

## **Smoke Free Policy**

### **Birmingham City University**

#### **1. Purpose**

- 1.1 This section of Birmingham City University's Health and Safety Management System is intended to provide guidance to all staff on how the University meets the duties to provide a smoke free environment for staff, students and visitors.

#### **2. The Legal Position**

- 2.1 The University has a general duty under Section 2 of the Health and Safety at Work etc. Act 1974 to ensure, so far as is reasonably practicable, the health and safety at work of all employees.
- 2.2 The Management of Health and Safety at Work Regulations 1999 requires the University to assess any risk arising from a work activity, taking remedial action as appropriate, and to have suitable arrangements for safeguarding the health and safety of employees and others.
- 2.3 Health Act 2006 requires that all enclosed public places and workplaces in England will be smoke free.

Section 2 of this Act sets out that premises that are open to the public, or are used as a place of work by more than one person, or where members of the public might attend to receive or provide goods or services, are to be smoke free in areas that are enclosed or substantially enclosed.

Premises are considered to be enclosed if they have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed, whether on a permanent or temporary basis.

Premises are considered to be substantially enclosed if they have a ceiling or roof, but there are permanent openings in the walls which are less than half of the total area of walls, including other structures which serve the purpose of walls and constitute the perimeter of premises. When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings can be open or shut. This is known as the 50% rule. A 'roof' includes both fixed and moveable structures.

The regulations also require enclosed vehicles to be smoke free at all times, if they are used by members of the public or in the course of paid or voluntary work by more than one person.

#### **3. Scope**

- 3.1 This policy and the associated guidance refer to the activities of the staff within Birmingham City University and the activities of any contractors within the direct control of the University.

- 3.2 This policy covers all students and visitors across all campuses within Birmingham City University.

#### **4. Policy**

- 4.1 It is the policy of Birmingham City University; so far as is reasonably practicable; to prevent their employees and contractors from being affected by exposure to harmful substances associated with the workplace through the process of risk assessment and risk analysis.
- 4.2 This smoke free policy seeks to guarantee all staff the right to work in air free of smoke generated by all types of burnt and smoked products. Smoking is prohibited throughout all enclosed / substantially enclosed University workplaces and University vehicles, with no exceptions.

Smoking will be prohibited at entrances and exits to buildings or near to open windows or air handling units so that people entering, exiting or in the building do not have to pass through tobacco smoke.

#### **5. Definitions**

- 5.1 In this document the following definitions apply;
- 5.2 The smoke free policy covers all types of burnt and smoked products including cigarettes, tobacco, e-cigarettes and non-tobacco cigarette products.

#### **6. Responsibilities**

- 6.1 Vice Chancellor

The implementation of this policy is the responsibility of the Vice Chancellor who will ensure that suitable resources, including time and finance will be made available for the implementation of risk assessment across all sites within the University.

In order to implement this policy the Vice Chancellor will delegate day to day operational responsibility to Director of Human Resources and onto the Executive Deans or Directors of Services.

- 6.2 Director of Human Resources

Director of Human Resources will ensure that the management of the University's health and safety arrangements support this policy and that suitable signage and information will be made available.

- 6.3 Executive Deans, Associate Deans and Service Directors

Deans and Directors will ensure that all of their areas of responsibility that this policy is enforced and violations of the smoke free arrangements are dealt with appropriately.

#### 6.4 Managers and Supervisors

Managers and Supervisors will ensure that staff under their control are made aware of the requirement to maintain smoke free areas.

#### 6.5 Staff, Students and Visitors

Employees will be expected to comply with the policy and respect the rights of colleagues to work in a smoke free environment.

### 7 Smoke-free Areas

#### 7.1 Locations

All University Buildings will be smoke-free areas. All areas that are substantially enclosed, e.g. Kenrick Tunnel and all of the Quad level 2 walkway at City North Campus, will be smoke-free areas.

Building entrances, particularly those with overhanging canopies, will be smoke-free areas at least 5 metres from the entrance and canopy, together with other designated areas as indicated in Appendix A.

Smokers will also be required to respect the need for staff to be able to work in a smoke-free environment and therefore to smoke well away from office windows.

Smoking will not be permitted in University vehicles or private vehicles when used as work vehicles by more than one person.

#### 7.2 Signage and Marking

Signs will be provided at the main entrances to all buildings incorporating the no smoking pictogram and the words "No Smoking – it is against the law to smoke in this building"

Additional signs will be provided to identify partially enclosed areas that are designated smoke-free areas.

#### 7.3 Enforcement of Smoke-free Areas

All staff are responsible for setting an example to students and visitors and reminding colleagues, students and visitors of this policy, as necessary. Any abuse in response to a reasonable request to move away will be subject to disciplinary action.

