


# SMOKE/ E-CIGARETTE/ VAPE FREE POLICY

Introducing the  
[Prohibition of Smoking Outside Hospital Buildings \(Scotland\) Regulations 2022](#)

|                     |  |
|---------------------|--|
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| Approval Committee: | Area Partnership Forum                   |
| Date of Review:     | October 2025                             |

Signed:



Gordon Jamieson, Chief Executive  
NHS Western Isles



Jane Bain, Employee Director  
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## NHS Western Isles – our Smoke Free Commitment

### 1. Introduction

- 1.1 NHS Western Isles is committed to providing a safe and healthy environment for all staff, patients and visitors.
- 1.2 Health improvement and illness prevention are the primary function of NHS Western Isles, and a reduction in smoking prevalence and exposure will contribute greatly to this. A Smoke free environment and the provision of tobacco education and cessation support are recognised methods of achieving this aim, all of which are at the heart of this policy.
- 1.3 Whilst smoking rates have gradually declined since 2003, smoking remains the biggest single preventable cause of ill health and early death in our country. In 2021 **smoking** accounted for an estimated 8,260 **deaths** (250 **deaths** per 100,000 population) in those aged 35 and over in **Scotland** ([Key points - ScotPHO](#)).

### 2. Policy Statement

- 2.1 The 2004 Scottish Executive document A Breath of Fresh Air for Scotland challenges the NHS in Scotland “to show leadership in the creation of smoke – free environments.” NHS Western Isles will have a single, unified and explicit commitment to smoke/e-cigarette/vape free premises.
- 2.2 By law NHS Western Isles is responsible for ensuring that all its enclosed or substantially enclosed public places are smoke/e-cigarette/vape free, maintaining a safe, healthy working environment, protecting the health of patients, staff, visitors and contractors from hazardous environments, and making sure that staff understand their responsibilities to take reasonable care of the health and safety of themselves and others.
- 2.3 Smoking has been banned on NHS Western Isles property since 30 November 2013, this includes all buildings, all vehicles and grounds, making NHS Western Isles completely smoke/e-cigarette/vape free.
- 2.4 The [Prohibition of Smoking Outside Hospital Buildings \(Scotland\) Regulations 2022](#) came into effect on 5<sup>th</sup> September 2022 and supports the ambition of the Scottish Government and the Western Isles Health Board to have entirely smoke/e-cigarette/vape free grounds by establishing a legally enforceable 15 meter smoke/e-cigarette/vape free perimeter around hospital buildings. The new legislation means anyone found smoking/vaping within fifteen metres of a hospital

building could face a fixed penalty notice of £50 or a fine of up to £1,000 if the case goes to court.

- 2.5 We will continue to highlight the support that the smoking cessation services can offer to staff or patients who wish to stop smoking/vaping.
- 2.6 All patients who smoke will be offered access to smoking cessation support and in-patients experiencing acute nicotine withdrawal will be treated in a supportive manner and prescribed appropriate nicotine replacement therapy (NRT) medication where required.
- 2.7 All staff who smoke/vape will on request be offered smoking cessation information and support.
- 2.8 “E-cigarettes” / smokeless cigarettes will also be prohibited by this Policy.
- 2.9 Staff are prohibited from smoking/vaping when in uniform.
- 2.10 Patients who choose to leave NHS Western Isles buildings and grounds to smoke will not be accompanied by staff. Any patient known to be considering this should be advised of the potential risks associated with leaving the clinical area.

### **3. Key Principles**

- No patient, visitor or staff member will be exposed to tobacco smoke against their will.
- Smokers who want to stop will be offered smoking cessation support.
- Support the de-normalisation of smoking/vaping;
- Help reduce the use of tobacco across the population;
- Prevent or reduce exposure to second-hand smoke; and
- Ensure the NHS in Scotland is an exemplar in the promotion of good public health.

### **4. Equality and Diversity**

- 4.1 In applying this policy, all employees and patients will be treated equally, irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. NHS Western Isle seeks at all times to comply with the Equality Act 2010 and the Protected Characteristics as laid down in Section 5 of the Act.

