



# Smoke Free Policy

**Document Author: Employee Wellbeing Advisor**

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1.0	September 2010	Natalie Grosvenor	S	New policy
2.0	December 2014	Robert Dimsdale	D	Update
3.0	December 2014	Robert Dimsdale	S	Amended to remove references to e-cigarettes as
3.1	February 2018		A	New YAS visual identity changed.
3.2	Sept 2020	Risk Team	D	TMG approved extension review until Dec 2020
A = Approved D = Draft				
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This document is controlled. If you would like to suggest amendments to this document please contact the document lead.				

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## Staff Summary

Smoking is a major cause of disease and death, killing prematurely one out of every two smokers.

Yorkshire Ambulance Service takes the health of its employees very seriously and views smoking as harmful to the health of employees. In line with legislation, smoking is not permitted within YAS buildings, vehicles or within the grounds of any YAS premises.

### 1. Introduction

As an employer, Yorkshire Ambulance Service has a duty under the Health and Safety at Work Act 1974, and the Management of Health and Safety at Work Regulations 1999, to provide a working environment for employees that is safe and without risks to health.

Second-hand smoke is a serious health hazard, and there is no safe level of exposure. Every time someone breathes in second-hand smoke, they breathe in over 4000 chemicals. Many are highly toxic and more than 50 are known to cause cancer.

Whilst acknowledging that smoking is a matter of personal choice, the Trust recognises its responsibility for providing a working environment free from harm, as well as the effect that smoking has on patients, visitors, smoking, and non-smoking colleagues and other members of the wider health community.

The Trust seeks to establish clear guidelines that sustain a smoke free environment, and offers protections from the harmful effects of smoke, including passive smoke.

### 2. Purpose

The aim of this policy is to:

- Protect and improve the health of staff, patients, visitors and contractors.
- Protect both smokers and non-smokers from the danger to their health of exposure to environmental tobacco smoke.
- Set an example to other employers and workforces, particularly in health related locations.
- Provide support to staff who wish to give up smoking through signposting to stop smoking services (see Appendix 1) and public health campaigns.
- Ensure that both the Trust and employees of the Trust are compliant with the appropriate smoke free legislation.

This policy reflects The Smoke Free (Premises and Enforcement) Regulations (2006) that requires virtually all enclosed public places and workplaces in England to be smoke free. The legislation in full is detailed at <http://www.smokefreeengland.co.uk/thefacts/the-regulations.html>

### 3. Definitions

Smoke/Smoking	With regard to this policy, the term smoke or smoking, refers to the use of tobacco based products.
Second-hand smoke (Also called passive, involuntary or second-hand smoking).	Second-hand smoke, also known as 'Environmental Tobacco Smoke' (ETS) or 'passive smoking', is a mixture of side stream smoke from the burning tip of a cigarette, and mainstream smoke exhaled by a smoker. Second-hand smoke kills, and scientific evidence shows that there is no safe level of exposure.
NHS premises	For the purposes of this policy NHS premises and grounds includes all premises either owned by or used by the NHS for the purposes of conducting its business.

### 4. Duties within the Organisation

The Executive Director of People and Engagement, on behalf of the Trust Board, shall be responsible for the implementation of this policy and for evaluating its effectiveness.

#### 5.1 Members of staff

Members of staff are required to support this policy, by familiarising themselves with the policy content and complying with its requirements if they smoke tobacco or similar products, or if they use ENDS. Failure to do so may result in investigation in line with the Trust's disciplinary policy.

It is recognised that operating as a smoke free organisation will impact on smokers working lives. The Trust is committed to providing support, advice and guidance to staff that wish to give up smoking. If a staff member requires support and information to stop smoking they can be signposted to the information in Appendix 1. Staff can discuss with their line manager, their support requirements if they wish to give up smoking, and want to involve their line manager.

Where a member of staff is found to be in contravention of this policy, as a first occurrence, they will have an informal meeting with their line manager as detailed in point 5.2. Persistent breaches of the policy may result in formal disciplinary action.

Staff, as far as reasonably practicable and in accordance with their role, should also ensure that all colleagues, staff, patients and members of the public, contractors, visitors, agency staff and volunteers are aware of the key aspects of the policy and adhere to its constraints. Staff are reminded that they have a responsibility to their own health, as well as the health of their colleagues.

## **5.2 Directors and Managers**

Directors and Managers must ensure that all employees, are aware of this policy and the support available to staff. This will include providing access to information, and advice on smoking and smoke free policy.

All staff in management positions are required to support this policy, by applying it within their area of control and by making themselves known to employees, contractors and visitors who are contravening this policy, (advising that all YAS premises are smoke free).

