

## CWM TAF MORGANNWG (CTM) SMOKE FREE ENVIRONMENT POLICY

### Policy Details:

<b>Ref:</b>	
<b>Policy Author:</b>	CTM Local Public Health Team in collaboration with CTM Smoke Free Environment Group
<b>Executive Sponsor:</b>	Director of Public Health Director of Corporate Governance / Board Secretary
<b>Approval / Effective Date:</b>	29 <sup>th</sup> July 2021
<b>Review Date:</b>	July 2024 (or if any legislative or operational changes require)
<b>Version:</b>	v0

### Target Audience:

<b>People who need to know this document in detail</b>	Head of Health, Safety and Fire, Facilities leads, CTM Smoke Free Environment Group, ILG leads and all Senior Managers
<b>People who need to have a broad understanding of this document</b>	Board Members, Management Board, Primary Care & Population Health Committee
<b>People who need to know that this document exists</b>	All staff, students, patients, partners, contractors, visitors, volunteers and anyone else who are required for whatever reason to be present upon Cwm Taf Morgannwg University Health Board managed sites

### Integrated Impact Assessment:

<b>Equality Impact Assessment Date &amp; Outcome</b>	Date: 23 <sup>rd</sup> June Outcome: No impact has been identified but the EIA must be monitored over time particularly in relation to Mental Health Services and the regulations coming in to force Sept 2022
<b>Welsh Language Standard 82</b>	
<b>Date of approval by Equality Team:</b>	16 <sup>th</sup> June 2021

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<b>Aligns to the following Wellbeing of Future Generation Act Objective</b>	<ul style="list-style-type: none"> <li>• Work with communities and partners to reduce inequality, promote well-being and prevent ill health</li> <li>• Provide high quality, evidenced based and accessible care</li> <li>• Ensure sustainability in all that we do, economically, environmentally and socially</li> </ul>
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**Policy Approval Route:**

Where	When	Why
<b>Smoke Free Environment Group</b>	27 <sup>th</sup> May 2021	Working group that co-produced the policy
<b>ILGs</b>	27 <sup>th</sup> May 2021	Will have a role in implementing the policy at a locality level
<b>Workforce Policy Group</b>	27 <sup>th</sup> May 2021	Required for ratification of the update policy
<b>Organisational wide consultation via Sharepoint</b>	9 <sup>th</sup> June 2021 – 23 <sup>rd</sup> June 2021	To ensure opportunity for comment from all staff across the organisation
<b>Primary Care &amp; Population Health Committee</b>	7 <sup>th</sup> July 2021	Endorsed for Approval
<b>Management Board</b>	21 <sup>th</sup> July 2021	Endorsed for Approval
<b>Health Board</b>	29 <sup>th</sup> July 2021	Approval



**Disclaimer:**

If the review date of this document has passed please ensure that the version you are using is the most up to date version either by contacting the author or [CTM Corporate Governance@wales.nhs.uk](mailto:CTM_Corporate_Governance@wales.nhs.uk)

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## **Introduction**

Smoking continues to be the largest single cause of avoidable ill health and early death in Wales and a leading cause of inequality. Exposure to second-hand smoke (passive smoking) increases the risk of lung cancer, heart disease and other illnesses.

The Tobacco Control Plan for Wales (Welsh Government, 2017-2020) has a vision of a smoke-free society for Wales, in which the harm from tobacco is eradicated. Various legislation has been implemented in Wales to reduce the harm from smoking. Smoking was prohibited in enclosed and substantially enclosed public places by the Smoke-free Premises etc. (Wales) Regulations 2007 and the Public Health (Wales) Act 2017 expanded the range of smoke-free premises, to include school grounds, public playgrounds and hospital grounds.

The Smoke-free Premises and Vehicles (Wales) Regulations 2020 came into force 1st March 2021, making it illegal to smoke on hospital grounds and that people who smoke on hospital grounds can be issued with a fixed penalty notice by the Local Authority.

