



Northern Ireland
Assembly

Committee for Education

Period Products (Free Provision) Bill

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Report: NIA 166/17-22 Committee for Education.

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Powers and Membership

Powers

The Committee for Education is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, Section 29 of the Northern Ireland Act 1998 and, under Standing Order 48. Statutory Committees have been established to advise and assist the appropriate Minister on the formation of policy in relation to matters within his/her responsibilities. Specifically, the Committee has power to:

- consider and advise on departmental budgets and annual plans in the context of the overall budget allocation;
- consider relevant secondary legislation and take the committee stage of primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on matters brought to the Committee by the Minister for Education.

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of 5.

Membership

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Mr Chris Lyttle MLA (Chairperson)
- Mr Pat Sheehan MLA (Deputy Chairperson) (1)
- Ms Nicola Brogan MLA
- Mr Robbie Butler MLA
- Mrs Diane Dodds MLA (2)
- Mr Harry Harvey MLA (2)
- Mr Daniel McCrossan MLA
- Mr Justin McNulty MLA
- Mr Robin Newton MLA

1 From 1 February 2021 Mr Pat Sheehan replaced Ms Karen Mullan as a member of the Committee

2 From 21 June 2021 Mrs Diane Dodds and Mr Harry Harvey replaced Mr William Humphrey and Mr Maurice Bradley as members of the Committee.

List of Abbreviations and Acronyms used in this Report

DE: Department of Education

Executive Summary

1. The Committee had before it the Period Products (Free Provision) Bill (NIA 39/17-22) and the Explanatory and Financial Memorandum that accompanied the Bill.
2. Following introduction of the Bill to the Assembly, the Committee wrote on 23 November 2021 to key education stakeholders. The Committee also inserted notices in the Belfast Telegraph, Irish News and News Letter seeking written evidence on the Bill by 18 December 2021. The Committee also highlighted its call for evidence via social media. At its meeting on 16 December 2021 the Committee agreed to extend its call for evidence on the Bill to Friday 7 January 2022.
3. Around 66 organisations and individuals responded to the request for written evidence. Copies of the submissions received by the Committee are included at Appendix 6.
4. During the period covered by this Committee Stage Report, the Committee considered the Bill and related issues at 11 of its meetings. The relevant Minutes of Proceedings are included at Appendix 4. From 1 December 2021 to 26 January 2022, the Committee took oral evidence from the Bill's Sponsor (1 December 2021 and 26 January 2022), the Department for Communities (1 December 2021), the Department of Education (20 January 2022), Department of Health (20 January 2022) and selected stakeholders who had submitted written evidence.
5. The Committee commenced its informal deliberations on the clauses of the Bill on 26 January 2022 and completed formal clause-by-clause scrutiny at its meeting of 31 January 2022.
6. Assembly Research Services provided the Committee with research papers on the Bill which are also included at Appendix 6.
7. The Examiner for Statutory Rules advised the Committee that the delegation of legislative power provided for in the Bill is not inappropriate, and that the

exercise of this legislative power is subject to an appropriate Assembly scrutiny procedure.

8. Summaries of all written submissions and all bill documents were provided to the Committee in a discrete Bill folder for consideration. These summaries are at appendix 5 of the report.
9. Overall, the Committee identified as main issues with the Bill:
 - Stakeholder input recommending privacy and confidentiality in accessing period products, which the Committee has acted upon in agreeing and tabling amendments to clause 3 and clause 5;
 - Notwithstanding the primary need to put provision in place, the additional need to minimise paper and plastic waste from period products (estimated at 200,000 tonnes of waste per year in the UK), which the Committee has acted upon in agreeing and tabling amendments to clause 3 and clause 5;
 - A relative lack of evidence on which to base costings for these proposals, given that similar schemes in neighbouring jurisdictions are of recent commencement;
 - The pending nature of an indication from the Executive to the Bill Sponsor or the Committee of a lead or co-ordinating Department for the Bill;
 - A lack of clarity around the funding of the proposed measures.
10. However, the Committee was in favour of the policy direction sought by the Bill Sponsor and was advised that the Bill was technically sound and afforded time and flexibility for the proposed arrangements to be made before commencement.
11. Formal clause by clause scrutiny of the Bill took place on 31 January 2022.
12. The Committee had before it the text of four Committee amendments. These addressed themes and suggestions which had arisen in both written and oral submissions. First, the Committee identified a need to emphasise privacy and

