



### 1.0 Policy Statement and Purpose

1.1 The purpose of this policy is to protect all employees, students and visitors to the College from exposure to second-hand smoke and to assist with compliance with the Health Act 2006.

1.2 The Policy aims are to:

- Promote and achieve a healthy working environment and protect the current and future health of employees, students, contractors, customers and visitors.
- Enforce the right of non-smokers to breathe air free from tobacco smoke.
- Raise awareness of the dangers associated with exposure to tobacco smoke.
- Take account of the needs of those who smoke and to support those who wish to stop smoking.

1.3 The Policy aims will be achieved by:

- Not allowing smoking in any part of any buildings owned, operated or used by Huddersfield New College within five metres of an entrance or exit or within sight of the college.
- Not allowing smoking in any vehicles owned, leased or contracted to Huddersfield New College.

1.4 Huddersfield New College is committed to ensuring the health, safety and welfare of its employees, students, contractors, customers and visitors, and acknowledges that smoking and the inhalation of second-hand tobacco smoke is both a public and work health hazard. Exposure to second-hand smoke increases the risk of lung cancer, heart disease and other serious illnesses; ventilation, or separating smokers and non-smokers within the same airspace, does not completely stop potentially dangerous exposure.

1.5 Smoking is the greatest preventable risk to health and is estimated to be responsible for more than 120,000 deaths in Britain each year. It is understood that about 70% of smokers say they want to quit. Smokers will smoke less if they cannot smoke at work, therefore this will help to improve the health of our employees and other members of the College community.

### 2.0 Legal Responsibility

2.1 England became smoke free on 1st July 2007. It is against the law to smoke, or permit others to smoke, in virtually all enclosed public spaces and workplaces in England. Huddersfield New College has had a no smoking policy in place for a number of years and publicises this policy through signage and notices in all our buildings (as required by law) to demonstrate compliance with the legislation (the Health Act 2006).

2.2 In addition to the specific requirements of the Health Act 2006, Section 2 of the Health and Safety at Work, etc Act 1974 places on employers a general duty to ensure, so far as is reasonably practicable, the health and safety of all employees. The Workplace (Health, Safety and Welfare) Regulations 1992 require employers to ensure that there are adequate arrangements to protect non-smokers from discomfort caused by tobacco smoke in rest rooms and rest areas. The Management of Health and Safety at Work Regulations 1999, place a duty on the employer to identify all hazards within the workplace and to implement appropriate control measures accordingly. Passive smoking has been identified as being a hazard and therefore all associated risks must be effectively reduced.

- 2.3 The Management of Health and Safety at Work Regulations 1999 also impose a duty to protect pregnant workers as set out in the Pregnant Workers Directive 92/85/EEC.
- 2.4 Employers have a common law responsibility to provide a safe place and system of work.
- 2.5 All employees have a responsibility to comply with any safe system of work that is implemented by the employer to ensure their health and safety.
- 2.6 There are penalties for non-compliance with the legislation, and these include a fixed penalty notice of £50 or up to £200 Court fine, if an individual is found to be smoking in a smoke-free place.

### **3.0 Supporting people to stop smoking**

- 3.1 The College will provide help and support to staff and students who want to give up smoking. Such support is available from the College's Open Door Service.

### **4.0 Smoke Breaks**

- 4.1 There is no provision for employees to smoke other than in accordance with the normal contractual working arrangements i.e. using flexi-time or recognised breaks. Smokers must not smoke within any building owned or occupied by the College or within the adjacent area; this applies to employees, students and visitors to the College.
- 4.2 There are no designated indoor smoking areas provided for College employees, students and visitors. Therefore, smoking is prohibited at all times in all parts of the College premises, which includes: lifts, corridors, stairways, toilets, reception areas and entrances owned, operated or used by Huddersfield New College.
- 4.3 The College has a designated 'Smoking Area' which is located in the top car park to the rear of the campus.
- 4.4 Smokers are responsible for disposal of cigarette litter including discarded cigarette butts, cigarette packets, matches and match boxes.

