

Smoke Free Policy Guidance notes

Background

On 26 March 2006 the law on smoking in Scotland changed. Smoking is no longer allowed in certain wholly or substantially enclosed public places in Scotland, for example workplaces.

The Scottish Parliament has passed this new legislation to protect people in Scotland from the harmful effects of passive smoking. The Scientific Committee on Tobacco and Health reviewed the evidence on passive smoking in 2004. They found it to be a serious public health hazard - increasing the risk of lung cancer, heart disease and respiratory illness in adults, and causing a variety of conditions in children.

Many people assume that proper ventilation can eliminate the health risks associated with passive smoking. But substantial evidence shows that ventilation systems only eliminate the smell and visibility of smoke - not the toxic carcinogens.

What the law means in practice

The law prohibits smoking in certain public places which are 'wholly or substantially enclosed', including the majority of workplaces. It is an offence to smoke in no smoking premises or to knowingly permit smoking in no smoking premises. The University faces a fixed penalty fine of £200 for allowing anyone to smoke on the premises and individuals can face a personal fine of £50 for smoking. Failure to pay or repeated offences can result in prosecution and a fine of £2,500.

Vehicles used for business purposes are also be affected by the law.

Heriot-Watt's Smoke-Free Policy:

The Support Services Board put together a working group who have agreed the policy to be implemented at Heriot-Watt. Staff groups were consulted and feedback was given throughout the process.

Heriot-Watt already had a predominantly smoke free environment - smoking was only allowed in a small number of designated areas.

It was agreed that smoking at entrances and exits or indeed in the close vicinity of any offices should be prohibited and a 5 metre exclusion zone was agreed. This will help alleviate the possibility of smoke permeating into surrounding offices and also help promote a professional image. Heads of School/Section may extend this distance should local needs require it.

Smoking shelters will not at this time be advocated. This decision was taken in light of budgetary constraints - it was felt that there are more suitable targets for spending. Additionally the legislation and this policy are aimed at improving public and employee health and providing smoking shelters appears contradictory.

The policy and its implementation will be reviewed in October 2006 by the Support Services Board and every two years thereafter.

Non Compliance:

Any student or member of staff found to be smoking on University premises will be subject to the appropriate disciplinary procedure as with any illegal behaviour (which smoking in a public place has now become).

All staff have a responsibility in helping implement this policy

If someone is found to be smoking in the University buildings they should be reminded that they are in fact committing an offence for which they and the University could be fined, and politely asked to stop. They should be advised that it is also an offence for the University to allow them to continue smoking.

If the person smoking does not stop, the manager responsible for that specific area should be informed who can then reinforce the message and/or ask the person to leave the premises. Should any such incidents occur, they should be reported via the manager to the Human Resources Office who will keep a record of all such incidents and outcomes.

The Secretary of the University who is ultimately responsible for this policy, will regularly review any reports.

Any member of staff who feels uncomfortable with approaching someone who is smoking, they should report the incident immediately to an appropriate person (line manager, head of school/section smoker is in etc) who can then approach the person in question.

Staff entering student rooms:

If any member of staff is required to enter a student's room as part of their work, the room is deemed for that period of time to be a place of work. Students are asked in the Smoke-free policy to refrain from smoking while any work is being carried out and if practicable for an hour beforehand. Any member of staff suffering from any pre-existing conditions which might be exacerbated by second-hand smoke (eg asthma, COPD etc and employees who are pregnant) and who is routinely expected to enter student rooms, should inform their manager. If any member of staff goes to a student room for work purposes and is faced with a smoke filled room and for health reasons does not wish to enter should report the matter immediately to their own or other appropriate manager.

Enforcing the new smoking law

The law will be enforced by Environmental Health Officers, who have been authorised by their local authority to carry out this work.

Authorised enforcement officers will have the power to enter no-smoking premises to determine whether the law is being upheld. They'll also assess whether or not those in control of the premises have taken all reasonable precautions to avoid people smoking.

Law and HW policy effective from 6am Sunday, 26th March 2006