



Period Products (Free Provision) (Scotland) Bill

Overview of evidence

This paper is intended to give an overview of the key themes identified in submissions to the Committee's call for views on the Period Products (Free Provision) (Scotland) Bill. Attributions of comments are included where quotes have been used, but as much of the evidence followed the same themes they have not been used otherwise.

The Committee received 50 submissions, with a breakdown as follows –

- 12 submissions from third sector organisations,
- 10 submissions from local authorities (including one councillor, and COSLA),
- 9 submissions from individuals (including two academics),
- 8 submissions from trade unions and other representative bodies,
- 3 submissions from other public bodies (including the Scottish Government),
- 3 submissions from educational institutions,
- 3 anonymous submissions, and
- 2 submissions from community planning partnerships.

There was general support for the Bill, though six submissions did not express full support for the need to legislate, and one, from the Scottish Government, was firm on its lack of support for legislation. Because of the depth of information detailed in the Scottish Government's submission, it is suggested that this is read in full, and only key points, specifically about cost, have been repeated here.

The following sections summarise the responses to the questions set out in the Committee's call for views.

1. The Bill has been brought forward partly in response to concerns about "period poverty" - difficulty in being able to afford period products. Do you think period poverty is a serious issue in Scotland? Please provide any relevant information you may have to support your views.

All submissions recognised that period poverty is an issue within Scotland, though some noted that this may not affect all areas and social groups, and that there may be hidden 'pockets' of poverty that aren't obvious.

A number of submissions provided or referenced research around period poverty. Girlguiding Scotland found in its Girls in Scotland 2018 survey, that 13% of girls aged 13-25 knew another girl their age who has experienced period poverty. A 2018 survey conducted by Young Scot found that 26% of those in education and 24% of those not had struggled to access period products over the previous year. Of the

24% not in education, 61% stated that this was because they could not afford to buy products (COSLA submission). Plan International UK, in 2017, found that 12% of girls surveyed had improvised sanitary wear due to affordability issues.

The financial barriers to accessing period products were the focus of many responses, with additional financial pressures being attributed to –

- Benefit sanctions.
- Universal credit.
- Austerity and continued low and stagnating pay.
- Increased living costs.
- Lack of financial independence.
- The cost of products, which are seen as expensive but essential.

Some submissions mentioned the increasing demand for period products distributed to those in poverty through existing services such as food banks, and others mentioned the fact that the cost of period products could lead to food insecurity, or that women might be forced to choose between buying food or buying period products.

Concerns around the effects of period poverty and other restrictions to access to period products focused on the risks of Toxic Shock Syndrome from using products for too long, general hygiene concerns (including bacterial vaginosis) from the use of unsuitable substitutes such as toilet paper, newspaper or socks, and the loss of dignity. The majority of submissions also highlighted the effects of inadequate access to period products on educational and vocational attendance. Professor Kate Sang suggested the focus on period poverty on those in education has missed the experiences of those in employment.

Both PCS and Unite urged a change in language away from ‘period poverty’, which was seen as stigmatising in itself. They recommended the use of the phrase ‘period dignity’, and highlighted campaigns to promote this language. This phrase was used within a number of other submissions.

Supporting the notion that period dignity might go well beyond poverty, many submissions highlighted that access to period products is not purely restricted by financial constraints, though some circumstances will be connected. Other reasons for limited or insufficient access to period products, and the ability to use them appropriately, included –

- Embarrassment, shame and distress.
- Cultural barriers.
- Domestic abuse (in particular, the denial of access to products as a form of abusive behaviour).
- Homelessness.
- Refugee status.
- Medical conditions such as endometriosis which mean that menstruators require more products. This can also affect women who are perimenopausal.

- Gender identification (i.e. access for trans men and non-binary individuals).
- Employment status creating a physical as well as a financial barrier (i.e. not having appropriate toilet facilities).
- For school pupils, toilets being locked outside of break times was highlighted as a barrier to using products appropriately.

It was also highlighted that for many people who menstruate, regardless of financial or other barriers, being 'caught out' was a common occurrence which has an effect on the lives of people who menstruate. Girlguiding Scotland said that nearly a quarter (24%) of their survey respondents said this happened 'every or most months' while 99% reported that this had happened to them occasionally.

