

Version 2



## Corporate

### Smokefree

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<b>Scope:</b>	This policy applies to Circle 33 Housing Trust, Commercial Services Circle Anglia, EPIC Trust, Invicta Telecare, Mole Valley Housing Association, Old Ford Housing Association, Roddons Housing Association, Russet Homes, South Anglia Housing, Wherry Housing Association.
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<b>Signed Off:</b>	Group Policy Forum, 1 May 2008
<b>Author:</b>	Zoe Buick
<b>Policy Owned by:</b>	Policy and Planning
<b>KLOE:</b>	N/A
<b>QAF (Supported Housing):</b>	N/A
<b>Statute:</b>	Health Act 2006 Management of Health and Safety at Work Regulations 1999 Health and Safety at Work (Amendment) Regulations 1994 Health and Safety at Work (Amendment) Regulations 1992 Health and Safety at Work Act 1974
<b>Regulatory Code:</b>	N/A

# Smokefree Policy

## 1 Scope

This policy applies to:

- employees, including contract and agency staff
- supported housing and general needs customers
- leaseholders, key workers and shared owners
- service users
- board members
- contractors
- consultants
- visitors
- volunteers

of the following:

- Circle 33 Housing Trust
- Commercial Services Circle Anglia
- EPIC Trust and partner support agencies
- Invicta Telecare
- Mole Valley Housing Association
- Old Ford Housing Association
- Roddons Housing Association
- Russet Homes
- South Anglia Housing
- Wherry Housing Association.
- AMS.

## 2 Policy

2.1 The Health Act 2006 came into force 1 July 2007, banning smoking in virtually all enclosed workplaces, public places and most company vehicles.

2.2 This legislation makes it an offence to:

- smoke in smokefree premises
- permit people to smoke in smokefree areas

- fail to prevent smoking or display warning notices in smokefree premises.
- 2.3 Circle Anglia has an ongoing commitment to work environments which are smokefree, and to protecting the health and wellbeing of employees, customers and all people giving or receiving our services.
- 2.4 Circle Anglia will comply with the smokefree legislation and will extend its protection to people working or visiting private residential premises not covered by the provisions of the law.
- 2.5 We recognise our duty of care under Section 2(2) of the Health and Safety at Work Act 1974, to provide and maintain a safe working environment.

### **3 Circle Anglia premises**

- 3.1 We will continue to operate our existing no smoking approach in all Circle Anglia workplaces.
- 3.2 Smoking continues to be prohibited in all enclosed and substantially enclosed premises in the workplace, including corridors, stairwells, lavatories and open windows, as well as doorways and entrances to premises. This is in line with the legislation.
- 3.3 Employees are responsible for making sure that visitors to Circle Anglia premises comply with the ban.

#### **No smoking signage**

- 3.4 We will comply with legislation by displaying at least one no-smoking sign at every workplace entrance.

### **4 Vehicles**

#### **Company vehicles**

- 4.1 All company cars are required to be smokefree at all times and to prominently display a no smoking sign. This applies even when the driver is not carrying passengers.
- 4.2 This is because vehicles which may be used at work by more than one person must remain smokefree under the new legislation.
- 4.3 When the vehicle is shared with another smoker, the vehicle must still remain smokefree. This is to protect both smokers and non-smokers from second hand smoke.

### **Essential car users**

- 4.4 Employees in receipt of the essential car user allowance will not be required to maintain smokefree vehicles or to display no smoking signage. This is because the vehicle is privately owned and used mainly for personal, rather than business use.
- 4.5 However, we do request that drivers not smoke in their vehicle while they are carrying colleagues or clients on work activities.
- 4.6 There is little guidance on how much use is primarily for the owner and how much is for business, so cases will be determined on a case by case basis.

### **Privately owned vehicles**

- 4.7 A privately owned vehicle used by the owner in connection with their work will not need to be smokefree, as long as it is only occasionally used for carrying other people in connection with work activities. However, the vehicle must be smokefree whenever clients or colleagues are carried.
- 4.8 If vehicles are regularly used to carry passengers on work trips, or if business uses exceeds private mileage, vehicles will have to be smoke free. Again, the guidance around usage is a not clear and this will need to be decided on a case by case basis.

## **5 Enforcement**

- 5.1 Local councils will enforce the new law through enforcement officers, such as environmental health officers, trading standards or local community support officers.
- 5.2 Enforcement officers have the power to enter premises, conduct inspections and seize items. It is an offence to obstruct enforcement officers by refusing to give information or access to premises, or by withholding or giving misleading information.

