

A PRACTICAL GUIDE TO TEST PURCHASING

**A practical guide for those organisations involved in the conduct of
test purchasing operations involving young people and the sale of
age-restricted products**

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FOREWORD TO THE GUIDE

The original Code of Practice for test purchasing was published in 2002; it was an attempt to bring together the practice of the day and updated the original Home Office guidance contained in circular 17/1992.

Changes in particular to alcohol licensing legislation have prompted a significant growth in the number of test purchase operations carried out by some Local authorities and have also encouraged partnership working with other organisations, most notably, the Police. Other significant changes include an increase in the availability and use of Proof of Age Cards by young people, which again has an impact upon the nature of test purchase operations. There have also been a number of decided legal cases in this area.

The Guide has been updated to reflect changes in relation to test purchasing and the Office of Surveillance Commissioners (OSC) procedures and guidance document in relation to the Regulation of Investigatory Powers Act 2000 (RIPA).

It brings together current thinking and practice and seeks to establish a benchmark for future operations. Although the Guide does not specifically mention sales over the internet LACORS believes that the principles of this guidance could cover such sales.

The use of this Practical Guide to Test Purchasing is endorsed by the Home Office and the Trading Standards Institute.

This Guidance applies to England and Wales.

SUMMARY OF MAIN CHANGES

For ease of reference, the main changes to the original 2002 code are outlined below:

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

SECTION 1

1. INTRODUCTION

- 1.1 Local authorities have responsibility for the enforcement of legislation relating to the sale of age-restricted products such as tobacco, alcohol, knives and fireworks.

The participation of young people in test purchasing operations forms a valuable part of the local authority strategy designed to assess and maintain compliance with the legislation that deals with age restricted products (see Annex 1).

Test Purchase operations are designed to complement the overall enforcement programme dealing with age restricted sales and should not be viewed in isolation.

Increased compliance with age restricted legislation serves to protect the health, safety and welfare of young people and the communities in which they live and helps to prevent anti-social behaviour.

- 1.2 The Guide will be maintained on the LACORS website. Local authorities will be advised of any amendments via email notification. The Guide will be reviewed when appropriate to take account of legal developments and updated practices employed by local authorities.

SECTION 2

2. OVERVIEW

- 2.1 Many local authorities have adopted test purchase operations as a part of their overall strategy to assess and improve compliance with legislation that controls the sale and supply of age restricted products. Other activities undertaken by local authorities to promote and / or improve compliance in this area include:
- Carrying out programmes of education by means of publicity, business seminars, production of guidance material, visits, inspections etc;
 - Implementation of Proof of Age Schemes, many of which are now PASS¹ accredited.
- 2.2 It is acknowledged that decisions around specific enforcement policies and actions will necessarily reflect local needs and priorities. This Guide is intended as a basis to assist in such local decision making. LACORS expects that enforcement activities should be reasonable and proportionate given the circumstances and that the actions are undertaken in order to secure compliance with the legislation.

¹ "PASS" refers to the Proof of Age Standards Scheme which seeks to accredit legitimate Proof of Age schemes that meet established criteria

SECTION 3

3. OPERATIONAL CONSIDERATIONS

3.1 Risk Assessments and Criminal Records Bureau (CRB)² checks

Local authorities that wish to carry out test purchase operations involving young people should have regard to current practice and the principles of risk assessment. These should be carried out in accordance with the Local authorities own procedures in respect of health and safety and each test purchaser should be subject to an individual risk assessment as to their suitability for the activity being undertaken.

This will be of particular relevance where operations are planned in “on-licence” premises.

An example of a ‘standard’ risk assessment that authorities may wish to undertake may be found at Annex 2 to this Guide. It is a matter for each Local Authority to determine how such an assessment is made.

Depending upon the outcome of any risk assessment, a decision may be made concerning the need, or otherwise, to have an officer/s present within the premises with the young person at the time of the attempted purchase.

There may be occasions where the nature of the business premises precludes the presence of an officer, for example the premises may be too small to accommodate an Officer without drawing undue attention to themselves.

