

PERSONNEL ISSUES

SMOKEFREE ENVIRONMENT POLICY

POLICY NO: 18

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Review Date: November 2009

SMOKEFREE ENVIRONMENT POLICY

1. AIM

The aim of this policy is to protect and improve the health of staff, patients and visitors and remove dangers of second hand smoke.

2. OBJECTIVES

- To create a healthy environment for staff, patients and visitors
- To lead by example and promote a smokefree environment
- To motivate and support smokers who wish to quit

3. POLICY STATEMENT

This policy sets out the Trust's smokefree environment and the specialist smoking cessation support available to staff, patients and visitors.

This policy has been developed in consultation with the Trust staff and replaces the Trust No Smoking Policy introduced in November 2002.

4. DEFINITION

Smokefree means that smoking of tobacco or any other substance is not permitted anywhere within the Trust premises or grounds. Cigarettes or any other smoking substance need only be lit, rather than inhaled, to be covered by the Health Act 2006.

5. RATIONALE

The Trust endorses the principle that whether people smoke or not is a matter of personal choice, but where they smoke is of public concern. Underpinning this policy, therefore, is the principle that anyone who utilises, visits or works on Trust premises or grounds will in no way be exposed to passive smoking.

This policy will be enforced without regard to the employment status of any individual or staff group.

6. PRINCIPLES

Patients:

- All patients who smoke (subject to their clinician's guidance) will be offered NRT and access to smoking cessation advice

Staff:

- Staff are encouraged not to smoke near the perimeters of the Hospital site
- Staff may not smoke in any vehicle which is clearly identifiable as a Trust vehicle, whilst on Trust business, in the Trust lease cars whilst on duty, or in their own cars on site whilst on duty
- All prospective employees of the Trust will be informed of the policy at selection interviews and new staff will be informed of the policy during induction
- Access to stop smoking advice for all staff who smoke will be available and promoted
- Support will be provided for staff required to visit the home of patients who smoke. Patients should be asked in writing not to smoke when staff are present and staff will not be expected to enter or care for people when people are smoking.

7. SUPPORT

NHS Stop Smoking Services offer evidence based advice and support for smokers wishing to stop. All smokers, be they staff, patients or visitors to the NHS can be referred to these services to receive the best help to stop smoking.

Coming into hospital presents many patients with an ideal opportunity to stop smoking. The Trust is committed to providing practical help, support and advice to patients who wish to take advantage of this opportunity. Patient information leaflets reflect this advice.

8. EXEMPTIONS

The only exempted areas are the enclosed gardens of the Devon Partnership Trust premises for mental health patients.

9. SMOKING OFFENCES

The Health Act 2006 details the offences incurred when members of the public smoke in public buildings. Smoking and failure to prevent smoking in a smokefree environment are liable to a fixed penalty fine of £50 which can be issued on the spot by an authorised local council officer, while the maximum fine on conviction in the magistrates' court is £1,000.

In the employment context, however, it is the offence of failing to prevent smoking in a smokefree environment which is of greater relevance. Failure to comply with this duty is an offence which carries a maximum fine of £2,500 for the Trust.

10. TRAINING

Trust induction programmes will brief on the smokefree environment policy to ensure that all new staff are aware of it.

The local Stop Smoking Services will offer 'brief intervention' training at regular intervals. This will be available to identified hospital staff and staff

responsible for admitting patients should be encouraged to attend. The services will also offer 'Intermediate Adviser' training for nominated staff in order to support other staff and patients to quit.

11. THE ROLE OF OCCUPATIONAL HEALTH

The Occupational Health department will work closely with the local Stop Smoking Services and will be able to offer the following services to staff:

- Recommend staff see their GP where NRT may be appropriate
- Refer to the Specialist Stop Smoking Services
- Refer to trained advisers within the Trust
- Advise on Quit Smoking courses

12. RESPONSIBILITIES

12.1. Responsibilities of Staff

All staff have a responsibility for implementing this policy and for reporting non compliance by staff, patients and visitors. Where a word or two of guidance and advice will suffice it should be offered, but clearly this is an individual judgement and Line Managers or Security should be informed when staff have concerns. Signposting to advice and support will be available.

12.2. Responsibilities of Managers

It is the responsibility of Line Managers to:

- Ensure that staff are aware of this policy
- Ensure stop smoking information is available to all staff
- Discuss any problems with staff in order to help find a solution

12.3. Responsibilities for the Smokefree Environment Group

The overarching responsibility for the implementation and monitoring of this policy will be the Smoke Free Environment Group.

12.4. Contractors (information on smokefree environment to be included in all tendering and contracting documents)

Contractors working on site are subject to these conditions where their work is carried out on the Trust site – they must be notified of these conditions prior to employment and/or commencement of work.

13. BREACHES OF THE POLICY

The Trust will adopt a zero tolerance approach to breaches of this policy.

Breaches of the smokefree environment policy must be reported to the Line manager or Ward Manager in charge of the ward or unit.

The disciplinary procedure will apply if staff are in breach of this policy which forms part of terms and conditions of employment.

Patients found to be in breach of this policy will be managed in accordance with the Procedure for Care (Red and Yellow Card) Policy number 60.

13.1. Reporting Breaches of Smoking

The Trust encourages staff to report any breaches of this policy as this will help the Trust meet its obligation to prevent smoking on the Trust's premises and grounds. However, by reporting a breach of the ban or a failure of the Trust to prevent smoking, staff may be found to have made a protected disclosure which ensures that staff have the right not to be subjected to any detriment or harassment. For further guidance refer to the Trust's Whistleblowing Guidelines Policy No 28.

14. REVIEW

This policy will be reviewed throughout the life of the Smokefree Environment Group and thereafter bi-annually.

15. CONTACTS

Local Stop Smoking Services:

Torbay

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Devon PCT

0845 111 1142

Occupational Health Department

01803 653489

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