

SMOKE FREE POLICY



Dalmuir Park Housing Association can provide this document on request, in different languages and formats, including Braille and audio formats.

<i>Purpose:</i>	To establish DPHA's policy and set out our position on smoking in the workplace.
<i>Review Date:</i>	3 years from date of approval
<i>Guidance:</i>	EVH Model policy and guidance
<i>Policy complies with the following Regulatory Standards:</i>	<p><u>Standard 4.1</u> The governing body ensures it receives good quality information and advice from staff and, where necessary, expert independent advisers, that is timely and appropriate to it's strategic role and decisions. The governing body is able to evidence any of its decisions.</p> <p><u>Standard 5.2</u> The RSL upholds and promoted the standards of behaviour and conduct it expects of governing body members and staff through an appropriate code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.</p>
<i>Policy is linked to the following DPHA policies:</i>	<ul style="list-style-type: none"> • Health and Safety Control Manual • Equality Diversity & Inclusion • Code of Conduct for Staff • Fire Safety
<i>Date policy last Reviewed:</i>	February 2023
<i>Date reviewed by People & Policy sub-committee</i>	February 2026
<i>Date approved by Board of Management (or P&P SC if delegated):</i>	February 2029
<i>Publish on the Website</i>	Yes

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INTRODUCTION

- 1.1 Dalmuir Park Housing Association (DPHA) recognises, as an employer, it has a duty under the Smoking, Health and Social Care (Scotland) Act 2005, the Health and

Safety at Work Act 1974 and Workplace (Health, Safety and Welfare) Regulations 1992, to ensure, so far as is reasonably practicable, that its working environment for all employees is healthy and safe.

2.0 POLICY AIMS

This policy aims to:

- Ensure all employees, workers, agency staff, consultants, customers, visitors, staff from other agencies, governing body members and members of the public, are free of tobacco smoke and electronic cigarette vapor within all premises of Dalmeir Park HA
- Prohibits smoking or use of electronic cigarettes throughout all work premises and any work vehicles.
- Defines how Dalmeir Park HA will manage anyone in breach of this policy.
- Support employees who smoke in their cessation effort.

3.0 LEGAL FRAMEWORK

- **Smoking, Health and Social Care (Scotland) Act 2005**
- Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006

4.0 DEFINITIONS

The following are definition which will be applied in the context of this policy.

- **Smoking** is the act of using any lit tobacco or similar substance that burns and produces smoke, such as a cigarette, cigar, pipe, or herbal smoking product.
- **An electronic cigarette (e-cigarette or vape)** is a device that heats a liquid to create a warm aerosol mist, which may contain nicotine and is inhaled to mimic the sensation and flavour of smoking, without involving combustion.
- **Enclosed premises** refers to any space that has a roof and is surrounded by walls to the extent that it is considered indoors whether the walls are permanent or temporary.
- **A workplace/company vehicle** is any vehicle used for work purposes, can be used by one or more people, even if they do not use it at the same time, such as a shared company car or van.
- **Designated smoking area** - a controlled environment where individuals who choose to smoke/use electronic cigarettes can do so without negatively impacting others or violating smoking regulations.

5.0 POLICY CONDITIONS

- 5.1 As a result of the Smoking, Health and Social Care (Scotland) Act 2005, DPHA prohibits smoking or use of electronic cigarettes within their premises in any common or work

areas, including vehicles owned, leased or hired by the organisation. Private cars used to transport colleagues, clients or visitors in relation to business are also covered by this policy. Anyone who wishes to smoke or use electronic cigarettes must do so in the designated outdoor smoking area stipulated by DPHA - gable end of building at fire exit or in any place that is not covered by the smoking ban.

6.0 USE OF ELECTRONIC CIGARETTES (E CIGARETTES OR VAPES)

Electronic cigarettes are not covered under the Smoking, Health and Social Care (Scotland) Act 2005, however the use of electronic cigarettes on DPHA's premises, including company vehicles is prohibited, employees should therefore only use electronic cigarettes in designated smoking areas.

7.0 PASSIVE SMOKING EXPOSURE OUT WITH DPHA'S PREMISES

Employees are entitled to work within a smoke-free environment, this includes out with company premises and vehicles. Employees should report any concerns to their Line Manager, who will take appropriate actions to prevent this.

8.0 BREACH OF DALMUIR PARK HA SMOKE FREE POLICY

The Smoke-Free Policy applies to all employees, workers, agency staff and consultants across the organisation. Any breaches of this policy will be dealt with in accordance with DPHA's Disciplinary Procedures which may lead to disciplinary action against an employee in accordance with the disciplinary procedure with outcomes of up to and including dismissal.

Breaches of the Smoking, Health and Social Care (Scotland) Act 2005 is also considered a criminal offence and that fines and prosecution may be applied to individuals and employers by the Environmental Health Officers.

Any contractor, customer, visitor, staff from other agencies or other members of the public who do not comply with the provisions of **DPHA's** Smoke-Free policy will be asked to leave the premises immediately.

