



TOLLCROSS  
housing association

## Smoke Free Policy

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|------------------------|--|
| Prepared By            | Anne Wilson, Corporate Services Director |
| Policy Created         | //                                       |
| Date of Last Review    | 31 <sup>st</sup> January 2022            |
| Date of Current Review | 26 <sup>th</sup> September 2023          |
| Date of Next Review    | September 2026                           |
| Reviewed By            | Management Committee                     |

| <b>CORPORATE FIT</b>     |   |
|--------------------------|---|
| Internal Management Plan | ✓ |
| Risk Register            | ✓ |
| Business Plan            | ✓ |
| Regulatory Standards     | ✓ |
| Equalities Strategy      | ✓ |
| Legislation              | ✓ |

On request, the Association will provide translations of all our documents, policies and procedures in various languages and other formats such as computer disc, tape, large print, Braille etc. and these can be obtained by contacting the Association's offices.

## 1. Background

- 1.1 This Policy has been developed to protect all employees, service users, customers and visitors from exposure to second hand smoke and to assist compliance with the Smoking, Health and Social Care (Scotland) Act 2005. This Act came into force on 26 March 2006 and from that day onwards smoking was no longer allowed in certain wholly or substantially enclosed public places in Scotland.
- 1.2 Exposure to second hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

## 2. Aims of the policy

- 2.1 It is the aim of this policy to ensure that Tollcross Housing Association's (the Association) workplaces are smoke free, as all employees have a right to work in a smoke free environment.
- 2.2 We aim to prohibit smoking throughout all of the Association's workplaces, with no exceptions, including company vehicles. This policy applies to all employees, consultants, contractors, customers or members of the public.
- 2.3 In addition, the aim of this Policy is:
  - (i) to ensure that the requirements placed on the Association by legislation are complied with; and
  - (ii) to offer support to employees to combat smoking.

## 3. Scope of the policy

- 3.1 The policy extends to accommodation occupied by employees of the Association irrespective of whether it is Association property or leased accommodation.
- 3.2 In addition, staff using the pool car or travelling in a private car on official business must refrain from smoking.

## 4. Smoking areas

- 4.1 Staff members who smoke are not permitted to do so within the perimeters of the entrance/exit areas of the offices. Appropriate signage, as outlined in the Smoking, Health and Social Care (Scotland) Act 2005 will be placed indicating the boundaries of the respective entrance/exit areas.

- 4.2 Staff members who smoke can only take a cigarette break outwith core hours.

The core hours each day are: -

- Mornings 10.00am – 12.00noon
- Afternoons 2.00pm – 4.00pm

- 4.3 If a cigarette break is taken outwith core hours the time taken on the break will not be counted as flexi time entitlement.

- 4.4 The time taken on the cigarette break must be recorded either by using the Kelio clocking system or for staff members not yet using this system, the spread sheet system.

- 4.5 It is the staff members' responsibility to ensure that cigarette breaks taken outwith core hours are accurately reflected in their daily flexi time accrual.

## **5. Persons Covered by the policy**

- 5.1 The ban on smoking applies to anyone working on or visiting the Association premises including staff, consultants, contractors, visitors and members of the public.

- 5.2 Sheltered and Very Sheltered Housing

Communal areas within Sheltered and Very Sheltered Housing fall within the scope of the smoking legislation and as such, smoking is not permitted in any of these areas. Communal areas can include, residents lounge, common kitchens, laundry, toilets and corridors. Appropriate "No Smoking" signs will be displayed at each location.

## **6. Equality & Diversity**

- 6.1.1 An Equality Impact Assessment (EIA) has been carried out when preparing this policy. In line with good practice the completed EIA will be published alongside the Smoke Free Policy.

- 6.1.2 Where there is a need for follow-up action, the tasks and timeframe for achieving them shall be noted in the Equality and Human Rights Action Plan to ensure they are addressed.

- 6.1.3 We do not see this policy as having any direct impact upon the protected characteristics contained within the Equality Act 2010.

## **7. Working outwith Association premises**

- 7.1 The Association has a significant number of staff who undertake home visits to tenants and other customers of our services. Association staff visiting or interviewing clients in their own homes are not permitted to smoke en-route to the home visit, in that client's home or on their return to the office.
- 7.2 Staff attending meetings or training outwith their normal place of work must adhere to the Association's policy or that of their host.

