

# **Lead Employer Trust**

## **Smoke Free Policy**

PROCEDURE/POLICY INFORMATION SHEET

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Business Criticality	
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## Summary of Changes

<b>Date of Change</b>	<b>Changes made</b>	<b>Location of changes</b>	<b>Changes approved</b>	<b>Version Control</b>
February 2015	Update to incorporate GP Practices	Pages 5, 6 and 7	May 2015	V2
April 2016	Document update	All pages	31 <sup>st</sup> May 2016	V3
July 2016	Update relating to e-cigarettes from Public Health England	All pages	29/9/16	V4
April 2017	Update to Smoking Help Line	Page 7	25/4/2017	V5
May 2019	Review – no change			V6
May 2023	Document Review and Equality Impact Assessment	All Pages	30 <sup>th</sup> May 2023	V6

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## **1 POLICY STATEMENT**

This policy applies to all employees of the Lead Employer Trust (LET), at all times when they are representing the organisation.

This policy is not concerned with whether someone smokes but with where they smoke and how this impacts upon the Lead Employer Trust, Host Training Organisations and where possible, improvement of the health of its staff, visitors, colleagues and other members of the wider health community. It is also concerned with the exclusion of preventable carcinogenic substances in the locality of health sites.

Failure by staff to comply with this policy will lead to disciplinary action.

## **2 INTRODUCTION**

The aim of this policy is to provide a smoke free environment to promote the health of employees and visitors. It is felt that the restriction of smoking in hospitals is particularly important because of the example expected of the NHS and its employees. As employers we should support the philosophy for the good of the health of the nation.

Section 2(2) of the Health and Safety at Work Act 1974 places a duty on employers to provide a working environment that is "safe, without risk to health and adequate as regards facilities and arrangements for their welfare at work".

In addition to being dangerous to health, smoking presents a serious fire risk in hospitals and other public buildings. This makes it essential to strictly control those areas where smoking will be permitted. The level of risk associated with illicit smoking in high-risk areas cannot be over-estimated.

All enclosed public places and workplaces in England became smoke free with effect from 1 July 2007 in accordance with The Health Act 2006.

E-cigarette does not meet the legal or clinical definitions of smoking, and there is a clear distinction between smoking and 'vaping'. Vaping is not covered by Smoke free legislation; they do not burn tobacco and do not produce smoke. In addition to this, evidence from Public Health England advises that E-cigarettes carry a fraction of the risk of smoking to both the user and the bystander, although those with health conditions may be sensitive to e-cigarette vapour. E-cigarettes have been linked to smoking cessation amongst adults, but there is also a concern surrounding children and young adult's uptake of vaping.

LET Premises are defined as, and include, all Host Training Organisations sites and grounds, hospitals, health centres, and other accommodation either leased/hired by or from the Host Training Organisations for health care purposes (including steps and entrances, car parks and other external areas). It also includes residential accommodation, lease cars and hospital vehicles.

Cigarettes and tobacco products (including e-cigarettes) will not be sold or advertised on LET and associated premises, including the provision of vending machines. It is a criminal offence for anyone to sell, transport or possess illegal tobacco products.

### 3. EMPLOYEES

- Employment procedures recognise the importance of stating that the Host Training Organisations are a total smoke free area in order that employees are fully aware of and comply with this policy, including the use of e-cigarettes.

All new employees must be made aware that the LET operates a Smoke Free Policy.

- Staff must not smoke or vape at, or in the vicinity of entrances to the LET and associated premises.
- Staff, when on duty, or wearing uniform, NHS insignia or badge are not permitted to smoke or vape at any time in public when representing the LET and/or their Host Training Organisation and when attending meetings on behalf of the LET and/or their Host Training Organisation, wherever these are held. Staff are only permitted to smoke or vape whilst off duty (in official break times only) and this must be conducted outside of the stated areas in Section 2.
- Attending for duty smelling of smoke is a health risk and may be offensive to patients and colleagues, so employees should avoid smoking in their uniforms prior to starting work. This applies to all staff including those who do not wear a uniform, and in particular those staff who work in a patient facing environment.
- Employees' responsibilities include being familiar with and observing the Smoke Free Policy at all times. Reliance is placed upon every employee to assist the LET in the operation of this policy by supplementing the training, assistance and support provided to smokers and reminding individuals when they are in breach of the policy.
- The Trainee Support Service also offers appropriate advice on a one to one basis when requested and directs employees towards their local NHS Stop Smoking Service

### 4. PATIENTS

- Where applicable, patients will be informed in writing of the Host Training Organisations no smoking policy in pre-admission literature. Whilst in hospital advice and appropriate literature should be offered by nursing or medical staff where patients are unable to stop smoking, refer to the Pharmacy and Medicines Management Protocol for the administration of Nicotine Replacement Therapy (NRT) to those accessing hospital services.
- Where patients insist on leaving the ward to smoke or vape, then this could be a clinical risk, and they should be advised that it is not in their interests to do so. Employees should refer to the Host Training Organisations policy.
- Employees should not accompany/escort patients who insist on leaving the ward/clinical area to smoke or vape.
- If a patient attempts to smoke or vape on Host Training Organisation premises, they should be tactfully approached by staff, advised of the Host Training Organisations policy and requested to refrain from smoking or vaping in the interests of health and safety. However, staff should not enter into any confrontation that may put their personal safety at risk.
- Staff who visit patients/clients in their own homes may be at risk of exposure to second hand smoke. The employee should request that a smoke-free environment should be provided whilst the visit is taking place, and ask the patient not to smoke in the room where the visit is to take place for three hours before their appointment is due

(carcinogens in second hand smoke last for approximately three hours in suspension in the air around a smoker). Where other household members/visitors smoke, they should be made aware of the need to provide a smoke-free environment during the duration of the visit. As a measure of good practice, the patients requiring domiciliary visits should be made aware of this request prior to the first visit (written notification can be provided). Employees faced with non-compliance should advise the patient that the employee can exercise the right to withdraw from the visit at any time, and alternative arrangements may need to be made to enable them to receive their treatment.

