

Period products (Free Provision) Bill

Written Submission to the Education Committee

January 2022

Introduction

The Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons.

NICCY welcomes the opportunity to provide written evidence to the Committee on the Period Products (Free Provision) Bill. This response is not intended to be comprehensive but rather to set out the key child rights issues pertaining to this proposal.

Children's Rights

Through ratification of the United Nations Convention on the Rights of the Child (UNCRC), the Government is under an obligation to ensure that all legislative and policy developments comply with the Convention. A number of UNCRC Articles are relevant to the Bill:

- Article 12 states that every child has the right to express their views in all matters affecting them, highlighting the importance of consulting children about the design and implementation of period poverty schemes.
- Article 16 asserts the child's right to privacy, which can be understood to include the right to manage their periods discreetly and with privacy.
- Article 24 asserts the child's right to the fullest attainable standard of health, including the right to adequate hygiene. The adequate provision of appropriate period products is an important aspect of managing periods hygienically.

- Article 27 recognises the right to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development. The State must take appropriate measures to assist parents and guardians according to its means, including the provision of material assistance and support programmes.
- Articles 28 and 29 stipulate the child’s right to education, which should develop their personality, talents and abilities to the full. Period poverty and period stigma should not create barriers to accessing a broad education or to corresponding rights in relation to play and recreation, as provided for under Article 31.

NICCY wishes to see the Period products (Free Provision) Bill explicitly underpinned and informed by the relevant articles of the UNCRC. We also ask that the Department considers undertaking a Child’s Rights Impact Assessment¹ (CRIA) on this proposal. The CRIA process is an opportunity to examine the potential impacts on children and young people of laws, policies, budget decisions, programmes and services as they are being developed and, if necessary, suggests ways to avoid or mitigate any negative impacts. This is done prior to the decision or action being set in place. NICCY has been engaging with Departments and agencies on introducing this equality impact process to their policy planning work.

Period dignity and period poverty

Period dignity refers to ‘the accessibility and availability of essential care needed to support a period, in conjunction with the breaking of stigma and taboo around periods’.² There has been increasing concern about ‘period dignity’ both in Northern Ireland and internationally, although the narrower term ‘period poverty’ is more frequently used in publications and debate.

‘Period poverty’ is when individuals are unable to afford or access suitable period products. It can affect all who menstruate, including girls, women, transgender and non-binary persons. Regarding poverty more broadly, we know that children are more likely to be living in poverty than any other age group in society. Prior to Covid, around 1 in 4 children in Northern Ireland was living in poverty. While more recent poverty statistics are

¹ Further guidance on CRIA is available from http://enoc.eu/?page_id=3718

² [CCEA \(2021\) Period Poverty Survey Findings Report](#), p5.

not available, for many families the Covid-19 pandemic has exacerbated the challenges faced in meeting basic needs. Indeed, the number of households in receipt of Universal Credit almost doubled from February to July 2020, and it has remained at this level ever since. Families struggled to afford basic necessities in terms of food and heating and it is unsurprising that many struggle to afford period products.

In recent years, various measures have been implemented in other UK jurisdictions to ensure the provision of free period products in schools, colleges and other public buildings.³ In Northern Ireland, two pilot schemes are currently operating – the Period Dignity Pilot Scheme which provides period products free of charge to all schools, and the Period Poverty Pilot project for NI’s higher education institutions. However, Northern Ireland is the only jurisdiction within the UK that does not have a permanent scheme in place to tackle period poverty or provide products in education or health settings.

Prevalence of period poverty

In 2021, CCEA conducted a survey examining period poverty and other related issues. Drawing on a sample of pupils (n=1,711), teachers (n=770), FE students (n=79) and FE staff (n=21), the research sought to gain insight into the extent and frequency of period poverty in Northern Ireland. Results showed that:

- Over a quarter of pupils (27.5% N=382) who have a period have had **difficulty accessing period products**, while 83.2% (N=318) experienced this because they didn’t have what they needed with them in school.
- 6.5% (N=25) of those who reported difficulty accessing period products, said this was because **their parents couldn’t afford them**, while 11.8% (N=45) said **they themselves could not afford them**.

³ In Scotland, the Period Products (Free Provision) Scotland Act 2021, which will come into force by January 2023, places duties on education providers and local authorities to make period products obtainable free of charge to anyone who needs them.

