



RISK MANAGEMENT GUIDE

SMOKING – MANAGING THE BAN

Introduction

All enclosed public places and workplaces in England, save for few exceptions such as adult care homes have to be fully "smokefree".

Scotland and Wales also have bans in place.

Smoking is forbidden in offices, factories, shops, pubs, bars, restaurants, membership clubs, public transport and vehicles used for work by more than one person.

Domestic premises are exempt save for those where members of the public or staff visit for work purposes.

What do I need to do?

Those in charge of smokefree premises and vehicles will need to:

- display 'no smoking' signs;
- take reasonable steps to ensure that all persons are aware that the premises and vehicles are legally required to be smokefree;
- remove ashtrays from smokefree areas;
- advise users that smoking rooms or areas in your premises are no longer permitted by law;
- ensure that no one smokes in smokefree premises or vehicles;
- ensure that your staff and customers know where they can smoke outside if they choose to;
- consider developing a smokefree policy in consultation with staff;
- consider providing your staff with support to quit smoking.

How do I develop a smokefree policy?

A written smokefree policy should be made available to your staff. This will ensure they are aware of smokefree legislation and its implementation in your workplace. To be effective smokefree policies should:

- acknowledge the right of employees to work in a smokefree environment;
- be concise and simple to understand;
- be developed in consultation with members of staff;
- identify the members of management and staff who have responsibility for the implementation of the policy;
- identify the outside areas where people can smoke;
- provide information on how to obtain help to quit smoking;
- be communicated to all members of staff (including new employees before they start work).

You also will need to decide how to deal with non-compliance with your smokefree policy and how the policy fits within your existing health and safety as well as discipline policies.

Examples of smokefree policies can be found at:

- www.smokefreeengland.co.uk
- www.smokingbanwales.co.uk

How can I support my staff who wish to stop smoking?

Employers and managers may wish to support staff and customers to quit smoking.

The NHS provides a wide range of free resources and advice.

What about a smoking shelter?

There is no requirement to provide smoking shelters. It is common for health-focused employers not to spend money creating places for smokers to congregate.

If you decide to have an outside smoking shelter or area, you will need to be sure that it is not "enclosed" or "substantially enclosed" under the definitions that are set out in smokefree regulations.

In the interests of fire prevention Royal & SunAlliance strongly recommends that:

- Any smoking shelter provided should be of non-combustible construction. It should be sited well clear of doors and opening windows or vents etc which may allow smoke back into the building. A distance of at least 3 metres is recommended from such openings;
- The shelter should also be at least 10 metres clear of any external combustible storage or waste containers;
- A suitable receptacle for the disposal of discarded smoking materials should be provided, such as a sand-filled bin. This should be regularly emptied, with particular care being taken to ensure that any embers have been extinguished before final disposal;
- Consideration should be given to providing a suitable hand held fire extinguisher in the locality of the shelter. The extinguisher should be housed in a weatherproof enclosure.

How will the law be enforced?

Several authorities have been designated as enforcement authorities; these include district councils, London borough councils and port health authority.

Enforcement officers will work closely with local businesses to build compliance through education, advice and support. Enforcement action will be considered only when efforts to encourage compliance have failed.

What are the penalties?

The following penalties and fines for smokefree offences are set out in the legislation:

Smoking in a smokefree premises or vehicle: a fixed penalty of £50 or a fine up to £200.

Failure to display no smoking signs in smokefree premises and vehicles as required by smokefree legislation: a fixed penalty of £200 or a fine up to £1,000.

Failing to prevent smoking in a smokefree premises or vehicle: a fine up to £2,500.

Further Information

To keep up to date further information on the above can be found at

- For England: www.smokefreeengland.co.uk
- For Wales: www.smokingbanwales.co.uk

NHS:

To find your local NHS Stop Smoking Service:

Tel 0800 169 0 169 or text 'give up' and your full post code to 88088.

You can also visit their website for information at: www.gosmokefree.co.uk

IMPORTANT

The information set out in this document constitutes a set of general guidelines and should not be construed or relied upon as specialist advice. **MORE TH>N BUSINESS** accepts no responsibility towards any person relying upon these Risk Management Guidelines nor accepts any liability whatsoever for the accuracy of data supplied by another party or the consequences of reliance upon it.