

Smoke-Free Policy

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| Date ratified: | 13 th February 2018 |
| Name of originator/author: | Claire Burroughs |
| Name of responsible committee/individual: | Employment Policy Group / JCNC |
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| Distributed via: | Website |

Lincolnshire Community Health Services NHS Trust

Smoke-free Policy

Version Control Sheet

| Version | Section/ Para/ Appendix | Version/Description of Amendments | Date | Author/ amended by |
|---------|-------------------------------|---|-----------------------------|-----------------------------------|
| 1 | | Archived | October 2006 | Sheila Manning |
| 2 | | Archived | September 2008 | Sheila Manning |
| 3 | | To be archived | October 2009 | Lyndsey Clapham |
| 4 | Whole Document | Full review | August 2010 | Claire Burroughs Natalie Foxon |
| 4.1 | Whole Document | Policy realigned following implementation of Transforming Community Services Agenda & new legal entity | 21 st March 2011 | Rachael Ellis- Ingamells |
| 4.2 | | Policy review date extended as no changes to be made | July 2012 | Rachael Ellis- Ingamells |
| 5 | Whole Document | Full Review and Inclusion of e-cigarettes | October 2013 | Claire Burroughs |
| 6 | Whole document | Review | December 2015 | Karla Richards |
| 6.1 | Amendment | Inclusion of e-cigarettes expanded | March 2017 | Sophie Coutts |
| 7.0 | Whole document | Review – clarified that e- cigarette guidance can be included within the smoke free policy as clearly stated not within smoke-free legislation. Policy and website links updated. HR changed to Workforce. | December 2017 | Sophie Coutts |

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Chair: Elaine Baylis QPM
Chief Executive: Andrew Morgan

Lincolnshire Community Health Services NHS Trust

Smoke-free Policy

Policy Statement

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| Background | <p>The NHS is carrying out its duty of care as an employer and complying with the following Health and Safety legislation:</p> <ul style="list-style-type: none">• The Health Act 2006 prohibits smoking in public places from 1 July 2007.• Health & Safety at Work Act 1974 Section 2(2) (e) to provide a working environment that is safe and without risk to health.• Management of Health and Safety at Work Regulations 1999, to assess risks to health, safety and welfare in the workplace.• Health and Safety at Work Pregnant Workers Directive (92/85/EEC), to protect employees that are pregnant, have recently given birth or who are breastfeeding. |
| Statement | <p>Following guidelines from the government and legislation to prevent smoking in public places a policy was required to advise staff on what is and is not acceptable on the grounds of health and safety. The policy states that no employees, patients or visitors may smoke on the organisation's premises or grounds. The policy also gives guidance on visiting the homes of patients that smoke.</p> |
| Responsibilities | <p>Managers are responsible for ensuring staff, patients and visitors are made aware of the Smoke-free policy. Managers are to ensure that any patients or members of staff in their area who smoke and wish to stop, receive appropriate advice and support on smoking cessation.</p> |
| Training | N/A |
| Dissemination | Website |
| Resource implications | Cost of staff time to attend cessation sessions |
| Equality Statement | <p>This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership</p> |

**Lincolnshire Community Health Services NHS Trust
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Lincolnshire Community Health Services NHS Trust

Smoke-free Policy

1. Introduction

Tobacco smoke is a well-documented major health threat. The presence of tobacco smoke in the working environment therefore has significant consequences for employees. Smoking is the most prominent cause of preventable deaths in Britain. It causes many debilitating illnesses including cancer, heart disease, bronchitis and emphysema. In addition to the impact of smoking on smokers, the harmful effect of second hand smoke is now established beyond reasonable dispute. Second hand smoke can exacerbate asthma, and can cause heart disease, strokes and lung cancer in exposed adults. The harmful composition of tobacco smoke makes second hand smoke extremely hazardous. Tobacco smoke contains over 4000 chemicals in gaseous and particle form many of which are poisonous and can cause cancer - these include tar, carbon monoxide, nitrous oxides and hydrogen cyanide. E-cigarettes, personal vaporizers (PVs), and electronic nicotine delivery systems (ENDS) are battery operated devices that mimic tobacco smoking and are often used as a replacement for cigarettes. They produce a vapour, including flavoured aromas either with or without nicotine, rather than traditional smoke. Although E-cigarettes are outside the scope of smoke free legislation, all support, boundaries and responsibilities encompassed within this policy are deemed applicable to the use of E-cigarettes within the organisation's premises or grounds and on visiting the homes of patients.

The organisation is carrying out its duty of care as an employer and complying with current Health and Safety legislation.

As well as its duty to protect the health of employees, patients and visitors, the organisation has a duty to safeguard its property. Therefore this policy is also intended to minimise the risk of fire caused by employees, patients or visitors smoking in unauthorised areas.

