

REVIEW OF IMPLEMENTATION OF SMOKE FREE ENVIRONMENT POLICY

To: **Health Committee**

Meeting Date: **12 March 2015**

From: **Director of Public Health**

Electoral division(s): **All**

Forward Plan ref: **Key decision: No**

Purpose: **The purpose of this Report is to provide the Committee with a review of the smoke-free environment policy six months after implementation.**

Recommendation: **The Committee is asked**

To note the responses to the implementation of the Council's Smoke Free Policy

To consider whether any further actions need to be undertaken

<i>Officer contact:</i>	
Name:	Val Thomas
Post:	Consultant in Public Health
Email:	Val.thomas@cambridgeshire.gov.uk
Tel:	01223 703259

1. BACKGROUND

- 1.1 The Cambridgeshire County Council Smoke Free Environment policy was introduced on 1st October 2014. Following the transfer of public health functions and responsibilities to the County Council, members and senior managers had asked officers to prepare a Smoke Free Policy that was approved by full Council in March 2014. It coincided with Cambridgeshire University Hospital Foundation Trust and subsequently Hinchingbrooke Hospital introducing a smoke free policy.
- 1.2 There are evidence based recommendations for Local Authorities (NICE Local Authority Public Health Briefings) that identify tobacco control activities as having an important role in decreasing the numbers of people who smoke. A comprehensive strategy of tobacco control can include a wide range of interventions including restricting smoking in the workplace and public places.
- 1.3 The introduction of a policy on smoke free environments conveys a clear message that improving public health is a key aim of the Council and a reduction in smoking and exposure will contribute greatly to this goal. The Policy was developed to protect all individuals present in Cambridgeshire County Council (CCC) premises and sites from the harms associated with second hand smoke exposure. The Policy has a clear message that the Council considers smoking, both active and passive, is harmful to health and should be discouraged. However the smoke free environment policy is not about whether people smoke, it's about where and when they do it.

2. MAIN ISSUES

Policy Principles

- 2.1 The main principle is that the Council sites have become completely smoke free. Smoking and this includes e-cigarettes are 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.
- 2.2 All Council employees have a responsibility for the successful implementation of the policy. The Council has communicated the changes, encouraging a cultural shift, so that not smoking on Council premises and sites becomes the norm.
- 2.3 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).

Scope of the Policy

- 2.4 The Policy demanded a number of changes in the way the Council conducts its business across a number of areas. (Full details are in the Policy document attached in Annex 1). The Policy allows for some manager discretion

providing it does not adversely affect service delivery and that any exception does not imply automatic assumption that smoking by all service users is acceptable and an unchallengeable right.

- Recruitment practices must clearly include reference to the Policy
- Smoking breaks are not included in paid time
- Smoking in work uniform is prohibited
- Smoking cessation is supported by the Council, information about Services must be available to staff, and a reasonable amount of time is allowed for staff to attend stop smoking clinics
- Vehicles owned by the Council, subject to lease or hire agreements and those parked or driving through Council premises must be smoke free at all times. Privately owned vehicles being used for Council business must also be smoke free
- Home visits and residential care visits may involve staff being exposed to smoke. Clients are asked to provide a smoke free room for visits and residential care have designated smoking bedrooms or rooms for use by smokers aged over 18 years.
- The older adult, disability and mental health Day Care services have users who are unable to leave the premises unaccompanied. Within the environmental constraints of the unit and consideration of any risk factors a Day Care unit may have clearly designated outside smoking area.

Staff who do not adhere to the policy are subject to the usual disciplinary procedures.