CTMHB has had a Smoke Free Environment Policy in place since 2015, which required all health board sites to be smoke free. This policy has now been updated to reflect the requirements of Chapter 1, Part 3 of the Public Health (Wales) Act 2017 and the Smoke-free Premises and Vehicles (Wales) Regulations 2020.

## **1. POLICY STATEMENT**

- 1.1 This policy aims to protect all employees, patients, relatives and visitors from exposure to second hand smoke. This policy guarantees the right of everyone to breathe smoke free air on all health board sites.
- 1.2 The health board will provide the message that smoking, both active and passive, is a major cause of preventable ill health, and is prohibited on all health board sites, with certain exemptions for specific patient groups in line with the Smoke-free Premises and Vehicles (Wales) Regulations 2020.
- 1.3 The focus is on encouraging a cultural shift, so it becomes unthinkable that anyone, staff, patients and visitors, would smoke on health board sites contributing to the vision of a smoke free Wales.

## **2. SCOPE OF POLICY**

- 2.1 This policy applies:
  - to all areas of health board property, including: all buildings, common

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areas, restrooms, foyers, car parks, vehicles parked on health board property, outdoor seating areas, walkways and all other areas within the boundaries of all grounds owned or leased by the health board

- to all people present on CTM premises and grounds, including all CTM staff, bank and agency staff, students, tenants, contractors, patients/clients, volunteers and visitors and anyone else who are required for whatever reason to be present upon health board sites.
- to all people travelling in CTM-owned vehicles or in a lease car during working hours;
- to all external service provider sites outside of CTM (commissioned services)
- to all staff wearing a CTM uniform or badge at any time, or representing the health board on or off CTM premises or grounds during their working hours, providing services to patients/clients for CTM in any place, including a patient's/client's home.
- to all tobacco products, electronic cigarettes and ENDS products

### **3. AIMS AND OBJECTIVES**

3.1 The purpose of this policy is to ensure that:

- All Health Board owned and managed premises and grounds are completely smoke-free and compliant with the Public Health (Wales) Act 2017 and the Smoke Free Premises and Vehicles (Wales) Regulations 2020.
- Ensure the safety of all those in the health boards care
- Set an exemplar role to partners in the statutory, community and voluntary sector by promoting and reinforcing smoke-free as the norm
- Make no smoking an integral part of the main Workplace Safety & Health Policy
- Provide support and encouragement to help those who wish to give up smoking through delivery and promotion of the Help Me Quit (Smoking Cessation) Service
- Introduce, implement, monitor and evaluate the Smoke Free Environment Policy

### **4. IDENTIFYING THE NEED FOR A DOCUMENT**

4.1 Smoking continues to be the largest single cause of avoidable ill health and early death in Wales and a leading cause of inequality. Exposure to second-hand smoke (passive smoking) increases the risk of lung cancer, heart disease and other illnesses.

4.2 The Tobacco Action Plan for Wales (Welsh Government, 2011) has a vision of a smoke-free society for Wales, in which the harm from tobacco is eradicated. Various legislation has been implemented in Wales to reduce the harm from smoking. Smoking was prohibited in enclosed and

substantially enclosed public places by the Smoke-free Premises etc. (Wales) Regulations 2007. The Public Health (Wales) Act 2017 expanded the range of smoke-free premises, to include school grounds, public playgrounds and hospital grounds.

- 4.3 The Smoke-free Premises and Vehicles (Wales) Regulations 2020 came into force 1st March 2021, making it illegal to smoke on hospital grounds and that people who smoke on hospital grounds can be issued with a fixed penalty notice by the Local Authority.
- 4.4 These Smoke-free Regulations aim to protect people from harmful second-hand smoke and reduce the number of young people taking up smoking in order to save lives. This legislation applies to smoking tobacco products and does not cover e-cigarettes. However, as per the previous CTM Smoke Free Environment Policy (2015) this updated policy **does not permit the use of e-cigarettes on CTM sites**, enforceable through the implementation of this policy but not subject to financial penalties permitted within the legislation. Financial penalties **only** apply to those found to be smoking tobacco products on CTM sites.
- 4.5 Smoking causes a major fire risk in hospitals, approximately one third of all hospital fires are due to smokers or smoker's materials and Smoking cessation has been a Tier 1 target for all Health Boards in Wales for some years now.
- 4.6 The provision of a smoke free environment provides a clear message that the health board is a population health organisation and that the health board is committed to supporting our communities to become smoke free and reduce health inequalities.

