



## Protecting health policies from the vested interests of the tobacco industry: local resource pack

### A strategy for protecting public health policies from tobacco industry vested interests

#### Mapping Report

##### About this document

- This report is designed as a template to facilitate the process of mapping policy across departments and activities that fall under the remit of Article 5.3 and may be vulnerable to influence from the vested interests of the tobacco industry.
- Each commitment under Article 5.3 is listed below with the relevant guidance for the council to map the extent to which existing policy meets the guidance.

##### Supporting Documents

- *Document 1 – Process Map*
- *Document 6 – Audit process presentation*

**Summary findings**

This box should be completed at the end of the mapping exercise and allows you to set out key findings.

Recommendations & summary activities in 5.3 guidelines <a href="http://bit.ly/1WKxlp8">http://bit.ly/1WKxlp8</a> - see page 4 onwards)	Questions to consider	Current status and evidence	Relevant Dept.	Suggestions for improving compliance (See appendix 1 for example actions)
<b>[1] Raise awareness about the addictive and harmful nature of tobacco products and about tobacco industry interference with Parties' tobacco control policies.</b>				
<i>[1.1] Parties should inform and educate all branches of government and the public about the addictive and harmful nature of tobacco products.</i>	<i>Does the council have policy, schemes and initiatives which contribute to awareness raising across the council among both staff and members?</i>			

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[1.2] Parties should, in addition, raise awareness about the tobacco industry's practice of using individuals, front groups and affiliated organizations to act, openly or covertly, on their behalf or to take action to further the interests of the tobacco industry.	<p><i>To what extent are staff and members aware of tobacco industry tactics to influence policy and the UK's obligations under the FCTC?</i></p> <p><i>Would staff and members for whom it is relevant recognise the tobacco industry and tobacco industry front groups?</i></p>			
<b>[2] Establish measures to limit interactions with the tobacco industry and ensure the transparency of interactions that occur.</b>				
[2.1] Parties should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products.	<p><i>Is there evidence that staff and members have been approached or contacted by the tobacco industry?</i></p> <p><i>Is there specific guidance on interaction with the tobacco industry?</i></p> <p><i>Is there clarity on how to distinguish between a necessary and a non-necessary interaction with the tobacco industry?</i></p> <p><i>Where there is interaction is it appropriate and transparent?</i></p>			
[2.2] Where interactions with the tobacco industry are necessary, Parties should ensure that such interactions are conducted transparently. Whenever possible, interactions should be conducted in public, for example through public hearings, public	<p><i>Is there a procedure in place to make interactions transparent (particularly important for trading standards)?</i></p> <p><i>Are interactions routinely made public?</i></p>			

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notice of interactions, disclosure of records of such interactions to the public.				
<b>[3] Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.</b>				
[3.1] Parties should not accept, support or endorse partnerships and non-binding or non-enforceable agreements as well as any voluntary arrangement with the tobacco industry or any entity or person working to further its interests.	<p><i>Are there any overt partnerships, non-binding or non-enforceable agreements or voluntary arrangements with the tobacco industry?</i></p> <p><i>Is there a clear policy on tobacco industry sponsorship?</i></p>			
[3.2] Parties should not accept, support or endorse the tobacco industry organizing, promoting, participating in, or performing, youth, public education or any initiatives that are directly or indirectly related to tobacco control.	<p><i>Is there evidence that the tobacco industry is involved in any initiatives related to tobacco control?</i></p> <p><i>Is there a process in place to ensure that tobacco industry involvement is noticed?</i></p>			
[3.3] Parties should not accept, support or endorse any voluntary code of conduct or instrument drafted by the tobacco industry that is offered as a substitute for legally enforceable tobacco control measures.	<p><i>Are there any voluntary codes of conduct or instruments drafted by or in collaboration with tobacco industry?</i></p>			
[3.4] Parties should not accept, support or endorse any offer for assistance or proposed tobacco control legislation or policy drafted by or in collaboration with the tobacco industry.	<p><i>Is there any evidence that tobacco industry assistance is accepted in drafting tobacco control policy?</i></p> <p><i>Is there a procedure in place to ensure this doesn't happen?</i></p>			
<b>[4] Avoid conflicts of interest for government officials and employees. (4.9 international guidelines)</b>				

