



Smoking Policy

November 2020

Author:
Date:

HR Team
November 2020

Agreed:

	EIS
	Management
	Unison

History of Changes

Version	Description of Change	Authorised by	Date
1.1	To reflect change to no smoking campus and change in names of management teams.	Jennifer McLaren	November 2020

West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Please see end of this document for EIA.

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1 Introduction

The following Acts and Regulations place a duty on employers to provide a working environment for employees and students that is safe, without risks to health, and adequate as regards facilities and arrangements or their welfare at work:

- The Health and Safety at Work Act 1974.
- Workplace (Health, Safety and Welfare) Regulations 1992;
- Management of Health and Safety at Work Regulations 1999;
- The Smoking, Health and Social Care (Scotland) Act 2005; and
- The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

As tobacco is known to be a threat to the health of all, we acknowledge the right of all employees, students, contractors and visitors to work in a smoke-free environment, and a Smoking Policy has been developed.

The policy concerns smoking within any buildings of West Lothian College.

When working externally to this campus, employees must follow the smoking policy of any workplace where they are temporarily located.

This policy applies to employees, students, visitors and contractors. They will be made aware of its existence through;

- Notices prominently displayed throughout the college
- The induction of staff and students
- The Employee Handbook
- The college Health and Safety Policy
- For visitors and contractors, on reporting to main reception

2 Scope

2.1 This policy and procedure applies to all members of staff, students and visitors.

2.2 It also applies to contractors and their employees / workers who are present in the college campus or buildings.

2.3 This policy and procedure applies regardless of age, gender or gender identity (transgender, transsexual), true or perceived, sexual orientation (lesbian, gay, bisexual or heterosexual), marital/civil partnership status, race, ethnic or national origin, disability, religious belief.

3 Principles

- 3.1 Smoking is not permitted on the campus or within vehicles situated within the college grounds.
- 3.2 Staff are only permitted to smoke during designated breaks, outside of the college grounds and must leave the campus to do so.
- 3.3 E-cigarettes, personal vaporisers (PV's), electronic nicotine delivery systems (ENDS) are included within the scope of this policy and procedure. The rationale for this is that some e-cigarette brands, look like real cigarettes and therefore may create an impression that someone is smoking. Also, e-cigarettes produce vapour that may be an annoyance or pose a potential health risk.
- 3.4 Smoking is not permitted in any vehicle provided by the college whether owned or hired.
- 3.5 Members of staff who use their own vehicles for transporting members of staff or others whilst on college business should not smoke or permit others to do so. Employees are not permitted to sit in their car to smoke during designated breaks.
- 3.6 The college will not sell or permit the selling of, advertise or otherwise promote any smoking materials within its campus or buildings.

4 Why is West Lothian College smoke free?

We have signed up to Scotland's Charter for a Tobacco-free Generation which is an initiative to help reduce the harm caused by smoking and deliver a tobacco-free generation by 2034. COVID19 pandemic accelerated the decision to become smoke free as the disease is a respiratory virus and the college wants to promote good lung health, in an effort to help combat the disease.

Having a clean air campus helps protect everyone from the harm caused by smoke or second-hand smoke and promotes a smoke-free culture. Benefits of creating a clean air campus include:

- A healthier and safer environment for all delegates, staff and volunteers.
- Modelling a smoke-free living to children and young people.
- A reduction in the risk of fire, litter and related clean-up costs at the venue of your event.
- Enhancing the organisation's profile as a leader in changing culture around tobacco.
- Supporting the Scottish Government's national tobacco strategy for a generation free from tobacco by 2034.

- 4.1 West Lothian College is committed to promoting and ensuring the health and wellbeing of its students, staff and visitors. This is our commitment which is also in line with the Scottish Government's Charter targets.
- 4.2 The college has legal responsibilities to protect students, staff and visitors from the known hazards of smoke. West Lothian College recognises its responsibility not to promote or encourage tobacco use.

Staff and students have an important role to play in working together to ensure the college is a smoke free environment and provides help to staff and students to break the habit.

Managers will be responsible for bringing the Smoking Policy to the attention of visitors and students to the college, advising them they cannot smoke on the campus.

Additionally there is a general duty on all staff and students both to comply, and to encourage others to comply with this policy.

The college will publicise this policy to ensure that anyone who enters our premises is made aware of our policy and that they comply by the terms and conditions whilst on our premises.

5 Responsibilities

5.1 All Members of Staff

It is the responsibility of all members of staff to:

- behave in ways that are consistent with this policy and procedure;
- ensure that where they are responsible for the induction of students, or welcoming visitors and contractors, they are made aware of this policy and procedure, the need to comply with it and the consequences of not doing so;
- speak to members of staff, students, contractors and visitors who are in breach of this policy and procedure in a respectful and supportive manner, asking them not to smoke.
- behave in a respectful and courteous manner at all times recognising that others have a responsibility under this policy and procedure to speak to those they believe are in breach of it.

In addition, the Executive Leadership Team and the college Leadership Team have specific responsibilities as set out below.

