



Northern Ireland
Assembly

Committee for Education

OFFICIAL REPORT (Hansard)

Period Products (Free Provision) Bill:
Department of Education

20 January 2022

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Chris Lyttle (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Ms Nicola Brogan
Mr Robbie Butler
Mr Justin McNulty
Mr Robin Newton

Witnesses:

Mr Dale Heaney	Department of Education
Ms Ashleigh Mitford	Department of Education

The Chairperson (Mr Lyttle): I welcome Dale Heaney, head of tackling educational disadvantage, and Ashleigh Mitford from the tackling educational disadvantage team. The Committee will give you up to 10 minutes to make a statement, followed by questions. You are very welcome.

Mr Dale Heaney (Department of Education): Thank you, Chair and Committee members, for the invitation to provide oral evidence on the Period Products (Free Provision) Bill. We can also provide an update on the progress of the pilot scheme to address period dignity in schools, if that would be helpful.

The Minister of Education wrote to the Bill sponsor on 13 December 2021 supporting the Bill insofar as it relates to schools. The evidence we will provide today relates to the provision of free period products in schools and statutory youth settings. The Committee has been supportive of the pilot scheme to address period dignity in schools, which launched in September 2021. There is a clear correlation between school absence and median menstruation age. However, it is not straightforward to demonstrate through attendance figures alone that that is because pupils cannot afford period products. In fact, there is a significant change in attendance patterns for girls at median menstruation age regardless of free school meal entitlement. Addressing period poverty by making products available free of charge in schools, supported by curriculum materials, helps to overcome the toxic trio of period poverty: the cost of sanitary products; a lack of education about periods; and shame, stigma and taboo. Providing period products free of charge in an easily accessible, dignified way also normalises periods and has the potential to promote confident school attendance.

Whilst the scheme is in its early stages, it has been extremely well received by pupils and teachers, with over 98% of respondents welcoming it in a baseline survey conducted by the Council for the Curriculum, Examinations and Assessment (CCEA) in June 2021. Taking the next step and making it a legal requirement to provide free period products in schools has the potential to further normalise periods, making the products freely available alongside other essential items in school toilets, for

example. The duties that would apply in the school sector under the Bill are broadly aligned with the arrangements the Department is piloting in schools. The Department and the specified bodies in the sector will therefore be in a good position to implement responsibilities if the Bill is passed. However, there are some key differences to bear in mind.

The Bill makes provision for free products whilst on the premises but not to take home or use elsewhere. That element of need would be covered by the universal scheme to be introduced by the Department of Health, as set out in clause 1. Furthermore, it appears that it is intended, through the Bill, to make free period products available to school staff and visitors. Under the current DE pilot scheme, provision is for pupils only. Statutory youth settings would be included, which are not part of the pilot scheme currently being run by DE. When it comes to guidance and consultation for youth settings, therefore, the Department of Education and the Education Authority (EA) may be starting from a different position than schools. The EA's Youth Service has delivered a related initiative, however, so would not be starting from scratch.

We note that the explanatory and financial memorandum includes an estimated cost of provision for schools of approximately £2 million in the first year. The Department cannot reconcile that figure with information that has previously been provided to the Assembly's Research and Information Service (RaISe). The ongoing annual figure of approximately £1 million is more aligned with the projections made in relation to the scheme to address period dignity in schools. On the basis of information gathered during the early stages of the scheme, a figure in the region of £0.7 million per annum might be more realistic. It is also possible that that figure could be further revised downwards, depending on the scope and scale of the Department of Health's universal scheme proposed under clause 1.

Our written comments on clauses 2 to 9 of the Bill include some technical points that, we hope, are helpful, albeit they are not an exhaustive technical commentary on the Bill. Our oral evidence will focus on schools and youth settings.

I will touch on those individual clauses, if that is OK. Clause 2 is "Provision of free period products: public service bodies". Under clause 2(2), it appears that schools will be captured in the regulations as a specified public service body. It should be noted that, as the Bill is drafted, nursery schools will also be captured. Since the drafting of clause 2(3) appears to include teachers, staff and visitors to a school, it is perhaps intentional that nursery schools have not been excluded, even though they will not have pupils of menstruating age. To reiterate, teachers, staff and school visitors are not included in the current pilot scheme to address period dignity in schools.

