

Wiltshire Council Human Resources

Smoke-free Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

This policy and procedure details the arrangements to provide a smoke-free environment at work in order to reduce the health risks associated with smoking and provide a health working environment for our employees.

It also provides information and support for individuals who wish to stop smoking.

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Who does it apply to?

This policy applies to all Wiltshire Council employees, with the exception of teaching and non-teaching staff employed in maintained schools or academies.

This policy also applies to councillors, temporary employees, casuals, contractors, sub-contractors, consultants, agency workers, staff seconded from other organisations, volunteers, visitors and members of the public.

This policy also applies to employees of other organisations sharing a Wiltshire Council site.

When does it apply?

This policy applies to all Wiltshire Council premises, grounds and vehicles.

What are the main points?

Smoke-free sites

1. Wiltshire Council is committed to providing a smoke-free environment for employees and the public, and therefore all the council's premises and grounds are smoke-free.
2. You are not permitted to smoke during paid working time. If you wish to smoke, this should be during your normal authorised rest breaks (e.g. lunchtime)
3. If you wish to smoke during authorised rest breaks, you must smoke away from Wiltshire Council grounds and entrances and ensure that you are not exposing any other individual to second-hand smoke, such as making sure that you are away from windows and entrances to any other buildings and grounds.

Electronic cigarettes

4. This policy also applies to the use of electronic cigarettes (e-cigarettes) and use of these is not permitted on Wiltshire premises, grounds and in Wiltshire Council vehicles.
5. Electronic cigarettes should not be used during your working hours.

Customer facing roles

6. If you work in a customer facing role that involves visiting members of the public in their own homes or similar establishments, you must not smoke during these visits whilst on work duties.
7. If a member of the public is known to be a smoker, your manager will carry out a risk assessment (as required for all customer facing roles) of all of the significant risks that you may face with carrying out your work duties and will make arrangements to avoid these risks.

Council owned vehicles (council commercial fleet)

8. Is it illegal to smoke in a work vehicle. All council owned vehicles are smoke-free and should display the appropriate signage showing that smoking is prohibited
9. Your manager has the right to inspect council owned vehicles to ensure that they remain smoke-free.

Pool vehicles

10. All pool vehicles are smoke-free and should display the appropriate signage showing that smoking is prohibited.
11. Fleet services will be responsible for checking that the pool cars remain smoke-free.

Privately owned vehicles

12. If you use your own private vehicle for work purposes and are carrying colleagues on work duties on an ad-hoc basis you are requested to refrain from smoking.
13. If you use your own private vehicle for work purposes and are required to transport colleagues, clients or service users regularly, you are not permitted to smoke whilst on these duties.
14. You are not permitted to smoke in privately owned vehicles parked within Wiltshire Council grounds.

Salary sacrifice vehicles

15. All vehicles through the salary sacrifice scheme are smoke-free and should display the appropriate signage.
16. If you are found to have been smoking in the vehicle, on its return to the provider you may incur a penalty charge to cover the costs of cleaning the vehicle.

Visitors to Wiltshire Council sites

17. Visitors to council premises will be required to follow this policy and procedure.

18. You should advise any visitors of the smoking policy and request that they refrain from smoking. You should direct them away from Wiltshire Council premises and grounds.

Support to stop smoking

19. If you wish to stop smoking, support is available from occupational health or Wiltshire Stop Smoking Service. Support includes (but is not limited to):
 - Access to a smoking cessation advisor. Specialist stop smoking advisors are based at each of the council hubs, however there is also the option to be seen at another venue. Both of these are by appointment only. Please contact the stop smoking team to arrange an appointment and to discuss your support options. Further information is available via the [Wiltshire Stop Smoking Service](#) website .
 - Local support groups or 1-2-1 sessions. Further information is available via the [Wiltshire Stop Smoking Service](#).
 - Time off (with the agreement of your manager) to attend a stop-smoking programme.
 - Funding for one 12 week course of Nicotine Replacement Therapy or Champix (with the agreement of your manager and based on the NHS prescription charge to include a maximum of 6 prescription charges).
 - Health Trainers. If you do not want to stop smoking completely but would like to cut down, Health Trainers can support you. Further information is available via the [Health Trainers](#) pages on the Wire.
20. You should wherever possible arrange to attend stop smoking support sessions out of working time. Where this is not possible, paid time off may be authorised. This is subject to a limit of one session per week for 6 weeks (or equivalent) and once claimed may not be claimed for any future programmes unless in exceptional circumstances.

Roles and responsibilities

Employee responsibilities

21. To comply with the arrangements set out in this policy. Failure to do so will be treated in accordance with the [disciplinary policy and procedure](#).
22. To ensure that Wiltshire Council premises and grounds remain smoke-free and that any other party complies with the arrangements set out in the policy.

Line manager responsibilities

23. To ensure that employees comply with the smoke-free policy.
24. To ensure that Wiltshire Council premises and grounds remain smoke-free and that any other party complies with the arrangements set out in the policy.
25. To check any council owned vehicle (council commercial fleet) used by your employees to ensure that it remains smoke-free.

HR responsibilities

26. To provide advice and guidance on this policy and procedure and to support the line manager where appropriate.

Public health and occupational health responsibilities

27. To provide signposting to stop-smoking programmes and support for employees wishing to stop smoking.

Facilities management responsibilities

28. To provide appropriate smoke-free signage.

Frequently asked questions

29. What support is available to me if I want to stop smoking?

If you wish to stop smoking, support is available from Wiltshire Stop Smoking Service. The service can be contacted on the following:

www.wiltshirestopsmoking.co.uk

www.wiltshire.gov.uk/healthandsocialcare/publichealthwilts/stopsmoking-service.htm

by email wiltstopsmoking@nhs.net

or by phone 0300 003 4562

30. My work is particularly stressful at the moment and I need to smoke during my working day. Am I able to do so?

Smoking during paid working time is not permitted. You should discuss this with your manager who will look at ways to help reduce and manage the sources of your concerns.

31. I have a salary sacrifice car through the green car scheme. Am I allowed to smoke in the car?

No. You are not permitted to smoke in your salary sacrifice car. However, you are permitted to use an electronic cigarette as this is outside of the smoke-free regulations.

32. I am car sharing on work duties with a colleague who smokes in their own car. Will I be expected to car share with them if they smoke?

If the employee as the owner of the vehicle is a smoker and you do not wish to travel in the vehicle you should raise this with your manager who will consider arrangements for alternative transport for work duties.

33. Can I use an electronic cigarette whilst undertaking work duties?

No, you may not use an electronic cigarette during work duties. If you wish to use an electronic cigarette, this should be during your normal authorised rest breaks (e.g. lunchtime).

Equal Opportunities

This policy has been [Equality Impact Assessed](#) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Legislation

Health Act 2006

The Smoke-free (Premises and Enforcement) Regulations 2006

The Smoke-free (Exemptions and Vehicles) Regulations 2007

The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007

This policy has been reviewed by an external legal organisation to ensure compliance with (the above legislation and) our statutory duties.

Advice and guidance

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

Further information

Related information is also available at the following:

www.wiltshirestopsmoking.co.uk

www.gosmokefree.nhs.uk

www.nhs.uk/smokefree

www.wiltshireccg.nhs.uk/your-health/help-to-stop-smoking

www.smokefreesouthwest.org.uk

www.wiltshire.gov.uk/healthandsocialcare/publichealthwilts/healthtrainers

There is also a manager guidance to use when following this policy and procedure.

For further information please speak to your supervisor, manager, associate director or contact your [HR advisor](#).

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