Where there is no Officer within the premises, other means must be provided to ensure that communication with the young person is possible; this may be by means of mobile phone for example. It may also be desirable for such attempts to be recorded, the use therefore of covert equipment is deemed appropriate but not essential.

Nothing in this Guide precludes the use of more than one young person in a test purchase operation if, in the opinion of the Authority, this increases the security of the young persons within a premises and presents a more realistic setting for the operation to take place.

It is recommended that all officers undertaking work with children and young persons complete either a standard or enhanced disclosure, as decided by individual local authorities and prescribed by the Criminal Records Bureau – commonly known as a CRB check. Local Authority Social Services or Human Resource staff should be able to assist with this process.

3.2 Selection of Young People

Local authorities must ensure that the young person and their parent(s)/carer(s) are fully conversant with the nature of the test purchase operation and the possible outcomes where any illegal sale is made.

² CRB will be supplemented by the Independent Safeguarding Authority in 2010

- a) Participation may be on a voluntary basis or paid but must have the consent of the young person and his/her parent(s) or carer(s) – see note on employment in section 3.5.
- b) The parent/carer of the young person must fully understand the nature of the task involved and give their written consent and example of standard documentation is provided at Annex 3 & 4.
- c) Volunteers may be sought from any source, for example, the relatives of local authority staff, local youth groups, schools or police cadets see also section on employment below. If, in the opinion of the Officer a young person appears to be over-eager to take part and to obtain a purchase, they should be rejected for the purposes of that operation.

Whilst the actual age of the young person selected is a matter for each Local Authority to determine within the context of the particular operation the young person must be younger than the age stated for the purchase of the particular product for example, for a test purchase of cigarette lighter refills, the young person must be less than 18 year old.

- d) The young person must not look older than their age. It is acknowledged that child development is not an exact science; however, the young person should be representative of their age group.

A useful test may be drawn from Section 146 the Licensing Act 2003 where part of the defence states “nobody could reasonably have suspected from the individual's appearance that he was aged under 18”. If therefore a reasonable person assesses the age of the test purchaser to be below that stipulated for the product being tested then the young person will be deemed to be suitable for the operation.

(Note the provisions of the Intoxicating Substances (Supply) Act 1985 where in addition to the age restriction imposed, for the offence to be proved the seller must know that the product is to be used to intoxication and inhalation purposes).

Consideration should also be given to the clothing, jewellery and makeup worn by the young person. The purpose is to replicate as far as possible reality, therefore, within reason, the young person should be permitted to wear their normal clothing for visiting the particular establishment under test. For example, if the operation involves an on licensed premise, it may be normal practice for the young person to wear make up and jewellery. Nothing in this guide advocates that the young person should make a deliberate attempt to make themselves look older than they are.

- e) Where the test purchase operation is for the purpose of obtaining evidence for potential legal proceedings, then at the outset, proof of the age of the young person must be obtained. This may be in the form of the birth certificate produced by their parent or guardian, or by evidence of photographic ID such as a Passport, Driving Licence or PASS accredited Proof of Age Card.

3.3 Welfare of Young People involved in Test Purchase Operations

The welfare of the young person involved in the test purchase operation is paramount, to assist with an interpretation of what this means reference may be made to:

The **UN Convention on the Rights of the Child** (International Treaty) has been ratified by the UK Government and provides the rights and welfare principles specifically for children.

Of particular relevance is **Article 3** which 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. Institutions, services and facilities responsible for the care and protection of children shall conform to the established standards, particularly for safety, health, the number and suitability of staff, and competent supervision”

In particular:

- a) If at any time during the operation the young person indicates that he/she does not wish to continue, or he/she show signs of distress, the operation must be halted immediately
- b) If, whilst in the care of the officer the young person is injured or suffers loss or damage to his/her property, the incident must be reported to the parent/guardian and the appropriate Local Authority senior officer without delay.

