
Report To: Policy and Resources Committee **Date:** 14 November 2017

Report By: Head of Organisational Development, Human Resources and Communications **Report No:** HR/36/17/PR

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Subject: Smoke Free Policy

1.0 PURPOSE

1.1 The purpose of this report is to seek approval for the adoption of a reviewed Smoke Free Policy (Appendix1).

2.0 SUMMARY

2.1 In March 2013 the Scottish Government published a strategy paper– “Creating a Tobacco-Free Generation: A Tobacco Control Strategy for Scotland” which all Local Authorities are encouraged to support, it states that:

“All Local Authorities should implement fully smoke free policies across their properties and surrounding grounds”.

2.2 The Health and Safety at Work etc. Act places a duty on employers to prepare a written statement of their general policy and as part of that policy to have in place arrangements for the implementation of Health and Safety. The Smoke Free Policy will form part of the Council’s arrangements for Health and Safety.

2.3 The policy aims to protect all employees, service users, customers and visitors from exposure to second-hand smoke and ensure compliance with the Smoking, Health and Social Care (Scotland) Act 2005, and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

2.4 This policy formalises these requirements into a revised corporate policy.

2.5 The People and Organisational Strategy was approved by the Policy and Resources Committee in September 2016. This particular proposal is contained within Theme 2 - Employee Skills Development, Leadership, Succession Planning (Employees our most Valuable Resource) and Theme 3 - *Employer of Choice (Continuous Improvement)* in that it focuses on the health, safety and welfare of our workforce.

3.0 RECOMMENDATIONS

3.1 The Committee is recommended to approve the Smoke Free Policy.

3.2 The Committee is asked to support this policy by active promotion and support of the health benefits of not smoking.

4.0 BACKGROUND

- 4.1 The previous No Smoking Policy was ratified at committee in 2006; as well as meeting legal requirements it also prohibited smoking on certain Council grounds including school grounds and children's playparks and as such was in advance of requirements at that time. The Scottish Government introduced a strategy paper in March 2013 – "Creating a Tobacco-Free Generation: A Tobacco Control Strategy for Scotland" which stated that: "All Local Authorities should implement fully smoke free policies across their properties and surrounding grounds". While the Council's existing policy was close to compliance with this it did not make reference to properties such as depots and office establishments where there were specific grounds associated with them.
- 4.2 By law (Health and Safety at Work etc. Act 1974 section 2(3)) if you employ five or more people you must have a written health and safety policy. The Smoke Free Policy details the arrangements the Council has in place for managing the risks to employees from second hand smoke.
- 4.3 The Council, as an employer, as a service provider, and as an advocate of positive, social, economic and health policies, recognises the damage which smoking does to the health of both the smoker and to those who are exposed to other persons' smoke. Accordingly, this Council wide smoke free policy will continue to protect all employees, service users, customers and visitors from exposure to second-hand smoke and ensure continued compliance with the Smoking, Health and Social Care (Scotland) Act 2005, and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.
- 4.4 Guidance documentation on the recommended requirements of a smoke free policy have been produced by NHS Health Scotland and Cosla; the review of this policy has followed this guidance.
- 4.5 The key changes to the policy are:
- Renamed to Smoke Free Policy
 - Prohibition of smoking in outdoor areas within the Council's jurisdiction including its grounds which are open ground which serves a Council building exclusively, ideally bounded by a wall or fence demarcating it from public space.
 - Definition of Council premises and grounds expanded to include all public buildings, schools, community centers, libraries, leisure facilities, public halls, sports pitches, children's play parks and public lets.
 - Inclusion of updated guidance on vaping.

5.0 PROPOSALS

- 5.1 The smoke free policy be adopted by Inverclyde Council and used as a framework to further enhance the health, wellbeing and safety of employees and those affected by the work of the Council.

6.0 IMPLICATIONS

Finance

- 6.1 There are no financial implications for this report.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

Legal

- 6.2 Legal: Failure to have a robust policy in place and to implement it could result in enforcement action being taken against the Council.

Human Resources

- 6.3 There are no Human Resources implications.

Equalities

- 6.4 There are no Equalities issues within this report.

