

MEMORANDUM OF UNDERSTANDING

Between

The Portman Group, the Department of Health, the Home Office, Scottish Executive, Welsh Assembly Government and Northern Ireland Office

Re: The Drinkaware Trust

1. This Memorandum of Understanding (MoU) sets out the position as at 29 June 2006.

2. The Drinkaware Trust [*the 'Trust'*]¹ is a charitable company, registered with the Charity Commission. The trustees currently delegate the management and operation of the Trust to The Portman Group.

3. It is hereby agreed that, as soon as reasonably practicable, the **governance, funding base and activities** of the existing Drinkaware Trust will be re-structured so that it fulfils the educational, community and awareness campaigning role envisaged in the Alcohol Harm Reduction Strategy for a fund, voluntarily finance by the alcohol industry (producers and retailers), but with broadly-based support to tackle alcohol-related harms. The Trust will also provide the mechanism in England for government-industry partnership on public education campaigns, as envisaged in the 'Choosing Health' White Paper. There will also be opportunities for the Devolved Administrations to engage with the Trust on public education campaigns, as well as via bilateral links. The Trust will offer a resource base and partnership mechanism to complement existing partnership mechanisms in support of the alcohol harm reduction strategies of the Devolved Administrations.

4. The new Trust will represent a significant milestone, on the part of the drinks industry, to strengthen its commitment to taking a share of responsibility for promoting alcohol education and preventing alcohol misuse, and on the part of government, to work in partnership with the industry around a shared agenda. It will be run by an independent chair and trustees, and will represent the perspective of a broad range of stakeholders.

Purpose and remit

5. **Purpose:** The Trust is an independent UK-wide, public-facing body with the objective of positively changing public behaviour and the national drinking culture to help reduce alcohol misuse and minimise alcohol-related harm.

6. In so doing, the Trust will:

¹ This is the 'working title' for a fund, voluntarily financed by industry to tackle alcohol-related harms – see paragraphs 12 & 13, below.

- fulfil the educational, community and awareness campaigning function envisaged in the Alcohol Harm Reduction Strategy for a fund to tackle alcohol misuse and alcohol-related harms;
- be an expression of the partnership between government and industry as envisaged in 'Choosing Health' to develop public education campaigns;
- support the respective strategies and action plans of the Devolved Administrations, and pay due regard to the balance of funding across the UK; and
- be run by and represent the perspective of a broad range of stakeholders.

7. Strategic objectives: The Trust aims to:

- Increase Awareness of:
 - Why and how to drink safely & responsibly.
 - The impact of alcohol misuse on society and on the health & well-being of individuals, their families and communities.
- Improve Attitude towards:
 - Motivation & personal responsibility to drink safely & responsibly; and
 - The unacceptability of binge drinking & drink related disorder.
- Effect positive changes in Behaviour related to alcohol consumption;

8. The Trust will evaluate its success in helping to achieve the above aims and will also measure the long-term outcomes of these via reductions in alcohol-related harms (disorder & health).

9. Principles: The following principles will underpin the Trust's work:

- a) The Trust should act in the interests of the public and should undertake programmes that are, evidence based.
- b) For most adults, moderate drinking is compatible with a healthy lifestyle. The challenge is to ensure that members of the public understand what moderate drinking is, and choose to manage if, when, what and how much they drink accordingly.
- c) Tackling alcohol misuse is a shared responsibility. Companies that make, sell or distribute alcoholic drinks have a key role to play in helping solve the problem of alcohol misuse.
- d) Public education, with targeted, consistent messages about alcohol directed at children, parents, teachers, health professionals and the general public, is one fundamental part of the policy solution to tackling alcohol misuse.
- e) The Trust is an additional tool in helping to achieve these things and, as such, should complement but not duplicate the efforts of other

bodies including government, industry, charities, NGOs etc. It should not be seen as solely responsible for achieving a reduction in alcohol-related harms or changes in drinking behaviour.

