



- Smoking ban
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# SMOKING BAN

Awareness of the “smoking ban” is high, but there is still considerable concern about how it will apply in practice.

The following link will take you to the website for the new initiative, where further links will give you access to the regulations and other information.

<http://www.smokefreeengland.co.uk/>

The Health Act 2006 is supported by several sets of regulations, some of which are not yet finally ratified.

The new legislation requires that nearly all enclosed premises which are not private accommodation must be smoke free. The legislation comes into force on 1st July 2007.

## Requirements

- Smoking is prohibited in all enclosed or substantially enclosed public areas - with certain exemptions - see below
- Smoking is prohibited in public vehicles
- Signs must be displayed in areas and vehicles where smoking is not allowed
- Fines may be levied on individuals smoking in forbidden areas, and on the person in charge of the area

*The requirements apply to all forms of smoking.*

## Exemptions

There has been no intention to make private

residential space smoke free. Exemptions are therefore provided as follows:

- Hotel and hostel bedrooms can be used for smoking if designated as a room where smoking is permitted by the person in charge of the premises

- Care homes, hospices, mental health units and prisons may designate one or more smoking rooms

The exemption for mental health units only applies where long term (not less than 6 months) accommodation is provided.

Where one of the above exemptions applies, a smoking room within the premises can be designated providing:

- It is formally designated (in writing) as an area where smoking is permitted by the person in charge of the premises
- It has a ceiling and is enclosed by walls, except for doors and windows
- It does not have a ventilation system which ventilates into any other smoke free part of the premises
- Any doors into smoke free areas are mechanically closed immediately after use
- It is clearly marked as a room where smoking is permitted

To take advantage of the exemption for care homes, the definition in the Care Standards Act 2000 is applied.

## People's Homes

People remain free to smoke in their own home. If their home is also a workplace, because a tradesman, cleaner or carer is present, the householder and the person providing services are expected to come to their own agreement about smoking.

## Workplaces

Smoking is not allowed in the workplace, and there is no option to designate a smoking room or area. Where an external space is identified for smoking, it may not be “substantially enclosed” eg a roof and 50% or more walls.

## Vehicles

Smoking is not allowed on any form of public transport.

Smoking is also not allowed in a vehicle used for work by more than one person - even if they do not use it at the same time.

## Signage

A sign which includes a no smoking symbol and designated text must be prominently displayed at each public entrance to a premises. The dimensions, text and symbol to be displayed are set out in the regulations.

Smoke free vehicles must also display a sign but in this case a symbol only is required.

All the above legislation will be enforced by the local authority.

# OXYGEN

It is common for people with breathing difficulties to require oxygen in their home, for continuous or intermittent use.

Provision of oxygen may be of great help to individuals, and may permit them to go on living in their home. Oxygen, though, brings with it significant risks to all building users, and sensible systems to ensure safety are very important.

Oxygen may be supplied in cylinders, or by means of an oxygen concentrator which concentrates the oxygen of the room air for delivery to the user. Both of these sources of oxygen may leak so that the amount of oxygen in the air increases over normal levels. This is referred to as oxygen enrichment, and is a serious risk.

Oxygen enrichment may be caused by leaks from hoses or valves, or because of poor

ventilation in the area where oxygen is being used or stored.

Oxygen concentrators do not contain oxygen when not in use, but when in use, may leak oxygen.

Oxygen is colourless and odourless, and you are unlikely to be able to detect oxygen enrichment.

Even a small increase in the oxygen level in air can cause danger. Fire will start more easily, sometimes spontaneously. The resulting fire will burn more fiercely, and may be almost impossible to put out.

If there is oxygen in use in a building, this needs to be considered in your risk assessment. A good fire risk assessment will cover this, or you can assess risks associated with oxygen separately.

## Consider the following points:

- Smoking - must not be permitted where oxygen is in use or stored
- Cooking and heating - avoid cooking in the room where oxygen is in use, keep oxygen equipment away from fires and heaters

- Other naked flames, for instance candles - do not allow in the room where oxygen is in use.

- Do not attempt to repair or adjust oxygen cylinders or fittings. Do not use tape or lubricants.

- Handle oxygen cylinders carefully, using a purpose built trolley. Protect them from knocks or bumps.

- Keep only the in use cylinder and a back up if required in the area of use.

- Store oxygen cylinders in a secure well ventilated compound away from any combustible materials - alternatively, have oxygen delivered only as required.

- Put signs on the door of the room or flat where oxygen is in use to warn anyone entering.

- Make sure information on oxygen use in the building is immediately available to the fire brigade if they are called.

- Inform contractors entering the area of oxygen use of the risks, and make sure they understand that they may not carry out hot work.

