

Meeting of  
Lanarkshire NHS Board  
19 December 2007

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**SUBJECT: Draft revised *No Smoking Policy***

**1. PURPOSE**

The attached paper is presented to the NHS Board to advise members of the draft revised public health *No Smoking Policy* and the proposed consultation of staff on aspects of its practical application, and seeks the Board's approval of them.

**2. CONTENT/SUMMARY OF KEY ISSUES**

Smoking outdoors on NHS Lanarkshire's premises is giving mixed messages about the Board's commitment to health improvement; the current arrangements are not preventing exposure to passive smoking by staff and the public indoors, most notably due to tobacco smoke from outside the front doors of our acute hospitals; and complaints and critical comments have been received.

**3. ACTIONS**

The revised *No Smoking Policy* was prepared at the request of the Corporate Management Team. It covers everyone in or on NHS Lanarkshire premises and extends no smoking to all outdoor areas of such premises and all vehicles parked on them. It allows for specialist support for staff who wish to quit, reporting procedures when people are seen smoking on the premises, and a deferred implementation date for psychiatric inpatients to enable adequate preparation of this vulnerable group and specific care issues to be addressed.

Its successful implementation will need the co-operation of both staff and the public. There has been limited consultation through the partnership structures, and staff side organizations are gathering comments from their memberships. It is anticipated that subject to comments from the board, staff side organizations and the proposed wider consultation of NHS employees the policy will be ratified by the Human Resources Forum. A campaign to inform the public of the changes will take place in due course.

The intention is that the final policy will be presented to the Board at its March 2008 meeting.

**4. CONCLUSIONS**

The Board is asked to approve the draft revised public health *No Smoking Policy* and its circulation to staff for consultation on aspects of its practical application.

**5. FURTHER INFORMATION**

For further information or clarification of any issues in this paper please contact: Lesley Armitage, Consultant in Public Health Medicine, 01698-206325/8

**Dr D Moir**  
**Director of Public Health**  
**13th December, 2007**

**NHS LANARKSHIRE**

**NO SMOKING POLICY**

**REVISED \_\_\_\_\_ 2007**

***CONSULTATION DOCUMENT***

***December 2007***

Draft 9, 13th December, 2007

Contact person: Lesley Armitage, Department of Public Health, NHS Lanarkshire

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## 1 INTRODUCTION

NHS Lanarkshire's March 2006 *No Smoking Policy* was developed to improve indoor air quality in accordance with the requirements of the *Smoking, Health and Social Care (Scotland) Act 2005*. This revised *No Smoking Policy* extends the earlier policy to cover all NHS Lanarkshire premises, both grounds and buildings.

## 2 RATIONALE

- 2.1 NHS Lanarkshire is committed to the improvement of the health of its employees, its patients and members of the public.
- 2.2 Smoking is the biggest single preventable cause of ill health and early death in our community: one in two smokers dies prematurely from their habit.. Approximately 1580 people in NHS Lanarkshire die annually from active or passive smoking, which is a quarter of all Lanarkshire deaths.<sup>1</sup>
- 2.3 There have been reductions in hospital admissions for heart attack in Scotland and other countries associated with their implementations of smoking bans, and there is increased evidence of the health risks of passive smoking.
- 2.4 Approximately 60 of the 4,000 chemicals in tobacco smoke are known or suspected to cause cancer. Substances from tobacco smoke remain in the air when the smoke is no longer visible.
- 2.5 Smokers and non smokers are exposed to greater concentrations of tobacco smoke in small enclosed spaces such as vehicles.
- 2.6 Complaints have been received about the smoking outside Lanarkshire's acute hospital entrances which NHS Lanarkshire's 2006 *No Smoking Policy* has failed to prevent. It causes tobacco smoke to enter the buildings where it is a health hazard to staff working in the vestibules and the associated corridors.
- 2.7 Smoking on NHSL premises gives out mixed messages and has been criticised as such by members of the public.
- 2.8 Half Scotland's health boards already have smoke free grounds.
- 2.9 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'.

