

Smoke-free Policy

Introduction

1. The public health white paper, *Choosing Health*, makes a clear commitment to a smoke-free NHS by the end of 2006. Section 2(2) of the Health and Safety at Work Act 1974 places a duty on employers to:
 - 1.1 ‘...provide and maintain a safe working environment which is, so far as is reasonably practical, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.’
2. Several EU directives relating to health and safety in the workplace have come into force since 1 January 1993. These include the Management of Health and Safety at Work Regulations 1999 which, under General Principles of Prevention, include:
 - 2.1. Avoiding risks
 - 2.2. Combating risks at source
 - 2.3. Replacing the dangerous by the non-dangerous or the less dangerous
 - 2.4. Giving collective protective measures priority over individual protective measures.
3. Second hand smoke, breathing other people’s tobacco smoke, has now been shown to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions. This policy recognises that second-hand smoke adversely affects the health of all people. It is not concerned with whether anyone smokes but with where they smoke and the effect this has on patients, visitors, smoking and non-smoking colleagues and other members of the wider health community. It is also concerned with the presence of preventable carcinogenic substances in the locality of health sites.
4. The Oxford Radcliffe Hospitals NHS Trust (henceforth ‘The Trust’) sincerely encourages its employees to refrain from smoking outside the circumstances set out in this Policy, both in their own interests and as representatives of a major public body, whose purpose is to improve health. However this falls outside of the scope of this Policy.
5. The Trust acknowledges that breathing other people’s smoke is both a public health hazard and a welfare issue. Therefore, the Policy on Smoking, Trust Policy No. 41 has been revised and renamed Smoke-free Policy to include the Trust’s buildings and grounds.

General principles and scope

6. The aim of this Policy is to:
 - 6.1. Protect and improve the health of staff, patients, visitors and contractors.
 - 6.2. Protect both smokers and non-smokers from the danger to their health of exposure to environmental tobacco smoke.
 - 6.3. Set an example to other employers and workforces, particularly in health-related locations.
7. This policy is applicable to all staff, contractors, visitors, patients, relatives and other persons who enter the Trust. This includes the grounds, owned or rented buildings, such as staff residencies, and the social club.
8. There will be no provision for smokers on site with the exception of smoking shelters. All smoking rooms will be closed and ash trays and cigarette bins will be removed from exits and entrances with effect from 1st September 2006. Smoking shelters will be removed with effect from 1st September 2007.
9. The Policy extends to cars leased from the Trust for business usage.

Responsibility of introduction and implementation of the Policy

10. The Director of Human Resources, on behalf of the Chief Executive, is responsible for ensuring the implementation of this policy. Day to day responsibility for implementing this Policy lies with the Directors and Managers. Formal adoption of this policy will commence on 1st September 2006.

Occupational Health facilities and support for quitters

11. The Occupational Health department will provide advice and support for staff. Those who wish to stop smoking will be helped to access individual or group support and nicotine replacement therapies as appropriate. A 'Support for Quitters' contact list of national and local services is attached (see Appendix 1).

Responsibilities of staff

12. From 1st September 2006 staff will not be permitted to smoke whilst they are on duty (on duty refers to the time at which an individual is at work, excluding official breaks), irrespective of their location within the Trust. This applies to all staff working within the Trust, including employees of PCTs, other Trusts and

Universities. Staff who wish to smoke can only do so in their own vehicles, off-site and in their lunch break (or equivalent). Staff must not smoke in their uniform.

13. There will be a lead-in period between 1st September 2006 and 31st December 2006. During this period, staff who do not comply with the Policy will be interviewed by their line manager and referred to Occupational Health for support and advice as appropriate.
14. As of 1st January 2007 any member of staff found to be acting in breach of this policy will be dealt with informally in the first instance. This will involve a one-to-one meeting between the line manager and employee and a referral to Occupational Health, if appropriate. If the staff member is found to be in breach of the policy on a second occasion, this will be dealt with informally under the Performance and Conduct Policy. If the staff member is found to be in breach of the policy on a third occasion, this will be dealt with formally under the Performance and Conduct Policy.
15. Where staff see another member of staff smoking, in contravention of the Policy, it is suggested that you:
 - 15.1. Remind the person of the policy and direct them to the nearest smoking shelter.
 - 15.2. Make a simple diary note.
 - 15.3. Report the incident to the person's line manager.

