

Smoke Free Policy

May 2017

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Smoke Free Policy May 2017			
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Summary

What is this Policy about?

This smoking policy is designed to secure a non-smoking healthy and safe environment for everyone who works, studies, visits or has business at the University of Portsmouth and to ensure compliance with current legal requirements.

Who is this Policy for?

This policy is intended for all University staff and students as well as visitors and contractors whilst on University owned and controlled property.

How does the University ensure the Policy is implemented?

The Health & Safety Office monitors results from inspections of all University buildings and property to ensure the implementation of control measures and procedures identified in this policy. Results from audits of procedures, risk assessments, accident and incident data, as well as feedback from staff and students are utilised to ensure continual improvement.

This Policy and associated procedures and documentation are subject to internal audit.

Who can you contact for enquiries about this Policy?

Any questions about this Policy should be directed to the Health & Safety Office.
Email hsservicedesk@port.ac.uk or telephone: 023 9284 3075.

1. Introduction

The University is required by law to provide a working environment that is safe and without risk to health. Passive smoking is a known cause of disease: people who do not smoke tobacco products may have an increased risk of smoking related health issues, if they are exposed to environmental tobacco smoke.

It is the policy of the University that all enclosed spaces (including University vehicles) and at entrances to buildings will be entirely smoke free. Staff, students, customers, contractors and visitors are asked to respect the rights of others to enjoy a smoke-free environment.

2. Legislation

The Health and Safety at Work Act 1974 (HASWA):

The University is required under section 2 of the Health and Safety at Work Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare of employees whilst at work. This legislation includes a general duty of care to protect our students. These requirements are applicable to all work situations, including provision of a working environment that is safe and without risk to health.

The Management of Health and Safety at Work Regulations 1999 (MHSWR)

Requires the University to make suitable and sufficient assessment of the risks to the health and safety of employees whilst they are at work and to ensure the health and safety of third parties (i.e. students, visitors and contractors) arising out of, or in connection with University activity.

The Smoke-free (Premises and Enforcement) Regulations 2006:

Requires all public places and workplaces to be 'smoke free'. This legislation applies to any enclosed or substantially enclosed structure, whether it is a permanently placed building or a more temporary structure such as a tent, gazebo, marquee etc. this also includes all work vehicles.

The Smoke-free (Exemptions and Vehicles) Regulations 2007:

Allows for exemptions to smoke-free legislation in certain circumstances; applicable to the University are: Part 2 (Regulation 6) which allows for performers to smoke for artistic integrity reasons (i.e. as part of a performance but not as part of a rehearsal) and Part 2 (Regulation 9) which allows for designated research facilities to be not smoke-free for research and testing purposes set out in paragraph 2 of Regulation 9.

3. Responsibility

Areas of responsibility are defined in the University Health and Safety Policy. This Policy forms part of the University's Health and Safety Policy and non-compliance may lead to disciplinary procedures.

Line managers in accordance with University Policy will monitor time management issues relating to smoking breaks.

4. Arrangements for Managing Health and Safety

People smoking tobacco products in prohibited areas are required to give a civil and courteous response when asked to extinguish them. Any refusal will be taken into account in any disciplinary action that results from failing to comply with this policy.

Staff wishing to register a complaint regarding non-compliance with this Policy should contact their Supervisor/ Line Manager in the first instance. If this complaint is not dealt with to their satisfaction, staff should contact the Health and Safety Office via Senior Management.

Students wishing to make a complaint regarding non-compliance with this Policy should contact either their Head of Department, School /Hall Manager or equivalent as appropriate.

5. E-cigarettes and Vaping

The University has taken the decision to prohibit electronic cigarettes in the same way as smoking. Whilst the University acknowledges that these may be useful aids to those wishing to give up smoking it has taken the view that e cigarettes could undermine the policy of banning smoking in the work place.

The University's overriding obligation as an employer is to provide a safe place of work. The vapour and/or smell from an e-cigarette may be an unwelcome irritant to non-smoking colleagues who sit in close proximity, particularly staff with asthmatic or other health issues. Non-smoking colleagues (especially if they are pregnant) may be particularly concerned because potential long-term health implications are not fully known at this stage. In addition smokers who are trying to give up may also find the use of E-cigarettes and vaping an unwelcome distraction.

6. Control measures

In accordance with the provisions of the Health Act 2006, smoking is prohibited:

- within all University buildings
- at entrances to University buildings
- in Halls of Residence (including public areas such as corridors, kitchens and common rooms)
- within vehicles owned and operated by the University
- within private or leased vehicles used during University business to transport a University employee or student who does not smoke tobacco products

Smoking is permitted at a reasonable distance away from buildings to ensure that tobacco smoke does not enter into the building by any means.

Smokers are required to dispose of smoking materials safely.

7. Information, Instruction, Training and Supervision

Support is available for staff and students who wish to stop smoking. Staff should contact the Occupational Health Service. Students should contact their GP.

Other smoking cessation resources include:

- **www.smokefree.gov:** A UK Government website intended to help people give up smoking.
- **http://www.nhs.uk/smokefree:** A public health campaign initiated and supported by Public Health England, an executive agency of the Department of Health.
- **Healthy Pompey:** A service provided by Portsmouth City Council offering information about healthy living and local Portsmouth services that can help you stay well.
- **Quit:** UK charity that helps smokers to stop and young people to never start.

8. Record Keeping

Any records kept in relation to this policy should adhere to the **University's Retention Policy and Schedules**.

9. Equality and Diversity

The University's Equality Analysis Impact procedure was used in the development of this Policy and is available on request.

This Policy is subject to review to ensure it is used appropriately and that it meets with the University's commitment to equality and diversity.

10. Further Information

Public Health England publication: **Use of E-Cigarettes in Public Places and Work Places**. Provides advice to inform evidence based policy making.

Live Well: An NHS webpage providing information about the health effects associated with passive smoking.

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