

## Smoking Policy

<b>Operational Owner:</b>	<i>Clive Parkinson, Director of Health and Safety</i>
<b>Executive Owner:</b>	<i>Paul Stephenson, Vice President Human Resources</i>
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<b>Related documents:</b>	<i>Health and Safety Policy, Hazardous Substances Policy, Hazardous Working Policy, Driving at Work Policy, DSEAR Guidance,</i>

### Approval History

Version	Reviewed by	Amendment history	Approved by	Date
1.0	Clive Parkinson Health and Safety	First Draft (old format)	Health and Safety Committee Executive Board	2009
2.0	Nick Izzard Health and Safety	Second Draft (2014 format); minor update in 2017 regarding smoking areas	Health and Safety Committee	20 March 2014
3.0	Nick Izzard Health and Safety	Third Draft : minor update in 2017 regarding smoking areas	Health and Safety Committee	10 February 2017
4.0	Clive Parkinson Health and Safety and Susan Keirle, Estates and Facilities Management	Reviewed – no changes (2018 format)	Health and Safety Committee	15 February 2019

<b>1</b>	<b>Introduction</b>
<b>1.1</b>	<b>Purpose</b>
1.1.1	<p>The University has a duty to assess the risks posed to the health and safety of its employees and to anyone else who may be affected by its activities. Significant risks identified by this process have to be reduced to a tolerable level.</p> <p>This Policy sets out the University arrangements for compliance with the Smoke-free Regulations (2007) introduced to address smoking at work and to control exposure to environmental tobacco smoke whilst at work.</p>
<b>1.2</b>	<b>Scope</b>
1.2.1	<p>This policy applies at all times and to all employees, students, visitors, contractors and others who work at or visit the University premises.</p> <p>The Policy applies to all buildings in the ownership of the University (whether on or off campus) or leased by the University and to University owned vehicles.</p> <p>Performers and Research and Testing Facilities are excluded from this policy (see exemptions).</p>
<b>1.3</b>	<b>Definitions</b>
1.3.1	<p><b>Designated Smoke-Free External Areas</b></p> <p>Where environmental tobacco smoke is drawn into a building and causes a nuisance to occupants the University can designate areas falling within two metres of a University owned or managed building as a smoke free external area.</p>
1.3.2	<p><b>Enclosed and substantially enclosed premises</b></p> <p>The Smoke-free (Premises and Enforcement) Regulations define enclosed and substantially enclosed premises as being:</p> <p><i>“Premises which have a roof or ceiling and have more than half of the area enclosed by walls or other structures that serve the purpose of walls and constitute the perimeter of the premise.”</i></p>
1.3.3	<p><b>Enclosed vehicles</b></p> <p>Enclosed vehicle and any enclosed part of a vehicle is smoke-free if it is used:</p> <p>(a) by members of the public or a section of the public (whether or not for reward or hire); or</p> <p>(b) in the course of paid or voluntary work by more than one person (even if those persons use the vehicle at different times, or only intermittently).</p>
1.3.4	<p><b>Occupational Health, Safety and Environment</b> is defined as “the measures and systems aimed at preventing harm and ill health to those at work, whilst protecting the environment from damage that could result from work practices.”</p>
1.3.5	<p><b>Competent person</b></p> <p>A competent person has the skills, knowledge, attitude, training and experience to undertake the role effectively.</p>
1.3.6	<p><b>Training and Briefing</b></p> <p>Training is equipping staff, students (and others where the University has a duty-of-care) with relevant skills to deal appropriately with a given Health and Safety situation.</p> <p>Briefing is informing such persons of relevant knowledge in relation to Health and Safety.</p> <p>Training and briefing will be made available in a range of formats according to the needs of the trainee and different groups of staff, students and others.</p>

