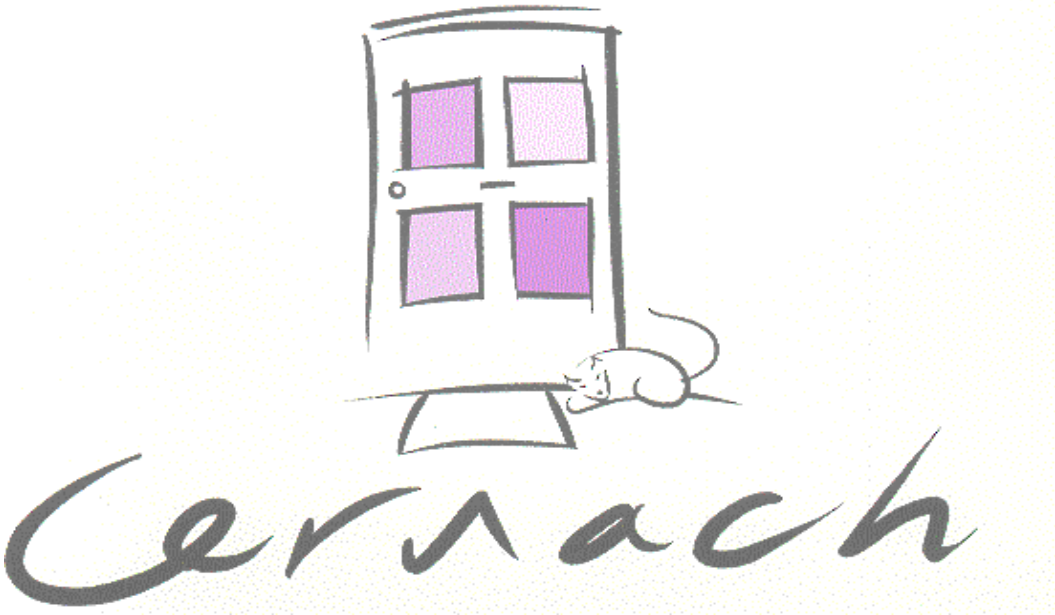


Smoke-free policy

Date Approved by Assurance Sub Committee: November 2026
Latest review date: November 2031

1. Introduction

1.1 Cernach Housing Association recognises, as an employer, it has a duty under the Smoking, Health and Social Care (Scotland) Act 2005, the Health and Safety at Work Act 1974 and Workplace (Health, Safety and Welfare) Regulations 1992, to ensure, so far as is reasonably practicable, that its working environment for all employees is healthy and safe.

2. Aims of the Policy

2.1 Ensure all employees, workers, agency staff, consultants, customers, visitors, staff from other agencies, governing body members and members of the public, air free of tobacco smoke and electronic cigarette vapor within all premises of Cernach Housing Association

2.2 Prohibits smoking or use of electronic cigarettes throughout all work premises and any work vehicles.

2.3 Defines how Cernach Housing Association will manage anyone in breach of this policy.

2.4 Support employees who smoke in their cessation effort.

3. Equality and human rights

3.1 The Association's Equality and Human Rights policy, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics. This includes ensuring that everyone has equal access to information and services, and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.

3.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Human Rights policy for more information).

3.3 In line with section 6 of the Equality and Human Rights Policy, the Association carried out an Equality Impact Assessment on this policy and no remedial action was identified as necessary. The full assessment is appended at the end of this policy. The Association's Equality and Human Rights policy, which was approved by the Committee in April 2025, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics. This includes ensuring that everyone has equal access to information and services, and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.

4. Definitions

4.1 Smoking

Smoking is the act of using any lit tobacco or similar substance that burns and produces smoke, such as a cigarette, cigar, pipe, or herbal smoking product.

4.2 An electronic cigarette (e-cigarette or vape)

An electronic cigarette (e cigarette or vape) is a device that heats a liquid to create a warm aerosol mist, which may contain nicotine and is inhaled to mimic the sensation and flavour of smoking, without involving combustion.

4.3 Enclosed premises

Enclosed premises refers to any space that has a roof and is surrounded by walls to the extent that it is considered indoors whether the walls are permanent or temporary.

4.4 A workplace/company vehicle

A workplace/company vehicle is any vehicle used for work purposes, can be used by one or more people, even if they do not use it at the same time, such as a shared company car or van.

4.5 A designated smoking area

A a controlled environment where individuals who choose to smoke/use electronic cigarettes can do so without negatively impacting others or violating smoking regulations.

5. Legal Framework

- Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006
- Smoking, Health and Social Care (Scotland) Act 2005
- Health and Safety at Work Act 1974
- Workplace (Health, Safety and Welfare) Regulations 1992

6. Policy conditions

6.1 General

In line with Smoking, Health and Social Care (Scotland) Act 2005, Cernach Housing Association prohibits smoking or use of electronic cigarettes within their premises in any common or work areas, including all company vehicles. Private cars used to transport colleagues, clients or visitors in relation to business are also covered by this policy. Anyone who wishes to smoke or use electronic cigarettes must do so in the designated outdoor smoking areas stipulated by Cernach Housing Association – located beside the bin store to the side of the building.

