

# Smoke-Free Environment Procedure

## Introduction and Aim

Public Health Wales is committed to ensuring the health, safety and welfare of its staff and those who are affected by its activities. This procedure provides guidance for ensuring that the Trust remains a smoke-free environment, to protect people from the potential harms of smoking and exposure to passive smoke, and to support individuals to stop smoking.

This procedure outlines the approach that Public Health Wales will take to ensure that Public Health Wales sites, including grounds and buildings, remain smoke free in order to protect staff and visitors from the harmful effects of smoking.

The Procedure's aim is to provide a smoke free environment and support health promotion.

The purpose of this procedure is to:

- comply with smoke free legislation
- ensure that all services are delivered from completely smoke free environments
- identify the roles and responsibilities of staff and service areas
- embed planning and support available to our staff to help them quit
- provide guidance on the management of any breach of legislation.

## Linked Policies, Procedures and Written Control Documents

All other organisational Health and Safety policies, procedures and written control documents.

- Health and Safety Policy
- Control of Contractors

<b>Scope</b>	
This procedure and any arrangements made under it applies to:	
All persons employed or engaged by Public Health Wales, including part time workers, temporary and agency workers, those holding honorary contracts and those engaged by the NHS Wales Health Collaborative.	
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**Contents**

- 1 INTRODUCTION ..... 4**
- 2 PROCEDURE AIMS..... 4**
- 3 SCOPE..... 4**
- 4 RELEVANT LEGISLATION ..... 5**
- 5 PASSIVE SMOKING ..... 5**
- 6 ROLES AND RESPONSIBILITIES..... 6**
  - 6.1 Staff ..... 6
  - 6.2 Managerial responsibilities ..... 6
- 7 APPLICATION OF THIS PROCEDURE ..... 7**
  - 7.1 No smoking signs ..... 7
  - 7.2 Public Health Wales sites ..... 7
  - 7.3 Application of the procedure to vehicles ..... 8
  - 7.4 Electronic cigarettes ..... 8
  - 7.5 Heated Tobacco Products ..... 9
  - 7.6 Non-compliance..... 9
  - 7.7 Staff visiting private residences .....10
  - 7.8 Authorised breaks.....10
- 8 SUPPORT FOR STAFF WHO WANT TO GIVE UP SMOKING..... 10**
- 9 MONITORING AND AUDITING..... 11**
- 10 REFERENCES..... 11**
- APPENDIX 1 – STEPS TO FOLLOW ..... 12**
- APPENDIX 2 – DEFINITIONS ..... 13**

# 1 Introduction

This procedure outlines the approach that Public Health Wales intends to take to ensure that Public Health Wales sites, including grounds, buildings and vehicles, remain smoke free in order to protect staff and visitors from the harmful effects of smoking.

Smoking remains the single most common avoidable cause of ill health and early death in Wales. Reducing the number of smokers is one of the most effective ways of reducing inequalities in health outcomes and life expectation, which is a priority for Public Health Wales. The main health risks of inhaling tobacco pertain to diseases of the cardiovascular system, in particular myocardial infarction (heart attack), diseases of the respiratory tract such as Chronic Obstructive Pulmonary Disease (COPD), asthma, emphysema and cancer, particularly lung cancer and cancers of the larynx and tongue.

A person's increased risk of contracting disease is directly proportional to the length of time that a person continues to smoke as well as the amount smoked. However, if someone stops smoking, then these chances gradually decrease as the damage to their body is repaired. A year after quitting, the risk of a heart attack is half that of a continuing smoker.

Public Health Wales is keen to provide support to staff who wishes to give up smoking by encouraging any member of staff to contact Help Me Quit. Further details can be found at **Section 8**.

## 2 Procedure aims

The main objectives of this procedure are to:

- ensure that all Public Health Wales owned or managed premises, grounds and vehicles remain smoke free.
- lead by example in helping to make no smoking a social norm.
- highlight the dangers of smoking/inhalation of second hand smoke.
- provide support to staff who wishes to give up smoking to participate in a smoking cessation programme.