## 5. Scope

### 5.1 Smoking/vaping is not allowed on NHS Western Isles premises.

This policy covers:

- All buildings e.g. offices, hospitals, health centres, staff residences including doorways and main entrances
- All vehicles e.g. pool cars, lease cars (within working hours), light and heavy goods vehicles
- All grounds e.g. gardens, walkways, car parks

### 5.2 The Prohibition of Smoking Outside Hospital Buildings (Scotland) Regulations 2022 sets out the types of buildings which the enforceable 15 metre smoke/e-cigarette/vape free perimeter applies which are generally buildings which are used for the treatment and care of patients:

#### **Lewis**

|  |  |
|--|--|
| Western Isles Hospital                 | Macaulay Road, Stornoway, Isle of Lewis    |
| Stornoway Health Centre                | Springfield Road, Stornoway, Isle of Lewis |
| Western Isles Dental Centre            | Macaulay Road, Stornoway, Isle of Lewis    |
| Habost Clinic, (Group Practice Branch) | Habost, Ness, Isle of Lewis                |
| Langabhat Medical Practice             | Borve, Isle of Lewis                       |
| Langabhat Medical Practice             | Carloway, Isle of Lewis                    |
| Langabhat Medical Practice             | Gravir, Isle of Lewis                      |
| Langabhat Medical Practice             | North Lochs, Isle of Lewis                 |
| Langabhat Medical Practice             | Miavaig, Uig, Isle of Lewis                |

#### **Harris**

|                               |   |
|-------------------------------|---|
| North Harris Clinical Hub     | Tarbert, Isle of Harris                     |
| South Harris Medical Practice | Leverburgh, Isle of Harris                  |
| Nurse's Clinic, Leverburgh    | 9 Lever Terrace, Leverburgh, Isle of Harris |

#### **Uist**

|                                       |                               |
|---------------------------------------|-------------------------------|
| Uist and Barra Hospital               | Balivanich, Benbecula         |
| North Uist Medical Practice           | Lochmaddy, Isle of North Uist |
| North Uist Med Practice Branch Clinic | Berneray, Isle of North Uist  |
| South Uist Medical Practice           | Daliburgh, Isle of South Uist |
| Benbecula Medical Practice            | Griminish, Isle of Benbecula  |
| Benbecula Branch Surgery              | Daliburgh, Isle of South Uist |
| Community Clinic                      | Balivanich, Benbecula         |

#### **Barra**

|                              |                          |
|------------------------------|--------------------------|
| St Brendan's Hospital, Barra | Castlebay, Isle of Barra |
| Clach Mhile Surgery          | Castlebay, Isle of Barra |

### **5.3 This policy applies to:**

- All NHS Western Isles employees
- The wider NHS family e.g. contractors, students, voluntary staff, placements, personnel with honorary contracts (whether or not a uniform is worn on Board business)
- All patients, including out-patients, day patients, in-patients and long stay patients
- All visitors or other people whose work, study or personal circumstances brings them onto NHS Western Isles premises.

## 6. Responsibilities

- 6.1 **Employee:** to comply with the policy as a requirement of the terms & conditions of employment, and to support and enforce it with patients, visitors and colleagues.
- 6.2 **Manager/Supervisor:** to support any employee who expresses a desire to stop smoking, to ensure that the policy framework is being adhered to in his/her area of responsibility and to investigate and address any alleged breaches.
- 6.3 **Human Resources:** to provide support and advice to managers to help them to apply the policy effectively, to monitor policy breaches, and to include a briefing on the policy at staff local induction.
- 6.4 **Staff-side Representatives:** to provide support and advice to their members, ensuring that the policy is applied appropriately.
- 6.5 **Occupational Health:** to provide support and advice to those employees who wish to stop smoking.

## 7. Policy in Practice

### 7.1 NHS Staff & Wider NHS family

- Staff must not smoke/vape when on duty or in uniform.
- Staff must not smoke/vape in their cars in NHS Western Isles car parks or grounds during official breaks or at any other times whether in uniform or not.
- The policy applies to students, placements, trainees and volunteers not in our employment who have access to our facilities for training purposes and will be a condition of accepting them as student/trainees.
- Contractors working on NHS Western Isles site are subject to this policy and will be notified of these conditions prior to employment and/or commencement of work.
- Suppliers and deliverers of goods will not smoke/vape on NHS Western Isles premises.
- **Residences:** all residences must be smoke/e-cigarette/vape free in accordance with the Policy. Where this is not specified in the current lease agreement, this will be undertaken upon renewal.
- **Home visits:** Staff should not be exposed to second hand smoke during home visits. To protect staff who visit patients in their own homes, patients and their families will be requested not to smoke/vape for the duration of the visit.
- **Breaches of the policy:** If a member of staff is alleged to have breached the Smoke Free Policy, they will be subject to investigation and potential disciplinary action via the Once for Scotland Conduct Policy. Staff breaching the Policy will also be supported to receive support from Smoking Cessation. Line Managers will be made aware of their responsibility and authority in this matter.

