



The Scottish Parliament
Pàrlamaid na h-Alba

LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

AGENDA

1st Meeting, 2020 (Session 5)

Wednesday 8 January 2020

The Committee will meet at 9.45 am in the James Clerk Maxwell Room (CR4).

1. **Decision on taking business in private:** The Committee will decide whether to take item 5 and 6 in private.
2. **Period Products (Free Provision) (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

Aileen Campbell, Cabinet Secretary for Communities and Local Government, and Dr Elaine Moir, Team Leader – Access to Sanitary Products and Social Innovation Partnerships, Scottish Government.

3. **Budget Scrutiny 2020-21:** The Committee will take evidence on the Accounts Commission report "Local Government in Scotland: Financial Overview 2018/19" from—

Graham Sharp, Chair, Fraser McKinlay, Controller of Audit, Brian Howarth, Audit Director, Christopher Lewis, Auditor, and Lisa Duthie, Auditor, Accounts Commission.

4. **Public Petitions:** The Committee will consider the following petition—

PE01719 by Rachel Gibson, on Review of fire safety stay-put policy

5. **Period Products (Free Provision) (Scotland) Bill:** The Committee will consider the evidence heard earlier in the meeting.
6. **Budget Scrutiny 2020/21:** The Committee will consider the evidence heard earlier in the meeting.

LGC/S5/20/1/A

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The papers for this meeting are as follows—

Agenda item 2

Note by the Clerk

LGC/S5/20/1/1

PRIVATE PAPER

LGC/S5/20/1/2 (P)

Agenda item 3

Note by the Clerk

LGC/S5/20/1/3

PRIVATE PAPER

LGC/S5/20/1/4 (P)

Agenda item 4

Note by the Clerk

LGC/S5/20/1/5

Local Government and Communities Committee**1st Meeting 2020 (Session 5), Wednesday 8 January 2020****Stage 1 Scrutiny of the Period Products (Free Provision) (Scotland) Bill****Note by the Clerk****Introduction**

1. The Period Products (Free Provision) (Scotland) Bill was introduced into the Scottish Parliament by Monica Lennon MSP on 23 April 2019. It is a Member's Bill. The Bill and accompanying documents can be found [here](#). The Committee, which is the lead Committee at Stage 1, will hold its second evidence session on the Bill on 8 January 2020 with the Cabinet Secretary for Communities and Local Government, Aileen Campbell. The written submission from the Scottish Government is attached at Annexe A.
2. More information on the Period Products Bill can be found in the Scottish Parliament Information Centre [briefing](#) on the Bill.

Current provision

3. At present no legislation in Scotland covers the free provision of period products.
4. On 30 May 2018 the Scottish Government announced that £0.5 million would be awarded to the charity FareShare to provide free period products to low income households, with funding for both products and delivery. In August 2018, the Scottish Government pledged £5.2 million to provide students at schools, colleges and universities with period products during the 2018-2019 academic year. This figure was then increased to £5.5 million for 2019-20.
5. On 17 January 2019 an additional £4 million was made available to local authorities to expand work undertaken by FareShare to roll out free provision of period products beyond schools, colleges and universities. On 4 October 2019 the Scottish Government announced an additional £50,000 funding for free provision of period products for local sports clubs, Up to 500 sports clubs affiliated with sportscotland will be provided with £100 grants to to provide free period products to members, participants and visitors.

The Bill

6. The Bill was introduced both to address "period poverty", where individuals struggle to afford period products, and also to widen access to products. The Bill's aim is to ensure that everyone in Scotland who needs to use period products can obtain them free of charge through a "period products" scheme that the Scottish Government would have to set up. The Bill requires primary and secondary schools, colleges and universities to make period products free in all appropriate

toilets and enables Ministers to place a similar duty on other organisations. Those using the scheme must be able to obtain period products “reasonably easily” and with “reasonable privacy” and can choose to have the products delivered or collected. The scheme must also ensure that a choice of different types of period products are available. Scottish Ministers must publicise the scheme and may compensate those obliged to provide free products.

7. More information on the detail of the Bill is set out in the bill’s [policy memorandum](#). Paragraph 5, states that the three underling policy aims are to:
 - place a duty on Scottish Ministers to ensure that period products are made available free of charge on a universal basis;
 - require education providers to make period products available free of charge in on-site toilets; and
 - enable Scottish Ministers to place a duty on other specified public service bodies to provide free period products.

Stage 1 so far

8. The Committee’s issued a [call for evidence](#) on 16 September which closed on 5 November 2019. The Committee received 50 responses the majority of which supported the aims of the Bill. All written submissions can be reviewed [here](#).
9. The Committee held its first evidence session on 18 December and heard firstly from [Plan International UK](#), [Engender](#), [Scottish Youth Parliament](#), [Unite](#) and On the Ball and then from [Universities Scotland](#), [COSLA](#), [Hey Girls](#), [The Orkney Partnership](#) (via videolink) and [North Ayrshire Council](#).
10. Members heard evidence as to whether witnesses consider period poverty to be a serious issue in Scotland, whether they consider legislation is required, their experiences of the Scottish Government’s existing measures and its effectiveness and views on how a scheme should be funded.

Evidence session on 8 January 2020 and next steps

11. This session with the Cabinet Secretary will explore the Scottish Government’s concerns around legislation to make free provision of period products universal, their conclusions on the potential cost of implementing the Bill as drafted, how they are measuring the success of their current provision and ensuring longevity and continued funding and what form a scheme for free provision might take. On 11 December, Monica Lennon wrote to the Committee responding to points raised in the Scottish Government’s written submission. The letter can be found [here](#).
12. As the lead Committee at Stage 1, it falls to the Committee to gather evidence and information on the Bill and to report to the Parliament on whether to agree to the general principles of the Bill. There will then be a debate of the whole Parliament at Stage 1 on whether to agree to the general principles. The next evidence session will be on 15 January 2020, when the Committee will hear evidence from Monica Lennon MSP.

ANNEXE A**PERIOD PRODUCTS (FREE PROVISION) (SCOTLAND) BILL****WRITTEN SUBMISSION FROM THE SCOTTISH GOVERNMENT****Background**

1. This memorandum has been prepared by the Scottish Government to assist consideration by the Local Government and Communities Committee of the Period Products (Free Provision) (Scotland) Bill (“the Bill”), which was introduced to the Parliament by Monica Lennon MSP on 23 April 2019.
2. The purpose of the Bill is to:
 - Introduce a right to obtain free period products
 - Place a legal duty on the Scottish Government to develop a universal scheme for free provision of period products in Scotland for anyone who needs them (which should be set out in secondary legislation)
 - Place a duty on all schools, colleges and universities to provide free period products in school and campus toilets
 - Introduce measures to allow Scottish Ministers to extend these duties to other bodies through secondary legislation
3. The exact nature of the universal scheme is to be set out in Regulations but individuals must be able to obtain products reasonably easily, with reasonable privacy and must have the option to have products delivered. An equivalent to the C-card¹ scheme including collection from community pharmacies is suggested as a potential delivery mechanism.
4. The Financial Memorandum accompanying the Bill estimates that implementing the provisions in the Bill would cost £9.7 million per annum.

