

Article 5.3

Of the Framework Convention on Tobacco Control (FCTC)

Implementing Article 5.3 of the FCTC in Kent
7th July 2015

About Kent

- Kent County Council - Two-tier Authority
- 12 District Councils
- 7 Clinical Commissioning Groups
- 1 Unitary Authority
- Population 1.5 million (51% F, 49% M)
- 73% population live in urban areas which make up 22% of the land

Kent's understanding of Article 5.3

- Framework Convention on Tobacco Control
 - international treaty negotiated by WHO
- Article 5.3 of the Treaty aims to protect public health policies from commercial and other vested interests of the tobacco industry
- Treaty set up in recognition of the variety of ways the Tobacco Industry has attempted to influence health policies

Why we should do this:

Internal Discussions

- Challenge ourselves on the Local Government Declaration commitments
 - Q: What evidence do we have that we are protecting our tobacco control work..?
 - A: Implementing Article 5.3 would provide the evidence whilst ensuring best practice
- Fulfil legal FCTC responsibility as a Local Authority
- For Kent, it is not about no contact with industry, but ensuring openness and transparency where there is necessary contact with the Tobacco Industry

Local Government Declaration on Tobacco Control:

What are we signing up to?

- Act at a local level to reduce smoking prevalence...
- Develop plans with our partners.....
- Participate in local and regional networks for support..
- Support the government in taking action.....
- ? Protect our tobacco control work from the commercial and vested interests of the tobacco industry by not accepting any partnerships, payments, gifts and services, monetary or in kind or research funding offered by the tobacco industry to officials and employees
- Monitor the progress of our plans.....
- Publicly declare our commitment to reducing smoking...

AUDIT OF CURRENT PRACTICE

TO PROTECT PUBLIC HEALTH POLICIES
FROM TOBACCO INDUSTRY VESTED
INTERESTS IN KENT

Methodology of work

- The initial phase of the work included on-site interviews with selected departments key employees and key members,
- mapping departments and activities that fall under the remit of Article 5.3
- and a review and analysis of the most relevant existing policies and activities for compliance with the article 5.3 and its guidelines.
- It was conducted between 5th and 12th January 2015.

Key Departments

- Human Resources
- Media, Communications, Campaigns and Events
- Procurement
- Commissioning and Contracting
- Cabinet Members
- Policy Unit
- Public Health
- Trading Standards

Documents reviewed

- Code of Conduct issued by HR
- Anti-Fraud and Corruption strategy,
- Council Financial Regulations,
- Expenses guidance , policy and procedure,
- Corporate grant procedures relating to the receipting and awarding of grants
- Drugs and alcohol policy,
- Kent Joint Health and wellbeing strategy
- The Constitution of the Council,
- Information & Data
- The Code of Recommended Practice for Local Authorities on Data Transparency,
- Whistle Blowing Policy,
- Member & Officer Registers of personal interests

Conclusion

- “KCC is clearly committed to progress with 5.3 implementation this work”
- There are no major obstacles
- Overt major tobacco industry interference or activity has not been found

However....

- KCC council employees and Members are not currently adequately knowledgeable nor equipped to identify tobacco industry interference
- There may be covert tobacco industry interference that has not yet been identified
- Trading standards need particular attention as more vulnerable to tobacco industry interference
- A major effort should be undertaken to raise awareness of the FCTC obligations, article 5.3 and its guidelines, tobacco industry tactics and strategies

Recommendations

- A number of useful policies, instruments, guidance and systems are already in place which could help with the implementation of article 5.3
- Given the lack of specific reference to the tobacco industry in these tools different options need to be considered on the best way forward to implement recommendations (either through a single policy covering all aspects or revision of existing instruments, policies, systems)

Result – Implementation Plan

- Plan (ie. not a policy) with 4 components:
- Briefing Paper – for staff and Members (public facing) to raise awareness of responsibilities under Article 5.3
- Simple tools and systems – to demonstrate openness and transparency (guidance, reporting tools, focal point for information sharing)
- Revise existing policies - codes, strategies to enforce staff obligations
- Trading Standards Strategy – reviewing and recording practice

Audit



Recommendations



Article 5.3 Implementation Plan



Awareness Raising Briefing Paper

- For Staff
- For Members
- [fit for] Public



Procedure

- Process for recording
- Providing Advice to staff/teams
- Ensuring Transparency

Trading
Standards



Existing Plans



Kent Code: Sponsorship policy /
Whistle-Blowers

Declaration/Conflict of Interest

Campaigns

Commissioning & Procurement

Governance

- Proposed Governance Arrangements
- Report on Declaration/Conflict of Interest
- Report to Corporate Management Team
- Report to Kent Tobacco Control Alliance
- Internal Audit in 1 year
- Lead Officer appointed

Actions

- Actions For Us
- Actions for YOU
- Actions for OTHERS