General Safeguarding and Welfare Requirement: Safety and Suitability of Premises, Environment and Equipment

Providers must have a no-smoking policy, and must prevent smoking in a room, or outside play area, when children are present or about to be present

4.7 No-smoking, No-vaping and Smoke-free Environment

Policy statement

We comply with health and safety regulations, smoke-free legislation and the Safeguarding and Welfare Requirements of the Early Years Foundation Stage by maintaining a no-smoking, no-vaping and smoke-free environment, both indoors and outdoors, including all areas used by children, staff, parents, carers, visitors and volunteers.

Procedures

- All staff, parents, carers, visitors and volunteers are made aware of our No-smoking and No-vaping Policy.
- No-smoking and no-vaping signs are displayed prominently where appropriate.
- The No-smoking and No-vaping Policy is stated in information for parents, carers and staff.
- We actively encourage a smoke-free environment by signposting parents, carers and staff to stop-smoking support if they request this information.
- Staff who smoke, vape or use heated tobacco products do not do so during working hours, unless on a scheduled break and off the premises.
- Staff who smoke, vape or use heated tobacco products during working hours or when travelling to and from work must not do so whilst wearing a setting uniform, or must cover the uniform.
- Smoking, vaping, e-cigarettes, heated tobacco products, herbal smoking products and any other nicotine inhaling products are not permitted anywhere on the premises, including indoor rooms, entrances, outdoor play areas, gardens, grounds and any areas where children are present or about to be present.
- Staff who smoke, vape or use heated tobacco products during scheduled breaks must go well away from the premises and must not be visible to children.
- Staff who smoke, vape or use heated tobacco products during a break make every effort to reduce the effects of odour, residue, vapour and passive exposure for children, families and colleagues before returning to the setting.
- Smoking, vaping and the use of heated tobacco products are not permitted in any vehicles belonging to, hired by or used on behalf of the setting, particularly where the vehicle is used by more than one person or for transporting children.
- Staff are made aware that failure to adhere to this policy and procedures may result in disciplinary action.
- It is a criminal offence to smoke in smoke-free premises or vehicles. Individuals may receive a fixed penalty notice or be prosecuted, and employers or managers may also be fined if they fail to prevent smoking or display required signs.

Legal framework

- Health Act 2006, Part 1: smoke-free premises, places and vehicles in England
- The Smoke-free (Premises and Enforcement) Regulations 2006
- The Smoke-free (Signs) Regulations 2012
- The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007, where applicable to work vehicles
- Children and Families Act 2014 and associated smoke-free private vehicle regulations, where children are present
- Tobacco and Related Products Regulations 2016, covering e-cigarette and vaping product regulation
- Tobacco and Vapes Act 2026, including provisions relating to tobacco, vapes, nicotine products, smoke-free places, vape-free places and heated tobacco-free places as they come into force
- Early Years Foundation Stage statutory framework: safeguarding and welfare requirements for the safety and suitability of premises, environment and equipment

This policy was adopted by	Stowey Bears Preschool	*(name of provider)*
On		*(date)*
Date to be reviewed	Reviewed annually	*(date)*
Signed on behalf of the provider	*Rachel Penny*	
Name of signatory	Julia Jameson	
Role of signatory (e.g. chair, director or owner)	Chairperson	