3.4 Briefing of the young person

The test purchase will, as far as possible, be made in the same manner as a member of the public would seek to make a purchase, however there are some particular considerations that must be applied to test purchasing operations and thus the young person must be trained prior to any operation taking place:

- a) They must be told as far as is reasonably possible exactly what to say and what not to say;
- b) For routine test purchase operations, the young person must be told to answer any questions that the seller may ask about their age truthfully;
- c) In exceptional circumstances, the Local Authority may consider whether it is appropriate to undertake test purchase operations where the young person is instructed not to answer truthfully any questions relating to their age posed by the seller.

This may be considered in cases where the Local Authority has credible evidence for example from Police, Community Safety Wardens, CCTV, covert surveillance or other credible and identifiable source, that a specific premises is selling age restricted products to young persons that are underage AND that the action of the seller is always to ask the young person their age. Given that test purchasers will answer truthfully, the seller avoids making a sale whereas, had the young person not answered truthfully a different outcome may have ensued.

In such exceptional circumstances, where it is clear that illegal sales are taking place and that the seller is not taking all reasonable steps to avoid the commission of the offence, the Local Authority may determine that this course of action is appropriate in order to prove breaches of the legislation and ultimately to gain compliance with the legislation.

If a local authority determines that alternative action is required for a particular premise, then a risk assessment must be carried out and the reasons for the decision must be documented;

- d) It is not recommended that the young person produce their own genuine PASS accredited Proof of Age card or other such document if they are asked to produce it by the seller. This may reveal the identity of the young person to the seller which is not desirable. The young person should be instructed to state that “I don’t have it with me”, or some other similar phrase. Young people should not use fake Proof of Age cards;
- e) If the initial request to purchase a product/s is refused, the young person must be told not to attempt to persuade or coerce the seller to make a sale. They should leave the premises and return to a predetermined location.

3.5 Definition of Child and Employment

The Education Act 1996, Section 558 defines a child as “any person who is not over the compulsory school age” thus any person under the age of 16 years and still in full time education is deemed to be a child. It follows therefore that where the young person is deemed to be a child, their involvement in test purchase operations is not considered to be employment by virtue of the Children and Young Persons Act 1933, Section 30(1). Such a child may not be in the paid employment of the Local Authority.

Where the young person involved in the test purchase operation is over 16 years of age and has ceased full time education they may be employed and paid by the Local Authority for the purposes of the operation.

Note: Regard should be had to the Working Time Regulations 1998. A young worker is defined as someone who has attained the age of 15 years but not 18 years and is over compulsory school age (Education Act 1996), such young workers may work and be paid for up to 8 hours a day and up to 40 hours per week.

Consideration should be given at the planning stage of test purchase operations to the hours that are worked by the young person whether they are employed or not, particularly where visits are to be made to licensed premises where the opening hours may be later than those of non-licensed premises. This should be agreed with the parents/carer.

Nothing in this Guide precludes an authority from paying reasonable expenses to any young person engaged in assisting an Authority with test purchase operations. This may include travel, subsistence and a gratuity (for example a voucher or token) to the young person.

3.6 Working with other agencies

It is recognised that whilst the majority of test purchase operations are carried out by local authority Trading Standards Services staff, there may be occasions when other agencies are involved, notably, but not exclusively, the police and employees of the National Lottery operator.

Where joint operations are planned, it is recommended that a memorandum of understanding is agreed between the organisations at the outset such that roles and responsibilities are clear. It is further recommended that the partner organisations agree to the use of this Guide as the standard to be adhered to for the operation.

SECTION 4

4. LEGAL REQUIREMENTS & CONSIDERATIONS

4.1 Evidence from young people

Consideration should be given at the outset to the likelihood of the operation giving rise to legal proceedings being instituted by the local authority (or the police). It is recommended that the operation be organised in such a way as to avoid the young person being called as a witness. As a general principle a witness statement need not be taken from the young person. The evidence of any sale will be provided by the officers where they accompany the young person whilst he/she attempts to make a purchase.

