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|  | **Smoking Policy**First Issued: September 2015 |
| Policy Number | **SL\_ACH008** |
| Date Reviewed and Reissued | **December 2024** |
| Next Review Date | **November 2026** |
| **Overview of Policy**Smoking is the largest single cause of death and disease in England. The harm caused by second hand smoke is also well established. As an employer and health and social care provider, Alternative Futures Group has a duty under the Health & Safety at Work Act 1974 to keep staff and the people we support healthy and safe. To do this the organisation has to balance the rights of the people we support to smoke against the rights of other people we support and staff to enjoy a smoke free home/workplace. Alternative Futures Group has an obligation to adhere to the Health Act 2006. This policy sets out the Organisation’s commitment to adhere to legislation and outlines the duties and responsibilities of all people supported and employees in implementing this policy. |
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| **Version** | V2 (replaces SL008 and ACH008 as a combined policy) |
| **Policy Lead** | Bev Taylor – Health and Safety Lead |
| **Executive Lead** | Chris Hughes Chief Quality Officer / Chief Operating Officer Mental Health |
| **Approved By** | Quality and Compliance Committee |

# Introduction and Scope

The purpose of this policy is to protect staff and people supported from exposure to second-hand smoke and ensure compliance with the Health Act 2006 and the smoke free (signs) Regulations 2012.

**For the purposes of this policy and procedural guidance reference to smoking includes an electronic cigarette, also known as an e-cigarette, vapour cigarette or an e-cig or similar cigarette replacements. Staff are to be aware of the potential fire risk from charging such devices and must not charge any such appliances in work buildings or any person supported properties.**

# 2. Key Principles

The key principles of this policy are to protect staff and people supported from harmful chemicals which may result in chronic/life threatening health conditions and reduced life expectancy due to cardio metabolic effects and lifestyle choices. This ensures compliance with the Health Act 2006.

Under the Health Act 2006, private dwellings and care homes are exempt from smoke-free legislation. This means that the law does not place any restrictions on the people supported smoking in their own home. This applies even when the people supported receive support with personal care/domestic tasks.

This exemption applies to the people supported only and not the staff who offer support.

The people supported do have to adhere to their tenancy agreements however, which may prohibit smoking inside of the property.

## 2.1 Legal Requirements

This process operates within the parameters of The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

## 2.2 Smoking arrangements

**For offices and visitors to offices**

Staff and visitors will not be permitted to smoke inside any premises. Staff and visitors must adhere to this policy throughout their working day. Anyone who wishes to smoke during their designated break, i.e. lunchtime, must do so outside of the property boundaries, having regard always for the appropriateness of their chosen location, the immediate environment and the needs of others. Staff/visitors must extinguish their cigarettes before entering the grounds of the property and dispose of the cigarette responsibly.

**For Community based workers**

Smoking is prohibited for all staff inside of buildings owned by the organisation or used for work purposes. This includes staff who lone work or work an awake night. Staff will be expected to smoke outside of the building. Lone working risk assessments may require amendment for this provision.

Staff are prohibited from smoking in the grounds of any property unless the people we support have given their express consent and this is documented in a smoking agreement (see **Appendix 1**) and is only permitted within a designated smoking area.

It is the responsibility of the Team Leader to formalise these arrangements. Where a person supported cannot communicate their wishes, then the manager should involve relatives/advocates for this purpose.

The Area manager / Clinical Lead must ensure that this process has taken place and countersign the agreement.

Where it is agreed that staff can continue to smoke within the grounds, the smoking area must be a reasonable distance from any open doors and windows so that second-hand smoke does not drift into the building.

The number of smoke breaks a staff member takes should not be excessive or impact on the time spent with the people supported.

Staff will also adhere to this policy when supporting the people supported outside of their home unless the people supported has specifically expressed their consent, and this is documented in their individual plan. This will include local activities and person’s supported holidays.

Staff should not take smoke breaks with people we support unless it is key to someone’s support/risk management plans.

Staff have the right to refuse to support a person when they are smoking. It is the responsibility of the employee to inform their line manager of this or any other related concerns regarding supporting people that smoke.

Alternative Futures Group Limited will make all new staff fully aware of this policy through the recruitment process prior to taking up employment.