## 7.2 Patients

- Patients who wish to smoke/vape may only do so 15 metres out with NHS Western Isles premises and grounds. NHS Western Isles accepts no responsibility or liability for those patients who leave the premises to smoke/vape.
- All elective patients will be notified about the Smoke/e-Cigarette/Vape Free Policy prior to their admission. In addition, for example, patients will be given contact details for smoking cessation in outpatients and/or at pre-op assessment for surgery.
- Non elective patients will be made aware of the Smoke/eCigarette/Vape Free Policy on admission.
- Patients experiencing nicotine withdrawal symptoms will be treated in a supportive manner and prescribed appropriate medication where required.
- Patients and their families will be requested not to smoke/vape for the duration of any home visits.
- Breaches of the policy: If a patient breaches the Smoke/e-Cigarette/Vape Free Policy, the escalation process found in Appendix 1 will apply. Patients who pose a risk of Violence and Aggression will be managed in line with the Management of Violence and Aggression at Work Policy.

## 7.3 Assessing the risk of violence to staff and other service users

At all times, staff should carefully consider the risk of possible violence or aggression both to themselves, other staff and to other service users, and visitors to the ward when enforcing this policy. If the member of staff is concerned that the person may react in a way that puts him/her or other service users at risk, then the member of staff should take no steps that would exacerbate matters and consider calling in the police if there are risks to public safety associated with non-compliance with the policy. The staff member must immediately report his/her concerns to the person in charge or a senior manager who will determine the appropriate action to be taken. Staff should refer to NHS Western Isles Management of Violence and Aggression at Work Policy. Guidelines on the therapeutic management of violence in Western Isles NHS healthcare settings. Nursing staff must, wherever possible, make professional decisions about how to manage non-compliance, and include this in the service users care plans. The care plans should detail a comprehensive risk assessment (clinical and environmental) relating to the service user's non-compliance.

## 7.4 Visitors

- Visitors must not smoke/vape in NHS Western Isles buildings, premises and grounds.
- **Breaches of the policy:** If a visitor breaches the Smoke Free Policy, they will be asked to leave the premises and may be subject to a fine as set out in paragraph 6.2



## 7.5 Penalties

It is an offence to smoke/vape in the no-smoking area. However, it is important to note that the creation of an enforceable no-smoking perimeter is foremost about encouraging behaviour change. Given the nature of the environment and the possibility that people in a hospital setting may be vulnerable or upset, enforcement should be conducted as sensitively as possible. Emphasis should be placed on education and behaviour change. Enforcement through the imposition of penalties and fines should follow only when other steps to resolve issues have failed.

- 7.6 The person who has management and control of the no-smoking area outside a hospital building commits an offence if they knowingly permit someone to smoke/vape in that area
- 7.7 An individual found to be smoking/vaping within a 15 metres of a hospital building may be subject to an enforceable penalty. The Smoking, Health and Social Care (Scotland) Act 2005 sets out the maximum penalties for those guilty of offences.
- A fine not exceeding level 3 on the standard scale for smoking in a no-smoking area outside a hospital building (currently £1,000)
  - A fine not exceeding level 4 on the standard scale for knowingly permitting someone to smoke in a no-smoking area outside a hospital building (currently £2,500)
  - A fine not exceeding level 3 on the standard scale for failing to display or failing to comply with the requirements for display of no-smoking notices (currently £1,000)
- 7.8 A fixed penalty notice may be issued in relation to offences committed by natural persons. This will enable a person to discharge their liability by paying a fixed penalty. The Prohibition of Smoking Outside Hospital Buildings (Scotland) Regulations 2022 amend the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 (“the 2006 Regulations”) to provide that the fixed penalty amount is:
- £50 for smoking/vaping in a no-smoking area outside a hospital building;
  - £200 for knowingly permitting someone to smoke in a no-smoking area outside a hospital building;
  - £200 for failing to display or failing to comply with the requirements for display of no-smoking notices.
- 7.9 If the fixed penalty is paid before the end of the period of 15 days beginning with the day on which the fixed penalty notice is given, a discounted amount is payable. The Prohibition of Smoking Outside Hospital Buildings (Scotland) Regulations 2022 amend the 2006 Regulations to provide that the discounted amount is:

- £30 for smoking/vaping in a no-smoking area outside a hospital building;
- £150 for knowingly permitting someone to smoke/vape in a no-smoking area outside a hospital building;
- £150 for failing to display or failing to comply with the requirements for display of no-smoking notices.