### **5.0 E-Cigarettes**

- 5.1 An electronic cigarette, e-cigarette, or ENDS (electronic nicotine delivery system) is a device whose function is to vaporise and deliver to the lungs of the user a chemical mixture typically composed of nicotine, propylene glycol and other chemicals, although some products claim to contain no nicotine. Often designed to look and feel like a cigarette, an e-cigarette usually consists of a battery, a cartridge containing a liquid of nicotine and other chemicals, a heating element and a mouthpiece. When the user draws on the mouthpiece it activates the heating element, which vaporises the liquid, and the vapour is then inhaled.
- 5.2 The aerosols produced by various e-cigarette products have been shown to contain large amounts of propylene glycol, nicotine, flavours, tobacco-specific nitrosamines, volatile organic compounds, acetone, formaldehyde, acetaldehyde, benzo pyrene and particulate matter, as well as silicate and various metal particles. Several of these constituents are carcinogenic (cancer-causing). Although levels of most substances measured are lower in the mist of electronic cigarettes than in conventional cigarette smoke, they do pollute indoor air. Four of the metals measured (sodium, iron, aluminium and nickel) are present at higher levels than those known in cigarette smoke; five others (copper, magnesium, lead, chromium, manganese) are present in the same amounts; and two (potassium, zinc) at lower levels. Nickel and chromium are carcinogenic, and lead is suspected to be carcinogenic.
- 5.3 Substances emitted into indoor air when electronic cigarette are used may be inhaled by non-users present in the same room. Therefore, adverse health effects for third parties due to second-hand exposure cannot be excluded.

- 5.4 For the purpose of this policy, the use of e-cigarettes is to be regarded in the same way as tobacco cigarettes (i.e. they are not to be used in any work related setting). This is because they may be unsettling to other employees, particularly those who are trying to give up smoking or have recently done so, and their use may be misinterpreted and/or cause alarm.
- 5.5 With these factors in mind, the use of e-cigarettes on the College premises is strictly limited to the designated 'Smoking Area' (see point 4.3).

## **6.0 Application of the Policy**

- 6.1 The No Smoking Policy will apply at all times to all College owned vehicles and also to privately owned vehicles at any time when official passengers are being carried. The Policy applies to all meetings, visits, inspections or other activities that college employees attend as part of their work.
- 6.2 Huddersfield New College requires all employees to refrain from smoking at all times while involved in College work and when identifiable as college employees through wearing uniforms, identification badges or any other means.
- 6.3 The College's Disciplinary Procedures will be invoked in relation to employees and students who are in breach of this Policy. Employees who visit other employees and/or students and their parents/carers in their own homes are prohibited from smoking within that environment.
- 6.4 Appropriate action will be taken in response to any visitor to the College who is found to be in breach of this Policy.

## **7.0 Management Responsibility**

- 7.1 The Senior Leadership Team and other senior members of staff (e.g. Directors) are responsible for publicising the Policy and ensuring that all job applicants are aware of the Policy before offers of employment are made or accepted.
- 7.2 College managers are expected to take shared responsibility for ensuring full compliance with this Policy.
- 7.3 All employees have a role to play in implementing and complying with this Policy and they are expected to be familiar with its content. Every employee has a direct responsibility to ensure that they fully comply with the Policy and to fully cooperate with their managers to ensure full and unhindered compliance. Managers and employees who fail to comply with the policy will be liable to disciplinary action.
- 7.4 All students, contractors, customers and visitors are required to comply with this Policy and the Health Act 2006.

## **8.0 Policy Implementation**

- 8.1 Posters and/or no smoking signs are displayed in all work areas to create a positive visual message to increase awareness, which supports a smoke free working environment. Reference to the Policy is included in the College's Contractors On-site Handbook that is issued to all contractors. The Policy also supports the working environment in terms of general cleanliness and reduction in fire hazards.

## **9.0 Non Compliance**

- 9.1 Any member of staff or student in breach of the policy will be subject to disciplinary action. Those who do not comply with the smoke-free law may also be liable to a fixed penalty fine and possible criminal prosecution.

## **10.0 Review**

- 10.1 This Policy will be reviewed annually.

