

# Smoke Free Policy



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Smoke Free Policy			
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<b>Author/s:</b>	Head of Healthy Places Public Health and Health Policy		
<b>Policy Owner:</b>	Head of Healthy Places Public Health and Health Policy		
<b>Executive Lead:</b>	Director of Public Health and Health Policy		
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## Version Control

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Nov 2014		v1.2	Approved by Lothian Partnership Forum
Jan 2023	Head of Healthy Places Public Health and Health Policy	v1.3-5	Under review
Mar 2023	Head of Healthy Places Public Health and Health Policy	v2.0	Approved by Policy Approval Group

## Executive Summary

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The Smoke Free policy sets out the aims of NHS Lothian to:

- Improve the health of all users of NHS Lothian services by protecting people from the dangers of exposure to environmental tobacco smoke.
- Improve patient safety by reducing the risk of smoking-related post-operative complications, including slow healing and healthcare associated infections, through stopping while unwell or recovering.
- Challenge expectations about smoking on hospital grounds while making it easier for patients, staff, and visitors to comply with Smoke Free Grounds Policy.
- Highlight stop smoking support provided by Quit Your Way for NHS Lothian patients, visitors, or staff who wish to stop using tobacco.
- Contribute to efforts to improve health and reduce health inequalities.
- Ensure, patients, staff and visitors are aware of the legal requirements about smoke free hospitals and the potential of fines for people caught smoking within 15 metres of hospital buildings.

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## 1.0 Purpose

This policy sets out the aims of NHS Lothian to:

- Improve the health of all users of NHS Lothian services by protecting people from the dangers of exposure to environmental tobacco smoke.
- Improve patient safety by reducing the risk of smoking-related post-operative complications, including slow healing and healthcare associated infections, through stopping while unwell or recovering.
- Challenge expectations about smoking on hospital grounds while making it easier for patients, staff, and visitors to comply with the Smoke Free Policy.
- Highlight stop smoking support provided by Quit Your Way for NHS Lothian patients, visitors, or staff who wish to stop using tobacco.
- Contribute to efforts to improve health and reduce health inequalities.
- Ensure patients, staff and visitors are aware of the legal requirements about smoke free hospitals and the potential of fines for people caught smoking within 15 metres of hospital buildings.

## 2.0 Policy statement

NHS Lothian has a duty to improve the physical and mental health of the people who live, work, and visit Lothian and recognises that promoting and enforcing smoke free environments will benefit the health, safety, and welfare of all users of NHS Lothian premises. As the largest preventable cause of ill-health and early death in Scotland the harms caused by tobacco and the cost of treating smoking-related disease are well-known. In 2019, smoking accounted for an estimated 9,275 deaths (300 deaths per 100,000 population) in those aged 35 and over in Scotland. Over 100,000 people were admitted to Scottish hospitals with smoking recorded as a primary or secondary cause of admission. Extensive research has demonstrated the link between smoking and workplace absence and staff ill-health. Therefore, NHS Lothian has a duty to promote smoking cessation to staff and a responsibility to take steps to help its employees remain healthy. Additionally, removing tobacco use from NHS grounds may contribute to de-normalising smoking, a behaviour which contributes to around a quarter of all deaths in Scotland. The health and social care costs of smoking are considerable.

This policy update also ensures compliance with the following legislation and guidance:

- [Smoking, Health and Social Care \(Scotland\) Act \(2005\)](#)
- [The Prohibition of Smoking Outside Hospital Buildings \(Scotland\) Regulations 2022](#)
- [World Health Organisation Framework Convention on Tobacco Control](#)
- [Review of 'Creating a tobacco-free generation: A Tobacco Control Strategy for Scotland'. Edinburgh: NHS Health Scotland; 2017](#)

- [‘Tobacco: preventing uptake, promoting quitting and treating dependence’, NICE guideline, November 2021](#)

NHS Lothian has a responsibility to protect health and reduce health inequalities. NHS Lothian aims to be a health promoting organisation and provide a safe and healthy environment for everyone using its premises. As an Anchor Institution it has a responsibility to set standards and role model good practice in the community.<sup>1</sup> This policy aims to contribute to NHS Lothian’s commitment to limit avoidable harm from smoking, and to implement effective tobacco control strategies. This policy also aims to support NHS Lothian to comply with the law and supporting guidance within the [Review of ‘Creating a tobacco-free generation: A Tobacco Control Strategy for Scotland’](#). Edinburgh: NHS Health Scotland; 2017 and [CEL 01 \(2012\) Health promoting Health Services](#). This policy aims to contribute to improvements in patient and staff safety by reducing exposure to second-hand smoke thus contributing to the improvement of health in Lothian.

To comply with Scottish Government policy and wider legislation, smoking has not been allowed on any NHS Lothian grounds, inside NHS Lothian premises or in NHS Lothian vehicles from 31st March 2015.

