

**Tobacco Free Lancashire**

**Working together to keep young people safe**

# LANCASHIRE IS A CHECK 25 COUNTY

**Guidance for staff to prevent underage sales of tobacco, e-cigarettes and shisha**



[www.lancashire.gov.uk/tfl](http://www.lancashire.gov.uk/tfl)

**Lancashire**  
County  
Council



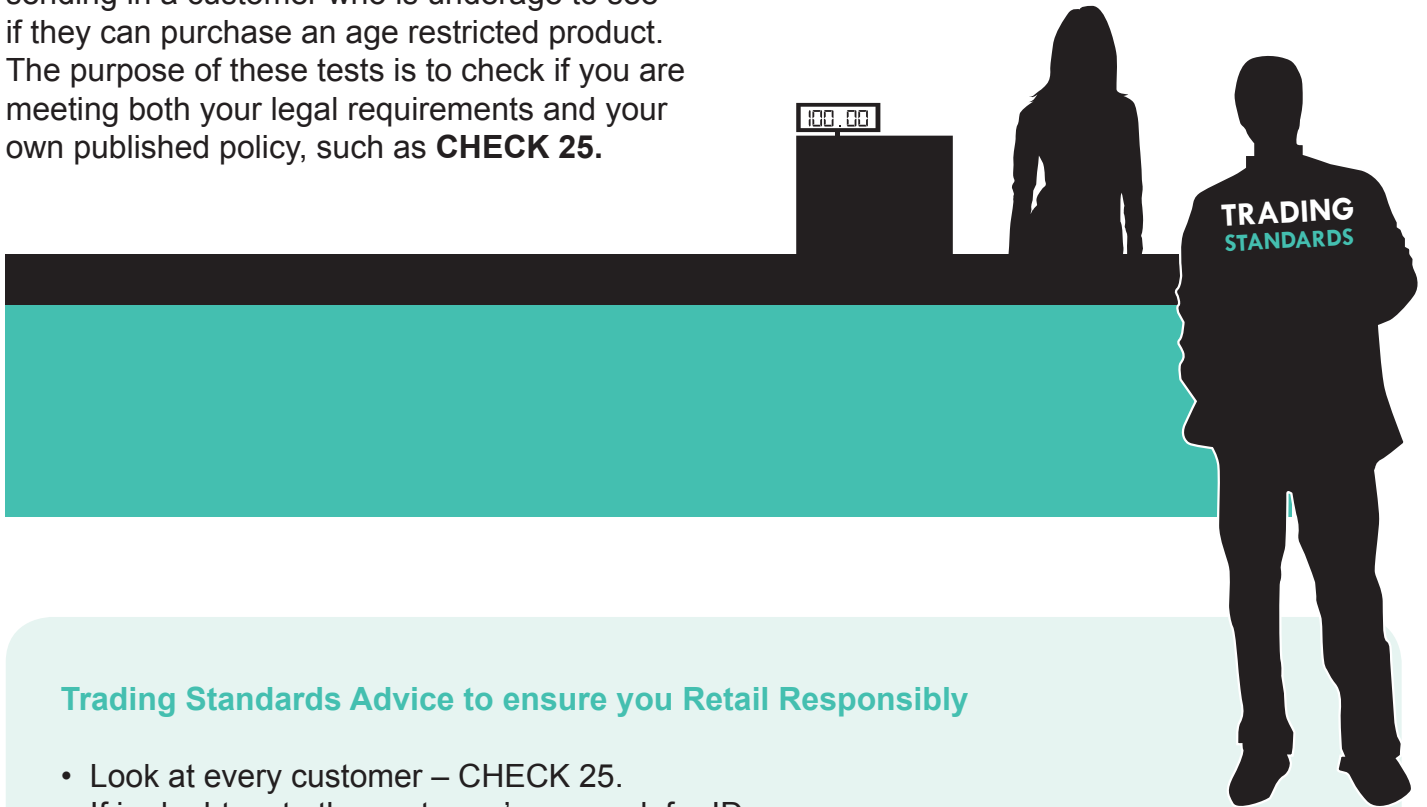
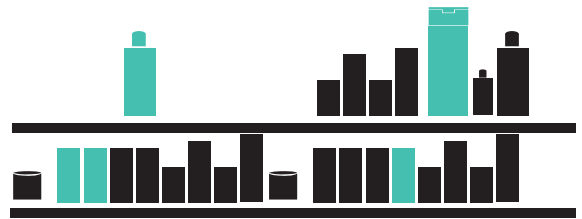
## Check 25 – Information for Staff

