



## WP31

# SMOKE FREE POLICY

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<b>Documents to be read alongside this policy:</b>	WP6 Code of Conduct (Disciplinary Rules & Standards of Behaviour) WP9 All Wales Disciplinary Policy WP62 BCUHB Dress Code Guidelines WP9 All Wales Disciplinary Policy WP11 NHS Wales Managing Attendance at Work Policy

### **Purpose of Issue/Description of current changes:**

Updated policy for Betsi Cadwaladr University Health Board. Issued to provide guidance to comply with the revised changes to the smoke free legislation for all health board premises and grounds. Updated policy to include Chapter 1 of Part 3 of the Public Health (Wales) Act 2017 (“the 2017 Act”) and the Smoke-free Premises and Vehicles (Wales) Regulations 2020 (“the 2020 Regulations”) supporting the new legislation that means all hospital grounds, will be required to be smoke-free by law from the 1st March 2021 extending to all Mental Health units to be smoke free by 1st September 2022.

### **Summary**

This policy has been developed to protect all employees, workers, patients and others from exposure to second-hand smoke, to assist with compliance and to demonstrate due diligence in taking reasonable steps to prevent smoking on hospital sites, in line with Chapter 1 of Part 3 of the Public Health (Wales) Act 2017 (“the 2017 Act”) and the Smoke-free Premises and Vehicles (Wales) Regulations 2020 (“the 2020 Regulations”).

<b>First operational:</b>	November 2011				
<b>Previously reviewed:</b>	July 2013	May 2018	Feb 2021	September 2022	March 2023
<b>Changes made yes/no:</b>	Yes	Yes	Yes	Yes	Yes

### PROPRIETARY INFORMATION

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# 1. Introduction and Policy Statement

Betsi Cadwaladr University Health Board has identified a reduction in smoking prevalence as a priority in its strategy Living Healthier Staying Well. The proportion of adults who currently smoke in North Wales is 13% and a further 14% report that they use e-cigarettes according to the National Survey for Wales.

As an exemplar and practicing public health organisation, the Health Board is committed to creating a smoke-free environment on all its sites to protect employees, workers and all others who enter its premises and grounds from second-hand smoke. It is also committed to ensuring that support is provided for employees and patients who wish to give up smoking. The Health Board / persons responsible for the premises have a duty to take reasonable steps to prevent smoking on all of its grounds and vehicles.

In adults, second-hand smoke increases the risk of cardiovascular and respiratory diseases including coronary heart disease and lung cancer. Ventilation or separating smokers and non-smokers within the same airspace does not stop potentially dangerous exposure.

The Smoke-free Premises etc. (Wales) Regulations 2007 (“the 2007 Regulations”) were introduced to protect employees and the public from the harmful effects of second-hand smoke. This legislation prevents smoking tobacco in ‘enclosed’ or ‘substantially enclosed’ public places, including workplaces and vehicles. Although not statutory within the legislation requirements, the use of Electronic cigarettes (e-cigarettes) or Vapes is also not permitted on any Betsi Cadwaladr University Health Board site as part of this policy. E-cigarettes and vapes are all terms used to describe a battery-powered device which allows its user to inhale nicotine (some are non-nicotine based) through a vapour rather than smoke.

More recently, the Smoke-free Premises and Vehicles (Wales) Regulations 2020 (“the 2020 Regulations”) introduced on the 1 March 2021 protects people from second hand smoke in hospital grounds and other outdoor areas. The new legislation means that it is a criminal offence to smoke tobacco on any Health Board grounds, dwellings or vehicles. The definition in the legislation covers the smoking of cigarettes, pipes, cigars, herbal cigarettes and water pipes (often known as hookah or shisha pipes) etc.

These restrictions include all areas up to the Health Board premises, boundaries, and include car parks and vehicles parked on Health Board property, outdoor seating areas, walkways and all other areas. Any person wishing to smoke or use e-cigarettes / vapes must first leave the Health Boards grounds.

The implementation of this policy will ensure compliance with both Regulations and will also support implementation of the Corporate Health Standard at Work framework.

