



# THE WORDSLEY SCHOOL BUSINESS & ENTERPRISE AND MUSIC COLLEGE

## Smoke Free Policy

The Policy has been developed by the Local Authority to protect all employees, pupils, service users, customers and visitors to school from exposure to second hand smoke and to assist compliance with the Health Act 2006.

It is the responsibility of the governing body to ensure that:

- A Smoke Free Policy will be implemented and communicated to all employees that cover the legislative requirement of the Health Act 2006.
- They delegate responsibility for implementation to the Headteacher.
- Resources are made available to enable the Smoke Free Policy to be implemented.

September 2010      Review: September 2012

## **1.1 Policy Statement**

**It is the policy of the School and that of Dudley Metropolitan Borough Council that all workplaces are smoke-free. The policy shall come into effect on Sunday 1<sup>st</sup> July 2007.**

**Smoking is prohibited in all enclosed and substantially enclosed premises in the workplace. This includes School vehicles. This policy applies to all employees, students, consultants, contractors, customers, volunteers, visitors and the Governing Body.**

**Employees are encouraged to participate in smoking cessation schemes, employees wishing to participate will be given paid time off to attend smoking cessation sessions. On site sessions may be available, however, this will only be granted for one group of support sessions. Any further support required by the employee, must be in his/her own time.**

## **1.2 No Smoking Signage**

There are legal requirements to display no smoking signs in or on any premises that are affected by the ban, so that they can be read by people in the premises and approaching the premises. They must be obviously displayed and protected from tampering, damage, removal or concealment.

The minimum requirements for signage are:

- At least 230mm by 160mm in size (A5)
- States the premises are no smoking premises and that it is an offence to smoke there.
- Display the international no smoking symbol at least 85mm in diameter.

## **1.3 External Smoking Areas**

Smoking in sheltered doorways that are substantially enclosed will be illegal.

In addition to the legislation, the School has implemented a 15-metre exclusion zone. This means that smoking within 15-metres of an entrance or exit to School buildings, will be prohibited.

## **1.4 Home/Domiciliary Visits**

People's homes are not covered by the legislation, whether they are private or school houses. Employees who visit (or care) for pupils in their homes are at risk if they are visiting a smoker.

Parents, carers and pupils who do smoke should be requested by the employee visiting them that they, their relatives and visitors do not smoke in the same room as the School employee during the visit.

## **1.5 Premises used by Children**

Under the legislation, all public premises used or visited by children must be smoke-free.

In addition to the legislation, for schools to be awarded the National Healthy Schools Standard, the entire grounds should be smoke-free. As there is no legal obligation, the decision has been taken by the Governing Body to make the grounds of the school smoke-free.

## **1.6 Smoke-Free Vehicles**

The new law will require school owned vehicles to be smoke-free at all times if they are used:

- To transport members of the public,
- In the course of paid or voluntary work by more than one person – regardless of whether they are in the vehicle at the same time.

All school vehicles will be smoke-free. Smoke-free vehicles will need to display a no-smoking symbol.

Vehicles that are used primarily for private purposes will not be expected to be smoke free – except for when they are being used by school staff to transport children or other staff for work purposes.

## **1.7 Dealing with Non Compliance – Employees**

- Draw the person's attention to the No Smoking signs and remind them that they are committing an offence and breaching policy. Politely ask them to stop smoking.
- Advise the person that it is also an offence for you to let anyone smoke in a substantially enclosed area.
- Report the incident to a member of management.
- If the person refuses to acknowledge the School Policy, the employee will be liable to disciplinary action in accordance with the School's Disciplinary Procedure.
- Managers should maintain a record of all such incidents and outcomes.

## **1.8 Dealing with Non Compliance – Customers/Visitors**

- Draw the person's attention to the No Smoking signs and remind them that they are committing an offence and breaching policy. Politely ask them to stop smoking.
- Advise the person that it is also an offence for you to let anyone smoke.
- Explain that staff are obliged to refuse service if they continue to smoke (on School premises or vehicles).
- If the visitor carries on smoking, ask them to leave the premises.
- Implement the normal anti-social/ illegal behaviour procedure.
- Maintain a record of incidents and outcomes.
- It may be necessary to contact a member of management to assist.

### **1.9 Dealing with Non-Compliance – Home Visits**

- Ask the service user (or their relatives/visitors) politely if they could refrain from smoking for the duration of the visit or if they could smoke in another room.
- If they continue, implement the normal anti-social/illegal behaviour procedure.
- Maintain a record of incidents and outcomes.

### **1.10 Dealing with Non-Compliance – In General**

- In all situations, failure to comply with the law is a criminal offence. Individuals and organisations could be liable to a fixed penalty fine for smoking in no smoking premises/vehicles.
- The law will be enforced by Environment Health Officers.

### **1.11 FIXED PENALTY NOTICES AND MAXIMUM FINES**

#### **Smoking in smoke-free premises or vehicles:**

- A fixed penalty notice of £50 imposed on the person smoking. Or a maximum fine of £200 if prosecuted and convicted by a court. (Fixed penalty reduced to £30 if paid in 15 days.)

#### **Failure to display no-smoking signs:**

- A fixed penalty notice of £200 on whoever manages or occupies the smoke-free premises or vehicle. Or a maximum fine of £1000 if prosecuted and convicted by a court. (Fixed penalty reduced to £150 if paid in 15 days.)

**Failing to prevent smoking in a smoke-free place:**

- A maximum fine of £2,500 imposed on whoever manages or controls the smoke-free premises or vehicle if prosecuted and convicted by court. There is no fixed penalty notice for this offence.

**1.12 WORKPLACES IN A THIRD PARTY OWNED PREMISES**

Some employee's of the School may be required to work in a building owned by a third party (e.g. the NHS, Children's Centre's). In these cases the employee must adhere to any smoking policy enforced by the building owner. They may have designated smoke free zones or only allow smoking in specific areas.

It is the employee's responsibility to familiarise him/herself with the policy of the building owner. Any breach of the building owner's policy may lead to disciplinary action in accordance with the School's Disciplinary Procedure.

**1.13 HELP FOR SMOKERS WHO WANT TO QUIT**

The Dudley Stop Smoking Service has a range of services available across Dudley. It is part of the NHS and provides free support and advice on how to quit with access to treatments such as patches etc. on prescription for people registered with a Dudley GP. They run weekly support groups and most GP surgeries have trained staff that can offer one to one appointments. Some pharmacists also offer support to quit.

In addition they can run support groups for staff onsite, these generally run for one-hour per week over 6-7 weeks and need a minimum of five people signed up to attend.

Should employee's and volunteers that assist at the school wish to attend an onsite support group, you should inform the Headteacher. The Headteacher will contact the Council's Corporate Health and Safety team on x4720 who will keep a register of employees who wish to attend. Once they have the minimum of five employees on the register, they will contact the Dudley Stop Smoking Service to arrange the sessions.

Employees will be given paid time off to attend the on-site sessions, however, this will only be granted for the first group of support group sessions. Any further support required by the employee, must be in his/her own time.

Staff can access online support [www.gosmokefree.co.uk](http://www.gosmokefree.co.uk) and can gain telephone or postal support via NHS Smoking Helpline on 0800 169 0169.

#### **1.14 ASSOCIATED DOCUMENTS**

Health Act 2006