



SMOKE FREE POLICY

DOCUMENT INFORMATION

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1. Introduction

1.1 The South Central Ambulance Service NHS Foundation Trust recognises its duty to comply with the Health and Safety at Work Act (HSWA) 1974 and all subordinate regulations, particularly the Management of Health and Safety at Work Regulations 1999 and the Workplace (Health, Safety and Welfare) Regulations 1992.

1.2 The Trust also recognises its duty to provide a safe workplace that is safe and secure for staff to provide healthcare. Therefore, the Trust is committed to ensuring, so far as is reasonably practicable, the health, safety and welfare of all of its employees and will do all that is reasonably practicable to protect staff and patients within its care from nuisance smoke/vapour from e-cigarettes/vaping and any harmful emissions/hazards associated with the smoking of tobacco.

1.3 Moreover, the Trust recognises its duty under the Health Act 2006 to ensure that all workplaces are smoke free and the consequences of failing to fulfil this; and the subsequent fines that can be applied in accordance with the Smoke Free (Penalties and Discounted Amounts) Regulations 2007.

2. Scope

2.1 This policy applies to all who work for or carry out work on behalf of the Trust, including volunteers and work experience students. It also applies to all patients within the care and control of the Trust and any contractors and visitors whilst they are on Trust premises. This includes the grounds of any Trust premises and also all ambulances and Trust vehicles including pool cars and cars leased by the Trust for business purposes.

3. Equality statement

3.1 The Trust is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, marriage and civil partnership, disability, race, gender, religion/belief, sexual orientation, gender reassignment and pregnancy/maternity or any other basis not justified by law or relevant to the requirements of the post. The Trust will therefore take every possible step to ensure that this procedure is applied fairly to all employees regardless of the afore mentioned protected characteristics, whether full or part time or employed under a permanent or a fixed term contract or any other irrelevant factor.

3.2 By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.

3.3 Where there are barriers to understanding; for example, an employee has difficulty in reading or writing, or where English is not their first language, additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the HR Department.

4. Aim

4.1 The aim of the policy are to set out the arrangements for the management of a smoke free work environment which protects, and in so doing improves, the health of staff, patients, visitors and contractors.

4.2 The objectives are to ensure that the Trust has clear and defined arrangements for:

- the protection of both smokers and non-smokers from the hazards to their health due to exposure to environmental tobacco smoke
- and protecting non-smokers from nuisance smoke/vapour from e-cigarettes and vaping
- the support available to staff who wish to stop smoking
- setting an example to other employers and workforces, particularly other health care organisations.

5. Roles and Responsibilities

5.1 Trust Board

5.1.1 The Trust Board will ensure that there are suitable and sufficient arrangements and adequate resources for the management and maintaining of a smoke free environment which controls the risks to staff and patients (within its care), volunteers, work experience students, contractors and visitors (affected by the activities of the Trust) from nuisance smoke/vapour from e-cigarettes/vaping and also the harmful emissions/hazards associated with smoking tobacco.

5.2 Chief Executive

5.2.1 The Chief Executive has overall responsibility for:

- the effective implementation of this policy within the Trust and for ensuring that there are suitable and sufficient arrangements for the management and control of the risks to staff and patients (within its care), volunteers, work experience students, contractors and visitors to the Trust from nuisance smoke/vapour from e-cigarettes/vaping and also the harmful emissions/hazards associated with smoking tobacco.
- ensuring the allocation of sufficient resources to maintain efficient and effective health and safety arrangements to provide and maintain a safe and secure working environment that is smoke free and free from nuisance smoke/vapour from ecigarettes/vaping and also the harmful emissions/hazards associated with smoking tobacco.
- ensuring that policies are reviewed to secure compliance with existing legislation and any changes to this legislation.

5.3 Executive Director

5.3 Executive Directors are responsible for the effective implementation of this policy within their directorates and for ensuring that there are adequate resources available to fulfil the requirements of this policy.

5.4 Director of Patient Care and Service Transformation

5.4.1 The Director of Patient Care and Service Transformation is directly accountable to the Chief Executive and will advise and assist the Trust Board in fulfilling its duties under the relevant statutory legislation. In particular they are responsible for:

- ensuring that workplace health, safety and welfare procedures are constantly reviewed
- ensuring that there are arrangements for liaising with the Health and Safety Executive (HSE)
- ensuring that the Trust Board are kept abreast of relevant new legislation and guidance in order to ensure on-going compliance with the law.