### **Penalties**

- 5.3 Any person who ignores the smokefree rules in premises or a vehicle will be liable to a fixed penalty of £50. If taken to court, a maximum fine of £1000 could be applied.
- 5.4 Drivers may be liable for a fixed penalty of £200 if no smoking signage is not displayed in smokefree vehicles.

- 5.5 Circle Anglia may be liable to a fine of up to £2500 for failure to prevent smoking in a smokefree place.

### **Circle Anglia**

- 5.6 Should a member of staff fail to observe the arrangements, their line manager will attempt to resolve the situation informally in the first instance, making sure that the staff member understands the arrangements and is understanding of any support issues they may have.
- 5.7 Disciplinary action may be taken if a member of staff continues to breach this policy.

## **6 Communal areas in residential properties**

### **General needs**

- 6.1 It is a legal requirement that all communal areas, such as communal lifts, indoor stairwells, communal corridors, laundries and reception areas to blocks of flats must be smokefree.
- 6.2 In order to comply with legislation, we will display no smoking signs in all communal areas of residential properties.
- 6.3 If we receive calls from customers reporting people smoking in communal areas, we will ask that they call their local authority to report the issue. Each local authority has enforcement powers.
- 6.4 Reports of persistent breaches of the ban on smoking in communal areas should be dealt with in the same way as with any other report of nuisance or anti-social behaviour. See [Anti-Social Behaviour](#) policy.

### **Supported housing schemes and intermediate rent properties**

- 6.5 Individual bedrooms in shared supported accommodation are private dwellings whose occupants hold tenancies and are not covered by the law.
- 6.6 Smoking will be restricted to customers' flats or bedrooms in supported housing schemes, as long as staff are not present. The doors to these flats or bedrooms will need to be closed while the customer smokes, so that smoke does not drift into communal areas.
- 6.7 Communal areas such as corridors, internal stairs, lifts, offices, shared kitchens and bathrooms, shared laundries and communal lounges must all be smokefree and display no smoking signage.

- 6.8 External communal areas in schemes where residents and/or staff may smoke are not covered by the legislation. Although Circle Anglia encourages the extension of no smoking to cover such areas, schemes will need to agree local arrangements with their staff and residents.
- 6.9 Legal exemptions apply to places such as care and nursing homes, where a designated room may be set aside as a smoking room for people over 18 years of age.
- 6.10 Exemptions also apply to residential mental health units, where a specially adapted room may be designated as a smoking room for people over 18 years of age.
- 6.11 This particular exemption will only apply until 1 July 2008, when this sort of scheme will be required to be entirely smokefree. Because of the stringent requirements for adaptations to a room of this nature, it is unlikely that we will grant permission for such a short term measure. In any case, there is no legal obligation for us to allow designated smoking rooms.
- 6.12 In hostel situations, where customers hold licences, people will be permitted to smoke in their rooms when staff are not present. This will apply even when the terms of the licence give staff permission to enter the rooms. All communal areas will be required to be smokefree with appropriate signage. This will also apply to intermediate rent properties for key workers.
- 6.13 Managers of supported housing schemes and visiting support staff will be responsible for negotiating compliance with customers on a one-to-one basis in the first instance. Persistent breaches may need to be dealt with according to our procedures on nuisance and anti-social behaviour.

## **7 Staff and contractors visiting customers at home**

- 7.1 Staff and contractors visiting customers in their homes are not directly covered by the provisions of the Health Act.
- 7.2 However, Circle Anglia expects that customers will provide visiting staff and contractors with smokefree spaces, so that they are not exposed to the health risks of second hand smoke. This is because all group members and their contractors have a duty of care towards employees.
- 7.3 Customers are requested not to smoke in the same room as a staff member or contractor.

