

# Public Document Pack

**Date of meeting**      Tuesday, 4th February, 2014  
**Time**                      7.00 pm  
**Venue**                      Committee Room 1, Civic Offices, Merrial Street,  
Newcastle-under-Lyme, Staffordshire, ST5 2AG  
**Contact**                      Julia Cleary

## Staffing Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- |   |  |                 |
|---|--|-----------------|
| 1 | Apologies  |                 |
| 2 | Declarations of Interest                                     |                 |
| 3 | Minutes of Last Meeting                                      | (Pages 1 - 2)   |
| 4 | Minutes of Employee Consultative Committee (17 January 2014) | (Pages 3 - 6)   |
| 5 | Employee Recognition Scheme                                  | (Pages 7 - 14)  |
| 6 | Lone Working Policy  | (Pages 15 - 38) |
| 7 | Review of No Smoking Policy                                  | (Pages 39 - 48) |

**Members:**      Councillors Mrs Astle, Mrs Hambleton (Chair), Holland, Howells, Olszewski, Miss Reddish, Mrs Rout, Mrs Shenton, Sweeney, Turner and Miss Walklate

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms upon request.

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :-** 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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## **STAFFING COMMITTEE**

7:00pm Wednesday, 2nd October, 2013

**Present:-** Councillor Mrs Sandra Hambleton – in the Chair

Councillors Holland, Howells, Olszewski, Rout, Mrs Shenton, Sweeney, Turner, Miss Walklate and Mrs Williams

In attendance Richard Durrant (Head of Human Resources) , Sarah Taylor (HR Manager) Kelvin Turner ( Executive Director Resources and Support Services) and Jayne Briscoe (Democratic Services Officer)

Also in Attendance Councillor Shenton (Chair of Employees Consultative Committee), Phil Bartels (GMB/Apex) Jackie Cicatello (Unison)

1. **APOLOGIES**

Councillor Redditch

2. **MEMBERSHIP CHANGE**

It was noted that Councillor Redditch had replaced Councillor White and that Councillor Shenton had replaced Councillor Stubbs on the Staffing Committee

3. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4. **MINUTES OF LAST MEETING**

The minutes of the meeting held on 9 July 2013 were approved as a correct record and signed by the Chair.

5. **MINUTES OF THE EMPLOYEES JOINT CONSULTATIVE COMMITTEE (16-9-2013)**

The minutes of the meeting of Employees Consultative Committee held on 16 September 2013 were submitted for information.

6. **EMPLOYEE RECOGNITION SCHEME**

A report was submitted for approval on proposed revisions to the council's employee awards scheme 'We Couldn't Have Done It Without You'.

**Resolved:** That the revised Policy attached at Appendix A be approved

7. **TIME OFF FOR DEPENDANTS POLICY AND PROCEDURE**

A report was submitted for approval to a proposed Policy and Procedure advising employees of their statutory right to unpaid time off to deal with emergencies relating

to dependents, the process to be followed when requesting time off and the conditions that apply.

Members discussed how the policy would apply in practice and it was agreed that advice should be issued to managers to clarify how they should deal with situations where employees need to leave work in an emergency.

**Resolved:** That the Policy attached at Appendix A be approved

**8. REPLACEMENT EQUIPMENT ISSUED TO STAFF - CHARGING POLICY**

A report was submitted to obtain approval for a revised Policy on the arrangements for charging/disciplining staff regarding replacement equipment.

Changes to the policy had been agreed with trade unions and endorsed by the Employees Consultative Committee on 16 September 2013.

**Resolved:** That the revised Policy attached at Appendix A be approved

**9. AUTO ENROLMENT IN LOCAL GOVERNMENT PENSION SCHEME (LGPS)**

A report was submitted to implement 'Transitional Delay' in relation to automatic enrolment of existing employees into the Local Government Pension Scheme.

Auto Enrolment is a new law that has been introduced to help people save for their retirement and requires employers to enrol workers who meet certain criteria into a qualifying workplace pension scheme (including the LGPS).

The Pension Regulator had scheduled 1 November as the date for Newcastle Borough Council to commence Auto Enrolment of new employees who meet the criteria, however the council is able to delay automatically enrolling existing eligible jobholders into LGPS until October 2017 by applying for a 'Transitional Delay'.

**Resolved:** That the option to implement Transitional Delay on 1 November 2013 be approved.

**COUNCILLOR MRS Sandra Hambleton  
CHAIR**

The meeting concluded at 7:35 pm

**COUNCILLOR MRS SANDRA HAMBLETON  
Chair**

## EMPLOYEES CONSULTATIVE COMMITTEE

Friday, 17th January, 2014

<b>Present:-</b>	Councillor Mrs Elizabeth Shenton – in the Chair
<b>Councillors</b>	Plant, Taylor.J and Turner
<b>Employee representatives</b>	Mr Paul Pickerill (GMB/APEX), Kim Graham (Unison) Anne-Marie Ruscoe (GMB/Apex)
<b>In attendance</b>	Councillor Sandra Hambleton (Chair of the Staffing Committee)
<b>Officers</b>	Richard Durrant (Head of Human Resources), Sarah Taylor (HR Manager) Rebecca Cooper (Solicitor) Nesta Henshaw (Head of Environmental Health Services) Jayne Briscoe (Democratic Services Officer)

### 1. **APOLOGIES**

Apologies were received from Mr P Bartels (GMB/Apex), Mr G Morgan (GMB/Apex) and Mrs J Cicatello (Unison) and Councillor Loades.

### 2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### 3. **EXCLUSION OF PRESS AND PUBLIC**

**Resolved:** That the press and public be excluded from the meeting during consideration of items 4 to 7 inclusive as there would be likely to be disclosure of exempt information as defined in paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

### 4. **MINUTES OF LAST MEETING**

The minutes of the last meeting held on 16 September 2013 were approved as a correct record and signed by the Chair.

### 5. **EMPLOYEE RECOGNITION SCHEME**

In accordance with a previous decision of the Committee (16/913 Clause 5) a report was submitted regarding future review of the Employee Recognition Scheme.

At the 16 September meeting a number of revisions to the scheme were agreed. These included:-

- Executive Management Team and Wider Management Team members not to be eligible for awards
- Individuals who are nominated for an award to be able to opt not to be considered for an award if they so wish
- It to be made clear to the winner of 'The person that makes me Smile' award that they are not obliged to be a member of the Judging Panel.

- The composition of the Judging Panel to include the Chair of the Employees Consultative Committee (ECC) or their nominee (the nominee being either an Elected Member or a Trade Union Representative from the ECC).

The number of nominations made by staff over the previous three years together with the number of votes cast by employees in relation to the Person who Makes me Smile award were reported. It was noted that no feedback had been received from employees.

The Chair of the Committee, Councillor Shenton, fed back on the process regarding nomination and judging.

