



Smoke Free Policy

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POL085 – Smoke Free Policy

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Dissemination requirements	All Trust employees by intranet
Part of Trust's publication scheme	Yes

The East of England Ambulance Service NHS Trust (EEAST) has made every effort to ensure this policy does not have the effect of 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.

All Trust policies can be provided in alternative formats.

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1. Introduction

- 1.1 EEAST has a duty under the Health and Safety at Work Act 1974 and The Smoke-free (Premises and Enforcement) Regulations 2006 to provide a working environment for employees that is safe and without risks to health.
- 1.2 Whilst acknowledging that smoking is a personal choice, we at EEAST recognise our responsibility for providing a working environment free from harm and the effects of smoking on patients, visitors, smoking and non-smoking colleagues and other members of the wider health community.

2. Purpose

- 2.1 The aim of this policy is to establish clear guidelines for the management of a smoke free environment which protects, and in doing so promotes a healthier lifestyle for all employees, patients, visitors, and contractors.
- 2.2 The objective of this policy is to:
 - protect both smokers and non-smokers from the danger to their health of exposure to environmental tobacco smoke,
 - protect non-smokers from nuisance vapour from e-cigarettes and vaping,
 - provide support to employees who wish to give up smoking through signposting to stop smoking services and public health campaigns,
 - demonstrate adherence to Public Health England's Smokefree NHS campaign,
 - ensure that EEAST, and all within the scope of this policy, are compliant with smoke free legislation.

3. Scope

- 3.1 This policy is:

- Mandatory and applies to all EEAST employees, Casual Workers, Agency Workers, volunteers, contractors, patients, and visitors.
- Applicable to all EEAST property and premises, including inside and outside of EEAST buildings, vehicles, or associated sites.

4. Definitions

4.1 The following definitions apply for the purpose of this policy:

- **Smoke / Smoking** refers to the action of inhaling / exhaling the smoke of tobacco-based products.
- **Vape / Vaping** refers to the action of inhaling / exhaling vapour from a device / electronic cigarette (e-cigarette), regardless of their contents.
- **Second-hand smoking** is inhaling either 'sidestream' smoke created by the lit end of a cigarette, or 'mainstream' smoke exhaled by a smoker.
- **Second-hand vaping** is inhaling e-cigarette vapor by someone who is not using the device.
- **Premises / NHS premises** refers to all premises, vehicles, and/or grounds either owned, rented, leased, or used by EEAST or the NHS for the purposes of conducting its business.

5. Duties

5.1 **The Deputy Clinical Director – Quality and Safety** is accountable to advise and assist the Trust Board in fulfilling its duties under the relevant statutory legislation.

5.2 **Managers and supervisors'** responsibilities include:

- bringing this policy to the attention of all staff within their area of responsibility,

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- ensuring that all staff within their area of responsibility comply with this policy and any smoke free protocols and procedures,
- encouraging employees within their area of responsibility to report breaches of this policy to their line manager in writing (e.g., email),
- ensuring that employees who request it have access to the appropriate smoking cessation information and guidance, and are given all necessary support to stop smoking, including a referral to Occupational Health (OH),
- arranging for the investigation of any matters or breaches of this policy raised by staff within their responsibility.
- informing visitors and contractors who smoke on EEAST premises that smoking is not permitted. Contractors who continue to contravene the policy should be reported to the nominated person in Estates responsible for monitoring the conduct of contractors on site. Visitors who continue to contravene the policy will be asked to leave the grounds.

5.3 Managers, HR and Trade Union Representatives are responsible for providing advice and guidance to employees on the application of this policy and procedure.

5.4 Fleet and Estates will ensure that all premises and grounds owned, leased, or rented by EEAST and all vehicles owned or leased by EEAST will have signs displayed indicating that smoking is not permitted. The signs will conform to The Smoke-free (Signs) Regulations 2012.