10. **The Trust's scope:** The Trust will:

- contribute to the process of public policy development across the UK via provision of relevant evidence and insights from the outcomes and evaluations of its supported projects, but otherwise not have a policy function.
- engage the support of drinks producers, retailers, Government and other stakeholders in the promotion of its campaigns.
- contribute to but not duplicate the education and prevention resource available in the UK to tackle alcohol-related harms.
- **not** duplicate the role of existing regulatory and self-regulatory bodies nor provide resources for treatment or law enforcement of alcohol-related matters.

The Trust's Activities

11. The Trust's specific programme of activities will be the responsibility of the newly constituted body of Trustees and may include:

- educational and campaigning work to promote responsible drinking among the general public and targeted at particular groups;
- project aid for local and national initiatives which accord with the purpose of the Trust; and
- commissioned market research and evaluation to inform the development of and assess the impact of its campaigns and project aid programmes, and the running and evaluation of pilot programmes or commissioning of relevant research, consistent with the Trust's purpose and remit to provide, where one does not exist, an evidence base for decisions relating to education and campaigning work, tackling alcohol-related harms or, indeed, allocation of project aid. Trustees will be able to appoint expert advisory committees to help ensure that the Trust's activities are of the highest quality, based on the prevailing evidence.

Name of the Trust

12. The existing Trust (being the charitable arm of The Portman Group) is seen by both Government and industry as an appropriate starting point for developing a new and independent fund, as set out in the Alcohol Harm Reduction Strategy for England. Noting that the "Drinkaware" brand has already begun to establish itself in the public's consciousness, it is essential that this be retained as the consumer-facing brand of the Trust.

13. The new Trust will be an independent body operating across the UK, which will require the support of a wide range of industry and non-industry stakeholders to be successful. As part of ensuring the stakeholder buy-in to the new Trust, the new Board of Trustees could consider assigning to the Trust a new name that might more accurately describe its purpose and remit as described in paragraphs 5-10 above of this Memorandum of Understanding and to help embody a new identity for the Trust.

Governance

(NB: None of the trustees would REPRESENT any particular body or group – each would have obligations to represent only the interests of the Trust itself.)

14. The Trust will be governed by a Board of thirteen Trustees, comprised as follows:

5 x Non-Industry Trustees

5 trustees drawn from an **alcohol-related** non-industry background who would bring to the board, directly and/or via a strong network of peers:

- knowledge & experience of their specific non industry sector
- access to the public at various points in their relationship with alcohol e.g. education, medical intervention
- access to research findings and evidence relating to alcohol harm reduction.
- Experience of and expertise in successfully building awareness of and changing attitude to misuse of alcohol
- Ability to assert a positive, inclusive and constructive approach to alcohol harm reduction.
- Opportunity to encourage, reinforce, recognise and reward best practise in alcohol harm reduction.

Between them, they would bring extensive experience and a close working knowledge of alcohol harm reduction across a variety of areas, which might include:

- | | |
|----------------------------|------------------------|
| - Health | - diversity/devolution |
| - youth/education | - women's issues |
| - voluntary sector | - social marketing |
| - community representation | - parenting |
| - law & order | - academic |

5 x Industry Trustees

5 trustees drawn from alcohol industry who would bring to the board, directly and/or via a strong network of peers:

- knowledge and experience of their specific alcohol industry sector
- Opportunity to positively influence consumers at the point of purchase (of alcoholic drinks)
- Access to consumer insight and consumer campaigning expertise.
- Ability to assert a positive influence throughout the alcohol supply chain.
- Opportunity to model best practise in alcohol production and/or licensed retailing.

- Ability to assert pressure on industry peers to support Drinkaware and/or alcohol harm reduction initiatives

Between them, they would bring extensive experience and a close working knowledge of the following alcohol industry sectors:

- Brewing
- Distilling
- Other drinks production e.g. cider, wine
- On Trade Licensed Retailing
- Off Trade Licensed Retailing/Brand owners

2 x Lay Trustees

In addition, 2 trustees would be sought, **with no current professional interest in alcohol**, but who bring with them relevant and valuable expertise from OTHER sectors, which could include:

- fundraising expertise (inc. experience of establishing and/or growing a charitable organisation)
- marketing/consumer campaigning expertise (incl. devising, implementing & evaluating a successful consumer awareness campaign) incl. social marketing
- experience of operating in a devolved environment
- charity governance expertise/ CSR experience (non alcohol-related)
- financial and/or legal skills CSR experience (non alcohol-related)

1 x Independent Chair

In addition, an independent chair would be sought, **with no professional interest in alcohol**, who bring with them relevant and valuable expertise from OTHER sectors, which could include any of the above, lay trustee list AND:

- a proven track record in CSR and in chairing, launching and/or growing a similar scale business and/or charitable organisation in another sector.