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<sup>1</sup> Whyte B, Gordon D, Haw S, *et al*, editors. *An Atlas of Tobacco Smoking in Scotland*. [www.scotpho.org.uk/tobaccoatlas](http://www.scotpho.org.uk/tobaccoatlas)

### **3 AIM**

- 3.1 To ensure the provision of a smoke free indoor and outdoor environment for all patients, staff and members of the public working in or on, or visiting NHS Lanarkshire premises, thereby demonstrating unequivocally NHS Lanarkshire's commitment to improving the health of the whole community.

### **4 KEY PRINCIPLES**

- 4.1 It is tobacco smoke and its effects on those using it or exposed to it that is the problem rather than the people who smoke.
- 4.2 NHS Lanarkshire is enabled to comply with its statutory obligations and its duty of care to its staff, patients and members of the public with regard to tobacco smoke.
- 4.3 No patient, or member of the public or staff should be exposed to tobacco smoke within NHS Lanarkshire premises or grounds.
- 4.4 No patient or member of the public should be exposed to the smell of tobacco smoke emanating from a member of staff.
- 4.5 People who smoke have the right to exercise informed choice to smoke, except where that choice compromises NHS Lanarkshire's legal and moral responsibility to ensure a smoke free environment and to promote the health of the whole community.
- 4.6 Health improvement and the protection of patients, colleagues and members of the public from tobacco is the responsibility of all NHS Lanarkshire employees.
- 4.7 High quality specialist support to people wishing to quit is available from the Lanarkshire Stop Smoking Service
- 4.8 NHS Lanarkshire is committed to ensuring equitable treatment of all people irrespective of sex, race, age, disability, sexual orientation, ethnic origin, religion or belief.
- 4.9 NHS Lanarkshire will continue to raise awareness of the health risks associated with smoking and to monitor this policy.

### **5 SCOPE OF THE POLICY**

#### **5.1 Locations and vehicles**

- 5.1.1 This policy covers:
- i) the buildings and grounds of all premises from which NHS Lanarkshire services are delivered, all premises owned or occupied by NHS Lanarkshire, and all vehicles parked on these premises
  - ii) NHS Lanarkshire vehicles and pool cars at all times

- iii) leased cars and personal vehicles when transporting other staff or patients within working hours and/or when on authorised business.

## **5.2 People**

- 5.2.1 This policy applies to everyone in or on the premises or vehicles described in 5.1 above.

## **5.3 Exemptions**

- 5.3.1 The *Smoking, Health and Social Care (Scotland) Act 2005* allows some legal exemptions to smoking in enclosed public places which are listed in *The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006* and any subsequent amended versions of it.
- 5.3.2 At present the following exempted categories apply within NHS Lanarkshire:
  - i) 'designated rooms in psychiatric hospitals and psychiatric units'
  - ii) 'designated rooms in adult care homes'.
- 5.3.3 Some long stay patients, for whom NHS facilities are their homes, come in to both these categories.
- 5.3.4 The Regulations state that a 'designated room' must have '*a ventilation system that does not ventilate into any other part of the no smoking premises in question (except any other designated rooms)*'.<sup>2</sup>
- 5.3.5 The health consequences of smoking are such that the Scottish Executive is considering removing psychiatric inpatients from the exemption list. NHS Lanarkshire, in keeping with practice elsewhere, proposes to extend the ban on smoking to psychiatric inpatients, and will do this in a carefully planned way, in collaboration with patients and staff, taking account of patients who may be restricted or sectioned, and it will provide support to help smokers quit.
- 5.3.6 A number of NHS Lanarkshire psychiatric inpatient facilities have already implemented a ban on smoking indoors.