4.2. RIPA requirements

RIPA enables local authorities to effectively investigate and obtain evidence in a wide range of regulatory functions that they have a statutory duty to enforce. It covers the covert use of surveillance by local authorities, the police and other public authorities, for test purchasing and other enforcement activities. RIPA provides a regulatory framework that ensures local authorities address Human Rights Act 1998 issues to safeguard against challenges under Article 8 of the European Convention on Human Rights. There are clearly defined authorisation processes, and oversight mechanisms with independent inspections by the Office of Surveillance Commissioner and the Interception of Communications Commissioner's Office.

In LACORS' view, the RIPA policy, which should be set annually by elected members, should make specific reference to test purchasing (having regard to legislative provisions, statutory codes and other authoritative guidance*).

Officers responsible for the management of test purchasing exercises should consider – in association with the local authority's policy and the views of the authorising officer - the provisions of section 26(2) RIPA (in particular, whether the activity is likely to result in the obtaining of private information about any person) and section 26(8) RIPA (in particular, whether the test purchaser establishes or maintains a personal or other relationship with the seller).

Clearly, in test purchasing operations, where it is the view of the manager and authorising officer that it is not likely to result in the obtaining of private information and no relationship will be established then RIPA authorisation is not required.

In circumstances where the exercise is considered to fall outside the scope of RIPA, it is good practice, in LACORS' view, to record the reasons for this decision.

The 2010 Covert Human Intelligence Sources Code of Practice contains the following:

“Establishing, maintaining and using a relationship

2.12. The word "establishes" when applied to a relationship means 'set up'. It does not require, as 'maintains' does, endurance over any particular period. Consequently, a relationship of seller and buyer may be deemed to exist between a shopkeeper and a customer even if only a single transaction takes place. Repetition is not always necessary to give rise to a relationship, but whether or not a relationship exists depends on all the circumstances including the length of time of the contact between seller and buyer and the nature of any covert activity”.

The Code of Practice also includes the following examples - to assist with the illustration and interpretation of certain provisions – but they are not provisions of the code and are included only for guidance.

“Example 1: Intelligence suggests that a local shopkeeper is openly selling alcohol to underage customers, without any questions being asked. A juvenile is engaged and trained by a public authority and then deployed [BL note, the Surveillance Code states: A trained employee or person engaged by a public authority is deployed to act as a juvenile] in order to make a purchase of alcohol. In these circumstances any relationship, if established at all, is likely to be so limited in regards to the requirements of the 2000 Act that a public authority may conclude that a CHIS authorisation is unnecessary. However, if the test purchaser is wearing recording equipment but is not authorised as a CHIS, consideration should be given to granting a directed surveillance authorisation.

Example 2: In similar circumstances, intelligence suggests that a shopkeeper will sell alcohol to juveniles from a room at the back of the shop, providing he has first got to know and trust them. As a consequence the public authority decides to deploy its operative on a number of occasions, to befriend the shopkeeper and gain his trust, in order to purchase alcohol. In these circumstances a relationship has been established and maintained for a covert purpose and therefore a CHIS authorisation should be obtained.”

The authorisation level, when a juvenile is to be used as a CHIS, is the Head of Paid Service or (in his absence) the person acting as the Head of Paid Service. LACORS considers that this would be very rare - hence the requirement for such a very senior level of authorisation. However, **any** use of persons aged under 18 to make test purchases must nonetheless be subject to risk assessment and must take account of the safety and welfare of the child. The Regulation of Investigatory Powers (Juveniles) Order 2000 ensures that:

The safety and welfare of the young person child has been fully considered;

- The officer is satisfied that any risk has been properly explained to, and understood by the young person; and
- A risk assessment has been undertaken, covering the physical dangers and the moral and psychological aspect of the young person's deployment.
- A record is kept of the operation

It should be emphasised that

- (i) ultimately only the courts can interpret legislation with any authority; and
- (ii) the responsibility for authorising (or not authorising) an operation always remains with the Authorising Officer (AO), and the AO must document carefully the reasons behind that decision.

* In addition to the statutory codes, guidance on this matter has been issued by bodies such as the Office of Surveillance Commissioners.

