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| <b><u>Policy Title</u></b>               | <b>Smoke Free Environment Policy</b>  |
| <b><u>Policy Category</u></b>            | Compliant   |
| <b><u>Owner</u></b>                      | Head of Health, Safety and Environment  |
| <b><u>Group Executive Lead</u></b>       | Chief Executive Officer   |
| <b><u>Date Written</u></b>               | April 2020  |
| <b><u>Considered By</u></b>              | All Colleges  |
| <b><u>Approved By</u></b>                | Executive Board   |
| <b><u>Date Approved</u></b>              | April 2020  |
| <b><u>Equality Impact Assessment</u></b> | The implementation of this policy is not considered to have a negative impact on protected characteristics  |
| <b><u>Freedom of Information</u></b>     | This document will be publically available through the Groups Publication Scheme.   |
| <b><u>Review Date</u></b>                | April 2022  |
| <b><u>Policy Summary</u></b>             | The NCG Smoke Free Environment Policy sets out duties to provide a safe working environment and uphold the ban imposed on smoking in public places, as laid down in legislation. It aims to protect people from the harmful effects of passive smoking. |

| <b><u>Applicability of Policy</u></b> | <b><u>Consultation Undertaken</u></b> | <b><u>Applicable To</u></b> |
|---------------------------------------|---------------------------------------|-----------------------------|
| Newcastle                             | Yes                                   | Yes                         |
| Newcastle 6th Form                    | Yes                                   | Yes                         |
| Carlisle                              | Yes                                   | Yes                         |
| Kidderminster                         | Yes                                   | Yes                         |
| Lewisham                              | Yes                                   | Yes                         |
| Southwark                             | Yes                                   | Yes                         |
| West Lancashire                       | Yes                                   | Yes                         |
| Professional Services                 | Yes                                   | Yes                         |

| <b><u>Changes to Earlier Versions</u></b> |   |
|---|---|
| <b><u>April 23<sup>rd</sup> 2020</u></b>  | Revision of applicable legislation, removal of Sottish and Welsh legislature. Change reference to employees – to colleagues. Additional clarification on electronic smoking devices. Addition of colleague responsibility and working outdoors and managing second hand smoke |
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| <b><u>Linked Documents</u></b> |  |
|--------------------------------|--|
| <b><u>Document Title</u></b>   | <b><u>Relevance</u></b>  |
| NCG HS&W Policy                | Overarching health safety and wellbeing policy                         |
| NCG Legal Register             | Detail regarding the legislation covering smoking in public places     |
| Guidance for managers          | Guidance for managers regarding smoking and application of this policy |

## **1. Purpose of Policy**

The NCG Smoke Free Environment Policy sets out duties to provide a safe working environment and uphold the ban imposed on smoking in public places, as laid down in legislation. It aims to protect people from the harmful effects of passive smoking.

The smoke free provisions of the Health Act cover not only tobacco in cigarettes, pipes and cigars but also herbal tobacco. These are all prohibited when lit, even if the person is not smoking at the time.

NCG accepts its responsibility as an employer to provide a safe and healthy workplace for all its colleagues as required by the Health and Safety at Work Act 1974. Second hand smoke is a health and safety issue. NCG has a responsibility to minimise as far as possible the risks to health from being exposed to second hand smoke at work.

In order that NCG fulfils its legal obligations, students, visitors, including contractors, will be required to conform to the smoking controls that apply to colleagues. Anyone found smoking will be informed that they are committing an offence and will be asked to extinguish their smoking material immediately or leave the premises.

## **2. Scope**

The scope of the policy is:

- To provide a smoke free environment for everyone.
- To provide learners and customers and in particular, young people with appropriate role models and a consistent message regarding tobacco and drug use.

The policy is made in compliance with UK and National Legislation;

- The Public Health Act 2006
- The Smoke-free (Signs) Regulations 2012 (England)
- The Smoke-free (Exemptions and Vehicles) Regulations 2007
- The Smoke-free (Private Vehicles) Regulations 2015
- The Smoke-free (Penalties and Discounted Amounts) Regulations 2007
- The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
- The Smoke-free (Premises and Enforcement) Regulations 2006

### **3. Policy Statement**

Smoking will be prohibited in NCG premises, car parks, in vehicles parked on premises, garden areas, walkways etc. where this forms part of the premises other except where approval for a smoking area has been designated as such. Through the Principal.

Smoking will be prohibited in all vehicles used for work purposes, this includes vehicles owned or leased by NCG and colleagues' and volunteers' own vehicles, when used on business, where shared with other colleagues, voluntary staff, or service users;

The enforcement of this smoke free policy will be the responsibility of all designated responsible persons (Principal) within each College. Non-compliance may result in disciplinary action.

This policy applies to colleagues, customers, students and learners, parents, and visitors, members of the public, contractors and others working or using NCG premises or vehicles.

This policy will be clearly advertised and visitors will be informed of the policy.

