

**SMOKE FREE ENVIRONMENT POLICY**

*To:* **Cabinet**

*Date:* **4<sup>th</sup> March 2014**

*From:* **Director of Public Health**

*Electoral division(s):* **All**

*Forward Plan ref:* **2014/028**

*Key decision:* **Yes**

*Purpose:* **Cabinet is being asked to consider referring the introduction of a smoke free environment policy for Cambridgeshire County Council to full Council for cross-party debate and decision.**

*Recommendation:* **Cabinet is asked to refer the policy to full Council for cross-party debate and decision, subject to any minor textual alterations agreed by the portfolio holder.**

<b><i>Officer contact:</i></b>		<b><i>Member contact:</i></b>	
Name:	Dr Liz Robin	Name:	Cllr Tony Orgee
Post:	Director of Public Health	Portfolio:	Health and Wellbeing
Email:	<a href="mailto:Liz.Robin@cambridgeshire.gov.uk">Liz.Robin@cambridgeshire.gov.uk</a>	Email:	<a href="mailto:Tony.Orgee@cambridgeshire.gov.uk">Tony.Orgee@cambridgeshire.gov.uk</a>
Tel:	01223 703261	Tel:	01223 699173

## **1. BACKGROUND**

- 1.1 Smoking is the primary cause of preventable morbidity and premature death in England and is a leading cause of inequality. About half of all regular cigarette smokers will eventually be killed by their addiction; and a quarter will die between the ages of 35 and 69. In Cambridgeshire, about 800 deaths per year are attributed to smoking, the majority from lung cancer, chronic obstructive pulmonary disease and heart disease.
- 1.2 Second hand smoke has been shown to cause adverse health effects in people of all ages and increases the risk of cancer, ischemic heart disease and many other illnesses in non-smokers, as well as exacerbating existing conditions such as asthma. Smoking significantly increases the risk of fires occurring and the litter (e.g. cigarette butts) that smoking produces can be harmful environmentally; socially and economically, if not disposed of correctly.
- 1.3 Following the transfer of public health functions and responsibilities to the County Council, Members and senior managers asked officers to prepare a draft Smoke Free Environment Policy. The provision of smoke free environments would convey a clear message that improving public health is a key aim of the Council. The draft policy has been developed to protect all individuals present in Cambridgeshire County Council (CCC) premises and sites from the harms associated with second hand smoke exposure. While the Council delivers the message that smoking, both active and passive, is harmful to health and should be discouraged, this smoke free environment policy is not about whether people smoke, it's about where and when they do it.
- 1.4 In line with national legislation, the Council currently operates a no smoking policy in its offices and operational properties such as libraries, children's centres, registration offices and so on. The policy applies to staff members, contractors, visitors and partner organisations occupying CCC buildings.
- 1.5 The Council is committed to supporting staff who wish to give up smoking and public health colleagues from CAMQUIT have recently run specific sessions for CCC staff as part of the national campaign run in October, and they are currently running a programme of smoking cessation across CCC sites.
- 1.6 An officer group that includes Public Health, Human Resources, and Facilities Management has researched how a smoke free environment policy could be developed and implemented.

## **2. MAIN ISSUES**

- 2.1 A number of workplaces and organisations have introduced completely smoke free environment policies and we have used their policies and procedures to inform a new draft policy. In Cambridgeshire, the constabulary has had such a policy in place since 2008 and Addenbrooke's Hospital recently implemented a policy in January 2014.
- 2.2 Consideration has been given to the fact that several CCC offices are on commercial estates, and in order to prevent a shift of smokers from outside a

Council building to the premises of another organisation at the point when the policy is implemented it is recommended that:

