

EAST AYRSHIRE COUNCIL

SOCIAL WORK COMMITTEE: 23 MARCH 2006

SMOKING IN THE WORKPLACE POLICY

Report by the Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Social Work Committee of the forthcoming changes to the Council's Smoking in the Workplace Policy which was presented to Corporate Governance Committee on 16 February 2006.
- 1.2 To outline implications of the regulations for Social Work Services.

2. BACKGROUND

- 2.1 The Smoking, Health and Social Care (Scotland) Act 2005 and The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 come into force on 26 March 2006 and this smoke-free legislation will significantly reduce exposure to second-hand smoke by prohibiting smoking in the majority of enclosed public places.
- 2.2 The law prohibits smoking in certain public places which are "wholly or substantially enclosed" including the majority of workplaces. It will be an offence to smoke in no smoking premises and those in control of the premises will also be committing an offence for allowing that person to smoke. It is important that the consequences of breaking the law are clearly communicated and understood by employees within Social Work.

3. REVISED SMOKING IN THE WORKPLACE POLICY

- 3.1 The Council's policy is that smoking will be prohibited in all East Ayrshire Council establishments, workplaces and vehicles with effect from 26th March 2006.
- 3.2 The Smoking in the Workplace Policy applies equally to all employees of East Ayrshire Council, elected members, members of the public and visitors to Council establishments and workplaces as well as users of Council facilities.

3.3 Objectives

The objectives of the Smoking in the Workplace Policy are:

- (i) To comply with the relevant legislation
- (ii) To ensure that there is minimal exposure to employees to tobacco smoke whilst in the Council's premises, workplaces or council vehicles or while employed on the Council's business.

- (iii) To ensure that the health and wellbeing of employees is protected and enhanced as far as is practical.
- (iv) To provide support and counselling to employees who wish to stop smoking.

4. IMPLICATIONS FOR SOCIAL WORK

4.1 Home Visits

Private houses are not covered by the Act but employees who visit service users in their homes are at risk from passive smoking if the person receiving the service is a smoker. Executive Directors have been asked to consider the implications for their respective employees. In terms of the Social Work Service the following control measures will be in place from 26th March 2006.

- 4.1.1 Personal Carers and other fieldwork staff will not be permitted to smoke in service users' homes and must not ask a service users' permission to do so.
- 4.1.2 All service users including relatives and visitors will be asked to refrain from smoking while staff are in their home and ideally not to smoke for an hour before the visit is due to take place. If this is not possible the service user will be asked to smoke in a room that the member of staff will not be working in.
- 4.1.3 In exceptional circumstances where a service user refuses to stop smoking and they are at risk without the service, the room will be ventilated by opening a window or by using an extractor fan.
- 4.1.4 In exceptional circumstances where a service user refuses to refrain from smoking and objects to the room being ventilated and the service cannot be withdrawn they will be advised that staff cannot be expected to make consecutive visits to houses in which they are likely to be exposed to tobacco smoke. In these circumstances the service user will be advised that consistency in service provision cannot be guaranteed and different staff will provide their service.
- 4.1.5 In extreme circumstances service withdrawal will be at the discretion of the Executive Head of Social Work.

4.2 Residential Establishment Staff

The Act states that in adult care homes and other residential establishments if designated rooms are established where smoking is permitted, these will be for the use of residents only. In terms of the Social Work Service the following control measures will be in place from 26th March 2006.

- 4.2.1 Designated smoking rooms within residential establishments will not be for the use of staff and visitors.
- 4.2.2 Staff exposure to second-hand smoke within the designated smoking rooms will be kept to a minimum.

4.2.3 Staff and visitors will not be allowed to smoke at the entrances and exits of residential establishments.

5. POLICY/LEGAL IMPLICATIONS

5.1 A review of the Smoking in the Workplace Policy has been necessary to ensure that the Council continues to take account of the new legislation and reflects best personnel practice.

5.2 The implications are subject to consultation with the Trade Unions.

6. FINANCIAL IMPLICATIONS

6.1 We are working with Technical Services to ensure the designated smoking rooms within our residential establishments conform to the new legislation. Any additional costs arising from these recommendations will require to be contained within the existing social work revenue budget.

7. COMMUNITY PLANNING IMPLICATIONS

7.1 This report supports the Improving Health theme within the Community Plan.

8. RECOMMENDATIONS

8.1 Social Work Committee is asked to:-

- (i) Note the forthcoming changes to Smoking in the Workplace Policy; and
- (ii) Otherwise note the contents of this report.

John Mulgrew
Executive Director of Educational and Social Services
AMcl/JB
28 February 2006
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LIST OF BACKGROUND PAPERS

(1) East Ayrshire Council Smoking in the Workplace Policy

For further information on this report please contact:-
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