



Devonshire Primary Academy Smoke-Free Policy



Adopted by Governors/HT: HT
Implementation date: Aug 2018
Review period: 3 Years
Last review date: Oct 2024
Person responsible for policy: Business Lead

Statement of Intent

Devonshire Primary Academy 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 school 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 school premises.

For the purpose of this policy, the term 'Staff' refers to all paid/unpaid members of staff, volunteers, placement students, contractors, visitors and parents/carers.

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
 - Public Health England (2016) 'Use of e-cigarettes in public places and workplaces'
 - DfE (2023) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'

2. Policy Application

- 2.1. The principles outlined in this policy apply to all paid/unpaid staff, pupils, volunteers, placement students, contractors, visitors and parents/contacts.
- 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 school premises, including outdoor areas, are designated smoke-free environments and, as such, all individuals are prohibited from smoking/vaping 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 school 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 school 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 school also recognises that e-cigarettes may create a nuisance for others in the production of vapour, particularly for non-users.
 - 3.5. The school does not consider the use of e-cigarettes to be professional behaviour and, therefore, individuals are not permitted to use e-cigarettes whilst on the premises/site. Staff and parents/contacts who wish to vape must move away from the school premises and remove any identification badges/lanyards/uniform that could identify the school in any way.
 - 3.6. Vaping is not permitted at any time in vehicles being used on behalf of the school, e.g. school minibuses, where car mileage allowance is being claimed, and at times when pupils are present in the vehicle.
 - 3.7. Vaping is not permitted in any personal vehicles on the school premises/site.
 - 3.8. Any individual witnessed vaping in personal vehicles as outlined above, or in vehicles used on behalf of the school, will be subject to disciplinary action as outlined in [section 5](#) of this policy.
 - 3.9. The school does not allow vaping breaks at any times during the school 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.
 - 3.10. It is illegal for any individual under the age of 18 to use an e-cigarette. Any pupil witnessed with or using an e-cigarette on the premises will face disciplinary action.
 - 3.11. Staff and parents/contacts are prohibited from purchasing e-cigarettes for pupils and any other individuals under the age of 18 at the school, e.g. visitors.

4. Smoking on the Premises

- 4.1. Smoking is prohibited on the school premises/site at all times; there are no designated areas available on the school premises for smoking.
- 4.2. Staff, parents/contacts and pupils are not permitted to smoke on school premises; this is to reduce the risk of pupils, parents and other members of the school community witnessing the individual smoking, which may affect professional etiquette. Staff and parents/contacts who wish to smoke must move away from the school premises and remove any identification badges/lanyards/uniform that could identify the school in any way.
- 4.3. Any individual who is witnessed smoking on the premises 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 school, e.g. school 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 school premises/site.
- 4.6. Any individual witnessed smoking in personal vehicles as outlined above, or in vehicles used on behalf of the school, will be subject to disciplinary action as outlined in [section 5](#) of this policy.
- 4.7. The school does not allow smoking 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. lunch time, and in accordance with the principles outlined above.
- 4.8. It is illegal for any individual under the age of 18 to smoke. Any pupil witnessed with or using cigarettes on the premises will face disciplinary action.

- 4.9. Staff and parents/contractors are prohibited from purchasing cigarettes for pupils and any other individuals under the age of 18 at the school, 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 Sea View Trust Staff Conduct 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 including volunteers, placement students, contractors and parents/carers/other contacts who breach the guidelines in this policy will be asked to leave the premises. Refusal to comply with this request may result in the school 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.
- 5.5. Pupils 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.
- 5.6. The Headteacher will notify the pupil's parents of the incident and the disciplinary sanctions imposed on the pupil.
- 5.7. If pupils are continuously caught smoking or vaping, their parents will be invited to a meeting with the Headteacher and school nurse if possible, and further disciplinary sanctions may be imposed on the pupil in accordance with the Behaviour Policy.

6. Support

- 6.1. It is the responsibility of every member of staff to challenge anyone who is not adhering to the policy. This should never be done at the expense of staff safety.