- 1) There is full communication with neighbouring establishments, and
  - 2) Staff and visitors from CCC are directed away from CCC premises and other premises if they wish to smoke.
- 2.3 Appendix A is the draft policy and implementation plan. In order to enforce the proposed policy, it is acknowledged that disciplinary action would have to be considered if employees refuse to comply. This would likely take the form of the existing Human Resource disciplinary procedure.
- 2.4 In essence, if the policy is approved, employees will not be able to do the following:
- 1) Smoke anywhere on County Council premises or sites
  - 2) Take unlimited smoking breaks (smoking must be confined to their unpaid breaks)
  - 3) Smoke whilst away from the office on Council business; although it is acknowledged this would be difficult to police
  - 4) Use e-cigarettes in or on CCC premises or in CCC work time if off-site.
- 2.5 Corporate Leadership Team and Heads of Service will need to be briefed and involved as their leadership and management are required for implementation. Any disciplinary action will be actioned in line with existing policies and managers will be provided with guidance.
- 2.6 On-going support will be available from the Public Health Stop Smoking Service CAMQUIT. CAMQUIT's ongoing support will include;
- 1) Information and advice to employees considering stopping smoking
  - 2) Individual regular one-to-one behavioural advice and stop smoking medicines, such as nicotine replacement products (available on prescription for those stopping smoking) from specially trained CAMQUIT advisors
  - 3) Advice and information on appropriate Licensed Nicotine Containing Products (LNCPs) widely available for purchase which individuals can use to manage cravings when in situations that smoking is not permitted (e.g. during work time).
- 2.7 The draft policy is being discussed with the Trade Unions (although formal consultation is not required) and their response is expected shortly. If the policy is approved, there will be a period of informal consultation with staff to identify and address any concerns, before implementation.

### **3. ALIGNMENT WITH PRIORITIES AND WAYS OF WORKING**

#### **3.1 Developing the local economy for the benefit of all**

Research estimates that each year in England smoking costs society approximately £13.74 billion. This is made up of:

- Sick days (£2.5bn)
- Smoking litter (£0.3bn)
- Smoking breaks (£2.9bn)
- Passive smoking (£0.7bn)
- NHS care (£2.7bn)
- Domestic fire (£0.5bn)
- Output loss from early death (£4.1bn)

#### **3.2 Helping people live healthy and independent lives**

The policy would enable Cambridgeshire County Council to convey a clear message about the health hazards of smoking, promoting prevention of future disease and disability. The policy includes provision of support for CCC employees from CAMQUIT, if they wish to stop or reduce their smoking.

#### **3.3 Supporting and protecting vulnerable people**

Almost two thirds of adult smokers in the UK started smoking before the age of 18. The policy would reduce the likelihood that children will see Council staff smoking on CCC premises, or while wearing CCC uniforms.

#### **3.4 Ways of working**

The following bullet point sets out implications identified by officers for

- **Leadership:** Implementation of the smoke free environment policy would demonstrate clear leadership by the County Council in its new public health role.

### **4. SIGNIFICANT IMPLICATIONS**

#### **4.1 Resource and Performance Implications**

There will be some costs for signage and provision or relocation of bins. There are potential resource benefits from reduced littering on County Council sites, and clarity that smoking breaks can only be taken in unpaid time. The HR team have been involved in development of the draft policy.

#### **4.2 Statutory, Risk and Legal Implications**

One aim of the draft policy is to improve health and safety for employees and visitors to County Council sites. Other local organisations have implemented similar smoke free environment policies without challenge.

### 4.3 Equality and Diversity Implications

A community impact assessment has been completed and is attached as Appendix B.

### 4.4 Engagement and Consultation Implications

The policy is currently being discussed with the trade unions (although formal consultation is not required). If the draft policy is approved, informal consultation will be carried out with staff to identify and address any concerns about implementation.

### 4.5 Public Health Implications

Implementation of the policy would show clear public health leadership by the County Council, and would provide a supportive environment for staff who are trying to improve their health by giving up give up smoking.

Source Documents	Location
Local Government Briefing on Tobacco (July, 2012). NICE	<a href="http://publications.nice.org.uk/tobacco-lgb1">http://publications.nice.org.uk/tobacco-lgb1</a>
Local Tobacco Control Profiles (PHE, 2012).	<a href="http://www.nepho.org.uk/pdfs/tobacco-control/E10000003.pdf">http://www.nepho.org.uk/pdfs/tobacco-control/E10000003.pdf</a>
GIG CYMRU NHS Wales – Smoke free environments policy	<a href="http://www.cwmtafuhb.wales.nhs.uk/opendoc/192318">http://www.cwmtafuhb.wales.nhs.uk/opendoc/192318</a>
Bexley Council Smoke Free Policy	<a href="http://www.bexley.gov.uk/CHttpHandler.aspx?id=3414&amp;p=0">http://www.bexley.gov.uk/CHttpHandler.aspx?id=3414&amp;p=0</a>
Addenbrooke's Hospital Smoke Free Environments Policy	CAMQuit, Box SCO 2213, Scott House, 5 George St., Huntingdon, PE29 3AD.
The Policy Exchange, Cough up, (March 2010)	<a href="http://www.policyexchange.org.uk/images/publications/cough%20up%20-%20march%202010.pdf">http://www.policyexchange.org.uk/images/publications/cough%20up%20-%20march%202010.pdf</a>

