

G12: Tobacco Control Policy

1. Purpose

1.1. To introduce a revised Tobacco Control Policy for Nottinghamshire County Council. This takes all possible steps to protect employees from second hand smoke exposure and from the effects of smoking.

1.2. This policy should be read in conjunction with Guidance for Implementing the Council's Tobacco Control Policy.

1.3. Where the [Policy and Guidance](#) mention staff or employees, this applies equally to volunteers working on behalf of the Council.

2. Background

2.1 The Tobacco Control Policy reflects a commitment to raising employee awareness of the dangers of smoking and second hand smoke exposure. We know from the Department of Health and the Office of National Statistics that 70 percent of smokers want to quit and we recognise the difficulties associated with this. Nicotine is a highly addictive substance and the Council recognises that staff will need support to stop smoking.

Therefore the Council is providing a comprehensive package of support for smokers to support them to quit. As an employer the best way that we can encourage staff to stop smoking is to introduce restrictions on smoking during working hours. The Council recognises that employees who smoke may initially have difficulty with the new Policy. A lead-in time is in place to give smokers time to adjust and plan ahead for how they will comply with the Policy and its restrictions as these come into effect.

2.2 Second hand smoke is a known health hazard. In 2004 the Government's Scientific Committee on Tobacco and Health (SCOTH) reported that the increased risk to nonsmokers of lung cancer from exposure to second hand smoke was 24 percent and the increased risk of heart disease 25 percent.

2.3 The Health and Safety at Work etc 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.

2.4 'Choosing Health', the Public Health White Paper published in 2004, outlines that Local Authorities must be smoke free by the end of 2007.

2.5 Nottinghamshire County Council recognises and fully accepts those responsibilities placed upon it by health and safety legislation to provide a working environment where employees' safety and health is of great importance.

2.6 The purpose of the Tobacco Control Policy is to protect and improve the health, safety and well being of all employees at work, elected members, and people who visit Council premises. To underpin the policy the Authority has developed additional guidance which addresses the effects of smoking in more detail and also the issues likely to arise in implementation. The guidance also contains information on where to get support for people who wish to quit.

2.7 The Council recognises that both smoking and environmental tobacco smoke have harmful consequences and should be prohibited except in areas that have been designated exempt. For those, suitable control measures should be applied.

2.8 This policy fully replaces the existing policy agreed in 1993.

3. Policy Statement

General Policy

3.1 Staff are not allowed to smoke during their working hours.

3.2 This applies to County Council employees whether employed directly by the authority or seconded to other organisations. The Policy also applies to staff employed through an agency, by a contractor or by other organisations and visitors.

3.3 Smoking will be prohibited in the following areas:

- all County Council owned and controlled buildings and their grounds (See below for policy regarding county parks and specific care settings)
- all vehicles owned, leased or hired by the County Council.

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.

3.4 Where Nottinghamshire County Council rents a building, this policy will apply to employees working there. Where such a building is shared, Nottinghamshire County Council will request that the policy is adopted by other organisations and that the policy is applied to communal areas.

3.5 No facilities e.g. smoking shelters or designated smoking spaces will be provided for smokers either inside or outside Council premises; however, specific arrangements will be put into place to address the issue of service users living in council residential facilities and attending day services.

3.6 In the County Council's country parks, there will be no smoking in any buildings and their immediate vicinities. Visitors may smoke in other parts of the country park, except where known fire risks exist. In their lunch break or equivalent, staff who cannot easily leave the park, will be allowed to smoke on the understanding that they

do so out of public view and ensuring that colleagues are not exposed to their smoke.

3.7 Caretakers living in Council provided accommodation may smoke on their own premises outside working hours.

3.8 Staff employed in residential and day care settings who cannot leave the premises and grounds during their working day or shift because of their job may, in their lunch break or equivalent, use the facilities provided for service users who smoke.

3.9 Staff working on residential visits who cannot leave the premises and grounds during that time may take a smoking break but they will not be paid for this time. Staff will be allowed to smoke on the understanding that they do so out of the public view and the view of young people or others they are responsible for and ensuring that the public, young people or service users and colleagues are not exposed to their smoke.

3.10 E –cigarettes are not covered by tobacco legislation and as yet there have been no clinical studies into any long term health risks either directly or passively. The BMA (British Medical Association) has said that more research is needed to establish the effectiveness and safety of the devices as a nicotine-replacement therapy. In addition, given that e-cigarettes can be very similar in appearance to traditional tobacco cigarettes, the same prohibitions and restrictions that apply to the use of cigarettes in the workplace will also apply to e-cigarettes.

3.11 Due to concerns over the origin and build-quality of these devices, under no circumstances should charging mechanisms be connected to NCC electrical sockets or computer USB points.

4. Policy within Schools

4.1 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.

4.2 This Policy is recommended to the governing bodies of voluntary aided and foundation schools for approval as they carry the responsibility for Health and Safety.

5. Policy for Adult Residential Homes and Day Services

5.1 The Council aims for the prohibition of smoking in all its premises. But it is acknowledged that some service users who are living in care homes or attending day services run by the County Council may choose to continue to smoke. 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.

5.2 No smoking is allowed elsewhere in the building.

5.3 Employees' exposure to the exempted area outlined in paragraph 5.1 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 second hand 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.

5.4 The exempted area outlined in paragraph 5.1 may be used by staff who choose to smoke, in accordance with paragraph 3.8 above only.

6. Policy for Third Party Premises

6.1 Employees 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 Tobacco Control Policy when arranging a visit. Although Nottinghamshire County Council has a duty of care to protect its employees it cannot control the Tobacco Control 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.

6.2 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 second hand smoke.

6.3 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 6.1 and 6.2, 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.

7. Implementation and Enforcement of the Policy

7.1 Each Corporate Director will be responsible for the promotion and maintenance of a smoke free working environment. Managers should refer to the guidance

document regarding their responsibilities in relation to the policy and the implementation of it.

7.2 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 are available in the guidance document.

7.3 Visitors not adhering to the Policy should be asked to comply or leave the premises.

7.4 All job applicants shall be made aware of the Policy at the point of application.

7.5 A copy of the Policy will form part of new employees' induction packs.

8. Review of the Policy

The Policy will be reviewed by the County Council's Implementation Group no later than twelve months after the date of implementation.

Last updated 15 July 2014