

SMOKE FREE POLICY

Corporate Health and Safety Arrangement

December 2021

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Summary

What is this document about?

The arrangements for a smoke free University are intended to ensure a healthy and safe working and learning environment for anyone who works, studies, visits or has business at the University. These arrangements are equally intended to ensure that the University of Portsmouth is compliant with current legal requirements and best practice.

Who is this for?

These arrangements are intended for all University staff and students as well as contractors and visitors whilst on University owned and controlled property or off-campus whilst conducting University activities.

How does the University check this is followed?

Corporate Health and Safety monitor University activities to ensure compliance with legislation, best practice, policies, arrangements and procedures. The University monitors health and safety performance in a number of ways. Active methods monitor the design, development, implementation and operation of management arrangements. These tend to be preventive in nature. For example, inspections of premises, plant and equipment; health surveillance to prevent harm and auditing to ensure effective implementation of arrangements. Reactive methods monitor evidence of poor health and safety practice but can also identify better practices that may be transferred to other parts of the University. For example, investigating incidents and near miss reports and monitoring cases of ill health and sickness absence records.

Who can you contact if you have any queries about this document?

Any questions about this arrangement should be directed to the [Corporate Health and Safety Team](#).

Introduction

The University of Portsmouth ('the University') promotes a smoke-free environment. This arrangement prohibits use of all tobacco products in any University property and encourages help and support for people who smoke to become free of nicotine addiction. The University is committed to improving the health and wellbeing of its staff and students and will:

- Promote the University ambition of a smoke-free generation.
- Promote a smoke-free environment as the social norm.
- Encourage smoke-free living for staff and students.

Smoking is the single largest preventable cause of ill health and premature death in England. Smoking causes a wide range of diseases and medical conditions, including cancers, respiratory diseases, heart disease and strokes. People who stop smoking greatly reduce their risk of developing preventable diseases and dying prematurely. Living smoke-free improves health and wellbeing.

Vaping is considered to be less harmful than smoking and the use of vaping products can be a useful aid to smoking cessation. However, they may still have implications for increased health risks and are therefore prohibited by the University in the same way as smoking tobacco products.

The vapour and/or smell from vaping products may be an irritant and could cause an increased risk to health for individuals with asthma or other restrictive respiratory disorders. Vaping products can still contain nicotine as well as other chemicals that when emitted into the environment are a pollutant. In addition, smokers who are trying to give up may also find the use of e-cigarettes an unwelcome distraction.

The term 'vaping products' describes e-cigarettes, refill containers and e-liquids. The term 'vapers' refers to people who regularly use vaping products and 'vaping' as the act of using a vaping product.

The University is required by law to provide a working environment that is safe and to reduce the level of risk as far as is reasonably practicable. Smoke-free legislation prohibits smoking in all enclosed or substantially enclosed areas of workplaces or public areas.

Enclosed is defined as an area with permanent walls and doors without any gaps. An enclosed structure may be permanent i.e. a building or even a marquee (temporary). Doors and windows are not classed as gaps.

Substantially enclosed is defined as a structure (with a roof/ceiling) with an opening in the walls where the opening would make up less than half of the area of the total wall space. Similarly, to enclosed spaces, doors and windows are not classed as gaps.

Scope

This arrangement shall have effect with a view to protecting staff, students, contractors and visitors against a risk to their health and safety, whether immediate or delayed, arising from University activities and applies to:

- All Managers
- All Employees and Students of the University
- All Contractors and Service Providers working on behalf of the University

Smoking and vaping is not permitted:

- Inside any University building.
- At entrances or in close proximity to windows of all University owned and controlled properties. Some entrances to buildings may be classified as 'substantially' enclosed and therefore smoking is prohibited in these locations.
- 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.

People caught smoking or vaping in prohibited areas are to comply with a request to stop their actions or move to an area that does not prohibit the activity. A refusal will be taken into account in any disciplinary action that may result from failing to comply with this arrangement.

Staff and students wishing to register a complaint regarding non-compliance with this arrangement should contact their supervisor/line manager or tutor/Head of Department or School and submit a [HS1 form](#) in the first instance. If this complaint is not dealt with to their satisfaction, staff should contact the Corporate Health and Safety Team via hsservicedesk@port.ac.uk.

The Smoke Free (Exemption and Vehicles) Regulations allows for exemptions to smoke free legislation in certain circumstances. The ones 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).
- Part 2 (Regulation 9) which allows for designated research facilities to not be smoke free for research and testing purposes.

Responsibilities and Duties

University Executive Board

Areas of responsibility in relation to the senior team i.e. University Executive Board, Board of Governors and associated committees are defined in the University Health and Safety Policy. This arrangement forms part of the University's Health and Safety Policy and should be read in conjunction with the Health and Safety Policy which outlines senior responsibilities. In particular the following responsibilities are specific to this arrangement:

Corporate Health and Safety

Corporate Health and Safety are responsible for:

- 1.1 Protecting the health and safety of employees and students by the early detection of exposure to hazardous activities or substances that have the potential to cause adverse health effects.
- 1.2 Monitoring the management of risks associated with a smoke free University.
- 1.3 Evaluation of existing control measures and identification of areas where improvements may be required.
- 1.4 Collect, maintain and use results and information to assist in determining and evaluating hazards to health.
- 1.5 Demonstrating compliance against regulatory requirements and provide assurance to Board.
- 1.6 Work in collaboration with Occupational Health to promote a smoke free campus and increase awareness of the ill health effects smoking can have.
- 1.7 Ensuring this arrangement is reviewed at appropriate intervals.