Managers must ensure that any criminal activity relating to the trading of illicit tobacco on the premises for which they are responsible, is reported to the police or through the Customs hotline number, on 0800 595000, (or via the website [www.hmrc.gov.uk/customs-hotline](http://www.hmrc.gov.uk/customs-hotline)).

In a situation where an employee has not complied with the policy, the manager should meet informally with them and reiterate the policy, referring to the Smoke Free website for support, as and where appropriate. Appendix 2 provides a checklist for managers conducting an informal meeting for policy breach, and Appendix 3 provides a template letter for feeding back outcomes from the meeting.

Where there is a second breach of the policy, the manager should refer to the Trust's Disciplinary policy.

If an individual staff member challenges their manager on their right to smoke, the manager should refer to these points:

- This is a Trust policy relating to health and safety, which is based upon the same principles as policies relating to dangerous machinery, toxic substances etc.
- An employee cannot challenge the employer's right to introduce healthier and safer working practices.
- The policy is concerned with ensuring that both employee's and the Trust comply with appropriate legislation, and promote the Health and Wellbeing of the workforce

## **5.3 Fleet and Estates**

The appropriate managers in Fleet and Estates will ensure that all premises and grounds owned, leased or rented by the Trust and all vehicles owned or leased by the Trust will have signs displayed indicating that smoking is not permitted.

The signs will, conform to the requirements of The Smoke Free (Signs) Regulations 2007.

#### **5.4 Visitors and Contractors**

The attention of visitors and contractors will be drawn to the implications of this policy and that smoking is not permitted on any YAS premises.

Contractors who contravene the policy should be reported to the nominated person in Estates who is responsible for monitoring the conduct of contractors on site. Visitors who continue to contravene the policy will be requested to leave the grounds.

### **5. Policy Effect**

#### **6.1 Disciplinary Procedure**

Employees who are found to have contravened the requirements of this policy as in section 5.1 may be subject to action under the Trust's Disciplinary Policy.

#### **6.2 Smoking on Duty / Wearing of Uniforms**

Employees are not permitted to smoke on any YAS premises. If employees choose to leave YAS premises to smoke they should ensure any identifiable YAS uniforms and insignia are covered up. Employees who wish to smoke can only do so off site and during their rest break.

Employees who are based on non-YAS premises should comply with that organisation's Smoke Free policy. If employees choose to smoke outside of any host Trust premises, all identifiable YAS uniforms / insignia should be covered up.

#### **6.3 Health and Safety**

Employees who choose to leave YAS premises to smoke should observe the following health and safety considerations:-

- Inform a colleague if you are going off site for a smoke and when you will return
- Visually check the area you are going to before you leave the premises to ensure there are no obvious threats
- Vary the time you go for a smoke to avoid a pattern developing
- If dark, bring a torch with you from home and stand close to a street light
- Consider purchasing a personal attack alarm and have it in your hand when you go outside to smoke
- Always take your mobile phone with you and call 999 if threatened in any way
- Ensure matches / cigarette butts are extinguished after use

## 6.4 Trust Premises and Grounds

Smoking is prohibited in all Trust premises, on the grounds of Trust premises, in all Trust vehicles and in any private vehicle within Trust grounds or premises.

Any person who contravenes The Smoke Free (Premises and Enforcement) Regulations 2006 will be liable for any legal penalty incurred and the Trust reserves the right to pursue such persons to recover any penalties imposed on the Trust.

## 6.5 YAS Vehicles, Lease / Hired Vehicles and Personal Vehicles

Smoking is not permitted in any vehicle owned, leased or hired when used on Trust business. Smoking is not permitted in any vehicle identifiable as belonging to Yorkshire Ambulance Service NHS Trust at any time.

The Smoke-free (Exemptions and Vehicles) Regulations 2007 will only apply to unmarked vehicles owned, leased or hired when legitimately used for private purposes.

If any employee or passenger in a vehicle operated on behalf of the Trust contravenes the Smoke Free Regulations 2007 (Vehicle Operators and Penalty Notices), the individual concerned will be liable for any penalty imposed. The Trust reserves the right to pursue the individuals concerned to recover any penalties imposed on the Trust.

Staff choosing to smoke in their own vehicle, should be out of public view and not identifiable as employees of YAS.

## 6.6 Private Premises

Staff of YAS may need to work in environments where it is difficult to control exposure to smoke or vapour, for example in a patient's home. It is essential that patients/service users be given information about the Trust's Smoke Free Policy. This is provided in a separate **leaflet / card / letter** either at notification of the initial appointment or at the visit.