## **SMOKE FREE ENVIRONMENT POLICY**

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## **INTRODUCTION**

Tobacco use continues to be the leading cause of avoidable ill health and early death in England, and a leading cause of inequality. Exposure to second-hand smoke increases the risk of lung cancer, heart disease, and many other illnesses. This smoke free environment policy has been developed to protect all individuals present in Cambridgeshire County Council premises and sites from the harms associated with second hand smoke exposure. The provision of smoke free environments is a clear message that health improvement is a key aim of the Council. While the Council delivers the message that smoking, both active and passive, is harmful to health and should be discouraged, this smoke free environments policy is not about whether people smoke, it's about where and when they do it.

## **SCOPE**

This document applies to any individual on a Council site i.e. elected members, employees, students, contractors, visitors, volunteers, and anyone else who is present, for whatever reason, on Cambridgeshire County Council premises and sites (this includes car parks).

There is an increasing trend in the use of the now widely available electronic cigarettes. These are currently unregulated, and current evidence on their safety and effectiveness is insufficient to support their use. The Council will therefore not permit their use in premises or on sites, in the same manner as traditional cigarettes and other tobacco products. There are also concerns that their use on Council premises and grounds may promote the normalcy of cigarette use.

Smoking in this document refers to all forms of tobacco use, and is not limited to cigarette smoking, and e-cigarettes refer to all electronic nicotine vaping devices (e.g. e-shisha, e-cigars).

## **BACKGROUND**

The Health and Safety at Work Act 1974, imposes a duty of care on the Council, as an employer, to ensure the health, safety and welfare at work of all its employees. In accordance with this duty, and to minimise the potential risk of ill effects from exposure to tobacco smoke in the workplace the Council has operated a tobacco smoke-free policy since 1988. Since 2007, smoking has been prohibited by law in virtually all enclosed and substantially enclosed work and public places in England, (Health Act, 2006). This policy follows a review that took place in September 2013 and covers all of the Council's premises and sites, creating both indoor and outdoor smoke free environments.

The Council has a duty of care to promote good health and wellbeing to members, employees, students, contractors, visitors, volunteers, and the public. This smoke free environment policy guarantees the right of everyone to breathe smoke free air on all Council's premises and sites.

## **POLICY STATEMENT**

The provision of a smoke free environment provides a clear message that health improvement is a key aim of the Council and a reduction in smoking and exposure will contribute greatly to this goal.

It is the intention of the Council to:

- Ensure that all Council owned and managed premises and sites are completely smoke-free (including the use of electronic cigarettes);
- Ensure the safety of all those in the Council's care;
- Set an exemplar role to partners in the statutory, community, and voluntary sector;
- Make not using tobacco an integral part of the workplace environment;
- Provide support and encouragement to help those who wish to give up tobacco use or e-cigarette use;
- Introduce, implement and evaluate the Smoke Free Environment Policy.

## **AIMS**

The aims of this policy are to:

- Comply with the law;
- Protect and improve the health and wellbeing of employees;
- Protect and improve the health and wellbeing of individuals on Council premises and sites;
- Assure the right of non-smokers to breathe air free from tobacco smoke;
- Protect both smokers and non-smokers from the dangers of exposure to second-hand smoke;
- Support those who smoke and wish to stop smoking, and;
- Set an example to other employers, organisations, and workforces.

## **PRINCIPLES**

The main principle is that the Council sites become completely smoke free. Smoking will not be permitted in any area up to the boundaries, including car parks and vehicles parked on Council property, outdoor seating areas, doorways, walkways, and all other areas.

