

Smoke Free Policy

Version 2.1

Important: This document can only be considered valid when viewed on the CCG's internet site. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.

Name of Policy	Smoke Free Policy
Date Issued	December 2021
Date to be Reviewed	June 2022

Policy Title	Smoke Free Policy V2.1	
Supersedes:	No Smoking policy V2.0	
Description of amendment(s):	General review, update logo, new format. Change of title. no material changes	
This policy will impact on:	All staff and visitors to Hull CCG Premises	
Policy Area:	HR & Corporate Policies	
Version No:	V2.1	
Author:	Helen Johnson, Health & Safety Advisor	
Effective Date:	December 2021	
Review Date:	June 2022	
Equality Impact Assessment Date:	12 th June 2018	
APPROVAL RECORD		
	Integrated Audit & Governance Committee	07 July 2020, 9 November 2021
CONSULTATION	Staff Side Representative	12 th June 2018
	Staff Side Representative (part of HS&S Group)	September 2021

Contents

1.	Introduction.....	Page 4
2.	Purpose.....	Page 4
3.	Scope.....	Page 5
4.	Definitions.....	Page 5
5.	Roles and Responsibilities	
5.1	NHS Hull CCG.....	Page 5
5.2	Employees.....	Page 6
5.3	Line Manager.....	Page 6
5.4	Human Resources Team.....	Page 7
6.	Eliminating Smoking at NHS Hull CCG.....	Page 7
7.	Assistance for Employees to Give Up Smoking....	Page 7
8.	Equality and Diversity.....	Page 7
9.	NHS Constitution.....	Page 8
10.	Statutory Requirements and Guidance Documents.	Page 8
11.	Failure to Adhere to This Policy.....	Page 9
12.	Monitoring Compliance and Effectiveness.....	Page 9
13.	Review.....	Page 9

1. Introduction

This document sets out the NHS Hull Clinical Commissioning Group's (Hull CCG) approach to provide adherence in line with National smoking regulations, and is to be read together with other relevant Hull CCG policies and procedures. Below is a link provided by Smoke free England NHS that explains the different Smoke free regulations;

<http://www.smokefreeengland.co.uk/thefacts/the-regulations.html>

- Smoking is a major cause of illness and early death and the government is taking active measures to decrease smoking behaviour by reducing the number of public areas in which smoking is permitted. On 01 July 2007, the Government introduced a new law to make virtually all enclosed public places and workplaces in England smoke free. A smoke free country ensures a healthier environment, so everyone can socialise and work free from passive smoke inhalation.
- Hull CCG has prohibited smoking on Hull CCG premises, and is committed to assisting staff to achieve greater health through smoking cessation.
- If an employee feels they would like to appeal any decisions within this policy they should refer to Hull CCG's grievance policy.

2. Purpose

The aim of this policy is to:

- Ensure that employees can work in or visit Hull CCG in a smoke free environment
- Support employees who wish to stop smoking
- Set a good example and enhance the image of Hull CCG through positive action
- Demonstrate adherence to the national NHS No Smoking Statement and adhere to National no smoking in line with Smoke Free Regulations 2007
- Reduce the risks associated with passive smoking

3. Scope

This policy will apply to all employees with agenda for change terms and conditions of employment. This policy also applies to all persons on the Hull CCG site, including staff, volunteers, contractors, agency workers and visitors. The policy is applicable to the workplace including Hull CCG property, grounds associated sites and vehicles including lease cars but excluding designated smoking areas.

4. Definitions

- Smoking is defined as 'smoking tobacco or anything which contains tobacco, or smoking any other substance', and includes being in possession of lit tobacco or of anything lit which contains tobacco, or being in possession of any other lit substance in a form in which it could be smoked.
- This definition covers all forms of smoking, including cigars and pipes. Provided that the substance is lit, there is no need for it to be inhaled for it to be covered by the ban.
- For the purposes of this policy, this definition also covers all forms of e-cigarette due to the information contained within Estates and Facilities Alert No DH-2014-002 [20140702 Estates and Facilities Alert DH-2014-002 FINAL.pdf](#)
- Premises are defined as 'enclosed' if they have a ceiling or roof and, except for doors, windows and passageways, are wholly enclosed, either permanently or temporarily.

