

LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE
PERIOD PRODUCTS (FREE PROVISION) (SCOTLAND) BILL

I thought it would be helpful if I wrote to the Committee to reiterate the COSLA position on the delivery of free period products, offer support for the Bill and set out our position on the proposed amendments to the Bill as the committee considers them at Stage 2.

COSLA Leaders agreed to the delivery of access to free period products in schools and public buildings in 2018. Since then, local authorities have acted to develop locally appropriate models, based on guiding principles, to deliver period products across communities. These models have grown, developed and evolved - based on learning and evidence - to meet local need. Our commitment to, and the responsive nature of this delivery has been particularly evident over the course of the pandemic as local authorities have continued to work to ensure no-one goes without the essential items they need.

In its original consultation response to the Bill, COSLA advocated for access to free period products subject to this being fully resourced, accessible and considerate of the learning from access to free period products schemes that have been delivered by local authorities and others across Scotland to date. Specifically, it noted that any scheme developed by the Scottish Government should:

- a. Promote dignity, avoiding anxiety, embarrassment or stigma
- b. Allow a response reflective of a community's views and needs
- c. Be deliverable
- d. Be environmentally aware
- e. Be fully funded

COSLA continues to support the intent of the Bill and, further to the consultation response and our oral evidence, views are provided below on stage two amendments. These seek to further support the development of legislation that enables the best outcomes for our communities

Local Flexibility

We welcome the amendments from the Cabinet Secretary and the local flexibility they allow, enabling local authorities to establish and maintain local mechanisms to deliver free period products. This will enable local authorities to best meet the needs of their communities and maximise resources.

Local flexibility will be key in the success of this initiative and, in order to ensure this approach, we are unable to support the following amendments:

20A- Monica Lennon

'Where the premises of an institution comprise two or more buildings that are normally used by pupils or, as the case may be, students at the institution, the locations specified in the arrangements established and maintained under subsection (1) must include at least one location situated in each such building.'

Whilst it is likely that this approach will be taken in the majority of cases, there may be scenarios where specific buildings on some sites are unsuitable to place provision or from which students do not wish to collect products. If this is the case placing period products in every building would be inefficient. Models should be informed by local intelligence to ensure they best meet local need. However, stating that this approach should be considered as a default where practical and subject to student feedback may be a useful addition to the intended guidance.

36-Sarah Boyack

After section 1, insert—
<Requirement to promote certain outcomes
Requirement to promote certain outcomes
(1) In complying with its duties under section 1, each local authority must establish and maintain arrangements that are best designed to promote the outcomes in subsection (2), so far as doing so is consistent with the proper exercise of those duties.
(2) The outcomes are—
(a) that a choice of different types of period products should be available free of charge to all persons who need to use them,
(b) that any stigma associated with menstruation and, in particular, with the need to obtain period products free of charge, is reduced,
(c) that the privacy of all persons who need to obtain period products free of charge is respected,
(d) that the ability to obtain period products free of charge is not linked in any way to a person's entitlement to, or ability to access, other goods, services or benefits,
(e) that direct access to period products is provided (rather than access being provided by means of issuing a voucher or other means of payment).>

Whilst we appreciate the intent of this amendment and share concerns about the viability of the previously proposed universal voucher scheme, 2(e) above will potentially limit the flexibility and creativity of local models, restricting local authority ability to respond to need in the most appropriate way. For example, over the course of the pandemic many

local authorities have set up additional access routes through online order systems that have proved very popular, taking large numbers of orders. Anecdotally, some local authorities have reported that this has allowed reach into communities who were not previously accessing free products. Consideration was also given, in some cases, to additional financial support for those in receipt of free school meal payments to help ensure access to products over the course of the emergency. Where there is demand and current resources allow, local authorities may suitably wish to retain these options for provision. This amendment may limit such options for access and prevent local authorities being able to design other effective responses that best meet current community need, or that effectively manage future challenges.

Further to restricting local flexibility, this amendment also confers a degree of risk on local authorities by making an unlimited 'choice of different types of products' available. The choice of period products made available needs to be subject to a degree of local authority discretion as there are potentially medical, sanitary, accessibility, distribution and financial issues associated with unlimited choice. For instance, providing tampons for young girls to use might come with medical risk in relation to Toxic Shock Syndrome, sanitation arrangements in relation to reusables may need to be considered, distributing a wide range of products in a large geographical area and a small physical area (i.e. toilet facilities) could be challenging and providing a large range of products will be more expensive. Local authorities will need to be able to mitigate these risks and challenges hence, whilst we are fully supportive of making choice available, the range of products provided needs to be subject to local authority discretion.