Repopulation

- 6.5 There are no repopulation issues within this report

7.0 CONSULTATIONS

- 7.1 The Smoke Free Policy has been coordinated through the Corporate Health and Safety Committee with Health and Safety seeking the views of both union and management colleagues. The Trades Unions have agreed the Policy.

8.0 LIST OF BACKGROUND PAPERS

- 8.1 Appendix 1 – Smoke Free Policy

SMOKEFREE POLICY AND PROCEDURES

Version 0.9

Produced by:

Health and Safety OD, HR & Comms

Inverclyde Council
Municipal Buildings
GREENOCK
PA15 1LX

November 2017



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DOCUMENT CONTROL

Document Responsibility		
Name	Title	Service
Pauline Ramsay	Health and Safety Team Leader	OD, HR & Comms

Change History		
Version	Date	Comments
0.2	March 2006	Updated to reflect changes in legislation and new guidance from SHAW on Smoking in the Workplace.
0.3	March 2008	Reflect changes to new layout. No change to content.
0.4	September 2008	Updated names in the distribution list. Changes to Section 11 Review to formalise the time between reviews.
0.5	May 2010	Updating of Distribution list, and Directorate and Service Titles.
0.6	January 2012	Updating of Distribution List
0.7	November 2013	Amended to incorporate Council Employees working in non Council Buildings
0.8	June 2014	Amended to incorporate Guidance regarding e-cigarettes
0.9	November 2017	Amended to bring into line with the Scottish Government's "Creating a Tobacco-Free Generation – A Tobacco Control Strategy for Scotland" Name change to Smoke Free Policy

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Distribution may be made to others on request

A copy of this policy will be placed on Icon, a hard copy should be made available where relevant to those employee who do not have access to icon.

Policy Review		
Review Date	Person Responsible	Service
November 2020	H&S Team Leader	OD, HR & Comms

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1. INTRODUCTION

- 1.1 It is widely recognised that smoking is the largest single cause of serious ill health and premature death in Scotland. Similarly, the health effects of people breathing in other people's tobacco smoke, i.e. passive smoking, have emerged as an important health concern.
- 1.2 The Council seeks to set a good example in health promotion and will work towards national targets set to reduce the prevalence of smoking and incidence of diseases caused by tobacco smoke and to improve the health and fitness of our employees. As Gold Award holders we are committed to the Healthy Working Lives campaign, and will introduce and promote policies which encourage a healthy lifestyle.
- 1.3 The Council recognises its role in exemplifying Scotland's smoke free ambitions and has, since 2006, not permitted smoking in certain grounds controlled by the Council including entrance areas, children's outdoor play parks, and school playgrounds and car parks. This revised policy takes recognition of the Scottish Government's Strategy on "Creating a Tobacco-Free Generation – A Tobacco Control Strategy for Scotland" published in March 2013 which aims to reduce the number of people who smoke in Scotland by 2035 and Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 which prohibits smoking in any vehicle where children under the age of 18 are being transported.

2. POLICY STATEMENT

- 2.1 Inverclyde Council, as an employer, as a service provider, and as an advocate of positive, social, economic and health policies, recognises the damage which smoking does to the health of both the smoker and to those who are exposed to other persons' smoke. Accordingly, this Council wide no smoking policy will continue to protect all employees, service users, customers and visitors from exposure to second-hand smoke and ensure compliance with the Smoking, Health and Social Care (Scotland) Act 2005, and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.
- 2.2 The Council has a statutory duty under Section 2 of the Health and Safety at Work Act 1974: "to ensure, so far as reasonably practicable, the health, safety and welfare of all its employees" and a statutory duty under the Safety and Health of Pregnant Workers Act (Directive 92/85/EEC). Further, the Council has a duty to protect its customers and service users from the effects of tobacco smoke in its premises. The provision of a No Smoking Policy is consistent with meeting these obligations.
- 2.3 The Scottish Government published their Strategy paper in March 2013 – "Creating a Tobacco-Free Generation: A Tobacco Control Strategy for Scotland" which all Local Authorities are encouraged to support and states that:

"All Local Authorities should implement fully smoke free policies across their properties and surrounding grounds".
- 2.4 This standard will be achieved by:-
 - The council meeting its responsibilities to employees in a way that recognises that legal requirements are the minimum standard.