Lincolnshire Community Health Services NHS Trust as a healthcare provider needs to ensure that it sets an example to other organisations, promotes public health and also creates an environment that minimises the health risks to members of the public who access the service.

Inherent within all of its practices the organisation is committed to the principles of diversity, equality of treatment and equality of opportunity and believes that direct or indirect discrimination against any person is unacceptable.

2. Aims and Objectives

To exercise the organisation's statutory role in promoting and maintaining the health of the community and to extend its health philosophy to the work environment which it manages.

This encapsulates the following:

- To protect all employees, visitors and members of the general public who access any site or enter any establishment or enclosed space owned or used by the organisation for

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any undertaking whatsoever, from exposure to second hand smoke. (To include any site or establishment currently sublet, rented or leased from Lincolnshire Community Health Services NHS Trust, to other government/NHS organisations).

- To be an exemplary employer, as well as an exemplary public organisation, in protecting people from the health risks of passive smoking.
- To encourage a healthier workforce that recognises the benefits of a smoke free environment.
- To ensure legal compliance
- To ensure that all staff, patients and visitors including contractors clearly understand their obligations.

3. Boundaries of Application

There will be no smoking including e-cigarettes in any buildings, grounds, rented, leased, sublet or used by Lincolnshire Community Health Services NHS Trust. Smoking inside cars whilst parked on Lincolnshire Community Health Services NHS Trust property is prohibited. Smoking will not be permitted whilst on the organisation's business either within or outside Lincolnshire Community Health Services NHS Trust sites and premises.

This policy applies to all staff, patients, visitors, contractors and other person(s) who access any Lincolnshire Community Health Services NHS Trust site or enter any building that is owned, or used by the organisation for any purpose whatsoever.

4. Responsibilities

Managers' responsibilities

All members of staff that assume managerial responsibility are required to support the application of the organisations Smoke-free policy.

Managers are to ensure that all staff in their area of responsibility are made aware of the Smoke-free policy.

- Ensure all patients, visitors; contractors etc. that enter their area of responsibility are aware of the Smoke-free policy.
- Ensure that any patient or member of staff in their area who smoke and wish to stop, receive appropriate advice and support on smoking cessation through a referral to Lincolnshire's Smoking cessation service 'Quit 51' (please see section 8) It is recognised that there will be occasions when staff may experience difficulties in adhering to the Smoke-free policy. Managers must ensure that all staff undergoing this type of discomfort

are provided with the appropriate level of either local support or professional assistance

- Wherever possible and appropriate, staff are to be given time off from work to attend one complete smoke cessation programme .
- In cases where counselling and support fail and staff persistently do not adhere to the policy on smoking, managers should refer to the organisations Disciplinary Procedure. Managers are expected to liaise with a Workforce Business Partner before taking any action under this procedure to agree action to be taken.

Staff responsibilities

- All staff must be familiar with this policy in order to contribute towards its application. All employees are to politely remind patients and visitors of the Smoke-free policy, if they consider them to be in breach of the policy by smoking in the organisation's premises including the grounds. If a member of staff feels that it is unsafe to approach a member of the public who is smoking on the premises they should report the incident to their manager and, if appropriate, complete an IR1 form (see P_HS_18 Lone Worker, and Violence and Aggression at Work Policy).
- Clinical staff that have received the appropriate training have a responsibility to provide brief smoking cessation interventions to patients, and offer support to those patients who wish to stop smoking

5. Smoke breaks

Smoke breaks (this does not include lunch breaks) are unpaid breaks and as such staff should ensure that their working day is extended to cover any time taken for the purpose of smoking. Time away from work to take a 'smoke break' should be agreed with line managers and should be compliant with section 3 of this policy.

6. Exemptions

The organisation recognises that some patients may be unwilling or have circumstances that make them unable to stop smoking during a sustained stay in an NHS establishment e.g. rehabilitation.

This will require staff to make an assessment as to whether special arrangements need to be made so that the patient will be permitted to smoke outside on the premises. Legislation is in place which prevents anyone from smoking inside all public buildings and will not be permitted under any circumstances.

Permission to grant an exception will rest with the nurse in charge of the ward/unit. In all cases where an exception has been made, there must be demonstrable evidence that smoking interventions have been fully considered as part of the patient pathway, in conjunction with the patient and/or their relatives.

Where an exception is made for extremely distressing circumstances, every effort must be made to

minimise staff exposure to second hand smoke. This would mean that smoking could be permitted outdoors and out of sight of other patients that may be engaged in a smoking cessation programme. Visitors are not covered in any circumstances by the exemption.

7. Home Visits

If during a visit, a client refuses not to smoke, the organisation will support any member of staff who leaves the premises on the grounds of health and safety. The staff member should ensure that they are not placing themselves, or the patient, in danger by leaving the house. An IR1 should be completed as for any incident and the line manager informed immediately by the member of staff taking this action.

