

POLICY / PROCEDURE TITLE		DATE OF APPROVAL
Smoke Free Policy		October 2024
APPROVED BY	VERSION NO.	VALID UNTIL
Executive Board	4	October 2027

<b>OWNER</b>	Assistant Director of Estates, Health, Safety and Environment		
<b>GROUP EXECUTIVE LEAD</b>	Chief Executive		
<b>DOCUMENT TYPE</b>	Policy <input checked="" type="checkbox"/>	Group Procedure <input type="checkbox"/>	Local Procedure <input type="checkbox"/>
<b>PURPOSE</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>APPLICABLE TO</b>	All NCG employees, as well as consultants, vendors, agency workers, contractors, service users, trainees/students, volunteers and/or any other parties who have a business relationship with NCG.		
<b>EQUALITY ANALYSIS COMPLETED [POLICIES ONLY]</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>KEY THINGS TO KNOW ABOUT THIS POLICY</b>	<ol style="list-style-type: none"> <li>The policy aims to protect people from the harmful effects of passive smoking and vaping.</li> <li>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.</li> </ol>		
<b>EXPECTED OUTCOME</b>	Readers are expected to understand the organisational position on NCG's smoke free environment, know their responsibilities in relation to the policy and comply with the terms of the policy.		

MISCELLANEOUS	
<b>LINKED DOCUMENTS</b>	<ul style="list-style-type: none"> <li>Health, Safety and Wellbeing Policy</li> <li>NCG Legal Register</li> <li>NCG Disciplinary Policy</li> <li>Student Positive Behaviour Policy</li> </ul>

<b>KEYWORDS</b>	<ul style="list-style-type: none"> <li>• Smoke</li> <li>• Free</li> <li>• Heath</li> <li>• Legislation</li> </ul>
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### Equality Impact Assessment

<b>EQUALITY IMPACT ASSESSMENT</b>			
	Yes	No	Explanatory Note if required
EIA 1 - Does the proposed policy/procedure align with the intention of the NCG Mission and EDIB Intent Statement in Section 2?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The answer to this must be YES
EIA 2 - Does the proposed policy/procedure in any way impact unfairly on any protected characteristics below?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Disability / Difficulty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Marriage and Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Religion or Belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Sexual Orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA3 - Does the proposed policy/processes contain any language/terms/references/ phrasing that could cause offence to any specific groups of people or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA4 - Does the policy/process discriminate or victimise any groups or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA 5 - Does this policy/process positively discriminate against any group of people, or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA 5 - Does this policy/process include any positive action to support underrepresented groups of people, or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this could be yes or no as positive action is lawful. However, an explanation must be provided for clarity.
EIA 6 - How do you know that the above is correct?	This policy has been reviewed by the Policy Review Council and Executive Board.		

## **1. PURPOSE**

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. The policy aims to protect people from the harmful effects of passive smoking and vaping.

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 and 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 smoke free policy will apply to all activities held within the 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.

To provide learners and customers and in particular, young people, with appropriate role models and a consistent message regarding tobacco and drug use.

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

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**

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. The policy aims to protect people from the harmful effects of passive smoking and vaping.

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 and 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.

It is prohibited to smoke whilst in NCG enclosed or substantially enclosed buildings, areas and workplaces. This is extended to include the areas immediately outside all buildings and windows within the curtilage of NCG property where tobacco smoke could cause a nuisance to occupants.

Smoking is 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 (Principalship) within each College. Non-compliance may result in disciplinary action.

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

NCG's policy on a smoke free workplace is extended to electronic cigarettes (known as Vapes and vaping) In that the use is prohibited in all enclosed workplaces, work vehicles and public buildings together with the entrance/exit to buildings where those accessing and egressing the building are subject to second hand smoke and electronic cigarette emissions

### **Designated Smoking and Vaping Areas**

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

These should be a suitable distance away from buildings to avoid smoke drifting through open doors or windows or people having to pass through a smoking area to access a building. Cigarette waste should be disposed of properly and considerately in a safe manner.

### **Vehicles**

The smoke free policy applies 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.

### **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.

### **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.

### **New Buildings**

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

### **Appointments**

The Smoke free policy should be made clear within all appointment and recruitment procedures, including relevant documentation.

## **4. DUTIES UNDER THE POLICY**

### **Executive Principal People and Culture**

Ensures that the implementation of the policy is monitored to ensure fair and consistent treatment of individuals under the policy.

### **Assistant Director of Health, Safety and Environment**

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

Ensures that the policy is monitored and reviewed in line with relevant legislation, Codes of Practice, case law and good employer practice.

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

Ensure that colleagues, learners, visitors and 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.

### **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.

### **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 or “vaping” is not permitted other than designated smoking areas or in the cases of vaping adjacent to entrances and exits to buildings.

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.

## **Learners, Customers, Visitors and Contractors**

Have a duty to comply fully with the policy.

Are expected not to smoke or vape 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 and vaping

### **5. STATEMENT ON IMPLEMENTATION**

Upon approval, this policy will be uploaded to the policy portal and communicated to colleagues via the NCG Business Roundup.

### **6. STATEMENT ON EQUALITY AND DIVERSITY**

NCG is committed to providing equality of opportunity. Further details of our aims and objectives are outlined in our [Equality Diversity Inclusion and Belonging Strategy](#).

This policy has been assessed to identify any potential for adverse or positive impact on specific groups of people protected by the Equality Act 2010 and does not discriminate either directly or indirectly. In applying this policy, we have considered eliminating unlawful discrimination, promoting equality of opportunity and promoting good relations between people from diverse groups.

### **7. STATEMENT ON CONSULTATION**

This policy has been reviewed in consultation with the Policy Review Council prior to approval from Executive Board.

<b>VERSION CONTROL</b>				
<b>Version No.</b>	<b>Documentation Section/Page No.</b>	<b>Description of Change and Rationale</b>	<b>Author/Reviewer</b>	<b>Date Revised</b>
1	New Policy	N/A	Assistant Director of Estates, Health, Safety and Environment	2019

2	Scheduled Review	Reviewed to ensure complied with legislation	Assistant Director of Estates, Health, Safety and Environment	2020
3	Scheduled Review	Changes to roles titles made in section 4.1 and 4.2 Removal of guidance document the regulations have been in place some 15 years. Included clarification electronic cigarettes are only permitted in designated smoking areas Section 3.0	Assistant Director of Estates, Health, Safety and Environment	2022
4	Scheduled Review	Reviewed to ensure complied with legislation – minor amendments. Transferred to new template	Assistant Director of Estates, Health, Safety and Environment	Sept 2024