



**Police Service of Northern Ireland**

# **Alcohol Test Purchasing Procedures**

Equality Impact Assessment

Draft Report

November 30<sup>th</sup> 2012

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*1 – Meetings with Key Stakeholders, October 2009*

*2 – Pilot Exercise Feedback Questionnaire, May 2010*

*3 – Final Screening Form (February 2010)*

## PREFACE

Further to the statutory duties contained within Section 75 of the Northern Ireland Act 1998, PSNI committed to carrying out an Equality Impact Assessment (EQIA) on each policy where screening indicated that there may be significant implications in relation to one or more of the nine Section 75 grounds.

As part of the work to introduce Alcohol Test Purchasing (TP) procedures, an extensive screening exercise was undertaken in February 2010, together with an 8-week period of consultation, to determine if an EQIA was necessary to ensure the PSNI upholds its duties in relation to Section 75.

The screening concluded that while it was appropriate to implement the TP procedure, it would also be appropriate to subject the procedure to an EQIA at a later date and especially when available data could better inform decision-making. At that time it was proposed that pilot TP exercises would be undertaken in December 2009 and January 2010.

We would welcome any comments that you may have in terms of this EQIA, including our preliminary recommendations with regard to measures to mitigate adverse impact. Further copies of this EQIA report are available on PSNI's website at [www.psnipolice.uk](http://www.psnipolice.uk) (pathway: 'Updates' / 'Consultation Zone').

If you have any queries about this document, and its availability in alternative formats (including Braille, disk, large print and audio cassette, and in minority languages to meet the needs of those whose first language is not English) then please contact:

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Deadline for comments will be: 1<sup>st</sup> March 2013

Following consultation the Final Report will be made available.

## 1. PSNI and SECTION 75

Section 75 (1) of the Northern Ireland Act 1998 requires that PSNI shall, "in carrying out its functions relating to Northern Ireland, have due regard to the need to promote equality of opportunity" between the following nine Section 75 grounds:

- Persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- Men and women generally;
- Persons with a disability and persons without; and
- Persons with dependents and persons without.

In addition, and without prejudice to these obligations, in carrying out its functions relating to Northern Ireland, PSNI is also committed to having due regard to the desirability of promoting good

relations between persons of different religious belief, political opinion or racial group.

PSNI's Revised Equality Scheme was approved by the Equality Commission for Northern Ireland on 26<sup>th</sup> September 2012. This scheme sets out arrangements as to how PSNI proposes to fulfil its obligatory duties determined through Section 75 legislation and its implementation.

The Revised Equality Scheme also acknowledges the commitment to carrying out Equality Impact Assessments (EQIAs) and policy reviews on existing policies and to screen all new policies as required.

PSNI has conducted screening of all policies, written and unwritten, to assess which policies may potentially impact on equality of opportunity and/or good relations obligations.

Following this screening process, it was determined that processes and procedures attaching to **Alcohol Test Purchasing** should be subjected to an EQIA. This report presents the draft findings of that assessment.

## 2. BACKGROUND

### *Statutory Provision*

Article 67 of the Criminal Justice (NI) Order 2008 creates a test purchase power to allow police officers to identify licensed premises including supermarkets selling alcohol to under 18s. Specifically, the article allows a person under the age of 18 to enter licensed premises and to seek to purchase alcohol, under the direction of a police officer acting in the course of his or her duty. The provision aims to tackle underage drinking by helping to prevent young people from accessing alcohol from licensed premises.

This provision is now mirrored in various jurisdictions including Scotland, England, Wales and the Republic of Ireland, where the procedure is now commonplace and is used routinely by various police forces, often working in tandem with local authorities.

For example, in 2010, under Section 37C(4) of the Intoxicating Liquor Act 1998, the Irish Minister for Justice and Law reform issued guidance on alcohol test purchasing, involving the sending of a person who is at least 15 years of age but under the age of 18 years (the "test purchaser"), acting on the instruction of a member of the Garda Síochána, into licensed premises for the purpose of purchasing alcohol<sup>1</sup>.

Within the UK, the majority of police authorities now routinely use TP procedures, where the protocols are now well established and including those designed to protect the young people who volunteer to test purchase. In drawing up its own procedures, the PSNI was fortunate in being able to draw heavily on several international examples of good practice which had already been in place for several years, and there is still regular liaison with other authorities to keep up-to-date with any latest developments in the field.

Locally, related provisions are used routinely by local councils in order to test purchase a variety of age-restricted substances. District councils in Northern Ireland have a statutory duty to enforce the legislation relating to the sale of some age-restricted goods such as cigarettes, cigarette products and cigarette lighter refills containing butane or a substance with butane as a constituent part. The legislation relating to the sale of cigarettes includes The Health and Personal Services (N.I.) Order 1978 and the Children and Young Persons (Protection from Tobacco) (N.I.) Order 1991. The legislation relating to the sale of Butane Gas is the Cigarette Lighter Refill (Safety) Regulations 1999

<sup>1</sup> <http://www.justice.ie/ga/JELR/test%20purchasing%20guidelines.pdf/Files/test%20purchasing%20guidelines.pdf>

which was made under the Consumer Protection Act 1987. Once more, very rigorous procedures are attached to the use of young people as test purchasers, with well regulated schemes now run routinely by a large number of councils (e.g. see Belfast City Council<sup>2</sup>)

### ***Development of PSNI Test Purchasing Service Procedures***

In line with other jurisdictions, since 2008 PSNI has moved towards enacting the legislation by introducing test purchasing procedures for alcohol. A 55-page Manual of Guidance has been compiled to address all aspects of the scheme and including child protection, and the development of these procedures continues to be informed by best practice elsewhere (see below) but to date only four operations have been carried out and the scheme is currently suspended (see below). In comparison with similar schemes in other jurisdictions, the extent of regulation and governance is unparalleled.

The introduction of the test purchasing procedures has been significantly delayed due to a range of factors. As a consequence, Northern Ireland is becoming increasingly exceptional in **not** routinely running test purchasing procedures, and the adverse impact that this absence of procedure may have on the continued accessibility of alcohol to those under 18 years of age in Northern Ireland in comparison with other jurisdictions should not be underestimated. For example, a recent evaluation of similar procedures in Scotland

([http://www.acpos.police.uk/Documents/Policies/OP\\_ACPOSTestPurchaseOfAlcoholMOGv11.0.pdf](http://www.acpos.police.uk/Documents/Policies/OP_ACPOSTestPurchaseOfAlcoholMOGv11.0.pdf)) concluded that the procedures had made a significant impact on under-age drinking, while this issue continues to present itself as a significant problem in Northern Ireland<sup>3</sup>.

A chronology of the introduction of test procedures in Northern Ireland is presented below.

#### **November 2008**

Further to the proposed introduction of the Criminal Justice (NI) Order 2008, and subsequent concerns raised with regard to potential adverse effects attaching to those young people who would volunteer to test purchase, an EQIA was carried out by the Northern Ireland Office (NIO) in 2008 ([http://www.nio.gov.uk/eqia\\_and\\_guidance\\_test\\_purchase\\_powers.pdf](http://www.nio.gov.uk/eqia_and_guidance_test_purchase_powers.pdf)) The EQIA concluded that while the procedure would have a significant impact on under-age drinking, and hence would have a positive impact on all Section 75 categories and groups, there was a need to further strengthen safeguards attaching to the test purchasers. As a result, two specific changes were made to the draft legislation. The first provided a requirement in law for the written consent of the parent and young person. The second created a statutory requirement for the Secretary of State to produce guidance principles, to be adopted by the PSNI.

However, in concluding they stated 'Government considers that the test purchase schemes already in operation locally and in Great Britain are both safe and successful and that the statistics demonstrate a positive impact on under age sales practice. And that, coupled with the additional requirements in law, this statutory guidance addresses the concerns that have been expressed.'

#### **December 2008**

The Test Purchase of Alcohol Powers (Article 67 of the Criminal Justice (NI) Order 2008) was formally commenced by the Secretary of State on 8 December 2008. In addition, on 12 December 2008, the Secretary of State published guidance on how the PSNI should carry out Test Purchase of Alcohol operations in Northern Ireland.

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<sup>2</sup> <http://www.belfastcity.gov.uk/businessbyelaws/agerestricted.asp>

<sup>3</sup> [http://www.hpani.org/work/Publicrelations/PressReleases/dangers\\_of\\_underage\\_drinking.htm](http://www.hpani.org/work/Publicrelations/PressReleases/dangers_of_underage_drinking.htm)

## **January 2009**

Although the statute and guidance was in place, each policing district was advised not to use these test powers until PSNI operational guidance had been prepared. This was a significant piece of work which began in January 2009 and involved a number of key issues such as visiting other GB forces/trading standards/district councils to establish best practice procedures, the selection and training of young people as test purchasers, PPS arrangements, RIPA/CHIS considerations, risk assessments, vetting arrangements, and training/vetting of police officers.

## **June - December 2009**

A further Section 75 screening was carried out on the principles of the draft Service Procedure. Consultation and the screening exercise concluded on 19 October 2009. This formal public consultation exercise considered data and evidence relating to the four screening criteria set out by the Equality Commission at that time (see Appendix 3). In addition, PSNI conducted direct consultation meetings with representatives from a number of youth groups (see Appendix 1). All views and feedback received were taken into account when developing the Service Procedure. A response was received from the Children's Law Centre who was supportive of the screening exercise and the decision to carry out an EQIA one year after the Scheme was introduced. A response was also received from the Northern Ireland Children's Commissioner (NICCY) who endorsed the decision of the PSNI to conduct a full EQIA on test purchasing in the future. In light of these responses it was decided to go ahead with pilot operations.

## **December 2009 – April 2010**

Four TP Pilot Operations were carried out in off sales licensed premises in order to assess the operational effectiveness of the draft policy. In total these four operations only involved two young people both male aged 16 ½, along with a minimum seven PSNI officers on each occasion. These officers acted in a variety of support roles including same sex chaperone for the young person, 2 dedicated uniformed back up in the event of an emergency, and 2 plain clothes officers in the licensed premises during the operation itself. In addition, there is a supervisory sergeant and an Inspector in charge of the operation.

For on sales licensed premises, the minimum number of police officers involved is increased to 10 – same sex chaperone for the young person, 3 dedicated uniformed back up in the event of an emergency, and 4 plain clothes officers in the licensed premises during the operation itself. In addition, there is a supervisory sergeant and an Inspector in charge of the operation.

For on sales premises (e.g. nightclub), the minimum number of police officers involved is increased to 11 – same sex chaperone for the young person, 4 dedicated uniformed back up in the event of an emergency, and 4 plain clothes officers in the licensed premises during the operation itself. In addition, there is a supervisory sergeant and an Inspector in charge of the operation.

The number of police officers will be increased as necessary according to specific risk assessments.

## **March 2010**

The Final Screening Report<sup>4</sup> was published (see Appendix 3). This confirmed that the principles underlining the procedures did not indicate a potential for adverse impact on any Section 75 grounds but also committed to carrying out an EQIA in the future, at such time as a number of operations had been carried out and data were available to assess adverse impact.

## **May 2010**

Following the four pilot test purchasing operations, a formal structured evaluation day was held by the Social Policy Unit (see Appendix 2). The evaluation included the District SPOC's (Single Point

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<sup>4</sup> [http://www.psni.police.uk/alcohol\\_test\\_purchasing\\_final\\_equality\\_screening.pdf](http://www.psni.police.uk/alcohol_test_purchasing_final_equality_screening.pdf)

of Contact) at Inspector level, officers involved in the pilots, PPS Liaison and PSNI Senior Legal Adviser). In addition, we also obtained feedback from the young person's who took part including their parents/guardians/carers. While the feedback from all participants was very positive (see responses attaching to each question in Appendix 2), as a result of the exercise, the draft policy was further amended to take account of any relevant issues that had been raised.

### **November 2010**

The revised policy was then once again forwarded to the PSNI Senior Legal Adviser and the ECHR Legal Adviser for their views/comments before formal approval was given by Assistant Chief Constable Service Improvement Department.

In addition, during the period of the evaluation, we received a number of Freedom of Information (FOI) requests looking for very detailed information in relation to the pilot operations e.g. dates/times/names of premises/passes/failures etc. This highlighted a significant organisational risk, whereby there was the likelihood of both the young person and police officers being identified if this information was given out. In addition, during the evaluation the Information Assurance Unit and ICS also raised major concerns regarding the policy and associated documents being made widely available on PoliceNet. Their view was that if the documents were freely available on PoliceNet, this would significantly increase the organisational risk or likelihood of either intentional or inadvertent public disclosure of the sensitive police policy and covert investigative tactics/methodology used in this area.

### **December 2010**

Following the concerns raised above, it was recommended the Service Procedure be converted to a confidential Guidance Manual. Access to this Manual is restricted to only those police officers who have been Management Vetted (MV) for this service function and have been trained in an awareness of child protection issues. In addition, details are included as to how TP operations are undertaken, managed and handled. It also covers police investigation techniques and therefore, is not suitable for public disclosure. The Manual follows best practice procedures and provides considerable detail as to how procedures should be followed in a variety of situations (e.g. off licences, bars and nightclubs). Along with the Manual, PSNI have produced 10 proforma documents to capture information at each stage of the test purchase procedure. These are:

- TP1: Initial Registration of Interest
- TP2: Home Visit and Approval: Child and Parent/Guardian/Carer
- TP3: Suitability and Background Information of the Child Volunteer
- TP4: Consent Form to Contact Child's GP
- TP5: Equality and Monitoring Form
- TP6: Individual Consent Form: Child and Parent/Guardian/Carer
- TP7: Child Volunteer Briefing: Off-License Premises
- TP9: Briefing Checklist, Deployment and Policy/Decision Log
- TP11: Operational Debriefing Checklist for Child Volunteer
- TP12: Two Week Revisit of Child Volunteer after Completion of Operation

### **January – September 2011**

During this period and further to the pilot operations, the draft policy was converted into a Manual, along with ongoing discussions with ICS in relation to putting the draft policy, new PSNI Forms, Process Maps and other Appendices onto a secure facility on PSNI's data management system.