confidentiality in arrangements made to deliver provision under both the clause 1 “universal” duty and the more discrete clause 2 duty for specified public service bodies. Secondly, the Committee wished these arrangements to require consideration of sustainable products, described in the bill as “articles which are reusable”.

13. The Committee also had before it the text of amendments a-i from the Bill Sponsor. These addressed issues raised by Departments in their correspondence to the Committee, namely correcting minor and technical details of the bill and seeking to clarify language which had given rise to misunderstanding about the phasing and timing of specifying of public service bodies, regulation making and commencement of provisions.
14. The Committee agreed that it was content with the amendments before it, and that it was content with the clauses as drafted and the clauses subject to those amendments.
15. One member reserved judgement on the amendments, the clauses and the clauses subject to those amendments due to the unresolved factors external to the bill outlined above.
16. The Committee agreed to make a recommendation in respect of an accompanying educational/awareness raising programme which would address, in coed settings, societal attitudes that give rise to period stigma, and help explain and demystify periods and period products included sustainable options.
17. At its meeting on 2 February 2022, the Committee agreed that its Report on the Period Products (Free Provision) Bill – this Report – would be the 2nd Report of the Committee for the 2017-22 mandate. The Committee also agreed that this Report should be printed.
18. In agreeing its report on 02 February 2022, the Committee agreed also to write to TEO indicating the uncertainty demonstrated in DoH’s oral evidence in relation to the universal duty, and asking that to avert the confusion caused by such uncertainty, TEO undertake to coordinate the Executive response to the Bill and departmental amendments to it.

Introduction

1. The Period Products (Free Provision) Bill (the Bill) was introduced to the Assembly on 11 October 2021 and referred to the Committee for Education for consideration on completion of the Second Stage of the Bill on 9 November 2021 in accordance with Standing Order 33(1).
2. The Period Products (Free Provision) Bill (NIA 39/17-22) has 10 clauses and no schedules. The Bill's Explanatory and Financial Memorandum (EFM) sets out the purpose of the Bill and a summary of its main provisions. The Bill and the EFM can be viewed at <http://www.niassembly.gov.uk/assembly-business/legislation/2017-2022-mandate/non-executive-bill-proposals/period-products/>
3. The objectives of the Period Products (Free Provision) Bill are described in the Explanatory and Financial Memorandum (EFM) as follows:
 - To place a duty on the Department of Health to ensure that period products are available free of charge on a universal basis in appropriate locations;
 - To require Departments to specify by way of regulations public service bodies who have a duty to ensure period products are widely obtainable free of charge in their premises. These regulations must include Health and Social Care Trusts; Regional Health and Social Care Boards and any public service body whose premises is a school, a further education institution or a higher education institution; and
 - To place a number of duties on the Department of Health and other specified public service bodies in respect of their obligations under this Bill and to place a duty on Departments to issue guidance on the exercise of the functions conferred on specified public service bodies.

