



SMOKE FREE (WORKPLACE AND PREMISES) POLICY

This document should be used in conjunction with the
[Corporate Health and Safety Policy](#)

Managers have a responsibility to ensure that **ALL** employees have access
to this document.

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Status:	Policy	Issue Date:	Sept 2016	Review Date:	Sept 2019	Version:	4	Page 1 of 9

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Smoke Free (Workplace and Premises) Policy

Carmarthenshire County Council will:

- Encourage employees, members and service users to stop smoking, and provide practical help and support via our Occupational Health Centre and the Stop Smoking Wales Service.
- Prohibit smoking and use of E-cigarettes:
 - in all enclosed and substantially enclosed workplaces and premises owned or occupied by the County Council, including offices, schools, communal areas of sheltered housing schemes, rest rooms, canteens, theatres, libraries, community facilities, public toilets, museums, kiosks, markets, restaurants, cafes, members rooms, sports and leisure facilities, bus stations and shelters, day centres, and commercial premises leased or hired to third parties, etc.
 - in all enclosed and substantially enclosed premises used to provide the services or activities of the County Council, including those owned, operated by or shared with others, such as offices, day/lunch clubs, conference centres and training venues, etc.
 - in all vehicles used for work purposes or the provision of services including vans, buses, mobile libraries, and cars (including own cars during business time). Employees and others (e.g. volunteers, contractors) using vehicles in connection with the provision of services shall ensure the vehicles are smoke-free whilst they are used for these purposes.
 - within the grounds of premises owned or occupied by the County Council, including car parks associated with our administrative and commercial buildings, gardens, playgrounds, sports grounds and other external areas, etc.
- Not provide facilities for smokers, such as shelters or smoking rooms, either inside or outside, including doorways and immediate vicinities of any Council premises (except for the exemptions detailed below).
- All employees should not smoke during working time with the requirements of the smoking policy.
- E-cigarettes must not be charged in any Carmarthenshire County Council premises, including vehicles.
- Provide signage:
 - at all entrances to our premises, including at entrances to grounds, which informs everyone that they are smoke free and that smoking is prohibited. This signage shall comply with the requirements of the Smoke-free Premises etc. (Wales) Regulations 2007, and any associated guidance.
 - in all of our vehicles, including those leased or hired to others, which informs everyone that they are smoke free and smoking is prohibited. This signage shall comply with the requirements of the Smoke-free Premises etc. (Wales) Regulations 2007, and any associated guidance.
 - Prohibit the selling or promoting of tobacco products in premises owned or occupied by the County Council.
 - Cooperate with other employers, contractors or voluntary organisations to ensure compliance with this policy and any risks associated with second hand tobacco smoke are minimised.

- Act as an exemplar employer and role model for other employers within Carmarthenshire in relation to non-smoking and the provision of smoke free workplaces.
- Periodically monitor, review and improve (when necessary) the delivery of this policy to ensure that it remains effective, and that we continue to comply with associated legal requirements and/or relevant management standards.

Exemptions:

1. Designated smoking rooms or external smoking areas will be permitted in adult residential care and respite homes, and designated external smoking areas will be permitted in social care establishments providing day care services to the elderly **or vulnerable**.
2. Within flats and domiciliary areas of Sheltered Housing and Council Housing Premises – **ALL** communal and external areas of these premises fall within the scope of the policy.

For the purposes of this Policy 'E - Cigarettes' (which contain nicotine) shall be regarded as cigarettes.

Scope of the Policy

This policy will apply to all establishments and all employees of Carmarthenshire County Council, volunteers acting on our behalf, contractors, visitors, agency workers and members of public who are accessing or using premises owned or occupied by Carmarthenshire County Council.

Arrangements at Schools

Governing Bodies of all schools are encouraged to adopt this policy, with a recommendation that schools may wish to develop appropriate wording to include pupils or signpost to the appropriate policy or guidelines for pupils. School management teams must ensure that our premises always remain smoke free, including outside normal school hours when the facilities may be hired to third parties.

Supporting Documentation

Supporting information, guidance and documentation will be available to assist with the management and implementation of this policy.

Ensuring Equality of Treatment

This policy must be applied consistently to all employees irrespective of race, colour, ethnic or national origins (including citizenship), language, disability, religion, belief or non-belief, age, sex, gender reassignment, sexual orientation, parental or marital status, pregnancy or maternity.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

If you require this information in an alternative format please contact People Management on (01267) 246184 or Ext. 6184.