## 5. IMPLEMENTATION/POLICY COMPLIANCE

- 5.1 Smoking is not permitted in all areas up to the boundaries, and including car parks and vehicles parked on health board property, outdoor seating areas, doorways, walkways and all other areas. It applies to all staff (on and off duty), patients, visitors, contractors, volunteers and students
- 5.2 The Smoke Free Environment Policy also applies to all staff (on or off duty), patients, relatives and visitors. Patients, relatives, and visitors found smoking on health board sites will be asked to put out their cigarette, or move off the health board site. In addition, patients, relatives and visitors can be issued with a £100 Fixed Penalty Notice if they are found to be smoking on a hospital site by a Local Authority Enforcement Officer.

5.3 There are offences in relation to smoking in hospital grounds and for failing  
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to take reasonable steps to stop a person smoking. Authorised officers within each Local Authority will be responsible for enforcing the new law across Wales. These offences and fine levels are:

- offence of smoking in a smoke-free premises or vehicle - £100, discounted to £75
- offence of failing to display a sign - £200, discounted to £150
- offence of failing to prevent smoking in a smoke-free premises or vehicle– if found guilty of an offence, a person is liable on summary conviction to a fine not exceeding level 4 on the standard scale

- 5.4 Staff found smoking on health board sites will be asked to put out their cigarette, or move off the health board site. In addition, staff can be issued with a £100 Fixed Penalty Notice if they are found to be smoking on a hospital site by a Local Authority Enforcement Officer. Deliberate and consistent breach of this policy will be addressed in accordance with the Cwm Taf Morgannwg University Health Board Disciplinary Policy.
- 5.5 Staff wishing to smoke during their working hours can only do so during their official unpaid break times. Additional smoking breaks must not be taken outside of official unpaid break times. **Managers** are responsible for ensuring that all employees have equitable access to unpaid breaks and each employee has a responsibility to be available for work during their paid contracted hours and to not be away from their work on unauthorised breaks.
- 5.6 Staff identifiable as CTM employees must not smoke off-site within public view while wearing a CTM uniform or badge and must adhere to the All Wales NHS Dress Code (2010). Staff across all sites will be made aware of Help Me Quit services (smoking cessation services) that are able support them to make a quit attempt (Appendix 2).
- 5.7 Staff should refrain from escorting patients outside to smoke or use e-cigarettes. Instead, inform patients that if they go outside in the hospital grounds to use e-cigarettes, or leave the hospital grounds to smoke, it is at their own risk
- 5.8 It is against the law to smoke in a vehicle that is used wholly or mainly for work purposes or that carries members of the public. Therefore, health board owned vehicles must be smoke free at all times. Vehicles leased or hired through arrangements with the health board are to remain smoke free when being used for health board business
- 5.9 Privately owned vehicles are to be smoke free when carrying one or more passengers travelling on health board business (i.e. claiming travel

expenses) or when providing voluntary services to another person in the vehicle (i.e. a volunteer taking a passenger to an appointment).