Occupational Health

Occupational Health are responsible for:

- 1.8 Providing advice on health issues including smoking as part of the referral process.

Estates and Campus Services

Estates and Campus Services are responsible for:

- 1.9 Ensuring the University campus has suitable and adequate no smoking signage displayed in all University owned or controlled buildings and key locations including hazardous areas where appropriate.
- 1.10 Ensuring that where entrances to buildings are classified as enclosed or substantially enclosed areas, statutory 'No Smoking' signs are displayed on the outer wall leading to the recessed door and not the door itself so that staff, students and visitors are aware smoking is prohibited within the area.
- 1.11 Smoking areas have appropriate signage, facilities for extinguishing cigarettes and disposal of smoking waste and that these are maintained to a suitable standard.
- 1.12 Providing support and advice regarding fire inspections, cleanliness audits and site inspections in areas where breaches of the arrangement are possible, likely or appear to be occurring.

Human Resources

Human Resources are responsible for:

- 1.13 Ensuring hiring managers are aware of this arrangement during the induction process.

Senior Managers (Deans, Directors, Associate Directors and Heads)

Senior Managers are responsible for ensuring:

- 1.14 This arrangement is effectively communicated and implemented in their areas of responsibility and performance is monitored appropriately.
- 1.15 All managers and supervisors are aware of their responsibilities in relation to this arrangement.
- 1.16 Risks related to a smoke free campus are managed effectively and reported on. Actions are monitored and closed in a timely manner.
- 1.17 Assurances and necessary management information is provided through reporting in accordance with the health and safety reporting framework.

Faculty Managers

Faculty Managers are responsible for:

- 1.18 Supporting the senior management team with leading on implementing and managing a smoke free environment and ensuring that others fulfil their commitments.
- 1.19 Leading on the monitoring of performance in relation to health, safety and wellbeing including statistical data analysis ensuring faculty health, safety and wellbeing committees operate effectively and onward assurance reporting to the corporate health, safety and wellbeing committee.
- 1.20 Ensuring faculty health and safety coordinators are operationally effective and promote a proactive safety culture.
- 1.21 Provide assurance on the effective management of a smoke free work and learning environment in collaboration with the senior management team.

Managers and Supervisors

Managers and Supervisors are responsible for ensuring they are familiar with and adhere to this arrangement, ensuring that:

- 1.22 They report any defective or missing signage to Estates and Campus Services.
- 1.23 All staff, students, contractors and visitors are aware through the provision of suitable and sufficient information of the actions required for a smoke free environment to protect their own health and safety and that of others. For new staff this should be covered in the induction programme.
- 1.24 This arrangement is communicated and compliance is monitored.
- 1.25 Any incident involving deviation from this arrangement is reported via the University's incident reporting procedure and appropriately investigated to prevent reoccurrence.
- 1.26 For circumstances under Regulation 6 and 9 of The Smoke-Free (Exemption and Vehicles) Regulations, as stated earlier in this arrangement where smoking is permitted, a risk assessment should be completed and controls implemented to reduce the risks from smoking as far as is reasonably practicable.
- 1.27 Challenge and manage breaches of this arrangement. This includes taking steps to guide their staff in how to respond to anyone who does not comply with this arrangement, whilst avoiding confrontation or putting themselves at risk.

Health and Safety Coordinators

Health and Safety Coordinators are responsible for:

- 1.28 Keeping up to date with the requirements of University policy, arrangements and legislation and to promote a positive health and safety culture within their area of responsibility.
- 1.29 Provide advice and guidance to staff and students who have concerns regarding smoking or vaping and signposting them to the appropriate source of assistance.
- 1.30 Promote a smoke free campus and assist with health campaigns and initiatives, referring health and safety issues promptly to the relevant Head of Department or Manager. If the problem cannot be resolved locally on a timescale commensurate with the risk then the matter must be referred to the Corporate Health and Safety Team.

- 1.31 To assist the Corporate Health and Safety Team with health and safety inspections and audits.
- 1.32 Assist with incident reporting, investigations and compliance with health safety and wellbeing committee recommendations.
- 1.33 To assist with implementation, reviewing, continual improvement and performance monitoring of arrangements in collaboration with Faculty Managers and Corporate Health and Safety.