Implementation of the Policy

- 2.5 The implementation of the Policy was overseen by a Working Group of senior officers from Public Health, Corporate Services, Human Resources and Facilities. Legal advice was also secured as necessary. The Working Group produced an Implementation Action Plan which identified a number of key areas, considered to be critical to securing the successful adoption of the policy. This could be divided into four key areas:

- Engagement that would ensure that staff, contractors, trade unions and neighbours were fully informed, engaged and compliant when the Policy was implemented
- Support to managers to implement the policy and for staff who smoke
- Practical aspects including signage
- Monitoring and evaluation of the implementation of the policy

Communication and Engagement

- 2.6 A comprehensive communication plan was implemented which used a wide range of methods. A member of the Public Health Directorate attended the regular meetings that Human Resources hold with managers, where the policy was presented and managers were invited to discuss any concerns or issues that they might have. A Smoke Free Guide for managers was produced that aimed to support them respond to any concerns from staff.
- 2.7 It was important that the working environment provided information for staff about the policy and its implications for their work through different media. Frequently asked questions and Policy Information leaflets were disseminated

widely to staff, posters were put up across different settings, information was put in payslips and emails. CAMWEB played a key role and Mark's Blog was an important source of communication. The Policy was also launched to coincide with the national Stoptober smoking campaign.

- 2.8 An online staff survey to identify staff views and concerns on the Policy was undertaken prior to implementation that had 562 responses. Overall the responses were generally positive; 81% of respondents were supportive of the new policy (see Annex 2 for more details).
- 2.9 Information was provided to neighbours about the introduction of the policy and the provision of cigarette litter bins at entrances to Council sites.

Equality impact assessment

- 2.10 A CCC equality impact assessment was undertaken to ensure that the policy would not adversely affect any individual or group of individuals. No issues were identified.

Support for Stopping Smoking

- 2.11 The Stop Smoking Services provided on site clinics in range of settings prior and after implementation. These were promoted widely and offered at variety of times. However uptake was very limited.

Signage

- 2.12 Public Health and Facilities worked to identify signage needs and where signs would best be located based on experience in other organisations. All sites now have clear messages. Smoking litter bins were also placed at the entry to the Council sites

Implementation Issues

- 2.13 An issue was raised by a manager at one of the bus companies that operates from CCC premises, from one of the Park and Ride sites. It was noted that there was a bus driver break out area on one of the sites, where bus drivers frequently smoke. Communication and negotiation with the company resolved this issue. Bus drivers who use the break out area no longer smoke there and go off the Park and Ride site to smoke during their break times. This is in line with the policy.
- 2.14 Another issue was raised by managers of Residential and Day Centre Care Staff. Staff working in these services who smoke and especially those who work nights are often unable to go off site to smoke due to low staffing levels. Secondly some clients with disabilities who smoke ask staff to help them light their cigarettes. These clients are also often unable to go off site to smoke. These issues were discussed in terms of the spirit of the Policy. Both these staff members and clients are effectively unable to make choices about smoking. In view of this, enforcement of the policy would be left to manager discretion but will be reviewed.

Monitoring and Evaluation

2.15 The Implementation Working Group has been communicating with managers and staff following the launch of the policy to identify if any issues have arisen.

- Officers from Human Resources at their regular meetings with managers ask if any issues have arisen. To date there has not been any negative feedback.
- An email was sent to managers asking for any feedback or concerns that have arisen since implementation. This did not identify any concerns.
- There has been only one issue raised by a neighbour of a CCC site. A resident living close to one of the sites reported an increase in litter. However the resident observed that this was a consequence of staff choosing to smoke and expressed a hope that a community impact assessment had been undertaken prior to the policy being introduced.
- Facilities have not reported any issues with signage or the use of smoking bins.
- The Stop Smoking service CAMQUIT provided information sessions (including brief advice) pre and following implementation. These were generally poorly attended and no issues were encountered. CAMQUIT has continued however to promote the Service.

3. ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

The estimated annual economic cost of smoking in Cambridgeshire is £142.5M, mainly as a result of lost workforce productivity, together with costs to the NHS and other public sector organisations. In 2013/14 smokers in Cambridgeshire paid approximately £102.7M in duty on tobacco products. Despite this contribution to the Exchequer, tobacco still costs Cambridgeshire approximately 1.5 times as much as the duty raised. This results in a shortfall of about £40M every year. (NICE Local Government Public Health Briefings ASH Ready Reckoner Tool).

3.2 Helping people live healthy and independent lives

Smoke free policies are associated with following

- 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).