Members discussed possible changes to the categories and judging panel and after discussion it was felt that the views of staff should be sought on whether they felt that the scheme should be continued and if so, aspects that should be considered for review (eg reducing the number of award categories, introducing an award category for apprentices, composition of the judging panel to incorporate a cross-section of employees).

**Resolved:** That as part of the Core Brief process employees be informed that views are sought on the Employee Recognition Scheme with the feedback to be collated outside of Core Brief process via an on-line questionnaire (with a hard copy available).

## **6. LONE WORKING POLICY**

A report was submitted which requested the view of the Committee on proposed revisions to the current Lone Working arrangements which included the introduction of 49 Identicom specialist Lone Worker devices.

Consideration was given to whether the cost of additional devices should be met from the corporate Health and Safety Equipment budget rather than service budgets.

**Resolved:** That the proposed revisions to the current Lone Working arrangements be agreed and an update report be submitted to this Committee in 6 months following the operation of the new Lone Working Policy.

## **7. REVIEW OF NO SMOKING POLICY**

A report was submitted to obtain the view of the committee on the proposed revision of the Workplace No-Smoking Policy to incorporate prohibition of e-cigarettes and to clarify the position in relation to homeworking. A copy of the draft no-smoking policy was circulated at the meeting.

It was agreed that the proposed revised policy be approved subject to an amendment to clarify that non-compliance may result in disciplinary action rather than the imposition of a fixed penalty or a fine.

**Resolved:** That the revised No Smoking Policy be agreed subject to the suggested amendments relating to non-compliance.

**COUNCILLOR MRS ELIZABETH SHENTON**  
**Chair**

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1. **REVIEW OF EMPLOYEE RECOGNITION SCHEME**

**Submitted by:** Executive Management Team

**Portfolio:** Finance and Resources

**Purpose of the Report**

To report on the results of the 2013 awards pending a further review of the Scheme.

**Recommendation**

- (a) That the views of the staff be sought on whether the Scheme should be continued and, if so, the aspects of the Scheme that should be reviewed.
- (b) The a further report be submitted to a future meeting indicating the views received and recommending options for review.

1. **Background**

1.1 At your meeting on 2 October 2013, several revisions to the above Scheme were approved including:

- Executive Management Team and Wider Management Team members not to be eligible for awards;
- Individuals who are nominated for an award to be able to opt not to be considered for an award if they so wish;
- It to be made clear to the winner of the 'The Person that makes me Smile' award that they are not obliged to be a member of the Judging Panel;
- The composition of the Judging Panel to include the Chair of the Employees Consultative Committee (ECC) or their nominee (the nominee being either an Elected Member or a Trade Union Representative from the ECC).

1.2 The revised Scheme is attached at Appendix A for your information.

2. **Issues**

2.1 The number of nominations made by staff over the last three years were as follows:

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Behind the Scenes	29	38	23
Customer Excellence	17	35	14
Employee of the Year	29	24	7
Trainee/Newcomer of the Year	11	14	18
Team	21	36	22
Leadership	30	24	15
Person who makes me Smile	23	31	19
<b>Total</b>	<b><u>160</u></b>	<b><u>202</u></b>	<b><u>118</u></b>

- 2.2 The number of votes cast by employees in relation to the Person who makes me Smile aware were as follows:

<u>2011</u>	<u>2012</u>	<u>2013</u>
102	101	105

- 2.3 The 2013 results were publicised in the December 2013 Core Brief and also in the Winter 2013 edition of the employee magazine 'Voice'. Employees were advised that the Scheme was to be reviewed and asked for their thoughts/feedback. No responses were received. However, comments received from two of this year's winners are reproduced below:

*"I would just like to thank you for a lovely afternoon at the Awards Ceremony. I was flattered to be nominated and overwhelmed when I won the Customer Excellence Award. I have worked for the Council for 34 years on 3<sup>rd</sup> December and I have always enjoyed my job. I feel highly honoured to work with such a fantastic team and for us to have won the team award is brilliant! Please pass on my regards to the rest of the event planning team."*

*"I have thanked my staff for putting me forward for this award. Please forward my thanks to the Leader of the Council and the Chief Executive and the Committee for voting for me to get the award. It really has been hard for me this year with both my wife's elderly parents being ill and my own parents' health problems. So to receive this Award has made me feel so proud and happy it's made my year and my Christmas."*

Council Shenton participated in the Judging Panel meeting on 19 November 2013 and will report back verbally to your meeting.

- 2.4 The results of the 2013 awards were considered at the Employees Consultative Committee on 17 January 2014. The Committee noted that the number of nominations received for 6 out of the 7 categories of award was considerably lower than the previous year and have recommended that staff should be consulted regarding the continuation of the Scheme with a view to maximum engagement in the process by use of core brief/team meetings followed up by an on-line questionnaire (with hard copies being provided for employees without access to email). Your Officers are supportive of this approach.

### 3. **Legal and Statutory Implications**

- 3.1 None.

### 4. **Equality Impact Assessment**

- 4.1 Not applicable.

### 5. **Financial and Resource Implications**

- 5.1 None

### 6. **Major Risks**

- 6.1 None.

7. **Earlier Cabinet/Committee Resolutions**

Staffing Committee	October 2013
Employees Consultative Committee	November 2010 October 2011 January 2012 June 2012 October 2012 September 2013 January 2014

8. **List of Appendices**

Appendix A – Current Employee Recognition Scheme.

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# Employee Recognition

**‘We couldn’t have done it without you’**

July 2010  
Revised: October 2011  
October 2013

## 1. Introduction

- 1.1 This scheme awards employees that demonstrate and deliver on the council's values and recognises that our people are our greatest asset.
- 1.2 The scheme recognises and values staff contributions that make a difference to delivering excellent services for our local communities.
- 1.3 The scheme promotes and supports a culture where new ideas are shared and good practice and innovation is recognised throughout the organisation.

## 2. Objective

- 2.1 To formally celebrate employees' contributions and achievements in relation to customer service excellence and service improvement.

