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THIS POLICY IS FOR:	Staff including Agency Workers (temporary workers), Commissioners and Service Users

SMOKING

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SMOKING POLICY & PROCEDURE

This policy sets out where and when staff including Agency Workers who wish to smoke can smoke during working time and also outlines how staff including Agency Workers can support individual service users, they work with who smoke.

POLICY AIMS:

Nursing Direct Healthcare Limited (hereinafter referred to as "Nursing Direct") is committed to protecting the health and wellbeing of Service Users and staff, including Agency Workers, by limiting their exposure to smoke inhalation. Nursing Direct recognises that all individuals have the right to a smoke-free environment and aims to comply with all relevant public health legislation governing smoking in public places.

In view of the above aims, Nursing Direct outlines a policy covering:

- a) Where and when staff, including Agency Workers, who wish to smoke may do so during working time, acknowledging that smoking is strictly prohibited in the presence of Service Users.
- b) How to support staff, including Agency Workers, and individual Service Users who smoke, while still upholding the organisation's responsibility to protect health, safety, and wellbeing, and limiting exposure to smoke inhalation in recognition of the right to a smoke-free environment.
- c) How to assess the risks associated with smoking for staff, including Agency Workers, and Service Users under health and safety regulations. This includes meeting the requirements placed on Nursing Direct as both an employer and a care provider under the Management of Health and Safety at Work Regulations 1999.
- d) How to prevent and safeguard against health and safety hazards arising from smoking, including passive or secondary smoking, for staff including Agency Workers, Service Users, and others within enclosed workplaces, public places, vehicles, or Service Users' homes where unreasonable exposure to smoke may occur. This reflects responsibilities under the Health and Safety at Work Act 1974 and associated regulations.

Nursing Direct acknowledges that these measures must be considered carefully, as they may affect the rights of staff including Agency Workers and Service Users. Any arrangements should be agreed through reasonable compromise and reflected within individual care plans and risk assessments.

1. PURPOSE

- 1.1 Nursing Direct is committed to protecting the health and wellbeing of its workforce by limiting their exposure to smoke inhalation. All staff including Agency Workers, service users and visitors have the right to a smoke-free environment.
- 1.2 Nursing Direct will comply with all relevant public health legislation governing smoking at work and in enclosed public spaces.
- 1.3 To meet the regulatory aspects of Safe, effective and well-led status as outlined by the Care Quality Commission (CQC) Nursing Direct aims to ensure that it gives attention to Key Lines of Enquiry (KLOE) and Quality Statements of, supporting people to live healthier lives, safeguarding, risk management and safe environments, governance, management and sustainability.
- 1.4 To meet the relevant legislation, laws, rules, and regulatory requirements associated with the regulated activities carried out by Nursing Direct, the following legislation has been taken into consideration;
 - Health Act 2006
 - Smoke-free (Premises and Enforcement) Regulations 2006
 - The Smoke-free (Signs) Regulations 2007
 - Smoke Free (Penalties and Discounted Amounts) Regulations of 2007
 - Health and Safety at Work, Act 1974
 - Government, (2019), Smoking at work: the law
 - Health and Safety Executive, (2020), Advice on smoking at work

2. SCOPE

- 2.1 The following roles may be affected by this policy:
 - All staff including Agency Workers
- 2.2 The following Service Users may be affected by this policy:
 - Service Users

2.3 The following stakeholders may be affected by this policy:

- Next of kin/ Family members
- Advocates/ Representatives
- Commissioners
- Local Authority
- NHS / ICB
- External health professionals

3. OBJECTIVES

- 3.1 To ensure that Nursing Direct complies with its statutory obligations under the Health Act 2006 and associated regulations.
- 3.2 To ensure that Service Users and staff, including Agency Workers, are aware of the approach of Nursing Direct on smoking.
- 3.3 To ensure that all staff, including Agency Workers, Service Users and visitors are protected from secondary smoke inhalation.
- 3.4 To ensure that staff, including Agency Workers, are aware of where they can and cannot smoke when at work.

