

POLICY NAME:	Smoke Free (Including Policy on e-cigarettes)
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AUTHOR (S) (JOB TITLE)	Senior Business Partner, Deputy Director of Nursing, Associate Director of Estates & Facilities
DIVISION/DIRECTORATE:	Human Resources
LINKS TO ANY OTHER POLICIES/PROCEDURES:	None
CONSULTED WITH:	Staff Side / HR Policy Development Group

DATES PREVIOUS VERSION(s) APPROVED	Version 5	Date: 2017
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MANAGER RESPONSIBLE FOR REVIEW (Must be Authors Line Manager)	Deputy Chief People Officer	



VERSION CONTROL

Version	Date	Amendment
6	Nov 2023	No amendments made.

CONTENTS PAGE

CONTENTS	TITLE	PAGE NUMBER
1	INTRODUCTION	2
2	POLICY STATEMENT	2
3	KEY PRINCIPLES	2
4	RESPONSIBILITIES	3
5	SMOKING HEALTH RISKS	3
6	ELECTRONIC DEVICES AND NICOTINE DEVICES THAT RESEMBLE CIGARETTES	4
7	POLICY IMPLEMENTATION	4
8	POLICY STANDARD	5
9	OTHER ENVIRONMENTAL CONTROLS	6
10	HUMAN RIGHTS ACT	6
11	INCLUSION AND DIVERSITY STATEMENT	6
12	MONITORING AND REVIEW	6
13	ACCESSIBILITY STATEMENT	6

APPENDICES		PAGE NUMBER
App 1	Equality Assessment Form	7
App 2	Monitoring and Review Form	8

**AT ALL TIMES, STAFF MUST TREAT PATIENTS WITH RESPECT
AND UPHOLD THEIR RIGHT TO PRIVACY AND DIGNITY.**

1 INTRODUCTION

- 1.1 Wrightington Wigan and Leigh NHS Foundation Trust actively promotes the health and wellbeing of employees and takes a positive approach in the promotion of smoking cessation and will act to discourage any form of smoking.
- 1.2 The Trust implemented a Smoking Free policy in 2008, with a number of designated smoking areas. The revised policy moved the Trust to being totally Smoke Free within all grounds, premises and vehicles. The policy affects and applies to staff (and workers, e.g. contractors, goods delivery staff etc.), patients and visitors.
- 1.3 This policy has been revised to include electronic cigarettes and nicotine devices that resemble cigarettes. Electronic cigarettes are not banned under UK Law but regardless of legal requirements the Trust has the right to set its own policies in relation to the use of electronic cigarettes.

2 POLICY STATEMENT

- 2.1 Wrightington, Wigan and Leigh NHS Foundation Trust will implement this workplace policy on smoking on and within any Trust grounds, premises or Trust vehicles.
- 2.2 This policy ensures the Trust fulfils a number of important functions and legislative obligations as follows.
 - 2.2.1 To meet legislative requirements as required by:
 - 2.2.1.1 Health & Safety at Work etc. Act 1974.
 - 2.2.1.2 Health Act 2006.
 - 2.2.1.3 Smoke-Free (Premises and Enforcement) Regulations 2006.
 - 2.2.1.4 Smoke-Free (Exemptions and Vehicles) Regulations 2007.
 - 2.2.1.5 Smoke-Free (Penalties and Discounted Amounts) Regulations 2007.
 - 2.2.1.6 Smoke-Free (Vehicle Operators and Penalty Notices) Regulations 2007.
 - 2.2.1.7 Smoke-Free (Signs) Regulations 2007.
 - 2.2.1.8 The Smoke-free (Private Vehicles) Regulations 2015.
 - 2.2.2 To reduce the fire risk presented by smoking materials particularly involving patient beds.
 - 2.2.2 To provide a pleasant and healthy environment for patients, staff and visitors.
 - 2.2.4 To fulfil its role as promoters of good health for, patients, staff and visitors.