- You should be regularly trained about Check 25 to ensure you are confident about who to challenge and how to challenge.
- You should feel supported by everybody working within the business to give you confidence when you make the decision to challenge customers.
- Posters should be prominently displayed in your business to advertise your proof of age policy and to deter potential underage customers.
- Keep records of challenged attempts to buy tobacco, e-cigarettes or shisha - this may help you and Trading Standards.
- Your employer should be clear about what ID is acceptable - Check 25 recommends PASS approved cards, a passport or driving licence
- You should have been trained about the types of ID that are acceptable and how to look out for fake ID.



# Test purchasing

Trading Standards is the organisation that carries out official test purchases at your business by sending in a customer who is underage to see if they can purchase an age restricted product. The purpose of these tests is to check if you are meeting both your legal requirements and your own published policy, such as **CHECK 25**.



## Trading Standards Advice to ensure you Retail Responsibly

- Look at every customer – CHECK 25.
- If in doubt as to the customer's age, ask for ID.
  - Do not ask any other questions such as "How old are you?" - the only question you should be asking is to see an approved form of ID.
  - Don't forget, once the challenge has taken place you **MUST** see valid ID before authorising the sale. Under no circumstances must you ever change your mind and allow the sale without seeing valid ID.
- You can ask for confirmation of their date of birth or other information on the ID to check that it is their own ID and not somebody else's.
  - If it's a driving licence ask them when they passed their driving test or ask them where they've been on holiday if their passport has been stamped
- If in any doubt always refuse, even with ID.
- Record all refusals or ID checks in your refusal record book/sheet.

Comprehensive information to support you in making effective challenges and ID checks is located in this guidance.

## Main Reasons for Failing Test Purchases made by Trading Standards

- Only assessing if a customer appears to be 18 or over – which is extremely risky! Always CHECK 25 to protect yourself and your underage customers
- Not concentrating, being distracted by talking to somebody else or texting on their phones

# Due Diligence

Selling tobacco to an under 18 is a strict liability offence - the owner of the business can be held responsible as well as the member of staff who made the sale. A person who is charged with this offence has a legal defence available to them to prove that they took all reasonable precautions and exercised all due diligence to avoid committing the offence. This is commonly known as the 'due diligence' defence.

## Ignorance is not a defence.

Due Diligence is usually used in Court to prove that it was an accident and not your normal procedure. Its aim is to prove that you know the law & understand your legal responsibilities and obligations and that you comply by all of your policies and procedures and would not normally break the law.

It is not acceptable for you to say "I didn't know the law", or "I didn't understand the law." Everyone who is involved in the sale of tobacco, e-cigarettes or shisha is expected to understand their responsibilities.

Your employer should have effective underage sales policies in place to ensure you play your part to prevent age restricted products landing in the hands of children. However, it is also important for them to show you have strong policies and procedures if an underage sale takes place at your business as this can protect them and you as it may significantly reduce the sanction you receive for having made an underage sale.



## Identification

REMEMBER young people attempting to deceive you into selling them an age restricted product can do so by presenting you with:

- A genuine ID that has been tampered with
- A genuine ID that is not actually theirs
- A fake ID that is an imitation of a genuine ID card type
- A fake ID that is made for the purpose of looking genuine, but is not a real scheme.

### STEP 1: CHECK THE PHOTOGRAPH

- Ensure that the photograph is of the person presenting the card
- The photograph must be printed directly onto the plastic of the card – NOT stuck on top of the plastic.

## STEP 2: CHECK THE DATE OF BIRTH

- Calculate the age of the person from the date of birth.
  - (You should have the date of birth calculator at the till point.)
- The date of birth must be printed onto the plastic – NOT handwritten or stuck on top of the plastic.