2. Do you support the overall aim of the Bill - that no one in Scotland should have to pay for period products and that this should be set out in law?

There seemed to be a mixed interpretation of the aims of the Bill, which means that the responses to this section were couched in different terms. There seemed to be three main takes on what was at the core of the Bill –

- Period poverty.
- Periods as a women's rights issue.
- Periods products as a basic human right and need (akin to toilet paper and soap)

The Scottish Funding Council said that "it is important that there is clarity and consistency of messaging around whether access to free sanitary products is for those experiencing period poverty, or if it is universal access".

That taken in to account, all submissions supported the overall aims of the Bill, however there were seven submissions, including that from the Scottish Government, which either only partly supported the aims of the Bill as proposed, or argued that legislation is not necessary –

- Those that can afford period products should pay for them.
- The focus should be on targeting those most in need rather than offering universal provision.
- A perceived lack of need amongst primary school children.
- The current Scottish Government provisions should be given more time to bed in.
- A number of measures are already in place and are proving effective, so there is a lack of need for legislation.
- Concerns that any scheme targeted about tackling period poverty could perpetuate stigma around not being able to afford products.
- There is a risk that introducing legislation could reduce the level of flexibility which the current measures allow for, reducing the community led aspect of provision (be that community be a school, social group, or local area).
- There is a risk that statutory provision might place a burden on organisations under financial pressure, particularly local authorities and third sector organisations.

- There is a risk that some private businesses who have chosen to provide free products may cease to do so if statutory responsibility falls elsewhere.

No submissions argued wholly against the general aim of the Bill, “to make provision for free period products for anyone who needs them”.

Reasons given in support for legislation were that –

- No person should have their education or work affected because of period poverty.
- Setting out provisions in law means that Ministers are required to continue to provide funding, and that users can uphold their rights.
- Menstruation is a bodily function, not a choice.
- Risks of toxic shock syndrome and other complications, shame, embarrassment and distress related to not having access to sufficient and appropriate period products.
- The aims of the Bill and publicity around it discourages stigma and encourages people to talk about periods.
- Women are economically disadvantaged throughout their lives because of periods, both in terms of having to pay for period products, and in terms of a lack of attainment and an impact on working life. Legislation would help to positively tackle gender imbalances and empower women.

Both COSLA and the Scottish Government (along with a handful of others) expressed clearly set out concerns around the costs set out in the Financial Memorandum (FM) accompanying the Bill. COSLA emphasised that “any scheme that enables [the overall aim of the Bill] should be fully resourced, accessible and consider the learning from access to free period products schemes that have been delivered by local authorities and others across Scotland to date”. It suggested that, based on data gathered from existing education provision, costs per unit of period products were almost double that set out in the FM. The Scottish Government make similar and additional points, including points around administrative costs that are unquantified in the FM, and estimate that, with the same uptake levels, the costs of provision could amount to around £24.1 million per annum, as opposed to the £9.7 million set out in the FM.

Some concerns were expressed about the provision in schools, colleges and universities as set out in the Bill, in that they only cover term times and not holidays.

3. The Scottish Government already has a scheme for free period products across schools, colleges and universities. Some public bodies also provide free products voluntarily. Do you have any experience of such schemes? If so, do they seem to you to be effective?

Most submissions cited existing schemes for free provision of period products. The included provision through GPs, and at schools, colleges and universities, workplace schemes using donated products, local authority provision (which included provision in men’s toilets), provision through the Scottish Government’s work with Fareshare, Girlguides HQ and outdoor centre, at sports clubs, and in the construction industry.