It should be made clear to the patient that it is **not** a policy to stop individuals smoking in their own home, and the Trust respects the rights of individuals to smoke in their own home. However, the Trust has a responsibility for the welfare of their employees.

As part of this responsibility they would ask that the patient/service user to refrain from smoking in the presence of Trust staff, for the duration of the visit in which Trust staff collect or return patients from appointments. It should be explained that it is in support of the health and safety of Trust staff, that the Policy is implemented to protect them from the harmful effects of second hand smoke.

The attached flow chart and letter (Appendices 4 and 5), have been designed to support staff in implementing the Smoke Free community protocol. It should be used when staff visit patients in their own homes, thus implementing the Smoke Free Policy. Where patients refuse to comply with Trust Policy, staff should refer to the attached flow chart in appendix 4 and ensure non-compliance is reported to their managers. However, staff should not enter into any confrontation that may put their personal safety at risk.

When on duty employees of the Trust are not permitted to smoke on private premises including patients' accommodation.

## **6.7 Public and Commercial Premises**

From the 1<sup>st</sup> July 2007 it was an offence to smoke in enclosed public and commercial premises.

## **6.8 Litter**

Staff are reminded, that it causes offence to our neighbours if people leave litter on streets, or in public or private places and they should discard any smoking materials as appropriate.

## **6. Equality Impact Assessment**

This policy has been assessed for its impact upon equality.

## **7. Process for Review and Revision**

This policy will be reviewed:

- When there are changes to legislation affecting the smoking of tobacco and related products in the workplace and public places.
- The policy will be reviewed every five years or in response to any changes in legislation.
- The master version of this document will be held within the HR department. The live version of the Policy will be as published on the YAS intranet. Any document printed or extracts made from the document will be considered as being for information purposes only and should be endorsed with the date printed or information extracted. The intranet version of the document will be protected from changes and will be replaced by a new version of the policy when amended with the approval of the OD & HR Director.

## **8. Associated Documentation**

This policy should be read in conjunction with the organisations Disciplinary Policy.

## **9. Monitoring Compliance with this Policy**

It is the responsibility of all employees, to ensure that this policy is applied at all times. The Employee Wellbeing Advisor will review the functioning of the policy every twelve months and then formally after five years. Compliance will be monitored via disciplinary reports relating to smoking.

## **10. Implementation Plan**

This policy will be communicated via the following mechanisms:-

- Operational Update
- Locality meetings
- Trust intranet

## **11. Appendices**

### **Appendix A**

#### **Contact Information for Stopping Smoking**

##### **Online Information**

<http://www.nhs.uk/smokefree>

<http://www.nhs.uk/livewell/smoking/Pages/stopsmokingnewhome.aspx>

##### **National Contact Information**

Smokefree National Helpline: 0300 123 1044

##### **Occupational Health**

01925 227000

## Appendix B

### Checklist for Managers Conducting an Informal Meeting for Policy Breach

<b>Preparation</b>	Arrange a time and private location for the discussion.	
	Collate information on time, date and location where the employee was found to be smoking.	
	Have a copy of the Smoke Free Policy to give to the employee.	
<b>During the Meeting</b>	Explain the purpose of the meeting and that it is informal at this stage.	
	Discuss the employee's actions and how it was a breach of Trust policy.	
	Ask for the employee's reasons for the breach of policy.	
	Offer support via OH and/ or information as in appendix 1.	
	Confirm the Trust policy and give the copy to the employee.	
	Confirm that the policy is not concerned with whether anyone smokes but where they smoke.	
	Advise the employee that if they are found to be in breach of the policy again, then a formal disciplinary procedure may be invoked.	
<b>After the Meeting.</b>	The outcome of the meeting should be summarised by letter, an example of which is contained at Appendix 3.	

## Appendix C

### Example Letter – Breach of Smoke Free Policy Informal Meeting

PRIVATE & CONFIDENTIAL

Name

Address

Date

Dear

**Re: Breach of Smoke Free Policy**

Further to our meeting on DATE at which we discussed your breach of the Trust Smoke Free Policy, I write to confirm that you were found to be smoking during working hours on DATE at VENUE. I explained to you, the principles and scope of the policy and gave you a copy at the time of our meeting.

I now confirm that a further breach may result in the Trust Disciplinary Procedure being invoked.

If you require any support or further help or if I can be of assistance, please do not hesitate to contact me.

