



ST BONAVENTURE'S CATHOLIC PRIMARY SCHOOL

SMOKING POLICY

Procedure and Guidance

March 2014

1. Foreword

This document was formulated by the Children and Young People's (CYPS) Department after consultation with front line Establishments, Trade Unions, Department safety advisors and other Council Department's representatives.

2. Authority for Use

This policy is issued under the authority of the Director of CYPS and is applicable throughout the Department at all CYPS sites. CYPS requests that it be acknowledged where any part of this policy is extracted and/or reproduced.

3. Status and Implementation

This document forms part of a suite of documentation applicable to CYPS. All other documentation relevant to CYPS must be complied with, including: all statutory, local government, regulatory (eg that of the Health and Safety Executive – HSE), Corporate and Departmental documentation. Any comments on this document, or difficulties in its implementation should be brought to the attention of the Director of CYPS through the usual line management channels.

4. Revision

This document will be reviewed on a regular basis to guarantee it's continued relevance. Earlier review may be deemed necessary where changes in legislation, good practice codes or corporate policy suggest that this policy requires revision. Where through review, a need for modification is identified, this document, including the appendices, will be revised and reissued. This process will be completed within three months from the date of review.

Date: March 2014

Date of Review: Term 3 2015/16

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1. INTRODUCTION

1.1 This policy has been adapted from the Bristol City Council Policy for use within CYPS. This Policy and Guidance Note complies with the requirements of the law which comes into effect on 1 July 2007. This Policy is also intended to ensure a safe working environment for employees and all who use CYPS establishments in accordance with the Health and Safety at Work Act etc 1974 and subsequent legislation.

2. POLICY STATEMENT

2.1 It is the CYPS Department's policy to ban smoking in all its premises, with a very few distinct and stated exceptions on all its sites (see para 4.1 below), and in all vehicles (see para 3.1 below). This will promote better health, help protect the health of all employees and meet the requirements of legislation. It also aims to guarantee the right to breathe smoke free air.

2.2 Where children are taught the Department strongly recommends local adoption of a policy which encourages smoking away from school although this is not legally enforceable. The very nature of the CYPS service demands that pupils and service users are made fully aware of the dangers of smoking, and consideration must be given to exclusion where policy is breached.

3. POLICY SCOPE

3.1 The Smoking Policy applies to all St Bonaventure's employees and anyone present on St Bonaventure's site. Where private vehicles are used on School business, they must be smokefree if used to transport members of staff, service users, and/ or parents/ carers. However, the law states vehicles that are primarily used for private purposes need not be smokefree.

4. GUIDELINES FOR APPLICATION

4.1 All CYPS establishments must comply with the law which provides few exceptions, and none where Education takes place, nor for Children's Homes or Centres. The results of consultation are such that the Director of CYPS has decided to ban smoking from all sites and not just buildings. However, it is recognised that difficulties may be caused at Pupil Referral Units, Children's Homes and a few office premises where meetings with parents and carers regularly occur; for this reason, local management may decide to allow smoking on site (but outside of buildings).

4.2 The legislation places no obligation on any employer to provide an outdoor shelter for smokers. Where an employer chooses to do so, it must comply with the provisions of the Act. Any such decision to provide a shelter will be taken locally and financed locally. Where any such shelter is provided, and/or external smoking allowed, local arrangements must be made for the disposal of waste smoking materials (cleaners may refuse to dispose of others smoking waste that may be hazardous) and shelters sited so as not be visible from the front of the building, out of sight from members of the public and suitably positioned so that no smoke enters any building or enclosed structure whether on site or adjacent.

4.3. Local Management will allow employees who smoke reasonable breaks from work to smoke **away from** the premises (and preferably out of site of pupils and service users), providing this does not prevent them from satisfactorily carrying out their duties and responsibilities or have a detrimental effect on service delivery. Where this is in question, local Management will consult the CYPS HR Adviser and the recognised Trade Unions before taking any decision to remove or limit this facility for one or more employees.

4.4. Information on the health risks associated with smoking will be available to employees upon request as part of a health education programme. In addition, the services of the Occupational Health and Counselling Service will be made available to those employees wishing to give up smoking or who are suffering stress or other difficulties as a result of the smoking restrictions. In appropriate cases, local management may grant time-off with pay to attend smoking cessation programmes. Employees may claim the NHS prescription charge for one course of anti-smoking treatment; this expenditure must be authorised in advance by the appropriate budget holder.

