



## **CUMBRIA COUNTY COUNCIL SMOKE FREE POLICY 2019**

### **INTRODUCTION**

Cumbria County Council is committed to supporting the overarching vision of the Joint Cumbria Health and Wellbeing Strategy 2019-29:

*“To enable Cumbrian communities to be healthy and to tackle health inequalities”.*

It is well documented that people who smoke who are under the age of 40 have a five time greater risk of a heart attack with more than one quarter of all cancer deaths can be attributable to smoking. Every year smoking causes around 80% of deaths from lung cancer, around 80% of deaths from bronchitis and emphysema, and in the region of 14% of deaths from heart disease. That adds up to around 96,000 deaths in the UK.

The best thing that an individual can do for themselves, their friends and family is not to smoke and this policy sets out the council's position and approach in creating smoke free workplaces and supporting those who smoke to quit.

### **BACKGROUND**

The council recognises that smoking is a long term relapsing condition. Tobacco contains nicotine which is highly addictive. The addictive properties mean that for those that smoke it is difficult to stop and it may take several attempts. Nicotine can elevate your mood and your heart rate and it travels quickly to the brain when it is inhaled and can cause a feeling of temporary relaxation and/or stress relief. It is no surprise therefore that tobacco use remains the most significant public health challenge in the United Kingdom (UK) and smoking is the primary cause of preventable illness and death.

These include cancer of the lung, mouth, lip, throat, bladder, kidney, pancreas, stomach, liver and cervix. About half of all life-long smokers will die early. Second hand smoke dramatically increases the risks of lung cancers and heart disease in non-smokers and studies suggest that new cases of asthma may be induced in children whose parents smoke.

Attributable socio-economic costs are staggering. It is estimated that the overall annual cost of smoking to the Cumbrian economy is £6.7 million; the health care economy absorbs £16 million of that. 74,000 GP appointments are thought to be due to smoking and over 80,000 days every year are lost from work due to smoking. There are 64,000 people over the age of 16 who smoke in Cumbria who are spread across



more than 47,000 households. It is estimated that 31% of these households fall below the poverty line, before housing costs, and if those smokers were to quit, almost 6000 households, about 10,000 people would be taken out of poverty.

The Department of Health's "Towards a Smoke-free Generation – A Tobacco Control Plan for England" (2017) and Smoke Free Cumbria the Cumbria County Council Statement of Intent are clear in setting out the vision for a smoke free generation (in Cumbria) by 2022.

## **WHAT IS A SMOKE FREE ENVIRONMENT?**

Smoke-free means smoking is not permitted anywhere on Council owned or occupied premises (this includes all areas up to the perimeter), including schools and in Council vehicles. There are no exceptions to this rule for staff, visitors, or contractors on County Council sites. On working construction/highways sites, smoking may be permitted in an area designated by the Principal Contractor in the Construction Phase Plan for the protection of non-smokers under the Smoke Free Regulations 2007

A smoke-free environment encourages non-smoking and promotes good health and the well-being of all staff, visitors, contractors and clients and encourages non-smoking. By applying this approach it will help ensure that no person is put at unnecessary risk from exposure to second hand tobacco smoke or any of the associated risks from fire. It is a good way to communicate a positive corporate image and demonstrate that the health and safety of employees is of the utmost importance

## **THE POSITION ON VAPING**

The council considers vaping, or using an e-cigarette, as smoking for the purpose of this policy and this too is not permitted on Council owned or occupied premises (this includes all areas up to the perimeter), including schools and in Council vehicles.

It is recognised that vaping is not covered by smoke free legislation and Public Health England state that e-cigarettes are significantly safer for adult users than smoked tobacco as an aid to quit smoking and stay smoke free. The council does not want to normalise or encourage the use of e-cigarettes therefore in the terms of this policy taking the same approach to e-cigarette use on Council sites is not only about health protection. Professional etiquette and avoidance of issues where vaping could cause nuisance or distraction for others in the workplace are key factors.



## **HEALTH AND SAFETY AT WORK**

The council has the duties placed upon it by legislation under the Health and Safety at Work Act 1974 and, in line with its Health and Safety Policy, its duty to provide safe and healthy working conditions for all its employees and others who may be affected by its work activities.

Council employees also have duties under the Health and Safety at Work Act 1974, to take reasonable care of their own and others health and safety and to co-operate with the employer on matters of health and safety.

These arrangements affect where a person smokes/vapes and the effect this may have on staff, visitors, clients and the wider community. This is not about an individual's right to smoke/vape.

## **SO WHAT DOES THIS MEAN?**

If you are a smoker the council would like to support you to help you quit. This is your choice and no one will force you to do so. When this policy is implemented it will mean that you are not permitted to smoke or vape whilst you are working, more detail is set out in the guidance section of this document.

