

Appendix A



Smoke Free Policy

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Change History

Version	Date	Description	Change ID
1	20-02-07	Smoking Policy	
2	March 2009	Reviewed and revised as The Smoke Free Policy	
3	January 2015	Scheduled review and insertion of information re. e-cigarettes	

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1. Purpose

- 1.1 This statement sets out West Berkshire Council's policy on smoking on Council premises. It seeks to guarantee the right of all employees and visitors to breath air free of tobacco smoke or vapour from e-cigarettes and to comply with smoke-free legislation: The Health Act 2006 and The Smoke-free Premises (England) Regulations 2007.
- 1.2 The Smoke Free Policy has been subject to consultation with Heads of Service, managers and trade unions.
- 1.3 Personnel Committee has approved the Smoking Policy.

2. Applicability

2.1 This Policy applies to:

- (1) All non-school based employees working for the Council, including those working from home or at non-Council locations.
- (2) Other persons including Elected Members, consultants, agency staff and contractors working for the Council, external organisations working with the Council, whilst engaged on Council business.
- (3) Service users and visitors to the Council whilst on Council premises (buildings and grounds)

2.2 This policy applies in:

- All premises (buildings and grounds) and vehicles where employees of West Berkshire Council work.
- Council owned or leased public buildings including libraries, theatres, and leisure facilities. This includes care homes; however, exemptions will normally be granted to residents who live in such establishments. Managers of care homes must take every possible reasonable measure to ensure that second hand smoke is kept to an absolute minimum for all staff and other residents.
- Premises where West Berkshire Council has a responsibility as landlords unless specific exemptions apply as agreed with the tenants.
- In exceptional circumstances an exemption may be granted to a service user with a cognitive impairment or other condition where the requirements of section 5 below have been followed.

2.3 It is the responsibility of each employee and other person mentioned in Section 2.1.2 to familiarise themselves with and adhere to this Policy.

2.4 Adherence to this Policy is a condition of working for the council or using its assets.

2.5 This document is published on the Human Resources pages of the intranet and is referred to in the Disciplinary Rules.

3. Policy

- 3.1 It is the Policy of the Council to provide a safe and comfortable working environment within all its buildings for employees and visitors.
- 3.2 The Council aims to reduce the exposure of non-smokers to tobacco smoke at work and will implement control measures to create a safe and healthy environment for employees and for others affected by its undertakings.
- 3.3 The Council acknowledges that smoking is a highly addictive habit and will support employees who wish to stop. Smoking cessation sessions will take place for employees and elected members who wish to give up smoking.
- 3.4 Employees may request up to a maximum of 12 hours off work during their employment to attend smoking cessation clinics.
- 3.5 Smoking, including the use of e-cigarettes, is prohibited within all Council owned or leased premises and grounds, and non-residential buildings. This does not include public footpaths, roads and parks etc., except where children's play areas have adopted smoke free status.
- 3.6 Smoking, including the use of e-cigarettes, is not permitted at any time in Council owned or leased vehicles that are used by more than one employee, service users or members of the public; for example pool cars, mini-busses and courier vans. Such vehicles should display appropriate no-smoking signage.
- 3.7 Employees using their own vehicle or who use a lease car provided under the Council's car leasing scheme should not smoke or use e-cigarettes when transporting other employees or service users. They should not permit passengers to smoke or use e-cigarettes in the vehicle.
- 3.8 Smoking is not permitted within working hours. Employees who are smokers are only permitted to smoke in their own time (i.e. in break times) and must go off site to do so and must ensure that all smoking related rubbish is properly disposed of.

4. Implementation

- 4.1 The smoke free policy will be published on the Council's website and on the intranet.
- 4.2 All visitors and contractors will be notified of the policy via notices in reception areas.
- 4.3 Notices reminding people that they are in a smoke-free area will be displayed in prominent locations. These signs will comply with the requirements set out in the smoke-free legislation.
- 4.4 Details of this policy will be sent to service users prior to first visits by officers. Service users will be requested not to smoke or use e-cigarettes indoors one hour before, and during planned visits to their home by West Berkshire Council employees.

