



Guidance for Managers - Smoke Free Environment Policy

Contents

- **Rationale and Benefits Smoke Free Environment Policy**
- **Communication of the Smoke Free Environment Policy**
- **Help and Advice to Stop Smoking**
- **No Smoking Signage**
- **Potential Issues with Policy Implementation, Management and Monitoring**
- **Suggested Approaches for Dealing with Smoking in a Smoke Free Site**
- **E-cigarettes in public places and workplaces**
- **Areas where staff or customers can smoke**

Rationale and Benefits of the Smoke Free Environment Policy

Evidence of the harmful effects of secondhand smoke (SHS) has been growing since the mid 1980's. There is now consensus that exposure to SHS causes fatal diseases including heart disease and lung cancer. In the UK, it is estimated that around 11,000 people a year die from diseases caused by exposure to secondhand smoke and thousands of children are hospitalised because they live with smokers.

Breathing other people's smoke is known as passive, involuntary or secondhand smoking (SHS). It can also be called 'environmental tobacco smoke'.

Smokers and nonsmokers alike inhale SHS and this is an unavoidable consequence of being in a smoke-filled environment.

Exposure to SHS has immediate health effects. It can reduce lung function; exacerbate respiratory problems; trigger asthma attacks; reduce coronary blood flow; irritate eyes; and cause headaches, coughs, sore throats, dizziness and nausea. There is no safe level of exposure to tobacco smoke and there are long-term health effects, especially with continued exposure over time.

The Benefits

- A smoke free environment policy will set a good example to learners, customers and staff and makes clear NCG's stance on smoking. It will promote an enhanced image NCG.
- It gives a powerful message to learners, customers, staff and young people that smoking is socially unacceptable. The policy will help to re-shape the smoking norms of the people it affects. This means people will come to accept 'no-smoking' as the norm rather than smoking.
- It contributes to the development of a health promoting Personal, Social and Health Education.
- It encourages young people not to start smoking and helps smokers to quit and permanently cease smoking.
- It provides a healthier and more pleasant working environment.
- It will help keep the NCG sites and grounds litter free.
- It will promote reduced absenteeism from reduced smoking. It is increasingly recognised that smokers are more prone to illnesses, absence and accidents than non-smokers. Surveys suggest that smokers take 1.5-2 times more sick leave than non-smokers. Second hand Smoke also contributes to ill-health.
- It will demonstrate that the health, safety and wellbeing of all staff, customers and learners are valued.
- It will reduce misunderstandings and conflicts regarding smoking. By having a written procedure, there can be no disputes over the NCG's position.

Communication of the Smoke Free Environment Policy

It is an essential element for successful implementation of the Smoke Free Environment Policy to communicate this policy with the Customers, Learners and Staff.

The policy outlines the key elements which need to be communicated

They will need to know:

- Why there is a policy.
- The benefits of a policy.
- Health risks of second hand smoke.
- How smokers can get help if they wish to stop smoking.
- What the policy will mean in practice.
- How the policy will be monitored and reviewed.
- Response to breaches of the policy.

Communication should extend to staff, learners, customers, visitors, contractors and community groups.

Listed below are recommended means of communicating the policy. This is by no means an exhaustive list. However, arrangements should be made locally to achieve suitable and sufficient coverage of the business.

- Reception staff to make all visitors and service users aware of the policy
- On employment through interview and induction of staff, learners and customers
- Teaching staff should ensure learners are aware of the policy
- The Estates Manager should be responsible for ensuring that appropriate 'No smoking' signs will be clearly displayed at the entrances to and within the premises and in all smoke free vehicles.
- Consideration should be given to inclusion of the policy in tenders and contracts as a contractual condition
- All invitations e.g. evening events, theatre tickets, lettings and hiring of premises should include reference to the Smoke Free Environment Policy

Help and Advice to Stop Smoking

The NHS offers a range of free services to help smokers give up. Current Services include:

- Information on NHS Stop Smoking Service is available online from: <http://smokefree.nhs.uk/> On the website there are a number of initiatives which can be suggested to those wishing to stop smoking
- Alternatively, the NHS Smokefree Helpline can be contacted on; **0800 022 4332**
- *A Pregnancy helpline is available for specialist advice and support about quitting during pregnancy please call **0800 169 9 169**.*
- The Quit Kit is a box of practical tools and advice developed with experts, smokers and ex-smokers, which has helped thousands of smokers quit successfully, these can be ordered online or collected for free from participating pharmacists
- There are a number of tools on the website that can help you to quit. You can find out about what happens to your body when you quit smoking, assess your current addiction levels, download inspirational videos, order support packs and more. Some examples which are useful interactive aids are:
 - Addiction test – guide to best means to stop
 - Cost calculator – how much you can save and what it equates to
 - My body- a timeline of the benefits to your body once you stop
 - Make a promise – a formal commitment to yourself and others
 - Quit Kit – free guidance, smoking aids etc
 - Quit app – guidance on your phone

No Smoking Signage

It is a requirement of legislation that No Smoking signs should be clearly displayed at the entrances to and within the premises, and in all smoke free vehicles to make employees, customers, learners and visitors aware of the No Smoking regulations.

- The duty to display no-smoking signs in smoke-free premises and vehicles in England is being made simpler. Since 1 October 2012, at least 1 legible no-smoking sign must still be displayed but owners and managers are now free to decide the size, design and location of the signs. The smoke-free signs regulations 2012 (England), give owners and managers the freedom to move, change or remove multiple signs.
- The new legislation for England does not prevent public places from having more than one sign and individual premises can decide for themselves if they feel having more than one sign would be of benefit

Those operating premises in Wales are not covered by this new legislation and must still follow existing laws on the display of signs under the Smoke Free (Signs) Regulations 2007.

No Smoking signs should be displayed in a prominent position at every public entrance to smoke free premises consideration should be given to protecting them from tampering, damage and removal and concealment. These must meet the following minimum requirements:

- be a minimum of A5 in area (210mm x 148mm)
- display the international no smoking symbol - at least 70mm in diameter
- Signs shall carry the following words in characters that can be easily read: 'No Smoking. It is against the law to smoke in these premises'
 - A smaller sign consisting of the international No Smoking symbol must display the international no smoking symbol and be at least 70mm (Wales) or 85mm (Scotland) in diameter may instead be displayed at entrances to smoke free premises that are:
 - only used by members of staff, providing the premises displays at least one A5 area sign (Wales and Scotland), or
 - areas located within larger smoke free premises, e.g. entrance to theatre and other areas where the general public has more frequent access(Wales and Scotland),
- Required signage for smoke free vehicles
 - Smoke free vehicles will need to display a no-smoking sign in each compartment of the vehicle in which people can be carried.
 - This must show the international no-smoking symbol at least 70mm in diameter 70mm (England and Wales). No size is specified for Scotland however the name of the manager who has responsibility for the vehicle to whom a complaint may be made must be displayed

Potential Issues with Policy Implementation, Management and Monitoring

The Smoke Free Environment Policy will focus minds on where smoking takes place as the issue, not on smoking or on individual smokers. Responses to some of the issues which may arise are tabled below. This is by no means an exhaustive list and is provided for guidance only.

Potential Issues	Suggested Response
Staff, customers, learners and visitors may not agree with smoking being banned on premises	Explanation of the benefits of the policy and the requirements of the law will assist in counteracting these objections
Staff may not comply with the policy	The policy will largely be self-enforced by peer pressure. It should be made clear, however, what the proper channels are for reporting violations and expressing grievances. Breaches of the policy may need to be dealt with through the appropriate disciplinary process
Visitors may not comply with the policy	Enforcing the policy in this instance can prove difficult. However, in most cases the smoker will comply when asked not to smoke. Ensuring the policy is clearly communicated through appropriate signage will ensure everyone is aware that the site is a smoke free site.
Smokers may continue to smoke outside	Ensure that the entire premises are covered by the policy.
Neighbours may complain about smokers and litter	Cigarette litter is a problem. Communicate that dropping litter is an offence. If this problem persists, then contact your Local Authority to run a localised campaign on litter. The threat of a Fixed Penalty Notice may reduce this problem.
Learners and customers may flout the policy	The Division must demonstrate clear practices for a learner found breaching the policy.

