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**Smokefree Policy**

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| **Committee Approved:** | Health and Safety/ Executive Director Corporate Affairs |
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**AMENDMENTS**

Amendments to the policy may be issued from time to time. A new amendment history will be issued with each change.

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# Introduction

Humber and North Yorkshire Integrated Care Board (hereinafter referred to as “the ICB”) is committed to supporting its staff, those people whom the ICB serves and all who visit its sites. Accepting this responsibility requires the ICB to be clear with our commitment to improving public health, so that we may legitimately encourage others to do the same. The ICB understands that our reputation is not based on what we say or claim to be, it is based on the leadership we demonstrate through our corporate policies and the behaviours and actions of our workforce.

The ICB employs staff from many different groups, including those whose members are bound by Codes of Conduct, such as midwives, nurses, healthcare workers, doctors, pharmacists, and a diverse range of allied health professionals.

The ICB recognises the importance of supporting staff to work and deliver care that is aligned with these Codes of Conduct. Accordingly, the Smokefree Policy has been set to reflect these Codes of Conduct and the ICB’s four aims; to improve outcomes in population health and healthcare, tackle inequalities in outcomes, experience, and access, enhance productivity and value for money and help the NHS support broader social and economic development.

The ICB recognises that tobacco dependency is a chronic, relapsing, and treatable condition, which we have the same responsibility to treat as we do other similar medical conditions.

The ICB recognises that the implementation of this Policy must be supportive of people who smoke, those people who do not smoke, and those people who wish to either reduce the amount that they are smoking or stop smoking entirely. In accordance with this position this Policy has been developed to support our workforce, those we work with and those who visit our sites, to achieving an entirely Smokefree estate.

This Policy is supported by the Health Care Partnership’s Tobacco Dependency Treatment Services and our human resource policies, which are available here: [Employment - Humber and North Yorkshire Integrated Care Board (ICB)](https://humberandnorthyorkshire.icb.nhs.uk/documents-and-publications/employment/).

# Purpose

The principal objectives of this Policy are to:

* Ensure that people can work in or visit the ICB in a smoke free environment.
* Protect and improve the health staff, those people whom the ICB serves and all who visit its sites.
* Support employees who wish to stop smoking.
* Protect individuals from the danger to their health of exposure to second-hand smoke.
* Align the ICB with the commitments made in the NHS Long Term Plan and the Government commitment to achieving a Smokefree generation by 2030 and fulfil our agreement to [The NHS Smokefree Pledge - ASH](https://ash.org.uk/resources/smokefree-nhs/the-nhs-smokefree-pledge).

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# Scope of the Policy

The policy applies to NHS Humber and North Yorkshire and all its employees and must be followed by all those who work for the organisation, including the Integrated Care Board, Integrated Care Partnership, those on temporary or honorary contracts, secondments, pool staff, contractors, visitors and students.

# Definitions

Smoking is defined as 'smoking tobacco or anything which contains tobacco, or smoking any other substance', and includes being in possession of lit tobacco or of anything lit which contains tobacco, or being in possession of any other lit substance in a form in which it could be smoked. This definition covers all forms of smoking, including cigars and pipes. Provided that the substance is lit, there is no need for it to be inhaled for it to be covered by the ban.

Vaping is defined as the action or practice of inhaling and exhaling vapour containing nicotine and flavouring produced by a device designed for this purpose such as an e-cigarette, vape pen or other electronic nicotine delivery system (ENDS).

# Duties/ Accountabilities and Responsibilities

## Chief Executive

Th Chief Executive has overall accountability/ responsibility for this policy and will ensure that the Policy is:

* maintained across the organisation’s estate.
* updated in line with service developments or changes in law.

## Executive Directors, Directors or Head of Service

* The Executive Director for Corporate Affairs is responsible for the development, implementation, promotion, and monitoring of the Policy and will be supported by the Health and Safety Group. This will involve any alterations to estate e.g. the removal of any smoking shelters if required and reattribution of any areas previously used for smoking and installation and upkeep of Swap and Stop branded signage and materials on sites.
* Other Executive Directors, Directors and Heads of Service must ensure that members of staff are aware of this policy and processes to be followed and support any campaigns aimed at encouraging staff to quit smoking.