Since the introduction of the new legislation on March 1<sup>st</sup> 2021, it now means that it is a criminal offence to smoke tobacco on any Health Board grounds, dwellings or vehicles. All staff are encouraged to review the legislation, which sets out the new smoke free law (please see reference section of policy).

The Health Board has implemented the new legislation ensuring that all of our workplaces are smoke-free and all employees and workers have a right to work in a smoke-free environment. The implementation of this legislation is seen as a contribution to the de-normalisation of smoking by providing fewer opportunities for smoking in public areas, supporting smoking cessation and contributing to health improvement.

Definition of groups affected: employees, workers, employers of external agencies, voluntary workers/volunteers, students, contractors, patients and visitors to any Health Board premises, grounds and vehicles. These groups hereafter collectively known as employees and workers, patients and all others.

The Health Board policy is to treat all patients irrespective of whether they smoke or not and is committed to helping patients who wish to stop smoking.

The Health Board is committed to supporting employees who wish to stop smoking and will ensure that the selling or promoting of tobacco products is not allowed on any of its premises. BCUHB employees and all in-patients will be encouraged to access Nicotine Replacement Therapy to support the Health Boards commitment to implementing the new legislation.

The difficulty of enforcing a Smoke-Free Policy is acknowledged and employees will receive the full support of the Health Board members.

## **2. Purpose**

This policy has been developed in collaboration with trade union partners to be compliant with Chapter 1 of part 3 of the Public Health (Wales) Act 2017 (“the 2017 Act”) and the Smoke-free Premises and Vehicles (Wales) Regulations 2020. This policy will protect all employees, workers, patients, and others, from exposure to second-hand smoke. The policy also supports compliance with the smoke-free provisions of the Health Act 2006, and the related regulations for Wales as above. Under the new legislation, it is a criminal offence to smoke on any Health Board grounds, dwellings and vehicles and the law is enforced by Local Authorities.

The Health Board has a responsibility for ensuring compliance with the legislation and must take reasonable steps to prevent smoking on site.

Section 2 of the Health and Safety at Work etc. Act 1974 places a duty of care on employers to ‘provide and maintain a safe working environment which is, so far as is reasonably practicable, without risks to health and adequate as regards facilities and arrangements for their welfare at work.’

This policy recognises that second hand smoke adversely affects the health of all employees and its workers. It is not concerned with whether anyone smokes but

with where they smoke and the effect this has on employees, patients and others. It is also concerned with the presence of preventable carcinogenic substances in the locality of health sites.

The Health Board encourages its employees to refrain from smoking and using e-cigarettes / vapes as set out in this policy, both in their own health interests and as representatives of a major public body, whose purpose is to improve health. The Health Board is committed to supporting employees, workers and others who wish to stop smoking.

### **3. Scope**

The Smoke-Free Policy applies to employees, workers, patients, visitors and others without exception, and will form part of the Health Boards Terms and Conditions of Employment. Employees and workers are expected to comply with the Smoke-Free Policy and the new smoke free law.

Definition of groups affected: employees, workers, employers of external agencies, voluntary workers/volunteers, students, contractors, patients and visitors to any BCUHB premises, grounds and vehicles. These groups hereafter collectively known as employees and workers, patients and all others.

### **4. Aims and Objectives**

#### **Aims:**

To protect all employees, workers, patients, and all others from exposure to second hand smoke. The Health Board will take reasonable steps to prevent smoking on hospital sites, in line with Chapter 1 of Part 3 of the Public Health (Wales) Act 2017 (“the 2017 Act”) and the Smoke-free Premises and Vehicles (Wales) Regulations 2020 (“the 2020 Regulations”).

The Health Board will comply with their duty to conform to the legislative requirements and support staff, patients, visitors, contractors and others, to comply with the legal requirements.

#### **Objectives:**

- 1 To abide by the new smoke free law and set an example to our community by making non-smoking the normal practice in the Health board’s buildings, grounds and vehicles.
- 2 To provide a safe and healthy working environment and to ensure that the possible consequences of smoking tobacco are reduced.
- 3 To reduce incidents of smoking, use of e-cigarette and vaping on BCUHB sites.
- 4 To reduce harm to patients, visitors and staff from exposure to second-hand smoke.