4.5 Alternative nicotine devices, such as electronic cigarettes, are not currently regulated by the Medicines and Healthcare products Regulatory Agency (MHRA), although a decision has been made to regulate these products by 2016. The guidance recommends the need for consistent information about their safety so people can make informed choices.

4.6 Employees who are using an electronic cigarette in an attempt to quit smoking may not use these whilst inside any building or enclosed space as their safety, both with the ignition device and vapour is still unknown. Alternative nicotine containing products are available for use whilst at work. Smoking e-cigarettes will be treated as smoking tobacco where it is not allowed to be smoked whilst on any council premise including the outside areas. This will be reviewed on regulation of the e-cigarette.

5. SIGNING

5.1 From 1 July 2007, the law requires no-smoking signs to be prominently displayed at **every** entrance. Signs must:-

- be a minimum of A5 in area (210mm x 148mm),
- display the international no smoking symbol (see below) at least 70mm diameter,
- carry the wording **“No Smoking. It is against the law to smoke in these premises”** in a font that is easily read.

The law limits personalization of these signs; you may only change the words “these premises” to refer to the type of premises, eg “this school” or “this children’s home”.

5.2 A smaller sign, consisting of the international no smoking symbol at least 70mm diameter may be displayed at entrances to smokefree premises that

- are only used by staff - providing that the premises displays at least one A5 size sign (see para 5.1),
- are located within larger smokefree premises, such as a refectory within a school.

5.3 Vehicles; smokefree vehicles must display a no-smoking in each compartment (not each seat bay) of the vehicle. This must be the international no smoking symbol at least 70mm diameter.

Explanatory note: the international no-smoking symbol consists of a graphic representation of a burning cigarette in a red circle, with a red bar diagonally across it.

If down loading signs from the internet, they **MUST** be printed in colour.

6. CONTRACTUAL OBLIGATIONS

6.1 The Smoking at Work Policy represents an 'incorporated term' in the Schools contract of employment of all employees. Copies of the full policy are available through the CYPS HR team or from the intranet.

7. ENFORCEMENT

7.1 Local Authorities are responsible for enforcement and staff from the BCC Public Health Team will issue fixed penalty notices when appropriate. Experience in existing smoke free countries suggests that compliance with the law will be high and the new law will quickly become self enforcing.

7.2 Management must investigate any suspected or actual infringement of law or abuse of the policy and ensure that its provisions are fairly applied.

7.3 Persistent and willful refusal by employees to comply with the policy may result in the School invoking the formal disciplinary procedure.

8. PENALTIES FOR BREAKING THE LAW

8.1 Anyone who does not comply with the new law will commit a criminal offence.

Penalties are set out below:-

Offence	Who's Liable?	Fixed penalty notice (if paid within 15 days)	Fixed penalty notice (if paid within 29 days)	Court awarded fine
Smoking in a smoke free place	Anyone who smokes in that place	£30	£50	Up to £200
Failing to display a required sign	Anyone who manages/ occupies the smoke free place	£150	£200	Up to £1,000
Failing to prevent smoking in a smoke free place	Anyone who manages/ controls the smokefree place	N/A	N/A	Up to £2,500

NOTES:

- Any fine levied must be met from the liable person's own resources; there is no provision at all to meet such fines from Schools devolved budget.
- The penalties above relate to the new Smokefree Law only; other laws and penalties apply in some circumstances, e.g. the selling of tobacco products that have been imported for personal use. Should you become aware of anyone selling tobacco products on or near your premises, HM Customs and Excise must be informed without delay to avoid the possibility of charges against you for permitting or allowing that activity. Headteachers must discourage the practice of exchanging for money, all tobacco products brought back from holiday; where this is known to occur, it must not do so on School premises.

9. RECORDS

9.1. It is important that records are kept in case they are required at a future time. All notes should be made immediately after any incidents and should include

- time and date,

- place (if vehicle, registration and fleet numbers, location of vehicle at the time),
- name (if known – description if not),
- response when informed that they were breaking the law and that you would be committing an offence if you allowed them to continue,
- response when told that staff will not help them if they continue smoking,
- response when asked to leave the premises if they continue to smoke.

(If they refuse to leave, implement your normal procedure for dealing with such events: tell them they have been asked to leave, they are trespassing if they refuse and that the police will be called.)

10. HOME VISITS

10.1 The possibility of entering into a smoky environment must be addressed when risk assessing any visit to a private home. All appointment letters must include a paragraph requesting the service user not to smoke for at least the duration of the visit nor for two hours prior to the visit (this may be reduced to 30 min if the room is well ventilated before the meeting). Where this request goes unheeded, the School wishes that its employees terminate the meeting and arrange for the meeting to be rescheduled and/or held in smoke free premises of mutual convenience.

