

THE FERGUSLIE GROUP

Smoke Free Policy



Ferguslie Group

Approved by FPHA Board on 27 November 2019	Signed by Chair 
Adopted by NTC Executive Committee on 9 December 2019	Signed by Chair
Date of next Review	November 2022

1 Introduction

- 1.1 This is a policy that covers both the Ferguslie Park Housing Association and The New Tannahill Centre, herein referred to as The Ferguslie Group.
- 1.2 The Ferguslie Group recognises, that its employer members have a duty under the Smoking, Health and Social Care (Scotland) Act 2005, the Health and Safety at Work Act 1974 and Workplace (Health, Safety and Welfare) Regulations 1992, to ensure, so far as is reasonably practicable, that the working environment for all their employees is healthy and safe. This policy has been introduced as The Ferguslie Group's response to the Smoking, Health and Social Care (Scotland) Act 2005 as well as its duty of care for the health and welfare of all employees and customers. It has been recognised that passive smoking can cause diseases and therefore preventing it can save lives.

2 Background

- 2.1 10 million adults smoke in the UK. In Scotland, 23% of all adults aged 16 and over were current smokers in 2011. The prevalence of smoking is highest in the 25-34 year old age group (30%) and lowest in the over 75's age group (8%).
- 2.2 Smoking is one of the main avoidable causes of premature death. It causes 100,000 deaths in the UK, and of these over 13,000 deaths in Scotland, of which over 1,000 can be attributed to passive smoking. The Scientific Committee on Tobacco and Health's review on evidence of passive smoking showed it to be a serious public hazard, increasing the risk of lung cancer, heart disease and respiratory illness and causing a variety of conditions in children. It also concluded that good ventilation systems, whilst eliminating the smell and visibility of smoke, do not eliminate the toxic carcinogens.

3 Legal Framework

- 3.1 Smoking, Health and Social Care (Scotland) Act 2005
- 3.2 The Smoking, Health and Social Care (Scotland) Act came into force in Scotland on 26th March 2006. The law imposes a total ban on smoking in certain premises and affects most public premises including workplaces and work vehicles.
- 3.3 The Act also makes non-compliance a criminal offence and imposes fines of £50 for individuals and £200 for managers/owners who allow smoking within their premises and/or fail to display warning notices and/or fail to stop employees, customers and visitors from smoking. Refusal or failure to pay may result in prosecution and a fine of up to £2,500. The law is enforced by the Environmental Health Officers who can inspect any non-smoking premises unannounced and impose fines on individuals and employers. All enclosed and partially enclosed public premises are covered by the law (Appendix A) with a few exemptions (Appendix B). There are, however, no legal obligations placed on employers to provide smoking facilities in any premises excluded from the Act.

3.4 Health and Safety at Work Act 1974

3.5 The act imposes a general duty on employers to ensure health, safety and welfare at work for their employees or workers. As a result, employers must resolve complaints from their employees or workers about their health and welfare being put at risk from working in a smoky environment.

3.6 Health and Safety (Workplace) Regulations 1992

3.7 The regulations require employers to ensure that there are arrangements in place to protect non-smokers from discomfort caused by tobacco smoke in rest areas.

4 **Policy Principles**

4.1 This Smoke-Free Policy:

- Has been produced in response to The Ferguslie Group employers' duties under the Smoking, Health and Social Care (Scotland) Act 2005 in force from 26th March 2006.
- Guarantees all employees, workers, contractors, customers, visitors, staff from other agencies, governing body members and members of the public; air free of tobacco smoke within all premises of The Ferguslie Group.
- Prohibits smoking throughout the working premises.
- Details how employers in The Ferguslie Group will deal with non-observance of smoking restrictions in relation to workers, customers, visitors and contractors.
- Offers encouragement for employees who smoke, in their cessation effort.
- Commits members of The Ferguslie Group not to accept sponsorship or donations from tobacco companies.

5 **Policy Conditions**

5.1 As a result of the Smoking, Health and Social Care (Scotland) Act 2005, The Ferguslie Group imposes a total ban on smoking in all its premises in any common or work areas, including vehicles owned, leased or hired by the organisation. Private cars used to transport colleagues, clients or visitors in relation to business are also covered by this policy. Anyone who wishes to smoke must do so in the designated outdoor smoking areas stipulated by The Ferguslie Group or in any place that is not covered by the smoking ban. Smoking is strictly prohibited at all entrances and doorways.

5.2 Designated outdoor smoking areas

5.3 The following outdoor areas are designated as smoking areas around the Tannahill Centre:

- Bench and garden area outside the Community Room (formerly Elderly Forum) while the doors to the community room are closed.

- The car park outside the entrance gates at the south entrance of the Tannahill Centre from Ferguslie Park Avenue, where a cigarette bin will be provided.
- Outside the north entrance gates to the Tannahill Centre from Blackstoun Road where we will provide a cigarette bin.