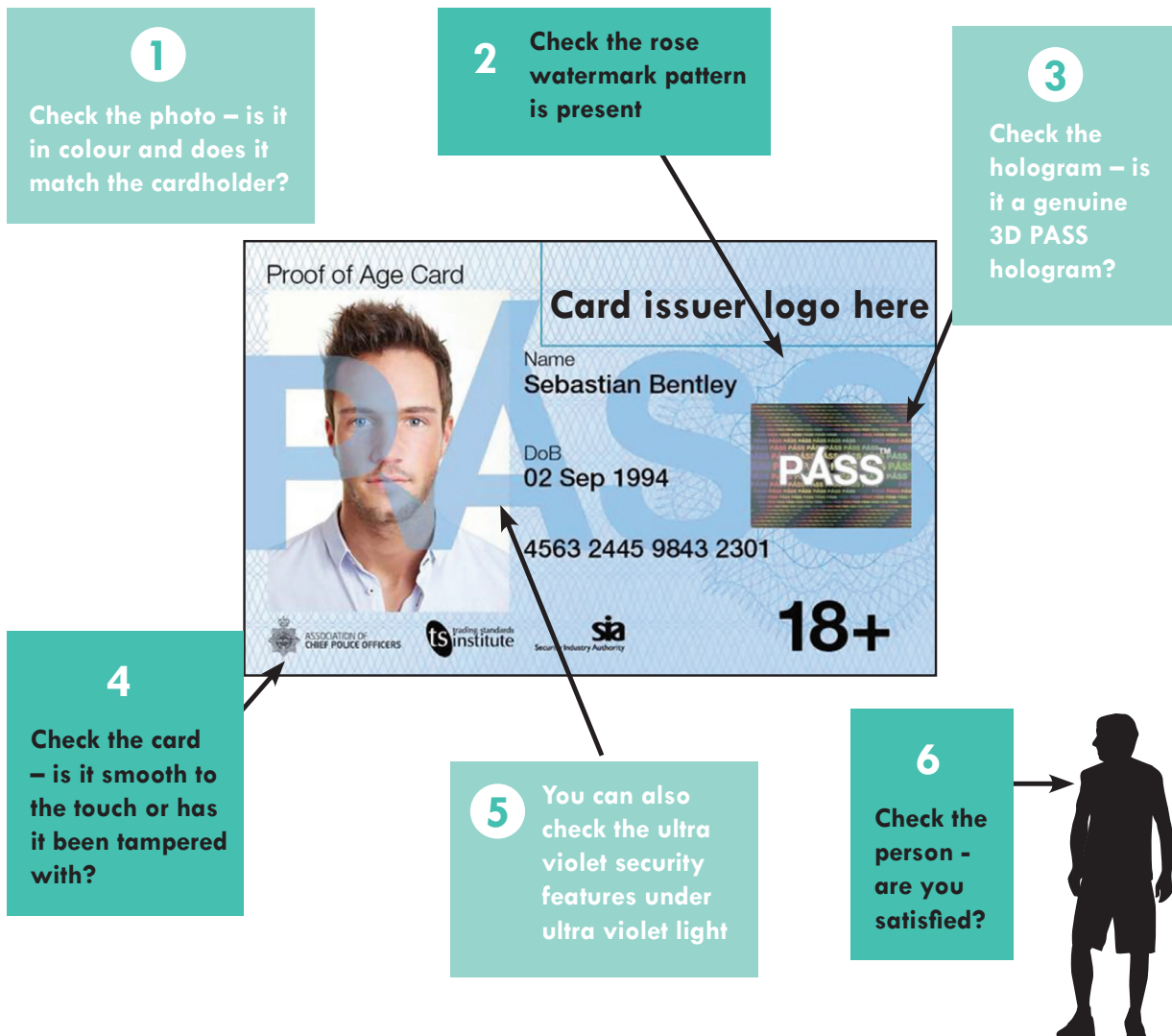


## STEP 3: CHECK THE DOCUMENT

- Ensure the card has not been tampered with or altered (for example the printed dates have been altered using a pen or marker)
- Feel the card in order to identify whether anything has been stuck to the card. Look out for official looking cards that are actually fake. There is no such thing as a UK National Identity Card or a Motorcycle Learners Permit
- The only official documents you should accept are passports, driving licences and PASS cards

## STEP 4: CHECK THE PASS CARD (IF NOT A PASSPORT OR DRIVING LICENCE)

### PASS Card information for staff



## STEP 5: CHECK THE PERSON

- If you are still unsure about a person's age, your legal responsibility is to refuse to sell.

# Personal Safety

When carrying out a refusal you should always consider your own personal safety. This does not mean you can ignore your legal responsibility to make challenges and undertake refusals, but it does mean by following a few basic common sense procedures you will reduce any potential risk of harm.