Suggested Approaches for Dealing with Smoking in a Smoke Free Site

NCG has a legal responsibility to prevent people from smoking whilst on NCG premises. If someone does smoke on NCG premises or in NCG vehicles, the following steps should be considered to deal with them. Local arrangements may differ; however, the outline process should be followed.

Point to the no-smoking signs and ask the person to stop smoking or go off site.



Tell them you would be committing an offence if you allowed them to smoke, and they are breaking the law by smoking in a smoke free premises or vehicle, and both parties could be fined.



If they refuse to stop smoking:



Remind them that the law and policy is to protect employees and the public from the harmful effects of their second hand smoke.



**If necessary, put into practice your disciplinary procedure for non-compliance with the policy (where they are staff, learners or customers)
Or
Where they are visitors explain that staff will refuse to deal with them if they continue to smoke and they will be asked to leave your premises**



If they won't leave, implement the normal procedure for anti-social or illegal behaviour on site (as appropriate)



Keep a record of where and when the incident took place, the name of the person involved and the outcome.

E-cigarettes in public places and workplaces

Source NHS Choice 27 April 2014

Summary

Electronic cigarettes – or e-cigarettes – are electrical devices that mimic real cigarettes but using an electronic cigarette or ‘vaping’ as its come to be known, produces a vapour that’s potentially less harmful than tobacco smoke. Many e-cigarettes contain nicotine and, when they do, it’s the vapour that gives the nicotine hit.

E-cigarettes are currently not available on the NHS. They are not the same as the inhalator, which is a type of nicotine replacement therapy that *is* available on the NHS.

Since their emergence around five years ago, e-cigarettes have become increasingly popular. They're typically marketed as a healthier (and cheaper) alternative to traditional cigarettes. And, because they don't smell or produce smoke, they may be used in places where smoking is banned, like bars, restaurants, public transport, planes and even hospitals (though it is courteous to get permission from those around you beforehand).

While e-cigarettes may be safer than conventional cigarettes, we don't yet know the long-term effects of vaping on the body. There are other potential drawbacks to using them:

- Electronic cigarettes aren't currently regulated as medicines so you can't be sure of their ingredients or how much nicotine they contain – whatever it says on the label
- The amount of nicotine you get from an e-cigarette can change over time
- They aren't proven as safe. In fact, some e-cigarettes have been tested by local authority trading standards departments and been found to contain toxic chemicals, including some of the same cancer-causing agents produced from tobacco
- So far, there's no proof that they can help people to stop smoking

There are clinical trials in progress to test the quality, safety and effectiveness of e-cigarettes, but until these are complete, the government can't give any advice on them or recommend their use

Second-hand vapour

- E-cigarettes produce emissions that can be seen and smelled, and presumably contain nicotine, carcinogens and other substances; however, there has been no systematic study of emissions.
- Although e-cigarette users report that e-cigarettes produce fewer odours than regular cigarettes they are so similar in appearance that they may lead others to believe it is acceptable to smoke.
- In 2009, the Board of Science published a policy position statement on the development of a harm reduction approach for tobacco. Further information is available at: www.bma.org.uk/tobacco

E-cigarettes and the workplace

Many employers are beginning to review the use of e-cigarettes in their facilities. Concerns have been raised that the use of e-cigarettes could threaten what has become the norm of not smoking in public or in the workplace.

Other possible reasons why employers might ban e-cigarettes from the workplace include:

- employees who see co-workers use e-cigarettes may try to smoke real cigarettes in the workplace, or at least question why they cannot do so
- it is possible that the vapour emitted from e-cigarettes could be an annoyance to co-workers
- it is possible that some e-cigarette vapours could be a health risk to the person using e-cigarettes and others exposed to the vapours
- nicotine is addictive.