## 3 Scope

This procedure is applicable to all staff, service users, contractors and visitors to Public Health Wales sites.

As part of the Smoke-Free Premises and Vehicles (Wales) Regulations 2018, smoking is prohibited in all enclosed and substantially enclosed premises, including Public Health Wales owned and managed grounds,

buildings, and Public Health Wales owned vehicles and mobile screening units.

The use of ENDS (electronic nicotine delivery systems) are also prohibited at Public Health Wales sites. These are devices which vaporise and deliver to the lungs of the user a chemical mixture typically composed of nicotine, propylene glycol and other chemicals, although some products claim to contain no nicotine. Electronic cigarettes (e-cigs) are the most common type of ENDS (1). Please refer to paragraph 8.4 for further information.

## **4 Relevant legislation**

As part of the smoke-free legislation, smoking is prohibited in all enclosed and substantially enclosed premises. Failure to comply with the law will be a criminal offence, as set out in the Health Act 2006. Penalties and fines are being set in regulations and include:

- individuals may be liable to a fixed penalty fine for smoking in smoke-free premises
- the manager or person in control of any smoke-free premises could be fined a fixed penalty for failing to display appropriate 'No Smoking' signs
- the organisation accountable for premises could be fined for failing to prevent others from smoking in those premises.

The Smoke-Free Premises and Vehicles (Wales) Regulations 2018 (the Wales Regulations) came into force in 2018. The Public Health (Wales) Act 2017 section 5; offences of smoking in a smoke-free premises or vehicle and a person commits an offence if the person smokes;

- in a smoke-free premises
- in a smoke-free vehicle

The law has been introduced to save lives and prevent diseases caused by second-hand smoke.

## **5 Passive Smoking**

Passive smoking (second-hand smoking) is the involuntary inhalation of smoke from tobacco products. It occurs when tobacco smoke permeates any environment, causing inhalation of the waste smoke by all people in that area. This waste smoke is called passive smoke or environmental tobacco smoke (ETS).

## **6 Roles and responsibilities**

### **6.1 Staff**

All staff have a role in;

Not smoking on Public Health Wales premises and vehicles and in the successful implementation of this procedure and where confident, are encouraged to politely remind other staff, visitors, service users and contractors who visit Public Health Wales sites, of the Smoke-Free Environment procedure. The process outlined at Appendix 1 should be followed.

Any member of staff who politely informs someone smoking on Public Health Wales grounds about the Smoke-Free Environment procedure, will receive the full support of the Executive Board.

In the unlikely event that staff, visitors, service users and contractors become aggressive or abusive towards staff who implement this procedure, staff should follow the Public Health Wales' Violence and Aggression procedure. This can be found on the Public Health Wales policy web pages.

### **6.2 Managerial responsibilities**

#### **6.2.1 Executive team, Directors and Managers**

The Executive team and all senior managers are responsible for ensuring that the Smoke-Free Environment procedure is adhered to at all levels within the organisation and acting as procedure "Champions".

#### **6.2.2 The Deputy Chief Executive / Executive Director of Operations and Finance**

The Deputy Chief Executive / Executive Director of Operations and Finance is the executive lead for health and safety and has designated the Head of Estates and Health and Safety to implement and monitor compliance with this procedure.

#### **6.2.3 All Directors/Managers have a responsibility to implement and monitor in their areas of responsibility.**

## **7 Application of this procedure**

The following illustrates Public Health Wales' approach to implement and monitor compliance with this procedure.

### **7.1 No smoking signs**

Public Health Wales is required by law to display appropriate 'no smoking' signs, in prominent positions at or near each entrance to premises, so that people entering the premises are able to clearly view the signage. If there is more than one entrance used by staff, service users, contractors or visitors, signs will be displayed at each entrance.

