

SMOKING POLICY

September 2015

Important: This document can only be considered valid when viewed on the CCG's website.

If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.

HR Policy:	
Date Issued:	25 September 2015
Date to be reviewed:	3 years or if statutory changes are required

Policy Title:	Smoking Policy	
Supersedes:	All previous Smoking Policies	
Description of Amendment(s):	New Policy for CCG employees	
This policy will impact on:	All staff	
Financial Implications:	No change	
Policy Area:	HR	
Version No:	1	
Issued By:		
Author:	HR Policy Lead - adapted for local use by Yorkshire and Humber Commissioning Support on behalf of Hull CCG	
Document Reference:		
Effective Date:	25 September 2015	
Review Date:	25 September 2018	
Impact Assessment Date:	10 March 2015	
APPROVAL RECORD	JTUPF Sub Group	8 July 2015
	JTUPF	22 July 2015
	Governing Body	25 September 2015
Consultation:	All Staff via intranet	5 May 2015
	SLT Members Consultation:	7 April 2015

Contents

1.0	POLICY STATEMENT	4
2.0	PRINCIPLES	4
3.0	IMPACT ANALYSES	5
	3.1 Equality	5
	3.2 Bribery Act 2010	5
4.0	MONITORING AND REVIEW	5
5.0	RESPONSIBILITIES	6
6.0	BREACHES	7
7.0	IMPLEMENTATION AND MONITORING	7
8.0	DEFINITIONS	8
Guidance		
1	INTRODUCTION	9
2	E-CIGARETTE	9
3	ELIMINATING SMOKING AT HULL CCG	9
4	ASSISTANCE FOR EMPLOYEES TO GIVE UP SMOKING	9
Appendix 1	EQUALITY IMPACT ASSESSMENT	11

1. POLICY STATEMENT

1.1 This document sets out the NHS Hull Clinical Commissioning Group's (Hull CCG) approach to provide adherence in line with National smoking regulations. This should be read together with other relevant Hull CCG policies and procedures. Below is a link provided by Smoke free England NHS that explains the different Smoke free regulations;

<http://www.smokefreeengland.co.uk/thefacts/the-regulations.html>

1.2 The aim of this policy is to:

- Ensure that employees can work in or visit Hull CCG in a smoke free environment
- Support employees who wish to stop smoking
- Set a good example and enhance the image of Hull CCG through positive action
- Demonstrate adherence to the national NHS No Smoking Statement and adhere to National no smoking in line with Smoke Free Regulations 2007
- Reduce the risks associated with passive smoking which government research has shown to be dangerous to health.

1.3 This policy will apply to all employees with agenda for change terms and conditions of employment. This policy also applies to all persons on the Hull CCG site, including staff, volunteers, contractors, agency workers and visitors. The policy is applicable to the workplace including Hull CCG property, grounds associated sites and vehicles including lease cars but excluding designated smoking areas.

2. PRINCIPLES

2.1 This policy will be communicated to staff via team meetings/team brief and will be available for staff on the intranet.

2.2 Training and support will be available to all Line Managers in the implementation and application of this policy

2.3 Smoking (including the use of e-cigarettes or any other associated smoking equipment) is prohibited in **ALL** premises of Hull CCG in addition to external customer sites. Individuals should check with site management of each site to identify where the designated smoking areas are.

2.4 Hull CCG should set an example to other organisations, promote public health and create an environment that minimises the health risks to members of the public who access those services.

2.5 Hull CCG recognises that it has a legal obligation under the Health and Safety at Work Act 1974 to provide and maintain a working environment for all employees that is, so far as is reasonably practicable, safe and without risks to health.

2.6 A failure to comply with this policy will be treated as misconduct and as such may

lead to formal action in accordance with the Hull CCG Disciplinary Policy.

3.0 IMPACT ANALYSES

3.1 Equality

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

In developing this policy, an Equality Impact Analysis has been undertaken and is attached at Appendix 1. As a result of the initial screening, the policy does not appear to have any adverse effects on people who share protected characteristics and no further actions are required at this stage.

The application of this policy will be monitored alongside recruitment monitoring data to ensure fair application.

3.2 Bribery Act 2010

The CCG follows good NHS business practice as outlined in the Business Conduct Policy and has robust controls in place to prevent bribery.

Under the Bribery Act 2010, it is a criminal offence to:

- Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so; and
- Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant function or activity would then be performed improperly, or as a reward for having already done so.

Due consideration has been given to the Bribery Act 2010 in the development of this policy document and consistent application of this policy will mitigate bribery in relation to this policy.

4. MONITORING & REVIEW

- 4.1 The policy and procedure will be reviewed and audited periodically by the CSU Workforce Team in conjunction with the senior leadership team and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

5. RESPONSIBILITIES

Good working relations are vital for the organisation to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

5.1 Hull CCG

Hull CCG has a responsibility to ensure that staff are not exposed to health risks from passive smoking at work and actively encourage good health for all employees. The Chief Officer of Hull CCG has overall responsibility for this policy; however responsibility for its implementation and monitoring is shared by the Workforce Team and managers within the Hull CCG, as detailed below.

5.2 Employees

- Have a duty to comply with the requirements of this policy by not smoking on Hull CCG premises whilst at work. Employees should be made aware of specific smoking requirements or arrangements in regards to the premises/grounds they are working from. All employees will, in addition to this policy, be expected to adhere to the no smoking policies of any external premises at which they are working, based or visiting. It is the employees responsibility to use the designated smoking areas outside of the building if these are provided.
- Smoking is not allowed in any vehicle owned, leased, or rented by Hull CCG. 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 Hull CCG business.
- Whilst it isn't a legal obligation it is strongly encouraged not to smoke whilst in any vehicle as this could constitute to driving without due care and attention which could result in prosecution.
- For all clinical staff required to wear a uniform for work, it is not permissible to smoke whilst wearing the uniform.
- Employees are expected to have consideration for local neighbours. This includes avoiding smoking directly outside a neighbouring house/building, discarding cigarettes in neighbouring gardens and littering the neighbouring community.
- You should be aware of the potential residual smoke on clothes/person so consideration should also be given to colleagues/customers

5.3 Line Manager

- 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 Hull CCG Disciplinary policy.
- 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.

5.4 Human Resources Team

- To work in partnership with managers and Trade Union Representatives to ensure employees are treated fairly and consistently within the framework of the policy.
- Human Resources need to advise and support managers in dealing with breaches of this policy.

6. BREACHES

6.1 Any breaches of this policy will be managed in line with Hull CCG Disciplinary Policy.

7. IMPLEMENTATION AND MONITORING

7.1 Yorkshire and Humber Joint Trade Union Partnership Forum (Y&HJTUPF) Committee is responsible for formal approval of this policy. Following ratification the policy will be disseminated to staff via Hull CCG's intranet.

7.2 The policy and procedure will be reviewed periodically by Human Resources in conjunction with managers and Trade Union representatives where applicable. Where review is necessary due to legislative change, this will happen as soon as practicable.

8. DEFINITIONS

8.1 Smoking is the inhalation of the smoke of burning tobacco or any other substance encased in cigarettes, pipes, e-cigarettes and cigars. The use of any illegal substances whilst at work is explicitly prohibited and any employee suspected of using these substances shall be dealt with accordingly as per the substance misuse policy.

GUIDANCE

1 INTRODUCTION

- 1.1 Smoking is a major cause of illness and early death and the government is taking active measures to decrease smoking behaviour by reducing the number of public areas in which smoking is permitted.
- 1.2 On July 1st 2007, the Government introduced a new law to make virtually all enclosed public places and workplaces in England smoke free. A smoke free country ensures a healthier environment, so everyone can socialise and work free from passive smoke inhalation.
- 1.3 Hull CCG has prohibited smoking on Hull CCG premises, and is committed to assisting staff to achieve greater health through smoking cessation.
- 1.4 Where smoking is permitted outside of buildings consideration should be taken not to smoke near open windows, doors or ventilation systems.
- 1.5 If an employee feels they would like to appeal any decisions within this policy they should refer to Hull CCG's grievance policy.

2. E-CIGARETTES

- 2.1 The use of E- Cigarettes/smokeless cigarettes will be prohibited by this policy. E- cigarettes are unregulated nicotine products for which there is insufficient evidence of safety. In view of this the use of e-cigarettes are **NOT** permitted on Hull CCG sites, vehicles and associated workplaces.
- 2.2 Although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees.
- 2.3 Exposure to nicotine from e-cigarettes (either directly through their use by an individual or indirectly from the vapours they produce) may adversely impact on individuals, such as those with heart or circulatory conditions.

3. ELIMINATING SMOKING AT HULL CCG

- 3.1 Staff will **NOT** be permitted to take paid smoking breaks. Staff wanting to take smoking breaks should deduct the time taken from their contracted lunch break or agreement should be reached to cover time taken on smoking breaks with their line manager.
- 3.2 New starters will also be made aware of the policy via Hull CCG Induction Programme.

4. ASSISTANCE FOR EMPLOYEES TO GIVE UP SMOKING

- 4.1 Smokefree is an NHS initiative that has been designed to help individuals stop

smoking and improve public health, the link below will enable the individual to receive free materials around stopping smoking; <http://www.nhs.uk/smokefree>.

- 4.2 Hull CCG recognises the difficulty that employees who wish to give up smoking may face. Hull CCG's occupational health services can offer guidance, information and support to help smokers to give up. Below are web links to NHS groups across the Yorkshire and Humber locality.

North Yorkshire and Humber

- 4.3 <http://www.readytostopsmoking.co.uk/> is the website for employees in the Humber area; they offer a range of free services.

Other local services are;

- 4.4 Yorkshire Smoke free – phone 0800 612011 or Freephone from mobiles 03306 601166 or website www.yorkshiresmokefree.nhs.uk

All information obtained above was correct at the time this policy was written.

Equality Impact Assessment:

Smoking Policy

Equality Impact Assessment:

Equality Impact Analysis:	
Policy / Project / Function:	Hull CCG Smoking Policy
Date of Analysis:	10 March 2015
This Equality Impact Analysis was completed by: (Name and Department)	Yorkshire and Humber Commissioning Support Workforce Team
What are the aims and intended effects of this policy, project or function ?	The aim of this policy is to set out the approach to provide adherence in line with National Smoking Regulations
Please list any other policies that are related to or referred to as part of this analysis	Disciplinary Policy Health and Safety at Work Act 1974 Grievance Policy Substance Misuse Policy
Who does the policy, project or function affect ? Please Tick ✓	Employees ✓ Service Users Members of the Public Other (List Below)

Equality Impact Analysis:

Local Profile/Demography of the Groups affected (population figures) Relevant data can be found in the attached Knowledge Management Toolkit (Employee data as at Oct 14)

General

There are 57 GP practices in the Hull area which spans 7,154 hectares and, as a city, has relatively tight geographical boundaries with most of the 'leafy suburb' areas outside Hull's boundaries in East Riding of Yorkshire. As a result, Hull has a relatively high deprivation score, as measured by the Index of Multiple Deprivation 2010, with Hull ranked as the 10th most deprived local authority out of 326 (bottom 4%).

The resident population of Hull is 256,406 based on the 2011 Census data and 265,369 residents based on estimates from the local GP registration file as at October 2011. This equates to approximately 37 residents per hectare. The Joint Strategic Needs Assessment (JSNA) identifies considerable inequalities in health between Hull and England, and between populations within Hull.

Age

Population by Age

Age Group	Hull (%)	England (%)
0-15	~18%	~15%
16-34	~30%	~25%
35-44	~15%	~15%
45-54	~12%	~12%
55-64	~10%	~10%
65+	~15%	~15%

Compared to England, Hull has lower percentages of residents aged 10-19 years and 55+ years, but slightly higher percentages aged under 5, 20-34 years and 45-54 years. There is a relatively large difference between Hull and England for the age group 20-34 years, due to Hull's colleges and Universities.

There were 2,869 live births occurring to Hull residents in 2001, but this has increased steadily to 3,771 for 2010. The number of deaths occurring to Hull residents has decreased from 2,571 to 2,310 between 2001 and 2010. ONS estimated the resident population to be 243,596 in 2001 compared to 260,424 residents based on the GP registration file, with the difference between these estimates narrowing over time. So, whilst it is difficult to quantify the exact increase in Hull's population, it has increased over recent years.

	<p>Between 2010 and 2030, ONS estimate that Hull's population will increase from 266,100 to 311,900 residents, an increase of 17%.</p> <p>The figure above shows the population of Hull (2011 Census Data).</p>																		
Race	<p>The percentage of the population from Black and Minority Ethnic (BME) groups has increased substantially since 2001. For the 2001 Census, it was estimated that 3.3% of Hull's population was not White British or White Irish, whereas Census data shows that this figure increased to 10.2% for 2011. There is no single BME group in Hull with much higher percentages compared to other groups. The 2011 census data shows:</p> <p>White British - 89.7% White Other - 4.4% Mixed - 1.3% Asian - 2.5% Black - 1.2% Other - 0.8%</p>																		
Sex	<p>The gender split in Hull is approximately 50.1% men and 49.9% women. For 2008-2010, life expectancy in Hull was 75.7 years for men and 80.2 years for women compared to 78.6 years and 82.6 years for men and women respectively in England.</p>																		
Gender reassignment	<p>No local information provided.</p>																		
Disability	<p>According to the 2011 Census, it is estimated that approximately 19.7% of the Hull population lives with a long term health problem or disability compared with 17.6% for England. This information can be broken down further (Source: Projecting Older People Population Information System and Projecting Adult Needs and Service Information) to include learning disabilities, physical disabilities, hearing impairments and visual impairments, as follows:</p> <table border="1"> <thead> <tr> <th>2012 Estimates</th> <th>Hull</th> </tr> </thead> <tbody> <tr> <td>Learning Disability (Age 18 – 64)</td> <td>4,078</td> </tr> <tr> <td>Learning Disability (Age 65 and over)</td> <td>762</td> </tr> <tr> <td>Physical Disability – Moderate (Age 18 – 64)</td> <td>12,222</td> </tr> <tr> <td>Physical Disability – Serious (Age 18 – 64)</td> <td>3,491</td> </tr> <tr> <td>Visual Impairment (Age 18 – 64)</td> <td>108</td> </tr> <tr> <td>Visual Impairment (Age 65 and over)</td> <td>3,263</td> </tr> <tr> <td>Hearing Impairment – Moderate or Severe (Age 18 – 64)</td> <td>5,765</td> </tr> <tr> <td>Hearing Impairment – Moderate or Severe (Age 65 and over)</td> <td>15,707</td> </tr> </tbody> </table>	2012 Estimates	Hull	Learning Disability (Age 18 – 64)	4,078	Learning Disability (Age 65 and over)	762	Physical Disability – Moderate (Age 18 – 64)	12,222	Physical Disability – Serious (Age 18 – 64)	3,491	Visual Impairment (Age 18 – 64)	108	Visual Impairment (Age 65 and over)	3,263	Hearing Impairment – Moderate or Severe (Age 18 – 64)	5,765	Hearing Impairment – Moderate or Severe (Age 65 and over)	15,707
2012 Estimates	Hull																		
Learning Disability (Age 18 – 64)	4,078																		
Learning Disability (Age 65 and over)	762																		
Physical Disability – Moderate (Age 18 – 64)	12,222																		
Physical Disability – Serious (Age 18 – 64)	3,491																		
Visual Impairment (Age 18 – 64)	108																		
Visual Impairment (Age 65 and over)	3,263																		
Hearing Impairment – Moderate or Severe (Age 18 – 64)	5,765																		
Hearing Impairment – Moderate or Severe (Age 65 and over)	15,707																		