5.5 All staff / employees are responsible for:

- familiarising themselves with, and complying with this policy,
- ensuring that they do not smoke/vape on either EEAST premises or any other NHS / organisations' premises (see Section 4),

- reporting any concerns they have regarding a smoke free environment not being observed to their line manager,
- taking reasonable care of their own health, safety, and welfare and that of others who may be affected by their acts or omissions,
- attending Occupational Health (OH) if referred by their manager.

6. Smoking

- 6.1 Smoking is one of the biggest causes of death and illness in the UK. Smoking increases your risk of developing more than 50 serious health conditions, which can be fatal or cause irreversible long-term damage to your health.
- 6.2 Second hand smoke, also known as passive smoking, increases your risk of getting the same health conditions as smokers.

World Health Organisation (WHO): All forms of tobacco are harmful, and there is no safe level of exposure. Cigarette smoking is the most common form of tobacco use worldwide.

- 6.3 Smoking is not permitted on any premises (see Section 4).

7. Vaping

- 7.1 E-cigarettes do not burn tobacco and do not produce tar or carbon monoxide; they work by heating a liquid (called an e-liquid) that typically contains nicotine, propylene glycol, vegetable glycerine and flavourings. The liquid and vapour contain some potentially harmful chemicals also found in cigarette smoke, but at much lower levels.
- 7.2 We acknowledge that you may choose to vape, and that it is reported that e-cigarettes are helpful in quitting or cutting down cigarette use.

Cancer Research UK: There is no good evidence that vaping causes cancer, however e-cigarettes are not risk-

free. They can cause side effects such as throat and mouth irritation, headache, cough and feeling sick. It is not yet known what effects they might have in the long term.

7.3 Although they fall outside the scope of smoke-free legislation, we do not permit the use of e-cigarettes on any premises (see Section 4). Our rationale for a ban on e-cigarettes is that:

- e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees,
- some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoke free policy difficult to police, and creating an impression for other employees, patients, or visitors that it is acceptable to smoke on the premises.

7.4 We will continue to monitor and review the medical research and guidance from WHO, Public Health England, the British Medical Association, etc., and their respective findings on the use of e-cigarettes and vaping, and where necessary, amend this policy.

8. Choosing to smoke/vape at work

8.1 If you choose to smoke/vape while at work, you can only do so off the premises (see Section 9), and during any rest/authorised breaks.

8.2 When smoking/vaping off the premises, you should cover any identifiable EEAST uniform and insignia, e.g., by wearing a non-uniform jacket, coat or similar.

8.3 You are reminded that it may cause offence to our neighbours if you leave litter on streets, or in public or private places, and you should dispose of any smoking/vaping materials safely and appropriately.

9. Health and safety

9.1 If you choose to leave the premises to smoke/vape you should observe the following health and safety considerations:

- inform a colleague / manager if you are going off site and when you will return,
- visually check the area you are going to before you leave the premises to ensure there are no obvious threats,
- vary the time you go to avoid a pattern developing,
- if dark, use the torch on your smart phone, or bring a torch with you from home, and stand close to a streetlight wherever possible,
- consider purchasing a personal attack alarm and have it in your hand,
- take your mobile phone with you and call 999 if threatened in any way,
- ensure matches / cigarette butts / disposable vapes are extinguished after use and disposed of appropriately / safely.

10. Private premises

10.1 When on duty you are not permitted to smoke/vape on private premises, including patient / service users' accommodation.

10.2 EEAST has no control on whether or not a patient chooses to smoke in their own home / residence whilst you are in attendance. Nonetheless, we have a duty to protect staff from noxious substances and harmful emissions, and protect, as far as reasonably practicable, your health, safety, and welfare whilst at work and this extends to areas outside EEAST's control.

10.3 If you attend a patient in their own home/residence or another person's home/residence and the patient, or someone else in the vicinity, is smoking, you should politely ask them to stop smoking for the duration of your visit and explain why.