The regulations outline the minimum requirement for 'no smoking' signs that should be displayed at all entrances to enclosed premises, stating they must:

- be flat and rectangular and at least 160mm by 230mm in size;
- display the international 'no smoking' symbol in red, at least 85mm in diameter;
- contain the following bilingual statement: 'Mae ysmegu yn y fangre hon yn erbyn y gyfraith/It is against the law to smoke in these premises'.

The international 'no smoking' symbol signs can be used elsewhere in Public Health Wales premises to further support and emphasise the ban.

No smoking signs must also be displayed in each compartment of work vehicles. The regulations state that a 'no smoking' vehicle sign must:

- Display the international 'no smoking' symbol in red, at least 75mm in diameter.

The nominated premises / fire lead / health and safety representative for each site will ensure that the site displays appropriate no smoking signage.

### **7.2 Public Health Wales sites and other sites**

Smoking, including the use of heated tobacco products and the use of electronic nicotine delivery systems (ENDS) is prohibited in all Public Health Wales sites, grounds, vehicles and buildings. These restrictions include all areas up to the boundaries and include car parks and vehicles parked on Public Health Wales properties, outdoor seating areas and walkways. Any person wishing to smoke must first leave the grounds.

Staff should also inform service users, visitors and contractors of this procedure.

Where sites are shared with other tenants, staff are encouraged to encourage people to refrain from smoking.

This procedure specifically applies to premises which Public Health Wales own or lease; however, we are mindful that our staff often work from, or visit other premises. As Public Health Wales we would encourage our colleagues in Health Boards, NHS Trusts and wider partners to apply the same principles. If staff in other premises are aware of repeated occasions when this approach is not adhered to we would urge them to raise it with the appropriate building management

### **7.3 Application of the procedure to vehicles**

The Regulations also cover vehicles (see section 4) which are used to transport the public or used by more than one employee in carrying out work duties. This procedure applies to:

- Public Health Wales owned vehicles
- vehicles leased through arrangements with Public Health Wales when being used for Public Health Wales business
- privately owned vehicles when carrying one or more passengers travelling on business (i.e. claiming travel expenses from Public Health Wales)
- privately owned vehicles when parked on Public Health Wales sites.

### **7.4 Electronic cigarettes**

Electronic cigarettes, e-cigs or ENDS are devices whose function is to vaporise and deliver to the lungs of the user a chemical mixture typically composed of nicotine, propylene glycol and other chemicals, although some products claim to contain no nicotine. Electronic cigarettes (e-cigs) are the most common type of ENDS (1).

Most ENDS are shaped to look like their conventional (tobacco) counterparts (e.g. cigarettes, cigars, cigarillos, pipes, hookahs or shishas).

While there is potential for ENDS to reduce the harm from smoking or help smokers to quit, their effectiveness or safety has not yet been demonstrated.

Public Health Wales, in line with a number of national and international bodies has identified a number of potential risks to health and proposes that a precautionary approach is adopted until further information becomes available.

The use of ENDS is therefore prohibited at Public Health Wales sites. The use of e-cigarettes will be treated in the same way as any smoking cigarettes, cigars etc.

Staff must not charge ENDS devices on Public Health Wales premises or whilst using Public Health Wales power sources i.e. lap tops.

## **7.5 Heated Tobacco Products**

Unlike cigarettes, heated tobacco products (HTP) do not combust tobacco but heat it to a lower temperature with the aim of avoiding the harmful products associated with combustion. In contrast to ENDS, most HTP apply heat to tobacco instead of liquid.

Manufacturer's claim HTPs are associated with a lower risk to health compared to using conventional combustible tobacco products. However, there is currently a lack of independent on the relative risks of HTPs to users and those around them compared to conventional combustible tobacco products and ENDS.

The use of HTPs is therefore prohibited at Public Health Wales sites. The use of HTPs will be treated in the same way as any smoking and combustible tobacco products.

Staff must not charge HTPs on Public Health Wales premises or whilst using Public Health Wales power sources i.e. lap tops.