4. POLICY

- 4.1 This policy applies to all staff including Agency Workers, Service users as well as visitors.
- 4.2 Our policy is to ensure that no one is subject to second-hand smoke against their wishes. Nursing Direct is committed to promoting the health, safety and wellbeing of all Service Users and staff including Agency Workers and complying with the relevant legislation in relation to smoking.
- 4.3 The use of electronic cigarettes (e-cigarettes), commonly referred to as 'vapes' or 'vaping,' is included within this policy and must be treated in the same way as tobacco products. Staff, including Agency Workers, are not permitted to use or charge e-cigarettes while at work, in vehicles, or in any environment provided by or paid for by Nursing Direct, due to associated health, safety, and fire-risk concerns.
- 4.4 Nursing Direct recognises its responsibility to provide an environment that enables Service Users to live their lives as they choose and for staff including Agency Workers to provide care as agreed in the Care Plan, mitigating and reducing any risks that have been identified assessed and stipulated in the relevant Risk Assessments.
- 4.5 Any smoke or smoking-related risks must be risk assessed, including risks from passive or secondary smoke or smoke-producing substances, before providing care to service users in their own homes.
- 4.6 Nursing Direct understands that people have a right to choose to smoke, particularly in their own homes. However, we have a responsibility to safeguard the health of staff including Agency Workers and Service Users who do not smoke and who do not want to breathe in smoke from others.
- 4.7 Nursing Direct will check the location of any smoke detectors during the home risk assessment. Nursing Direct will advise the service user and / or their next of kin or representative to check them periodically to ensure they are in working condition. If smoke detectors are not fitted within service users' home, Nursing Direct will advise the service user and / or their next of kin or representative, to make arrangements for them to be fitted and serviced appropriately.
- 4.8 A copy of all relevant Risk Assessments must be recorded appropriately and kept in the service user's home, enabling staff including Agency Workers to read them, understand any identified risks, and follow the required control measures in their day-to-day practice. Service users and their families should be advised on the safe storage of substances and items such as matches and lighters. All assessments must also be reviewed periodically to ensure they remain current and effective.
- 4.9 Staff including Agency Workers, working in the Service Users' own homes are not permitted to smoke in or outside the Service User's home, irrespective of whether the Service User is a smoker and says that it is acceptable.
- 4.10 Staff, including Agency Workers, must not smoke in any vehicle at any time when transporting Service Users, nor in any vehicle provided by or funded by Nursing Direct. This applies before, during, and after transport to ensure a safe, clean, and smoke-free environment.
- 4.11 **Smoking Breaks**
- 4.11.1 Nursing Direct does not provide specific smoking breaks for staff, including Agency Workers. However, where staff are already taking a scheduled rest break, they may smoke only if it is safe and appropriate to leave the service user's home and doing so does not compromise the safety, dignity, or wellbeing of the service user.
- 4.11.2 Staff including Agency Workers must not leave the service user unattended unless a risk assessment confirms this is safe, and all agreed care arrangements remain in place. Where staff including Agency Workers are able to smoke during a break, they must ensure appropriate personal hygiene is maintained, including hand hygiene and the use of measures to minimise smoke odour before resuming care duties.
- 4.11.3 In situations where staff including Agency Workers cannot safely leave the service user's home during a break, smoking will not be permitted. In these circumstances, staff including Agency Workers are expected to take reasonable alternative measures, such as the use of nicotine replacement products, to manage their needs while on duty.

- 4.11.4 Smoking is not permitted inside a service user's home, in company vehicles, or in any area where it may expose service users or others to second-hand smoke.
- 4.12 Any and all of the workplace of Nursing Direct is smoke-free. Smoking is not permitted unless in a designated area.
- 4.13 In domiciliary care settings, smoke-free legislation applies to offices and vehicles. However, the homes of Service Users are not covered by this law. Therefore, this policy sets out our expectations and procedures to ensure staff, including Agency Workers, can work safely while respecting the rights and preferences of Service Users in their own homes.
- 4.14 Nursing Direct as an employer have a duty to identify any group of staff including Agency Workers especially at risk, such as pregnant women, or those suffering from asthma/other respiratory diseases or cardiovascular diseases and offer appropriate support as much as possible with smoke free placements.
- 4.15 All staff including Agency workers of Nursing Direct have a duty to:
- Take reasonable care of their own health and safety and that of other people who may be affected by their activities at work.
 - Co-operate with Nursing Direct as well as service users/ their families to enable them to comply with health and safety duties; this would include abiding by any other policies in respect of smoking at work and be familiar with the policy requirements.
 - Be aware of the hazards and risks by reading the risk assessments and care plans regularly and be update themselves.
 - Prevent fire hazards in the home and helping service users to deal safely with any fires that might cause
 - Complete their Health and Safety training
- 4.16 This policy does not form part of any staff including Agency Workers contract of employment and may be amended at any time.
- 4.17 Failure to comply with this policy may result in management action in line with Nursing Direct's disciplinary procedures.

