Approver	Operations Committee
Pre Board Committee Scrutiny	Executive Team, JCC, Leadership Team, Care Home Managers
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Classification	Policy
Title	Smoke Free **and Vaping** Policy & Procedure
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Related Documents	Code of Conduct Disciplinary Policy & Procedure
Location of Electronic Copy	V:\Policies and Procedures Shared\Policies\HR

1.0 Viewpoint's Values

1.1 Viewpoint is here to help people enjoy their later years. Everything we do is about realising this vision, which is supported by the following straightforward set of values:

- Inspire with positive smiles and words;
- Say 'yes I can, and I will;'
- Celebrate age, experience, and wisdom;
- Do according to our customers' wishes and ambitions;
- Treat people (everyone is a VIP) as we would a "loved one;"
- Work hard, have fun and laugh;
- Stay courageous, creative, and ahead of the game; and
- Work with those that share our values.

1.2 These promises shape us. They are a commitment to our tenants, residents, staff, and suppliers. They are fundamental to every single plan, decision, and project we embark on.

1.3 Ensuring that we have systems and processes in place will support us to deliver those plans, decisions, and projects, in accordance with our vision and values. This policy outlines our approach to No Smoking in the workplace.

2.0 Policy Statement

2.1 Viewpoint will provide a safe working environment for all employees, which is free from smoke. No employee will be subjected to passive smoke during the course of their employment.

2.2 This policy refers to regular cigarettes, cigars, pipes and any other substance that contains tobacco and electronic cigarettes. **For the purposes of this policy, smoking also includes herbal smoking products, heated tobacco products and any other lit product that produces smoke. Vaping includes e-cigarettes, reusable or disposable vapes, electronic nicotine delivery systems and any similar device, whether or not it contains nicotine.**

2.3 This policy has been created to ensure that Viewpoint complies with current legislation:

2.4 Health and Safety at Work etc Act 1974 places a duty on employers to: *'provide and maintain a safe working environment which is, so far as is reasonably practicable, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.'*

2.5 **In Scotland, the Smoking, Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 prohibit smoking in certain wholly or substantially enclosed public places and workplaces. The legislation places duties on those in control of premises to take reasonable precautions to prevent smoking in smoke-free premises and to display appropriate no-smoking signage.**

3.0 Aim

3.1 This policy recognizes that second-hand smoke adversely affects the health of all employees and is therefore concerned about where people smoke and the effect this has on other employees and members of the public.

3.2 This policy aims to:

- protect all staff and those visiting and working in Viewpoint buildings from the harmful effects of second-hand tobacco smoke;
- ensure a working environment free of the vapours and chemical emissions of e-cigarettes/vapes and other electronic nicotine delivery products (ENDS) **and ensure that vaping devices are not used, charged or disposed of in a way that creates a health, safety, fire or environmental risk within Viewpoint workplaces:**
- support those who wish to stop smoking
- ensure that all parties have a clear understanding of their rights and responsibilities;
- ensure that Viewpoint complies with relevant legislation.

4.0 Scope

4.1 This Smoke Free Policy applies to all employees, workers, Board/Committee members, contractors and visitors to Viewpoint premises.

4.2 Smoking will not be permitted near to entrances or windows to any Viewpoint premises or any other outside area in the immediate vicinity, whereby smoke may affect other employees or portray a negative image of Viewpoint.

4.3 The restrictions in this policy apply to smoking and vaping in Viewpoint workplaces, buildings, enclosed common areas, vehicles and any other work-related setting where use may affect staff, tenants, residents, visitors, contractors or the public.

5.0 Guidance for Staff

Smoking in the Workplace

5.1 Smoking is prohibited in any part of the workplace including offices, car parks, and enclosed common parts of Viewpoint housing and domestic accommodation such as stairwells, entrances and lifts.

5.2 Smoking is prohibited immediately outside Viewpoint buildings.

5.3 Staff who smoke must extinguish and dispose of used cigarettes in smoking bin provided. In addition to being a fire hazard, discarding cigarette ends makes staff, like the public, liable to legal action for littering. This offence may also be considered as misconduct under Viewpoint's disciplinary procedures.

6.0 Smoking Breaks

6.1 **Viewpoint does not provide designated smoking breaks during working time. Staff may smoke before and after working hours and during their official breaks (i.e. lunch break) in the designated areas.**

Any alternative arrangement must be formally agreed and documented with the employee's line manager and will supersede the standard position only where this has been expressly approved.

Any formal agreed alternative arrangement will need to take into account the impact the breaks may have on the individual's workload and on their team. The individual should also consider their colleagues and take responsibility for ensuring that they are happy to cover their work in their absence, if applicable.

6.2 The line manager retains the authority to remove, temporarily suspend or vary the arrangement of smoking breaks if the individual takes breaks of an inappropriate frequency and/or duration or where the needs of the service are being compromised.

6.3 Staff who have been permitted to take a break for any purpose must account fully for their time away from their work and ensure that they make up the time lost. Individual's line manager must be satisfied that adequate arrangements are in place to record and monitor Unproductive time before agreeing to such breaks.

6.4 When individuals wish to smoke while on duty but away from the office, or if they work entirely in the open and/or away from other members of staff, individuals must still discuss their needs with their line manager and come to a sensible agreement. However, issues of safety and/or public perception are paramount and these must take precedent over the needs of the individual.

7.0 Vehicles

7.1 Smoking is not permitted in vehicles which belong to or are being leased by Viewpoint. Private staff vehicles used during work for more than one

member of staff should be smoke-free at that time.

