

'Smokefree' Mental Health'

Tobacco Control Collaborating Centre newsletter

Welcome

Welcome to the fourth and final issue of 'Smokefree' the Tobacco Control Collaborating Centre's smokefree mental health newsletter.

Obviously July 1 is almost upon us so we wanted to make sure this final newsletter provides you with any last minute assistance should you require it.

As you know, the TCCC has worked alongside the Department of Health (DH) and Care Services Improvement Partnership (CSIP) over the past twelve months to ensure all residential mental health units are smokefree. We have also worked closely with the Chartered Institute of Environmental Health (CIEH) and have offered advice and support to local authority smokefree compliance officers. These officers will be making contact with all mental health services at a local level to ensure mental health providers are aware of the local authority enforcement role and to offer professional advice and guidance where appropriate.

We would like to reassure everyone that good progress is being made across the country and we are not anticipating any major compliance issues on 1 July.

We also want you to be aware that England has gone much further with the smokefree legislation than many other countries in order to protect people, and we should all be very proud of what we have managed to achieve so far, and set an example to other countries to follow suit. Obviously the world will be looking to us to see how we have introduced and will enforce the legislation and, of course, will pick up and learn from any pitfalls. Page 3 of this newsletter shows where some other countries are with introducing smokefree legislation for mental health.

The TCCC will continue to produce 'Network News', our main tobacco control newsletter. If you would like to receive this you don't need to do anything as we will automatically add you to our mailing list. However, if you don't wish to receive this publication please drop us an email by return when you receive 'Smokefree' and we will remove you from our circulation list.

Bryan, Hilary, Paul and Barbara

Department of Health update - Rampton

You may have already seen the coverage of the Rampton case either through the media or via your networks, however we wanted to include an item that came from the DH in response to this case:

In March 2008, the High Court heard a number of claims for judicial review of regulations to make all residential mental health units smokefree from 1 July 2008 (residential mental health units were given a 12 month exemption from the smokefree legislation to prepare to go smokefree).

Three patients at Rampton, a high security residential mental health unit, sought judicial review of the smokefree legislation's application to residential mental health units. In particular, judicial review was sought against the regulation that allows only a time limited exemption for mental health units from the requirement to be smokefree, on the basis that the regulation was

believed to be unlawful by the claimants. The claimants believed that the new laws interfere with their right to respect for private and family life under the European Convention on Human Rights (ECHR). The High Court has dismissed each of the claims.

A copy of the High Court's judgement is on the Internet at: <http://www.bailii.org/ew/cases/EWHC/Admin/2008/1096.html>

The Department of Health now sees no reason why residential mental health units should not be compliant with smokefree legislation from 1 July 2008, as set out in the Smokefree (Exemptions and Vehicles) Regulations 2007.

Coverage on the BBC News website might also be of interest: <http://news.bbc.co.uk/1/hi/england/nottinghamshire/7409962.stm>

Chartered Institute of Environmental Health update

There has been much confusion around compliance and exemptions which we have tried to alleviate. The CIEH has produced some excellent advice which has gone out to all local authority smokefree compliance officers. The CIEH has kindly given us permission to share this advice with you.

As you will be aware, the Smoke-free (Exemptions and Vehicles) Regulations 2007 contain a limited exemption in respect of residential mental health units.

This exemption permitted residential mental health units to designate either individual bedrooms or rooms to be used only for smoking for use by persons over 18 years of age. This is the same provision that applies to care homes, hospices and prisons but, in the case of mental health units, the exemption applies only until 1 July 2008. From that date mental health units are required to become smokefree in all enclosed or substantially enclosed areas – without exception.

The purpose of the limited exemption was in order to allow mental health units to make the necessary preparations and adjustments. This was considered necessary because the intention to make residential mental health units smokefree was introduced late in the parliamentary process of the new law.

The majority of these facilities are managed from within the NHS but a number are operated in the independent sector. To ensure consistency in compliance, all mental health units have been provided with information and advice both nationally and locally. In particular, the Tobacco Control Collaborating Centre (TCCC) has sent out CD-ROM with model policies, suggested signage and other resources. The TCCC continues to provide support including telephone advice, written materials and site visits on request and will also liaise with other providers of local support.