5.4 Passive smoking exposure outside the organisation's premises

5.5 As per The Ferguslie Group's Health and Safety Control Manual, section 3.11: "Where employees are exposed to passive smoke outside company premises or vehicles while on company business, they will be entitled to request a smoke-free environment in which to continue their business. Where no such environment is available, the employee will be entitled to cease work within the area. In such circumstances, the employee will report such situation to their Line Manager without delay, who will take the appropriate action". This includes entitlement to a smoke free environment when visiting customers in domestic premises.

5.6 Implementation

- The person responsible for ensuring compliance with the policy is the FPHA Health and Safety Administrator.
- Overall responsibility for policy implementation and review rests with the Group Chief Executive Officer. However, all staff are obliged to adhere to, and support the implementation of the policy. The Corporate Services Department shall inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. They will also give all new personnel a copy of the policy on recruitment/induction.
- This policy will be presented to staff for training following its review and Board approval.
- The main policy provisions will be clearly displayed at the entrances to The Tannahill Centre (Appendix C).
- The No Smoking signs will be clearly displayed in The Tannahill Centre and in FPHA Offices (Appendix D).
- The Ferguslie Group wishes to stress that non-compliance with the smoking law is a criminal offence as per the Smoking, Health and Social Care (Scotland) Act 2005 and that fines and prosecution may be applied to individuals and employers by Environmental Health Officers.
- Smoking will only be allowed in designated areas. Smoking outwith these areas will be regarded as a breach of this policy.
- Staff are not entitled to take breaks during working hours in order to smoke.
- Any questions, comments or concerns regarding the Smoke Free Policy should be raised with the FPHA Health and Safety Administrator. Breaches of the policy should be reported to the appropriate line manager.

5.7 Non-compliance

- 5.8 All employees, workers, contractors, customers, visitors, staff from other agencies, governing body or committee members and members of the public are informed that The Ferguslie Group operates a Smoke-Free Policy in all its premises, developed to ensure a safe working environment. The displayed No Smoking signs are designed to inform and remind everyone of this. Whilst it is The Ferguslie Group's belief that most people will respect the policy, we will use our discipline and grievance procedures to deal with non-compliance.
- 5.9 Any person not complying with the ban commits an offence towards the organisation as well as the law. It is therefore our intention to enforce this policy and impose sanctions on people that choose not to comply with it.
- 5.10 The Smoke-Free Policy applies to all employees and workers, including agency workers and consultants, across the Ferguslie Group. It is the responsibility of employees and workers to adhere to this policy. Line managers are responsible for enforcing the policy. Any acts of non-compliance with this policy will be dealt with in accordance with The Ferguslie Group employers' Disciplinary and Grievance Procedures.
- 5.11 For employees, breaches of the Smoke-Free Policy, including with reference to health and safety procedures or legislative provisions, will attract the appropriate level of discipline up to and including dismissal.
- 5.12 Any contractor, customer, visitor, staff from other agencies or other members of the public who does not comply with the provisions of the Smoke-Free policy will be required to leave the premises immediately. Refusal to comply or further breaches of the policy will result in formal complaints to individual contractors, informing the employers of contractors or visiting staff of their non-compliance, the withdrawal of services to our customers (including Hall Hire) and barring visitors or members of the public from our premises.
- 5.13 Governing body members or volunteers who do not comply with the Smoke-Free Policy will be dealt with in accordance with their Code of Conduct.
- 5.14 Cessation Support
- 5.15 The Ferguslie Group recognises that passive smoking adversely affects the health of all employees. However, it does recognise that it is difficult for smokers to refrain from smoking and to quit smoking.
- 5.16 In an effort to help employees and centre users to reduce and give up smoking, organisations in the Ferguslie Group will:
- Encourage smokers to seek advice on modifying their smoking behaviour or quitting smoking.
 - Make self-help information freely available.
 - Run periodic campaigns to encourage smokers to stop and to publicise the support available.
- 5.17 Sources of support are:

- Scotland's national stop smoking helpline, Smokeline, which is available by calling 0800 848484 or via their website canstopsmoking.com.
- NHS Greater Glasgow & Clyde website allows users to insert their postcode to bring up a list of local support groups/pharmacies to help users to stop smoking <https://www.nhs.uk/ggc/your-health/healthy-living/smokefree/quit-your-way/>
- The Department of Health website www.smokefree.nhs.uk or the Smokefree helpline on 0800 022 4332 to receive a 'quit kit' or find a local NHS stop smoking service.
- GPs and local pharmacies can also offer assistance and advice with smoking cessation.

5.18 Electronic Cigarettes

5.19 Electronic cigarettes are being widely used to aid smoking cessation. Electronic cigarettes release varying amounts of nicotine in a warm water mist, which simulates the flavour of a real cigarette. Electronic cigarettes are not covered under the Smoking, Health and Social Care (Scotland) Act 2005 as they were not in existence when the legislation was introduced. Some employers have taken the view that as electronic cigarettes produce water vapour rather than smoke, they can be used indoors legally.

