



No Smoking Policy

JANUARY 2006

1. INTRODUCTION

This policy has been revised to ensure that South Lanarkshire Council complies with the Smoking, Health and Social Care (Scotland) Act 2005.

The legislation bans smoking in 'no-smoking premises' by:-

- Creating an offence of permitting others to smoke in no-smoking premises
- Creating an offence of smoking in no-smoking premises
- Creating an offence of failing to display warning notices in no-smoking premises

The Council's No Smoking Policy supports Executive Directors and Managers with compliance of the Smoking, Health and Social Care (Scotland) Act 2005 by providing:-

- A clear Council policy on the management of No Smoking legislation requirements
- Comprehensive guidance for management on the range of issues with non-compliance
- A provision of support for employees who are committed to stopping smoking

The aim of this policy and the No Smoking Legislation is to save lives and prevent diseases caused by passive smoking.

2. POLICY STATEMENT

It is the policy of South Lanarkshire Council that all of our workplaces, Council vehicles, Council premises, and areas within the curtilage of premises, are smoke-free.

The Council will comply with the Smoking, Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

In terms of exceptions to the legislation smoking will be allowed in the following circumstances;

- *Council residential facilities, where residents' freedom to smoke must be taken into account*
- *Private premises where employees are working in a member of the public's private accommodation, where the resident's have the freedom to smoke*

Employees who are required to work in these areas will be covered by guidance issued by the Scottish Executive. The Council will ensure that employees are not unnecessarily exposed to passive smoking in their course of work, under health and safety legislation.

Therefore under the requirements of The Management of Health and Safety at Work Regulations 1999, the Council will assess the risks to our employees who may be subjected to the effects of second-hand smoke. The Resource will take appropriate action in order to control or minimise that risk.

All Resources, through their Executive Directors, will ensure compliance with the legislation by;

- Taking steps to ensure that all employees, visitors, contractors, service users and Elected Members obey the law.
- Displaying 'No Smoking' signage in such a way to ensure all employees, visitors, contractors, service users and Elected Members are aware that they must comply with the new smoking law.

The Council will provide health and wellbeing support to employees who wish to stop smoking.

3. ORGANISATION

Key responsibilities are detailed below to ensure that the Council complies with the legislation

3.1 Responsibilities

3.1.1 Chief Executive

The Chief Executive has the responsibility for ensuring;

- That the Council No Smoking Policy will be implemented and delegating responsibility for the implementation within each Resource to the appropriate Executive Director.
- That resources are made available to enable the No Smoking Policy to be implemented.
- That health education, advice and support is an integral part of the overall management culture and appropriate support and assistance is available for all employees.

3.1.2 Executive Directors and Heads of Service

Executive Directors and Heads of Service are responsible for ensuring compliance with the No Smoking Legislation and therefore must:-

- Set out the organisation within their Resource through which the No Smoking Policy will be implemented and communicated to all staff.
- Display the required 'No Smoking' signs in such a way as to ensure all employees, visitors, contractors, service users and Elected Members are aware that they must comply with the new smoking law.
- Inform all employees, visitors, contractors, service users and Elected Members of their role in the implementation and monitoring of the policy.
- Ensure all new employees receive a copy of the Council's No Smoking Policy when recruited and at induction training.
- Recognise that smoking is an addiction and provide appropriate support and assistance for employees who wish to stop smoking.
- Work in partnership with external organisations to promote health improvement initiatives.
- Introduce health promotions which encourage employees to adopt a balanced lifestyle and identify and address personal health problems.

3.1.3 Managers/Supervisors

All line managers are responsible in their area of control for:-

- Implementing the No Smoking Policy within their area of control and ensuring compliance with the legislation.
- Ensuring that all employees/trainees and new recruits in their area of control are formally made aware of the No Smoking Policy and providing advice on procedures and support available.
- Seeking assistance from smoking cessation counsellors to support employees
- Providing leave with pay for employees to attend Council-recognised smoking cessation groups.
- Supporting employees in efforts to stop smoking, and recognise those who have successfully stopped.
- Making regular health checks and fitness assessments available to all employees.
- Establishing effective working relations with trade unions in the Council to gain support for health improvement initiatives.

3.1.4. All Employees

All employees of the Council are responsible for:-

- Observing the Council's No Smoking Policy whilst complying with the legislation of the smoking ban
- Co-operating with management in the implementation of the No Smoking Policy
- Ensuring all visitors are aware that there is a statutory duty not to allow smoking in our premises/vehicles and advise them that by doing so that they're committing an offence.
- If applicable, demonstrating a commitment to want to stop smoking and comply with any agreed programme of support in with guidance from counsellors.
- Ensuring their own lifestyle does not adversely affect their attendance at work.

4. DEALING WITH ISSUES OF NON-COMPLIANCE

The Council is confident that the majority of people will respect the new law on smoking. However, it is important that management and employees know what to do if someone does continue to smoke:

- Draw the person's attention to the 'No Smoking' signs and remind them that they're committing an offence/breaching policy. Politely ask them to stop smoking.
- Advise the person that it's also an offence for you to let anyone smoke.
- Explain to them that the Council has a smoke-free policy to ensure a safe working environment for all staff and customers.
- Contact the person responsible for the premise as detailed in the no smoking signage

If the person smoking is an employee:

- Follow the guidance above and report the incident to a member of line management
- If the person refuses to acknowledge Council policy, normal disciplinary procedures for employees who breach Council policy will apply
- Management should maintain a record of all such incidents and outcomes in accordance with the Council's disciplinary procedures

If the person smoking is a customer/visitor/contractors/service user:

- Explain that staff are obliged to refuse service if they continue to smoke
- If the customer carries on smoking, ask them to leave the premises
- If the person refuses to stop smoking, the employee dealing with the situation should implement the normal anti-social/illegal behaviour procedure for the relevant premise
- Maintain a record of all such incidents and outcomes
- If required a member of management should be contacted to assist and in all circumstances management should be informed of the outcome

In all situations failure to comply with the law is a criminal offence. Individuals could be liable to a fixed penalty fine for smoking in no smoking premises. The law will be enforced by Environmental Health Officers.

5. REVIEW

This policy will be reviewed regularly in line with developments within legislation, risk management and case law.

