



Smoke Free Policy

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Owner:	Brian Gunn	Job Title:	Health & Safety Manager
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Version Control

Date	Owner	Version	Reason for Change
June 2021	Brian Gunn	V 4.0	Cyclical review
August 2024	Brian Gunn	V 5.0	Cyclical review

Summary of Changes

Section	Change
All	Change to new policy template
All	Minor grammar changes

Smoke Free Policy

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1.0 Ark's Values

Arks values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships and our customers will feel assured that they can rely on us to deliver.

Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

2.0 Purpose

The purpose of this policy and procedure is to provide regulatory information and guidance to anyone connected to Ark workplaces, aware of our health and safety management system eliminate exposure to second hand smoke in workplaces were supported people / staff / others choose to smoke.

3.0 Policy Statement

Ark Housing Association Ltd does not allow smoking in any of its offices and in any other common or work areas, including Ark external property boundaries and vehicles used or hired by Ark. This applies to all people using or visiting the workplace e.g. visitors, employees, contractors, people who use services, tenants etc.

This includes the use of electronic cigarettes as although they do not contain tar, they contain nicotine or other mixtures which can be passively smoked.

4.0 Scope

The policy and procedure apply to all employees of Ark, and all people using and/or visiting the workplace e.g. visitors, relief employees, agency staff, supported people and contractors.

Ark owns other premises that have lease agreements with other external care and support partners. These care providers have a duty to develop their own smoke free policy and procedures for their staff and supported people alongside the Ark landlord duty to maintain the property and other regulatory compliance.

Some aspects of this policy and procedure do not apply to supported people's homes where the resident/s are smoker's.

Where a supported person smokes during support, regulatory and Ark H&S requirements should be met and noted in a person's digital Good Life Support Plan / R&V on Ark Information Management Systems and any other associated risk work.

5.0 Legal/Regulatory Framework

5.1 Health and Safety at Work Act 1974

The Health and Safety at Work Act 1974 imposes a general duty on employers to ensure the health, safety and welfare at work for their employees and other appropriate parties, to provide a safe working environment and have suitable and sufficient health and safety arrangements.

5.2 Management of Health and Safety at Work Regulations 1999

These regulations place a duty on Ark as an employer to assess and manage risks to their employees and others arising from our work activities.

Ark must also make arrangements to ensure the health and safety of our workplaces by planning for emergencies, providing H&S training, information and health surveillance for employees where identified.

Ark staff must work safely in accordance with their training and instruction and notify their manager or person responsible for health and safety of any serious or imminent danger or shortcoming in Ark's health and safety arrangements.

5.3 Smoking, Health and Social Care (Scotland) Act 2005

This legislation designed to address the detrimental effects of smoking on public health and well-being in Scotland. Its primary purpose is to reduce tobacco-related harm and promote a healthier environment for all citizens.

In terms of regulatory expectations, Standard 1.3, of the Scottish Housing Regulator's Regulatory standards of Governance and Financial Management requires each RSL should ensure that it complies with its constitution and its legal obligations, and Requirement 3, have assurances and evidence that it is meeting all its legal obligations associated with housing and homelessness services, equality and human rights, and tenant and resident safety.

6.0 Responsibilities

6.1 Board of Management

Ark's Board of Management is responsible for consideration and approval of this policy, and for ensuring that its decisions are taken in accordance with relevant legislation, regulatory expectations, training and guidance.

6.2 Executive Team

Ark's Executive Team is responsible for ensuring that this policy is reviewed in accordance with Ark's schedule for review of policies, or sooner if required. The Executive Team is responsible for ensuring that its decisions are taken in accordance with relevant legislation, regulatory expectations, training and guidance.

6.3 Leadership Team

Ark's Leadership Team is responsible for review of the policy, and for ensuring that its decisions are taken in accordance with relevant legislation, regulatory expectations, training and guidance.

6.4 Managers

Managers will be responsible for the effective implementation of this policy within their area of responsibility and will ensure that they are aware of the associated Risk Assessment, along with any requirements within this. They must also ensure that each member of their staff, through induction and team meetings, is made aware of this policy and participate in relevant training.

6.5 All Staff

Ark employees are required to familiarise themselves with this policy and procedure and comply with the content to manage smoking at Ark workplaces.

Ark will provide suitable and sufficient information, instruction and supervision to manage exposure to smoke at Ark workplaces.

Depending on needs of an individual service, the local manager will identify any further health and safety guidelines required for staff if a hazard is identified or after an incident.

6.6 Third Parties

Ark staff to monitor that the Smoke Free Policy is complied with when third parties, such as contractors / families / visitors / others are carrying out functions on behalf of Ark.

7.0 Smoke Free

Breaches of this policy and procedure will be viewed seriously and will be investigated in accordance with Ark's Disciplinary Policy and Procedures. Non-compliance breaches will refer to Ark's Fire Smoke Free Policy, Health and Safety Policy and the Smoking, Health and Social Care (Scotland) Act 2005

8.0 Learning & Development Requirements

Ark staff must complete e-learning modules for this policy and procure via Learnpro Community platform, all staff must complete at induction and refresh every three years.

Completion of e-learning modules will be monitored by Ark managers by accessing Learnpro to view and track staff completion of the smoke free e-learning modules.

9.0 Related Policies & Procedures

HS05 Fire Safety.

HS19 Your Home, My Workplace.

10.0 Equality Impact Assessment (EIA)

No equalities implications have been identified in relation to the development of this policy, and consequently an EIA has not been completed.

11.0 Data Protection Impact Assessment (DPIA)

No data protection implications have been identified in relation to the development of this policy, and consequently a DPIA has not been completed.

12.0 Stakeholder Consultation

In developing this policy the following groups were consulted:

- Ark Executive Team.
- Ark Policy Working Group.
- All Staff.
- Ark Working Group.

13.0 Monitoring and Review

13.1 Monitoring

Ark's Executive and Leadership Teams will monitor implementation of this policy on an ongoing basis, particularly in relation to ensuring delivery of Equalities Impact Assessments, and in relation to ensuring that relevant decisions within Ark are taken in line with the obligations and expectations set out in this policy.

13.2 Review

This policy will be reviewed within 3 years from the date of approval by our Board of Management, in accordance with Ark's policy review framework.