Version	Date	Policy Owner	Comments	Approval Route and Date	Provenance	Date of Next Review	Equality Impact Assessment Completed (Y/N)
1	-	Harvey Cole	-	-	HSE Guidance	-	N
2	November 2015	Mark Hirst	Updated policy to reflect changes in legislation and the use of e-cigarettes	SLT 04.12.15	HSE Guidance, The Health Act 2006, good practice in the sector	November 2016	Y



# EQUALITY IMPACT ASSESSMENT



## INTRODUCTION

The purpose of carrying out an Equality Impact Assessment (EIA) is to provide the basis for creating equality objectives and performance indicators that will drive improvement and change in ensuring the College meets the needs of different groups of people with different protected characteristics, as defined in the Equality Act 2010.

### What is an impact assessment?

An EIA is a systematic and thorough consideration of how every aspect of the College's functions (i.e. policies, procedures, practices and plans) is affecting, or is likely to affect different people. EIAs should be reviewed a part of a rolling programme and the Action Plan updated accordingly.

It is good practice to carry out EIAs, although they are no longer mandatory. When conducting EIAs must explicitly consider impact on students, staff and other key groups in terms of race, disability, gender (including gender identity), sexuality, age, and religion and belief, and publish the results. Consultation with customers and potential customers, external clients, staff and students will be part of the EIA procedure and will also link to the Self-Assessment Report (SAR) and strategic plan for the College. The involvement of different stakeholders will evidence our commitment to embedding equality and diversity within all our services and the curriculum. The EIAs will be led and monitored by the Senior Leader - Human Resources & Equality and Diversity.

### What needs to be impact assessed?

The EIA process will encompass all policies, procedures, practices and plans. When and where these are identified, each will need an EIA or review as part of a rolling programme, to determine whether they have a differential impact in relation to equality.

### Findings of EIAs

The findings of an EIA may provide a number of possible outcomes:

1. The EIA shows that employment practices or services have a different impact measured by one or more protected characteristic.
2. The EIA shows a different impact which is demonstrated to be adverse impact.
3. The EIA shows no differential impact in employment practices or service delivery.
4. There is insufficient evidence to judge whether there is differential impact.
5. The EIA indicates that there are needs that are not being met.

### Can I assess my own policies, procedures, practices and plans?

EIAs will usually be completed by the owner of the policy, procedure, practice and plan in conjunction with another colleague who is familiar with the process of conducting EIAs. The nominated person should not be involved with the design, maintenance or enforcement of the policy, plan, practice or procedure. This is to ensure that the EIA process is objective and robust, as a neutral party is more likely to highlight elements that will lead to positive change.

## Part One – The Impact Assessment

<b>Date of last assessment (if applicable)</b>	12 <sup>th</sup> September 2013
<b>Date this assessment commenced</b>	30 <sup>th</sup> November 2015
<b>Name of policy/procedure/practice/plan being assessed</b>	No Smoking Policy
<b>Name and job title of policy/procedure/practice/plan owner</b>	Mark Hirst, Estates Director
<b>Name(s) of independent colleague(s) appointed to contribute to the assessment</b>	Sonia Ross Zoe Shackleton
<b>Is this a new or existing policy/procedure/practice/plan?</b>	Existing policy, revised in November 2015

### INITIAL SCREENING

<b>1. Please summarise the main aims of the policy/procedure/practice/plan. Include the intended benefits.</b>	Huddersfield New College values its learners, members of staff and visitors, and wishes to ensure that their time at the College is safe and comfortable. This policy has been developed to protect all employees, students, contractors and visitors from exposure to second-hand smoke and to assist compliance with the Health Act 2006.
<b>2. What consultation has been undertaken in the development of the policy/procedure/practice/plan?</b>	The policy revision has taken account of current legislation, guidance from the HSE, the development and use of e-cigarettes, and good practice in the sector.  The No Smoking Policy is included in appropriate marketing and recruitment literature prepared by the College.
<b>3. What evidence, data or information is available to indicate how the policy/procedure/practice/plan might affect equality?</b>	There is no evidence, data or information available to indicate that the policy might adversely affect equality. There is a smoking shelter at the rear of the premises and this is accessible to wheelchair users and able bodied members of the College community. The College is committed to providing a safe and healthy environment for its students and staff and actively promotes the benefits of not smoking and giving up smoking. The policy applies to users of e-cigarettes as well, to ensure that reported health and safety concerns attached to their usage (e.g. the potential fire risk) are managed and contained.