5.5 Managers and Supervisors

5.5.1 Managers and supervisors' responsibilities include:

- adhering to any information provided to enable them to fulfil their responsibilities outlined in this policy
- bringing this policy to the attention of staff within their area of responsibility
- ensuring that all staff within their area or responsibility comply with this policy and any smoke free protocols and procedures
- communicating these local procedures and protocols to all staff within their areas of responsibility
- encouraging staff within their area of responsibility to report all breaches of this policy, using the Trust's Incident reporting system, Datix
- ensuring that staff who request it have access to appropriate smoking cessation information and guidance
- ensuring that members of staff are given all necessary support and advice with regard to smoking cessation
- arranging for the investigation of any matters or incidents or breaches of this policy raised by the staff within their area of responsibility
- where necessary, referring any staff who request it to Occupational Health.

5.5.2 Managers and supervisors need to recognise that for some, smoking tobacco and/or smoking e-cigarettes or vaping is an addiction that helps them cope with stressful or traumatic events. There is a difference between someone trying to de-stress after a stressful or traumatic event and someone who is wilfully breaching a health and safety policy. The former should be treated sensitively and humanely and all managers and supervisors should make themselves aware of their duty of care towards staff with regard to stress management and promote more stress relieving strategies.

5.5.3 If a member of staff has not complied or is not complying with this policy, then their manager or supervisor should seek the support of their Human Resources Advisor, and manage the matter using the Capability Policy and/or the Discipline and Conduct Policy as appropriate.

5.5.4 If individual members of staff challenge their manager on what they perceive as their right to smoke, the manager should refer them to these points:

This is a Trust policy relating to health and safety and should be observed as such. Indeed, staff have a legal duty to comply with health and safety legislation and the arrangements the Trust has put in place to comply with health and safety legislation.

This policy is based on the same principles as policies relating to dangerous machinery, hazardous substances, etc.,

- The policy is concerned with where someone smokes and/or uses ecigarettes and/or vaping not whether they smoke and/or use e-cigarettes and/or vaping.

5.5.5 In the event of a wilful breach of this policy, staff will be treated in accordance with local Performance and Conduct/Disciplinary policies as appropriate.

5.6 All staff

5.6.1 Staff have the following responsibilities:

- to make themselves fully aware of the policy and to abide by it
- to ensure that they do not smoke cigarettes and/or electronic cigarettes and/or vape whilst they are on either Trust premises or any other NHS Smoke free premises and other organisations' premises. This includes whilst they are in Trust vehicles. (It should be assumed that all NHS premises are smoke free.)
- to take reasonable care for their own health, safety and welfare and that of others who may be affected by their acts or omissions
- to report any concerns they have with regards to a smoke free environment not being observed using the Trust's Incident reporting system, Datix
- to adhere to any safety measures put in place to ensure their safety, including any safe systems of work or safe operating procedures
- to attend the Occupational Health department, if referred by their manager.

5.6.2 Since the 1st January 2007, staff have not been permitted to smoke whilst they are on duty (on duty refers to the time they are at work, excluding official breaks), irrespective of their location within the Trust. This applies to all staff within the Trust. Staff who wish to smoke and/or use e-cigarettes or vape can only do so if they are off-site and on their lunch-break or equivalent.

5.6.3 Staff must not smoke and/or use e-cigarettes and/or vape whilst they are wearing their uniform and are visible to the general public. Should staff wish to smoke and/or use ecigarettes and/or vape whilst they are off duty (on their official break) they should do so away from Trust premises and if they are in their uniform they should disguise/cover their uniform with a non-uniform jacket, coat or similar.

5.6.4 Staff are reminded when assessing incidents/entering scene that they have the right to withdraw if risks are apparent to staff and/or equipment in accordance with generic risk assessment procedures.

5.7 Visitors and Contractors

5.7.1 This policy applies to all visitors and contractors, irrespective of their circumstances.

5.7.2 Visitors who contravene this policy will be asked to either stop smoking cigarettes and other tobacco products, and also stop smoking e-cigarettes and/or stop using vaping devices or leave Trust premises.

5.7.3 Contractors who contravene this policy will be reported to the relevant lead person within the Estates and Facilities Team who is responsible for the monitoring of the conduct of contractors on site.

5.7.4 If a visitor or contractor requests information or advice on stopping smoking they should be given the details of the NHS Stop Smoking Service.

5.7.5 All tenders and contracts will stipulate adherence to this policy. If there any existing contracts which do not then they should be modified at the earliest opportunity.

5.8 Health and Wellbeing Team

5.8.1 The Trust's Health and Wellbeing Team will advise and guide the Trust on the latest guidance and developments with regards to:

- Maintaining a smoke free workplace
- Support available for smokers who wish to quit.

