

## Smoking Policy

### Introduction

The organisation has a duty under the Smoking, Health & Social Care (Scotland) Act 2005 which came into force on 26<sup>th</sup> March 2006 to guarantee all staff, contractors, service users, visitors, staff from other agencies, governing body members and members of the public air free of tobacco smoke within all organisational premises.

This policy prohibits smoking in all organisational premises, withdraws completely the provisions of smoking rooms, details how to deal with non-observance of smoking restrictions and offers voluntary support for those who smoke in their cessation effort.

For the purpose of this policy “smoking” refers to cigarettes, cigars, pipes and electronic cigarettes.

This document does not form part of a contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure business needs are met. Staff will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by law.

### Policy Aims

- To impose a total ban of smoking in all premises and any common or work areas, including vehicles owned, leased or hired by the organisation.
- To provide a safe working environment for all those associated with the organisation. Private cars used to transport colleagues, service users or visitors also covered by this policy.
- To specify designated areas which must be used by anyone who wishes to smoke or in any place which is not covered by the smoking ban.

### Exposure Out with Organisational Premises

All staff are entitled to request a smoke-free environment in which to work. Where no such environment is available such as within a person’s home, staff are entitled to cease work within the area. In such circumstances, they will report the situation to their line manager without delay, who will take the appropriate action.

### Non-Compliance

Non-compliance with this policy will be dealt with by following procedures outlined below. Non-compliance with the smoking law is a criminal offence, fines and prosecution may be applied to individuals and organisations by the Environmental Health Officers.

- Smoking will only be allowed in designated areas. Smoking out with these areas will be regarded as a breach of this policy.
- Breaches of the policy should be reported to a manager immediately.
- Any person not complying with this policy commits an offence towards the organisation as well as the law. Any breach of this policy will impose sanctions on those who choose not to comply with it.

- Staff who refuse to comply with the terms of this policy and the law will be treated as misconduct or gross misconduct, dependent on the coverage of the Smoking Ban in external workplace areas and the presence of any flammable materials present inside or outside the premises. Breaches of this policy and the law with reference to health and safety will attract the appropriate level of discipline up to and including dismissal. This measure is to ensure the provision of a safe working environment as well as compliance with the law.

### **External Persons**

- Any contractor, visitor, service user, staff from other agencies or other members of the public who refuse to comply with the provisions of this policy and the law will be asked to leave the premises immediately.
- Further refusal may result in the withdrawal of contracts with individual contractors, as well as informing their employers of their non-compliance, the potential withdrawal of services to service users and barring visitors or members of the public to organisational premises.
- Persistent refusal will trigger an application of procedure for dealing with antisocial behaviour. Governing body or committee members who refuse to refrain from smoking in accordance with this policy and the law will be dealt with in accordance with the Code of Conduct.
- Service users are expected not to smoke in their homes, or permit any other persons to smoke in their homes for at least half an hour before the visit of a representative of Deafblind Scotland arrives and not to smoke whilst the representative is in their home, or any other enclosed space. If the representative of Deafblind Scotland feels that the atmosphere in an enclosed space has an unacceptable level of smoke, then they are allowed to refuse to enter the premises even if this will mean withdrawing service from the member.
- Representatives of Deafblind Scotland are expected not to smoke in an enclosed place for at least half an hour before meeting with a service user.

### **Cessation Support**

The organisation will support anyone who wishes to stop smoking by:

- A National Compliance Line is in operation, the number is 0845 130 7250. This will be charged at local rates and allow the public to report anyone smoking in enclosed public places, complaints will be investigated up by the local environmental health department.
- Encouraging them to seek advice on modifying their smoking behaviour or quitting.
- Providing self-help information on request.
- Periodic campaigns will be undertaken to encourage smokers to stop and to publicise the support available.
- Sources of support are:
- Scotland's national stop smoking helpline, Smoke line (0800 848484) or [www.canstopsmoking.com](http://www.canstopsmoking.com).
- The Department of Health website [www.smokefree.nhs.uk](http://www.smokefree.nhs.uk)



- The smokefree helpline on 0800 022 4332 to receive a 'quit kit' or find a local NHS stop smoking service.
- GP and local pharmacies can also offer assistance and advice with smoking cessation.

### **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 simulate the use of a cigarette. Electronic cigarettes are not covered under the Smoking, Health & Social Care (Scotland) Act 2005 as they were not in existence when the legislation was introduced however, the use of electronic cigarettes will be dealt with under and in terms of this policy.



# **NO SMOKING**

**These are no smoking premises.  
It is an offence to smoke or knowingly  
to permit smoking in these premises.**

**If you observe someone smoking here, a complaint  
may be made to**

.....



**Data Protection Act 2018**

The organisation will treat all personal data in line with obligations under the current data protection regulations.