Responsibilities of line managers

16. As of 1st January 2007, where an employee has not complied with the policy, the manager must meet informally with the employee to reiterate the policy and refer the employee to Occupational Health for support, as appropriate. A diary note of the meeting must be made by the manager. Where there is a second breach of the policy, the manager must deal with this informally under the Performance and Conduct Policy. This should involve meeting with the employee, reiterating the policy and informing them that any further breaches will be referred to the formal part of the Performance and Conduct Policy (see Appendix 2). This meeting must be followed up in writing (see Appendix 3). Where there is a third breach of this Policy, the employee's Line Manager will follow formal procedures under the Trust Performance and Conduct Policy.
17. If individual staff challenge their manager on their right to smoke, the manager should refer to these points:
 - 17.1. This is a Trust Policy relating to health and safety, which is based on the same principles as policies relating to dangerous machinery, toxic substances etc.

- 17.2. An employee cannot challenge the employer's right to introduce healthier and safer working practices.
- 17.3. The Policy is concerned with where someone smokes and not whether they smoke.

Responsibilities of visitors and contractors

18. This Policy applies to all visitors and contractors, irrespective of their circumstances. Visitors who are distressed for any reason should be comforted and the Smoke-free Policy should be explained to them.
19. Contractors who contravene the Policy should be reported to the nominated person in Estates and Facilities who is responsible for monitoring the conduct of contractors on site.
20. Visitors and Contractors may request advice on stopping smoking and should be given the local NHS Stop Smoking Service details.
21. All tenders and new contracts should stipulate adherence to this policy. Existing contracts should be modified at the earliest opportunity.

Patients

22. Patients will be advised of the new Policy on admission to the Trust and in any paperwork that they have received from the Trust prior to planned admissions or visits. GP practices will also be informed of the Policy. Existing patients will be addressed through a series of information sessions, with the support of stop-smoking specialists and counselling as appropriate.
23. Polite signage and reminders are usually sufficient to deter smoking, but patients should also be informed verbally at pre-admission or on admission.
24. A similar rationale applies as for staff:
 - 23.1. This is a Trust Policy relating to health and safety, which is based on the same principles as policies relating to dangerous machinery, toxic substances etc.
 - 23.2. The Trust has a duty to its patients to protect them from the health hazard that smoking represents.
 - 23.3. Nicotine replacement therapy (NRT) is available on prescription.
25. If a patient becomes angry or violent, the Trust Zero Tolerance policy for aggressive behaviour is to be invoked.

On site retail premises

26. The sale of all tobacco products on Trust premises is prohibited.

Exceptions

27. This policy applies to all patients but there may be some exceptions.
28. The Trust Board recognises that some patients have circumstances that will require staff to make an assessment as to whether special arrangements need to be made so that the patient will be permitted to smoke on a Trust site. Such circumstance might include detention under the Mental Health Act or the inability of a patient to give informed consent for help with smoking cessation. Permission to grant an exception will rest with the nurse or Senior Manager in charge of the ward or unit and be formally recorded. The patient must be presented with an exemption certificate (see Appendix 4), which must be signed by the Nurse or Senior Manager granting the permission, so that this can be presented if challenged.
29. In all cases where an exception has been made there should be demonstrable evidence that smoking cessation has been fully considered as part of the patient pathway, in conjunction with the patient and/or their relatives. Where an exception is made, every effort must be made to minimise staff exposure to smoke. This would normally mean that smoking would only be permitted outdoors where staff and other patients would not be in close proximity to the smoker. Ideally, this would also be out of sight of other patients, visitors and staff who may be engaged in a stop smoking programme.
30. Where there is an exception, permission to smoke in a designated outdoor area away from others can only be given by the relevant ward or unit nurse, clinician or senior manager. Permission to smoke should be seen as part of the clinical pathway and be discussed by the clinician, the patient/client and appropriate relatives in that light and documented. This allowance should not be extended to staff working with those patients/clients.

Home visits

31. Where appointments for home visits to staff or patients are made, a letter will be sent requesting them not to smoke during the visit. Staff have the right to refuse to enter an environment where there are people smoking when visiting off-site premises for business reasons.
- 32.

