



No Smoking Policy

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Initiated by	Date	Author
		HR
Version	Date	Comments (i.e. viewed, or reviewed, amended approved by person or committee)
V1.1	14 th November 2011	Reviewed by the Policy Group + OH + Wellbeing Manager
V1.2	2 December 2011	Sent to SPF for approval
V1.3	16 April 2012	Sent to EMT for approval
V2.0		Approved
V2.1	22 October 2012	Amendment approved by Joint SPF Chairs
V3.0		Approved
V4.0	10 December 2015	SPF approved extension of review date to December 2016

The Trust will not tolerate unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, gender, sexual orientation, marriage/civil partnership, pregnancy/maternity. The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups.

Names and roles of contributors, user engagement etc.	
Document Reference	HR Directorate
Recommended at Date	Staff Partnership Forum 2 December 2011
Approved at Date Approved	SPF 10 December 2015
Review date of approved document:	December 2016
Equality Impact Assessment	Yes

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Linked procedural documents	Health and Safety Policy Grievance Policy Collective Grievance Policy Disciplinary Policy (Managing Conduct and Performance) Whistleblowing Policy Dignity at Work Policy Occupational Health Policy
Dissemination Requirements	All managers and staff, via staff bulletins and the intranet
Part of Trust's publication scheme	YES

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1. Policy Statement

- 1.1 This document outlines the No Smoking Policy and Procedure for the East of England Ambulance Service NHS Trust (the Trust). The Trust recognises that it has a duty to ensure, as far as is reasonably practical, that employees, agency workers, volunteers, contractors and visitors have a right to work in or visit Trust premises without being exposed to tobacco smoke. These issues involve concern for the comfort, as well as the health and safety of all employees and visitors. This policy forms part of the Trust's commitment to the health, safety and wellbeing of its staff.
- 1.2 The Trust is committed to ensuring that non-smoking is the expected standard for employees on Trust premises. The Trust also wishes to reflect its approach to the known risks to peoples' health from smoking and develop and encourage a healthier lifestyle for all its employees. The Trust also aims to:
- Support employees to stop smoking;
 - Encourage employees to get involved in health promotion initiatives;
 - Set a good example to the public and enhance the image of the Trust through the positive actions of employees;
 - Demonstrate adherence to the NHS-wide No Smoking principle;
 - Adhere to National No Smoking in line with Health Act 2006.
- 1.3 This policy sets out how the Trust will maintain a completely smoke-free environment and will follow a no smoking policy throughout the organisation.
- 1.4 This policy meets the requirements of the Health and Safety at Work Act 1974, the Workplace (Health, Safety and Welfare) Regulations 1992 and the Health Act 2006 and has been written in partnership by management and staff side.

2. Scope

- 2.1 This policy applies to all staff employed by the Trust as well as, agency workers, volunteers, contractors, patients and visitors. The policy is applicable to all Trust property and premises, including inside and outside of Trust buildings or associated sites and vehicles.
- 2.2 For the purpose of this policy, the practice of smoking includes all tobacco based products as well as e-Cigarettes regardless of their contents.

3. Access to the Policy

- 3.1 All employees are entitled to access to this policy which is located in the Human Resources Policies and Procedures Folders and/or on the Trust's Intranet. However, if you require this policy in any other format please seek guidance from the Human Resources Department, your line management or trade union representative.
- 3.2 Employees and managers may also wish to consult related Trust policies such as Health and Safety, Grievance, Collective Grievance, Disciplinary Policy (Managing Conduct and Performance), Whistleblowing, Dignity at Work and Occupational Health policies.

4. Roles and Responsibilities

- 4.1 The Human Resources Department is responsible for keeping the provisions within this policy in line with employment legislation and best practice people management principles.
- 4.2 Managers, HR staff and trade union representatives are responsible for providing advice and guidance to employees and visitors on awareness and compliance of this policy and procedure.
- 4.3 Management and trade union representatives are responsible for bringing any mutually beneficial improvements to this policy to the attention of the Trust.
- 4.4 Occupational Health are responsible for advising employees who wish to stop smoking.
- 4.5 Compliance with this policy is the responsibility of all Trust employees, agency workers, contractors and visitors. All employees will, in addition to adherence to this policy, be expected to adhere to the no smoking policies of any premises at which they are working, based or visiting.