### **June 2011**

All Single Points of Contact (SPOCs) were advised that whilst awaiting the secure facility to be finalised, there were a number of actions that could be taken in the interim i.e. arrange for all police officers undertaking this function to be vetted to MV level, arrange for these officers to be trained in

an awareness of child protection issues, and liaise and consult with local Risk Assessors in order to carry out specific risk assessments at all those premises that may become subject to test purchasing.

### **October 2011**

Information Workshops were held for the District SPOCs (Single Point of Contact) and Deputy SPOCs in order to assist them in planning their District Operations.

### **October 2011**

The Test Purchase Scheme was formally launched on 31 October 2011.

### **2012 – to date**

Following pressure from consultees who represent young people regarding the absence of a further EQIA prior to implementation of the scheme, it was agreed that the scheme should be suspended until the EQIA has been completed, in line with the commitment given in the final screening report (October 2010). This decision has been explained and confirmed with DoJ and the Department for Social Development (DSD).

The Scheme therefore remains suspended until the conclusion of the EQIA, and including the 13 week consultation period<sup>5</sup>.

### ***Test Purchase Procedures***

For reasons outlined above, for operational reasons, the PSNI manual attaching to test purchasing is a confidential document and cannot be reproduced in the EQIA. In comparison with other jurisdictions, the degree of rigour attaching to the procedures is exceptional in its detail and scope. The Guide closely adheres to the Secretary of State's December 2008 guidance and addresses the following five areas: general considerations, consent of participants, selection of participants, safety and welfare, and test purchase operations. All those involved with a test purchase operation must be familiar with this Guide and will have received appropriate and extensive training.

In summary, the general principles underpinning the service procedure are:

#### **1: Safety and Welfare:**

- The welfare and safety of young people involved in test purchasing are paramount and should therefore be the primary consideration and responsibility for all police officers engaged in test purchase exercises.

#### **2: Selection and Review of Young Persons:**

- Participants must be between 16 and 16.5 years of age but can be selected from when they are 15½ (to allow for sufficient lead-in time);
- The young person and their parent/guardian/carer must fully understand the nature of the task involved and participation must be entirely voluntary and have the full written consent of both the young person and their parent/guardian/carer;
- The young person will not receive payment for assisting with test purchasing but appropriate refreshments will be provided as required;
- The young person and their parent/guardian/carer must give PSNI permission to contact their GP to carry out a basic health check. This will ensure that the volunteer does not have a medical or other condition that would make them unsuitable to be used in test purchasing activities with the police;

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<sup>5</sup> For further details go to [http://www.psni.police.uk/index/youth/test\\_purchasing\\_alcohol.htm](http://www.psni.police.uk/index/youth/test_purchasing_alcohol.htm)



- Children or relatives of police officers, police staff, licensees or elected members will not be used in test purchases; and
- The young person and the parent/guardian/carer must understand that while they will generally not be required to attend court as a witness in the event of a successful prosecution, that in exceptional circumstances this may be required.

### **3: Selection Process:**

- Volunteers will be sought to participate in test purchasing through Community Schools Involvement Officers and Youth Diversion Officers who have formal established links with schools, groups and youth fora;
- Test purchasing participants will also be sought through advertising in local press and on the PSNI website;
- Under no circumstances will a vulnerable young person be considered for test purchase operations;
- The selection process and procedure for test purchase operations will maintain the anonymity of volunteers;
- Volunteers for test purchasing will undergo vetting to ensure their suitability. Young people that have a record of contact with the police will not be used in test purchases;
- All volunteers deemed to be suitable would be visited at home by a plain clothes officer to provide information on test purchasing, further ensure their suitability and discuss involvement with their parent/guardian/carer;
- If a volunteer is deemed to be suitable after the home visit, written consent will then be required from the young person and their parent/guardian/carer; and
- Suitability of volunteers will be reviewed within 3 months of original checks through vetting.

### **4: Briefing, Deployment and Debriefing:**

- Young people will not conduct test purchases in an area where they could be recognised. This includes where they live, attend school, areas where friends and/or family live and areas where they previously lived or attended school, training or employment;
- Test purchase operations will not exceed the time of a normal school day;
- A clearly defined date, start and finish time will be provided to the young person and their parent/guardian/carer and the young person will be collected and returned home in an unmarked vehicle unless their parent/guardian/carer has requested other arrangements;
- Test purchase exercises at off sales will not take place after 21.00 hours;
- Test purchasing exercises in public houses will normally take place between 19.00 and 21.00 hours;
- Test purchase exercises must be conducted before 23.00 hours in the case of premises with late licences and these will only be undertaken following a detailed risk assessment to ensure the safety of the test purchasers;
- A pre-visit of each premises and a risk assessment will be conducted before the operation;
- A same-gender chaperone will be assigned to have overall responsibility for safeguarding the welfare and safety of the young persons during their time with the police;
- All officers involved in test purchase operations will undertake child protection training before involvement in test purchase exercise;
- The young person can stop the operation at any time and a stop signal will be agreed before the operation;

- Following a test purchase operation, a formal debrief will be undertaken and the views, comments and suggestions of the young person fully recorded; and
- Young persons taking part in test purchasing will receive a certificate highlighting their valuable contribution to the community.

### **5: Selection of Test Purchase Areas:**

- Areas will be selected for alcohol test purchase operations on the basis of information that may suggest that alcohol is being sold illegally to persons aged under-18 or that licensed premises are situated in an area where persons aged under-18 are consuming alcohol. Indicators that underage drinking is a problem in a specific area include (a) analysis of incidents of anti social behaviour; (b) complaint from the public regarding underage drinking; and (c) geographic analysis of the DPP (now CSPSS) Public Consultation Survey to suggest that underage drinking is of particular concern to residents;
- Licence holders will receive a letter in advance of a test purchase operation being carried out in their area, advising them that test purchasing may be taking place in the coming weeks.

Further to this information, additional, accompanying guidance has also been produced specifically to reinforce the need to protect the Safety and Welfare of young people who volunteer as test purchasers. Key features include:

- The child volunteer and their parent/guardian/carer must fully understand the nature of the task involved and participation must be entirely voluntary and have the full written consent of both the child volunteer and their parent/guardian/carer.
- The child volunteer and their parent/guardian/carer must undergo vetting to ensure their suitability for involvement in the Scheme.
- The child volunteer and their parent/guardian/carer must also give police written permission to contact the GP of the child volunteer to carry out a basic health check. This is to ensure that there are no medical or other reasons that would make them unsuitable for participation in the TP Scheme.
- Robust procedures are in place to ensure the anonymity and safety of the child volunteers involved in the scheme. In addition, all police officers involved will have received training in child protection issues and have undergone additional vetting to ensure their suitability to work with young people.
- Child volunteers will not conduct test purchase exercises in an area they could be recognised. This includes where they live; where they attend school; areas where friends and/or family live etc.
- A same gender chaperone will be assigned to have overall responsibility for safeguarding the welfare and safety of the child volunteers during their time with the police.
- The child volunteers can withdraw from the scheme or from individual exercises at any time.
- Following a test purchase operation, a formal debrief will be undertaken and the views, comments and any suggestions from the child volunteer will be fully recorded.
- There will also be a follow up visit with the child volunteer and their parent/guardian/carer approximately 2 weeks after the test purchase operation to once again perform a further check on their welfare and safety.

Additional operational safeguards have also been introduced and include the following:

- Initial Registration of Interest Form – ***Must*** be hand delivered to a police station in a securely sealed envelope and addressed to District Commander – Specific Point of Contact – Alcohol Test Purchase.
- Home Visit – The purpose of the home visit is to ensure that the child volunteer and their parents/guardians or carers are provided with an overview of the TP Scheme. This includes being fully informed of what the police officers intend to do and what is involved, including the protective safeguards that are to be employed to ensure the welfare and safety of all children participating.
- Individual consent form to participate in a TP of Alcohol Operation – signed by both child volunteer and parents/guardians or carers.
- Child Volunteer Briefing before the start of the Operation.
- Briefing checklist for Police Officers (to be used with the Ops Order).

### 3. AIM OF THE POLICY

#### AIMS OF THE POLICY

In Northern Ireland as elsewhere, under-age drinking continues to lie at the heart of a wide range of social problems, and requires imaginative solutions in order to provide an effective remedy. The overall aim of the PSNI Test Purchasing Procedures Policy is:

**Operating in a proportionate manner that is sensitive and responsive to the rights of all those involved in the test procedure, to reduce the level of under-age alcohol consumption by appropriate clandestine testing of the willingness of licensed premises in Northern Ireland to serve alcohol to those aged under 18 years.**

#### OBJECTIVES OF THE POLICY

Associated objectives are to:

- Reduce the incidence of under-age drinking;
- Make the purchase of alcohol by minors less likely to occur;
- Heighten awareness of responsibility to age-proof the sale of alcohol by licensed premises;
- Reduce anti-social behaviour among adolescents.

#### ***Consultation Questions***

**Do you agree with the way in which the policy has been scoped and set out in this report?**

**Do you have any further comments about this section of the EQIA?**

### 4. CONSIDERATION OF AVAILABLE DATA

A considerable amount of information is already contained within the final screening report of February 2010 (see Appendix 3). By way of summary, the following data sources were used at that time:

- Consultation responses on equality screening for proposals of the draft Criminal Justice (NI) Order 2007 (NIO)

- EQIA on Test Purchase of Alcohol and Consultation on Guideline Principles (NIO)
- Alcohol and Tobacco Test Purchase Policies from other jurisdictions including Scotland
- Belfast City Council test Purchase Procedures
- LACoRS Guide on Test Purchasing (2002)
- ACPOS Manual of Guidance for Test Purchase of Alcohol in Scotland
- Evaluation of Test Purchasing Pilot for Alcohol Sales to Under 18s (Scottish Centre for Social Research)
- PSNI Draft Service Procedure for Carrying out Test Purchasing of Alcohol Operations
- Secretary of State's Guidance on test Purchase of Alcohol in Northern Ireland
- Consultation feedback received by PSNI from organisations representing children and young people
- Consultation with other authorities involved in test purchasing for alcohol and tobacco

These data sources confirm first, that under-age drinking remains a significant problem in Northern Ireland, and second, that the TP procedures as proposed by PSNI conform with, and often exceed, best practice in the field. Further to these data, a number of other sources have been used to inform the current EQIA, and key data are summarised below.

### *Alcohol Test Purchasing in Other Jurisdictions*

#### **Scotland**

The Association of Chief Police Officers of Scotland (ACPOS) Manual of Guidance for Test Purchase of Alcohol in Scotland (2011)<sup>6</sup> is the Scottish equivalent of the PSNI's current Manual of Guidance (see above). The parallels between the two guides are considerable, as the following contents page shows clearly, revealing a convergence around best practice principles.

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<sup>6</sup> [http://www.acpos.police.uk/Documents/Policies/OP\\_ACPOSTestPurchaseOfAlcoholIMOGv11.0.pdf](http://www.acpos.police.uk/Documents/Policies/OP_ACPOSTestPurchaseOfAlcoholIMOGv11.0.pdf)

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**An Evaluation of the Implementation of, and Compliance with, the Objectives of the Licensing (Scotland) Act 2005: Sub-study of Test Purchasing and Other Measures to Enforce Underage Alcohol Sales Regulations.<sup>7</sup> (July, 2012)**

In recognition of the seriousness of underage drinking, a number of measures are now in place in Scotland to help prevent illegal underage sales of alcohol, including test purchasing, Challenge 25, proof of age schemes and bottle marking schemes. To explore the barriers and facilitators to the implementation of these measures and to identify lessons for improvement, an eight-month sub-study was undertaken as part of the evaluation of the implementation of, and compliance with, the objectives of the Licensing (Scotland) Act 2005.

<sup>7</sup> <http://www.healthscotland.com/uploads/documents/19191-RE024FinalReportTestPurchasing%28Jul12%290910FAM.pdf>

Based on interviews with representatives from the police, prosecution service and licensing boards in three case study police force areas, together with structured interviews with a sample of licence holders, the study found that although there were perceived barriers to all of the approaches aimed at enforcing underage alcohol sales regulations, test purchasing was seen as a very useful way to gauge and potentially improve licensed trade staff practice.

A majority of licence holders also reported that test purchasing was their preferred enforcement tool, as long as it was used in tandem with a robust proof of age documentation scheme. Although all of the mechanisms were perceived to have resulted in a reduction in direct sales of alcohol to underage young people, the consensus was that these measures used in isolation were not necessarily sufficient to reduce alcohol consumption in this age group.

## **England & Wales**

### **Local Authorities Coordinators of Regulatory Services (LACoRS): Practical Guide to Test Purchasing<sup>8</sup> (March 2010)**

The revised LACoRS Guide to TP procedures is endorsed by the Home Office and the Trading Standards Institute for use by public authorities in England and Wales. It is offered as a practical guide for those organisations involved in the conduct of TP operations involving young people and the sale of age-restricted products, and builds on the original version of the Guide (2002).

