



SMOKE-FREE POLICY

[applies to all Trust employees]

1. Introduction

It is the policy of Birmingham City University Academies Trust (BCUAT), so far as is reasonably practicable, to prevent their employees, students and visitors from being affected by exposure to harmful substances associated with the workplace through the process of risk assessment and risk analysis.

Staff, students and visitors have the right to work in air free of smoke generated by all types of burnt and smoked products. This policy is intended to provide guidance to all staff on how the Trust meets its duties to provide a smoke-free environment.

Smoking is prohibited throughout all enclosed or substantially enclosed Trust workplaces and Trust vehicles, with no exceptions.

Smoking is not be permitted within 5 metres of 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.

This policy covers all types of burnt and smoked products including cigarettes, tobacco, cigars, e-cigarettes and non-tobacco cigarette products.

2. Scope

This policy applies to all employees of Birmingham City University Academies Trust (BCUAT), including employees working in academies operating as part of the Trust and all Head Office employees. The policy also covers pupils, visitors, contractors, agency staff, volunteers and those on student/work placements.

The policy applies across all sites.

3. The Legal Position

The Trust 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.

The Management of Health and Safety at Work Regulations 1999 requires the Trust 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.

Owner of Policy	Human Resources
Legislation Status (Statutory / Non-Statutory)	Non-Statutory
Date Ratified and Version Number	29.11.2016 v2.0
Date to be reviewed	September 2017

The 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.

4. Responsibilities

Trust Board:

The implementation of this policy is the responsibility of the Trust Board 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 Trust.

In order to implement this policy the Trust Board will delegate day to day operational responsibility to Principals and Local Advisory Boards and the HR Consultant.

Principals and Local Advisory Boards:

Principals and Local Advisory Boards will ensure that in all of their areas of responsibility that this policy is enforced and violations of the smoke-free arrangements are dealt with appropriately.

Managers and Supervisors:

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

Staff, Pupils and Visitors:

Employees, pupils and visitors will be expected to comply with the policy and respect the rights of others to work and learn in a smoke-free environment.

5. Smoke-free Areas

Locations:

- All Trust Buildings and grounds will be smoke-free areas
- All areas that are substantially enclosed 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
- All playground areas are to be smoke-free
- Smokers will also be required to respect the need for staff and pupils 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 Trust vehicles or private vehicles when used as work vehicles by more than one person

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.

Enforcement of Smoke-free areas:

All staff are responsible for setting an example to pupils, parents and visitors and reminding colleagues, pupils 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

Breaches of the Smoking Policy will be dealt with appropriately by the respective disciplinary procedures for staff and pupils.

6. Communication

All staff and pupils 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.

Visitors will be notified by their hosts, at the building Reception when they sign in. For staff attending seminars or workshops at another site, 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 Reception.

7. Health Promotion

Staff who wish to give up smoking will be signposted to advice and assistance from NHS smoking cessation services.

Assistance for pupils to give up smoking is available from NHS smoking cessation services.

8. References

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