15. The existing Trustees remain legally responsible for the appointment process until the new Trustees take office. They will delegate the organisation of the appointment of the new Chair and Trustees to an interim Chief Executive, supported by an independent five-person appointment panel. The panel will appoint firstly the new Chair and then the Trustees in accordance with **Annex 1**.

16. The five person appointment panel will comprise either a Department of Health or Home Office senior official (to act as Chairman of the Panel), and four other Steering Group members representing industry (2) and non-industry (2) interests. The panel will interview short-listed candidates and agree the choice of firstly the new Chair and then the Trustees. Appointments to the Board will be based on merit and the balance of skills required. The appointment panel should also pay regard to the balance of membership between the UK countries and in any event ensure that there are sufficient Trustees with a good understanding of issues in Scotland, Wales and Northern Ireland.

17. Once a new Chair has been appointed, and before the selection of the new Trustees has begun, the new Chair will take over from the Civil Servant senior official secondee as Chair of the Appointments Panel.

Accountability

18. Relevant Government Departments will send observers to the meetings of the Board of Trustees, which will include the Devolved Administrations, but the Government has no formal role in the governance of the Trust.

19. As a charitable company, the Trust's records, annual reports, accounts and so on will all be in the public domain. In recognition of the unique nature of the Trust, the availability of these documents will be widely promoted. Trustees will consider how to ensure, and to demonstrate continued accountability and transparency in the operation of the Trust, building on the way in which stakeholders were involved in the establishment of the Trust.

Administration

20. The transition from the existing Drinkaware Trust to the new entity will be overseen by an interim Chief Executive. This role should continue until a permanent Chief Executive is appointed. The job description for an interim Chief Executive is at **Annex 2**.

21. The interim Chief Executive will conduct an immediate review of expected staffing needs for the new Trust. Subject to this review, the operational staff currently engaged on the Trust work will transfer under TUPE conditions.

22. The new Trustees will recruit a new Chief Executive. There will be no shared administrative or staffing functions with The Portman Group. The new Trustees will secure an early separation from shared location with the Portman Group – the permanent Chief Executive will present options for separation within six months of appointment.

Funding

23. The member companies of The Portman Group (TPG) agree that they will provide core funding to the Trust at the levels specified in the projected budgets, and that TPG will work to secure further investment in the Trust from the wider industry. The aim is to secure an annual budget of at least £5m by Year 3, starting with £3m in Year 1, rising to £4m in Year 2. The aim in the first three years is for Trust to aspire to attract funding from as broad a base of support as possible.

24. Within five years, the Trust should aspire to attract resources substantially greater than the levels committed for Year 3. Determinants of the levels of resources beyond Year 3 should include:

- the effectiveness of the Trust's work programme up to Year 3;

- the strength of any case made for a higher level of funding, to show that it can be spent to deliver the Trust's strategic objectives more effectively. The Trustees will be responsible for presenting the case for resources beyond Year 3, in consultation with other stakeholders.

25. The Trustees will commission an external, independent audit of the effectiveness of the Trust's performance against its objectives, to report before the end of Year 3. The audit will inform the case to be made by the Trustees for resources beyond Year 3. The choice of body or person undertaking the audit will be agreed with Government.

26. In line with the partnership approach, Government (including the devolved administrations) will consider 'in-kind' technical support to the Trust. Following normal procurement protocols, the new Trust will be free to tender in open competition on the same basis as other organisations for relevant Government departmental contracts to deliver public education campaigns on alcohol issues.