- 5 To promote health and well-being by encouraging and assisting employees, workers, patients and all others to make a lifestyle choice to give up smoking and to reap the health benefits.
- 6 To offer smoking cessation support to both employees and patients to give up smoking.
- 7 To ensure that all managers with responsibilities for the health, safety and welfare of employees have adequate guidance in recognising, supporting and assisting any employees to stop smoking.
- 8 To fulfil the Board's legal duty of care to all its employees, patients and others to provide a safe working environment.

## **5. Roles and Responsibilities**

Overall responsibility for policy implementation and review rests with the Chief Executive Officer (CEO).

The CEO shall delegate operational responsibility to the Integrated Health Community (IHC) Directors located across Betsi Cadwaladr University Health Board. All BCUHB Directors will demonstrate due diligence in respect of the legislation and be responsible for policy implementation at all other BCUHB premises linked with their respective sites. In support of the key provisions of the regulations relevant to the Health Board, the person who controls or is concerned with the management of the hospital grounds must take reasonable steps to stop a person who is smoking there from smoking. Health Board site leads will ensure that all employees, workers, patients and others are aware of the policy and of their role in the implementation and monitoring of the policy.

All managers are required to familiarise themselves with this policy; to ensure their staff are aware of the policy and new smoke free law. They will support / manage their staff to ensure compliance with the policy. All staff will ensure compliance with the requirements of this policy and refrain from smoking on any Health Board premises; grounds and vehicles at all times. As part of this policy, all staff will also ensure that they do not use e-cigarettes or vapes on any Health Board premises, grounds and vehicles.

All staff, irrespective of grade or discipline, should politely remind smokers that smoking is not permitted by law on Health Board premises and request them not to smoke on the premises (see also paragraph 16 - Policy Compliance). Staff must not take part in smoking behaviour or practice on any Health Board site or encourage patients to leave the premises in order to smoke. All staff must also remind individuals who are using e-cigarettes and vapes on site that as part of our policy this behaviour is not permitted and request them not to use these products on Health Board premises.

Managers will ensure that all new personnel will have access to a copy of the policy during local induction. Staff bulletin boards and Health Board website will be used to promote the policy and advertise the contact number for Help Me Quit (0800 085 2219) for help and support.

No smoking signs have been clearly displayed at or near the entrances to the premises highlighting the new smoke free law, reminding patients, staff and others that it is now illegal to smoke on health board grounds.

## **6. Health Board Premises and Grounds**

The Health Boards Smoke Free Policy does not permit smoking on any Health Board premises and adjoining grounds. The use of E-cigarettes / vaping is also not

permitted. The Health Board has provided appropriate signage at or near the main site entrances to conform to legislation and to ensure that all parties entering are aware that smoking is prohibited on hospital grounds.

There is some evidence on the potential for E-cigarettes / vaping use to have a negative impact on indoor air quality and therefore represent a risk to health. E-cigarettes and Vapes are not commercially available in the UK as licensed medicines. Further, their resemblance to traditional products could create an unwanted perception by others. Reports from Fire Services indicate that some of these devices present a potential fire hazard.

## **7. Health Board Vehicles**

Health Board vehicles will be smoke-free at all times to safeguard the health of other work colleagues who use the vehicles, this includes e-cigarettes and vapes (with the exception of lease cars when used for private use, which are not used by anyone else in the workplace). This includes all transport provided by the private and voluntary sector organisations.

## **8. Employees and workers**

Employees and workers must never smoke on BCUHB premises, grounds or in vehicles. Employees and workers must not smoke when wearing a visible name badge or whilst in their uniform. Please refer to WP62 Dress Code Guidelines to support the All Wales NHS Dress Code.

Many employees and workers within the NHS are required to enter a patient's home to provide a service. The Health Board recognises that protection of employees and workers from exposure to smoke when making home visits is of paramount importance (see Welsh Government 2007 Supplementary Guidance link in section 17).

The Health Board is committed to supporting employees to quit smoking. A maximum of 6 hours paid time off over a period of 8 weeks (pro rata if working part time) will be given to employees to attend smoking cessation sessions. Staff can decide on whether they wish to attend a stop smoking group or 1-1 support delivered by Help Me Quit or whether they wish to access 1-1 support delivered by a Community Pharmacist. These services can be accessed via Help Me Quit (0800 085 2219).

