific instances where members of staff should stay with the child, young person or adult if they choose to continue smoking, for example when providing personal care or support or when required to do so to complete their work.

If an employee is on their break within a Trust vehicle and wishes to smoke, they must step outside and remain away from the immediate vicinity in an area where it is safe and legal to do so, bearing in mind also the negative perception members of the public may possibly form.

It is not permissible for employees who work outside either individually or as part of a team to smoke whilst on duty.

The sale of tobacco or tobacco products on any Trust premises is prohibited.

8. Electronic Cigarettes

The Trust acknowledges that some employees may wish to use electronic cigarettes ("ecigarettes") in the workplace, particularly as an aid to giving up smoking. An e-cigarette (also known as a vaporiser or vape) is a battery-powered product that releases a visible vapour containing liquid nicotine that is inhaled by the user. It is not permissible to charge any e-cigarette device whilst at work on Trust premises.

Although they fall outside the scope of smoke-free legislation, the Trust prohibits the use of ecigarettes in the workplace. The Trust's rationale for forbidding e-cigarettes whilst at work is that:

- although they do not produce smoke, tar and carbon monoxide, e-cigarettes produce a vapour that could annoy and disturb other individuals; and
- some e-cigarette models can, particularly from a distance, look like real cigarettes, making the prohibition of smoking difficult to maintain, and creating an impression for visitors/customers/other employees that it is acceptable to smoke.

9. Signage

The Smoke-free Signs (Regulations) 2012 revoked and replaced the previous Smoke-free Signs (Regulations) 2006, declaring that at least one clearly legible no-smoking sign must be prominently seen in smoke free premises and vehicles. Owners and managers are in a position to determine the size, design and location of the signs. Appropriate signs will be visible at all entrances to premises and displayed in an inclusive manner as per the Smoke-free Signs (Regulations) 2012 or any later legislation. The following will need to be evident:

- a minimum area of A5 (210mm x 148mm)
- the international no-smoking symbol at least 70mm in diameter
- the words: 'No smoking. It is against the law to smoke in these premises' in characters that can be easily seen and read

It is an offence to occupy and manage smoke free premises or vehicles and not display the required no smoking signs on the premises or within the vehicle. Penalties and fines applicable for smoke free offences are detailed in the Health Act 2006.

10. Smoking Cessation Support

The NHS Stop Smoking Service offers programmes of smoking cessation support for staff, which include group, individual, behavioural and telephone support. The Solihull Stop Smoking Service, which offers a range of nicotine replacement therapies, can be contacted free of charge on 0800 599 9880. Details of local smoking cessation clinics can be found here:

http://communityservices.heartofengland.nhs.uk/default.asp?page=341

www.nhs.uk/smokefree https://quitnow.smokefree.nhs.uk

The NHS Smokefree National Helpline telephone number is 0300 1231044 or 0800 0224332 and the Trust will also support initiatives such as No Smoking Day and Stoptober to highlight the benefits of stopping smoking.

A number of smoking cessation apps offering suitable support mechanisms can be downloaded to smartphones, and many GP surgeries deliver clinics with a practice nurse providing nicotine replacement therapy amongst other forms of tailored, structured support.

The Trust will offer support and assistance to employees seeking help to stop smoking, including signposting available on the Employee Wellbeing pages. Where employees have to attend smoking cessation services and this cannot be reasonably arranged outside normal working hours, a reasonable amount of paid time off will be allowed. This will be subject to service considerations, to limit the impact on the Trust's business needs, and determined by the line manager. Employees will need to provide evidence showing why the support required needs to be accessed during working time.

11. Employee Assistance Programme

Any employee who believes they may need support to stop smoking can also make use of the Employee Assistance Programme (EAP). This is an employee benefit designed to help employees deal with personal and professional problems which could be affecting their home or work life, health or general wellbeing. The programme is run by an organisation called Health Assured.

This is a confidential facility that will provide information, expert advice and structured counselling by telephone 24 hours a day, 7 days a week. The service gives employees a place to turn to for support any time of day or night, 365 days a year.

To use the confidential service, you can contact the freephone number 0800 028 0199, the email facility on their website or the instant webchat facility at www.healthassuredeap.co.uk using the following login details:
Username: Solihull
Password: MBC

There is also the **'My Healthy Advantage' Mobile App** and an Online Health & Wellbeing Portal which offers employees access to online webinars, factsheets and tailored programmes online, allowing them access to support independently or alongside their counselling support. The 'My Healthy Advantage' app provides an enhanced set of wellbeing tools and features designed to

improve your mental and physical health by using personal metrics to set goals and achievements. It is available on the Apple Store and Google Play store and you will need to use the **employer code which is MHA109491**.

The EAP helpline is also available to line managers to offer support when dealing with challenging managerial situations. Their advisors do not advise on HR policies and procedures but can provide a facilitative and supportive space to help assist them with complicated or difficult issues. Some managers may want to rehearse a conversation, talk through how their own issues are impinging on a work problem or voice concern about their ability or confidence to manage a workplace conflict or difficulty. To use the service, managers can contact the freephone number **0800 028 0199.**