



**University of Brighton**

# Smoking policy

## 1 Aims and scope of the policy

### **Aims**

This policy has been developed to meet the university's obligations regarding health and safety in compliance with the Health Act 2006, by providing a smoke-free environment. It aims to:

- Protect the current and future health of staff, students and other visitors or users of the university's premises.
- Support smokers to help them to stop smoking or to cope with increased restrictions.

### **The policy**

It is the policy of the University of Brighton that all premises, including university vehicles and the majority of the grounds are smoke-free (this includes the use of e-cigarettes). This policy applies to all staff, students, visitors, contractors and all other persons who enter university premises.

### **Scope of the law**

The smoke-free law makes it a criminal offence to smoke in any of the following areas:

- Premises used as a place of work or education.
- All university vehicles.
- Private vehicles, if used to carry members of staff, students or the public whilst carrying out university duties.
- Premises where the public may have access.

The law clarifies that 'smoking' refers to smoking tobacco or anything which contains tobacco, or smoking any other substance. The law also includes being in possession of lit tobacco or anything lit which contains tobacco, or any other lit substance in a form in which it could be smoked (e.g. holding a lit cigarette).

Premises that are enclosed or substantially enclosed are covered by the law. A 'substantially enclosed area' is one which has a permanent or semi-permanent roof and has walls (including windows and doors whether they are open or not) enclosing more than 50% of its perimeter.

### **Restrictions on smoking at the university**

Smoking is prohibited in the following university locations:

- Anywhere in university and Students Union buildings and vehicles.
- All areas of university halls of residence including private bedrooms.
- External areas of the university unless they have been specifically designated for smoking (see section on arrangements for smokers below).

Where university premises are adjacent or near to public land such as pavements or roads, smokers are requested to smoke away from entrances and windows in order to ensure the premises remain smoke-free. They should also be aware of their social responsibility not to litter or make excessive noise in public areas.

Students renting properties in the private sector should check with their landlord about the smoking rules for the building and ensure they are followed.

### **Exceptions**

There is only one exception: Rooms used for research into smoking are exempt under the law provided they meet specified conditions. This includes having adequate ventilation with air extracted to outside the building far enough from windows and other openings to prevent smoke re-entering the building. Doors leading from exempted rooms into smoke-free premises must have a mechanical closer that ensures the door closes immediately after use. There must be a clear indication that this is a room in which smoking is permitted for experimental purposes only. Any room designated for this purpose must first be approved by the Vice-Chancellor.

## **2. Arrangements for smokers**

### **Designated external areas**

From 1st September 2007, smoking in university grounds will only be permitted in specifically designated smoking areas.

From 1st July 2007, smoking is permitted far enough away from buildings so that smoke cannot enter the building through windows, doors or other openings, and so that people entering the building or other areas of the site (e.g. by stairs or pathways) are not affected by smoke. Designated smoking areas will be clearly signed and information about their location across all university sites will be available, smokers who use designated external areas for smoking must put their discarded smoking materials in the waste receptacles provided.

### **Smoking breaks (staff)**

The university does not offer paid breaks from work (e.g. for lunch or to consume beverages or to smoke). If any staff need to take time away from work to smoke, they must keep it to an absolute minimum and do so only in consultation with their manager, in accordance with the university's arrangements for flexible working. Managers are responsible for ensuring smokers are aware of the rules and for monitoring this policy.

### **Support for smokers**

The university is keen to support staff and students who wish to stop smoking. Information is available from the University's Occupational Health Department.

### **3. Responsibilities for enforcement:**

#### **Roles and responsibilities**

- It is a criminal offence not to comply with the smoke-free law and the law places responsibilities on all managers, staff and students to ensure it is upheld by others. Managers are responsible for implementing this smoking policy.
- Staff and students are responsible for complying with the policy and they have a role to play in dealing with any observed breach. In the event of a breach of the policy by a visitor, member of staff or student, they should be asked to extinguish all smoking materials and be politely informed of the availability of external smoking areas. If they continue to smoke, the matter should be referred to an appropriate manager or senior member of staff.

#### **Providing information**

The policy and related information is available on Staffcentral and Studentcentral and in Staff and Student Handbooks. Information on the policy is provided to staff and student applicants. Staff who arrange for visitors, workers or other organisations to use the university are to inform them of the policy.

#### **Consequences of breaching the policy**

Breaches of the policy will constitute an offence under the university's staff and student disciplinary procedures. Smoking anywhere within university buildings and other enclosed or substantially enclosed (for a definition see section 1 above) workplaces is a criminal offence and constitutes gross misconduct.

If visitors or members of other organisations continue to breach the policy after an informal warning, they will be asked to leave the premises and their organisation will be informed. Local Councils can impose fines on anyone failing to comply with the law. Individuals caught smoking in a smokefree area will be fined £50 and could also face a fine of up to £200 and criminal prosecution if this is unpaid. Employers failing to take reasonable steps to prevent smoking in a smokefree place can attract a fine of up to £2500, depending on the charge brought. Councils will inspect premises and individuals will have access to a council telephone line to report breaches of the law.

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