- 5.10 All vehicles when parked on health board premises are to be smoke free.
- 5.11 Health board staff visiting clients in their home are not directly covered by the provisions of the Health Act (2006); however, the organisation aims to ensure that employees are protected when visiting clients in their homes.
- 5.12 At the assessment stage, staff should inform clients about the health board's Smoke Free Environment Policy, which aims to provide safe work environments for all staff. Clients that are visited in their homes will be politely requested not to smoke for an hour before and at all times during a staff member's arrival. This would be applicable to the client and their family members or guests.
- 5.13 If a member of staff enters a smoke-filled room in a patient's home, they should assess whether it is a safe environment for them to provide services. They have the discretion to make alternative arrangements for the provision of services ensuring at all times that the safety and welfare of the patient is not compromised. Staff will have the full support of the health board to make decisions about services in these circumstances. Each case should be judged on individual circumstances and staff should discuss these issues with their manager.
- 5.14 Staff that are smokers are not permitted to smoke whilst with a client.
- 5.15 The legislation enables the person in charge of the hospital premises to designate an area in the hospital grounds where smoking is allowed, if they wish to do so. The hospital may choose not designate an area if that is their local policy. However, CTM has maintained the position that smoking shelters will not be permitted or reinstalled on CTM sites.
- 5.16 If it is decided that a designated smoking area is put in place, the location within the hospital grounds needs to be carefully considered and would need to comply with the requirements as detailed in the legislation.
- 5.17 The smoke-free requirements will not apply to a dwelling within the hospital grounds. For example if a member of staff has accommodation provided to them within the grounds of the hospital, the garden of their home will not be required to be smoke-free.
- 5.18 The use of electronic cigarettes and ENDS products is not permitted in outdoor or indoor areas on Cwm Taf Morgannwg University Health Board sites.



## 6. RESPONSIBILITIES

- 6.1 All health board **staff** have a responsibility for the successful implementation of the policy and have a duty to fully comply with this policy and its supporting documents. This policy will form part of the health board's Terms and Conditions of Employment of all employees, including employees from external agencies, voluntary workers, students, and contractors working on site.
- 6.2 Staff are responsible for informing patients/clients, visitors and other CTM employees, where they are seen smoking, that the health board has a Smoke-Free Policy in line with Welsh Government Smoke Free regulations 2020 and that smoking is not permitted. The health board recognises that this is not an easy task and will any employee politely informing someone smoking on the grounds about the policy will receive the full support of the Executive Board.
- 6.3 Employees should not place themselves at risk of abuse as a consequence of implementing the policy. Where staff encounter problems this must be recorded and reported to their manager. There are policies that can be evoked to deal with abuse including Dignity at Work, Violence and Aggression or Disciplinary. **Under no circumstances should staff engage in confrontation with smokers.**
- 6.4 The responsibility for the implementation of this policy rests with all **line managers**. Managers must make staff aware of their duty to comply with this policy and rational for its implementation. All managers are responsible for monitoring this policy in their departments. All managers are asked to encourage and support staff who wish to access smoking cessation services.
- 6.5 By Law, the person responsible for the hospital grounds must take reasonable steps to stop smoking there. For CTM this is the **Head of Health, Safety and Fire**. Responsibilities as detailed in the legislation include:
- Ensuring Smoke Free signage is compliant with legislative requirements, monitored and maintained
  - Ensuring that reasonable steps are taken to prevent smoking in hospital grounds.
- 6.6 **CTM Smoke Free Group** is responsible for managing and monitoring smoking related issues within the health board's premises in order to comply with this Smoke Free Environment Policy and Smoke Free Premises and Vehicles (Wales) Regulations 2020.

- 6.7 **Integrated Locality Groups, Clinical Service Groups, System Groups and Corporate Functions/Departments** have responsibility to oversee the implementation and monitoring of this policy at a locality level.
- 6.8 Overall responsibility for policy implementation and review rests with the **Director of Public Health and the Director of People**. The Director of People holds the responsibility under the Smoke Free Environment Policy to:
- Provide support, advice and assistance to managers in order to assist them with implementing the policy
  - Monitor breaches of policy and advise managers accordingly where this may contravene any other Health Board policies e.g. the organisation's Disciplinary Policy.
- 6.9 **Cwm Taf Morgannwg Health Board Executive Board, Chief Executive and Executive Directors and all Senior Managers** have the responsibility of ensuring that the Smoke Free Environment Policy is adhered to at all levels within the organisation and act as policy "champions".