DE suggests that clarity is needed about where duties under the Bill sit in relation to provision of period products and that that duty should be placed on the managers of each type of school in Northern Ireland. DE considers that clause 2(3) should be restricted to persons with legitimate cause to be on the premises, given the safeguarding issues in relation to schools. Clause 2(6) provides:

"The period products obtainable free of charge by a person ... are to be sufficient products to meet the person's needs while the person is in the premises."

As we said, the policy intention of the Bill seems to be that the products made available in schools are not for taking home or using elsewhere. If that is indeed the policy intention, the cost of provision of free products in schools may decrease and transfer, depending on the timing, scale and scope of the universal scheme to be introduced by the Department of Health under clause 1. DE agrees with the principle of consultation with public service bodies before specifying them in regulations.

The principles of easy access, dignity, choice and publicised arrangements, which are set out in clause 3, "Arrangements under sections 1 and 2: particular requirements", are aligned with guidance provided to schools as part of the DE pilot scheme and with practice in other parts of the UK. Case studies of best practice from schemes being delivered elsewhere are provided to schools, and a key consideration section includes guidance on consulting and engaging students; ordering; offering choice; practicalities around availability; ease of accessibility; protecting dignity; awareness raising; and education. From the current drafting, it could be construed that a school is a location that is open to the public when not in normal use and that an obligation could be placed on schools to make period products available to the general public at any time when they are in use. It is important that clarification is brought to that provision.

Clause 4 is "Guidance". Guidance discourse has been developed in relation to the pilot scheme to address period dignity in schools. The Department will therefore be in a relatively good position to perform that duty, should the Bill be enacted.

The approach of clause 5, "Statement on arrangements" aligns with our pilot scheme, which aims to help participating schools to develop a period dignity policy in consultation with pupils. Under clause 5(7), individuals who may need to obtain period products in the future should also be consulted. It is worth considering, however, that the definition of "pupil" includes all age groups, even nursery. It seems sensible to qualify what is meant by "future" in clause 5(7) — whether it means in the next two years, for example — and to qualify that pupils in year 6 and above should be consulted. The principle of consulting on the arrangements is important. DE agrees that the consultation should include the ways in which product users ought to be able to obtain period products free of charge; the locations in a specified public service body's premises in which period products ought to be obtainable free of charge; and the types of period products that ought to be obtainable free of charge.

On the duty to publish information in clause 6, DE considers that the proposed duty to publish a list of locations at which free period products are available would be relatively straightforward. As a minimum, that information could be published on the DE or EA website.

On clause 7, on key definitions, and clause 8, on interpretation, as I said, we have proposed the inclusion of a definition of "school managers" with regard to duties under the Bill.

On clause 9, on commencement, DE considers that two years is sufficient to prepare for the new law.

Thank you, Chair. I am happy to answer any questions that you or the Committee may have.

The Chairperson (Mr Lyttle): Thanks very much indeed for submitting your written evidence today. It is much appreciated.

Why not include teachers, staff and visitors?

Mr Heaney: We are not against that proposal. We simply wanted to highlight the fact that the pilot scheme that we have in train does not provide for that. We were simply drawing comparisons between the two. Of course, cost would be a factor if staff were also to be accommodated. Our costs are based on pupil numbers. I just wanted to highlight that; it does not mean that we object to it at all.

The Chairperson (Mr Lyttle): OK. Why does the pilot scheme not include teachers, staff and visitors?

Mr Heaney: I suppose that is because the focus has very much been on how we can support pupils to manage their menstruation. It has not, to date, been about the staff who support the pupils. It has very much been about children and young people. I suppose that that is, invariably, what Education's focus tends to be.

The Chairperson (Mr Lyttle): I can hear teachers and staff screaming in my ears right now. You are open-minded to increasing that provision, are you?

Mr Heaney: Absolutely.

The Chairperson (Mr Lyttle): OK. That is helpful, Dale. Thank you for that. I will bring in Pat Sheehan MLA.

Mr Sheehan: Thanks, Chair. Thanks for the presentation, folks. I do not have a great number of questions.