**For staff in care homes.**

Staff are permitted to smoke within the designated smoking area during their designated breaks. Staff must ensure that no individuals support is impacted due to their smoking.

Staff should not take smoke breaks with people we support unless it is key to someone’s support/risk management plans

When working with a person supported who smokes, relevant information will be made available prior to the staff member commencing work/support with the individual.

Staff have the right to refuse to support a person when they are smoking. It is the responsibility of the employee to inform their line manager of this or any other related concerns regarding supporting people that smoke.

Alternative Futures Group Limited will make all new staff fully aware of this policy through the recruitment process prior to taking up employment.

**For all staff and people supported in vehicles.**

Smoking will not be permitted in any vehicles owned or leased by the organisation (or the people we support own vehicles driven by staff) or in any private vehicles whilst in the organisation’s grounds.

All company vehicles will be smoke free. This means any vehicle purchased or funded by the organisation must be smoke free. This will apply to both the people supported and staff.

These vehicles will have to display the appropriate signage in both the front and back compartments.

Where a person supported purchases their own vehicle either by buying the vehicle or leasing direct through Motability, staff will still not be permitted smoke.

Where the person supported requires Alternative Futures Group Limited staff to drive that vehicle, then this vehicle must be kept smoke free. The appropriate signage must be available within the vehicle.

If the person supported does not want to display the sign, then it must be kept in the glove box in case staff are ever asked to produce it.

**Smoking arrangements for the people supported in Community settings.**

Appropriate arrangements must be made in accordance with the Health Act Regulations in relation to where they smoke within their home; and support, advice and encouragement around smoking cessation must be offered to those whom we support who want it. Smoking within common parts of specialised housing is prohibited by law.

Alternative Futures Group will ensure that all people supported are provided with comprehensive information about their rights.

Alternative Futures Group Limited will ensure that people supported who do not smoke are provided with comprehensive information about their rights to enjoy a smoke free environment and that these rights will be supported by staff.

Due to the risk to the people supported who don’t smoke and to also to protect staff from second-hand smoke, where a person supported does smoke it is expected that:

* A written agreement is made between the Team Leader and people supported who smoke to formalise smoking arrangements/smoke free provision. The team leader must consider the smoking agreements in the tenancy agreements.
* It is the responsibility of the Team Leader to inform all staff of written agreement.

 **Where the person supported share a home with others:**

Through negotiation, the people supported should agree with each other where smoking will be permitted and the areas that are to be kept smoke free.

This will then have to be negotiated with the Team Leader to ensure that the risk to staff is minimised.

Where the agreed smoking area is NOT the persons supported own bedroom, a risk assessment must be in place. Consideration must be taken to ensure smoking is not authorised in common areas.

**Where the person supported is living in a flat.**

Where a person supported lives in a flat, although their flat is exempt from smoke free legislation, the communal areas i.e. corridors and stairwells are not exempt. This means that it is illegal for the people supported to smoke in these areas. If a person supported lives in a flat (but chooses not to smoke in it) they will need to go out of the building to smoke. This will need to be made clear to the person supported when drawing up the agreement.

**Smoking arrangements for residents in care homes.**

The people supported can smoke within the outside grounds of the home. i.e., garden area, front area.

Alternative Futures Group will ensure that all people supported are provided with comprehensive information about their right, including during the admission process and resulting from emerging health care needs.

Alternative Futures Group Limited will ensure that the people supported who do not smoke are provided with comprehensive information about their rights to enjoy a smoke free environment and that these rights will be supported by staff.

**Visitors in community settings.**

Where a person supported has visitors i.e. family or friends visiting, they will be able to smoke with the person supported, but this should be considered when drawing up the agreement (taking into account views of other people supported/staff on agreed smoke free areas).

**Visitors in care homes.**

Where a resident has visitors i.e., family or friends visiting, they are permitted to smoke within the designated smoking area.

A designated smoking area will be in place for visitors to the office at a care home which includes outside stakeholders and AFG staff

## 2.3 Display of No Smoking Signs

At least one appropriate signs must be displayed in:

* All properties that require them under the new legislation; and
* All relevant vehicles

Signs are not required to be displayed in Supported Living properties. However, clear signs must be displayed in the communal area of any buildings that contain flats.