The smoke free policy will apply to all activities held within premises including before and after teaching sessions and any meetings organised which are attended by colleagues as part of their work and/or visitors to such meeting/events.

Electronic Cigarettes and Vaping Electronic cigarettes are not covered by the legal ban on smoking in enclosed workplaces. NCG's policy on smoke free workplace is extended to electronic cigarettes in that the use of an electronic cigarette is prohibited in all enclosed work places, work vehicles and public buildings.

#### **3.1. Designated smoking areas**

Provision for smoking areas will not be permitted in any part of NCG other than where locally designated smoking areas have been agreed by the Principal of each college. These must be designed so as not to contravene local and national regulations and be managed accordingly.

#### **3.2. Student and Learner Smoking**

Students and learners will not be permitted to smoke on NCG premises or NCG car parks, in vehicles parked on premises, garden areas, walkways etc.

- They will only be permitted to smoke where locally designated smoking areas have been agreed by the Principal.
- Compliance by students and learners will be dealt with in accordance with disciplinary procedures.

### **3.3. Vehicles**

- The smoke free policy will apply to all vehicles, owned/hired/leased by NCG.
- Colleagues and passengers will not be allowed to smoke inside any NCG vehicles.
- Colleagues will not be permitted to smoke in private vehicles where they are used for work purposes and; are used to transport students or learners.

### **3.4. Help with smoking cessation**

Colleges will support colleagues, learners and customers who wish to give up smoking by advertising and promoting NHS Stop Smoking Service or through any other applicable health promotion organisations and activities.

### **3.5. Signage**

- No Smoking Signs will be displayed at all main entrances to NCG buildings.
- Suitable posters will also be displayed in areas to create a positive visual message which supports a smoke free working environment.

### **3.6. New Buildings**

This policy will apply equally to all future premises at the design stage of any new building, and refurbishment or relocation project.

### **3.7. Appointments**

The Smoke free policy should be made clear within all appointment and recruitment procedures, including relevant documentation such as staff handbooks and prospectuses.

## **4. Duties under the Policy**

### **4.1. Director of People and Development**

- Ensures that the policy is monitored and reviewed in line with relevant legislation, Codes of Practice, case law and good employer practice.
- Ensures that the implementation of the policy is monitored to ensure fair and consistent treatment of individuals under the policy.

### **4.2. Head of Safety Health and Environment**

- Will monitor and update the policy and ensure its effective implementation.

### **4.3. Principals, Heads of Service, Heads of Estates/Facilities**

- Ensure that colleagues, students and learners, visitors & customers comply with the NCG policy.

- Make suitable arrangements to communicate and implement the policy.
- May take appropriate disciplinary action if colleagues, learners or customers breach the policy.
- Ensure that there is adequate signage in both premises and in vehicles owned or operated by their College.
- Ensure that where locally designated smoking areas are permitted by Principal, that they must be designed so as not to contravene local and national regulations and be managed accordingly.

#### **4.4. Line Management**

- Those who are responsible for discrete areas and have responsibility for colleagues, students and learners, visitors or customers are required to co-operate fully in implementing the policy across the area for which they have responsibility.
- Ensure that colleagues, students and learners, customers, visitors and where applicable contractors are made aware of this policy and that they comply with its requirements.

#### **4.5. Colleague Responsibilities**

- All colleagues have a duty to comply fully with this policy.
- All NCG colleagues are expected not to smoke when using NCG services, or whilst on NCG premises or grounds other than where locally designated smoking areas have been agreed by the Principal.
- Where people are observed smoking on NCG premises and grounds, the colleagues are encouraged to inform them that NCG has a Smoke-free policy and that smoking is not permitted other than designated smoking areas.
- Colleagues working outdoors are expected to comply with this policy. Outdoor workers who encounter exposure to second hand smoke are encouraged to politely ask members of the public who smoke to extinguish the smoking material or move away from the work area as this is designated as a place of work, they should also be reminded of the Smoke Free Workplace Policy.

#### **4.6. Students, Learners, Customers, Visitors and Contractors**

- Have a duty to comply fully with the policy.
- Are expected not to smoke when using NCG resources and services, or whilst on NCG premises or grounds or only at locally designated smoking areas have been agreed by the Principal.
- Are expected to treat NCG colleagues respectfully if requested to stop smoking.

## **5. Linked Documentation**

- Health, Safety and Wellbeing Policy
- NCG Legal Register
- Disciplinary Policy Staff
- Disciplinary Policy Students
- Guidance for Managers

## **6. Equal Opportunities Statement**

An Equality Impact Assessment will be completed by each college. This policy may be subject to review following Equality Impact Assessment by the divisions.

## **7. Location and Access to the Policy**

The Smoke Free Environment Policy is located as follows:

- NCG Website
- NCG Staff Intranet

## **8. Person Responsible for the Policy**

The Chief Executive Officer