If you don't smoke don't start vaping, many of the e-liquids contain nicotine and therefore have the addictive properties of tobacco. Support your peers who are smokers in their quit attempts and understand that it isn't as easy as it might seem.

The council, and therefore the workforce, is spread across numerous buildings and sites across Cumbria, some are council owned and some are not. This presents challenges for application, enforcement and consistency and although there is more detail in the guidance section of the document, the local differences mean a practical approach is required in the implementation of this policy.

As employees, elected members and contractors you are representing Cumbria County Council and are a valued members of our wider community. This policy is about working towards a smoke free generation so that in the future children can experience smoke free lives and adults can live their lives in good health for longer.

## **IMPLEMENTATION GUIDANCE**

### **What effects will these arrangements have?**

- Employees must not smoke during work time; if employees wish to smoke arrangement must be made to do so in their own time.
- Employees must not smoke in any Council vehicle at any time, this includes their own vehicle (during paid hours) if it is used to carry passengers for work related purposes.
- Employees will not be allowed to take time off work in order to smoke.
- Every effort will be made to protect staff who visit clients in their own homes from the effects of second-hand smoke, for further details see Appendix 1.
- Staff working in care homes where clients are allowed to smoke in controlled areas will also be protected from second hand smoke, see Appendix 2 for further details.

### **Who will these arrangements affect?**

- All employees whilst undertaking council business or representing the council in any way.
- Anyone visiting Council premises.
- Any person receiving home visits from council staff (see appendix 3).
- All contractors supplying a service to or for Cumbria County Council.

### **How will the Council ensure compliance?**

- Where appropriate, relevant signage that prohibits smoking will be displayed in buildings and vehicles.
- All line managers are responsible for promoting and monitoring a smoke-free working environment.
- All employees have a duty and a responsibility to co-operate with managers to ensure compliance and to actively promote these arrangements in the course of their work.
- Under health and safety legislation all employees have a duty to maintain their own health and safety and that of any others who they might affect by their actions.

### **What happens if an employee chooses to ignore these arrangements?**



- Failure to comply with these arrangements may result in disciplinary action being taken against the individual concerned.

### **Employees and Elected Members - What you need to do**

- ✓ If you smoke – consider quitting. Contact the Stop Smoking Service if you would like assistance to stop smoking [Health and Wellbeing - Stop Smoking : Cumbria County Council](#)
- ✓ Let your manager know that you wish to access the Stop Smoking Service if you need time off during the working day to attend
- ✓ Do you need more support at work? Let your manager know and speak to a Health Advocate about a setting up, attending a peer support group. [Betterhealth@cumbria.gov.uk](mailto:Betterhealth@cumbria.gov.uk)
- ✓ If you find you cannot quit, consider switching to e-cigarettes as a safer alternative.
- ✓ As a smoker if you need to smoke or vape during your working day this must be in your official breaks only.
- ✓ If you are on site that has a designated smoking area use it and do not drop any litter.
- ✓ If there is no designated smoking area you will need to go off site and respect others by making sure you are well away from doorways, windows, other premises etc. and do not drop any litter.
- ✓ If you are going off site to smoke in your official break remember that you still represent the council whilst doing so and if possible remove or cover ID badges or identifiable clothing.
- ✓ Comply fully with these arrangements.
- ✓ Help ensure your colleagues, visitors, contractors and clients comply with these arrangements, if they fail to do so report to your line manager.
- ✓ Request clients provide a smoke free environment when making any visit to their home.

### **Line Managers - What you need to do**

- ✓ Managers should use discretion in allowing time off for accessing the stop smoking service or attending peer support sessions whilst ensuring that any time off allowed does not affect the delivery of service
- ✓ Ensure all staff are fully aware of these arrangements. Staff should be informed where to view a copy of these arrangements.
- ✓ If your service area has or uses volunteers, ensure that they are fully aware of the council policy and that it applies to them as they carry out activities for and on behalf of the council
- ✓ Ensure yourself and your staff fully comply with and support these arrangements
- ✓ Ensure staff are able to carry out their duties in a smoke-free environment.



- ✓ Increase staff knowledge about the dangers of exposure to second-hand smoke.
- ✓ Inform all new and existing clients of these arrangements.
- ✓ If a member of staff reports a case of non-compliance from a colleague, investigate and proceed according to your findings.
- ✓ If a member of staff reports a case of non-compliance from a client in their home, investigate and proceed based on the Council's duty of care to the client and the member of staff.
- ✓ Documentation should be kept regarding any dialogue and the steps taken to reduce any exposure to second hand smoke the member of staff might face.
- ✓ Support, where possible, any member of staff wishing to stop smoking (see page 5 – what help is available to staff wishing to give up smoking).