Significant revisions from this earlier edition include the following:

1. "Under age" means any age up to the age at which sales are permitted for the product by the legislation;
2. Under certain circumstances, young people may be employed and therefore paid for their participation in the operation;
3. In limited exceptional circumstances, young people may be permitted to lie about their age when attempting a test purchase;
4. It is recommended that Officers are checked by the Criminal Records Bureau prior to participating;
5. It is recommended that Risk Assessments are carried out; especially where test purchase operations are made at on-licensed premises;
6. Inclusion of updated information relating to surveillance and use of Covert Human Intelligence Sources (CHIS) under RIPA.

The contents of the guide once more closely parallel the current PSNI guide, although the revised LACoRS guide includes the option to take certain steps (e.g. pay young people and ask young people to lie about their age) which at this time the PSNI would be reluctant to adopt given concerns for the well-being of the young people involved.

Beyond these more liberal interpretations of the relevant powers, the guide once more reflects emerging good practice as contained within the PSNI guidance manual. For example, Section 3 of the LACoRS Guide (Operational Considerations) contains the following subheadings:

- 3.1 Risk Assessments and Criminal Records Bureau checks
- 3.2 Selection of Young People
- 3.3 Welfare of Young People
- 3.4 Briefing of the Young Person
- 3.5 Definition of Child and Employment issues
- 3.6 Working with other agencies

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<sup>8</sup> [http://www.xact.org.uk/information/downloads/RIPA/Test\\_Purchase\\_Guidance.pdf](http://www.xact.org.uk/information/downloads/RIPA/Test_Purchase_Guidance.pdf)

## **Department for Children, Schools and Families (E&W) – Safe. Sensible. Social. : Alcohol Test Purchasing: Innovative Practice<sup>9</sup>**

This document highlights a series of case studies showing how TP procedures (as defined by the revised 2010 LACoRS Guide) can be used effectively and safely. It is argued that test purchase and proxy purchase operations are particularly effective when combined with communications campaigns to raise awareness of the relevant offences and the penalties in place. Furthermore, the report highlights that responsible retailers are normally keen to assist in operations and should be included in any operations where appropriate.

### **'Under 18s Sold Alcohol In Swansea Test Purchase Exercise'<sup>10</sup> (April 2010)**

This press release, issued by Swansea City Council, highlights the effectiveness of TP procedures, and also shows how commonplace such procedures now are across the UK. During the last 12 months, 126 test purchases had been undertaken in Swansea, involving 10 different exercises. Thirty sales had been made, resulting in a variety of different enforcement actions including the issue of fixed penalty notices to staff responsible for the sales and warnings, cautions or prosecution of the business where the sale was made.

## **Ireland**

### **Guidelines on Test Purchasing of Intoxicating Liquor<sup>11</sup> (Minister for Justice and Law Reform, October 2010)**

(October 2010)

The 12 page Guidelines issued by the Irish government yet again confirm best practice by outlining how the Garda Síochána should operate TP procedures. In particular, the guide emphasises Human Rights considerations, attaching to Article 3 of the UN Convention on the Rights of the Child. This provides that the best interests of the child shall be a primary consideration in all actions concerning children, and administrative measures shall be appropriate to ensure each child such protection and care as is necessary for his or her wellbeing, taking into account the rights and responsibilities of his or her parents or guardians. Reflecting the terms of the Convention, the guide establishes that the highest possible level of protection for the test purchaser is required.

Accordingly, it is argued that an officer shall have regard to the following:

- a) If, at any time during test purchasing operations, a test purchaser indicates that he or she does not wish to continue, or shows signs of distress, the operation must be halted immediately;
- b) If, while in the care of an officer, the test purchaser is injured or suffers loss or damage to his or her property, the incident must be reported without delay to the parent or guardian and the Superintendent in whose area the operation has taken place;

Test purchasing operations are organised in such a way as to avoid as far as possible the test purchaser being called as a witness in court proceedings, and parental or guardian agreement and consent for the participation of a test purchaser must be obtained. The PSNI Guide conforms closely with this guidance.

### ***Feedback from Test Purchase Pilot Scheme (December 2009 – April 2010)***

Four TP Pilot Operations were carried out to assess the operational effectiveness of the draft policy between December 2009 and April 2010. These pilot exercises involved only two young people both male aged 16½ years together with seven Police Officers who played an active role in the pilot

<sup>9</sup> <https://www.education.gov.uk/publications/eOrderingDownload/00161-2010BKT-EN.pdf>

<sup>10</sup> <http://www.swansea.gov.uk/index.cfm?articleid=36414>

<sup>11</sup> <http://www.justice.ie/ga/JELR/test%20purchasing%20guidelines.pdf/Files/test%20purchasing%20guidelines.pdf>

scheme. In May 2010, a formal structured evaluation day was held by the Social Policy Unit. The evaluation included the District SPOC's (Single Point of Contact) at Inspector level, officers involved in the pilots, PPS Liaison and PSNI Senior Legal Adviser. In addition, we also obtained feedback from the two young people who took part as well as their parents/guardians/carers. Appendix 2 contains the questions that were asked of all stakeholders during the day, together with responses. As can be seen, the overwhelming majority of responses from those surveyed (n = 12) was positive. One significant issue that was identified was that the outlined age range during which young persons can apply and be involved in Test Purchase operations was inadequate. As a result, it was decided to amend the age that young people could apply from 16 years to 15½. As a result, young people could be involved in test purchase operations from 16 years until they reached 17 years.

Interviews with the two young people and their parents revealed the experience was regarded as overwhelmingly positive, and the young people felt that their involvement in the scheme, although not deriving any extrinsic financial reward, had been personally rewarding. It was also felt that the engagement could have other useful benefits by raising awareness of police duties and procedures, as well as enhancing a personal sense of civic responsibility. Both young people were keen to take part again in future test purchase operations.

***Consultation Questions***

**Do you agree with the way in which the data has been analysed and set out in the report?**

**Do you have any further comments about this section of the EQIA?**



## 5. ASSESSMENT OF IMPACT

A review of the available data does not indicate any significant adverse effect by any of the nine Section 75 grounds. Those young people who had been involved in the TP procedures, and their parents, spoke positively about their experience and both showed a willingness to volunteer in the future should the need arise.

A far more significant adverse impact is likely to be felt by young people if the TP procedures are **not** introduced, as Northern Ireland will thereby be missing an opportunity to tackle the widespread problem of underage drinking. By failing to adopt best practice TP procedures as operated routinely in other jurisdictions in the UK and Ireland, as well as by other public authorities in Northern Ireland itself (e.g. local councils), it could be argued that PSNI is open to an accusation of discrimination on grounds of age and race / ethnic origin. Research across the UK has established that, as one part of a package of positive action measures, TP procedures can reduce underage drinking.

### **Consultation Questions**

**Do you agree with the way in which the adverse impacts have been established and set out in the report?**

**Do you have any further comments about this section of the EQIA?**

## 6. CONSIDERATION OF MITIGATING MEASURES

The TP procedures as outlined in the PSNI Manual of Guidance conform closely with best practice as operated routinely within the UK and Ireland, and by other public authorities in Northern Ireland. The original NIO EQIA and successive Section 75 screenings have played a valuable developmental role in identifying and remedying potential adverse impacts but at this time it is argued that no further mitigating measures need to be introduced prior to full implementation.

### **Consultation Question**

**Do you agree with the way in which the measures to mitigate and preliminary recommendations have been drawn up and set out in the report?**

**Do you have any further comments about this section of the EQIA?**

## 7. CONSULTATION

PSNI is committed to consultation which is timely, open and inclusive, and conducted in accordance with the Equality Commission's Guiding Principles. The consultation process in respect of this EQIA will last for a period of **13 weeks** from **30<sup>th</sup> November 2012** to **1<sup>st</sup> March 2013**.

All Equality Scheme consultees will be notified of the availability of this EQIA report and invited to comment. A public notice will be prepared and issued to various media outlets to make the public aware of the EQIA and information about the EQIA will be placed PSNI's website; comments will be welcomed from any individual with an interest in the proposals.

All consultation documents can be made available in hard copy and alternative formats on request and can be accessed on PSNI's website at :

[http://www.psni.police.uk/index/updates/consultation\\_zone.htm](http://www.psni.police.uk/index/updates/consultation_zone.htm)

As much background information as possible has been included within this report. If there is any information which has not been provided, PSNI will make every effort to do so on request. If any consultee has difficulty accessing the background information PSNI will consider providing summaries in other formats or explaining issues on a face to face basis.

All comments and queries regarding this report should be addressed to:

John Conner  
Police Service of Northern Ireland  
Social Policy Unit, Criminal Justice Branch,  
Knocknagoney House, 29 Knocknagoney Road, BT4 2P

Telephone: 02890 922624

Email: [john.conner@psni.pnn.police.uk](mailto:john.conner@psni.pnn.police.uk)

**Consultation Questions**

**Do you agree with the way in which consultation is planned and set out in the report?**

**Do you have any further comments about this section of the EQIA?**

## 8. FUTURE MONITORING FOR ADVERSE IMPACT

At the end of the consultation period, the EQIA report will be revised to take into account all comments received from consultees. PSNI's decisions will be incorporated into a final summary report which will set out the consideration given to the impact of alternative policies and mitigating actions. This will complete Step 7 of the EQIA process.

The final summary report will be made available on PSNI's website. In addition, Equality Scheme consultees and those who responded to the consultation will be notified of the availability of the report.

A system will be established to monitor the impact of any decisions in order to find out the effect on the relevant equality groups. Full details of the monitoring system will be included in the final summary report.

The results of ongoing monitoring will be reviewed on an annual basis and included in the annual review on progress to the Equality Commission. This review will be published on our website. This will complete Step 7 of the EQIA process.

If the monitoring and analysis of results over a two year period show that there has been a greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, PSNI will take steps to achieve better outcomes for the relevant equality groups.

***Consultation Questions***

**Do you agree with the way in which monitoring of the policy is planned and set out in the report?**

**Do you have any further comments about this section of the EQIA?**

**Do you have any further comments about the draft EQIA consultation report in general, including its findings and recommendations?**

DRAFT

## APPENDIX 1

### MEETING WITH CHILDREN'S LAW CENTRE

Monday 26th October 2009

(Superintendent Loughins - Inspector Gary Atkinson)

**1. Do you see underage drinking as a problem that police need to deal with or address?**

Generally not up to 11 to 12 year olds this is not a problem. I think if children from about 15 to 16 are accompanied by adults and are drinking they should be okay, no need for police to be involved. You would within communities yes, young persons who drink a lot go around doing burglaries and things like that to get money.

Others like that who are drinking run around and don't have a clue what they're doing, robbing old people and whatever else.

**2. Are you aware of the effects on children that the illegal sale or supply of alcohol may have?**

It's bad for your health you get sick if you take a lot of it, liver damage and whatever else.

If you drink alcohol you are more likely to get into trouble, especially if you are drinking in a group or crowd.

You could also be a victim if you are drinking and not sure of what is going on around you.

**3. What ways do you think police could address the illegal sale or supply of alcohol to children and underage drinking in general?**

No matter what you try to do, kids will still drink and get drunk, they will see everything you do as a challenge to beat.

You could watch all the CCTV footage in pubs and offies to see if you can catch the staff or other people selling drink to children.

People should have to show their ID's to be able to buy drink, whether they are young or old.

The big companies and pubs should be spoken to so that they improve how they do business, ask for ID's and whatnot.

Taking drink off children and young people in the streets, parks and communities is no good, again they see this as a challenge and will get more drink somewhere else.

**4. One way the police can address under age drinking and reducing the sale or supply of alcohol to children is through the use of Test Purchasing. Outline / Overview of Test Purchasing of Alcohol.**

General:

Each test purchase exercise will also involve:

- Providing an initial notice of interest to participate.
- Background check on suitability – young person
- Further Home visit – General Overview of test purchasing
- More detailed overview and discussion for each exercise a young person is involved in. This will include detailed guidance and instructions on the actual test purchase role and all safeguards in place.
- Feedback session afterwards with young person – how the exercise went, good/bad points, how the young person felt, how it could be improved etc – The views/opinions of all young persons will be fully valued and considered towards continual improvement of test purchasing
- Further follow up visit – plain-clothes officer to ensure welfare of young person and parents – no linked issues to previous test purchase role

- Process simply ends at anytime a young person indicates they are unhappy or do not wish to participate or continue.

**5. Are there any other ways you think police might be able to address the underage sale and supply of alcohol to children and young persons?**

I'd be quite worried about test purchasing, think it would get out through friends and relatives.

**6. Do you think that Test Purchasing is a good way to address the sale and supply of alcohol to children and young persons?**

Think it is a good idea, but all the hassle police have to go through to get it up and running and to make sure the young person is suitable, is it worth it?

I think young people wouldn't mind doing it, but wouldn't want to appear in court.

**7. Is Test Purchasing, something that Young People would think is worthwhile?**

Could be, but there is a difference across the different community areas. It might be okay for some people from some backgrounds, but it might not be that worthwhile for different people from other much different backgrounds.

**8. Is Test Purchasing of Alcohol something they would consider getting involved in or assisting the Police with?**

I would be afraid that if I got involved and someone found out, I would be labelled as a tout.

It sounds good, but are they sure they know what they are getting into all right. They would need to know all the risks.

No because I wouldn't want to go to court.

My parents wouldn't let me do it as I would be seen to be helping out the police.

**9. How should Police advertise or make young people aware of Test Purchasing of alcohol and the opportunities they may have to participate within it?**

It shouldn't be done in youth clubs, schools and other places for young people.