Scottish Government Action on Access to Free Period Products

5. Since summer 2017, the Scottish Government has taken significant world-leading action to make period products available for free in education and community settings across the country. From the outset we have worked with a range of partners in the design of our policy framework and ensured the voices of young people are heard and that services can continue to be adapted to meet their needs. The ‘Guiding Principles’ (Annex C) that shape our delivery approach have dignity, education, flexibility and local responsiveness at their core.
6. As a result of Scottish Government action, free period products are now available in the following settings²:

¹ The C-Card allows access to free condoms. It is a relatively limited service run across seven health boards (Ayrshire & Arran, Borders, Dumfries & Galloway, Highland, Lanarkshire, Lothian and Tayside) in limited outlets, with limited promotion.

² Full details in Annex A

- In education settings we are reaching a total of almost 400,000 pupils and students. Free period products are available through secondary and primary schools in all local authority areas and in all 19 universities and 26 colleges. This policy has been informed by the biggest response to a survey of young people ever seen through Young Scot (over 2000 responses), and through ensuring young people's voices are heard at a local level, strengthening delivery and offering leadership opportunities. We have also provided funding to ensure that students can still access products during the holidays and at weekends.
 - Through 580 community groups we are reaching over 35,000 people most likely to be in need of free products. This is equivalent to reaching 11% of the estimated 320,000 women and girls of menstruating age in relative poverty after housing cost. The groups are supported by regional development officers promoting education and working to reduce stigma around menstruation and period products.
 - In a range of public sector settings and services in all 32 local authorities, making products widely available to the 1.18m menstruating people not in education or receiving products through community groups. Funding of almost £2.8m per annum to all local authorities has meant period products are now freely available in wide range of community settings such as libraries, community centres, council offices and public toilets.
 - A range of public bodies including the Scottish Government and extending to agencies and NDPBs now also provide free products in a range of places. Organisations now providing products for staff and visitors include Visit Scotland, Scottish Water and the Scottish Funding council (Annex D provides a full list accurate as at September 2019).
 - Most recently (October), we have made available funding to **sportscotland** to provide grants for up to 500 local sports clubs to provide free products to their members and supporters.
7. The range of activity and the innovation our approach has allowed to develop is less likely to be possible via the provisions in the Bill which sets out "a national scheme" and mandates provision *in toilets* in education settings. There is a risk that a statutory approach would drive a minimum standards ethos.
8. The Scottish Government has also taken wider action on this issue across a range of different policy priorities. We have:
- demonstrated our global commitment through funding two international projects. In Malawi we are supporting women recovering from gynaecological surgery through provision of a sewing machine and starter kit to make reusable pads. In Rwanda we are supporting community hygiene groups to make reusable pads and provide these to school pupils across a whole region, plus providing training in budgeting and entrepreneurship.

- demonstrated our awareness of the environmental impact of period products both through encouraging the availability of reusable period products through all of our funded initiatives and funding a campaign in partnership with Zero Waste Scotland to increase awareness and uptake of reusable period products which will be delivered in November 2019.
 - recognised that there is a wider issue in relation to the stigma that still exists around menstruation and period products. Therefore the Scottish Government has ensured an expanded section on these issues in a new sexual health education package for schools, and is currently developing an innovative anti-stigma campaign due to run in early 2020.
9. In addition to these key activities, the Scottish Government has also sought to influence wider action. We have shared our learning widely with other UK and international colleagues. The Welsh Government have modelled some of their delivery on our approach and we were invited to sit on the UK Period Taskforce to share our insights. We have also been contacted by officials in Australia and South Korea and have been recognised by a sub-group of the World Health Organisation in the Europe region for our approach.
 10. It is not just Scottish Government that is taking action. Wider society across Scotland has also been mobilised demonstrating that this is an issue where people and organisations want to be part of the growing movement to provide access to free products and tackle stigma.
 11. We have an award winning Scottish-based social enterprise, Hey Girls, which is pushing the boundaries to increase access to period products through their “buy one, give one” model.³ Hey Girls benefitted from early Scottish Government support through the Start It fund operated by First Port. They are suppliers to a number of public sector organisations and a growing number of private businesses who are taking action to provide products. Through their educational programmes, Hey Girls also provide training and learning materials and are strong advocates for sustainable and reusable products. They have also delivered some key campaigns including “Pads for Dads”. Additionally, smaller social enterprises such as Sanitree and Lily pads are supporting international action.
 12. Through grass roots campaigning, Glasgow-based On the Ball have encouraged over 100 football clubs across the UK (and the world) to provide free period products for their supporters. They are now increasingly encouraging bars, restaurants and other public spaces to do likewise. In addition, in October, the SFA launched a trial of free products at Hampden Park to run for 6 matches.
 13. Private businesses are increasingly taking action, following the lead of the Scottish Parliament and the Scottish Government, for example shopping centres Buchanan Galleries and Edinburgh Fort Kinnaird, and raft of small businesses.

³ For every box of products sold by Hey Girls, a box is donated for distribution to low income women and girls through third sector recipient organisations.

14. We are proud of what has been achieved across the public, third and private sector through partnership, consensus and creating a culture of openness around the issue of menstruation and access to period products. We are starting to see a change in culture and believe we are reaching a tipping point where period products are available in a range of spaces not just to tackle period poverty, but to also achieve wider gender equality by making the products available to all those who menstruate.

Scottish Government assessment of the Bill

15. The Scottish Government has scrutinised the Bill and the accompanying documents in great detail to understand the delivery implications and potential cost of the Bill and the effect on our co-produced Guiding Principles. We note the Policy Memorandum accompanying the Bill recognises all of the progress that is being made in Scotland and welcomes existing schemes. We have identified a number of issues of concern that we would like to bring to the attention of the Committee.

