



**Alcohol Test Purchasing
Equality Screening for Consultation
August 2009**

1. SUMMARY OF SCREENING

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 consultation in April 2008.

PSNI are now developing 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 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;
- children of police officers, police staff, licensees or elected members will not be eligible to be used in test purchase operations;
- an expression of interest form will be developed for volunteers wishing to participate in test purchase operations. The form will be made available from the PSNI website;
- the selection process will maintain the anonymity of volunteers;

- volunteers for test purchasing will undergo vetting and a basic health check to ensure their suitability. An obvious concern is that young people known to PSNI because they are at risk of offending or suspected of offending would be pressured to become involved in test purchasing. All test purchase volunteers will participate voluntarily and young people that are known to have previously offended will not be eligible to participate in test purchasing. Under no circumstances will a young person be considered for test purchase operations where the vetting or health check identify any concerns;
- 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.
- Parental approval must be given before any young person becomes involved in the scheme and a written record will be kept of this.

As required by Section 3(a) of the Equality Commission for Northern Ireland's Guidance on implementing the statutory duties, PSNI have 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.

As a result of the screening, PSNI will undertake an EQIA in 2010, to ensure that the implementation of alcohol test purchasing continues to promote equality of opportunity and good relations. It is also anticipated that PSNI will deliver two pilot test purchasing exercises over the Halloween holiday period when there is an increased risk of underage drinking. These will inform the development of the Service Procedure.

PSNI will conduct a consultation on the screening from 24th August 2009 to 19th October 2009. PSNI welcome all consultation feedback and are particularly interested in consultation feedback on the following areas:

- consultees views on the general principles underpinning the service procedure for test purchasing detailed in Section 2.4 of this screening;
- whether consultees agree with the PSNI responses to the screening questions detailed in Section 2.8 of this screening; and
- whether consultees agree with the PSNI decision to conduct an EQIA on test purchasing in 2010.

All views and feedback received will be taken account of in the development of the final Service Procedure for alcohol test purchasing.

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.

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2. EQUALITY SCREENING

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

2.1 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 Agency¹, 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.²

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.

¹ Drinking behaviour among young people in Northern Ireland - secondary analysis of alcohol data from 1997 to 2003: Health Promotion Agency (2005)

² 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 alcohol.

2.2 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 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 a parent/guardian must be entirely voluntary and on the basis of written consent of the young person and their parent / guardian;
- 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.

2.3 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 are now developing 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 ensuring that the safety and welfare of test purchasing participants is of paramount concern as well as ensuring the informed consent of participants and their parent / guardian.

2.4 General Principles Underpinning the Service Procedure

The Service Procedure is being finalised by PSNI and will include the following:

Safety and Welfare

- the 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; and

Selection and Review of Young Persons;

- participants must be between 16 and 16 ½ years of age before they can be used in test purchasing operations, however selection and vetting can commence from age 15 ½;
- the young person and their parent/guardian 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;
- 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 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 of police officers, police staff, licensees or elected members will not be eligible to participate in test purchase operations; and
- the young person and the parent / guardian 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;

- an expression of interest form will be developed for volunteers wishing to participate in test purchase operations. The form will be made available from the PSNI website;
- Community Schools Involvement Officers and Youth Diversion Officers who have formal established links with schools, groups and youth fora will raise awareness of the opportunity to become involved in test purchasing. Awareness will also be raised through advertising in local press and on the PSNI website;
- the selection process and procedure for test purchase operations will maintain the anonymity of volunteers;
- volunteers for test purchasing will undergo vetting and a basic health check to ensure their suitability. An obvious concern is that young people known to PSNI because they are at risk of offending or suspected of offending would be pressured to become involved in test purchasing. All test purchase volunteers will participate voluntarily and young people that are known to have previously offended will not be eligible to participate in test purchasing. Under no circumstances will a young person be considered for test purchase operations where the vetting or health check identify any concerns;
- 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;
- 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; and
- vetting of volunteers will be reviewed prior to their use in every test purchasing operation.

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 and the young person will be collected and returned home in an unmarked vehicle unless their parent / guardian has requested other arrangements;
- test purchase exercises at off sales premises will not take place after 21:00 hours;
- test purchase 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 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 exercises;
- participation in test purchase operations will be entirely voluntary and the young person will not receive any financial payment, incentive or other inducement for assisting with test purchasing. Young persons taking part in test purchasing will receive a certificate highlighting their valuable contribution to the community.
- 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 fully recorded.

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; and
- License holders will receive advance notice of a test purchase operation being carried out in their area in the weeks preceding test purchase operations. Such notice could include letters, local advertising or visits from PSNI.

2.5 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?

2.6 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.

2.7 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 16th 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* – A parent / guardian is 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.

2.8 Screening Questions

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

2.8.1 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

Test purchase participants must be between 16 and 16 ½ years of age before they can be used in test purchasing operations, however selection and vetting can commence from age 15 ½. 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 will be 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

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

2.8.2 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 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.

2.8.3 Screening Question Three - Consultations

Have previous consultations with relevant groups, organisations or individuals indicated that particular policies create problems that are specific to them?		
CATEGORY	YES	NO
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 were 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 recruited; and
- how PSNI will ensure that test purchasing participation is entirely voluntary and free from actual / perceived coercion.

Parents / Guardians

Consultation feedback queries why a parent / guardian 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.

2.8.4 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?		
CATEGORY	YES	NO
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.

2.9 Screening Conclusion and Next Steps

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.

As a result of this screening, PSNI will undertake an EQIA in 2010, to ensure that the implementation of alcohol test purchasing continues to promote equality of opportunity and good relations. It is also anticipated that PSNI will deliver two pilot test purchasing exercises over the Halloween holiday period when there is an increased risk of underage drinking. These will further inform the development of the Service Procedure.

PSNI will conduct a consultation on this screening, seeking feedback from interested organisations and direct feedback from children and young people. The consultation will take place from 24th August 2009 to 19th October 2009. PSNI welcome all consultation feedback and are particularly interested in consultation feedback on the following areas:

- consultees views on the general principles underpinning the service procedure for test purchasing detailed in Section 2.4 of this screening;
- whether consultees agree with the PSNI responses to the screening questions detailed in Section 2.8 of this screening; and
- whether consultees agree with the PSNI decision to conduct an EQIA on test purchasing in 2010.

All views and feedback received will be taken account of in the development of the final Service Procedure for alcohol test purchasing.

2.10 Contact Details and Consultation Responses

All enquiries and consultation responses should be directed to:

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