No Smoking

Policy and guidance

Revised April 2014



**Contents**

Introduction Page 3

Policy statement Page 3

Statutory provisions Page 3

Implementation Page 4

Help to stop smoking Page 5

Use of e-cigarettes Page 6

Signage Page 6

New/potential employees Page 7

Further information Page 7

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**Introduction**

This Policy sets out how the Council will comply with the requirements of the Health and Safety at Work Act 1974 and relevant statutory provisions.

There is widespread recognition that smoking is damaging to the health of smokers and others. Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses.

The Council will continue to publicise the availability of smoking cessation support and raise awareness of the health hazards associated with smoking.

This Policy is directed to all those on Council premises, including the entrance and exit areas to premises, and is not restricted to employees.

**Policy statement**

The Council is committed to improving and maintaining the health, safety and wellbeing of its employees. The Council will comply with the requirements of the 2006 Health Act and will ensure that employees, Members, visitors, contractors and service users comply with this Policy when on Council premises.

The aim of this Policy is to:

* Protect the health of staff, visitors, contractors, service users and customers
* Inform staff and managers of their responsibilities in respect of the Policy
* Promote the culture of a smoke free organisation
* Assist compliance with the Health Act 2006

It is the Council’s policy to protect its employees from second hand smoke and to have a total smoking ban on or in all Council premises including vehicles used by employees on council business, but excluding parts of care homes for clients, sheltered housing units, council premises leased by others and council dwellings.

Employees, who may enter premises where they may be exposed to smoke, should discuss any concerns with their manager in order to avoid such situations (please see further information page 6).

**Health Act 2006**

This is the legislation which prohibits smoking in enclosed workplaces and public places. The Act is intended to protect people from second hand smoke and requires enclosed or substantially enclosed premises to be smoke free:

* If they are open to the public
* If they are used as a place of work

Specific requirements are contained in several separate sets of regulations and can be viewed by following the links below:

* [Smoke-free (Premises and Enforcement) Regulations 2006](http://www.legislation.gov.uk/uksi/2006/3368/contents/made)
* [The Smoke-free (Exemptions and Vehicles) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/765/contents/made)
* [The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/760/contents/made)
* [The Smoke-free (Signs) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/923/contents/made)

There are significant penalties for anybody prosecuted for smoking in a no-smoking area and penalties for organisations that fail to take reasonable steps to ensure compliance.

**Environmental Protection Act 1990**

Littering is illegal and anyone who is responsible for littering may be issued with a fixed penalty notice of £75.00 and may be liable to prosecution.

The Council operates a zero tolerance approach to littering. Enforcement is carried out by officers of the Council.

Uniformed Council staff members who work in the community are expected to try and obtain the details of anyone they see littering during the course of their duties and to report these details to the Council’s Enforcement services.

To assist with the prevention of smoking related litter, a limited supply of “Butt Bags” are available from corporate building reception areas.

**Implementation**

Chief Officers, Divisional Directors (or their equivalent) and Managers are responsible for ensuring arrangements are put in place to implement and maintain the Policy in all areas under their control.

A complaint against a smoker should be taken up with the line manager or supervisor in the first instance.

If the matter is not resolved satisfactorily or a breach of the policy continues, (counseling and smoking cessation sessions are available and should be made available to the employee who should be dealt with sympathetically), the normal disciplinary procedures will apply. Where further guidance is required, the Employee Relations section within Human Resources should be contacted.

If an employee refuses a reasonable offer of assistance and continues to refuse to comply with the Policy, the Council disciplinary procedures will apply.

**Help to stop smoking**

Management may identify a number of employees who either cannot or will not stop smoking in the workplace. It is important that such situations are approached sensitively because it is recognised that employees who smoke will experience difficulty in adjusting to the smoking ban.

Consequently the Council will continue to provide support for such smokers via Occupational Health, by making available on request general information, including sources of help, for employees who wish to reduce or stop smoking.

Advice and support for staff who wish to stop smoking will be provided by Occupational Health advisers who are trained to deliver level 2 smoking cessation advice and support

The NHS also offers the following free services to help smokers give up:

Local NHS Stop Smoking Services - you are four times more likely to give up smoking with the support of your local NHS Stop Smoking Service and nicotine gum and patches.

Call the NHS Smoking helpline on 0800 169 0169 to find your local service or text 'give up' and your full post code to 88088 - you can also speak to a specialist adviser or request resources (lines are open daily from 7am to 11pm).

<http://smokefree.nhs.uk/> an online resource for all the advice, information and support you need to stop and stay stopped.

Together - this support programme is free to join, and is designed to help you stop smoking using both medical research as well as insights from ex-smokers.

For more information call the NHS Smoking helpline on 0800 169 0169 or visit <http://smokefree.nhs.uk/>

**Use of e-cigarettes**

There is currently no conclusive evidence available on the possible ill health effects from the use of e-cigarettes and there is the potential that the use of such devices will undermine the Council’s efforts to reduce smoking at work and improve the health and wellbeing of employees. It should be considered that such devices may be likely to upset other employees, particularly if they are pregnant or stopping smoking themselves.

For reasons set out above, the use of electronic devices are subject to the same restrictions which apply to conventional tobacco products.

This decision is in line with the British Medical Association’s recommendation that e-cigarettes should be included in the ban on smoking in public places

**No smoking signage**

Building Duty Holders are responsible for ensuring prominent “No smoking” signs are displayed in key areas of the Council premises(s) for which they are responsible.

The no smoking signs must be displayed at prominent positions at every entrance to Council buildings (smoke free premises) and in Council vehicles so that they are visible and meet the following standard:

The international “No-smoking” symbol in both signs must be at least 70mm in diameter. This symbol consists solely of a graphic representation of a single burning cigarette enclosed in a red circle with a red bar across it.

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| Smoke free premises signs must be at least A5 in area (210mm x 148mm).[A5 no-smoking sign for smoke free premises (PDF, 50KB)](http://www.smokefreeengland.co.uk/files/a5_sign_sf_premises.pdf)[Symbol only no-smoking sign (PDF, 43KB)](http://www.smokefreeengland.co.uk/files/symbol_only_sign.pdf)The smaller 'symbol only' sign, which consists of the international “No smoking” symbol at least 70mm in diameter may instead be displayed at entrances to smoke free premises that are:* only used by members of staff providing the premises displays at least one A5 area sign, or
* located within larger smoke free premises,
 |

Smoke-free vehicles will need to display

a no-smoking sign in each compartment

of the vehicle in which people can be carried.

This must show the international no-smoking

symbol at least 70mm in diameter.

Example opposite.

Bilingual versions of the smoke free premises signs are also available:

<http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html#signage>

**New/potential employees**

Human Resources are responsible for ensuring that:

* Potential employees are made aware of the Council’s No Smoking Policy.
* Job adverts indicate that the Council operates a no-smoking policy on its premises.
* Contracts of Employment indicate that employees are not allowed to smoke on Council premises.

**Further information**

The Trade Union Congress (TUC) has developed guidance specifically for people who visit clients in their homes:

[Smoke free guidance for people visiting clients in their homes (PDF, 42kb)](http://www.smokefreeengland.co.uk/files/guidance-for-people-working-in-the-home.pdf)

**Human Resources will automatically update the arrangements to comply with any changes to legislation and / or ACAS guidance and notify employees of the amendments.**

 Date: 15 April 2014

 Version: 1a Review date: 31 March 2015