Affordability – product costs

16. Our calculations demonstrate that the Financial Memorandum (FM) significantly underestimates **product costs** regardless of delivery route and uptake. A unit cost of 9p per product is used for all costings presented in the FM. This is based on the average unit cost of period products provided in a small-scale Scottish Government-funded pilot in Aberdeen where sanitary towels and tampons were primarily supermarket own-brand. However in practice, this cost sits at the very lowest end of product costs available through the Framework that is in place for local authorities to purchase period products, where the product cost ranges from 8p to 81p. Depending on which supplier is used by a delivery body, costs may therefore be higher and the FM costings would therefore only allow for the cheapest sanitary towels/tampons, and not a wider range that people may wish to see available.
17. Existing Scottish Government funding allocations have been based on an average unit cost of 11.6p per period product. However recent data collected on the price of sanitary towels and tampons purchased by local authorities, colleges and universities in the first six months of delivery exceeded this at 17.6p and 16.1p, respectively. Therefore, while the FM estimates spend on products across the universal scheme and education settings at £8.8 million⁴, estimates using these higher, real, unit prices and Scottish Government population figures indicate that the costs for products would be over twice this, at £19.4 million per year, for the same assumed uptake levels.

Affordability – set-up, administration and delivery of a universal scheme

18. The lack of clarity of what a universal scheme may look like in practice impacts on the reliability of the financial information provided. It is inevitable that the

⁴ Based on 50% uptake at schools, colleges and universities, 35% uptake from independent schools, and 20% uptake of the universal scheme for those not in full-time education as suggested in the Financial Memorandum.

introduction of a rights-based scheme would incur set-up costs and involve administration that would require additional resources and that these could be disproportionate when compared with the relative low cost of products themselves. However there is no estimate in the FM for the set-up and running costs for the proposed universal scheme other than a reference in para 30 that “it is difficult to project what the initial set-up costs will be as these will be dependent on the approach taken” and in para 32 that running costs will be “difficult to define”. We believe these two statements give Parliament no confidence to be able to accurately assess the likely costs of the Bill as introduced.

19. Para 35 of the FM states that the universal scheme is “likely to have similar set-up and running costs regardless of the number of people using it”. We believe this assumption to be flawed: for example, the more people using the scheme, the higher the number of requests for postage, with the associated costs, or the more time required to re-stock and re-order products.
20. Para 35 of the FM further states that “it is reasonable to assume that set-up costs and annual running costs will be similar” to existing delivery. Using the figures provided in the FM for cost and uptake it is estimated that, based on the existing SG allocation to local authorities, £866,000 would be available for administration for both the universal scheme and education provision regardless of delivery model and uptake (plus a one-off sum of £0.54 million for set-up) however no analysis of whether these amounts would be sufficient is provided. In practice £348,000 has been allocated to cover administration within allocations to local authorities for wider community access, but this is to operate a flexible pick-up delivery model with very low administrative burden.
21. The Policy Memorandum (PM) suggests delivery of the universal scheme could be via local pharmacies and health centres via a C-card type scheme. Pharmacies generally operate as private businesses, delivering some services under contract to the NHS, and therefore a delivery model through pharmacies would require payment. Figures provided by Community Pharmacy Scotland in their response to the initial consultation on the Bill proposal suggested a £50 per month standing fee for each distributing pharmacy (of which there are 1,200 in Scotland) and a £1 fee per collection. If all 1,200 were involved the cost in standing fees alone could be £0.720 million per annum, with an additional £1.04-£3.5 million for collection fees depending on the frequency of collection⁵.
22. On that basis, the total administration cost of implementing the provisions of the Bill would be far in excess of the £0.866 million estimated in the FM – potentially up to £4.7 million per year if delivered via pupil/student toilets and via community pharmacies for those not in full-time education. In addition, the FM also does not include any administration or postage costs for those seeking products to be delivered.

⁵ £1 transaction fee – monthly collection would cost £3.5m per annum for 212,191 people (20% of menstruating population – the likely uptake suggested in the Financial Memorandum) or quarterly collection would cost £1.04m per annum.

23. The cost of implementing a C-Card type scheme may be even higher as this would likely require additional central staffing input from NHS Health Boards (as for the current C-Card scheme) and would also involve the procurement and distribution of such a card. Again none of this is costed in the FM.
24. In relation to the C-Card model, it is important to note this is in place for the provision of condoms which is a public health issue both in terms of family planning and STD prevention, which is why medical centres and clinics participate in the scheme. Access to free period products is grounded in tackling poverty and gender equality. That is why Scottish Government has partnered with local authorities to facilitate access via community settings and why, in addition to the fact that access to condoms is not a right set out in legislation, we consider the focus on comparison with free condoms both in terms of likely uptake and delivery to be flawed.
25. GP practices again in the most part operate as private businesses. It is unclear as to whether a sufficient number of GP practices would agree to be part of such a scheme, as services delivered by GPs are set out in the *Scottish General Medical Services Contract*, negotiated between Scottish Government and the BMA, nor what cost would be attached to this.

Affordability – access in education settings

26. In relation to schools, the calculations in the FM suggest that it would cost £735,000 (in product costs) to provide products at a rate of 35% of pupils taking 100% of their required products (the basis on which Scottish Government has allocated funding to local authorities). However Scottish Government estimate, based on the most up to date product costs available and pupil numbers used for current funding allocations, that an uptake rate of 35% would cost £1.6 million.
27. In relation to colleges and universities a similar calculation is applied in the FM based on students being on campus 6 days per week, 33 weeks per year. The FM estimates cost for products alone based on 35% of students taking 100% of their products to be £1.3m, significantly lower than the £2.5m for the same uptake level using the most up-to-date product cost information from colleges and universities, and the student populations used for Scottish Government allocations.
28. In addition the duty would apply to residential accommodation and leisure facilities managed by colleges and universities. This would therefore likely mandate provision of free products in private bathrooms of individual rooms in halls of residence. This would amount to significantly more than the sector is currently doing, and would bring significant additional administration and delivery costs.
29. The FM notes (para 48) that there would be “minimal costs associated with transition to a statutory system” for education settings. Given that the Bill’s costings take no account of the additional costs of the proposed delivery method or the additional administration required for having products in every toilet in schools (including primary schools and nurseries), colleges and universities, we are clear that overall costs for education delivery have been significantly underestimated.

30. Table 7 in the FM sets out potential total product costs for delivery in schools, colleges and universities but does not estimate the administration of delivery in these settings.
31. As noted above, the FM estimates the cost of providing sanitary products to school pupils and college/university students for the days spent on campus during term time (5 days per week for pupils at Scottish Government funded schools and 6 days per week for college/university students and pupils at independent schools). However, the product requirement of these pupils/students on days they are not on campus during term time is not accounted for in any costing presented in the Financial Memorandum, ie for the suggested likely numbers for the universal scheme. Scottish Government calculations suggest it would cost up to £0.587 million per annum⁶ to provide period products to pupils/students on days not spent on campus during term time.

