



The Three Rivers

Learning Trust

Name of Policy	Smoke Free (including E-cigarettes)
Policy Number	NS21
The Three Rivers	
Named Person(s)	Mark Tait
Review Committee	Board
Last review date	Spring 2020
Next review date	Spring 2025

Key Changes	<ul style="list-style-type: none">● Includes e-cigarettes● Includes stronger sanctions
Sources	DfE, Trust Bus
Statutory/Non-Statutory	Statutory

1. Introduction

Three Rivers Learning Trust has a duty to protect its employees and pupils 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.

Through this policy, we aim to:

- Create a smoke-free environment for all those within the Trust community, including staff, pupils, visitors, parents, etc.
- Create a smoke-free environment whilst attempting to be sensitive to those who find it difficult not to smoke on the premises.
- Clarify the use of e-cigarettes and cigarettes on, and around, the Trust premises.

1. Legal framework

1.1. 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

1.2. This policy also has due regard to guidance including, but not limited to, the following:

- Public Health England (2016) 'Use of e-cigarettes in public places and workplaces'

2. Policy application

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

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

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

3. E-cigarettes on the premises

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

3.2. The Trust recognises the use of e-cigarettes as having significant potential to reduce tobacco use, as well as the harmful effects it causes to smokers and those around them.

3.3. 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, whilst significantly safer for health than cigarettes, still pose some hazards, particularly for those with asthma and respiratory conditions who may be affected by the vapour.

3.4. The Trust also recognises that e-cigarettes may create a nuisance for others in the production of vapour, particularly for non-users.

3.5. The Trust does not consider the use of e-cigarettes to be professional behaviour and, therefore, individuals are not permitted to use e-cigarettes in the presence of others (unless in accordance with point 3.6), particularly pupils, whilst on the premises.

3.6. As e-cigarettes can significantly help individuals quit smoking, and as part of the Trust's aim to support those who want to quit smoking, the schools have established designated vaping areas for staff, visitors and contractors to use.

3.7. The designated area has been established in this location in order to be completely out of view of pupils so they do not witness individuals using e-cigarettes.

3.8. Pupils are not permitted at any time to use the designated vaping area; any pupils found using the vaping area will be subject to disciplinary action as outlined in section 5 of this policy.

3.9. Vaping is not permitted at any time in vehicles being used on behalf of the Trust, e.g. Trust minibuses, where car mileage allowance is being claimed, and at times when pupils are present in the vehicle

3.10. Vaping is not permitted in any personal vehicles on the Trust premises or within sight of a Trust school during Trust hours.

3.11. Any individual witnessed vaping in personal vehicles as outlined above, or in vehicles used on behalf of the Trust, will be subject to disciplinary action as outlined in section 5 of this policy.

3.12. The Trust does not allow vaping breaks at any time during the Trust day. If an individual wishes to use their e-cigarette, they are only permitted to do so during arranged break times, e.g. lunch time, and in accordance with the principles outlined above.

NB. Only contractors, visitors and staff are permitted to leave the Trust premises during their break times to use e-cigarettes.

3.13. It is illegal for any individual under the age of 18 to use an e-cigarette. Any pupil witnessed using an e-cigarette on the premises or within sight of a Trust school during Trust hours will face disciplinary action.

3.14. Staff, visitors and contractors are prohibited from purchasing e-cigarettes for pupils and any other individuals under the age of 18 at the Trust, e.g. visitors.

4. Smoking on the premises

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

4.2. Staff, contractors, visitors and pupils are not permitted to smoke within sight of a Trust school during Trust hours; this is to reduce the risk of pupils, parents and other members of the Trust community witnessing the individual smoking, which may affect professional etiquette.

4.3. Any individual who is witnessed smoking on the premises, or within sight of a Trust school during Trust hours, will be subject to disciplinary sanctions, as outlined in section 5 of this policy.

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

4.5. Smoking is not permitted in any personal vehicles on the Trust premises or within sight of a Trust school.

4.6. Any individual witnessed smoking in personal vehicles as outlined above, or in vehicles used on behalf of the Trust, will be subject to disciplinary action as outlined in section 5 of this policy.

4.7. The Trust does not allow smoking breaks at any times during the Trust day. If an individual wishes to smoke, they are only permitted to do so during arranged break times, e.g. lunch time, and in accordance with the principles outlined above.

NB. Only contractors, visitors and staff are permitted to leave the Trust premises during their break times to smoke.

4.8. It is illegal for any individual under the age of 18 to smoke. Any pupil witnessed using cigarettes on the premises or within sight of a Trust school during Trust hours will face disciplinary action.

4.9. Staff, visitors and contractors are prohibited from purchasing cigarettes for pupils and any other individuals under the age of 18 at the Trust, e.g. visitors.

5. Disciplinary sanctions

5.1. If a member of staff breaches any of the guidelines in this policy, they will be subject to disciplinary action in accordance with the Trust's Staff Discipline Policy.

5.2. Staff may also be subject to a penalty fine and possible criminal prosecution depending on the nature of the breach.

5.3. Visitors and contractors who breach the guidelines in this policy will be asked to leave the premises. Refusal to comply with this request may result in the Trust contacting the police.

5.4. Pupils will be classed as smoking or vaping if:

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

5.5. Pupils caught smoking or vaping will receive a disciplinary sanction immediately in accordance with the Trust's Behaviour Policy, and will be reported to the headteacher.

5.6. The headteacher will notify the pupil's parents of the incident and the disciplinary sanctions imposed on the pupil via a written letter.

5.7. The pupil will attend a meeting with the Trust nurse for health advice as soon as possible.

5.8. If pupils are continuously caught smoking or vaping, their parents will be invited to a meeting with the headteacher and Trust nurse, and further disciplinary sanctions may be imposed on the pupil in accordance with the Behavioural Policy.

6. Support

6.1. The Trust aims to implement effective, supportive procedures for those who want to quit smoking, and improve the health of both smokers and non-smokers.

6.2. If an employee wishes to stop smoking, they are able to request a meeting with the Trust nurse to discuss what help is available.

6.3. The Trust regularly educates pupils about the effects of smoking, both through the requirements of the national curriculum, and through additional sessions, e.g. PSHE lessons and assemblies.

6.4. Pupils are encouraged to seek help from the Trust nurse 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.

6.5. The Trust believes that the implementation of a vaping area actively supports staff to quit smoking, and will promote the use of e-cigarettes, in line with the procedures in this policy, to reduce the number of people who smoke.