



Non-Smoking and Vaping (Smoke-free) Policy  
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## Non-Smoking and Vaping (Smoke-free) Policy

### 1. Principles

The Learning Trust is committed to:

- Providing the highest quality of education and social development for students to ensure their emotional and physical wellbeing.
- Educating all students of the dangers of smoking to health and that smoking is known to be the principal avoidable cause of premature deaths in the UK.
- The compliance with anti-smoking legislation, namely Smoke-free (Premises and Enforcement) Regulations 2006 and that from 1<sup>st</sup> July 2007, all workplaces in England must be smoke-free, rendering it a criminal offence to smoke on the Trust premises.
- Promoting health and welfare by creating a healthy, clean, safe working, and smoke /vapour free environment for all employees, students, parents, contractors, volunteers, and visitors.

### 2. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Health and Safety at Work etc. Act 1974
- Children and Young Persons (Protection from Tobacco) Act 1991
- Health Act 2006
- Equality Act 2010
- Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015
- Public Health England (2016) 'Use of e-cigarettes in public places and workplaces'
- DfE (2023) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'

This policy operates in conjunction with the following Trust/local school policies:

- Behaviour Policy
- TLT Staff Code of Conduct
- Child Protection and Safeguarding Policy
- Suspension and Exclusion Policy
- Health and Safety Policy

### **3. The Health Act 2006**

The Health Act 2006 introduced smoke-free legislation in England, making it illegal to smoke in enclosed or substantially enclosed public places and workplaces.

With the introduction of the Smoke Free (Premises and Enforcement) Regulations 2006, smoking became illegal in certain wholly or substantially enclosed public places. As well as being an offence to smoke in no smoking premises, it is also an offence to knowingly permit smoking in no smoking premises. Owners of premises and individuals may be subject to substantial statutory fines if this legislation is breached. As a result, each Trust school is responsible for monitoring adherence to this policy, and has responsibility for ensuring compliance with the law.

“Smoking” refers to smoking tobacco or anything which contains tobacco, or smoking any other substance. Smoking includes being in possession of lit tobacco or of anything lit which contains tobacco, being in possession of any other lit substance in a form in which it could be smoked and/or to have cigarettes and/or other smoking materials openly in their possession. While vaping is not covered by smoke-free legislation, the Trust prohibits its use in the same way as smoking to protect health, safety and wellbeing.

Please also see the relevant school’s Substance Misuse Policy, which deals with substances that can be obtained legally in society, such as drugs, alcohol, tobacco, E-cigarettes (vapes) and solvents, over the counter and prescribed drugs and those which are illegal such as cannabis, legal highs ecstasy, heroin, crack/cocaine and LSD and includes all associated equipment and ‘drug paraphernalia’. (Please note: This list is not intended to be exhaustive and will vary from time to time, at the sole discretion of the Headteacher).

Smoking and vaping is prohibited; this prohibition applies to all Trust premises, surrounding grounds, vehicles, and off-site activities: -

- employees and workers are not permitted to smoke or vape in the near vicinity of school premises, for example around the school entrances, exits or pavements alongside the grounds
- Smoking or vaping is prohibited in all vehicles on Trust premises and in any vehicle used for Trust business.
- it is not permitted whilst engaging in school business off site, for example, school trips and educational visits.

There are no designated areas available on Trust premises for smoking.

It is illegal to sell tobacco or vaping products to individuals under 18 or to purchase them on their behalf.

Any student witnessed using cigarettes in and around the school premises, or whilst wearing school uniform, will face disciplinary action.

#### 4. Aims

- To enable all students and staff to make healthy, informed choices by increasing knowledge and challenging attitudes towards smoking.
- To provide a programme of education and accurate information about the health risks associated with smoking.
- To seek to minimise the risks and possible legal consequences for students and staff from smoking in prohibited places.
- To enable young people and staff to identify sources of appropriate personal support to help with the cessation of smoking and these support mechanisms are open to them when they are needed.
- To monitor student and staff involvement in smoking, to inform targeted prevention strategies using behaviour and safeguarding data.
- To have clear procedures for dealing with anyone found smoking or with prohibited items, to ensure that such procedures are consistent and clearly understood.
- To ensure an adequate programme for Personal, Social & Health Education, with appropriate resourcing and staff training is in place to help young people make informed decisions about smoking.
- To ensure that students, staff, parents, contractors, volunteers, and any other visitors are informed about the Trust's policy and procedures relating to smoking.
- To ensure that both penalties for smoking on the Trust site and support procedures are consistently and fairly applied.