<p><b>4. In what areas could the policy/procedure/practice/plan have a significant adverse differential impact?</b></p> <p>If you have selected one or more boxes for question 4, please go straight to question 5.</p> <p>If you have not selected any of the boxes for question 4 there is no need to complete the rest of this documentation. However, you must write the reasons why you believe there will be no differential impact, in respect of any of the protected characteristics listed, in the space opposite.</p>	<p><b>Disability</b>  <b>Race</b>  <b>Gender (including Gender Identity)</b>  <b>Sexual Orientation</b>  <b>Age</b>  <b>Religion or belief</b></p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	<p>We are of the view that the No Smoking Policy does not have a significant adverse differential impact on equality. The policy applies to staff, students and visitors and no discriminatory distinction is made. Students and staff are able to access support to stop smoking from the Open Door service, which is staffed by the Student Health and Wellbeing Manager and two qualified nurses.</p> <p>Awareness raising campaigns are scheduled periodically to coincide with national events e.g. national no smoking week.</p> <p>In general, health facilities available in the College include the provision of internal counselling (Open Door service) and access to external agencies, including counselling, where appropriate.</p> <p>Plans are developing to redesign the external smoking area, which will include signposting users to smoking cessation services.</p>	

**ASSESSING IMPACT AND STRENGTHENING THE POLICY/PROCEDURE/PRACTICE/PLAN**

<p><b>5. What general concerns are there that the policy/procedure/practice/plan could have a differential impact on the protected characteristics you have indicated in question 4? Please give details.</b></p> <p><b>What relevant evidence is available to support these concerns? Please use data/statistics where possible.</b></p>	
<p><b>6. What are the risks associated with the effectiveness of the policy/procedure/practice/plan in relation to the differential impact?</b></p>	

<p><b>7. What are the expected benefits of the policy/procedure/practice/plan?</b></p>	
<p><b>8. Who are the 'interested parties' (i.e. adversely affected groups) in relation to this policy/procedure/practice/plan?</b></p>	
<p><b>9. How will these interested parties be consulted and communicated with?</b></p>	
<p><b>10. Which relevant experts and/or equality groups have been approached to explore the issues with which the policy/procedure/practice/plan is concerned?</b></p> <p><b>How have the views of these experts/groups been sought? (Please be as specific as possible, e.g. by letter, meetings, interviews, workshops, questionnaires, or any other method.)</b></p>	
<p><b>11. Please give details of the views of the experts/groups on the issues involved.</b></p>	

<p><b>12. Taking into account these views, and the available evidence, please outline the risks associated with the policy/procedure/practice/plan weighed against the benefits.</b></p>	
<p><b>13. What changes/modifications will now be made to the policy/procedure/practice/plan in the light of this Impact Assessment?</b></p>	
<p><b>14. How will these changes/modifications be communicated to interested parties (i.e. the groups which were adversely affected) and those consulted? (This should form part of the Action Plan.)</b></p>	
<p><b>Signed (completing officer 1)</b>  </p>	<p><b>Print Name and Job Title</b>  <b>Zoe Shackleton, Assistant Principal</b></p>
<p><b>Signed (completing officer 2)</b>  <b>Sonia Ross</b></p>	<p><b>Print Name and Job Title</b>  <b>Sonia Ross, Assistant Principal</b></p>
<p><b>Date of completion of Impact Assessment</b></p>	<p><b>1<sup>st</sup> December 2015</b></p>

Actions arising from screening										
(R = Race/Ethnicity, R&B – Religion and Belief, D – Disabled People, G – Gender (including gender identity), SO – Sexual Orientation, A – Age)										
R	R&B	D	G	SO	A	Action Required	By Whom	By When	Intended Outcome	Change resulting from EIA and date (include evidence if possible)