## **6 POLICY IN PRACTICE**

### **6.1 Implementation dates**

- 6.1.1 This policy will be effective:
  - i) from 1st April, 2008 for all except psychiatric inpatients
  - ii) from 1st January, 2009 for psychiatric inpatients who are not exempted

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<sup>2</sup> The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006, section 1(2)

## **6.2 Employees**

- 6.2.1 All staff, whether directly employed or working on a contract or *locum* basis are required to comply equally with the policy.
- 6.2.2 The policy applies to all staff during their working hours, including in locations where smoking is legally permitted, and when they are off duty but are on NHS Lanarkshire premises (section 5.1.1 above). This is because:
- i) they are representing NHS Lanarkshire and, therefore, its strategy on tackling smoking;
  - ii) it is important not to expose others to passive smoking; and
  - iii) it is unpleasant to many people to be cared for by someone emanating the smell of tobacco smoke.
- 6.2.3 Staff who wish to smoke are only permitted to do so during unpaid official breaks and only in line with section 5.1 of this policy.
- 6.2.4 Staff who smoke in uniform when they are off duty should be aware that this action compromises NHS Lanarkshire's health improvement message.
- 6.2.5 Staff who smoke will be allowed the same length and frequency of breaks as their non-smoking colleagues.
- 6.2.6 Staff who decide to continue to be smokers will, if they need it, be provided with NRT while they are on duty during the first three months after implementation of this policy.
- 6.2.7 New staff will be made aware of the policy as part of their induction process.
- 6.2.8 Training on brief intervention for smoking cessation in order to help patients, colleagues, friends and family will be provided through the Lanarkshire Stop Smoking Service and may be requested by any member of staff.
- 6.2.9 If a member of staff breaches this policy they will be subject to procedures in accordance with NHS Lanarkshire's *Policy and Procedures for the Effective Management of Employee Conduct*
- 6.2.10 Individuals need to be aware that they are breaking the law if they smoke within buildings, and that their offences may result in disciplinary actions. It should also be noted that the Director of Acute Services or other senior management staff could face prosecution by the courts because of the actions of others.

## **6.3 Staff safety**

- 6.3.1 Staff wishing to smoke in their unpaid meal breaks will need to leave NHS grounds to do so. This applies equally to night and day staff, and any such action is the responsibility of the individual member of staff.

6.3.2 At peak hours in Accident & Emergency departments people under the influence of drink or drugs may become aggressive or violent if asked not to smoke. If necessary enforcement staff may be employed.

## **6.4 Exposure of employees to passive smoking at work**

### **6.4.1 NHS premises**

- i) Staff may occasionally be exposed to passive smoking by patients who are entitled to smoke in designated smoking rooms.
- ii) Where possible staff should not normally be required to work in these designated smoking rooms. If they do enter them their time of exposure to second hand smoke must be kept to a minimum.
- iii) Staff with pre-existing conditions known to be exacerbated by second hand smoke should not be asked to enter them at all.
- iv) As far as reasonably practical, and taking into account staff's professional responsibilities towards their patients, staff are entitled to refuse to enter designated smoking rooms.

### **6.4.2 Patients' own homes**

- i) In order to protect staff who visit patients in their own homes, patients and their families will be requested not to smoke for the duration of the visit and for an hour beforehand.
- ii) Where patients and their families repeatedly ignore such requests, and when reasonably practical, staff will be entitled to refuse to visit them in their homes after reviewing such cases with their line managers, or to visit them at another agreed and smoke free location.

## **6.5 Support for staff who smoke**

6.5.1 Staff who smoke will be encouraged to seek support to quit.

6.5.2 The Lanarkshire Stop Smoking Service provides specialist support and groups are held in the community throughout Lanarkshire and at different times of day. In addition some groups will be held for staff, for example on acute hospital sites.

## **6.6 Responsibilities of staff**

### **6.6.1 Employee**

- i) To comply with the policy as part of the terms and conditions of employment.
- ii) To support and enforce the policy with anyone on NHS Lanarkshire premises (section 5.1 above).

### **6.6.2 Manager/Supervisor**

- i) To ensure all staff they line manage are aware of this *No Smoking Policy* and of their responsibility for complying with it and supporting it.
- ii) To support any employee who expresses a desire to stop smoking.
- iii) To ensure the policy is being adhered to in his/her area of responsibility, and to handle any breaches in a considered and thoughtful manner in accordance with NHS Lanarkshire's *Policy and Procedures for the Effective Management of Employee Conduct*.