6.2 Use of Electronic Cigarettes (E cigarettes or Vapes)

Electronic cigarettes are not covered under the Smoking, Health and Social Care (Scotland) Act 2005, however the use of electronic cigarettes on Cernach Housing Association‘s premises, including company vehicles is prohibited, employees should therefore only use electronic cigarettes in designated smoking areas.

6.3 Passive smoking exposure out with the organisation’s premises

Employees are entitled to work within a smoke-free environment, this includes out with company premises and vehicles. Employees should report any concerns to their Line Manager, who will take appropriate actions to prevent this.

6.4 Breaches of Cernach Housing Association’s Smoke Free Policy

The Smoke-Free Policy applies to all employees, workers, agency staff and consultants across the organisation. Any breaches of this policy will be dealt

with in accordance Cernach Housing Association's Disciplinary Procedures with may lead to disciplinary action against an employee in accordance with the disciplinary procedure with outcomes of up to and including dismissal.

Breaches of the Smoking, Health and Social Care (Scotland) Act 2005 is also considered a criminal offence and that fines and prosecution may be applied to individuals and employers by the Environmental Health Officers.

Any contractor, customer, visitor, staff from other agencies or other members of the public who do not comply with the provisions of Cernach Housing Association's Smoke-Free policy will be asked to leave the premises immediately.

7. Responsibilities

7.1 Cernach Housing Association acknowledges the importance of adhering to this policy.

7.2 Employers are responsible for;

7.2.1 Ensure all employees, workers, contractors, customers, visitors, staff from other agencies, governing body or committee members and members of the public are informed that Cernach Housing Association operates a Smoke-Free Policy in all its premises, developed to ensure a safe working environment.

7.2.2 Ensure the main policy provisions will be clearly displayed at the entrance to Cernach Housing Association premises (Appendix C)

7.2.3 Ensure 'No Smoking' signs will be clearly displayed in Cernach Housing Association premises

7.2.4 Cernach Housing Association has sufficient designated outdoor smoking area on their premises.

7.2.5 Ensure that smoking/use of electronic cigarettes is only allowed in designated areas. Smoking or use of electronic vapes out with these designated areas, on any company premises including company vehicles will be regarded as a breach of this policy.

7.2.6 Manage any breaches of Cernach Housing Association's Smoke-Free Policy as set out within this policy.

7.2.7 Ensure we signpost and provide support to any employees who are seeking to cease smoking or stop using electronic cigarettes.

7.3 Employees are responsible for;

7.3.1 Adhering to the Cernach Housing Association Smoke-Free Policy

7.3.2 Report any breaches of Cernach Housing Association's Smoke-Free Policy to their line manager.

7.3.3 Report any exposure to passive smoking outwith Cernach Housing Association's premises or company vehicles to their line manager.

7.3.4 Highlight any concerns regarding the Smoke Free Policy to their Line Manager or to the Director.

7.3.5 Seek cessation support, if required by speaking with their Line Manager or utilising the information with this policy.

8. Cessation Support

8.1 Cernach Housing Association recognises that the Smoke-Free Policy may impact those who smoke or use electronic cigarettes.

In an effort to help employees support is available:

8.1.1 Speak with your Line Manager, who will guide you and provide necessary support.

8.1.2 Contact 'Quit Your Way Scotland' the NHS support service for smoking cessation by:

- Phone on 0800 84 84 84 - The helpline is open Monday to Friday, 9am to 5pm.
- Chat Online Webchat is open Monday to Friday 9am to 5pm, if an adviser is available.
- Text Message to 07903 588 669. You must include any questions you have within the text.

8.1.3 Your GP and local pharmacies can also offer assistance and advice with smoking cessation.

9. General Data Protection Regulations

9.1 Cernach HA will treat personal data in line with its obligations under the current data protection regulations and Cernach's data protection policy. Information regarding how personal data will be used and the basis for processing this is provided in our employee privacy notice.

10. Policy Review

10.1 This policy will be reviewed by the Assurance Sub Committee at least every five years to ensure it continues to meet the requirements of the Association or in line with EVH updates, whichever is sooner.