5. Roles and Responsibilities

NHS Hull CCG

Good working relations are vital for the organisation to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations

Hull CCG has a responsibility to ensure that staff are not exposed to health risks from passive smoking at work and actively encourage good health for all employees. The Chief Officer of Hull CCG has overall responsibility for this

policy; however responsibility for its implementation and monitoring is shared by the Workforce Team and managers within the Hull CCG, as detailed below.

Employees

- Have a duty to comply with the requirements of this policy by not smoking on Hull CCG premises. Employees should be made aware of specific smoking requirements or arrangements in regards to the premises/grounds they are working from. All employee's will, in addition to this policy, be expected to adhere to the no smoking policies of any external premises at which they are working, based or visiting. It is the employee's responsibility to use the designated smoking areas outside of the building if these are provided.
- Smoking is not allowed in any vehicle owned, leased, or rented by Hull CCG. In addition, vehicle owners who utilise their private vehicles during working hours for the, transportation of passengers or equipment will not be permitted to smoke or allow passengers to smoke whilst on Hull CCG business.
- Staff should be aware that whilst not a legal obligation, smoking in a vehicle could be deemed to constitute driving without due care and attention which could result in prosecution.
- For all clinical staff required to wear a uniform for work, it is not permissible to smoke whilst wearing the uniform.
- Employees are expected to have consideration for local neighbours. This includes avoiding smoking directly outside a neighbouring house/building, discarding cigarettes in neighbouring gardens and littering the neighbouring community.
- You should be aware of the potential residual smoke on clothes/person so consideration should also be given to colleagues/customers

Line Manager

- Managers will take reasonable steps to ensure that adequate arrangements are in place to enable the policy to be fully implemented in the workplace.
- This will include ensuring that all staff, patients and visitors comply with the policy.
- Managers may provide their employees with appropriate support if requested (i.e: advice on smoking cessation groups)
- Managers have a responsibility to ensure breaches of this policy are dealt with appropriately in accordance with Hull CCG Disciplinary policy.



- Managers have a duty to ensure that this policy is enforced within their area of management responsibility. This includes making new and current employees aware of this policy and dealing with employees who are in breach of this policy.

Human Resources Team

- To work in partnership with managers and Trade Union Representatives to ensure employees are treated fairly and consistently within the framework of the policy.
- Human Resources may need to advise and support managers in dealing with breaches of this policy.

6. Eliminating Smoking at Hull CCG

- Staff will **NOT** be permitted to take paid smoking breaks. Staff wanting to take smoking breaks should deduct the time taken from their contracted lunch break or agreement should be reached to cover time taken on smoking breaks with their line manager.
- New starters will also be made aware of the policy via Hull CCG Induction Programme.

7. Assistance for Employees to Give up Smoking

- Smokefree is an NHS initiative that has been designed to help individuals stop smoking and improve public health, the link below will enable the individual to receive free materials around stopping smoking; <http://www.nhs.uk/smokefree>.
- Hull CCG recognises the difficulty that employees who wish to give up smoking may face. Hull CCG's occupational health services can offer guidance, information and support to help smokers to give up.

8. Equality and Diversity

All policies require an assessment for their impact on people with protected characteristics. An Equality Impact Assessment has been undertaken for this policy and as a result of performing the analysis, it is evident that no risk of discrimination exists.

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

9. NHS Constitution

The CCG is committed to:

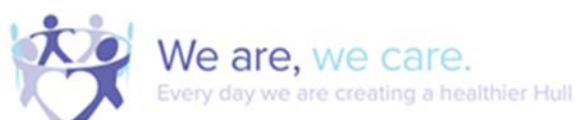
- the achievement of the principles, values, rights, pledges and responsibilities detailed in the NHS Constitution, and
- ensuring they are taken account of in the production of its Policies, Procedures and Guidelines.
- This Policy supports the NHS Constitution insofar as it ‘confirms a commitment to providing high-quality working environments that promote health, well-being and safety.’ It also supports the pledge to ‘Provide support and opportunities for staff to maintain their health, well-being and safety.’