### 6.6.3 Human Resources

- i) To provide support and advice to managers to help them to apply the staffing elements of the policy effectively.
- ii) To include a briefing on the policy at staff induction.

### 6.6.4 Stewards/Representatives

- i) To provide support and advice to their members.
- ii) To ensure that the policy is used appropriately.

### 6.6.5 Occupational Health

- i) To provide advice and contact details of the Lanarkshire Stop Smoking Service to those employees who wish to stop smoking.

### 6.6.6 Reporting mechanisms

See Appendices 2 to 4

## 6.7 **Patients**

### 6.7.1 Inpatients and outpatients

- i) No patient should be exposed to harmful tobacco smoke while in or on NHS Lanarkshire premises.
- ii) Patients are not allowed to smoke in or on NHS Lanarkshire premises (see section 5.1 above).
- iii) Patients will be advised of the NHS Lanarkshire *No Smoking Policy* prior to planned admissions or attendances as outpatients.
- iv) Patients will be encouraged to stop smoking before a planned admission.
- v) If desired, inpatients who smoke will be offered specialist support, and nicotine replacement therapy (NRT) if it is appropriate to their clinical condition.
- vi) If a patient repeatedly breaches the *No Smoking Policy* they will be dealt with in line with NHS Lanarkshire's *Policy for the Prevention and Management of Violence and Aggression to Staff* because of the danger caused by tobacco smoke and fire risk to other people.

### 6.7.2 Long stay patients

- i) When the NHS facilities are considered to be their homes these patients are currently subject to legal exemptions (see section 5.3 above).
- ii) While they continue to be exempt their choice to smoke will be acknowledged by designated smoking areas outdoors and/or indoors, but designated rooms will only be provided where space permits, with priority being given to the provision of a non-smoking common room.
- iii) NHS Lanarkshire will provide these inpatients with specialist smoking cessation support if desired.

### 6.7.3 Psychiatric inpatients (not long stay)

- i) This *No Smoking Policy* applies to these patients but for them its implementation date is nine months later in order to allow adequate preparation and appropriate arrangements to be set in place.

- ii) Until this implementation date these inpatients will only be allowed to smoke outdoors in designated areas close to their inpatient premises.
- iii) Specialist support will be provided to help patients stop smoking.

#### 6.7.4 Patients in their own homes

- i) A patient information leaflet will be made available explaining the policy and providing advice on cessation support.
- ii) In order to protect staff who visit patients in their own homes, patients and their families will be requested not to smoke for the duration of the visit and for an hour beforehand.
- iii) Where patients and their families repeatedly ignore such requests, and when reasonably practical, staff will be entitled to refuse to visit them in their homes, or to visit them at another agreed and smoke free location.

#### 6.7.5 Implementation

Overall responsibility for the implementation of this policy with respect to patients rests with the appropriate Director of the Acute Services or Community Health Partnerships.

### **6.8 People who are not staff or patients**

6.8.1 Smoking is not permitted in any of the locations listed in section 5.1.

6.8.2 A copy of the *No Smoking Policy* will be given to all contractors as part of the tendering information and on commencement of work.

6.8.3 The *No Smoking Policy* will be issued to all suppliers.

6.8.4 Information for members of the public will be included in the information packs sent to patients and supplied on the wards. It will explain the *No Smoking Policy* and provide advice on cessation support. It will emphasise the support that smokers need when they are trying to quit and discourage the supply of tobacco products to patients.

6.8.5 If a member of the public repeatedly breaches the *No Smoking Policy* they will be asked to leave the premises. Where appropriate NHS Lanarkshire's *Policy for the Prevention and Management of Violence and Aggression to Staff* will be used.

## **7 PROMOTION OF TOBACCO**

7.1 In line with NHS Lanarkshire's desire for active discouragement of tobacco use, tobacco products will not be sold, advertised or otherwise promoted on the premises. NHS Lanarkshire will not hold tobacco-related investments or accept sponsorship or donations from tobacco companies.

