

# ***NO SMOKING POLICY***

<b>Version:</b>	<b>Version 4 – April 2014</b>
<b>Scheme Ratified by:</b>	<b>Human Resources</b>
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<b>Area Applicable:</b>	<b>The policy applies to all Council employees and agency workers.</b>
<b>Review Year</b>	<b>2015</b>
<b>Impact Assessed</b>	<b>Yes</b>



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## DEFINITIONS

“Enclosed” is defined to mean premises that have a ceiling or roof (either a fixed or moveable structure or device), and, except for doors, windows or passageways, are wholly enclosed, whether on a permanent or temporary basis.

“Substantially enclosed” is defined to mean premises that have a ceiling or roof (either a fixed or moveable structure or device), but there are openings in the walls, which are less than half of the total area of walls. This definition includes other structures that serve the purpose of walls and constitute the perimeter of the premises. When determining the area of an opening, no account should be taken of openings in which doors, windows or other fittings can be opened or shut.

“Care home” is to be construed in accordance with section 3 of the Care Standards Act 2000;

“Designated” means designated in writing by the person in charge of the premises. Note; Designated staff are those persons who; to support the contingencies of the service they provide could not be remote or too distant from their client group, e.g. Care home or Day Centre staff.

“Mental health unit” means an establishment or part of an establishment the main purpose of which is the provision of treatment or nursing (or both) for persons suffering from mental disorder as defined in section 1(2) of the Mental Health Act 1983.

“E-cigarettes” are defined to be battery-operated products designed to replicate smoking behaviour without the use of tobacco. Some look like conventional cigarettes, while others appear more like an electronic device. An e cigarette is a battery-powered device which simulates tobacco smoking generally using an atomiser heating element atomiser that vaporizes a liquid solution contained in a cartridge. Some solutions contain a mixture of nicotine and flavourings, while others release a flavoured vapour without nicotine.

Wherever the designation Manager is used throughout this policy, it is taken to mean Head of Service, Line Manager, Supervisor, Officer in Charge or anyone who has a responsibility for Council employees and agency workers through their work.

Where the term employees is used throughout this policy, it is taken to mean Council employees and agency workers.

## **INTRODUCTION**

1. Caerphilly County Borough Council recognises that smoking is the single most preventable cause of illness, premature death and health inequality through the United Kingdom. Exposure to second-hand smoke is also a cause of ill health and it is estimated that globally 600,000 deaths a year are caused by second-hand smoke. More than an estimated 1000 deaths each year in the Aneurin Bevan Health Board area are caused by smoking.
2. This policy has been developed to cover all Council employees and agency workers (the term employees throughout this document will refer to both groups of staff) , from exposure to second-hand smoke.
3. The policy also ensures compliance with the smoke-free provisions of the Health Act 2006 and the Smoke-free Premises (Wales) Regulations 2007 which became effective from 2 April 2007.
4. The policy should be cross-referenced with all relevant Council policies, procedures and management arrangements.
5. This policy will be available on the Council's intranet for employees to access. For those employees who do not have intranet access, Managers must ensure a paper copy is available on a notice board or at an accessible location for all employees.

## **SCOPE OF THE POLICY**

6. The Council's recognised trade unions have been consulted on the policy. The policy applies to all employees.
7. Any reference made in this document to "smoke" or "smoking" includes conventional and e cigarettes, cigars and pipes.
8. The effective date of the policy is 1<sup>st</sup> July 2014.

## **PROVISIONS OF THE POLICY**

9. It is against the law for anyone to smoke in public places, which are enclosed or substantially enclosed. Whilst not currently prohibited by law, the Council has decided that electronic cigarettes are not to be used or their batteries charged on Council premises.

## **AIMS OF THE POLICY**

10. This policy aims to:
  - Provide a healthy smoke-free environment for all employees.
  - Safeguard the health of the non-smoker by eliminating "second-hand smoking".
  - Help safeguard the health of the smoker by offering support and advice for those employees who wish to stop smoking, including raising the awareness of the dangers associated with exposure to tobacco smoke.
  - Ensure compliance with the smoke-free provisions of the Health Act 2006 and the Smoke-free Premises (Wales) Regulations 2007.

## **APPLICATION OF THE POLICY**

11. This policy covers:
  - All Council controlled buildings and premises. Therefore, employees are not permitted to smoke at any time in any part of the buildings/premises including at the entrances/exits, adjacent land and in car parks.
  - Council owned or supplied vehicles.
  - Vehicles, which are used to transport the public or used for carrying out work duties - even if this use is at different times. For example all Council vehicles including leased vehicles.
12. An employee may smoke in their own vehicle whilst travelling on Council business if they are unaccompanied. If an employee does decide to exercise their choice to smoke, they should be mindful that it is safe and legal for them to do so.
13. Employees may not smoke in their own vehicles whilst on Council business where another employee is present.
14. Employees cannot smoke when they are at work in the homes of service users, clients, tenants, volunteers or members of the public.
15. Employees must agree smoke breaks with their Manager, and employees who are permitted to leave the work place may smoke provided this is not in a place outlined above. These breaks will be unpaid and employees on the flexi system must clock out before embarking on a smoke break.
16. Employees who work outside either as part of a group or a lone worker are not permitted to smoke while on duty. Employees who are permitted to leave the work place by their Manager may smoke provided this is not in a place outlined above. Employees are not allowed to smoke in outdoor areas of campsites and surrounding countryside areas, whilst on Council duty. In this case Line Managers must notify employees of where they are able to smoke, after taking account of all health and safety considerations and fire risks.