3 KEY PRINCIPLES

- 3.1 Staff, patients and visitors who do not smoke have a right to breathe smoke free air.
- 3.2 The NHS should become an exemplar for public and private sector employers in the area of smoke-free workplaces and environments.
- 3.3 All Trust buildings, grounds and vehicles will be smoke-free as will entrance areas.
- 3.4 This workplace policy is one element of a broader Workforce Health initiative and includes smoking prevention, cessation and education in the Wigan area.

4 RESPONSIBILITIES

4.1 Trust Board

The Trust Board have a responsibility to promote health for staff, patients and visitors. They have the responsibility for establishing the policy and setting the approach to smoking on Trust premises.

4.2 Divisional Directors of Performance/Heads of Department

It is the responsibility of Deputy Directors of Performance/Heads of Department/Heads of Nursing to implement the policy, taking into account the nature of services, the circumstances of each Trust site.

4.3 Estates and Facilities Division

4.3.1 The Associate Director of Estates and Facilities will also be responsible for informing all Contractors and their staff of the Trust's Smoke-Free Policy and of the need to ensure compliance.

4.3.2 It will be the responsibility of the Associate Director of Estates and Facilities to ensure that the signage requirements are identified and implemented.

4.4 Employees and other Workers

4.4.1 The active involvement of all members of staff / workers (including contract staff such as Security Officers, Car Park Attendants, Ambulance Staff, etc.) will be necessary to ensure the successful operation of this policy. If employees are smoking off-duty or off site, they must also ensure that uniform, protective clothing or Trust identity badges are not visible. In addition, in the interests of hygiene and personal comfort of staff/patients/visitors etc. employees are asked to take whatever steps are necessary to ensure tobacco odour is not present on their person or clothing/uniform, so maintaining a professional image at all times.

4.4.2 Smoking and the use of e-cigarettes/nicotine devices resembling cigarettes will be prohibited in all Trust vehicles parked on site.

4.5 Patients and Visitors

The success of the policy depends upon the consideration and co-operation of smokers and non-smokers. All patients and visitors are expected to respect the provisions of the policy.

5 SMOKING HEALTH RISKS

5.1 Smoking drastically increases the risks of developing heart disease, lung cancer, bronchitis and emphysema. Smoking is responsible for over 120,000 deaths a year in the UK (*Smoking Kills*, 1998).

5.2 Passive smoking (breathing in other people's smoke) is now a proven health hazard to non-smokers. The Government has accepted the findings of the fourth report of the Independent Scientific Committee on Smoking and Health in 1988 that said that:

5.2.1 The increased lung cancer risk to non-smokers from passive smoking is "in the range of 1-39 per cent".

5.2.2 This might amount to "several hundred out of the current annual total of about 40,000 lung cancer deaths in the United Kingdom".

5.3 Not only is there clear evidence that passive smoking causes lung cancer and other health effects in non-smokers, but tobacco smoke in the environment also causes eye irritation, headaches, sore throats, dizziness, nausea and damage to clothing and furnishings.

6 **ELECTRONIC DEVICES AND NICOTINE DEVICES THAT RESEMBLE CIGARETTES**

- 6.1 E-cigarettes are not regulated as a tobacco product or as a medicine in the UK and there is no peer reviewed evidence that they are a safe and effective nicotine replacement therapy. E-cigarettes have been found to contain harmful substances including carcinogens, and concerns have been raised about their safety.
- 6.2 The use of e-cigarettes may undermine smoking prevention and cessation by enforcing the normalcy of cigarette use in public and workplaces.
- 6.3 Given the uncertainties of potential health implications and longer term objective of the Trust Health and Wellbeing strategies, Trust employees, contractors, patients and visitors are prohibited from using artificial smoking devices including electronic cigarettes, whilst on duty at work or on Trust premises.
- 6.4 The Trust will encourage the use of alternative, recognised, regulation smoking cessation aids and support is offered by the Smoking Cessation Service.

