



THE CONSORTIUM  
ACADEMY TRUST

Shaping Positive Futures

# Smoke-Free Policy

The Consortium Academy Trust (TCAT)

An Exempt Charity Limited by Guarantee

Company Number 07665828

Status:	Live
Policy Owner (position)	Head of Estates
Statutory / Recommended	Statutory
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Advisory Committee	Finance and Resources Committee
Linked Documents and Policies	Health and Safety at Work etc. Act 1974 Health Act 2006 TCAT Health and Safety Policy TCAT Induction Checklist Code of Conduct Disciplinary Policy and Procedure Academy Behaviour Policy

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## **1.0 Statement of intent**

The Consortium Academy Trust ('the Trust') has a duty to protect its employees and learners from known hazards. We understand that the health risks associated with smoking are serious and detrimental for those who smoke, as well as people within close proximity.

To promote the physical and emotional wellbeing of our staff, learners and our local communities, smoking is prohibited anywhere in the buildings, grounds and the immediate surroundings of our schools. This policy covers both nicotine and any other substances which can be smoked or vaped.

Through this policy, we aim to:

- create a smoke-free environment for all those within the Trust community, including staff, learners, visitors, parents and contractors
- create a smoke-free environment whilst attempting to be sensitive to those who find it difficult not to smoke
- clarify the use of e-cigarettes and cigarettes on and around Trust premises

This policy will be reviewed on a regular basis, more often if required, but not less than every two years. Any changes made to this policy will be communicated to all members of staff and learners as appropriate. All staff, visitors and contractors are required to familiarise themselves with the relevant sections of this policy as part of their induction or upon their attendance at any of the Trust's schools, including central headquarters.

## **2.0 Legal framework**

This policy has due regard to legislation including but not limited to the following:

- Health and Safety at Work etc. Act 1974
- Health Act 2006
- Children and Young Persons (Protection from Tobacco) Act 1991
- Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015
- Equality Act 2010
- Public Health England (2016) 'Use of e-cigarettes in public places and workplaces'

## **3.0 Policy application**

The principles outlined in this policy apply to all staff, learners, visitors, parents, contractors and hirers.

The principles outlined in this policy also apply whether or not 'no smoking' signs are displayed.

All areas of the Trust's premises, including outdoor areas, are designated smoke-free environments and, as such, all individuals are prohibited from smoking anywhere on the premises and the immediate vicinity of Trust property.

As a condition of hire, smoking and vaping is prohibited in all Trust owned and operated school buildings and grounds.

#### **4.0 E-cigarettes on the premises**

For the purpose of the policy, the process of using an e-cigarette is defined as vaping.

Although e-cigarettes are not covered by the Health Act 2006, the Trust adopts a fully smoke-free environment, and recognises that use of e-cigarettes pose some hazards, particularly for those with asthma and respiratory conditions who may be affected by the vapour.

The Trust does not permit the use of e-cigarettes within the school setting.

Vaping is not permitted in vehicles being used on behalf of the Trust e.g. school minibuses; where car mileage allowance is being claimed; and at times when learners are present in the vehicle.

Vaping is not permitted in any personal vehicles on the Trust's premises.

Any individual witnessed vaping in personal vehicles as outlined above, or in vehicles used on behalf of the Trust, may be subject to disciplinary action as outlined in section 6 of this policy.

#### **5.0 Smoking or Vaping on the premises**

This section applies to smoking cigarettes or vaping.

Smoking is prohibited on the Trust's premises at all times; there are no designated areas available on any school premises for smoking.

Staff, contractors, visitors and learners are not permitted to smoke within the immediate vicinity of the Trust's premises during school hours; this is to reduce the risk of young people, parents and other members of the community witnessing the individual smoking, which may have a negative effect on professional etiquette and project a poor public perception of the Trust.

Any individual who is witnessed smoking on the premises, or within the immediate vicinity during school hours, will be subject to disciplinary sanctions, as outlined in this policy.

Smoking is not permitted at any time in vehicles being used on behalf of the Trust, e.g. school minibuses, whether or not learners are present, or car mileage allowance is being claimed, as smoke fumes may linger in the vehicle and affect the health of other passengers.

Smoking is not permitted in any personal vehicles on Trust premises.

Any individual witnessed smoking /vaping in personal vehicles as outlined above, or in vehicles used on behalf of the Trust, will be subject to disciplinary sanctions as outlined in this policy.

The Trust does not allow smoking/ vaping breaks at any times during the school day. If an individual wishes to smoke, they are only permitted to do so during arranged break times, e.g. lunchtime.

NB. Only contractors, visitors and staff are permitted to leave school premises during their break times to smoke. Smoking /vaping should be away from Trust premises and not cause a nuisance to our neighbours. Anyone smoking should cover any corporate wear, ID badges or other items that may identify them as working for the Trust.

Any learner witnessed using cigarettes/ e-cigarettes on the premises or within the immediate vicinity during school hours will face disciplinary action.

Staff, visitors and contractors are prohibited from purchasing cigarettes/ e-cigarettes for learners, regardless of age.

## **6.0 Disciplinary sanctions**

If a member of staff breaches any of the guidelines in this policy, they may be subject to disciplinary action in accordance with the Trust's Disciplinary Policy and Procedure.

Visitors and contractors who breach the guidelines in this policy will be asked to leave the premises. Contractors will also be reported to their supervisor. Refusal to comply with this request may result in the school contacting the Police.

Learners will be classed as smoking or vaping if they are:

- seen smoking or vaping.
- seen with a lit cigarette or e-cigarette in their hand.
- found to have cigarettes, an e-cigarette or other smoking materials openly in their possession.
- seen in the company of others who are smoking or vaping.

