

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. This includes to:

- Ensure that all Public Health Wales owned or managed premises, grounds and vehicles remain smoke free by complying with the Public Health (Wales) Act 2017 and the Smoke-free Premises and Vehicles (Wales) Regulations 2020.
- Distinguish between smoke-free legislation (tobacco smoking) and smoke-free policy (E-cigarettes/ vaping).
- Protect and contribute to improving health and wellbeing of Public Health Wales employees, contractors, visitors, service users and the public
- Champion smoke-free environments, harm reduction and stopping smoking in Wales
- Identify the roles and responsibilities of management and staff in the implementation of this procedure
- Provide guidance on the management of any breach the Public Health (Wales) Act 2017 and the Smoke-free Premises and Vehicles (Wales) Regulations 2020
- Help and encourage those employees who want to stop smoking to achieve their goal

Linked Policies, Procedures and Written Control Documents

[All corporate policies and procedures are available on the Public Health Wales website](#)

<p>All other organisational Health and Safety policies, procedures and written control documents.</p> <ul style="list-style-type: none"> • Health and Safety Policy • Control of Contractors 	
<p>Scope</p> <p>This procedure and any arrangements made under it applies to:</p> <p>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. This procedure will also apply to any visitors to Public Health Wales grounds and estates.</p>	
Equality and Health Impact Assessment	An Equality, Welsh Language and Health Impact Assessment has been completed and can be viewed on the policy webpages.
Approved by	Health and Safety Group
Approval Date	17 January 2023
Review Date	17 January 2026
Date of Publication:	02 February 2023
Accountable Executive Director/Director	Huw George Deputy Chief Executive / Executive Director Operations and Finance
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Summary of reviews/amendments				
Version number	Date of Review	Date of Approval	Date published	Summary of Amendments
2	2018	20/01/19	11/02/19	Superseded PHW 19
1	04/11/14	14/01/15		PHW 19
3	29/06/22			Page 4- Contents page updated Page 5- changes to references to sections in procedure

				<p>Page 5- updated procedure aims including references to recent legislation and regulations</p> <p>Page 6- Reframing of scope.</p> <p>Page 6/7- updates to relevant legislation and wording. Removal of reference to passive smoking.</p> <p>Page 7- amendments to typography</p> <p>Page 8- Procedure also includes Public Health Wales grounds</p> <p>Page 9- Now includes reference to guidance for staff on use of heated tobacco products</p> <p>Page 10- Updated E-cigarettes section with latest Public Health Wales position</p> <p>Page 12- Updated position on Heated Tobacco Products</p> <p>Page 12- updated guidance for staff smoking during authorised breaks</p> <p>Page 12- Updated Help me Quit contact details</p> <p>Page 13- Updates to monitoring and auditing process</p> <p>Page 14- Includes reference to Health and Safety Group representative</p>
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1 Introduction

This policy 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 related ill health remains a major public health challenge and Public Health Wales champions smoke free environments and supporting smokers out of tobacco addiction. Public Health Wales supports Welsh Government's vision to create a smoke-free Wales by 2030 (Welsh Government, 2022).

The Public Health Wales Smoke-Free Environment Procedure (2022) has been developed in line with the requirements of the Smoke-free (Wales) Regulations (2021) and Smoke-free Premises etc (Wales) Regulations (2007) which prohibit smoking in enclosed public places and workspaces, hospital grounds, school grounds and public playgrounds as well as outdoor day care and child minding settings by law. These laws are based on conclusive scientific evidence of the direct health harm caused to bystanders through the inhalation of second-hand smoke.

Having smoke-free grounds as well as buildings reinforces the perception that smoking has become less socially acceptable, and social norms have shifted to favour smoke-free environments. Furthermore, completely smoke-free Public Health Wales estates encourages staff to stop smoking. Public Health Wales encourages any staff member who wishes to give up smoking to contact Help Me Quit (Section 7).

In keeping with recent NICE guidance (NG209), this policy acknowledges the distinction between tobacco (smoking) and e-cigarettes (vaping). Public Health Wales responsibly promotes the use of e-cigarettes in outdoor settings to support smokers to either reduce their smoking or stop completely (see section 6.4 for further detail). This policy takes into account professional etiquette, corporate reputation, and consideration to others who do not 'vape' when determining where E-Cigarette use will be allowed.

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 by complying with the Public Health (Wales) Act 2017 and the Smoke-free Premises and Vehicles (Wales) Regulations 2020.
- Distinguish between smoke-free legislation (tobacco smoking) and smoke-free policy (E-cigarettes/ vaping).
- Protect and contribute to improving health and wellbeing of Public Health Wales employees, contractors, visitors, service users and the public

- Champion smoke-free environments, harm reduction and stopping smoking in Wales
- Identify the roles and responsibilities of management and staff in the implementation of this procedure
- Provide guidance on the management of any breach the Public Health (Wales) Act 2017 and the Smoke-free Premises and Vehicles (Wales) Regulations 2020
- Help and encourage those employees who want to stop smoking to achieve their goal

3 Scope

This policy will apply to all employees. This policy also applies to all persons on Public Health Wales sites, including staff, service users, contractors, agency workers and visitors. The policy is applicable to the workplace, grounds, associated sites and vehicles including lease cars.