- 7.4 If customers do smoke at home, we expect that they limit their smoking to rooms where staff or contractors are not visiting and open windows in rooms where people are working to help clear any second hand smoke.
- 7.5 If customers insist on smoking in the same room and refuse to stop, the employee or contractor should leave the premises.
- 7.6 Circle Anglia expects that managers will support staff in situations where they are exposed to second hand smoke and will help negotiate healthy solutions.
- 7.7 The staff member's or contractor's visit to the customer may need to be postponed until an agreement can be reached with the customer and the employee. It may be that the customer is requested to come to an alternative venue for the meeting, or that meetings are conducted by telephone.
- 7.8 If a customer becomes aggressive, violent or threatening when asked not to smoke, the procedures outlined in the [Customers Who Pose a Risk](#) policy should be followed.
- 7.9 Where persistent smoking while staff and contractors are present is an ongoing problem, and the health of employees or contractors is under threat, nuisance or anti-social behaviour procedures may be instigated. See [Anti-Social Behaviour](#) policy.
- 7.10 Circle Anglia requires that staff and contractors will not smoke while in the homes of customers.

### **Visiting supported housing customers at home**

- 7.11 The guidance for visiting supported housing customers will be the same as for visiting other customers, as above.
- 7.12 Smokefree conditions will be added into the support agreement that service users sign at the outset of the service. All service users who signed a support agreement before 1 July 2007 have been notified of the new conditions.
- 7.13 Where a customer is suffering from dementia or some other mental health issues this may be difficult to enforce and some sensitivity may be needed to resolve the situation.

### **Informing customers**

- 7.14 When making appointments for home visits, staff should remind customers not to smoke during the visit. This information should be given verbally each time

an appointment is made for a staff member or contractor to visit a customer's home.

- 7.15 Circle Anglia letters to customers confirming appointment times will also carry a smokefree reminder.

## **8 Customers who run a business from home**

- 8.1 Any customers who have been given permission to run a business from their home could be affected by the new laws.
- 8.2 If they employ one or more staff members, then their home is classified as a workplace and must be smokefree during work hours.

## **9 Who to contact for more information**

### **Help for smokers who want to quit**

- 9.1 There is excellent free support for smokers who want to quit. This includes:
- NHS Smoking Helpline, free call 0800 1690 169, 7am to 11pm
  - gosmokefree.co.uk – an online resource for advice and support to stop smoking and stay stopped
  - QUIT is an independent stop smoking charity providing information and support through their telephone helpline 0800 002 200 and website [www.quit.org.uk](http://www.quit.org.uk).

### **Smokefree England**

- 9.2 This is the official government resource for information and advice on the smoking ban. Smokefree England can be accessed via the website [smokefreeengland.co.uk](http://smokefreeengland.co.uk) or via the information line on 0800 169 1697.

### **At Circle Anglia**

- 9.3 The 24-hour BUPA helpline can be accessed by all staff for advice on quitting smoking, free call 0800 371 536.
- 9.4 At Circle Anglia, policy teams, health and safety personnel, insurance advisors, legal executives and union representatives can provide information and guidance.

## **10 Service Standards**

- 10.1 We will comply with all the requirements of the 2006 Health Act in ensuring that all our workplaces and company vehicles are smokefree and display the appropriate signage.
- 10.2 We will ensure that staff, agents and contractors are protected from the risks of second hand smoke while in the homes of our customers.
- 10.3 We will ensure staff and contractors treat customers' homes with respect, including respecting the right of customers to a smokefree living environment..

## **11 Equality and Diversity**

- 11.1 Circle Anglia recognises that people of all races, ages, religions, gender, sexual orientation, disability and literacy levels should be treated equally and fairly and we will not discriminate in implementing this policy.
- 11.2 We will take steps to identify any language or communication requirements and ensure that we provide information in the appropriate format. This document can be translated or provided upon request in alternative formats such as Braille, large print or audio.
- 11.3 Equality and diversity training is mandatory for all staff.

## **12 Publicising the Policy Statement**

- 12.1 Circle Anglia publicises its policies and procedures on Smokefree to customers and staff in a number of ways:
- Customer Newsletter
  - Customer Website
  - CIRANO
  - Policy Briefings and Training

<b>Connected Policies:</b>	<a href="#">Anti-Social Behaviour</a> <a href="#">Customers Who Pose a Risk</a>
<b>Forms and Letters:</b>	
<b>Leaflets</b>	<a href="#">Driving on Business handbook</a>

## Version history

<b>Version no.</b>	1	<b>Date effective:</b>	July 2007
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<b>Brief summary of changes:</b>	n/a		
<b>Consultation:</b>	Staff, Union, Senior Managers Policy Review Group (SMPRG), Group Policy Forum (GPF)		
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<b>Author:</b>	Zoe Buick		

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<b>Signed off by:</b>	GPF, 1 May 2008		
<b>Author:</b>	Zoe Buick		

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