In England, the Period Product Scheme for Schools and Colleges was launched in January 2020 to provide free period products to learners who need them in their place of study. NHS England provides free period products to every hospital patient who needs them.

In 2020, the Welsh Government committed to a £3.3 million period poverty fund to share amongst schools and colleges. Each local authority was also allocated budget to provide products in community spaces.

- 8.12% (N=113) of pupils with a period have **missed school** because they didn't have access to sufficient period products. 9.7% (N=11) of those pupils said that they have **missed school many times** because they did not have sufficient period products.⁴

At a UK level, a survey⁵ conducted by children's charity Plan International UK in 2017 found that:

- One in ten girls (10%) have been unable to afford sanitary wear.
- One in seven girls (15%) have struggled to afford sanitary wear.
- One in seven girls (14%) have asked to borrow sanitary wear from a friend due to affordability issues.
- More than one in ten girls (12%) have had to improvise sanitary wear due to affordability issues.
- One in five (19%) girls have changed to a less suitable sanitary product due to cost.⁶

A more recent survey by Plan International UK found that period poverty escalated during the Covid-19 pandemic. More than a third (36%) of girls aged 14-21 in the UK struggled to afford or access period products during the Coronavirus pandemic - **up a fifth** on the previous year.⁷ That is equivalent to over one million girls in the UK.⁸

Period stigma

'Period stigma' can cause feelings of embarrassment and shame, highlighting both the need for better education about menstruation and the importance of designing period poverty schemes in a way that respects the dignity and privacy of children and young people.

On this issue, CCEA's survey in 2021 reported that over half of pupils (53.0% N=737) and FE college students (54.1% N=40) felt embarrassed buying period products.

Plan International UK's survey in 2017 found that:

⁴ [CCEA \(2021\) Period Poverty Survey Findings Report](#).

⁵ The findings are based on Opinium Research survey of representative weighted sample of 1,000 girls and young women aged 14-21, carried out online between 22-24 August 2017.

⁶ [Plan International UK \(2017\), 'Plan International UK's Research on Period Poverty and Stigma'](#).

⁷ [Plan International UK \(2021\), 'Over one million girls in the UK struggled to afford or access period products during the pandemic'](#)

⁸ Based on 2019-2020 ONS estimate population data for girls in the UK aged 14-21

- almost half (48%) of girls aged 14-21 in the UK are embarrassed by their periods
- almost three quarters (71%) of girls have felt embarrassed buying sanitary products.
- 49% of girls have missed an entire day of school because of their period, of which 59% have made up a lie or an alternate excuse.
- 64% of girls have missed a PE or sport lesson because of their period, of which 52% have made up a lie or excuse.

Evidence therefore highlights the prevalence of period poverty and period stigma among children and young people, and the significant negative impacts, particularly for girls' education.

The Bill

The Period Products (Free Provision) Bill seeks to secure the provision of free period products throughout Northern Ireland to all who need them.

While the scope of the Bill is focused on providing universal access to period products, NICCY highlights the importance of ensuring that **consideration is given at a policy level to actions that are required to reduce period stigma and eradicate child poverty**. Research highlights period stigma as a common issue for girls which impacts on their education, involvement in activities, including sports, and acts as a barrier to accessing period products. This stigma also feeds into wider societal challenges around gender equality.

A related and concerning issue that contributes to shame and stigma around periods is the lack of education children and young people receive on periods in school. **Teaching all children about periods in primary and secondary school, as part of a mandatory sexual and reproductive health education, is fundamental to addressing period stigma** and promoting respect and understanding what people may experience when menstruating. We have previously highlighted the need for access to Relationships and Sexuality (RSE) within schools, and have expressed concerns that DE's current approach, which enables grant-aided schools to develop their own policy on how they will address RSE within the curriculum, is contrary to the UN Committee's recommendation that meaningful sexual and reproductive health education is part of the mandatory school

curriculum for all schools in Northern Ireland.⁹ We reiterate our concerns about the lack of progress concerning paragraph 86 of the CEDAW Report¹⁰, specifically paragraph 86 (d) which was incorporated into domestic legislation by the NI (Executive formation etc) Act, 2019 and states:

(d) Make age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights a compulsory component of curriculum for adolescents, covering prevention of early pregnancy and access to abortion, and monitor its implementation;¹¹