- 10.4 When doing this you should not enter into any confrontation that may put your personal safety at risk, and also bear in mind that they may be smoking because it affords them some relief from pain / discomfort / anxiety / stress.
- 10.5 If you have attended a patient / service user who has smoked whilst you were present and when asked has refused to stop for the duration of your visit, you should report this using Datix.
- 10.6 If it is a patient / service user who EEAST regularly visits and who continues to ignore requests to stop smoking while employees are in attendance, then provided it has been reported on Datix, a manager will write to the patient and formerly request that they do not smoke whilst EEAST employees attend their home/residence.

11. Home / Agile Working

- 11.1 If you work from home or are an agile worker, you are not required to refrain from smoking/vaping during the course of any EEAST work that is carried out at home, unless you invite others into an area of your home for work purposes.
- 11.2 When attending a virtual meeting, either internal or external, you should act in accordance with this policy, and must not be seen to be smoking or vaping.

12. Support to quit smoking

- 12.1 We recognise that operating a smoke free organisation will impact on smokers working lives, and we are committed to provide support, advice, and guidance if you wish to give up smoking.
- 12.2 The following support is available from the NHS:
- Visit the NHS Smokefree website for tools, advice, and information to help you quit smoking - www.nhs.uk/better-health/quit-smoking.
 - Call the Smokefree national stop smoking helpline on 0300 123 1044

- Download the Smokefree mobile app or visit Smokefree on Facebook
- Local stop smoking services are free, friendly and can massively boost your chances of quitting for good – www.nhs.uk/live-well/quit-smoking/nhs-stop-smoking-services-help-you-quit

12.3 If you would like any additional support, please speak to your line manager to discuss available options, including the benefits of making an Occupational Health referral.

12.4 We also have an Employee Assistance Programme (EAP) which is free, independent, and confidential; up to date information is published on the intranet.

13. Breach of policy

13.1 Managers and supervisors should recognise that for some people smoking tobacco and/or vaping is an addiction that helps them cope with stressful or traumatic events. There is a difference between someone trying to de-stress and someone who is wilfully breaching a health and safety policy.

13.2 An initial breach of the policy will normally be dealt with in an advisory way, accompanied by information on smoking cessation support as appropriate, and reminding the employee of their responsibilities under this policy. A written record should be kept of the advice / information provided.

13.2 If an employee subsequently breaches the policy, the line manager should manage in line with the Disciplinary Policy, and speak to their HR representative for advice.

14. Policy review

14.1 This policy will be reviewed on at least a three-yearly basis or amended in the light of new legislation, relevant case law, or if significant changes to its effective operation are necessary.

Appendix A

Equality Impact Assessment

EIA Cover Sheet			
Name of process/policy	Smoke Free Policy		
Is the process new or existing? If existing, state policy reference number	Existing (POL085)		
Person responsible for process/policy	HR		
Directorate and department/section	People Services		
Name of assessment lead or EIA assessment team members	EQIA panel		
Has consultation taken place? Was consultation internal or external? (please state below):	Internal consultation in partnership with management and staff side.		
The assessment is being made on:	Guidelines		
	Written policy involving staff and patients	X	
	Strategy		
	Changes in practice		
	Department changes		
	Project plan	X	
	Action plan		
	Other (please state) Training programme.		