The police website would be best for people to make their choice.

The CLC facilitator also raised the issue of having an option to cater for young people who may not have ready access to a computer and the Internet. Where the scheme was advertised in the papers etc, as well as directing those interested to the police website to download the form, an alternative method could be put in place such as the option to telephone an advertised number, give their name and address and the form would then be sent out for them to fill in and return.

**10. Would you be prepared for Police to conduct a background check on your suitability to participate in Test Purchasing?**

Think it is unfair if a person gets a background check and they are excluded because they have a conviction, ASBO or even have been in a little trouble with the police for whatever reason. That person may well have changed since that and now they want to do something good, so shouldn't be excluded.

**11. Would you be prepared for a plain-clothes Police Officer to visit you and your parents at home to discuss your possible participation in test purchasing?**

Not sure as long as they weren't in uniform or in a police car with lights and that. Even those unmarked cars are easy to spot as a police car, people know them alright. It would have to just be an ordinary car.

**12. Would you have any other concerns about getting involved?**

Girls would be the much better choice to use, because girls can get away with a whole lot more at these places, pubs and that.

Girls also would not be in as much trouble if someone found out. Boys would be more at risk if someone found out they were involved with the police. It was discussed and further explained by the CLC facilitator that in this situation girls would probably just argue and fall out about it, but boys would probably instead get into fights with their friends and other people in the community.

**13. It is important that other people do not know you are participating in Test Purchase Operations, would you be concerned if other people got to know?**

Yes it definitely is because not only you, but mummy, daddy and the family would get into trouble if people found out.

The CLC facilitator then raised the possibility that police may not get a good spread of the young people that they may want from across NI due to differences in community areas and backgrounds. The facilitator further suggested that as a result police may well get kids from good areas, whereas kids from other areas or backgrounds may not come forward to volunteer because of the situations within their local communities.

**14. Would you be concerned that you might be at risk if other people knew you were participating in Test Purchase Operations with Police?**

Yes, as highlighted before, myself and family.

**15. It is highly unlikely that you would have to do so, however what would you think about being asked by the court to perhaps give evidence on test purchasing?**

Well now we have discussed it, I would be happy to do this if it were by video link or in the chambers and that.

**16. Do you have any other questions or comments regarding Test Purchasing?**

I would like more of an incentive to be getting involved with it, mainly money, a couple of hundred pounds each time would do. You would get more interest in it from young people if they were getting paid for it.

**MEETING WITH NICCY YOUTH FORUM**  
**SATURDAY 26<sup>th</sup> SEPTEMBER 2009 2.30pm**  
(Superintendent Loughins - Inspector Gary Atkinson)

**1. Do you see underage drinking as a problem that police need to deal with or address?**

- The forum agreed that underage drinking was a problem that needed to be tackled
- It was outlined that parents had a role to play in tackling underage drinking, but couldn't always keep track of their children.
- It was recognised that police had to also do something.

**2. Are you aware of the effects on children that the illegal sale or supply of alcohol may have?**

- The Forum were fully conscious of the effects of alcohol on young people and outlined these as being:
  - Hospitalisation
  - Drinking at an earlier age could potentially lead to increased alcohol dependency
  - Impaired thinking
  - Increased vulnerability & risk
  - More likely to get blamed or involved in things
  - Putting other people at risk

**3. What ways do you think police could address the illegal sale or supply of alcohol to children and underage drinking in general?**

- Patrolling the streets
- Tackling those selling alcohol
- Change the perception and culture of irresponsible drinking

**4. One way the police can address under age drinking and reducing the sale or supply of alcohol to children is through the use of Test Purchasing. Outline / Overview of Test Purchasing of Alcohol.**

**General:**

(Gary Atkinson outlined to the forum the legislation that is now available to Police to Conduct Test Purchasing, and outlined how Police intended to conduct test purchasing.)

Each test purchase exercise will also involve:

- Providing an initial notice of interest to participate.
- Background check on suitability – young person
- Further Home visit – General Overview of test purchasing
- More detailed overview and discussion for each exercise a young person is involved in. This will include detailed guidance and instructions on the actual test purchase role and all safeguards in place.
- Feedback session afterwards with young person – how the exercise went, good/bad points, how the young person felt, how it could be improved etc – The views/opinions of all young persons will be fully valued and considered towards continual improvement of test purchasing
- Further follow up visit – plain-clothes officer to ensure welfare of young person and parents – no linked issues to previous test purchase role
- Process simply ends at anytime a young persons indicates they are unhappy or do not wish to participate or continue.

**5. Are there any other ways you think police might be able to address the underage sale and supply of alcohol to children and young persons?**

- Raising awareness of the problem and educating young people
- Members of the Forum outlined that if people knew that young persons were assisting police with Test purchase Operations they would potentially be at risk.
- Members asked what protection that they would be given if this happened – the procedures that police have in place for this were explained
- A question was raised in relation to Geographic Risk assessments – it was outlined that a specific risk assessment would be conducted for each premises and area both prior to the operation and again on the specific night.

**6. Do you think that Test Purchasing is a good way to address the sale and supply of alcohol to children and young persons?**

- Members of the Forum outlined that it was potentially too risky for young people to get involved,
- The good behind it could be seen, but some felt the risks would be too great for the young people assisting police.
- Some asked why, would young people want to get involved as it was too risky.
- Young people must be aware of all the risks involved.

**7. Is Test Purchasing, something that Young People would think is Worthwhile?**

- The general view was that as there was no payment or reward for test purchasing other than a certificate or qualification, possibly not

**8. Is Test Purchasing of Alcohol something they would consider getting involved in or assisting the Police with?**

- None of the forum considered this was something they would get involved in.
- One member of the forum indicated they would get involved in test purchasing rather than a friend or family member having to do this.

**9. How should Police advertise or make young people aware of Test Purchasing of alcohol and the opportunities they may have to participate within it?**

- It was felt that having an application form on the PSNI Website was the best way to advertise and that this could be done via local papers.
- It was agreed that Police should not approach individuals directly to become involved.

**10. Would you be prepared for Police to conduct a background check on your suitability to participate in Test Purchasing?**

- There were no objections raised in relation to the background check.
- It was raised that excluding persons because of a previous conviction was wrong – the reasons for this were outlined.
- The need for a check with a GP in relation to a health check was discussed – there was no objection to this.

**11. Would you be prepared for a plain-clothes Police Officer to visit you and your parents at home to discuss your possible participation in test purchasing?**

- The reasons for this were explained, the general response was that this would be ok as long as the officer wasn't well known in the area where the young person lived.



**12. Would you have any other concerns about getting involved?**

- This was covered in previous questions mainly concerning the issue of being identified in the community as a person helping police. The issue of Witness Protection or other safeguards was raised in relation to this issue.

**13. It is important that other people do not know you are participating in Test Purchase Operations, would you be concerned if other people got to know?**

- The importance of anonymity was outlined to the Forum – concerns were raised that if other people found out they could be bullied or intimidated.
- The forum indicated that children should be fully informed of the risks and this should include being made aware that they should not tell people about their involvement.

**14. Would you be concerned that you might be at risk if other people knew you were participating in Test Purchase Operations with Police?**

- Members of the Forum considered that they could be at risk in Northern Ireland if people found out that young persons were assisting police in Test Purchase Operations.

**15. It is highly unlikely that you would have to do so, however what would you think about being asked by the court to perhaps give evidence on test purchasing?**

- The forum queried if this would happen with every case and how would this be done?
- It was explained to the forum that it was unlikely that young people would have to appear in court and in the very unlikely event this may occur the witness protection measures available that the PPS would request a court to put in place to prevent court appearances were outlined including:
  - Primary evidence to prove a case will be police officers observations
  - Evidence by Video link
  - Evidence in Court Chambers
  - Contested sensitive disclosure in chambers only

**16. Do you have any other questions or comments regarding Test Purchasing?**

- A question was asked whether there would be counselling provided to the young person prior to and after the Test Purchase Operation.
- It was outlined that Police would carryout a home visit, a detailed briefing prior to a test purchase exercise and a detailed debriefing afterwards, all of which fully take on board the views and opinions of the young person including their welfare, safety and general well being. It was explained a follow up visit will also be made to the young person and their parents after the exercise to ensure there are no linked issues have arisen regarding their involvement with test purchasing.

## APPENDIX 2

### Feedback Questionnaire - Evaluation Event, Newforge, 20<sup>th</sup> May 2010 PSNI Test Purchase of Alcohol Scheme & Draft Service Procedure

This evaluation questionnaire is the first step in the review of the draft service procedure that was used within the Pilot PSNI Test Purchase of Alcohol Operations that took place during December 2009 to April 2010.

The evaluation is designed to consider the views and comments of key PSNI stakeholders who were involved in the planning, supervision and delivery of the various pilot operations that took place in A, B, D & H Districts. Data will be collected from this questionnaire and where necessary will be supported and validated by either further focus groups or one to one interviews as appropriate.

*\* The evaluation should take approximately 25 to 30 minutes to complete. Please carefully read each question and tick one of the boxes on the five point scale to indicate your own view on each area. Where you disagree or strongly disagree on an area, please outline why below and indicate how you would consider this area could be improved. Even where you may be agreeable on any area, where you feel you may also have a good idea or suggestion that could improve a specific area or function within the procedure please outline this below the relevant question. In relation to the open questions at the end of the evaluation document, please consider the question and relevant area. Then where applicable provide a considered response that will assist the organisation to further improve the service procedure that will govern the use of these important PSNI licensing powers. \*N.B. Page 12 provides a continuation section where you wish to expand on your response to any question*

#### Your Personal Details

Name	Rank	Number	Station	Tel No or Ext
<b>Pilot Test Purchase of Alcohol Operation Details</b>				
Date	Operation Name:		Area:	
Outline Your Role within the Pilot Operation:				

#### **General Overview of Procedure**

<p>Q1. Is the legislation and legal references within the draft procedure regarding the PSNI test purchase of alcohol powers clear and easy to understand?</p>	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
	1	11	0	0	0
<i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i>					
<p>Q2. Does the draft procedure make it clear that police must conduct the test purchase of alcohol operations in a specific manner, in order to avoid any need for RIPA and CHIS authorisations under the Regulation of Investigative Procedures Act 2000?</p>	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
	3	9	0	0	0
<i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i>					
<p>Q3. Are the instructions provided by the Central Authorisations Bureau (CAB), Crime Operations Department clear and easily understood?</p>	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
	3	8	0	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q4. Is the process that outlines how young persons can apply to participate in the PSNI Test Purchase of Alcohol Scheme clear and easily understood?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
1	10	1	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q5. Is the outlined age range during which young persons can apply and be involved in Test Purchase operations adequate for the operational needs of the districts?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
0	4	1	6	1

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q6. Are the requirements clear outlining young persons and their parents, guardians or carers must be fully informed of the risks and requirements of test purchasing and that their written consent is required?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
4	8	0	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q7. Are the instructions relating to the vetting requirements necessary for the young person and their parents, guardians or carers (including Form T3), clear and easily understood?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
5	7	0	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q8. Are the instructions relating to the requirement to obtain a medical opinion from the young person's GP on their suitability for test purchasing (including Form TP4) clear and easily understood?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
1	10	1	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q9. Is the general overview of the PSNI Test purchasing of Alcohol Scheme (on Form TP5) that is provided to the young person and their parent, guardian or carer during the home visit clear, easily understood and adequate for this purpose?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
3	9	0	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q10. Is the section on Form TP5 for obtaining general written consent of the young person and their parent, guardian or carer clear, easily understood and adequate for this purpose?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
5	7	0	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q11. Are the instructions clear and easily understood within the draft procedure and on Form TP6 that further full written consent must be obtained from a young person and their parent, guardian or carer before they participate in every PSNI test purchase of alcohol operation?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
3	9	0	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

**Briefing, Deployment & Debriefing- Ensuring the Welfare & Safety of Young Persons**

Q12. Is the guidance clear, easily understood and adequate that outlines police must ensure the anonymity of the young person and their parents, guardian or carers?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
3	9	0	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q13. Is the guidance clear, easily understood and adequate that outlines the restrictions on time periods during which a young person can be involved in a test purchase operation (this should not generally be longer than the hours of a school day, e.g. at weekends)?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
1	10	1	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q14. Is the guidance clear, easily understood and adequate that outlines the restrictions on certain times when young persons can be deployed onto certain types of licensed premises?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
1	11	0	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q15. Is the guidance clear in relation to the maximum number of test purchase of alcohol exercises a young person can be involved in during an operation?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
2	8	2	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q16. Are the instructions clear, easily understood and adequate that outline the responsibilities of the same sex police chaperone, whose role is entirely dedicated to ensuring the welfare and safety of the young person during their time with police on an operation?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
2	10	0	0	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

Q17. Are the instructions outlining the roles and responsibilities of the plain clothes officers clear, easily understood and adequate?