4.3 Entrapment and the Gathering of Evidence etc.

Entrapment in relation to the conduct of a test purchase operation must be considered by those seeking to gather evidence of offences. This is of particular relevance for example where the matter of a young person lying about their age as part of the test purchase operation is considered (see section 3.4).

In the light of the ECHR, HRA, RIPA, together with section 78 PACE which deals with the circumstances in which evidence is obtained and its effect on the fairness or otherwise of any proceedings, those involved in the planning and conducting of test purchasing exercises will need to have regard to: a) The avoidance of inciting, instigating, persuading, pressurising or wheedling a person into committing an offence that, otherwise, would not have been committed;

b) The requirements for gathering/retaining relevant, admissible and sufficient evidence – an “unassailable” record of events – in order to prove the commission of an offence and to ensure that a fair trial takes place;

c) The necessity of ensuring that any interference with the right to privacy, of any person affected by the activity, is lawful; in particular the need for public authorities to consider whether it is conduct which could be authorised under RIPA;

d) Other specific issues, such as legislative provisions (e.g. section 149(2) of the Licensing Act 2003 where a test purchase of alcohol by a person under eighteen years of age must be at the request of a constable or an inspector of weights and measures).

4.4 **Appeal Cases** There have been a number of appeal cases concerning test purchase operations including:

- Teixeira de Castro V Portugal (1998) 28 EHRR 101
- Tesco Stores Limited v Brent LBC [1993] 2 All ER 718
- Hereford and Worcester County Council v T & S Stores Plc (1994) 93 LGR 98
- LB of Ealing v Woolworths Plc [1995] Crim LR 58
- R v Loosley Attorney Generals Ref.(No3 of 2000) [2002] 1 UKHL 53
- City of Sunderland Council v Dawson (CO/4130/2004)
- Davies v Carmarthenshire County Council [2005] EWHC 464

Note: Domestic law on the subject has been shaped by these cases based on the rules for excluding evidence, in particular, section 78 of the Police and Criminal Evidence Act 1984 (PACE) - and the power to stay proceedings as an abuse of process.

4.5 **Enterprise Act 2002**

Local authorities may wish to consider the appropriateness of using Enforcement Orders to prevent the ongoing sale of age restricted products to those that are under age. These may be sought in respect of the following age restricted products and illegal under age sales:

Children and Young Persons Act 1933 & 1991
Firework Safety Regulations 1997 / Act 2003
National Lottery Act 1993
Intoxicating Substances (Supply) Act 1985

ANNEX 1 – Current Age Restricted Legislation

Product	Age	Legislation	Penalty
Aerosol Paints	16	Anti-Social Behaviour Act 2003 (S.54)	Level 4 Fine
Air Weapons	18	Firearms Act 1968 (S24) Violent Crime Reduction Act 2005 + Commencement Order 2007:2180. Offence to buy as well as to be sold	Level 3 Fine and /or 6 months imprisonment
Animals	16	Animal Welfare Act 2006 s(11)	Level 4 Fine and/or 51 weeks imprisonment
Alcohol	18	Licensing Act 2003 (S.146 & S.147)	Level 5 Fine
Cigarette Lighter refills	18	Cigarette Lighter Refill (Safety) Regulations 1999 (Reg.2) and Consumer Protection Act 1987	Level 5 Fine and/or 6 months imprisonment
Crossbows	18	Crossbows Act 1987 (S.1) Violent Crime Reduction Act 2005 + Commencement Order 2007:2180. Offence to buy as well as to be sold	Level 3 Fine and /or 6 months imprisonment
Fireworks (excluding party poppers, caps etc)	18	Fireworks (Safety) Regulations 1997 (Reg.6) Fireworks Act 2003	Level 5 Fine and/or 6 months imprisonment
Gambling	18	Gambling Act 2005 (particularly references Sections 46, 47 and 56). Must not allow minors to take participate in gaming or betting at any of the following: Adult Gaming Centres, Casinos, Betting Shops & Bingo & lotteries and football pools	Level 5 fine and/or imprisonment for a term not exceeding 51 Weeks
Knives	18	Criminal Justice Act 1988 (S.141A) as amended by Offensive Weapons Act 1996 Violent Crime Reduction Act 2005 + Commencement Order 2007:2180	Level 5 Fine and/or 6 months imprisonment
Liqueur Confectionery	16	Licensing Act 2003 (S.148)	Level 2 Fine
Lottery products	16	National Lottery Act 1993 (S.13) and National Lottery Regulations 1994	Level 5 Fine and/or 2 years Imprisonment
Party Poppers, caps etc.	16	Explosives Act (S.31) Health & Safety at Work Act 1974	Level 5 fine if in magistrates court or, unlimited if taken to crown court
Petroleum	16	Petroleum Consolidation Act 1928	Level 5 fine if in magistrates court or, unlimited if taken to crown court
Realistic Imitation Firearms	18	Offence to sell an imitation firearm to anyone under the age of 18. It is also an offence for anyone under 18 to purchase a RIF. Firearms Act 1968 as amended, Violent Crime Reduction Act 2006 and The Violent Crime Reduction Act 2006 (Realistic Imitation Firearms)	Level 5 Fine and/or 6 months imprisonment