Added Value

27. The Trust is intended to add value to existing activity by both industry and government and others in pursuit of reducing alcohol-related harm. On the part of industry, brand-based social responsibility activity will continue to be encouraged and The Portman Group will monitor its members' compliance with its own Commitment to Action Agreement, which covers, *inter alia*, unit labelling, promotion of the drinkaware.co.uk website and Code training.

28. On the part of Government, including in the devolved administrations, it is expected the Trust will provide synergy with their own activities on public awareness. It is not a replacement but an add-on. It is intended that departmental and Trust activities to promote alcohol awareness and responsible drinking would be complementary to those of government and others in relation to promoting alcohol awareness and responsible drinking, and that, ideally, joint dialogue would take place in respect of planning and development of such activities.

29. Funding from the industry for the Trust is provided on an entirely voluntary basis. The views of other parties, including Government, will be sought on levels of funding as part of discussions on the renewal of this Memorandum.

30. This Memorandum of Understanding is not a legally binding document. It will run for three years from the date of signing by the parties below.

Signed:

Caroline Flint MP, Minister of State for Public Health, Department of Health

Vernon Coaker MP, Parliamentary Under Secretary of State, Home Office

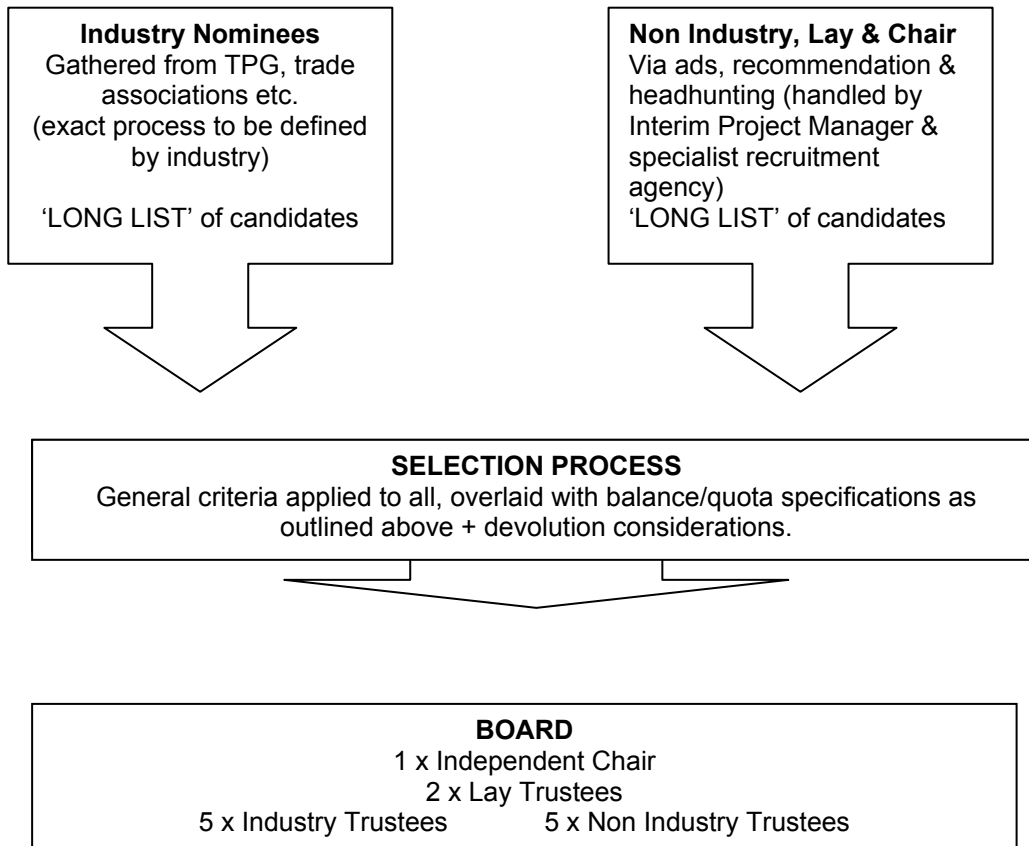
Chris Searle, Chairman The Portman Group

Andy Kerr, MSP Minister for Health and Community Care, Scottish Executive

Edwina Hart, AM MBE Minister for Social Justice and Regeneration, Welsh Assembly Government

