

Working Towards Smoke Free Policy

The policy seeks to support compliance with the Smoke free regulations and legislation made under the Health Act 2006, Health & Safety at Work legislation and Employment Law, and to comply with NICE guidance NG209.

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Summary and aim

Leicestershire Partnership NHS Trust (the "Trust") has a responsibility for the maintenance, and where possible improvement of, the health of its service users and staff, and acknowledges that smoking is a public health hazard and welfare issue proven to cause ill health.

The policy sets out the Trust's organisational arrangements to comply with the smoke free regulations and legislation made under the Health Act 2006, the NICE NG209 guidance on smoke free NHS sites and the 2017 Tobacco Control Plan.

A strategic aim for the NHS is to reduce the prevalence of smoking in people with mental health conditions, which is currently 40% compared to 14% in the general population of England.

Target audience

The policy applies to all staff, including bank and agency workers, to service users, visitors, volunteers, contractors, students, trainees, and other persons visiting Trust owned and operated premises.

The policy aims to ensure that people receiving care from the Trust are empowered to make informed decisions regarding tobacco dependence use and offered tobacco dependence support throughout their care at Leicestershire Partnership NHS Trust.

The staff working across the trust are offered tobacco dependence treatment as part of their current role.

The policy ensures information is provided to people visiting the Trust regarding smoke free sites and how to access tobacco dependence support via leaflets, posters, and welcome packs.

Training

The NHS has committed to delivering tobacco dependence treatment to people who smoke as a core component of their treatment.

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Furthermore, there is a pledge to provide care in smoke free hospitals, where cues to smoking are removed and engagement with treatment can be fostered.

The purpose of tobacco dependence training is to ensure all members of staff can deliver Very Brief Advice (VBA) to all people using services across Leicestershire Partnership NHS Trust.

This involves training staff to identify peoples smoking status, prompt access to appropriate licensed nicotine replacement therapy (NRT), vapes containing nicotine, varenicline and cytisine and complete a referral to the tobacco dependence treatment service and record the details on the Electronic Patient Record.

The Trust currently provides an Alcohol and Tobacco Brief Interventions Module to all members of staff which can be completed on the staff learning portal. The information in this module provides staff with information and knowledge on how to Ask, Assess and Act a person about their tobacco dependency.

Further, advance training is available from the Trust through the National Centre for Smoking Cessation and Training (NCSCT) programme that provides training and resources to support the work of implementing the Long-Term Plan aims for tobacco dependence. As part of this package training resources are available and can be delivered to teams to ensure they have the necessary knowledge and skills to provide this support.

Key requirements

The policy supports the Smoke Free 2030 Ambition for England, with the aim for adult smoking prevalence to fall to 5% or less.

The NHS Long Term Plan supports this goal with the following approaches:

- 1) By 2023/2024, all people admitted to hospital who smoke will be offered NHS-funded tobacco treatment services.
- 2) The Ottawa Canada model for tobacco dependence will be adapted for expectant mothers and their partners, with a new smoke-free pregnancy pathway including focused sessions and treatments.
- 3) A universal tobacco dependence offer will also be available as part of specialist mental health services for long-term users of specialist mental health and in learning disability services.
- 4) Core20PLUS5 is designed to support Integrated Care Systems to drive targeted action in healthcare inequalities improvement

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Introduction and Purpose

The purpose of this policy is to ensure the following:

- To ensure the Trust is working towards a smoke free environment across the whole of the Trust
- To ensure that the Trust is complying with Smoke Free Legislation and Health and Safety Legislation
- To comply with Health and Safety legislation and Smoke Free Legislation which makes it an offence to smoke inside public buildings and in work vehicles
- Ensure people who do not smoke are not exposed to second hand smoke in Trust services
- Protect the health of people who are, using services, visitors, staff and contractors and ensure they are not exposed to smoke across the Trust
- Provide tobacco dependency treatment to individuals identified as smokers who use services through the in-house service and provide a transfer of care to other services if relevant
- Provide a referral and information to staff identified as smokers
- Ensure all staff are informed of their responsibilities regarding the Working Towards Smoke Free Policy
- Ensure all staff have access to the adequate training to support smokers with tobacco dependency treatment
- Provide information regarding the Working Towards Smoke Free Policy and Tobacco Dependency treatment across the Trust
- Provide guidance and direction to the Standardised Operating Procedures that support the Trust to comply with the Smoke Free Legislation and Tobacco Dependence Support set out in the NHS Long Term Plan

Policy Requirements and Objectives

Legal Requirements

- Section 2(2) of the Health and Safety at Work Act 1974 places a duty on employers to provide a workplace that is, as far as is practicable: 'safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.'
- The Health Act (2006) introduced the legal requirement for smoke free premises across England, intended to remove second-hand smoke from enclosed workplaces and public places.