Affordability – overall costs

32. The FM estimates **total costs** of £9.7 million per annum at the maximum uptakes set out in para 14, however calculations using Scottish Government figures show this would not be sufficient. Adding together estimated product and delivery costs, **the Scottish Government estimates that the same uptake levels could cost around £24.1 million per annum.** In addition there would be set-up and ongoing postage costs which are hard to estimate.

Deliverability – Universal scheme

33. The Bill introduces a right for everyone in Scotland who needs to use period products to obtain them free of charge, but it does not make clear what a right would mean in practice, who would ensure the right was met and who people would appeal to if they feel they are not able to exercise their right. In addition, no definition is provided for who “everyone in Scotland” covers, therefore, it is not clear whether this includes people who are visiting Scotland, for example, or who work in Scotland but live just over the border in England (and vice versa), or who would check on residency and therefore eligibility.
34. Section 4 of the Bill states that people must be able to choose to have products delivered. It further states that if individuals could “reasonably” be expected to collect them in person then they should be asked to pay the delivery charge. The PM goes into more detail on this, stating that only those who “live a long way from a collection point” should be exempt from postal charges. Making such decisions about exemptions, keeping records and receiving payments adds a layer of complexity and bureaucracy that is not accounted for in the FM. Nor is there any suggestions of how “reasonably” or “living a long way” should be defined in the legislation or if there is to be any other way of checking if someone should pay the delivery charge.

⁶ Assuming 20% of pupils/students taking their full product requirement at 17.6p per product on days they are not on campus during term time

35. Clarity on the issues set out in paras 32 and 33 would be vital for preventing fraudulent access and to meet a duty to protect the public purse.

Deliverability – Education provision

36. Section 5 of the Bill sets out a requirement for each school, college and university to make period products available free of charge for pupils or students who need them. On the face of it this requirement reflects existing Scottish Government policy and delivery, however some of the detail causes concern.
37. The requirement for products to be in each non-male toilet goes considerably over and above current practice where, in the most part, products are available in a selection of toilets in each building, plus other locations, based on local need and consultation. Further, as drafted, this requirement also applies to primary schools (where delivery is currently proportionate to the likely numbers menstruating and to the relevant age stages). Implementation of this would lead to significant additional cost for administration and delivery that is not reflected in the Financial Memorandum. It also, as currently drafted, applies to nursery schools which is unnecessary if the aim of this section is to reach menstruating pupils.
38. Mandating that delivery is via toilets does not reflect existing practice, nor indeed where students sometimes want to access products. We are aware of at least one local authority that, when piloting access to products in schools, had initially placed products in the toilets. However, feedback from pupils was that this did not offer sufficient privacy, and they changed delivery to having products available in the pupil support base.

Loss of flexibility

39. In developing our existing delivery routes, Scottish Government has worked in partnership with delivery partners to ensure that they have the flexibility to meet local need in line with a clear set of co-produced Guiding Principles rather than an inflexible national scheme. Feedback to date welcomes the flexibility this approach has allowed and it is clear as set out in Annex A that there is not a “one size fits all” model of delivery. We believe that bringing a universal scheme into statute could lead to a loss of these local flexibilities with a resulting reduction in the quality of services for people in communities.
40. Examples of different approaches to delivery outwith education settings include access through Community Learning & Development settings, libraries and community halls/hubs/centres. In many authorities individual products are available in toilets either in baskets or bespoke units on the back of toilet doors, with bulk supplies available through council offices, health centres, third sector interfaces, community partners and youth centres. Some authorities have gone further, providing underwear and wipes. In addition several authorities are targeting vulnerable groups, for example young carers or homeless communities.
41. In relation to delivery in schools a significant number have consulted with their pupils about what they want delivery to look like, and have combined this with wider educational activities, including assemblies, or opportunities for pupils to gain wider

skills, for example through monitoring usage. There is the risk of loss of these wider benefits with the prescriptive facilities management approach suggested for education settings.

Data processing and fraud prevention

42. In the preliminary procedure set out in Section 3 of the bill, we believe there are significant shortfalls in compliance with GDPR and ECHR.
43. Under Article 5.1 of GDPR data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. Under the Bill the only limit of entitlement is that the person needs to use the product. The identity provisions in section 3 would allow for a scheme to provide for vouchers or products to be issued to a person who is required to provide sufficient proof of their identity, which must include their name and the first part of the postcode of their usual residence. Given that the products may be needed by every menstruating person it is difficult to see why proof of identity would be necessary even on a limited basis. We presume that these provisions are suggested to mitigate against the risk that some may take products which they do not actually need, or are not entitled to. However in practice, this would have to be considered and balanced against the interference in the rights of others whose information would be collected. At face value requiring the processing of information could be viewed as disproportionate. It may also raise issues of compatibility with Article 8 of the ECHR which should be considered.
44. In addition, ensuring that a person does not obtain more products *than are needed* appears to be contradictory to the reference in the PM to people with medical conditions (for example endometriosis) who may need considerably more than the average numbers of products. It is not at all clear how this could be managed in a dignified way.
45. In addition if a scheme was made under section 3 (1) requiring those seeking products to provide sufficient proof of identity to allow issue of a voucher, this may cause embarrassment or concern for individuals for whom ID could show them as male, when they are in fact transgender and menstruating.
46. Section 4(6)(b) states that Scottish Government may make provision for prevention of abuse. Preventing abuse may be costly and very difficult to deliver in practice. We can envisage that such a provision could be to prevent people outside Scotland seeking access to the products or people accessing them to sell at a discounted rate outside Scotland. However it would be challenging to design a proportionate fraud prevention approach for such low cost products. As with many of the other elements, no consideration of the potential cost of enacting this provision is included in the FM.
47. In addition there is no similar provision in Part 2 to restrict access to products in education settings, which is inconsistent.

Scope and reach

48. As demonstrated above and in Annex A, action by both Scottish Government and other organisations is reaching a significant number of people in a variety of different settings through different delivery routes. It is unclear at this point the number of people who need to access products who cannot do so through the provision that is already in place, and whether legislation will enhance this.
49. As drafted the Bill is also not clear as to how far Ministers would have to go to ensure everyone could realise their right. As noted in para 33 above, introduction of an absolute right as per the Bill raises questions around who would enforce a right and what the appeal/complaints procedure would be if that right was not met. None of this is considered in the Bill or accompanying documents yet would need to be established and funded.
50. It is also important to consider the potential introduction of a right to such a specific item in the context of the establishment of the National Human Rights Task Force established in June 2019, which will be considering civil, political, economic, social, cultural and environmental rights.
51. As noted in para 10, a growing number of private businesses are beginning to make period products available for staff and visitors. This action demonstrates the cultural change that is underway and tackles the wider period dignity issues that exist in addition to people not being able to afford to buy the products they need. This type of provision would be at risk if a universal scheme was introduced as private businesses could defer to state provision, bringing additional financial burden to the public purse.

