

# No Smoking Policy



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Version	Date	Detail	Author
1.0		Original Document	Maxine Cooper
1.1	Sept 2011	Biennial Review	Maxine Cooper
1.2	Sept 2013	Biennial Review (includes guidance on e-cigarettes)	Maxine Cooper
1.3	Sept 2015	Biennial Review	Maxine Cooper
1.4	Mar 2024	Review and update to include information on Vaping	Heather Williamson

# 1. Purpose

Derbyshire County Council is committed to safeguarding the wellbeing of its employees.

Exposure to second-hand smoke, i.e., breathing other people's tobacco smoke, has been medically proven to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions.

Vaping is not risk free and some potentially harmful chemicals have been found in e-cigarettes. As yet there is not enough information to know the long-term health effects on vapers and second hand vape cloud.

In its bid to help to protect non-smokers from the effects of exposure to second-hand smoke and potentially second hand vape cloud, the Council will implement the smoke-free provisions of the Health Act 2006 and its subsequent regulations.

The Council also wishes to promote the positive health of its employees and will therefore actively encourage and support those who wish to quit smoking.

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## 2. Scope

This policy applies to all employees of Derbyshire County Council.

It is strongly advised that schools adopt this guidance adapting it where necessary to reflect their governance arrangements.



### 3. Introduction

The Council recognises the health risks associated with exposure to second-hand smoke and potentially second hand vape cloud and is committed to:-

- reducing the risks to health from exposure to second-hand smoke;
- recognising a person's rights to be protected from harm and to enjoy smoke-free air;
- educating and informing employees about the benefits of not smoking;
- encouraging and supporting employees who wish to give up smoking.

To fulfil this commitment the Council will: -

- ensure that premises and vehicles are smoke-free / vape-free;
- promote non-smoking campaigns / initiatives;
- provide assistance for employees who wish to stop smoking;
- enforce the no smoking ban.

Any breach of this policy will be dealt with in accordance with the disciplinary procedure

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## 4. Roles and responsibilities

### **Corporate Management Team (CMT)**

- Will support this policy and ensure that sufficient resources are provided to ensure compliance with this document.

### **Departmental Senior Management Team (SMT)**

- Will ensure that sufficient resources are provided to ensure compliance with this document, tailored to the specific requirements of their department.

### **Head of Service (HoS)**

- Will ensure suitable and sufficient resources are provided to comply with the requirements of this document.
- Upon request, will provide local Union Safety Representatives with all information, including and relevant risk assessments.

### **Line Manager**

- Is responsible for ensuring their employees read, understand, and adhere to this policy.

### **Employees, Contractors, Visitors**

- All employees, contractors and visitors have a responsibility to abide by this policy.

## 5. Arrangements

### **Cigarettes / E-cigarettes / Vapes**

All Derbyshire County Council buildings and vehicles have been designated smoke-free from 1 July 2007. E-cigarettes / vapes are included in this. The only exceptions to this will be residential accommodation (see below).

The charging of e-cigarettes is not allowed within Council premises due to the potential fire risk. Residential accommodation should establish its own protocol for the charging of e-cigarettes and include control measures for preventing fire within the fire risk assessment.

### **Grounds**

Smoking / vaping may be permitted at designated smoking/vaping areas within the grounds of County Council establishments but not in close proximity to any building. Close proximity is any distance that allows smoke to permeate into the building. It is envisaged that some establishments, for health and safety or other reasons (for example to ensure employees are not smoking/vaping in front of young people), may wish to designate their grounds smoke-free / vape-free.

### **Residential Accommodation**

#### **Care Homes**

The Council recognises that residential care facilities are the homes of service users. They therefore have a right to control their own environment and feel as free as other people to do what they want in their own home. Nevertheless, the Council remains responsible for safeguarding the safety and health of other residents and employees by protecting them from exposure to second-hand smoke / vape cloud and other associated hazards such as fire.

Each residential establishment should therefore establish, or may have already established, its own protocol, which makes provision, in a designated area, for service users to smoke or vape if they wish. This must not however, be in any



communal area. In addition, second-hand smoke / vape cloud should not impinge on other areas of the care home. Appropriate smoking receptacles and ventilation should be in place. Employees and visitors may not smoke in residential care homes.

### **Residential Centres**

Council establishments which provide residential courses for adults may wish to make provision for smokers / vapers outside of the main building and sleeping accommodation.

### **Service Users' Homes**

Employees may not smoke or vape within the homes of service users. In addition, whilst the legislation does not cover private residences, service users will be requested not to smoke whilst Council employees are in their home.

### **Smoking Breaks**

No employee is entitled to take breaks, additional to their contractual entitlement, during their working day to smoke or vape.

### **Vehicles**

All Council vehicles including vehicles on loan, hire or leased to the Council, and used for work, will be smoke-free and vape-free. Employees using their own cars and in receipt of a casual, essential or public transport allowance are required not to smoke if they are transporting colleagues and / or service users during working hours.

### **Signs**

Premises and vehicles that are smoke-free / vape-free will be required to have no smoking signs in place.

### **Buildings**

At each entrance there must be displayed an A5 No Smoking sign which shows the no smoking symbol and contains, in characters which can be easily read, "No



Smoking – It is against the law to smoke in these premises”. (This can be changed to “in this school, in this care home, etc.)

### **Vehicles**

Each Council vehicle must display a no smoking sign (which contains the stop smoking symbol) in each compartment of that vehicle which accommodates passengers, e.g., a minibus would require one sign in the driver’s compartment and one in the rear passengers’ section.

### **Responsibilities**

Persons responsible for establishments have responsibility

- (i) to display no smoking signs in buildings and vehicles
- (ii) to ensure that no-one smokes or vapes in smoke-free premises or vehicles.

Employees are required to comply with this policy and refrain from smoking and vaping in buildings, vehicles and grounds which are designated smoke-free / vape-free. Individuals who do not comply with this legislation either by smoking or vaping in smoke-free buildings / vehicles or by not enforcing the legislation in premises for which they are responsible, are liable to a fixed penalty fine and possible criminal prosecution.

### **Assistance for Smokers**

The County Council will continue to promote and support non-smoking initiatives. Publicity will be given to the dangers to health linked with smoking and the risks associated with exposure to second-hand smoke.

Live Life Better Derbyshire offer support for people to stop smoking. To find out more, visit:

[www.livelifebetterderbyshire.org.uk/services/stopping-smoking/stopping-smoking](http://www.livelifebetterderbyshire.org.uk/services/stopping-smoking/stopping-smoking)

Live Life Better Derbyshire also offer support to stop vaping. To find out more, visit:

[www.livelifebetterderbyshire.org.uk/services/stopping-smoking/stop-vaping-support](http://www.livelifebetterderbyshire.org.uk/services/stopping-smoking/stop-vaping-support)

**Further Advice**

Further information, advice and support regarding this policy is available from the Health, Safety and Wellbeing Function.