

SMOKE FREE PROCEDURE

Official



NORFOLK
CONSTABULARY



SUFFOLK
CONSTABULARY

SMOKE FREE

Owning Department: Health and Safety

Department SPOC: Health and Safety Manager

Governing Policy: Uniform, Appearance and Standards

Risk Rating: Medium Low

Legal Sign Off: 17/12/2020

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1. Introduction

- 1.1 As detailed in the Statement of Health and Safety Policy, Norfolk and Suffolk Constabularies are committed to achieving exemplary standards of health, safety and welfare for all persons in so far as is reasonably practicable. This includes providing a healthy working environment and protecting the health of current and future officers, staff and the public.
- 1.2 Tobacco smoking is probably the largest single preventable cause of ill health, and as such is now regarded by the Health and Safety Executive as a significant health risk to employees.
- 1.3 Research now also shows that, in addition to the possible harm caused to people who smoke, there are also risks relating to passive smoking.
- 1.4 We want to create an environment in and around our buildings and working environments which helps individuals to be smoke free and Nicotine Vapouriser (NV) free, whether they are a smoker or not, and promote the culture of tobacco free organisation that encourages and supports smoking cessation.
- 1.5 The use of NVs, also known as E-cigarettes, personal vaporizers (PVs), and electronic nicotine delivery systems (ENDS) is becoming more popular. These are predominantly battery-operated devices that mimic tobacco smoking and are often used as an alternative to smoking. They produce a vapour, including a variety of flavours/aromas either with or without nicotine.
- 1.6 Unlike Nicotine Replacement Therapy products (patches, gum etc.) and other stop smoking medications, NVs are not currently licensed or regulated, and therefore there are no guarantees about their safety, efficacy and quality. There is also some evidence that the vapour produced may cause an irritant to others, for example those with respiratory health conditions such as asthma, particularly when used in enclosed and substantially enclosed public places. Therefore, public health experts would not recommend their use until they become a regulated product and there is clear and established evidence of safety and long-term health impacts.

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- 1.7 Police officers are not employees; they are office holders under the direction and control of the relevant Chief Constable. However, Section 51A of the Health and Safety at Work etc. Act 1974, provides for officers to be treated as employees of the Chief Constable. For the avoidance of any doubt, references to '*employees*' throughout this procedure made thereunder, includes police officers as well as members of staff and police service volunteers.
- 1.8 Norfolk Constabulary and Suffolk Constabulary, hereafter referred to as 'the Constabularies', operate a tobacco smoke-free policy in the buildings under its control. The Health Act 2006 was introduced to prevent smoking in public premises following consultation on restricting smoking in workplaces and other public buildings.
- 1.9 Whilst it is not illegal to use NVs indoors, in consideration for other employees and people using our buildings and grounds, it is the Constabularies' policy that they are not permitted within the buildings, or on the external grounds, of Constabularies' premises, unless in suitably located designated smoking areas (where provided).
- 1.10 This joint procedure on smoke free premises outlines the Constabularies' approach to ensuring its employees and other persons working in, detained in, and visiting our premises or travelling in our vehicles comply with the legal requirements as well as promoting healthy working environments more generally, including the use of NVs.
- 1.11 Employees and other persons should note that the law places requirements both on the smoker and the employer. Where employees smoke in premises or vehicles that it is illegal to do so they are liable to receive a fixed penalty notice and fine or may even be prosecuted by the enforcement authority.

2. Scope

- 2.1 In the main, this procedure relates to how the Constabularies' premises, buildings and vehicles are used and as such it applies to all users of our buildings including employees (as defined above), contractors and visitors.
- 2.2 Any reference to smoke, smoke-free or smoking includes the use of NVs, unless otherwise stated.

3. Principles

- All Norfolk and Suffolk Constabulary internal premises and vehicles are smoke free in accordance with the Health Act 2006. This includes the use of NVs.
- Smoking is not permitted in or on Norfolk and Suffolk Constabulary premises unless in suitably located designated smoking areas (where provided) as set out in this procedure.

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- Smoking is not permitted whilst on duty (unless an employee is undercover or working covertly and smoking is necessary to maintain appearances, (albeit smoking is not encouraged)) or on Constabulary business, wherever that takes place. This includes employees' homes, whilst using TEAMS in any location, the homes of third parties (even if those third parties are themselves smokers), or anywhere whilst wearing work-related uniforms or identification that would visually associate them with the Constabularies.
- All vehicles being used on Constabulary business are required to be smoke free at all times. This includes marked, unmarked, leased and rented vehicles. Private vehicles being used on constabulary business must be smoke free when there is more than one occupant.
- Constabulary employees who smoke and use Constabulary provided vehicles that are mainly used for private purposes, or who use their own cars when travelling on business:
 - Must not smoke when carrying any passengers (colleagues or other persons)
 - Are strongly encouraged not to smoke when driving – this may impair proper control of the vehicle.
 - Must ensure that the private versus work mileage test is applied and the relevant requirements complied with. Constabulary employees may personally receive a fixed penalty notice and fine for smoking in a prohibited vehicle.
- It is a legal requirement that a legible 'no smoking' sign is displayed in buildings and vehicles that are required to be smoke free. However, all no smoking areas must also be clearly identified as such through information and signage both to the occupants of the building and visitors.
- Use of NV chargers is prohibited in Constabulary buildings due to the fire risk presented by these devices.

