

Smoke Free (Premises and Vehicles) Toolkit for Managers

Employee Wellbeing

2020 - 2023

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

Purpose

This toolkit complements existing policies and guidance and should be read in conjunction with the Smoking Free (Premises and Vehicles) Policy. Its purpose is to assist in managing the potential risks in relation to smoking in the workplace.

Scope

The scope of this toolkit applies to all Carmarthenshire County Council employees including School staff and Elected Members of the Authority.

How to use this toolkit

Managers should utilise this toolkit to assist them in managing the potential risks in relation to smoking in the workplace. The toolkit has been divided into relevant sections to enable managers to select the most appropriate information to provide them with relevant guidance and information in order to assist with specific scenarios.

If you have any questions or would like any further advice on any part of this toolkit then contact the Health and Safety Centre.

Providing a Designated Smoking Room in Residential and Respite Care Premises

The Smoke-free Premises and Vehicles (Wales) Regulations 2020 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 Help Me Quit 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 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 a risk assessment should be carried out and 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.

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 asked, in writing, in line with the Smoke Free Premises and Vehicles (Wales) Regulation 2020, 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.

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 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.

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 (Premises and Vehicles) 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 (Premises and Vehicles) 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 pages 2 - 3 for further information).

6. Who is responsible for enforcing the Smoke Free (Premises and Vehicles) 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.

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**