## **7.6 Non-compliance**

Authorised officers from the local authority have powers to enter public buildings in order to establish that the smoke-free legislation is being enacted in accordance with the law. They can administer fixed penalty notices to people whom they believe are committing, or have committed an offence under the legislation.

The Wales Regulations apply to all individuals smoking in enclosed premises. However, as described this procedure goes further and prohibits Public Health Wales employees from smoking on all Public Health Wales sites.

Staff who repeatedly or deliberately breach this procedure will be subject to the normal disciplinary process as outlined in the Public Health Wales Disciplinary policy. This can be found on the Public Health Wales [policy web pages](#).

Steps that can be taken when a member of staff becomes aware of an individual smoking in Public Health Wales premises have been issued by the Welsh Government and are outlined in Appendix 1.

## **7.7 Staff visiting private residences**

In line with other NHS organisations where staff are required to visit private residences as part of their duties (i.e. staff providing services in private residences) wherever possible, when scheduling the meeting, clients will be politely requested to refrain from smoking during the visit.

Staff who are smokers are not permitted to smoke whilst with a client.

It is the responsibility of the Divisional Director and Service Lead to put arrangements in place to minimise staff exposure to passive smoke.

## **7.8 Authorised breaks**

Public Health Wales **does not** recognise smoking breaks, although staff are entitled to scheduled breaks in line with local policy/procedure and contracts of employment. Where staff chooses to smoke during their authorised breaks, this must be off Public Health Wales premises, at their own risk. Any person wishing to smoke must first leave the grounds.

## **8 Support for staff who want to give up smoking**

Help Me Quit offers free, friendly support for smokers who are ready to stop through helping individuals:

- meet with other smokers for support;
- participate in 1:2:1 appointment, face-to-face or over the telephone;
- attend local community venues for group support;
- accessing support via hospitals and pharmacies.

Smokers who want to stop should be encouraged to contact the Help Me Quit team to find the support that is right for them by:

Telephoning: 0800 085 2219

Texting: HMQ to 80818, or

Visiting online: [www.helpmequit.wales](http://www.helpmequit.wales)

Consideration for releasing staff during work time to attend support sessions should be given by the individual's line manager, but will depend on the needs of the service.

## 9 Monitoring and auditing

The Health and Safety / Fire Safety representative for each site will ensure that each site displays appropriate no smoking signs.