4 Relevant legislation

The legislation covering smoke-free premises and vehicles in Wales consists of:

- i. Chapter 1 of Part 3 of The Public Health (Wales) Act 2017
- ii. The Smoke-free Premises and Vehicles (Wales) Regulations 2020.

The 2017 Act and 2020 Regulations therefore replace the smoke-free regime that was in place in Wales, prior to 1 March 2021.

Smoking is prohibited in all enclosed and substantially enclosed premises and any enclosed vehicles used for work purposes by more than one person, or to transport members of the public. Legislation also requires hospital grounds, school grounds and public playgrounds as well as outdoor care settings for children to be smoke-free which will reduce children's exposure to second-hand smoke and denormalise smoking in places where children go frequently and in places associated with health care provision.

A person commits an offence if the person smokes:

- in a smoke-free premises
- in a smoke-free vehicle
- in hospital grounds, school grounds, public playgrounds and/or outdoor care settings for children

Failure to comply with the law will be a criminal offence, as set out in the Public Health (Wales) Act 2017. Penalties and fines are set in the Smoke-Free Premises and Vehicles (Wales) Regulations 2020 (the Wales 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 law has been introduced to save lives and prevent diseases caused by second-hand smoke.

E-cigarettes do not burn tobacco and create smoke and, as such, their use is not covered by smoke-free legislation.

5 Roles and responsibilities

5.1 Staff

All staff have a role in;

- Not smoking on Public Health Wales premises and vehicles
- The successful implementation of this procedure and
- Where confident, politely reminding 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.

5.2 Managerial responsibilities

5.2.1 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".

5.2.2 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.

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

6 Application of this procedure

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

6.1 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 Public Health Wales grounds and premises, so that people entering the grounds and 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.

6.2 Public Health Wales sites and other sites

Smoking, including the use of heated tobacco products, 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 or use heated tobacco products (see section 3.5), must first leave the grounds and should not be identifiable as Public Health Wales Staff (I.e., remove or cover up uniform and remove ID badge). 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.

6.3 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.

6.4 Electronic cigarettes

In keeping with recent NICE guidance (NH209), Public Health Wales acknowledges the distinction between e-cigarettes (vaping) and tobacco (smoking).

E-cigarette use is permitted within PHW grounds but not inside buildings. For the comfort of others e-cigarettes should not be used directly outside of entrances. Public Health Wales will permit the safe, discreet and considerate use of e-cigarettes outdoors by staff.

Any person wishing to use electronic cigarettes must only use e-cigarettes outdoors, away from building entrances, and should not be identifiable as Trust staff (I.e., remove or cover up uniform and remove ID badge).

Public Health Wales takes a positive view on the use of e-cigarettes as an effective harm minimisation strategy for people who smoke: e-cigarettes may help them move away from using harmful burnt tobacco towards a cleaner form of nicotine delivery, and can help support cutting down and quitting altogether.

E-cigarettes can be safely used alongside or instead of licensed pharmaceutical nicotine replacement treatments (NRT) like patches, lozenges and sprays. As new evidence emerges about e-cigarettes, Public Health Wales will review this position.

3.4.1. Guidance on the risks associated with e-cigarette chargers

E-cigarettes are powered by a rechargeable battery, which can be recharged using either mains adapter or USB port. There have been reported cases of e-cigarettes causing fires at a rate of around two per week in the UK, this is far fewer than the number of fires caused by cigarettes (NCSCT, 2016).

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

To reduce any further risk the following is suggested:

- it is important to charge with the correct charging equipment, avoiding generic versions
- e-cigarettes and charging equipment should be purchased from reputable suppliers, and comply with the latest safety regulations
- an e-cigarette should not be left unattended whilst charging, nor should it be over- charged

6.5 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 E-Cigarettes, most HTP apply heat to tobacco instead of liquid.

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.

6.6 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.

6.7 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.

6.8 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 choose 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 and should not be identifiable as Public Health Wales Staff (I.e., remove or cover up uniform and remove ID badge)

Staff who choose to use electronic cigarettes during their authorised breaks must only use e-cigarettes outdoors, away from building entrances, and should not be identifiable as Trust staff (I.e., remove or cover up uniform and remove ID badge).

7 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

Visiting online: 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.

8 Monitoring and auditing

The Estates and Health and Safety Team and service leads/ fire wardens will ensure that appropriate no smoking signs are displayed at each site.