Clause 1: Provision of free period products - Department scheme

Clause 1 places a duty on the Department of Health to ensure that period products are made available free of charge on a universal basis. NICCY supports the introduction of a universal scheme and requests that all possible steps are taken to ensure that children can avail of period products through this scheme, as and when they need them. While the proposal to make free of charge period products universally available is welcomed, it is inevitable that children will face additional barriers, given their age, relatively limited access to facilities and period stigma, which may result in some feeling too embarrassed to access products provided via this scheme. **The implementation of a postal scheme, with online applications, may help to address these issues and should be considered.**

Clause 2: Provision of free period products - public service bodies

Clause 2 enables Departments to place a separate duty on other specific public-service bodies to provide free period products and requires products to be available in educational settings, including schools, further education and higher education institutions. Clause 2 stipulates that period products should be made available to 'persons in its premises' and does not specify arrangements for the provision of period products to children who are home-schooled, children who access education remotely or to children during school holidays. **The implementation of a postal scheme, as recommended above, should be considered as a measure to ensure that period products are fully accessible to all children and young people, as and when needed.** As a minimum, this should be offered as a safety net to children who are home-schooled.

⁹ [NICCY \(2020\) Statement on Children's Rights in Northern Ireland 2, November 2020, p29.](#)

¹⁰ [Letter to Peter Weir, Minister for Education, on 23 June 2020.](#)

¹¹ <https://undocs.org/en/CEDAW/C/OP.8/GBR/1>

Clause 3: Provision of free period products - public service bodies

Clause 3 sets out principles that should underpin arrangements for providing period products free of charge. Arrangements for the provision of period products should ensure that they are ‘reasonably easily’ obtainable, are provided in a way that respects dignity and that a reasonable choice of period products is given. While NICCY welcomes these principles, we note the discretion given to Departments in terms of specific arrangements for providing period products. We are concerned that such flexibility will not ensure that period products are made available to children and young people in a way that is discrete, ensures they are freely accessible and respects their right to privacy. We are aware, for example, through our work with children, of circumstances in school settings where pupils’ access to school toilets has been restricted throughout the school day. Within educational settings, therefore, **we stress the importance of ensuring that a sufficient supply and variety of types of period products are made available in girls, gender neutral and disabled school toilets, which should be freely accessible to students throughout the school day.** This will ensure children and young people’s right to manage their periods with dignity and privacy is respected and help to reduce instances of children missing school due to period poverty.

Beyond educational settings, **we recommend that period products should be made available in public facilities that are used by children and young people, such as recreation centres, activity centres, youth centres and other community facilities.**

Regarding the publication of the arrangements for obtaining period products free of charge, including details on ‘how, where and when products may be obtained’, any **advertising or other measures to promote awareness of period product schemes should be child and young person friendly, to include easy read format and use gender neutral language.**

Clause 4: Guidance

Clauses 1, 2, 4 and 5 include provisions that require consultation, with product users and specific public bodies, on issues such as how free of charge period products should be made obtainable, the types of period products to be made obtainable and the locations in which they should be obtainable. Consultation findings will inform the development and publication of guidance required by Clause 4. **NICCY highlights the importance of consultation with a wide range of children and young people, this includes children and young people with physical and intellectual disability, those from ethnic minority backgrounds and families known to be living in or at greater risk of poverty**

to ensure that their views and preferences are reflected in guidance and that the proposed period poverty schemes fully and sensitively meet their needs.

Clause 6: Duty to publish information

Clause 6 requires the Departments to publish information about the locations where free period products are available, with flexibility to choose appropriate ways in which that information should be made available to persons who may need to use period products. Taking account of the young age some children may start to menstruate and require access to period products, **we reiterate the importance of ensuring that published information is designed and disseminated in a range of formats that are sensitive to the age range at which menstruation can begin.**

Timeframes for commencement of provisions within the Bill

It is a very welcome and progressive Bill which we wish to see implemented as quickly as possible. We would therefore urge the DoH, DE and other public bodies responsible for delivering on these statutory duties to act swiftly to commence all provisions once royal assent is passed.

The learning from existing pilots in Northern Ireland provide a sound basis from which to develop a regional based universal scheme(s) and the views of children and young people accessing these schemes is vital to informing the scheme as it expands.

Conclusion

The Commissioner supports the Period Products (Free Provision) Bill and welcomes its intent to both alleviate period poverty and remove stigma. However, the need for such a bill is an indication of systemic failure to address the issues of child poverty and Relationship and Sexuality Education and, as such, an indication of work that is still to be undertaken to ensure that children experience their rights in Northern Ireland.