

## Non-Smoking and Vaping Policy

### Principles

The Learning Trust is committed to:

- Providing the highest quality of education and social development for students to ensure their emotional and physical wellbeing.
- Educating all students of the dangers of smoking to health and that smoking is known to be the principle avoidable cause of premature deaths in the UK.
- The compliance with anti-smoking legislation, namely Smoke-free (Premises and Enforcement) Regulations 2006 and that from 1<sup>st</sup> July 2007, all workplaces in England must be smoke-free, rendering it a criminal offence to smoke on the Trust premises.
- Providing a healthy, clean and safe working environment for all employees, students, parents, contractors and visitors.

### The Health Act 2006

The Health Act 2006 was established “to make provision in relation to the prevention and control of health care associated infections”.

“Smoking” refers to smoking tobacco or anything which contains tobacco, or smoking any other substance. Smoking includes being in possession of lit tobacco or of anything lit which contains tobacco, being in possession of any other lit substance in a form in which it could be smoked and/or to have cigarettes and/or other smoking materials openly in their possession. Smoking includes the use of E-cigarettes also known as vaping.

Please also see the relevant school’s Substance Misuse Policy, which deals with substances that can be obtained legally in society, such as drugs, alcohol, tobacco, E-cigarettes (vapes) and solvents, over the counter and prescribed drugs and those which are illegal such as cannabis, legal highs ecstasy, heroin, crack/cocaine and LSD and includes all associated equipment and ‘drug paraphernalia’. (Please note: This list is not intended to be exhaustive and will vary from time to time, at the sole discretion of the Headteacher).

Premises will be smoke-free if they are open to the public and/or are used as a place of work. The Trust premises will include all buildings, sports fields and areas under the auspices of The Learning Trust. Smoking is also prohibited in vehicles hired by the Trust or in any vehicle on the Trust premises.

## **Aims**

1. To enable all students and staff to make healthy, informed choices by increasing knowledge and challenging attitudes towards smoking.
2. To provide a programme of education and accurate information about the health risks associated with smoking.
3. To seek to minimise the risks and possible legal consequences for students and staff from smoking in prohibited places.
4. To enable young people and staff to identify sources of appropriate personal support to help with the cessation of smoking and these support mechanisms are open to them when they are needed.
5. To monitor, as far as possible, student and staff involvement in smoking, in order to inform Trust programmes for prevention.
6. To have clear procedures for dealing with anyone found smoking materials, to ensure that such procedures are consistent and clearly understood.
7. To ensure an adequate programme for Personal, Social Education & Health.
8. To ensure that students, staff, parents, contractors and any other visitors are informed about the Trust's policy and procedures relating to smoking.
9. To ensure that both penalties for smoking on the Trust site and support procedures are consistently and fairly applied.

## **Practice**

The Trust seeks to create the conditions in which students and staff take responsibility for their own health and behaviour. For this to take place, staff, students and parents should work to an agreed set of standards which clearly identifies the consequence of a failure to work towards them. These guidelines will, therefore, clearly define the penalties for noncompliance and so create the correct, healthy and clean conditions within Trust in which everyone can work.

The Learning Trust will seek to build an effective partnership between the Trust, parents and students and will inform parents about the noncompliance of their children with this policy. The Trust will acknowledge and support the efforts of its students and staff to improve their health through the cessation of smoking and will promote non-smoking through curriculum materials, assemblies and appropriate displays. The Trust will challenge the behaviour of those students and parents who give low priority to the elimination of smoking on Trust premises.

The measures contained within this policy can include measures to regulate and control the behaviour of staff or students when they are not being educated within Trust, e.g. when attending college placements, on work experience, Trust visits, or on any other occasion when students are not on the Trust premises but are in the charge of the Trust.

## **Sanctions**

### **Protocol for noncompliance on Trust premises by staff**

Disciplinary procedures may be followed if a member of staff does not comply with this policy. Staff may also be liable to a fixed penalty fine and possible criminal prosecution.

### **Protocol for noncompliance on Trust premises by visitors**

Visitors who do not comply with this policy will be asked to leave the premises. Refusal to comply with this request may result in the Police or Local Enforcement Officer being informed.

### **Protocol for noncompliance on Trust premises by students**

Students will be punished for 'smoking' or 'vaping' if:

- They are seen smoking or vaping.
  - They are seen with a lit cigarette in their possession.
  - They are found to have cigarettes and/or other smoking materials openly in their possession.
  - They are associating themselves with others who have been caught in the act of smoking.
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- If students are found to be smoking, they will receive a sanction as soon as practicable from the time of transgression. The sanction will normally be in the form of an exclusion.
  - A report of the incident will be completed by the Head of Year and recorded on the Trust's information management system.
  - Parents/guardians of the student concerned will be notified by email.

The penalties and fines for the smoke-free offences set out in Health Act 2006 are: a fixed penalty notice of £50 (discounted to £30 if paid within 15 days from the issue of a notice) or a fine by a court not exceeding level 1 on the standard scale (up to £200). These fines may be subject to change.

### **Support**

The Trust takes its responsibilities in supporting staff and students to maintain their health and wellbeing seriously and the following are some of the strategies in place to help with the cessation of smoking.

1. The NHS offers a range of services to help smokers to give up; more details can be found on the Government's website or at your local doctor's surgery.
2. Students in the Trust can access the Starting Well Nurse, free of charge for help and advice and an appointment can be made directly by calling 01244 397412. This service is provided by NHS Cheshire and Wirral Partnership.
3. The Trust will offer a peer mentor to young people who feel they would benefit from the support of another young person.
5. Local Pharmacies are supportive of people trying to give up smoking and you are able to Google and find a local Pharmacy which will provide a smoking cessation service free of charge to young people below the age of 16.

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