- If you see a youth or group of youths that you suspect may be preparing to attempt to buy an age restricted product, try and make a non-confrontational early intervention such as a friendly greeting. This lets them know you are aware of them, often deterring them.
- Before you refuse or ask for ID remove the product from the counter.
- Ensure you always appear calm, positive and professional, this way you can reduce the likelihood of a potential conflict situation occurring.
- Be pleasant and helpful – maintain eye contact. If you avoid eye contact you may seem nervous and therefore not in control; this must be natural eye contact, not staring.
- Always speak clearly.
- Explain why you are refusing the sale, that you are following your company policy and the law.
- Take one step back before you inform the customer you are refusing the sale.
- Do not appear aggressive. Some customers may be excitable, drunk, be affected by prescription drugs or have a medical condition unknown to you, but whatever the situation they are more likely to respond aggressively if you appear aggressive towards them.
- Show you understand your customer's feelings by nodding, this will help them to accept what you are saying. Try not to slouch, fidget or avoid eye contact. If you do, it may appear to the customer that you are disinterested in them or uncomfortable in carrying out the refusal and they may attempt to put more pressure on you to change your mind.



- If you need to be more assertive raise the level of your voice, but do not shout and always avoid using sarcasms or offensive tones in your voice.
- Never talk down to the customer.
- Your decision is final. Once you have decided to refuse the sale do not let anybody persuade you to change your mind. Other colleagues should not interfere or overturn your decision.
- Act consistently and fairly. You can do this by always asking for ID, all the time, every time, explain why you are refusing the sale.
- If you feel intimidated call for assistance and support from a colleague. Always help each other out. If you see a colleague who could do with your help, offer it. Just your presence next to your colleague could make all the difference. Remind customers they are being recorded on CCTV.
- Call the Police if the customer becomes aggressive. If you fear for your safety or the safety of others press the panic alarm buttons.
- If a confrontational or violent or potentially violent incident occurs always inform your manager/ owner of the incident.

## Proxy Sales

It is illegal to sell tobacco to a person who you know is going to supply it to a person under age. This is commonly called a 'proxy sale'. Whilst this is not the case for some other age restricted products, you should consider adopting a common approach to identifying and preventing proxy sales across all age restricted products.

It can be very difficult to know if an adult intends to buy an age restricted product for or on behalf of someone who is underage. Therefore, you are only expected to act when you suspect a proxy sale is taking place.

### Here are some common scenarios:

1. Just because a customer is accompanied by someone who is clearly underage, that does not mean you should suspect them of being a proxy purchaser.
2. If you see the adult asking the child what restricted product they want, or if the child's behaviour suggests the product is for them – then you should refuse the sale
3. Try, as far as possible, to monitor what is happening outside your business, especially, if young people are hanging around. If you see what looks like an adult being asked to buy a product by a person outside the business, refuse the sale to that person and report it to the police or Trading Standards.



# Training

In addition to induction training, you should also receive regular refresher training. This is where you refresh your knowledge about the law and company policies. Remember, refresher training does not have to be formal and your employer should aim to regularly discuss underage sales prevention issues with you and your colleagues.

We recommend that you undertake formal refresher training with your staff at least once every six months. One form of refresher training is to use simple questions and answer sheets. Ensure your staff sign and date a copy of their training sheets and keep it on file with your other training records. Question and answer sheets accompany this guide.

Trading Standards advice is for your employer to display this guide in your back offices, rest areas or at your points of sale.



# Illegal Tobacco

Sold at pocket money prices, cheap tobacco makes it all too easy for our children to smoke and become addicted. Far from being a victimless crime, the illegal tobacco trade takes advantage of our most disadvantaged families and helps fund organised crime.

## People involved in the supply or sale of illegal tobacco can face serious penalties:

- Up to 10 years in prison
- Unlimited fine
- Any illegal tobacco and the vehicle used for transportation can be seized
- Proceeds of the crime can be seized, whether it's money or the confiscation of high value assets, such as jewellery, cars and property



## Report It

You can report sales of illegal tobacco by calling CRIMESTOPPERS 24/7 on **0800 555 111**. They don't want to know your name, tell them as much as you can, even if you think it might not be helpful. If English is not your main language just tell them which language you speak.