	and over)																					
	Hearing Impairment – Profound (Age 18 – 64)	49																				
	Hearing Impairment – Profound (Age 65 and over)	402																				
Sexual Orientation	There are no local statistics for how many Lesbian, Gay or Bisexual (LGB) people live within Hull however, nationally, the Government estimates that 5% of the population are lesbian, gay, bi and transgender communities.																					
Religion, faith and belief	According to the 2011 Census, 54.9% of the population have identified themselves as Christian and 3.1% of the population is made up of other religions. The remainder of the population did not state anything (7.2%) or stated 'no religion' (34.8%).																					
	<table border="1"> <thead> <tr> <th>Religion</th> <th>2011</th> </tr> </thead> <tbody> <tr> <td>Christian</td> <td>54.9%</td> </tr> <tr> <td>Buddhist</td> <td>0.3%</td> </tr> <tr> <td>Hindu</td> <td>0.2%</td> </tr> <tr> <td>Jewish</td> <td>0.1%</td> </tr> <tr> <td>Muslim</td> <td>2.1%</td> </tr> <tr> <td>Sikh</td> <td>0.1%</td> </tr> <tr> <td>Other Religion</td> <td>0.3%</td> </tr> <tr> <td>No Religion</td> <td>34.8%</td> </tr> <tr> <td>Religion Not Stated</td> <td>7.2%</td> </tr> </tbody> </table>		Religion	2011	Christian	54.9%	Buddhist	0.3%	Hindu	0.2%	Jewish	0.1%	Muslim	2.1%	Sikh	0.1%	Other Religion	0.3%	No Religion	34.8%	Religion Not Stated	7.2%
Religion	2011																					
Christian	54.9%																					
Buddhist	0.3%																					
Hindu	0.2%																					
Jewish	0.1%																					
Muslim	2.1%																					
Sikh	0.1%																					
Other Religion	0.3%																					
No Religion	34.8%																					
Religion Not Stated	7.2%																					
Marriage and civil partnership	This protected characteristic generally only applies in the workplace. Data from the Office of National Statistics covering the period 2008-2010 indicates that there were 18,049 Civil Partnerships in England and Wales during this three-year period – 52% men and 48% women.																					
Pregnancy and maternity	There were 2,869 live births occurring to Hull residents in 2001, but this has increased steadily to 3,771 for 2010.																					

Equality Impact Analysis:

<p>Is any Equality Data available relating to the use or implementation of this policy, project or function ?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <p>1: Application success rates <i>Equality Groups</i></p> <p>2: Complaints by <i>Equality Groups</i></p> <p>3: Service usage and withdrawal of services by <i>Equality Groups</i></p> <p>4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i></p>	<p>Yes employee data has been used to support the monitoring of the impact of this policy in the future. The employee data is not included due to the low number of CCG employees and concern around anonymity</p> <p style="text-align: center;">No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document).</p>
<p>List any Consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function</p>	<p>Consultation has taken place both locally and nationally with Trade Unions and staff</p> <ul style="list-style-type: none"> • SLT • CCG Employees • JTUPF Sub group • JTUPF • Governing Body (approval)
<p>Promoting Inclusivity</p> <p>How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation</p>	<p>This Policy supportsd an improved working environment for all</p>

Equality Impact Assessment Test:

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Gender (Men and Women)	✓			The policy will support the aims identified with potential positive health benefits for all groups of staff
Race (All Racial Groups)	✓			As the policy is written in English there is a potential impact on employees whose first language is not English and therefore may struggle reading the policy. However this potential impact is minimised due to the development of the 'portal' facilities detailed in the action plan.
Disability (Mental and Physical)	✓			The policy will support the aims identified with potential positive health benefits for all groups of staff
Religion or Belief	✓			The policy will support the aims identified with potential positive health benefits for all groups of staff
Sexual Orientation (Heterosexual, Homosexual and Bisexual)	✓			The policy will support the aims identified with potential positive health benefits for all groups of staff
Pregnancy and Maternity	✓			The policy will support the aims identified with potential positive health benefits for all groups of staff

Transgender	✓			The policy will support the aims identified with potential positive health benefits for all groups of staff
Marital Status	✓			The policy will support the aims identified with potential positive health benefits for all groups of staff
Age	✓			The policy will support the aims identified with potential positive health benefits for all groups of staff

Action Planning:

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
As the policy is written in English there is a potential impact on employees whose first language is not English and therefore may struggle reading the policy.	The CCGs internal 'portal' and external website signpost individuals to alternative formats such as large print, braille or another language.	CCG Communications	Oct 2014	Next policy review

Equality Impact Findings:	
Analysis Rating:	Green
Red – Stop and remove the policy	Red: As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed.
Red Amber – Continue the policy	As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken.
Amber – Adjust the Policy	As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.
Green – No major change	As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.

Brief Summary/Further comments	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>
---------------------------------------	---

Signatures	
Other Comments	
Confirmed by (manager): (Name and Title)	
Date:	29.05.15