

## Smoking Policy

### 1. Overview and Purpose

- 1.1 Under the Health Act 2006, the University of Sussex is required to protect its employees and the public from the effects of second-hand tobacco smoke, by prohibiting smoking in all enclosed and substantially enclosed premises.
- 1.2 However, since this legislation was introduced, Electronic Nicotine Delivery Systems (ENDS), more commonly referred to as electronic cigarettes or e-cigarettes/vapes have appeared on the market. These are rapidly gaining popularity amongst smokers who view them either as a ‘healthier’ alternative to conventional cigarettes/other forms of tobacco or as an aid to help them stop smoking.
- 1.3 Although the University of Sussex is supportive of employees who wish to reduce or stop smoking, the manufacture of electronic cigarettes / vapes is currently un-regulated and there is evidence that the nicotine they contain can also include small quantities of toxic substances, some of which are carcinogenic. Trace amounts of other hazardous compounds and toxic metals have also been found in the vapour produced by these devices.
- 1.4 In view of this, and the fact that more research is needed before the long-term health effects of using electronic cigarettes/ vapes is known, the University of Sussex considers that it is prudent as part of its general duty to protect the health and well-being of its employees, to extend the scope of this policy to include the use of Electronic Nicotine Delivery Systems (ENDS) such as electronic cigarettes and vapes.

### 1.5 Aims of the Policy

- 1.5.1 The aims of the Policy are to:
- protect the health of staff in accordance with Section 2(2) of the Health and Safety at Work Act 1974 and the Health Act 2006 which places a duty on employers to provide and maintain a safe working environment;
  - inform staff and managers of their responsibilities in respect of the Policy;
  - confirm the University’s continued commitment in providing support to staff who choose to stop smoking.

## 2. Scope

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- 2.1 This policy covers the smoking of conventional tobacco as well as the vaping of other substitute materials using Electronic Nicotine Delivery Systems (ENDS) such as electronic cigarettes and vapes.
- 2.3 This policy relates to everyone on campus including contractors, visitors and all staff including those on secondment or temporary contract from partnership universities, organisations or agencies based at a University workplace.

### 3. Responsibilities

- 3.1 Day to day responsibilities for implementing this Policy rests with line managers across schools and services. Employees are responsible for ensuring that they co-operate with managers and comply with requirements regarding smoking/vaping in the workplace.
- 3.2 Students and visitors have a responsibility to follow this policy with regards to the impact of second-hand tobacco smoke on others. Whilst e-cigarettes and vape smoke do not contain nicotine, the smell (which can include strong 'flavours') can be unpleasant to others and at worst an irritant to those with respiratory conditions and/ or allergies.
- 3.3 The Estates department have a responsibility for the maintenance of any designated smoking areas.

### 4. Policy

#### 4.1 General Restrictions on Smoking /Vaping

- 4.1.1 Smoking/vaping is not permitted in any part of University buildings or premises (or at entrances) managed, leased or owned by the University at any time, by any person regardless of their status or business with the University. This includes residential premises and student accommodation.
- 4.1.2 By premises it is meant any enclosed building or substantially enclosed public or private area occupied by one or more members of the general public or a workspace whether used by one or more members of staff. Such spaces include all offices and other enclosed or substantially enclosed workplaces, supported and general housing establishments, rest rooms and communal areas such as lifts, corridors, stairways, lavatories, reception areas or entrances.

#### 4.2 Smoke/vape free Vehicles

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- 4.2.1 Smoking/vaping is not permitted in vehicles belonging to or leased by the University if they are used for a work purpose (including voluntary work and transportation).
- 4.2.2 Such vehicles need to display a no-smoking sign in each compartment of the vehicle in which people can be carried. This must show the international no-smoking symbol no smaller than 70mm in diameter.
- 4.2.3 Privately owned and used vehicles (not used for work purposes) do not have to be smoke free.
- 4.2.4 It is the legal responsibility of anyone who drives, manages or is responsible for order and safety on a vehicle to prevent people from smoking/vaping.

**4.3 Charging of electronic cigarettes**

- 4.3.1 For safety reasons, the charging of batteries for electronic cigarettes or any associated equipment is prohibited on University premises, inclusive of student accommodation. This is because the batteries have been known to explode when being charged and therefore pose not only a fire risk but also a personal safety risk.
- 4.3.2 Staff and students need to be aware that sometimes e-cigarettes can suffer an internal short-circuit (negative and positive connecting) as a result of damage or poor design. This short-circuit when affecting the battery can then result in enough energy being released to be the cause of a fire (thermal runaway).
- 4.3.3 The use of regulated mods (battery packs) within vape's are advised, as these have enhanced safety features over the inbuilt charging systems. Vape batteries should not be left unattended when they are being charged.