Committee's approach

4. The Committee had before it the Period Products (Free Provision) Bill (NIA 39/17-22) and the Explanatory and Financial Memorandum that accompanied the Bill.
5. Following introduction of the Bill to the Assembly, the Committee wrote on 23 November 2021 to key education stakeholders. The Committee also inserted notices in the Belfast Telegraph, Irish News and News Letter seeking written evidence on the Bill by 18 December 2021. The Committee also highlighted its call for evidence via social media. At its meeting on 16 December 2021 the Committee agreed to extend its call for evidence on the Bill to Friday 7 January 2022.
6. Around 66 organisations and individuals responded to the request for written evidence. Copies of these submissions received by the Committee are included at Appendix 6.
7. During the period covered by this Committee Stage Report, the Committee considered the Bill and related issues at 11 of its meetings. The relevant Minutes of Proceedings are included at Appendix 4. From 1 December 2021 to 26 January 2022, the Committee took oral evidence from the Bill's sponsor (1 December 2021 and 26 January 2022), the Department for Communities (1 December 2021), the Department of Education (20 January 2022), Department of Health (20 January 2022) and selected stakeholders who had submitted written evidence. These included:
 8. Homeless Period, Belfast and Ulster University Students' Union Period Poverty Action Group (9 December 2021);
 9. The Council for the Curriculum, Examinations and Assessment (CCEA) (12 December 2021);
 10. The Northern Ireland Commissioner for Children and Young People (NICCY) (26 January 2022);

11. Both stakeholders and Departmental officials answered Members' questions after their individual sessions, as reflected in the Minutes of Evidence - extracts of which are reproduced at Appendix 5.
12. The Committee began its evidence sessions on the Bill at its meeting on 1 December 2021 with a briefing from the Bill's sponsor Mr Pat Catney MLA who briefed the Committee on the background and purpose of the Bill.
13. Mr Catney briefed members that while the Bill outlines arrangements which are specifically about the provision of period products, it touches on the deeper concepts of equality, mutual respect and the right of all our citizens to live their lives with dignity.
14. He also referred members to the work of the Period Products (Free Provision) (Scotland) Bill passed by the Scottish Parliament in November 2020 as the basis for his proposed legislation.
15. The Committee was briefed by the Homeless Period, Belfast at its meeting on 9 December 2021. Representatives indicated that they were generally supportive of the Bill and saw it as a step in the right direction, but they believed that it did not go far enough. They expressed concern that the Bill should go further in order to ensure that people accessing certain buildings are not left out when it comes to obtaining free, essential period items.
16. They expressed concerns that the arrangements for obtaining free period products would be left to the Departments discretion and indicated a preference that free period products should be available inside toilet cubicles or beside wash-hand basins. They emphasised the need for privacy and confidentiality represented by their stakeholders who were conscious of feeling period stigma.
17. Homeless Period, Belfast also stated that a survey they had carried out also indicated that there is also high demand for free period products in public toilets, women's centres, community centres and youth clubs.
18. The Committee was briefed by Ulster University Students' Union Period Poverty Action Group, who were supportive of the Bill at its meeting on 9 December 2021. These witnesses echoed Homeless Period Belfast in

recommending that products should be provided in discreet and private locations.

19. The Committee was briefed by representatives of Council for the Curriculum, Examinations and Assessment (CCEA) on 12 January 2022. Representatives briefed the Committee on their role in a Department of Education pilot project on period dignity which aims to ensure that period products are available where and when they need them to learners who menstruate, as well as to provide educational support in the school setting. They indicated support for the Bill stating that they believed that it would help to address period poverty across Northern Ireland and support educational development and contribute to the development of more widespread understanding of the issues surrounding period dignity.
20. At its meeting on 12 January 2022 the Committee was also briefed by officials from the Department of Communities who described their lead role on the development of the social inclusion strategies on behalf of the Executive under New Decade, New Approach. They addressed period poverty in the context of the gender equality and anti-poverty strategies and noted that the expert advisory panel for the gender equality strategy recommended that Northern Ireland be brought into line with all the other UK jurisdictions by providing free period products in all schools as a priority and that the Government should work to extend the free provision of period products to anyone who needed them.
21. Officials indicated that evidence from work on developing the social inclusion strategies supported the need for the provision of free period products.
22. Officials also discussed the two-month COVID-19 provision of period products to food banks by the Department, describing feedback about reticence to ask for period products and noting that it seemed to be appropriate for those products to be made freely available to all who need them, without their having to request them.
23. At the Committee meeting on 20 January 2022 an official from the Department of Health indicated that while the Department supported the objectives and overall intent of the Bill it believed that the duty in clause 1 to provide free

period products universally across Northern Ireland should not be for the Department of Health as it is an issue of gender equality, poverty or social justice rather than a healthcare issue. Nonetheless the official advised that period poverty is in certain circumstances a cause of massive mental health difficulties.

