



**St Mary's
University
Twickenham
London**

Smoking Policy

HSPG 30

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St Mary's University
Waldegrave Road, Strawberry Hill,
Twickenham TW1 4SX
Switchboard 020 8240 4000 Fax 020 8240 4255
www.stmarys.ac.uk

Smoking Policy

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1. Introduction

This Policy sets out the University arrangements for compliance with the Smoke-free Regulations introduced in July 2007 to address smoking at work and to control exposure to environmental tobacco smoke whilst at work.

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 given in Section 6 (Glossary of Terms) of this policy.

This Smoking Policy also applies to the use of electronic cigarettes (Inc. vaping). The use of electronic cigarettes is prohibited wherever smoking is prohibited. The prohibition of electronic cigarettes wherever smoking is prohibited is on the basis that these products do not provide recognised health benefits while introducing several negative consequences including undermining the enforcement of the Smoking Policy (see Appendix 1).

2. Policy Statement

The University intends to comply fully with the Smoke-free (Premises and Enforcement) Regulations and associated Regulations introduced on the 1st 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.

3. Policy Objectives

To achieve the smoking policy the University will:

- a) Prohibit smoking in any non-residential premises managed by the University or by the University Student Union including the bar.
- 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.
- 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, common rooms, entrances or reception areas.
- d) Display 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.

- e) Designate smoke-free external areas adjacent to buildings where environmental tobacco smoke could be drawn into the building and cause nuisance to occupants.
- f) Provide designated sheltered smoking areas for smokers that are sited away from buildings where cigarette bins will be available to dispose of cigarette ends.
- g) Inform staff and managers of their responsibilities in respect of the policy.
- h) Provide support to smokers to help them cope with the restrictions placed upon their smoking behaviours.

4. Application & Exemptions

This policy applies at all times and to all employees, students, visitors, contractors and others who work at or visit the University premises.

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.

The following areas and activities are excluded from this policy:

- Performers: 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.
- Research, testing and laboratory practical facilities: 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.

5. Organisational Responsibilities

Directors of Estates and Facilities

- To comply with the Smoke-free (Signs) Regulations.
- To designate specific external areas as smoke-free.
- To designate specific external areas as smoking areas.

Health and Safety Officer

- To update and review the Policy on a regular basis.

Heads of School/ Services

- To inform staff and those under their control that they must comply with the Policy.
- To manage the day-to-day implementation of and compliance with the Policy.
- Those with control over University vehicles must ensure that staff using such vehicles comply with the Policy.
- To deal with any observed or reported breaches of the Policy within their area of responsibility.

Staff and Students

- To comply with the Policy;
- To comply with smoke-free policies in force in other premises when carrying out University business.

Drivers of smoke-free vehicles

- To comply with the Policy and to ensure that passengers also comply.

Visitors and Contractors

- To comply with the Policy.

Failure to comply:

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.

Where an individual is concerned about the observance of the policy they should in the first instance raise the matter with their Line Manager, Head of Department or Service, or their Trade Union Representative, or in the case of students, the Student Services.

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 Human Resources. Students should contact the Student Services. Further advice and information is available via the NHS Smoking Helpline at www.givingupsmoking.co.uk

6. Glossary of Terms

Designated External Areas

Where environmental tobacco smoke is drawn into a building and causes a nuisance to occupants the University can designate areas falling within five metres of a University owned or managed building as a smoke free external area.

Enclosed and substantially enclosed premises

The Smoke-free (Premises and Enforcement) Regulations define enclosed and substantially enclosed premises as being:

“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.”

Enclosed vehicles

Enclosed vehicle and any enclosed part of a vehicle is smoke-free if it is used:

- (a) by members of the public or a section of the public (whether or not for reward or hire); or*
- (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).*

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.

7. Appendix 1 – Electronic cigarettes (E-cigarettes)

The use of electronic cigarettes is an issue which is now more prevalent and the University is keen to take a responsible approach to their use.

E-cigarettes are battery-powered products designed to replicate smoking behaviour without the use of tobacco. E-cigarettes contain nicotine, and a variety of other chemicals. Studies have shown that the vapours from e-cigarettes have been found to contain carcinogens and toxins.

The British Medical Association (BMA) note that e-cigarettes are currently subject to limited regulation, they are not currently licensed as a medicine in the UK, and there is no peer-reviewed evidence that they are safe or effective as an aid to stopping smoking.

In October 2013, the European Parliament passed a draft law to introduce a raft of measures aimed at regulating e-cigarettes to ensure they are a safe and effective way of cutting down or quitting smoking.

The BMA believes the existing smoke-free legislation in place in the UK should be extended to include vapour from e-cigarettes. As an interim measure, the BMA recommend that e-cigarettes are prohibited in workplaces and public places, in order to

- (a) limit second-hand exposure to the vapour exhaled by the user ('passive vaping'), and
- (b) to ensure their use does not undermine smoking prevention and cessation by leading people to believe it is acceptable to smoke.

As such the University's Smoking Policy should be extended to cover e-cigarettes in the same way as it covers conventional cigarettes, in line with current guidance from the BMA.

All persons are banned from charging e-cigarettes in University buildings due to the issues of overcharging and 'shorting'.

Should the BMA or other authoritative guidance alter significantly in the future, then it is anticipated that our No Smoking Policy will require to be updated accordingly.

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