

Smokefree Policy

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Ref :	HSMS/POLY/014
Revision:	0
Date:	1 Nov 2014

Amendment Register

Revision Number	Date	Details	Amended By	Approved By

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1. Introduction

Smoking is the leading cause of preventable illness and death in the UK. Second-hand smoke is also harmful to health and poses a risk to anyone exposed to it. Furthermore the costs of tobacco use are much greater than just costs to the National Health Service (NHS), with the overall economic burden of tobacco use to society estimated currently at £13.74 billion a year. These costs comprise not only treatment of smoking-related illness by the NHS, but also include the loss in productivity from smoking breaks and increased absenteeism and the cost of cleaning up cigarette ends.

In April 2013 Sandwell Council took on the responsibility of promoting and protecting the health and wellbeing of people in the borough. The Council is therefore committed to improving the health of people who live and work in Sandwell and reducing sickness absence amongst its employees.

The Council is also responsible for the health and safety of its employees. This policy is intended to ensure that Sandwell Council satisfies its legal obligation under Section 2(2)(e) of the Health and Safety at Work Act 1974: to provide and maintain a safe working environment which is, so far as is reasonably practicable, safe, without risks to health and adequate as regards facilities and arrangements for welfare at work.

This policy is also an integral part of Sandwell Council's commitment to improving the health of people who live and work in Sandwell by complying with the 2004 white paper 'Choosing Health' which highlights how the public can make healthier and more informed choices with regards to their health. It was from this that the government set out a clear strategy to tackle smoking and its effects on health. The Health Act, or 'smokefree law', passed by Parliament in 2006 makes virtually all enclosed public places and workplaces smokefree. This law came into effect on 1 July 2007 and Sandwell Council fully supports its implementation including its statutory responsibility to enforce the Smokefree (Premises and Enforcement) Regulations 2006.

This policy includes the use of electronic cigarettes and other electronic nicotine containing products. (These products are different to nicotine replacement therapy products such as nicotine patches, nicotine gum

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and inhalators which are excluded from this policy). Employees will be expected not to smoke or use electronic nicotine containing products (including e-cigarettes) whilst undertaking their Sandwell Council duties.

This policy sets out how Sandwell Council will comply with the smokefree legislation.

2. Background

Smoking is the biggest preventable cause of ill health and early death in our communities. Currently smoking results in more than 81,400 deaths in England every year. Most people, who die because they smoke, will develop one of the three diseases most widely associated with the habit: lung cancer, chronic obstructive lung disease or coronary heart disease. Tobacco smoke contains over 4,000 chemicals in the form of particles and gases and about 60 are known or suspected to cause cancer. The government has introduced smokefree legislation and failure to comply is a criminal offence. Individuals may be fined a fixed penalty notice for smoking in a non-smoking premises or vehicle.

3. Core principles

This policy is based on four core principles:

- upholding the Smokefree (Premises and Enforcement) Regulations 2006 and The Smokefree (Exemptions and Vehicles) Regulations 2007;
- tackling smoking and reducing the burden of smoking-related death and illness across our wider communities;
- protecting the health of all its employees and visitors by ensuring a smokefree working environment;
- promoting the health of its employees including the health of smokers by providing opportunities and support for those who wish to give up smoking.

Sandwell Council is also legally required to uphold the smokefree legislation which includes:

- recognising a person's right to be protected from the harm of second-hand smoke and to breathe smokefree air;

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- helping people trying to give up smoking by providing supportive smokefree environments;
- reducing illness and the number of deaths from medical conditions caused by second-hand smoke;
- improving life expectancy because fewer people will take up smoking in the first place.

4. Ensuring smokefree environments

Sandwell Council has a duty under health and safety legislation to ensure the health, safety and welfare of all employees 'so far as is reasonably practicable.' Sandwell Council is committed to fulfilling this duty by providing a smoke-free environment for all employees.

Smoking is not allowed within 15 metres of any Sandwell Council premises or grounds, including entrances, offices, corridors, toilets, car parks and school premises under the control of the local authority. This applies to employees and visitors.

Employees are expected not to smoke whilst undertaking their duties because they are representing Sandwell Council and therefore should be seen to assist with the implementation of its strategy on tackling smoking, and because it is important not to expose others to passive smoke.