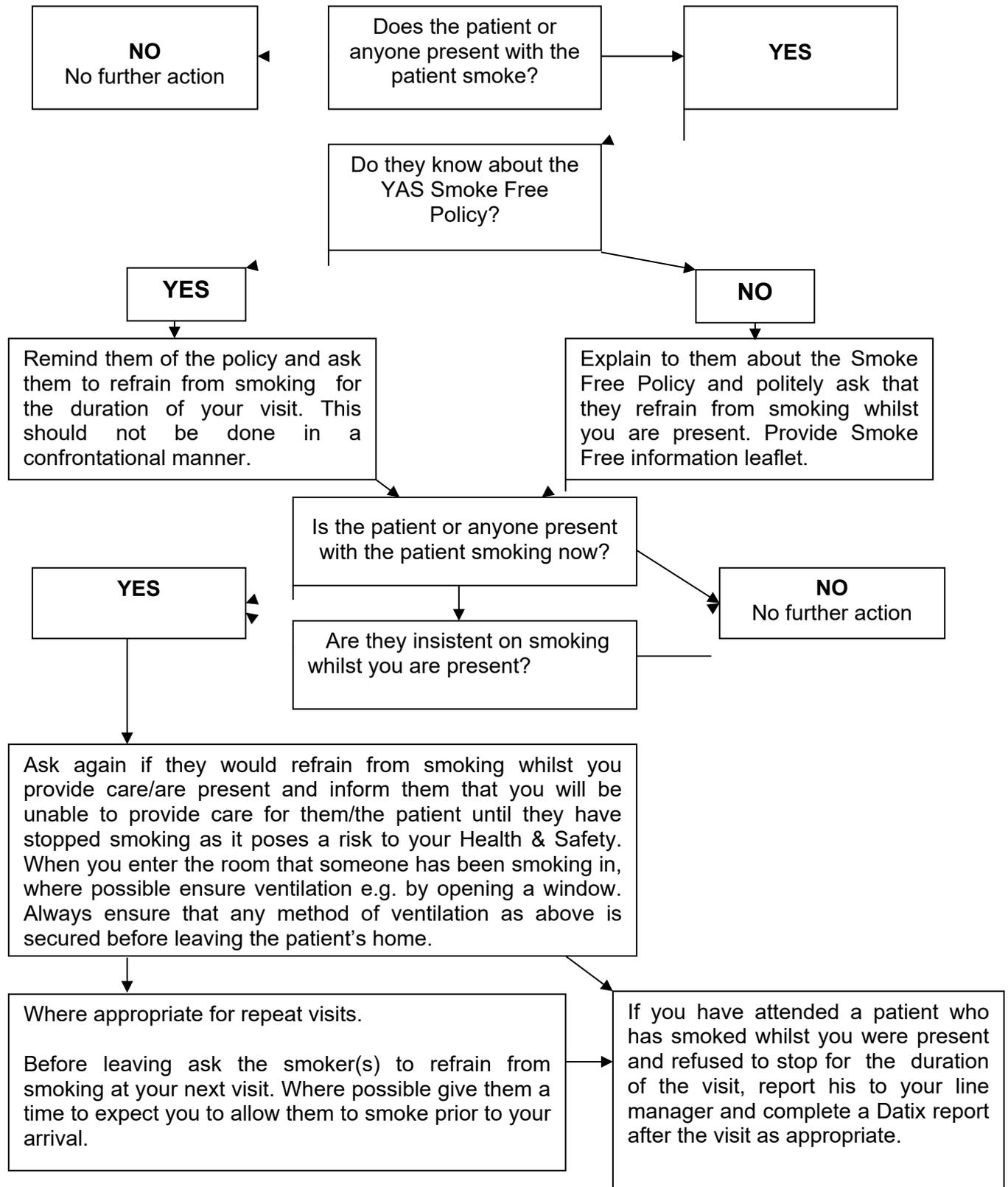
Yours Sincerely

Manager

Title

## Appendix D

### Smoke Free Patient Protocol



## APPENDIX E

### Example Letter –Informing Patients of YAS Smoke Free Policy

PRIVATE & CONFIDENTIAL

Name

Address

Date

Dear

#### **Re: Yorkshire Ambulance Service Smoke Free Policy**

Yorkshire Ambulance Service NHS Trust has an obligation to staff health and welfare under the Health and Safety Act 1990. Part of that obligation, is to ensure that staff are not put at unnecessary risk and that everything practicable has been done to reduce that risk.

In the Yorkshire Ambulance Service there is a Smoke Free Policy. Part of this Policy includes reducing exposure of staff to second-hand smoke. It would be appreciated if you would refrain from smoking whilst a member of the Ambulance staff is present. Where possible, a room that is not used to smoke in should be used for treatment, otherwise a window should be opened for ventilation.

Yorkshire Ambulance Service recognises that it is an individual's right to smoke if they wish but ask that the staff who are visiting you in your home are not exposed to second-hand smoke.

Yours Sincerely

Manager

Title