

## **Smoke Free Environment Policy (For Staff)- HR032**

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## Why we need this Policy

This document sets out the Trust's policy in relation to being a smoke free organisation and the procedures to be followed with regard to supporting individuals to cope with increased restrictions, or to stop smoking, and ensure adherence to the policy.

This policy is based on clear evidence that, in addition to the health risks taken by smokers themselves, non-smokers who involuntarily breathe in second-hand tobacco smoke have increased risk of disease. This policy is, therefore, intended to protect non-smokers from risks they have not chosen to take, whilst providing support for others who may be affected by its application.

The Trust is committed to treating people with dignity and respect in accordance with the Equality Act 2010 and Human Rights Act 1998. Throughout the production of this policy due regard has been given to the elimination of unlawful discrimination, harassment and victimisation (as cited in the Equality Act 2010).

## What the Policy is trying to do

The purpose of the policy is to promote and enable health, safety and well-being for staff.

Every year, around 100,000 smokers in the UK die as a result of their habit. Smoking causes about thirty per cent of all cancer deaths (including around 90% of lung cancer deaths), 17% of all heart disease deaths and at least 80% of deaths from bronchitis and emphysema. It also increases the risk of developing more than 50 serious health conditions.

In addition to the impact of smoking on smokers, the harmful effect of second-hand smoke is now established beyond reasonable dispute. Exposure to second-hand smoke (SHS) at work is estimated to cause the death of more than two employed persons per working day across the UK as a whole and increases the risk of developing the same health conditions as smokers. SHS can exacerbate asthma and can cause heart disease, strokes and lung cancer in exposed adults. The harmful composition of tobacco smoke makes SHS extremely hazardous. Tobacco smoke contains over 4000 chemicals, some of which are poisonous and are known to cause cancer; these include tar, carbon monoxide, nitrous oxides and hydrogen cyanide.

The Trust recognises that nicotine is a highly addictive substance and that some people choose to use tobacco products despite the considerable risks to their health and well-being. There is evidence, however, that the introduction of a smoke-free workplace encourages and enables people to quit smoking. This policy should be seen in the context of promoting the well-being of staff on or in the Trust grounds, premises, property or vehicles.

The objectives of the policy are to:

- Raise the awareness of the risks of smoking and promote the health and safety of staff, patients, visitors, contractors and other persons on or in the Trust grounds, premises, property or vehicles.

- Promote healthy lifestyles for members of staff, patients and visitors.
- Ensure compliance with NHS England’s requirements and contracts which stipulate the provision of a smoke-free environment.
- Inform staff and managers of the policy and their responsibilities in respect of the policy.
- Support members of staff who are smokers to help them cope with the restrictions of a smoke free environment, and/or to stop smoking.
- Improve the general appearance of the environment of trust premises – especially the external aspect.

The policy also sets out to ensure compliance with Department of Health Policy as follows:

- Prohibiting the sale or advertising of cigarettes and tobacco products in or on hospital premises and grounds.
- Supporting the need to reduce smoking - as reflected in the National Service Frameworks for cancer and diabetes.
- Supporting the Government’s strategy on smoking reduction - ‘Smoking Kills’.
- Enabling health professionals, in the normal course of their duties, to routinely provide minor clinical interventions as referred to in Section 5 below, to encourage patients who smoke to stop doing so. This is in accordance with The Department of Health publication Local Stop Smoking Services – Service and Delivery Guidance 2014.

### **Which stakeholders have been involved in the creation of this Policy**

- Director of Human Resources
- Trust Policy Board attendees

### **Any required definitions/explanations**

NHFT - Northamptonshire Healthcare NHS Foundation Trust

## Key duties

- **Chief Executive**

The Chief Executive is responsible for ensuring this policy is fully supported at all levels and by all members of staff as well as ensuring that there are sufficient resources available to enable its implementation.

- **All Trust Directors**

Directors are responsible for ensuring that they, as well as managers, at all levels, encourage their own staff members, as well as those they do not directly manage or supervise, to fully comply with this policy and that, where necessary, they have appropriate resources to do so.