## **8 SOURCES OF HELP TO STOP SMOKING**

### **8.1 Outpatients and members of the public**

8.1.1 Access to specialist support to quit smoking is as follows:

i) NHS Lanarkshire area

*Lanarkshire Stop Smoking Service*, which is located in sites across NHS Lanarkshire health board area:

**0845 217 7707** [*this number will be in use from mid January 2008*]

ii) NHS Greater Glasgow and Clyde

*Smoking Concerns* which is located in sites across Greater Glasgow and Clyde health board area:

**0141-201 9825**

<http://www.smokingconcerns.com/>

8.1.2 Assistance is also available from GP practices and from the national Smokeline:

**0800 84 84 84.**

### **8.2 Staff**

8.2.1 Staff can contact specialist support to quit smoking using the details in 8.1 above as appropriate.

8.2.2 Health advice can be obtained from the Occupational Health Department:

SALUS Occupational Health & Safety

Centrum Park

Hagmill Road

Coatbridge

ML5 4TD

Tel: 01236-438 181

Fax: 01236-438 180

E-mail: [info@salus.co.uk](mailto:info@salus.co.uk)

### **8.3 Inpatients**

8.3.1 Hospital based support from Lanarkshire Stop Smoking Service is available on the Monklands, Wishaw and Hairmyres acute hospital sites to all patients wishing to stop smoking.

8.3.2 Written information on this policy will be provided to all planned care patients before they are admitted to hospital.

8.3.3 All inpatients will be asked as part of their admission procedures whether they smoke. If they do so the health professional concerned will provide brief advice and offer to refer the patient to the Lanarkshire Stop Smoking Service in hospital.

8.3.4 During their stay any inpatient who is a smoker and later decides to seek support should ask the ward staff for a referral to the Lanarkshire Stop Smoking Service in

hospital, or on discharge to the Lanarkshire Stop Smoking Service in the community.

- 8.3.5 If it is appropriate to their clinical condition nicotine replacement therapy (NRT) will be provided to inpatients who do not wish to quit smoking but need NRT to reduce their withdrawal symptoms resulting from this smoking policy.

## **9 SIGNAGE AND VEHICLES**

- 9.1 NHS Lanarkshire will display no smoking signs on all its premises and vehicles.
- 9.2 Signs at the entrances to grounds will be visible to pedestrians and drivers as they approach the grounds.
- 9.3 Signage at the entrance and within buildings will comply with the *Smoking, Health and Social Care (Scotland) Act 2005*.
- 9.4 The signs will display the name of the person who should be contacted with complaints or information about people observed smoking on the premises. This is the:

General Manager  
Property & Support Services  
Tel: 01698-24 52 52

- 9.5 Staff who observe anyone smoking should follow the flow charts in Appendices 2, 3 or 4.

## **10 RECRUITMENT**

- 10.1 This policy will form part of all employees' contractual terms and conditions of employment. Information on the policy is included in the Job Description Pack sent to all applicants.

## **11 ENFORCEMENT AND COMPLIANCE**

- 11.1 Under the national legislation and this policy it is the responsibility of all directors, managers and employees to ensure compliance.
- 11.2 The legislation allows fines to be imposed on the manager or any other person in control of any no smoking premises for allowing others to smoke. This applies whether or not the person is aware that smoking has occurred.
- 11.3 It will be the responsibility of line managers to ensure that all staff and service users are informed of the policy and to ensure adherence within their departments.

- 11.4 If a member of staff breaches the No Smoking Policy s/he will be subject to NHS Lanarkshire's *Effective Management of Employee Conduct*.
- 11.5 If such an action breaches the smoke-free legislation or constitutes a health and safety hazard disciplinary proceedings may be invoked as a first line measure.
- 11.6 In the case of a breach of the smoke-free legislation a Datix Incident Form should be completed to ensure the incident is duly recorded, and the fact of the incident [for confidentiality reasons personal details will not be included] reported to the General Manager, Property & Support Services, Tel: 01698-245252.
- 11.7 In view of the potential risk to staff of asking people not to smoke, in particular in the three acute hospital Accident and Emergency departments, enforcement staff may be employed.
- 11.8 All staff, irrespective of grade or discipline, should encourage patients, members of the public and other staff not to smoke on site. An explanation should be given and a request made to refrain from smoking (for the duration of the visit) or, in the case of staff, members of the public or outpatients, to leave the premises and grounds if s/he wishes to smoke.

## **12 MONITORING**

- 12.1 It is the legal responsibility of the organization to implement and monitor the policy.
- 12.2 It is the responsibility of all employees to adhere to and promote the principles of the policy and to report any breaks in compliance to their managers
- 12.3 A record will be kept by the General Manager, Property & Support Services of all complaints made and s/he will be responsible for the overall monitoring and annual reporting of this policy.
- 12.4 The policy will be subject to review twice yearly in the first year and then biannually.

## Appendix 1 Legal basis

### NHS Lanarkshire's Legal obligations

By law NHS Lanarkshire is responsible for:

- Maintaining a safe, healthy working environment
- Protecting the health of patients, staff, members of the public and contractors from hazardous environments
- Making sure that staff understand their responsibilities to take reasonable care of the health and safety of themselves and of others

Legal instruments:

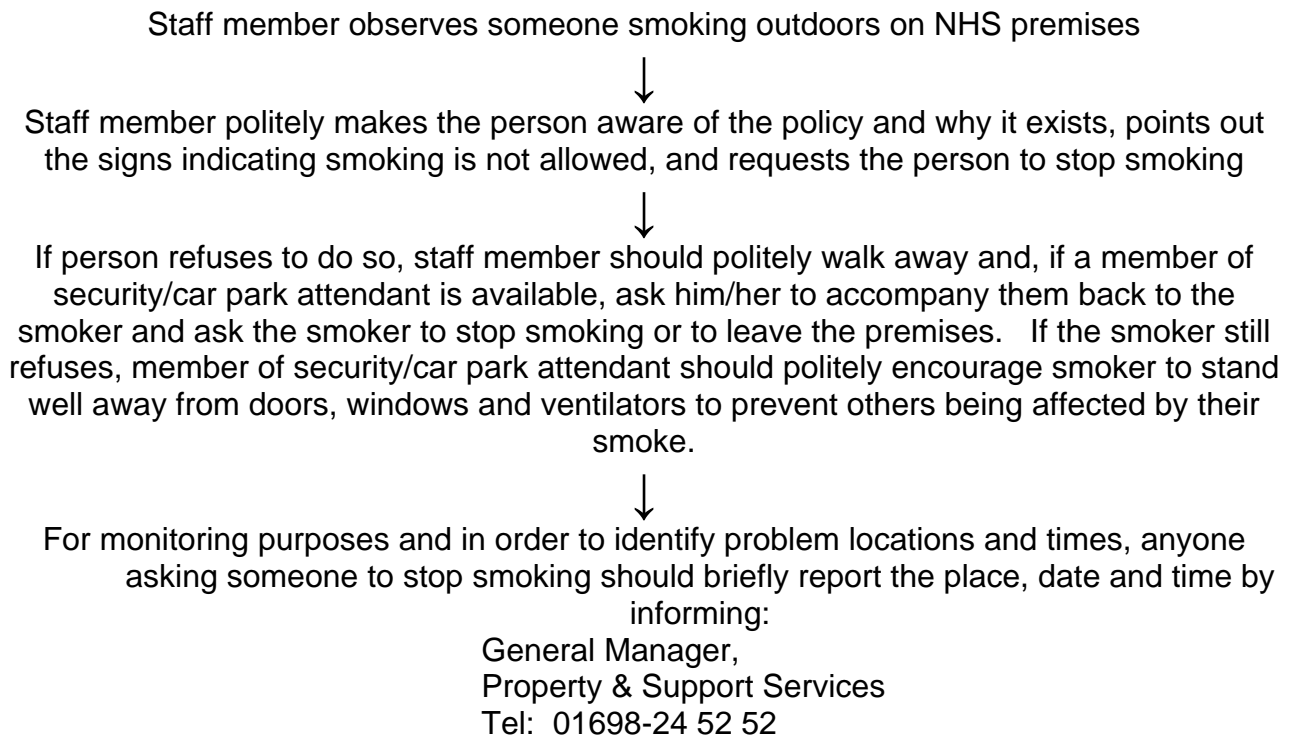
- Health & Safety at Work Act 1974
- The Workplace (Health, Safety & Welfare) Regulations 1993
- Employment Rights Act 1996
- The Disability Discrimination Act 1995
- Safety & Health of Pregnant Workers (Directive 92/85/EEC)
- Control of Substances Hazardous to Health (COSHH) Regulations 2002.
- The Smoking, Health & Social Care (Scotland) Act 2005
- The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