7 **POLICY IMPLEMENTATION**

7.1 **Informing patients, visitors and staff**

- 7.1.1 There will be prominently displayed signs at the entrance to the Hospitals and at all entrance points to the buildings giving a clear indication that the Trust is a smoke-free organisation. All signs will comply with the Smoke-Free Regulations.
- 7.1.2 Ashtrays will be removed from all entrance points, except for pavements at the main hospital entrance (roadway).
- 7.1.3 Information about the policy will be included in the hospital information booklet issued to patients, on hospital admission letters and all other forms of patient information/publicity as appropriate and necessary.
- 7.1.4 If patients and/or visitors are smoking cigarettes or an electronic device, employees (Includes contract staff such as Security Officers, Car Park Attendants, etc.) are encouraged to inform them that the hospital is Smoke Free on the premises and buildings. Staff should on no account put themselves at risk – if a patient or visitor who is smoking acts in an aggressive manner when asked not to smoke, support should be sought from a senior manager or security staff (as appropriate).
- 7.1.5 Recruiting managers will ensure that all new employees are aware of the smoke-free policy and a summary of the policy will be included in recruitment information.
- 7.1.6 All induction material should include information on the policy.
- 7.1.7 Educational materials on smoking should be made widely available to patients, visitors and staff.
- 7.1.8 Where community staff are required to undertake home visits and it is identified that there is a risk of exposure to second hand smoke or passive smoking, staff will assess the environment and in order to protect themselves may where possible.
 - 7.1.8.1 Provide 1 hours notice of when they intend to visit the patient.
 - 7.1.8.2 Ask the patient to refrain from smoking inside the house for at least 1 hour before the staff member arrives for an appointment.
 - 7.1.8.3 Ask the patient to open windows and doors to ventilate the room.
 - 7.1.8.4 Try to keep one room smoke free in anticipation of the home visit.

7.2 **Support for smokers – Staff and Patients**

- 7.2.1 Staff who have contact with service users need to be aware of the importance of their role as health promoters. They should take opportunities to educate people about smoking and support smokers who wish to give up.
- 7.2.2 Printed information on the dangers of smoking and smoking cessation should be readily available to patients and staff.

- 7.2.3 Advice and support for staff wishing to give up smoking is available from the Smoking Cessation Team and Occupational Health Department. This includes prescribing of nicotine replacement therapy – NRT as appropriate.
- 7.2.4 The Smoking Cessation Team and Occupational Health Department will provide smoking cessation support for staff who wish to give up smoking. Details of this will be widely circulated/communicated.
- 7.2.5 The Smoking Cessation Team will provide smoking cessation support for staff who wish to give up smoking.

7.3 Breaches of Policy

7.3.1 Staff

- 7.3.1.1 Breaches of this policy will be viewed as a disciplinary offence and will lead to disciplinary action, not excluding dismissal, being taken ¹They may also be liable for civil penalties.

7.3.2 Visitors

- 7.3.2.1 Visitors who breach this policy will be informed that the Trust operates a Smoke Free policy and therefore smoking in all premises and buildings is prohibited. Repetitions may result in the individual being required to leave the site ²They may also be liable for civil penalties.

7.3.3 Patients

Patients who breach this policy will be informed that the Trust operates a Smoke Free policy and therefore smoking in all premises and buildings is prohibited. Action taken for further breaches will be considered in the light of all of the specific circumstances.

7.3.4 Training

The Smoking Cessation Officer will consider how staff should be trained in how to give advice on smoking cessation to patients, including awareness of accessing smoking cessation support and resources.

8 POLICY STANDARD

8.1 Hospital premises and grounds – Patients and Visitors

All hospital premises will be smoke free – there will be no internal smoking rooms. Hospital grounds will be smoke free with no exception. For avoidance of doubt this includes the use of e-cigarettes and nicotine devices that resemble cigarettes.

