

## Wiltshire Council Human Resources

### Smoking 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 promote a smoke-free environment for employees to reduce the health risks associated with smoking.

It acknowledges that some employees may wish to smoke and therefore includes arrangements for individuals to smoke during their working day.

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 locally managed schools).

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

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

### **When does it apply?**

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

### **What are the main points?**

#### Support to stop smoking

1. If you wish to stop smoking, support is available from occupational health or NHS Wiltshire. Support includes (but is not limited to):
  - Access to a smoking cessation advisor
  - Information about local support groups or 1-2-1 sessions
  - Time off (with the agreement of your manager) to attend a stop-smoking programme
  - Funding for one 12 week course of stop-smoking treatment (with the agreement of your manager and based on the NHS prescription charge to include a maximum of 6 prescription charges)
2. You should wherever possible arrange to attend stop smoking support sessions out of work 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.
3. For further information about the support available please contact occupational health or the NHS at [www.wiltshire.nhs.uk](http://www.wiltshire.nhs.uk), [www.smokefree.nhs.uk](http://www.smokefree.nhs.uk), or by telephoning 01380 733891.

#### Designated smoking areas

4. 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 except for where designated smoking areas have been identified.
5. Designated smoking areas are located at the main Wiltshire Council workplaces of:
  - Bourne Hill in Salisbury

- Bradley Road in Trowbridge
  - Browfort in Devizes
  - County Hall in Trowbridge
  - Monkton Park in Chippenham
  - Shurnhold in Melksham
  - Other specific sites where specific arrangements apply
6. Smoking outside of the designated smoking areas is not permitted.
  7. You are only permitted to smoke at one of the designated smoking areas when you are on a smoking break that has been agreed by your manager.
  8. The designated smoking areas are clearly identifiable and signposted. Cigarette bins are provided and you should ensure that any litter is cleared away.
  9. The existing shelters at Bradley Road and Riverway depot will continue to be in place until they become beyond repair. When this occurs, a designated area will be allocated in their place.

#### Smoking at other Wiltshire Council sites

10. If you wish to smoke at a Wiltshire Council site that does not have a designated area, smoking is not permitted within the grounds.
11. You should smoke away from Wiltshire Council grounds 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 buildings.
12. At these sites the arrangements for smoking breaks still apply and you must ensure that you only smoke on an agreed break.

#### Designated smoking breaks

13. It is accepted that some employees may wish to smoke during the working day. However, smoking breaks must not detract from work duties and must not cause disruption to other employees. Any smoking breaks must be agreed with your manager.
14. You may be permitted unpaid smoking breaks during the working day other than your normal authorised rest breaks (e.g. lunchtime / shift breaks) at the discretion of your manager. Your manager will consider

the impact of this break upon service delivery and the normal arrangements for breaks within your team.

15. If your manager agrees that you may take a smoking break, they will agree the maximum number of smoking breaks that you may take and when these may be taken. Smoking breaks should never exceed an extra 30 minutes per day in addition to your normal authorised rest breaks (lunchtime / shift breaks).
16. You are not permitted to smoke during paid work time. Any time taken for a smoking break will be unpaid and you should discuss with your manager how the time taken will be made up during your working day. For example, you should consider:
  - using flexitime
  - extending the hours that you are at work
  - reducing the length of your normal authorised rest break (lunchtime / shift break) subject to the required minimum of 30 minutes for every 6 hours worked as stated in the [flexitime policy](#).

#### Customer facing roles

17. 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.
18. If you are in a customer facing role (such as grounds staff) you must not smoke whilst on work duties. If you wish to smoke, any smoking breaks should be discussed with your manager who may make arrangements taking into account your individual circumstances and the normal arrangements for authorised rest breaks within your team.

#### Council owned vehicles (council commercial fleet)

19. All council owned vehicles are smoke-free and should display the appropriate signage showing that they are non-smoking areas.
20. Your manager has the right to inspect council owned vehicles to ensure that they remain smoke-free.

#### Pool vehicles

21. All pool vehicles are smoke-free and should display the appropriate signage showing that they are non-smoking.

22. Fleet services will be responsible for checking that the pool cars remain smoke-free.

#### Privately owned vehicles

23. 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.
24. 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.
25. Privately owned vehicles parked within the grounds of Wiltshire Council sites must not be used as smoking areas.

#### Lease and salary sacrifice vehicles

26. All lease cars and vehicles through the salary sacrifice scheme are smoke-free and should display the appropriate signage.
27. 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

28. Visitors to council premises will be required to follow this policy and procedure.
29. You should advise any visitors of the smoking policy. Should they wish to smoke, you should direct them off of the council's premises or to a designated smoking area (where provided).

### **Roles and responsibilities**

#### Employee responsibilities

30. 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](#).
31. To ensure that any visitors to Wiltshire Council comply with the arrangements set out in the policy.

#### Line manager responsibilities

32. To ensure that employees comply with the smoking policy.
33. To make arrangements where appropriate for employees who wish to smoke during the working day based upon the team's normal arrangements for authorised rest breaks (lunchtime / shift breaks) and impact upon service delivery.
34. To ensure that any visitors to Wiltshire Council comply with the arrangements set out in the policy.
35. To check any council owned vehicle (council commercial fleet) used by your employees to ensure that it remains smoke-free.

#### HR responsibilities

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

#### Occupational health responsibilities

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

#### Facilities management responsibilities

38. To maintain the designated smoking areas including providing appropriate signage and bins for any litter.

#### Frequently asked questions

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

If you wish to stop smoking, support is available from NHS Wiltshire (stop smoking service) at [www.wiltshire.nhs.uk](http://www.wiltshire.nhs.uk), [www.smokefree.nhs.uk](http://www.smokefree.nhs.uk) or by telephoning 01380 733891. A smoking cessation advisor can be accessed through occupational health.

40. I need to take a smoking break, what should I do?

You should discuss your needs with your manager. They will agree whether it is appropriate for you to take smoking breaks based upon your individual circumstances, the normal arrangements for breaks for the team and service delivery.

41. I wish to smoke but there is not a designated smoking area at the building that I work.

If you work at a building that does not have a designated smoking area, you may only smoke off the premises and grounds. You should ensure that you are away from any windows and entrances and do not create second-hand smoke that has an impact on any other person.

42. I work in a residential establishment, which does not have a designated smoking area and I am unable to leave the grounds to smoke due to the nature of my work.

You should discuss your wish to smoke with your manager. Local arrangements may already be in place where you work to allow employees to smoke on an authorised rest break or agreed smoking break.

43. My work is particularly stressful at the moment and I need to take more smoking breaks than normal. Am I able to do so?

You should discuss this with your manager who will look at ways to reduce your stress levels. If you require an additional smoking break to those agreed, you should discuss this with your manager in advance.

44. I have a lease car through Wiltshire Council's lease car scheme. Am I allowed to smoke in the car?

No. You are not permitted to smoke in your lease car.

45. 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.

46. My job involves visiting members of the public in their own homes. Will I be expected to visit them if they smoke?

Your employer is responsible for protecting you from any risks to your health. Your manager will carry out a risk assessment of all of the significant risks that you may face with carrying out your work duties and will make arrangements to avoid these risks.

47. 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.

### **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 that you should be aware of includes:

[www.smokefreeworking.com](http://www.smokefreeworking.com)



[www.smokefree.nhs.co.uk](http://www.smokefree.nhs.co.uk)

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

For further information please speak to your supervisor, manager, service director or contact your HR advisor.

Policy author	HR Policy and Reward Team – LB
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