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This prohibits smoking tobacco:

- In places of work.
- In places that the public access to obtain goods and services, including private clubs.
- In other places designed by statutory instrument.

Smoke Free Sites

- All areas within the Trust will have clear signage that clearly states that smoking nicotine containing tobacco products is prohibited in Trust buildings and vehicles.
- Whilst the Trust recognises that current NHS policy is for all sites to be smoke free, this does increase the risk of AWOL and self-harm for patients who need to leave our inpatient mental health sites to smoke. The proximity of our inpatient mental health estate to main roads does pose a risk of harm to patients and staff leaving our sites. The trust does not encourage patients to smoke in the hospital grounds and staff will prompt patients to move away from buildings and entrances to a distance of 6 metres.
- “No Smoking Signs” and “Smoke Free Policy” posters which will be located across the Trust via the Staff Net Smoke Free Page.

Incident Reporting

All smoking related incidents need to be reported using the Trusts incident reporting system, if the following occurs:

- People smoking in areas that are in breach of the Health Act (2006)
- If a violent or aggressive incident occurs that is related to smoking or nicotine withdrawal
- Where a restrictive intervention is required in a smoking related incident
- Where any patient safety issue has occurred, such as an accidental fire attributed to smoking

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Regulations and Actions

- It is a criminal offence for anyone to sell, transport or possess illegal tobacco products. Penalties for such offences may include imprisonment and/or fines including fines of up to £5000 for any manager allowing their premises to be used for such activities.
- The selling/storing and dealing in any way of illegal cigarettes and tobacco on Trust premises will not be tolerated.
- The Trust will fully co-operate with Law Enforcement agencies, such as HM Revenue and Customs, in their investigations. Any such illegal activity will be considered as gross misconduct and will result in appropriate disciplinary action.

Managing Risks Associated with Nicotine containing tobacco products

- Staff should remove themselves from any smoke-filled location. Such occurrences should be reported immediately using the Trust incident reporting system, and to the appropriate manager.
- If illicit smoking has been inside a Trust building, and/or resulted in potential second-hand smoke exposure to staff or service users, an eIRF (incident) form should be completed.
- Staff reporting breaches of the policy should use the following Cause Groups to report on the Trusts incident reporting system:

Cause Group: Security

Cause: Unauthorised Smoking/Contraband

- Guidance around how to manage breaches of the policy is included in Section 4.3

Co-operation and Co-ordination with Landlords Housing Associations and Charities

- Some of the properties in which Trust staff work are owned by third parties such as NHS Property Services. The risk of smoking related fires is common to all organisations who work within residential health care provision.

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- The management team on site, with the assistance of the Health and Safety manager, should seek to coordinate the risk control measures across all organisations. Measures may include the review of tenancy agreement to specify that smoking actively is restricted to designated smoking areas only and that a formal appropriate warning system will be operated for those unable to comply.

Fire Detection and Fire Fighting Equipment

- All firefighting and detection systems must be always serviced and maintained in full working order regardless of ownership. Details of all servicing of fire detection and firefighting equipment is to be recorded in the onsite logbook. Any issues relating to the maintenance of such equipment that cannot be resolved locally are to be notified to the Fire Safety Assurance Officer.

Dissemination and Implementation Arrangements

- This document will be circulated to all managers who will be required to cascade the information to members of their teams and to confirm receipt of the procedure and destruction of previous procedures/policies which this supersedes. It will be available to all staff via the Trust intranet. Managers will ensure that all staff are briefed on its contents and on what it means for them.

Nicotine Containing Vapes

- Nicotine containing vapes are popular devices used across the Trust.
- Nicotine containing vapes are regarded by the NHS as safer than smoking and are a recognised device for tobacco dependency treatment services across England.
- Therefore, the Trust supports the safe use of these devices in the following locations:

Ward Gardens

Outdoor locations across the Trust Site (car parks, green spaces between buildings, walkways)

- For the health and safety of non-smokers, people using services, staff, visitors, and contractors to adhere to Fire Alarm regulations, currently no devices are to be used inside any of the buildings.

