KINGSLAND SCHOOL



LA MODEL SMOKE-FREE POLICY FOR COMMUNITY, COMMUNITY SPECIAL, VOLUNTARY CONTROLLED AND MAINTAINED NURSERY SCHOOLS

Adopted by the Kingsland School Governing Body on 14/1/19

Version: 1.0

Date Issued: 7th January, 2019 **Review Date: 31st October, 2021**

Model Smoke-Free Policy for Community, Community Special, Voluntary Controlled and Maintained Nursery Schools

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1. Introduction

In accordance with the Health and Social Care Act 2012, the School takes an active interest in promoting and protecting the health and well-being of its staff, pupils, parents and other residents of the Wakefield District. The School also recognises its legal responsibilities in ensuring that its premises (both internal and external), and vehicles remain smoke-free, by prohibiting its staff, workers, contractors, volunteers, Governors and members of the public from smoking in them.

This Policy sets out the approach that the School takes towards its staff, workers, contractors, volunteers and Governors who may wish to smoke. The School recognises that smoking is a lifestyle choice, and does not intend to impose any restrictions on the right of individuals to make such choices, however this Policy seeks to regulate where and when they smoke, thereby protecting the health of its staff and pupils, and eliminating any smoking-related disruptions whilst at work.

In applying this Policy to those persons not only working for the School but also to members of the public, the School aims to ensure that all internal and external School premises are smoke-free, which will in turn serve to reinforce the support the School has for the Council's objective of moving towards a smoke-free environment across the Wakefield District.

For the purposes of this Policy the restrictions which apply to smoking also apply to e-cigarettes (see Section 7).

In seeking to encourage staff, workers, contractors, volunteers and Governors to reduce or stop smoking this Policy sets out the support mechanisms available.

2. Data Protection

2.1 The Council processes personal information/data collected in the application of this Model Smoke-Free Policy in accordance with its legal obligations set out in the Data Protection Act 2018 and the General Data Protection Regulations 2016, which are confirmed within the Council's Data Protection Policy.

2.2 Information/data specifically obtained to address issues raised under this School Disciplinary Policy is held securely and accessed by, and disclosed to, individuals only for the purposes of addressing these issues. Inappropriate access or disclosure of an employee's personal information/data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy immediately. It may also constitute a matter which will be considered in accordance with the Council's Disciplinary Policy.

3. Scope

3.1 This Policy applies to all staff, casual workers, agency workers, contractors, volunteers and Governors working within the School.

3.2 Visitors to the School, parents and other members of the public will be subject to the provisions within this Policy which relate directly to smoking (and the use of e-cigarettes) on, and close to, School premises as detailed in Sections 6 and 7 below.

4. Aims of the Policy

This Policy seeks to:

- protect the legal right of staff, pupils and others to a smoke-free environment by not permitting staff to smoke during working hours;
- reaffirm the School's compliance with smoking-related legislation in the areas of Health & Safety and employment law;
- prevent adverse public perception of the School by not permitting smoking on School premises;
- support staff, and others who wish to stop smoking;
- clarify the School's position on the use of e-cigarettes.
- support the Council's objective of creating a smoke-free environment across the Wakefield District, and a continuing reduction in the number of people smoking within it.

5. Definitions

5.1 **School premises** include all clearly identified School buildings, and external premises with a defined boundary which contain School buildings (i.e. all School grounds), except any accommodation for a caretaker or any other member of staff.

5.2 **School vehicles** include all School vehicles and 'on-hire' vehicles. Non-enclosed vehicles such as tractors and ride-on mowers are also covered within this definition.

5.3 **Members of the public** refers to all parents, visitors to School and any other member of the public found to be on School premises or in the immediate vicinity of the entrance to School premises.

5.4 The School has adopted the definition of **smoking** from the Health Act 2006, which states that

(a) "smoking" refers to smoking tobacco or anything which contains tobacco, or smoking any other substance, and

(b) "smoking" includes being in possession of lit tobacco or of anything lit which contains tobacco, or being in possession of any other lit

substance in a form in which it could be smoked.

5.5 The definition of smoking in the context of this Policy also refers to the **use of e-cigarettes**, which are battery operated devices that mimic tobacco smoking and are often used as a replacement for cigarettes. They produce a vapour, including flavoured aromas either with or without nicotine, rather than traditional smoke. Whilst e-cigarettes are likely to be safer than smoking tobacco, and may help some smokers to quit or cut down, they are treated in the same ways as smoking in this Policy to make the School's commitment to a smoke-free environment clearer.