- **All Trust Managers**

All Trust managers are responsible for ensuring that those members of staff who directly report to them, as well as others where necessary, fully comply with this policy.

Managers must ensure that members of staff, patients and visitors are aware of the policy, and should take steps to educate the members of staff they manage in how to respond to those (members of staff, patients and visitors) who do not comply with the Smoke Free Environment Policy.

Managers are responsible for fully supporting members of staff who, in complying with a key requirement of this policy, bring to the attention of any person in breach of it – by reinforcing the smoke free environment message.

Managers are responsible for intervening in situations that become difficult for members of staff to deal with.

Managers are responsible for monitoring the Smoke Free Environment Policy in their own departments and ensuring adherence thereto.

Managers are responsible for when necessary disciplining members of staff who breach this policy

Managers will invoke the Trust's disciplinary and/or incapability/unsatisfactory work performance policy and procedures for members of staff who persistently breach the policy – after such staff members have been offered appropriate support.

- **All Trust Employees**

All employees of the Trust are responsible for complying with and supporting the implementation of this policy.

Employees who are smokers, and do not wish to stop smoking, must not smoke in or on any of the Trust's grounds, premises, property or vehicles.

All NHS employees who are smokers, are expected to set a good example by not smoking within 100m of any Trust site while wearing a uniform or a name/identity badge identifying them as an employee of the NHS.

Employees are encouraged to inform patients, visitors and other employees, about this policy, if such persons are seen breaching it by smoking in or on any of the Trust's

grounds, premises, property or vehicles. The message employees are expected to promote is that smoking is not permitted anywhere at any time.

To the extent that all employees have some responsibility for their own safety, they should not put themselves at undue risk of violence and/or abuse by overly intervening by requesting someone who is smoking to comply with the Trust's Smoke Free Environment Policy.

Employees should, when encountering someone breaching the Smoke Free Environment Policy, draw their attention to one of the many 'No Smoking' signs that are located throughout the Trust's grounds, premises, property or vehicles if they feel confident to do so, alternatively they may inform their line manager.

Where necessary, for example when a person is smoking in breach of the Trust's Smoke Free Environment Policy, members of staff should intervene by requesting those who are breaching the policy either to comply with it or, if this is not likely, to leave the Trust's premises/property/grounds.

## Policy detail

- **What the Law Says**

The Health Act 2006 states it is unlawful to smoke or permit smoking in a designated smoke-free place. From April 2006 all NHS hospitals were designated smoke-free for visitors and staff and the only exception to this is inpatients who have to be care planned and can only smoke outside in garden areas.

- **Consequences of Non Compliance**

On each occasion that a smoke-free designated place is contravened and prosecuted this is punishable by a fine of £2500 and £1000 for signs not being appropriately placed. The Trust does not allow smoking in any of its facilities and signs are placed throughout all hospitals. Failure to implement the smoking legislation means that the service is exposed to claims of breach of health and safety, constructive dismissal, personal injury and employment tribunal claims.

In the event that a member of staff is found to be smoking on the Trust's premises and the Trust is fined accordingly the member of staff may be required to pay the fine.

- **Policy Statement**

Smoking is contrary to the key objectives of Northamptonshire Healthcare NHS Foundation Trust, (the Trust) which provides health services to the community and has responsibility for a large workforce. In view of its position within the local community, the Trust is well placed to affect the general health of its staff, service users and the wider community.

It is the policy of the Trust that all employees who work in or on its grounds, premises, property or vehicles, do so without involuntary exposure to tobacco smoke.

Those who obtain treatment from or visit the trust premises in any capacity are entitled to do so without unwanted, involuntary exposure to tobacco smoke.

Operating a Smoke Free Environment is in keeping with the Trust's duty of care under the Health and Safety at Work Act 1974 (Section 2 (2) (c)) to "provide and maintain a safe working environment which is so far as is reasonable practical, safe without risks to health and adequate as regards facilities and arrangements for their welfare at work."