## 3. The Process

- 3.1 The Chief Executive will host an annual 'We Couldn't Have Done It Without You' award ceremony to celebrate and reward the best nominations for the year from across the council.
- 3.2 The scheme will reward outstanding contribution and achievements by employees nominating and voting for their colleagues who go that little bit further than their normal job responsibilities.
- 3.3 Categories of Awards
  - **The Person that Makes me Smile Award** – nominated by staff followed by staff vote (£75)  
*This person is always smiling and speaks to people in the corridors and has a generally happy approach to work.*
  - **Employee of the Year** – nominated by staff and decision by panel (£100)  
*Somebody who has demonstrated dedication and commitment to their job beyond the call of duty. It may be where they have made a significant contribution to their team or to customers.*
  - **Customer Excellence Award** – nominated by staff and decision by panel (£50)  
*Awarded to a member of staff who provides excellent customer service, listens to their customers requirements and demonstrates a flexible approach.*
  - **Leadership Award** – nominated by staff and decision by panel (£50)  
*Awarded to an employee who has demonstrated leadership, shown motivational leadership skills, is supportive of others and is an inspiration to those around them. It can be within a team, on a particular issue but where clear direction has been shown. It doesn't have to be a manager – it can be anyone who has clearly shown leadership in their role.*

- **Behind the Scenes** – nominated by staff and decision by panel (£50)  
*This is someone who is always there in the background but without their valuable contribution or hard work, something may not have been achieved or things would not run as smoothly.*
- **Trainee or Newcomer of the Year** – nominated by staff and decision by panel (£50)  
*A trainee or new employee who has excelled in their short period of time here at the council.*
- **Team Award** – nominated by staff and decision by panel (£100)  
*Recognises a team who have made a really valuable contribution to the council over and above their current role and which has resulted in real benefits, meeting their goals and objectives by going that extra mile. A team that work well together and takes a proactive approach to their work, whilst helping and supporting each other.*

- 3.4 **Nominations** for all categories are put forward in October by completing an on-line form on *e-voice* or completing a paper copy which can be posted in boxes that are placed around the Civic Offices, Depot and Leisure Centres. Staff will be asked to nominate a colleague for an award stating the reasons why they should win. Staff can only nominate one person for each category and one team for the Team Award. Members of the Executive Management Team and the Wider Management Team cannot be nominated for awards and staff cannot nominate the same person more than once for any individual category. However, staff can nominate the same person for more than one individual category. Staff who have been nominated will be given the option of whether or not they wish to be considered for an award.
- 3.5 **Voting** – Staff may only vote for one candidate in the ‘Person that makes me Smile Award’ category and may not vote for an employee more than once.
- 3.6 Names of staff nominating or voting for candidates will be identifiable for scrutiny purposes but will not be disclosed to candidates.

#### 4. The Panel

- 4.1 The judging panel will include one Executive Director, one Head of Service, Head of Communications, Head of Human Resources, the Finance and Resources Portfolio Holder and the Chair of the Employees Consultative Committee (ECC) or their nominee drawn from members of the ECC. The previous year’s winner of ‘The Person that Makes me Smile’ award will also be invited to be a member of the judging panel but will be advised that they are not obliged to attend if they do not wish to
- 4.2 The judging panel will:
- Contribute to and support the implementation of the scheme;
  - Decide on the winners based on the reasons as well as numbers (apart from ‘The Person that Makes me Smile’ award which is voted for by staff via *e-voice* and paper ballots).
- 4.3 The winners will all be announced at the ‘We Couldn’t Have Done It Without You’ event held in November. Cabinet Members will be invited to attend the event.

**5. Review of Scheme**

- 5.1 This scheme will be reviewed 5 years from the date of implementation, or sooner if there is a requirement to meet legal, statutory or good practice standards.



## 1. **LONE WORKING**

**Submitted by:** Executive Management Team

**Portfolio:** Finance and Resources

### **Purpose of the Report**

To obtain approval for proposed revisions to the current Lone Working arrangements.

### **Recommendation**

**That the reviewed Lone Working Arrangements at Appendix C be approved.**

## 1. **Background**

- 1.1 In October 2012, a report was prepared for the council's Health and Safety Committee and the Executive Management Team on the use of lone worker protection devices.
- 1.2 The report outlined that at a Corporate Health & Safety Committee it was agreed that Heads of Service (or respective business managers) with lone workers would be asked to complete a lone working risk assessment based on their lone working duties.
- 1.3 Completion of the risk assessments enabled the corporate identification of the need for lone worker protection devices and the number of the units that the authority may need to procure.
- 1.4 Subsequently, 49 Identicom Devices (through Guardian 24) were identified as required and were purchased.
- 1.5 In December 2013, training was rolled out corporately for staff who were identified as requiring the lone working devices.

## 2. **Issues**

- 2.1 On completion of the training the Corporate Health & Safety Officer identified that there was a need for a Lone Working Policy to be reviewed to assist in ensuring the health, safety and wellbeing of our Lone Workers.
- 2.2 As a result, a draft reviewed Lone Working Policy was prepared and endorsed by the Health & Safety Committee on 17 December 2013.
- 2.3 The proposed revisions were considered at the Employees Consultative Committee meeting on 17 January 2014 when it was recommended that they be agreed. The Committee also recommended that consideration should be given to whether the cost of any additional devices that may be required in the future should be met from a corporate budget rather than individual service budgets.
- 2.4 The current lone working arrangements are contained in Section 3.24 of the council's Health and Safety Policy (attached at Appendix A) and the guidance for lone workers is contained in Section 4.10 of the Employee Health and Safety Handbook (attached at Appendix B). These will be amended in due course to reflect the new Lone Working Policy. The proposed Policy is attached at Appendix C. Updated and expanded guidance for lone workers is incorporated into Appendix 2 of the Policy.

3. **Legal and Statutory Implications**

- 3.1 The Council is required to endeavour to comply with the relevant aspects of the Management of Health and Safety at Work Regulations 1999 and with other applicable legislation and with the specific HSE guidance note (INDG73) in relation to lone working.

4. **Equality Impact Assessment**

- 4.1 Guidance/Identicom devices are issued based on assessment of risk.

5. **Financial and Resource Implications**

- 5.1 The cost of purchase of the Identicom Devices was £13,475 and the cost of annual licences is £6,738.

6. **Major Risks**

- 6.1 None.

7. **Earlier Cabinet/Committee Resolutions**

Corporate Health and Safety Committee      December 2013

Employees Consultative Committee      January 2014

8. **List of Appendices**

Appendix A – Extract from current Health & Safety Policy (Lone Working)

Appendix B – Extract from current Employees Health & Safety Handbook (Lone Working)

Appendix C – Draft Lone Working Policy

Extract from Health and Safety Policy**3.24 Lone Working**

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes dealing with the risks associated with lone working.

The council will endeavour to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and other applicable legislation and with the specific Approve Code of Practice (L21) and guidance notes (INDG73) issued by the HSE.

Lone worker is defined as “persons who work by themselves without close or direct supervision”.

Examples of lone workers would include –

- Employees who work in isolation in premises or areas of premises
- Employees who work outside normal working hours, such as security, cleaners and maintenance staff
- Employees who make visits away from the office or normal place of work.

The following rules and procedures will be applied in relation to this area and associated work activities –

- The council believes that there is generally no reason why workers should not work alone subject to the special risks being assessed and control being implemented.
- All lone working activities or situations must therefore be subject to an assessment regarding the special risks involved.
- Where an assessment reveals that a task or job is unsuitable for lone working measures must be taken to ensure that adequate supervision, help or backup is provided.
- Lone working must not be allowed in respect of tasks involving the use or handling of plant, substances or goods that cannot be carried out safely by one person.
- All lone working activities must have suitable emergency procedures established.
- All lone workers must receive adequate information, instruction and training.
- Assessments for lone working must take into account any possible risks of violence and any special risks to female employees and young people.