5.8.2 The Health and Wellbeing Team will also, upon request, send out an information pack containing guidance on nicotine replacement therapy (NRT).

5.9 Occupational Health

5.9.1 The Occupational Health Department, commissioned by the Trust, have the following responsibilities:

- a) to advise the Trust of all aspects of health in the workplace in order to assist the Trust in complying with legal requirements
- b) to assess any managers and staff who have been referred to Occupational Health with suspected work-related ill-health and to advise the Trust of the action that should be taken
- c) to carry out assessments of medical fitness on staff prior to employment
- d) to carry out assessments and advise on the manager or staff member's suitability to return-to-work following an injury.

6. Patients smoking whilst Trust staff are present

6.1 The Trust has no control on whether or not a patient chooses to smoke or smoke e-cigarettes and/or vape in their own home/residence whilst Trust staff are in attendance. Nonetheless, the Trust does have a duty to protect staff from noxious substances and harmful emissions and protect, so far as reasonably practicable, their health, safety and welfare whilst they are at work and this extends to areas outside of the Trust's control.

6.2 If staff attend to a patient in their own home/residence or another person's home/residence and the patient or someone in the vicinity of the area is smoking cigarettes or smoking e-cigarettes or vaping and thereby exposing staff to second hand smoke and/or the vaping fumes, the member of staff should politely ask the patient/individual to stop smoking/vaping and give them reasons why. It is hoped that the patient/individual will comply with this polite request. When doing this, staff should bear in mind that the patient may be smoking/vaping because it affords them some relief from their pain/discomfort/anxiety/stress. Likewise, any individuals who are smoking/vaping in the vicinity might be doing so to alleviate their anxiety/stress.

6.3 If the patient/individual does not comply with this request, then the member of staff should report the matter using the Trust's Incident reporting system, Datix.

6.4 If it is a patient who the Trust regularly visits and who continues to ignore requests to stop smoking/vaping whilst Trust staff are in attendance, then, provided the staff have reported this issue using the Trust's Incident reporting system, Datix, the Trust will write to the patient and formally request that the patient does not smoke whilst Trust staff are in attendance at their home/residence. If necessary a visit will be made to the patient's home/residence to discuss and try and resolve the matter with them.

7. Trust communication of this policy

7.1 This policy and the Trust's smoke free position will be communicated to staff at Induction. Staff will also be advised/reminded of how the policy applies in all Trust premises and vehicles.

7.2 Signs will be clearly displayed at Trust premises to ensure that anyone entering these premises will be aware that smoking tobacco and also smoking e-cigarettes or vaping is not allowed within the Trust. This includes Trust grounds and the entrances and exits to these grounds and premises.

7.3 Tenders and contracts with the Trust will stipulate that adherence to this policy is a contractual condition.

7.4 Advertisements will include a reference to this policy.

8. Breaches to this policy

8.1 As of the 1st April 2007, any member of staff found to acting in breach of this policy will be managed informally in the first instance as follows:

If the staff member is found to be in breach of this policy they will be managed in accordance with the Capability and Discipline and Conduct Policies as appropriate.

In the event of a wilful breach of Trust Procedures, staff will be treated in accordance with the Trust's Capability and/or Discipline and Conduct Policies as appropriate.

9. Fines for non-compliance

9.1 Any organisations or persons who chose not to abide by the Health Act 2006 and the subsequent smoke free legislation may be liable to a fixed fine and possible criminal prosecution.

9.2 Individuals are liable for fines of £50 for smoking in a smoke free premises or a vehicle. This fine will be reduced to £30 if paid within 15 days.

9.3 If individuals are prosecuted in court, the fine could be £200.

9.4 A fixed penalty notice of £200 can be imposed on the Trust and/or a manager of a premises or a person in control of a premises (or a vehicle) for failing to display appropriate no smoking signage. This fine is reduced to £150 if paid within 15 days.

9.5 In cases of prosecution and conviction, the Trust and /or manager or a person in control of a premises (or a vehicle) can be fined up to £1,000.

9.6 The Trust and/or manager of a premises or a person in control of a premises (or a vehicle) can be fined up to £2,500 for failing to prevent others from smoking in their premises.

10. The effects of smoking and exposure to second-hand smoke

10.1 Smoking can, among other things, cause lung cancer and heart disease. Likewise, second hand smoke and breathing other people's tobacco smoke can cause lung cancer and heart disease to non-smokers, as well as many other illnesses and minor ailments/conditions.