Equality Analysis																						
<p>What is the aim of the policy/procedure/practice/event?</p> <p>The aim of this policy is to establish clear guidelines for the management of a smoke free environment which protects, and in doing so promotes a healthier lifestyle for all employees, patients, visitors, and contractors.</p>																						
<p>Who does the policy/procedure/practice/event impact on?</p> <table border="0"> <tr> <td>Race</td> <td><input checked="" type="checkbox"/></td> <td>Religion/belief</td> <td><input checked="" type="checkbox"/></td> <td>Marriage/Civil Partnership</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Gender</td> <td><input checked="" type="checkbox"/></td> <td>Disability</td> <td><input checked="" type="checkbox"/></td> <td>Sexual orientation</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Age</td> <td><input checked="" type="checkbox"/></td> <td>Gender re-assignment</td> <td><input checked="" type="checkbox"/></td> <td>Pregnancy/maternity</td> <td><input checked="" type="checkbox"/></td> </tr> </table>					Race	<input checked="" type="checkbox"/>	Religion/belief	<input checked="" type="checkbox"/>	Marriage/Civil Partnership	<input checked="" type="checkbox"/>	Gender	<input checked="" type="checkbox"/>	Disability	<input checked="" type="checkbox"/>	Sexual orientation	<input checked="" type="checkbox"/>	Age	<input checked="" type="checkbox"/>	Gender re-assignment	<input checked="" type="checkbox"/>	Pregnancy/maternity	<input checked="" type="checkbox"/>
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Age	<input checked="" type="checkbox"/>	Gender re-assignment	<input checked="" type="checkbox"/>	Pregnancy/maternity	<input checked="" type="checkbox"/>																	
<p>Who is responsible for monitoring the policy/procedure/practice/event? HR</p>																						
<p>What information is currently available on the impact of this policy/procedure/practice/event?</p> <p>ER Tracker providing data on number of breaches of policy which are managed under the Disciplinary Policy.</p> <p>HR / OH / Wellbeing data regarding number of requests from employees seeking support to give up smoking.</p>																						
<p>Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? No</p>																						
<p>Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? Yes/No, If yes please provide evidence/examples:</p> <table border="0"> <tr> <td>Race</td> <td><input checked="" type="checkbox"/></td> <td>Religion/belief</td> <td><input checked="" type="checkbox"/></td> <td>Marriage/Civil Partnership</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Gender</td> <td><input checked="" type="checkbox"/></td> <td>Disability</td> <td><input checked="" type="checkbox"/></td> <td>Sexual orientation</td> <td><input checked="" type="checkbox"/></td> </tr> </table>					Race	<input checked="" type="checkbox"/>	Religion/belief	<input checked="" type="checkbox"/>	Marriage/Civil Partnership	<input checked="" type="checkbox"/>	Gender	<input checked="" type="checkbox"/>	Disability	<input checked="" type="checkbox"/>	Sexual orientation	<input checked="" type="checkbox"/>						
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Age	<input checked="" type="checkbox"/>	Gender re-assignment	<input checked="" type="checkbox"/>	Pregnancy/maternity	<input checked="" type="checkbox"/>
<p>Please provide evidence:</p> <p>This policy is designed to have a positive impact for all employees, and will provide an improved working environment, including for staff with specific health conditions, e.g., asthma, pregnancy.</p>					
<p>Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? No</p>					
Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	<input type="checkbox"/>
Gender	<input type="checkbox"/>	Disability	<input type="checkbox"/>	Sexual orientation	<input type="checkbox"/>
Age	<input type="checkbox"/>	Gender re-assignment	<input type="checkbox"/>	Pregnancy/maternity	<input type="checkbox"/>
<p>Please provide evidence:</p> <p>Having reviewed the policy and completed a full consultation process, no negative impact was raised, and with the evidence available there is no negative impact.</p>					
<p>Action Plan/Plans - SMART</p> <p>Specific</p> <p>Measurable</p> <p>Achievable</p> <p>Relevant</p> <p>Time Limited</p>					

Evaluation Monitoring Plan/how will this be monitored?

Who – see Monitoring Table

How

By

Reported to

Appendix B - Monitoring Table

What	Who	How	Frequency	Evidence	Reporting arrangements	Acting on recommendations	Change in practice and lessons to be shared
That the policy is being applied consistently and fairly, and that any breaches of policy are reported and managed supportively / appropriately.	Head of HR People Partnering	ER Tracker / Wellbeing data	As required	Number of breaches under Disciplinary Policy / Number of employees requesting support to give up smoking.	Reported to and discussed at People Committee where required	Head of HR People Partnering will address any actions or changes required.	Any change in practice will be identified and: <ul style="list-style-type: none"> • process updated with HR People Partnering team • HR People Partnering / line manager training implemented • policy updated where required