Communication

32. Clear signs will be on display to ensure that everyone entering the Trust sites understands that smoking is not allowed within the Trust. Staff will be reminded of

how the Policy relates to the use of their vehicles. Smoking will not be tolerated on the Trust grounds, including the entrances and exits, by staff, patients or visitors.

33. Tenders and contracts with the Trust will stipulate adherence to this Policy as a contractual condition. Existing contracts will be modified as soon as possible.
34. Job advertisements and employee contracts will include reference to the Smoke-free Policy.
35. Training will be offered to staff in advising patients, visitors, relatives etc of the Policy as requested.

APPENDICES

Appendix 1: 'Support for quitters' contact list of national and local services

Appendix 2: Checklist for Meeting under the Informal part of the Performance and Conduct Policy

Appendix 3: Example Letter - Breach of policy under the Informal part of the Performance and Conduct Policy

Appendix 4: Exemption Certificate

APPENDIX 1: 'Support for quitters' contact list of national and local services

NO SMOKING DAY (INFORMATION AND TIPS ON QUITTING)

www.nosmokingday.org.uk

ROY CASTLE LUNG CANCER FOUNDATION

www.roycastle.org

www.givingupsmoking.co.uk

www.gasp.org.uk

www.ash.org.uk

SMOKING HELPLINES

NHS Smoking Helplines:

England and Wales - 0800 169 0169

Scotland and Northern Island - 0800 848484

NHS Pregnancy Smoking Helpline - 0800 169 9169

Quitline - 0800 002200

OXFORDSHIRE SMOKING ADVICE SERVICE

Oxford City PCT

Tel: 01865 226663

Fax: 01865 226588

Email: smoking.advice@oxfordcity-pct.nhs.uk

BUCKINGHAMSHIRE STOP SMOKING SERVICE

Smoke-free Policy

Version 2, Approved September 2006

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APPENDIX 2: Checklist for Meeting under the Informal part of the Performance and Conduct Policy

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|--|---|
| <p>Preparation</p> <p>Arrange a time and private location for the discussion</p> <p>Review any information and feedback received from Occupational Health</p> <p>Collate information on time, date and where the employee was found to be smoking</p> <p>Have a copy of the Smoke-free Trust Policy to give to the employee</p> <p>Collate information from when you spoke to the employee previously</p> | <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |
| <p>During the meeting</p> <p>Explain the purpose of the meeting and that it is being held under the informal part of the Performance and Conduct Policy</p> <p>Discuss the employee's actions and how this was a breach of Trust Policy</p> <p>Ask the employee's reasons for the breach of policy</p> <p>Offer support via Occupational Health</p> <p>Reiterate the Trust Policy on Smoking and hand the employee a copy of the policy.</p> <p>Inform the employee that the Policy is not concerned with whether anyone smokes but with where they smoke</p> <p>Advise the employee that if they are found to be in breach of the policy again, then the formal procedure under the Performance and Conduct Policy will be invoked</p> | <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |
| <p>After the Meeting</p> | <p><input type="checkbox"/></p> |

| | |
|---|--------------------------|
| Write the employee a letter following your meeting (see Appendix 3) and hand it to them | <input type="checkbox"/> |
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APPENDIX 3: Example Letter – Breach of policy under the Informal part of the Performance and Conduct Policy

Dear

Re: Breach of Policy No.41 ‘ Smoke-free Trust’- Informal Performance and Conduct Procedure

I am writing to you following our meeting today at which we discussed your breach of the ‘Smoke-free Trust Policy’. This meeting was held under the informal part of the Performance and Conduct Policy.

You were found to be smoking during business hours on (date), (venue). I explained to you the principles and scope of the policy and handed you a copy.

This is the second occasion that you have breached this policy, I spoke to you previously on (date) following the first occasion and advised you clearly that smoking in Trust grounds is not allowed.

I now confirm that any further breach of this policy will result in the formal part of the Performance and Conduct Policy being invoked.

Yours Sincerely

APPENDIX 4: Certificate of Exemption for Smoking

I, have authorised that the following patient
..... be given exemption under the Trust Policy for a
Smoke-free Trust to be permitted to smoke for the period
..... to

The patient is permitted to smoke in the following area(s) of the Trust:

.....
.....

I confirm that smoking cessation has been fully considered and discussed.

Signed:.....

Print Name:.....

Job Title:.....

Department:.....

Tel. No:..... Date:.....