5.2 Executive Leadership Team

It is the responsibility of the Executive Leadership Team to ensure that there are appropriate arrangements in place to enable the principles of this Policy and Procedure to be fulfilled.

5.3 College Leadership Team

It is the responsibility of college Leadership Team to:

- bring this policy and procedure to the attention of members of staff within their department;
- ensure that members of staff comply with the policy and procedure by bringing to their attention any breaches of this policy;
- take disciplinary action where there are persistent breaches of this policy and procedure;
- ensure that students, visitors and contractors are made aware of this policy and procedure, the need to comply with it and the consequences of not doing so.

5.4 Human Resources

Human Resources will advise and support Managers and staff on the implementation of this policy and procedure and manage the support that is available to staff.

5.5 Students

It is the responsibility of students to:

- behave in ways that are consistent with this policy and procedure;
- behave in a respectful and courteous manner recognising that others have a responsibility under this policy and procedure to speak to those they believe are in breach of it.

6 Support

6.1 Staff Support

West Lothian College has a responsibility to ensure a smoke free environment for all and to do everything it can to help those who do smoke to minimise the risks to their own health.

The college supports members of staff who wish to stop smoking in a number of ways including occupational health and offering a confidential counselling service through an employee assistance programme.

6.2 Help Available

Support and advice will be available for students and staff wishing to stop smoking. Information is available for staff from the employee assistance programme or occupational health service and for student from the West Lothian College Student Association (WLCSA). The following organisations can also be approached for further information:

- ASH Scotland
Tel. 0131 225 4725
<http://www.ashscotland.org.uk/>
- Smokeline
Tel 0800 848484
<http://www.canstopsmoking.com/>
- Health Scotland
<http://www.healthscotland.com/>
- Quit your Way Scotland
Tel 0800 84 84 84
<https://www.nhsinform.scot/healthy-living/stopping-smoking>

Equality Impact Assessment

Before carrying out an EIA, you should familiarise yourself with the College's EIA Policy Statement and Guidance, along with further information and resources which are available on SharePoint.

EIA covers strategies, policies, procedures, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services, but will be referred to hereinafter as 'policy/practice'.

Policy/Practice (name or brief description):	Smoking Policy
Strategy/Policy includes Equalities Statement of Inclusiveness? Yes/No	Yes
Reason for Equality Impact Assessment (choose from the following options):	
<ul style="list-style-type: none"> • Proposed new policy/practice • Proposed change to an existing policy/practice • Undertaking a review of an existing policy/practice • Other (please give detail): 	Change to existing policy
Person responsible for the policy area or practice:	
Name:	Derek O'Sullivan
Job title:	Head of HR & Development

<p>An Equality Impact Assessment must be carried out if the policy/practice:</p> <ul style="list-style-type: none"> • affects operational or strategic functions of the College • is relevant to the promotion of equality (in terms of the Public Sector Equality Duty 'needs' as set out in the Policy and Guidance) 	
<p>Why the EIA is being carried out</p>	<p>The policy directly affects the operational & strategic functions of the College</p>
<p>Equality Groups</p> <p>Relevant to the Policy/Practice, identify which of the undernoted equality groups are impacted upon:</p>	
<ul style="list-style-type: none"> • Age • Disability • race (including ethnicity and nationality) • religion or belief • sex • sexual orientation • gender reassignment • pregnancy and maternity • marriage or civil partnership 	<p>The policy applies across all staff and visitors</p>

Record your assessment against the following statements:

Statement	Equality assessment
Detail the evidence of the needs of the identified equality groups and any gaps in information	The purpose of the policy is to provide a clear approach to no smoking on the College campus.
Will application of this policy/practice lead to discrimination (direct or indirect), harassment, victimisation, less favourable treatment for particular equality groups?	No – the policy applies across all and there is no impact on any equality group with protected characteristics has been identified.
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	n/a

State how this policy/practice will foster good relations:	
Will the policy/practice create any barriers for any other groups?	No - the policy will give clear guidance and will ensure employees are well supported and the College maintains service delivery.
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	
Which equality groups or communities have been consulted in the development and review of this policy/practice?	The Executive Leadership Team and Trade Unions were consulted during the creation of this Policy.

Equality Impact Assessment Outcome

Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision. (Delete the options that do not apply):

- Option 1: No change required – the assessment is that the policy/practice is/will be robust.
- Option 2: Adjust the policy or practice – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.
- Option 3: Continue the policy or practice despite the potential for adverse impact, and which can be mitigated
- Option 4: Stop the policy or practice as there are adverse effects cannot be prevented/mitigated against.

Option 1

Monitoring	
When will the policy/practice next be reviewed?	The policy is reviewed every 3 years.
Publication of EIA	
Can this EIA be published in full, now? Please state Yes or No If No – please specify when it may be published or indicate restrictions that apply:	Yes
Sign-off	
EIA undertaken by Name: Date: Accepted by person responsible for the policy/practice named above: Name: Date: Approved by Equalities Committee Date:	Laura Roche November 2020

Retain a copy of this form for your own records and send a copy to lbyrne@west-lothian.ac.uk