- Promoting and maintaining a positive health and safety culture which secures the commitment and participation of all employees. Inverclyde Council believes that this can best be achieved by partnership working in conjunction with trade union safety representatives. The “organisation” and “arrangements” sections of this policy make references to how this will be achieved in practice.
 - Reducing the risks associated with passive smoking by prohibiting smoking in all Council owned premises and outdoor areas within their jurisdiction.
 - Supporting employees who wish to stop smoking.
 - Work with Health Board partners to support cessation initiatives.
- 2.5 The Council is committed to improving the health and fitness of its employees and establishing this as its normal culture. As an employer the Council is committed to Scotland’s Health at Work Campaign and maintaining the Healthy Working Lives Gold Award, and will introduce and promote policies which encourage a healthy lifestyle and meet the Healthy Working lives objectives.
- 2.6 This policy aims to provide guidance and information to Services to help them to manage Smoking risks in the workplace.

3. SCOPE

- 3.1 The Policy covers all persons using Council premises. For the avoidance of doubt this includes all employees, contractors, visitors, customers, service users, pupils and elected members.
- 3.2 Under the Prohibition of Smoking in Certain Premises Regulations 2006 smoking is prohibited within all Council premises and in Council vehicles. In addition the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 prohibits smoking in any vehicle where children under the age of 18 are being transported.
- 3.3 Under the Scottish Governments strategy, “Creating a Tobacco-Free Generation: A Tobacco Control Strategy for Scotland” smoking will be prohibited within the surrounding grounds of all Local Authority buildings; these are outdoor areas within the Council’s jurisdiction including its grounds which are open ground which serves a Council building exclusively, ideally bounded by a wall or fence demarcating it from public space. Employees will also not be permitted to smoke in their cars if their car is parked in a car park on the grounds of a Council premises.
- 3.4 The only exception will be where a risk assessment has identified that it would be safer for employees, visitors or service users to continue to be permitted to smoke on the grounds. This should only be in exceptional circumstances and must be ratified by Health and Safety and the appropriate Head of Service; appropriate external smoking shelters can be erected by the Service provided they meet with legal requirements.
- 3.5 If an employee’s own vehicle is being used to carry passengers on a work related activity it should be considered as an integral part of the workplace and as such must be smoke free. Neither driver nor passenger should smoke.
- 3.6 Council premises and grounds include all public buildings, schools, community centers, libraries, leisure facilities, public halls, sports pitches, children’s play parks and public lets.

- 3.7 Failure to enforce the smoking ban is a criminal offence. All elected members and employees have a legal duty to comply with this law. Anyone can notify the enforcing authority that a smoking ban is being ignored. The person smoking will be asked to leave the premises.
- 3.8 Employees are not entitled to smoke breaks and any breaks taken are subject to the exigencies of the Service. If an employee on the flexi system is permitted to take a smoke break they should key out when taking this break. Employees not on the flexi system should ensure that any time lost while taking a smoke break is accounted for.
- 3.9 Inverclyde Council recognise that smoking is an addiction and where employees have difficulties with this assistance is available through the Smoke Cessation Service.
- 3.10 Where Council employees work in Health Board buildings they are required to comply with all policies and procedures in place in these building in regard to smoking on the premises or surrounding areas.

4. CONSULTATION & IMPACT ASSESSMENT

- 4.1 Inverclyde Council recognises the importance of employee consultation and is committed to involving all employees in the development of policies and procedures. The following groups are formally consulted:
- Trade Union Representatives through the Corporate Health and Safety Committee.
 - All Chief Officers.
 - Employees via the Council Intranet.
- 4.2 An Equalities Impact Assessment was carried out using the Council's Equalities Impact Assessment Template.

5. ROLES & RESPONSIBILITIES

In addition to the responsibilities laid out in the Corporate Health and Safety Policy the following responsibilities are specific to this Policy.

5.1 Directors and Heads of Service

Will be responsible for:

- the implementation and operation of the *No Smoking Policy* for Council premises within their control.
- ensuring that all employees, applicants for jobs and new recruits receive the appropriate information so that they are aware of their responsibilities under the *No Smoking Policy*.
- ensuring that employees are supported in their efforts to stop smoking.
- ensuring appropriate plans are in place to address operational matters arising from implementation of this policy.