GUIDANCE NOTE 1

Providing a Designated Smoking Room in Residential and Respite Care Premises

The Smoke-free Premises etc. (Wales) Regulations 2007 makes an exemption for **adult** residential care homes, and **allows smoking within designated rooms**, subject to conditions.

**Care home manager should be contacted to discuss local arrangements.*

If it is decided to designate a specific room in which residents can smoke, then:

- the room must be suitable for the purpose,
- the room must be clearly marked as a room in which smoking is permitted,
- the door to the room should be fire resistant and fitted with a self-closing device which ensures the door remains closed,
- the room must be provided with suitable and sufficient mechanical ventilation, which vents to the outside of the building (and not immediately beneath or next to a window). Technical advice upon ventilation systems and their functionality shall be available from Property Services, via [Property Helpdesk](#).
- a safe and suitable means of collecting and disposing of waste associated with smoking must be provided in the room, along with a procedure for the handling of this waste which manages the risk of fires occurring,
- the room should be provided with the minimum amount of furniture and the following must be ensured:
 - all fabrics and furnishings shall comply with the Furniture and Furnishings (Fire Safety) Regulations 1988, relevant standards and be appropriately marked.
 - the room must not contain any items that would increase the risk of fire e.g. potted plants (real or artificial).
- an effective means of observing and supervising residents in the room should be provided, such as vision panels in either the door or the adjoining walls. The glazing used in these vision panels should be fire resistant (e.g. Georgian wired glass).

Such rooms are intended for the use of residents only, not for staff or visitors. The exemption for designated smoking rooms was made in recognition that they are residential premises, and thereby the homes of smoking residents.

Staff should not normally be required to work in these designated smoking rooms. If they have to enter these rooms, their time of exposure to second-hand smoke must be kept to a minimum. Staff with pre-existing conditions exacerbated by second-hand smoke (e.g. asthma) or employees who are pregnant should not be asked to enter them at all.

Residents shall have access to and be provided with advice, guidance and support if they wish to stop smoking. This advice, guidance and support is available through the Stop Smoking Wales service (see further support guidance for more information).

External designated smoking areas may be provided in residential and respite care homes. These external smoking areas must:

- be discreetly positioned (i.e. not near doorways and entrances and windows),
- not be sited close to buildings into which in second-hand smoke could enter via windows, doors or similar,
- not be enclosed or substantially enclosed,
- be provided with a safe & effective means of collecting smoking related litter, including stubbing out bins,

These outside facilities may be used by residents and may also be used by employees where they are not provided with official breaks to leave the site to smoke or where leaving the site would seriously compromise the level of supervision or care provided to residents. This would most likely be an issue at evening or night time, where fewer staff are often employed within the care home.

The use of E-cigarettes is prohibited in all Carmarthenshire County Council premises and vehicles due to the fire hazard and associated risks with the charging of E-cigarettes. Where residents use an E-cigarette then arrangements should be made with family or friends for the re-charging of the device off site.

A risk assessment should be carried out for residents who wish to use cigarettes. This will determine whether smoking equipment (e.g. lighters) needs to be held by staff and requested by residents when they wish to smoke.

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GUIDANCE NOTE 2

Visiting Residential Premises in the Community

Many employees, contractors & volunteers (e.g. social workers, domiciliary care workers, housing officers or maintenance staff) will need to enter a person's home to provide a service, and may be exposed to second hand smoke if the person being visited or others at that address are smokers. Private homes are not covered by smoke free law, so there are no legal restrictions upon residents smoking in their own home.

In order to reduce the risk to employees, the following steps should be taken:

- Identify the homes visited by employees that are occupied by smokers.
- It is our duty to protect our employees and others delivering a service on our behalf, from second hand smoke. Once identified, the occupants will be advised, in writing, in line with the smoke free premises regulation 2007, for their cooperation in refraining from smoking an hour before staff arrival and for the duration of their visit.
- When services are being arranged via telephone, the occupants will be instructed verbally of the requirement to refrain from smoking in their home for an hour prior to the scheduled visit taking place and for the duration of the visit.
- Employees should inform their Manager/Supervisor of any concerns or problems with occupants smoking during the visit. Employees with pre-existing conditions exacerbated by second-hand smoke should inform their Manager/Supervisor immediately so that suitable arrangements can be made.