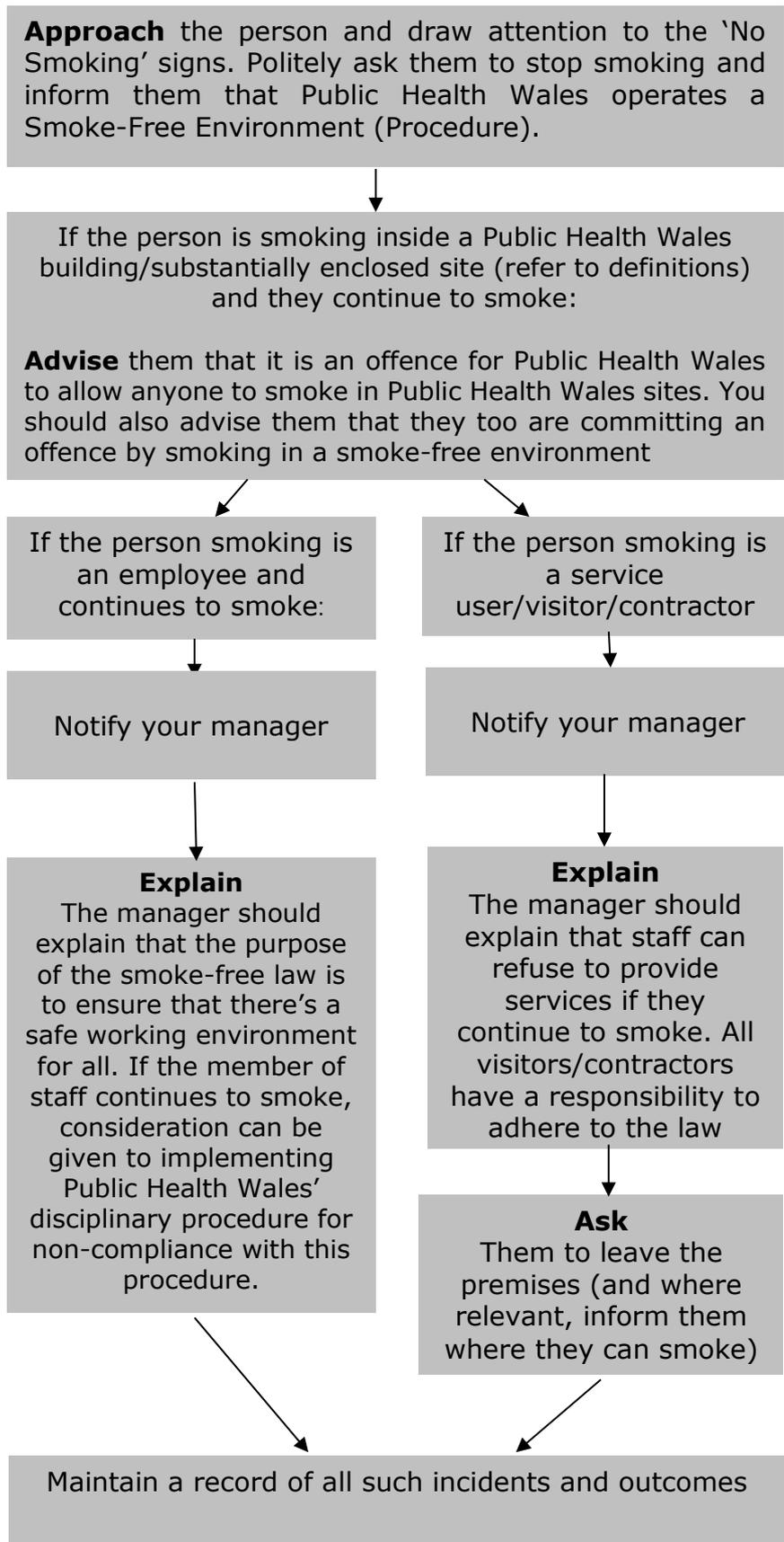
The Health and Safety representative for each site will be asked to report the number of incidents of smoking to the Health and Safety Group for monitoring. Any smoking related incident is to be reported onto Datix.

As part of the smoke-free legislation, smoking is prohibited in all **enclosed** and **substantially enclosed** premises. Any incidents involving refusals to adhere to this aspect of the procedure or violent and aggressive behaviour towards staff must be reported on DATIX. Please note that it is not necessary to report incidents of smoking in the grounds of Public Health Wales on DATIX.

## 10 References

1. World Health Organization. Tobacco Free Initiative. *World Health Organization*. [Online] 9 July 2013. [Cited: 8 October 2013.] [http://www.who.int/tobacco/communications/statements/electronic\\_cigarettes/en/](http://www.who.int/tobacco/communications/statements/electronic_cigarettes/en/).
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6. ASH. ASH Briefing Electronic Cigarettes. *ASH*. [Online] June 2013. [Cited: 8 October 2013.] [http://www.ash.org.uk/files/documents/ASH\\_715.pdf](http://www.ash.org.uk/files/documents/ASH_715.pdf).

## Appendix 1 – Steps to follow



## **Appendix 2 – Definitions**

### **Workplace**

Public Health (Wales) Act 2017:

Section 7 Workplaces

- (1) Premises in Wales are smoke-free for the purpose of this chapter if they are workplaces.
- (2) A 'workplace' means premises that are—
  - (a) Used as a place of work by more than one person (even if the persons who work there do so at different times, or only intermittently) or
  - (b) Used as a place of work by more than one person but where members of the public might attend for the purpose of seeking or receiving goods or services from the person working there (even if members of the public are not always present).
- (3) If only part of the premises is used as a place of work, the premises are smoke-free by virtue of this section only to that extent.
- (4) The premises are smoke-free by virtue of this section only if those areas that are enclosed or substantially enclosed.
- (5) The premises are smoke-free by virtue of this section all the time (including when not used as a place of work), except that premises used to any extent as a dwelling, that are smoke-free by virtue of this section, are smoke-free only when used as a place of work.
- (6) "Work", in section (2), includes voluntary work.