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
1	10	0	1	0

*If you disagree/strongly disagree please outline why below & if applicable suggest how this area could be improved:*

<p>Q18. Are the instructions outlining the minimum forms of communication required between plain clothes officers and dedicated uniform officers (i.e. police radio &amp; mobile phones) clear, easily understood and adequate for operational needs? <i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i></p>	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
	1	11	0	0	0
<p>Q19. Are the instructions outlining the minimum communication requirements needed between the plain clothes officers and the young person (i.e. mobile phone &amp; agreed STOP signal) clear, easily understood and adequate for operational needs? <i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i></p>	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
	2	10	0	0	0
<p>Q20. Are the instructions outlining that specific risk assessments (based on the LACORS generic risk assessment) must be undertaken in relation to all licensed premises involved in any test purchase of alcohol operation clear and easily understood? <i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i></p>	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
	3	7	1	0	0
<p>Q21. Are the instructions regarding the requirement for continual use of dynamic operational risk assessments (DORAs) throughout the operation and in relation to deployment of the young person on licensed premises, clear, easily understood and adequate for operational requirements? <i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i></p>	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
	1	9	1	1	0
<p>Q22. Is the information and key points outlined on the Young Person's Briefing Form for off licence premises (Form TP08) clear, easily understood and adequate for police operational needs? <i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i></p>	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
	3	8	0	1	0
<p>Q23. Is the information and key points outlined on the Young Person's Briefing Form for off licence premises (Form TP08) clear, easily understood and adequate for the young person in order to prepare them for test purchase exercises? <i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i></p>	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
	1	10	0	1	0
<p>Q24. Do you feel the young person was suitably prepared for their participation in the test purchase exercises in off licensed premises after being briefed from Form TP08 (off licensed premises)? <i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i></p>	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
	3	9	0	0	0
<p>Q25. Do you think the young person gained a marked benefit from the detailed briefing provided to them from Form TP08 (off licensed premises)?</p>	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree

	4	6	0	1	0
<i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i>					
Q26 Is the information and key points outlined on the Official Money Movement Record Form (Form TP11) clear, easily understood and adequate for police operational needs?	Strongly Agree 1	Agree 9	Neither Agree Nor Disagree 1	Disagree 1	Strongly Disagree 0
<i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i>					
Q27 Is the information and key points outlined on the Young Person's Formal Debriefing Form for use after an operation (Form TP12) clear, easily understood and adequate for police operational needs?	Strongly Agree 3	Agree 9	Neither Agree Nor Disagree 0	Disagree 0	Strongly Disagree 0
<i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i>					
Q28 Is the information and key points outlined on the Young Person's Formal Debriefing Form (Form TP12) clear, easily understood and appropriate to cater for the needs of the young person?	Strongly Agree 3	Agree 9	Neither Agree Nor Disagree 0	Disagree 0	Strongly Disagree 0
<i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i>					
Q29 Is the information and key points outlined on the Young Person's Revisit form for use in a follow up visit approximately 2-weeks after an operation (Form TP13) clear, easily understood and adequate for police operational needs?	Strongly Agree 2	Agree 8	Neither Agree Nor Disagree 1	Disagree 0	Strongly Disagree 0
<i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i>					
Q30 Is the information and key points outlined on the Young Person's Revisit form for use in a follow up visit approximately 2-weeks after an operation (Form TP13) clear, easily understood and appropriate to cater for the needs of the young person?	Strongly Agree 2	Agree 9	Neither Agree Nor Disagree 1	Disagree 0	Strongly Disagree 0
<i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i>					
Q31 Is the information and key points outlined in relation to the recovery of evidence from items purchased at both on and off licensed premises clear, easily understood and adequate for police operational needs?	Strongly Agree 1	Agree 11	Neither Agree Nor Disagree 0	Disagree 0	Strongly Disagree 0
<i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i>					
Q32 Is the information and key points outlined in relation to dealing with a test purchase of alcohol failure clear, easily understood and adequate for police operational needs?	Strongly Agree 1	Agree 10	Neither Agree Nor Disagree 0	Disagree 0	Strongly Disagree 0
<i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i>					

<p>Q33 Is the information and key points outlined in relation to the minimum information to be obtained from a member of staff and licensee with regard to a failure clear, easily understood and adequate for police operational needs?</p>	<p>Strongly Agree 2</p>	<p>Agree 8</p>	<p>Neither Agree Nor Disagree 2</p>	<p>Disagree 0</p>	<p>Strongly Disagree 0</p>
<p><i>If you disagree/strongly disagree please outline why below &amp; if applicable suggest how this area could be improved:</i></p>					
<p>Q34 Is the information and key points outlined in relation to the Public Prosecution Service reporting requirements clear, easily understood and adequate for police purposes?</p>	<p>Strongly Agree 2</p>	<p>Agree 9</p>	<p>Neither Agree Nor Disagree 1</p>	<p>Disagree 0</p>	<p>Strongly Disagree 0</p>
<p><i>If you disagree/strongly disagree please outline below why &amp; if applicable suggest how this area could be improved:</i></p>					
<p>Q35 After recently being involved in performing a pilot test purchase of alcohol operation (during Dec 09 to April 10) please rate the operational effectiveness of the draft service procedure for providing advice and guidance in this complex area?</p>	<p>Very Effective 1</p>	<p>Effective 8</p>	<p>No opinion Either Way 1</p>	<p>Ineffective 1</p>	<p>Very Ineffective 0</p>
<p><i>If you feel the service procedure is ineffective or very ineffective, please outline why below &amp; if applicable suggest how the service procedure could be improved:</i></p>					
<p>Q36 Please record your comments, views or suggestions you would like to make regarding the young person's involvement within your pilot test purchase of alcohol operation? <i>Please outline any comments, views and if applicable suggest below how this area could be improved:</i></p>					
<p>Q37 What worked well within the planning aspects or stage of your own pilot test purchase of alcohol operation? <i>Please outline any comments, views and if applicable suggest below how this area could be improved:</i></p>					
<p>Q38 What didn't work well within the planning aspects or stage of your own pilot test purchase of alcohol operation? <i>Please outline any comments, views and if applicable suggest below how this area could be improved:</i></p>					
<p>Q39 What worked well during the operational running of your own pilot test purchase of alcohol operation? <i>Please outline any comments, views and if applicable suggest below how this area could be improved:</i></p>					
<p>Q40 What do you feel didn't work well during the operational running of your own pilot test purchase of alcohol operation? <i>Please outline any comments, views and if applicable suggest below how this area could be improved:</i></p>					
<p>Finally, please outline below any other relevant comments, views or suggestions you may have in relation to the 'PSNI Test Purchase of Alcohol Scheme' and the draft Service Procedure:</p>					
<p>Name (Print): _____</p>	<p>Signature: _____</p>		<p>Date: _____</p>		

## **APPENDIX 3**

**PSNI Test Purchase of Alcohol Scheme:**

**FINAL SCREENING REPORT**  
**February 2010**





**Alcohol Test Purchasing  
Final Equality Screening  
February 2010**

<b>Section</b>	<b>Page</b>
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## **Appendix One – Summary of Consultation Responses**

# SUMMARY

Article 67 of the draft Criminal Justice (NI) Order 2008 creates a test purchase power to allow police officers to identify bars and off-licenses selling alcohol to under 18s. Specifically, Article 67 adjusts the Licensing (NI) Order 1996 to allow a person under 18 years of age, under the direction of a police constable acting in the course of his duty, to enter licensed premises and to seek to purchase alcohol. Any subsequent sale would be a breach of the law and could lead to a prosecution. The introduction of test purchasing of alcohol (in conjunction with other provisions) aims to tackle under-age drinking by helping to prevent young people from accessing alcohol.

In 2007, the Northern Ireland Office carried out an equality screening on the draft Criminal Justice Order, including the test purchase of alcohol power and undertook an Equality Impact Assessment (EQIA) and 12 week consultation in April 2008.

PSNI have developed the Service Procedure for carrying out test purchasing of alcohol operations. The Service Procedure has been designed to ensure that welfare and safety of young persons involved in test purchasing are paramount and therefore the primary consideration and responsibility for all police officers engaged in test purchase exercises. A number of other important principles underpin the Service Procedure. These include:

- the young person and their parent/guardian/carer must fully understand the nature of the task involved and participation must be entirely voluntary and have the full written consent of both the young person and their parent/guardian/carer;
- children or relatives of police officers, police staff, licensees or elected members will not be used in test purchases;
- under no circumstances will a vulnerable young person be considered for test purchase operations;
- the selection process will maintain the anonymity of volunteers;
- volunteers for test purchasing will undergo vetting to ensure their suitability. Young people that have a record of contact with the police will not be used in test purchases;

- young people will not conduct test purchases in an area where they could be recognised. This includes where they live; where they attend school; areas where friends and / or family live; areas where they previously lived or attended school, training or employment. A pre-visit of each premises and a risk assessment will also be conducted before each operation;
- a same gender chaperone will be assigned to have overall responsibility for safeguarding the welfare and safety of the young persons during their time with the police and all officers involved in test purchase operations will undertake child protection training before involvement in test purchase exercises;
- the young person can stop the operation at any time and a stop signal will be agreed before the operation; and
- following a test purchase operation, a formal debrief will be undertaken and the views, comments and suggestions of the young person will be fully recorded. There will also be a follow up visit with the young person and their parent/carer/guardian 2 weeks after the test purchase exercise.

As required by Section 3(a) of the Equality Commission for Northern Ireland's Guidance on implementing the statutory duties, PSNI conducted an equality screening on the principles of the Service Procedure. The screening considered data and evidence relating to the four screening criteria set out by the Equality Commission. PSNI conducted a 12 week consultation on the screening in 2009. All views and feedback received have been taken account of in the development of the final Service Procedure for alcohol test purchasing. Appendix One summarises the consultation responses received and details PSNI's consideration.

Taking into account the screening and consultation feedback, PSNI have decided to implement the Service Procedure for alcohol test purchasing. Within one year after implementation and no later than April 2011 an EQIA will be undertaken on the policy.

All enquiries relating to this equality screening and consultation responses should be directed to John Conner, Social Legislation, Criminal Legislation & Procedures Branch, 6th Floor River House, High Street, Belfast, BT1 2BE.

Email: Section75@psni.pnn.police.uk

Telephone: 02890 700371 Textphone: 028 9090 1246.

# EQUALITY SCREENING

This section details the results of the equality screening exercise carried out by PSNI on the implementation of alcohol test purchasing.

## Background

The prevalence of alcohol consumption by under 18's and the associated social and health problems are recognised problems in Northern Ireland. Research carried out on behalf of the Health Promotion Agency<sup>12</sup>, analysing the drinking behaviour of young people between the ages of 11 and 16 in Northern Ireland made a number of concerning findings. These include:

- the average age that young people first have an alcoholic drink is around 11 years old;
- 24 per cent of young people participating in the survey were classed as regular drinkers (drinking at least once a month); and
- 32 per cent of young people had themselves purchased alcohol at some time.

Despite these figures, data show a limited number of prosecutions and convictions for offences relating to selling alcohol to minors. In the five years from 2002-2006, there was just one licensee convicted of selling intoxicating liquor to a minor and a total of 12 other convictions for selling alcohol to a minor.<sup>13</sup>

In the 2008 District Policing Partnership Survey, underage drinking was the most cited area of concern with 49 per cent of all respondents identifying underage drinking among their top five policing concerns. This figure had increased from 42 per cent in 2006.

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<sup>12</sup> Drinking behaviour among young people in Northern Ireland - secondary analysis of alcohol data from 1997 to 2003: Health Promotion Agency (2005)

<sup>13</sup> Source: NIO EQIA on test purchasing of Alcohol

To help address these issues, Article 67 of the draft Criminal Justice (NI) Order 2008 creates a test purchase power to allow police officers to identify bars and off-licenses selling alcohol to under 18s. Specifically, Article 67 adjusts the Licensing (NI) Order 1996 to allow a person under 18 years of age, under the direction of a police constable acting in the course of his duty, to enter licensed premises and to seek to purchase alcohol. Any subsequent sale would be a breach of the law and could lead to a prosecution. The introduction of test purchasing of alcohol (in conjunction with other provisions) aims to tackle under-age drinking by helping to prevent young people from accessing to alcohol.

### **Previous Screening / EQIA**

In 2007, the Northern Ireland Office conducted an equality screening on the draft Criminal Justice Order, including the test purchase of alcohol power. Following representations made during consultations, the Northern Ireland Office then undertook an EQIA and 12 week consultation on the proposed test purchasing powers in April 2008. The EQIA included details of adjustments made to the legislation to include the written consent of both the young person involved and a parent / guardian before a test purchasing exercise can be undertaken. The legislation was also adjusted to include a statutory requirement for the Secretary of State to produce guidance on the implementation of alcohol test purchasing. A total of eight responses were received to the EQIA consultation including comments on the EQIA and consultation process, the need for and appropriateness of the legislation and the guideline principles.

In December 2008, the Secretary of State's guidance on test purchase of alcohol in Northern Ireland was published covering the five key areas of general considerations, consent of participants, selection of participants, safety and welfare and test purchase operations.

The following are included in the guidance:

- procedures should always be carried out in accordance with all legal, health and safety requirements and should have full regard to current best practice and full risk assessment;
- participation in test purchase operations by young people and their parents/guardians/carers must be entirely voluntary and on the basis of written consent of the young person and their parents/guardians/carers;
- participants should be identified by way of general advertisement or through self-nomination and without inducement;
- participants can withdraw from the scheme or from individual exercises at any time; and
- the safety and welfare considerations of participants are paramount. The best interests of the young person will be a primary consideration.

### **Development of Service Procedure`**

Section 10.9 of the Northern Ireland Office EQIA notes that “*based on the guideline principles provided in this EQIA, it is anticipated that PSNI will develop internal operating procedures and protocols to ensure that test purchasing in Northern Ireland is carried out safely, fairly and effectively*”.

PSNI have developed the Service Procedure for carrying out test purchasing of alcohol operations. The implementation of alcohol test purchasing aims to:

- reduce the harmful effects of alcohol on young people;
- reduce sales of alcohol to persons under the age of 18; and
- identify and prosecute license holders selling alcohol to under 18’s.

