

WIRRAL COUNCIL

CABINET REPORT 20th SEPTEMBER 2007

REPORT OF THE CHIEF EXECUTIVE

REPORT TITLE – PROTECTION OF “COMMUNITY” STAFF FROM SECOND HAND TOBACCO SMOKE

1.0 EXECUTIVE SUMMARY

- 1.1.1 Wirral Council have a duty under the Health and Safety at Work Act 1974, The Health Act 2006 and other subordinate legislation to ensure the health and safety of its staff from second hand tobacco smoke when undertaking work in clients' homes. The new smoking legislation protects staff in all public buildings but does not apply to private dwellings.
- 1.1.2 A joint initiative between the 5 Local Authorities on Merseyside, the Primary Care Trusts and Merseyside Fire & Rescue Service has been proposed to promote a consistent approach to protect the health & safety of “community” staff. The Heart of Mersey campaign will be officially launched at the Merseyside Fire & Rescue Services HQ on Merseyside on 20th September 2007. Local press and media coverage is expected.
- 1.1.3 Attainment of the accreditation is a clear message to our staff and our customers that Wirral Council takes its responsibility to protect the health and safety of its staff seriously whilst also recognising the rights of individuals within their own homes.

2.0 BACKGROUND

- 2.1.1 Life expectancy in Merseyside is lower than anywhere else throughout England and smoking and exposure to second hand tobacco smoke is a major contributing factor. Every year around 3,500 people in greater Merseyside die from smoking related causes.
- 2.1.2 The Heart of Mersey Group have tackled this smoking issue on many angles, from the formation of the greater Merseyside smoke free coalition to bring about the legislative changes to this current campaign aimed directly at protecting community based staff.

3.0 PROPOSALS

- 3.1.1 The Council already meets 3 of the 4 standards for application to the charter (see appendix 1) by:-
- Providing a smoke free policy ✓
 - Providing advice to staff on ways to minimise their exposure to second hand smoke ✓
 - Providing advice to clients/service users and staff on smoke free issues and smoking cessation services ✓
 - Requesting clients/service users to provide a room within their home that has been smoke free for a minimum of 30 minutes prior to a planned visit by Council staff - still required
- 3.1.2 In conjunction with the Heart of Mersey group and Wirral NHS Primary Care Trust, Wirral Council will produce information leaflets highlighting the Charter and sign posting clients to the smoking cessation services available (see appendix 2).It is

intended that these leaflets will be distributed by Council staff that carry out home visits. This information will also be available on the Council website for access by customers.

3.1.3 Information will also be cascaded to Council employees through the team briefs and within the One Council magazine.

3.1.4 Appendix 3 contains some generic wording that will be included in all Council written correspondence in relation to home visits. It is hoped that this wording will highlight to client users the new charter and what they should do to comply.

3.1.5 Unfortunately it is expected that a small minority of service users will test the charter by not adhering to the 30 minute smoke free room request. It is intended to deal with these on a case by case basis. Some actions that the Council could take are;

- A more explicit letter explaining the ramifications of not adhering to the charter and reiterating the importance of protecting the health of the council employee;
- Refusal to provide the service at the client's home with the offer of an alternative location for example at council premises which is statutorily smoke free.

It is hoped that most, if not all service users/clients will respect the charter.

4.0 RISKS

4.1 If approval is gained for the support of the charter, clients will be requested to provide a smoke free environment prior to and during any visit by Council staff to the clients home.

4.1.2 Clients and service users may complain to elected Members regarding Council Officers reasonable requests to keep a room smoke free and the issue may be raised in the local press. Members are therefore requested to support the Council policy to protect the health and safety of Council employees.

5.0 FINANCIAL AND STAFFING IMPLICATIONS

5.1 Costs for consumables will be limited to the printing of single A4 information leaflets for distribution by staff prior to visits.

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

6.1 There are no specific implications arising from this report.

7.0 PLANNING IMPLICATIONS

7.1 There are no specific implications arising from this report.

8.0 COMMUNITY SAFETY IMPLICATIONS

8.1 There are no specific implications arising from this report.

9.0 HUMAN RIGHTS IMPLICATIONS

9.1 Whilst it is an individual's right to smoke in their own home the council has a legal duty to protect the health of its employees. The prime intention of the Charter is to afford that protection to the council employee from the harmful effects of tobacco smoke.

9.2 Whilst it is envisaged that in some circumstances the final act of withdrawal of service from a persistent offender could be taken, it would only be done after very careful consideration of the situation and on receipt of a legal opinion on the reasonableness of that action.

9.3 It is hoped that in most cases a practical solution could be reached long before withdrawal of service is even considered.

10.0 LOCAL AGENDA 21 IMPLICATIONS

10.1 There are no specific implications arising from this report.

11.0 ACCESS TO INFORMATION ACT

11.1 Background papers that have been used in the preparation of this report are:

- The Health Act 2006.
- Secondhand smoke: Review of evidence since 1998. Scientific Committee on Tobacco and Health (SCOTH) Nov 2004

12.0 LOCAL MEMBER SUPPORT IMPLICATIONS.

12.1 Member support for the application to the Heart of Mersey Charter compliments the report of the Director of Regeneration on 20 June 2007 regarding smoke free implementation.

13.0 RECOMMENDATIONS

13.1 That the Heart of Mersey charter accreditation application and the Councils' policy to protect its staff from second hand tobacco smoke in clients/service users homes be supported.

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