

## **PERIOD PRODUCTS (FREE PROVISION) BILL**

**The Committee for Education is leading the Committee Stage of the Period Products (Free Provision) Bill.**

**Given the short period available for this, the Committee has agreed to ask for written responses from the main Departments specified and made subject to duties in the Bill. As the Department for Communities has responsibility for local government, it has been asked to liaise with the NI district councils.**

**Please provide as full a response as possible on the logistical, financial and legal impacts you anticipate each clause will have for relevant Executive departments and local government. Where questions in this document are phrased for Departments to respond, please respond to them on behalf of local government.**

**PLEASE NOTE: All responses from local government should be sent directly to the Clerk of the Education Committee at [aoibhinn.treanor@niassembly.gov.uk](mailto:aoibhinn.treanor@niassembly.gov.uk) and copied to [lgprd.secretariat@communities-ni.gov.uk](mailto:lgprd.secretariat@communities-ni.gov.uk) .**

### **BACKGROUND:**

The Period Products (Free Provision) Bill passed Second Stage on 9 November and began its Committee Stage in the Education Committee the following day.

The 30-day Committee Stage will conclude on 11 January but the Committee has agreed to seek an extension, under Standing Order 33(4), until 2 February 2022.

The Committee has begun its evidence gathering on the Bill via an online questionnaire on the Citizen Space platform; and by contacting directly the stakeholders of the Education, Communities, Health and Economy Committees to encourage their response to the questionnaire.

**The call for written evidence will close on 18 December 2021.**

## **FOCUS ON CLAUSES:**

### **Clause 1 Provision of free period products: Department scheme**

Clause 1 of the Bill places a duty on the Department of Health to make period products obtainable free of charge within Northern Ireland by all persons who need to use them, in accordance with arrangements established and maintained by the Department (clause 1(1)).

The clause requires the Department to consult about how to provide free period products, the locations at which to provide them and what kind of products to provide.

The clause sets out a timeframe in which the arrangements decided upon after consultation and a summary of the consultation are to be publicised.

*What is the Department of Communities response to this proposal of a duty of “universal” provision?*

*Does the Department/local government currently provide any free period products?*

*What is the scale and cost of existing or pilot DfC/local government period product provision initiatives?*

*How would this new duty compare to existing arrangements?*

*Please advise not only the Department’s view on the proposed duty, but on the reasonableness of the consultation arrangements and timeframes proposed.*

*Universal provision through the Department of Health would be considered an extremely positive measure and greatly welcomed.*

*Belfast City Council is developing a a 12 month pilot which is likely to;*

- provide free sanitary products in designated staff and public toilets
- Provide access to free sanitary products in 5 leisure centres in areas of high deprivation with highest footfall,
- Explore potential to include sustainable sanitary products in all Council vending machines
- Work with existing community providers to develop approaches to addressing the issue of period poverty.

Costs of the pilot will be met through existing budgets and an assessment of use/demand during the pilot will be factored into future proposals and arrangements for the provision of free products going forward.

The Clause 1 duty includes a number of factors to be taken into account, such as dignity, accessibility, choice, differently able people, travel arrangements and advertisement of arrangements for provision of period products.

*The Department may also wish to comment on these factors of the proposal.*

*These are important factors to consider.*

## **Clause 2: Provision of free period products: public service bodies**

Clause 2(1) places a duty on each department of the Northern Ireland Executive to specify via regulations which of the public service bodies within its functions must make period products obtainable free of charge in its premises for use on the premises.

Clause 2(2) specifies bodies such as schools, further education premises, HSC trusts and boards which must do so.

- The Clause 2 duty is more limited than that in clause 1, as it is confined to the needs of service users while they are on specified premises or other public service bodies to be specified by parent departments in due course.