The Service Procedure is underpinned by the need to ensure that the safety and welfare of test purchasing participants is of paramount concern as well as ensuring the informed consent of participants and their parents/guardians/carers.

## **General Principles Underpinning the Service Procedure**

The Service Procedure includes the following:

### **Safety and Welfare**

- the welfare and safety of young persons involved in test purchasing are paramount and should therefore be the primary consideration and responsibility for all police officers engaged in test purchase exercises.

### **Selection and Review of Young Persons;**

- participants must be between 16 and 16 ½ years of age but can be selected from they are 15 ½;
- the young person and their parent/guardian/carer must fully understand the nature of the task involved and participation must be entirely voluntary and have the full written consent of both the young person and their parent/guardian/carer;
- the young person will not receive payment for assisting with test purchasing but appropriate refreshments will be provided as required;
- the young person and their parent/guardian/carer must give PSNI permission to contact their GP to carry out a basic health check. This will ensure that the volunteer does not have a medical or other condition that would make them unsuitable to be used in test purchasing activities with the police;
- children or relatives of police officers, police staff, licensees or elected members will not be used in test purchases; and
- the young person and the parent/guardian/carer must understand that while they will generally not be required to attend court as a witness in the event of a successful prosecution, that in exceptional circumstances this may be required.



## **Selection Process;**

- volunteers will be sought to participate in test purchasing through Community Schools Involvement Officers and Youth Diversion Officers who have formal established links with schools, groups and youth fora;
- test purchasing participants will also be sought through advertising in local press and on the PSNI website;
- under no circumstances will a vulnerable young person be considered for test purchase operations;
- the selection process and procedure for test purchase operations will maintain the anonymity of volunteers;
- volunteers for test purchasing will undergo vetting to ensure their suitability. Young people that have a record of contact with the police will not be used in test purchases;
- all volunteers deemed to be suitable would be visited at home by a plain clothes officer to provide information on test purchasing, further ensure their suitability and discuss involvement with their parent/guardian/carer;
- if a volunteer is deemed to be suitable after the home visit, written consent will then be required from the young person and their parent/guardian/carer; and
- suitability of volunteers will be reviewed within 3 months of original checks through vetting.

## **Briefing, Deployment and Debriefing:**

- young people will not conduct test purchases in an area where they could be recognised. This includes where they live, attend school, areas where friends and / or family live and areas where they previously lived or attended school, training or employment;
- test purchase operations will not exceed the time of a normal school day;
- a clearly defined date, start and finish time will be provided to the young person and their parent/guardian/carer and the young person will be collected and returned home in an unmarked vehicle unless their parent/guardian/carer has requested other arrangements;
- test purchase exercises at off sales premises will not take place after 21:00 hours;

- test place exercises in public houses will normally take place between 19:00 and 21:00;
- test purchase exercises must be conducted before 23:00 in the case of premises with late licenses and these will only be undertaken following a detailed risk assessment to ensure the safety of the test purchases;
- a pre-visit of each premises and a risk assessment will be conducted before the operation;
- a same-gender chaperone will be assigned to have overall responsibility for safeguarding the welfare and safety of the young persons during their time with the police;
- all officers involved in test purchase operations will undertake child protection training before involvement in test purchase exercises;
- the young person can stop the operation at any time and a stop signal will be agreed before the operation;
- following a test purchase operation, a formal debrief will be undertaken and the views, comments and suggestions of the young person fully recorded; and
- young persons taking part in test purchasing will receive a certificate highlighting their valuable contribution to the community.

### **Selection of test purchase Areas**

- Areas will be selected for alcohol test purchase operations on the basis of information that may suggest that alcohol is being sold illegally to persons under age 18 or that licensed premises are situated in an area where persons under age 18 are consuming alcohol. Indicators that underage drinking is a problem in a specific area include (a) analysis of incidents of anti social behaviour; (b) complaint from the public regarding underage drinking; and (c) geographic analysis of the DPP Public Consultation Survey to suggest that underage drinking is of particular concern to residents;
- License holders will receive a letter in advance of a test purchase operation being carried out in their area advising them that test purchasing may be taking place in the coming weeks.

### **Section 75 of the Northern Ireland Act**

Section 75 of the Northern Ireland Act aims to ensure that equality considerations and practice are mainstreamed into the work of public

authorities by ensuring “*the integration of equal opportunities principles, strategies and practices into the everyday work of Government and other public bodies from the outset*”. Specifically, public authorities are required to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; men and women generally; persons with a disability and persons without; and persons with dependants and persons without.

Section 3 (a) of the Equality Commissions Guidance on implementing the Statutory duties details the requirement to screen new policies to see if an EQIA is required using the following criteria:

- is there evidence of higher or lower participation or uptake by different groups?
- is there evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policies, functions or duties?
- is there an opportunity to better promote equality of opportunity or good relations, by altering policy or practice, or working with others in Government or the larger community? and
- have consultations with relevant representative organisations or individuals within groups indicated that particular policies, functions or duties create problems that are specific to them?

### **Screening Data**

The following data, information and reports are being used to inform the development of the PSNI Service Procedure and informed this screening paper:

- Consultation responses on equality screening for proposals of the draft Criminal Justice (NI) Order 2007 (NIO);
- EQIA on test purchase of Alcohol and Consultation on Guideline Principles (NIO);
- Alcohol and Tobacco test purchase Policies from other jurisdictions including Scotland;
- Belfast City Council test purchase Procedure;
- LACoRS Guide on test purchasing;
- ACPOS Manual of Guidance for test purchase of Alcohol in Scotland;

- Evaluation of test purchasing Pilot for Alcohol Sales to under 18's (Scottish centre for Social Research);
- PSNI Draft Service Procedure for Carrying out test purchasing of Alcohol Operations;
- Secretary of State's Guidance on test purchase of Alcohol in Northern Ireland;
- Consultation feedback received by PSNI from organisations representing children and young people; and
- Consultation with other authorities involved in test purchasing for alcohol and tobacco.

### **Key Stakeholders**

There are a number of key stakeholders in relation to the implementation of Alcohol test purchasing. These are considered briefly below:

- *Children and Young People* – Participants in test purchases will be aged between 16 and 16 ½ years. Potential participants can be selected from 15 ½ years old but would not undertake test purchases until after their 16<sup>th</sup> Birthday. The process for identifying participants will be detailed in the Service Procedure. The consent, safety and welfare of participants is the primary concern underpinning the policy;
- *Parents / Guardians* – Parents / Guardians are required to give written consent prior to their dependants participation in alcohol test purchasing;
- *License Holders* – alcohol test purchasing will seek to identify on and off license sales to under 18's. License holders are clearly key stakeholders in relation to the policy;
- *General Public* – the issue of underage drinking affects the general public across Northern Ireland demonstrated by it being the single biggest policing priority in the DPP Public Consultation survey; and
- *Organisations* – A number of organisations representing children and young people's views, political parties and the licensed trade have expressed interest in proposed test purchasing arrangements.

### **Screening Questions**

This Section details the PSNI analysis of the four screening areas based on the data considered.

## Screening Question One - Participation

Is there any evidence of higher or lower participation or uptake between different groups?		
CATEGORY	YES	NO
Gender		✓
Sexual orientation		✓
Religion		✓
Political opinion		✓
Disability		✓
Race or ethnic origin		✓
Age	✓	
Dependant responsibilities	✓	
Marital status	✓	

### *Young People*

Young people between the ages of 15 ½ and 16 can be selected for participation in alcohol test purchasing exercises but will not take part until they are aged 16. Participants in test purchasing exercises will be between the age of 16 and 16½. The policy will therefore clearly have higher participation rates in this age group, in line with the policy aims. Consultation with professionals involved in test purchasing suggested that participation in test purchasing was seen as a benefit to young people, providing useful experience for further education or future employment, developing skills and building confidence among participants.

The PSNI procedure for alcohol test purchasing is designed to ensure that young people from a range of backgrounds will participate in alcohol test purchase exercises. It is not known at this stage, whether there are likely to be different participation rates across different groups. Consultation with personnel from other jurisdictions that are involved in alcohol test purchasing suggests that a balance of male and female participants has been achieved in previous alcohol test purchasing exercises. Feedback from personnel involved in tobacco test purchasing suggests that females may be more likely than males to take part on an ongoing basis.

Anecdotal feedback from personnel involved in test purchasing in other jurisdictions suggests that young people with disabilities and those who speak English as a second language may have lower participation rates than other groups of young people.

#### *Parents / Guardians*

Parents / guardians of children and young people aged 15 ½ to 16 ½ will be more affected by this policy than other groups. The policy guidelines ensure that the written consent of parents / guardians is obtained before young people are eligible to participate in test purchasing.

#### *License Holders*

PSNI envisage that test purchasing will be carried out across all Districts in Northern Ireland do not envisage that specific groups of license holders would be affected differently. Monitoring of test purchasing will be undertaken.

## Screening Question Two – Needs and Priorities

Is there any indication or evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy?		
CATEGORY	YES	NO
Gender	✓	
Sexual orientation		✓
Religion		✓
Political opinion		✓
Disability	✓	
Race or ethnic origin	✓	
Age	✓	
Dependant responsibilities		✓
Marital status		✓

In relation to the policy PSNI recognise that the gender of alcohol test purchase participants is an important consideration. The plain clothes chaperone accompanying test purchase participants will be of the same gender as the test purchaser as will at least one of the supervising officers.

The PSNI service procedure requires that the young person and their parent/guardian/carer give permission for PSNI to contact their GP to carry out a health check and ensure that they do not have a medical or other condition which would prohibit participating in an alcohol test purchase exercise

In line with other areas of public policy, PSNI recognise that communication and interpretation issues may arise for participants, parents and license holders with disabilities or those that do not speak English as a first language.

## Screening Question Three - Consultations

Have previous consultations with relevant groups, organisations or individuals indicated that particular policies create problems that are specific to them?
--

<b>CATEGORY</b>	<b>YES</b>	<b>NO</b>
Gender		✓
Sexual orientation		✓
Religion		✓
Political opinion		✓
Disability		✓
Race or ethnic origin		✓
Age	✓	
Dependant responsibilities		✓
Marital status		✓

### *Young People*

Representations have been made by a range of organisations regarding concerns about the impact of this policy on children and young people. In particular the following points have been raised:

- concern about the impact of the policy on child protection;
- the safety of test purchasing participants;
- the potential for adverse impacts on children and young people;
- concern about how participants would be selected; and
- how PSNI will ensure that test purchasing participation is entirely voluntary and free from actual / perceived coercion.

Appendix One provides additional detail on how these issues have been considered and addressed by PSNI.



### *Parents / Guardians/ Carers*

Consultation feedback queries why parents/guardians/carers would give consent for their children to participate in test purchasing and what the benefits are for participants.

### *License Holders*

A number of responses to the NIO EQIA consultation expressed concern about the impact of test purchasing on license holders. Feedback from the Federation of the Retail Licensed Trade suggested that the test purchasing scheme will help government and license holders achieve their aim of reducing the levels of underage drinking. The Federation suggested that the initiative will test publicans and off-sales across the country to see how robust their procedures are for checking identification of customers who may be underage.

### **Screening Question Four – Working with Others**

Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with others in Government or in the larger community?		
<b>CATEGORY</b>	<b>YES</b>	<b>NO</b>
Gender		✓
Sexual orientation		✓
Religion	✓	
Political opinion	✓	
Disability		✓
Race or ethnic origin (includes Travellers)		✓
Age	✓	
Dependant responsibilities		✓
Marital status		✓

PSNI have noted the concerns that have been previously expressed in relation to alcohol test purchasing and believe that ongoing consultation and working with relevant organisations on the detail of the proposed service procedure will positively benefit the promotion of good relations.

# CONCLUSION AND NEXT STEPS

## Conclusion

Significant work has already been undertaken to screen, EQIA and consult on proposals for alcohol test purchasing and PSNI are committed to ensuring due regard to the need to promote equality of opportunity and good relations between the groups specified in the legislation.

PSNI conducted a 12 week consultation on the screening in 2009. This included written consultation and three consultation meetings with young people. All views and feedback received have been taken account of in the development of the final Service Procedure for alcohol test purchasing. Appendix One summarises the consultation responses received and how these have been considered by PSNI.

Taking into account the screening and consultation feedback, PSNI have decided to implement the Service Procedure for alcohol test purchasing. Within one year after implementation and no later than April 2011 an EQIA will be undertaken on the policy.

PSNI have also undertaken pilot test purchasing exercises in December 2009 and January 2010 to further inform the development of the Service Procedure.

