



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



Meeting Date	05 April 2022		Agenda Item	3.5
Report Title	Implementation of Smoke-Free Premises and Vehicles (Wales) Regulations 2020			
Report Author	Mark Parsons, Assistant Director of Health & Safety			
Report Sponsor	Darren Griffiths, Director of Finance and Performance			
Presented by	Mark Parsons, Assistant Director of Health and Safety			
Freedom of Information	Open			
Purpose of the Report	The purpose of this paper is to provide the Health and Safety Committee with an update on how the Swansea Bay University Health Board is implementing the Smoke-free Premises and Vehicles (Wales) Regulations 2020 of the Public Health (Wales) Act 2017.			
Issues Identified	<ul style="list-style-type: none"> • The Health Board was prepared by 1st March 2021 and had measures in place to comply with the Smoke-Free Premises and Vehicles (Wales) Regulations 2020 of the Public Health (Wales) Act 2017 on hospital sites • A number of legislative requirements and evidence based actions have been implemented to support legislative requirements 			
Specific Action Required <i>(please choose one only)</i>	Information	Discussion	Assurance	Approval
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendations	Members are asked to : <ul style="list-style-type: none"> • NOTE the report and actions outlined 			

IMPLEMENTATION OF SMOKE-FREE PREMISES AND VEHICLES (WALES) REGULATIONS 2020

1. INTRODUCTION

The purpose of this paper is to update the Committee on the implementation of the Public Health (Wales) Act 2017 and the Smoke-free Premises and Vehicles (Wales) Regulations 2020 that came into force on 1st March 2021, with an overview of the work and progress made to date. The updated legislation now makes smoking illegal on all hospital sites across Wales.

2. BACKGROUND

The Smoke-free Premises etc. (Wales) Regulations 2007 (“the 2007 Regulations”) were introduced to protect employees and the public from the harmful effects of second-hand smoke. This legislation prevented smoking in ‘enclosed’ or ‘substantially enclosed’ public places, including workplaces and vehicles. The legislation has been very effective with high levels of compliance and public support. In 2015, the 2007 Regulations were amended to require cars carrying children to be smoke-free.

On 1st March 2021 the Smoke Free Premises and Vehicles (Wales) Regulations 2020 will become law and together with the Public Health (Wales) Act 2017 (“the 2017 Act”) which together establish the new smoke-free regime in Wales. Many of the requirements established by the 2007 Regulations will stay the same, but via the 2017 Act and the 2020 Regulations. The updated legislation enables changes to extend the smoke-free requirements to more places in Wales. Hospital grounds, schools grounds and public playgrounds, as well as outdoor day care and child-minding settings will be required to be smoke-free.

With regard to hospital sites, the guidance sets out what the changes in the law mean for hospitals and what those responsible for hospitals need to do. Broadly, the requirements are that:

- hospital grounds in Wales are required to be smoke-free
- it is an offence to smoke in hospital grounds. Smoking in a smoke-free space from the 1 of March 2021 could result in a £100 fine.
- the manager or person responsible for the hospital grounds must take reasonable steps to stop smoking there
- the display of ‘No smoking’ signs will be required
- designated smoking areas within the hospital grounds can be provided if the hospital wishes to do so.

Authorised officers within the local authority will enforce the new laws across Wales.

2.1 Swansea Bay University Health Board Smoke Free Policy

SB UHB has had a Smoke Free Environment policy in place since 2012

<http://howis.wales.nhs.uk/sites3/Documents/743/94.%20Smoke%20Free%20Policy%20-%20November%202021.pdf>

2.2.1 Scope

Smoking was already prohibited on all health board premises and grounds. The policy applies to all people present on Health Board premises and grounds, including all staff, bank and agency staff, contractors, patients/clients and visitors; and covers all premises and grounds within Health Board control either owned or leased.

There are a few named exceptions for specific patient groups including mental health and palliative patients in designated smoking areas as defined in section 8 of the policy.

2.2.2 Electronic Nicotine Delivery systems

The Smoke Free policy prohibits the use of Electronic Nicotine Delivery systems (e-cigarettes/ vaping/vapes) on the same basis as cigarettes and other smoking materials (section 1.8). Throughout the policy the term smoking incorporates the use of ENDS/e-cigarettes.

