



# BEYOND LIMITS

Beyond the limits of conventional support

## SMOKING & VAPING POLICY

This policy sets out our policy and procedure in relation to smoking, vaping & e-Cigarettes. All colleagues with must ensure they are familiar with the conditions of this policy.

April 2024

Review: April 2025

## INTRODUCTION

In July 2007, the Health Act 2006 made it illegal to smoke in all public enclosed areas and workplaces. Additionally, other legislation such as the Health & Safety at Work Act 1974, the Smoke-free (Premises and Enforcement) Regulations 2006, the Smoke Free (Exemptions and Vehicles) Regulations 2007, and the Smoke Free (Signs) Regulations 2012 impose duties regarding smoking.

This policy covers all working areas administered and maintained by Beyond Limits, and the homes of those supported unless there are exceptional circumstances that have been formerly agreed by the employee and the colleague's Service Leader.

## CLARIFICATION

The above legislation covers all substances that a person can smoke.

These include manufactured cigarettes, hand-rolled cigarettes, pipes, cigars, herbal cigarettes, and water pipes (including shisha, hookah, and hubble-bubble pipes).

With regard to the current published evidence about electronic cigarettes (also known as vaporisers or vapes), to minimise potential for confusion for smokers and non-smokers, Beyond Limits also prohibits the use of any type of electronic cigarette in areas where smoking is banned in premises and designated external areas.

## SMOKE FREE LAW

The main points of "Smoke Free" legislation are as follows:

- The legislation, introduced on the 1<sup>st</sup> of July 2007 makes it illegal to smoke in all public enclosed or substantially enclosed area and workplaces.
- The ban includes smoking in vehicles which serve the public and/or are used for work purposes. **(Continued Over)**

- Appropriate no smoking signs must be clearly placed in all smoke free premises and vehicles.
- Under the legislation workplace smoking rooms and areas are no longer permitted. All smokers must take their smoke breaks outside.
- The owners / managers of any premises have to take reasonable steps to ensure that all colleagues and/or visitors are aware of the ban and to uphold the ban.
- Smokers looking for an appropriate place to smoke may check the no smoking signs in and around the premises to easily see which areas are restricted or ask a colleague.

## SMOKING & THE LAW

The local authority (as opposed to the Police) are in charge of enforcing the “Smoke Free Law.” However, for clarification, people in breach of the legislation will still be breaking the law. Fixed penalties and the maximum fine amounts are as follows:

- **Smoking at Work or in a Vehicle Classed as a No Smoking Area** - fixed penalty £50, reduced to £30 if paid within fifteen days of issue. If prosecuted by court the maximum fine limit is £200.
- **Not Adhering to Signage Regulations (owners / managers)** - fixed penalty £200, reduced to £150 if paid within fifteen days from issue. Court prosecuted cases hold a maximum fine level of £1000.
- **Not Maintaining a Smoke Free Place – (owners / managers)** - a maximum penalty of £2500 to the person who manages / controls the area which does not comply with the Smoke Free legislation. A fixed penalty notice is not appropriate in this situation.

## HOW AN AREA IS CLASSED AS ENCLOSED OR SUBSTANTIALLY ENCLOSED

All areas open to the public including workplaces are considered smoke free zones where they are enclosed or substantially enclosed.

- **ENCLOSED:** This is an area with permanent walls and doors without any gaps. Windows and doors are not classed as gaps. Any enclosed structure may be considered as permanent (i.e., a building or even a marquee).
- **SUBSTANTIALLY ENCLOSED:** This would be a structure (with a roof/ceiling) with an opening in the walls where the opening would make up less than half of the area of the total wall space. Windows and doors are not classed as gaps.

If in any doubt about whether their building or structure is enclosed, substantially enclosed or open enough to allow smoking, managers must consult with the local council for advice and clarification. All correspondence must be recorded.

## DOMESTIC RESIDENCES

Whilst domestic residences fall outside of the legislation, everyone has a right to work and live in a smoke-free environment.

No employee shall smoke or vape any substance whilst in the house of a person being supported unless this has been agreed with the person (or their representative) and the Service Leader. This policy seeks to guarantee non-smokers the right to work in air free of tobacco and vape smoke, whilst taking account of the needs of those who smoke.

We will always try to give employees the choice of working with people with compatible habits. It is important to be aware of anyone who may have a pre-existing condition that is made worse by exposure to tobacco smoke or those who face additional risks e.g. due to pregnancy. Individuals who have such conditions are at higher risk and particular care should be taken to prevent or minimise their exposure to tobacco or vape smoke.

Cars are exempt under the legislation. If you are using your own vehicle for business use, then smoking is permitted if you are not carrying any passengers. However, when a private or Motability vehicle is being used to convey passengers on a work-related activity, the driver and occupants should refrain from smoking for the benefit of all present.

**It is expected that employees at all levels will co-operate voluntarily with this policy without the need for more formal measures to be implemented and enforced. However, persistent and/or flagrant non-compliance with this policy will result in disciplinary procedures being invoked.**

## IMPORTANT: SMOKING WITH THE PERSON SUPPORTED

We discourage you from getting into habits of smoking with the person you support and making this a social activity. This may encourage the person you support to smoke more and alienate them from other members of their support team who do not smoke. Moreover, smoking is harmful to a person's health and can cause a variety of negative effects on the body, including heart disease and cancer. It is one of the biggest causes of death and illness in the UK, every year around 76,000 people in the UK die from smoking.

## SUPPORTING THE CESSATION OF SMOKING & VAPING

It is important that the person supported has the relevant information and advice on the effects of smoking to enable them to make a full capacity decision. Beyond Limits will seek to ensure that positive and sensitive action is taken in respect to smoking reduction and cessation (i.e., quitting smoking), which will be done in full consultation with the person (or their representative).

## SUPPORTING PEOPLE WHO SMOKE OR VAPE

We recognise and are sympathetic to the needs of smokers where it is practical. The needs of the people we support will dictate the appropriate arrangements under which employees can take a smoke break. There is **NO RIGHT** to take additional work breaks for the purpose of smoking.

Support for those who wish to give up smoking is provided free from the NHS. Please contact the NHS free Smoking Helpline: 0300 123 1044.

Your GP or pharmacist can refer you to your local stop smoking service where you can make an appointment with an advisor. You can find more information [HERE](#)

## RESPONSIBILITIES

Colleagues must:

- Ensure that smoking only takes place in a designated area that is not inside a Beyond Limits building or any other building on site.
- Support people supported to stop smoking, in keeping with their views and feelings.

It is essential that colleagues maintain a non-judgmental approach because judgemental comments or actions will create unhelpful barriers.

The virtues of stopping smoking should not be presented in a way that patronises people. Equally, colleagues must not be seen to endorse or promote smoking. This includes comments like “I need a fag” or such like.

The emphasis must be upon positive, responsible, and responsive engagement that will support people to make healthy choices.

**Beyond Limits (Plymouth) Limited**  
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