24. The official also suggested that the duty in clause 2 with regard to the Health & Social Care Board should be removed as it was not a public-facing body and is due to close on 31 March.
25. At the Committee meeting on 20 January 2022 officials from the Department of Education indicated that the Minister of Education supported the Bill insofar as it relates to schools. They noted that duties that would apply in the school sector under the Bill are broadly aligned with the arrangements the Department is currently piloting in schools.
26. The Committee carried out a youth engagement via zoom about the proposals of the Bill on the evening of 20 January 2022. Mentimeters of the young people's own comments delivered live during this session are included in this report at Appendix 7. The pupils shared their experiences of period pain and period emergencies at school, their self-consciousness about periods; of not being sure they have enough products to manage the flow and unpredictability especially during exercise; their fear of being made feel ashamed about their periods and the stigma of others' judgement that they were unclean, moody, emotional, unreliable or otherwise to be dismissed because they were menstruating. Both girls and boys voiced the opinion that more open discussion of periods would make it less of a taboo and enable boys to understand and support girls in dealing with periods. Some pupils expressed the expectation that period products should be provided on the same basis as toilet paper and that it was unfair to half of the population that this was not already the case.
27. The Northern Ireland Commissioner for Children and Young People (NICCY) briefed the Committee at its meeting on 26 January 2022 indicating her support for the Bill.

28. The Committee commenced its informal deliberations on the clauses of the Bill on 26 January 2022 and completed formal clause-by-clause scrutiny at its meeting of 31 January 2022.
29. Assembly Research Services provided the Committee with research papers on the Bill which are also included at Appendix 6.
30. Summaries of all written submissions and all bill documents were provided to the Committee in a discrete Bill folder for consideration. These summaries are at appendix 5 of the report.
31. At its meeting on 2 February 2022, the Committee agreed that its Report on the Period Products (Free Provision) Bill – this Report – would be the 2nd Report of the Committee for the 2017-22 mandate. The Committee also agreed that this Report should be printed.

Recommendations

32. The Committee recommends that roll-out of the implementation of the Bill should be accompanied by a coed educational programme which addresses societal attitudes that give rise to period stigma, and helps explain and demystify periods and period products including sustainable options. The Committee notes from DfE's response that "*early feedback from the Department's Period Poverty Pilot scheme attested: Awareness-raising campaigns [are to be recommended] – reducing the stigma can only be done by talking openly about periods*".
33. The Committee also draws on CCEA's evidence to the Committee in making this recommendation, and notes that the Minister for Education would be best placed to take forward this recommendation in respect of school pupils and the Minister for the Economy in respect of students in further education. That is not to say that other Departments which specify public service bodies in the exercise of their functions should not also look to take up this recommendation in respect of their service users. Indeed, if and when a lead/co-ordinating Department is agreed by the Executive, the Committee recommends that this Department should take forward a cross-cutting awareness raising campaign.
34. The DfE response also refers to Scotland's good practice in developing an app to inform product users of locations and other useful information to raise awareness and combat period stigma. The Committee recommends that such an approach is investigated and considered in implementing the measures proposed by the Bill.

