



palliative,
neurological
and bereavement
support

Policy & Procedure

NO SMOKING

PEOPLE DIRECTORATE

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1. Equality Statement

Sue Ryder designs and implements policies, procedures and ways of working that meet the diverse needs of our service users and employees. We ensure that our policies not only don't discriminate but also consider the unique needs of certain identities and communities. This document has been reviewed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex, gender identity and expression, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. We take into account the provisions of the Equality Act 2010 whilst going above and beyond to protect people that aren't protected in the act, for example, non-binary people.

2. Introduction

We are committed to protecting the health, safety and welfare of its employees by providing a safe place of work and protecting all workers, service users, customers and visitors from exposure to smoke. We operate a **NO SMOKING POLICY** in all offices, and shops, entrances and all areas outside retail and office premises which are visible to members of the public (except for designated areas, see section 8). We encourage the extension of this procedure to all grounds surrounding our premises.

In general, all work places including vehicles are smoke free, this includes the Charity's minibuses, and lease cars. Exceptions are some Health and Social Care Services where a smoking room is made available to service users (refer to Smoking Policy – Service Users)

The ban applies to anything that can be smoked, which includes cigarettes, pipes (including water pipes) cigars, herbal cigarettes and e-cigarettes.

The operation of this procedure will be reviewed periodically to reflect any changes in response to revised legislation and applicable standards and guidelines.

3. Legislation relating to this document

This procedure complies with the Health Act 2006 and the Smoking, Health and Social Care (Scotland) Act 2005 and associated regulations which make it a criminal offence to smoke in a smoke-free place.

The Smoke-free (Signs) Regulations 2012

4. Eligibility

This procedure applies to all those working or volunteering for us.

Third parties who have access to the Charity's premises (such as consultants, contractors and visitors) are also required to comply with this procedure. Further information on smoking arrangements for patients and services users can be found in the Health and Social Care 'Smoking Policy – Service Users'.

5. Responsibility

Individuals

All workers and volunteers are responsible for complying with this procedure and any local arrangements that may be in operation with regard to rest breaks.

Everyone is responsible for ensuring their own health and safety as well as the health and safety of their colleagues, volunteers, service users and the general public in line with the Charity's Health and Safety Procedures.

Managers

All Managers have a specific responsibility to operate within the boundaries of this procedure and to facilitate its operation by ensuring that everyone working or volunteering for Sue Ryder understands the standards of behaviour expected.

Managers will ensure that the procedure is also clearly communicated to all workers, volunteers, contractors and members of the public by way of signs and through the recruitment and induction process.

Managers are responsible for carrying out a suitable and sufficient assessment of the risk to workers who are asked to support smokers. Before proceeding managers must seek the advice of a member of the Health and Safety Team. (Refer also to the 'Smoking Policy – Service Users').

People Team

The People Team will provide advice on how to deal with any breach of this procedure.

6. Rules

Workers and volunteers should refrain from smoking whilst on duty. This includes smoking within any service user designated areas and outside public entrances to buildings. At some locations special arrangements may be made for workers available for use during breaks only. In addition:

- Workers and volunteers may not smoke in front of service users, visitors or customers.
- Smokers must take personal responsibility for any smoking materials they may bring onto our premises and ensure these are safely stored at all times.
- Workers and volunteers may not smoke in any Company owned or Leased Vehicles.
- Any home care service conditions must contain a request for all service users to provide where practicable a smoke-free room for treatment or support. A smoke-free room is one where nobody has smoked for one hour before its use for support or treatment.
- Where a smoke-free room is not provided without good reason there must be an established procedure for refusing service.
- Workers or volunteers cannot be required to support service users who wish to smoke, for further details refer to the Smoking Policy - Service Users

- The use of e-cigarettes is considered equal to smoking traditional cigarettes. Workers are asked to use e-cigarettes in the designated smoking areas only.
- Re-charging of any e-cigarettes is not allowed on Sue Ryder premises.

Disciplinary action may be taken against any worker or volunteer who consistently breaches this procedure; however managers are encouraged to provide support to those who wish to stop smoking but are finding it difficult to stop.

7. Signage, shelters and designated smoking rooms

Workplaces must display 'No Smoking' signs where they will be seen; these signs must say that smoking is an offence. Signs in work vehicles must give contact details of somebody in the Charity who will take complaints about workers smoking in vehicles. People who persist in smoking in prohibited areas must be reported to the Police; Managers are responsible for ensuring this.

Smoking shelters for workers are allowed by law but they cannot be enclosed on more than 50% of their perimeter. When smoking outside, workers should ensure that they dispose of cigarette butts and other litter in the receptacles provided. Receptacles must be made of non-flammable material and should be designed so as to extinguish smouldering litter quickly, e.g. sand buckets. Receptacles must be emptied and cleaned weekly. Smoking areas should be provided with bins for rubbish other than cigarette butts, as ashtray fires are often caused by people using them for other flammable waste.

In hospices only, there may be a room which is designated for smoking, which:

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

8. Changing local arrangements

Managers can change smoking arrangements in those areas where it is not forbidden by law.

The impetus for change can come from individuals or groups of workers, or it can be initiated by a Committee or by the responsible manager on their own initiative.

Changes can not extend to introducing smoking areas indoors, in enclosed areas or in areas where smokers would be visible to members of the public.

9. Breaches of this procedure

All breaches of this procedure will be dealt with under the Charity's Disciplinary procedure.

Smoking in smoke free premises or vehicles is also a criminal offence which may incur a fixed penalty fine and possible criminal prosecution.

Failing to prevent smoking in a smoke free place is a criminal offence which may incur a fixed penalty fine or prosecution. The duty to prevent smoking rests with the person in control; this would normally be the most senior member of management present at the time. If managers are aware that people are smoking in a place where they should not be they must take steps to stop them.

10. Help and assistance

We are committed to making this procedure effective and to promoting a healthy working environment. Individuals who are experiencing difficulty in complying with this procedure should discuss their situation with their line manager.

In addition, for those who wish to stop smoking there are many ways of seeking help. These include:

- nicotine replacement therapy – available in patches, gums and inhalers
- alternative therapies – acupuncture, hypnosis, etc.

www.nhs.uk/smokefree