Learners caught smoking or vaping will receive a disciplinary sanction immediately in accordance with the school's behaviour policy and will be reported to the Headteacher.

The Headteacher will notify the learners' parents of the incident.

If learners are repeatedly caught smoking or vaping, their parents will be invited to a meeting with a school leader and further disciplinary sanctions may be imposed on the learner in accordance with the school's own behaviour policy. Proforma letters are included in the appendices.

## **7.0 Support**

The Trust will encourage and support staff who want to quit smoking. If an employee wishes to stop smoking, they are encouraged to request a referral to the Trust's Occupational Health advisor to discuss what help is available.

Individual schools regularly educate learners about the effects of smoking, both through the requirements of the national curriculum, and through additional sessions, e.g. PSHE lessons and assemblies.

Learners are encouraged to seek help from other professionals if they would like further information about the effects of smoking, would like to quit smoking, or would like to know more about additional methods of support.

<Print on school-headed paper>

Dear Parent or Carer

**Smoking or Vaping on, or in the immediate vicinity of, the school premises**

I regret to notify you that <insert learner's name> has been caught smoking / vaping on, or in the immediate vicinity of the school premises. This is a serious breach of the school rules, the Trust Smoke-Free Policy and current legislation which makes it unlawful to purchase or smoke cigarettes below the age of 18 or to smoke in public spaces. As a consequence <insert learner's name> will <insert sanction> as a first sanction.

Whilst it is important for our young people to realise there is a consequence for their actions it is also important for them to realise that the school takes its responsibilities in supporting them with their health and well-being very seriously. To this end we encourage our young people to seek help and advice about the long-term health dangers of smoking and we help to give them advice on "giving up."

I do hope you will join us in supporting <insert learner's name> with this to ensure that the full consequences of their actions are understood.

Yours sincerely

<Print on school-headed paper>

Dear Parent or Carer

**Smoking or Vaping on, or in the immediate vicinity of, the school premises**

I regret to notify you that <insert learner's name> has been caught smoking / vaping on, or in the immediate vicinity of, the school premises. As you will have been made aware in previous correspondence, this is a serious breach of the school rules, the Trust Smoke-Free Policy and current legislation which makes it unlawful to purchase cigarettes below the age of 18 or to smoke in public spaces.

This is not the first incident of this nature and this cannot continue. As a consequence of this repeated breach of the school rules <insert learner's name> will <insert sanction>

I do hope you will join us in supporting <insert learner's name> with this to ensure that the full consequences of their actions are understood.

Yours sincerely

<Print on school-headed paper>

Dear Parent or Carer

**Smoking or Vaping on, or in the immediate vicinity of, the school premises**

I regret to notify you that <insert learner's name> has again been caught smoking on, or in the immediate vicinity of, the school premises. As you will have been made aware in previous correspondence, this is a serious breach of the school rules, the Trust Smoke-Free Policy and current legislation which makes it unlawful to purchase cigarettes below the age of 18 or to smoke in public spaces. As a consequence <insert learner's name> will <insert sanction>

<insert learner's name> is persistently breaking the anti-smoking rules as there have been several incidents of this nature and it appears that strategies adopted previously seem to be having little or no effect. We cannot allow this to continue. The Trust Smoke-Free Policy makes our position clear on persistent smoking and the following is an extract from that policy.

Further incidents will result in more serious sanctions being considered by the school. These will include extended detentions, internal isolations and fixed term exclusions. The school may choose to seek assistance from the Local Enforcement Officer or the Police in pursuing a statutory fixed penalty notice.

Currently the penalties and fines for the smoke-free offences set out in Health Act 2006 are a fixed penalty notice of £50 or a fine issued by a court of up to £200.

An appointment has been made with <insert name of staff> on <insert day and time> in order to discuss the severity of the situation and explore ways in which both the school and <insert learner's name> can move forward from this point in order to prevent the full weight of school sanctions being deployed.

I do hope you will join us in supporting (insert name) with this to ensure that the full consequences of their actions are understood.

Yours sincerely



**<Print on school-headed paper>**

***What we believe in:***

At The Consortium Academy Trust we are committed to providing the highest quality of education and social development for our young people to ensure their emotional and physical well-being. We are committed to supporting anti-smoking legislation, making all workplaces in England smoke free.

We are committed to providing a healthy, clean and safe working environment for all our young people, employees, parents, contractors and other visitors.

***What we will do:***

- help all young people to make healthy, informed choices by helping them to learn about the dangers and health risks associated with smoking and by challenging attitudes towards smoking
- help our young people to get appropriate personal support to help them to stop smoking

***What parents/carers can do:***

- support you through encouragement, rewards and incentives to ensure you do the right thing
- listen and help you
- help the school to support you

***What you will do as a young person:***

- refrain from bringing any smoking or vaping related material into school including cigarettes, e-cigarettes, lighters, matches, tobacco, cigarette papers or other smoking paraphernalia
- remain within the allowed bounds of the school and not venture into spaces deemed to be “out of bounds”, or be outside the school during normal school hours
- engage with all the strategies that the school use in order to help you to stop smoking including attending any sessions with health professionals, working with outside agencies who have expertise in this area or any other strategy that the school uses for the purpose of support
- refrain from smoking or vaping on the school site

I understand that **<Insert name of school>** has a duty of care and a legal responsibility to take these measures to prevent me from smoking / vaping on school premises. I am also aware of the seriousness of the position I find myself in and understand that further breach of the school rules may result in further action being taken.

**Young person**

I \_\_\_\_\_ agree to abide by the above contract

Signed \_\_\_\_\_ Date \_\_\_\_\_

**Parent / Carer**

Name \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

**On behalf of the school**

Name \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_