**4.4 Staff who work in University owned premises and smoke/vape during work time**

- 4.4.1 The University of Sussex recognises that it does have employees who smoke/vape.
- 4.4.2 Employees who work in University owned premises who wish to smoke/vape may do so during their work time but only in permitted or designated areas.
- 4.4.3 Where a designated smoking/vaping area is not provided, employees wishing to smoke/vape must not do so in close proximity (e.g. 2m) to entrance ways, windows/ air vents or areas where people congregate/ gather.

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4.4.4 Wherever people smoke/vape, they are responsible for being considerate of others and always disposing of their litter appropriately.

4.4.5 If a manager believes that the amount of time an employee is taking away from the workplace to smoke/vape is having an adverse effect on the employee’s personal productivity at work, or the ability of the office or section to provide an efficient and effective service, disciplinary action may be taken

**4.5 Student Accommodation**

4.5.1 Smoking/ vaping is prohibited within university managed accommodation, inclusive of residential buildings on and off campus and rented houses.

4.5.2 As outlined in 4.3.1., the charging of batteries for electronic cigarettes or any associated equipment is prohibited in university student accommodation.

**4.6 Designated Smoking/vaping Areas**

4.6.1 There is no legal requirement to provide smoking areas at work, but where one is provided it must not be “enclosed” or “substantially enclosed” (refer to Appendix A for a definition of these terms) or compromise the image of the University.

4.6.2 Where smoking areas/vaping are in use on University premises, fire risks and risks of secondary smoke/vapour should be managed. The location of any designated smoking/vaping area should, therefore, be determined by the findings of a suitable risk assessment. Risk assessments should be carried out by local managers / premises managers and local trained risk assessors using the checklist at Appendix B.

4.6.3 Managers should ensure that staff are informed of the local smoking /vaping arrangements in place for their place of work and it is the responsibility of staff to co-operate and comply with them. These arrangements should be managed and monitored by managers.

**4.7 Visitors to University of Sussex Premises**

4.7.1 All visitors, contractors and deliverers are required to abide by the smoke/vape free policy.

**4.8 Breaches of the Policy**

4.8.1 All staff/ students have a role to play in following the policy and are advised to report any observed or reported breaches. If managers or staff feel apprehensive about raising a concern they should seek management support or advice through their Human Resources Business Partner.

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4.8.2 In the event of a breach of the policy by a visitor or staff member of other organisations, staff are encouraged to ask them to stop smoking/vaping however if they feel in any way uncomfortable or anxious about doing so, they should contact Campus Security.

4.8.3 Should staff of other organisations continue to breach the Policy, the appropriate organisation should be advised in writing by the member of University staff responsible for managing the contract/ relationship with the organisation.

#### 4.9 Disciplinary Action

4.9.1 Smoking/vaping in what is considered to be unauthorised or inappropriate areas or charging electronic cigarettes or associated equipment on university premises may be considered a disciplinary matter.

4.9.2 Students who are found to have been smoking inside residences are liable for a financial fine, and may be served with a Notice to Quit. Further details of Indicative Disciplinary Outcomes are managed by the Housing Team and can be found in the [Accommodation Handbook](#).

#### 4.10 Use of private cars on official business

4.10.1 Although private cars are exempt from the legislation, if an employee is using their private car on official business it is expected that they refrain from smoking/vaping if they are carrying additional passengers, e.g. other employees of the University. Staff are encouraged to consider the effect of second hand smoke on passengers. [Smoke Free England](#) provides helpful resources on the impact of passive smoking and how to prevent or reduce its impact on others.

#### 4.11 Working from Home

4.11.1 Private residential accommodation are exempt from 'smoke free legislation' requirements except where any part of the private home/ dwelling is used solely for work purposes, and it is used by more than one person who does not live there, or members of the public attend to deliver or to receive goods and/or services.

4.11.2 The same standard of professionalism is required when working from home as is applicable to any in-person meeting held in the workplace, therefore employees must refrain from smoking/ vaping during video calls.

#### 4.12 Signage

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4.12.1 Facility and Building Managers are required to ensure that each smoke free building within their control displays appropriate signage in accordance with the Health Act 2006 legislation.

4.12.2 For further information regarding signage requirements refer to Appendix A.

## 5. Further Support

### 5.1 Stop Smoking Resources

5.1.1 To get in touch with the NHS Smoking Helpline for advice on quitting, local services including NHS Stop Smoking Clinics and guidance on how to help others quit, call 0800 1690169 or visit <http://www.gosmokefree.nhs.uk>.