10.2 This policy recognises that smoking and second hand smoke adversely affects the health of all people. However, it is not concerned with whether anyone smokes, rather it is concerned with where they smoke and the potential effect this has on patients, visitors, contractors, smoking and non-smoking staff and other members of the wider health community. It is also concerned with the presence of preventable carcinogenic substances at Trust premises, including in the curtilage of those premises.

11. E-cigarettes and vaping

11.1 This policy recognises that smoking e-cigarettes and vaping is not the same as smoking tobacco. It also recognises the evidence from the World Health Organisation and Public Health England which states that the use of e-cigarettes and vaping:

- is 95% less harmful than smoking tobacco
- can help people quit smoking tobacco
- and that organisations should recognise these differences.

11.2 The Trust also recognises that staff who do not smoke tobacco /e-cigarettes e and/or vape have expressed concerns about the smoking of e-cigarettes and vaping within the Trust with regards to the variance in the chemical composition of these products and the potential impact on their health. They have also expressed concerns about the nuisance/unpleasant odour/vapour given off by e-cigarettes/vaping and the image portrayed by Trust staff smoking e-cigarettes or vaping whilst in their uniform.

11.3 Therefore, because of these concerns and until the smoking of e-cigarettes and vaping is classified as completely safe, the Trust does not allow the use of these products on Trust premises.

11.4 The Trust will also continue to monitor and review the medical research and guidance from the WHO and Public Health England, the British Medical Foundation and their respective findings on the use of e-cigarettes and vaping; and, where necessary, will amend this policy.

11.5 Due to the effects of smoking and the use of e-cigarettes and vaping, the Trust sincerely encourages its employees to refrain from smoking/using e-cigarettes/vaping outside the circumstances set out in this policy, both in their own interests and as representatives of a major public body whose purpose, among other things, is to improve health. However, this falls outside the scope of this policy.

12. Smoking cessation support for staff

12.1 Staff who wish to stop smoking will be helped to access individual or group support and nicotine replacement therapies as appropriate. A 'Support for Quitters' contact list of national and local services can be obtained from Occupational Health.

12.2 The Trust will give maximum support to staff wishing to give up smoking and the following facilities have been introduced:

- General information regarding the NHS Smokefree National Helpline which can be contacted on: 0300 123 1044 or email: <http://quitnow.smokefree.nhs.uk>
- Provision of information regarding smoking cessation courses
- Counselling through the Trust's employee assistance provider
- Regular publicity of smoking cessation services available to staff and their families in Berkshire, Buckinghamshire, Hampshire and Oxfordshire.

12.3 To access free or discounted nicotine replacement therapy, staff must contact the Trust's Health and Wellbeing Team who will send them the relevant information pack which contains guidance.

12.4 Any other advice and support that is suggested by staff will be considered.

13. Training

13.1 On induction, Managers and staff will be provided with information about the Trust being a smoke free environment.

14. Equality and Diversity

14.1 This policy will be applied fairly to all employees regardless of race, ethnic or national origin, colour or nationality; gender (including marital status); age; disability; sexual orientation; religion or belief; length of service, whether full or part-time or employed under a permanent or a fixed-term contract or any other relevant factor. The Trust will therefore take every possible step to ensure that this policy is applied fairly to all employees regardless of these protected characteristics or whether full or part-time or employed under a permanent or a fixed-term contract or any other irrelevant factor.

By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.

Where there are barriers to understanding, e.g., an employee has difficulty in reading or writing or where English is not their first language additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the Human Resources Department.

Employees exercising their rights and entitlements under the regulations will suffer no detriment as a result.

A full 'Equality Impact Assessment' is available on request.

15. Monitoring

15.1 The effectiveness of this policy will be monitored regularly by the risk team who will provide data on the use of the policy as and when required.

16. Consultation and Review

16.1 A consultation exercise on the policy will be carried out with the stakeholders annually.

16.2 This policy will be reviewed every three years or sooner if there are any relevant changes to legislation or best practice.

17. Implementation (including raising awareness)

17.1 The policy will be implemented and communicated to managers and staff within the Trust via the weekly newsletter, Staff Matters. Emails will also be sent to senior managers and area managers asking them to bring the existence of the policy to their staff.

18. References

- Health and Safety at Work Etc. Act 1974
- Management of Health Safety at Work Regulations 1992 (Amended 1999)
- Workplace Health, Safety and Welfare Regulations 1992
- Health Act 2006
- Smoke Free (Penalties and Discounted Amounts) Regulations 2007

19. Associated documentation

- Health and Safety Policy and Procedure
- Lone Working Policy
- Dignity at Work Policy
- Adverse Incident Reporting Policy
- Capability Policy
- Discipline and Conduct Policy.