Future costs

52. While those on low incomes can struggle to find the money to buy period products, on the whole the market currently provides period products at what could be considered a relatively low price. There is a risk that the introduction of a universal entitlement scheme with increasing uptake could distort the market for these products. Depending on how any universal scheme is operated this could have an adverse impact on some private sector suppliers, and may lead to less private provision and/or higher prices for those who want to choose their own products. There is no consideration of this risk in the accompanying documents. It is also important to consider the potential impact on smaller retailers who may lose footfall and revenue if people no longer go to their shops to buy period products.
53. In addition, neither the Bill nor the accompanying documents give any consideration of the potential financial impact of uptake increasing over time. As well as the risk set out in para 52, introduction of a right to free period products has the potential to change behaviour and therefore we would expect uptake to increase over time and exceed the estimates in the FM which would have long term financial implications for Scottish Ministers. This is in comparison to the current situation where society is beginning to act in response to a variety of drivers, and we are moving to a position where free access can become the norm.

However legislation brings with it the risk of wider society stepping back and the full costs falling to the public purse with rising and enduring cost.

Additional observations

54. Section 6 of the Bill sets out the option for Scottish Ministers to additionally mandate delivery by specified public bodies. The PM goes further and suggests the NHS as one such body, We believe that introducing a blanket duty on the NHS would introduce complexities outwith hospital settings, as GP practices operate, on the whole, as independent businesses and careful consideration would have to be given as to their classification as “public bodies”. It should also be noted that the Financial Memorandum states that as such duties would be imposed via Regulations, rather than the Bill, they would be better considered as costs of the Regulations that impose the duty on an organisation rather as part of the cost of the Bill. However we believe that, given the scale of the NHS taken as a whole, that Parliament should consider the scale of potential additional costs that might arise as a result of this Section.
55. Section 7 of the Bill sets out a requirement on Scottish Ministers to publicise the availability of period products and how and where they can be obtained. The Policy Memorandum suggests that this should be through websites and suggests a mapping function. As, in practice, delivery under the provisions of the Bill would fall to other bodies, it would seem unreasonable and burdensome to expect Scottish Government to collate, host and update this information. As with many other elements no provision for the cost of this is made in the Financial Memorandum.
56. Para 14 of the Policy Memorandum (PM) states that ‘many’ do not achieve full attendance in education due to their period. However, while the evidence (from a Plan International survey) states that 49% of girls have missed school due to their period, there is no evidence to suggest this was due to not being able to afford products, rather than due to pain, embarrassment or other factors. We suggest that, while some non-attendance may be attributed to being unable to afford products, quoting this figure is misleading as there is a chance that enactment of the Bill would not significantly reduce this statistic. A survey commissioned by Scottish Government and conducted by Young Scot in early 2018 found that around a quarter of girls had struggled to access sanitary products in the past year and 61% of those (equating to 15% of the full sample) said it was due to not being able to afford a product.
57. The PM notes that while “the Bill sets out the key requirements” it leaves “much of the detail for the Scottish Government to provide in regulations” which means that the costs for implementation and delivery of the scheme cannot be fully scrutinised, as per para 18.
58. The PM states that the universal scheme should be opt in and open to everyone with no means testing or referral. This is a contradiction, as if it requires a specific opt-in then it is not really universal and people may miss out on accessing products.

59. Para 40 of the PM states that the proposed model would allow evaluation on the number of products being accessed and that it would be useful when considering anti-poverty measures in future. Given that the scheme is intended to be universal, it is unclear how this would be the case without collecting additional information from recipients. The concerns raised about GDPR in para 43 are also relevant to how any data could be used.

Conclusion

60. The Scottish Government is fully supportive of action to make period products available and has taken a range of actions towards period justice for all. In doing so we have taken proportionate action working in partnership with stakeholders and with young people themselves, and based on the evidence, generating necessary evidence where required.
61. We recognise what the Period Products (Free Provision) (Scotland) Bill is trying to achieve. However, we have grave concerns over the deliverability and costs involved in achieving the Bill's aim and believe these have not been thoroughly thought-through or costed and therefore cannot be fully scrutinised. Parliament is being asked to make a decision without sufficient information on the likely costs of the bill in the short and long term.
62. When we consider how much progress has been made in the last 2 years, the continuing interest in this area, and the move for many organisations to provide free products of their own volition, we remain to be convinced that there is a need for legislation at this time.

Annex A

Scottish Government action and achievements

1. Since summer 2017 Scottish Government has taken significant world leading action to make sanitary products available across a range of settings and delivery models. We have been working on this important issue for over 2 years and have made significant and tangible progress.
2. Our partnership approach has given organisations a unique opportunity to shape delivery in line with local need, encouraging innovative approaches and is already embedding into society and actively making a difference to people's lives. The Scottish Government has, and continues to, receive support and acclaim across the world for the action we have taken, with countries both within the UK and beyond reaching out to learn from our approach.

Education

3. We provided £5.2 million in 2018/19 for all students in Scotland to have access to free sanitary products through their school, college or university with this figure increasing slightly in 2019/20. The funding was allocated on the basis of 395,000 female pupils and students.
4. Our delivery approach was informed by gathering evidence from young people as to need and preferred delivery options. This evidence was gathered through a survey carried out in partnership with Young Scot which received over 2000 responses, the biggest response Young Scot had ever had for a survey of this type.
5. In terms of delivery, following significant consultation with CoSLA, the NUS, Colleges Scotland, the College Development Network and Universities Scotland, responsibility for delivery within a set of Guiding Principles were delegated to Local authorities, colleges and universities. This was to ensure delivery could be developed in line with local need and was able to take account of student views. The Guiding Principles were developed in partnership with these stakeholders and put dignity and choice at the heart of provision.
6. We have encouraged innovative approaches to provide solutions for individuals outside of traditional learning establishments, such as those attending the Open University. This approach has been strongly welcomed by stakeholders as it affords them the flexibility to suit local needs. One S6 pupil said:

“In the beginning we presented an assembly and we talked about making sanitary products free in school, why it was happening and how important it was. We also did a survey to see what products people would want. We bought the products in bulk and put them all around the school in individual toilet cubicles where it is private, and people feel like they can take them. There are sanitary products and different things you might need like waste bags. We decided hanging bags with pockets would be best for storage. We have also left out full packs of products incase people need to take them home.”