For the policy to be effective it must be supported by the executive, clinical staff, senior management, employees, patient groups and other relevant organisations.

- **Scope of the Policy**

This policy applies to staff, students, contractors and bank and agency staff in or on Trust grounds, premises, property or vehicles.

Smoking is not permitted on or in any Trust grounds, premises or property. This includes the confines of any buildings or entrances, car parks and toilets or cars parked on Trust property.

Smoking is not permitted in or on Trust vehicles, including lease vehicles and pool cars.

Smoking is not permitted within 100m of any Trust site or while wearing a uniform or a name/identity badge identifying them as an employee of the NHS.

All Trust executives and managers are responsible for policy implementation.

All members of staff have a responsibility to adhere to the policy and ensure they bring it to the attention of any persons found smoking on or in Trust grounds, premises, property or vehicles.

Employees who smoke do not have any legal entitlement to a smoking break under the Working Time Regulations 1998, where staff work for longer than six hours they are entitled to a break of a minimum of 20 minutes. The Trust encourages staff to take their break. Breaks should be taken in a manner consistent with maintaining minimum staffing levels. Managers need to plan effectively for staff who leave the premises on breaks for any reason.

- **Home Visits and Staff Working on Other Premises**

All staff who are treating service users in their own homes are entitled to the same level of protection as those working on Trust premises. Prior to the initial visit, service users should be made aware of the Trust's commitment to a smoke free environment and requested to ensure that the service users and or other occupants do not smoke during the visit. The need to comply with the Trust policy will also be drawn to the attention of the owners of other premises in which Trust staff may be required to work.

When clients refuse a reasonable request not to smoke in the home during a visit from a member of NHT staff, or if smoking takes place during a visit, the Trust will support any member of staff who wishes to leave the premises on personal health and safety grounds as long as that person is not themselves put in danger by doing so. The practitioner will ensure that the patient is not placed in jeopardy by this action.

Where a patient/client or other occupants persistently refuse to refrain from smoking when a member of staff from NHFT is in attendance, alternative arrangements will be made.

- **Smoke Free Environments**

The smoke free environment applies as follows:

All Trust grounds, premises, property or vehicles (whether leased, hired or owned) are NO SMOKING AREAS at all times (see Section 6.13 Exemptions).

Employees must not smoke whilst driving between treating patients, as the lingering smell of smoke can be disturbing or even offensive.

Smoking materials of any description may NOT be advertised or sold in or on any of the Trust's grounds, premises, property or vehicles

Employees are NOT allowed to supply or obtain tobacco products for patients or visitors.

- **Employment Contracts and Policy Awareness/Communication**

All new information packs, job offer letters and contracts of employment will contain the following clause:

Northamptonshire Healthcare NHS Foundation Trust has a smoke free policy. Smoking is not allowed in or on any of the Trust's grounds or premises or in any Trust's owned or leased pool vehicles. Those seeking, considering, or accepting employment should be aware that it will not be possible to smoke throughout working hours.

This policy and implementation details should be routinely covered in a new employee's induction programme and in the fire lectures.

Trust employees will be advised of the policy through the distribution of copies to line managers, employment contracts, refresher/induction training, the Trust's intranet site and signs/posters throughout the Trust.

Staff and visitors will be advised of the policy by appropriate signs.

Signs and posters will be placed throughout the Trust advising that the site is a smoke-free zone. Information and literature on Stop Smoking will be widely displayed around the Trust and made available to staff and patients.

Invitations to tender and contracts for work with the Trust will include a statement that Northamptonshire Healthcare NHS Foundation Trust operates a smoke-free policy. No contractor or their subcontractors will be permitted to smoke when in or on the Trust's grounds or premises.

All Trust correspondence e.g. letters and appointment cards, and all Trust literature, e.g. leaflets and general publications, will contain a short standard statement that the Trust operates a smoke free environment policy throughout its grounds, properties, vehicles and premises at all times.