### NHS/Government documents:

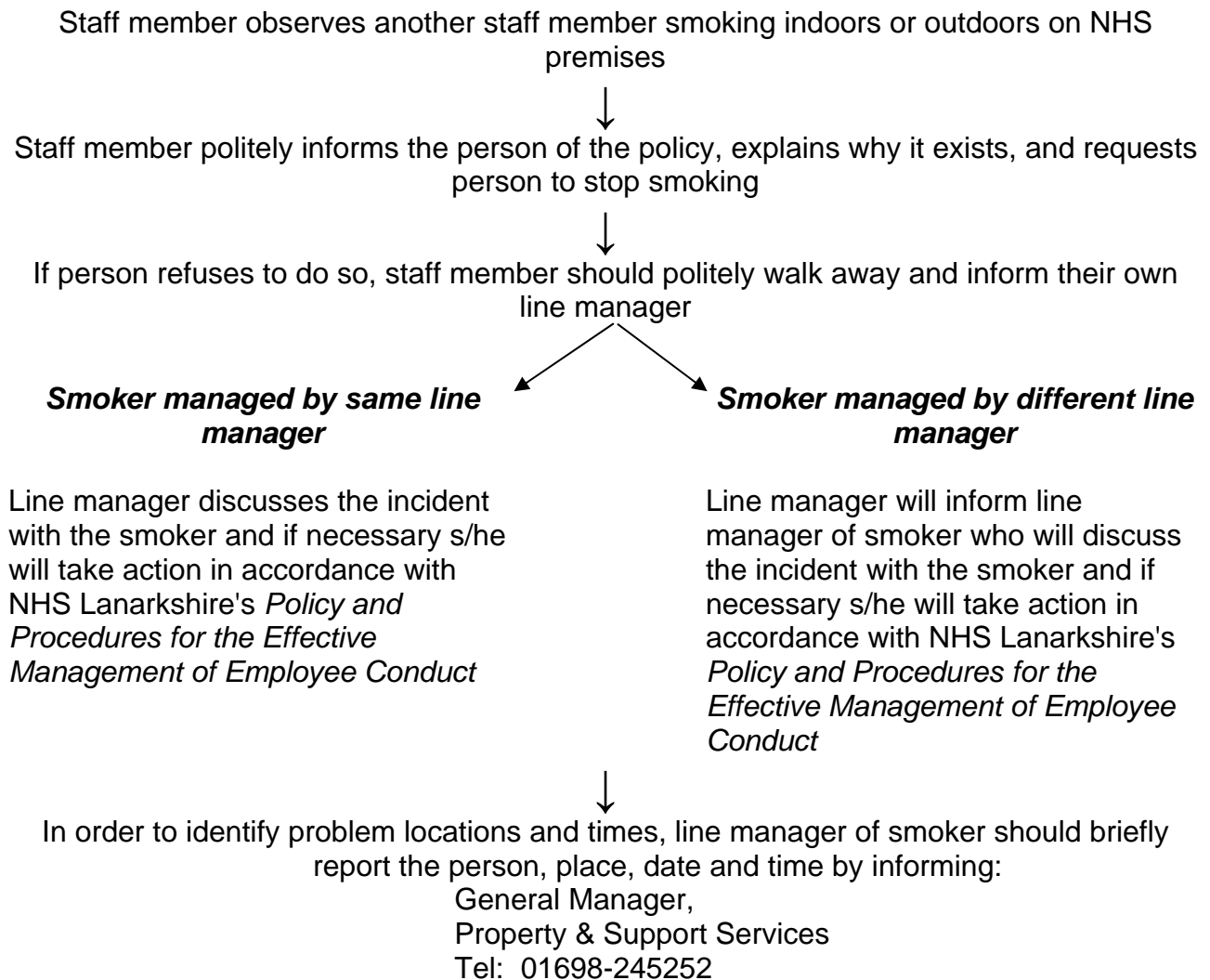
- Department of Health. *Smoking Kills: A White Paper on Tobacco*. 1998. London, The Stationery Office
- Scottish Office, *Towards a Healthier Scotland: A White Paper on Health*. 1999. Edinburgh, The Stationery Office
- Scottish Executive. *Our National Health: A plan for action, a plan for change*. 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
- *On the state of public health*, Chief Medical Officer's annual report, 2003.
- The Scottish Executive, *A Breath of Fresh Air for Scotland - improving Scotland's Health: The Challenge - Tobacco Control Action Plan*. 2004. Edinburgh, The Stationery Office
- ASH Scotland/Health Scotland, *Smoking Cessation Guidelines for Scotland*, 2004 update, Edinburgh
- Glasgow Alliance, *Glasgow Tobacco Strategy*, 2004. Glasgow

