

Draft Smoke-free Regulations 2007 – E-Consultation on-line response

Response from Foyle HSS Trust

Q1: YES

Q1a: “No smoking” signs should be positioned so that they are clearly visible at entrances to buildings and should be of durable material so they may not be easily damaged.

Account must be taken to ensure the needs of the blind and visually impaired are met in the design and production of the signage.

Q2: YES

Q2a: Signs in work vehicles need to be made of durable material and placed so they are clearly visible. As in Q1 above, account must be taken of the needs of the blind and visually impaired.

Further clarification is needed on whether private vehicles (see 3.26), which are used for work related paid travel are work vehicles (see 3.29) and whether such vehicles normally only occupied by the driver may be exempt (see 3.30).

Q3: YES

Q3a: The Trust agrees in principle, however, the proposed regulation 3.5 does not offer protection to staff required to access areas referred to as “private dwelling”, eg, health professionals, estates staff, cleaners, carers etc.

Q4: NO

Q4a: Bedrooms in hotels, guesthouses, or members clubs should be not be exempt. They do not comply with the definition of a ‘home’: Moreover employees will still be required to service and clean these areas and deserve to be protected from second hand smoke in a similar manner to other employees.

Q5: NO

Q5a: Foyle Trust suggests the proposed regulations should mirror the legislation in Scotland and in the Republic of Ireland in relation to exemptions.

Ref: 3.11 - Whilst every effort should be made to protect the health of patients, clients, staff, visitors and all who access our services and facilities, Foyle Trust has serious concerns re- workability of the proposed exemptions in relation to mental health and learning disability assessment and short-stay units.

Whilst the Trust accepts that exempting mental health and learning disability units may stigmatise these clients, cognisance needs to be taken of the reality that these patients suffer from highly complex conditions, and that a balance needs to be found.

At any given time, a significant number of patients within Foyle Trust’s short stay mental health unit will be detained under the Mental Health Order and their stay in hospital can range between two weeks to six months or more. A recent snapshot of in-patients in our Unit highlighted that 80% of these patients smoked. The Trust suggests that where

patients are detained, smoking provision in line with the requirements set out at section 3.10 must be adhered to, to ensure the overall health and wellbeing of these clients.

Whilst the anti-smoking arguments are well articulated and evidenced the proposed regulations fail to recognize the chronic nature of some enduring mental health problems that attach an exceptionally low priority to healthy lifestyle choices. This can be even more evidenced in people with learning disability (PWLD), whose impaired cognitive ability negates any perceived benefits from health promotion interventions.

PWLD can also have superimposed mental health problems and attempting to restrict their smoking during an acute episode, as with patients with acute mental health episodes, could not only prove more hazardous to staff wellbeing than secondary smoking, but would potentially cause additional undue and unnecessary distress to the individuals themselves.

Foyle Trust feels the regulations in relation to the proposed exemptions are unworkable and potentially counter-productive to patients' overall wellbeing.

Q6: YES

Q6a: As described in 3.15 the proposed exemption for research and testing facilities appears appropriate. There is however a need to ensure the protection of any person who has to work in the facility from the effects of second hand smoke.

Q7: YES

Q7a: Ref: 3.29 – further clarification is required as to what constitutes a “work” vehicle. It is unclear if this applies to leased cars/private cars used by staff for work purposes claiming traveling expenses. The proposed regulations requires vehicles that are used for work purposes to be smoke-free at all times. However, 3.30 states that “smoking will be permitted in vehicles that are for the sole use of the driver and not used as a workplace by anyone else”. Foyle Trust regularly requires staff to use their private vehicle for work purposes, that can involve carriage of other staff or clients to ensure value for money.