



Fairdeal  
my support my choice

**SMOKE FREE**

**Policy and Procedure**

## **Fair Deal Smoke Free Policy**

This policy has been developed to protect people who use Fair Deal's services and employees from passive smoking and to comply with the Smoking, Health and Social Care (Scotland) Act 2005, the Health and Safety at Work Act 1974 and Workplace (Health, Safety and Welfare) Regulations 1992, to ensure, so far as is reasonably practicable, that its working environment for all employees is healthy and safe.

### **1. The Law**

The Smoking, Health and Social Care (Scotland) Act came into force on 26<sup>th</sup> March 2006. It aims to protect people from the harmful effects of passive smoking. The law bans smoking in 'no smoking' premises by:

- Creating an offence of permitting others to smoke in 'no smoking' premises.
- Creating an offence of smoking in 'no smoking' premises.
- Creating an offence of failing to display warning notices in 'no smoking' premises.
- Setting out the powers of enforcement officers to enter 'no smoking' premises.
- Creating an offence of failing without reasonable cause to give one's name and address on request by an enforcement officer.

'No Smoking' premises are premises which are wholly or substantially enclosed and:

- To which the public or a section of the public has access.
- Which are being used wholly or mainly as a place of work by persons who are employees.
- Which are being used by and for the purpose of a club or other unincorporated association.
- Which are being used wholly or mainly for the provision of education, health or case services.

There are only a few exceptions which include:

- Residential accommodation (i.e. people's own home)
- Private cars.
- Designated rooms in adult care homes.
- Designated interview rooms.
- Designated hotel rooms.

Those who do not comply with the legal requirements of the Smoking, Health and Social Care Act could be liable to a fixed penalty and possible prosecution.

Electronic Cigarettes:

Electronic cigarettes are being widely used to aid smoking cessation. Electronic cigarettes release varying amounts of nicotine in a warm water mist, which simulates the flavour of a real cigarette. Electronic cigarettes are not covered under the Smoking, Health and Social Care (Scotland) Act 2005 as they were not in existence when the legislation was introduced. Some employers have taken the view that as electronic cigarettes produce water vapour rather than smoke, they can be used indoors legally.

Fair Deal understands that there is still research to be completed on the safety and effectiveness of electronic cigarettes as a smoking cessation tool. Our employees should therefore use electronic cigarettes during rest breaks in designated smoking areas. We do not deem it appropriate to use electronic cigarettes on Fair Deal's premises or in the houses of people we support as they could cause annoyance and be perceived as 'real' cigarettes'. We would ask that all those that the policy applies to respect this application of the rules and do not expect any breaches of the rules to take place.

## **2. Principles relating to Fair Deal's policy**

This Policy and related guidelines aims to:

- Recognise the fact that Fair Deal has a duty to protect people from passive smoking and to ensure compliance with the Smoking, Health and Social Care (Scotland) Act 2005.
- Promote non smoking as the social norm and recognise that smoke free is better for everyone's health.
- Provide smokers with access to cessation advice and support.
- Be 'anti smoking' not 'anti smoker' and recognise for some people giving up or limiting smoking activities can be difficult.

## **3. The Policy**

All work bases are smoke free and employees and people who use Fair Deal's Services are not to be unnecessarily exposed to passive smoking.

- All organisational premises are designed 'no smoking' areas, apart from premises which accommodate people who use Fair Deal's services.
- Workers are normally required to refrain from smoking during work time. Arrangement can be made locally for workers who require a 'break' in order to smoke during a long working shift, or in particular circumstances.
- In compliance with the law, these breaks should not be taken in enclosed places and the worker must ensure that no one else is exposed to passive smoking.
- People who use Fair Deal's services will be requested not to smoke while being supported by employees of the organisation in enclosed places and asked to keep areas of their home as smoke free as possible.
- Special arrangements may be required for people who use Fair deal's services who cannot comply with this. These will be documented in individuals' risk Assessments.

#### 4. Implementation

Overall responsibility for the policy implementation and policy review rests with the Director of Fair Deal. The Team Leaders have day to day responsibility for implementation at local service level and also for the formulation and recording of any special arrangements related to the needs of people supported by Fair Deal. All staff are obliged to adhere to and facilitate the implementation of the policy. All existing employees, people we support, contractors and visitors will be informed of the policy and their role in implementation and monitoring the policy.

#### 5. Compliance

If any person has concerns or complaint in relation to compliance with this policy, they should be addressed to their Line Manager.

#### 6. Help to Stop Smoking

The organisation wishes to support all workers and people who use Fair Deal's services who wish to cease smoking. Sources of support include:

- Smoke line Scotland: 0800848484 (12noon – 12 midnight, seven days a week)  
<http://www.canstopsmoking.com/>
- Or your local pharmacy or GP surgery

#### End of Policy

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#### Amendment History

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