5.2 The Head of Organisational Development, HR and Communications

Will be responsible for:

- implementing the appropriate mechanisms to ensure that employees receive relevant advice on health issues relating to smoking and passive smoking.
- liaising with external agencies to provide programmes of support for employees who wish to stop smoking and facilitating assistance for employees.
- ensuring that the *No Smoking Policy* is publicised appropriately throughout the Council.

5.3 Managers/Team Leaders/Supervisors

Any person who has a managerial/supervisory responsibility for other employees, whatever title they are given has the responsibility to ensure that their employees, clients, service users or visitors comply with this policy. The Council may be fined £200 for permitting smoking on no-smoking premises and not displaying appropriate warning signage. In addition employees/clients/visitors may receive a fixed penalty notice of up to £50 for smoking in no-smoking premises.

Managers in these areas will have a duty to ensure that this policy is communicated to anyone entering the premises or grounds they are responsible for.

5.4 Employees

Employees are required to support the council in implementing this policy. Where an employee ignores this policy the Council will view this as an act of misconduct to be further considered through the agreed Disciplinary Procedures.

Consider utilizing the support services available that will assist them to stop smoking when they are ready to do so.

Participate in activities or promotions to improve their own health.

5.5 Health and Safety Team Leader

The Council Health and Safety Team Leader shall ensure that the No Smoking Policy is monitored for effectiveness, is subject to regular review, and is revised when necessary. This shall be done in conjunction with Heads of Service, and Trades Union Safety Representatives.

5.6 Corporate Health and Safety Committee

The Corporate Health and Safety Committee will perform a pivotal role in ensuring that this policy is implemented. The safety committee will oversee monitoring of the effectiveness of the policy and other measures to reduce risks and promote workplace health, safety and wellbeing.

6. ARRANGEMENTS

6.1 Working in Smoking Areas

- 6.1.1 Due to the nature of the work undertaken by Inverclyde Council it may be necessary for Council employees to work in environments where smoking is occurring; such areas include the smoking room in adult residential accommodation, and client's homes.

Where this requirement has been identified the following steps should be undertaken by Services:

- Services to identify and list all homes or situation in which employees may be subjected to second hand tobacco smoke.
- Write to all those who may be visited in their own home to ask them and those who will be with them not to smoke during the visit and ideally not to smoke for at least an hour before the visit is scheduled to take place.
- Carry out a risk assessment to identify the risks to employees from exposure to second hand smoke and to identify means to control their exposure.
- Identify employees who have any pre-existing condition that is made worse by exposure to tobacco smoke such as asthma, lung disease and cardiovascular disease or who face additional risks such as pregnancy. Employees with such conditions are at higher risk and particular care should be taken to prevent or minimise their exposure to tobacco smoke. Employees should be requested to inform their manager/supervisor if they have any such condition. See Guidance Note Appendix 1.
- Where second hand smoke concentrations cannot be reduced try to plan work to ensure staff do not make consecutive visits or a sequence of visits to houses in which they are likely to be exposed to tobacco smoke.
- Consider staff rotation so no one member of staff is repeatedly exposed to second hand smoke within the same home.
- The use of Respiratory Protective Equipment may be an option in certain circumstances; this should be identified via risk assessment and only used if all other options to remove or reduce the risk have been attempted first.
- Employees are expected to work in partnership with their manager to identify a suitable solution.

6.1.2 Where an employee identifies a particular concern in regard to working in a smoking environment their concerns should be treated sympathetically and if these concerns relate to a personal health problem the employee should be referred to Occupational Health through OD, HR & Comms.

6.2 Visitors, Contractors, Customers and Service Users

6.2.1 Users of Council premises including those attending Council meetings and public meetings will require to conform to the terms of this policy and employees who meet visitors from out with the Council should advise them politely, but firmly, of the restrictions on smoking. They should also be advised that failure to comply with the law is a criminal offence and that they may be fined a fixed penalty of £50, and the manager or person in control of the building may be fined £200.

6.2.2 Additional Guidance is available in Health and Safety Information Sheet No. 23 Dealing with People who are Smoking, Appendix 1.

6.3 E-Cigarettes

6.3.1 E-Cigarettes are being increasingly used as a substitute for smoking, these are battery powered devices designed to replicate smoking behaviour without the use of tobacco.