The allocated time does not include any time taken to travel for these appointments which must be taken in the employees own time. These sessions should be documented and signed by their line manager. The line manager will discuss with the employee the time taken and ensure that it fits with service delivery needs. The line manager will be expected to monitor the time taken.

## **9. Health Board Residential Accommodation**

Smoking and vaping is not permitted within any Health Board residential accommodation. This is reflected within the residential booklet given to all staff who live in BCUHB residential accommodation. If a resident wishes to smoke or vape then they must do this away from the hospital grounds, adhering to the BCUHB Smoke Free Policy. The Health Board is committed to supporting our workforce to stop smoking and any staff who would like information on quitting can contact the Help Me Quit Service. Please refer to section 12 for further information.

## **10. Patients**

Smoking on Health Board grounds is illegal and will not be allowed anywhere on Health Board premises, grounds and vehicles. Staff and patients should be aware that, should patients wish to leave the hospital grounds to smoke, then they would be considered to have left the premises against clinical advice and will be advised of this at the time by staff. They will also be advised that the Health Board cannot be responsible for their safety or equipment in such circumstances.

All documentation sent out or given to patients will highlight that it is illegal to smoke on Health Board hospital premises and include information on Smoking Cessation services.

The Health Board is committed to providing practical help, support and advice to all patients who wish to stop smoking. Individual care plans will incorporate smoking cessation supported by nicotine replacement therapy if required. Support is also available from the Help Me Quit in Hospital service. Further information on community smoking cessation services is available (see Section 16).

## **11. All others entering Health Board premises**

Other individuals (not classed as employees, workers or patients) will not be permitted to smoke or vape in any area of the Health Board, to include premises, grounds and vehicles under this legislation.

## **12. Implementation**

Ultimate responsibility for implementing and monitoring the Smoke-Free Policy rests with the CEO and Executive Team. Under the Smoke-free Premises and Vehicles (Wales) Regulations 2020 (“the 2020 Regulations”), the responsibility for compliance with the legislation lies with the person in charge of the hospital – taking reasonable steps to prevent smoking on hospital grounds. Heads of Service, department and line managers will be responsible for their respective areas and

Corporate Services. All employees and workers have a responsibility to ensure that the policy is adhered to.

Employees and workers who are finding it difficult to stop smoking or comply with the requirements of the policy should:

1. Discuss the issue with their line manager for initial support
2. Be encouraged to self-refer to:
  - Help me Quit 0800 085 2219 <http://www.helpmequit.wales/> for services available in Wales
  - <https://www.nhs.uk/smokefree/help-and-advice/local-support-services-helplines> services available in England.

### **13. Recruitment Procedures**

Job advertisements, job descriptions, interviews and induction sessions, for all staff recruited by the Health Board will include a reference to the WP31 Smoke- Free Policy

All new employees, workers and volunteers will be sent a copy of their Contract of Employment and an appointment letter, which details the WP31 Smoke Free policy.

### **14. Training**

Issues related to smoking and smoking cessation will be included in the following:

- Induction programme
- ESR – access to smoking cessation online training
- Making Every Contact Count (MECC)
- Fire Lectures
- Violence and Aggression Training

### **15. Policy Compliance**

#### **a) Employees and workers**

This policy will form part of all employees and workers Terms and Conditions of Employment including employees from external agencies, voluntary workers, students and contractors working on site.

Education and provision of support are seen as an important part of this policy; however, employees who breach the Policy will be reported to their line manager and will be subject to the Health Boards' Disciplinary Policy and Procedures.

Under the new legislation, it is a criminal offence to smoke on any Health Board grounds, dwellings and vehicles. Failure to comply with the Regulations could result in a fixed penalty notice of a £100, discounted to £75 for early payment.

## **b) Patients, Relatives and Visitors**

All employees irrespective of grade or discipline should inform members of the public about the smoke free law and ask them not to smoke or vape on site. A polite explanation should be given about the Health Board's Smoke-Free Policy and a request made to refrain from smoking and or vaping for the duration of the visit. Employees should not place themselves at risk of abuse whether it is verbal or physical. If verbal or physical abuse occurs as a consequence of employees implementing the Smoke-Free Policy, Patients/Relatives/Visitors will be subject to the Health Board's Protecting Employees from Violence and Aggression.