Anyone who smokes in a designated smoke-free area is liable to be fined up to £200 by the Local Authority

If there are persistent breaches of the policy, Security Services may be called upon to take necessary action and will keep records of incidents. Breaches of the smoking policy will be dealt with appropriately by the University's respective disciplinary procedures for staff and students. Anyone who wishes to report a breach of the policy should report it to Security on 0121 331 6325.

#### **7.4 Smoking Areas**

Smoking shelters and other covered areas are provided on main campuses to give sheltered areas for people to smoke. These are clear of building entrances, have some seating provision and waste bins.

Staff are only permitted to smoke whilst off duty (i.e. in agreed break times only) and only in areas that are not designated as “smoke-free” which are clear of buildings.

Break times must be negotiated and agreed with line managers, prior to taking them, in the same way that lunch breaks are taken. They must take into account the needs of the team and the service provided.

Members of staff who wear Birmingham City University uniforms should be reminded that their actions set an example to others. They must therefore rigorously adhere to the University’s Smokefree Policy and the particular requirements of the Uniform Policy on where and when they may smoke.

### **8 Communication**

- 8.1 All staff and students will be made aware of this policy and in particular the local smoke-free areas and covered smoking areas. New staff will be notified at their induction. Existing staff will be notified by their line managers and the Intranet message board. Students will be informed in student handbooks and at course induction.

Visitors will be notified by their hosts, at the Building Reception when they sign in. For staff attending seminars or workshops at another campus, the trainer will notify them of the local arrangements.

Contractors will be notified in the tender and contract documentation, at start-up meetings and when they sign in at Campus Services offices.

### **9 Health Promotion**

- 9.1 Staff who wish to give up smoking will be signposted to advice and assistance from NHS smoking cessation services. Assistance for students to give up smoking is available from Student Services or by accessing NHS smoking cessation services.

### **10 Monitoring and Audit**

- 10.1 Established Departmental and Faculty health and safety committees will monitor the situations at their campuses and feed back to the Health & Safety Manager and the Academic and Support Services Committee as required.

### **11.0 Review**

- 11.1 The smoke free arrangements will be reviewed by the Health and Safety Team on a three yearly basis or when there is a significant change in campus layout, staff location or staff numbers.



## **12.0 References**

- 12.1 The Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Health Act 2006

## **Appendix A – Locations of smoke-free areas outside buildings**

**Smoke-free areas** around all University buildings will extend:

- at least 5m from all entrance doors,
- at least 5m beyond the canopy or overhang at an entrance,
- at least 5m clear of flammable materials stores, and
- to any other designated areas as listed in the table below:

<b><u>Campus</u></b>	<b><u>Building</u></b>	<b><u>Designated smoke-free areas</u></b>	<b><u>Smoke-free limit</u></b>
<b>City North Campus</b>	Dawson, Edge, Feeney, Galton, Students' Union, Kenrick	Quad Level 2	All of covered walkway and 5m clear of covered parts
	Dawson	Quad entrance Level 1- under bridge to Edge building	5m clear of overhead cover
	Edge	Level 1 – under bridge to Feeney	5m clear of overhead cover
	Feeney	Level 1 – under bridge to Galton	
	Galton	Level 1 entrance	5m clear of overhead cover
	Howes	Nursery play area	5m clear of nursery play area
	Jackson	Front	All of vehicle park
	Kenrick	Entire steps approaching Building and Service tunnel	5m clear of overhead cover
<b>Bournville</b>	Maple Road	Courtyard area	All of central courtyard area
<b>Gosta Green</b>	Main Building	Covered areas adjacent to ceramics workshop and woodworking	5m from canopy
<b>Margaret Street</b>	School of Fine Art	Courtyard and Basement service tunnel	All of courtyard area and service tunnel
<b>85 Vittoria Street</b>	JLIC	Archway	5m clear of archway
<b>City South Campus</b>	Seacole	Service entrance (adjacent to Heathfield)	5m clear of covered areas
	Seacole	Area around front and rear entrance	5m clear of covered areas

<u>Campus</u>	<u>Building</u>	<u>Designated smoke-free areas</u>	<u>Smoke-free limit</u>
	Seacole	Underground car park	Clear of car park



<b>City Centre Campus</b>	Millennium Point	Covered area in front of level 2 entrance adjacent to multi-storey car park	5m clear of covered areas
	Millennium Point	The whole of the loading bay and service yard to the rear of the building	5m clear of covered areas
	Conservatoire	Underground car park and service yard	Clear of car park
	Conservatoire	Covered area to main entrance	5m clear of covered areas
	Conservatoire	Entrance to Adrian Bolt Hall	5m clear of covered areas
	The Parkside Building	Area around front entrance	5m clear of covered areas
	The Parkside Building	Area around side entrance (Core A)	5m clear of covered areas
	The Parkside Building	Whole of the inner courtyard	5m clear of inner courtyard
	The Parkside Building	The whole of the loading bay	5m clear of covered areas
	The Parkside Building	The whole of the disabled car park area	Clear of car park