



## **Smokefree Policy for Schools based Staff**

### **Contents**

1. Statement of Purpose
2. Scope
3. Roles & Responsibilities
4. Definitions
5. Defining smoking & non-smoking areas
6. Managing and maintaining the implementation of the Policy
7. Managing employees who breach the policy

### **1. Statement of Purpose**

Blackburn with Darwen Borough Council is committed to the health and well being of all of its employees. Under Section 2 of the Health and Safety at Work Act (HSWA) 1974 employers have a general duty to ensure, so far as is reasonably practicable, the health and safety of all employees. This policy aims to protect employees from the harmful effects of passive smoking.

The Government has recently announced that smoking is to be banned in all enclosed public places with effect from 1st July 2007. This policy has been established to ensure that Blackburn with Darwen Borough Council and Schools within the Borough adhere to all legal requirements as outlined in the new legislation and will be effective from 1st July 2007.

### **2. Scope**

This policy will apply to all Schools based staff in schools which choose to adopt this policy.

The policy covers all enclosed public spaces including, entrances & exits to buildings, playgrounds, and school owned vehicles which are used as a shared commodity.

### **3. Roles & Responsibilities**

**Employees:** Employees are required not to smoke in enclosed public spaces or any other area defined in the scope of this policy.

**Headteacher:** Headteachers are responsible for ensuring that the policy is implemented and adhered to. Appropriate signage should be displayed in your work area to indicate that it is a non-smoking area and you should make employees aware of the policy content.

**Human Resources:** HR will provide Headteachers with advice and guidance on policy issues and support Headteachers, where necessary, during the formal stages of the policy, and will be responsible for policy revisions when necessary.

### **4. Definitions**

**Enclosed Public Space:** For the purpose of this policy, an enclosed public space is; any School/Council owned building; School/Council owned vehicles which are used as a shared commodity; entrances & exits to buildings; play grounds or School/Council owned premises.

**Smoking cessation sessions:** A smoking cessation session is a meeting with a group or individual where guidance and support are offered to people who would like help to give up smoking.

**Smoking:** For the purpose of this policy, smoking relates to the smoking of tobacco products. Smoking of any other substance will be dealt with under the alcohol and other substance abuse policy.

**Designated Breaks:** For the purpose of this policy, the following definitions of designated breaks will apply;

A Headteacher shall be entitled to a break of reasonable length in the course of each school day, and shall arrange a suitable person to assume responsibility for the discharge of his functions as Headteacher during that break.

A teacher shall be entitled to a break of reasonable length as near to the middle of each school day as is reasonably practicable.

For all other staff, designated breaks refer to the time agreed between the Headteacher & employee where the individual is entitled to take their unpaid break e.g. a lunch break.

### **5. Defining smoking & non-smoking areas**

The legislation states that all enclosed public spaces are to be designated as non-smoking areas. All council offices, vehicles, entrances & exits and premises (will be no smoking. However there are some exemptions contained within the legislation i.e. private accommodation is exempt from the legislation. This means that Council employees, who enter service users' homes during the course of their work, will not

be protected by the smoking legislation. Employees may wish to request that service users do not smoke whilst they are present, however it is the service users decision, and this cannot be enforced by the Council. Whilst working in private accommodation employees will not be permitted to smoke during their working hours.

Council owned day centres that provide a service / care for members of the public, but do not serve as a residential building, will be subject to the same legislative rules as other Council owned premises. These premises will be designated as no smoking. Smoking restrictions will be enforced for both employees and service users whilst on the premises or the surrounding grounds.

Premises that are owned by the Council and provide residence for service users are partially exempt from the smoking restrictions. There is an option for premises to allocate a dedicated smoking room / area for service users. Communal living areas or dining areas are to be classed as no smoking and the legislative restrictions apply. Rooms that are used solely for work purpose such as, offices, store rooms, kitchens etc are to be no smoking. Council employees who are required to remain on-site for the duration of their shift may use the designated smoking area, but only during their designated breaks. This area will be stipulated for each of the premises.

## **6. Managing and maintaining the implementation of the Policy**

If an employee is having difficulty refraining from smoking during working hours and they bring this to the attention of their Headteacher then they should be encouraged to seek help voluntarily. The Headteacher should provide information on smoking cessation sessions, available free of charge from the NHS SmokeFree Service.

An employee who is found to be in breach of the policy will be given the opportunity to discuss the issue and where appropriate support will be offered. If an employee continually breaches the policy, or their initial breach poses a significant health & safety risk to themselves or others, then they may be subject to disciplinary action in line with the disciplinary policy.

Employees who wish to smoke should only do so on their designated breaks and this should be done away from the School premises.

## **7. Managing employees who breach the policy**

### **7.1 Stage 1: Support Meeting**

Initial concerns about an employee smoking on Council premises or during working hours should be discussed in the support meeting. This is an informal stage to the policy and does not form part of the disciplinary procedure. The Headteacher should explain to the employee that they are in breach of the policy and any further breaches may result in disciplinary action been taken.

The Headteacher should use this opportunity to discuss any concerns the employee has regarding smoking in the workplace. The employee should be offered support where appropriate, and if necessary, an action plan could be discussed / drawn up

(Appendix A) where an employee is having difficulty refraining from smoking. The action plan should look to explore options such as Occupational Health Referrals, nicotine patches or smoking cessation sessions. Any support or action plan that is agreed should be continually monitored over an agreed period. It may be necessary to have more than one support meeting.

## **7.2 Stage 2: Review Meeting**

If an employee fails to adhere to the agreed action plan then they will be invited to attend a review meeting. Headteachers are required to give employees at least 48 hours written notice of the review meeting. The invitation letter (Appendix B) should remind the employee of their right to representation, (either a Trade Union representative or work colleague).

At the review meeting the Headteacher or nominated person should re-enforce the importance of not smoking in the workplace and the action plan and agree any changes or additional support required. A management instruction will be issued at this meeting to confirm the required compliance with the amended action plan. It should also be explained that any further breaches of the policy may result in further disciplinary action being taken.

The outcome of meeting should be confirmed in writing within 7 working days, enclosing a copy letter to sign and return to you by a specified date.

## **7.3 Stage 3 - Disciplinary**

If an employee is found to be in breach of the policy on more than one occasion, or if the initial breach poses a significant risk to the health & safety or wellbeing of themselves or others then you should immediately move to the formal stages of the disciplinary policy.

(Please refer to the Schools Disciplinary Policy)

LJNCC (Non-Teaching) - 7th March, 2007

LJNCC (Teachers) - 13th March 2007

Version: FINAL