6. Responsibilities

6.1 **Managers** will:

- Inform staff of the School's Smoke-Free Policy and ensure their compliance with it;
- Support staff wishing to stop or reduce smoking (see Section 8);

- Investigate any alleged contravention of this Policy by staff;
- Ensure appropriate, clear ‘No Smoking’ signs are prominently displayed at all entrances to School premises under their direct management control;
- Ensure that all School-operated vehicles prominently display ‘No Smoking’ signs; and
- Support staff in addressing members of the public who are seen to be smoking on School premises.

6.2 **Staff** will:

- Familiarise themselves with this Policy.
- Not smoke in any place or at any time during working hours (see 6.2 below);
- Ensure, outside working hours, they adhere to the smoke-free provisions applicable to all School premises (both indoors and outdoors);
- Not smoke whilst using School vehicles at any time. Neither should they smoke in their own private vehicle during working hours, or when they are about to transport pupils or other passengers on School business; and
- Request members of the public found to be smoking on or next to School premises, to stop and advise them that it is illegal to do so in School buildings and/or that smoking on external School premises, is contrary to the School’s aim of maintaining a smoke-free environment.

6.3 **School Governors and Members of the Public** will not:

- Smoke on any School premises (internal and external): and
- Smoke next to School premises, in particular at their entrances, to minimise the risk of smoke penetrating onto the premises and also reduce other safety risks as a consequence of these areas becoming congested.

7. Policy Principles

7.1 Staff are not permitted to smoke during working hours (see 6.2 below). This principle applies to staff:

- working within internal and external School premises;

- driving School vehicles and their privately owned vehicle on behalf of the School; and
- working away from the School's premises.

7.2 Staff are not entitled to take specific 'smoke breaks' during working hours. If staff wish to smoke they can only do so in unpaid breaks, which can be taken by all staff, i.e. lunch and/or similar mid-shift breaks. However, if staff are required to have contractually paid breaks they will be permitted to smoke during these breaks (but away from School premises).

7.3 With the exception of any residential accommodation within School grounds, (see 6.4 below) all School premises are smoke-free and will display appropriate 'No Smoking' signs both at their entrance and within them.

7.4 Any person living in accommodation within School grounds (e.g caretakers) will be permitted to smoke within their accommodation (and any defined exterior boundary to their accommodation) outside of their working hours. Such persons are not permitted to smoke in any other part of the Schools premises.

7.5 Smoking is prohibited outside the entrances to School premises in order to ensure that these areas remain smoke-free and that they do not create health and safety risks and/or a negative public perception of such actions.

7.6 Smoking is prohibited in School vehicles at all times, i.e. even where an employee is permitted to travel to and from work in a School vehicle. All School vehicles will display appropriate 'No Smoking' signs.

7.7 Employees must not smoke in their own vehicle during working hours and immediately before transporting pupils or other passengers on School business.

7.8 The School will not provide any indoor smoking rooms; nor will it provide smoking facilities at any of its outdoor premises, as this would be counter to the principles of this Policy by explicitly supporting the continuation of smoking.

7.9 All products associated with smoking must be kept out of sight of children at all times either by being kept securely about the person or by locking them away in drawers/lockers etc. If such products are misplaced or go missing this must be reported to a member of the Senior Leadership Team immediately.

7.10 The principles of this Policy will apply to all school employees participating in school trips or other activities where children are being supervised outside of normal school hours. Therefore, if an employee needs to smoke during the course of such activities they must agree with their colleagues a mutually acceptable working arrangement which allows them to do so away from the sight of the children.

7.11 Any failure by staff to comply with the requirements of this Policy may result in management action being taken in accordance with the School's Disciplinary Policy (see 8.4 below). Other persons working for the School who repeatedly fail to comply with this Policy will have their working relationship with the Council terminated. Parents and other members of the public who fail to comply will have their access to Schools premises withdrawn.

8. E-Cigarettes

8.1 E-cigarettes, which may or may not deliver nicotine without most of the harmful toxins found in tobacco smoke, are likely to be a safer alternative to smoking. In addition, e-cigarettes reduce second-hand smoke exposure since they do not produce smoke.

8.2 However, it is recognised that e-cigarettes are not to date subject to regulation and some concerns remain about their safety since few manufacturers disclose the ingredients of their products. The vapour emitted from e-cigarettes may trigger smoke alarms and may affect other employees (e.g. with sensitive asthma). The use of e-cigarettes may visually be seen as inconsistent with Wakefield Council's smoke-free ambition,. For these reasons e-cigarettes are treated under the same principles within this Policy as tobacco products.