- Suitable and adequate safe working procedures and arrangements must be developed and implemented for all lone working activities or situations. Safe working procedures in respect of lone working may include:
  - Periodic visits by managers/supervisors
  - Regular voice contact with lone workers
  - Special alarm devices
  - Automatic warning devices
  - Return to base/home checks
  - Mobile first aid kits

**Extract from Employees Health and Safety Handbook****4.10 Lone working**

Lone working exposes employees to additional hazard. A risk assessment should identify specific hazards in order to eliminate the risks or reduce them to an acceptable level.

**Definition**

A lone worker is someone who works by themselves without close or direct supervision.

They are found in a wide range of situations, for example –

- People in fixed establishments
  - where only one person works on the premises, such as home workers;
  - working separately from others, such as leisure centres;
  - working outside normal hours, such as cleaners;
  - mobile workers working away from their fixed base, such as pest control workers.

The risk assessment will indicate whether the work can be done safely by one unaccompanied person. It should include the identification of hazards from, for example, means of access/egress, plant and machinery, fire, equipment failure and accidents.

Particular consideration should be given to:

- The remoteness or isolation of workplaces;
- Communication problems;
- The possibility of violence from other people;
- Whether women or young workers are especially at risk if they work alone;
- Whether the employee is medically fit and suitable to do the job on their own.

The council is committed to developing safe working procedures to control risks and to protect employees. Every lone worker should –

- Have full knowledge of the hazards and risks which they may be exposed to;
- Know what to do if something goes wrong;
- Ensure someone else knows where they are, what they are doing and what time they are due back;
- Have some means of communication.

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# DRAFT LONE WORKING POLICY

DRAFT

<b>Document Control</b>	
Prepared by:	Corporate Health and Safety
Title	Lone Working Policy
Status	Draft
Author	Claire Dodd
File Name	Z:\ehcg\Project Work\Lone Working
Document Owner	Nesta Henshaw
Keywords	Lone Working, Identicom, Potentially Violent Persons
Date of Review	10/12/2014

<b>Revision History</b>			
<b>Version</b>	<b>Date</b>	<b>By</b>	<b>Summary of Change</b>
1.0	16/12/2013	C.Dodd	Creation
1.0	02/01/2014	C.Dodd	Comments from CHSC incorporated

<b>Approval Signature</b>			
Name: Claire Dodd		Date	
Name: Nesta Henshaw		Date	



## **1. Introduction**

- 1.1 The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes dealing with the risks associated with lone working.
- 1.2 The council will endeavour to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and other applicable legislation and with the specific guidance note (INDG73) issued by the HSE.

## **2. Application**

- 2.1 This policy is applicable to all employees who undertake lone working as part of their role and their supervisors.
- 2.2 A Lone worker is defined as "persons who works by themselves without close or direct supervision".

They may be found in a wide range of situations such as\*:

- Officers undertaking site visits to places other than their normal place of employment e.g. pest control workers, environmental health, planners, housing officers and similar professionals visiting domestic and commercial premises
- Officers working separately from others, e.g. in isolated workspaces, park wardens
- Officers working outside normal hours, e.g. out of hours staff, maintenance or repair staff.

\*This is not an exhaustive list

## **3. Legal Responsibilities**

- 3.1 Working alone is not in itself against the law, and it will normally be safe to do so.
- 3.2 However, the law requires employers and others to think about and deal with any health and safety risks for those members of staff who are required to work alone.
- 3.3 Employers have responsibility for the health, safety and welfare at work of all of their employees. It is therefore the employer's duty to assess risks to lone workers and take steps to avoid or control risks where necessary.

- 3.4 Employees have responsibilities to take reasonable care of themselves and other people affected by their work activities and to co-operate with their employers in meeting their legal obligations.
- 3.5 This Policy is subject to the requirements laid out in the Legal Responsibilities which lays out the Councils duties under the Data Protection Act.

#### **4 Risk Assessment**

- 4.1 Employers need to investigate the potential hazards faced by lone workers and assess the risks involved both to the lone worker and to any person who may be affected by their work. Employers should ensure that measures are in place to control or avoid such risks.
- 4.2 Risk assessments of lone working activities are to be undertaken, recorded and monitored on Target 100. A global risk assessment has been created in Target 100 for lone working, this can be used as a starting point for service specific risk assessments, and a copy is attached as Appendix 1. This details the control measures that are currently utilised by Council and Managers can determine the appropriateness of these for their staff's particular activities such control measures will include at least some of the following:-
- Signing in/out system
  - Mobile Telephones
  - Homeworkers- maintaining contact with their office
  - Emergency systems / arrangements in place
  - Specific training
  - Potentially Violent Persons Database (ref 5)
  - Personal Protective Equipment
  - First Aid Provision
  - Out of Office Hours Arrangements
  - Identicom Device (ref 6)
  - Lone Worker best practice guidance (ref Appendix 2)

#### **5 Potentially violent persons**

- 5.1 Database of potentially violent persons/premises is held by the Corporate Health and Safety Officer and circulated to visiting officers. Officers are required to check this prior to visiting any of these premises, and contact the Corporate Health and Safety Officer for further details prior to visiting.
- 5.2 Report any incident of verbal abuse, violence or aggression utilising the form on Target 100 or intranet health and safety pages.

## **6 Identicom**

6.1 Where the individual risk assessment has identified that additional control measures are required through the provision and use of a personal protection device, the Council chosen system is the 'Identicom' lone worker protection device, which is supported by 'Guardian 24' Alarm Receiving Centre (ARC).

6.2 An Identicom is a specialist Lone Worker Device. It is uniquely designed as an identity card holder.

6.3 It allows the employee to discreetly raise an alert by pressing the panic button on the back of the device. This opens an audio channel to the ARC in the event of verbal abuse, attack or if the employee feels that their safety is about to be compromised.

6.4 Guardian24 (G24) operate the ARC which receives and responds to the alarms raised with the Identicom unit.

6.5 Guidance on the use of the Identicom device is provided in Appendix 3.

### **6.6 Escalation procedures**

The ARC will respond appropriately to an alarm received and the activity that they hear. This could include calling the Police or other emergency services.

#### **6.6.1 Role of the Respondent**

If you are contacted by the ARC, this will be as a result of them being unable to contact the Lone Worker on the telephone numbers that they provided. Your role is to provide support for the ARC whether this be by completing actions listed in Appendix 4 and 5 or whether you request that they contact the Emergency Services on behalf of the Council.

#### **6.6.2 Call to the lone worker (if not calling the Police).**

ARC will call the lone worker on mobile number provided to talk to the lone worker at the situation or enable stand down of alarm.

#### **6.6.3 Normal Office Hours**

If the Lone Worker cannot be contacted via their Contact Details (Work and Personal) then the escalation procedure listed below will be activated, calls will be made until a respondent from the Council can be contacted.