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- Nicotine containing vapes produce a nicotine vapour that contains a combination of vegetable oils, flavourings, and nicotine, therefore being mindful of who is around you when using these devices in outdoor spaces is essential.
- For more information regarding nicotine containing vapes please refer to the NHS Live Well page which details more information about vaping.
- Recycling and disposing of your nicotine containing vape is environmentally conscious and within the Trust we provide vape bins/tubes to dispose of vape safely and securely. Please ensure you are aware of the locations of these bins/tubes where provided.

Nicotine Containing Vape Charging Protocol

- Within each Directorate there will be different charging protocols for vaping, please refer to your directorate Vape Standard Operating Procedure (SOP)

Nicotine Replacement Therapy (NRT)

- Nicotine Replacement Therapy (NRT) is part of the NHS Long Term Plan standard treatment plan for smokers. The Trust provides as part of the Protocol for the Administration of Nicotine Replacement Therapy in inpatient settings a selection of NRT that can be prescribed by a registered nurse and/or registered medical prescriber. The protocol details the information on how this is prescribed and the NRT available.

Working With Smokers and Vapers in Their Homes

- When care is offered to service users of the Trust in their own home, it is essential that a request be made to provide a smoke free environment whilst the visit is taking place, and in the hour preceding a visit.
- This request should be made in the text of all appointment letters, wherever possible. A verbal request and provision of the leaflet can be accessed from the Trust website.
- This request can also be made at the time of the visit and the service user should be respectfully asked not to smoke whilst the employee is working within that environment.
- All staff visiting or treating service users in their own homes are entitled to the same level of protection as those working in Trust facilities, and staff should

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assure themselves as to their own safety when working in the service users home environment.

- If a member of staff believes that smoking that is recent (i.e., within the past two hours) or current smoking is evident in a patient's home she/he has the full support of the Trust to make decisions about services in these circumstances.
- Each case should be judged on individual circumstances and staff should seek support in decision making around these issues with their manager. Specifically: They have the discretion to make alternative arrangements for the provision of services, ensuring that the immediate safety and welfare of the patient is not compromised. Should minimise their exposure to ambient smoke by either re-arranging the visit with the proviso that the service user refrains from smoking for at least an hour prior or finding a smoke-free location near the home. At the next available opportunity, the service user should be offered support to stop smoking, either on an episodic basis prior to any visit, or a more permanent basis.
- Provision of care to service users who decline to provide a smoke-free environment for staff should be reviewed within the clinical team to evaluate the options available to balance the duty of care, and the protection of staff. The decision-making process should be documented in the patients care plan.

Roles and Responsibilities

This section outlines the roles and responsibilities within the organisation for the delivery of the Working Towards Smoke Free Policy and the Tobacco Dependence Treatment across the Trust.

Directors, Heads of Service

The Medical Director will hold ultimate responsibility for the implementation of the Working Towards Smoke Free Policy across the Trust, delegating implementation to the Working Towards Smoke Free Group, and through their nominated directorate representatives.

The Directors and Heads of Service will ensure that all people using services, staff, visitors, and contractors are made aware of the Working Towards Smoke Free Policy and have the adequate mechanisms in place to implement this across the directorates and services.

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The Directors and Heads of Service will ensure that all people using services are made aware of the Tobacco Dependence support available to them when visiting the Trust services and be able to access this within the timely manner.

Senior Managers, Matrons and Team Leads

The responsibility of this group will be to ensure the following:

- Access to Tobacco Dependence Treatment for people using services who are identified as smokers and would like support to reduce or stop smoking.
- Ensure that all members of staff who are identified as smokers are supported to access Tobacco Dependence Treatment services.
- Enable smokers to access Nicotine Replacement Therapy (NRT) and nicotine containing vapes in services that provide medicines directly to people using services.
- Provide information regarding the Working Towards Smoke Free Policy to all people visiting and working within the service and have adequate information regarding the procedures of the policy.
- To ensure there are posters, leaflets and other documentation that support the communication of the Working Towards Smoke Free Policy within the service.
- Provide guidance and information in how to manage the Working Towards Smoke Free Policy within the service, including training, team meetings and multidisciplinary team meetings.
- Ensure that smoking breaks are not included in routine treatment across the service and all steps are taken to ensure people are offered sufficient Nicotine Replacement Therapy (NRT) and nicotine containing vapes that prevent the onset of nicotine withdrawals within the first 24 hours of using services.
- Provide information on the Tobacco Dependency Treatment services that are available to people and how to refer them if they would like support.
- To ensure that all incidents related to smoking behaviour are reported through the Trust reporting system and discussed with the multidisciplinary team along with the persons involved.