8.3 The School however, recognises that such devices fall outside the scope of the restrictions imposed by legislation and emerging evidence suggests that e-cigarettes are less harmful than smoking tobacco. Wakefield District's Stop Smoking Service will provide support to smokers using e-cigarettes as a way to cut down or quit. Staff in this position should be encouraged to access this free service for further support (see 8.1). This approach may be reviewed in the light of future developments in relevant research, legislation, and/or public policy.

8.4 Employees are not permitted to fill or charge e-cigarettes on School premises, or in School vehicles, in readiness for use elsewhere.

8.5 E-cigarette liquids should not be brought onto any School premises where there is a reasonable risk they may be accessible to children.

Any such products which are brought onto School premises must be stored securely in a locked drawer or cupboard.

9. Employee Support

9.1 The School actively promotes stopping smoking and through Wakefield Council's Public Health Service it distributes health education messages on giving up smoking and the health risks associated with smoking.

9.2 Wakefield Council commissions a specialist Stop Smoking Service. Details can be found on the Council's website at:

http://www.wakefield.gov.uk/residents/health-care-and-advice/public-health/smokefree-wakefield or

http://wakefield.yorkshiresmokefree.nhs.uk/

Free from landlines: 0800 612 0011

Free from mobiles: 0330 660 1166

This is a free and confidential service which offers support over the phone, on-line or face-to-face

9.3 Staff wishing to stop smoking will be granted up to 2 hours of time off with pay to attend an initial smoking cessation consultation with the Council's Stop Smoking Service providing that an appointment time can be verified. Subsequent appointments following the consultation will be made in their own time. Employees will only be granted time off with pay under this provision once in any period of two years.

9.4 Employees who believe that smoking/vaping assists them to deal with workplace stresses should raise such concerns with their manager who in turn will undertake a stress risk assessment with the employee to identify the source of such stresses and help identify appropriate actions and strategies to address these. Managers may refer employees with these peerceptions to Occupational health for further advice on the impact smoking/vaping has when managing stress.

9.5 If staff are found to be smoking during working hours their manager will initially discuss with them the support they can access to manage their cravings. If however these staff subsequently fail to adhere to the requirements of this Policy they may be subject to management action being taken in accordance with the School's Disciplinary Policy.

9.6 Guidance on the large range of products available to employees who want to quit (excluding e-cigarettes) is provided in Appendix 3. Further advice on these products can be obtained from local pharmacies. Appendix 4 sets out 10 steps staff may want to consider when quitting smoking.

10. Relevant Legislation

- Health Act 2006, including the Smoke-free (Premises and Enforcement) Regulations 2006, Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007, Smoke-Free (Exemptions and Vehicles) Regulations 2007, and Smoke-free (Signs) Regulations 2012.
- Health and Social Care Act 2012
- Health and Safety at Work Act 1974, including subsequent amendments and relevant Regulations.
- Employment Rights Act 1996.
- The Court of Appeal has stated that the right to smoke is not protected by Article 8 of the Human Rights Act 1998 given that the primary human right is a 'right to life', and therefore other choices that limit this are overridden by the right to life.

Appendix 1

Products available to help you to stop smoking

1. Nicotine Replacement Therapy (NRT)

These products replace some of the nicotine that you used to get from smoking. Nicotine replacement is used to wean you off nicotine by replacing the very high concentrations of nicotine you get from smoking with much lower doses delivered more slowly. It is a means of delivering nicotine without the harmful tar, gases and other elements of smoking. NRT reduces the cravings for cigarettes and the withdrawal symptoms associated with quitting. NRT is the most thoroughly researched method and tests have shown that, used correctly, it will double your chance of success - which is good news for those who have found withdrawal very hard on previous attempts. If you smoke your first cigarette within 30 minutes of waking, then you are more likely to benefit from NRT.

NRT comes in two forms. The oral products which are taken through the mouth deliver a higher dose of nicotine quickly so you can respond to a craving with a 'quick fix', as with cigarettes. The patch gives you a continual supply of nicotine while you are wearing it throughout the day. If you smoke steadily through the day, the patch may suit you better.

To check you are using NRT properly, always follow the manufacturers' instructions. Ask your pharmacist or doctor if you are not sure. NRT is much safer than smoking but if you have a medical condition, any health worries or are pregnant, it is important that you talk to your pharmacist or doctor first.

