

Smokefree England 1 July 2007 - what it means for schools

A law requiring smokefree environments in workplaces, including all schools, comes into effect on 1 July 2007. The legislation ensures that workers and members of the public are protected from the risks to health from tobacco smoke and are guaranteed their right to a smokefree environment. Final 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 are no longer allowed. School vehicles used by more than one person will also have to be smokefree. Smoking is also not allowed in “substantially enclosed” structures such as marquees and tents.

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 school governors to:

- Ensure all enclosed and substantially enclosed premises and school vehicles used by more than one person are smokefree
- Display required ‘No-smoking’ signage at all public entrances and within the school and in school vehicles. The required signage will be available free by registering at www.smokefreeengland.co.uk.
- Take reasonable steps to ensure that staff, students, visitors and members of the public 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 (HSS) or working towards it, outdoor areas should be smokefree. All local authorities were notified of the following minimum requirement through the HSS audit for the standard in December 2006:

- The school is a smokefree site or plans in place for it to be by 1 July 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 who want to quit.

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

- 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 reinforces the school's health education programme.
- It encourages young people not to start smoking and helps smokers who want to quit able to do so, and stay quit.

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 (staff under 18 are entitled to 30 minutes break after 4½ work). 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 eg in open car parks, grounds, or shelters and you should indicate where smoking is allowed in your smoking policy (except the 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 that it is illegal to smoke in enclosed and substantially enclosed premises.
- Describes how to deal with non-compliance.
- Indicates how it fits within the school's 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 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. For details of stop smoking services in the East of England, visit www.smokefreeeast.co.uk

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.