5. PROCEDURE

Ahead of providing care services to a service user, Nursing Direct will determine whether the Service User is a smoker or routinely comes into close contact with smokers. If so, a risk assessment will be completed to identify the risks to both the Service User and staff, including Agency Workers, and to establish reasonably practicable measures to reduce those risks.

Legislation states that a private dwelling is not defined as smoke free unless used as a place of work. At certain points in the day or during the period that care is provided, service users own homes become a place of work.

5.1 Support to Stop Smoking

Staff will support Service Users who wish to stop smoking by helping them access the various types of support available from the NHS.

5.2 Where is Smoking not Permitted?

- Smoking is not permitted anywhere indoors, or within the workplaces of Nursing Direct
- Smoking is not permitted anywhere indoors, or within the Service Users home, and if a service user smokes in their own home whilst Nursing Direct are providing support, they will be advised that at times of doing so, the carer may step outside for the duration
- Smoking is not permitted in any vehicle whether the individual is a driver or a passenger
- "Smoking" includes but is not limited to cigarettes, cigars, and pipes (including water pipes such as shisha and hookah pipes), and electronic devices, such as e-cigarettes and vaping devices Anything that can be smoked is not permitted
- All Service Users and staff including Agency Workers are reminded that smoking in smoke-free premises is a criminal offence and may result in a criminal prosecution

5.3 Where is Smoking Permitted in Nursing Direct?

- Staff including Agency Workers are not permitted to smoke within the workplace or on the service user's property.
- Staff including Agency Workers must never smoke outside of working hours or during any breaks with an ID badge on
- Service Users who wish to smoke can smoke within their own homes and whilst outside of their home they must do so in designated areas only.
- Service Users should ensure that they have safety equipment in place, such as ashtrays or non-flammable metal bins used for the waste materials produced by smoking. These must be emptied regularly and thoroughly cleaned. Waste must be disposed of safely in the designated waste bin and waste containers
- Nursing Direct also recognises that, in relation to electronic devices such as e-cigarettes or vaping devices, there is currently no national legislation in place, anywhere in the UK, which determines whether organisations should allow products to be used on their premises or not.

5.4 Steps to Minimise Exposure to Second-Hand Smoke in the Service User's Home

- Where the Service User smokes, this will be recorded in their Care Plan records, including what they smoke and how much
- Ensure that a risk assessment is developed that includes the risk of second-hand smoke as well as any fire safety hazards
- Where the Service User is a known smoker, ask that they do not smoke, where possible, an hour before the staff including Agency Worker arrives and that the room/their home is well ventilated
- Where possible, ask that smoking is limited to rooms where the staff, including Agency Worker will not need to work

- Staff including Agency Workers who have pre-existing conditions that may be made worse by second-hand smoke must be considered during selection of the staff including Agency Workers for the visit.
- Conditions such as Asthma, heart conditions, and Chronic Obstructive Cardio-Pulmonary Disease must be included
- Ensure that staff including Agency Workers do not have to attend consecutive visits or spend prolonged amounts of time in a room/home with the Service User who smokes
- Where the Service User does not smoke but shares their home with someone who does, the same considerations must be taken

5.5 **Assessing Risk**

Where the Service User chooses to smoke, the Service User is assessed with regard to the ability to manage smoking materials, ensuring a safe environment is maintained.

Details of the assessment is recorded, and this is kept next to the Service User's Care Plan. Regular review of the Service User's Care Plan will be undertaken as their smoking habits change or at least during each Care Plan review.

Service Users should be encouraged to have a working fire alarm fitted within their property, especially if they are or live with a smoker.

5.6 **Supervision of Service User Smoking**

Where a Service User needs to be supervised whilst smoking this will be documented within the Care Plan, and staff who express a preference, must not be exposed to the discomfort of tobacco smoke. Staff including Agency Workers with pre-existing conditions exacerbated by passive/second-hand smoke (e.g. asthma) must not be asked at all.