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[4.1] Parties should mandate a policy on the disclosure and management of conflicts of interest that applies to all persons involved in setting and implementing public health policies with respect to tobacco control, including government officials, employees, consultants and contractors.	<i>Do the relevant codes and policies set out how officers, elected members, contractors and consultants should manage and disclose conflicts of interest relevant to tobacco control?</i>			
[4.2] Parties should formulate, adopt and implement a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry.	<i>Is there a code of conduct that mandates how council employees and elected members should behave when dealing with the tobacco industry?</i>			
[4.3] Parties should not award contracts for carrying out any work on setting and implementing public health policies with respect to tobacco control to anyone with conflicts of interest with established tobacco control policies.	<i>Do general procurement guidance and systems include reference to the tobacco industry?</i>			
[4.4] Parties should develop policies requiring public office holders with an existing or previous role in setting and implementing public health policies with respect to tobacco control to inform their institutions of any intention to engage in an occupational activity within the tobacco industry within a specified period of time after leaving service.	<i>Is there a policy in place to ensure that officers and elected members in public health roles inform the council if they intend to engage with the tobacco industry as part of another role within a specified time after leaving service?</i>			
[4.5] Parties should develop clear policies that require applicants for public office	<i>Is there a policy in place requiring that applicants for public office</i>			

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positions, which have a role in setting and implementing public health policies with respect to tobacco control, to declare any current or previous occupational activity with any tobacco industry, whether gainful or not.	<i>positions declare any current or previous occupational activity relating to the tobacco industry?</i>			
[4.6] Parties should require government officials to declare and divest themselves of direct interests in the tobacco industry.	<i>Are tobacco industry investments included in the declaration of interests of officers and members?</i>			
[4.7] Government institutions and their bodies should not have any financial interest in the tobacco industry, unless they are responsible for managing an ownership interest in state-owned tobacco industry.	<i>Does the council invest in tobacco industry through its pension fund?</i> <i>(See <a href="#">ASH/Fair Pensions briefing for additional info</a>)</i>  <b>Add link to council statement template text</b>			
[4.8] Parties should not allow any person employed by the tobacco industry or any entity working to further its interests to be a member of any government body, committee or advisory group that sets or implements tobacco control or public health policy.	<i>Are there measures in place to ensure that persons employed by the tobacco industry or acting on their behalf are not part of any group that sets or implements tobacco control or public health policy?</i>			
[4.10] Parties should not allow any official or employee of government or of any semi-/quasi-governmental body to accept payments, gifts or services, monetary or in-kind, from the tobacco industry.	<i>Is this covered by the sponsorship code and gift policies?</i>			
[4.11] Parties should put in place effective measures to prohibit contributions from the tobacco industry or any entity working to further its interests to political parties,	<i>Are elected members declarations of campaign spending publically available?</i>			

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candidates or campaigns, or require full disclosure of contributions.	<i>Are elected members declaration of campaign spending examined before they are appointed to public health/tobacco control related roles?</i>			
<b>[5] Require that information provided by the tobacco industry be transparent and accurate (5.2 - 5.6 are not relevant to local government)</b>				
5.1 Parties should introduce and apply measures to ensure that all operations and activities of the tobacco industry are transparent.	What engagement between the council and the tobacco industry exists and how can this be made transparent?			
<b>[6] Denormalise and, to the extent possible, regulate activities described as 'socially responsible' by the tobacco industry, including, but not limited to, activities described as 'corporate social responsibility'.</b>				
[6.1] Parties should ensure that all branches of government and the public are informed and made aware of the true purpose and scope of activities described as socially responsible performed by the tobacco industry.	<i>Does the council have policy, schemes and initiatives which contribute to awareness raising across the council among both staff and members?</i>			
[6.2] Parties should not endorse, support, form partnerships with or participate in activities of the tobacco industry described as 'socially responsible'.	<i>Is there a process in place to ensure that the tobacco industry is not able to present any interaction with local government as part of its corporate social responsibility agenda?</i>			
[6.3] Parties should not allow public disclosure by the tobacco industry or any other person acting on its behalf of activities described as 'socially responsible' or of the expenditures made for these activities, except when legally required to report on such expenditures, such as in an annual report.	<i>Is there a process in place to ensure that the tobacco industry is not able to present any interaction with local government as part of its corporate social responsibility agenda?</i>			
[6.4] Parties should not allow acceptance by any branch of government or the public	<i>Does any part of the council accept contributions from the tobacco</i>			

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sector of political, social, financial, educational, community or other contributions from the tobacco industry or from those working to further its interests, except for compensations due to legal settlements or mandated by law or legally binding and enforceable agreements.	<i>industry or its partners?</i>  <i>Are there policies in place to ensure that no part of the council accepts contributions from the tobacco industry or its partners?</i>			
<b>(7) Do not give preferential treatment to the tobacco industry. (7.2 covered in 4.7) (Section 8 of the guidance is not applicable in the UK)</b>				
7.1 Parties should not grant incentives, privileges or benefits to the tobacco industry to establish or run their businesses.	<i>Is there a route through which incentives are reviewed to ensure they are consistent with this guidance?</i>			
7.3 Parties should not provide any preferential tax exemption to the tobacco industry.	<i>Is there a process in place to ensure that the tobacco industry does not benefit from preferential business rates?</i>			
<b>Enforcement</b>				
Parties should put in place enforcement mechanisms or, to the extent possible, use existing enforcement mechanisms to meet their obligations under Article 5.3 of the Convention and these guidelines. Parties should use and enforce mechanisms to ensure compliance with these guidelines, such as the possibility of bringing an action to court, and to use complaint procedures such as an ombudsman system.	<i>Are there mechanisms in place to ensure that enforcement teams within the council comply with Article 5.3?</i>			
<b>Monitoring</b>				
Monitoring implementation of Article 5.3 and the Article 5.3 Guidelines is essential. This should also involve monitoring the tobacco industry, for which existing models				