## Workforce Team

* Ensure effective occupational health services are available to assist staff to access appropriate services and consider organising occasional stop smoking events.
* Work in partnership with managers and Trade Union Representatives to ensure employees are treated fairly and consistently within the framework of the policy.
* The Workforce Team may need to advise and support managers in dealing with breaches of this policy.

## Line managers

* Managers have a duty to ensure that this policy is enforced within their area of management responsibility. This includes making new and current employees aware of this policy and dealing with employees who are in breach of this policy.
* Managers will take reasonable steps to ensure that adequate arrangements are in place to enable the policy to be fully implemented in the workplace. This will include ensuring that all staff, patients, and visitors comply with the policy.
* Managers may provide their employees with appropriate support if requested (i.e.: advice on smoking cessation groups)
* Managers have a responsibility to ensure breaches of this policy are dealt with appropriately in accordance with the ICB Disciplinary policy.

## All staff

All staff should:

* Ensure that they always adhere to the ICB’s Smokefree Policy by not smoking in any of the places covered by the Policy.
* Smoking is not allowed in any vehicle owned, leased, or rented by the ICB. In addition, vehicle owners who utilise their private vehicles during working hours for the transportation of passengers or equipment will not be permitted to smoke or allow passengers to smoke whilst on ICB business. Staff should be aware that whilst not a legal obligation, smoking in a vehicle could be deemed to constitute driving without due care and attention which could result in prosecution.
* If they feel comfortable to do so they may approach a person who is in breach of the Policy to inform them of the Policy and make aware of the support available. Alternatively, they should notify their manager or member of staff at the premises involved if they observe anyone in breach of this Policy.

## Responsibilities for approval

The Director Corporate Affairs under advisement of the Health and Safety Group will approve the Policy.

# Policy Document Requirements

The ICB’s preferred position will always be that staff use the opportunity presented by a Smokefree work Policy and work environment to achieve a Smokefree home environment. In accordance with this, we will provide support and advice to staff who wish to stop smoking and where it is practically possible, respect the rights of those who continue to smoke.

This Policy prohibits smoking by any person anywhere within the ICBs buildings on land that is owned or leased by the ICB, and by staff on or within any premises/land designated as Smokefree by partner organisations.

Smoking is not permissible whilst staff are on duty. Should an individual wish to smoke, they must leave ICB’s premises, not be identifiable as ICB staff whilst smoking, and only do so during their unpaid breaks.

Smoking is not permitted at access points to the ICB’s grounds, in the area immediately adjacent to any entrance to the ICB’s buildings, or near to areas where the ICB’s logo is displayed. Staff should also be mindful of residents when choosing an area to smoke. Breaches of Policy will be enforced in line with the ICB’s Disciplinary Policy.

Where a member of staff is public facing, then the ICB would strongly advise that they do not attend meetings, or other appointments, with the odour of smoke on their clothing.

## Use of nicotine vaping devices

The ICB recognises that some people choose to use nicotine vaping devices (hereinafter referred to as “vapes”) rather than smoking. Where the term smoking appears in this document it refers to the action of smoking and not to vaping.

The ICB supports the use of vapes during official breaks and before and after duty, and on ICB premises whilst outdoors. As a courtesy, all persons should vape away from main entrances and open windows.

Staff are permitted to remain in uniform whilst vaping. There is no requirement for staff to remove ICB identifiers, for example ID badges or lanyards, whilst vaping.

In this way the ICB aims to support staff health by encouraging the switch to a vape, or by their use to reduce smoking, in line with NICE guidance NG-209 SUPPORT FOR STAFF

It is the joint responsibility of the member of staff and their line-manager to ensure that reasonable allowances are made for the individual to leave the premises on breaks to smoke as they would for any other reason.

## Support to those staff who wish to stop smoking

The ICB will provide support to those staff who wish to stop smoking and make the details of this available on the ICB’s website [Tobacco Dependency Treatment Programme - Humber and North Yorkshire Health and Care Partnership](https://humberandnorthyorkshire.org.uk/our-work/tobacco-dependency-treatment-programme/).