Information about the Trust's smoke-free policy will be provided in the patient and staff handbooks, in all recruitment literature and job offers, and in departmental safety policies.

- **E-cigarettes and Vaping**

Currently e-cigarettes fall outside the scope of the Smoke-free Legislation. However, e-cigarettes are unregulated nicotine products for which there is

insufficient evidence of safety. There is also concern that staff using e- cigarettes may undermine smoking prevention and cessation for people who use our services and those they work alongside, as their use is likely to reinforce the normalcy of the smoking behaviour. In view of this, use of e- cigarettes is not permitted anywhere on Trust premises. Vaping is considered in the same light and therefore not permitted on any Trust premises.

- **Dealing with Non Compliance**

- **Staff**

Breach of any aspects of this policy by a member of the Trust's staff may lead to formal disciplinary action.

Trust staff will not be disciplined for failure to inform patients, clients and visitors, including contractors, that the Trust has a smoke-free policy and that smoking is not permitted anywhere, at any time.

Whilst staff are encouraged to draw people's attention to 'No Smoking' signs in the Trust and its premises, properties, grounds and vehicles, they should not put themselves at any risk of abuse by someone who is smoking in breach of the Smoke Free Environment Policy.

Staff will be supported if they identify any breaches of this policy to their line manager. Line managers will be responsible for dealing with the matter within the terms of this policy.

- **Others**

Persons, other than Trust employees, who are seen to be breaching the Trust's Smoke Free Environment Policy can be gently reminded/advised, where a member of staff

feels confident to do so, about the fact that smoking is not allowed in or on any of the Trust's grounds, premises, property or vehicles. This can be done by handing the individual with an information card detailing that the Trust has a smoke free environment. Reminders/advice should be given in a supportive, minimally intrusive, non-confrontational way. Alternatively, incidents can be reported to the line manager.

Non-employees who persist in smoking, in breach of the Trust's policy, should be asked, in a courteous manner, to comply. Such requests should only be made if it is considered safe to do so.

In the event that violence or aggression is offered, the police should be contacted. In circumstances where an actual assault takes place, the police should be called.

- **Policy Implementation**

The Trust recognises that this policy will have a significant effect on some smokers.

Managers and other responsible persons including clinicians, directors and senior managers, must ensure staff, patients and visitors are aware of the policy, and should take steps to assist staff to have the appropriate skills and confidence to sensitively respond to patients and visitors who smoke.

Breaches of the policy will be dealt with through the Trust's Disciplinary Procedures.

Managers and other responsible persons including clinicians, directors and senior managers, have a responsibility, as far as reasonably practicable, to ensure the policy is implemented. Where personal safety may be at risk, a judgement should be made as to whether a person breaching the policy should be approached over the matter.

In the event that staff members from other organisations continue to breach the policy, the appropriate organisation should be advised in writing of the requirements of the Trust.

Any complaint relating to this policy from or on behalf of patients should be dealt with under the Trust's Complaints Procedure.

A large number of 'No Smoking' signs and posters are displayed throughout the Trust's grounds and premises. These indicate that smoking is not permitted inside any of the buildings used by Northamptonshire Healthcare NHS Foundation Trust and is not permitted in any of the Trust's grounds.

The Smoke Free Environment Policy will be discussed at routine team/staff meetings.

Information about the Trust's smoke-free policy will be provided in the patient and staff handbooks, in all recruitment literature and job offers, and in departmental safety policies as well as the Trust's health and safety policy.

- **Advice and Support for Smokers**

This policy recognises the Trust's responsibilities as a healthcare provider, whilst also acknowledging the impact of further restrictions. Support and assistance, including the availability of stop smoking programmes, will therefore be given to staff and patients to enable them to comply with the policy and/or to stop smoking.

