

SMOKE FREE POLICY

Version Number	Issue 1.3
Date Revision Complete	January 2018
Policy Owner	Head of HR & OD
Author	Health & Safety Advisor
Reason for Revision	To incorporate findings of passive smoking review
Data Protection	No implications for Data Protection
Proof Read	Human Resources Officer Law at Work
Date Amendment Approved	March 2018
Approved by	SMT
Date of Latest Review	March 2018
Next Review Due	March 2021

Audience – Training and Awareness Method	Updated Policy will be distributed to all Line Managers with specific focus on Care and Support and supporting customers who smoke in either the care homes or their own homes. E-mail update
Effective Date	TBC

Internal References	
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External References	See Policy for details.
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Comments	Minor changes to document only to incorporate findings of review into passive smoking carried out by Health & Safety Advisor
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SMOKE FREE POLICY

1. POLICY STATEMENT

- 1.1 Blackwood accepts that it has a legal responsibility to protect employees from the effects of smoke under the Health & Safety at Work Act and to comply with the Smoking, Health and Social Care Act (Scotland) 2005 which makes smoking in the workplace and any enclosed public space illegal.
- 1.2 Blackwood accepts that tobacco smoking is a proven threat to health, causing preventable deaths and that exposure to passive smoke is also a threat to the health of non-smokers. Blackwood's policy is to discourage smoking in general and promote a healthy workplace. Smoking for these purposes includes the use of cigarettes, cigars, pipes, electronic cigarettes (or e-cigarettes), and any other type of smoking, including vaping.
- 1.3 This policy seeks to guarantee employees the right to work in air free of tobacco smoke, whilst also considering the needs of those who smoke. This includes our customers who have the right to smoke in their own homes and in care homes where specific rooms are designated for their use only.

2.0 PRINCIPLES AND SCOPE OF THE POLICY

- 2.1 The policy relates to all employees and board members whilst taking into consideration the nature of the workplace which can also be our customers' homes.
- 2.2 The Smoke Free Policy also applies to all temporary employees, relief workers, visitors and contractors to Blackwood premises.
- 2.3 Contractors and service providers will be informed of the policy terms during the contracting process and local arrangements regarding designated smoking areas will be pointed out on site. Our customers will be made aware of our smoke free policy via the tenant handbook and individual support agreements as well as occasional articles on our website and our tenant newsletter The Messenger.
- 2.4 Breach of this policy will lead to the application of the usual disciplinary procedure as outlined in the Code of Conduct, Discipline Process and Procedure and is also against the law and may lead to prosecution of individuals and the organisation.

3.0 KEY OPERATIONAL FRAMEWORK

- 3.1 Employees are not permitted to smoke within Blackwood premises and workplaces except, where provided, at designated external smoking areas. It is illegal to smoke in all office environments.
- 3.2 Any designated smoking areas provided may be used only at times agreed with local managers, which will usually be during designated breaks.

- 3.3 Employees and their visitors should not smoke at the main entrance to buildings where possible as this creates litter and can be unsightly.
- 3.4 Everyone has the right to breathe smoke-free air, and no one should be involuntarily exposed to tobacco smoke, as far as is reasonably practicable taking account of the nature of the work of some Blackwood employees. Employees who smoke outside in the designated areas will be encouraged to keep away from open doors and windows. Smoking should not inconvenience others and should be carried out only in the specific areas which have been agreed between management and employees. These areas must be kept clean and not littered with cigarette butts, ash and matches.
- 3.5 As customers are permitted to smoke in designated area of our care homes and their own homes) employees who deliver direct support services in those areas may be required to carry out their duties even when customers smoke in their presence. Managers will do all that is practicable to discourage customers from smoking whilst staff are working in their proximity by complying with Appendix A of this policy. Local managers will work with those employees involved to agree and implement suitable control measures to minimise their exposure to smoke, i.e. use of assistive technology, time limitations or employee rotation, etc. A risk assessment must be completed for these activities.
- 3.6 Where customers require assistance to smoke, managers will request volunteers to carry out this task. Employees will have the right to refuse this task if they have strong feelings on the matter. Local managers will work with those employees involved to agree and implement suitable control measures to minimise their exposure to smoke, i.e. use of assistive technology, time limitations or employee rotation, etc. A risk assessment must be completed for these activities.
- 3.7 Many Blackwood Employees will also be required to work in the homes of customers who smoke, such as those employees working in Care at Home, Housing, Housing Support Services, and our Assets, Estates & Innovations Teams. Blackwood will make our customers aware of this policy and ask them to respect the rights of employees who have strong feelings on the issue by complying with Appendix A of this policy.
- 3.8 All public meetings between employees and customers will be non-smoking.
- 3.9 Managers should arrange meetings with customers in non-smoking areas as far as possible to reduce the possibility of exposure to smoke.
- 3.10 It is the responsibility of all employees to abide by the terms and conditions of the policy.
- 3.11 Managers are responsible for enforcing the policy.
- 3.12 Any questions, comments or concerns regarding the Smoke Free Policy should be taken to Blackwood's Health and Safety Advisor or Head of HR & OD. Any observed breaches of the policy should be reported through management.
- 3.13 New employees should be made aware of this policy and local exceptions to Smoking at Work legislation during their induction.
- 3.14 Exempt Locations – These are defined in law as designated rooms in adult care homes, also exempt are customers own rooms, flats or homes.

