

 <b>Warwickshire POLICE</b>  <b>West Mercia POLICE</b>		<b>POLICY</b>
Security Classification	<b>OFFICIAL</b>	
Disclosable under Freedom of Information Act 2000	Yes	

<b>POLICY TITLE</b>	<b>Smoking Policy</b>
REFERENCE NUMBER	<b>A196</b>
Version	<b>1.0</b>

<b>POLICY OWNERSHIP</b>	
DIRECTORATE	ENABLING SERVICES
BUSINESS AREA	OCCUPATIONAL HEALTH

IMPLEMENTATION DATE	<b>November 2017</b>
NEXT REVIEW DATE:	<b>November 2020</b>
RISK RATING	<b>LOW</b>
EQUALITY ANALYSIS	<b>LOW</b>

Warwickshire Police and West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy. Please e-mail [contactus@westmercia.pnn.police.uk](mailto:contactus@westmercia.pnn.police.uk)

## **POLICY IDENTIFICATION PAGE**

This document has been compiled to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy will therefore ensure compliance with all relevant legislation and internal policies.

### **1.0 POLICY OUTLINE**

Warwickshire Police and West Mercia Police promotes a healthy working environment for employees and aims to protect non smoking staff from the dangerous effects of passive smoking whilst in police buildings and vehicles, in compliance with the requirements of the Health and Safety at Work Act 1974 and workplace smoking legislation – Part 1 of the Health Act 2006. It is the responsibility of all heads of departments to ensure this is implemented and uniformly enforced throughout the alliance.

### **2.0 PURPOSE OF POLICY**

Warwickshire Police and West Mercia Police objective is to promote a healthy working environment for all its staff. The alliance accepts the medical evidence that lung cancer, chronic bronchitis and other serious diseases are directly linked to smoking and the concern raised of the effects of passive smoking on non-smokers. In light of legislative changes and the overwhelming evidence in relation to the dangers of smoking to health, the alliance has requested that all buildings and police vehicles are smoke free zones. There are designated smoking areas on all police premises.

All employees and officers have a responsibility to co-operate with an employer to ensure health and safety in the workplace.

Smoking for the purpose of the policy is defined as the smoking of cigarettes, cigars and pipes. This also includes the use of electronic cigarettes (e-cig or e-cigarettes), personal vaporizer (PV) or electronic nicotine delivery systems (ENDS).

### **3.0 IMPLICATIONS of the POLICY**

- ◆ Code of Practice on the Management of Police Information;
- ◆ Risks / Health and Safety considerations;
- ◆ Human Rights / Equality / Data Protection / Freedom of Information;
- ◆ Legal considerations;
- ◆ Financial Implications;
- ◆ Implementation requirements – designated smoking areas across the alliance.

## **4.0 PROCEDURE**

### **4.1 Definition of Workplaces**

#### General Workplaces/Recreational Areas

This requirement will extend to all offices, washrooms, toilets, parade rooms, lifts, passages, stairs, kitchens, refreshment areas, bars/social clubs, games rooms and public areas of police buildings.

Offices with only one occupant will be designated as a non-smoking area in order to protect other members of staff who may have cause to enter that office.

It is not acceptable for uniformed officers to smoke in public places or when dealing with members of the public.

### **4.2 Vehicles**

- i) All police vehicles including hired and loaned vehicles will be smoke free. Passengers, whatever category and drivers must refrain from smoking.
- ii) Casual/essential car users who are travelling on force business using their own private vehicles will not smoke whilst travelling with non-smokers.
- iii) Staff / Officers are not permitted to smoke in their own private vehicles whilst parked on force premises.

### **4.3 Meetings**

All meetings will be smoke-free regardless of where they are held. This requirement will include members of the public and visitors who may be present. Responsibility for this requirement rests with the Chair of the meeting.

### **4.4 Recruitment**

The 'No Smoking Policy' will be regarded as a term in all employees' contracts of employment. The force will bring the policy to the attention of all new employees including potential applicants for employment.

No member of staff shall be required by his/her contract of employment or otherwise to work in a smoking environment.

### **4.5 Existing Staff / Officers**

All existing members of staff / officers will be required to observe this policy. Any employee who encounters a breach of the policy and who wishes to pursue the issue should in the first instance raise the issue with their line manager. If the matter is not resolved to the employee's satisfaction or the breach of the policy continues; contact should be made with their HR manager.

In cases where staff breach the policy, disciplinary action may be introduced as a final measure, but only following the failure of discussion, counselling, staff association or trade union intervention and any other appropriate means.

#### 4.6 Assistance for Smokers

Any employee / officer who experiences difficulties in meeting the requirements of this policy should discuss the matter with their line manager or supervisor or with their HR manager.

There are designated smoking shelters at various sites in the alliance.

Information relating to smoking cessation and No smoking day can be obtained from the various websites listed below, or visit the Occupational Health Team for further advice.

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

<https://www.nhs.uk/livewell/smoking/Pages/stopsmokingnewhome.aspx>

<https://www.bhf.org.uk/heart-health/risk-factors/smoking>

#### 4.7 Monitoring and Review

The policy will be periodically reviewed to ensure that it meets the objectives of the Alliance and when there are changes in legislation or new technology. The Occupational Health Manager is responsible for monitoring the implementation and impact of this policy. This policy will be reviewed three yearly.

#### 4.8 Appeals Process

If a member of staff has an issue with the application of this policy, they should raise this in the first instance with their line manager. Staff may have recourse to the Dispute Resolution Procedure.

Visitors, contractors and members of the public who take issue with the application of this policy have recourse to the police complaints system.

#### 5.0 DOCUMENT HISTORY

<b>Date</b>	<b>Author / Reviewer</b>	<b>Amendment(s) &amp; Rationale</b>	<b>Date of Approval / Adoption</b>
August 2017	Pamela Farmer – Clinical Nurse Amanda Teague - Occupational Health Manager	New harmonised policy to support national guidance on non-smoking	JNCC 07/11/2017

## 6.0 CONSULTATION

<i>Chief Officer/Business Lead Consulted</i>	<i>Date Communication Sent</i>
<i>CC Martin Jelley</i>	<i>August 2017</i>

Key stakeholders – Warwickshire Police and West Mercia Police (unless stated otherwise):

- Unison.
- Police Federation.
- Superintendents Association.
- National Police Chiefs Council.
- Local Policing Departments.
- Protective Services Departments.
- Enabling Services Departments.
- Health and Safety.
- Equality and Diversity.
- HR.
- Legal Services.
- Risk Management.

## 7.0 ASSESSMENT AND ANALYSIS

Every policy and procedure will be subject of an Equality Analysis (EA), Health and Safety Assessment (HAS) and Risk Assessment (RA) to be completed by the policy writer, and will be referred to if requested by the reader.