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and resources should be used, such as the database on tobacco industry monitoring of the WHO TFI. NGOs and other civil society organisations not affiliated with the tobacco industry could play an essential role in monitoring activities of the industry.				
<b>Whistleblower</b>				
Codes of conduct or staff regulations for all branches of governments should include a 'whistleblower function', with adequate protection for whistleblowers.				
<b>Evaluation and review</b>				
Evaluation and review				

## Appendix 1

### Suggested ways to improve compliance

1.1	<ol style="list-style-type: none"> <li>1. Sign <a href="#">Local Government Declaration on Tobacco Control</a></li> <li>2. Review tobacco public health information campaign strategy plans and activity to ensure compliance with FCTC and 5.3 guidelines</li> </ol>
1.2	<ol style="list-style-type: none"> <li>1. Develop a strategy for raising member's and/or officer awareness on tobacco industry strategies and tactics</li> <li>2. Develop a strategy for countering tobacco industry disinformation of the public</li> <li>3. Identify and make available a list of national, EU, local organisations, front group &amp; individuals affiliated or supportive of the tobacco industry. (<a href="#">Tobacco Tactics website</a> may be a useful resource)</li> <li>4. Share new intelligence on tobacco lobbying attempts via the <a href="#">Smokefree Action Coalition</a> network.</li> </ol>
2.1	<ol style="list-style-type: none"> <li>1. Develop guidance for officers and members on what constitutes necessary / appropriate interaction and the need for transparency.</li> <li>2. Develop guidance for trading standard officers. This could be based on the <a href="#">existing guidance</a>.</li> <li>3. Develop a system (with particular focus on trading standards) for the publication of details of any necessary meetings or interactions with the industry, including an explanation of why they were required and how they are consistent with Article 5.3 of the FCTC. See template communications log as an example <a href="#">[link]</a></li> </ol>
2.2	<ol style="list-style-type: none"> <li>1. Develop a system for the publishing details of any necessary meetings or interactions with the industry, including an explanation of why they were required and how they are consistent with Article 5.3 of the FCTC. See template communications log as an example <a href="#">[link]</a></li> </ol>

3.1	<ol style="list-style-type: none"> <li>1. Ask all departments to verify that all current agreements, partnerships, contractual arrangements do not include tobacco industry or affiliated groups.</li> <li>2. Revise the current Sponsorship policy and guidance on procurement to include specifically make reference to tobacco industry.</li> </ol>
4.1	<ol style="list-style-type: none"> <li>1. Revise the Code and declaration of interests to cover engagement with the tobacco industry</li> </ol>
4.2	<ol style="list-style-type: none"> <li>1. Promote a revised code to staff and members via council communications channels including intranet, staff briefings, team meetings and internal newsletters.</li> <li>2. Consider a statement of support from the Elected Member for Health or Chief Executive to reinforce senior support.</li> </ol>
4.3	<ol style="list-style-type: none"> <li>1. Revise the procurement policy and guidance for officers working on health policy issues</li> </ol>
4.4	<ol style="list-style-type: none"> <li>1. Check options with HR department</li> </ol>
4.6	<ol style="list-style-type: none"> <li>1. Review existing government officials declaration of interests in relation to tobacco</li> <li>2. Ensure the monitoring officer and standards committee understands article 5.3 and tobacco industry</li> <li>3. Include specific reference to tobacco industry in declaration forms</li> </ol>
4.7	Pensions: ASH Guidance here: <a href="http://ash.org.uk/files/documents/ASH_831.pdf">http://ash.org.uk/files/documents/ASH_831.pdf</a>
4.11	<ol style="list-style-type: none"> <li>1. Review existing members declaration of interests in relation to tobacco</li> <li>2. Ensure the monitoring officer and standards committee understands article 5.3 and tobacco industry</li> <li>3. Include specific reference to tobacco industry in declaration forms</li> </ol>
6.1	<ol style="list-style-type: none"> <li>1. Include in information campaigns</li> <li>2. Develop a specific policy for CSR</li> </ol>
<b>Enforcement</b>	<ol style="list-style-type: none"> <li>1. See template communications log for example [link]</li> </ol>
Evaluation and review	<ol style="list-style-type: none"> <li>1. Implementation of article 5.3 should be reviewed on an annual basis and revised or updated where necessary. In particular, 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.</li> <li>2. Appoint an FCTC/5.3 officer within health services</li> </ol>