### **Managers of Premises - What you need to do**

- ✓ Ensure that appropriate 'no-smoking' signage is positioned where it is required at all Council owned or occupied sites.
- ✓ To avoid confusion and misinterpretation, ensure that any waste bins placed for the disposal of cigarettes are removed.
- ✓ If you discover any visitors or client on Council premises failing to comply with these arrangements inform them politely but firmly to extinguish their cigarette etc. or leave the premises immediately.
- ✓ If you discover any contractor on Council premises failing to comply with these arrangements inform them to extinguish their cigarette etc. immediately and inform the person responsible for engaging the contractor.

### **Vehicle Maintenance Unit**

- ✓ Ensure all Council owned or hired vehicles have appropriate smoking prohibition signage fitted.

## **Appendix 1**

### **Protecting council staff working in clients' homes from exposure to second-hand smoke**

Many council staff are required to visit clients in their own homes. Some clients, together with their family or friends, may smoke in the home. This situation may result in council staff being put at risk of exposure to second-hand smoke.

Council staff visiting clients in their own homes are entitled to the same level of protection as those working in council premises.

In order to protect staff from exposure to second-hand smoke the following arrangements will be introduced:

- All clients, new and existing, will be requested to provide a smoke free working environment for our staff. Clients will be given an information leaflet (see Appendix 3).
- Any service that provides care in the community should produce a written client contract that outlines the respective responsibilities of the service and the client, including arrangements to protect staff from second-hand smoke.
- The smoking status of all clients, and details of other people who smoke in the clients' home, must be recorded in any care plan, and any smokers are to be provided with contact details for the Stop Smoking Service. [Health and Wellbeing - Stop Smoking : Cumbria County Council](#)
- If staff cannot reach a satisfactory agreement with a client they shall refer the case to their manager for their support in handling the issue.



## Appendix 2

### Protecting residential staff from exposure to second-hand smoke

In recognition that residential premises are also a client's home, the council understands that some homes may have designated smoking rooms and where these exist they are for the use of the residents only. However, to protect council staff, residents, and any other people visiting or working on the premises, from exposure to second-hand smoke, any designated rooms provided for smoking must be designed, operated and used in a way that will minimise unintended exposure to second-hand smoke.

The following standards are to be introduced for all designated rooms for smoking:

- Must be designated in writing, by the person in charge of the premises, as a room in which smoking is permitted.
- Must have prominent signs at all entrances to the room clearly indicating it is a smoking room, together with signs clearly indicating when it is not available for use.
- Doors, which open from the designated room for smoking into the premises, must be fire resistant with self-closing devices.
- Must have adequate ventilation, which must not ventilate into other parts of the premises.
- The room must have windows in the doors or walls to enable monitoring of activities from outside the room.
- The room must have suitable fire detection (heat detectors).
- A fire extinguisher must be located inside or immediately outside the room.
- Metal waste bins to be provided and maintained with water in (approx. 25mm) bottom.
- Sufficient ashtrays and sturdy tables to be provided.
- A means to summon staff assistance must be provided (bell / alarm).
- Floor coverings, furniture, and fittings must comply with Fire Regulations.
- They must have a ceiling, solid floor, and be fully enclosed (except for windows & doors).
- No food or drink must be allowed in the room.
- No TV, radio or other entertainment equipment to be allowed in room.
- Use of the room must be restricted to residential clients.
- The room must be taken out of use and ventilated for a minimum of 1 hour prior to cleaning.



- The room should have a direct exit to a safe area.
- Users must ensure their smoking materials are fully extinguished when leaving the room.

### **Appendix 3**

#### **Example information leaflet for clients**

##### Important information for people receiving home visits

Take care of the visitor who provides your service. Consider the needs of our staff and provide them with a smoke free environment.

Second-hand smoke, or passive smoking as it's sometimes called, has been found by the Government Scientific Committee on Tobacco and Health to be detrimental to people's health. It can cause heart disease, stroke and lung cancer in adults. Being exposed to second-hand smoke even for a short time can cause eye irritation, headache, cough, sore throat, dizziness and nausea.

Employers have a duty in common law to take reasonable care to protect the health of employees. The Council is required by law to ensure that employees and others are not put at risk. We therefore ask if you would do everything possible to provide a smoke free environment when our staff visit you in your home.

How to protect staff from exposure to second-hand smoke:

- refrain from smoking inside the house for at least 1 hour before they arrive
- if reasonable to do so open windows and doors to fully ventilate the area
- try to keep one room smoke free at all times.

During the visit:

- do not smoke or let anyone else in the house smoke
- when the member of staff is in the house, ask other smokers to go outside to smoke.

#### **Cumbria County Council Policy**

We ask our staff to assess whether any environment they enter is safe for them to provide their services. If a smoke free environment cannot be provided, a risk assessment will be required in order to reduce the risk to a level that is as low as is reasonably practicable. We will support staff to leave an environment they deem to be unsafe. If necessary, you will be offered alternative service options.

Our undertaking to you



All routine visits will be pre-booked and you will be given a time for the visit. If the staff member is delayed, you will be contacted as soon as possible.