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- To ensure that all nicotine containing vapes are disposed of using the appropriate recycling bins provided depending on where you work.

- **Clinical Staff**

All clinical staff across the Trust are responsible for promoting a smoke free culture and a healthy lifestyle in line with the Working Towards Smoke Free Policy by ensuring the following:

- Ask all people using services their smoking status and provide adequate information and tobacco dependence treatment support where necessary and continue to ask throughout the duration of their treatment as a persons smoking status may change.
- Record the information discussed with the person using services on the Electronic Patient Record and ensure this is documented on a regular occurrence during the treatment.
- Provide information on the Working Towards Smoke Free Policy to all people using services, visitors, and contractors during their visit to the service through the leaflets and posters provided to your service.

- **Please follow the following procedure below:**

The 'Positive Behavioural Support (PBS)' framework' described in the PMVA (Prevention and Management of Violence and Aggression) policy acknowledges challenging behaviours as resulting from a 'combination of unmet needs, poor quality of life and exposure to challenging environments'. Identifying the triggers for illicit smoking should therefore be a priority if policy breaches occur.

- Engage the service user in a conversation about the reasons they were unable to refrain from smoking
- Remind the service user of the benefits of smoking cessation or temporary restraint and the reasons for the smoke free policy.
- Review the pre-admission smoking behaviour of the service user to establish their level of nicotine dependence.

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- Consider whether current NRT prescription is adequately managing their dependence and ask the patient if they feel cravings.
- Offer an e-cigarette or facilitate the acquisition of one.
- Medical staff to review NRT dose if required.
- Review the level of engagement in activities, encourage engagement in 1-1 and/or current ward-based group activities to distract from any cravings and access competing rewarding activities and experiences.

All Staff

All staff across the Trust are responsible for promoting a smoke free culture and a healthy lifestyle in line with the Working Towards Smoke Free Policy by ensuring the following:

- Be aware of the Standard Operating Procedures for working in the service regarding the Working Towards Smoke Free Policy.
- Staff who would like to stop smoking are offered information regarding the Tobacco Dependence Services that will be able to support them through the stop smoking attempt via the NHS stop smoking website.
- Staff who choose to smoke are not permitted to smoke within any of the buildings and grounds owned or utilised by the Trust. If staff wish to smoke this is only permitted during official break times during the working day and away from the Trust buildings and grounds.
- **The following rules apply in line with the European Working Time Directive:**
 - Where staff work for longer than six hours, a break of a minimum of 20 minutes in total
 - All staff are encouraged to take a break, accordingly
 - Staff are not entitled to any additional 'smoking breaks' over and above their entitlement under the European Working Time Directive/rostered break time
 - In health and social care workplaces, breaks are taken in a manner consistent with maintaining safe staff levels and managing risk

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- For non-medical staff, a first breach of the policy may involve an informal discussion in accordance with the Disciplinary Policy and a discussion regarding whether support is required to stop smoking. Any further breaches will involve formal action in line with the Disciplinary policy.
- For Medical staff, breaches of the policy may be addressed informally in the first instance with support being offered to quit and then in line with the Maintaining High Professional Standards Policy.
- Staff are expected to report any incidences of breaches of this policy. If safe to do so by initially advising the smokers, of the Working Towards Smoke Free Policy and their obligations not to smoke, if they do not feel confident to approach the smoker, they should report the breach to their line manager or alternative appropriate Senior Manager.
- Staff may come across people who are breaching the policy within the service and communicating this to the person regarding the policy arrangements may cause resistance.

Smoke Free Service

- The Smoke Free Service provides tobacco dependence treatment to people who use services within the Trust.
- For the purposes of this policy the Smoke Free Service provides treatment to those who are admitted to the Directorate of Mental Health units across the Trust.
- The responsibility of the Smoke Free Service Lead within the service is to provide clear leadership around the operational procedures of the service and ensure people are supported throughout their stay across the Directorate of Mental Health units.
- The Smoke Free Lead supports the implementation of the Working Towards Smoke Free Policy across the Trust and will work collaboratively with directors from all directorates, senior managers, service leads and ward staff to ensure this is carried out.
- The Smoke Free Advisors role within the service is to provide clinical behavioural support and nicotine containing vapes and Nicotine Replacement Therapy (NRT) to people using services.