## **c) Additional Guidance for Policy Compliance**

Legislation is in place and therefore staff (& others) need to be aware that there is a means of enforcement via a Fixed Penalty Notice from the Local Authority. Further information can be found via the links in section 17.

## **16. Legislation**

Welsh Government Smoke Free Law 1<sup>st</sup> March changes <https://gov.wales/smoke-free-law-guidance-changes-march-2021-html>

Smoke Free Premises and vehicles (Wales) regulations  
<https://www.legislation.gov.uk/wsi/2020/1211/contents/made>

Welsh Government (2017) The Smoke-free Premises etc. (Wales) Regulations 2007  
<http://www.legislation.gov.uk/wsi/2007/787/contents/made>

Public Health Wales Act (2017) – up-dated  
<http://www.legislation.gov.uk/anaw/2017/2/contents>

Health and Safety at Work etc. Act 1974  
<https://www.hse.gov.uk/legislation/hswa.htm>

Welsh Government (2018) The Smoke-free Premises and Vehicles (Wales) Regulations 2018  
<https://beta.gov.wales/smoke-free-premises-and-vehicles-wales-regulations-2018>

## 17. References

[Action on smoking and health Wales \(ASH Wales\)](https://ash.wales/)

<https://ash.wales/>

Help Me Quit Wales

<http://www.helpmequit.wales/>

National Survey for Wales

[National Survey for Wales: April 2021 to March 2022 | GOV.WALES](#)

**This table should be completed and added at the end of the document:**

### Members of the Working Group:

Title
Strategic Lead Health and Wellbeing Co-ordinator
Consultant in Public Health
Principle Public Health Practitioner
Senior Public Health Practitioner
Statutory Compliance, Governance and Policy Manager

### Engagement has taken place with:

Name	Title	Date Consulted
Smoke Free Task and Finish Group	N/A	05.03.2021

APPENDIX A

# What's in a cigarette?



## **APPENDIX B**

### **The effects of quitting smoking**

Quitting smoking is the best thing any smoker can do for their health - it is a fact that 1 in 2 long-term smokers will die from this deadly addiction. The mantra may be that “we all die eventually” but smokers die on average 10 years earlier and tragically, from much more painful and debilitating illnesses such as lung cancer, heart attacks and strokes.

The sooner a person quits smoking, the sooner the body can begin to repair itself. Any amount of time a person is smoke free can give the body, especially the lungs and bloodstream, the time to ‘breath’ again and take in the clean air needed to recuperate.

There’s some damage caused by smoking, which will never go away, but there is no question about it; when you quit smoking, you will live a much healthier, longer and richer life.

One of the scariest aspects of quitting smoking can be the unknown of what will happen and this often puts people off trying to be smoke free in the first place. Below is a guide as to the effects of quitting smoking.

#### **After 20 minutes**

The human body is an amazing thing. After just 20 minutes of not smoking, the body begins to recover. Not long after the last puff of a cigarette, heart rate and blood pressure return to normal.

#### **After 8 hours**

Nicotine and carbon monoxide (CO) levels in blood reduce by more than half and continue to fall. Your oxygen levels return to normal.

#### **After 24 hours**

Carbon monoxide will be eliminated from the body. Lungs start to clear out mucus and other smoking debris.

#### **After 48 hours**

There is no nicotine left in the body. Ability to taste and smell is greatly improved and appetite can return to normal.

#### **After 72 hours**

Breathing becomes easier. Bronchial tubes begin to relax and energy levels increase.

#### **After 2-12 weeks**

Your circulation will improve and you may start to feel pins and needles throughout your body as blood flow is now being circulated to the outer extremities.

**After 3-9 months**

Coughs, wheezing and breathing problems improve as lung function increases by up to 10%.

**After 1 year**

Risk of heart disease is about half compared with a person who is still smoking.

**After 10 years**

Risk of lung cancer falls to half that of a smoker.

**After 15 years**

Risk of heart attack falls to the same as someone who has never smoked.