- Call 1 – Line/Business Manager
- Call 2 – Head of Service
- Call 3 – Corporate Health & Safety Officer
- Call 4 – Head of Environmental Services

If the lone worker cannot be located/contacted using the above process, the person receiving the call will contact the Executive Director to inform them that the police are to be alerted.

#### 6.6.4 Out of Office Hours

If the Lone Worker cannot be contacted via their Contact Details (Work and Personal) then the escalation procedure listed below will be activated, calls will be made until a respondent from the Council can be contacted.

- Call 1 – Out of Office Hours On Call staff, i.e. other staff on the rota (through Cannock)
- Call 2 – Director on Call (through Cannock)
- Call 3 – Any other Director/Chief Executive

#### 6.6.5 Contacting the Emergency Services

ARC to only contact the police –

- if advised by the Council Respondent to do so, or
- if the user has pressed the alarm and there is evidence of an emergency situation taking place

Note – If panic activation is raised and is a genuine emergency, ARC to perform GPS check if available, contact the police and inform the Council.

6.6.6 GPS checks will only be undertaken for Health & Safety purposes i.e. to trace a potentially missing officer or in response to an alarm call.

\*\*\*\*\*6.6.7 to be potentially moved to Appendix 4 and 5\*\*\*\*\*

6.6.7 Upon receiving a call the responding officer should follow the advice given by the ARC whilst considering undertaking some of the actions listed below

- log on to Guardian 24 portal to review incident recordings and the last GPS signal recorded
- provide further details on the address of the location the officer was last visiting
- contact the premises that the lone worker was last known to be at
- review of the signing in and out register
- review the electronic calendar of the lone worker
- contact the other team members to determine if they have had contact with the officer
- IF SAFE TO DO SO deploy two team members to the last known location of the officer
- Inform the Executive Director that the police have been called

Please also refer to Appendix 4 and Appendix 5 for Respondent Action Cards.

## **7. Responsibility of Employees**

- 7.1 Employees have a responsibility to protect the health, safety and welfare of themselves and others.
- 7.2 Employees should familiarise themselves with the Lone Working Policy and associated documents and ensure that they adhere to the requirements of the Policy and service specific Risk Assessment
- 7.3 If an employee has been provided with an Identicom device (whether this be an individual device or a pooled device), it must be used at all times when undertaking a role.
- 7.4 Homeworkers are not exempt from the requirement to comply with this policy.
- 7.5 A good practice guide for lone worker safety is detailed in Appendix 3 – ensure that the practices are incorporated into the lone working practices risk assessments.
- 7.6 Lone workers should be mindful that there is an increasing risk of allegations made by Members of the Public about the behaviour/conduct of officers of the Council. Officers are advised that they should familiarise themselves with section 16 of the Code of Conduct. If whilst carrying out duties as a Lone Worker, employees feel that a complaint or allegation could be made against them, they should record the details of the incident as soon as possible and report this to their line manager.

## **8. Responsibility of Line/Business Manager or Head of Service**

- 8.1 Although lone workers cannot be subject to constant supervision, it is still an employer's duty to ensure they are healthy and safe at work. Supervision can help to ensure that employees understand the risks associated with their work and that the necessary health and safety precautions are carried out.
- 8.2 The extent of supervision required depends on the risks involved and the ability of the lone worker to identify and handle health and safety issues. Employees new to a job, undergoing training, doing a job that presents special risks, or dealing with new situations may need to be accompanied at first.
- 8.3 The level of supervision required is a management decision, which should be based on the findings of a risk assessment; the higher the risk, the greater the level of supervision required. It should not be left to individuals to decide whether they require assistance.
- 8.4 Ensuring that all work-related hazards are identified, suitable and sufficient risk assessment undertaken and appropriate control measures put into place and undertake monitoring and review of risk assessments.

- 8.5 Prepare and circulate an appropriate rota or service specific rules for the use of pooled devices.
- 8.6 Procedures must be put in place to monitor lone workers to help keep them healthy and safe. These may include:
- Supervisors periodically visiting and observing people working alone;
  - Regular contact between the lone worker and supervisor, using either mobile phones, telephones, radios or e-mail, bearing in mind the worker's understanding of English;
  - Identicom devices designed to raise the alarm in an emergency, these can be operated manually or automatically by the absence of activity;
  - Warning devices which operate if specific signals are not received periodically from the lone worker, e.g. staff security systems;
  - Checks to ensure a lone worker has returned to their base or home once their task is completed.
  - Respond to call from ARC when received.
  - Update and maintain correct personal details on Guardian 24 web portal.
  - Respond and review any incidents or near misses reported by staff.

## **9 Non-Compliance**

- 9.1 Any infringement of these rules by an employee may result in appropriate disciplinary action, which will be dealt with in accordance with the Council's disciplinary procedure.

## **10. Review**

- 10.1 The Council will monitor the effectiveness of this policy and its general compliance within the organisation.
- 10.2 It is the responsibility of all managers/supervisors to ensure that their staff are aware of the content of the policy and to monitor compliance.
- 10.3 Any problems or complaints from staff on the operation of the policy should be raised in the first instance with their line manager. If it is not resolved then the Council's grievance procedure should be referred to.
- 10.4 This policy will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable standards and guidelines. Trade Unions and health and safety representatives will be consulted regarding any substantive changes.

## Appendix 1 – Lone Working Risk Assessment Template

### Risk Assessment

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#### INSTRUCTIONS

ASSESSMENT STAGE: Complete section **A1**; Identify hazards using Hazard Table in section **A2**; Establish Control Measures to reduce risks in section **A3**

MONITORING STAGE: Complete section **M1**; Score Control Measures in section **M2** using a scale of 0-10 (10 being complete compliance); State further actions required in section **M3**

#### Section A1 - Assessment Information

Assessment reference number	Global/003
Assessment date	13/12/2013
Activity / item / area	Lone Working - Officers making site/home visits
Persons at risk	Lone workers/Visiting Officers

Assessor	Kate Bartels
Review date	12/12/2014
Monitoring frequency	Annual
Authorised by	CH&S committee

#### Section A2 - Hazard Table

Degree Of Risk

High	Med	Low	
			A. Falling
			B. Tripping / slipping
			C. Trapping
			D. Flying particles
			E. Fire / flammable atmosphere*
			F. Oxygen enrichment
			G. Collapse
			H. Overturning
			I. Electric shock
			J. Moving machinery parts*
			K. Moving vehicles
			L. Drowning
			M. Noise
			N. Substances / chemicals / fumes / dusts*
			O. Burns
			P. Bursting / explosion risk
			Q. Vibration
			R. Oxygen depletion
			S. Protruding objects / parts
			T. Asphyxiation

Degree Of Risk

High	Med	Low	
			U. Handling*
			V. Respiratory
			W. Personal Health
			X. Struck by falling objects
X			Y. Lone working
	X		Z. Violence / aggression
	X		AA. Stress*
			BB. Heating / ventilation
			CC. Asbestos*
		X	DD. Lone working at home
		X	EE. Lone working on site
X			FF. Lone working outside of office hours
X			GG. Lone working in enforcement role
			HH.
			II.
			JJ.
			KK.
			LL.
			MM.
			NN.