All Council employees have a responsibility for the successful implementation of the policy. The Council will communicate the changes, encouraging a cultural shift, so that not smoking on Council premises and sites becomes the norm.

Employees have a duty to fully comply with the policy, and must also be made aware of the issues around smoking:

- Exposure to second-hand smoke (passive smoking) increases the risk of lung cancer, heart disease and many other illnesses;
- Smoking significantly increases the risk of fires occurring;
- The litter (e.g. cigarette butts), if not disposed of correctly, that smoking produces can be harmful (environmentally, socially, and economically).

### Recruitment

Job advertisements for vacancies at the Council will make it clear to prospective employees that the Council operates a Smoke Free Environment Policy. Additionally, new contracts will include specific reference to compliance with the Smoke Free Environment Policy. Information packs for prospective candidates for election to the Council will also make this clear. Invitations to meetings, events, interviews, case conferences, etc. will also include a statement that the Council operates this Policy.

### Smoking Breaks

Individuals who wish to smoke must do so outside of Council premises and sites. Employees who wish to smoke must do so in non-work time (i.e. before/after work and/or during meal break) and not on Council premises or sites. However, it is recognised that some employees will feel unable to wait until their meal break or the end of the working day for a cigarette break, and in such cases, at the discretion of the line manager, reasonable unpaid smoking breaks may be taken away from Council premises, provided they do not have a negative impact on service delivery. Line Managers and supervisors should oversee this procedure to ensure it is not abused to the detriment of the service or their non-smoking employees. As a guide, the Council considers that no more than three unpaid smoking breaks (including meal break) should be taken per day/shift, i.e. where normal working day/shift is 7 hours 24 minutes.

Employees who smoke must dispose of smoking materials in a responsible manner to prevent litter and the risk of fire, and before entering Council sites.

### Smoking in Work Uniform

Employees that are required to wear a uniform for their work are prohibited from smoking whilst their uniform is visible irrespective of whether the employee is off duty or off Council premises. Employees are expected to change out of their uniform or cover it before taking a smoking break.

### Smoking Cessation

The Council is very supportive of those who wish to quit smoking and is keen to ensure that staff are aware of the various evidence-based services available to



support them to quit. Employees across all sites will be made aware of the various services available to support them to quit (e.g. CAMQUIT), as detailed in “A Guide to the Smoke Free Environment Policy for Managers”.

Employees are encouraged to access smoking cessation support. Employees, who want to stop or control their smoking, should be encouraged and supported to seek help from their local evidence-based Stop Smoking Service (CAMQUIT 0800 018 4304 / <http://www.camquit.nhs.uk/>), or GP surgery. From time to time, and if demand is sufficient, the Council will provide on-site smoking cessation clinics run by the local stop smoking service (e.g. CAMQUIT).

Reasonable paid time off to attend group and/or individual therapy sessions for smokers who wish to stop smoking will be provided in accordance with the normal ‘time off’ for doctor appointment rules, i.e. one hour per session, only where this cannot be arranged outside working hours. Any time off to attend a support session must be agreed in advance with the line manager who will consider the needs of the service when considering these requests.

Employees who want to quit smoking should discuss the options available to them with their manager. For further information please see “A Guide to Smoke Free Environment Policy for Managers”).

#### Vehicles

The Smoke-free (Exemptions and Vehicles) Regulations for England (2007) state that all vehicles which are used to transport the public or used by more than one employee in carrying out work duties are to be smoke free. The Council has applied this to the Smoke Free Environment Policy as follows:

- Council owned vehicles must be smoke free at all times;
- Vehicles leased or hired through arrangements with the Council must be smoke free at all times;
- Privately owned vehicles are to be smoke free when travelling on Council business (i.e. claiming travel expenses) irrespective of whether you are carrying passengers;
- All vehicles when parked on, or driving through, Council premises are to be smoke free.

#### Home Visits and Residential Care

The Council recognizes that some employees work regularly involves visiting clients in private homes or within residential care, where clients will smoke. The regulations do not apply to private dwellings and allow residential care premises to provide designated smoking bedrooms or other rooms for use by service users only over 18 years of age.