7.10 Designated officers of local authorities (in most cases Environmental Health Officers (EHOs)) have the power to issue fixed penalty notices on those who knowingly permit others to smoking/vaping in the 15 metre no-smoking perimeter from 5 September, 2022.

### **7.11 Implementation, Monitoring and Review**

This policy is intended to benefit all staff and visitors, and so all staff are responsible for its continued implementation.

The organisation will ensure that all appropriate legal signage is in place in accordance with the relevant legislation on smoking/vaping. Information on the policy will be made available to all staff during the induction process and on the NHS Western Isles website.

Overall responsibility for ensuring the policy is implemented, monitored and reviewed rests with all line managers.

### **7.12 Training**

7.13 All staff will be made aware of their responsibility to complying with and support the Smoke/e-Cigarette/Vape Free Policy. Managers will be provided with operational guidelines to brief them on the policy enforcement protocol.

7.14 Training on smoking cessation interventions in order to help patients and colleagues can be accessed by staff as part of their Personal Development Plan, by contacting Smoking Cessation Service.

## **8. Support for Smokers**

8.1 Many individuals want to quit smoking/vaping. Patients may use a hospital stay as an opportunity to do so, and employees may use the policy to enhance their motivation to stop. It is equally recognised that many smokers do not wish to stop, and that they must be reasonably supported to cope with the restrictions imposed by this policy.

## **8.2 Support for all**

### **Staff**

- Staff who smoke/vape will be encouraged to seek support to quit.
- The local arrangements for accessing such support will be clearly publicised to staff through the Intranet, Team Brief and Awareness Sessions provided by Smoking Cessation.
- Drop in clinics established at all hospital sites in NHS Western Isles, providing advice, support and free nicotine replacement products for all NHS Western Isles staff who wish to stop smoking.

### **Patients**

- Wherever possible, patients' smoking/vaping status should be recorded in their case notes at the pre-assessment on admission, and smokers should be offered information about stopping smoking.
- Coming into hospital presents many patients with an ideal opportunity to stop smoking. NHS Western Isles is committed to providing practical help, support and advice to patients who wish to take advantage of this opportunity. This includes providing information, cessation support, and Nicotine Replacement Therapy (NRT) where appropriate.
- Each ward, clinic and department will have access to up-date information on the health effects of smoking and cessation services.
- In patients experiencing acute nicotine withdrawal will be treated in a supportive manner and prescribed appropriate medication where required.

### **Visitors**

- Visitor information will include reference to the policy, emphasising the support that smokers need when they are trying to quit.

### **General**

- Ongoing publicity campaigns will be undertaken (e.g. No Smoking Day) to encourage smokers to stop, and publicise the Policy position and the support available.

For more information on Smoke free Services call:

**Quit Your Way Hebrides**

Health Promotion Department Block  
11, Laxdale Court Stornoway  
Isle of Lewis

Telephone: 01851 701623

E-mail: [wi.hebridesquityourway@nhs.scot](mailto:wi.hebridesquityourway@nhs.scot)

Or

Smoke line: 0800 84 84 84 – available from 8am – 10 pm, 7 days a week

## **Legal Obligations**

By law NHS Western Isles is responsible for:

- Complying with the Prohibition of Smoking Outside Hospital Buildings (Scotland) Regulations 2022 Maintaining a safe, healthy working environment
- Ensuring that all enclosed and substantially enclosed premises are smoke-free, and that appropriate No Smoking signs are clearly displayed.
- Protecting the health of patients, staff, visitors and contractors from hazardous environments
- Making sure that staff understand their responsibilities to take reasonable care of the health and safety of others

Legal instruments

- Health & Safety at Work Act 1974
- Smoking, Health and Social Care (Scotland) Act 2005
- The Workplace (Health, Safety & Welfare) Regulations 1992
- Employment Rights Act 1996
- Equality Act 2010
- Control of Substances Hazardous to Health (COSHH) Regulations 2002 (as amended).
- The Prohibition of Smoking Outside Hospital Buildings (Scotland) Regulations 2022