2.2.3 Designated smoking shelters/areas

Designated smoking shelters or areas (inside or outside) for smoking are not permitted (as outlined in sections 2.4 and 5.4) on Health Board sites. This applies to patients, visitors and staff. There is an exception of designated smoking rooms for patients within residential Mental Health or Learning Disability Units and within a dedicated palliative care facility. There is no smoking permitted on the premises or grounds of Mental Health/Learning Disability establishments that do not provide residential accommodation (for example, day units)

2.2.4 The sale or promotion of tobacco products is not allowed on Health Board premises or grounds.

Despite the Health Boards Policy, visibility of smoking on hospital grounds continues to be a challenge despite additional controls being implemented, with some individuals visiting/working on the sites not adhering to policy, normalises smoking which is counterproductive to the strategic direction to de-normalise smoking in our society, and undermines clinical interventions. With the introduction of Smoke Free Regulations, legally all hospital sites must be smoke free from 1st March 2021 (with exceptions for mental health and palliative patient); and it will be an offence to smoke in hospital grounds, and enforceable by law.

3. PROGRESS

3.1 Governance

- A Smoke free hospitals Task and Finish Group was established to oversee the Smoke Free Regulations implementation across SBUHB. The group is chaired by the Chief of Staff and Director of Communications. Its first meeting was held on 12th February 2021.
- A paper was taken to the Health Boards Senior Leadership (SLT) team meeting on 17th February 2021, with recommendations for action outlined in the paper having been agreed by SLT.
- SLT agreed that Service Group Directors should be the designated individuals as required by the legislation, in relation to the hospital sites falling under their responsibility (though since clarified that they would not be personally liable for any financial penalties, which would be covered by the Health Board).

- Service Group Directors have been engaged and briefed
- It was been agreed that there is a coordinated response to initial implementation, with communications, signage and initial roles, responsibilities, and expectations to be determined and arranged corporately (in conjunction with Local Authority partners in relation to enforcement).
- Local (Group level) responsibilities are agreed and set out, Service Group Directors identified as accountable through the Health Board's normal performance management arrangements.

3.1 Swansea Bay University Health Board Smoke Free policy

- The Smoke Free policy has been reviewed in line with the Regulations.
- The updated Smoke Free Policy was ratified at the Health Boards Health & Safety committee in November 2021.

3.2 Requirements for Smoke Free Legislation on Hospital Sites

3.2.1 Definition of hospital grounds

- Work has progressed to determine the legal definition of hospital grounds with the Health Boards legal team and Welsh Government
- Scoping has been undertaken of the Health Board estate, and sites that meet the definition of Hospital grounds have been identified with Service Delivery Units
- Work is progressing to establish the approach to be used with sites that are not Health Board owned/led (such as PFI, primary care estates)

3.2.2 Ensuring Compliance – Signs

- Funding was secured from the Health Boards Corporate funding allocation for provision of signage across Health Board estate as per legislative requirements
- Signage has been designed and agreed. This was based on Welsh Government's template (graphic representing a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol and using the required legislative text 'It is against the law to smoke in these hospital grounds. The signs have included the addition of the SB UHB logo, and the legislation's reference Smoke Free Regulations and Public Health Act)
- Signage has been procured and installed
- Surveying of sites was undertaken, signage erection points were identified
- Signs were installed on 1st March at main entrances to Singleton and Morriston Hospital, then NPT. Roll out programme of signage erection is in place across the remaining sites
- Ongoing programme of work to identify full extent of sites as hospital grounds definition (including primary care and communities estates) to ensure full coverage of signage to meet Regulation requirements
- A review of existing signs on hospital grounds is in progress, with removal and erection of new signs where required
- Programme of work is in place to provide signage to exits from buildings to smoke-free grounds.

3.2.3 Enforcement

- Discussions and meetings held with both Neath Port Talbot and Swansea Local Authority (LA) Enforcement Teams

- Proposed approach is to Advise, explain and enforce, where formal enforcement action is the last resort.
- Enforcement to be consistent, transparent and proportionate
- Visible visits by LA enforcement teams to be planned on all main hospital sites accompanied by staff members (e.g. security guards- meeting to be held with facilities).
- Accompanying communications and publicity of enforcement visits for staff and general public to be planned in order to raise awareness

To date there have been no site visits or enforcement by the respective local authorities that the HB have been made aware of.