This policy includes lease cars since all official vehicles must be smokefree. The Smokefree (Exemptions and Vehicles) Regulations 2007 set out the exemptions to smokefree legislation and vehicles required to be smokefree.

Employees who are responsible for visiting clients / service users in their own homes have the right to carry out their duties in a smokefree environment. Line managers should provide a letter to the client / service user explaining why employees need a smokefree working environment and request for the client / service user and their family not to smoke during the visit. If the client and/or other occupants do not respect this, the line manager may ask for and arrange an alternative venue for the appointment where reasonably practical.

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To help smokers comply with the policy a programme of support will be offered for those who would like help to stop smoking as outlined in Section 5. For employees that are not able to stop smoking, support will also be available to help them manage their smoking during working hours.

Sandwell Council will not tolerate the selling or dealing in any way of cigarettes and tobacco on Sandwell Council premises. Any such illegal activity will be considered gross misconduct and may result in the dismissal of the individual. Sandwell Council will fully cooperate with relevant law enforcement agencies in their investigations of any illegal activity.

Sandwell Council operates a zero tolerance policy on litter. Therefore employees may incur a fine if they do not dispose of cigarette litter appropriately in the facilities provided by the council.

5. Support to stop

Sandwell Council is committed to providing opportunities and support for employees who wish to give up smoking. Help to stop smoking is available to any employee. This service will be regularly publicised. Employees interested in stopping smoking can get help by contacting the Healthy Lifestyle Choices Team at Sandwell Council on 0800 011 4656.

Employees can also access the following website for help to stop smoking: <https://quitnow.smokefree.nhs.uk/>

Subject to the needs of the service, employees will be allowed up to 10 hours (time required to complete a stop smoking programme) paid leave to attend a stop smoking service commissioned by Sandwell Council (pro-rata for part-time employees). However, if their commitment to the programme is not evident, this may be reviewed.

Requests for flexible working and/or time off to enable employees to attend Stop Smoking Services will be received sympathetically and in line with the council's Flexible Working Hours Scheme.

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6. Help to manage smoking during working hours is available through the Flexible Working Hours Scheme.

7. Electronic cigarettes and nicotine containing products

This policy includes electronic cigarettes and other electronic nicotine containing products.

8. Implementation of the policy

This policy is intended to benefit all employees and visitors and so all employees are responsible for its continued implementation. Directors, Headteachers and line managers will ensure that:

- the policy is brought to the notice of all employees and visitors;
- appropriate signs are displayed throughout Sandwell Council premises;
- prospective employees are made aware of the policy through recruitment literature and new employees are made aware of this policy so that they are aware this is a non-smoking council;
- the subject of smoking is an integral part of the induction and education programme for all new starters.

In the event of employees not respecting the policy their line manager will attempt to resolve the situation informally in the first instance.

9. Monitoring and review

The following will be monitored:

- that prospective employees are advised of the policy;
- that the Smokefree Policy forms part of the induction programme;
- that contracts of employment refer to the non-smoking conditions;
- that non-adherence to the policy is reported via the appropriate Council procedures.
- that information leaflets explain the smokefree arrangements;
- that there is adequate clear signage indicating that the entire site is smokefree.

This policy will be reviewed regularly to ensure that it continues to meet the aims of the original policy.

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10. References

The Smokefree (Premises and Enforcement) Regulations 2006 set out definitions of "enclosed" and "substantially enclosed" and the bodies responsible for enforcing smokefree legislation.

The Smokefree (Exemptions and Vehicles) Regulations 2007 set out the exemptions to smokefree legislation and vehicles required to be smokefree.

The Smokefree (Penalties and Discounted Amounts) Regulations 2007 set out the levels of penalties for offences under smokefree legislation.

The Smokefree (Vehicle Operators and Penalty Notices) Regulations 2007 set out the responsibility on vehicle operators to prevent smoking in smokefree vehicles and the form for fixed penalty notices.

The Smokefree (Signs) Regulations 2007 set out the requirements for no smoking signs required under smokefree legislation.

'Smoking Kills: a White Paper on Tobacco' Secretary of State for Health (1998) London: Stationery Office.

'National Service Framework for Coronary Heart Disease' Department of Health (2000) London: Department of Health
<http://www.doh.gov.uk/nsf/coronary.htm>

'Been There, Done That: Revisiting Tobacco Control Policies in the NHS' Health Education Authority (1999)