



# **Smoke Free Brent**

**Policy and Procedures**

**2007**

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# The Policy and Procedures

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## **Aims and Objectives:**

This policy aims to protect all employees, workers, service users, customers and visitors from exposure to secondhand smoke.

Specifically the policy and procedures provide:

- Information on making our premises smoke free
- Rules to ensure that Brent presents a positive smoke free image
- A basis to ensure the council responds to its new legal duties
- Information on smoking in our parks and other open spaces
- Guidance on the issue of smoking during working hours
- Advice on how to get help in stopping smoking

## **Legal Context**

The policy has been developed to comply with the Health Act 2006, with regulations made under it and with the Council's duties under the Health and Safety at Work Act 1974.

From 1<sup>st</sup> July 2007 the Council is responsible for enforcing the Smoke-Free legislation in all workplaces, public vehicles, work vehicles and public premises (such as buildings) in the Borough which are enclosed or substantially enclosed.

## **Who is and isn't covered by the policy**

The new law banning smoking in public places from 1st July 2007 applies to all members of the public and staff.

This policy applies to the following groups of staff:

- Permanent employees of Brent
- Temporary employees of Brent
- Agency staff working for Brent
- Volunteers working for Brent
- Contractors delivering services for Brent on Brent land or Premises
- Elected Members of Brent Council

## **Roles and Responsibilities**

- All employees and others listed above must abide by this policy. This policy is incorporated into the contracts of employment of employees.
- All managers must ensure the policy is applied in their area of responsibility
- The Director of HR and Diversity must monitor and review the policy
- Brent Council will support its employees to stop smoking

## **Smoking in our buildings, vehicles and on our land**

Smoking includes smoking substances other than tobacco. It also includes being in possession of lit tobacco or of any other lit substance in a form in which it could be smoked. The law does not only apply to cigarettes but also to pipes, cigars and water pipes.

Smoking is not allowed at any time in any of our buildings or in any part of our buildings apart from the two exemptions listed near the bottom of this page. Smoking is also not allowed in any temporary structures we control such as tents and marquees. In addition smoking is not allowed in the grounds of our buildings in order to present a good image of the council as a smoke free employer and to avoid issues around smoking litter near our buildings

Smoking is not allowed in any vehicle owned or operated by the Council.

This also includes privately owned vehicles used for work when there are passengers in the car. This applies even if the car is stationary.

Smoking is allowed on the public highway or in our Parks. However smoking in these places by staff is only allowed in locations where there is no significant risk of smoke drifting back into a building. Also staff can only smoke in these places during their scheduled breaks or lunchtime.

The law doesn't require the following places to be smoke free but Brent staff are not allowed to smoke in these places when they are on duty.

- A member of the public's home
- Individual bedrooms or rooms to be used only for smoking in residential care homes where the residents using the rooms are aged 18 years or over.

When they are on duty Brent staff are also not allowed to smoke in any buildings, temporary structures or vehicles which the Council does not control or manage but which the law requires to be smoke free.

## **Smoking during working hours**

You are not allowed to smoke during the time when you are expected to be working.

You are allowed to smoke during your lunch break or during other scheduled breaks if they are a normal part of your working day.

Even if you choose to smoke during lunch or a scheduled break you are not allowed to do this in any of the places listed in the section above where smoking is not allowed.

### **Enforcing this policy - staff**

A breach of this policy by an employee is potentially a disciplinary offence. In most cases of a breach there is likely to be informal action to support you in complying although in serious cases immediate disciplinary action may be taken. Continuing breaches of the policy by employees will result in disciplinary action that could ultimately lead to dismissal from the council. Continuing breaches of this policy by agency workers, contractors or volunteers may result in the termination of their work for the council.

If a manager is aware that any of the staff covered by this policy are breaching it they have a duty to tell the individual to stop smoking and draw their attention to this policy and the consequences of breaching it.

### **Enforcing this policy - others**

If a manager or member of staff is aware that a member of the public is breaching this policy in any of the premises or vehicles in which smoking is banned then they should:

- Draw the person's attention to the no-smoking signs and ask them to stop smoking;
- Where the member of the public is a customer, explain that staff will refuse to serve them if they continue to smoke;
- Explain that the member of public will be asked to leave if they continue to smoke;
- if the member of public continues to smoke and refuses to leave implement the service's normal procedure for removing members of the public from the premises.

People who don't comply with the law on smoking in public places may also receive a fixed penalty notice and/or possible prosecution. The Council may also face legal action if it fails to prevent smoking in buildings under its control.

In the event of complaints from members of the public arising from failures to implement this policy the council's Health and Safety Policy makes provision for executive action to be taken by Health and Safety officers under the Chief Executive's authority to ensure that the law is complied with. The costs of this action may be recharged to the responsible service area.

### **Getting help to stop smoking**

Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers

and non-smokers within the same airspace do not completely stop potentially dangerous exposure.

Smoking is really bad for your health. The council wants its employees to be healthy.

Watch out for council activities to help people stop smoking. In addition, the NHS offer the following free services to help smokers give up:

- Local NHS Stop Smoking Services report that people who give up smoking with the support of local NHS Stop Smoking Service and nicotine gum and patches are four times more likely to succeed than those without support.
- The NHS Smoking Helpline -you can speak to a specialist adviser or request resources
- <http://smokefree.nhs.uk/advice-and-information/> - an online resource for all the advice, information and support you need to stop and stay “stopped”.
- Together -This support programme is free to join, and is designed to help you stop smoking using both medical research as well as insights from ex-smokers.

Telephone number for all the above services is 0800 022 4 332 (lines are open Monday to Friday 9am to 8pm and Saturday and Sunday 11am to 5pm).

## **Smoking of electronic cigarettes**

Electronic cigarettes ("e-cigarettes") presently fall outside the scope of the smoke-free legislation. Whilst it is recognised that e-cigarettes may form part of an individual's smoking cessation programme, they are part of a wider range of options to help individual's give up smoking e.g. nicotine patches, gum, inhalers etc. It is equally the case that particularly from a distance they may look like real cigarettes, making a smoking ban difficult to police and creating an impression for visitors, customers or other employees that it is acceptable to smoke.

Our employees are entitled to work in a smoke free workplace. The council's position is that it is not operationally feasible to differentiate between a real or e-cigarette and therefore a blanket policy of no smoking applies which includes the use of e-cigarettes.

## **Links to other Policies and Procedures**

### **Managing Sickness Procedure:**

If you are currently in the managing sickness procedure and your health issues can be in any way linked to smoking then the Council may provide additional support to you in giving up.

### **Health and Safety Policy**

The Council's Health and Safety policy commits the Council to setting an example of good practice. The policy provides a framework that commits all managers and staff to take responsibility for safety at work.

### **Disciplinary procedure:**

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A breach of this policy is potentially a disciplinary offence. In most cases of a breach there is likely to be informal action to support you in complying. However wilful and continuing breaches of the policy will result in disciplinary action that could ultimately lead to dismissal from the council.

**Evaluation review and change**

This policy and procedures will be evaluated and reviewed 12 months from the date it becomes live and thereafter every three years.

The council reserves the right to amend the provisions in this policy at its discretion but will not do so without first consulting with staff and trade unions in such manner as it considers appropriate, unless there is a change in the law that the Council must respond to before such consultation can be completed.

Any questions about the application or interpretation of this policy should be referred to the Operational Director of HR or to his/her delegated representative whose decision shall be final.