\* May require further in-depth assessment, e.g. Fire, COSHH, Manual Handling. For guidance, see 'Risk Assessment Techniques' in Background Information

#### Section M1 - Monitoring Information

Person carrying out monitoring	
Monitoring date	

Department / location	
Checked by	

#### Section A3 - Control Measures

Signing in/out system in operation - location and duration recorded and monitoring by line manager.	
Mobile phones provided for employees.	
Home-based officers making visits keep in regular contact with office.	
Emergency systems/arrangements in place for monitoring/follow up by line manager.	
Specific training in dealing with aggression provided for lone workers.	
Potentially violent persons list currently circulated to visiting staff.	
Two officer visits undertaken.	
Violence/bullying/harassment policy in place and adhered to.	
Officers making site visits supplied with appropriate PPE (eg hi-vis jacket, hard hat, safety boots/shoes etc)	
Special first aid provision made & individual first aid kits provided.	
Return to base/homechecks.	
Regular phone contact with lone worker.	
Lone working policy in place and adhered to.	
Good practice guide & risk assessments in place and shared with all relevant staff.	
ADDITIONAL ITEMS TO CONSIDER (SERVICE/ROLE SPECIFIC)	
Lone working is at home/on site/evenings/enforcement (Choose relevant and appropriate risk level)	
Work activities include enforcement/ potentially conflict situation / advisory visit (delete as appropriate)	
Identicom (personal protective devices) issued to all identified staff.	
Prepare and circulate an appropriate rota or service specific rules for the use of pooled devices.	
Evaluation / score %	

#### Section M3 - Further Actions Required

--



## Appendix 2 – Guidance Note for Lone Workers

### What is a Lone Worker?

A Lone Worker is defined as “persons who works by themselves without close or direct supervision”

### How can I stay safe whilst Lone Working?

In addition to your service specific Risk Assessment, listed below is some further advice on how you can stay safe whilst you are lone working.

#### **Frontline (Office Based Staff)**

- Ensure you have a means of communicating with others.
- Ensure that you position yourself so that if needed you can leave the room/area quickly.
- Some form of emergency alarm system should be in place which will enable you to summon assistance if necessary.
- Ensure that if the alarm is raised, colleagues are aware of the response procedure and it is regularly tested.
- Make sure that any cash is kept out of sight.

#### **Visiting Officers**

- Refer to the premises file history before you leave, to determine if there are any issues you need to be aware of.
- Where applicable ensure that your Identicom device and mobile telephone are fully charged.
- Ensure that you have completed the signing out register.
- Give some thought before you arrive as to what exit strategies you could use if you felt uncomfortable or threatened.
- Conduct your own (dynamic) risk assessment on the door step before you enter. If you feel at all uncomfortable or unsure, make an excuse and leave.

#### **Trust your instincts.**

- Be mindful of the fact that you are entering someone else’s territory. Your presence there may be unwanted and/or pose a threat.
- As you enter, make a note of how the door opens and closes so that you can leave quickly, if necessary.



- Give the client an idea of how long the meeting will take and try to adhere to this.

## **Driving**

- Put together an emergency kit for your car. This might include an extra coat, bottle water, a torch, spare change and an emergency mobile telephone charger.
- If you will be returning after dark, consider what the area will be like then and try to park near street lights.
- When parking in a car park, consider where the entrances and exits are. Try to avoid having to walk across a lonely car park to get to your car. Park away from pillars/barriers. If you can, reverse into your space so you can drive away easily.
- When approaching your car, be aware of your surroundings; have your keys ready and check that no one is inside before entering quickly.
- If you break down, check out your surroundings and only get out of your car when and if you feel it is safe to do so.
- Road rage incidents are rare and can often be avoided by not responding to aggression from other drivers.
- If the driver of another car forces you to stop and then gets out of his/her car, stay in your car, keep the engine running and if you need to, reverse to get away

## **Using Public Transport**

- Obtain timetable and fare information before travelling to prevent you waiting around for long periods at bus stops or stations.
- When waiting for public transport after dark, try to wait in well-lit areas and near emergency alarms and CCTV cameras.
- If you work for an organisation that receives unwelcome attention from the public, try to hide anything that would make you identifiable as an employee the Council

## **Walking**

- Plan ahead. Before you go out, think about how you are going to get home, e.g. what time does the last bus/train leave?
- Avoid danger spots like quiet or badly-lit alleyways, subways or isolated car parks. Walk down the middle of the pavement if the street is deserted.
- Try to use well-lit, busy streets and use the route you know best.
- Try to walk against oncoming traffic to avoid kerb crawlers.

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## Appendix 3 – Identicom User Guide

### Turning your Identicom ON and OFF

#### Turn on

- Press and hold the status button and the amber alert button (the two small buttons on the back left of the device as in image below).
- The device will vibrate once and the LED will flash.

#### Turn off

- Press and hold both the status button and the amber alert button for a couple of seconds.
- The device will vibrate twice. The LED will not flash.
- Amber Alert Button



### Status Button on the Identicom

- To check the status of your Identicom battery and GPS signal levels press and hold the status button for a few seconds.
- The device will vibrate three times, before first showing the battery status, and then will vibrate once more showing the network status. An LED light will also settle on Green, Amber or Red.

**Note:** A regular status check is important to ensure the Identicom has sufficient battery charge and network coverage to operate effectively.

### What the LED colours tell you

#### BATTERY LED

- **Amber** – Greater than 40% charged
- **Red** – Less than 40% charged, place on a charger as soon as possible

#### NETWORK SIGNAL

- **Green** – Excellent network coverage
- **Amber** – Reasonable network coverage
- **Red** – Poor or No network coverage
- **Note:** Extra caution should be taken when **RED LED** is displayed.

### **GPS Status Check**

After the normal status check has been completed the device will enter GPS status mode

- The LED will flash **blue** whilst the GPS signal is assessed (this can take up to 2 minutes).
- If a GPS fix is found the LED **blue** light will be solid for at least 5 seconds and a satellite will be shown in the LED display.
- If a GPS fix is **not** found the LED **blue** will extinguish.

### **Call Log**

This is when you log a brief verbal statement made by you, stating details of your current or next activity.

Follow these steps to leave an Amber Alert recording:

- Press and hold the Amber Alert button. The unit will vibrate three times and the indicator light will move to steady amber.
- When the amber lights begin to flash, speak clearly into the Identicom stating the details of your activity. Leave relevant information that may help in case of emergency. (I.e. high risk visit, violent behaviour in the past etc.)
- Where possible include the following information:
  - **Your name**
  - **Where you are going i.e. address**
  - **Who you are visiting**
  - **When you expect to be finished**
- When the indicator lights stop flashing and change to display a steady amber colour, you will have ten seconds left to make your recording.
- The recording window lasts for approximately 30 seconds after which the indicator lights will go out.