## **EMPLOYEES WORKING IN PRIVATE HOMES (DWELLINGS)**

17. Private dwellings are exempted from the Regulations and are not required to be smoke-free. Most types of work carried out by employees within private dwellings would also be exempted from the smoke-free regulations. Therefore in normal circumstances, it would not be reasonable for an employee to refuse to carry out a visit to the home of a service user, client or tenant. The Council has a duty of care to employees and reasonable steps should be taken to facilitate a smoke-free workplace wherever possible.
18. Each Directorate should consider appropriate opportunities to communicate and liaise with their service users, clients or tenants to gain their support and commitment for a smoke-free environment during a visit by a Council employee. Communication could be via a user group, letters or in literature issued to service users, clients or tenants prior to a visit.
19. Wherever possible service users, clients or tenants should be requested not to smoke for up to 1 hour before a visit by a Council employee. This may not be possible where the visit is a cold call and the service user, client or tenant is not aware of the visit.

20. The Line Manager may be required to carry out a risk assessment, particularly if an employee has health concerns or a health issue which may be affected by a smokey environment. The Line Manager should consider the time period of the exposure to second-hand smoke etc and may take advice from Occupational Health Unit. The Line Manager should also consider if for instance the employee is asthmatic, whether a reasonable adjustment may be that someone else carries out the home visit. It will depend on all the circumstances at the time.

### **VISITING NON-CAERPHILLY COUNTY BOROUGH COUNCIL BUILDINGS**

21. All employees must respect the non-smoking policies of others when they are on Council business.

### **SOCIAL CARE SETTINGS**

22. Day Centre facilities provided within Caerphilly County Borough have not been exempted from the Council's No Smoking Policy. Smoking is not allowed and there is no exemption to allow a smoking room within the confines of the building.
23. The Director of Social Services may, subject to approval by the Fire Officer, agree the provision of an external "smoking shelter/area" located in the grounds of a Day Centre or Residential Care Home, providing it is not an enclosed or substantially enclosed area. Permission to erect a smoking shelter must be agreed with Corporate Health and Safety, Property Services and may possibly require planning permission. Any smoking shelter must be located well away from any doors or windows of the Day Centre or Residential Care Home. The smoking shelter/area would be for use by service users and designated staff only; Non-Designated employees would not be able to use the shelter for smoking although they may be asked to accompany service users.
24. The Regulations allow a "designated room" to be used as a smoking room for use by those aged 18 years or more in the following premises: -
- A care home;
  - A mental health unit, which provides residential accommodation for patients;
  - An adult hospice;
  - Designated rooms in a research or testing facility;
  - Designated bedrooms in a hotel, guesthouse, inn, hostel or members' club.
25. Where a designated smoking room is provided, the room cannot be used as a smoking room by employees.
26. Designated smoking rooms should be closed 2 hours before the room is to be cleaned and the area well ventilated to clear the air of smoke. The Manager may be required to complete a risk assessment.

### **SMOKING CESSATION**

27. Employees can access two, free phone help lines:

#### **Smokers Helpline Wales – 0800 169 0 169**

This helpline offers:

- One to one confidential advice from specially trained counsellors;
- Guidance on stopping smoking and help with associated problems;
- Information leaflets on how to get started, planning and preparing to quit smoking;
- Guidance on accessing support from local smoking cessation services.

## **All Wales Smoking Cessation Service - 0800 085 2219**

The All Wales Smoking Cessation Service is a national service available to smokers who would like help to quit smoking. The service is easy to access, just phone the number to find out where your local stop smoking service is based and information on how to join your local support group to help you give-up smoking. Specially trained staff are on hand to offer guidance, advice on how to quit, information on nicotine replacement therapy as well as free access to one to one counselling and group therapy.

### **RAISING HEALTH AWARENESS**

28. The Council will actively promote the improvement of the health of its employees by providing information on the health risks and other problems related to smoking of tobacco products or e-cigarettes. Information and advice on the effects of smoking (both active and second-hand) will be made available at regular intervals.

### **BREACHES OF POLICY**

29. All employees are required to ensure that this policy is complied with.
30. Breaches of the policy by employees may result in disciplinary action being taken.
31. Employees who are finding difficulty with complying with this policy should discuss their issues with their Line Manager who will provide appropriate support and advice regarding smoking cessation services.

### **INTERPRETATION OF THE POLICY**

32. In the event of a dispute relating to the interpretation of the policy, the Head of Workforce and Organisation Development or the HR Service Manager will make the final decision on interpretation of the policy.

### **MONITORING OF THE POLICY**

33. Directors are responsible for ensuring appropriate arrangements are in place for the effective implementation, management and ongoing monitoring of this policy.

### **REVIEW OF THE POLICY**

34. A review of this policy will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the policy will be amended and reissued.

**JULY 2014**