There are several forms of nicotine replacement available - patches, gum, lozenge, nasal spray, inhalator, sublingual (under the tongue) tablets and mouth spray. All of these products are currently available on NHS prescription if you are stopping smoking and receiving support from either the Stop Smoking Service or from your GP as part of a stop smoking programme. In addition, it is possible to purchase them from pharmacists and some are available from supermarkets and other retail outlets. Many of these products offer programmes of support to help smokers through the quitting process.

If you would like to know more about nicotine replacement therapy and medications there are short films available at:

www.youtube.com/yorkshiresmokefree or www.yorkshiresmokefree.nhs.uk

Patches

A nicotine skin patch looks like a sticking plaster and is applied to dry non-hairy skin, for example, on the upper arm. A patch lasts either 16 or 24 hours and they come in three strengths, delivering different amounts of nicotine which is absorbed slowly through the skin. You are recommended to use them for eight to 12 weeks. For most smokers it is

appropriate to start with the highest strength patch. These are easy to use and your nicotine levels build up slowly during the day to help keep the cravings and other withdrawal symptoms away. Although you may still get urges to smoke thoughts about smoking are not as strong as before. The main side effects are itching or redness of the skin and this can be lessened by varying the position of the patch when you put a new one on. Some people may have problems with sleeping. The usefulness of patches has been well researched and they can double your chance of quitting. They are most helpful to people who smoke moderately (10 to 20 cigarettes a day) and regularly through the day. If you think you are very dependent on nicotine, then another form of nicotine replacement may suit you better. If in doubt seek advice.

Gum

This is different from ordinary chewing gum and can have a peppery or tingling sensation, especially to begin with, so you may have to persevere in using it. It is important to learn to chew it properly to get the full benefit from using it. You should use approximately one piece every hour (say 15 pieces a day). It should be chewed slowly and then rested between your gum and the side of your mouth, repeatedly, for about 30 minutes. The nicotine is slowly absorbed through the lining of the mouth. The gum comes in two strengths, low (2mg) and full (4mg) and in a choice of flavours. If the urges to smoke are not relieved sufficiently with the low dose gum, you may need to use the full strength. The recommended period of use is three months. The main side effect is irritation of the mouth and throat, but this lessens with use. The gum is difficult to use if you wear dentures and can irritate your stomach if you chew too vigorously.

Clinical trials on the gum also show that it can double your success rate. If you smoke heavily (20 or more cigarettes a day) then you may need the full strength.

A small number of ex-smokers find it hard to stop using the gum after the three month period. However this is a negligible health risk and the need to use it usually decreases with time. Remember the gum is far safer than cigarette smoking.

Nasal Spray

The nicotine nasal spray comes in a bottle with a nozzle that delivers a dose of a fine spray of nicotine squirted into each nostril. It can be used up to 32 times a day (64 squirts a day). The nicotine is quickly absorbed through the lining of the nose. It mimics the effects of cigarettes more closely by giving a relatively fast effect. It should be used for three months, although again a small number of ex-smokers continue to use it beyond this time period. Clinical trials show that it can double your likelihood of quitting, especially if you smoke 20 or more cigarettes a day. It is particularly suitable for highly dependent smokers for whom the other products may not have such an immediate impact.

The spray frequently irritates your nose and throat, for the first few days. It is very important you persevere with it so your nose can adjust to these sensations. After a

few days of regular use you should not be troubled by this irritation. If you persevere this lessens after a few days.

Microtab

The microtab is a small sublingual tablet that is placed under the tongue. As it dissolves it releases nicotine that is absorbed through the lining of the mouth.

Lozenge

The lozenge is available in different strengths and sizes from 1.5mg of nicotine to 4mg of nicotine. The mini lozenges are small lozenges that dissolve in the mouth quickly whilst the larger lozenge takes longer. It is personal choice and both mini and standard lozenges are effective.

Inhalator

The inhalator looks like a cigarette holder, inside which you place a cartridge containing nicotine. When you get a craving, you hold the inhalator in your hand, taking shallow puffs (like a pipe) or deep puffs (like a cigarette). Nicotine is taken into the mouth and the back of the throat but not into the lungs. Clinically proven to double your chances of quitting, the inhalator is helpful when your body craves the nicotine and your hands and mouth miss the cigarette.