4.0 CESSATION SUPPORT

4.1 Blackwood recognises that many smokers want to stop smoking and that employees may use the policy to enhance their motivation to stop.

Therefore, the following procedures will be followed:

- Employees who smoke will be encouraged to seek advice on modifying their smoking behaviour or stopping.
- Supplies of self-help information will be made available on request from Blackwood's Health & Safety Advisor.
- Information, advice and support are available from the Health and Safety Advisor.

4.2 Sources of Support

Smokeline (NHS: national telephone helpline, 12 noon – 12 midnight) 0800 848484
Care Services Unit – Health and Safety Advisor/Responsible Person
General Practitioners
Health Scotland www.healthscotland.com/documents/4124.aspx

SMOKE FREE POLICY

Working in Customer's Homes

SECTION 1 - PROVIDING SERVICES AT HOME

- 1.1 In the case of planned services delivered in any customers home, customers who smoke will be informed about Blackwood's policy and asked to refrain from smoking during the period of any visit and if possible to ventilate the room and house. With supporting guidance from the employee, and positive negotiation, many customers are willing to comply with the policy.
- 1.2 **Where the customer refuses** to refrain from smoking or to ventilate the house the worker will advise their manager who will undertake an assessment of the risk. Following this risk assessment, and discussion with the customer where necessary, the line manager will consider alternative ways of providing the service to protect the employee from the effects of passive smoking.
- 1.3 The customer will be advised that their choice to continue smoking during visits, and refusal to minimise the risk of passive smoking to the worker by ventilating their home, may affect their service.

This could include:

- different employees undertaking the service on different days
 - providing elements of the service in a non-smoking environment, i.e. a communal lounge or office if available
 - the withdrawal of their service
- 1.4 In some circumstances there will be customers who are unable, rather than unwilling, to comply with the request not to smoke (e.g. those with dementia or mental health issues). In such circumstances the manager will undertake an assessment of the risk and, again, consider alternative ways of delivering the service.
 - 1.5 Within the provision of services, where employees are delivering services at home, often for long periods of time, employees should have their rota reviewed regularly by their manager and rotated between smoking and non-smoking customers if practical.
 - 1.6 All steps must be taken to ensure the risk to employees who are pregnant or who have a specific, medically supported condition that is exacerbated by smoke (e.g. asthma) have either been eliminated or reduced to a level as far as reasonably practicable Team Leaders should ensure that specific risk assessments are conducted in these circumstances.

SECTION 2 - EMERGENCY SITUATIONS

- 2.1 In emergency and exceptional circumstances, where to insist on "no smoking" could result in confrontation or violence to employees or add to the distress of customers, employees will need to exercise a degree of flexibility. Managers should be informed as soon as possible in such circumstances however where possible the policy should be consistently reinforced.

SECTION 3 - PASSIVE SMOKING AND SOCIAL WORK EMPLOYEES

INFORMATION FOR CUSTOMERS AND THEIR FAMILIES/CARERS

- 3.1 Under the Health & Safety at Work Act, and to comply with the Smoking, Health and Social Care Act (Scotland) 2005, Blackwood have a legal responsibility to ensure the health and safety of employees, and to protect employees from the effects of passive smoking
- 3.2 Blackwood will ask customers to respect the rights of our employees to work in a smoke-free environment, by
- a) not smoking for at least one hour prior to any visit,
 - b) by not smoking during the visit, and
 - c) by opening a window if necessary before and during any visit.
- 3.3 Should you refuse to refrain from smoking or to ventilate the house your care worker will advise their manager who will undertake an assessment of the risk. Following this risk assessment, and discussion with you, if necessary, the manager will consider alternative ways of providing care or support in order to protect the employee from the effects of passive smoking.
- 3.4 Furthermore, you will be advised that your choice to continue smoking during visits, and refusal to minimise the risk of passive smoking to our employee by ventilating your home, may affect your service.
- 3.5 Any Blackwood employee who themselves smoke are not permitted to smoke in customers' homes.