5. Policy

- 5.1 There will be:
- No smoking on any Trust or any other NHS property;
 - No smoking within Trust buildings leased or owned (including garages);
 - No smoking in Trust vehicles, including lease cars;
 - No smoking in any vehicle used to convey patients, other Trust employees or visitors;
 - No smoking on Trust owned or leased land;
 - No smoking in line with section 4.5 above.
- 5.2 Subject to the constraints set out above, employees will be able to smoke in uniform during their breaks, but should make every attempt to cover their uniform.

6. Implementation

- 6.1 All employees are asked to assist with ensuring that visitors and contractors comply with the policy by explaining the principles in a polite and positive manner. Employees should seek assistance from a manager if a situation becomes challenging or confrontational.
- 6.2 All prospective and new employees will be advised of this policy through either the Trust's recruitment process, induction programme or directly by their manager.

7. Smoking Cessation Support

- 7.1 The Trust acknowledges the anxieties associated with making lifestyle changes and recognises that employees who smoke may experience difficulty in adjusting to the smoking ban. Therefore line managers, the Human Resources Department and Occupational Health will be available to direct all employees towards practical help and continuing support on giving up smoking through:
- Cessation support groups run in partnership with the local Primary Care Trust;
 - The NHS Smoke Free Helpline on 0800 022 4332 www.smokefree.nhs.uk;
 - Local Stop Smoking Services;
 - Employee Assistance Programme (EAP).

For further information on these services please contact Occupational Health.

8. e-Cigarettes

As e-Cigarettes are unregulated and have a great deal of variance in their chemical composition, the Trust considers their usage to be in line with all other smoking practices outlined within this policy. This position will be reviewed in line with guidance from relevant bodies, as e-Cigarettes continue to be developed.

- 8.1 The Trust has taken the above position after reviewing available research from the British Medical Association, published March 2012. The executive summary of which is shown below;
- E-cigarettes are not regulated as a tobacco product or as a medicine in the UK and there is no peer reviewed evidence that they are a safe and effective nicotine replacement therapy
 - The use of e-cigarettes may undermine smoking prevention and cessation by reinforcing the normalcy of cigarette use in public and workplaces
 - Health professionals should not recommend the use of e-cigarettes as smoking cessation aid or a lower risk option than continuing to smoke due to a lack of evidence of their safety and efficacy

9. Adherence to Policy

9.1 An initial breach of the policy will be dealt with in an advisory way, accompanied by advice about what smoking cessation/support options exist.

9.2 Any subsequent breach of this policy may lead to further action, which for Trust employees may include formal disciplinary action.

10. Signposting

10.1 Clear signs, indicating the Trust's smoking restrictions, will be displayed as necessary throughout Trust property and premises.

11. Policy Review

11.1 This policy will be reviewed on a three yearly basis or more frequently if significant changes to its effective operation are necessary.

Appendix A

Document Reference:	Document Title: No Smoking Policy
Assessment Date: 14 th November 2011	Document Type: HR Agreement
Responsible Director: Lesley Bradley	Lead Manager: Tracey Leghorn

Step 1: Identify main aims of policy

Describe the main aim, objectives and intended outcomes of the proposed project/policy

Aim:

That non-smoking is the expected standard for employees, agency workers, volunteers, contractors and visitors on Trust and other specified premises.

Objectives:

Employees, agency workers, volunteers, contractors and visitors have a right to work in, or visit, Trust and other specified premises without being exposed to tobacco smoke.

Intended Outcomes:

The Trust wishes to reflect its approach to the known risks to peoples' health from smoking and develop and encourage a healthier lifestyle for all its employees. To support employees to stop smoking; encourage employees to get involved in health promotion initiatives; set a good example to the public and enhance the image of the Trust through the positive actions of employees.

Step 2: Collect and Analyse Information

Has any previous work or research been done on equality issues in the area of the proposed project/policy? If so, what were they?

