



Smoke Free Policy

Reviewed May 2011
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Introduction

The aim of this policy is to outline Kingston Mencap's smoke-free policy and ensure that all Kingston Mencap workplaces meet the requirements of the laws on smoking.

Where this policy uses the word "smoking", this means all tobacco and tobacco-related products e.g. cigarettes, cigars, pipes, herbal/menthol cigarettes.

This is a policy for Kingston Mencap employees but will also apply to all visitors, members, contractors and volunteers in Kingston Mencap workplaces and vehicles.

Background - the legal framework

The Health Act 2006 outlined the Government's intentions to make all enclosed public places smoke-free. The aim of the legislation is to protect workers and the general public from the harmful effects of second-hand smoke.

The smoke-free regulations tell businesses and employers like Kingston Mencap what they need to do to meet the requirements of the law. For details of the specific regulations that apply to Mencap, see **Appendix A**.

The regulations ban smoking in all public places (including workplaces and work vehicles) which are 'enclosed' OR 'substantially enclosed'. Substantially enclosed means that 50% or more of the wall space (excluding doors and windows) is enclosed.

There are three specific offences:

- **Failing to display no-smoking signs in premises (or vehicles) covered by the law**
There is a fixed penalty of £200 or maximum fine of £1000 if prosecuted and convicted in a court. This is imposed on whoever manages and controls the premises/vehicle or business.
- **Smoking in a smoke-free place**
There is a fixed penalty of £50 or maximum fine of £200 if prosecuted and convicted in a court. This is imposed on the individual.
- **Failing to prevent smoking in a smoke-free place**
There is a maximum fine of £2500. This is imposed on whoever manages and controls the premises or business.

There are a small number of exemptions from the laws, including long-stay hospitals, prisons, hotel rooms and residential care homes.

Kingston Mencap's smoke-free policy

- The following places will be kept smoke-free at all times: venues used by members, vehicles, other shared vehicles driven during the course of an activity or event.

- You may not smoke when you are on duty except during agreed smoking breaks. This includes occasions when you are representing Kingston Mencap at a meeting, on training courses or at a conference when you may only smoke during any agreed breaks.
- You may take a short smoking break **where circumstances allow** and it is agreed by the club leader or event organiser. Smoking breaks should not be taken in front of members and must be outside of the event place in an area agreed by the club leader or event organiser. **However the needs of service users are paramount and vulnerable people should not be left alone inappropriately.**
- You may not smoke at any time **whilst on duty** in the company of members; including standing outside a workplace, shopping trips, or outings.
- All workplaces and vehicles covered by the regulations must display legally compliant no-smoking signs. Further details on the no-smoking signs required in workplaces and work cars can be found in **Appendix B**.
- Where you use your own vehicle for Kingston Mencap business or you are in receipt of a Kingston Mencap car allowance, you will need to keep your vehicle smoke-free only whilst you are carrying passengers in the course of your job. No sign is required in your vehicle.
- All applicants and new employees will be notified of Kingston Mencap policy at an early stage.
- All visitors, members, volunteers and contractors in Kingston Mencap workplaces and vehicles will be expected to follow the legal requirements and Kingston Mencap smoke-free policy. Members' visitors must also abide by the law and the policy but may smoke if invited to do so in a designated smoking room (see below).
- This policy will be managed as supportively as possible to enable you to meet the requirements of the policy.

Where the Smoke-free laws do not apply

Private dwellings i.e. individuals' own homes are not covered by the legislation. This means that if you work in a member's own home, the individual you support does not have to stop smoking. However, you are reminded that you may not smoke at any time **whilst** in the company of members.

In these circumstances where it is unavoidable for employees to be exposed to second hand smoke, Kingston Mencap still has a duty of care under the Health and Safety at Work Act (1974). If you work in this type of workplace, Kingston Mencap Chair needs to consider what can be done to minimise your exposure or to protect you from the effects of exposure to second hand smoke.

Working with second hand smoke – a short guide for managers and employees is available to Kingston Mencap members. Contact the Chair of Kingston Mencap to obtain a copy.

Support and information to stop smoking

Kingston Mencap understands the importance of providing support to employees who want help to give up smoking and recognises that smoking is an addiction. Around 70% of smokers say that they want to stop smoking and the new smoke-free laws could provide the extra motivation to do so.

It is not possible for Kingston Mencap to undertake widespread training to support employees to give up smoking because of costs and the geography involved, however we can support you in other ways.

If you want to find out about other support available to help you give up smoking, you can find this in **Appendix C**.

Mencap's public image

In order not to harm the image of Kingston Mencap unintentionally, you are asked, wherever possible, not to smoke immediately outside the main entrance of your workplace in view of the public. The manager in charge of your workplace is responsible for agreeing an appropriate place. You are also asked to dispose of your rubbish (e.g. cigarette packaging and cigarette butts) appropriately.