They turn nicotine, flavour and other chemicals into a vapour that is inhaled by the user. The exhaled vapour can be seen and some products also have a light at the tip which illuminates when the user inhales. Based on guidance from the BMA and the Fire Service the Council's policy on use of these within council buildings is:

- The use of e-cigarettes is to be treated the same as cigarettes and their use by employees on Council premises prohibited under this policy.
- The charging of e-cigarettes on Council premises is not permitted due to the risks of fire or explosion.

6.3 Signage

6.3.1 Inverclyde Council is required by law to display no smoking signs in or on any premises that are affected by the ban so that they can be seen and read by people in the premises and approaching the premises. They must be obviously displayed and protected from tampering, damage, removal or concealment.

6.3.2 The minimum signage requirement for premises is a no smoking notice which:

- Is at least 230mm by 160mm in size
- States that the premises are no smoking premises and that it is an offence to smoke there or knowingly to permit smoking there
- Displays the international no smoking symbol, at least 85 mm in diameter
- Displays the job title and telephone number of the person to whom a complaint may be made by anyone who observes someone smoking.



6.3.3 It is the responsibility of the manager or person in control of the premises to decide on the number of notices required to make sure everybody on the premises is made aware that smoking is not allowed.

6.3.4 The Council is also required by the law to display no smoking signs in or on all Council vehicles in such a way that the signs can be seen and read by persons who are in the vehicle, as well as persons approaching the vehicle in question. There is no legal requirement on the size of these signs but they must still meet certain requirements.

6.3.5 The minimum signage requirement under the new law for any relevant vehicles is a no smoking notice which:

- states that the vehicle is no smoking and that it is an offence to smoke there or knowingly to permit smoking there
- displays the international no smoking symbol
- displays the job title of a particular post (e.g. the manager/supervisor) and a telephone number to whom a complaint may be made by anyone who observes someone smoking.

6.4 Support for Smokers

6.4.1 In recognising that smoking is an addiction, the Council will provide support and advice to those employees who want to stop smoking. This support will include counselling

and health education promotion. Inverclyde Council have trained Smoke Cessation Officers in the organisation who can support employees through the cigarette withdrawal process and provide tips and techniques to help people cope.

- 6.4.2 Employees who wish to stop smoking and wish assistance should be directed to phone 497147 for local contact names or a free information pack or email smokefree.inverclyde@ggc.scot.nhs.uk, alternatively contact the national smokeline support network on 0300 123 1044.

These corporate guidance notes form part of the arrangements section of the Corporate Health and Safety Policy of Inverclyde Council. They outline the Council's intentions regarding smoking in the workplace.

7. TRAINING/INFORMATION

7.1 Information

Inverclyde Council recognises the need to provide staff with relevant information on the No Smoking Policy. Employee awareness will help with the implementation of this policy. Information on it will be made available on the Council's Intranet System ICON, via Line Managers and Trade Union Safety Representatives or via Organisational Development, Human Resources and Comms. The information will be updated on a regular basis.

7.2 Communication of the Policy

The Council recognises the importance of communicating the policy to all employees. This policy will be communicated to staff via the Corporate Health and Safety Committee, team meetings and a copy will be placed on the Council's Intranet system ICON.

8 MONITORING, EVALUATION & REVIEW

This policy was ratified by the Council's Policy and Resources Committee on << >> and implemented immediately thereafter.

Regular monitoring and review are necessary to measure the effectiveness of the policy and to ensure it remains relevant to the needs of the Council. This policy will be subject to monitoring and review on a regular basis by the Corporate Health and Safety Section via the Corporate Health and Safety Committee.

The policy will be reviewed every three years unless there is significant change in legislative requirements or risk assessment identifies a need for review. Measuring the effectiveness of the policy will include the auditing of compliance with this policy.

9. LIST OF APPENDIXES

APPENDIX 1 Information sheet 22 - Smoking

APPENDIX 2 Information sheet 23 – Dealing with People who are Smoking

Information Sheet No. 22

Smoke Free Legislation and How to Comply

From 26 March 2006, employees, patients, clients and visitors will not be able to smoke in 'wholly or substantially enclosed' areas of public premises, including workplaces and vehicles which are used primarily for business purposes (heavy and light goods vehicles, not cars).