*Please give the Department's response to the Clause 2 duty, in particular regarding the specifying of local government bodies.*

Clause 2 also takes into account all necessary aspects of preparation to roll out the scheme, such as:

- identification of relevant public service bodies;
- provision of free period products at each of their sites;
- provision only for use while on those premises;
- the ability for departments to make regulations about these arrangements on a phased basis;
- and the ability for the Assembly to use affirmative procedure to give a relatively high level of scrutiny to these regulations

*Please give the Department's view on the reasonableness of the phased basis proposed for the exercise of the regulation-making powers in Clause 2.*

The phased implementation basis would appear reasonable.

### **Clause 3: Arrangements under sections 1 and 2: particular requirements**

Clause 3 requires the Department of Health and the specified public service bodies, in putting in place the arrangements to fulfil their functions under clauses 1 and 2 respectively, to ensure reasonably easy access to products, to respect dignity, to make a reasonable choice of types of product obtainable, and to publicise their availability.

Clause 3(2) provides that arrangements established and maintained by specified public service bodies must provide for period products to be obtainable at all times when the specified public service body's premises are in use, whether or not in use by the public.

*Is it the Department's view that the principles set out in clause 3 – easy access, dignity, choice and publicised arrangements - are relevant, proportionate and comprehensive principles to underpin the implementation of this scheme?*

*Does the Department have any other comments on clause 3?*

*The above principles would appear to be relevant, proportionate and comprehensive principles to underpin the implementation of this scheme*

#### **Clause 4: Guidance**

This Clause makes provision for guidance to be published and maintained.

*What is the Department's view if any of the clause 4 provision in relation to guidance?*

Clear and detailed guidance will be necessary for successful implementation of any scheme.

#### **Clause 5: Statement on Arrangements**

Clause 5 places a duty on each specified public service to publish a written statement describing how it has had regard to the guidance issued under clause 4. As part of Clause 5(2) and Clause 5(3), each public service body must consult product users who are likely to be in the premises of the specified public service body. The consultation with appropriate product users must explore the ways in which products may be obtained, the locations where the products will be available, and the types of period products which ought to be obtainable free of charge.

Clause 5(4) specifies that the statement must describe the information obtained from the consultation subsection (2) and (3).

*What is the Department's view if any of this requirement to publish a statement describing the outcome of consultation with stakeholders?*

*Whist this requirement is not unreasonable, it is felt that the initial consultation carried out by the Department should include service users.*

#### **Clause 6: Duty to Publish Information**

This Clause requires each department to publish the locations at which free period products are available. Clause 6 (2) requires this information to be published within one year of making regulations and on at least an annual basis thereafter. Clause 6 (3) allows departments to publish information jointly with another department.

*What is the Department's view if any of the proposed duty to publish a list of locations at which free period products are available?*

*The duty to publish a list of locations would seem reasonable.*

### **Clause 7: Key Definitions**

Clause 7 provides definitions for "period products", types of period products, and references to a person's needs. "Needs" is defined in terms of menstruation by a person, ensuring the Bill applies to anyone who menstruates, including transgender and non-binary persons as well as women and girls.

*Does the Department have a view as to whether the Clause provides a comprehensive list of key definitions of terminology used throughout this Act; or for instance wish to suggest other definitions to be added?*

*Similarly, does the Department have a view as to the terminology described in clause 8?*

Information of the definitions does not appear to have been made available therefore it is not possible to comment of the list of key definitions.

### **Clause 9: Commencement**

Clause 9 is a "commencement" clause. It says that if the Bill becomes an Act, there will be two years for specified public bodies to provide the appropriate products.

Clause 9 (3) (a) allows for transitional, transitory or saving provision.

Clause 9 (3) (b) allows for different provisions to be made for different purposes.

*Please give the Department's view as to whether two years is sufficient to allow DfC/local government stakeholders to prepare for this new law; and how this correlates with any experience to date of introducing such a scheme.*

*This timeframe would appear reasonable for organisations to factor into spending plans.*

Finally, please give the Department's view as to whether there is anything further that needs to be provided on the face of the Bill to give effect to these measures. This input will help inform the Committee's report and may even give rise to a Committee amendment to add to the comprehensiveness of the Bill's proposals.