Last week, there was discussion around an educational component to the Bill. One of the issues around menstruation is the stigma that is often attached to it and the lack of education and knowledge among young boys, in particular. What is your view on incorporating some sort of educational component into the Bill, so that children — particularly in primary school but also in post-primary school — receive education around menstruation as part of the curriculum? That would help to break down the stigma associated with menstruation. What are your opinions on that?

Mr Heaney: Pat, we would support any initiative, including clauses in the Bill, to encourage that to happen. Again, in our pilot scheme, we felt that the education part of the delivery was very important. That was certainly reflective of the good practice that we saw in Scotland, England and Wales. The two really go hand in hand.

Certainly, your point about educating boys, as well as girls, about the issue is central to the message that we have been trying to put out to schools through CCEA's development of curriculum materials. That is complemented by guidance on the relationships and sexuality education (RSE) part of the curriculum. We have been keen to press home the need for all-boys schools, for example, to have access to period products because, for example, at post-primary level, girls might visit those schools as part of the curriculum offer under the entitlement framework, and they may need access to those products. At the same time, boys also need to understand the issues that girls and women go through as part of their menstruation. We see the message as being for both genders. We hope that we are delivering that through our pilot scheme. If there is any feedback that we can provide to you on that aspect, we are happy to do so. We will follow up with the subsequent survey that CCEA launched last week. I am happy to provide you with further updates.

Mr Sheehan: OK. Thanks.

Mr Butler: Thanks, guys. I have just two questions. The presentation by Dr Adell from the Department of Health gave us some further figures on the potential cost. Obviously, the pilot has been running for a while. What is the average price per item? Do you have those figures so that we can take a more Northern Ireland-specific look at the Bill?

Mr Heaney: I invite Ashleigh to respond to that, but we need to be careful about the sensitivities around the contract that is currently in place. Ashleigh, perhaps you will say more.

Ms Ashleigh Mitford (Department of Education): Obviously, the costs for the pilot scheme relate to one contract for one project and are based on the volumes for our project. Certainly, the individual range of prices is wide, but it is within what Dr Adell suggested. Unfortunately, I cannot share the individual unit price in this environment because it is commercially sensitive. However, our latest projections to provide free period products in schools, if 30% of children were using it for all their needs over 10 months, is £700,000 per year. We can be more helpful offline, perhaps. There is a wide range of product costs out there. We have three different types of products in the range. We have what we initially referred to as value but now call unbranded, and that is at the lower end of the cost scale. We have the big brands that you can see advertised on television, and you pay for their marketing campaign, but some learners are reassured by the brand. We also have environmentally friendly products, which are not reusable but are plastic-free. The price per unit varies hugely.

Mr Butler: The Committee has teased out that issue, and I have teased that out a number of times. We need value for money, but we also need to ensure that the product is —. If we forget about the price and look at the quality of the product, it is really important that value for money is not the single driver. I do not distrust anyone in the project to say that any item was not suitable for use. We cannot buy branded products just because they are branded products. However, if the branded product fulfils a greater function — it is of superior quality or more hypoallergenic — those sorts of issues need to be taken into consideration.

I will offer my conjecture on those figures — that sounds like the 'Dragon's Den'. A 30% uptake for the use of school pupils in this project is £700,000 per year. I understand the commercial sensitivities, but that indicates that the average price per product is at the higher end of the scale. You do not need to nod; we can talk about that offline. It is quite a high figure. Obviously, if the Bill were to pass, the procurement will be in the hands of the Departments responsible for provision. What is the scope for cost savings? Obviously, quite considerable contracts are going to be available.

Ms Mitford: The bigger the numbers, the more competition. If you focus on price and the pure economics, prices will come down. On the quality of the products, the unbranded version is manufactured by a company that also produces supermarket own-brand products, so the products are still of good quality and are made to an industry standard. They are not bargain-basement products that are shipped in and do not meet industry standards. Period products do not have to be expensive. Some other members of the Committee discussed the environmentally friendly products, and, if you move to the plastic-free range, you find that they are a lot more expensive. If we are still working out the policy, being plastic-free does impact on the cost.

