



SMOKING AND VAPING POLICY

Policy Statement

Rationale

Aspire North East Multi Academy Trust has a duty to protect its employees and young people from known hazards. We promote the physical and emotional well-being of our academies and local communities. We understand that the health risks associated with smoking are serious and detrimental for those who smoke, as well as people within close proximity. Therefore, as a result of the damaging effects of both active and passive smoking, smoking is prohibited anywhere on the grounds or the immediate surroundings of the Trust. This policy covers both nicotine and other substances which can be smoked or vaped.

Aims

We aim to:

- Create a smoke-free environment for all those within the Trust community, including staff, young people, visitors, parents, carers, 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.

Legal Framework

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

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'

This policy will be implemented in conjunction with the Trust's Drug Policy.

Policy application

- The principles outlined in this policy apply to all staff, young people, visitors, contractors, parents and carers.
- The principles outlined in this policy also continue to apply whether or not 'no smoking' signs are displayed.
- 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.

Smoking and E-cigarettes on the Trust premises

- For the purpose of the policy, the process of using an e-cigarette is defined as vaping.
- Smoking or vaping is prohibited on the Trust premises at all times; there are no designated areas available on the academy premises for smoking or vaping.
- Staff, contractors, visitors and young people are not permitted to smoke or vape within the immediate surrounding area of the Trust premises during school hours; this is to reduce the risk of young people, parents and other members of the community witnessing the individual smoking, which may affect professional etiquette.

- Any individual who is witnessed smoking on the premises, or within the immediate surrounding area during academy hours, will be subject to disciplinary sanctions, as outlined below.
- 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, still pose some hazards, particularly for those with asthma and respiratory conditions who may be affected by the vapour.
- Smoking or vaping is not permitted at any time in vehicles being used on behalf of the Trust, e.g. Trust minibuses, whether or not young people 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 or vaping is not permitted in any personal vehicles on the Trust premises or within the immediate surrounding area.
- Any individual witnessed smoking or vaping in personal vehicles as outlined above, or in vehicles used on behalf of the Trust, will be subject to disciplinary action as outlined below.
- It is illegal for any individual under the age of 18 to smoke or vape. Any young person witnessed using cigarettes or e-cigarettes on the premises or within the immediate surrounding area during school hours will face disciplinary action.
- It is illegal to sell cigarettes or nicotine containing vapes to under-18s. The main source of supply to children of cigarettes and vapes is shops.
- Staff, visitors and contractors are prohibited from purchasing cigarettes or e-cigarettes for young people and any other individuals under the age of 18 at the Trust, e.g. visitors.
- Teachers are aware that vapes could be used to exploit the most vulnerable children, as is the case with other age restricted products such as tobacco and alcohol.

Disciplinary sanctions

- Young people 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.
- Young people caught smoking or vaping will receive a disciplinary sanction immediately in accordance with the Trust's Behaviour Management Policy and will be reported to their Year Leader
- Year Leaders will notify the young person's parent/carer of the incident and the disciplinary sanctions imposed on the young person.
- Any smoking paraphernalia found on a young person will be disposed of in accordance with the Trust Behaviour Management Policy.
- The young person will be encouraged to seek health advice as soon as possible. This may include a referral to our associated school nurses.
- The young person will be asked where they got their vape (or cigarette) from and a complaint can be made by the school to trading standards through the [Citizens Advice online portal](#).
- If young people are repeatedly caught smoking or vaping, their parents/carers will be invited to a meeting with the Year Leader and further disciplinary sanctions may be imposed in accordance with the Behaviour Management Policy.
- Students will be dealt with by the academy. In addition, the names of persistent offenders may be communicated to the Police and further incidents may result in more serious sanctions being considered by the school. These could include extended detentions, internal isolations and fixed term exclusions. The academy may choose to seek assistance from the Local Enforcement Officer or the Police in pursuing a statutory fixed penalty notice. 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.
- If a member of staff breaches any of the guidelines in this policy, they will be subject to disciplinary action in accordance with Trust Policy.
- Staff may also be subject to a penalty fine and possible criminal prosecution depending on the nature of the breach.
- 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 academy contacting the police.

Educational Support and Guidance

- 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.
- The Trust regularly educates young people about the effects of smoking, both through the requirements of the national curriculum, and through additional sessions, e.g. Personal Development/SMSC lessons, assemblies and presentations by outside agencies.
- Young people are encouraged to seek help from other professionals about the effects of smoking, if they would like to quit smoking, or would like to know more about additional methods of support. Our associated school nurses are available for advice and support.
- If an employee wishes to stop smoking, they are able to request a referral to the Trusts Occupational Health provider to discuss what help is available.

Monitoring and review

This policy will be reviewed every two years by the Deputy Headteacher (Pastoral). Any changes made to this policy will be communicated to all members of staff, and young people if necessary. All staff, visitors and contractors are required to familiarise themselves with this policy as part of their induction periods, or upon their attendance within the Trust.

Last review date: 07.02.23

Person Responsible: Deputy Head: Pastoral (Southmoor Academy)
Deputy Head: Pastoral (Sandhill View Academy)