

## No Smoking

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## Policy Statement

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### Summary

It is illegal under the Health Act 2006, and regulations made under that act, to expose a person to second hand smoke in an enclosed or substantially enclosed workplace or an enclosed company owned vehicle.

In addition, it is illegal under the Smoke-free (Private Vehicles) Regulations 2015 to smoke in a private vehicle with someone under 18 years of age present.

The primary concern for West Yorkshire Police (WYP) is to ensure that no individual is illegally subjected to passive smoking while at work, visiting police premises or using a vehicle and this policy procedure is intended to provide clear guidelines to police officers and staff.

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### Scope

This policy procedure applies to all police officers, police community support officers (PCSOs), police staff, special constables, volunteers, visitors and contractors.

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## Principles

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### General

- It is a criminal offence if a police officer or staff member smokes in the workplace or a Force vehicle. The Force is also criminally liable in these circumstances.
- It is a criminal offence for a police officer or staff member to smoke in a private vehicle with someone present under 18 years of age.
- Smoking, which includes the use of electronic cigarettes, is not permitted within WYP premises, or whilst undertaking business on behalf of the Force or in vehicles, including hire vehicles.
- The Force does not permit electronic cigarettes as they can give the appearance that the individual using one is actually smoking. This is an impression that WYP does not want to give to colleagues or the public.
- In accordance with the Discipline – Police Staff policy or the Discipline Police Officers policies, disciplinary action will be taken against any individual who fails to comply with this policy.
- Individuals who illegally smoke may also be issued with a fixed penalty fine.
- All job advertisements must refer to the smoking ban and all applicants must be informed about it
- It is the duty of every member of WYP to report anyone who they have reason to believe is smoking in the workplace, on police premises or in a vehicle. This can be done following the process included in the Confidential Reporting Procedure – Doing the right thing policy.
- All visitors invited to attend WYP premises must be informed of this no

smoking policy.

- It is the duty of all individuals of WYP to remind visitors of this no smoking policy when they do attend. But there is no expectation to enter into any confrontation that may put their personal safety at risk.
  - Paid breaks for the purpose of smoking are not permitted. No official breaks exist for police staff other than those contained in their employment terms and conditions of service.
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#### Signage

- No smoking signs will be clearly displayed at all entrances to the workplace and in all Force owned vehicles. These must not be defaced or removed, individuals caught doing so will be subject to disciplinary action or could be dismissed.
  - Only legally approved signs must be used at entrances to premises. These are provided and fitted by Customer Services.
  - It is the responsibility of the Director of Finance and Commercial Services to ensure that vehicles are properly fitted with no smoking signs.
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## WYP Premises

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#### Principles

- Smoking is prohibited in any part of the workplace, such as kitchens, toilets, stairways etc.
  - Smoking is not allowed on Force premises including areas such as car parks, gardens or grounds that are part of those premises.
  - Physical structures or facilities will not be provided to accommodate smokers.
  - A person is legally permitted to smoke in their own home, e.g. if an officer or staff member visits them during the course of their duties. The householder and WYP employee visiting them may reach their own agreement about smoking within the house environment. If possible, this agreement should be made before the visit takes place.
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## Vehicles

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#### Principles

- For the purposes of this policy, a Force vehicle is any vehicle owned, hired or required to be used by the Force. An example of a vehicle being required is recovering a car after a road traffic collision.
- Smoking is prohibited in any part of a Force vehicle.
- Smoking is prohibited in a private vehicle with someone under 18 years of age.
- Smoking is prohibited in/on any vehicle parked on police premises, including personally owned vehicles by employees of WYP. If an individual is found smoking when parked on police premises, they may be subject to

disciplinary action.

- It is the duty of all individuals of WYP to inform passengers of this no smoking policy in relation to vehicles. But there is no expectation to enter into any confrontation that may put their personal safety at risk.
  - The driver of the vehicle has a legal obligation to try and stop any passenger from smoking in the vehicle.
  - If any employee of WYP fails to stop a passenger from smoking in/on a Force vehicle, the Force maybe liable to pay a court fine, unless it can be shown that the employee took reasonable steps to stop the passenger, e.g. asking the passenger to stop.
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## Responsibilities

### All employees of WYP, Volunteers, Visitors and Contractors

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| <b>Responsibilities</b> | <p>All employees of WYP, volunteers, visitors and contractors are responsible for:</p> <ul style="list-style-type: none"> <li>• Complying with all aspects of this policy, and for any breaches of this policy which may result in disciplinary action being taken against them;</li> <li>• Ensuring that there are never any instances where they are smoking in a private vehicle with a person under 18 years of age being present as this is illegal.</li> <li>• Reporting anyone they have reason to believe is smoking in the workplace, on police premises or in a vehicle;</li> <li>• Informing all visitors to the workplace of the no smoking policy and reminding individuals where necessary;</li> <li>• Informing all passengers of vehicles of the no smoking policy and reminding individuals where necessary, ensuring that reasonable steps are taken to stop a passenger smoking.</li> </ul> |
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## Additional Information

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### Compliance

This policy complies with the following legislation and policy:

- Equality Act 2010
  - Health Act 2006
  - Smoke-free (Private Vehicles) Regulations 2015
  - Employment Relations Act 1999
  - Employment Rights Act 1996
  - Employment Protection (Consolidation) Act 1978 (as amended by the Employment Act 1989)
  - Health and Safety at Work Act 1974
  - Discipline – Police Staff policy
  - Discipline Police Officers policy
  - Whistleblowing policy
  - Data Protection Act 2018
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