4. Smoking on Constabulary owned and occupied Premises

- 4.1 Whilst encouraging employees not to smoke for the benefit of theirs and others' health, it is also recognised that the Constabularies cannot expect people to stop smoking.
- 4.2 Any smoking shelters that are installed must comply with the legal requirements and must not cause a fire risk. No new smoking shelters or designated areas will be permitted in any constabulary owned or occupied premises.

Suffolk

- 4.3 Suffolk Constabulary provides designated smoking areas on some of their sites including some jointly occupied sites. To prevent littering, 'butt bins' are provided in these designated smoking areas. Where no 'butt bins' are available, cigarette ends must be responsibly disposed of and not littered.

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- 4.4 NV users are not expected to use designated smoking areas when in use by person(s) smoking. In these circumstances, NV users are expected to use the devices anywhere outside the perimeter of any Suffolk Constabulary external premises (grounds), subject to adhering to security advice and the Uniform, Appearance and Standards Policy.

Norfolk

- 4.5 Norfolk Constabulary does not provide designated smoking areas. Those wishing to smoke must do so off site, e.g. outside the perimeter of any Norfolk Constabulary external premises (grounds) and responsibly dispose of their cigarette ends. Smoking is not permitted indoors or on the external premises (grounds).
- 4.6 NV users are able to use the devices anywhere outside the perimeter of any Norfolk Constabulary external premises (grounds), subject to adhering to security advice and the Uniform, Appearance and Standards Policy.

5. Attending Third Parties

- 5.1 There are no legal conditions regarding third-parties smoking in their own homes, or public places (subject to local or legislative restrictions), however the Constabularies acknowledge an employee's right not to have to inhale second hand smoke and vapours.
- 5.2 In the context of keeping people safe, there may be the requirement for employees to deal with operational matters while exposed to cigarette smoke. The duty to save life and limb will always take priority.
- 5.3 In all other circumstances it is reasonable to ask someone:
- Not to smoke in an employee's presence at a third parties' premises; and/or
 - To open doors or windows; or
 - To go to a police premises or police vehicle.
- 5.4 Where possible measures under paragraph 6.3 should be agreed prior to a meeting taking place, for example, when arranging an appointment to obtain a statement as part of an enquiry.
- 5.5 If an agreement with a third party(ies) cannot be reached, consult line-management in the first instance for advice about how best to proceed, however the decision should ultimately remain that of the employee.
- 5.6 In circumstances where no reasonable and proportionate solution is agreed and the employee decides not to remain at the property or location, they should make a written record of their rationale.
- 5.7 Any conversation had with a third party in order to reach an agreement should give due regard to the Code of Ethics and Standards of Professional Behaviour.

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- 5.8 Body Worn Video should be considered as a proportionate option to capture any discussion with a third party(ies).
- 5.9 If, as a result of a decision not to remain at the property or location, a complaint is received from the third party(ies) or a person acting on their behalf, the complaint will be handled in accordance with the relevant legislation and statutory guidance.

6. Smoking Breaks

- 6.1 Employees who wish to smoke (including NVs) must do so in non-work time (i.e. before or after work, during their lunch break or when they are off-duty). Where employees feel they are unable to wait until their meal break or the end of the working day for a smoking break, they may, at the discretion of their manager take unpaid breaks, i.e. booking off DMS.
- 6.2 These breaks are subject to the exigencies of the service and managers should oversee these agreements to ensure they are not abused to the detriment of non-smoking staff. As a guide, the Constabularies consider that no more than three unpaid smoking breaks (including the meal break) should be taken per day/shift.

7. Stop Smoking Services

- 7.1 Anyone wishing to give up smoking, should speak to their GP in the first instance. GPs will be able to give advice and can also enrol individuals onto a 'stop smoking' clinic and prescribe nicotine patches/gum or stop smoking medication.
- 7.2 Improve chances of successfully going smoke free with free advice and support from local stop smoking services:
- Norfolk: www.norfolklivingwell.org.uk Telephone 0344 800 8029
 - Suffolk: <https://onelifesuffolk.co.uk/our-services/quit-smoking/>
Telephone: 01473 178193

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