Given the health and regulatory context surrounding passive smoking, Nursing Direct reserves the right to withdraw care from a Service User in the event that it is not possible to reach a mutually agreeable arrangement.

If outlined in the Risk Assessment, and where a service user smokes while staff including Agency Workers are on shift, staff including Agency Workers may be required to leave the service users home, or placement for the duration of the smoking. Staff including Agency Workers shall not return until the service user has finished smoking. Any additional requirements, or any variation to this clause, will be specified in the service user's Care Plan.

5.7 **Breaches of this Policy**

Service Users, family members or representatives and staff including Agency Workers will be made aware of this policy on the commencement of service provision. Should issues arise in relation to the Service User's smoking, a review of the Care Plan will take place, and the necessary action will be taken by Nursing Direct.

Should issues arise in relation to staff including Agency Workers smoking, breaches of this policy will be treated as misconduct and will be dealt with under the Disciplinary Policy and Procedure at Nursing Direct. In the more serious cases, this may be treated as gross misconduct and the staff including Agency Worker concerned may be liable to summary dismissal.

All affected individuals are reminded that smoking in smoke-free premises is a criminal offence and may result in a criminal prosecution.

5.8 **Staff**

On no account should staff including Agency Workers who smoke take a smoking break with Service Users, this is considered extremely inappropriate. Staff including Agency Workers should not smoke in any vehicles whilst on shift.

6. **DEFINITIONS**

6.1 **All staff including Agency Workers**

6.1.1 **Staff**

Denotes the employees of Nursing Direct Healthcare Limited.

6.1.2 **Agency Workers**

Refers to individuals who are contracted with Nursdoc Limited or another employment business as an Agency Worker (temporary worker) provided to Nursing Direct Healthcare Limited to perform care services under the direction of Nursing Direct.

6.2 **Nursing Direct**

Nursing Direct, also known as Nursing Direct Healthcare Limited, is the entity regulated by the CQC (Care Quality Commission) and responsible for the care service provision, contracted to provide homecare services to service users in their homes, in placements, essential healthcare facilities and in the community.

6.3 **Nursdoc Limited**

As the sister company to Nursing Direct Healthcare Limited, Nursdoc Limited acts as an employment business, specialising in providing staffing solutions to the healthcare sector.

6.4 **CQC (Care Quality Commission)**

CQC throughout this policy, the term "CQC" refers to the Care Quality Commission (CQC) which is the independent regulator of health and social care in England.

6.5 **Smoking**

This includes but is not limited to cigarettes, cigars, electronic cigarettes, herbal cigarettes, pipes (including hookah and shisha pipes), vapes and any other items that can be smoked

6.6 **Passive Smoking**

Passive smoking is the inhalation of other people's Tobacco smoke, called second-hand smoke, or environmental tobacco smoke, by persons other than the intended "active" smoker. It occurs when tobacco smoke enters an environment, causing its inhalation by people within that environment.

6.7 **Second-hand Smoke**

Second-hand smoke, also known as environmental tobacco smoke, is the smoke exhaled by a person who is smoking.

6.8 **Summary Dismissal**

Dismissal without notice or payment in lieu of notice

6.9 **Gross Misconduct**

Misconduct which is so serious as to warrant summary dismissal

OUTSTANDING PRACTICE

To be 'outstanding' in this policy area Nursing Direct could provide evidence that:

- Risk assessments are in place that consider the impact of passive smoking on staff including Agency Workers and identify steps to eliminate the risks
- Risk assessments are in place that consider the impact of passive smoking in the Service Users home on staff including Agency Workers and identify steps to eliminate the risks
- All Service Users who smoke have been assessed and they are informed on the recommended actions
- Service Users and staff including Agency Workers are to be made aware of the policy at Nursing Direct on smoking prior to admission
- Nursing Direct protects staff including Agency Workers by not subjecting them to unwanted passive smoking
- Nursing Direct ensures that the facilities to smoke are sufficient and appropriate and located at not too great a distance from the workplace
- Nursing Direct wishes to support prevention of smoking / giving up smoking if requested by signposting smoking service users and or staff including Agency Workers to promote their wellbeing
- Nursing Direct offers counselling and advice for example on how to give up smoking

COMPLETED DATE:	16.12.2025
SIGN OFF DATE:	16.12.2025
REVIEW DATE:	16.12.2026
SIGNED:	 Marc Stiff – Group Managing Director