Mr Butler: The pilot project is incredibly important because it helps to provide evidence. Obviously, it will not be completed in time for the legislation, so those discussions are really important. During stakeholder engagement on the quality of the product and the price, were any suggestions made about the minimum levels of quality and the average price?

Mr Heaney: No, the sense that we got from our colleagues in Scotland, England and Wales was that it is important to have a range of products available to accommodate different levels of need and uptake. That was our starting point in deciding what the contract might look like. Certainly, there has not been any negative feedback or concerns raised about the quality of the product. Schools have been getting on with the orders, and, so far, the responses have been extremely positive. There has been no comment whatsoever about quality or lack of it.

Mr Butler: This is my final question, guys. Forgive me, my memory is not great at times. Setting aside the provision of the product, the other piece that is equally valuable is the education piece, and we have talked about the knowledge and especially the stigma and taboo and the fact that the education piece is not just for women and girls and those who menstruate but is for young men and boys as well. Has that been identified in the project, and has there been any learning from that so far?

Mr Heaney: Yes, the education part has been central to the design of the programme, and, for that reason, we asked CCEA to take on the responsibility of building it into and reflecting the good practice that is already in the relationships and sexuality education guidance for schools. There will be references to issues associated with periods, how the issue can be discussed with boys, for example, and how it can be discussed in a co-educational setting with boys and girls in the same room. The results from the baseline survey and the survey that was launched just last week by CCEA will tease out whether there are any concerns about the education and how it is being received. The training is going well so far. Over 250 teachers have undertaken the training, and we expect that number to grow. Again, we are happy to feed back to the Committee how that is going, once we get the second set of results.

Mr Butler: I appreciate that, and I appreciate that a figure of 250 is good for a pilot, but, obviously, we have far more schools than that. It is probably one teacher per four schools. Finally, has there been anything in this round about the age at which the knowledge and participation should begin?

Mr Heaney: The offer of training is to primary and post-primary teachers and, of course, to those in special schools as well, so there is certainly no limit on who can attend. The recommendation was that every school should appoint one period dignity contact, and, in larger schools, there may be two. We are open to ensuring that the message gets to as many people as possible.

Mr Butler: OK. Thank you so much. Thank you, Chair, for giving me that time.

Mr McNulty: Thanks, folks, for your important evidence today. I have a small comment to make. Is it reasonable to use the term "normalising periods"? Surely there is nothing more normal in the world than a period for a girl or a woman.

Mr Heaney: Yes, we agree with you on that. The evidence and feedback from schools and pupils is that pupils tend to be uncomfortable with talking about the reasons why they might be absent from school. They do not generally say, "It is because I have my period" or because they are having issues with their period. I suppose that the term "normalisation" encourages pupils and teachers to be more open about discussing the issue and accepting that it is a normal bodily function and that pupils and teachers should both be comfortable discussing it. The term was not meant to be received or interpreted negatively.

Mr McNulty: There is nothing more normal than a period for a woman or a girl, so how do you normalise something that is normal? That is my perspective on it. Yes, removing stigma and removing taboo is hugely important, but there is nothing more normal in the world than a period for a girl or a woman. What is your perspective on how important the education piece is to making progress on that issue?

Mr Heaney: As others have commented, it is extremely important to ensure that it goes hand in hand with the guidance that is issued and the support that we provide to schools. We are very much relying on the CCEA's professional associates and teachers to ensure that that becomes part and parcel of the message. CCEA will continue to provide that level of support and education to schools as and when they need it. Although the training only really began in November or December, it will continue throughout the pilot, and, if the funding continues in future years, as we hope it will, the guidance will be kept up to date as the work unfolds. We are only in the pilot year, but we expect the programme to continue, and, if some things or the message need to change, we will want to do that with CCEA's professional help.

Mr McNulty: OK, folks. Thank you very much for your evidence.

The Chairperson (Mr Lyttle): I have a couple of final questions. The Department has done a fair amount of work on free period product provision in school for the pilot scheme. You have detailed experience of the costs. An official from the Department of Health gave evidence in the previous session, and the Department had done some estimations in relation to costs. Have you worked with Dr Adell on the potential costs?