Where an occupant continues to smoke in the presence of our employees, the following steps should be taken:

- Occupants should be politely reminded of the requirements of our smoke free policy.
- If the occupant continues to smoke, employees may withdraw from the premises, informing their Manager/Supervisor of their actions and completing relevant paperwork e.g. 'Walkaway Form' / 'Concerns Log'.
- The Manager/Supervisor must verbally discuss and follow up in writing with the occupant the requirement to refrain from smoking during a visit.
- If the occupant refuses to comply then procedures associated with the withdrawal of our services may be adopted.

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GUIDANCE NOTE 3

Non-Residential Social Care Premises

Enclosed & substantially enclosed areas of day centres or similar social activities must be fully smoke free, and may **not** designate or use rooms for smoking within the premises.

It is recognised that it may not be appropriate or safe to ask some service users, particularly those that are elderly or vulnerable, to leave the site entirely, including the external grounds and car parks etc., if they wish to smoke. We will therefore allow, if needed, external designated smoking areas in social care establishments providing a service to these persons (e.g. day centres). These external smoking areas must:

- be discreetly positioned (i.e. not near doorways and entrances),
- not be sited close to buildings into which in second-hand smoke could enter via windows, doors or similar,
- not be enclosed or substantially enclosed,
- be provided with a safe & effective means of collecting smoking related litter, including stubbing out bins and emptying and cleaning of bins.

Carmarthenshire County Council does not provide facilities for smokers, including service users, such as external smoking shelters.

Service users must be informed of the requirements of our smoke free policy, and the local arrangements at each particular establishment.

The use of E-cigarettes is prohibited in all Carmarthenshire County Council premises and vehicles due to the fire hazard and associated risks with the charging of E-cigarettes. Where service users use an E-cigarette then arrangements should be made with family or friends for the re-charging of the device off site.

A risk assessment should be carried out for service users who wish to use cigarettes. This will determine whether smoking equipment (e.g. lighters) needs to be held by staff and requested by service users when they wish to smoke.

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GUIDANCE NOTE 4

Frequently Asked Questions

1. Am I entitled to smoking breaks?

Employees who wish to smoke may only do so in their own time. Council employees who wish to smoke can do so either in official breaks or when they clock out or via the flexitime scheme. Managers should ensure that this practice does not adversely affect service delivery, and that employees cooperate with them towards this objective.

2. Does the Smoke Free (Workplaces and Premises) Policy apply to homeworking?

The smoke free laws don't apply to domestic premises. However, where a room at an employee's home is used solely for work purposes the room will be required to be smoke free.

All employees must comply with their employer's policies & procedures whilst at work, including when they work at home.

3. Should I include information on the Smoke Free (Workplaces and Premises) Policy when recruiting staff?

Job advertisements, information provided to prospective applicants & induction sessions for new employees (e.g. corporate welcome, site specific induction and fire safety briefings) will include reference to the Smoke Free Policy. All advertisements shall state that "the County Council operates a smoke free policy".

All new employees will be reminded of the requirements of the smoke free policy, and be required to abide by it.

4. Do I need to display signage at my premises?

Signage must be displayed at all entrances to premises, at entrances to the grounds of premises and in all work vehicles.

5. Am I required to provide facilities for smokers?

Carmarthenshire County Council will not provide facilities for smokers other than in those premises exempt from the policy (see [Guidance Note 1](#) & [Guidance Note 3](#) for further information).

6. Who is responsible for enforcing the Smoke Free (Workplaces and Premises) Policy?

The success of this smoke-free policy depends upon the consideration and cooperation of all employees and managers, and anyone else affected by it.

Failure by an employee to comply with this policy may result in the implementation of the Council's disciplinary policy & procedures.

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GUIDANCE NOTE 5

Further Advice, Guidance & Support

You are four times more likely to quit with a support programme than going it alone.

Occupational Health & Safety

Occupational Health can advise on the health benefits of quitting and give advice on who to contact or speak to about quitting smoking (see below).

General Practitioner (GP)

Your GP will give advice on the support groups below and can also advise on whether prescribed medication to help you quit will be suitable for you.

Help me Quit

You will be given advice and support and find out what Nicotine Replacement Therapy would be best for you. They hold weekly sessions across Wales and you can find a session at a time and venue that is suitable for you. Sessions start a few weeks before you plan to quit and help you to prepare for your quit date. Sessions last for six weeks and you will be assessed how you are managing and will be given support throughout the programme.

Contact number: **0800 085 2219**

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