

Three Counties Academy Trust



# Smoke-Free Policy

## #G21

Last updated: 9 December 2022

Review Date: 31 August 2025

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## **Statement of intent**

Three Counties Academy 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
- 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, Trust premises

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

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

## 1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance 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 (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'

This policy operates in conjunction with the following Trust and school policies:

- Conduct for Learning (Behaviour) Policy
- Staff Code of Conduct
- Child Protection and Safeguarding Policy
- Suspension and Exclusion Policy
- Fire Safety Policy

## 2. Roles and responsibilities

The Executive Headteacher will:

- Be responsible for the overall implementation of this policy
- Ensure that all staff act in accordance with this policy
- Determining disciplinary measures for those who do not follow this policy

The Head of School will:

- Be responsible for the overall implementation of this policy
- Ensure that all staff act in accordance with this policy
- Implement and approve ways to teach pupils about the risks associated with smoking
- Determining and implementing disciplinary measures for those who do not follow this policy
- Support members of the school community who wish to quit smoking by offering advice
- Have conversations with pupils who are caught smoking to ensure that they are aware of the risks

Staff will:

- Educate pupils about the risks of smoking and why they should avoid it

Pupils and staff will:

- Act in accordance with this policy at all times
- Engage in the Trust's anti-smoking curriculum, events, and activities
- Report incidents of smoking in and around the school premises to the Head of School

The Governing Board will:

- Hold the Executive Headteacher accountable for the implementation of this policy
- Review any serious incidents associated with smoking

### **3. 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 will adopt a fully smoke-free environment, and will recognise that the use of e-cigarettes, whilst safer for health than cigarettes, still pose some hazards, particularly for those with asthma and respiratory conditions who may be affected by the vapour.

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

With regards to staff, visitors and parents, the Trust will 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, particularly pupils, whilst on the premises.

Vaping will not be 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.

Vaping will not be permitted in any personal vehicles on Trust premises during working hours.

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 the [disciplinary sanctions](#) section of this policy.

The Trust does not allow vaping breaks at any times during the working 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.

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

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

### **4. Smoking on the premises**

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

Staff, contractors, visitors, and pupils are not permitted to smoke within a 400-metre radius of any Trust premises during working hours; this is to reduce the risk of pupils, parents and other members of the Trust and school community witnessing the individual smoking, which may affect professional etiquette, for example pupils witnessing a staff member smoking on their way home in the immediate vicinity of a Trust site.

Any individual who is witnessed smoking on the premises, or within a 400-metre radius during school hours, will be subject to disciplinary sanctions.

Smoking is not permitted at any time in vehicles being used on behalf of the Trust, e.g. 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.

Smoking is not permitted in any personal vehicles on Trust premises or within a 400-metre radius.

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 the [disciplinary sanctions](#) section of this policy.

The Trust will not allow smoking breaks at any times during the working day. If an individual wishes to smoke, they will only be permitted to do so during arranged break times away from Trust premises and out of site of pupils.

Only contractors, visitors and staff will be permitted to leave Trust premises during their break times to smoke.

It is illegal for any individual under the age of 18 to smoke. Any pupil witnessed using cigarettes in and around Trust premises, or whilst wearing school uniform will face disciplinary action in line with the Conduct for Learning (Behaviour) Policy.

In accordance with the Trusts Child Protection and Safeguarding Policy, staff, visitors, and contractors will be strictly prohibited from purchasing cigarettes for pupils and any other individuals under the age of 18.

Everyone will be informed of the fire risks associated with smoking and will be encouraged to read the Trusts Fire Safety Policy.

Staff members will be aware of the dangers of passive smoking to those around them and will ensure that where they must smoke, this is done as far away from Trust premises as reasonably possible.

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

## **5. Disciplinary sanctions**

If a member of staff breaches any of the guidelines in this policy, they will be subject to disciplinary action in accordance with the Staff Code of Conduct.

Staff will also be subject to a penalty fine and possible criminal prosecution if their actions deem this necessary.

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

Pupils will be classed as smoking or vaping if:

- They are seen smoking or vaping
- They are seen with a cigarette or e-cigarette in their hand
- They are found to have cigarettes or an e-cigarette in their possession

Pupils caught smoking or vaping or with the means to do so, for example carrying cigarettes, tobacco, lighters, matches, rolling papers and filters/roaches, e-liquids, refillable vapes and vape tanks and e-cigarettes, will receive a disciplinary sanction immediately in accordance with the Trusts Conduct for Learning (Behaviour) Policy and will be reported to the Head of School.

The Trust will adopt a graduated approach to pupils caught smoking or vaping as follows:

Offence	Sanction	Parental Contact	Confiscation Disposal	Support Offered
1 <sup>st</sup>	Loss of Break/Lunch 1 week and Monitoring Report	✓	C	✓
2 <sup>nd</sup>	1 hour after school detention	✓	D	✓
3 <sup>rd</sup>	1 day Suspension Lite and Monitoring Report	✓	D	✓
4 <sup>th</sup>	2 days Suspension Lite and Monitoring Report	✓	D	✓
5 <sup>th</sup>	Suspension (duration to be decided by Head of School), Parental in-school Meeting arranged.	✓	D	✓

On the 1<sup>st</sup> offence parents will be contacted and confiscated items returned to the parents unless disposal is requested by parents. For any further offences the items will be disposed of safely and will not be returned.

The Head of School or a member of SLT will notify the pupil's parents of any incident and the disciplinary sanctions as set out above will be imposed on the pupil. Any refusal to comply will be dealt with as a separate incident under the Conduct for Learning (Behaviour) Policy and sanctioned accordingly.

The pupil will attend a meeting with pastoral staff for health advice and potential referral to external support services as soon as possible. This offer of support will be made at each instance of need.

If pupils are continuously caught smoking or vaping, their parents will be invited to a meeting with the headteacher, and if necessary, further disciplinary sanctions will be imposed on the pupil in accordance with the Conduct for Learning (Behaviour) Policy.

Pupils may face suspension or permanent exclusion if they are consistently in breach of this policy and the Trusts Suspension and Exclusion Policy or if they are repeatedly putting others' safety at risk.

## 6. Support

The Trust will aim to implement effective, supportive procedures for members of the Trust and our school community who want to quit smoking and improve the health of both smokers and non-smokers.

If an employee wishes to stop smoking, they will be able to request a meeting with the Head of School to discuss what help is available or be signposted to services beneficial to them as they pursue withdrawal.

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

Pupils will be encouraged to seek help if they:

- Would like further information about the effects of smoking
- Would like to quit smoking
- Would like to know more about additional methods of support

## 7. Monitoring and review

This policy will be reviewed in line with the published schedule at the front of this document and at any point material changes require it by the Executive Headteacher, Chief Finance Officer and the in conjunction with the Governing Board and Heads of School. Any changes made to the policy will be amended by the Executive Headteacher and will be communicated to all members of staff.

The next scheduled review date for this policy is 31<sup>st</sup> August 2025.

Signed by:

\_\_\_\_\_ Executive Headteacher Date: \_\_\_\_\_

\_\_\_\_\_ Chair of Trustees Date: \_\_\_\_\_