The Trust's Occupational Health Department will signpost staff to support services provided through First for Wellbeing. The First for Wellbeing Stop Smoking Service provide support for staff that wish to quit, together with advice for those experiencing nicotine withdrawal symptoms whilst on duty. The contact details are as follows:

**Telephone:** 0300 126 5000

**E-mail:** info@firstforwellbeing.co.uk

Staff members can alternatively contact their GP if they require support to stop smoking.

Information and advice on quitting smoking, including packs for minority ethnic groups are available from the First for Wellbeing Stop Smoking Service on 0300 126 5000.

- **Policy Awareness**

Trust staff will be advised of the policy through the use of line management, e- Brief, the intranet and posters.

Visitors and service users will be advised of the policy by appropriate signs and in other literature provided by the Trust, e.g. patient information leaflets. All leaflets will contain an appropriate form of words to indicate the Trust's policy position as follows: 'The Trust operates a smoke-free policy. Staff, service users and visitors must not, therefore, smoke in any part of the Trust's buildings, or anywhere on the Trust site, including car parks and other public areas. This policy is developed for the benefit of all.'

Signs and posters will be placed throughout the Trust advising that the site is a smoke-free environment.

Information and literature on Stop Smoking is available to staff and patients and can be accessed from the Stop Smoking Service.

Job advertisements, job descriptions and interviews will include reference to the Smoke-Free Policy.

All induction and fire lectures will refer to the Smoke-Free Environment Policy and the reasons for it.

Tenders and contracts for work with the Trust will stipulate adherence to this policy as a contractual condition.

This policy will also be communicated to others not directly in the employment of the Trust: including but not limited to: University College Northampton Tutors, Leicester UH NHS Trust, NGH and other NHS partners.

- **Exemptions**

The Hospices are exempt from this policy as per NHS England documentation. There are no other exemptions.

## **Training requirements associated with this Policy**

- **Mandatory Training**

There is no mandatory training associated with this policy.

- **Specific Training not covered by Mandatory Training**

Ad hoc training sessions based on an individual’s training needs as defined within their annual appraisal or job description.

## How this Policy will be monitored for compliance and effectiveness

The table below outlines the Trust’s monitoring arrangements for this document. The Trust reserves the right to commission additional work or change the monitoring arrangements to meet organisational needs.

Aspect of compliance or effectiveness being monitored	Method of monitoring	Individual responsible for the monitoring	Monitoring frequency	Group or committee who receive the findings or report	Group or committee or individual responsible for completing any actions
Duties	To be addressed by the monitoring activities below.				
Monitoring any breaches or disputes about the Trust’s smoke free environment policy.	a) Review of smoking related incidents on Datix incident reporting system.  b) Review of smoking related complaints highlighted in the Annual Complaints Report.	Deputy Director of HR	Annually	HR Team	Appropriate Directorate/Locality Team
Where a lack of compliance is found, the identified group, committee or individual will identify required actions, allocate responsible leads, target completion dates and ensure an assurance report is represented showing how any gaps have been addressed.					

## For further information

Please contact the Director of Human Resources.

## Equality considerations

The Trust has a duty under the Equality Act and the Public Sector Equality Duty to assess the impact of Policy changes for different groups within the community. In particular, the Trust is required to assess the impact (both positive and negative) for a number of ‘protected characteristics’ including:

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Race;
- Religion or belief;
- Sexual orientation;
- Pregnancy and maternity; and
- Other excluded groups and/or those with multiple and social deprivation (for example carers, transient communities, ex-offenders, asylum seekers, sex-workers and homeless people).

The author has considered the impact on these groups of the adoption of this Policy and no group will be discriminated against.