7.2 Viewpoint's Asset Team will co-ordinate provision of smoke-free signage in all vehicles owned or leased by Viewpoint. The driver of the vehicle is responsible for monitoring the condition of signage, ensuring this is appropriately displayed and advising passengers that the vehicle is smoke-free.

8.0 Signage

8.1 "No Smoking" signs will be displayed prominently at entrances to all Viewpoint occupied and managed buildings so all staff and visitors are informed of where smoke free requirements apply.

8.2 Managers and other persons in control of premises are responsible for monitoring the condition and display of "No Smoking" signage and ensuring this is appropriately displayed.

8.3 It is a legal offence to fail to take all reasonable precautions to prevent smoking in smoke free places. If smoking occurs in these places legal action can be taken against the person in control of premises at the time of the offence. Managers and staff failing to take adequate steps to prevent smoking in such premises may also be subject to our disciplinary procedures.

9.0 Protecting Staff

9.1 Staff visiting clients in their own homes have the right to not be exposed to secondhand tobacco smoke, and it is expected that all reasonable steps are taken to limit or prevent this type of exposure. Managers should consider, in consultation with the employees this potential exposure within the risk assessment process and determine measures that could be put in place to reduce the risk. Further guidance can be found in the Health and Safety Policy and advice on carrying out risk assessments can be obtained from the Health and Safety Advisor.

10.0 Guidance for Visitors, Volunteers and Contractors

10.1 This policy also applies to all visitors, volunteers, contractors and Board/Committee members, who are not permitted to smoke within the boundaries and grounds of any premises used as a workplace for Viewpoint staff. All staff have responsibility to inform their visitors of the requirements.

11.0 Electronic cigarettes/Vapes

11.1 We acknowledge that some staff may wish to use electronic cigarettes/Vapes in the workplace, particularly as an aid to giving up smoking.

11.2 Although they fall outside the scope of smoke-free legislation, Viewpoint does not allow the use of e-cigarettes/vapes in the workplace. The use of e-cigarettes/vapes will fall under the definition of 'smoking' for the purposes of this policy.

11.3 The reasons for this are that while they do not produce smoke, e-cigarettes produce an aerosol mist that could provide an annoyance or health risk to other staff. Some e-cigarette models can also, particularly from a distance, look like real cigarettes. This makes it difficult to monitor and enforce the guidelines of this policy, and may create the wrong impression to others (including the general public).

11.4 Staff must not charge e-cigarettes or vaping devices on Viewpoint premises, in Viewpoint vehicles, or using Viewpoint equipment.

11.5 Vapes and e-cigarettes must not be disposed of in general waste, recycling bins, smoking bins or internal waste containers on Viewpoint premises. Staff should dispose of these items through appropriate electrical waste or take-back arrangements, as they may contain batteries and can present a fire risk if damaged or discarded incorrectly.

12.0 Breaches of the Policy

12.1 Any member of staff refusing to observe the policy will be liable to disciplinary action in accordance with Viewpoint's disciplinary procedure. Smoking in an unauthorised area will be a disciplinary offence and may also be contrary to **smoke-free legislation in Scotland**. Taking a break to smoke during core hours without authorisation, or dropping cigarette ends on the floor/grounds owned by Viewpoint may also be viewed as a disciplinary offences.

Unauthorised vaping, charging vaping devices contrary to this policy, or disposing of vaping devices incorrectly may also be considered under Viewpoint's disciplinary procedures where this creates a health, safety, fire, environmental or reputational risk.

12.2 Any contractor, customer, visitor, staff from other agencies or other members of the public who refuses to comply with the provisions of the Smoke-Free policy will be asked to leave the premises immediately. Further refusal will result in the withdrawal of contracts with individual contractors, as well as informing their employers of their non-compliance, the potential withdrawal of services to our customers and barring visitors or members of the public from our premises. Persistent refusal will trigger an application of our normal procedure for dealing with antisocial behaviour. Governing body or committee members who refuse to refrain from smoking in accordance with the Smoke-Free Policy, will be dealt with in accordance with their Code of Conduct.

12.3 In the event that you witness a breach of this policy, the persons concerned should be asked to extinguish all smoking materials and be informed of the availability of external smoking areas. If they

continue to smoke, the matter should be referred to the appropriate manager. Staff are not expected to enter into any confrontation that may put their personal safety at risk.

12.4 All staff have a role to play in enforcing the policy and are required to deal with any observed or reported breaches. If managers or members of staff feel apprehensive about their own safety in addressing any breach they should seek management support. It is important to note that primary emphasis should be placed on prevention of such situations arising.

13.0 Support for Smokers

13.1 Viewpoint recognises that passive smoking adversely affects the health of all employees. However, it does recognise that the Smoke-Free Policy can impact on smokers' working lives.

13.2 If an employee wishes to stop smoking, help and advice can be found:

- NHS Smokefree website https://quitnow.smokefree.nhs.uk/.
- The NHS Smoke free National Helpline telephone number is 0300 1231044. All lines are open Monday to Friday 9am to 8pm and Saturday and Sunday 11am to 4pm.
- How Quit Your Way Scotland Quit Your Way Scotland is run by NHS 24 and is staffed by trained advisors who'll be able to give you expert advice.
- Local NHS stop smoking advisers via the following link: http://www.nhs.uk/Livewell/smoking/Pages/NHS-stop-smoking-adviser.aspx

13.3 Viewpoint will support wellbeing initiatives encouraging staff to give up smoking.

14.0 Monitoring and reviewing

14.1 This policy will be reviewed every 3 years to ensure that it continues to meet its original purpose and reflects any changes to the supporting legislation.