The schemes were described favourably, with few suggestions on what could be done better other than widening provision (though the responses to question 5 shed some more light on what works and what does not). Some points to note were –

- Provision in men’s bathrooms was important, both to make products accessible to trans men and non-binary individuals using male toilets, and to men who may take products home to menstruating members of their families.
- Some schemes seemed to have a lack of planning for the appropriate number and range of products available – On the Ball said that they had seen “an excess” of products made available.
- Some schools had been approaching local foods banks to request a supply of products.
- Where the poverty label is used, people are unlikely to take from a scheme even in moments of need if they can normally afford products as they feel it isn’t open to them.
- There were questions about whether schemes should be led by women or not.
- It was felt that existing schemes resulted in a postcode lottery of provision.
- Good schemes were ones that also tackled stigma and period shame as part of their actions.
- Schemes that provided full packs of products for people to take home, including ‘holiday packs’ for non-term times in educational institutions, were welcomed.
- A mapping exercise of existing schemes with the aim of helping people find local schemes they could use would be useful.
- Schemes which made reusable products such as menstrual cups available were highlighted.
- Linking schemes to wider schemes for better toilet provision for women would be positive – this was mentioned with specific reference to the construction industry.
- New provisions should be flexible so as not to disrupt existing schemes that have been designed to match local circumstances.
- One option for provision was through the Best Start Grant (South Lanarkshire Council).

COSLA set out a list of guiding principles used in free provision schemes which match very closely with much of the evidence presented about what makes a good scheme.

4. The Bill would allow the Scottish Government to require organisations other than schools and colleges to provide free period products. Do you support this? If so, what other organisations should be legally made to provide free products?

As noted, some submissions suggested that this should not be set in statute. It was made clear in many submissions that if a legal requirement were set out, then it would need to be funded by the Scottish Government. One submission suggested that rather than a legal requirement, it should be an opt-in scheme for providers.

The range of organisations suggested and places where provision should be made varied, with public buildings and spaces being most cited. One suggestion that stood out was that provisions should be made in “places where girls and young women spend their time”.

In full, submissions suggested that free period products should be available in or at –

- Every workplace, with employers making provisions for people who don't have a fixed workplace (i.e. home carers).
- As a starter pack (including guidance) given to children leaving P7.
- Public toilets.
- Train and bus stations.
- Airports.
- NHS sites and GP surgeries.
- Though health and social care workers carrying out home visits.
- Libraries.
- Community centres and venues.
- Dentist surgeries.
- Leisure centres and gyms.
- Sports clubs.
- Job centres.
- Cinemas.
- Restaurants.
- Bars and pubs.
- Museums and other cultural venues.
- Shopping centres.
- Supermarkets.
- And, because not everyone uses public spaces, in larger quantities through supermarkets and pharmacies to take home.

South Lanarkshire College said “we provide toilet tissue and hand towels/drying facilities – so why wouldn't we provide sanitary products. We feel that everyone who provides toilet facilities either commercially or for staff, should make sure there are supplies of sanitary provision available”. SCVO suggest that many workplaces already outline their commitments to the health and wellbeing of their employees through the provision of schemes such as cycle-to-work, and suggest that the provision of free period products should be seen alongside these initiatives.

It was noted that measures should be taken to ensure the quality of products as the cheapest options were not always suitable, and that the third sector should be involved in provision.

There were concerns that local authorities so far had been working in silos, and more could be done to research the existing schemes, including both local authority and voluntary schemes. There were also concerns raised about the impact of cuts to local authority budgets.

5. The Bill requires the setting up of a scheme for making free period products available. Do you have any views on what elements a scheme should include? In answering this question, you might want to take account

of factors such as the importance of privacy, accessibility, value for money and the environment.

Whilst most submissions were supportive of a scheme, there were some suggestions that a universal scheme might erode some of the flexibility which exists in current provision. There was some support for a voucher scheme, but the majority of submissions did not support this model. Much of this focussed on the perceived stigma attached to using a voucher, and concerns that a national scheme would lead to a lack of flexibility in delivery. The Orkney Partnership said that “we believe that a card scheme does not adhere to the guiding principle of protecting people’s dignity, avoiding anxiety, embarrassment and stigma.”

Other concerns raised, along with important points for consideration, are set out against the four factors the Committee highlighted in its call for views below.