5.20 The Ferguslie Group understands that there is still research to be completed on the safety and effectiveness of electronic cigarettes as a smoking cessation tool. They are therefore included in this policy, i.e. their use is not allowed in any area where smoking is not allowed.

6 **Policy Review**

6.1 This policy will be reviewed every three years.

APPENDIX A

'NO-SMOKING PREMISES' (as listed in Schedule 1 to the Regulations)

Those premises which fall within the scope of the legislation, having been classed as 'no-smoking premises', are:

1. Restaurants.
2. Bars and public houses.
3. Shops and shopping centres.
4. Hotels.
5. Libraries, archives, museums and galleries.
6. Cinemas, concert halls, theatres, bingo halls, gaming and amusement arcades, casinos, dance halls, discotheques and other premises used for the entertainment of members of the public.
7. Premises used as a broadcasting studio or film studio or for the recording of a performance with a view to its use in a programme service or in a film intended for public exhibition.
8. Halls or any other premises used for the assembly of the public for social or recreational purposes.
9. Conference centres, public halls and exhibition halls.
10. Public toilets.
11. Club premises.
12. Offices, factories and other premises that are non-domestic premises in which one or more persons work.
13. Offshore installations.
14. Educational institution premises.
15. Premises providing care home services, sheltered housing or secure accommodation services and premises that are non-domestic premises which provide offender accommodation services.
16. Hospitals, hospices, psychiatric hospitals, psychiatric units and health care premises.
17. Crèches, day nurseries, day centres and other premises used for the day care of children and adults.
18. Premises used for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body.
19. Sports centres.
20. Airport passenger terminals and any other public transportation premises.
21. Public transportation vehicles.
22. Vehicles which one or more persons use for work.
23. Public telephone kiosks.

Cited from: Scottish Executive: www.clearingtheairscotland.com

APPENDIX B

EXEMPTIONS (as listed in Schedule 2 to the Regulations)

Those premises (or part of premises) which are exempt from the legislation are:

1. Residential accommodation.
2. Designated rooms in adult care homes.
3. Adult hospices.
4. Designated rooms in psychiatric hospitals and psychiatric units.
5. Designated hotel bedrooms.
6. Detention or interview rooms which are designated rooms.
7. Designated rooms in offshore installations.
8. Private vehicles.

APPENDIX C

The Ferguslie Group's Smoke-Free Policy

This policy has been developed to ensure compliance with the Smoking, Health and Social Care (Scotland) Act 2005 and to protect all service users, customers, employees and visitors from exposure to second-hand smoke. This exposure, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses.

Our policy is that all our premises are smoke-free, and that everyone has a right to a smoke-free environment. Smoking is strictly prohibited at all entrances and doorways

This applies to all employees, workers, contractors, customers, visitors, staff from other agencies, governing body or committee members or members of the public.

For those wishing to smoke legally, there are three outdoor designated smoking areas:

The bench and garden area outside the Community Room (formerly Elderly Forum) while the doors to the community room are closed

The car park outside the entrance gates at the entrance to the Tannahill Centre from Ferguslie Park Avenue, where a cigarette bin will be provided

Outside the north entrance gates to the Tannahill Centre from Blackstoun Road where we will provide a cigarette bin

Non-compliance

Those who do not comply with the smoking law are liable to a fixed penalty fine and possible criminal prosecution. Anyone who does not comply with our policy will be required to leave the premises. You can report smoking in breach of this policy to a Tannahill Staff member.

Help to stop smoking

- Scotland's national stop smoking helpline, Smokeline, is available by calling 0800 848484 or via their website canstopsmoking.com.
- Use the Department of Health website www.smokefree.nhs.uk or the smokefree helpline on 0800 022 4332 to receive your 'quit kit' or find your local NHS stop smoking service.

The GP surgery and local pharmacy can also offer assistance and advice.

APPENDIX D

Cited from: Scottish Executive: www.clearingtheairscotland.com



APPENDIX E



**Ferguslie Park
Housing Association**

No Smoking Policy – Monitoring Form

Name:	
Job Title:	
Department:	
Location:	

Type of Support Requested

Amount of Time Off Agreed

Details of Breach of No Smoking Policy

Sanctions Taken							
<table border="1"> <tr> <td>Disciplinary Action</td> <td></td> </tr> <tr> <td>Escorted from Premises</td> <td></td> </tr> <tr> <td>Fined</td> <td></td> </tr> </table>	Disciplinary Action		Escorted from Premises		Fined		Other, please specify:
Disciplinary Action							
Escorted from Premises							
Fined							

Name of Manager:	
Job Title:	
Sign:	Date:

