



Alcohol Test Purchasing
Final Equality Screening
February 2010

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Appendix One – Summary of Consultation Responses

1.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.

2.EQUALITY SCREENING

This section details the results of the 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 to 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 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.

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 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.

2.4 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.

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* – 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.

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

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.

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/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.

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 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.

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.

3. CONCLUSION AND NEXT STEPS

3.1 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.

3.2 Contact Details and Consultation Responses

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

Name: John Conner

Address: 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.

Appendix One
Summary of Consultation Responses

Children's Law Centre	PSNI Response
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.	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.
We welcome the decision to carry out an Equality Screening exercise and are extremely supportive of the intention to conduct an EQIA in 2010.	Comment noted and welcomed
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.	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. Young people will not conduct test purchases in an area where they are likely to be known. No incentive will be provided.
Proposals engage the following UNCHR Articles 2 – the principle of non discrimination, 3 – the best interests of the child, 36 – protection from exploitation prejudicial to the child's welfare and 37 – protection from torture, cruel, inhuman or degrading treatment or punishment, of the UNCRC.	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.

Children's Law Centre	PSNI Response
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.	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.
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.	Agreed
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.	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.
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	PSNI have considered carefully and complied fully with the requirements of Section 75 of the Northern Ireland Act and the PSNI Equality Scheme.

Children's Law Centre	PSNI Response
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.	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.
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.	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.
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.	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.
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.	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.

Children's Law Centre	PSNI Response
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.

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

Northern Ireland Association for the Care and Rehabilitation of Offenders	PSNI Response
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.

Northern Ireland Children's Commissioner	PSNI Response
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.	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.
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.	This is not accepted. The primary evidence for test purchasing will be that of Police Officers involved in the exercise.
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.	PSNI has sought legal advice and is content that the legislation, policy and procedures are in compliance with those obligations.
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.	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.

Northern Ireland Children's Commissioner	PSNI Response
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.	PSNI have noted this comment.
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.	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.
NICCY does not believe that test purchasing is in the best interests of children and young people.	PSNI have noted this comment.
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 fulfill its duty to care in this regard if it remains committed to developing this policy. The NICCY Youth Panel 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.	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 on 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.

Northern Ireland Children's Commissioner	PSNI Response
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.	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.
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.	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.
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.	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

Northern Ireland Children's Commissioner	PSNI Response
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.	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.
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.	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/carers will be undertaken 2 weeks after conclusion of the test purchase Operation.
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.	PSNI have detailed these actions extensively in the consultation document and final screening report.
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.	PSNI accept this point.

Northern Ireland Children's Commissioner	PSNI Response
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.	PSNI have a duty to detect and prevent the sale of alcohol to young people.
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.	This comment is noted. The Public Prosecution Service makes the decision on whether or not to prosecute individual license holders and staff.
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.	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.
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.	PSNI has sought legal advice and is content that the legislation, policy and procedures are in compliance with those obligations.

Northern Ireland Children's Commissioner	PSNI Response
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.	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.
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.	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.

Sinn Fein	PSNI Response
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.	PSNI will monitor the effectiveness and impact of test purchasing to assess the impact on underage drinking and availability of alcohol to minors.

Sinn Fein	PSNI Response
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.	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.
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.	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.
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.	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.

Sinn Fein	PSNI Response
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.	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.
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.	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.
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.	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.
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.	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.

Sinn Fein	PSNI Response
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.

Youth Consultation Meetings	PSNI Response
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.

Youth Consultation Meetings	PSNI Response
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.

Youth Consultation Meetings	PSNI Response
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/carers.
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.

Youth Consultation Meetings	PSNI Response
The confidentiality and anonymity of the young person should be maintained as this would maybe expose the young person interested in taking part to unnecessary risk. Schools and youth clubs etc should be avoided to hand out application forms.	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.
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.