		Regulations 2007.	
Solvents	18	Intoxicating Substances (Supply) Act 1985 (S.1)	Level 5 and/or 6 months imprisonment
Tattoos	18	Tattooing of Minors Act 1969 (S.1)	Level 3 Fine
Tobacco	18	Children and Young Persons Act 1933 (S.7) Health Act 2006 The Children and Young Person's (Sale of Tobacco) Order 2007 (S.2)	Level 4 Fine
Videos, DVD and some computer/video games	12, 15 & 18	Video Recordings Act 2010	Level 5 Fine and/or 6 months imprisonment

ANNEX 2 – STANDARD RISK ASSESSMENT DOCUMENT – an Example

Risk Assessment for Test Purchase Operations

Risk:High – Stop activity until controls in place/ review action required urgently **Medium** - Tolerable risk but monitoring is required to ensure the controls are maintained **Low** – The risk is broadly acceptable

TASK STEP	HAZARD DESCRIPTION	HAZARD CAUSE	HAZARD CONSEQUENCE	CURRENT CONTROLS	FR ₁	SEV ₂	RISK	STATUS OF CURRENT CONTROL	RECOMMENDATIONS	LA CONTROLS
Inviting young persons to assist with test purchasing	Personal data collected about young persons being handled insensitively	Information left lying around the office	Confidential information about young persons being divulged	Nominated officer has responsibility for collecting data which is recorded on pro-forma sheet. Sheets kept locked away in cupboard.	L	L	L	Adequate		
Assessment of young persons suitability for test purchasing	Officer will need to make personal contact with child. Opportunity for a potential abuser to single out a young person for 'grooming'.	Direct contact needed with young person to assess suitability	Young person could be abused	Officer will visit young person in presence of parent or guardian. Officer will have current CRB check. Arrangements to visit young person always made with parent/ Guardian.	L	H	L	Adequate	Team leader will review assessments and check that parent/guardian were present	

¹ Frequency ² Severity

Arranging test purchasing session with young person	Officer will speak direct to young person and arrange a time and date of collection from home		Parent/guardian of young person not aware of their whereabouts.	Arrangements always made with parent/guardian	L	M	L	Adequate		
Collection of young person for test purchasing session.	Young person becomes the responsibility of TS Staff		Parent/guardian of young person not aware of their whereabouts.	Parent/ Guardian must always witness the young person being collected.	L	H	L	Adequate	If parent/guardian not available, test-purchasing session cancelled. Officer will take contact number of parent/guardian and give estimate of time that young person to be returned and check that proposed time is acceptable to both young person and parent/guardian.	
Officer and young person alone	Officers may be left alone with young person while transporting, waiting to do purchase or after attempted purchase		Risk of allegation of abuse to young person	There are always 2 officers with the young person at all times. At least one (but normally both) officers are CRB checked	L	H	M	Adequate	One of the officers must normally be of the same sex as the young person. 3 officers required for test purchase sessions. CRB checks administered by Projects Team Leader – checks renewed every 3 years. Any allegations made by young person to be immediately reported to Team Leader.	