1.3.7	<p><b>Accessibility</b></p> <p>The duty to make reasonable adjustments, as far as possible, to ensure that all staff and students (and others where the University has a duty-of-care) with a disability have equal access to everything they need to do a job or studies as those persons without a disability.</p>
<b>2</b>	<b>Policy</b>
<b>2.1</b>	<b>Principles</b>
2.1.1	<p>The University intends to comply fully with the Smoke-free (Premises and Enforcement) Regulations and associated Regulations introduced on the 1<sup>st</sup> July 2007. The overarching aim of this Policy is to encourage a sensible approach to smoking and to accommodate the views of both smokers and non-smokers. However, it is recognised that smoking is detrimental to health and the University will continue to promote the culture of a smoke free University.</p>
2.1.2	<b>Policy Procedures</b>
	<p>To achieve the smoking policy the University will:</p> <ul style="list-style-type: none"> <li>a) Prohibit smoking in any non-residential premises managed by the University or by the University of Surrey Student Union including restaurants, bars and other licensed premises.</li> <li>b) Prohibit smoking in any University managed vehicle or vehicle hired for business purposes. These restrictions also apply to private vehicles used on University business when there is more than one person being carried in the vehicle.</li> <li>c) Prohibit smoking in all student accommodation in University residences or University-managed residences. These restrictions apply to private study bedrooms and all shared areas such as corridors, stairways, rest rooms, kitchens, entrances or reception areas.</li> <li>d) Faculties and Directorates must liaise with Estates and Facilities who are responsible for the display of appropriate 'No smoking' signs at the entrance to and within premises and also in vehicles. Although every effort will be made to sign no-smoking areas, the absence of a no-smoking sign cannot be taken to indicate that smoking is permitted.</li> <li>e) Designate smoke-free external areas adjacent to buildings where environmental tobacco smoke could be drawn into the building and cause nuisance to occupants.</li> <li>f) Designated smoking shelters in areas that will be a suitable distance away from buildings to avoid smoke drifting through open doors or windows or people having to pass through a smoking area to access a building. These areas should be well lit to ensure, during out of hours use, they would be safe. Cigarette waste should be disposed of properly and considerately in a safe manner.</li> <li>f) Inform staff and managers of their responsibilities in respect of the policy.</li> <li>g) The University is able to offer advice and assistance to individuals who encounter difficulty in complying with the policy or who wish to stop smoking altogether. Staff wishing to avail themselves of this service should contact the Robens Centre for Occupational Health and Safety. Students should contact the Centre for Wellbeing and Guildowns University Medical Centre or the Students Union.</li> </ul>
	<p><b>Failure to comply:</b></p> <p>Staff and students breaching this policy will be subject to relevant university disciplinary procedures. Those who do not comply with the smoke-free laws are also liable to a fixed penalty fine or possible criminal prosecution.</p>

	Where an individual is concerned about the observance of the policy they should in the first instance raise the matter with their Head of Department or Faculty Manager, the Human Resources Department, or their Trade Union Representative, or in the case of students, an authorised person identified in the Student Disciplinary regulations. <u>See Appendix 1</u>
<b>2.2</b>	<b>Roles and Responsibilities</b>
2.2.1	<p><b>Director of Health &amp; Safety</b></p> <p>The Director of Health &amp; Safety will ensure that:</p> <ul style="list-style-type: none"> <li>the Policy is reviewed and updated on a regular basis.</li> <li>any significant incidents are reported under RIDDOR</li> </ul>
2.2.2	<p><b>Director of Estates and Facilities Management</b></p> <ul style="list-style-type: none"> <li>To comply with the smoke-free (signs) Regulations.</li> <li>To designate external areas as smoke-free external areas.</li> </ul>
2.2.3	<p><b>Managers</b></p> <ul style="list-style-type: none"> <li>To inform staff and those under their control that they must comply with the Policy.</li> <li>To manage the day-to-day implementation of and compliance with the Policy.</li> <li>Those with control over University vehicles must ensure that staff using such vehicles comply with the Policy.</li> <li>To deal with any observed or reported breaches of the Policy.</li> </ul>
2.2.4	<p><b>Staff and Students</b></p> <ul style="list-style-type: none"> <li>To comply with the Policy;</li> <li>To comply with smoke-free policies in force in other premises when carrying out University business.</li> </ul>
2.2.5	<p><b>Drivers of smoke-free vehicles</b></p> <p>To comply with the Policy and to ensure that passengers also comply.</p>
2.2.6	<p><b>Visitors and Contractors</b></p> <p>To comply with the Policy.</p>
<b>3</b>	<b>Governance Requirements</b>
<b>3.1</b>	<b>Implementation / Communication Plan</b>
3.1.1	<p>The policy is communicated to all staff as part of the University Policy website – It is also communicated through relevant training (eg staff and Student Inductions)</p> <p>Relevant information is published on the University Health and Safety intranet site and Health and Safety Handbook, as appropriate.</p>
<b>3.2</b>	<b>Exceptions to this Policy</b>
3.2.1	<ul style="list-style-type: none"> <li><b>Performers:</b> Where the artistic integrity of a performance makes it appropriate for a person who is taking part in that performance to smoke, the part of the premises in which that person performs is not smoke-free in relation to that person during his performance. Rehearsals are excluded from this exemption.</li> <li><b>Research and testing facilities:</b> Designated rooms in a research or testing facility are not smoke-free whilst it is being used for any research or tests specified in the regulations.</li> </ul>