[The Prohibition of Smoking Outside Hospital Buildings \(Scotland\) Regulations 2022](#) means it is a criminal offence to smoke within 15 metres of a hospital building. These regulations came into force in September 2022. This applies to everyone, including staff, visitors, and patients.

The specified 15 metre distance includes awnings, canopies, or any other overhanging structure connected to a hospital building, even if they extend further than 15 metres from a hospital building. If an individual is found smoking within the 15-metre zone, they will be asked to stop. They may also face:

- a fixed penalty notice of £50
- a £1,000 fine if taken to court.

In accordance with [The Prohibition of Smoking Outside Hospital Buildings \(Scotland\) Regulations 2022](#), appropriate signage must be displayed and be clearly visible at main entrances to hospital grounds and on buildings to advise people that there is a ban on smoking within 15 metres of the building. Posters and leaflets must also be distributed to hospitals and primary care premises, and displayed to let people know about the ban.

Smoking cessation services, branded [Quit Your Way](#), are available to provide support to people who smoke and are motivated to stop their combustible tobacco use.

### 3.0 Scope

The policy applies to all staff, patients, visitors, contractors and other people who work within NHS Lothian premises or on NHS Lothian grounds (e.g. students, staff on placement,

<sup>1</sup>As part of the Lothian Strategic Development Framework, NHS Lothian is committed to acting as an Anchor Institution. Anchor Institutions are ‘large public sector organisations rooted in and connected to their local communities. They can improve health through their influence on local social and economic conditions by adapting the way they employ people, purchase goods and services, use buildings and spaces, reduce environmental impact, and work in partnership.’ There is more information about the Strategic Development Framework at [Lothian Strategic Development Framework 2022-2027 \(nhslothian.scot\)](#)

voluntary workers, workers from other organisations to whom the buildings are leased, contractors, or personnel with honorary contracts).

The policy covers all NHS Lothian premises. NHS Lothian's premises have been smoke-free since 31st March 2015. Smoking is prohibited in all areas including all NHS Lothian buildings (including staff residencies) or any other property belonging to, or leased or rented by NHS Lothian, all NHS Lothian grounds, and all NHS Lothian vehicles – this includes lease cars, pool cars and vans, and all privately-owned vehicles when being used on NHS business. This policy also applies to staff working in locations that are not owned by NHS Lothian but are used for NHS Lothian business, including local authority buildings and their grounds and primary care centres.

## 4.0 Definitions

**Tobacco products:** This policy refers to tobacco products including those that traditionally are smoked, snuffed, and ingested as well as other oral forms of tobacco. Aspects of this policy also apply to e-cigarettes or vaping devices. These devices are not allowed to be used inside any NHS buildings and within 15 metres of hospital buildings.

E-cigarettes are supported by the Scottish Government and Public Health Scotland as a less harmful alternative to combustible tobacco smoking and they are an effective smoking cessation aid. Quit Your Way staff can advise and support current users of e-cigarettes or people who smoke who would like to use e-cigarettes as a smoking cessation tool.

## 5.0 Implementation roles and responsibilities

### 5.1 Overall responsibility and accountability

Accountability for the Smoke Free Grounds Policy lies with the Chief Executive but is delegated to the Director of Public Health and Health Policy.

### 5.2 Compliance

#### 5.2.1 Staff

NHS Lothian wishes to support staff to comply with the legislation and NHS Lothian's Smoke Free Grounds Policy. We would also prefer that our staff understand the risks of a fine if they smoke within 15 metres of our hospital buildings.

This is not about forcing people to stop smoking. Instead, these rules aim to protect people from the harms of passive smoking by restricting where smoking takes place.

Staff who breach the policy will be offered a referral to the [Quit Your Way](#) service. Even if they do not wish to make use of this service, they will still be expected to comply with the law and NHS Lothian's policy. Training on implementing the Smoke Free Grounds Policy will be available for managers and supervisors. This will include guidance on the addictive nature of tobacco and information on the support available to help treat nicotine withdrawal symptoms.

Staff are not entitled to smoking breaks within their terms and conditions of service. It is also not permitted for staff to be seen smoking while recognisable as an NHS Lothian member of staff (this applies to all staff, regardless of whether they wear an assigned uniform). Staff are encouraged to use Nicotine Replacement Therapy (NRT) if they need to manage withdrawal symptoms while at work. NRT prescriptions can be requested by Quit Your Way staff.

All staff should help promote compliance by bringing the policy to the attention of others and referring patients onto Quit Your Way services as appropriate. All staff should encourage people not to smoke anywhere on NHS Lothian premises. The challenges in ensuring compliance with the policy are acknowledged and staff should be sensitive to individual circumstances.