## Reference Documents:

Occupational Health Referral Process Equality  
and Diversity Policy

Dignity at work policy: Bullying and Harassment Procedure  
Employee Conduct: Disciplinary Policy and Procedure Grievance  
Procedure

Violence and Aggression Policy

Health and Safety Policy NHS/Govt

documents:

Department of Health. Smoking Kills : A White Paper on Tobacco. 1998 London,  
The Stationery Office

Scottish Office, Towards a Healthier Scotland: A White Paper on Health. 1999.  
Edinburgh, The Stationery Office

Scottish Executive. Our National Health: A plan for action, a plan for change. 2000.  
Edinburgh, The Stationery Office

Scottish Executive. Cancer in Scotland: action for change. 2001. Edinburgh, The  
Stationery Office

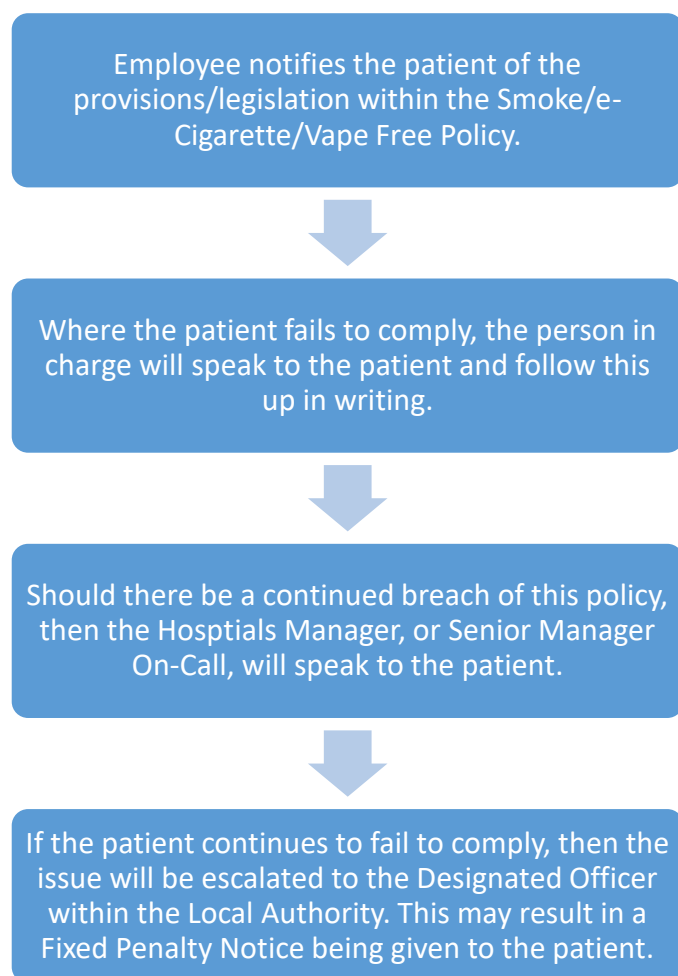
Scottish Executive, Improving Health in Scotland – The challenge. 2003.  
Edinburgh, The Stationery Office

Scottish Executive. Partnership for Care – Scotland's Health White Paper. 2003.  
Edinburgh, The Stationery Office.

ASH Scotland/Health Scotland, A guide to Smoking Cessation in Scotland 2010;  
Helping smokers to stop. Brief interventions, 2010 Edinburgh.

Glasgow Community Planning Partnership, Glasgow Tobacco Strategy, 2009 – 2014.

## Appendix 1 – Escalation Process



# 1. Fairness Assessment

## Key steps for conducting a Fairness Assessment

1. Identify the key aims and outcomes of the policy.
2. Gather information and evidence around protected characteristics and identify the gaps.
3. Assess the impact: consider alternatives and mitigate negative impacts.
4. Involve and consult on impact assessment, internally and externally.
5. Make a decision: develop an Action Plan based on evidence.
6. Send to the Strategic Diversity Lead for sign off.
7. The final Fairness Assessed policy will be published on the NHS WI Show website.
8. Monitor and review the final assessment.

## Section 1: About your Policy

Please answer the following questions:

### 1. Is this a new policy?

Yes ☐ No ☒

If yes, please explain why it is being done and what the effects of it will be.

This policy enhances policy on smoke free grounds by including vaping and implements new legislative powers to issue fines.

### 2. Have you checked if there are any other current guidance on this topic in the Health Board?

Yes ☒ No ☐

If the answer is No, please stop and check now.

### 3. Please list who is likely to be affected by this project and how they will be affected

| Who?      | How?   |
|-----------|--|
| Patients  | Prevents them smoking/vaping on NHS premises |
| Employees | Prevents them smoking/vaping on NHS premises |

### 4. Please tell us how you are going to involve these people in the project

This is a statutory requirement. Policy has been developed with Staff Side through Area Partnership Forum.

## Section 2: Protected Characteristics

These are about the people or groups of people whose rights are specifically protected under the 2010 Equalities Act.

This page gives you information on each of the nine protected characteristics.

### 1. Age

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18-30 year olds, 65-80 year olds)

#### How will these groups be affected?

Policy will be applied equally.

## 2. Disability

A person has a disability if s/he has a physical or mental impairment, which has a substantial and long term adverse effect on that person's ability to carry out normal day to day activities.

### **How will this group be affected?**

Policy will be applied equally.

## 3. Gender Reassignment

The process of transitioning from one gender to another.

### **How will this group be affected?**

Policy will be applied equally.

## 4. Marriage and Civil Partnership

Same-sex marriage has now been enshrined in legal statute, in England in March 2014 and in Scotland in December 2014. Both mixed-sex and same-sex couples can now marry in the eyes of the law, while respecting the freedom of religious bodies and celebrants not to perform these ceremonies. Couples in a civil partnership in England can now convert this into marriage in England, although this option is not yet available in Scotland. Civil partnership is not available to mixed-sex couples throughout the UK.

### **How will this group be affected?**

Policy will be applied equally.

## 5. Pregnancy and Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. Under the terms of the 2010 Equality Act, action can now be taken in the civil courts when a person has suffered a disadvantage because of unfair treatment because of pregnancy, breastfeeding or having given birth.

### **How will this group be affected?**

Policy will be applied equally.

## 6. Race

Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

### **How will this group be affected?**

Policy will be applied equally.



## 7. Religion and Belief

Religion is the term given to a collection of cultural belief systems based on narratives, traditions and symbols that give meaning to life and instil a moral framework of conduct. Belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices for it to be included in the definition.

**Does your proposal discriminate or disadvantage any religious or non religious group?**  
Policy will be applied equally.

## 8. Sex (Gender)

A man or a woman (male or female).

**Does your proposal discriminate between men and women, if so how and why?**  
Policy will be applied equally.

## 9. Sexual Orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**How will this group be affected?**  
Policy will be applied equally.

## 10. Negative Findings

If you have found negatives in the above assessments, how do you intend to deal with these and why?

### Section 3: Human Rights

It is unlawful for a public authority to act in a way which is incompatible with a European Convention of human rights requirements. There are 15 protected rights which public authorities must ensure that they comply with in their policies, services and practices. Those listed below are the ones which can directly be affected by Healthcare provision.

- The right to life - protects your life, by law. The state is required to investigate suspicious deaths and deaths in custody.

**Does your proposal affect this right?**  
No

- The prohibition of torture and inhuman treatment - you should never be tortured or treated in an inhuman or degrading way, no matter what the situation.

**Does your proposal affect this right?**  
No

- The right to liberty and freedom - you have the right to be free and the state can only imprison you with very good reason for example, if you are convicted of a crime.

**Does your proposal affect this right?**  
No

- The right to a fair trial and no punishment without law - you are innocent until proven guilty. If accused of a crime, you have the right to hear the evidence against you in a court of law.

**Does this proposal affect this right?**

No

- Respect for privacy and family life and the right to marry - protects against unnecessary surveillance or intrusion into your life. You have the right to marry and raise a family.

**Does this proposal affect this right?**

No

- Freedom of thought, religion and belief - you can believe what you like and practice your religion or beliefs, so long as this does not harm others.

**Does your proposal affect this right?**

No

- No discrimination - everyone's rights are equal. You should not be treated unfairly because for example, of your gender, race, sexuality, religion or age.

**Does your proposal affect this right?**

No

#### **Equality Lead's Use**

**Received for review:**

**Checked by:**

**Owner of Fairness Assessment:**

**Comments and recommendations:**

**Signed:** ..... **Date:** .....

**By Strategic Diversity Lead**

