



Smoking Policy

Guidance for Tobacco Cigarettes

INTRODUCTION

This guidance informs services how to comply with Aberdeenshire Council's Smoking Policy in relation to tobacco smoke. As well as complying with legal requirements, the implementation of the Smoking Policy is also part of the Council's duty to ensure the health and well-being of its employees. The terms of the Smoking Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 do not prevent Aberdeenshire Council from implementing a policy which exceeds the minimum statutory requirements.

The law prohibits smoking in public places which are wholly or substantially enclosed. It is an offence to smoke or to knowingly permit smoking in no smoking premises.

EXEMPTIONS TO THE SMOKING HEALTH AND SOCIAL CARE ACT (SCOTLAND) 2005 AND THE PROHIBITION OF SMOKING IN CERTAIN PREMISES (SCOTLAND) 2006

Within the legislation there are exemptions within certain premises for **Service Users only**. These exemptions are detailed below:

- Designated areas in Residential Accommodation
- Designated rooms in Adult Care
- Adult Hospices
- Designated rooms in psychiatric units
- Private Residences
- Private vehicles (those vehicles that are being used to transport other employees are **not** exempt, apart from the requirement for signage)

Aberdeenshire Council have a responsibility to minimise the risk of exposure to second hand smoke to any employee who works in an exempt environment. In these circumstances a risk assessment should be carried out and a safe system of work put in place to minimise any exposure. Any designated room should be clearly identified as a smoking room, they should be enclosed spaces with ventilation systems that do not ventilate in to any other part of the building. The ventilation system must not vent immediately beneath or next to a window. These rooms are for use by **Service Users only** and are not permitted for use by employees or visitors.

Employees should not normally be required to work in these designated smoking rooms. If employees are required to enter these rooms, their time of exposure to second-hand smoke must be kept to a minimum. Employees with pre-existing conditions that may be exacerbated by exposure to second-hand smoke should not be asked to enter these rooms as far as is reasonably practicable.

PRIVATE RESIDENCES

Private residences are not covered by this legislation. Aberdeenshire Council employees who visit or support people in their own homes are at risk of exposure to second hand smoke if the person being supported is a smoker, and steps should, therefore, be taken to reduce the exposure the employee may face. These steps can include writing to any service user who has been identified as a smoker asking them, and anyone who may be with them, not to smoke during the visit, and ideally not to smoke for an hour prior to the scheduled visit taking place.

It is important that employees who have a pre-existing condition that is made worse by exposure to second-hand smoke, such as asthma, COPD and cardiovascular disease or who face additional risk e.g. due to pregnancy, are identified. Employees who fall within this category are at higher risk and particular care should be taken to prevent or minimise their exposure to tobacco smoke.

PRIVATE VEHICLES

Vehicles used for business purposes are covered by the legislation. All vehicles, including private vehicles, that are used by employees as part of their work should be considered to be an integral part of the work place and should, therefore, be smoke free. This is also the case when a private vehicle is being used to carry passengers on work related activity and the driver/owner, whether an employee or volunteer, is a smoker. The driver should not seek permission to smoke from the passenger(s), he or she must not smoke within the vehicle. This does not apply whilst the vehicle is being utilised in a private capacity i.e. driving to and from work. Whilst private vehicles are parked in a car park which is part of an Aberdeenshire Council site, it cannot be used for smoking in.

NO SMOKING SIGNAGE – TOBACCO CIGARETTES

All organisations in Scotland must take all reasonable precautions to ensure that employees, service users and other visitors do not smoke within their premises. Organisations are required by law to display no smoking signs in or on any premises that is covered by the legislation, so that they can be seen and read by anyone approaching or within the premises. The signs must be prominently displayed and protected from tampering, damage, removal or concealment.

It is the responsibility of the person in charge of a site to determine the number of no smoking signs that are required.

Guidance on appropriate signage for tobacco smoke can be found at the end of this document.

NO SMOKING GROUNDS

There is no legal requirement or obligation for Aberdeenshire Council to provide a designated smoking area within its premises for employees. As identified in the Scottish Governments [Tobacco Strategy for Scotland: Towards a Smoke Free Generation \(2013\)](#), Local Authorities are required to remove smoking from the grounds of their sites. Aberdeenshire Council will not permit smoking (including electronic cigarettes) within the grounds of its premises. This must be clearly communicated to all employees, service users and visitors to the site and clear, prominent signage should be used to notify all who may visit the site. Information on where to purchase signs from, posters and pocket ashtrays can be obtained from the Wellbeing Team.