Inverclyde Council have in place a No Smoking Policy and as such complies with the above legislation. This information sheet aims to provide a summary of this policy and the steps which may be required to ensure compliance with the legislation.

Employees who wish to stop smoking and wish assistance should be directed to phone 497147 for local contact names or a free information pack or email smokefree.inverclyde@ggc.scot.nhs.uk; alternatively contact the national smokeline support network on 0300 123 1044.

Penalties and enforcement

Failure to comply with the law is a criminal offence. Individuals may be fined a fixed penalty of £50 for smoking in no smoking premises. The manager or person in control of any no smoking premises could be fined a fixed penalty of £200 for either:

- Allowing others to smoke in no smoking premises
- Failing to display warning notices in no smoking premises.

No smoking signage for premises*

Inverclyde Council is required by the law to display no smoking signs in or on any premises that are affected by the ban, so that they can be seen and read by people in the premises and approaching the premises. They must be obviously displayed and protected from tampering, damage, removal or concealment.

The minimum signage requirement for premises is a no smoking notice which:

- Is at least 230mm by 160mm in size
- States that the premises are no smoking premises and that it is an offence to smoke there or knowingly to permit smoking there
- Displays the international no smoking symbol, at least 85 mm in diameter
- Displays the name of the person to whom a complaint may be made by anyone who observes someone smoking.

It's up to the manager or person in control of the premises to decide on the number of notices required to make sure everybody on the premises is made aware that smoking is not allowed.



No smoking signage for vehicles*

The Council are also required by the law to display no smoking signs in or on any vehicles that are affected by the ban in such a way that the signs can be seen and read by persons who are in the vehicle, as well as persons approaching the vehicle in question. There is no legal requirement on the size of these signs but they must still meet certain requirements, as follows.

The minimum signage requirement under the new law for any relevant vehicles is a no smoking notice which:

- states that the vehicle is no smoking and that it is an offence to smoke there or knowingly to permit smoking there
- displays the international no smoking symbol
- displays the holder of a particular post (e.g. the manager) to whom a complaint may be made by anyone who observes someone smoking.

Specific Issues

Under the No Smoking Policy Council workspaces are smoke free, however there may be instances where Council Employees may be required to enter environments where people are smoking. Under Health and Safety legislation the Council has a duty to ensure that their employees are protected from the effects of second hand smoke. In this

situation a risk assessment should be carried out to assess the risks from second hand smoke and to take action to control or minimise the risk.

External Smoking Shelters

There is no requirement under the legislation for employers to provide external smoking shelters.

Workers Needs

The issue of risk that staff face on leaving a site or building in order to smoke a cigarette must be considered in relation to the Council's duty of care towards staff. In some circumstances this simply means stepping out of the building onto a busy public thoroughfare, for others it might entail a long walk to reach a lonely and isolated road.

The health and safety of the employee needs to be a major concern. If they are putting themselves at risk by leaving the premises to smoke – be it in the middle of the day or the middle of the night, then the employee should be discouraged from this practice and instead encouraged to consider joining a smoking cessation programme.

Visiting People in their Own Home

Staff who visit / treat people in their homes are at risk if the person being treated is a smoker. Private houses are not covered by the legislation. The following steps should be considered.

- 1.** Make a list of homes visited by staff which are occupied by smokers. Once the situation relating to individual properties is ascertained, steps can be taken to reduce the exposure the staff might face.

Measures that can be taken include writing to all those who will be visited to ask them and those who may be with them, not to smoke during the visit, and ideally not to smoke for an hour or so before the visit is scheduled to take place.

- 2.** Identify members of staff who have a pre-existing condition that is made worse by exposure to tobacco smoke, such as asthma, lung disease and cardiovascular disease or who face additional risks e.g. due to pregnancy. Members of staff who have such conditions are at higher risk and particular care should be taken to prevent or minimise their exposure to tobacco smoke.
- 3.** Try to plan work to ensure that staff do not make consecutive visits, or even a sequence of visits, to houses in which they are likely to be exposed to tobacco smoke. A better option is to alternate the visits, but this should not take the place of steps one and two.

Information Sheet No. 23

Dealing with People who are Smoking.