Consideration of the Bill

35. The Period Products (Free Provision) Bill passed its Second Stage on 9 November 2021. Discussions took place under Standing Order 64 in order to allocate this cross-cutting bill to a scrutiny Committee. The Committee for Education undertook to carry out the Committee Stage given its previous interest in period poverty, the significant pilot work undertaken by the Department of Education, and the legislative workload of other relevant statutory committees.
36. The Committee issued a call for evidence to engage stakeholders in written evidence. It sought and received legal advice from Assembly Legal Services (ALS); legal advice on the regulation making powers and Assembly scrutiny arrangements in the bill from the Examiner for Statutory Rules (ESR); research advice from RAISE; and bill procedure and amendment advice from the Assembly Bill Office.
37. The Examiner for Statutory Rules advised that the delegation of legislative power provided for in the Bill is not inappropriate, and that the exercise of this legislative power is subject to an appropriate Assembly scrutiny procedure.
38. The Committee wrote specific questions on the provisions of the Bill to the Department charged with the universal duty under Clause 1 of the Bill, DoH; to the Departments with public service bodies specified on the face of the Bill under Clause 2, namely DE and Department for the Economy (DfE); and to the Department for Communities (DfC). In respect of DfE and DfC, the Departments also passed on the Committee's questions to FE colleges and councils, who replied in writing.
39. The Committee extended the deadline for its call for evidence from 17 December to 7 January to allow as many stakeholders as possible to contribute their views. Similarly, the Committee agreed to seek an extension of the Committee Stage to enable effective scrutiny of the Bill. The Chairperson moved a motion in the House on 14 December 2021 to extend the Committee Stage from 11 January 2022 to 2 February 2022. This extension was granted.

40. The Department of Education replied with information for the Committee in respect of its Period Dignity pilot scheme and to note both technical areas for amendment and clarification, and matters of significance for the Department which it would wish to ensure were amended, namely duties under the Bill to be placed on school managers; provision of products to be limited to persons with legitimate cause to be in schools under safeguarding policy; delimiting the age of pupils given information about provision who will in future begin to menstruate; and clarification re members of the public approaching a school in order to access provision of period products. Officials then attended the Committee to brief members orally on these matters.
41. The Department of Communities replied providing data in respect of its COVID-19 emergency period product provision pilot via foodbanks in January-March 2021, and representing work done on period poverty in its social inclusion strategies. Officials then attended the Committee to brief members orally on these matters.
42. The Department of Health replied to the Committee's written questions outlining the position that period poverty was an issue of rights rather than healthcare, and therefore DoH should not be the Department subject to the Clause 1 duty. The reply commended the drafting of the Bill besides some minor suggestions for technical amendment and clarification. A DoH official then attended the Committee to brief members orally on these matters.
43. The Committee agreed to share these submissions with the Bill Sponsor so that he might proactively anticipate these by drafting amendments and present in an oral evidence session with the Committee his response in the form of clarifications sought and amendments adopted. This evidence session took place on 26 January 2022.
44. The Committee also agreed to write to DfC and TEO seeking to establish which Department might co-ordinate the outworkings of the Bill and or respond to the Bill at amending stages in the House. Further, the Committee wrote to the Department of Finance to seek its position on the funding of the measures.
45. The Department for the Economy replied to the Committee's written questions when it had already begun its informal clause by clause consideration of the Bill.

The Department provided considerable data on period product provision currently carried out by the Department and in FE colleges. The Department echoed the Department of Health's query as to the allocation of the universal duty, positing that this should sit better with the Executive Office. The Department recommended streamlining of implementation and the use of an app as in Scotland to give information about locations for period provision and to address attitudes. DfE also raised questions in regard to the co-ordination and funding of the Bill's proposals, namely:

- Who will be responsible for funding the provision of free period products?
- Will it be a NI Executive (i.e. TEO) budget responsibility?
- How will this be managed?
- How will public service bodies, and other bodies listed in the Bill, procure/receive the products?

46. There was no opportunity to hear oral evidence from DfE. However, some of these issues of co-ordination and funding were anticipated in correspondence to TEO, DfC and DoF.
47. Responses have not yet been received from TEO, DfC and DoF to this correspondence. Nor were draft amendments received from DfC or DoH. The Department of Education wrote to the Committee to advise of amendments it intends to submit when a lead department has been identified, but was not yet in a position to provide amendment text.
48. The Committee did not have an opportunity to follow up on DfE's response but Members of the Assembly will find this data useful in preparing for Consideration Stage. All departmental correspondence at appendix 1.

