



Smokefree England 1 July 2007 – what it means for schools

A law requiring smokefree environments in workplaces comes into effect 1 July 2007. The legislation ensures that workers, including those in schools, are protected from the risks to health from tobacco smoke and are guaranteed their right to work in a smokefree environment. (Regulations have yet to be cleared by Parliament and the guidance is therefore subject to final parliamentary clearance)

What schools are covered by the legislation?

The legislation covers all schools. It means that indoor smoking rooms and smoking in vehicles used by more than one person will no longer be allowed. It also means that smoking is not allowed in 'substantially enclosed' structures.

What do 'enclosed' and 'substantially enclosed' mean?

Enclosed: the premises has a roof and is wholly enclosed by walls. It includes temporary structures such as tents and marquees.

Substantially enclosed: the structure has a roof and openings in the walls represent 50% or less of total wall area. This is called the '50% rule'. For more detailed information click onto www.smokefreeengland.co.uk.

What will the legislation mean in practice?

It requires head teachers and schools governors to:

- Ensure all enclosed and substantially enclosed premises and work vehicles used by more than one person are smokefree
- Display required 'No-smoking' signage at all public entrances of the school and in work vehicles. The required signage will be available free by registering at www.smokefreeengland.co.uk.
- Take reasonable steps to ensure that staff, students and visitors are aware that the premises is legally required to be smokefree and that everyone complies with the law.

Does the legislation cover grounds?

The legislation does not include outdoor areas. However, if you have been awarded the National Healthy School Status or are working towards it, the Status requires outdoor areas to be smokefree. All local authorities were notified of the following minimum requirement through the National Healthy Schools Status audit: for the Standard in December 2006:

- The school is a smokefree site or plans are in place for it to be so by summer 2007 (exception: caretaker's house)
- Children/young people, staff, parent/carers and governors have helped in the development of the smokefree site.
- The school is proactive in providing information and support for smokers to quit.

There is help available to assist you in complying with the legislation and the smokefree requirements of the Healthy School Status from your primary care trust's local tobacco control lead. For information and contact details see attached information on page 3 or click onto www.smokefreeyh.org.uk.

Why make school grounds smokefree when it is not required by legislation?

- It gives a powerful message to children and young people that smoking is socially unacceptable
- It contributes to the development of a health promoting school
- It strongly reinforces the school's health education programme
- It encourages young people not to start smoking and helps smokers to quit and stay stopped
- It makes your school eligible for a prestigious regional clean air award

The legislation does include powers for the government to make outdoor places smokefree, however it currently is focussing on ensuring enclosed and substantially enclosed places are smokefree. If there is significant risk that people present in outdoor areas are exposed to tobacco smoke it may review its policy regarding outdoor areas. Many organisations are already making their sites smokefree, including many hospitals and Football League sports stadia.

Do schools have to provide smoking breaks or outside smoking areas?

No on both counts. By law, employers must give staff an uninterrupted rest break of 20 minutes when their daily working time is more than six hours. (For staff under 18 this is one half hour break after four and one half hours.) Staff can, of course, smoke during their rest period, if they choose, but they must not smoke in an enclosed or substantially enclosed area. As an employer you must decide whether or not to permit smoking elsewhere on your premises eg in open car parks, grounds, or shelters and you should indicate where smoking is allowed in your smoking policy. (If you have the National Healthy School Standard, smoking will not be allowed on the school site, with exception of caretaker's house)

What should be included in a smokefree policy?

A successful policy does the following:

- Acknowledges the right of employees to work in a smokefree environment
- Consults with all those affected by the policy
- Identifies management and staff with responsibility for implementation of the policy
- Provides information for staff and students on help to quit smoking
- Communicated to all staff and students that it is illegal to smoke in enclosed and substantially enclosed premises
- Identifies outside areas for people who choose to smoke
- Describes how to deal with non-compliance
- Indicates how it fits within the schools' existing health and safety and disciplinary policies.
- What are the penalties for non-compliance?

Responsibility for compliance rest with school personnel accountable for complying with legislation:

Failure to display required no smoking signs: up to £1000 or £200 fixed penalty notice

Smoking in a no-smoking place: up to £200 or a penalty notice of £50

Failure to prevent smoking in an enclosed or substantially enclosed place: up to £2500.

What help is there help for staff and students to stop smoking?

The NHS offers a wide range of excellent, free and easily accessible support for smokers including local NHS Stop Smoking Services, the Together Programme, the NHS Smoking Helpline, 0800 169 0169, and nicotine replacement therapy (NRT) on prescription.

Where can I get signage and resources?

Log onto www.smokefreeengland.co.uk or phone the Smokefree England Information Line 0800 169 1697 and register for the latest updates, FREE signage and resources.

**For more information please email smokefree@wealden.gov.uk or write to:
Smokefree Wealden, Public Protection Team, Council Offices,
Vicarage Lane, Hailsham, East Sussex, BN27 2AX
Tel: 01323 443302**