## Reference Guide

Health and Safety at Work Act 1974 (Section 2 (2) (c))

Working Time Regulations 1998

The Smoke-free (Exemption and Vehicles) Regulations 2007

EFA/2014/002 Estates and Facilities Alert: E-cigarettes, batteries and chargers

DH/2014/002 Estates and Facilities Alert: Additional Information for Mental Health Units with regards to EFA/2014/002

## Document control details

<b>Author:</b>	Director of Human Resources
<b>Approved by and date:</b>	Trust Policy Board 05.12.2016
<b>Responsible Committee:</b>	TSPF
<b>Any other linked Policies:</b>	HR001 Disciplinary Policy and Procedure
<b>Policy number:</b>	PB001
<b>Version control:</b>	Version 1: presented to Trust Policy Board on 4 <sup>th</sup> November 2014

Version No.	Date Ratified/ Amended	Date of Implementation	Next Review Date	Reason for Change (eg. full rewrite, amendment to reflect new legislation, updated flowchart, minor amendments, etc.)
1.0	04.11.2014	05.11.2014	04.11.2016	New governance of trust policies template.
2.0	18/11/16	01/01/17	05.12.2019	Slight amendment required in view of the trust going fully smoke free in 2017.

## APPENDIX 1 – EQUALITY Analysis report

<b>Equality Analysis Report</b>	
<b>Name of function:</b>	Smoke Free Environment Policy
<b>Date:</b>	5.12.16
<b>Assessing officers:</b>	Rebecca Solesbury
<b>Description of policy including the aims and objectives of proposed: (service review/redesign, strategy, procedure, project, programme, budget, or work being undertaken):</b>	
To ensure that the Trust retains a smoke free environment and to promote and enable health, safety and wellbeing for all.	
<b>Evidence and Impact – provide details data community, service data, workforce information and data relating specific protected groups. Include details consultation and engagement with protected groups.</b>	
Workforce statistics referred to	
<b>Service Information: provide any relevant service data or information to inform the Equality Analysis including service user feedback, external consultation and engagements or research.</b>	
<b>Protected Groups (Equality Act 2010)</b>	<p><b>STAGE 3: Consider the effect of our actions on people in terms of their protected status?</b></p> <p>The law requires us to take active steps to consider the need to:</p> <ul style="list-style-type: none"> <li>▪ Eliminate unlawful discrimination, harassment and victimisation.</li> <li>▪ Advance equality of opportunity</li> <li>▪ Foster good relations with people with and with protected characteristic</li> </ul> <p>Identify the specific adverse impacts that may occur due to this policy, project or strategy on different groups of people. Provide an explanation for your given response.</p>
<b>Age</b>	Older and younger staff: support will be given to people who find it difficult to stop or restrict their smoking.
<b>Disability</b>	No specific adverse impacts have been identified for people with a disability in the implementation of a smoke free environment policy.
<b>Gender (male, female and transsexual, including pregnancy and maternity)</b>	No specific adverse impacts have been identified in respect of gender in the implementation of a smoke free environment policy.
<b>Gender reassignment</b>	No specific adverse impacts have been identified in respect of gender reassignment in the implementation of a smoke free environment policy.

<b>Equality Analysis Report</b>			
<b>Name of function:</b>	Smoke Free Environment Policy		
<b>Date:</b>	5.12.16		
<b>Sexual orientation (including marriage &amp; civil partnerships)</b>	No specific adverse impacts have been identified in respect of sexual orientation in the implementation of a smoke free environment policy.		
<b>Race</b>	No specific adverse impacts have been identified in respect of race in the implementation of a smoke free environment policy.		
<b>Religion or Belief (including non belief)</b>	No specific adverse impacts have been identified in respect of religion or belief in the implementation of a smoke free environment policy.		
<b>Equality Analysis outcome: Having considered the potential or actual effect of your project, policy etc, what changes will take place?</b>			
No changes. The policy will be applied fairly and compliance will be monitored as detailed in the monitoring section of the policy document. Meets national requirements to improve health and safety and general health of all protected characteristics.			
<b>Action Plan</b>			
<b>Issue to be addressed</b>	<b>Action</b>	<b>Who</b>	<b>Date to be completed</b>
N/A			
N/A			
<b>Ratification – a completed copy of the Equality Analysis form must be sent to Equality and Inclusion Officer to be approved.</b>			
<b>Approving Officers</b>	Tendai Ndongwe, Equality and Inclusion Manager		
<b>Date of completion:</b>	5.12.16		