## 7. INFORMATION, INSTRUCTION AND TRAINING

- 7.1 Health board statutory training courses on Violence and Aggression and Fire Safety include sections on this policy. This will equip staff with skills and confidence to inform smokers of the policy.
- 7.2 All health board staff are encouraged to access Making Every Contact Count (MECC) Level 1 e-learning. This offers practical advice on how to carry out opportunistic chats, signpost to other services and encourage people to make positive steps towards making a lifestyle change. MECC Level 1 e-learning should equip staff with skills and confidence to have conversations with people about lifestyle changes, including discussions around smoking and signposting to Help Me Quit.
- 7.3 Further support to have successful conversations around quitting smoking and complying with the smoke free legislation will be available on the CTM Sharepoint pages and as part of a Smoke Free training package.

## 8. CONSULTATION / APPROVAL PROCESS

- 8.1 The consultation/approval process is outline in the table below:



<b>CONSULTATION PROCESS</b>	<b>DATE</b>
<b>Smoke Free Environment Group</b>	27 <sup>th</sup> May 2021
<b>ILGs</b>	27 <sup>th</sup> May 2021
<b>Workforce Policy Review Group</b>	27 <sup>th</sup> May 2021
<b>Organisational Wide consultation</b>	9 <sup>th</sup> June 2021 – 23 <sup>rd</sup> June 2021
<b>APPROVAL PROCESS</b>	
<b>Primary Care and Population Health Committee</b>	7 <sup>th</sup> July 2021
<b>Management Board</b>	21 <sup>th</sup> July 2021
<b>Health Board</b>	29 <sup>th</sup> July 2021

## **9. PUBLICATION AND DISSEMINATION**

9.1 Supporting the introduction of the Smoke-free Premises and Vehicles (Wales) Regulations 2020 and the implementation of this policy is an organisation wide communications plan overseen by the Smoke Free Environment Group through the Smoke Free Implementation Plan. The Implementation Plan is detailed in Appendix 4.

## **10. REVIEW PROCESS**

10.1 This policy will be reviewed within a 3 year period. The following criteria will trigger the need for an earlier review:

- Regulatory/statutory changes
- Results/effects of critical incidents
- Any other relevant, compelling reasons.

10.2 The Smoke Free Environment Group shares reports and updates as required to:

- ILG Health, Safety and Fire Groups
- CTM Violence and Security Co-ordinating Group
- Primary Care and Population Health Committee
- Health, Safety and Fire Committee

## **11. RELATED POLICIES**

11.1 This policy must be read in conjunction with the following corporate policies:

- Security and Management of Violence Strategy (2018- 2021)
- Health and Safety Policy
- Fire Safety Policy
- Occupational Health Policy
- Dignity at Work,
- Violence and Aggression or

## **12. LEGISLATION/REFERENCES**

12.1 The Smoke Free Environment Policy supports the implementation of:

- CTM Integrated Medium Term Plan (2019-2022)
- CTM Tobacco Control Plan (2019-2021)
- Welsh Government Smoke-free Premises and Vehicles (Wales) Regulations (2020)
- Welsh Government (2017) Public Health (Wales) Act 2017
- Wellbeing of Future Generations (Wales) Act (2015)
- Tobacco Control Plan for Wales (2017-2020) – new strategy delayed due

to COVID

- National Institute for Health and Care Excellence (2013) Smoking cessation in secondary care: acute, maternity and mental health services. NICE
- Welsh Assembly Governments Smoke-Free Premises etc (Wales) Regulations (2007)
- Health Act (2006) Chapter 1 part 1. Parliament of the United Kingdom.
- Care Standards Act (2000)
- The Management of Health and Safety at Work Regulations (1999)
- The Human Rights Act (1998)
- Employment Tribunal and Employment Rights Act (1996)
- The Workplace (Health, Safety and Welfare) Regulations (1992)
- Mental Health Act (1983)
- Health & Safety at Work Act (1974)

## **APPENDICES**

The following appendices are held separately to the policy for ease of use.

- Appendix 1**      Equality Impact Assessment
- Appendix 2**      Help Me Quit (Smoking Cessation Services) Provision
- Appendix 3**      List of designated smoking rooms/areas across CTM
- Appendix 4**      CTM Smoke Free Implementation Plan