### 5.2.2 Patients

All patients should have their smoking status assessed on referral, admission or attendance at hospital and documented on TRAK. All patients who smoke should receive advice, guidance and support about tobacco use and effective methods of stopping smoking. The offer of a referral to Quit Your Way services should be made at the first contact with a health professional e.g. outpatient, pre-assessment clinics. This offer should then be repeated at appropriate stages throughout the patient journey e.g. on admission.

All wards, clinics and departments should have up-to-date information on Quit Your Way services. All inpatients who smoke should be prescribed NRT unless contraindicated or refused. A note of the discussion and its outcome should be documented within the patient record on Trak. Where the patient has been too unwell to understand advice, or has declined advice, staff should re-offer it at the first appropriate opportunity. If the condition of a patient who has previously refused NRT and stop smoking support should deteriorate resulting in them being physically unable to leave the ward, NRT should be considered again to control nicotine withdrawal.

Staff should not assist patients to leave the ward to smoke tobacco unless a duty of care, agreed with the person in charge in a clinical setting and recorded on Trak, requires their presence. For patients who wish to smoke, a note should be added to the patient record on Trak stating that they are leaving the unit against advice.

There are times in mental health wards that people will be too unwell to follow or understand the legislation. If this leads to, or is likely to lead to, an episode(s) of violence and aggression, staff can escort people from the ward or to an appropriate area to smoke or use a vape to de-escalate the situation. This plan of care needs to be documented in Trak clearly detailing the steps staff should take to avoid unnecessary violence or aggression incidents. The risk assessment on Trak should be updated to include this risk. This care plan will be person specific and for as short a time as possible. Staff should continue to offer NRT throughout the person's stay in hospital.

Staff must not purchase tobacco-related products on behalf of patients or offer cigarettes, or other tobacco related products to patients. Guidance will be available for staff on the 'Care of Patients who Smoke'.

### 5.2.3 Visitors

Visitors should be made aware of the policy by staff, hospital signage, and via patient information. Details of Quit Your Way services will be readily available for those seeking advice or support on stopping smoking or managing their smoking while visiting NHS Lothian sites and grounds. Any visitor smoking in hospital grounds will be asked to stop, to move off-site and may be fined if found smoking within 15 metres of a hospital building.

## 5.3 Complaints

The complaints process is standardised across NHS Lothian sites. Complaints will be handled by the Patient Experience Team and recorded as appropriate on Datix. A Standard Operating Procedure will be developed and shared across NHS Lothian. NHS Lothian will endeavour to reply within the timescales outlined in the NHS Lothian Complaints procedure.

## 6.0 Associated materials

Care of patients who smoke Guidance (under development)

Patient and visitor information (under development)

SOP mentioned at 5.3 (under development)

Medical Gases - [NHS Lothian Safe Use of Medicines Policy](#)

## 7.0 Evidence base

- [Smoking, Health and Social Care \(Scotland\) Act \(2005\)](#)
- [The Prohibition of Smoking Outside Hospital Buildings \(Scotland\) Regulations 2022](#)
- [World Health Organisation Framework Convention on Tobacco Control](#)
- [Review of 'Creating a tobacco-free generation: A Tobacco Control Strategy for Scotland'. Edinburgh: NHS Health Scotland; 2017](#)
- [Raising Scotland's Tobacco-free Generation Our Tobacco-Control Action Plan, Scottish Government, 2018](#)
- ['Tobacco: preventing uptake, promoting quitting and treating dependence', NICE guideline, November 2021](#)
- [Scottish Public Health Observatory: Tobacco Use Key points - ScotPHO](#)

## 8.0 Stakeholder consultation

The review of the Smoke Free Policy was managed by a short-term working group within NHS Lothian chaired by the Director of Public Health and Health Policy. There was representation on the group from:

- Acute Services, NHS Lothian



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- Royal Edinburgh and Associated Services
  - Western General Hospital
  - Royal Infirmary of Edinburgh
  - Women’s and Children’s Services
  - St John’s Hospital
  - Staff Director, NHS Lothian
  - Staff Partnership
  - Workforce/HR
  - Communication
  - Estates and Facilities
  - Equality and Human Rights

The group also had input from colleagues in the Patient Experience Team and Primary Care.

## 9.0 Monitoring and review

This policy will be reviewed after the National Tobacco Strategy is updated in 2023. Performance will be monitored and reported to the NHS Lothian Board via the Corporate Management Team.

The new NHS Lothian Tobacco Control Project Manager (Smoke Free Places) will liaise with service, site and facilities management teams who are responsible for overseeing the implementation and monitoring of policy locally. Implementation of the policy should be monitored and reviewed by managers in each service area and progress reported via the Smoke Free Policy Monitoring Group. The powers to support the enforcement of the legal restrictions on smoking within 15 metres of hospital buildings sit within the responsibility of local authority Environmental Health Officers. The Monitoring Group will establish an escalation process with Environmental Health departments.