### **Raise an Alarm via the Identicom**

- Press and hold the panic button (centre button on the back of the device) for a few seconds to raise an alert.
- The device will vibrate 3 times to indicate that the alert has been activated.
- After approximately 15 seconds your respondent will be alerted and will be listening in live.
- Where possible give as much information about your situation to help your respondent react with the appropriate response.

**Note:** If the unit does not vibrate 3 times there may be a problem with network coverage – try again until you feel a vibration

### **Important Points to Note**

- Charge your Identicom daily as you would a mobile phone.
- You cannot activate a panic alert while the Identicom is on charge.

### **Minimising False Alerts**

- If you raise a false alert, speak your name into mobile phone and say 'This is a false alert.' It is essential that you also call your respondent to confirm that you are safe.
- If you are travelling to an area with poor network coverage please mention this in your waypoint.
- Ensure your device is switched off when you are not lone working.

### **Discreet methods to convey relevant information to you responder**

- In the event you need emergency assistance and you have not logged an activity try to speak details of where you are. Even the clients name may be useful to check against company records.
- Do not hold your Identicom to your face. The microphone will pick up any background noise when close you.
- Where possible have your Identicom accessible to raise an alert discretely.

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**Appendix 4 - Council Respondent's Action Card**

**To be completed**

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**Appendix 5 – Director on Call Action Card**

**To be Completed**

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## 1. REVIEW OF THE WORKPLACE NO-SMOKING POLICY

**Submitted by:** Executive Management Team

**Portfolio:** Finance and Resources

### **Purpose of the Report**

To obtain approval for a proposed revised Workplace No-Smoking Policy

### **Recommendation**

**That the revised policy at Appendix B be approved.**

## 1. Background

- 1.1 The Council's current Workplace No-Smoking Policy was introduced in June 2005. In effect, the Policy prohibits smoking by any person at any time in any part of council premises or within the cartilage of council property including car parks and yards, entrances/exits and in council-owned vehicles/vehicles being used on council business.
- 1.2 A copy of the full policy is attached at Appendix A.
- 1.3 The recent availability of 'Electronic Cigarettes' ('e-cigarettes') has necessitated a review of the Policy and a revised Policy which incorporates prohibiting the use of e-cigarettes in the workplace was endorsed by the Health and Safety Committee on 17 December 2013.
- 1.4 The rationale for a ban on e-cigarettes in the workplace are as follows:
  - Although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees;
  - Some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police and creating an impression for visitors/customers/other employees that it is acceptable to smoke;
  - Although the toxic compounds found in regular cigarette smoke are absent, e-cigarettes still deliver nicotine to the user which is in itself considered harmful;
  - The view of the British Medical Association (BMA) is that the existing smoke-free legislation should be extended to e-cigarettes. Whilst acknowledging the electronic cigarettes may help some smokers to give up, the BMA cites the lack of evidence of the health risks they pose to the individuals using them and those in close proximity;
  - While e-cigarettes are not 'lit' by a flame, they contain a heating element which may carry a risk of igniting flammable material;
  - As an employer, the Council has a statutory and a common law duty to protect the health and safety of its employees. Given the current uncertainty regarding the harmfulness of second hand vapour from e-cigarettes, a workplace ban is the best way to ensure this duty is met in respect of all employees.

2. **Issues**

- 2.1 The proposed revised policy was considered and endorsed at the Employees Consultative Committee on 17 January 2014 subject to it being clear in the policy that non-compliance by employees would be likely to result in disciplinary action being taken rather than a fixed penalty or a fine being imposed by the Council as enforcing authority.
- 2.2 Your Officers would advise that each case would need to be considered on a case by case basis with a view to ensuring consistency of approach in respect of enforcement of the Health Act 2006.
- 2.3 The proposed policy is attached at Appendix B.

3. **Legal and Statutory Implications**

- 3.1 As an employer, the council has a statutory and a common law duty to protect the health and safety of its employees. It is also required to comply with workplace smoke-free legislation.

4. **Equality Impact Assessment**

- 4.1 The policy applies equally to all employees, elected members, tenants of premises where council staff are employed, sub-contractors, customers and visitors at council premises.

5. **Financial and Resource Implications**

- 5.1 None

6. **Major Risks**

- 6.1 None.

7. **Earlier Cabinet/Committee Resolutions**

Health and Safety Committee	December 2013
Employees Consultative Committee	January 2014

8. **List of Appendices**

- Appendix A – Current Workplace No-Smoking Policy  
Appendix B – Proposed Workplace No-Smoking Policy

## WORKPLACE NO-SMOKING POLICY

### 1. INTRODUCTION

The Health and Safety At Work Act 1974 places a duty on the Council to provide an environment for employees, and for others such as the public who may come onto our premises, that is safe and without risks to health. This includes consideration of the effects of exposure to second-hand or "passive" smoke.

Passive smoking - breathing other people's tobacco smoke - has now been shown to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions<sup>1</sup>.

The reasons for updating the Council's existing No Smoking Policy are to -

- Acknowledge that the proportion of people who smoke is declining and the majority of people do not smoke.
- Reduce the harm associated with tobacco use amongst staff and visitors, particularly exposure to second-hand smoke.
- Respond to requests from staff and others to ban smoking within Council workplaces.
- Recognise that smoking is detrimental to the appearance and corporate image of the Council.
- Provide leadership in the community as regards reducing the harm associated with smoking.

This workplace no-smoking policy, therefore, seeks to guarantee non-smokers the right to work in air free of tobacco smoke. However, the Council recognises that it is difficult for smokers to stop and therefore it will take all reasonable steps to support those staff in adjusting to the policy.

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<sup>1</sup> US EPA (1992) Respiratory Health Effects of Passive Smoking: Lung cancer and other disorders

## 2. APPLICATION

With effect from 1<sup>st</sup> October 2005 smoking is not permitted at any time in any part of Council premises or the curtilage of the property including car parks and yards attached to the premises, entrances/exits, nor in Council-owned vehicles or any vehicles being used on Council business, by any person regardless of their status.

It applies to all staff, Councillors, tenants of premises where Council staff are employed, visitors and contractors, at all times including Civic functions, evening meetings and out-of-hours working.

Employees should note that they will not be permitted to smoke at any time when they are carrying out their official duties.

## 3. ARRANGEMENTS FOR SMOKERS

No designated smoking areas will be provided either inside or outside buildings. Anyone who wishes to smoke must do so in their own time, must vacate the premises altogether and move away from entrances/exits so that staff or others entering or leaving the premises are not exposed to second-hand tobacco smoke.