10. Statutory Requirements and Guidance Documents

The management of the No Smoking Policy will operate within the following legal framework:

- Health Act (2006)
- The Health & Safety at Work etc. Act 1974
- Smoke-Free (Premises and Enforcement) Regulations (2006)
- Smoke-Free (Exemptions and Vehicles) Regulations (2007)
- Smoke-Free (Signs) Regulations (2007)
- Smoke-Free (Penalties and Discounted Amounts) Regulations (2007)
- Smoke-Free (Vehicle Operators and Penalty Notices) Regulations (2007)

Further guidance can be found at:



- Protecting Community Staff from Exposure to Second-hand Smoke (2006) RCN Best Practice Guide
- Chartered Institute of Personnel and Development Website: www.cipd.co.uk

11. Failure to Adhere to this Policy

If you fail to adhere to this policy the NHS Hull CCG Disciplinary Procedure will apply.

12. Monitoring Compliance with and Effectiveness of this Policy

NHS Hull CCG Integrated Audit & Governance Committee is responsible for formal approval of this policy. Following ratification the policy will be disseminated to staff via Hull CCG's intranet.

13. Review

The policy and procedure will be reviewed every 2 years in conjunction with managers and Trade Union representatives where applicable. Where review is necessary due to legislative change, this will happen as soon as practicable.

HR / Corporate Policy Equality Impact Analysis:

Policy / Project / Function:	Smoke Free Policy V2.0
Date of Analysis:	20 th June 2018
Completed by: (Name and Department)	Helen Johnson, Health & Safety Advisor
What are the aims and intended effects of this policy, project or function?	<p>To ensure that all staff aware that they cannot smoke on NHS Hull CCG premises. To ensure that Hull CCG meets its obligations under the Health & Safety at Work etc. Act (1974) and other relevant legislation such as:</p> <ul style="list-style-type: none"> • Smoke Free (Premises and Enforcement) Regulation 2006 • Smoke Free (Exemptions and Vehicles) Regulations 2007 • Smoke Free (Signs) Regulations 2007
Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?	No changes to previous policy
Please list any other policies that are related to or referred to as part of this analysis	Hull CCG Health & Safety Policy Hull CCG Disciplinary Policy
Who will the policy, project or function affect?	All staff and visitors
What engagement / consultation has been done, or is planned for this policy and the equality impact assessment?	This policy has been agreed by the local staff side representative Toni Yel
<p>Promoting Inclusivity and Hull CCG's Equality Objectives.</p> <p>How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation?</p> <p>How does the policy promote our equality objectives:</p> <ol style="list-style-type: none"> 1. Ensure patients and public have improved access to information and minimise 	This policy aims to ensure that all staff work in a safe, smoke free environment, regardless of protected characteristics.

<p>communications barriers</p> <p>2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job</p> <p>3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve</p> <p>4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs</p>	
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Equality Data	
<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <p>1: Recruitment data, e.g. applications compared to the population profile, application success rates</p> <p>2: Complaints by groups who share / represent protected characteristics</p> <p>4: Grievances or decisions upheld and dismissed by protected characteristic group</p> <p>5: Insight gained through engagement</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p> <p>Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.</p>

Assessing Impact

Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?
(Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> ¹ exists (see footnote below – seek further advice in this case)
Gender	X			This policy applies to all staff regardless of gender
Age	X			This policy applies to all staff regardless of age
Race / ethnicity / nationality	X			<p>This policy applies to all staff regardless of race/ethnicity/nationality</p> <p>Analysis of employee data indicates that the percentage of white employees is reflective of the local population. However, the proportion of BME staff is lower than that of the local population it serves</p> <p>All staff require competencies which include the ability to read and understand English or to request the information in another format available to them</p>
Disability	X			This policy applies to all staff regardless of disability
Religion or Belief	X			This policy applies to all staff regardless of religion

1. ¹ The action is proportionate to the legitimate aims of the organisation (please seek further advice)

				or belief
Sexual Orientation	X			This policy applies to all staff regardless of sexual orientation
Pregnancy and Maternity	X			This policy applies to all staff regardless of pregnancy and maternity
Transgender / Gender reassignment	X			This policy applies to all staff regardless of transgender/gender reassignment
Marriage or civil partnership	X			This policy applies to all staff regardless of marriage or civil partnership.

Action Planning:

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

Sign-off

All policy EIAs must be signed off by Mike Napier, Associate Director of Corporate Affairs

I agree with this assessment / action plan

If *disagree*, state action/s required, reasons and details of who is to carry them out with timescales:

A handwritten signature in black ink, appearing to be 'M. J. ...', is written in the middle of the second section of the form.

Signed:

Date: 21.06.18