Paul Goggins, MP Parliamentary Under-Secretary of State, Northern Ireland Office

29 June 2006

Proposed Recruitment & Selection Process**Proposed duration of initial appointments:****5 x Industry**

1 x 2yrs
2 x 3yrs
2 x 4yrs

5 x non Industry

1 x 2 yrs
2 x 3yrs
2 x 4yrs

2 x Lay

1 x 2yrs
1 x 3yrs

1 x Chair

1 x 4yrs

This would give a balance of established, recently recruited and new trustees for initial period as follows:

Year	Established >2yrs	Recent 1-2 yrs	New <1yr
3	10		3
4	5	3	5
5	3	5	5

Thereafter, trustees would serve a maximum of two terms up to a maximum of 6 years.

INTERIM CHIEF EXECUTIVE JOB DESCRIPTION

Purpose of job

To lead the transition of The Drinkaware Trust to independent governance working closely with the Trustees and CEO of the current Trust and with the Steering Group (if applicable).

Key Objectives

1. Liaising with lawyers to produce a revised Mem & Arts for The Trust. (Reporting to the existing Trustees and Steering Group, if applicable.)
2. Manage recruitment process for Chair and subsequently twelve other Trustees in line with structure of governance described in MOU. Then working with new Chair on recruitment of new CEO. (Reporting to the Appointing Panel.)
3. To determine and organise administrative aspects of the transition including identifying options and making recommendations for staffing (in line with TUPE requirements); contractual obligations and accommodation. (On staffing matters reporting to existing Trustees - on premises and other contractual obligations reporting to new Trustees.)
4. To prepare papers for existing Trustees to sign off the transition and handover to new Board of Trustees.

Reporting to

Functional management by task - see above. Overall line management remaining with seconding department.

Detailed tasks

- 1. Liaising with lawyers to produce a revised Mem & Arts for The Trust**
 - Working with lawyers, to prepare first draft of required revisions to Mem & Arts.
 - Seek legal input and amend as appropriate.
 - Liaise with Charity Commission to ensure compliance with relevant requirements.
 - Finalise draft with lawyers.
 - Liaise with Company Secretary on delivery on legal requirements for Board of Trustees.
 - Present to existing Trustees for adoption at AGM on 29 June.
 - Register revised Mem & Arts with Companies House and Charities Commission.

2. Manage recruitment process for Chair and subsequently twelve other Trustees in line with structure of governance described in MOU. Then working with new Chair on recruitment of new CEO.

- Prepare Chair and other Trustee job descriptions in line with steering group decisions reflected in revised MOU.
- Prepare advertisements.
- Decide where to place advertisements.
- Manage response to advertisements.
- Recommend shortlist to appointments panel.
- Administration relating to setting up interviews and subsequent candidate communication.
- Liaising with industry as appropriate over identification of industry Trustees shortlist.
- As above for CEO.

3. To organise administrative aspects of the transition including staff (in line with TUPE) and premises.

- To discharge TUPE obligations in relation to those staff required to transfer.
- To examine accommodation options and prepare a report and recommendations for new Trustees.
- To examine other contractual obligations and prepare a report and recommendations for new Trustees.

4. To prepare papers for existing Trustees to sign off the transition and handover to new Board of Trustees.

- By 24 August have papers ready to mail out to existing Trustees for their 6 September Board meeting at which new Trustees will be co-opted, old Trustees resign and handover be completed.
- Support new Board of Trustees up to the point at which new CEO takes office.

Terms and Conditions

- Civil servant on secondment from relevant Government department.
- Employment costs to be paid by the Drinkaware Trust.
- Immediate start.
- Likely duration approx 6 months but not necessarily full time and may be front-loaded.
- Based Chandos St, W1.

Skills and qualities required

- Project management experience.
- Understanding of the alcohol harm reduction agenda from Government, industry and broader stakeholders' perspectives.
- Excellent drafting skills and an eye for detail.
- Excellent communication skills both written and oral.
- Ability to work to tight timetables and under pressure.

- Experience of working in partnership with multiple stakeholders.
- Results orientated, positive attitude, team player.
- Ability to manage budget .