8.2 Hospital premises and grounds - Staff

8.2.1 Staff dining rooms, canteen and coffee lounges

All hospital premises will be smoke free – there will be no internal smoking rooms. Hospital grounds will be smoke free with no exception. Any communal areas in staff residences will be designated as non-smoking. Breaches will be viewed as in violation of the Tenancy Agreement. For avoidance of doubt this includes the use of e-cigarettes and nicotine devices that resemble cigarettes.

8.2.2 Trust and staff vehicles

- 8.2.2.1 All vehicles belonging to the Trust (hired or leased including staff transport) are smoke-free. This applies to passengers and drivers.

- 8.2.2.2 Smoking in any vehicles on hospital premises is also prohibited. This applies to passengers and drivers.

9 OTHER ENVIRONMENTAL CONTROLS

Sale and Advertising of tobacco products

Tobacco sales or the sale of e-cigarettes are not permitted on any Trust premises. The advertising of tobacco on NHS premises or in NHS publications is prohibited.

10 HUMAN RIGHTS ACT

Implications of the Human Rights Act have been taken into account in the formulation of this document and they have, where appropriate, been fully reflected in its wording.

11 INCLUSION AND DIVERSITY

The document has been assessed against the Equality Impact Assessment Form from the Trust's Equality Impact Assessment Guidance and, as far as we are aware, there is no impact on any protected characteristics.

12 MONITORING AND REVIEW

- 12.1 Responsibility for monitoring, reviewing and evaluating the policy rests with the HR and Staff Side Policy Review Group.
- 12.2 This policy will be subject to review in 3 years or earlier if required to meet any legislation requirements.

13 ACCESSIBILITY STATEMENT

This document can be made available in a range of alternative formats e.g. large print, Braille and audio cd.

For more details, please contact the HR Department on 01942 77 3766 or email equalityanddiversity@wwl.nhs.uk

Equality Impact Assessment Form

STAGE 1 - INITIAL ASSESSMENT

For each of the protected characteristics listed answer the questions below using Y to indicate Yes and N to indicate No	Protected Characteristics														Reasons for negative / positive impact
	Male / Female	Age	Ethnicity	Learning Disability	Hearing Impairment	Visual Impairment	Physical Disability	Mental Health	Gay / Lesbian / Bisexual	Transgender	Religion / Belief	Marriage / Civil Partnership	Pregnancy & Maternity	Carers	
Does the policy have the potential to affect individuals or communities differently in a negative way?	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Is there potential for the policy to promote equality of opportunity for all / promote good relations with different groups – Have a positive impact on individuals and communities.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
In relation to each protected characteristic, are there any areas where you are unsure about the impact and more information is needed?	N	N	N	N	N	N	N	N	N	N	N	N	N	N	If Yes, please state how you are going to gather this information.

Job Title	Amanda Montford	Date	Nov 2023
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IF 'YES an NEGATIVE IMPACT' IS IDENTIFIED - A Full Equality Impact Assessment STAGE 2 Form must be completed. This can be accessed via http://intranet/Departments/Equality_Diversity/Equality_Impact_Assessment_Guidance.asp

Please note: As a member of Trust staff carrying out a review of an existing or proposal for a new service, policy or function you are required to complete an EIA. By stating that you have **NOT** identified a negative impact, you are agreeing that the organisation has **NOT** discriminated against any of the protected characteristics. Please ensure that you have the evidence to support this decision as the Trust will be liable for any breaches in Equality Legislation.

Appendix 2

POLICY MONITORING AND REVIEW ARRANGEMENTS

Para	Audit / Monitoring requirement	Method of Audit / Monitoring	Responsible person	Frequency of Audit	Monitoring committee	Type of Evidence	Location where evidence is held
12	Three yearly or earlier if legislative change	Staff Side Policy Development Group	HRBP & Staff Side Representative	Three yearly or earlier if required	PDG	Legislation	HR