## Appendix 2: Flow chart for staff observing anyone who is not a member of staff smoking outdoors on NHS premises

As far as reasonably practical staff should take steps to inform people smoking of this policy but not put themselves in danger.



### Appendix 3: Flow chart for staff observing any member of staff smoking outdoors on NHS premises



**Appendix 4: Flow chart for patient or staff member aware of anyone smoking indoors on NHS premises**

Patient or staff member observes someone smoking indoors on NHS Lanarkshire premises



Patient or staff member politely explains to the smoker that it is against the law to smoke indoors on these premises and requests person to stop smoking and informs the departmental manager



The departmental manager should complete a Datix Incident Form and, to ensure the incident is duly recorded, report the fact of the incident [for confidentiality reasons personal details will not be included] to:

General Manager  
Property & Support Services  
Tel: 01698-245252.

**Appendix 5: Consultation on the application of revised *No Smoking Policy* extended to cover NHS grounds**

**Section 3.1**

**Q3 Do you disagree with the aim of this policy? If so, please indicate why.**

**Section 5.1**

**Q5a Do you agree with the locations and vehicles listed? If not please state which you disagree with and why.**

**Section 5.1**

**Q5b Should people living in the residences be required to leave NHS grounds in order to smoke? If not, please give your reasons.**

**Section 5.3.5**

**Q5c** As smoking is so harmful to health, do you agree that after appropriate preparation NHS Lanarkshire should include psychiatric inpatients in this proposed policy? If not, please state why.

**Section 6.3.1**

**Q6a** Do you agree that night staff should only be able to smoke in their unpaid official break if they leave hospital premises at their own risk to do so? If not, what alternative that is compliant with this policy would you suggest?

**Section 6.3.2**

**Q6b** What measures do you think would be most likely to prevent any aggression and violence, and when and where do you think they should be provided?

**Section 6.5.2**

**Q6c** Should staff wishing to quit smoking be allowed time off work to attend specialist smoking cessation groups? If not, please state why not.

**Appendices 2 - 4**

**QAp** Do you agree with the processes for dealing with people smoking on/in NHS premises as outlined in the three flow charts? If not, why not, and how would you alter them?

**Please insert any other comments you would like to make on this policy**

**When completed, please return the form to: To be decided**