3.3 Supporting and protecting vulnerable people

The Policy aims to protect non-smokers from the harms of second hand smoke. Vulnerable groups are less likely to be able to protect themselves from exposure

4. SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

The main resource implications were the new signage and cigarette litter bins which cost £60,912. This was funded from the Public Health ring fenced budget

4.2 Statutory, Risk and Legal Implications

This was a change in policy, rather than the implementation of a new policy. The previous policy met all CCC statutory and legal obligations under the Health and Safety at Work Act (1974) and Health Act (2006). These aspects of the policy were unchanged. The policy was extended to include outdoor spaces. There are no statutory or legal requirements to have outdoor workspaces (less than 50% enclosed) smoke free. There are however potential risks to implementing the policy. People could smoke surreptitiously, and may do so in locations where there is a risk of fire.

4.3 Equality and Diversity Implications

A community impact assessment was undertaken prior to approval of the policy.

4.4 Engagement and Consultation Implications

There was consultation with the trades unions before approval of the policy, and a staff survey prior to implementation of the policy.

4.5 Localism and Local Member Involvement

The Policy was voted for by full Council and following the changes in the system has been reported on to the Health Committee. The Policy engages staff with their own health and provides staff that smoke with information of where they can secure support to stop smoking

4.6 Public Health Implications

Tobacco use is the single greatest cause of preventable deaths in England – killing over 80,000 people per year. This is greater than the **combined** total of preventable deaths caused by obesity, alcohol, traffic accidents, illegal drugs and HIV infections. Smoking kills about 772 people in Cambridgeshire each year (Public Health England, 2013). That is an average of nearly 15 deaths every week. Two-thirds of smokers say they began smoking before age 18, and 9 out of 10 started before the age of 19. Smoke free policies are recognized as an evidenced based intervention to reduce smoking

Source Documents	Location
Implementation documents referred to in the paper	Public health directorate
Smoking Statistics: Illness and Health ASH April 2013	http://ash.org.uk/files/documents/ASH_107.pdf
General Lifestyle Survey 2009 Office of National Statistics. Published 2011	http://www.ons.gov.uk/ons/rel/ghs/general-lifestyle-

Cambridgeshire County Council SMOKE FREE ENVIRONMENT POLICY

INTRODUCTION

SCOPE

BACKGROUND

POLICY STATEMENT

AIMS

PRINCIPLES

COMMUNICATION

BREACHES OF THE POLICY

REVIEW

FURTHER ADVICE

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.

Smoke Free Environments – Staff questionnaire (n=562)	
Do you support Cambridgeshire County in going entirely smoke free on its premises, indoors and outdoors?	<p>Yes (81%)</p> <p>No (19%)</p> <p>Sample of comments: “neutral” “Neither for or against” “Most certainly – yes please” “As I don’t smoke, I would love to see this happen, however I sympathise with colleagues who smoke” “Think you need somewhere for smokers to go or there will be litter everywhere”</p>
How would you best like to receive information about the upcoming smoke free environments policy?	<p>Directly from my manager (20%)</p> <p>Information sheet (5%)</p> <p>Cam Web (50%)</p> <p>E-mail (43%)</p> <p>Posters (11%)</p> <p>Blog (18%)</p> <p>Sample of comments: “not necessary” “I don’t smoke so it would be informative but not affect me directly” “Don’t smoke personally but the above seems the best way of ensuring the same message is communicated equally to everyone”</p>
Would you like to receive information and support to stop smoking?	<p>Yes (2%)</p> <p>No (20%)</p> <p>N/A (Don’t smoke) (78%)</p>

If yes, what kind of support would you like to receive?	Sign-posting to Cambridgeshire's stop smoking service (46%) On-site stop smoking services (69%) Phone-line support (8%)
Are you happy to remind other staff members not to smoke on Cambridgeshire County Council premises if you see them doing so?	Yes (36%) No (36%) Not-sure (28%)
Are you happy to ask non-staff members to stop smoking on Cambridgeshire County Council premises if you see them doing so?	Yes (36%) No (38%) Not-sure (26%)
Would you like support in asking staff and non-staff members not to smoke in CCC sites?	Yes (staff) (18%) Yes (non-staff) (16%) No (80%)