## **8. Passive smoking exposure outwith the Association's premises**

- 8.1 The Association recognises its duty to take reasonable steps to protect our employees from risks of passive smoking and have appropriate control measures in place with respect to home visits.
- Tenants will be requested not to smoke when the staff member is visiting. The Association will publicise this in our literature e.g. newsletters, website, etc. and individual staff may include such a request in correspondence as necessary.
  - Staff will have discretion to assess risks and, if concerned about passive smoking, in particular circumstances they will have the right to postpone or terminate any visit.
  - If particular risks are identified, staff should try to arrange office appointments with clients where practical.
  - Line managers will support staff in ensuring appropriate ways to provide services whilst protecting staff rights to work in a smoke-free environment.
  - The Association recognises that staff are at times providing emergency response services to clients, e.g. in Sheltered Housing, and in such circumstances it is not always possible to ensure a smoke-free working environment. The Association will record and monitor all such incidents reported by staff and put reasonable control measures in place wherever possible if an on-going risk to health is identified.

## **9. Use of Electronic Cigarettes**

- 9.1 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.

- 9.2 The Association understands that there is still research to be completed on the safety and effectiveness of electronic cigarettes as a smoking cessation tool. Our employees should therefore use electronic cigarettes during rest breaks in designated smoking areas. We do not deem it appropriate to use electronic cigarettes on Tollcross Housing Association's premises, as they could cause annoyance to colleagues and be perceived as 'real' cigarettes if used in areas where there is contact with customers, along with colleagues, visitors and contractors. We would ask that all those that the policy applies to respect this application of the rules and do not expect any breaches of the rules to take place.

## 10. Breaches of the Policy

- 10.1 Managers/supervisors in control of Association premises could be liable to a fixed penalty fine of £200 if they do not take reasonable action to prevent someone smoking on the premises, or if they do not provide adequate "No Smoking" signs. Individuals who smoke in no-smoking premises will be liable to a fixed penalty fine of £50. Refusal to pay or failure to pay may result in prosecution and a fine of up to £2,500
- 10.2 If a staff member does not comply with the terms of this policy they may be subject to the Association's disciplinary procedures.
- 10.3 Any manager/supervisor who fails to enforce the policy with regard to their staff may be subject to disciplinary action in accordance with the Association's policy.
- 10.4 If a visitor or contractor does not comply with the terms of this policy then the appropriate manager/supervisor responsible for the visitor or contractor whilst they are on Association premises should be notified and, if necessary, they should ask the visitor or contractor to leave the premises.
- 10.5 Advice and information about the law can be accessed at [www.clearingtheairscotland.com](http://www.clearingtheairscotland.com) or the Scottish Executive's tobacco control team at:

*Scottish Executive Health Department  
Tobacco Control Division  
St Andrew's House  
Edinburgh  
EH1 3DG  
Tel: 0131 244 5660  
e-mail: [info@clearingtheairscotland.com](mailto:info@clearingtheairscotland.com)*

## **11. Support Measures**

11.1 It is hoped that the total ban on smoking, may encourage staff to consider giving up the habit. In order to support those individuals who wish to stop smoking, the Association will provide advice and assistance through, for example, leaflets, and posters.

11.2 Details of help and support services available are set out at Appendix 1.

## **12. Policy Review**

12.1 This policy will be reviewed by the Management Committee annually.

## Appendix One Smoking Cessation Help and Support Sources

| Service   | Catchment Area   | Contact   | Referral Method | Other Details       |
|---|--|---|-----------------|---------------------|
| NHS Greater Glasgow & Clyde Smoke free Community Services (North East Glasgow)      | North East Glasgow   | 0800 916 8858   | GP referral     | Group fixed support |
| NHS Greater Glasgow & Clyde Quit your way Community Services (South Sector Glasgow) | South Sector Glasgow   | 0800 028 5208   | GP referral     | Group fixed support |
| NHS Greater Glasgow & Clyde Quit your way Pharmacy Services                         | Glasgow City council area.<br>West Dunbartonshire<br>East Dunbartonshire<br>Inverclyde,<br>East Renfrewshire<br>Renfrewshire council areas | 0141 232 2110<br>01389 776990<br>0141 355 2327<br>01475 497147<br>0141 451 0757<br>01505 821316 | GP referral     | One – one support   |
| NHS Greater Glasgow & Clyde Quit your way Pregnancy Services                        | Glasgow City council area. West Dunbartonshire, East Dunbartonshire, Inverclyde, East Renfrewshire, Renfrewshire council areas.            | 0141 201 2335   | GP referral     | One – one support   |
| NHS Greater Glasgow & Clyde Quit your way Hospital Services                         | Glasgow City council area. West Dunbartonshire, East Dunbartonshire, Inverclyde, East Renfrewshire, Renfrewshire council areas             | Glasgow Hospitals – 0141 451 6112   | GP referral     | One – one support   |

If you do not come under any of the above catchment areas, please contact your GP who will be able to give you more details of where smoking cessation is offered in your area.