We thoroughly support the commitment reflected within this amendment to provide these products through an approach that supports privacy and dignity and is free of stigma. This point is central to the guiding principles local authorities currently utilise to underpin their delivery and we would suggest that points 2 (B) to 2 (d) are covered in the intended guidance.

In order to allow for local flexibility, we would also recommend alterations to the following amendments for consideration at stage three:

34. Monica Lennon

Before section 7, insert—

Arrangements under sections 1, 5 and 6: particular requirements Arrangements established and maintained under section 1(1), 5(1) or, as the case may be, 6(1) must provide for—

(a) period products to be obtainable—

(i) reasonably easily, and (ii) in a way that respects the dignity of persons obtaining them,

(b) a reasonable choice of different types of period products to be obtain

Further to the explanation above this should indicate that in addition to being 'reasonable', which could be interrupted in many ways, the choice of products provided will be subject to local authority discretion.

24B Alexander Stewart

As an amendment to amendment 24, line 17, at end insert—

<() Guidance issued under subsection (1) must include guidance on delivery models that should be used by local authorities in relation to their functions under section 1(3)(b).>

In order to support local flexibility, this should refer to models that 'could' rather than 'should' be used. To ensure deliverability the likely uptake and cost implications of the models also need to be understood; mechanisms to enable delivery of products may have to be established and maintained, this would have associated resource implications.

Guidance

We welcome the intension to consult on any guidance with the relevant public body and advocate for the commitment to local flexibility, evident in the Cabinet Secretary's amendments, to continue though the development and implementation of any supporting guidance.

Funding

Amendment 28 removes Section 8 which addresses funding. Whilst it is recognised that this clause was limited, it is essential that the provision of free period products remains **fully funded**. Cost for delivery is already anticipated to be higher than that outlined in the financial memorandum; our original consultation response shared data from the first 6-months of education provision which found a 17.6p per unit cost, almost double the 9p figure in the memorandum. As the scheme embeds and expands, potential uptake is unknown and any rise in uptake will impact on both the budget required for products and corresponding staff and resource requirements. Without ongoing adequate funding, taking into consideration changes in demand and inflationary pressures, the aims of this Bill cannot be realised.

We emphasise the need to understand the costs associated with the Bill in the short term, and to review them in order that the full cost of this initiative can continue to be met on a long- term basis. In the longer term, a review of funding should consider increased cost due to greater awareness and cultural change and appropriate uplifts for inflation. We would seek assurance from the Cabinet Secretary that there is the intent to meet both the short and long-term costs of this commitment and in order for the funding to be deployed in a locally responsive way, we would also seek for the funding to be included in the Local Government settlement, so that resource planning can be undertaken to

ensure the best possible outcomes (ideally on a longer term basis if we move to multi-year settlements).

With a view to ensuring the best use of resources committed to this initiative, we are unable to support the amendment below:

35. Annie Wells

After section 7, insert—

<Report on exercise of functions

(1) Each responsible body must as soon as practicable after the end of each reporting period prepare and publish a report setting out—

(a) progress made in the exercise of its functions under this Act,

(b) an assessment of the extent to which any funding and guidance provided to it has assisted in achieving such progress,

(c) how the exercise of its functions under this Act has contributed towards tackling the root causes of poverty relating to period products.

(2) Before preparing a statement under this section, each responsible body—

(a) must consult the persons mentioned in section (Consultation)(2), and

(b) may consult any other body or person the body thinks appropriate.

(3) In this section, “reporting period” means in the case of a responsible body —

(a) with functions under section 1 or 6, each financial year,

(b) with functions under section 5, each academic year.>

As noted, it will be essential to understand the adequacy of funding for this initiative on a short-and longer-term basis. However, the breath, frequency and focus of reporting outlined in this amendment creates an additional and frequent draw on staff capacity, either increasing the cost of or limiting the time available to deliver this initiative and would have limited value.

Local authorities will publish plans and be accountable to their communities for delivery, ensuring they meet their functions under the Act; it should be noted that many of the local mechanisms required are already in place. If delivering bodies are appropriately consulted and involved in the creation of the guidance, then this does not require ongoing reporting, and whilst providing period products will mitigate the impact of poverty, it does not tackle its root causes so this measure would be unhelpful.

I would emphasize however that Local Government is committed to tackling the causes of poverty and inequality, as well as mitigating impacts through initiatives such as this one. This commitment is articulated within COSLA priorities, through our Community Planning Partnership Local Outcome Improvement Plans and through our Local Child Poverty Action Plans, which capture the work we are doing to tackle poverty locally.

We would be happy to discuss any points raised within the letter or any further matters related to this Bill.

Yours sincerely

Cllr Kelly Parry

COSLA Community Wellbeing Spokesperson