## Contact Details and Consultation Responses

All enquiries relating to this equality screening should be directed to:

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**Appendix One**  
**Summary of Consultation Responses**

<b>Children’s Law Centre</b>	<b>PSNI Response</b>
<p>The use of test purchase powers by the PSNI will be in direct conflict with its statutory duty to protect life under section 32(1)(a) of the Police (Northern Ireland) Act 2000. Given this, we expect to see a full analysis of how test purchase powers for alcohol under the direction of the PSNI are likely to operate in Northern Ireland.</p>	<p>The PSNI Procedures have been developed in line with the LACORS guidance and Secretary of State for Northern Ireland’s guidance on test purchasing. PSNI has sought legal advice and is content that the legislation, policy and procedures are in compliance with those obligations.</p>
<p>We welcome the decision to carry out an Equality Screening exercise and are extremely supportive of the intention to conduct an EQIA in 2010.</p>	<p>Comment noted and welcomed</p>
<p>There is huge potential for differential adverse impact on grounds of age, as a result of possible “coercion” intentional or unintentional, and as a result of the potential implications for child protection and the child’s Article 2 and Article 3 Human Rights Act 1998 rights if the child is identified by his / her peers as working with the PSNI or identified by the landlord of the licensed premises as working on behalf of the PSNI to gather evidence for the purposes of entrapment. Have very serious concerns in relation to the incentive which exists for any young person to engage in an exercise where PSNI uses him/her to entrap a licensee.</p>	<p>No coercion will be used. Test purchase participants will apply following an open selection exercise. The young person and their parent/guardian/carer must fully understand the nature of the task involved and participation must be entirely voluntary and have the full written consent of the young person and their parent/guardian/carer.</p> <p>Young people will not conduct test purchases in an area where they are likely to be known. No incentive will be provided.</p>
<p>Proposals engage the following UNCHR Articles 2 – the principle of non discrimination, 3 – the best interests of the child, 36 – protection form exploitation prejudicial to the child’s welfare and 37 – protection form torture, cruel, inhuman or degrading treatment or punishment, of the UNCRC.</p>	<p>Procedures are in place to ensure the anonymity and safety of the young people involved in test purchasing. All officers involved will have received child protection training before involvement in test purchase exercises and have undergone additional vetting to ensure their suitability to work with young people. PSNI has sought legal advice and is content that the legislation, policy and procedures are in compliance with human rights obligations.</p>

<b>Children's Law Centre</b>	<b>PSNI Response</b>
<p>Have serious concerns around how the PSNI intends to identify a child willing to be used to entrap a licensee. It is assumed that the child will already be known to the PSNI and consent from both the child and the child's parents will be obtained on the same basis.</p>	<p>This will not be the case. Test purchase participants will be identified through an open selection exercise. Consent of the child and parent/guardian/carer will be entirely voluntary. Application forms are made available to download from the PSNI website and an advert was carried in the press. PSNI will not directly approach young people to participate in test purchasing.</p>
<p>Consent to take part in an exercise where children will allow themselves to test purchase alcohol on behalf of the PSNI will only be valid and informed if the PSNI fully discloses and explains all the potential risks and benefits to the child if the child is competent, and the decision to become involved in a test purchase exercise is voluntary.</p>	<p>Agreed</p>
<p>There is huge scope for children carrying out test purchasing for alcohol to be identified by landlords, their peers or non state forces in Northern Ireland, with potential consequences for their safety.</p>	<p>PSNI have carefully assessed this area and have put in place procedures to ensure that young people participating in test purchasing will not be identified. Participants will be instructed to avoid disclosing their involvement in test purchasing to others and will not conduct test purchases in an area where they are likely to be known.</p>
<p>Entirely opposed to the carrying out of pilots of a policy prior to the completion of the section 75 process and we believe that such a practice will be in breach of the PSNI's section 75 statutory obligations and the PSNI's approved equality scheme</p>	<p>PSNI have considered carefully and complied fully with the requirements of Section 75 of the Northern Ireland Act and the PSNI Equality Scheme.</p>

<b>Children's Law Centre</b>	<b>PSNI Response</b>
<p>Concerned about the safety and protection of the children who are participating in test purchase exercises, especially if required to give evidence at court and concerns about the holding and sharing of information, including the names and addresses of young people who participate in test purchase exercises.</p>	<p>Procedures have been put in place to ensure that young people involved in test purchasing operations will not be required to give evidence in open court. The primary evidence will be that of the police officer that witnesses the test purchase and it is envisaged that statements from the young people will normally be sufficient. In the unlikely event that young person is required to attend court; evidence would be given in chambers rather than in open court.</p>
<p>Do not believe that young people drinking alcohol under the age of 18 and the widespread availability of alcohol to children in our community will be solved by Proposals to Implement alcohol test purchasing. Believe that the powers which the PSNI already have should be sufficient to deal with the problem of underage alcohol consumption and associated societal problems.</p>	<p>PSNI believe that test purchasing provides an important tool to identify and prosecute retailers and license holders selling alcohol to young people and will help reduce access to alcohol by young people. It should also be noted that PSNI will be utilising legislation that already exists in conducting test purchasing.</p>
<p>Request details of any direct consultation which the PSNI has carried out or intends to carry out with children and young people with regard to the PSNI's Proposals to Implement alcohol test purchasing. We would also appreciate if you would furnish us with information about the system which you intend to use to analyse responses to this consultation process including the degree of weight which will be attributed to both individual and organisational responses.</p>	<p>PSNI have conducted direct consultation meetings with representatives of the NICCY Youth Panel, an Independent Advisory Group in Youth and youth@clc. In addition to these, five written responses were received to the screening consultation.</p>
<p>Concerned about the lack of reference in the PSNI's screening document to the training of PSNI staff prior to being involved in the operation of any of the PSNI test purchase for alcohol exercises.</p>	<p>All officers involved will have received child protection training before involvement in test purchase exercises and have undergone additional vetting to ensure their suitability to work with young people.</p>

<b>Children’s Law Centre</b>	<b>PSNI Response</b>
Specifically note the possible engagement of Article 3 of the European Convention on Human Rights (ECHR), prohibition of torture, inhuman or degrading treatment or punishment.	PSNI has sought legal advice and is content that the legislation, policy and procedures are in compliance with those obligations
Given the seriousness of the potential adverse impact on children and young people, the PSNI’s duty to protect and the existing robust powers which the PSNI already have in relation to underage drinking we strongly recommend that the PSNI does not implement its Proposals to Implement alcohol test purchasing in Northern Ireland.	PSNI have noted this recommendation.

<b>Disability Action</b>	<b>PSNI Response</b>
No particular views on the policy. Thanks PSNI for the opportunity and looks forward to continued dialogue.	Comment noted and welcomed

<b>Northern Ireland Association for the Care and Rehabilitation of Offenders</b>	<b>PSNI Response</b>
Concerned that this form of gathering evidence places children and young people at risk. Measures set out in the consultation document appear to have gone some way in addressing these concerns.	Comment noted and welcomed
If scheme is “targeted at premises known or thought to be selling alcohol illegally”, it must be clear in purpose and not risk becoming a substitute for other methods of police intelligence gathering processes.	PSNI agree. Other legislation is in place to deal with different scenarios. Test purchasing is another tool which will assist in reducing underage drinking and alcohol sales to minors.



Northern Ireland Children’s Commissioner	PSNI Response
Supports principle of reducing the availability of alcohol to children and young people who are under the legal age for alcohol consumption.	Comment noted and welcomed
Believe that Test purchasing places young people at risk of exploitation and is in breach of Article 36 of the UNCRC which states that children have a right to protection from exploitation and do not feel test purchasing offers an appropriate response to this issue.	Consent is an overriding principle in test purchasing and PSNI will ensure voluntary participation. Informed written consent is required from the young person and their parent/guardian/carer. PSNI has sought legal advice and is content that the legislation, policy and procedures are in compliance with human rights obligations.
Believe that test purchasing may place young people who participate at risk of intimidation or punishment attacks from non state actors.	PSNI work with young people in a range of different ways. Additionally extensive safeguards have been put in place to ensure anonymity and the protection of test purchase participants.
Encourages the PSNI and others to ensure that policies to reduce the consumption of alcohol by children and young people under the age of 18 are drawn from a clear evidence base and respond to the root causes of underage alcohol use.	PSNI are engaged in a range of different initiatives to address alcohol consumption by young people such as “ <i>You, Your Child and Alcohol</i> ”, <i>Operation Snapper</i> and “ <i>Addressing Young People’s Drinking – the Northern Ireland Action Plan</i> ” which PSNI is involved in delivering with other partner agencies.
NICCY believe that the introduction of test purchasing may place rights under Articles 2 and 3 of the Human Rights Act which protect an individual’s right to life and prohibits the use of torture and cruel or degrading treatment at risk for young people who participate in the policy.	PSNI has sought legal advice and is content that the legislation, policy and procedures are in compliance with those obligations.

<b>Northern Ireland Children’s Commissioner</b>	<b>PSNI Response</b>
<p>NICCY would like further information on how the PSNI has sought the views of children and young people at this stage of the consultation and to hear how the views they expressed have been taken into account and to hear how the PSNI will ensure that children and young people are engaged during the EQIA consultation process.</p>	<p>PSNI have conducted direct consultation meetings with representatives of the NICCY Youth Panel, an Independent Advisory Group in Youth and youth@clc. In addition to these, we received five written responses to the consultation. Each issue identified has been considered and we have provided a detailed analysis of our consideration of responses and the PSNI response if appropriate. The EQIA will include direct consultation with young people.</p>
<p>PSNI are recruiting children and young people to perform crime detection tasks that should be the remit and responsibility of trained adult police officers only.</p>	<p>This is not accepted. The primary evidence for test purchasing will be that of Police Officers involved in the exercise.</p>
<p>Test purchasing will expose young people to a range of risks, including risks to their safety and wellbeing and that test purchasing is not compatible with article 3 of UNCRC.</p>	<p>PSNI has sought legal advice and is content that the legislation, policy and procedures are in compliance with those obligations.</p>
<p>PSNI must take account of the particular circumstances of Northern Ireland and the ongoing issues of paramilitary control of areas and the use of punishment attacks which could potentially place any young person involved in test purchasing and their family at risk. Concerned that the involvement of children and young people in test purchasing continues a history of using child informers during the Northern Ireland conflict.</p>	<p>The procedures for conducting test purchasing and the risk assessments in particular will ensure that these issues will be considered. PSNI have put in place procedures to ensure that young people participating in test purchasing will not be identified. Participants will be instructed to avoid disclosing their involvement in test purchasing to others and young people will not be required to conduct test purchases in an area where they are likely to be known.</p>

<b>Northern Ireland Children’s Commissioner</b>	<b>PSNI Response</b>
<p>The actions listed in the service procedure or recruitment and selection process, such as, obtaining the consent of parents or carers, not providing a financial payment for participation, completing pre-visits to premises and ensuring test purchasers can withdraw at any time do not mitigate the negative impact of test purchasing on the rights and best interests of young people.</p>	<p>PSNI have noted this comment.</p>
<p>While we welcome the service procedure guidance highlighting the importance of young people making an informed choice and providing written consent of their willingness to participate in test purchasing, if the PSNI proceed with the test purchase policy we remain concerned that young people may experience pressure to participate in test purchasing particularly vulnerable children and young people who are known to the PSNI.</p>	<p>This will not be the case. Young persons who are interested in participating in the PSNI test purchase of alcohol scheme will be identified through a public selection exercise. Consent of the child and parent/guardian/carer will be entirely voluntary.</p>
<p>NICCY does not believe that test purchasing is in the best interests of children and young people.</p>	<p>PSNI have noted this comment.</p>
<p>Children and young people may not be fully aware of the range of potential risks of involvement in the scheme and remain unclear about how the PSNI will fulfil its duty to care in this regard it remains committed to developing this policy. The NICCY Youth Forum also articulated serious concerns about these issues and robust criteria in relation to these points and to how the PSNI will assess a young person’s capacity to make this decision must be developed and monitored.</p>	<p>There are extensive procedures in place to ensure the safety and protection of young people involved in test purchasing. Young persons who wish to be potential participants will make a voluntary written application after seeing details of the PSNI test purchase of alcohol scheme on the PSNI Website or through adverts in the local press. Informed and written consent is required from the participant and their parent, guardian or carer. In addition, written medical consent regarding the young person’s participation in the scheme is also required from their general practitioner. A same gender chaperone will be assigned to have overall responsibility for the welfare and safety of the young person during their time with the PSNI.</p>

<b>Northern Ireland Children’s Commissioner</b>	<b>PSNI Response</b>
<p>Request clarification on whether young people will have access to the GP health report that is submitted as part of the selection process, on how the PSNI will manage the disclosure of sensitive health information and how young people deemed not suitable for participation be supported in this decision.</p>	<p>This requirement does not involve an invasive medical report from the general practitioner. The doctor will merely indicate whether they feel that the participant is suitable or not suitable to participate in test purchasing. This information will be made known to potential participants and their parent/guardian/carer and they will be advised to contact their doctor for further information if needed.</p>
<p>Seek clarification on how the impact of evening and late night participation on young people will be monitored, on what ongoing support and supervision will be provided to mitigate the potential negative impact of involvement in test purchasing on young people’s physical and emotional wellbeing and on the detail of support that will be available to young people such as, counselling.</p>	<p>Following a test purchase operation, a formal debrief will be undertaken and the views, comments and suggestions of the young person fully recorded. A follow up visit with the young person and their parent/guardian/carer will be undertaken 2 weeks after conclusion of the test purchase operation.</p>
<p>Standards must also be developed to demonstrate how the PSNI will ensure that staff have appropriate training and ongoing supervision to work with young people and assess the impact of participation in test purchasing on them and their families. The monitoring and evaluation role of senior staff in this must also be made explicit.</p>	<p>Procedures are in place to ensure the anonymity and safety of the young people involved in test purchasing. All officers involved will have received child protection training before involvement in test purchase exercises and have undergone additional vetting to ensure their suitability to work with young people</p>