8. Stop Smoking Service

Any employee or patient attending an NHS establishment that wishes to stop smoking permanently or is experiencing difficulties in stopping smoking either whilst at work or during their stay is encouraged to contact the Quit 51 Service for assistance:

Telephone : 0800 622 6968

Text : smokefree to 66777

Email : contact.quit51@nhs.net

9. Staff Appointment Procedures

Reference is to be made to the Smoke-free policy in all job advertisements.

Appropriate references must be made to the Smoke-free policy and the reasons for it, during induction training and fire lectures.

10. Policy Monitoring and review

This policy will be reviewed every two years or in the light of further legislation through the organisations agreed consultative and negotiation arrangements.

11. Controls

- Tobacco sales are not permitted on any NHS establishment.
- Advertising or promotion of tobacco products or companies is not permitted on any NHS establishment or in any of its publications.
- All main entrances to NHS sites and buildings on site are to be clearly signed to indicate that smoking is prohibited in both buildings and grounds.
- All pool vehicles are to display a no smoking sign within the vehicle.
- It is illegal for a person of any age to smoke in a private vehicle that is carrying someone who is under 18 and for a driver (including a provisional driver) not to stop someone smoking in these circumstances
- It is illegal to purchase tobacco products (cigarettes, e-liquids tobacco, cigars) under the age of 18 years old.

12. Useful Resources

- National Centre for Smoking Cessation and Training – ‘Very Brief Advice on Smoking’ E-learning Module for Health and Social Care Workers.
<http://elearning.ncsct.co.uk/england>
- NHS Live Well
<http://www.nhs.uk/livewell/smoking/Pages/stopsmokingnewhome.aspx>
- NHS Smoke Free
<https://www.nhs.uk/smokefree>
- Quit 51
<http://www.quit51.co.uk/>

| Minimum requirement to be monitored | Process for monitoring e.g. audit | Responsible individuals/ group/ committee | Frequency of monitoring/audit | Responsible individuals/ group/ committee (multidisciplinary) for review of results | Responsible individual s/ group/ committee for development of action | Responsible individuals / group/ committee for monitoring of action plan |
|--|---|--|--|--|---|---|
| This policy will be reviewed every two years or in the light of further legislation through the organisation's agreed consultative | Managers should conduct their monitoring processes as ongoing | Workforce Services /Employment Policy Group | This policy will be reviewed every 2 years or earlier if further legislation necessitates this | Employment Policy group | Employment Policy Group | Employment Policy group |

Equality Analysis

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|---|
| <p>Name of Policy/Procedure/Function*</p> <p>Smoke Free Policy</p> <p>Equality Analysis Carried out by: Sophie Coutts, Workforce Advisor</p> <p>Date: 21.12.17</p> <p>Equality & Human rights Lead: Rachel Higgins</p> <p>Director\General Manager: Maz Fosh</p> |
|---|

***In this template the term policy\service is used as shorthand for what needs to be analysed. Policy\Service needs to be understood broadly to embrace the full range of policies, practices, activities and decisions: essentially everything we do, whether it is formally written down or whether it is informal custom and practice. This includes existing policies and any new policies under development.**

Section 1 – to be completed for all policies

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| A. | Briefly give an outline of the key objectives of the policy; what it's intended outcome is and who the intended beneficiaries are expected to be | <p>Following guidelines from the government and legislation to prevent smoking in public places a policy was required to advise staff on what is and is not acceptable on the grounds of health and safety. The policy states that no employees, patients or visitors may smoke on the organisation's premises or grounds. The policy also gives guidance on visiting the homes of patients that smoke.</p> <p>As well as its duty to protect the health of employees, patients and visitors, the organisation has a duty to safeguard its property. Therefore this policy is also intended to minimise the risk of fire caused by employees, patients or visitors smoking in unauthorised areas.</p> |
| B. | Does the policy have an impact on patients, carers or staff, or the wider community that we have links with? Please give details | No |
| C. | | No |

| | | | | |
|---|---|----------------------------------|----|--|
| | Is there is any evidence that the policy/service relates to an area with known inequalities? Please give details | | | |
| D. | Will/Does the implementation of the policy/service result in different impacts for protected characteristics? | No | | |
| | | Yes | No | |
| | Disability | | x | |
| | Sexual Orientation | | x | |
| | Sex | | x | |
| | Gender Reassignment | | x | |
| | Race | | x | |
| | Marriage/Civil Partnership | | x | |
| | Maternity/Pregnancy | | x | |
| | Age | | x | |
| | Religion or Belief | | x | |
| | Carers | | x | |
| If you have answered 'Yes' to any of the questions then you are required to carry out a full Equality Analysis which should be approved by the Equality and Human Rights Lead – please go to section 2 | | | | |
| The above named policy has been considered and does not require a full equality analysis | | | | |
| Equality Analysis Carried out by: | | Sophie Coutts, Workforce Advisor | | |
| Date: | | 21.12.17 | | |