



## Developing a Policy on Contact with the Tobacco Industry

### *Process Map*

The tobacco industry has a long history of attempting to undermine national and local government health policy. It is therefore important for local authorities to have clear processes in place for managing engagement with tobacco companies and their proxies. Local authorities may choose wherever possible to amend current policy and only develop a new policy when considered necessary or to create a formal standalone policy.

This process map is designed to set out a road map of actions local authorities should take to ensure that local policy is adequately protected from the vested interests of the tobacco industry and that any necessary interaction with the tobacco industry is open and transparent.

1. Make the case – bring together key stakeholders and decision makers

#### **Supporting Documents**

- *Document 2 – Making the case presentation*
- *Document 3 – Why do we treat the tobacco industry differently?*
- *Document 4 – The WHO Framework Convention on Tobacco Control*

2. Audit current activities and policies

#### **Supporting Documents**

- *Document 5 – Template mapping report*
- *Document 6 – Audit process presentation*

3. Action to remedy potential conflicts and gaps

#### **Supporting Documents**

- *Document 7 – Template Communications log*
- *Document 8 – Template Employee code*
- *Document 5 - Suggestions on potential ways to improve compliance in specific areas can be found in Appendix 1 of the Template Mapping Report*

4. Corporate & political sign off

5. Implementing and communicating the policy

#### **Supporting Documents**

- *Document 9 – Template council statement*
- *Document 10 – Local Government Declaration on Tobacco Control*
- *Document 11 – Guidance for Trading Standards on engaging with the tobacco industry*

6. Evaluation

## 1. Make the case – bring together key stakeholders and decision makers

The first stage is to make the case to senior council officers and elected members that having a clear policy on managing engagement with the tobacco companies and their proxies is necessary and important. Local authorities may choose wherever possible to amend current policy, only developing a new policy when considered necessary.

Holding a meeting of senior stakeholders and decision makers is a good first step. Suggested invitees are:

- Council Leader
- Elected members with public health related portfolios
- Representative of the Health & Wellbeing Board
- Head of Legal Services
- Head of Government Procurement
- Democratic services
- Human resources
- Communications department
- Trading Standards
- Police & Crime Commissioner
- Stop Smoking Service Lead
- Public Health Commissioning Lead
- Corporate Policy

It may also be advisable at this stage to prepare a statement about the work in case the media reports on it during the process. See *Document 9 – Template council statement*.

### Key briefing points for senior stakeholders and decision makers:

- The tobacco industry has a long history of attempting to undermine government health policy. It should therefore be treated differently to other industries.
- It is important for local authorities to have a clear policy on managing engagement with tobacco companies and their proxies.
- This may take the form of a new standalone policy or adapting existing policies.
- Reviewing local policies and taking action to ensure that local health policy is adequately protected from the vested interests of the tobacco industry will:
  - provide transparency and openness for local residents;
  - protect the council from criticism over unnecessary engagement with the tobacco industry;
  - ensure any necessary engagement is appropriate;
  - ensure that tobacco industry attempts to influence local health policy are recognised and dealt with appropriately;
  - demonstrate that the council is meeting its obligations as parties to the [Framework Convention on Tobacco Control](#) (FCTC) and to the [Local Government Declaration on Tobacco Control](#).
- Having a policy doesn't mean that local authorities can't engage with the tobacco industry but that they are open and transparent when they do so and that health policy is protected from any undue influence.

## Supporting documents

- *Document 2 – Making the case presentation*
- *Document 3 – Why do we treat the tobacco industry differently?*
- *Document 4 – The WHO Framework Convention on Tobacco Control*
- *Document 9 – Template Council Statement*
  
- [Developing a Policy on Contact with the Tobacco Industry](#) ASH, 2015
- [Guidance for Trading Standards on engaging with the tobacco industry](#)
- [World Health Organisation Framework Convention on Tobacco Control](#)
- [Local Government Declaration on Tobacco Control Resources](#)

## 2. Audit current activities and policies

The next step is to take stock of current council activity and policies. Any existing council policies, in particular tobacco control or corporate sponsorship policies, should be reviewed to determine whether the council is already meeting its obligations under Article 5.3. ASH's list of [issues to consider](#) (see page 4) may be useful in doing this.

There are three suggested steps to auditing your local policies:

- Mapping departments and activities that fall under the remit of Article 5.3
- Review and analysis of the most relevant existing policies and activities for compliance with the article 5.3 and its guidelines
- On-site interviews with selected departments key employees and key members

Policies that you may wish to review as part of the audit include:

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

### Supporting documents:

- *Document 5 – Template mapping report*
- *Document 6 – Audit process presentation*
- ASH [issues to consider](#) (see page 4)

## 3. Action to remedy potential conflicts and gaps

If potential conflicts have been found during the audit process, then you will need to develop policies to remedy this. A key decision you will need to make is whether to adapt current policies to include clauses on contact with the tobacco industry or if it would be more appropriate to develop a stand-alone policy.

All departments and staff affected by policy changes should be invited to participate in its development. Policies are more easily implemented if the rationale behind their introduction is understood. The tobacco industry does not have a reputation for ethical behaviour. However, staff outside of tobacco control may not be familiar with the WHO treaty and its applications nor the full extent of the industry's attempts to subvert health policy. Members of staff with existing relationships with the tobacco industry may not understand why these relationships should not continue.

#### **Supporting documents:**

- *Document 7 – Template Communications log*
- *Document 8 – Template Employee code*
- *Document 5 - Suggestions on potential ways to improve compliance in specific areas can be found in Appendix 1 of the Template Mapping Report*

## **4. Corporate & Political Sign Off**

### **Corporate sign off**

The usual processes for obtaining corporate sign-off should be followed. Relevant stakeholders, for example Tobacco Control Alliance members, should also be given the opportunity to comment on and approve the policy.

It is important that there is buy-in at senior corporate level for the content of this policy to support effective implementation (see key points at the beginning of this document for how to make the case).

### **Political sign off**

The usual processes should be followed to secure political sign off. There is a need for political leadership and ownership of this policy as the tobacco industry has been known to try to subvert local policy either directly or through proxies: ensuring that any new policy or policy changes and the rationale behind them is communicated clearly to Elected Members whose portfolios will be affected is key.

## **5. Implementing and communicating the policy**

The new policy should be promoted to all staff via council communication channels including intranet, staff briefings and internal newsletters. A statement of support from the Elected Member for Health or Chief Executive could reinforce senior support.

A statement for the press should also be prepared in the event that the new policy is reported in the media.

Signing and publicising that the Council has signed or intends to sign the [Local Government Declaration](#) can also act as a public state of intent that the council will be reviewing its policies to meet its duty to protect tobacco control work from the commercial and vested interests of the tobacco industry.

#### **Supporting documents**

- *Document 9 – Template council statement*
- *Document 10 – Local Government Declaration on Tobacco Control*

- *Document 11 – Guidance for Trading Standards on engaging with the tobacco industry*

## **6. Evaluation and review**

The policy should be reviewed on an annual basis and revised or updated where necessary. This should include examining written reports of face-to-face meetings with the industry to ensure the council has met the requirements of Article 5.3. Attempts by the tobacco industry to meet with Elected Members or Council staff which were refused should be recorded alongside any records of contacts so these can be reviewed to ensure the policy is operating effectively.