<b>Northern Ireland Children’s Commissioner</b>	<b>PSNI Response</b>
<p>Concerned that circumstances can arise where young people may be required to attend court as witnesses and would again highlight that this does not accord with the best interests and welfare of children and young people as provided for in article 3 of the UNCRC. We would again be keen to assess the provision that the PSNI have put in place to ensure young people and their families are supported as needed during and after this process.</p>	<p>Procedures have been put in place to ensure that young people involved in test purchasing operations will not be required to give evidence in open court. It is envisaged that statements from the young people will normally be sufficient. In the unlikely event that young person is required to attend court; evidence would be given in chambers rather than in open court. Following a test purchase Operation, a formal debrief will be undertaken and the views, comments and suggestions of the young person fully recorded. A follow up visit with the young person and their parent/guardian/carer will be undertaken 2 weeks after conclusion of the test purchase operation.</p>
<p>Challenge the responses noted in the document that identify potential positive outcomes for young people who participate in test purchasing, such as, gaining skills and experience. We do not feel these possible benefits mitigate the potential negative impacts on the rights, best interests and wellbeing of children and young people.</p>	<p>This comment has been noted. Experience of pilot exercises confirms our belief that there are positive benefits for participants in test purchasing. Following a test purchase operation, a formal debrief will be undertaken and the views, comments and suggestions of the young person fully recorded. A follow up visit with the young person and their parent/guardian/carer will be undertaken 2 weeks after conclusion of the test purchase Operation.</p>
<p>Children and young people, by nature of their age and greater need of protection, will be differentially impacted by this policy and positive actions must be taken to address this.</p>	<p>PSNI have detailed these actions extensively in the consultation document and final screening report.</p>
<p>If the PSNI proceed with this policy, the particular needs of groups of children and young people, such as those with disabilities, must be accounted for as noted in the document.</p>	<p>PSNI accept this point.</p>

<b>Northern Ireland Children's Commissioner</b>	<b>PSNI Response</b>
<p>The NICCY Youth Panel raised additional concerns about the entrapment aspect of the test purchase approach to evidence gathering on the part of the PSNI and the potential negative repercussions for the staff member and / or owner of the premises staff selling alcohol, again taking into account the circumstances of paramilitary presence in communities in Northern Ireland, who may have interests in the sale of products to under age children and young people.</p>	<p>PSNI have a duty to detect and prevent the sale of alcohol to young people.</p>
<p>The Youth Panel also noted the ability for the staff and owners of premises to make genuine mistakes when selling alcohol to under age young people.</p>	<p>This comment is noted. The Public Prosecution Service makes the decision on whether or not to prosecute individual license holders and staff.</p>
<p>The NICCY Youth Panel when meeting with officers from the PSNI were concerned that the PSNI had planned to begin recruiting young people to pilot test purchasing schemes before the screening consultation had been completed.</p>	<p>It was originally planned to pilot alcohol test purchasing at Halloween 2009 but this was delayed following consultation feedback. Pilots were undertaken in December 2009 / January 2010 and the PSNI will conduct an EQIA one year after the implementation of the policy in line with the Secretary of State's requirements for a review of test purchase arrangements. All officers involved in test purchasing will undergo training in child protection and children's rights.</p>
<p>NICCY believe that test purchasing is not compliant with article 3 or article 36 of the UNCRC as it places young people at risk of exploitation and does not protect their best interests. We further believe that test purchasing may place a young person's right to protection from torture, cruel and degrading treatment or punishment and so may breach article 37 of the UNCRC.</p>	<p>PSNI has sought legal advice and is content that the legislation, policy and procedures are in compliance with those obligations.</p>

<b>Northern Ireland Children's Commissioner</b>	<b>PSNI Response</b>
<p>NICCY is not satisfied that mitigating circumstances exist to justify the negative equality impacts of test purchasing on children and young people. We therefore urge the PSNI to develop alternative policies and other means of reducing the sale of alcohol to children and young people below the legal age of alcohol consumption which do not place the rights, best interests and welfare of children and young people at risk.</p>	<p>PSNI work in a number of ways to reduce the sale of alcohol to young people. The Legislation already exists for PSNI to undertake test purchasing. Detailed consideration has been given to the Service Procedure to take into account the issues identified.</p>
<p>NICCY endorses the decision of the PSNI to conduct a full EQIA on test purchasing in 2010 if it continues to proceed with the test purchase policy and reiterates the importance of ensuring a full and meaningful dialogue with children and young people during the consultation process. We again state the importance of the PSNI ensuring that both screening and EQIA processes are fully completed before any aspects of the test purchase policy, including pilot schemes, become operational.</p>	<p>PSNI welcome NICCY's endorsement of the decision to conduct an EQIA. PSNI consider that detailed work has already been done to screen and EQIA the process both by PSNI and NIO and will conduct a further EQIA one year after the implementation of the policy in line with the Secretary of State's requirements for a review of test purchase arrangements.</p>
<b>Sinn Fein</b>	<b>PSNI Response</b>
<p>While underage drinking and the availability of alcohol to minors a major problem that needs to be tackled, Sinn Fein do not believe that they can be addressed through alcohol test purchasing powers for PSNI.</p>	<p>PSNI will monitor the effectiveness and impact of test purchasing to assess the impact on underage drinking and availability of alcohol to minors.</p>

<b>Sinn Fein</b>	<b>PSNI Response</b>
<p>Concerned that the safety of the child could be in question if they are used to ‘entrap’ retailers or licensees. and suggest that all children and parents considering taking part in such a scheme should be required to be informed of all the potential impacts on their safety before giving consent to take part in the scheme.</p>	<p>No coercion will be used. Test purchasing participants will apply following an open selection exercise. The young person and their parent / guardian/ carer must fully understand the nature of the task involved and participation must be entirely voluntary and have the full written consent of the young person and their parent / guardian / carer. Young people involved in test purchasing will not be used to entrap retailers or licensees.</p>
<p>We are also concerned that there may be an element of coercion used, intentionally or otherwise, in order to convince a child to take part in this scheme and to ensure the consent of the child’s parents.</p>	<p>No coercion will be used. Test purchasing participants will apply following an open selection exercise. The young person and their parent/guardian/carer must fully understand the nature of the task involved and participation must be entirely voluntary and have the full written consent of the young person and their parent / guardian / carer. Media such as Facebook and Twitter will be used to make potential participants aware of the opportunity to participate.</p>
<p>Believe that test purchasing using children is in breach of the UN Convention of the Right of the Child and does not comply with Section 75 of the Northern Ireland Act.</p>	<p>PSNI have given consideration to this issue and do not believe that the introduction of test purchasing breaches the UNCHR. We would also note the widespread use of test purchasing in other areas of the United Kingdom and by other agencies in Northern Ireland. In the proposed implementation of alcohol test purchasing, PSNI have complied fully with our statutory duties under Section 75 of the Northern Ireland Act.</p>



<b>Sinn Fein</b>	<b>PSNI Response</b>
<p>Under current legislation, PSNI already has various powers to address the problem of underage drinking. It is our view that these powers are not being applied widely or consistently. It is our view that the NIO urgently needs to review the PSNI application of their present powers in this area and that, further research is required into the feasibility of schemes used in other jurisdictions for tackling the sale of alcohol to minors.</p>	<p>PSNI will continue to carry out research into the most effective ways to address underage drinking and the sale of alcohol to minors and work in partnership with other agencies to tackle alcohol sales to young people.</p>
<p>Article 67 of the Criminal Justice (NI) Order 2008 will create an adverse impact on children, both as a result of the potential coercion which could be exerted by the PSNI to get a child to agree to participate in a ‘test purchase’ scheme and by way of the potential impact on child protection if the child used in the scheme to entrap a retailer or licensee.</p>	<p>No coercion will be used. Test purchasing participants will apply following an open selection exercise. The young person and their parent/guardian/carer must fully understand the nature of the task involved and participation must be entirely voluntary and have the full written consent of the young person and their parent / guardian / carer. Young people involved in test purchasing will not be used to entrap retailers or licensees.</p>
<p>There is a need to undertake a full EQIA as there may be an adverse differential impact on children, and perhaps young males, if alcohol test purchasing is introduced.</p>	<p>The PSNI will conduct an EQIA one year after the implementation of the policy in line with the Secretary of State's requirements for a review of test purchase arrangements.</p>
<p>The PSNI should not undertake any operation of alcohol test purchasing, including pilot schemes, in advance of completion of screening, an EQIA and comprehensive training of all police officers involved.</p>	<p>It was originally planned to pilot alcohol test purchasing at Halloween 2009 but this was delayed following consultation feedback. Pilots were undertaken in December 2009 / January 2010 and the PSNI will conduct an EQIA one year after the implementation of the policy in line with the Secretary of State's requirements for a review of test purchase arrangements. All officers involved in test purchasing will undergo training in child protection and children’s rights.</p>

<b>Sinn Fein</b>	<b>PSNI Response</b>
There should be clear criteria for the recruitment of children which should be consulted on before its introduction.	PSNI will develop clear criteria for selecting test purchasing participants, taking into account the consultation feedback from interested organisations and young people.
There needs to be children's rights training for all PSNI officers involved in alcohol test purchasing.	All PSNI officers involved in test purchase operations will have undergone training on child protection and children's rights.
There needs to be a robust mechanism for quality control for the recruitment and operation of alcohol test purchasing.	PSNI agree and are committed to ongoing monitoring and review.

<b>Youth Consultation Meetings</b>	<b>PSNI Response</b>
Underage drinking is a problem that needs to be tackled	PSNI Agree.
There are a range of ways that PSNI can address the illegal sale or supply of alcohol to children and underage drinking including patrolling the streets, tackling those selling alcohol, tougher punishments for those pubs caught selling alcohol to underage children and talking to companies and pubs so that they improve how they do business	PSNI are engaged in a range of different initiatives to address alcohol consumption by young people such as "You, Your Child and Alcohol", Operation Snapper and "Addressing Young People's Drinking – the Northern Ireland Action Plan" which PSNI is involved in delivering with other partner agencies.
The police may not get a good spread of the young people that they may want from across NI due to differences in community areas and backgrounds.	PSNI will collect equality monitoring data on potential test purchasing participants and the EQIA that will be undertaken will assess if there are differences in uptake by young people from different groups and backgrounds.
Test purchasing is a good thing and should be done.	Comment Noted.

<b>Youth Consultation Meetings</b>	<b>PSNI Response</b>
Concerned about the risks to young people involved in test purchasing and questioned what protection is in place	PSNI have put in place procedures to ensure that young people participating in test purchasing will not be identified. Participants will be instructed to avoid disclosing their involvement in test purchasing to others and young people will not be required to conduct test purchases in an area where they are likely to be known.
You and your family might get into trouble if people found out	PSNI have put in place procedures to ensure that young people participating in test purchasing will not be identified. Participants will be instructed to avoid disclosing their involvement in test purchasing to others and young people will not be required to conduct test purchases in an area where they are likely to be known
Don't think that young people would want to get involved	PSNI have already received expressions of interest from potential test purchase participants.
Wouldn't mind doing it but definitely don't want to attend court.	Procedures have been put in place to ensure that young people involved in test purchasing operations will not be required to give evidence in open court. It is envisaged that statements from the young people will normally be sufficient. In the unlikely event that young person is required to attend court; evidence would be given in chambers rather than in open court.
A range of views were expressed on whether individuals would get involved - some people definitely would not want to be involved and others felt that they would like to participate.	It is understood that not all young people will want to participate. The young person and their parent / guardian/ carer must fully understand the nature of the task involved and participation must be entirely voluntary and have the full written consent of the young person and their parent / guardian / carer.
<b>Youth Consultation Meetings</b>	<b>PSNI Response</b>

Anyone who is involved should be provided with enough information so that they and their parents could give properly informed consent to take part	The young person and their parent / guardian/ carer must fully understand the nature of the task involved and participation must be entirely voluntary and have the full written consent of the young person and their parent / guardian / carer.
The young person should be able to not take part at any stage of the test purchasing scheme, even when they are about to do a test purchase if they have changed their mind	The opportunity to change their mind about doing the test purchase at any stage is included in the policy.
The number of checks might put people from getting involved.	PSNI believe that all the checks to be undertaken are essential.
My parents wouldn't let me do it as I would be seen to be helping out the police.	Informed written consent is required from the young person and their parent/guardian/carer.
An application form on the PSNI Website is the best way to advertise test purchasing as well as through local papers.	Young persons who wish to be potential participants will make a voluntary written application after seeing details of the PSNI test purchase of alcohol scheme on the PSNI Website or through adverts in the local press. Informed and written consent is required from the participant and their parent, guardian or carer.
PSNI should not approach individuals directly to become involved.	Young persons who wish to be potential participants will make a voluntary written application after seeing details of the PSNI test purchase of alcohol scheme on the PSNI Website or through adverts in the local press. Informed and written consent is required from the participant and their parent, guardian or carer. PSNI will not approach individuals directly.
<b>Youth Consultation Meetings</b>	<b>PSNI Response</b>
The confidentiality and anonymity of the young person should be maintained as this would maybe expose the young person	PSNI have put in place procedures to ensure that young people participating in test purchasing will not be identified.

interested in taking part to unnecessary risk. Schools and youth clubs etc should be avoided to hand out application forms.	Participants will be instructed to avoid disclosing their involvement in test purchasing to others and young people will not be required to conduct test purchases in an area where they are likely to be known.
There is a need to cater for young people who don't have access to the internet by making a hard copy form available.	A hard copy of the application will be available.
People may be worried that other people or friends would find out and you could get labelled as a tout.	PSNI have put in place procedures to ensure that young people participating in test purchasing will not be identified. Participants will be instructed to avoid disclosing their involvement in test purchasing to others and young people will not be required to conduct test purchases in an area where they are likely to be known.
A home visit would be OK providing that it was a plain clothes police officer that visited to explain the scheme, provide details and answer any questions that they or their parents might have about it. They shouldn't use a police car with lights - just an ordinary car.	These points have all been included in the policy.
Parents might not like police calling.	Informed written consent is required from the young person and their parent/guardian/carer.

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