APPENDIX A

'No-Smoking Premises' (as listed in Schedule 1 to the Regulations)

Those premises which fall within the scope of the legislation, having been classed as 'no-smoking premises', are:

Restaurants	Offshore installations.
Bars and public houses	Educational institution premises.
Shops and shopping centres	Sports centres
Hotels	Club premises
Libraries, archives, museums and galleries	Public transportation vehicles
Public toilets	Public telephone kiosks
Cinemas, concert halls, theatres, bingo halls, gaming and amusement arcades, casinos, dance halls, discotheques and other premises used for the entertainment of members of the public	Premises used for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body.
Premises used as a broadcasting studio or film studio or for the recording of a performance with a view to its use in a programme service or in a film intended for public exhibition	Premises providing care home services, sheltered housing or secure accommodation services and premises that are non-domestic premises which provide offender accommodation services.
Halls and any other premises used for the assembly of members of the public for social or recreational purposes	Airport passenger terminals and any other public transportation facilities
Conference centres, public halls and exhibition halls	Crèches, day nurseries, day centres and other premises used for the day care of children or adults
Offices, factories and other premises that are non-domestic premises in which one or more persons work	Vehicles which one or more persons use for work
Hospitals, hospices, psychiatric hospitals, psychiatric units and health care premises	

APPENDIX B

Exemptions (as listed in Schedule 2 to the Regulations)

Those premises (or part of premises) which are exempt from the legislation are:

Residential accommodation	Detention or interview rooms which are designated rooms.
Designated rooms in adult care homes.	Designated rooms in offshore installations.
Adult hospices	Private vehicles
Designated rooms in psychiatric hospitals and psychiatric units	Designated laboratory rooms.
Designated hotel bedrooms.	HM Submarines and ships of the Royal Fleet Auxiliary.

APPENDIX C
Cernach Housing Association's Smoke-Free Policy

Purpose

This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke and to assist compliance with the Smoking, Health and Social Care (Scotland) Act 2005.

Policy

It is the policy of Cernach Housing Association that all our workplaces are smoke-free, and all employees have a right to work in a smoke-free environment.

Smoking and use of electronic cigarettes is prohibited throughout the entire workplace with no exceptions. This includes company vehicles. This policy applies to all employees, workers, contractors, customers, visitors, staff from other agencies, governing body or committee members or members of the public.

Employees, workers, customers, contractors visitors and governing body or committee members are allowed to smoke or use electronic cigarettes in Cernach Housing Association's designated smoking area – located next to the bin store at the side of the building.

Implementation

Overall responsibility for policy implementation and review rests with the Director. All staff are obliged to adhere to, and facilitate the implementation of the policy.

The person named above shall inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. They'll also have to give all new personnel a copy of the policy on recruitment/induction.

Appropriate 'No Smoking' signs will be clearly displayed at the entrances to and within the premises.

Non-compliance

Disciplinary procedures shall be followed if an employee does not comply with this policy.

Any contractor, customer, visitor, staff from other agencies or other members of the public who do not comply with the provisions of Cernach Housing Association's Smoke-Free policy will be asked to leave the premises immediately.

In addition to this anyone who does not comply with the legislation are also liable to a fixed penalty fine and possible criminal prosecution.

Help to stop smoking

Cernach Housing Association recognises that the Smoke-Free Policy may impact those who smoke or use electronic cigarettes.

In an effort to help employees support is available:

- Contact 'Quit Your Way Scotland' the NHS support service for smoking cessation. Phone on 0800 84 84 84 - The helpline is open Monday to Friday, 9am to 5pm.

  Chat Online Webchat is open Monday to Friday 9am to 5pm, if an adviser is available.
  https://www.nhsinform.scot/care-support-and-rights/nhs-services/helplines/quit-your-way-scotland

  Text Message to 07903 588 669. You must include any questions you have within the text.

- Your GP and local pharmacies can also offer assistance and advice with smoking cessation.

APPENDIX D


NO SMOKING
These are no smoking premises.
It is an offence to smoke or knowingly to permit smoking in these premises.
If you observe someone smoking here, a complaint may be made to
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Cernach Housing Association
Equality Impact Assessment Tool

Name of the policy / proposal to be assessed	Smoke-free policy	Is this a new policy / proposal or a revision?	New Policy
Person(s) responsible for the assessment	E McShane		
1. Briefly describe the aims, objectives and purpose of the policy / proposal	The aims of this policy are to advise staff on responsibilities of a smoke-free workplace		
2. Who is intended to benefit from the policy / proposal? (e.g. applicants, tenants, staff, contractors)	Staff		
3. What outcomes are wanted from this policy / proposal? (e.g. the benefits to customers)	Provide a framework to guide staff to avoid smoking within the workplace, and signpost to appropriate cessation services		

4. Which protected characteristics could be affected by the proposal? (tick all that apply)

☒ Age ☒ Disability ☒ Marriage & Civil Partnership ☒ Pregnancy/Maternity ☐ Race

☐ Religion or Belief ☒ Gender ☐ Gender Reassignment ☐ Sexual Orientation

5. If the policy / proposal is not relevant to any of the protected characteristics listed in part 4, state why and end the process here.		
6. Describe the likely positive or negative impact(s) the policy / proposal could have on the groups identified in part 4	Positive impact(s) No identified positive impacts on any particular group	Negative impact(s) No identified negative impacts
7. What actions are required to address the impacts arising from this assessment? (This might include: collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).	None required	

Signed: *E McShane* Job title: Head of Corporate Services

Date the Equality Impact Assessment was completed: 02/11/2026