Mouth Spray

Quickmist is a mouth spray that is used each time a cigarette would have been smoked. It is easy to use by spraying directly into the mouth as and when needed. Some people report that the spray causes hiccups.

2. Effective Non-Nicotine Treatments

These are available only on GP prescription and are to be used as part of a supported stop smoking programme delivered by the Stop Smoking Service or GP.

Champix (Varenicline tartrate)

Champix is a non-nicotine product that can help to relieve the craving and withdrawal symptoms associated with stopping smoking. The side effects with Champix are small and it is generally well tolerated. However there are some people who will not find this medication suitable due to their medical conditions. The Stop Smoking Service or your GP will assess your suitability to use Champix.

Champix comes in tablet form and can be used over the course of twelve weeks.

Zyban (bupropion hydrochloride SR):

Zyban is a non-nicotine treatment to help smokers who are motivated to quit. There are side effects with Zyban and some people will not be suitable for the medication due to their medical conditions. The suitability to use Zyban will be assessed by either the Stop Smoking Service or your GP.

3. Alternative therapies

Some people claim to be helped by alternative therapies. However, the results of research are not clear, so overall their effectiveness remains unproven. The two most popular forms are hypnotherapy and acupuncture. If you decide to try alternative therapy, it is important to find a registered practitioner.

The Institute of Complementary Medicine
PO Box 194, London SE16 7QZ
Phone: 020 7231 5855

or

The British Complementary Medicine Association
PO Box 5122 Bournemouth BH8 0WG
Phone: 0845 345 5977

can supply further information on the services available and details of local practitioners.

Diet and exercise

Both of these have an important effect on your body. Stopping smoking is a major change for your body to adapt to, and a healthy diet and regular exercise suitable to your level of fitness, may help your body cope with withdrawal and boost your sense of self-confidence and wellbeing. There is now some evidence that regular light exercise can help people to stop smoking.

Cutting down or stopping outright?

All the evidence suggests that cutting down is much less likely to work than simply stopping outright. The last six to ten cigarettes are very hard to give up and you will probably puff longer and harder on them so there is no real health gain. Unfortunately, even if you do manage to cut down, the numbers tend to creep back up again. So once you have planned ahead and chosen your date, it is better to stop outright.

Appendix 2

10 steps to quitting smoking

1. **Make a date** and stick to it. Draw up a plan of action, considering what methods are available to you.

2. **Keep busy** to help take your mind off cigarettes. Throw away all your ashtrays, lighters and tobacco.

3. **Drink plenty of fluids** - keep a glass of water or juice by you and sip it steadily. Try different flavours.

4. **Get more active** - Walk instead of using the bus or car. Try the stairs instead of the lift. Exercise helps you relax and can boost your morale.

5. **Think positive** - Withdrawal can be unpleasant, but it is a sign your body is recovering from the effects of tobacco. Irritability, urges to smoke and poor concentration are common - don't worry, they usually disappear after a few weeks.

6. **Change your routine** - Try to avoid the shop where you usually buy cigarettes. Perhaps you should avoid the pub if there are lots of smokers around you. Try doing something totally different. Surprise yourself!

7. **No excuses** - Don't use a crisis or even good news to be an excuse for 'just one cigarette' there is no such thing - you will soon want the next and the next...

8. **Treat yourself** - This is important. If you can, use the money you are saving by not smoking to buy yourself something special - big or small - that you usually would not have.

9. **Be careful what you eat -** Try not to snack on fatty foods. If you do need to snack, try fruit, raw vegetables or sugar free gum or sweets.

10. **Take one day at a time** - each day without a cigarette is good news for your health, your family and your pocket.

Appendix 3

Version History

Version: 1.0

Author: David Wright, Team Manager, HR Policy Development and Job Evaluation

Date Approved:

Approved by: Jill Clayton, HR Service Manager

Date Issued: 7th January 2019

Version Control (most recent first):

Version	Date Issued	Reason for Review	Key Amendments	Date Comp. Impact Assessment was Reviewed
1.0	7th January 2019	1. Further support for the Council's aspiration of a smoke-free environment 2. Clarify the Schools's position on the use of e-cigarettes	1. Smoking no longer permitted in working hours 2. Prohibition of smoking in School premises extended to all external premises with a clearly defined boundary. 3. Position on e-cigarettes clarified.	22nd June 2018

Details of Most Recent Comprehensive Impact Assessment	**Date completed**	22nd June 2018
	Issues (if any)	None – positive assessment

Review date: 31st October 2021