Disciplinary issues

Any employee who fails to follow Kingston Mencap smoke-free policy will be dealt with under our Disciplinary Procedures.

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Appendix A – Smoke-free policy

The smoke-free regulations for England, Wales & Northern Ireland

The regulations arising from The Health Act 2006 and which apply to Mencap are:

For Wales – effective from 2 April 2007

- The Smoke-free Premises etc (Wales) Regulations 2007

For Northern Ireland – effective from 30 April 2007

- The Smoke-free (Exemptions, Vehicles, Penalties and Discounted Amounts) Regulations (Northern Ireland) 2007
- The Smoke-Free (Signs) Regulations (Northern Ireland) 2007
- The Smoke-Free (Premises, Vehicle Operators And Penalty Notices) Regulations (Northern Ireland) 2007

For England - effective from 1 July 2007

- The Smokefree (Premises & Enforcement) Regulations, 2006
- The Smokefree (Signs) Regulations, 2007
- The Smokefree (Exemptions and Vehicles) Regulations, 2007
- The Smokefree (Vehicle Operators and Penalty Notices) Regulations, 2007
- The Smokefree (Penalties and Discounted Amounts) Regulations, 2007

More information on the regulations can be found on the following websites:

www.smokefreeengland.co.uk (for England)

www.smokingbanwales.co.uk (for Wales)

www.spacetobreathe.org.uk (for Northern Ireland)

Appendix B – Smoke-free policy

Signs required under the Smoke-free regulations

The requirements for England, Northern Ireland and Wales are all slightly different and managers responsible for each workplace are advised to download or order all signage from the websites listed. Correct sizes of signs should be checked when printed in case a printer re-sizes a document.

In England

In workplaces in England the sign required should be at least A5 size in area (210mm x 148mm). It should display the international no-smoking symbol*, at least 70mm in diameter, and underneath it read "No Smoking. It is against the law to smoke in these premises". This should all be within a red rectangle. The sign should be displayed clearly in view near the main entrance. Smaller secondary entrances used only by employees need only display the international no-smoking symbol* which must be at least 70mm in diameter.

In a vehicle covered by the legislation the international no-smoking symbol is acceptable, again at least 70mm in diameter. A sign is required in each compartment of the car/vehicle.

For more information and to download or order free signs, go to:

www.smokefreeengland.co.uk

In Northern Ireland

In workplaces in Northern Ireland the requirements are broadly the same as in England except that the international no-smoking symbol* contained in any sign should be at least 75mm in diameter. This applies to signs in premises and vehicles.

For more information and to download or order free signs go to:

www.spacetobreathe.org.uk

In Wales

Signs in Wales should be in both English and Welsh languages and should be at least 160mm by 230mm from the outer edge of the red rectangle. The international no-smoking symbol* contained within a main entrance premises sign should be at least 85mm in diameter from the outer edge of the red circle.

The international no-smoking symbol* can again be displayed in vehicles and should be at least 75mm in diameter from the outer edge of the red circle.

For more information and to download or order free signs, go to:

www.smokingbanwales.co.uk

** The international no-smoking symbol consists solely of a graphic representation of a single burning cigarette enclosed in a red circle with a red diagonal bar across it.*

Appendix C – Smoke-free policy

Help and advice to give up smoking

If you are trying to give up smoking, you may find the following additional information useful. Whilst the information is grouped into General, England, Wales and Northern Ireland – some of the England sources may also be useful to individuals living and working elsewhere.

General information and help

Your local GP – many Primary Care Trusts (PCTs) and (Local) Health Boards are making funding available to provide additional smoking cessation activities such as smoking cessation groups. Talk to your GP for a referral if these are available in your area.

Quit – is an independent UK charity whose aim is to save lives by helping smokers to stop. QUIT has already helped over 2 million smokers via Quitline – its free helpline which you can call on 0800 002200. Alternatively you can go to their website at www.quit.org.uk They offer a free same day e-mail counselling service (stopsmoking@quit.org.uk) plus lots of other useful information.

ASH (Action on Smoking and Health) - is a campaigning public health charity working to eliminate the harm caused by tobacco. They have some excellent fact sheets including their 15 tips for giving up smoking – go to www.ash.org.uk

In England

Local NHS Stop Smoking Services – to find your local service, call the NHS Smoking Helpline free on 0800 1690169, visit www.gosmokefree.co.uk, text 'GIVE UP' and your full postcode to 88088 or ask your local GP practice, pharmacy or hospital.

NHS Smoking Helpline – you can speak to a specialist adviser by calling 0800 1690169 (lines are open daily from 7am to 11pm).

Gosmokefree.co.uk – an online resource for all the advice, information and support needed to stop and stay stopped.

Together – this support programme is free to join, and is designed to help individuals stop smoking using both medical research as well as insights from ex-smokers. You can choose to receive e-mails, text messages, mailing packs and phone calls. For more information call the NHS Smoking Helpline on 0800 1690169 or visit www.gosmokefree.co.uk