



# Smoke-Free Policy

## #GN21

Last updated: 01 March 2024

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## **Statement of intent**

Three Counties Academy Trust (TCAT) 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 TCAT 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, TCAT 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 (2023) '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 TCAT 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/CEO 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 Headteacher/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 their 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 their school anti-smoking curriculum, events, and activities

- Report incidents of smoking in and around their school premises to the Headteacher/Head of School or a member of the school SLT

The Trust Board will:

- Hold the Executive Headteacher/CEO accountable for the implementation of this policy
- Review any serious incidents associated with smoking and not addressed by the relevant LGB

### **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, TCAT 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.

TCAT 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, TCAT 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 TCAT, e.g., TCAT minibuses, whether or not 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 TCAT premises during working hours or when pupils are present.

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

TCAT 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 TCAT 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 TCAT school, e.g., visitors.

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

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

Staff, contractors, visitors, and pupils are not permitted to smoke within a 400-metre radius of any TCAT premises during working hours; this is to reduce the risk of pupils, parents, and other members of the TCAT 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 TCAT 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 TCAT, 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 TCAT premises or within a 400-metre radius.

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

TCAT 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 TCAT premises and out of sight of pupils.

Only contractors, visitors and staff will be permitted to leave TCAT 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 TCAT premises, or whilst wearing school uniform will face disciplinary action in line with the Conduct for Learning (Behaviour) Policy.

In accordance with the TCAT's 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 TCAT's 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 TCAT premises as reasonably possible.

All areas of TCAT 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 TCAT 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 their school's Conduct for Learning (Behaviour) Policy and will be reported to the Headteacher/Head of School.

All TCAT schools 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 Headteacher/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 Headteacher/Head of School or a designated 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/Head of School, 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 TCAT's Suspension and Exclusion Policy or if they are repeatedly putting others' safety at risk.

## **6. Support**

TCAT will aim to implement effective, supportive procedures for members of the TCAT 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 Headteacher/Head of School to discuss what help is available or be signposted to services beneficial to them as they pursue withdrawal.

TCAT 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/CEO, Chief Finance Officer and the in conjunction with the Trust Board and Headteachers/Heads of School. Any changes made to the policy will be amended by the Executive Headteacher/CEO and will be communicated to all members of staff.

The next scheduled review date for this policy is 31<sup>st</sup> August 2026.

Signed by:

_____	Executive Headteacher/CEO	Date: _____
_____	Chair of the Trust Board	Date: _____