This includes a combination of behavioural support, advice and/or Nicotine Replacement Therapy (NRT). Support will be provided by local stop smoking services based in the community. A direct referral to these services can be made via a QR code or telephone number.

Staff may also wish to access the Employee Assistance Programme (EAP) [Staff Handbook - 1 (pagetiger.com)](https://humberandnorthyorkshire.pagetiger.com/ICB-staff-handbook/1)

## Support for staff and visitors

Local authorities in Humber and North Yorkshire offer free local help to anyone who wants to stop smoking. Evidence shows that individuals are up to three times more likely to succeed in giving up smoking by seeking support from local stop smoking services rather than by willpower alone.

[Find Your Local Stop Smoking Service (LSSS) - Better Health - NHS (www.nhs.uk)](https://www.nhs.uk/better-health/quit-smoking/find-your-local-stop-smoking-service/)

Support, advice, and information on giving up smoking is also available from:

• Local GP practice

• Local pharmacy

• NHS Smoking Helpline 0800 169 0169

• NHS Pregnancy Smoking Helpline 0800 169 9169

• NHS Smokefree website [Quit smoking - Better Health - NHS (www.nhs.uk)](https://www.nhs.uk/better-health/quit-smoking/)

• [Humber and North Yorkshire Swap and Stop Campaign (orchahealth.com)](https://orchahealth.com/hnyswapstopcampaign/#:~:text=The%20Swap%20and%20Stop%20Campaign,Yorkshire%20region%20to%20stop%20smoking.)

# Consultation

The Policy is based on an approved Smokefree Policy produced following engagement with local Trust staff. The ICB Staff Wellbeing Group, Social Partnership Forum and Health and Safety Group have all been involved in the development of this Policy.

# Training

There is no specific training relating to this policy, however, staff will be made aware of the support available through induction and appraisal processes.

# Monitoring Compliance

Line Managers will monitor compliance with this Policy and any breaches will be reported via the Health and Safety Group.

# Arrangements for Review

This Policy will be reviewed every two years.

# Dissemination

This Policy will be published on the ICB website and promoted through the staff newsletter. Promotional material will also be made available for any quit smoking campaigns.

# Associated Documentation

The management of the No Smoking Policy will operate within the following legal framework:

• Health Act (2006)

• The Health & Safety at Work etc. Act 1974

• Smoke-Free (Premises and Enforcement) Regulations (2006)

• Smoke-Free (Exemptions and Vehicles) Regulations (2007)

• Smoke-Free (Signs) Regulations (2007)

• Smoke-Free (Penalties and Discounted Amounts) Regulations (2007)

• Smoke-Free (Vehicle Operators and Penalty Notices) Regulations (2007)

Further guidance can be found at:

• Protecting Community Staff from Exposure to Second-hand Smoke (2006) RCN Best Practice Guide

• Chartered Institute of Personnel and Development Website: [CIPD | The Professional Body for HR & People Development](https://www.cipd.org/uk/?gclid=EAIaIQobChMI48Owgb2thAMVjJhQBh0oLAoSEAAYASAAEgI-P_D_BwE)

Relevant ICB Policy:

* ICB Disciplinary Policy

# References

* NICE guidance NG-209 SUPPORT FOR STAFF

# Impact Assessments

## Equality

NHS Humber and North Yorkshire ICB is committed to creating an environment where everyone is treated equitably and the potential for discrimination is identified and mitigated. It aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.

There is no adverse impact as a result of this policy.

## Bribery Act 2010

Due consideration has been given to the Bribery Act 2010 in the development (of this policy document. The ICB follows good NHS business practice as outlined in the Business Conduct Policy and the Conflicts of Interest Policy and has robust controls in place to prevent fraud, bribery and corruption. Under the Bribery Act 2010 there are four criminal offences:

• Bribing or offering to bribe another person (Section 1)

• Requesting, agreeing to receive or accepting a bribe (Section 2);

• Bribing, or offering to bribe, a foreign public official (Section 6);

• Failing to prevent bribery (Section 7).

## General Data Protection Regulations (GDPR)

The ICB is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the Data Protection & Confidentiality Policy and related policies and procedures.