<b>3.3</b>	<b>Review and Change Requests</b>
3.3.1	<p>This Policy is regularly reviewed by the Director of Health and Safety; and Director of Estates and Facilities Management.</p> <ul style="list-style-type: none"> <li>➤ Minor changes will be reviewed and agreed Estates and Facilities Health and Safety Committee, and approved through Health and Safety Committee;</li> <li>➤ Major changes will be reviewed and agreed Estates and Facilities Health and Safety Committee, and approved through Health and Safety Committee and submitted to Executive Board for approval.</li> </ul> <p>Review will generally be every three years or in line with any relevant changes to Legislation (if sooner). Health and Safety Consultative Committee will be consulted during the review process, as required.</p>
<b>3.5</b>	<b>Legislative context</b>
3.5.1	<p>This Policy complies with the requirements of the Health and Safety at Work Act 1974 and associated legislation listed in <a href="#">Appendix 2</a></p> <p>The main aspects of the Smoke-Free Regulations are to ban smoking in enclosed public places, workplaces and public and work vehicles. Other implications are a requirement to sign premises and vehicles and the creation of new offences of smoking or failing to prevent smoking (for those that control or manager premises and vehicles) in smoke-free premises and vehicles. Penalties for breach of these various regulations are Section 3.4 of this policy.</p> <p>This Smoking Policy also applies to the use of electronic cigarettes/vaping. The use of electronic cigarettes/vaping is prohibited in all buildings, vehicles and designated smoke free areas. Electronic cigarette/vaping users however, do not have to share designated smoking areas with smokers and are free to use these devices outside.</p>
3.5.2	<i><u>Health and Safety Policy legal statement</u></i>
	<p>This policy sets out to comply with the required 'duty of care' placed upon the University. Under Health and Safety Law a 'duty of care' is generated between organisations and individuals when carrying out activities that could foreseeably cause harm.</p> <p>The primary duty of care is owed through the employer-employee relationship in which the employer owes a duty of care to ensure that work activities that could result in harm to the employee are assessed and controlled. That duty of care is put into practice by the line management responsibilities as set out in the hierarchy of the organisation.</p> <p>This duty of care cannot be delegated away; instead the act of delegation must be accompanied by a realistic and workable system of monitoring or supervision to ensure that the delegated task has been adequately implemented (i.e. the responsibility is not met by giving directions; it is met when those directions have been confirmed as carried out). The result is a cascade of delegated accountability that runs through the organisation via the line management network, accompanied by a system of monitoring, supervision and feedback.</p> <p>The duty of care extends to assurance that services provided by others (be they another department of the University or contractors) are undertaken safely. The level of assurance required should be commensurate with the risk of the activity.</p> <p>In addition, anyone carrying out an activity owes a duty of care to anyone who may be put at risk by the activity, such as students, staff and visitors.</p>
<b>3.6</b>	<b>Stakeholder Statements</b>
3.6.1	<p><b>Equality:</b> Consideration is given to the protected characteristics of all people groups identified in the Equality Act 2010. The protected characteristics are gender, age, race, disability, sexual orientation, religion/belief, pregnancy and maternity, and marriage/civil partnership.</p>

	The University recognises the need for specific measures to ensure the health and safety of each of these groups. This policy and all other associated Health and Safety related policies take this into account.
3.6.2	<b>Health &amp; Safety:</b> This Policy forms part of the overarching statement on health and safety for the University.
3.6.3	<b>Executive Board, Health and Safety Committee, Estates Health and Safety Committee and Health and Safety Consultative Committee</b> Changes to this policy will be reviewed and approved at the appropriate level; in line with policy guidance.

## Appendix 1

### **Penalties Enforced by University Wardens**

- There are penalties for smoking by students and/or their guests in residences. These are administered by the Wardens (e.g. £50 for a first offence).

### **Penalties Enforced by Local Authority**

- *Smoking in smoke-free premises or work vehicles*  
A fixed penalty notice of £50 imposed on the person smoking or a maximum of £200 if convicted by a court.
- *Failing to prevent smoking in a smoke-free place*  
A maximum fine of £2500 imposed on whoever manages or controls the smoke-free premises or vehicle.
- *Failure to display no-smoking signs*  
A fixed penalty notice of £200 imposed on whoever manages or occupies the smoke-free premise or vehicle or a maximum fine of £1000 if convicted by a court.

## **Appendix 2**

### **List of Associated Legislation**

In addition to the Health and Safety at Work Act, 1974 – the Smoking policy refers to the Health Act 2006 which bans smoking in public places:

The Smoking Policy will comply with the relevant requirements of the following:

- The Smoke-free (Premises and Enforcement) Regulations 2006
- The Smoke-free (Signs) Regulations 2007
- The Smoke-free (Exemptions and Vehicles) Regulations 2007
- The Smoke Free (Penalties and Discounted Amounts) Regulations 2007
- The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007