There will be no provision for smoking breaks.

## 4. ASSISTANCE FOR SMOKERS

This policy is not concerned with *whether* anyone smokes, but with *where and when* they smoke and the effect that this has on non-smoking colleagues. However, the Council realises that it will impact on smokers' working lives.

In an effort to help individuals adjust to this change, therefore, the following help will be provided via Personnel Services -

- The assistance of the North Staffordshire Quit Smoking Service
- Supplies of nicotine substitute products to purchase at a discount price
- Access to counselling support

## 5. RECRUITMENT PROCEDURES

All job information material sent out to applicants will include reference to this policy.

On appointment, all new staff members will receive a copy of the policy and it will be explained to them on the Corporate/Health and Safety Induction Course.

## 6. IMPLEMENTATION, MONITORING AND REVIEW

The Council has formally informed all staff 90 days in advance of the implementation date and has provided all staff with a copy of the policy, which is also available on the Intranet.

The implementation date will also be publicised in the following ways -

- The policy will be included as an agenda item on meetings and team briefings
- Details of the policy will be posted on the Intranet and in Grapevine
- Posters advertising the date will be displayed on notice boards
- A note will be attached to pay slips
- A global e-mail will be sent out

It is the responsibility of Chief Officers and all managers/supervisors to ensure that their staff are aware of the implementation date and to monitor compliance with the policy.

Any problems or complaints from staff on the operation of the policy should be raised through the Council's grievance procedure.

Any breaches of the policy will be dealt with through the Council's disciplinary procedure.

The policy will be reviewed after one year to ensure it is working effectively and to update it if necessary. Trade Unions and health and safety representatives will be consulted regarding any proposed changes.

MJK  
03/06/2005

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## WORKPLACE NO-SMOKING POLICY

## 1. **Introduction**

- 1.1 The Council recognises that the health, safety and welfare of employees, sub-contractors and anyone else directly affected by the Council's operations are of prime importance. The Council has therefore developed and enforces a dedicated no-smoking policy, conforming to the requirements of the smoke-free legislation.

## 2. **Application**

- 2.1 This policy is applicable to all employees, Elected Members, tenants of premises where Council staff are employed, as well as sub-contractors who undertake activities on behalf of the Council and any visitors to/customers on the Council's premises at all times, including Civic functions, daytime and evening meetings and out of hours working.
- 2.2 **Employees should note that they will not be permitted to smoke at any time when they are carrying out their official duties.**
- 2.3 As part of the Council's induction process, new starters should be told about this policy and shown where it is located (in the Employee Health and Safety Handbook and on the intranet). Human Resources are responsible for informing job applicants of this policy. Employees are responsible for informing their visitors to the premises/customers of this policy.
- 2.4 This policy and its mandatory application will be communicated to all employees, Elected Members, sub-contractors, visitors/customers and interested parties, including tenants of premises where Council staff are employed.

## 3. **Prohibition on Smoking**

- 3.1 Smoking is not permitted at any time in any part of Council premises or the curtilage of the property including car parks and yards attached to the premises, entrances/exits, nor in Council-owned vehicles or any vehicles being used on Council business, by any person regardless of their status.

## 4. **Homeworkers**

- 4.1 Homeworkers are not exempt from the requirement to comply with 2.2. It is, however, acknowledged that the Council cannot enforce this requirement within employees' own homes unless other employees are present.



## 5. **Electronic Cigarettes**

5.1 The Council acknowledges that some employees may wish to make use of electronic cigarettes (“e-cigarettes”) in the workplace, particularly as an aid to giving up smoking. E-cigarettes are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user.

5.2 Although they fall outside the scope of smoke-free legislation, the organisation prohibits the use of e-cigarettes. The Council’s rationale for a ban on e-cigarettes is that:

- Although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees;
- Some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors/customers/other employees that is acceptable to smoke;
- Although the toxic compounds found in regular cigarette smoke are absent, e-cigarettes still deliver nicotine to the user which is in itself considered harmful;
- The view of the British Medical Association (BMA) is that the existing smoke-free legislation should be extended to e-cigarettes. Whilst acknowledging the electronic cigarettes may help some smokers to give up, the BMA cites the lack of evidence of the health risks they pose to the individuals using them and those in close proximity;
- While e-cigarettes are not ‘lit’ by a flame, they contain a heating element which may carry a risk of igniting flammable material;
- As an employer the Council has a statutory and a common law duty to protect the health and safety of its employees. Given the current uncertainty regarding the harmfulness of second hand vapour from e-cigarettes, a workplace ban is the best way to ensure this duty is met in respect of all employees.

## 6. **Signage**

6.1 The Council displays signs that make it clear that smoking is prohibited on its premises. These signs are located at all entrances to its buildings. The Council also requires that no-smoking signs are displayed in all of its vehicles.

## 7. **Arrangements for Smokers**

7.1 No designated smoking areas are provided either inside or outside buildings. Anyone who wishes to smoke must do so in their own time, must vacate the premises altogether and move away from entrances/exits so that staff or others entering or leaving the premises are not exposed to second-hand tobacco smoke.

7.2 There are no provisions for smoking breaks.

## 8. **Assistance for Smokers**

- 8.1 This policy is not concerned with whether anyone smokes, but with where and when they smoke and the effect that this has on non-smoking colleagues. However, the Council realises that it will impact on smokers' working lives.
- 8.2 In an effort to support individuals who wish to stop smoking, Human Resources can arrange for assistance currently via the NHS funded stop smoking service in the Stoke-on-Trent and Staffordshire area.
- 8.3 The service provides an ongoing confidential one to one tailored support and behavioural support for anyone who wants help to stop smoking by an experienced team of trained stop smoking advisors.

## 9. **Non-Compliance**

- 9.1 Any infringement of these rules by an employee may result in appropriate disciplinary action, which will be dealt with in accordance with the Council's disciplinary procedure.
- 9.2 Customers who are smoking in smoke-free areas should be reminded of the no-smoking signs and asked to stop. If a customer continues to smoke, employees should explain that the customer is committing a criminal offence and will not be served if they continue to do so. If the customer still refuses to stop smoking, staff should ask the customer to leave the premises and, where relevant, direct them to where they can smoke.
- 9.3 Employees are reminded that under the provisions of The Health Act 2006, it is a criminal offence for employees to smoke in substantially enclosed workplaces including vehicles. Failure to comply could result in a fixed penalty of £50 or prosecution and a fine of up to £200.

## 10. **Review**

- 10.1 The Council will monitor the effectiveness of this policy and its general compliance within the organisation.
- 10.2 It is the responsibility of all managers/supervisors to ensure that their staff are aware of the content of the policy and to monitor compliance.
- 10.3 Any problems or complaints from staff on the operation of the policy should be raised through the Council's grievance procedure.
- 10.4 This policy will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable standards and guidelines. Trade Unions and health and safety representatives will be consulted regarding any proposed changes.