

Andrew Barkley
Senior Coroner for South Wales Central Area
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Ein cyf / Our ref:

Eich cyf / Your ref: ARB/SLR/9713

Dyddiad / Date: September 2017

Dear Mr Barkley

RE: Touching upon the death of the late Sheila Margaret GASKIN

I am writing in response to your letter dated 27 July 2017 in which you ask CSSIW to consider putting in place a blanket prohibition on care workers assisting service users to smoke.

CSSIW regulates and inspects on behalf of Welsh Ministers. We do not have the power to make law nor issue formal statutory guidance. Therefore, we are unable to impose such a ban. We have discussed your recommendation with a number of key agencies including Welsh Government policy officials, Social Care Wales which regulates the work force, the UKHCA and Care Forum Wales the two leading provider associations as well as Health and Safety bodies and the Fire Service.

Whilst people completely understand the reasons for your recommendation there is no support for the proposal to place a blanket prohibition on care workers assisting service users to smoke. It was considered such a ban would compromise choice and control of people who use services. What our discussions did reveal was a deep concern for care staff and the risks of passive smoking.

We also spoke to the care provider and reviewed the records in relation to the inquest you held and noted that whilst fire risks had been recorded the issue of assisting with smoking had not been identified nor agreed and the care worker was acting without her employer's agreement or knowledge.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

We do want to respond positively to your recommendation and have agreed to issue general guidance to care providers on the following lines.

“Risks associated with smoking: It is important that both the health risks and fire risks associated with smoking to those receiving care and support and those providing it are assessed and mitigated. In particular we would not ordinarily expect care workers to assist people to smoke because of the potential fire and health risks. Where this does happen it must for a good reason and be part of an agreed plan and in the knowledge of those managing the service. It must be included within the care plan and risk assessment and wherever possible alternatives should be explored to eliminate or reduce the risks, for example the use of e cigarettes. The advice of the fire service should always be sought.

The risks associated with smoking must be addressed in the service’s policies and procedures and expectations of care workers in relation to smoking and assisting others made clear”

I hope this goes some way to addressing the concerns arising from the inquest into the late Sheila Margaret Gaskin.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'G. Baranski', written in a cursive style.

Gillian Baranski
Chief Inspector
CSSIW – Care and Social Services Inspectorate Wales