



SMOKE FREE POLICY

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DOCUMENT CONTROL

Policy

Title:	Smoke Free Policy
Owner:	Human Resources

History

Version	Revision Date	Summary of Changes	Future Review Date
1.1	April 2023	Routine review – to ensure compliance with current legislation.	April 2028

Committee Approval

Version	Committee	Committee Date
1.0	Council Executive	15 September 2015

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SMOKE FREE POLICY

(This policy covers all employees, visitors, customers and contractors)

1. POLICY STATEMENT

- 1.1 West Lothian Council recognises its responsibility to care for the Health, Safety and Welfare of our employees and recognises that smoking and passive smoking is damaging and detrimental to health.
- 1.2 The council believes that its employees are entitled to breathe air unpolluted by tobacco smoke or other smoking vapours whilst at work.
- 1.3 This policy applies to all users of council premises including employees, visitors, service users and contractors. An exception applies to adult residential care homes as noted in section 5 below.

2. PURPOSE

- 2.1 For the purpose of this policy smoking is defined as anything that is smoked including – manufactured and hand rolled cigarettes, pipes, cigars, herbal cigarettes and shisha pipes. Electronic cigarettes (e-cigarettes) and other vapour producing products are also included.
- 2.2 The purpose of this policy is to:
 - Comply with current Scottish legislation, Smoking, Health and Social Care (Scotland) act 2005, the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 and the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016.
 - Support the Scottish Government's 2018 Tobacco Control Action Plan: Raising Scotland's Tobacco Free Generation.
 - Promote the health of all employees by supporting those who wish to stop smoking.
 - Reduce the risks associated with smoking/passive smoking by prohibiting smoking in all council owned premises, and designated outdoor areas within the council's jurisdiction.
 - To prohibit smoking in any council owned or hired fleet vehicles, and any private vehicle on council business.

3. EMPLOYEES

- 3.1 Smoking by employees is prohibited in the following areas:
 - inside council premises including employee workstations, meeting and training rooms, toilets, lifts, stairs, corridors, canteens and rest areas etc.;

- building entrances/exits and surrounding grounds. The border of surrounding grounds will be determined locally at each council building and appropriate signage displayed to inform building users;
 - in council vehicles;
 - in private vehicles on authorised council business where another council employee or client is travelling in the vehicle as a passenger.
- 3.2 It is the responsibility of employees who smoke to adhere to the controls set out in this policy and smoke free legislation. Employees who choose to smoke may do so only;
- a) during designated breaks as outlined in their contract of employment, and
 - b) in outdoor areas that are not council controlled designated smoke - free zones.

Out-door smoke – free zones are those areas identified by the council in compliance with the Scottish Government’s Tobacco Action Plan.

- 3.3 All employees are responsible for reporting any breaches of the policy to their line manager and for ensuring that any visitors are advised of the policy where appropriate.
- 3.4 Any breach of the policy will be viewed seriously and dealt with in accordance with the council’s Disciplinary Procedure.

4. VISITORS TO BUILDINGS

- 4.1 Visitors to council buildings are required to conform to the smoking restrictions noted in this policy and as indicated by signage at council premises. Where a visitor fails/refuses to adhere to the smoking restrictions they should be asked to leave the council building/surrounding grounds.
- 4.2 Any organisation or individual renting or using council buildings/rooms for meetings or events must comply with this policy and this will be made clear in any letting agreement. Failure to comply may result in the letting arrangement ceasing.

5. CARE HOMES FOR ADULTS

- 5.1 Certain premises are exempted under the law, including care homes for adults in recognition that they are residential establishments. Designated rooms where smoking is allowed are intended for the use of residents only, not for staff or visitors.
- 5.2 The council is not legally obliged to provide designated smoking areas. Managers of buildings which are eligible for such an area may designate a smoking area where appropriate and where the area is compliant with the law or can be made so with few modifications. Managers must ensure there are local protocols to reduce harm to staff and other service users.
- 5.3 Provision of designated smoking areas will be reviewed as appropriate.

6. CARE AT HOME

6.1 Staff who provide services to people in their homes are at risk if those people are smoking. All members of the public receiving services in their homes will be notified in writing that the council wishes to provide a smoke-free environment for its employees. As a consequence, anyone expecting a service in their home is requested:

- a) Not to smoke during the visit; and
- b) Not to smoke for an hour before the visit.

6.2 Failure to comply with the request may mean that the council will provide the service in an alternative setting, reduce the level of service or refuse the service altogether, depending on the circumstances and nature of the service. Managers' decisions regarding service provision will be taken with due regard for the duty to care for both service users and employees.

7. E-CIGARETTES

7.1 E-cigarettes are battery powered devices designed to replicate the behaviour of smoking without the use of tobacco and are used as a substitute for smoking.

7.2 In the absence of regulation and definitive evidence as to their safety, this policy applies to the use of e-cigarettes and other similar products as well as tobacco-based products.

7.3 The use of e-cigarettes and other similar electronic nicotine delivery systems (ENDS) must be in the employee's own time and out with council buildings/vehicles and surrounding grounds.

7.4 The charging of e-cigarettes on council premises is not allowed for fire safety reasons.

8. RESPONSIBILITIES

8.1 Depute Chief Executives are responsible for ensuring that:

- this policy is implemented, in respect of all council premises and vehicles, which fall within their control;
- no smoking notices are prominently displayed in key areas throughout buildings (e.g. at all entrances, meeting and training rooms, toilets, canteens, rest rooms, etc.), in compliance with the signage requirements in the Smoking, Health and Social Care (Scotland) Act 2005 and with reference to the Scottish Governments Tobacco Control Action Plan;
- that all new employees are informed of the policy.

9. SUPPORT TO STOP SMOKING

- 9.1 The council is committed to supporting employees who want to stop smoking. Further information can be found in the links below:

[Stopping smoking | NHS inform](#)
www.canstopsmoking.com
www.ashscotland.org.uk
www.clearingtheairscotland.com

10. REVIEW

- 10.1 The council will keep this policy under review and any required changes will be made in consultation with the recognised trade unions.