The following guidance has been drawn up for all Inverclyde Council employees to help them deal with anyone who ignores the smoking ban. While we are confident that the majority of people will respect the new law it is important that you know what to do if someone does continue to smoke. It is advised that where possible all smoking issues are reported to and dealt with by the manager in control of the building or a senior member of staff. This should be the person/position identified on the "No Smoking" notices.

Smoking on Council Premises

- Politely ask the person to stop smoking, and if necessary draw their attention to the "No Smoking" signs and remind them that they are committing an offence.
- Advise the person that it is also an offence for the Council to let anyone smoke and also that the manager or person in charge of the premises is also committing an offence to let them smoke. That person may be you.
- Explain to them that Inverclyde Council has a smoke free policy to ensure a safe working environment for all staff and customers.

If the person smoking is an employee:

- If your warning has been ignored report them to the appropriate manager or supervisor.
- If as a manager or supervisor the person is your employee and they have ignored any warning to stop smoking, implement disciplinary procedures.
- Maintain a record of all such incidents and their outcome.

If the person smoking is a client, service user or visitor:

- Explain to them that staff are obliged to refuse service if they continue to smoke.
- If they carry on smoking, ask them to leave the premises.
- If he/she refuses, implement the normal service procedures you would use for anti-social/illegal behaviour in the premises.
- Keep a record of all such incidents on the internal incident report form PER/SAF/1/A.

In all cases where physical violence or intimidation is threatened or encountered, seek the help of the police.

Clients who smoke in their own homes

Private houses are not covered by the legislation however, as an employer Inverclyde Council have a legal duty to look after the health of their employees and where possible prevent or at least minimise exposure to 2nd hand cigarette smoke.

All persons who may be visited in their own homes should be requested via a letter from the Service that they or any persons with them should not smoke during a visit from any Council employee and if possible for at least an hour before hand. The letter should also state that if they do smoke they may be requested to stop by any Council employee and that if they refuse this may result in delays in processing any requests or dealing with the Council.

It is important to consider however, that in some occasions it may not be possible to prevent a client from smoking or to restrict in any way the Service they receive, especially with regard to mental illness or care needs. In these circumstances the Service will ensure a risk assessment specific to the client is carried out and that suitable control measures are put into place to control risks to employees.

If an employee visits clients in their own home and has any pre-existing condition that is made worse by exposure to tobacco smoke such as asthma, lung disease, or cardiovascular disease or is pregnant they should inform their supervisor or manager immediately. This will ensure that steps to prevent or minimise exposure to second hand tobacco smoke are included in any risk assessment.

On visiting the client

If a client is smoking when you enter their home politely ask them to stop explaining that second hand tobacco smoke is harmful to your health and that Inverclyde Council policy is to prevent or minimise employees exposure to 2nd hand tobacco smoke. If the client refuses, and can be requested to attend Council premises instead of having a home visit, advise them that they may be requested to do this in future rather than having a home visit. Advise your supervisor or manager that the client is a smoker who refuses to stop when requested to do so.

If the client refuses to stop smoking request they open a window to help ventilate the room or ask if you can open a window. Remember to close the window when you leave, as some elderly clients may not be able to do this themselves.

If the home visit is required for the business of carrying out work in the home which does not require the client or others to be present ask them if they would mind moving to another room to smoke.

Depending on the type of Service provided by the Council employees may be required to go into environments where people smoke, where this will occur the Service will ensure a risk assessment is carried out to evaluate the level of risk. It may then be necessary to alternate staff that enter this environment to reduce the level of risk for individual staff members. If you have any concerns about your health please ensure these are stated to your supervisor as soon as possible.

Under no circumstances should a Council employee smoke in a client's home.

Use of Vehicles

Employees own vehicles are exempt from the legislation, however in line with the Councils No Smoking Policy if the vehicle is being used to carry passengers on a work related activity it should be considered as an integral part of the workplace and as such should be smoke free. Neither driver nor passenger should smoke.

Help to Quit

Employees who wish to stop smoking and wish assistance should be directed to phone 497147 for local contact names or a free information pack or email smokefree.inverclyde@ggc.scot.nhs.uk, alternatively contact the national smokeline support network on 0300 123 1044.