Employees who may be exposed to second-hand smoke when conducting home visits must be protected by requesting that clients provide a room which is smoke free for four hours before any visits and for the duration of the visit when this is practical to do so. Council employees must not smoke in service users’ homes.

Residential mental health units became smoke free by statute from 1st July 2008.

Any designated room in a residential care home where smoking is permitted must:

- Be designated in writing by the person in charge of the premises. This written designation must be kept permanently and produced for inspection by an enforcement officer if requested.
- Have a ceiling, and except for doors and windows, be completely enclosed on all sides by solid floor-to-ceiling walls.
- Not have ventilation systems that ventilate into any part of the premises (except other rooms designated for smoking) or into any other smoke free premises.
- Have mechanically closing doors, which should also be compatible with other laws, including fire regulations.
- Be clearly marked as a room in which smoking is permitted. You are free to create your own signs warning people about where they could be exposed to second-hand smoke.
- Not be used for any other purpose such as a television room or library.
- Be for the use solely of residents.

### Day Care Services

This policy recognizes that within the older adult and disability and mental health day care services there are service users who cannot leave the premises unaccompanied. These service users may have dementia or learning disabilities etc. In such circumstances the Day Care unit may reach an agreement to achieve a clearly designated setting in a secure outside area. Such a decision will be dependent on the environmental constraints of the unit and the other balancing risk factors such as personal safety and security considerations that may pose an insurmountable obstacle to achieving the preferred outcome (see Home visits and residential care). There should be no automatic assumption that smoking by all service users is acceptable and an unchallengeable right.

## **COMMUNICATION**

A comprehensive communications plan will be developed and implemented for this policy in conjunction with the County Councils Communications Department. No smoking signs will be displayed at Council sites to indicate that whole grounds are smoke free. Signs will be erected at all site entrances, as well as car parks, and main and well-used entrances to buildings. They will be prominently visible. These signs will not replace the signage that must currently be displayed as part of the Smoke Free Legislation (Health Act, 2006).

The signs will display the international “no smoking” symbol, consisting of a graphic representation of a burning cigarette enclosed in a red circle with a red bar across it and carry the following statement, in characters that can be easily read

“Cambridgeshire County Council operates a no smoking policy on this site including doorways, grounds and car parks”. The exact wording of the signage may vary depending on the positional location of the signage.

## **BREACHES OF THE POLICY**

### Employees

The policy will form part of the Council’s Terms and Conditions of Employment applying to all employees and contractual arrangements for contractors working on

site and employees from external agencies. The policy will form part of volunteer and student agreements.

The Council recognises that employees who are smokers may find it difficult to stop smoking, or that they may not want to stop. However, the Council requires that smokers will control and limit their smoking to before/after work and/or during unpaid meal breaks, away from Council premises and sites, and not visibly in uniform.

Line managers have a responsibility to address any issues arising from smoking directly with employees as part of day to day line management and supervision. Employees that find it difficult will be offered support to comply. Where there are deliberate and/or consistent breaches of this policy the matter will be dealt with according to the Council's disciplinary procedures.

Where they feel comfortable, employees are encouraged to inform other employees seen smoking on site about the policy, and ask them to comply. The Council's Whistleblowing Policy may also be used by employees to report a suspected breach of the policy.

#### Others

Visitors and anyone else who is required, for whatever reason, to be present upon Council sites are also required to adhere to this policy. Where employees feel comfortable, they are encouraged to inform visitors and others of the Smoke Free Environment Policy. Any employee politely informing someone smoking on the grounds about the policy will receive the full support of the Council. Employees should not place themselves at risk of abuse as a consequence of implementing this policy.

### **REVIEW**

This policy will be reviewed as a minimum within 12 months from the date of its initial approval. If there are no further amendments it will then be reviewed within a three year period. The following criteria will trigger a need for a review earlier:

- Regulatory/statutory changes;
- Results/effects of critical incidents;
- Any other relevant compelling reasons.

During the policy implementation period, the Smoke Free Environment Policy will be subject to on-going monitoring, consultation, and communication with staff representatives and appropriate public bodies.

### **FURTHER ADVICE**

Managers requiring further guidance on the implementation of this policy should contact the HR Advisory Team.