10.2 The possibility of a smoke filled room is only one risk that may be faced when making a home visit. Managers, working with those staff concerned, must ensure all risks are addressed and appropriate control measures introduced to eliminate or reduce those risks. Attention is particularly drawn to the Lone Working Policy and the Local Authority Corporate Flagging System.

11. IMPLEMENTATION

11.1 It is the responsibility of each Headteacher in charge of premises to ensure that CYPS Policy is adopted, adapted and improved to suit local requirements. A model policy is available to help meet this requirement (see appendix 1).

11.2 Queries or differences over the interpretation or application of the Policy should be referred to the CYPS Health, Safety and Wellbeing Manager (tel 0117 91 14021).

12. USEFUL WEBSITES

Council Policy

<http://intranet.bcc.lan/personnel/smkawork.pdf>

BCC Smoke free compliance pages <http://www.bristol.gov.uk/ccm/content/Business/Health-and-safety/smoke-free.en>

Smoke free England

<http://www.smokefreeengland.co.uk/>

Smoke Free Bristol

<http://www.smokefreebristol.org>

Downloadable signage (remember – print in colour)

<http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html#signage>

Posters for purchase

<http://www.gasp.org.uk/page1.htm>

National Health Service Web page

<http://www.gosmokefree.co.uk>

13. HELP AND ASSISTANCE for Health, Safety & Wellbeing/Emergencies/Business Continuity//Security & CCTV

Room 355, Council House, College Green, Bristol BS99 7EB

Web Site: <http://intranet.bristol-cyps.org.uk/services/ssm/has.html>

H&S Emergency number (day time only) Tel: 0117 352 5999

Emergency Control (24 hours) Tel: 0117 922 2050

Security Services Tel: 0117 903 1550

(24 hrs, 365 days pa – key holding service, alarm response, static security, abandoned vehicle removal, mobile patrols, CCTV response unit etc)

Bill Crocker – Manager Tel: 0117 922 4021

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ST BONAVENTURE'S CATHOLIC PRIMARY SCHOOL - SMOKING POLICY

Principles:

The Health and Safety at Work etc Act 1974 places a statutory duty on all employers to provide safe working environments for employees that are free from risks to health. The Health Act 2006 protects employees from the harmful effects of second hand smoke by outlawing smoking in all "enclosed" and "substantially enclosed" public places and work places in England.

This policy is written with the employees' health interests in mind. It also aims to meet legal requirements and to guarantee the right to breathe smoke free air.

The Governing Body recognises the dangers of smoking and inhaling smoke as well as the difficulties faced by long-term smokers.

This policy is intended to:

- Protect everyone against the effects of second-hand smoke,
- Promote good health, and
- Support those who would like to stop smoking.

Policy:

In seeking to balance the interests of all concerned and to ensure the health and safety of its employees, St Bonaventure Primary school operates the following policy:

1. No smoking is permitted in any building, or any part of the site used by St Bonaventure's Primary School staff, nor in any vehicle it owns or operates.
2. Smokers are requested not to smoke immediately outside any work base. This applies to staff, pupils, parents, carers, visitors and contractors.
3. Employees are permitted to smoke off-site during official breaks.
4. In the unlikely event of a member of staff not respecting the policy, their line manager will attempt to resolve the situation informally in the first instance. Where a pupil fails to respect the policy the matter shall be dealt with under the Unacceptable Behaviour Policy.
5. To ensure the correct operation of this policy and to safeguard health and safety, repeated breaches of the policy will be regarded as a serious breach of discipline and will be dealt with under existing disciplinary procedure.

Support:

St Bonaventure Primary School encourages all smokers to seek advice and support to stop smoking and offers practical help to those who wish to do so. Please speak to your manager if you would like further information.

Policy formally adopted March 2013

Signed _____ (Head Teacher / Manager / Chair of Governors)

Annex B

CHECKLIST

To comply with the new law, you **MUST**

- Make staff and service users aware that premises and vehicles must be smoke free.
- Close any remaining indoor smoking rooms.
- Display “No Smoking” signs in smokefree premises and vehicles.
- Ensure that no one smokes in smokefree premises or vehicles.

To comply with Council and CYPS Policy, you **MUST**

- Adopt, adapt, improve and implement a local policy.
- Provide staff with support to quit smoking.