

16th December 2021

Aoibhinn Treanor
Room 205, Parliament Buildings,
Ballymiscaw, Stormont,
Belfast
BT4 3XX

By email only committee.education@niassembly.gov.uk

Dear Ms Treanor

**Period Products (Free Provision) Bill – Committee for Education:
Call for Evidence**

- 1.1 We welcome the opportunity to respond to the Committee for Education's call for evidence on the Period Products (Free Provision) Bill. We had the opportunity to discuss the initial proposal with Mr. Catney MLA last year.
- 1.2 We note the intention of the Bill to place a duty on the Department of Health to ensure period products are obtainable free of charge within Northern Ireland by all persons who need to use them, and to require Departments to specify by way of regulations those public service bodies who have a duty to ensure period products are widely obtainable free of charge in their premises, specifically those premises related to health and social care and to education. We also note the intention that a reasonable choice of different types of products is obtainable; and that the availability of such products, and the arrangements for obtaining them, is advertised.
- 1.3 Whilst socioeconomic disadvantage is not a specified ground under the equality legislation, it is clear that the barriers and inequalities experienced by equality groups are exacerbated by poverty and social exclusion.
- 1.4 In particular, we recognise the impact of social disadvantage upon educational achievement. At every stage of schooling, it

is clear that Northern Ireland's poorest children are likely to do worse, and make less progress than their better-off classmates. Free school meal entitlement (FSME), a strong indicator of social disadvantage, is closely linked to low levels of academic achievement. For example, 49.5% of FSME school leavers achieve at least 5 GCSEs at A*–C standard (including English and Maths) compared to 70.8% of those without FSME. Similar or worse patterns of attainment can be observed for certain equality groups when an equality lens is applied to FSME.

- 1.5 Any action to address barriers to attendance or attainment is to be welcomed. In broad terms, we welcome any contribution that this Bill, or the work of the Assembly generally, could make to avoiding the emergence or widening of inequalities. **In the particular context of this Bill this includes any steps that would improve attendance at school and full participation in class while there, as well as any measures that would improve accessibility within health and social care settings.**
- 1.6 We welcome the general intent of the Bill to make period products obtainable free of charge by all persons who need to use them.
- 1.7 We note the inclusion in the proposed Bill at cl 1(3)(a) that the free period products must be obtainable by another person on behalf of the person who needs the products. We welcome any contribution this makes to advancing equality of opportunity for those with dependents; people with disabilities; carers or those benefitting from such care; or those of different age groups etc.
- 1.8 We note that clause 2(2) requires regulations to be made so that free period products are available from health care locations and educational establishments. It may be useful to have further detail in the Explanatory and Financial Memorandum as to why these bodies have been selected as appropriate locations, and to give consideration to any other potential public service bodies which may be appropriate to include in the regulations.
- 1.9 We welcome, as set out in clause 3, that products should be accessible with reasonable ease and in a way that respects dignity; that a reasonable choice of different types of products is obtainable; and that the availability of such products, and the

arrangements for obtaining them, is advertised. Such action, if effectively delivered, has the potential to overcome barriers faced by a range of equality groups. In this context, consideration should be given to the potential information, language and cultural barriers – for example those experienced by those whose first language is not English or who have lower levels of literacy.

- 1.10 We welcome the requirements to produce Guidance and to ensure consultation across a range of areas – including by the Department on proposed arrangements, and by Providers with those likely to access period products, including individuals who may need to obtain period products in the future. As with the general focus of the Bill, such consultation should include all persons who need, now or in the future, to use period products and those who may need to obtain products on their behalf. Such consultation should include a consideration of opportunities to better advance equality of opportunity, and to address any barriers to such equality.
- 1.11 We note that paragraph 11 (Equality Impact Assessment) of the Explanatory and Financial Memorandum indicates that *“communications between the Member and the Equality Commission for Northern Ireland and legal advice the Member has received did not identify any equality implications of the Bill”*.
- 1.12 We welcome that early and ongoing consideration is being given to potential equality impacts of proposed Bill.
- 1.13 We consider that there is the potential for any Bill to have positive equality or good relations impacts, as well as to mitigate any potential negative impacts that might arise in the drafting and implementation of the Bill and its associated policies and services. Our points set out above provide examples of such opportunities.
- 1.14 Should the Private Members Bill become legislation and require implementation, the Section 75 duty to screen/carry out an Equality Impact Assessment (EQIA) would fall to the relevant Public Authority/Department¹.

¹ Section 75 equality duties apply to designated Public Authorities, requiring them to pay an appropriate level of regard to the need to promote equality of opportunity and to the desirability of

- 1.15 In advance of that, early engagement with Officials from the relevant Department(s) may be of assistance in the consideration of potential equality impacts of the Bill, as they may have expertise or information which would point to potential opportunities to have positive equality or good relations impacts, as well as to mitigate any potential negative impacts that might arise in the drafting and implementation of the Bill. The Northern Ireland Assembly's Research and Information Service (RaISe) may also be able to provide some assistance, aligned to their remit to meet the information needs of the Assembly Members and provide research and information support.
- 1.16 We note that in parallel to the development of Mr. Catney's Private Members Bill, the Department of Education has announced (17 December 2020) a Period Poverty Pilot Scheme, with a reported budget of £2.6 million over 3 years. The Committee may wish to consider how Mr. Catney's Private Members Bill interacts with the DE pilot scheme, and any additional benefits that it could bring.
- 1.17 We remain happy to discuss any specific equality issues identified as the Committee considers the Bill.
- 1.18 In closing, I take this opportunity to point Committee members to the Commission's [Education](#) and [Gender](#) policy positions, which include recommendations and evidence on a wider range of issues of potential interest. Committee members may also be interested in our policy positions on [COVID-19 and Education](#).

Yours sincerely,

Kathryn

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Equality Commission for Northern Ireland

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promoting good relations when developing new and reviewing existing policies. The Section 75 duties also require public authorities to monitor the ongoing impacts of their policies for each of the Section 75 equality groups and to consider adopting mitigation measures to address or limit any adverse impacts.