However, it may well be the case that, despite the information and advice that has been provided, some misunderstandings persist or that there is uncertainty about whose responsibility it will be to ensure that compliance with the legislation is achieved by the required date and maintained thereafter.

To that end it is important for local authority officers to make contact with the mental health services at local level, to ensure that they are aware of the local authority enforcement role and to offer professional

advice and guidance where appropriate. It is also strongly recommended that you consider prioritising your visits to mental health units up to the 1st July 2008 so that you can satisfy yourself that full compliance will be achieved and that potential complaints are avoided. Lists of the mental health units within your area may be provided to you by the Regional Tobacco Policy Manager. They will also be able to make you fully aware of the terms of any additional NHS policy requirements which apply in your area eg for entirely smokefree hospital grounds or the provision of shelters for restricted use by residents etc.

Residential Care Homes: There is some further room for confusion in that some residential care homes accommodate people with mental health problems. However care home establishments do not provide the treatments that are required for designation as a mental health unit. The designation as either a mental health unit or a residential care home can be ascertained from the operator of the facility or the records of the local primary care trust. In any case of doubt, confirmation of registration as a mental health care facility can be obtained from the Healthcare Commission which is the relevant inspecting body (Helpline No 0845 601 3012) and for care homes by reference to the Commission for Social Care Inspection which has a facility for searching its register on its website: www.csci.org.uk/choose_and_find_care/search_the_list_of_care_homes.aspx#1

The exemptions in respect of care homes, hospices and prisons of course continue beyond the 1st July 2008. These allow that smoking can continue in designated individual bedrooms or rooms to be used only for smoking for use by persons over 18 years of age provided that all of the requirements can be met.

There appear to be some misunderstandings in some residential care homes, particularly in relation to the requirement for a designated smoking room to be for that sole purpose and not for any other use at any time. This position has been fully supported by Smokefree England and the National Care Association www.nca.gb.com and the CIEH has run special training events for care home managers and local authority inspectors to ensure that requirements are understood.

Source: CIEH

Smokefree mental health news from around the world

The Smokefree England website allows you to explore smokefree legislation in other countries by clicking on the relevant flag. Go to: www.smokefreeengland.co.uk and click on the **smokefree world** tab.

We have also received information about what's happening with smokefree legislation from various countries and states and have included details below:


 Ireland - 'plan to phase out smoking in psychiatric hospitals in Ireland'

The government intends to phase out smoking in psychiatric hospitals under new "best practice" guidelines for the sector supported by the Minister of State for mental health.

While these institutions are currently exempt from a ban on smoking in the workplace, it is understood that consideration will be given to removing this exemption should this prove necessary.

The revelation of the plan to phase out smoking in psychiatric hospitals comes as recent industrial action by over 8,000 psychiatric nurses seems set to escalate in the coming days.

They are protesting over a new compensation scheme for psychiatric nurses who are assaulted at work, and which the Psychiatric Nurses' Association believes is inadequate.

The decision to exclude psychiatric hospitals from the smoking ban was taken amid concerns among mental health professionals about the possible security implications should residential patients be refused cigarettes.

The exemption was intended to cover very disturbed clients who required constant observation, with the result that their own safety and that of staff members might be put at risk if they had to go outside to smoke.

Launching the new guidelines in Dublin, Minister of

State Dr Jimmy Devins acknowledged that there was often apprehension among mental health providers that introducing policies or initiatives to combat tobacco use "would be unworkable and could lead to discipline problems".

"However, it should be noted that an exemption does not constitute a right to smoke, and employers are still bound by a duty of care to protect their employees."

Dr Devins claimed that studies carried out in the US - where a number of psychiatric hospitals are "smokefree" - found that smoke-free policies resulted in "significantly fewer adverse effects than staff had anticipated".

"They also noted that a cleaner and healthier environment, increased patient interaction and more time spent on different activities.

