

# Trading Standards



## GUIDANCE NOTES FOR PARENTS/GUARDIANS WHOSE CHILDREN ASSIST THE SERVICE IN ENFORCING THE LEGISLATION

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**The Criminal Justice and Police Act 2001**  
**Licensing Act 2003**  
**Children & Young Persons (Protection from Tobacco) Act 1991**  
**Firework (Safety) Regulations 1997**  
**Criminal Justice Act 1988 (as amended)**

The Trading Standards service is committed to actively enforcing this legislation. We believe that working to stop retailers supplying age restricted products to children will contribute, in part, towards an overall health awareness programme. However, we recognise that many other factors will influence the decisions of youngsters regarding such products, including parental/guardian influence.

We thank you for offering assistance in enforcing this legislation. These guidance notes outline the precautions that will be taken to protect children assisting in enforcement. Despite our commitment to active enforcement and your kind offer of assistance, we must be conscious that the overriding factor must be reassurance to the parent/guardian and children who assist. Every effort will be made to safeguard the child's interests in these activities. We are anxious that no "hidden" eventualities should occur and that parents/guardians grant the assistance of their children in full knowledge of both the precautions in place to safeguard their children and the possibility of appearances in a court of law ultimately being required.

Please read these notes carefully, and feel encouraged to ask any questions of the officers mentioned in the notes if you have any concerns.

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Wigan Council  
Environmental Services Department  
Trading Standards Service  
Unity House  
Westwood Park Drive  
Wigan  
WN3 4HE

Phone: 01942 827476

Fax: 01942 488405

Email: [ts@wigan.gov.uk](mailto:ts@wigan.gov.uk)

Web: [www.wigan.gov.uk](http://www.wigan.gov.uk)

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## 1 Sending parents the guidance notes and application form

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Included with these guidance notes should also be an application form. These notes should be studied carefully before submitting an application.

If after studying the guidance notes the parents feel unable to continue to offer assistance, the service undertakes that no attempt will be made to persuade or coerce the parents by 'explaining' the guidance notes more fully. We fully respect the parents right to make such a decision. However parents may themselves ask the enforcement officers for clarification on any points at any time. An application may be withdrawn at any time, at which point the application form and any other details provided will be destroyed.

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## 2 Officers to visit parents

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\*see note

Following the submission of an application form, an enforcement officer will contact the parents to confirm that they wish at that stage to continue in their offer to provide assistance. If so, the enforcement officer will arrange to visit the parents of the assisting child or children. This will be arranged for a time at the convenience of the parents but when the child will be available. This officer will act as a liaison for the parents as a single point of contact for any queries before, during and after an exercise has taken place

The enforcement officer will visit the parents at their home (if requested without the presence of the child) and will explain in detail the actual procedure proposed to be used in visiting retailers for the purpose of establishing whether or not age restricted products will be sold to minors. (They will want to go through the procedure with the child present later in the visit, unless parents decide not to proceed.)

In particular the enforcement officer will emphasise that:-

- a) the child will never be out of the sight of one or more enforcement officers;
- b) the child will be fully briefed as to their conduct and requests;
- c) the child, if asked by the retailer, will be required to disclose their true age.
- d) any difficulty encountered by the child, or potential intimidation by the retailer, will result in the intervention of the enforcement officers and stopping of the purchasing exercise.

**\*NOTE:** This stage will only commence a short time before a project is to be undertaken. There may be a period of several months before contact is made following an application.

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## 3 Photographic / video evidence to prove appearance / age of child

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The enforcement officer will explain that:-

- a) A video recording will be made during a training session prior to a test purchase exercise being undertaken. This recording may be used at a later date in court or

during the investigation to give an accurate example of the child's appearance and demeanour.

- b) Photographs will be taken of the child before each set of purchasing exercises. In the event of an age restricted product being sold, these photos will be used during the investigation and in court, thereby establishing to the court the appearance of the child on the day in question.
- c) All photos, negatives and video tapes will be retained by the enforcement officers until all proceedings or other consequences following from a set of purchasing exercises are concluded, at which time these will either be destroyed or given to the parents as they so wish.

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#### **4 Witness statement of parent / guardian**

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The enforcement officer will explain:-

- a) that on every occasion where a sale occurs, it will be necessary for the parent/guardian to provide a witness statement to confirm the age of the child along with the child's birth certificate. A typical draft statement can be shown to the parents.

**NOTE:** The parents must understand that the information provided at that time is confidential and the parents must consent not to disclose that information to any other person nor to approach or take any action involving the relevant retailers.

- b) that these statements are served on defendants in an attempt to provide evidence to the court in an admissible manner. The legal process of acceptance/rejection of statements will be explained;
- c) that, although it has been rare in the past, there is no absolute guarantee that the parent/guardian will not be required to give evidence in court. The court process will be explained;
- d) that the child's name and date of birth will be disclosed by way of the birth certificate to the defendant or a representative of the defendant.

**NOTE** Although every effort will be made by the council to prevent it, there is no guarantee that the court will not make an order requiring the presence of the child during the trial.

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#### **5 Where the exercises will be carried out**

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The enforcement officer will emphasise that:-

- a) the child will not be asked to assist in any purchasing exercises in their home area;
- b) the exercises will always take place, by arrangement with the parents, probably either:-

- i) during school holidays, or
  - ii) in the late afternoon/early evening (after school), or
  - iii) at weekends;
- c) the parents may set a "required return home time" but that in any event the child will be returned home no later than 10.00 pm;
- d) if at any time during an exercise the child expresses a wish to discontinue involvement and return home that would immediately happen.

It is not felt necessary to set a maximum number of times a child may assist over any given period, but any parental wishes will be respected.

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## **6 Who are the enforcement officers?**

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It is emphasised to parents that the enforcement officers employed to carry out these duties have been appointed by Wigan Council Trading Standards service and will be acting in a position of responsibility for the care of the child. The officers concerned will have undergone a 'disclosure' process to ensure the council is satisfied the officers are suitable to work with children. The enforcement officer will be able to provide further details.

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## **7 Parents may accompany**

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Notwithstanding any of the above, parents should understand that they have the right to accompany the enforcement officers and their child during the purchasing exercises if they so wish.

Having discussed these guidance notes with the parents to this point, the parents should be asked to confirm their consent in providing assistance.

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## **8 Explaining to the child**

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The enforcement officer, in the company of the parents, should then repeat, for the child's benefit, the discussions concerning paragraphs 4-8 of these notes.

Having gone through paragraphs 4-8 again with the child, and having allowed the parents to assess the suitability of the bond between the officers and the child, both the parents and the child should finally be given a further opportunity to confirm their continued consent in providing assistance.

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## **9 The bond of trust**

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This visit is intended to create a full understanding of the processes involved, safeguards for the child's interests, and to create a mutual trust between the parents, the child, and the officer. It is essential that that bond of trust is not broken and the officers will not deviate from the processes outlined without the express permission of both the parents concerned and a senior officer in the trading standards service.

On concluding the visit the officers will leave their contact phone numbers with the parents and indicate that the next visit will be by prior arrangement with the parents to embark on a purchasing exercise.

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## 10 The next visit

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On the next or subsequent visit the enforcement officer will, on each occasion, recheck the parents views concerning:-

- a) any required return home time;  
*(The officer will also advise the parents of which town/area is to be visited.)*
- b) whether or not the parents themselves want to accompany the child in the exercise;
- c) declaring that the parents will keep confidential outcome of any purchases.