7. The flexibility to deliver within the broad Guiding Principles is allowing pupils to build skills in other areas. In East Ayrshire, most secondary schools have set up a committee of pupils / senior pupil group to lead the project and they are involved in monitoring stock and promoting the project, while in Stirling, pupils have made an evaluative film of the programme. Feedback has been clear that where students have been involved in developing delivery routes uptake is higher and feedback very positive. Some case studies that give more detail on some local authority areas are attached as Annex B.
8. A full 12 month evaluation of the education funding is currently being undertaken and a report will be published which will provide information to assess both uptake, delivery approaches and best practice. This report is due to be published in early 2020. However, as noted in the case studies, feedback from pupils and students to date is positive.

Access for those most in need

9. Following on from a successful pilot in Aberdeen, Scottish Government provided funding to Fareshare in May 2018 to expand the geographical spread of products through Scotland. Fareshare have distributed products to over 580 community organisations and up to end March 2019 had distributed products to over 35,000 people (which equates to 11% of women and girls of menstruating age in relative poverty after housing costs). They are working with 195 new, non-food based organisations compared to when they started. The funding has also paid for four community development workers to tackle stigma and raise awareness of reusable products among both community groups and their beneficiaries.
10. Case studies within their report highlight the positive impact that the availability of products has had on individuals and families, with beneficiaries saying:
 - *"I have a heavy period and go through a lot of sanitary pads. This costs quite a bit of money and reduces what I can spend on food that week for me and my kids. Getting free products has been a godsend and a weight off financially when we are already struggling on benefits"*
 - *"It's been great to get this stuff for free, I have a teenage daughter also to buy for and we don't have a lot of income, especially with our money being cut, it's helped take a bit of financial stress of our monthly shopping bill not having to buy sanitary products for two. Thank you so much"*
11. Scottish Government is providing over £530,000 to FareShare in 2019/20 to continue this delivery.

Wider access in community settings

12. In January 2019, following a commitment in PfG in September 2018, Scottish Government provided £4 million funding to March 2020 for local authorities to roll out access to products across their premises and services. As with the education commitment the responsibility for delivery routes and methods has been devolved to local authorities.

13. A key focus for the funding was tackling poverty with authorities also expected to address the gender equality aspect of access to free products. Based on the most up to date information we have on actual product costs across local authorities, the product funding allocation is estimated to be sufficient to provide almost 45,300 people across Scotland with their full annual requirement of period products or 181,000 people for a quarter of their annual product requirement. In practice we expect this funding to also allow for occasional emergency use for the remainder of the menstruating population, so these figures may be slightly lower.
14. Authorities have been implementing this at different paces, often because they have taken the time to consult their communities as to how they want to see this delivered, therefore this activity is yet to fully bed-in. An evaluation is planned for early 2020 and at that point we intend to consider whether the evidence suggests that additional action is required.
15. In many cases delivery is via libraries, community centres and leisure centres. Some authorities are also reaching out to community partners including housing associations, churches and ferry terminals.
16. Examples of innovative and good practice include a number of authorities providing maps on their websites showing where the products are available and others which made products available for families accessing their summer holiday food and activity programmes/hubs. One authority has since April, in addition to making products available through a range of locations, been adding £5 to each crisis grant awarded to any female over the age of 16 to enable period products to be purchased.
17. Local authorities have welcomed the flexible approach which allows them to develop delivery based on local demographics, services and need. Some example delivery plans are set out below to illustrate this flexibility.

Authority A	<p>Shelving is being installed in the female and accessible toilets in our 4 x Community Hubs, our 4 x Community Halls and our 5 x Community Centres.</p> <p>Packets of sanitary products will be provided in a range of sizes as we believe that if we are addressing period poverty, those seeking support through this initiative may require packets of products rather than individual items. The rationale for availability in the toilet facilities enables those who require products to take what they need when they need them, protecting dignity, and avoiding stigma and embarrassment.</p> <p>Following initial evaluation of our approach, phase 2 will provide individual products in the same locations for those in need of individual products during their specific visit to the location rather than packets to take away. The dispensers/containers for these individual products will be reviewed and agreed at that time.</p>
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Authority B	<p>Initial roll - products are available through all Council customer service points. In each of these, cotton bags are stocked with suitable products and have been placed in toilet cubicles that are available to members of the public. Additional supplies are also being held at the front desk of customer service points.</p> <p>Phase 2- leisure centres, libraries, community centres, housing association offices.</p> <p>Phase three - third sector and community groups This approach is designed to protect dignity as individuals will not have to request products, but can collect them for themselves from Council offices, libraries, and other community facilities. It is also straight forward to manage and therefore cost effective.</p> <p>Communications – strategy in place to develop website, social media and press release. A Leaflet is being developed for Health Visitors, Welfare Rights staff and Housing Officers to directly engage those in need.</p>
Authority C	<p>Community Planning Partnership will be the mechanism for implementation of the plan.</p> <p>We recognise the need to provide a range of different types of products for people to access across a range of facilities and buildings and will link in with organisations who provide support to some of our most vulnerable residents and communities to ensure those most in need are able to access what they need e.g. women’s aid, carers, homeless people, rough sleepers, people living in single tenancies, young mums, young carers, foodbanks.</p> <p>Products will be provided across 150 venues including: Libraries, community centres, homeless units, key third sector organisations, mosques, deaf clubs</p> <p>Communications will be developed including:</p> <ul style="list-style-type: none"> ○ awareness raising social media, posters, ○ leaflets, on line surveys ○ Direct contact with groups, organisations ○ Community Matters meetings in our Locality Partnership Areas. ○ Delivering educational workshops to young people ○ encouraging open dialogue across all genders. <p>An online GIS interactive map will enable people to find out where products are online.</p>
Authority D	<p>The majority of public buildings will use a mixture of baskets in toilets and bags hanging on backs of doors as appropriate with a mix of</p>

	<p>individually wrapped tampons and pads. This will apply to male, female, disabled and unisex toilets.</p> <p>Sign-posting will indicate pick-up points where bulk items are available e.g. packets of tampons and pads including night pads, reusable pads and cups will be displayed. A range of Council and Partner premises have been identified as pick-up points including the local TSI, libraries, and health centres.</p> <p>When available, and where appropriate, signage from SG/Hey Girls/ERC will be used to promote the initiative.</p>
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Annex B

School case-studies

The two case studies set out below reflect the different approaches taken by different local authorities and schools and the impact this is having on pupils.

Argyll and Bute

The 89 schools on Argyll and Bute serve some of Scotland's most rural and isolated communities. In looking to provide access to free sanitary protection each local school has purchased its own products and devised its own delivery models to best suit the needs of its pupils.

