

APPENDIX A SMOKE FREE POLICY



1. Introduction

Peterborough City Council (PCC) recognises that the health, safety and welfare of employees, clients, contractors and anyone else directly affected by the council's operations are of prime importance. The council has therefore developed and enforces a dedicated smoke free policy, conforming to the requirements of the Smoke Free (Premises and Enforcement) Regulations 2006.

This policy applies to anyone entering a Peterborough City Council owned or controlled building **or site**, the home of a client, or whilst operating or using a vehicle for work purposes. It should be read in conjunction with any site specific smoke free requirements.

This policy applies to all forms of smoking including the use of vaping products (e-cigarettes) in the workplace. E-cigarettes are included under the definition of 'smoking' throughout this policy.

2. Purpose

The purpose of this policy is to ensure that all Council Members, Employees, Contractors, Workers, Visitors, and Members of the Public are fully aware and understand the standards of conduct and behaviour expected of them in respect of smoking.

3. Key Principles

- At no time is smoking permitted anywhere on PCC owned or controlled premises **or sites** which are enclosed or substantially enclosed as defined by the Health Act 2006 or near to premises entrances. The only exceptions to this are:
 - Clients within certain Residential Homes and only then in authorised areas, and not in any way that necessitates employees being exposed to second-hand tobacco smoke.
- Additional time off to smoke is not provided. Smoking may only take place during authorised breaks, and only in suitable areas. Time taken must be deducted from the working hours for that day. All smoking breaks are unpaid.
- Smoking is not permitted when a Council employee is undertaking official business unless on official breaks.
- Smoking is not permitted in PCC owned or leased vehicles whether as a driver or passenger.
- Smoking is not permitted in a PCC employee's own vehicle whilst it is being used for official Council business (for which the council reimburses the employee's expenses), whilst accompanied by other persons. This will ensure that nonsmokers are not subjected unwillingly to tobacco smoke whilst travelling on official Council business.
- Drivers are banned from smoking, or allowing smoking, in private cars carrying children under the age of 18. Any failure to comply will amount to a criminal offence under the amended Smoke-free (Exemptions and Vehicles) Regulations 2007 (SI 765/2007).
- The principles of this policy also apply when workers are undertaking official business whilst at non PCC owned or controlled premises.

- Smoking breaks must always be taken off site, **or** in a smoking area and not in the presence or view of service users.
- **Fletton Quays - As part of the Leasing Agreement, smoking breaks may only be taken in the Smoking Shelter (located by the pay meters at the surface car park) or in the Plaza (located between the multi-storey car park and Sand Martin House). Smoking must not take place by entrances/exits or emergency exits.**
- The Council recognises that it is a client's right to smoke in their own home, although it also has duties to its employees in that this is an environment in which employees are potentially at risk from the harmful effects of secondhand smoke. Staff should use their discretion and, where appropriate and practical, request that a client and anyone else present during a visit refrains from smoking whilst work is carried out. If the visit to a client's home is an extended visit, the employee may request that a smoke free environment is provided for them to work in for the duration of their visit.

4. Assistance for employee to give up smoking

PCC recognises the difficulty that employees who wish to give up smoking may face. The organisation's occupational health service can offer guidance and information and the Employee Assistance Programme can offer support to help smokers to give up. Other services that are available locally and nationally include;

- Healthy Peterborough website <https://healthypeterborough.co.uk/>
- ASH (Action on Smoking and Health) www.ash.org.uk
- NHS Smokefree website <https://www.nhs.uk/smokefree>
- Smokefree National Helpline 0300 123 1044.
- Solutions for Health website <https://www.solutions4health.co.uk/our-services/smokefreelife/>
- Camquit www.camquit.nhs.uk
- Local GP practice, pharmacy or hospital.

5. Electronic Cigarettes - Vaping

The council understands that some employees may use e-cigarettes, particularly as an aid to giving up smoking. E-cigarettes are battery-powered products that release a visible vapour that contains liquid nicotine, **propylene glycol and/or vegetable glycerine, and flavourings**, that are inhaled by the user.

Although they fall outside the scope of smoke-free legislation, the council **and the landlords of Sand Martin House**, prohibit the use of e-cigarettes in the workplace. The council's rationale for a ban on e-cigarettes is that:

- although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees;
- some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to enforce, and creating an impression for visitors, clients and other employees that it is acceptable to smoke.

6. Residential and other trips

Whilst accompanying service users on residential trips or days out employees are only able to:-

- smoke on their breaks, which must be off site or
- in a smoking area, and
- not in the presence of the service users.

7. Non-compliance

Breaches of this policy by any employee will be dealt with under the Council's Disciplinary Policy and Procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

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

Clients who are smoking in smoke-free areas should be reminded of the no- smoking signs and asked to stop. If a client continues to smoke, employees should explain that the client is committing a criminal offence and will not be served if he/she continues to do so. If the client still refuses to stop smoking, staff should ask the client to leave the premises and, where relevant, direct him/her to where he/she can smoke.

Governance Smoke Free Policy

References:

Smoke-free (Exemptions and Vehicles) Regulations 2007 (SI 765/2007).

Smoke Free (Premises and Enforcement) Regulation 2006.

Original Date agreed at Employment Committee:	3 December 2015
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Document Control Sheet

Purpose of document:	The purpose of this policy is to ensure that all Council Members, Employees, Contractors, Workers, Visitors, and Members of the Public are fully aware and understand the standards of conduct and behaviour expected of them in respect of Smoking.
Type of document:	Policy
Document checked by Legal	Previously undertaken. No change

If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Not Applicable
Document lead and author:	Karen Craig - HR
Dissemination:	All new and updated policies and procedures are notified to entire workforce via insite and a variation letter. This policy is also submitted to City College, EPM and Serco. All documents are also posted onto the Employee Information pages of the intranet.
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document (job title):	Senior Reward Advisor
Why is this document being reviewed?	Annual Review

Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
3	All	Updated to show where smoking may take place at Fletton Quays; inclusion of smoking shelter. Stop smoking services updated. Make up of e. cigarettes included.	

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