



# No Smoking Policy

## NON STATUTORY POLICY

**Review: Two Yearly**

**Next Review Date: June 2023**

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## **1. Introduction**

Derbyshire County Council is committed to safeguarding the wellbeing of its employees.

Exposure to second-hand smoke, ie breathing other people's tobacco smoke, has been medically proven to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions.

In its bid to help to protect non-smokers from the effects of exposure to second-hand smoke, the Council will implement the smoke-free provisions of the Health Act 2006 and its subsequent regulations.

The Council also wishes to promote the positive health of its employees and will therefore actively encourage and support those who wish to quit smoking. The revised No Smoking Policy and Guidance was implemented from 1 July 2007 in line with the national smoking ban.

## **2. Policy Statement**

The Council recognises the health risks associated with exposure to second-hand smoke and is committed to:-

- reducing the risks to health from exposure to second-hand smoke;
- recognising a person's rights to be protected from harm and to enjoy smoke-free air;
- educating and informing employees about the benefits of not smoking;
- encouraging and supporting employees who wish to give up smoking.

To fulfil this commitment the Council will:-

- ensure that premises and vehicles are smoke-free;
- promote non-smoking campaigns/initiatives;
- provide assistance for employees who wish to stop smoking;
- enforce the no smoking ban.

Any breach of this policy will be dealt with in accordance with the disciplinary procedure.

### **Implementation**

Each Strategic Director shall have responsibility for ensuring that all employees within their Department are made aware of this Policy and associated guidance.

The Trade Union's accredited safety representatives will have access to relevant information concerning this Policy and associated guidance.

### **Monitoring**

The responsibility for monitoring and evaluating the policy and its implementation remains with the Director of HR.

## **3. General Guidelines**

Introduction All Derbyshire County Council buildings and vehicles have been designated smoke-free from 1 July 2007. The only exceptions to this will be residential accommodation (see below).

### **E-Cigarettes**

E-cigarettes are also prohibited by this policy

### **Grounds**

Smoking may be permitted in the grounds of County Council establishments but not in close proximity to any building. Close proximity is any distance that allows smoke to permeate into the building.

It is envisaged that some establishments, for health and safety or other reasons, may wish to designate their grounds smoke-free.

### **Residential Accommodation**

- (a) Care Homes The Council recognises that residential care facilities are the homes of service users. They therefore have a right to control their own environment and feel as free as other people to do what they want in their own home. Nevertheless the Council remains responsible for safeguarding the safety and health of other residents and employees by protecting them from exposure to second-hand smoke and other associated hazards such as fire.

Each residential establishment should therefore establish, or may have already established, its own protocol, which makes provision, in a designated area, for service users to smoke if they wish. This must not however be in any communal area. In addition, second-hand smoke should not impinge on other areas of the care home. Appropriate smoking receptacles and ventilation should be in place.

Employees and visitors may not smoke in residential care homes.

- (b) Residential Centres Council establishments which provide residential courses for adults may wish to make provision for smokers outside of the main building and sleeping accommodation.

### **Service Users' Homes**

Employees may not smoke within the homes of service users. In addition, whilst the legislation does not cover private residences, service users will be requested not to smoke whilst Council employees are in their home.

### **Smoking Breaks**

No employee is entitled to take breaks, additional to their contractual entitlement, during their working day to smoke.

### **Vehicles**

All Council vehicles including vehicles on loan, hire or leased to the Council, and used for work, will be smoke-free.

Employees using their own cars and in receipt of a casual, essential or public transport allowance are required not to smoke if they are transporting colleagues and/or service users during working hours.

### **Signs**

Premises and vehicles that are smoke-free will be required to have no smoking signs in place.

(a) Buildings At each entrance there must be displayed an A5 No Smoking sign which shows the no smoking symbol and contains, in characters which can be easily read, "No Smoking – It is against the law to smoke in these premises". (This can be changed to "in this school, in this care home, etc.)

Vehicles Each Council vehicle must display a no smoking sign (which contains the stop smoking symbol) in each compartment of that vehicle which accommodates passengers, eg a minibus would require one sign in the driver's compartment and one in the rear passengers' section.

### **Responsibilities**

- (a) Persons responsible for establishments have responsibility
  - (i) to display no smoking signs in buildings and vehicles
  - (ii) to ensure that no-one smoke in smoke-free premises or vehicles.
  
- (c) Employees are required to comply with this policy and refrain from smoking in buildings, vehicles and grounds which are designated smoke-free.

Individuals who do not comply with this legislation either by smoking in smoke-free buildings/vehicles or by not enforcing the legislation in premises for which they are responsible, are liable to a fixed penalty fine and possible criminal prosecution.

### **Assistance for Smokers**

The County Council will continue to promote and support non-smoking initiatives. Publicity will be given to the dangers to health linked with smoking and the risks associated with exposure to second-hand smoke.

Assistance will be available to any employee who wishes to stop smoking either by the provision of individual counselling and/or participation in a smoking cessation group.

**Further Advice**

Further information, advice and support regarding this policy is available from the Occupational Health Unit, County Hall, Matlock, or your Departmental Health and Safety Section.