Privacy

- Cultural factors should be taken in to account, with recognition that open discussion of period is taboo in some cultures.
- There were concerns about the proposed need to sign up for an opt-in scheme – it was argued that this could be stigmatising, go against the ‘universal’ policy, in contravention of GDPR regulations, limit take-up, and might exclude people who were homeless, from refugee communities, did not have digital access, and were trans men or non-binary. It was suggested in many submissions that taking personal details was not necessary for provision.
- Venues and toilets which were well stocked with open access to products were seen as a way of supporting anonymity to those who might struggle with asking for products or taking them openly.
- Some submissions suggested that placing products within cubicles rather than in shared bathroom spaces would make people feel more comfortable when taking products, however there was also the suggestion that this could perpetuate period stigma.
- Discrete packaging should be available for those collecting products and having them delivered by post.

Accessibility

- Access to products should be “judgement free”, available to everyone, and unlimited. This latter point is particularly important in the context of those who suffer from endometriosis and other medical conditions which mean they may use more products than others.
- Locations for distribution, both in terms of the organisations and placement within buildings, would be crucial in the success of any scheme.
- Around a third of submissions mentioned the importance of making products accessible to trans men and non-binary individuals. In particular, it was highlighted that any scheme should be designed to avoid unnecessarily ‘outing’ trans men.
- The use of gender-neutral language and the need to acknowledge that not all those who menstruate identify as female was raised.

- Placing products in male toilets was seen as positive not just to support trans men and non-binary individuals, but also to help make products available for men who might need to provide for menstruators in their household.
- Education on both the scheme and on products available was very important, and service users should be involved in the design of any scheme to get this right.
- A range of products being available was crucial, both in terms of type and flow level. This could include, as well as towels, tampons with and without applicators, liners, and reusable items like cups (see Environment below). CCYPS highlighted that, for instance, younger girls can often only use light flow tampons and might need liners for unpredictable cycles, yet free provision products are often focussed on heavy flow only.
- The importance of keeping supplies well stocked and making it clear that items were available for all to use for free was made in a number of submissions.
- There were varying views on postal provision, with some concerns around costs, particularly in the islands, and some calls for there to be flexibility around delivery of postal models.
- Any scheme will need to be island-proofed.
- The need for provision in primary schools was noted, though there were concerns that leaving products in toilets used by younger pupils might not be appropriate.

Value for money

- COSLA argued that any scheme must be fully funded.
- The Scotland Excel model should be used to ensure value for money.
- Tax deductions for employers were raised as one potential model for delivery within private sector organisations.

Environment

- There was frequent mention in submissions about more environmentally friendly products than 'standard' tampons and towels. This included low-plastic disposable products, reusable towels and period underwear, and frequent mention of menstrual cups/Moon Cups.
- It was noted, however, that many people were nervous of trying certain reusable products, both because their use require some learning and because toilet facilities were not always suitable (i.e., people may not feel comfortable washing a reusable product visibly).
- It was also accepted that reusable products would not be suitable for all, for instance the same physical and cultural barriers that apply to tampons can apply to cups, and those who do not have reliable access to toilet and laundry facilities (i.e. homeless people) may not be able to change or wash reusable products as often as is needed.
- It was understood that provision of reusable products might have to differ from disposable products due to the differing value of these items.
- Some submissions spoke about projects and initiatives where women were taught to make their own reusable towels.

- Sustainable disposable products were seen as being an environmentally friendly alternative where reusable items were not appropriate. Hey Girls provides plastic-free period products to two thirds of local authorities as well as several Scottish colleges and universities to fulfil the Scottish Government's Access to Free Sanitary Products policy.

Support for emulating the C-Card model was that it was available to anyone, and there was unlimited access, but very few submissions suggested that a universal and centrally administered approach was appropriate. The Scottish Youth Parliament said that if there was a scheme, it should be opt-out rather than opt-in.

Overarching many comments was the notion that allowing flexibility in the delivery of a scheme, with stakeholder input, was crucial regardless of the strategic approach.

6. Do you have any other comments you wish to make about the Bill?

Comments made under question 6 which have not been reflected elsewhere include

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- There is an over-reliance on local authorities for delivery of current schemes within existing resources (South Ayrshire Council), and concerns about this continuing with any statutory scheme (Argyll and Bute Council).
- Boys and men should be included in discussions about period dignity (Lori Hughes).
- Publicity surrounding the Bill and its outcomes will help to tackle stigma (STUC).

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