Dunoon Grammar School

With a school roll of 674 pupils Dunoon Grammar School is situated in the East of Argyll and Bute. The school approached the roll out of free access to sanitary protection by conducting surveys with small groups of S4 and S6 pupils as well as parents to establish the types of products the young people would want and where would be best to place them. As a result, products were ordered by the school and placed in multi-draw storage units in ladies, gender neutral and disabled toilets, PE and learning support departments. Period starter packs were also provided to S1 and S2 nurture group pupils whom are in receipt of free school meals. The school intends to conduct further consultation at the end of the school year to ensure the product provide and its placement is correct and is looking to expand the provision of S1 starter kits.

Cara (S6) reflected on the impact of this provision so far.

'Having pads and tampons available in the toilets is really positive, I've overheard lots of girls talking about how handy it is. I think it normalises periods, which is really important; people aren't as embarrassed about them and it's taken away the stress and anxiety from not being able to get the products that they need. I know a few people who weren't coming in when they had their period because they didn't have stuff at home and now they can get it here they are coming in more.'

Kirn Primary School

Kirn primary school, also in Dunoon, has a school roll of 285. At the end of the last academic year the school consulted with a group of P6 and P7 girls on the initial set up of free sanitary provision. They discussed what products should be made available, where would be appropriate for easy access for all and the discussion generated talk about sanitary bin provision in school which the girls felt was inadequate. As a result of this collaboration a sanitary bin and box with supplies (pads, nappy bags, deodorant, wet wipes and a guidance leaflet) was located in the disabled toilet between the P6 and 7 classrooms. The young people felt that school was the most sensible place for them to access sanitary products as they could get them without deviating from their normal routine.

Parents were informed that education on menstrual cycle and sanitary products would take place and all P6 and P7 girls took part in a discussion which focused on

menstrual cycle but also allowed the girls to familiarise themselves with sanitary products, how to use them and apply them to underwear.

City of Edinburgh

The initiative to provide access to free sanitary protection has been well received by schools in Edinburgh. Funding to make these products available was devolved to each eligible school; the descriptors below detail the approach sample schools have taken, why and with what impact.

Craigroyston Community High School

Situated in the north of the city, most of the pupils at Craigroyston Community High school live in SIMD 1 and 2 areas. Given this, the school places a high importance on providing access to sanitary products. Prior to the commitment to make free sanitary products available in all schools Craigroyston pupils who required them would have to request them from guidance staff. Staff often paid for these products personally. On the launch of the free access to sanitary protection initiative Craigroyston held a focus group with students from S1-S6 who said they would like sanitary products to be more readily available for them, without having to ask someone as this caused embarrassment. Following this, a cupboard of supplies has been provided in the main girl's toilets, in the changing rooms in PE and in a toilet near the guidance department. These are restocked regularly and contain a very varied range of sanitary products in them including liners, different sizes of towels, day and night towels, tampons in different flows etc. There are now several options for picking up products with no need to ask anyone, young people can simply help themselves to whatever they need. They are also encouraged to take enough products to last them, there is no limit.

Making sanitary products freely available has presented the opportunity for further education around what can be a challenging subject and the young people at Craigroyston feel much more able to collect the products that they need.

Broughton High School

Broughton High School, in the north of the city, is proud to educate young people from diverse backgrounds. In 2018 it served the second highest number of children from SIMD 1-3 of any school in Edinburgh. It also welcomes a high number of SIMD 10 pupils as the only state funded school in an area renowned for its high-profile public schools. Broughton High School has always provided sanitary products should pupils be caught unprepared for their period but now has the resources to provide sanitary products for more general needs and to encourage pupils to stock up for holidays. Following an initiative in school to create awareness of the government funded products, pupils are coming forward in increasing numbers to pick up what they need.

Pupils were consulted to canvas ideas and opinions on how the initiative to deliver access to free sanitary products could be rolled out effectively. This allowed the school to develop ways to distribute products that reflect pupils' views and experiences, involve pupils in conversation around stigma and distribution of products and produce an article to be published in school newsletter to raise awareness of the initiative.

A 'pick and mix' event was organised at the end of term where young people could pick products to take home with them and was utilised by 70 young people. A pupil steering group has been formed to continue to take this initiative forward in the longer term. For instance, the group planned to lead whole school assemblies on menstrual health in September.

Annex C

Guiding principles for public sector delivery

The delivery model should be based on:

- Protecting students' dignity, avoiding anxiety, embarrassment and stigma
- Making a range of products and different qualities available, giving students choice about the products they want to use;
- A response that is reflective of students' views and experiences;
- An efficient and dignified approach which demonstrates value for money;
- An offer for all eligible students throughout the year regardless of whether it is term time or holidays
- Ensuring sanitary products are easily accessible to meet individual needs;
- Individuals being able to get sufficient products to meet their needs;
- Gender equality, ensuring anyone who menstruates can access products, including transgender men/non-binary individuals, and that language is gender neutral. The roll out of gender neutral toilets should also be taken account of.
- Awareness raising and education to both promote the 'offer' and change cultural norms

Note that these were adapted accordingly in relation to wider community access

Annex D

List of public bodies providing free products

Architecture and Design Scotland
Cairngorms National Park Authority
Care Inspectorate
Community Justice Scotland*
CoSLA
Crofting Commission
David MacBrayne Ltd
Parole Board for Scotland*
Quality Meat Scotland
Scottish Children's Reporter Administration
Scottish Courts and Tribunals Service
Scottish Enterprise
Scottish Funding Council
Scottish Futures Trust
Scottish Government
Scottish Law Commission
Scottish Legal Aid Board
Scottish Legal Complaints Commission
Scottish Natural Heritage
Scottish Parliament
Scottish Qualifications Authority
Scottish Social Services Council
Scottish Water
Skills Development Scotland
sportscotland
VisitScotland
Water Industry Commission for Scotland

* based in Scottish Government building

Local Government and Communities Committee

1st Meeting 2017 (Session 5), Wednesday 8 January 2020

Budget Scrutiny 2020-21: Note by the Clerk

Introduction

1. This paper provides background information on the Committee's evidence session with the Accounts Commission for Scotland on the [Local government in Scotland: Financial Overview 2018/19](#) report, published in December 2019.
2. The Commission's report provides a high-level independent analysis of the financial performance of councils during 2018/19 and their financial position at the end of that year, as well as commenting on the general financial outlook for councils. The report also comments on the finances of Health and Social Care Integration Joint Boards; bodies led jointly by local authorities and health boards.

