

By email to: sfgconsultation@dhsc.gov.uk

Date: Thursday 30 November 2023

ADCS consultation response to creating a smokefree generation and tackling youth vaping

1. The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs). Under the provisions of the *Children Act (2004)*, the DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to respond to this consultation.

Context

2. According to NHS Digital, in 2021, there was a decrease in the proportion of children smoking, with 12% of pupils reporting to have ever smoked compared to 16% in 2018, and only 1% reporting to be a regular smoker compared to 2% in 2018 ([NHS Digital, 2022](#)). While this is positive news, ADCS members are concerned that children can access cigarettes and use them regularly, considering the significant health implications for later life. In addition to this, passive smoking causes significant risk to non-smokers, including children who have no choice in being exposed to the dangers of second-hand smoke.
3. While recommended as an effective tool for helping adults to quit smoking, the use of e-cigarettes, also known as vapes, is not recommended for children and non-smokers, with risk of future harm and addiction due to nicotine and other substances. Vapes pose a hazard to children whether they contain nicotine or not. Even though it is an offense to sell nicotine vapes to children, analysis by Action on Smoking and Health (ASH) showed that in 2023, 20.5% of children aged 11 to 17 had tried vaping, up from 15.8% in 2022, and 13.9% in 2020. Over half of those children in 2023 reported never having smoked a cigarette, and the reasons they gave for doing so included wanting to 'give it a try', joining in with others, or because they like the flavours ([ASH, 2023](#)). This highlights the risk of exposure and the availability of specific flavours which particularly appeal to children, mimicking sweets, and popular drinks, for example.

Accessibility of tobacco products

4. ADCS members support measures to reduce the accessibility of tobacco products by changing the age of sale for tobacco products so that they cannot be legally sold to anyone born on or after 1 January 2009. Proxy sales should also be prohibited. Research has shown that the habit of smoking often begins in teenage years, with over 80% of smokers starting before they are 20, and many of these as children ([DHSC, 2023](#)). Increasing the age of sale and removing the ability to purchase tobacco will help to prevent these addictions from developing at all.

Vaping use amongst children

5. Action must be taken to prevent children being able to access and use e-cigarettes, however, this must be balanced with the need for adults to be able to access them appropriately as a tool to quit smoking.

6. It is imperative that the loophole which allows e-cigarette companies to give children vapes for free be closed immediately.

Vaping appeal to children

7. The Department of Health and Social Care's recent call for evidence indicated that children are particularly attracted to the tastes and smells of fruity and sweet vape flavours, as well as how they are described. Vape flavours should be limited to reduce their attractiveness to children, including putting restrictions on the naming of flavours and descriptions used so they are not advertised as appealing to children, or appropriate for use by someone of their age. Fully branded e-cigarettes were also reported to be more appealing to children than e-cigarettes without brand imagery. Restrictions should be placed on branding on e-cigarettes to reduce their appeal mirroring the long-standing approach to standardised cigarette packaging in this country.
8. There has been a rapid increase in children being exposed to the marketing of vapes, with 53% of 11-17 year olds seeing marketing in shops in 2023, compared to 37% in 2022 ([ASH, 2023](#)). There should be no visible promotion for vapes, including on-street marketing and within shops, to reduce the exposure of and appeal to children. Visibility of vapes within shops should also be restricted.

Disposable vapes

9. ASH found that 69% of vapes used by children in 2023 were described as single use (disposable). As well as having a greater environmental impact, disposable vapes also appear to be more attractive to children, whether this is due to price, availability or other factors. There should be restrictions on the sale and supply of disposable vapes to reduce their attractiveness.

Non-nicotine vapes

10. Further restrictions should be placed on non-nicotine vapes to prevent use by children and to stop the industry from using this as a loophole to avoid regulations.

Other consumer nicotine products

11. Nicotine products, in all forms, pose risks to children and so must be regulated accordingly. The recent rise in popularity of nicotine pouches amongst children is particularly concerning, as is the specific use of targeted social media marketing campaigns involving the use of young influencers, which are particularly attractive to children. There are currently limited marketing restrictions and no restrictions on the age of sale. Tighter regulations are needed to prevent children from being able to access these and to restrict marketing.
12. If you would like to discuss any of the points raised in this consultation further, please contact sarah.wilson@adcs.org.uk in the first instance.