



# **Medway Council**

## **Smoke Free Policy**

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## **1.0 - Purpose of the policy**

1.1 - In 2013 responsibility for Public Health passed from NHS to local authorities, giving Medway Council the lead role locally in reducing harm from tobacco. Medway Council is responsible for improvement and protection of the health of people living and working in Medway.

1.2 - This policy replaces the previous 'Smoker's Policy' and encompasses the range of responsibilities that Medway Council has as an employer, service provider and exemplar in promoting healthy lifestyles amongst Medway residents.

1.3 - All of the Council's workplaces (including its vehicles) are smoke-free in accordance with the Health Act 2006 and associated regulations. All staff and visitors have the right to a smoke-free environment.

1.4 - This policy covers all employees, officers, consultants, contractors, volunteers, interns, casual workers, agency workers and visitors. Anyone visiting the Council premises or using Council vehicles must comply with the smoking restrictions set out in this policy.

1.5 - This policy is concerned with when and where employees smoke, and the effect this has on service users, visitors and colleagues.

1.6 - Objectives:

- To underpin the council's role as lead agency in reducing local smoking prevalence and to promote the culture of a smokefree council
- To protect staff from the harms associated with tobacco use
- To protect customers, visitors and contractors from the harms associated with tobacco use
- To set an example to local people, employers and workforces
- To ensure all staff are aware of their responsibilities in relation to the rules set out in this policy
- To ensure that people who smoke have access to support in order to manage workplace restrictions, or to stop smoking
- To support customers and visitors in complying with the policy

## **2.0 - Effects of smoking**

2.1 - Smoking impacts on many areas of Council concern including:

- Health of children and adults
- School attendance rates
- Debt and child poverty
- Premature death, pregnancy complications and infant mortality
- Mobility and ability to live independently
- Workplace productivity
- Litter, street-scene and fire risk
- Ability to enjoy and access leisure and sport

2.2 - Medway Council acknowledges that smoking and secondhand smoke are both public health issues and are proven to cause ill health.

### **3.0 - Responsibilities of managers**

3.1 - Managers are responsible for implementing this policy in accordance with the Public Health White Paper, Choosing Health, Health Act 2006 and the Health and Safety at Work Act 1974.

3.2 - Line managers are expected to ensure that staff, customers and visitors are aware of the Smokefree Policy.

3.3 - Line managers should ensure that staff who smoke are aware of the Medway Stop Smoking Service, the council's supportive approach to staff who wish to stop smoking and their entitlement to attend in work time where operationally feasible

3.4 - Line managers should allow staff reasonable paid time off to attend approved, evidence-based stop smoking interventions if requested, subject of course to the needs of the service.

3.5 - On no occasion should line managers take a confrontational approach to matters relating to staff smoking. Staff who experience difficulties in the application of the policy should be offered support and encouragement. Disciplinary action should only be implemented should all other methods fail.

3.6 - Line managers should reassure employees who smoke that:

- They are not required to stop smoking if they do not wish to do so.
- If they do not wish to stop smoking, they may like to use over-the-counter, or prescription nicotine replacement products while at work to help them manage their workplace responsibilities and comply with the requirements of the policy.
- They may smoke during unpaid breaks in the working day in designated smoking areas.
- Uniformed staff may smoke in unpaid time provided they remove or cover identifiable uniform items.

3.7 - In addition to applying the policy to restrict smoking on Council premises, Line managers will ensure that processes are in place to protect staff who work in other settings. This includes:

- Measures to ensure that staff conducting home-visits are able to do so in a smokefree environment. The sentence "please don't smoke in your house during our visit, or 20 minutes before we are due to arrive. Our staff have the right to postpone your appointment if they have reason to believe this request has not been followed" or similar request should be automatically included on all appointment letters.
- Staff conducting home visits have the right to postpone the visit, or if possible arrange an alternative meeting place if this has not been fulfilled.

3.8 - Line managers will encourage staff to raise awareness of the service offered by Medway Stop Smoking Service during contacts with customers, clients or service users and, where appropriate, integrate a Stop Smoking referral offer into existing processes.

### **4.0 - Responsibilities of Human Resources**

4.1 - Job advertisements will include reference to the Smokefree Policy.

4.2 - Human Resources will be responsible for initiating reviews of this policy as appropriate.

4.3 - Ensure that staff induction includes input on referring customers, clients and service users to Medway Stop Smoking Service.

4.4 - Ensure that contracts of employment refer to the conditions of this Policy

## **5.0 - Where is smoking banned**

5.1 - Smoking is not permitted in any enclosed or substantially enclosed premises within the Council's workplace. The ban applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes.

5.2 - No smoking signs are displayed within the Council premises.

5.3 - Anyone using Council vehicles, whether as a driver or passenger, must ensure the vehicles remain smoke-free. Any Council vehicles that are used primarily for private purposes are excluded from the smoking ban.