WHAT TO DO IF SOMEONE IS SMOKING WITHIN A COUNCIL PREMISES OR SITE

Training is available on this topic via [ALDO](#), alternatively, a DVD of the training can be obtained from the Wellbeing Team. Whereby an employee, service user or visitor enters an

Aberdeenshire Council site or premises whilst smoking a cigarette, or are found to be smoking a cigarette within the site or premises, the following actions are recommended:

- Politely explain that the site is a no smoking site (if they are within the building they are committing an offence by smoking within the premises) and if they would like to continue to smoke the cigarette could they please do so outside the site, or in an area away from any entrance or window where smoke may enter the building if there are no additional grounds to the site.
- Point out the signage which tells them that cigarettes are not permitted.
- Whereby there is any evidence of anger/aggression then refer to the zero tolerance policy.
- Report the issue to your line manager.
- If there is a prolonged or repeated problems with a visitor smoking within a building further advice should be taken from Aberdeenshire Council's Environmental Health Department.

FURTHER INFORMATION ON LEGISLATION

A copy of the Act and Regulations can be obtained from <http://www.clearingtheairscotland.com/>, or by contacting the Scottish Executive's Tobacco Control Team at St Andrew's House, Edinburgh, EH1 3DG or e-mail info@clearingtheairscotland.com. Frequently asked questions can also be found along with responses on the website and you can e-mail for further information if your query is not shown.

FURTHER INFORMATION ON THE SMOKING POLICY

Any questions regarding the Smoking Policy should be addressed to Aberdeenshire Council's Wellbeing Team, who can be contacted on 01467 532 932 / hrodwellbeing@aberdeenshire.gov.uk

SIGNAGE FOR PREMISES – GUIDANCE FOR TOBACCO SMOKE

It is required by law to display no smoking signs in or on any premises that are affected by the smoking ban so that they can be seen and read by people in the premises and people approaching the premises. They must be obviously displayed and protected from tampering.

There are two types of sign:

SIGN 1



This should be displayed near all entrances used to access a building so that people are aware that they are about to enter a no smoking building.

The person in charge of the building for that Service, or in joint occupancy buildings, the person nominated by the Area Manager, should write or attach their name to the sign.

These signs are self adhesive and should be attached to a window or near each entrance used, or if appropriate (not blocking line of sight) the entrance door itself.

If due to the design of the building this cannot be achieved then you should contact your local Property Inspector who will arrange to have appropriate signs attached to the fabric of the building.

SIGN 2



This sign is again self adhesive and can be attached to internal walls. These are to remind people that they are in a no smoking environment.

The number of signs is not prescriptive – it will depend on the size and layout of the building. For instance, one sign in the entrance hall and canteen may be all that is needed. In a small office, the entrance sign with nominated person may be sufficient. Further information from the Scottish Executive can be found on www.clearingtheairscotland.com.

SIGNAGE FOR PREMISES – SMOKE FREE GROUNDS

SIGN 1 (Paper)



**Smoking is not allowed
on this site
including buildings,
grounds and car parks**

This should be displayed near all entrances used to access a building so that people are aware that they are at a site which prohibits smoking within Aberdeenshire Councils premises

The person in charge of the building for that Service, or in joint occupancy buildings, the person nominated by the Area Manager, should ensure they are displayed suitably, by attaching to a window or near each entrance used, or if appropriate (not blocking line of sight) the entrance door itself.

The appropriate amount of posters should be printed in colour and can be found on Arcadia – [Smoke Free Grounds Poster](#)

SIGN 2 (Metal)



**Smoking is not allowed
on this site
including buildings,
grounds and car parks**

These signs were disseminated to sites after assessments were conducted by the sites responsible person/s. After a review by the Smoke Free Grounds working group, the appropriate signs (wall or pole mounted) were provided to each site.

These should be displayed clearly at the main entrances to sites where employees, contractors and visitors can clearly see it as they approach the premises.

Where sites have now been able to assess the impact of Smoke Free Grounds and can identify problem areas, please contact the wellbeing team to request further signage. hrodwellbeing@aberdeenshire.gov.uk / 01467 532 932