"Six months after implementation of the policy the majority of staff reported that the psychiatric units should remain smoke-free."

According to the new guidelines, which are entitled "Best Practice Guidelines for Tobacco Management in Mental Health Settings", all new facilities must consider adopting a totally smoke-free policy from the outset.

All existing facilities should work towards a totally smoke-free status within a stated timeframe.

Source: The Irish Times, May 7, 2008, John Downes


 Spain - 'effects of smoking ban in a general hospital psychiatric unit'

Many psychiatric facilities in Spain still allow patients to smoke as the smokefree regulations allowed an exemption for mental health providers.

We have recently received sight of an article that appeared in a Spanish health journal that shows the effects of a smoking ban in a general psychiatric unit.

The study concludes that a smoking ban can be successfully implemented in a general hospital psychiatric unit without causing unfavourable effects.

If you would like to see the full article (in English) please contact us tcc@tobaccocontrolcentre.org.uk and we will send you the link to this publication.

Source: Actas Esp Psiquiatr 2008; 36(1):60-62

Smokefree mental health news from around the world (cont/d ...)



California - 'changes in psychiatric patients' thoughts about quitting smoking during a smoke-free hospitalization'

Abstract:

Though exempted from national bans of tobacco smoking in hospitals, some psychiatric facilities have voluntarily gone 100% smokefree with little reported difficulty in clinical management. The impact of smoking restrictions on psychiatric patients' thoughts about quitting smoking, however, is not known. This study investigates changes in thoughts about quitting smoking for patients hospitalized in a smoke-free psychiatric inpatient facility. Participants were 100 smokers recruited from a university-based adult inpatient psychiatry unit. The present study focused on participants' reported desire to quit smoking, their expectancy of success and anticipated difficulty with quitting, and their smoking abstinence goal. Assessments were conducted at hospital intake and shortly before hospital discharge. Follow-up

assessments were conducted by phone at 1 week, 1 month, and 3 months posthospitalization to measure smoking behavior. Although no cessation treatment was provided in this observational study, from admission to discharge, participants reported an increased expectancy of success with quitting and a decreased expectancy of difficulty with staying quit. They also were more likely to endorse a smoking-related goal. Psychiatric diagnosis was not related to thoughts about abstinence. Furthermore, participants' thoughts about abstinence at discharge were significantly related to their subsequent smoking behavior. Hospitalization in a smoke-free environment is associated with increases in patients' expectancies about quitting and staying smoke free.

Source: Informaworld.com

Smokefree mental health resources

Toolkit supports exempt premises

Derbyshire Action on Smoking (DAS) has recently launched a new 'Smokefree Toolkit for Exempt Premises'. The toolkit is a highly practical guide aimed at supporting residential care homes, hotels and guest houses to comply with the requirements of the smokefree legislation. The toolkit comprises a colourful plastic folder containing a number of A4 facts which are simple and easy to understand.

DAS intends that the toolkit will be used by tobacco control workers, environmental health officers and



smokefree compliance officers on their visits to exempt premises. Ongoing support to help achieve compliance will be offered to any Derbyshire business requesting it. Additionally every business visited will be given information on the Stop Smoking Service in their area and will be actively

encouraged to take advantage of the tailored support offered to help their employees to stop smoking.

For more information about the DAS Toolkit please contact Tina Jones on 01246 514318 or email tina.jones@derbyshirecountypct.nhs.uk

We do hope you have found 'Smokefree' of interest. As mentioned earlier this is the last issue now that legislation has come into force. If you would still like to keep up to date with tobacco control issues and would like to receive our sister publication 'Network News' we will automatically include you on our circulation list. However, if you do not wish to receive this publication please email us by return and we will remove your details.

Please contact Barbara at the Centre on 01926 490190 or email: tcc@tobaccocontrolcentre.org.uk

The TCCC receives funding from Cancer Research UK, Chartered Institute of Environment Health, GlaxoSmithKline, Johnson & Johnson Consumer Services EAME Limited and Pfizer Limited