

Gateway No: 7783

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*Mental Health Programme
Room 214
Wellington House
133-155 Waterloo Road
London SE1 8UG*

Chief Executives of Mental Health Trusts

Chief Executives of Strategic Health Authorities

Dear colleague,

I wanted to take the opportunity to update you on the Government's plans for how smokefree legislation will affect mental health units.

The Government yesterday afternoon laid the Smokefree (Exemptions and Vehicles) Regulations before Parliament. While the regulations will be subject to Parliament's approval, the laid regulations represent the Government's finalised position on exemptions from smokefree legislation.

In July 2006, the Department of Health published a consultation on the smokefree regulations to be made under the Health Act 2006, including proposals for residential mental health settings. The question of whether smoking should be permitted within enclosed parts of residential mental health units proved to be controversial, with opinion between consultation respondents somewhat divided. Nevertheless, the majority view from respondents to the consultation was that there should either not be any exemption to permit smoking within residential mental health units, or that any exemption should be time-limited. This view was shared by stakeholders including the Royal College of Psychiatrists, Cancer Research UK, the Royal College of Physicians, the British Medical Association and many NHS organisations that responded to the consultation.

Smokefree legislation represents a landmark in public health, and will afford protection in a wide range of settings from the harmful effects of secondhand smoke. Secondhand smoke is known to cause a range of serious medical conditions including lung cancer and heart disease, and can trigger asthma attacks. The Department of Health wants to ensure that the benefits and protection of smokefree legislation will also extend to mental health settings.

For this reason, the regulations the Government laid before Parliament yesterday provide a time-limited exemption from smokefree legislation for 12-months only. **From 1 July 2008, smoking will be against the law in any enclosed or substantially enclosed part of any mental health establishment.** This will include smoking by patients, visitors or members of staff, and will include *all* residential mental health units, regardless of whether they provide acute or long-term services.

Between 1 July 2007 and 30 June 2008, mental health units[†] that provide residential accommodation would be able to have "designated rooms" where smoking is permitted. These designated rooms could either be bedrooms or rooms used only for smoking, and must meet specific conditions. Rooms designated for smoking must:

[†] For smokefree regulations, "mental health unit" means any establishment (or part of an establishment) maintained wholly or mainly for the reception and treatment of persons suffering from any form of mental disorder as defined in section 1(2) of the Mental Health Act 1983.

- be designated in writing by the person in charge of the mental health unit as being a room in which smoking is permitted;
- have a ceiling and, except for doors and windows, be completely enclosed on all sides by solid, floor-to-ceiling walls;
- not have a ventilation system that ventilates into any other part of the premises (except any other designated smoking room);
- be clearly marked as a room in which smoking is permitted; and
- not have any door that opens on to smoke-free premises that is not mechanically closed immediately after use.

Importantly, like other enclosed public places and workplaces, it will be against the law for anyone to smoke in enclosed parts of mental health establishments that *do not* provide residential accommodation (for example, day units) from 1 July 2007.

A range of support exists to assist mental health units to become smokefree:

- In 2005, the Health Development Agency published *Guidance for Smokefree Hospital Trusts* (available to download at www.nice.org.uk/page.aspx?o=502903).
- In October 2006, Smokefree London in collaboration with Wandsworth Teaching PCT published *Smokefree Policy and Interventions in Mental Health Settings: A toolkit* (available to download at www.smokefreelondon.org/article.php?id=106).
- The Tobacco Control Centre (TCC) has also developed resources, including a *Support Pack for Smokefree Mental Health Services* (available by contacting the TCC by email at tcc@tobaccocontrolcentre.org.uk or by telephone on 01926 490190).

Smokefree mental health is an extremely important development, and I am committed to making it a success. Of course, smokefree mental health will require planning and hard work, but the evidence shows that mental health units can successfully and safely become smokefree. The Department of Health will continue to communicate with Mental Health Trusts in the lead-up to the implementation of smokefree legislation.

Smokefree mental health will help to ensure that mental health patients receive treatment in a healthier environment that is equal with other patients in the NHS, as well as tackling the institutional use of tobacco and the clear health inequality that mental health patients suffer because of smoking.

Yours sincerely,

Louis Appleby
National Clinical Director for Mental Health