



## **Smoke Free Policy**

Written by	The Principals Review Committee
Ratified by Trustees	
Date for Review	January 2020
Signed-Chair of Trustees	(Sue Trentini)
Signed – Chief Executive Officer	(Lee Hessey)

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# **The FORGE Trust Smoke Free Policy**

## **Vision**

***All children make at least good progress; no underperforming cohorts, groups or academies; all academies within the trust strive to be outstanding***

## **Aims**

Across the FORGE trust, we aim to maintain a caring, supportive and disciplined learning environment where children benefit from the best possible education. All staff are committed to this aim. We would like to know if you think we are not meeting your expectations, so that we have an opportunity to respond. We would also like to know your opinion on the things we do well.

## **Racial Equality & Equal Opportunities**

All children have equal access and inclusive rights to the curriculum regardless of their age, gender, race, religion, belief, disability or ability. We plan work that is differentiated for the performance of all groups and individuals. The FORGE Trust is committed to creating a positive climate that will enable everyone to work free from racial intimidation and harassment and to achieve their full potential. Policies are available on each of these that expand on this further.

All staff have equal access and inclusive rights to their work regardless of their age, gender, sexual orientation, race, religion, belief, disability or ability. The FORGE Trust is committed to creating a positive climate that will enable everyone to work free from racial intimidation and harassment and to achieve their full potential. Policies are available on each of these that expand on this further.

## **Introduction**

The FORGE Trust has adopted the policy set out in this document to provide a clear framework for the exercise of its powers and discretions in relation to all staff employed in each academy and paid from within the trust budget. We are committed to taking decisions in accordance with the principles of public life as listed in DfE guidance; objectivity, openness and accountability.

The FORGE Trust recognises the legal requirements placed upon them by the Education Act 2002 and subsequent legislation.

This policy should be read in conjunction with the smoke free guidance and FAQ's.

The FORGE Trust is also aware of its responsibilities and those of the local authority in respect of the Equal Pay Act 1970 which requires that men and women have a right to equal treatment and equal pay for work of equal value. As a trust we are aware of our responsibilities under the Freedom of Information Act 2000 and to make available this policy to all staff at the school.

## **Aims of the Policy**

The purpose of the Smoke-free Policy is to protect children, employees, governors and people who visit our premises from the effects of smoking and second-hand smoke exposure. Smoking is a health and safety issue and, as such, remains the responsibility of the FORGE Trust. Therefore, this Policy applies to all academies within the trust.

## **Scope of the Policy**

In relation to smoking restrictions; where the Policy and Guidance mention staff or employees, this applies equally to all staff employed by the academies within the trust; trustees, visitors, parents, workers engaged through an agency - by a contractor or by other organisations and visitors to the academy premises.

For the purpose of this policy, smoking is defined as anything that is smoked; including manufactured and hand rolled cigarettes, pipes, cigars, herbal cigarettes and shisha pipes. Electronic cigarettes (e-cigarettes) and other vapour producing products are also included.

Due to concerns about the origin and build-quality of charging mechanisms for e-cigarettes, under no circumstances should they be connected to school electrical sockets or computer USB points.

## **Principles and Commitment**

The Forge Trust has a duty to protect the health of its employees. The evidence that exposure to other people's smoke is dangerous to health is undeniable.

The trust and its employees are subject to the law, including the provisions of the Health Act, which since 1 July 2007, prohibits smoking in virtually all enclosed and substantially enclosed work and public places throughout the United Kingdom.

In addition, the Health and Safety at Work Act (1974) requires that the trust takes reasonable measures to protect the health and safety of employees and members of the public visiting our premises and grounds.

There is no right to smoke. This has been confirmed by the Court of Appeal which stated the right to smoke was not protected by Article 8 of the Human Rights Act 1998.

## **Background**

The FORGE Trust has a key role in promoting better health in Nottinghamshire. Smoking related ill health is a major challenge for our County and our trust should be a model for others in terms of its efforts to champion smoke-free environments and encouraging people to stop smoking.

To underpin this policy, the trust has adopted additional Local Authority guidance and supporting documents which contain information about where to obtain support for people who wish to stop smoking and information about temporary abstinence whilst at work.

All smokers will be encouraged to use licensed nicotine replacement therapy as a safer source of nicotine and to access the most effective way to stop via the Nottinghamshire County Council commissioned Stop Smoking Services.

## **Key actions to meet the commitments set out in this policy**

Employees are not allowed to smoke during their working time. In accordance with the smoke-free legislation, smoking is prohibited in the following areas:

- The Academy buildings, premises and grounds
- All FORGE Trust owned and controlled buildings
- All vehicles owned, leased or hired by the academy

In addition, smoking is also prohibited in FORGE trust controlled grounds including courtyards, at entranceways or in areas adjacent to buildings where smoke may be unpleasant for passing people or using that area or where the smell of smoke may affect others.

Staff are strongly discouraged from smoking in their own vehicles while on academy business and are required not to smoke if there are passengers in the vehicle.

Each academy displays signs at all entrances and in vehicles to make it clear that smoking is prohibited.

No facilities e.g. smoking shelters or designated smoking spaces will be provided for smokers either inside or outside academy premises.

Caretakers and Site Managers living in Trust / LA provided accommodation may smoke on their own premises outside working hours.

Staff who cannot leave the premises and grounds, for a break outside of working time because of their job, must abstain from smoking and should be encouraged to stop or use nicotine replacement therapy in order to temporarily abstain from smoking.

### **Policy for Third Party Premises**

Employees who are required to visit other premises, both commercial and domestic, as part of their duties should advise the people responsible for the premises of The FORGE Trusts Smoke-free Policy when arranging a visit. Although the trust has a duty of care to protect its employees, it cannot control the Smoke-free Policy on such premises.

Employees and/or managers should aim to contact those to be visited and to try to arrange for a non-smoking area to be provided for the duration of the visit. Where this is not possible, a request should be made that those visited refrain from smoking inside the premises or in the meeting area for one hour before the visit takes place and they should be asked not to smoke for the duration of the visit.

In circumstances where it is not possible to arrange a visit beforehand, employees should seek advice from their line manager who should take all reasonable steps to protect them from exposure to second-hand smoke.

It is recognised that there will be circumstances, particularly in visiting some domestic premises, where it will not prove possible to establish such arrangements, and this should form part of the risk assessment. In such circumstances, the risk of entering the premises where smoking is taking place needs to be weighed against the risk of not undertaking the visit.

### **Enforcement of the Policy**

The Trust Board and the Principal / Head of Academy are responsible for the promotion and maintenance of a smoke-free working environment. Principals and senior leaders should refer to the guidance document regarding their responsibilities in relation to the policy and the implementation of it.

The FORGE Trust recognise that smoking is an addiction and aims to provide a supportive environment for those who wish to overcome this and, in doing so, to promote the health and wellbeing of all employees. Details of support and information on temporary abstinence are available in the guidance document and supporting information.

Visitors who do not adhere to the Policy should be asked to comply or leave the premises.

All job applicants should be made aware of this Policy at the point of application. At recruitment, induction, appraisal and supervision, identified smokers should be offered support to stop smoking and should have the information about using licensed nicotine products for temporary abstinence made available to them.

### **Monitoring and Review**

Where changes to this policy are proposed the trust will undertake an Equality Impact Assessment (EQIA). The trust will make available to staff the outcomes of the Equality Impact Assessment. The document has been agreed with the following Nottinghamshire recognised trade unions: ATL; ASCL; NAHT; UNISON and GMB.