### **Hospital Grounds**

- (1) Premises in Wales are smoke-free premises for the purposes of this Chapter so far as they consist of hospital grounds.
- (2) The premises are smoke-free by virtue of this section at all times.
- (3) The grounds of a hospital, for the purposes of this section, are premises that—
  - (a) adjoin the hospital, and;
  - (b) are used or occupied by it, but;
  - (c) are not enclosed or substantially enclosed.
- (4) The person in charge of a hospital may designate any area in the grounds as being an area in which smoking is to be permitted, and to that extent the premises are to be treated as not being smoke-free for the purposes of this Chapter.

- (5) Regulations may make provision—
  - (a) specifying conditions to be met before an area may be designated under subsection (4),
  - (b) requiring the keeping of records of designations, and
  - (c) about the circumstances in which a designation is to cease to have effect.
- (6) Premises consisting of an adult care home or of an adult hospice, or premises used to any extent as a dwelling, are not smoke-free by virtue of this section.

### **Smoke-free vehicles (The Smoke-free Premises and Vehicles (Wales) Regulations 2018)**

Section 14.—(1) A vehicle which is enclosed, and any part of a vehicle which is enclosed, is to be treated as being smoke-free if paragraph (2) or (3) applies.

(2) This paragraph applies if the vehicle is one that is used wholly or mainly in the course of paid or voluntary work and it is used—

- (a) by more than one person (even if the persons who use it do so at different times or intermittently), or
- (b) to transport members of the public or a section of the public.

(3) This paragraph applies if the vehicle is not within paragraph (2) and it is used—

- (a) in the course of paid or voluntary work and more than one person is present in the vehicle and one of those is present for the purpose of receiving goods or services from the person using the vehicle, or
- (b) for social, domestic or other private purposes and more than one person is present in the vehicle and one of those persons is under the age of 18.

(4) A vehicle which is smoke-free by virtue of paragraph (2) is smoke-free all the time.

(5) A vehicle which is smoke-free by virtue of paragraph (3) is smoke-free only when the vehicle is being used as described in that paragraph.

## **Meaning of “enclosed” and “substantially enclosed” premises (The Smoke-free Premises and Vehicles (Wales) Regulations 2018)**

**3.**—(1) For the purposes of Chapter 1 of Part 3 of the Act—

(a) premises, or parts of premises, are enclosed if—

(i) they have a ceiling or a roof, and

(ii) except for doors, windows and passageways, they are wholly enclosed either permanently or temporarily;

(b) a vehicle, or part of a vehicle, is enclosed if—

(i) it has a roof, and

(ii) except for doors and windows, it is wholly enclosed either permanently or temporarily.

(2) For the purposes of Chapter 1 of Part 3 of the Act, premises, or parts of premises, are substantially enclosed if—

(a) they have a ceiling or a roof, and

(b) any openings in the walls have a total area which is less than half the area of the walls, including other structures which serve the purpose of walls and constitute the perimeter of the premises.

(3) In calculating the total area of any openings for the purposes of paragraph (2)(b), no account is to be taken of openings in which there are doors, windows or other fittings which can be opened and shut.

(4) In this regulation, “roof” includes any fixed or moveable structure or device capable of covering all or part of the premises or vehicle as a roof.

(5) For the purposes of Chapter 1 of Part 3 of the Act, premises or parts of premises are “not enclosed or substantially enclosed” if they are not enclosed or not substantially enclosed within the meaning of paragraphs (1) and (2).