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Human Resources Department

- Job advertisements should include the statement that Leicestershire Partnership NHS Trust is a smoke free Trust. Staff are expected to promote the smoke free message when they are employed by the Trust. Details of this policy and support available for smokers should be routinely covered in an employee's induction.
- Information about the Trust's working towards smoke free status will be available in-service user information, in all recruitment literature and job offers, and in departmental safety policies and on the Trust website.

Consent

Clinical staff must ensure that consent has been sought and obtained before any care, intervention or treatment described in this policy is delivered. Consent can be given orally and/ or in writing. Someone could also give non-verbal consent if they understand the treatment or care about to take place. Consent must be voluntary and informed and the person consenting must have the capacity to make the decision.

In the event that the patient's capacity to consent is in doubt, clinical staff must ensure that a mental capacity assessment is completed and recorded. Someone with an impairment of or a disturbance in the functioning of the mind or brain is thought to lack the mental capacity to give informed consent if they cannot do one of the following:

- Understand information about the decision
- Remember that information
- Use the information to make the decision
- Communicate the decision

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Appendix One: Definitions

Consent: a patient's agreement for a health professional to provide care. Patients may indicate consent non-verbally (for example by presenting their arm for their pulse to be taken), orally, or in writing. For the consent to be valid, the patient must:

- be competent to take the particular decision;
- have received sufficient information to take it and not be acting under duress.

Due Regard: Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people. Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Nicotine Containing Vapes: They are nicotine delivery products which are battery powered:

- The products contain pharmacy grade nicotine, food grade colourings, propylene glycol and/or vegetable glycol.
- Vaping refers to the action of using the device
- No smoke is produced, a nicotine vapour is produced

Reducing Smoking: This means a person is wanting to reduce the amount of smoking tobacco products they use.

Standard Operating Procedure (SOP) : A step by step instruction detailed to help carry out routine procedures.

Stopping Smoking: This means a person is wanting to give up smoking tobacco containing products they use.

Tobacco Dependency Services: They are services that provide tobacco dependence treatment:

- This involves providing Nicotine Replacement Therapy (NRT) and Behavioural support from a qualified Tobacco Dependence Advisor in a variety of settings with the aim of providing support to individuals that smoke cigarettes
- These services are located across the Trust and outside of the Trust in local community services

Very Brief Advice (VBA): A brief 2-minute behavioural intervention that asks, a person about their smoking status and provides a referral to the tobacco dependence service.

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Appendix Two: Governance

Version control and summary of changes

Version number	Date	Description of key change
5.1	04/03/2026	New Policy Template and wording of Smoke Free Sites

Responsibilities

Responsibility	Title
Executive Lead	<i>Medical Director</i>
Policy Author	<i>Smoke Free Lead</i>
Advisors	<i>Governance Manager, Fire Safety Assurance Officer, Acting Head of Health Safety and Risk, Head of Adult Mental Health Urgent Care and Inpatients, Deputy Medical Director for Quality and Safety</i>
Policy Expert Group	

Governance

Governance Level	Name
Level 1 Assurance Oversight	<i>Quality Forum</i>
Level 2 Delivery Group for policy approval and compliance monitoring	<i>Clinical Effectiveness Group</i>

Compliance Measures

KPI (only need 1-2 KPI's per policy)	Where will this be reported and how often
Training of Staff	Working Towards Smoke Free Group
Incidents related to Smoking	Quality and Safety

Training Requirements

The NHS has committed to delivering tobacco dependence treatment to people who smoke as a core component of their treatment.

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Further, advance training is available from the Trust through the National Centre for Smoking Cessation and Training (NCSCT) programme that provides training and resources to support the work of implementing the Long-Term Plan aims for tobacco dependence. As part of this package training resources are available and can be delivered to teams to ensure they have the necessary knowledge and skills to provide this support.

References

Disciplinary Policy

Maintaining High Professional Standards Policy

PMVA Policy

Protocol for the Administration of Nicotine Replacement Therapies (NRT) in in-patient settings (2024)

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