

Appendix: Smokefree Policy

1) Purpose

- 1.1 The purpose of the Smokefree Policy is to protect employees, elected members, and people who visit Council premises from the effects of smoking and secondhand smoke exposure.

2) Scope

- 2.1. In relation to smoking restrictions; where the Policy and Guidance mention staff or employees, this applies equally to elected members, co-opted members, volunteers working on behalf of the Council, workers engaged through an agency, by a contractor or by other organisations and visitors to County Council premises.
- 2.2 For the purpose of this policy smoking is defined as anything that is smoked including manufactured and hand rolled cigarettes, pipes, cigars, herbal cigarettes and shisha pipes. Electronic cigarettes (e-cigarettes) and other vapour producing products are also included.
- 2.3 Due to concerns over the origin and build-quality of charging mechanisms for e-cigarettes, under no circumstances should they be connected to NCC electrical sockets or computer USB points.

3) Principles and Commitment

- 3.1 Nottinghamshire County Council has a duty to protect the health of its employees. The evidence that exposure to other people's smoke is dangerous to health is undeniable.
- 3.2 The council is subject to the law, including the provisions of the Health Act, which since 1 July 2007, prohibits smoking in virtually all enclosed and substantially enclosed work and public places throughout the United Kingdom
- 3.3 In addition, the Health and Safety at Work Act (1974) requires that the County Council takes reasonable measures to protect the health and safety of employees and members of the public visiting Council premises and grounds.
- 3.4 There is no 'right to smoke' and this has been confirmed by the Court of Appeal that stated the right to smoke was not protected by Article 8 of the Human Rights Act 1998 (HRA). The primary Human Right is a Right to Life and therefore other choices that limit this are overridden by the right to life.

4) Background

- 4.1 The Council has a key role in promoting better health in Nottinghamshire. Smoking related ill health is a major challenge for our County and the Council needs to be a model for others in terms of its efforts to champion smokefree environments and stopping smoking.

- 4.2 At the full Council meeting on 20th November 2014, the Council signed the Local Government Declaration on Tobacco Control, committing the Council to take action on tobacco related issues and act as an exemplar to others.
- 4.3 To underpin the policy the Council has developed additional guidance and supporting documents that contain information on where to get support for people who wish to quit and information on temporary abstinence whilst at work.
- 4.4 All smokers will be encouraged to use licensed nicotine replacement therapy as safer sources of nicotine, and to access the most effective way to quit via NCC commissioned Stop Smoking Services.

5) Key actions to meet the commitments set out in the policy

- 5.1 Employees are not allowed to smoke during their working time.
- 5.2 In accordance with the smokefree legislation, smoking will be prohibited in the following areas:
- All County Council owned and controlled buildings
 - All vehicles owned, leased or hired by the County Council.

In addition, smoking will be prohibited in the following areas:

- Council owned and controlled grounds including courtyards, at entranceways or in areas adjacent to buildings where smoke may be unpleasant for people passing or using that area or where the smell of smoke may affect others. (See below for policy regarding country parks and specific care settings).
- 5.3 Staff are also strongly discouraged from smoking in their own vehicles while on council business, and are required not to smoke if there are passengers in the vehicle.
- 5.4 The Council displays signs at all entrances and in vehicles to make it clear that smoking is prohibited in all Council buildings and vehicles.
- 5.5 No facilities e.g. smoking shelters or designated smoking spaces will be provided for smokers either inside or outside Council premises.
- 5.6 In the County Council's country parks, there will be no smoking in any buildings and their immediate vicinities. Staff who cannot easily leave the park during a break, must abstain from smoking and will be encouraged to use a licensed nicotine containing product.
- 5.7 Caretakers living in Council provided accommodation may smoke on their own premises outside working hours.
- 5.8 Staff employed in residential and day care settings who cannot leave the premises and grounds for a break outside of working time because of their job must abstain from smoking and should be encouraged to quit or use nicotine replacement therapy in order to abstain temporarily from smoking.

6) Policy within Schools

- 6.1 This Policy is a health and safety issue and as such remains the responsibility of the County Council. Therefore this Policy applies to community schools and voluntary controlled schools.
- 6.2 This Policy is recommended to the governing bodies of voluntary aided, foundation schools and academies for approval as they carry the responsibility for Health and Safety.

7) Policy for Adult Residential Homes

- 7.1 The law does not prohibit smoking by residents in defined "Care Homes". Where NCC provides this accommodation smoking by residents will be permitted within a designated smoking room. These rooms will be designed and managed so as to avoid risk to others. Under these circumstances, the unit manager must operate a single controlled area with adequate ventilation where service users can smoke, such as a lounge or a smoking room. This must be separate from other parts of the unit and completely enclosed.
- 7.2 No smoking is allowed elsewhere in the building.
- 7.3 Employees' exposure to the exempted area outlined in paragraph 7.1 should be kept to a minimum. Employees should seek advice from their line manager who should take all reasonable steps to protect them from exposure to secondhand smoke. Under normal circumstances staff should only be required to enter the area to assist people in and out or if urgent or continuous care intervention is required. Managers will seek to ensure that rooms will be kept clear of smoke for an hour before necessary routine cleaning and maintenance.

8) Policy for Third Party Premises

- 8.1 Employees that are required to visit other premises, both commercial and domestic, as part of their duties should advise the people responsible for the premises of Nottinghamshire County Council's Smokefree Policy when arranging a visit. Although Nottinghamshire County Council has a duty of care to protect its employees it cannot control the Smokefree Policy on these premises. Employees and/or managers should aim for the people visited to arrange for a non-smoking area to be provided for the duration of the visit. Where this is not possible, the visited should be requested to refrain from smoking inside the premises or in the meeting area for one hour before the visit and be asked not to smoke for the duration of the visit.
- 8.2 In circumstances where it is not possible to arrange a visit beforehand, employees should seek advice from their line manager, who should take all reasonable steps to protect them from exposure to secondhand smoke.
- 8.3 It is recognised that there will be circumstances, particularly in visiting some domestic premises, where it will not prove possible to establish such arrangements as described in 8.1 and 8.2, therefore a risk assessment should be undertaken. In such circumstances the risk of entering the premises where smoking is taking place needs to be weighed against the risk of not undertaking the visit.

9) Enforcement of the Policy

- 9.1 Each Chief Officer will be responsible for the promotion and maintenance of a smokefree working environment. Managers should refer to the guidance document regarding their responsibilities in relation to the policy and the implementation of it.
- 9.2 The Council recognises that smoking is an addiction and aims to provide a supportive environment for those wishing to overcome it and in doing so to promote the health and wellbeing of all employees. Details of support and information on temporary abstinence are available in the guidance document and supporting information.
- 9.3 Visitors not adhering to the Policy should be asked to comply or leave the premises.
- 9.4 All job applicants shall be made aware of the Policy at the point of application. On recruitment, induction and supervision and EPDRs, identified smokers should be offered support to quit and information on using licensed nicotine products for temporary abstinence.

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