No

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You should ask relevant questions in relation to all the strands equality & diversity, but information gathered should be relevant to your needs that will inform your decisions around the topic you are reviewing. If you identify a need for information that is not available you should consider and plan with the relevant others how this information could be obtained.¹

Gender including transgender	Do you have enough information?	Yes	No
	What else do you need to know?		
Race	Do you have enough information?	Yes	No
	What else do you need to know?		
Disability	Do you have enough information?	Yes	No
	What else do you need to know?		
Sexual Orientation	Do you have enough information?	Yes	No
	What else do you need to know?		
Age	Do you have enough information?	Yes	No
	What else do you need to know?		
Religion & Belief	Do you have enough information?	Yes	No
	What else do you need to know?		

Step 3:	Identify the level of impact
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To help you think about this, you should complete the High, Medium, Low table and give reasons/comments for where:

- (a) The policy/strategy/project could have a positive impact on any of the equality target groups or contributes to promoting equality, equal opportunities and improving relations within equality target groups.
- (b) The policy/project/procedure could have a negative impact on any of the equality target groups, i.e. disadvantage them in any way. **If the impact is high, a full Equality Impact Assessment should be completed.**

	a. Positive impact			b. Negative impact			c. If NONE how did you evidence this?
Equality target	Low	None	High	Low	None	High	

¹ Refer your need for information and proposal to the Equality & Diversity Steering Group using a copy of this page with your information before proceeding to ensure all similar requests can be coordinated

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Gender (including transgender)			x		X		Applies to all the same
Race			x		X		Applies to all the same
Disability			x	x			
Sexual orientation			x		X		Applies to all the same
Age			x		X		Applies to all the same
Belief and Religion			x		x		Applies to all the same

Step 3^a: Decide if policy is equality relevant

Does the proposed project/policy have an explicit focus on inequalities, human rights and diversity? If so, how?

Yes – employees are required to refrain from their right to smoke on Trust premises to allow others to enjoy their right to a smoke free environment.

Is there a risk that the proposed project/policy may unintentionally mask or cause a negative impact on equality and diversity?

No

Is there a risk of adverse impact? If yes, please list the specific risks. If no, please explain the basis of your judgement.

There is a potential impact on disabled staff who smoke where there is a mobility issue and they were required to exit the premises to smoke – due to time constraints and possible location issues.

Step 3^b: Record findings and produce action plan

If there are any potential or actual risks, what action will be undertaken to mitigate the specified risks, or to minimise the adverse impact. Within what timescales will this be done, what are the implications on resources and who will be responsible?

Findings	Proposed action	Timescale	Implications on resources	Responsible lead
Disabled staff may not be able to easily access a smoking area location, or in rest break times.	Local managers would work to find individual solutions.	Ongoing	Minimal	Departmental Leads
As Step 3a above.	Any adverse	Every 3	Minimal	Policy Group

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	feedback received will be considered on the review.	years		

Please state how the policy, procedure or process will be monitored for inequalities that may arise after the implementation:

Policy review at Policy Group and SPF.

Summary:

On the basis of the information/evidence/consideration so far, do you believe that the proposed project/policy will have a positive or adverse impact on equality or diversity? (please circle one)

Positive Impact		Adverse Impact	
<u>Yes</u>	No	Yes	No

Basis for your judgement:

We are ensuring employees' rights to work in a smoke free environment.

Has a significant adverse impact been identified that requires a Full Equality Impact Assessment?

		<u>NO</u>
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Name of the project/policy lead completing this assessment:

Name: Dawn Allen	Job Title: HR Business Partner
Signature:	Date: 14 November 2011

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Executive Summary Page for Equality Impact Assessment:	
Document Reference:	Document Title: No Smoking Policy
Assessment Date: 14 November 2011	Document Type: HR Agreement
Responsible Director: Lesley Bradley	Lead Manager: Tracey Leghorn
Conclusion of Equality Impact Assessment:	
Recommendations for Action Plan:	
Risks Identified:	
Approved by a member of the executive team:	
YES	
Name: Lesley Bradley	Position: Director of HR and OD
	Date: