



Medway Council Smoke Free Policy

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1.0 Purpose of the Policy

- 1.1** Medway Council is responsible for the improvement and protection of the health of people living and working in Medway.
- 1.2** In October 2018, Medway Council signed 'The Local Government Declaration on Tobacco Control' to evidence its commitment to ensuring tobacco control is part of mainstream public health work, and taking comprehensive action to address the harm from smoking.
- 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 the lead agency in reducing local smoking prevalence and to promote the culture of a smoke-free 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 Definitions

- 2.1.** Smoking is defined in the Health Care Act (2006) as "being in possession of lit tobacco or of anything lit which contains tobacco, or being in possession of any other lit substance in a form in which it could be smoked" ⁽¹⁾

It includes, but it is not limited to, products such cigarettes, hand rolling tobacco, pipes, (including water pipes such as shisha and hookah pipes), cigars, herbal cigarettes and heated tobacco devices (often known as heat-not-burn devices).

2.2 Electronic cigarettes (also known as e-cigarettes or vapes) are battery-powered devices that simulate the sensation of smoking. These devices do not burn tobacco or produce smoke, they heat a liquid to generate an aerosol, or a 'vapour', which the user then inhales ⁽²⁾.

2.3 Vaping: The act of using an electronic cigarette.

2.4 'Smokefree' does not refer to whether you smoke, but where and when you smoke.

2.5 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.

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

3.0 Smoking

3.1 Effects of Smoking

3.2 Smoking is a leading risk factor for adverse health outcomes and smoking attributable health and social care costs have a direct impact on the provision of services at a local level.

3.3 For Medway, the annual cost of smoking is estimated at £64.1 million and this includes loss of productivity as well as health and social care costs⁽³⁾.

3.4 Smoking impacts on many areas within the Council's scope of responsibility, 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
- Criminal activity

3.5 Medway Council acknowledges that smoking and second-hand smoke are both public health issues and are proven to cause ill health.

4.0 Responsibilities of Managers

- 4.1** Managers are responsible for implementing this policy in accordance with the Council's commitment to the 'Local Government Declaration on Tobacco Control'.
- 4.2** Line managers are expected to ensure that staff, customers and visitors are aware of the Smoke Free Policy.
- 4.3** Line managers should ensure that staff who smoke are aware of the Medway Stop Smoking Service, and the Council's supportive approach to staff who wish to stop smoking.
- 4.4** Line managers should allow staff reasonable paid time off to attend approved, evidence-based stop smoking interventions if requested, subject to the needs of the service.
- 4.5** Line managers should not 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.
- 4.6** 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 (such as patches, gum, etc..) 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. Line managers should ensure that employees in their team are aware of where the designated smoking areas are and to advise them accordingly if they do not. If line managers are unsure of where the designated smoking areas are they should contact HR for advice.
 - Uniformed staff may smoke in unpaid time provided they remove or cover identifiable uniform items.
- 4.7** 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 can 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 a similar request should be included in all appointment letters.

- Staff conducting home visits have the right to postpone the visit, or if possible arrange an alternative meeting place if the above criteria has not been complied with.

4.8 Line managers will encourage staff to raise awareness of free quit support 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.

4.9. Line managers should ensure all new staff are shown the location of designated smoking areas as part of the Council induction.

4.10 Line managers should challenge, risk assess and manage breaches of this policy. This includes taking steps to guide their staff in how to respond to anyone who does not comply with this policy whilst avoiding confrontation or putting themselves at risk.

4.11. Line managers are also expected to monitor overall compliance with the policy in their respective service areas.

5.0 Responsibilities of Staff who Smoke

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

5.2 Smoking on Council premises is only allowed in designated smoking areas. Staff should make themselves familiar with designated areas across relevant Council sites. If staff are unaware of the location of the designated smoking areas, they should speak to their line manager who can advise them.

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

5.4 These rules also apply during incidents such as evacuation of the building during a fire alarm.

5.5 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 (mini bins), which are available from the Council's Public Health Team.

5.6 Staff should be confident in conversing with customers about the support available from Medway Stop Smoking for anyone living or working in Medway. Staff should complete a simple referral wherever appropriate. Referrals should be sent to medwaystopsmokingservice@nhs.net. The service can be contacted on 01634 334 800.

6.0 Responsibilities of Human Resources

- 6.1** Job advertisements will include reference to the Smokefree Policy.
- 6.2** Human Resources will be responsible for initiating reviews of this policy as appropriate.
- 6.3** Ensure that staff induction includes input on referring customers, clients and service users to Medway Stop Smoking Service.
- 6.4** Ensure that contracts of employment refer to the conditions of this Policy.

7.0 Where is Smoking Banned?

- 7.1** Smoking is not permitted in any enclosed or substantially enclosed premises within the Council's workplace.
- 7.2** No smoking signs are displayed within the Council premises and staff should only smoke in designated smoking areas clearly marked out on Council premises.
- 7.3** 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. However, regardless of its purpose it is illegal to smoke in a vehicle when a person under the age of 18 years is present. This is in accordance with the 'Smoking in Vehicles' legislation (1 October 2015).

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. They also provide behavioural support for smokers wanting to quit using an e-cigarette.
- 8.3** There are no restrictions on staff using nicotine replacement therapies (including patches, gum and the inhaler) and non-nicotine medications such as Champix during normal working hours in the workplace including at their desk.
- 8.4** Support is available in a wide range of community settings. The main service is delivered from the Smokefree Advice Centre (2/2A Railway Street, Chatham, ME44JL), open Monday-Saturday. The service also provides

drop-in sessions across Medway, telephone support for those who are housebound and a digital service to make access as convenient as possible.

- 8.5** You can access the service by visiting the Smokefree Advice Centre (no appointment needed), calling 01634 334800 or visiting www.medway.gov.uk/smokefree.

9.0 Vaping (electronic cigarettes)

9.1 Effects of vaping

- 9.2** International peer-reviewed evidence suggests that e-cigarettes carry a fraction of the risk of cigarettes and have the potential to help drive down smoking rates. Public Health England states that e-cigarettes are 95% safer than smoking tobacco⁽⁴⁾.
- 9.3** The design of e-cigarettes has evolved substantially over time, from the first generation (cig-a-likes) to the most popular second (tank and vape pens) third generation devices (pods) and fourth generation (mods). E-cigarette devices, from the second generation onwards, look entirely different to conventional cigarettes. The second and third more popular devices also emit vapour in smaller volumes than fourth generation models (used mainly by vape enthusiasts).

10.0 Responsibilities of managers

- 10.1** Line managers are expected to ensure that staff, customers and visitors are aware of the Smoke Free Policy.
- 10.2** Line managers should ensure that staff are aware that the Medway Stop Smoking Service can provide free behavioural support to those who are vaping to quit smoking.
- 10.3** 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.
- 10.4** Line managers should not take a confrontational approach to matters relating to staff vaping. 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.
- 10.5** Line managers should reassure employees who vape that they may vape during unpaid breaks in the working day in external areas, but away from office doors and windows.
- 10.6** Line managers should challenge, risk assess and manage breaches of this policy. This includes taking steps to guide their staff in how to respond to

anyone who does not comply with this policy whilst avoiding confrontation or putting themselves at risk.

- 10.7** Line managers are also expected to monitor overall compliance with the policy in their respective service areas.

11.0 Responsibilities of Staff who Vape

- 11.1** Staff may use e-cigarettes during unpaid break times during their working day. Use is not permitted during paid work time.
- 11.2** Vaping is not permitted inside Council premises. However, since vaping is generally used for reducing or stopping smoking, use is not confined to designated external smoking areas
- 11.3** Staff are not permitted to charge e-cigarettes on Council premises.
- 11.4** Staff must be mindful of other people around them when vaping on Council premises and must use their devices in a way that does not cause irritation or impact negatively on others.
- 11.5** Staff are responsible to make sure they use products which are registered with Medicines and Healthcare products Regulatory Agency ([MHRA](#)) and follow [EU Tobacco Products Directive \(TPD\) regulations](#)⁽⁵⁾.
- 11.6** Staff who vape should be mindful that people with respiratory conditions can be sensitive to a range of environmental irritants, including e-cigarette vapour, and are required to vape away from windows and entrances.

12.0 Responsibilities of Human Resources

- 12.1** Guidance from Public Health England states that e-cigarettes are 95% safer than smoking tobacco and recommends that Smokefree policies should differentiate between smoking and vaping (the use of an e-cigarette)^(3,4).
- 12.2** Due to these differences, vaping is not covered by smoke-free legislation.

13.0 Visitors & Contractors

- 13.1** All visitors and contractors should be made aware of Medway Council's Smoke Free Policy and must adhere to it during their time on Council premises.
- 13.2** Contracts with Medway Council will stipulate adherence to this Policy as a contractual condition.
- 13.3** This Policy also applies to Council construction sites.

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

14.0 Sale of Tobacco Products

14.1 No sales of tobacco products will be allowed on any Council premises or at Council events.

14.2 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 £5,000 for any manager allowing their premises to be used for such activities.

14.3 Tobacco products in the UK must adhere to the EU TPD. Staff are responsible for ensuring that they purchase genuine products that meet the TPD requirements and reporting illicit tobacco anonymously to Trading Standards on 01634 334455 or online.

14.4 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.

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

15.0 Tobacco industry sponsorship

15.1 The tobacco industry has been known to approach Councils with offers of apparently pro-socially responsible 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.

15.2 Medway Council's commitment to 'The Local Government Declaration on Tobacco Control' includes adhering to the 'World Health Organization's Framework Convention on Tobacco Control (FCTC)' and in particular to protect the development of public health policy from the vested interests of the tobacco industry (article 5.3).

16.0 Monitoring & Review

16.1 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.

16.2 Comments or queries related to this policy should be directed to:

- The Human Resources Team on 01634 334499 or via the relevant link on service desk

17.0 Breaches of the Policy

17.1 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.

17.2 In serious cases, breaches of this policy may be treated as gross misconduct (examples of what constitutes gross misconduct is detailed in the Council's Disciplinary Procedure) and the Council may use its disciplinary policy and procedure to deal with the matter.

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

References

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