Electronic cigarettes are to be licensed and regulated as an aid to quit smoking from 2016, it has been announced.

- E-cigarettes – battery-operated devices that mimic cigarettes – are to be classed as 'medicines', which means they will face stringent checks by medicine regulator the [MHRA](#) and doctors will be able to prescribe them to smokers to help them cut down or quit.
- This move has been widely welcomed by medical experts and officials, as tighter regulation will ensure the products are safe and effective.
- Until this happens, e-cigarettes are only covered by general product safety legislation, meaning they can legally be promoted and sold to children, and we cannot be sure of their ingredients or how much nicotine they contain. The MHRA will not ban the products entirely during this interim period, but will encourage e-cigarette manufacturers to apply for a medicine license.

MHRA

The Medicines and Healthcare products Regulatory Agency ([MHRA](#)) is responsible for assessing the safety, quality and efficacy of medicines, and authorising their sale or supply in the UK. In 2010, the MHRA held a public consultation on how best to regulate nicotine containing products and decided not to remove them from the market but to look at how they could be most effectively regulated as medicines. Following the decision to bring electronic cigarettes into the Tobacco Products Directive the MHRA continues to encourage companies to voluntarily submit medicines licence applications for electronic cigarettes as medicines. It is expected that some electronic cigarettes will be authorised as medicines in 2014.

Areas where staff or customers can smoke

There is no requirement in the legislation to provide a designated smoking area. However, if you intend to do so, then that area must comply with the legislation and have regard to the definitions for wholly and substantially enclosed premises

“To comply with not being substantially enclosed and to allow smoking, at least 50% of the perimeter under a roof or ceiling must be space. If the structure was the four walls of a box it could only have solid material to almost the equivalent of a back and one side.”

- There is no set standard for a smoking shelter as there are simply too many ways to design a smoking shelter that would comply.
- If you decide not to provide a smoking area, then it will be necessary for you to consider the secondary issues arising from the introduction of the smoking ban i.e. where your staff and customers are likely to smoke. Other issues are health and safety, litter, noise and anti-social behaviour
- If you'd like to provide outdoor smoking areas for your staff and customers, make sure your proposals comply with the law
- Where an outdoor smoking area is not being created, and staff and/or customers require to leave the premises to smoke, you might also want to provide external stubbing-out bins at entrances or exits to keep litter to a minimum.
- Consideration should also be given to helping to ensure the safety of such individuals, for example if the outdoor area used for smoking is in a location which may be isolated or poorly lit or pose a risk from e.g. passing traffic
- It must be located so that smoke is not going to drift into the building through open windows etc. and smoking is not concentrated in an area where non-smokers will still be exposed to it – such as clustered around doorways and entrances. Access for disabled smokers also needs to be considered.
- It is necessary that smokers are not exposed to increased risks of assault or verbal abuse by having to leave their workplace to smoke. Equally, it is good practice to provide some protection from inclement weather – not least because this improves the chances of compliance with the policy and lessens the risk that smokers might try to find areas under cover to smoke that could increase the fire risk associated with discarded smoking materials. If this is proposed then consideration should be taken as it is not an occupational health and safety issue but a health promotion issue, or, if the outside worker can be identified with the employer through a uniform or other means, then simply one of image for the employer.
- It may also be necessary for you to consult with other departments such as Estates and Facilities:
 - *Highways*- if you are considering putting a smoking shelter outside of your premises, but on a public highway.
 - *Planning*- if you are planning on erecting a substantial-sized shelter or wish to make alterations to a listed building, it may be necessary to consult with the planning department to see whether consent is needed.
 - *Building Control* – if you are planning on having ashtrays attached to a listed building.
 - *Noise*- you must ensure that provision of a smoking shelter does not give rise to unacceptable noise levels and anti-social behaviour that may cause a nuisance to nearby residents.
 - *Litter*- Cigarette butts are classified as litter and therefore it is an offence to drop butts on public land. Sending customers and staff outside to smoke could have a massive effect on the cleanliness and appearance of your business frontage.