4.5 Applicants will be advised that West Berkshire Council is a smoke-free organisation in recruitment literature.

4.6 Employees will be made aware of the smoking policy during their induction.

5. Exceptional Circumstances

5.1 In exceptional circumstances an exemption may be granted to a service user with a cognitive impairment or other condition that means that he/she would be at greater risk if expected to smoke (or use e-cigarettes) away from the grounds of Council premises where he/she is receiving services. Any exemption should be authorised by the Head of Service or a suitable manager to whom the Head of Service delegates authority to decide. Before an exemption is granted a thorough risk assessment should be completed recording the following points:

- The **exceptional** reasons why the service user should be allowed to smoke whilst attending services provided by the Council
- The risk to the safety of the service user if leaving the grounds to smoke and any measures that could be put in place to remove or reduce the risk to an acceptable level
- The risk to safety of employees, other service users or property of allowing the service user to smoke within the grounds and details of any measures that can be put in place to remove or reduce the risk to an acceptable level
- How the exemption, if granted, will be communicated to staff and other service users to ensure that the Smoke Free Policy is not contravened by others to whom the exemption does not apply
- Specifically where the service user will be allowed to smoke and any additional arrangements required to enable this. Where exemptions are granted to a smoker and an e-cigarette user, consideration should be given to allocating different areas so that e-cigarette users are not subjected to passive smoke.
- The date on which the risk assessment and exemption will be reviewed

5.2 The Head of Service, or manager to whom the Head of Service has delegated authority to decide, should consider the risk assessment before deciding whether to authorise the exemption. The decision should be recorded in writing.

5.3 A copy of the risk assessment and the Head of Service's authorisation should be retained for the duration of the exemption.

6. Roles and Responsibilities

6.1 The overall responsibility for the smoke free policy within WBC rests with the Chief Executive.

6.2 All managers are directly responsible for implementing this policy within their service areas, and for the adherence of their staff and others (2.1.2 and 2.1.3).

6.3 Corporate Directors will ensure the full implementation of this policy by:

- Promoting awareness of this policy to all line managers
- Setting a good example to employees

- Making sufficient resources available to ensure implementation of the policy
- Supporting and encouraging employees who wish to give up smoking

6.4 Line managers will ensure full implementation of this policy by:

- Ensuring all workers are made aware of this policy during induction
- Monitoring compliance and acting upon breaches of this policy. Breaches of the policy by employees will normally be handled informally in the first instance.
- Ensuring that service users who smoke are aware of this policy
- Considering reasonable requests from employees who do not wish to enter the home of a service user who is a smoker
- Supporting and encouraging employees who wish to give up smoking

6.5 Employees:

- Must comply with this policy
- Must not smoke, or use e-cigarettes, when undertaking home visits
- Should support and encourage employees who wish to quit smoking

6.6 Facilities and managers of establishments will:

- Ensure that appropriate signs are displayed at all entrances and throughout all corporate buildings
- Ensure that all people booking rooms in buildings covered by this policy are made aware of the requirements of this policy.

6.7 All those detailed at 2.1.1, 2.1.2 and 2.1.3 have an individual responsibility to adhere to this Policy and any relevant Standards and/or Procedures.

7. Failure to comply with WBC Smoke Free Policy

7.1 This document provides staff and others with essential information regarding the Council's Smoke Free Policy and sets out conditions to be followed. It is the responsibility of all to whom this Policy document applies to adhere to these conditions. Failure to do so may result in:

- Withdrawal of access to relevant services
- Informal disciplinary processes
- Formal disciplinary action

7.2 Employees who persistently contravene this policy may be subject to action under the Council's disciplinary procedure.

8. Review

8.1 This policy will be reviewed to respond to any changes in legislation and at least every 3 years.

8.2 Human Resources are responsible for reviewing and maintaining this Policy.