

Warwickshire County Council

Smoke and Vape Free Policy Smoke Free Legislation

The Health Act 2006 made it illegal to smoke in all enclosed public places and enclosed workplaces in England with effect from 1 July 2007.

The smoke free legislation applies to all County Council enclosed buildings and related areas. Smoking is not permitted in any vehicle owned or provided by the County Council or in any other vehicle when transporting colleagues or service users on official business. No smoking signs must be displayed in workplaces and vehicle.

1. Policy Statement

The council recognises that smoking is an addiction and aims to support those who wish to stop.

The objectives of this policy are to ensure compliance with the Health Act 2006 which banned smoking in all enclosed public spaces and workspaces in England from July 2007.

Although vaping is not covered under smoke-free legislation (as vaping does not burn tobacco or create smoke) the restrictions within this policy also apply to vaping.

Through the application of this policy the council aims to:

- Protect the health, wellbeing and safety of employees, workers, elected members, and members of the public, by providing smoke-free workplaces.
- Ensure that all employees and workers who wish to stop smoking are able to access appropriate advice and support.
- Reduce absence from work resulting from smoking related conditions and have a positive impact on employee's physical and mental health and wellbeing.

2. Scope of Policy

This policy applies to:

- All employees including those seconded to other authorities/organisations.
- Workers engaged from other organisations to undertake work on behalf of the Council, e.g. contractors, consultants and agency workers.
- Volunteers undertaking voluntary work for the council.

3. Definitions

For the purposes of this policy the following definitions apply:

Smoking	Refers to smoking tobacco or anything which contains tobacco or smoking any other substance. Smoking 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.
Vaping	Refers to using the use of an electronic cigarette or 'Vape' to inhale vapour, usually containing nicotine.
Second hand smoke	Refers to smoke inhaled involuntarily from tobacco being smoked by others.

4. Restrictions at work

The Council prohibits smoking or vaping in the following areas:

- All County Council owned and controlled buildings
- Access doorways, surrounding areas, rest rooms, corridors, and toilets
- All County Council owned vehicles
- Officers' private vehicles while transporting passengers on Council business (including service users).
- Youth Clubs
- Outdoors on Council grounds (e.g. car parks, courtyards)

Where we rent a building, this policy will apply to all WCC employees working there.

Where such a building is shared, the Council will request that all other tenants adopt the spirit of this policy.

Employees who wish to smoke or vape should do so in their own time i.e. within agile working arrangements or during agreed breaks. Employees must ensure that they smoke or vape off site or in designated areas and that they always maintain a reasonable distance (e.g. more than 5 metres) from exits, entrances, and open windows to ensure that they do not expose others to tobacco smoke or vape smoke.

4.1. Third party premises

Some Council employees are required to visit or work at other premises in the community and in people's own homes as part of their duties. These venues may not be covered by

the Act. The Council cannot therefore control smoking or vaping on these premises but still has a duty of care to its own employees.

Where appropriate, customers or partners should be asked to consider refraining from smoking or vaping when members of staff are present. There may still be occasions where managers will need to undertake a risk assessment to ensure that all reasonable steps are taken to protect employees from exposure to workplace tobacco smoke.

4.2. Working from home

When working from home employees are expected not to smoke or vape during online meetings or events where they are representing the council.

5. Implementation and enforcement of policy

The Council recognises that a member of staff who smokes may need help and support from their employer. The Council also has a responsibility to all its employees, service users, pupils, and other stakeholders, to ensure risks are minimised.

Accordingly, the Council will seek to adopt two approaches:

1. To provide reasonable assistance and support to members of staff who smoke to access support to quit.
2. To take disciplinary action where smoking policies are not being adhered to.
Employees who fail to comply with the smoke-free workplace legislation will be subject to the Council's disciplinary procedures as well as to any sanction that may be applicable under criminal law with regard to smoking. Employees who fail to comply with our vaping policy may also be subject to disciplinary procedures.
Advice in relation to specific cases should be sought from the HR Advisory Team.

Staff who are finding it difficult to adjust to the Policy should be invited to discuss the issues with their manager and be signposted or referred to local stop smoking services.

5.1. Protecting staff

Staff visiting clients in their own homes have the right to not be exposed to second-hand tobacco smoke, and it is expected that all reasonable steps are taken to limit or prevent this type of exposure.

Managers should consider this potential exposure within the risk assessment process and determine measures that could be put in place to reduce the risk.

5.2. Visitors and contractors' breaches

Visitors to the Council premises will be made aware of the Smokefree Policy through signs, and conversations with staff. Any non-employees who breach the Tobacco Control and Vaping Policy will be asked to leave the premises.

6. Smoking and cessation support

Employees are able to prioritise wellbeing in work time, balanced with service needs. Employees should be supported by their line manager to attend smoking cessation appointments using agile working principles where possible. If this is not possible, employees should aim to cause the least disruption to their work.

Local stop smoking services provide free and confidential support to quit smoking, for more information visit the website www.smokefreecw.co.uk

Our EAP provider Vita Health Group also has information to support you on their website:

- Go to your online EAP at www.my-eap.com.
- User Name / Organisation Code 'WorkplaceWellness'.

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