Mr Heaney: We certainly have met Tomas and numerous other departmental colleagues to discuss period dignity and how it might impact on each Department. The Department of Health's scope and perspective is broader because it deals with the general population, whereas our focus has very much been on pupils and the children's population. Given that those two perspectives are so different, there is probably not an awful lot of similarity when it comes to what the costs might look like because the range is so different. We will certainly share the costings that we expected to see in the school roll-out with Tomas.

The Chairperson (Mr Lyttle): Departments are working together on that issue. Is that right?

Mr Heaney: Absolutely. We also have a four-country meeting periodically, and other Departments from Northern Ireland join that discussion. As well as having a group that is specific to Northern Ireland, we have a cross-jurisdictional group.

The Chairperson (Mr Lyttle): OK. What additional provision would the Bill require from the Department of Education?

Mr Heaney: It certainly reinforces the work that we have done to date. It perhaps broadens it slightly, if the Bill is now intended to support teaching and support staff. That would be different, and we would need to look again at what the costs might entail. That may also require a look at the guidance again, if it is to apply more broadly than just to pupils. Of course, the youth sector has done its own work in that area as well and may have to consider what the wider Bill entails. We are in a pretty good place when it comes to knowing what is required. Certainly, if the money can be secured, we are in a good place to see the ongoing support for pupils continue.

The Chairperson (Mr Lyttle): Will you be proposing amendments to the Bill?

Mr Heaney: That is where the lack of a lead Department plays an important role. Normally, we would share our suggestions for change with that lead Department. We are certainly happy to do that when that lead Department has been appointed. We have already shared some thoughts on what those amendments might look like, but they are relatively small.

The Chairperson (Mr Lyttle): Small from an educational point of view?

Mr Heaney: Yes.

The Chairperson (Mr Lyttle): OK. I must say that the Department of Education is reasonably well prepared to play its part in enacting the parts of the Bill that pertain to education. Is that fair?

Mr Heaney: Yes. We are well prepared.

The Chairperson (Mr Lyttle): That is a positive thing and worth acknowledging. It took a lot of work from a lot of people but the free period products provision pilot that is in place in the Department of Education clearly puts you in a good place to respond to the Bill. It sounds as though the pilot requires adjustments, rather than a completely new framework, yes?

Mr Heaney: That would be fair.

The Chairperson (Mr Lyttle): You may be aware that the Department of Health has today communicated that it does not consider itself to be the lead Department and therefore responsible for the statutory duty of universal provision. Can you help us in any way as to how that might be overcome, or is it an Executive matter? *[Laughter.]*

Mr Heaney: I agree with Tomas that it is not for us to try to find a solution to it. We certainly agree with Tomas that this is a cross-departmental issue with equality and human rights aspects. That gives a fairly clear steer as to which Department it might end up with.

The Chairperson (Mr Lyttle): This may be a slightly unfair question. Obviously, the focus is on delivering the Bill in so far as possible. If, for any reason, there were difficulties in delivering the Bill in its entirety, are you confident that the Department of Education can deliver the provisions relating to education, notwithstanding some amendments?

Mr Heaney: I do not want to commit to doing something before seeing the detail of what it means. The Minister of Education is adamant that the Department is not the appropriate one to lead on the Bill, given the cross-departmental issues.

The Chairperson (Mr Lyttle): "Fair" was maybe not the right word. The question was not well constructed. I will rephrase the question: are you comfortable delivering the aspects of the Bill that pertain to education?

Mr Heaney: We are certainly comfortable with the progress made to date. The Bill obviously needs some changes and adjustments. We will continue to make good progress whether or not the Bill is in place. Certainly, we are in a good place to take on board any further changes that a Bill on period dignity requires.

The Chairperson (Mr Lyttle): OK. I think you sound reasonably comfortable. *[Laughter.]* I know that you cannot say too much.

I really appreciate the briefing today, folks. No other members want to ask questions at this stage. It is encouraging that the Department of Education is in a positive position and has made progress already in relation to the provision of free period products. It deserves credit for that. From what I hear, the provisions of the Bill that pertain to education can be worked on by the Department. There are bigger challenges in the Bill for the wider Executive and other Departments. However, as the Education Committee, we can be positive about the fact that our Department has made progress on the issue. Many people have worked hard on that, and credit is due to them. Thank you.

Mr Heaney: Thank you.