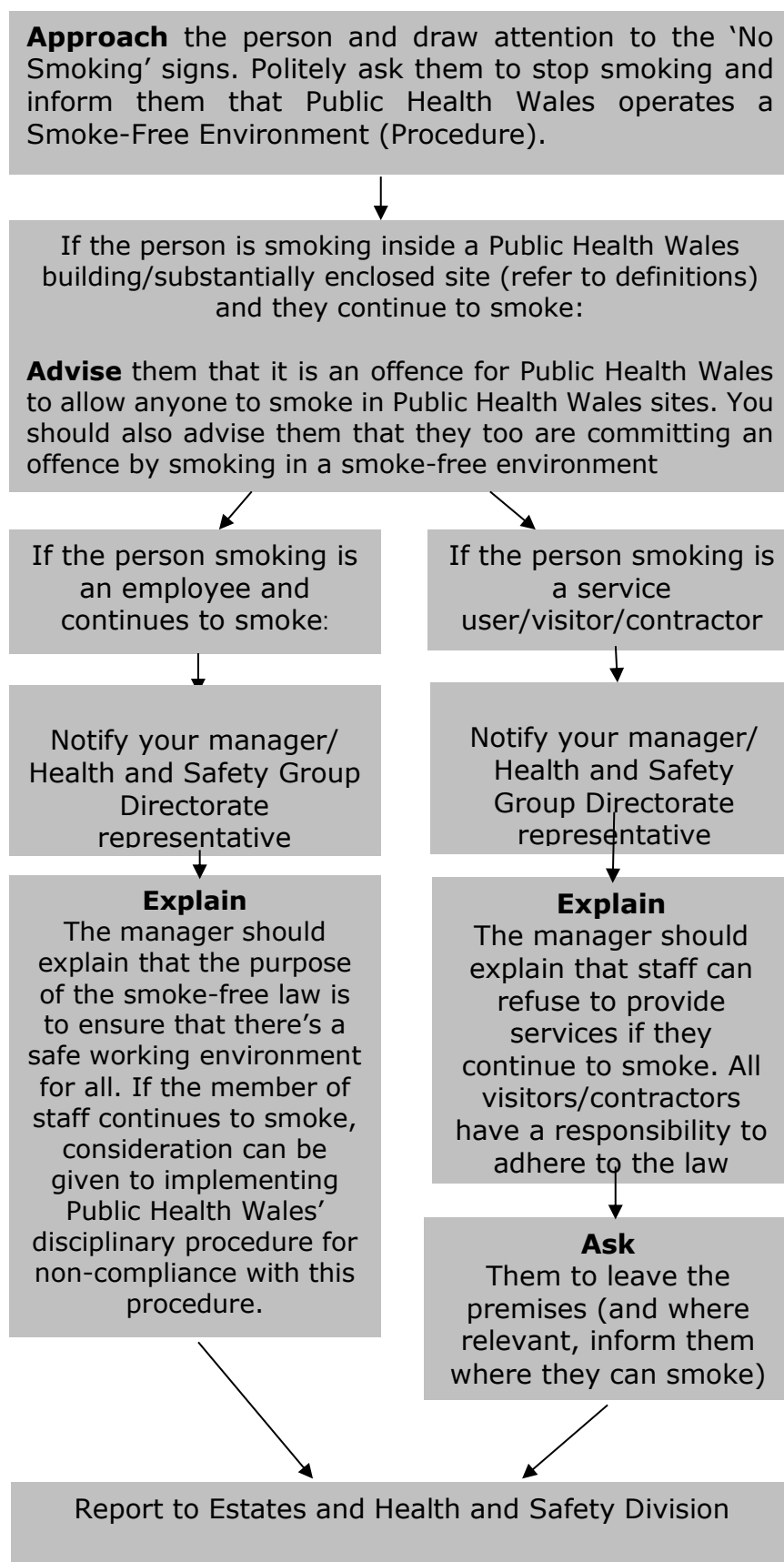
Staff are requested to report any incidents of smoking to their Health and Safety Group Directorate representative to report the number of incidents of smoking to the Health and Safety Group for monitoring. Any smoking related incident is to be reported onto Datix.

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.

9 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/.
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3. European Commission. Tobacco - Revision of the tobacco products directive. *European Commission*. [Online] [Cited: 8 October 2013.] <http://ec.europa.eu/health/tobacco/products/revision/>.
4. US Food and Drug Administration. Electronic Cigarettes. *FDA*. [Online] 25 April 2013. [Cited: 8 October 2013.] <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm172906.htm>.
5. BMA. Tobacco E Cigarettes. *BMA*. [Online] January 2013. [Cited: 8 October 2013.] <http://bma.org.uk/working-for-change/improving-and-protecting-health/tobacco/e-cigarettes>.
6. ASH. ASH Briefing Electronic Cigarettes. *ASH*. [Online] June 2013. [Cited: 8 October 2013.] 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 2020)

Section 15.—(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 2020)

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).