## **5. VISITORS, CONTRACTORS AND OTHER NHS EMPLOYEES WORKING ON LET ASSOCIATED PREMISES.**

- Contract staff and staff employed by other organisations either working within or visiting Host Training Organisation and LET premises are subject to this policy and must abide by it.
- All contracts placed by the LET and Host Training Organisations must include the requirement that the Smoke Free Policy is observed.
- If a visitor/contractor/NHS employee attempts to smoke or vape, they should be tactfully approached by staff and requested to refrain from smoking or vaping in the interests of health and safety.

## **6. HELP AND SUPPORT TO GIVE UP SMOKING**

- The LET will actively encourage employees to give up smoking and advice and support on Smoking Cessation will be available from the Trainee Support Service. Alternatively staff can contact their GP Practice for advice and support, or access to their local NHS Stop Smoking Service.
- The NHS Stop Smoking Service offers a support service for those who are experiencing difficulty adhering to the policy or those wishing to stop smoking.
- The Stop Smoking Service can provide:
  - Information regarding smoking cessation methods
  - Access to nicotine replacement therapy and other stop smoking aids
  - Advice and support on coping strategies and effective ways to stop smoking
  - Post smoking support
- For details of Local NHS Stop Smoking Services contact:  
NHS Smoking Help Line Tel: 0300 123 1044  
Giving up smoking website – [www.smokefree.nhs.uk](http://www.smokefree.nhs.uk)
- LET HR Officers should support staff wishing to access Stop Smoking Services by advising them of the resources available and any additional support they may require.

## **7 EQUALITY & DIVERSITY STATEMENT**

*The LET is committed to providing equality of opportunity, not only in its employment practices but also in all the services for which it is responsible. As such, an Equality Impact Assessment has been carried out on this policy to identify any potential discriminatory impact. The LET also values*

*and respects the diversity of its employees and the wider community it serves. In applying this policy, representatives of the LET will have due regard for the need to:*

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Provide for good relations between people of diverse groups

For further information, please refer to the LET's Equality Diversity and Human Rights Policy

## **8 MONITORING AND REVIEW**

The LET Head of Human Resources is responsible for monitoring the application of this policy and to ensure that the policy is reviewed no later than three years from the date of issue. The policy may be amended at any time by joint agreement.

## **9 REFERENCES**

Health and Safety at Work Act 1974

The Health Act 2006

Public Health England – Use of E-Cigarettes in public places and workplaces 2016



Equality Impact Assessment

Preliminary Assessment Form

v1/2009

The preliminary impact assessment is a quick and easy screening process.

It should:

- Identify those policies, procedures, services, functions and strategies which require a full EIA by looking at:
  - negative, positive or no impact on any of the equality groups
  - opportunity to promote equality for the equality groups
  - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Division/Department

LET HR Department

Title of policy, procedure, function or service

Smoke Free Policy

Type of policy, procedure, function or service

Existing

New/proposed

Changed



**Q1 - What is the aim of your policy, procedure, project or service?**

To provide a smoke free environment to promote the health of all LET employees and relevant stakeholders.

**Q2 - Who is the policy, procedure, project or service going to benefit?**

All LET Employees

**Q3 - Thinking about each group below, does, or could the policy, procedure, project or service have a negative impact on members of the equality groups below?**

Group	Yes	No	Unclear
Age		X	

Disability		X	
Race		X	
Gender		X	
Transgender		X	
Sexual Orientation		X	
Religion or belief		X	
Marriage & Civil Partnership		X	
Pregnancy & Maternity Leave		X	
Relationships between groups		X	
Other socially excluded groups		X	

If the answer is “Yes” or “Unclear” you **MUST** complete a full EIA

**Q4 – Does, or could, the policy, procedure, project or service help to promote equality for members of the equality groups?**

Group	Yes	No	Unclear
Age	X		
Disability	X		
Race	X		
Gender	X		
Transgender	X		
Sexual Orientation	X		
Religion or belief	X		
Marriage & Civil Partnership	X		
Pregnancy & Maternity Leave	X		
Relationships between groups	X		
Other socially excluded groups	X		

**Q5 – Do you have any feedback data from equality groups that indicate how this policy, procedure, project or service may impact upon these groups?**

Group	Yes No Impact	Yes Impact	No	Unclear
Age			X	
Disability			X	
Race			X	
Gender			X	
Transgender			X	

Sexual Orientation			X	
Religion or belief			X	
Marriage & Civil Partnership			X	
Pregnancy & Maternity Leave			X	
Relationships between groups			X	
Other socially excluded groups			X	

**Q6 – Using the assessments in questions 3,4 and 5 should a full assessment be carried out on this policy, procedure, project or service?**

Yes		No	X
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If you have answered “Yes” now follow the EIA toolkit and complete a full EIA form

**Q7 – How have you come to this decision?**

No indication that equality groups would be adversely affected by this policy.

**Q8 – What is your priority for doing the full EIA**

High	Medium	Low
		X

**Q9 – Who was involved in the EIA?**

HR Department, Lead Employer Trust

**This EIA has been approved by:**

Head of Human Resources, Lead Employer Trust

**Date:** 18.5.2023

**Contact number:**

0191 275 4769

**Please ensure that this assessment is attached to the policy**



North East  
**Better Health**  
at Work Award  
Gold Award

