



Making the most of every opportunity



Every moment matters

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Date of Policy Adoption by Governing Body 3.4.19		Signed	
Method of Communication (e.g Website, Noticeboard, etc) website			

Schools Smoke-free workplace policy

Implemented November 2016

Introduction

North Yorkshire County Council (NYCC) is committed to an effective approach to safeguarding the health and well-being of all employees, visitors and individuals delivering Council services. NYCC is a signatory of the North Yorkshire Tobacco Control Strategy 2015 – 2025 and recognises its role in normalising a smoke free lifestyle, and leading by example with effective smokefree policies. NYCC is also a signatory of the Local Government Declaration on Tobacco Control, a national statement of commitment to ensure tobacco control is part of mainstream public health work. To this end NYCC:

- Recognises its duty to provide safe and healthy working conditions and service delivery environments, by prohibiting smoking in all its workplaces and enclosed and substantially enclosed spaces and vehicles
- Recognises the significant evidence detailing the harmful effect on health of smoking including second hand smoking
- Recognises its duty to support staff who wish to quit smoking in the interest of the health of its workforce



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Aims

2.0 The aim of this policy is to:

- Inform employees and managers of their responsibilities in respect of the policy, and
- Inform employees of the Health Act, 2006 and associated regulation which prohibit smoking in public and substantially enclosed public places/premises
- Protect the health of employees, service users, elected members, and others visiting and using North Yorkshire County Council premises and services by applying and enforcing the law
- Outline the support available for North Yorkshire County Council employees who wish to quit smoking.

Scope

3.0 The Health Act, 2006 prohibits smoking in all public places and substantially enclosed public places and sets out a number of offences related to breaches of the regulations. The County Council therefore, has a duty to ensure that elected members, visitors, service users, contractors and agency workers who enter the Council's owned or rented premises or vehicles are made aware of the smoke-free regulations in order to comply with them. Employee breaches will be treated as a matter of misconduct (please see disciplinary policy).

This policy should be used by Head teachers and Governing Bodies alongside the document '*Guidance for North Yorkshire schools and other settings to implement a smoke free environment for pupils and staff*'.

3.1 This policy also covers e-cigarettes. School based staff are not permitted to use e-cigarettes on school sites as they are illegal for under 18 year olds.

Support for staff wishing to quit smoking

4.0 NYCC supports staff who wish to quit smoking and recognises that quitting smoking is one of the best things to do to improve an individual's health. Two-thirds of smokers want to quit but 1 in 5 adults in North Yorkshire still smoke. An individual is four times more likely to quit if they seek support through a stop smoking service and NYCC staff are able to access the Smokefreelife North Yorkshire service free of charge.

4.1 They can visit www.smokefreelifenorthyorkshire.co.uk, call 0800 2465215 or 01609 663023 or text QUIT to 66777. A range of support is available to suit



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the individual, such as a group sessions, one-to-one support, telephone support, medication. If appropriate, this can take place within the work place.

4.2 Employees are permitted to use flexi leave, with the approval of their manager, to attend stop smoking appointments, in the same manner as doctors, dentists or opticians' appointments. Alternatively, employees can choose to access the free of charge support in their own time (Please refer to flexi time policy, point 4.9).

The law and regulations

5.0 The Health Act, 2006, provides five sets of smoke free regulations (www.legislation.gov.uk/ukpga/2006/28/contents) to which North Yorkshire County Council as an employer, service provider and building and premises owner/user must comply.

5.1 Under the Smoke-free (Exemptions and Vehicles) Regulations 2007, a fixed penalty notice of £50 can be imposed on a person smoking in a smokefree premises, or a maximum fine of £200 if prosecuted and convicted. A maximum fine of £2500 can be imposed on whoever manages the premises if they fail to prevent smoking in a smokefree premises.

5.2 The Smoke-free (signs) Regulation 2012 stipulates that there must be at least one legible sign indicating that premises are smoke free.

If an NYCC school employee sees any individual smoking or using an e-cigarette on school premises, they should, if they feel comfortable doing so, challenge the individual and ask them to desist. Otherwise, they should report it to a superintendent.

5.3 In addition, the following will apply and any breach of the regulations by employees will be treated as a conduct issue:

- Staff will not take smoking or vaping breaks or use the flexi- time scheme during the working day in order to take smoking or vaping breaks. Staff will not smoke or vape during claimed working time. Therefore staff should not take breaks to smoke or vape throughout the day except during their lunch break. Employees who may find this difficult and require support to reduce their need to smoke during the day are encouraged to access the stop smoking service, detailed above.
- All NYCC school grounds and buildings are completely smoke-free (including e-cigarettes)



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- NYCC employees who choose to smoke offsite must be considerate to residents and pedestrians and should avoid smoking directly outside resident's homes or gardens. NYCC employees must use cigarette bins where available and must not litter.
- Staff who smoke or vape are prohibited from smoking or vaping in or near NYCC doorways, entrances and exits to NYCC owned and controlled buildings.
- Smoking and the use of e-cigarettes is prohibited in all NYCC owned /rented/ controlled buildings and all enclosed or substantially enclosed public places.
- Smoking and the use of e-cigarettes is prohibited in NYCC owned and hired vehicles including pool cars and any vehicle used for NYCC business as a public space, for example mobile libraries.
- Where staff have a responsibility to transport staff, other personnel, or clients, smoking or vaping in the vehicle is prohibited.
- Smoking and using an e-cigarette whilst driving during work hours (for which the employee is being paid) is prohibited.
- Smoking or using an e-cigarette in an NYCC lease car, leased under the employee salary sacrifice scheme, is prohibited.
- Where a building is shared, North Yorkshire County Council will request that the policy is adopted by other organisations and that the policy is applied to communal areas.
- The policy applies to all NYCC employees whether employed directly by the Council or seconded to other organisations. The Policy also applies to staff employed through an agency, by a contractor or by other organisations.

Review of the policy

The policy will be reviewed by North Yorkshire County Council's HR portfolio group for health and wellbeing every year.