There are no specific requirements on the size, design or locations of the signs.

## 2.4 Support to Stop Smoking

Any of the people supported, or staff members who express a wish to stop smoking will be supported to access the properties. Alternative Futures Group Limited recognises that people may seek and/or need assistance to stop smoking and should contact their doctor or local NHS resources.

# 3.0 Roles and Responsibilities

**3.1 Board of Trustees**

The Board of Trustees are ultimately responsible for ensuring an appropriate governance framework is in place across the organisation.

Trustee’s delegate responsibility for developing and monitoring management systems and controls to the Chief Executive, who then delegates to the Executive Team. This is detailed in the Scheme of Reservation and Delegation (SORD) which can be found on the Intranet.

## 3.2 Executive Team

The Executive team has delegated authority from The Board to establish, review and maintain an effective governance framework.

## 3.3 Registered managers

Managers must ensure that the right to a smoke free environment are enjoyed by the people supported and staff by:

Addressing any issues of non-compliance of this policy with  staff through disciplinary procedures. This includes:

* Any staff who fail to adhere to this policy; and
* Any managers who fail to implement or ensure compliance with the policy.

The appropriate signs are displayed in the properties/vehicles that they have responsibility for.

Property agreements are in place formalising smoking arrangements / designated areas.

If smoking is agreed in a designated area, then adequate ventilation should be available.

## 3.4 Team Leaders

Complete appropriate risk assessments for the people supported who require support or supervision whilst smoking, identifying safest methods to minimise the risk posed to staff.

Ensure that peoples supported plans clearly identify support needs, as well as whether the people supported consent or object to staff smoking whilst supporting them on activities or holidays.

Ensure that risk assessments associated with lone working and the environment address the risks to staff smoking outside of the building.

Support the people supported to establish agreed smoking arrangements in the property.

## 3.5 All Staff

All staff must comply with this policy.

Encourage the people supported to adhere to smoking agreements in their tenancy agreements.

Follow the plans and risk assessments in place to ensure the people supported are not at risk when smoking.

# 4. Compliance and Monitoring

This policy must be adhered to by all people we support and staff to minimise breaches of health & safety.

This policy will be applied as specified, managing and supporting the rights of all persons within legislation, policy and procedures.

If any person requires this policy in an alternative format, then this will be made available by the Human Resources team.

# 5. Support for Implementation

Staff will be supported by their Line Manager to understand and implement this policy as appropriate through induction, supervision, appraisal and training. Upon request AFG will make this policy available in alternative formats (e.g., Braille, other languages, large type). Staff can request a copy of all company policies from their line manager or electronically at head office and/or registered property location.

# 6. Health and Safety

All employees are reminded of their legal duty under the Health and Safety at Work, etc. Act 1974,to take reasonable care of their own health and safety and that of other people when implementing this policy.

# 7. Appendices

## Appendix 1 – Smoking Agreement

# 8. Related Legislation

**Related legislation and Guidance:**

Alternative Futures Group as a provider of Health and Social Care are required to meet the requirements of the Care Act 2014. This policy is the foundation for the development of practice to meet those requirements.

Fundamental Standard 9 Person Centred Care

Fundamental Standard 12 Safe care and treatment

Fundamental Standard 15 Premises and equipment.

**HUMAN RESOURCES POLICIES**

HR024 Disciplinary Policy & Procedure

**OPERATIONAL POLICIES**

HS008 Risk management and risk assessment

SL001Assessment and Support Planning

**HEALTH & SAFETY POLICIES**

HS010 Lone working policy

HS021 Work Related Driving and the Use of Vehicles at Work

HS008 Risk Management and Risk Assessment

# 9. Version Control

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| Version No | Details of Changes | Section(s) Changed | Author | Date |
| 1 | This policy combines the previous SL008 and ACH008 Smoking Policies which have been discontinued.Checked policies referred to remain the same.Checked reference to legislation and updated information relating to signage requirements.Operational managers asked to review smoking arrangements are correct. |  | Bev TaylorJoanne CrosbyStacey Feerick | November 2023 |
| 2 | Branding changed.Checks made to reference to Carista, service and service user. | PolicyAppendices | Bev Taylor | Dec 2024 |