Employees and Students

All University staff and students must ensure that:

- 1.34 They comply with instruction and information provided to promote a smoke free environment.
- 1.35 Due care is taken not to put the health, safety and welfare of others at risk through their smoking or vaping activities.
- 1.36 Chargers for vaping products are not used on campus. This does not apply to Halls of Residence.
- 1.37 Any incident involving deviation from this arrangement is reported via the University's [incident reporting procedure](#).
- 1.38 Challenge breaches of this arrangement. However, staff are not expected to put themselves at risk to stop someone from smoking or vaping.
- 1.39 Report any defects of smoking signage or extinguishing facilities and disposal of smoking waste to their line manager, tutor or Estates and Campus Services Helpdesk.
- 1.40 Students living in Halls of Residence must adhere to the information regarding smoking and vaping within the Halls of Residence Handbook as this forms part of their contractual agreement.
- 1.41 Staff and students should refrain from smoking or vaping on premises owned by another person or organisation whilst conducting University business unless in a specified designated smoking area.

Training Requirements

There is no training requirement associated with this arrangement. However, the University will promote and support the provision of health awareness and information including health promotions in line with national and international schemes including:

- Communicating the risks of smoking and the benefits of stopping.
- Encourage staff and students to engage in smoking cessation treatment and staying smoke free.
- Supporting staff to maintain a smoke-free environment.

The University will regularly review the training requirements as the implementation of this smoke free arrangement progresses and becomes more embedded in day to day work and study.

Monitoring and Reporting Compliance

Element to be monitored	Lead	Tool	Frequency	Reporting Arrangements
Responsibilities as per arrangement	Head(s), Line Manager(s), Those with Line Management Responsibilities, Faculty Managers and Health and Safety Coordinators	Determined by each individual School and service.	Periodically, at least Annually or following a significant change or incident, whichever is soonest.	Faculty Health, Safety and Wellbeing Committee(s) periodic reports and minutes of meetings submitted to Corporate Health, Safety and Wellbeing Committee.
Arrangement Suitability, Effectiveness and Implementation	Corporate Health and Safety Occupational Health	Audit and Inspection Programs Staff News, H&S Newsletters,	Periodically at least every three years or following a significant change or incident, whichever soonest.	Corporate Health, Safety and Wellbeing Report, Audit reports and inspection reports. Occupational Health reports submitted to Corporate Health, Safety and Wellbeing Committee.
Incidents and complaints	Senior Manager/Managers in conjunction with Corporate Health and Safety, Occupational Health and Human Resources	Incident reports, reviews and investigation. Risk Register(s). Occupational Health cases and data analysis of statistical management information.	When reported; ad-hoc and periodically when necessary.	Corporate Health, Safety and Wellbeing Report, Individual incident reports and Faculty quarterly reports.
Performance Reporting including Risks	Senior Management and Faculty Managers	Faculty Health, Safety and Wellbeing report. Risk Registers Risk Assessments	Periodically as determined by business cycle.	Faculty Health, Safety and Wellbeing Committee(s) periodic reports and minutes of meetings submitted to Corporate Health, Safety and Wellbeing Committee.

Legislation

Smoke free work and study environments may fall under more than one set of regulations. The relevant key sets of legislation are:

- [The Health and Safety at Work Act \(HASWA\) 1974](#)
- [The Management of Health and Safety at Work Regulations \(MHSWR\) 1999](#)
- [The Health Act 2006](#)
- [The Smoke Free \(Premises and Enforcement\) Regulations 2007](#)
- [The Smoke-Free \(Penalties and Discounted Amount\) Regulations\) 2007](#)
- [The Smoke-Free \(Exemptions and Vehicles\) Regulations 2007](#)
- [The Smoke-Free \(Vehicle Operators and Penalty Notices\) \(Amendment\) Regulations 2015](#)
- [The Smoke-Free \(Signs\) Regulations 2007](#)
- [The Health and Safety \(Safety Signs and Signals\) Regulations 1996](#)

Associated Documents

University Arrangements

- [Accident Reporting](#)
- [Driving on University Business](#)
- [University Induction Checklist](#)
- [Halls of Residence Handbook](#)

University Forms

- No associated forms

University Guides and Technical Notes

The Arrangements should be read in conjunction with guidance notes and technical notes:

- No Guides or Technical Notes

Health and Safety Executive Guides

The HSE is not responsible for enforcing smoke free legislation. However, HSE inspectors will bring matters of concern to the attention of the employer or appropriate local authority.

- [HSE and Smoke Free Legislation.](#)

National Health Service Guides

The University wishes to encourage smoking cessation wherever possible. Support is available for smoking cessation through many resources including:

[NHS – Quit Smoking](#) – A public health campaign initiated and supported by Public Health England, an executive agency of the UK Department of Health.

[NHS – Using e-cigarettes to quit smoking](#) – Advice on the use of e-cigarettes to help people give up smoking.

[Portsmouth Wellbeing Service](#) – A service provided by Portsmouth City Council offering information about healthy living and local Portsmouth Services that can help you stay well including quitting smoking.

[Portsmouth Smoking and You Information Leaflet](#) - Information highlighting reasons to quit and support available.

[Quit](#) – A UK charity with a mission to significantly reduce unnecessary suffering and death from smoking related diseases, and aim towards a smoke free UK future. Providing practical help, advice and support by trained counsellors to all smokers who want to stop.