## Oxygen continued

- Develop and brief to staff a procedure on a suspected oxygen leak leading to oxygen enrichment of the air. This will normally involve turning off the oxygen supply, correcting the leak if possible, and ventilating the area.
- Make sure good general ventilation is provided in areas where oxygen is in use.
- Have a suitable fire extinguisher available for use
- Make sure no one, especially children, tampers with any part of the oxygen apparatus
- Turn off the cylinder or concentrator when not in use
- Do not allow any flammable materials such as aerosols, paints etc to be used or kept in the room where oxygen is in use
- Do not cover the apparatus or hang clothes etc near to it

● **The Control of Asbestos Regulations are in force now.**

● **The Fire Safety Order is in force now.**

● **The new CDM Regulations will come into force in April and will be featured in our next newsletter.**

# Alcohol and Work

New guidance from HSE offers advice for employers who have concerns about the potential impact of their workers' use of alcohol on their work.

The following link is to the new guidance, "Don't mix it! A guide for employers on alcohol at work"..  
<http://www.hse.gov.uk/pubns/indg240.htm>

Timely for those managers whose staff have suffered those sudden attacks of "food poisoning" over the holiday period!

Most people with an alcohol problem are in work, and given the prevalence of the problem, many organisations will employ people with alcohol problems. The main problems for employers are:

- Alcohol related absences - thought to cause 3-5% of all absence from work
- The effects of drinking on work performance and relations with service users and colleagues
- Increased risk in certain jobs eg driving
- Adverse effects on the organisation's image

Bear in mind that the employee with a drinking problem has the same rights to support and confidentiality as if they had any other condition. Disciplinary action should only be considered if all other avenues have been explored. A court may find a dismissal unfair if help has not been offered to an employee whose work problems result from excessive drinking.

Excessive drinking, even outside work hours, can develop into a problem which is serious and unmistakable. As with all occupational risks, it is better to think, plan and establish policy in consultation with staff, rather than to react when a serious problem emerges.

*To manage alcohol problems at work proactively:*

- 1 Find out the extent of any problem - talking to staff and managers is invaluable. There may be aspects of the organisation's work which make staff more likely to abuse alcohol, either because of inherent stress factors, or because of opportunity. Also look at sickness and accident records, and at disciplinary problems.
- 2 Decide what to do. Do you want to ban drinking during working hours? What about social functions? Are there some staff for whom any consumption of alcohol during working hours should be eliminated? Also think how you want to deal with an employee whose drinking is posing a problem.
- 3 Consult with staff. They may have helpful knowledge of the problem, and their involvement in any new rules or procedures will be invaluable in having these easily accepted.
- 4 Your rules and procedures may be included in your organisation's code of conduct or staff manual, or in the health and safety policy. Make your new alcohol policy simple and appropriate. A "model" policy outline is available in "Don't mix it! A guide for employers on alcohol at work" - see link at the top of this article.
- 5 Brief the policy to all managers and staff, with particular attention to making sure that managers and supervisors understand the policy and how to apply it to their staff.

## Health and Safety Advice for the Social Housing and Voluntary Sectors

**SafetyWise Ltd is a specialist health and safety consultancy working with the social housing and voluntary sectors. We have been operating since 1999 and cover the UK.**

Our approach is based on a good knowledge and understanding of our sectors, and results from much experience of what is most effective in these sectors.

Our newsletter is produced every two months, and focuses on legal changes and developments in good practice relevant for social housing and voluntary organisations. We also provide an email update service, which you can sign up for on our website. There is no charge for these services.

For our clients, we also offer telephone and email advice and support, without additional charge.

Our expertise is in finding the most appropriate route to compliance with the health and safety requirements for the individual organisation. This means that we will help to build good practice in health and safety into the existing management practices of the organisation. We aim for excellence in health and safety practice, integrated into the rest of the management systems.

We therefore do not use any template or generic documentation. When we help an organisation to develop systems or policies, the systems will be those of the organisation, not imposed from outside.

For some clients, we will have close ongoing involvement, and work with many individuals in the organisation on different aspects. For other clients with in house competence, our involvement may be limited to audit and review. We charge a simple day rate which is always the same.

### TYPICAL SERVICES

- Health and safety audit
- Systems and policies development
- Risk assessment support and mentoring
- Training
- Specialist risk assessment including fire
- Planning supervision and construction services
- Contractor vetting and monitoring
- Monitoring and review

We are aiming to provide a one stop shop for our clients' health and safety requirements, and will therefore be offering fire, first aid, food

safety, personal safety and manual handling training during the coming year, as well as developing our construction services to support responsive repairs, planned maintenance and development activities.

### FIRE RISK ASSESSMENT

Our first step was to undergo thorough training ourselves in the requirements of the Fire Safety Order, so that we can speak authoritatively. We have also spent time developing an approach which meets the new requirements and works for our client base. Let us help you to obtain practical benefits from the new requirements - that does not mean a few more files on shelves and a large invoice!

- We'll do your fire risk assessments in close conjunction with the responsible managers and help them put in any new systems required
- We'll train your managers and surveyors to handle the fire risk assessment process in house
- We'll support your nominated responsible people for fire risk assessment and monitor the quality of the work they do



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