9.0 EMPLOYER RESPONSIBILITIES

- Ensure all employees, workers, contractors, customers, visitors, staff from other agencies, governing body or committee members and members of the public are informed that **DPHA** operates a Smoke-Free Policy in all its premises, developed to ensure a safe working environment.
- Ensure the main policy provisions will be clearly displayed at the entrance to DPHA's premises and within company vehicles (Appendix C)
- Ensure 'No Smoking' signs will be clearly displayed in DPHA's premises including company vehicles (Appendix D).
- DPHA has sufficient designated outdoor smoking area on their premises.

- Ensure that smoking/use of electronic cigarettes is only allowed in designated areas. Smoking or use of electronic vapes out with these designated areas, on any company premises including company vehicles will be regarded as a breach of this policy.
- Manage any breaches of DPHA’s Smoke-Free Policy as set out within this policy.
- Ensure we signpost and provide support to any employees who are seeking to cease smoking or stop using electronic cigarettes.

Employee Responsibilities

- Adhere to the DPHA’s Smoke-Free Policy.
- Report any breaches of DPHA’s Smoke-Free Policy to their line manager.
- Report any exposure to passive smoking outwith DPHA’s premises or company vehicles to their line manager.
- Highlight any concerns regarding the Smoke Free Policy to their Line Manager or Health and Safety Co-Ordinator
- Seek cessation support, if required by speaking with their Line Manager or utilising the information with this policy.

10.0 CESSATION SUPPORT

DPHA recognises that the Smoke-Free Policy may impact those who smoke or use electronic cigarettes.

In an effort to help employees adjust to the changes they will be supported through:

- Speak with your Line Manager, who will guide you and provide necessary support.
- Contact ‘Quit Your Way Scotland’ the NHS support service for smoking cessation by:
Phone on 0800 84 84 84 - The helpline is open Monday to Friday, 9am to 5pm.
- Chat Online Webchat is open Monday to Friday 9am to 5pm, if an adviser is available. [Quit Your Way Scotland | NHS inform](#)
Text Message to 07903 588 669. You must include any questions you have within the text.
- Your GP and local pharmacies can also offer assistance and advice with smoking cessation.

11.0 SMOKING BREAK

There is no right for a break specifically for the purpose of smoking. Staff may use their lunchbreak to smoke outside the workplace in the designated smoking areas (side of Beardmore House, out with common areas in Sheltered Housing and in the car park area at the CE Centre) that have been agreed by the Leadership Team for all service areas.

12.0 EQUALITY DIVERSITY AND INCLUSION

- 12.1 To ensure that our Smoke Policy and practices are fair, inclusive, promote an environment of respect and understanding, and do not unlawfully discriminate

against people with a protected characteristic, we have carried out an Equality Impact Assessment (EIA) in line with our Equality, Diversity & Inclusion Policy. A copy of the EIA can be made available upon request.

13.0 DATA PROTECTION

- 13.1 We will treat personal data in line with our obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing your data is provided in our Customer Fair Processing Notice.

14.0 DISSATISFACTION

- 14.1 Any employee not satisfied with the implementation of this Policy can in the first instance raise their concerns with their Team Leader or the senior officer dealing with the situation. If the employee remains dissatisfied they should refer to the Association's Grievance Policy and procedures.

15.0 POLICY REVIEW

- 15.1 This policy will be reviewed 3 years after it has been approved by the Board, or earlier if required.

APPENDIX A

‘No-Smoking Premises’ (as listed in Schedule 1 to the Regulations)

Those premises which fall within the scope of the legislation, having been classed as ‘no-smoking premises’, are:

Restaurants	Offshore installations.
Bars and public houses	Educational institution premises.
Shops and shopping centres	Sports centres
Hotels	Club premises
Libraries, archives, museums and galleries	Public transportation vehicles
Public toilets	Public telephone kiosks
Cinemas, concert halls, theatres, bingo halls, gaming and amusement arcades, casinos, dance halls, discotheques and other premises used for the entertainment of members of the public	Premises used for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body.
Premises used as a broadcasting studio or film studio or for the recording of a performance with a view to its use in a programme service or in a film intended for public exhibition	Premises providing care home services, sheltered housing or secure accommodation services and premises that are non-domestic premises which provide offender accommodation services.
Halls and any other premises used for the assembly of members of the public for social or recreational purposes	Airport passenger terminals and any other public transportation facilities
Conference centres, public halls and exhibition halls	Crèches, day nurseries, day centres and other premises used for the day care of children or adults
Offices, factories and other premises that are non-domestic premises in which one or more persons work	Vehicles which one or more persons use for work
Hospitals, hospices, psychiatric hospitals, psychiatric units and health care premises	

APPENDIX B

Exemptions (as listed in Schedule 2 to the Regulations)

Those premises (or part of premises) which are exempt from the legislation are:

Residential accommodation	Detention or interview rooms which are designated rooms.
Designated rooms in adult care homes.	Designated rooms in offshore installations.
Adult hospices	Private vehicles
Designated rooms in psychiatric hospitals and psychiatric units	Designated laboratory rooms.
Designated hotel bedrooms.	HM Submarines and ships of the Royal Fleet Auxiliary.