During visit, young person left alone outside retail premises	Young person left unsupervised		Young person could be exposed to danger	2 officers always to be used – one enters retail premises prior to young person and the other waiting just outside after escorting young person to just outside.	L	H	M	Adequate	Young person always accompanied when crossing roads. Rendezvous point outside shop agreed with young person by officer waiting outside.	
Young person attempts test purchase.	During test purchase, purchase refused and retailer becomes abusive or threatening to young person	Retailer angry with young person	Young person could be exposed to danger	One officer always in retail premises in close proximity to young person and able to intervene if necessary	L	H	M	Adequate	Young person always instructed that if anything goes wrong, to leave premises immediately. Officer 2 will always be waiting just outside. Young person will not work in area where they live, attend school or regularly visit.	
Matters arising while young person in care of TSS	Sudden illness	Inadequate knowledge of young person's personal details	Personal injury	Details of allergies, health conditions and current medication obtained from parent/guardian	L	H	M	Adequate	Contact number for parent/guardian held during visits	
Court action	Young person required to appear in Court	Not guilty plea entered	Stress and anxiety caused to young person	Young person fully supported throughout and not forced to attend Court if unhappy	L	H	M	Adequate	If young person is unable to face Court, removed from test purchasing list	

ANNEX 3

AGREEMENT WITH PARENT/CARER, YOUNG PERSON AND THE LOCAL AUTHORITY FOR TEST PURCHASING

The purpose of this agreement is to ensure that the parent/carer and young person are aware of what the local authority officers intend to do and what safeguards will be used.

- i. The young person will be fully trained in what to say and do. The young person's parent/carer may attend the training session(s). The young person will be told to tell the truth about their age unless previously agreed that the operation is deemed "exceptional".
- ii. At least one officer will supervise the young person at all times.
- iii. The young person will not be asked to make test purchases in any areas where he/she is likely to be recognised.
- iv. In any exercise, the young person's welfare is paramount. The nature of the young person's involvement in the exercise will not be revealed whilst they are on the premises, unless the officer is of the opinion that their welfare is at risk.

The officer will intervene at any time where the young person's welfare is at risk.

- v. The young person's identity will not be revealed by the local authority in any subsequent publicity.
- vi. Payment may be made where the young person is employed by the Local Authority, otherwise no payments will be made for this assistance, but appropriate refreshments and travelling expenses will be provided.
- vii. This exercise may result in legal action.
- viii. The local authority will endeavour to ensure that the young person will not be required to attend court as a witness. However, in exceptional circumstances, this may still occur.
- ix. The parent/carer will provide a witness statement to confirm the date of birth of the young person, if required.

I have read and understood the above Signed:

(Parent/Carer) Signed: **(Officer in charge of exercise)**

Signed: **(Young Person) Date:**
.....

Contact details of senior local authority officer Name: **Position:**

.....**Telephone** **number(s):**
.....

ANNEX 4

PROVISION OF ASSISTANCE BY YOUNG PERSON TO THE LOCAL AUTHORITY: PARENTAL & YOUNG PERSON CONSENT FORM

Name of young person :	
Date of birth:	Male/Female:
Address of young person :	
Nature of exercise:	
Date and time of collection of young person and address (if different from above):	
Date and time of return of young person and address (if different from above):	
Daytime contact point for young person during above dates:	
Alternative daytime contact point for young person during above dates:	
Areas in which test purchasing exercise will take place:	

Areas to be avoided (e.g. areas where the young person is likely to be recognised):

Any special dietary/medical needs etc.:

I (name of parent/carer) am the parent/carer of the above-mentioned young person and I agree that he/she will be available to assist the local authority as detailed above. I have discussed the details of this operation with (officer's name)

Signed: (Parent/Carer)Signed:

..... **(Officer in charge of operation)Signed:**

..... **(Young person)Date:**

.....