## **6.0 - Responsibilities of staff who smoke**

6.1 - Staff may smoke in unpaid break times during their working day. Staff are not permitted to smoke during paid work time.

6.2 - Smoking on Council premises is only allowed outside in designated smoking areas.

6.3 - Uniformed staff are considered to be representing the Council at all times when their uniform is visible to members of the public, and, in line with Medway Council's role in setting a positive health example, should not be seen smoking in uniform, either in paid or unpaid time.

6.4 - These rules also apply during circumstances such as evacuation of the building during a fire alarm.

6.5 - In accordance with the Council's role in reducing litter and protecting the environment, tobacco related litter must be disposed of appropriately at all times. Employees who smoke may wish to carry personal ashtrays.

6.6 - Staff should be confident in conversing with customers about the support available for anyone living or working in Medway provided by Medway Stop Smoking Service. Staff should complete a simple referral wherever appropriate.

## **7.0 - Visitors and contractors**

7.1 - All visitors and contractors should be made aware of Medway Council's Smokefree Policy and must adhere to it during their time on Council premises.

7.2 - Contracts with Medway Council will stipulate adherence to this Policy as a contractual condition.

7.3 - This Policy also applies to council construction sites.

7.4 - Contractors should ensure employees are aware of the service offered by Medway Stop Smoking Service.

## **8.0 - Support for people who smoke**

8.1 - Medway Council recognises its duty towards employees who smoke and reducing smoking prevalence in the population of Medway.

8.2 - Medway Stop Smoking Service offers free support and access to treatments, such as nicotine replacement therapies (including patches, gum and the inhalator) and non-nicotine medications such as Champix, for people who live or work in Medway who wish to stop smoking.

8.3 - Support is available in a number of different forms, including drop-in sessions, 1:1 appointments or 7-week courses. Telephone support is available for housebound clients. The service is available in a wide range of locations across Medway.

8.4 - You can access the service by calling 0800 234 6805 or visiting the [A Better Medway website](#).

## **9.0 - Electronic cigarettes**

9.1 - Staff may use electronic cigarettes and other similar electronic nicotine containing products during unpaid break times during their working day. Use is not permitted during paid work time.

9.2 - Use of electronic cigarettes is not permitted inside Council premises. However, since these products are generally used for reducing or stopping smoking, use is not confined to designated external smoking areas.

9.3 - Staff are not permitted to charge electronic smoking devices on Council premises.

9.4 - Since electronic cigarettes often resemble 'standard' cigarettes very closely, staff should not be seen using electronic cigarettes whilst in uniform, either in paid or unpaid time.

## **10.0 - Sale of tobacco products**

10.1 - No sales of tobacco products will be allowed on any council premises or at council events.

10.2 - It is a criminal offence for anyone to sell, transport or possess illicit tobacco products. Penalties for such offences may include imprisonment and/or fines including fines of up to £5000 for any manager allowing their premises to be used for such activities

10.3 - The selling/storing or dealing of illicit tobacco products on Council property will be considered as gross misconduct and dealt with as a criminal offence.

10.4 Medway Council will fully co-operate with Law Enforcement agencies in investigations into illegal tobacco related offences.

## **11.0 - Tobacco industry sponsorship**

11.1 - The tobacco industry has been known to approach Councils with offers of apparently pro-social support. Examples of this include anti-tobacco litter campaigns and interventions to prevent uptake of smoking. Evidence demonstrates that these have proved counter-productive and/or of more benefit to the industry than the local population.

11.2 - Medway Council does not believe it is in the interest of residents for it to engage with the tobacco industry in relation to either support in kind (including provision of material or academic/intellectual resources) or financial support.

## **12.0 - Monitoring and review**

12.1 - A review of the Policy will be conducted biannually to ensure that it continues to meet the aims and objectives it seeks to fulfil and meets the needs of the organisation. Such reviews will include:

- Assessing effectiveness of implementation.
- Ensuring that the Policy, and training on Stop Smoking referral continues to be included in the organisations' induction programme.
- Assessing and reviewing designated smoking areas.

12.2 - Comments or queries related to this policy should be directed to the Human Resources Team.

## **13.0 - Breaches of the policy**

13.1 - Dropping of cigarette ends and associated litter and any other breach of this policy will be regarded as misconduct and will be dealt with under the Council's Disciplinary Procedure.

13.2 - In serious cases, breaches of this policy may be treated as gross misconduct and the Council may use its disciplinary policy and procedure to deal with the matter.

13.3 - Smoking in smoke-free premises or vehicles is also a criminal offence and may result in a fixed penalty fine and/or prosecution.

## **14.0 - Definitions**

14.1 - 'Smoke Free' does not refer to whether you smoke, but where and when you smoke.

14.2 - The terms 'Staff' or 'Employees' refer to all people working for Medway Council, including staff from other organisations hosted within Medway Council premises and volunteers.

14.3 - 'Council premises' includes buildings and vehicles owned or leased by the council or used for conducting council business.