




London Borough of Enfield

Smoking at Work

Enfield Schools - Briefing Note

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Document Title:	Enfield Schools Briefing Note – Smoking at Work		
Version Number:	0.1	Date of Next Review:	July 2025

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Enfield Schools Briefing Notes

Briefing Note – Smoking at work

1.0 Introduction

Headteachers, governors, and the LEA have a responsibility for ensuring that staff and pupils are able to work and learn in a safe environment,

Section 2 of the Health and Safety at Work Act 1974 requires that employees are not placed at risk and section 3 requires employers to prevent people not in their employment from being placed at risk from activities that are a part of the employers undertaking.

2.0 Background

The introduction of the Health Act 2006 followed by the proposed introduction of Smoke-free (General Provisions) Regulations 2007 in July 2007. This legislation makes it an offence, punishable by a fine, to smoke or allow smoking to take place in “enclosed” or “substantially enclosed” public places and workplaces.

The use of electronic cigarettes was not covered in the legislation as they did not exist at that time. However, this policy affords e-cigarettes the same restrictions as tobacco, for the following reasons:

- the safety of e-cigarettes has not been scientifically demonstrated as the chemicals used have not been fully disclosed and there is no adequate data on their emissions.
- there is a lack of peer-reviewed evidence on their value in helping smokers cut down or stop.
- concerns that e-cigarettes might reinforce the smoking habit as they are designed to closely mimic smoking actions

3.0 Action required/ guidance

3.1 Where smoking is banned

Smoking will be banned in all areas deemed as ‘enclosed’ or ‘substantially enclosed’, within Schools this should include:

- i. **Enclosed** – any building with a roof, and except for windows and doors are completely enclosed, either on a permanent or temporary basis;
- ii. **Substantially enclosed** – any building with a roof and openings in the walls, which are less than 50% of the total area of walls. Not including windows or doors.

Within Schools these will include; offices, meeting rooms/Committee rooms, workshops, restaurants, dinner halls, rest areas, stairs, corridors, lifts, toilets, reception and storage areas whether they are permanent, moveable or temporary (including tents and marques for example).

With smoking already banned in Schools and in the School grounds within the Borough the new law should have a limited impact, although many Schools do not appear to enforce this with staff who have smoking areas within the grounds. Staff should no longer use these areas because they are often either close to the building, where smoke could re-enter the building or in high risk areas for fire e.g. bin storage areas or boiler rooms.

Schools should consider banning smoking within a certain vicinity of the School, this is defined as:

- i. Anywhere around the building from which smoke may re-enter the building (i.e. via doors, open windows, grilles, vents etc.);
- ii. Within any covered area on Council owned land such as car parks, porches, canopies/awnings or walkways;
- iii. Any areas where the presence of a naked flame would constitute a risk to safety (e.g. near any kind of fuel storage);
- iv. Any other area defined by the Head Teacher and Governors (at their discretion) and prominently and clearly displayed near the main entrance to the premises, up to and including the whole curtilage of the School concerned.

Schools will want to avoid staff congregating just outside the School gates and may need to designate a certain area around the School where it would be preferred that Staff do not smoke.

Smoking is also banned in any Council owned or leased buildings.

There are occasions when Staff as part of their duties maybe requested to perform home visits e.g. before children start at Nursery. The Regulations do not affect individual people's homes or domestic properties where smoking will be allowed, therefore common courtesy requires that Staff do not smoke while carrying out home visits. Staff should also be made aware that because

they are carrying out duties relating to their employment, they can request that parents, other family members etc do not smoke whilst they are visiting and that if they are unhappy the visit can be terminated with different arrangements being made.

When staff or parents are transporting pupils by arrangement of the School, it is recommended that the School ensures that the cars used will be 'No Smoking' throughout the journey.

3.2 Signage

From July 2007, 'No Smoking' signage must be displayed within buildings and vehicles in line with the Regulations requirements. Within buildings (including Schools) this will be a minimum of:-

- i. One sign prominently displayed at each public entrance;
- ii. The sign should be a flat, rectangular shape and a minimum of A5 in size;
- iii. The sign should display the international 'No Smoking' symbol of a burning cigarette in a red circle with a red bar across, a minimum of 75mm in diameter;
- iv. The sign should carry the following words in easy to read characters, 'No Smoking. It is against the law to smoke on these premises.' (These premises can be replaced by 'this School');
- v. There must be a minimum of one sign in English, although there can be more signs in other languages if required.

In vehicles the signage requirements are:

- i. A sign must be displayed prominently using the international 'No Smoking' symbol of a burning cigarette in a red circle with a red bar across, a minimum of 75mm in diameter;
- ii. If signage is already in place this does not need to be changed.

3.3 Responsibilities

As employers Head Teachers and Governors have a duty to ensure that both the School and any vehicles used or owned by the School are smoke free. Areas to consider include:

- i. Develop a School Smoking Policy
- ii. Ensure that staff abide by the School Smoking Policy

- iii. Investigate any reports of breeches of the School Smoking Policy, following designated disciplinary procedures
- iv. Ensure that staff dealing with the public in force the prohibition respectfully with visitors
- v. Ensure signage is in place which meets requirements, and any additional signage as deemed necessary e.g. in toilets
- vi. Define the area around the School grounds where Staff are discouraged to smoke

Employees are responsible for informing School Management of any breeches of the School Smoking Policy by Staff or visitors.

School's and Children's Services staff should refer to the Corporate Smoking at work Policy for details of their roles and responsibilities.

3.4 Fines and Penalties

Fines and penalties maybe used by various enforcement agencies for:

- i. No Smoking sign offence
- ii. Offence of smoking in a smoke free place
- iii. Offence of failing to prevent smoking in a smoke free place

Further information:

If you require further information on this issue, please do not hesitate to contact the Schools Health and Safety Team on 020 8379 3223 or email SHST@enfield.gov.uk

Issued by Paul Bishop