5.1.2 Further guidance on helping staff and student to quit smoking may be found via NICE (The National Institute for Health and Clinical Excellence) at [nice.org.uk](http://nice.org.uk)

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## Appendix A Requirements under the Health Act 2006

### 1. General Principals

- 1.1 Section 2(2) of the Health and Safety at Work Act 1974 places a duty on employers to *“provide and maintain a safe working environment which is, so far as is reasonably practical, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work”*.
- 1.2 The Health Act 2006 (effective from 1 July 2007) protects employees and the public from the effects of second-hand smoke, prohibiting smoking in all enclosed and substantially enclosed premises.
- Premises will be considered ‘**enclosed**’ if they have a ceiling or roof and (except for doors, windows or passageways) are wholly enclosed either on a permanent or temporary basis.
  - Premises will be considered ‘**substantially enclosed**’ if they have a ceiling or roof, but have an opening in the walls, which is less than 50% the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.
- 1.3 Premises means any building or substantially enclosed public or private area occupied by one or more members of the general public or a workspace whether used by one or more members of staff.
- 1.4 The legislation applies to anything that can be smoked, which includes cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes. Failure to comply with the new legislation is a criminal offence with penalties and fines for smoke free offences applied accordingly.

### 2. Penalties

- 2.1 An employer, employee or visitor who is caught smoking may be subject to a fixed penalty of £50. If unpaid or unsuccessfully challenged a fine of up to £200 can be payable. There are also fines of up to £2,500 for failure to prevent smoking in a smoke free place.
- 2.2 An employer (i.e. anyone who manages or occupies smoke free premises), who fails to display a prominent “No Smoking” sign, may be subject to a fixed penalty of £200. If unpaid or unsuccessfully challenged the fine can increase to £1,000.

### 3. Signage

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- 3.1 Each smoke free building needs to display an A5 sign with the international no-smoking symbol (70mm) including words at all public entrances in accordance with the requirements of the legislation.
- 3.2 All other entrances (i.e. staff only) must continue to display a sign with the no-smoking symbol (70mm).
- 3.3 University vehicles that are used for transport (e.g. minibus) or those that may be used by more than one person must display a sign with a no smoking symbol (70mm) in a suitable prominent position. Managers have a responsibility locally to ensure that these are adequately displayed at all times.

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**Appendix B : Designated Smoking/Vaping Areas and Fire Safety**

**1 Risk Assessment**

1.1 Where designated smoking areas are in use on University premises, fire risks and risks of secondary smoke/vapor must be managed. The location of any designated smoking/vaping area should therefore be determined by the findings of a suitable risk assessment.

1.2 The risk assessment should address the following:

**1.2.1 Structure:**

- Has the safety of any temporary structure been checked and is there a suitable inspection and maintenance program in place?
- Is the designated smoking/vaping area constructed using non-combustible materials?

**1.2.2 Location:**

- Is the designated smoking area suitably located to prevent smoke/vapor entering the building or adversely affecting those using the premises? Smoke/vapor can enter a building in a number of ways including through entrances and exits, open windows, vents / air circulation systems.
- Is the designated area accessible to all who need to use it?

**1.2.3 Fire risks:**

1.2.3.1 Carelessly discarded cigarettes and other smoking materials are a major cause of fire. A cigarette can smoulder for several hours, especially when surrounded by combustible material. Many fires are started several hours after the smoking materials have been emptied into waste bags and left for future disposal.

- Is the designated smoking area situated a suitable distance away from any flammable liquids or gases? E.g. fuel stores, cleaners cupboards or cars.
- Is the designated smoking area situated a suitable distance away from any combustible materials? E.g. bins, compactors, storage or skips.
- Does the designated smoking area have suitable ashtrays e.g. non-combustible, deep and substantial ashtrays?
- Are the ashtrays emptied on a regular basis and in safe way e.g. daily into metal waste bins? It is dangerous to empty ashtrays into plastic waste sacks or bins. This waste should be stored outside in a suitable location.
- Will those using the designated area be easily alerted in the event of an evacuation of the building?
- Are suitable arrangements in place to ensure good housekeeping of the area?

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**1.2.4 Site hazards:**

- Is there suitable segregation of people using the designated area and any vehicles / traffic on site?
- Is the designated area suitably located to take into account site hazards? E.g. machinery, loading bays, delivery routes etc.

**1.2.5 Communication, information & instruction:**

- Is the designated smoking/vaping area signed accordingly?
- Are all staff and visitors made aware of the University’s smoking policy and safe use of smoking/vaping area?

**1.2.6 Monitoring:**

- Are there suitable arrangements in place to monitor the appropriate use of smoking /vaping areas?

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