

Ryedale & District Mencap

Smoke Free Policy

April 2022

Ryedale & District Mencap

Smoke Free Policy

This policy has been adopted by Ryedale & District Mencap through its Trustee Committee which remains responsible for its review.

Original signed version is kept in the Ryedale & District Mencap registered office.

Signed:

Date:

Name:

Chair of Trustee Committee

Signed:

Date:

Name:

Committee Member

Record of adoption and review of this policy and procedure:

Adopted:

Due for review:

Ryedale & District Mencap Smoke Free Policy

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2. Context

This policy aims to:

- Protect all staff and service users from the harmful effects of second-hand tobacco smoke
- Ensure that all parties have a clear understanding of their rights and responsibilities
- Ensure that Ryedale & District Mencap complies with relevant legislation

This policy recognises that second-hand smoke adversely affects the health of all employees, volunteers and groups who use the building and anyone who visits the Ryedale & District Mencap approved premises, and is therefore concerned about where people smoke and the effect this has on other employees and members of the public.

This policy has been created to ensure that Ryedale & District Mencap complies with current legislation. (see section 6)

3. Scope

This policy seeks to guarantee all staff, volunteers and groups who use Ryedale & District Mencap approved premises the right to work and carry out activities in air free of smoke generated by all types of burnt and smoked products. Smoking is prohibited anywhere in the building with no exceptions.

Smokers are asked to refrain from smoking at entrances and exits to the building or near to open windows. This policy applies to all staff, volunteers, visitors and groups who use the building.

4. Statement of Policy

a) Definition

The smoke free policy covers all types of burnt and smoked products including cigarettes, tobacco and non-tobacco products. This policy also applies to e-cigarettes and vapour pipes.

b) Smoking areas

Smoking is permitted outside, but is not permitted anywhere inside the Ryedale & District Mencap approved premises. Smoking is discouraged anywhere near the entrance or exits. Do not dispose of waste smoking materials on the ground, please use appropriate means to dispose of waste materials.

c) Smoking Breaks

Staff who wish to smoke during the working day may do so during normal work breaks in accordance with arrangements set down by the Ryedale & District Mencap Trustee Committee.

d) Volunteers, Visitors and Groups using the Centre

Staff members are expected to inform volunteers, visitors and groups using any approved location of this policy. However, they are not expected to enter into any confrontation that may put their personal safety at risk.

e) Support for smokers

Comprehensive advice and support on giving up smoking can be found at:

<http://www.nhs.uk/smokefree>

<https://www.facebook.com/NHSSmokefree>.

Call the free Smokefree National Helpline to speak to a trained expert adviser.

Call: 0300 123 1044 all lines are open Monday to Friday 9am to 8pm and Saturday and Sunday 11am to 4pm

Alternatively contact your local NHS stop smoking advisers via the following link:

<http://www.nhs.uk/Livewell/smoking/Pages/NHS-stop-smoking-adviser.aspx>

f) Informing staff of the policy

Staff will be informed of the policy at induction when they start work for the Society.

g) Recruitment Procedures

Particulars of vacancies will include reference to this policy.

h) Non-Compliance

It is expected that all staff, volunteers, visitors and groups that use the centre will comply with this policy. Any infringement of these rules by an employee, volunteer, visitor or group using the centre may result in disciplinary action being taken against them.

In the event of a breach of this policy by a member of staff, volunteer, visitor or group using the centre they will be asked to extinguish all smoking materials and be informed of the external smoking area. If they continue to smoke, the matter should be referred to the Chair of the Trustee Committee. Visitors will be asked to stop smoking and if they refuse to comply with this policy they will be asked to leave the building.

i) Implementation

Ryedale & District Mencap Management Committee are responsible for implementing and monitoring this policy.

5. Review

This policy will be reviewed as required.

6. Legislation informing this policy

This policy has been created to ensure that the Ryedale & District Mencap complies with the following legislation:

Health and Safety at Work Act 1974

Section 2(2) of this act places a duty on employers to ensure “the provision and maintenance of a working environment for employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work”.

Management of Health and Safety at Work Regulations 1999

These regulations, under General Principles of Prevention, cover risk management, including avoiding risks, combating risks at source, replacing the dangerous with the non/less dangerous and giving collective protective measures priority over individual protective measures.

Health Act 2006

From 1 July 2007, as a result of the Health Act 2006, virtually all enclosed public places and workplaces in England became smoke free.

Section 2 of this Act sets out that premises that are open to the public, or are used as a place of work by more than one person, or where members of the public might attend to receive or provide goods or services, are smoke free in the areas that are enclosed or substantially enclosed.

Premises are considered to be enclosed if they have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed, whether on a permanent or temporary basis.

Premises are considered to be substantially enclosed if they have a ceiling or roof, but there are permanent openings in the walls which are less than half of the total area of walls, including other structures which serve the purpose of walls and constitute the perimeter of premises. When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings can be open or shut. This is known as the 50% rule. A ‘roof’ included both fixed and moveable structures.

The regulations also require enclosed vehicles to be smoke free at all times, if they are used by members of the public or in the course of paid or voluntary work by more than one person.

People who use their cars for business purposes during working hours and are transporting other people should not smoke in the vehicle whilst on any business.

If you are travelling alone during business hours you can smoke but if someone else is travelling with you in the next 20 minutes or so you should not smoke in the vehicle as they will get the effects of second hand smoke.