Scrutiny of the Scottish budget by Parliamentary Committees

3. The evidence session forms part of the Committee's overall scrutiny of the forthcoming Scottish budget for 2020/21 in relation to matters within its remit. In particular it is of relevance to the overall local government financial settlement for the next financial year. Direct grant from the Scottish Government is the single biggest local government funding source, critically affecting councils' planning in relation to staffing matters and service provision and is therefore the key annual announcement for Scottish local government. Alongside funding for general purposes, some moneys allocated under the settlement may be provided on condition that they are used for particular purposes or to advance particular policies or outcomes (this is sometimes referred to as "ring-fencing").
4. Since 2018, Scottish Parliamentary Committees have committed to the following principles¹ in their annual budget scrutiny:
 - **Full Year Approach:** committees have the flexibility to incorporate budget scrutiny into their work prior to the publication of firm and detailed spending proposals in the Scottish budget itself;
 - **Continuous cycle:** scrutiny should be continuous with an emphasis on developing an understanding of the impact of budgetary decisions over a number of years including budgetary trends;
 - **Output / outcome focused:** scrutiny should also be evaluative with an emphasis on what budgets have achieved and aim to achieve over the long term, including scrutiny of equalities outcomes;

¹ As set out in the [final report](#) of the Budget Process Review Group.

- **Fiscal Responsibility:** scrutiny should have a long term outlook and focus more on prioritisation, addressing fiscal constraints and the impact of increasing demand for public services; and
 - **Interdependent:** scrutiny should focus more on the interdependent nature of many of the policies which the budget is seeking to deliver.
5. This revised approach has led to committees taking more budgetary scrutiny before rather than after the actual publication date of the Scottish budget, in recognition that time available to committees to scrutinise the budget (normally published in December) in detail is limited. This year, the calling of a UK General Election in December has led to the dates of the UK and thus the Scottish budgets both being delayed.

Local Government and Communities Committee budgetary Consideration

6. The Committee has made its over-arching theme for budgetary scrutiny this year the long-term financial sustainability of local government, taking into account increasing demands for council services and tight or reducing council budgets. [This page](#) contains links to all the evidence the Committee has gathered this year, including evidence sessions on this theme with stakeholders, experts and the Scottish Government, as well as all responses to the Committee's summer call for views. (Other Committee work in recent months including the Committee's empty homes inquiry and its scrutiny of the Non-Domestic Rates (Scotland) Bill, have also added to this body of evidence.)
7. A [31 October letter](#) from the Committee to the Scottish Government summarises this evidence, and (at pages 2 and 3) set out a list of specific matters it wishes the Scottish Government to take account of or clarify as it finalises the budget. The Committee awaits the Scottish Government's response.

Meeting on 8 January and next steps

8. The Committee's evidence session with the Accounts Commission is likely to touch on many of the wide-ranging themes of evidence arising from the Committee's consideration of the long-term financial future of Scottish local government and some of the key points in the Committee's 31 October letter. The Committee expects to take evidence on the 2020-21 financial settlement itself from the Scottish Government and from Cosla in early 2020, pending confirmation of a date for publication of the Scottish Government budget.

Local Government and Communities Committee

1st Meeting, 2020 (Session 5), Wednesday 8 January 2019

PE01719: Review of fire safety stay-put policy

Note by the Clerk

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to review the current 'stay-put' policy as it applies to the fire strategy for existing multi-storey residential buildings.

Petitioner Rachel Gibson on behalf of tenants Cartgraigs Road, G43 1AA

Webpage www.parliament.scot/GettingInvolved/Petitions/stayputpolicy

Introduction

1. This is the Local Government and Communities Committee's first consideration of Petition PE01719. This paper provides background information and invites the Committee to consider its next steps.

Background

2. This petition was lodged on 8 May 2019.
3. It was referred to the Local Government and Communities Committee on 21 November 2019. The lead petitioner has also provided a supplementary submission for this meeting (see annexe A).
4. The meeting on 8 January will be the first meeting at which this Committee will consider the petition. It is good practice for committees to consider petitions in public session whenever possible, in the interests of openness and transparency. The Committee undertook a [major inquiry into building regulations and fire safety](#) earlier this session. The Committee's concluding report was issued in October 2017. However, given the importance of this issue and with policy implications arising from the Grenfell tragedy in London still developing within both the Scottish and UK Governments, the Committee agreed to maintain a watching brief on this issue, particularly in respect of the various reviews into aspects of fire safety ordered by the Scottish Government in the wake of the tragedy.
5. The Committee most recently took evidence on this matter on [20 November 2019](#), hearing from experts and industry representatives on various matters concerning fire safety in domestic premises, including multi-storey and tenement buildings. At its last work programme discussion on 18 December 2019, the Committee considered the wide-ranging evidence it had received

and agreed to invite the Scottish Government to an evidence session to discuss these matters on 22 January. Issues raised in the petition would appear to be potentially relevant to this session.

6. **Accordingly, the recommendation for initial handling of this petition is that issues it raises are raised in evidence with the Minister for Local Government Housing and Planning, and officials on 22 January. In the meantime, the recommendation is that the petition is kept open, with an opportunity to consider next steps in relation to the petition (and other relevant matters concerning building regulations and fire safety) after that session.**

ANNEXE A**Petition 1719 on Fire Safety – Additional Comments**

The petition argues that whilst the stay-put policy may be the best strategy response to the vast majority of fires in high-rise buildings, on the rare occasion that fire breaches compartmentation and is no longer being contained it is no longer safe to stay-put. The argument that has been made by some that even if fire breaches compartmentation in one flat it will be constrained by the compartmentation of adjacent areas is weak because a fire that can breach any compartmentation may be able to breach all compartmentation. This being so the petition asks that fire-safety strategy is altered to include an additional procedural step indicating that when compartmentation is breached, stay-put should stop and evacuation start. In further support of this I would ask the committee to consider the following:

1 If you rely on stay-put strategies that means in effect that you cannot have breaching, but, even with no combustible materials, building envelopes are very susceptible to allowing fires to progress from one floor to another.

(Professor Torero, 12.00. Local Government and Communities Committee 20 November 2019 [Draft]); (LGC)

The external walls of the building are an integral part of the compartmentation of the flats within; these walls are concrete and inflammable. Adding an envelope (cladding) which can allow fire to move from floor to floor effectively compromises the integrity of compartmentation. This factor alone warrants the need for an alternative strategy to be procedurally formalised.

*2 the legislation on the installation of **interlinked smoke alarms** and a heat alarm in the kitchen.*

(Annabelle Ewing, 12.15. LGC)

F.Y.I These alarms should more accurately be called *intra*-linked, i.e. they are only linked within each flat; there are no *inter*linked i.e. linked between flats alarms of any type in existing social housing high rise buildings.

3 The committee will be aware that the Grenfell Inquiry Report recommended the development of various evacuation strategies for high rise buildings.

Rachel Gibson,

(On behalf of the tenants at Cartcraigs Road, Glasgow G43 1AA).