3.2.4 Exemptions

- Scoping continues to being undertaken to understand the current position regarding Mental Health / Learning Disability and Palliative Care Units

3.2.5 Communication

- National communication/media campaign
- Swansea Bay UHB Communication implemented
- Internal UHB communications developed and published on intranet
- Staff bulletin content developed and published
- Frequently Asked Questions and Answers for Staff document, developed and publicised
- Frequently Asked Questions and Answers for Public document, developed and publicised
- Swansea Bay UHB Intranet site smoking pages reviewed and updated

3.2.6 Engagement

- Engagement with Swansea Bay UHB's Partnership Forum
- Staff side representation on Task and Finish Group
- Community Health Council briefed
- Team briefings

3.3.7 Cessation

- Clinical Online information network (COIN) Smoking Cessation Referral Pathways Primary and Secondary Care have been reviewed
- Primary Care and Communities Service Delivery Unit progressing the integration of the Help me quit community and Help me quit hospital teams; Organisational change process (OCP) in progress

4. **RECOMMENDATION**

Members are asked to :

- **NOTE** the report and actions outlined

Governance and Assurance		
Link to Enabling Objectives <i>(please choose)</i>	Supporting better health and wellbeing by actively promoting and empowering people to live well in resilient communities	
	Partnerships for Improving Health and Wellbeing	<input checked="" type="checkbox"/>
	Co-Production and Health Literacy	<input type="checkbox"/>
	Digitally Enabled Health and Wellbeing	<input type="checkbox"/>
	Deliver better care through excellent health and care services achieving the outcomes that matter most to people	
	Best Value Outcomes and High Quality Care	<input checked="" type="checkbox"/>
	Partnerships for Care	<input checked="" type="checkbox"/>
	Excellent Staff	<input type="checkbox"/>
	Digitally Enabled Care	<input type="checkbox"/>
	Outstanding Research, Innovation, Education and Learning	<input type="checkbox"/>
Health and Care Standards		
<i>(please choose)</i>	Staying Healthy	<input checked="" type="checkbox"/>
	Safe Care	<input checked="" type="checkbox"/>
	Effective Care	<input checked="" type="checkbox"/>
	Dignified Care	<input type="checkbox"/>
	Timely Care	<input type="checkbox"/>
	Individual Care	<input type="checkbox"/>
	Staff and Resources	<input checked="" type="checkbox"/>
Quality, Safety and Patient Experience		
Improvements that are required (e.g. have an effective smoking pathway) to support effective legislation implementation will have benefits for effective patient care (particularly in patient smokers) and enhance the quality of the patient experience. Smoke free sites will be of benefit to visitors and staff, and reduce the harm of second hand smoke		
Financial Implications		
No financial resources are available from WG to support legislation implementation.		
Legal Implications (including equality and diversity assessment)		
Swansea Bay University Health Board (SBUHB) is committed to providing and maintaining a safe and healthy work place and implementing legislative and regulatory framework covering health and safety and Public Health which includes: <ul style="list-style-type: none"> • The Health & Safety at Work Act 1974 • Management of Health and Safety at Work Regulations 1999 • The Public Health (Wales) Act 2017 • Smoke-Free Premises and Vehicles (Wales) Regulations 2020 		
Staffing Implications		
Full implementation of the Ottawa model will require staff training, may have staffing implications, and a requirement for extra capacity in smoking cessation services – this would need to be fully costed.		
Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015)		
Contributing to the 'A Healthier Wales' wellbeing goal, the work will meet the sustainable development, focussing on prevention activity, supportive smoke free environments and cessation pathways; Working in collaboration through all aspects of our work within the Health Board and partners to deliver tobacco control plans. Proactively building relationships and partnerships. Implementation of Smoke free legislation on hospital sites will require the support of local authorities as the enforcement agency.		
Report History	T&FG 09.02.21	

	SLT 17.0221 H&S committee 01.04.21
Appendices	N/A