49. Overall, the Committee identified as main issues with the Bill:

- Stakeholder input recommending privacy and confidentiality in accessing period products, which the Committee has acted upon in agreeing and tabling amendments to clause 3 and clause 5;
- Notwithstanding the primary need to put provision in place, the additional need to minimise paper and plastic waste from period products (estimated at 200,000 tonnes of waste per year in the UK), which the Committee has acted upon in agreeing and tabling amendments to clause 3 and clause 5;
- The relative lack of evidence on which to base costings for these proposals, given that similar schemes in neighbouring jurisdictions are of recent commencement;
- The absence of an Executive indication to the Bill Sponsor or the Committee of a lead or co-ordinating Department for the Bill;
- The lack of clarity around the funding of the proposed measures.

50. However, the Committee was in favour of the policy direction sought by the Bill Sponsor and was advised that the Bill was technically sound and afforded time and flexibility for arrangements to be made before commencement.

51. In agreeing its report on 02 February 2022, the Committee agreed also to write to TEO indicating the uncertainty demonstrated in DoH's oral evidence in relation to the universal duty, and asking that to avert the confusion caused by such uncertainty, TEO undertake to coordinate the Executive response to the Bill and departmental amendments to it.

Clause by Clause Scrutiny of the Bill

52. Formal clause by clause scrutiny of the Bill took place on 31 January 2022.
53. The Committee had before it the text of four Committee amendments. These addressed themes and suggestions which had arisen in both written and oral submissions. First, the Committee identified a need to emphasise privacy and confidentiality in arrangements made to deliver provision under both the clause 1 “universal” duty and the more discrete clause 2 duty for specified public service bodies. Secondly, the Committee wished these arrangements to require consideration of sustainable products, described in the bill as “articles which are reusable”.
54. The Committee also had before it the text of amendments a-i from the Bill Sponsor. These addressed issues raised by Departments in their correspondence to the Committee, namely correcting minor and technical details of the bill and seeking to clarify language which had given rise to misunderstanding about the phasing and timing of specifying of public service bodies, regulation making and commencement of provisions.
55. The Committee agreed that it was content with the amendments before it, and that it was content with the clauses as drafted and the clauses subject to those amendments.
56. One member reserved judgement on the amendments, the clauses and the clauses subject to those amendments due to the unresolved factors external to the bill and outlined above.
57. The Committee was advised that as the Bill was focused quite tightly on the practical delivery of period products, an amendment introducing an educational/awareness raising component might not be deemed by the Speaker to be sufficiently relevant as to comply with the Assembly’s admissibility criteria for amendments.
58. The Committee therefore agreed to make a recommendation in respect of an accompanying educational/awareness raising programme which would address,

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in coed settings, societal attitudes that give rise to period stigma, and help explain and demystify periods and period products included sustainable options.

Links to Appendices

Appendix 1: Memoranda and Papers from the Department of Education

[View Memoranda and Papers supplied to the Committee by the Department](#)

Appendix 2: Memoranda and Papers from Others

[View Memoranda and Papers supplied to the Committee from other individuals or organisations](#)

Appendix 3: Minutes of Proceedings

[View Minutes of Proceedings of Committee meetings related to the report](#)

Appendix 4: Minutes of Evidence

[View Minutes of Evidence from evidence sessions related to the report](#)

Appendix 5: Written submissions

[View written submissions received in relation to the report](#)

Appendix 6: Research Papers

[View Research Papers produced by the Assembly's Research and Information Service \(RaISe\) in relation to the report](#)

Appendix 7: Other Documents relating to the report

[View other documents in relation to the report](#)

Appendix 8: List of Witnesses that gave evidence to the Committee

[View list of witnesses that gave evidence to the Committee](#)

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