#### 5. Practice

The Trust: -

- seeks to create the conditions in which students and staff take responsibility for their own health and behaviour. For this to take place, staff, students and parents should work to an agreed set of standards which clearly identifies the consequence of a failure to work towards them. This policy will, therefore, clearly define the penalties for non-compliance and so create the correct, healthy and clean conditions within Trust in which everyone can work.
- Seeks to build effective partnerships with parents and students, while also promoting non-smoking through education and challenging behaviour that undermines a smoke-free environment.

The measures contained within this policy can include measures to regulate and control the behaviour of staff or students when they are not being educated within Trust, e.g. when attending college placements, on work experience, Trust visits, or on any other occasion when students are not on the Trust premises but are in the charge of the Trust.

In accordance with the school's Child Protection and Safeguarding Policy, staff, visitors and contractors will be strictly prohibited from purchasing cigarettes for pupils and any other individuals under the age of 18.

Students will be informed of the fire risks associated with smoking.

Staff must understand the risks of passive smoking and their responsibility to minimise exposure to others

Staff must not smoke or vape in sight of students or in a manner that could bring the Trust into disrepute.

## 6. Roles and responsibilities

The Headteacher will:

- Be responsible for the overall implementation of this policy.
- Ensure that all staff act in accordance with this policy.
- Implement and approve ways to teach pupils about the risks associated with smoking.
- Be responsible for determining and implementing disciplinary measures for those who do not follow this policy.

The Governing Board will:

- Hold the headteacher accountable for the implementation of this policy.
- Review any incidents associated with smoking.

The School Nurse will:

- Support members of the school community who wish to quit smoking by offering advice.
- Have conversations with pupils who are caught smoking to ensure that they are aware of the risks.

Students and staff will:

- Act in accordance with this policy at all times.
- Engage in the school's anti-smoking curriculum, events and activities.
- Report incidents of smoking in and around the school premises to the headteacher.

Teachers will educate pupils about the risks of smoking and why they should avoid it.

## 7. Sanctions

- **Protocol for non-compliance on Trust premises by staff**  
Disciplinary procedures may be followed if a member of staff does not comply with this policy. Staff may also be liable to a fixed penalty fine and possible criminal prosecution.
- **Protocol for non-compliance on Trust premises by visitors**  
Visitors who do not comply with this policy will be asked to leave the premises. Refusal to comply with this request may result in the Police or Local Enforcement Officer being informed. Breaches of this policy by contractors will be taken very seriously and may result in the contractor being asked to leave the premises and the contract being terminated.
- **Protocol for non-compliance on Trust premises by students**  
Students will be punished if:
  - They are seen smoking or vaping.
  - They are seen with a lit cigarette in their possession.
  - They are found to have cigarettes and/or other smoking materials openly in their possession.
  - They are associating themselves with others who have been caught in the act of smoking. They are actively facilitating or encouraging smoking or vaping.

Action will be taken promptly if a student is found smoking. Sanctions will be applied as set out in the school's Behaviour Policy and may include internal sanctions, suspension, or exclusion where appropriate and proportionate.

A report of the incident will be completed by the Head of Year and recorded on the Trust's information management system. Parents/guardians of the student concerned will be notified by email.

If pupils are continually caught smoking or vaping, their parents will be invited to a meeting with the headteacher and school nurse, and if necessary, further disciplinary sanctions will be imposed on the pupil consistent with the school's Behaviour Policy.

Pupils may face suspension or exclusion if they are consistently in breach of this policy and the school's Suspension and Exclusion Policy, or if they are repeatedly putting others' safety at risk.

The penalties and fines for the smoke-free offences set out in Health Act 2006 are: a fixed penalty notice of £50 (discounted to £30 if paid within 15 days from the issue of a notice) or a fine by a court not exceeding level 1 on the standard scale (up to £200). These penalties/fines are subject to change in line with national legislation.

## **8. Support**

The Trust takes its responsibilities in supporting staff and students to maintain their health and wellbeing seriously and the following are some of the strategies in place to help them to stop smoking or vaping.

- The NHS offers a range of services to help smokers to give up; more details can be found on the Government's website or at your local doctor's surgery.
- Students in the Trust can access the [Starting Well Nurse](#), free of charge for help and advice and an appointment can be made directly by calling 01244 397412. This service is provided by NHS Cheshire and Wirral Partnership.
- The Trust will offer a peer mentor to young people who feel they would benefit from the support of another young person.
- Local Pharmacies are supportive of people trying to give up smoking and you are able to Google and find a local Pharmacy which will provide a smoking cessation service free of charge to young people below the age of 16.