



Committee for Education

# OFFICIAL REPORT (Hansard)

Period Products (Free Provision) Bill:  
Mr Pat Catney MLA

26 January 2022

# NORTHERN IRELAND ASSEMBLY

# Committee for Education

Period Products (Free Provision) Bill: Mr Pat Catney MLA

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**Members present for all or part of the proceedings:**

**Members present for all or**

Ms Nicola Brogan

Mr Robbie Butler

Mrs Diane Dodds

Mr Harry Harvey

Mr Harry Harvey  
Mr Daniel McCrossan

Mr Daniel McGroarty  
Mr Justin McNulty

Mr Justin Merkury  
Mr Robin Newton

Mr Robin Newton  
Mr Pat Catney

#### **Witnesses:**

Mr Catney MI A - Lagan Valley

Mr McCarthy  
Mr Johnny McCarthy  
MEA Eagan Valley  
Social Democratic and Labour Party

**The Chairperson (Mr Lyttle):** I give a warm welcome to Pat Catney MLA and Johnny McCarthy, who is a researcher and assistant. Pat, over to you.

**Mr Pat Catney (Northern Ireland Assembly):** Thanks very much, Chris. I thank you and your Committee for once again giving up some of your precious time to allow me to speak on my private Member's Bill, particularly after the extraordinarily busy week that you have all had with the Integrated Education Bill. I must ask what the Chair has done to offend someone in the Business Office, because it scheduled the longest ever Consideration Stage on his birthday. Happy birthday again anyhow. That was some birthday present. I also thank Aoibhinn for keeping me informed of the Committee's progress and for making sure that I had plenty to consider for today.

I have to go out of my way to thank Minister McIlveen for being open, direct and honest and for giving me a quick response and allowing me to progress the Bill as much as possible. I just wish that some of the other Ministers had been as speedy, open and forthright.

I thank the Committee — all of you — for sharing with me the departmental responses and the amendment proposals from the call for evidence. I want to take some time to go through that, particularly what the Departments have said. A general point is that a lot of the discussion in both Departments' responses has been on clause 2, and, because of that, I am concerned that they have misunderstood the scope of the clause. It is worth restating that clause 1 describes a universal scheme that gives people access to products to fulfil all their needs. In an ideal world, the provision in clause 1 would remove the need for the provision in clause 2. It is not the case in reality, however. People may accidentally leave products at home, their period may come on suddenly or they may not have taken up the opportunity to receive products under clause 1. The point is that, although there will,

of course, be work to do in setting up the scheme under clause 2, the ongoing costs and commitment should be low. In addition, clause 2 creates a framework to allow Departments to name the public bodies that will fall under the duty. I hope to see provision in as many places as possible, but it is up to Departments to decide how best to make products reasonably accessible under the requirements in clause 3. The Department of Education, for example, states that the Youth Council, despite having no premises, could fall under the definition of a public body in the Bill, to which I say this: in that case, do not name it as a public body. Specifying the public bodies falls under the duty in clause 2.

I move to more specific points brought up by the Departments. The Department of Education queried the phrase "public service bodies within its functions" in clause 2 and suggested that it could be clearer. I watched the evidence session with the Department, and I did not hear any alternative wording or proposals. I do not know whether the Committee is aware of a better form of words, but, if there is a better suggestion, I am happy to table an amendment to clarify that.

The Department of Education suggested that clause 2 should place a duty to provide products:

*"on managers of each type of school in Northern Ireland."*

There is a need to understand the Department of Education's intention with that change. It is important to make it clear that the Department of Education would need to fund the provision and that school managers would not be asked to find funding for period products from within their existing budgets.

The Department of Education said:

*"Clause 2(3) could perhaps be restricted to persons with 'legitimate cause' to be on those premises, given safeguarding issues in relation to schools."*

It is my understanding that the Department will table that amendment, and I share its concern about safeguarding in schools. A discussion may need to be had, however, about the definition of "legitimate cause" and how it would impact on provision in other public bodies.

In clauses 2(7) to 2(9), the Department of Education wants the phrasing "public service bodies" to be used throughout. I have drafted amendments to do that. The Department is concerned that, in clause 3(2):

*"under the current drafting, it could be construed that schools are a location open to the public when not in normal use and that an obligation could be being placed on schools to make available period products to the general public".*

That is definitely not my intention, and I have drafted an amendment to add the phrase "persons in its premises" to clause 3(2).

The Department of Education considers that, under clause 4(2), once one set of regulations is made under clause 2:

*"a requirement for all Departments to issue Guidance may be triggered."*

That is not my reading of clause 4(2). I do not see how it can be interpreted in that way, as the guidance is to be tailored to the needs of the named public body. It would be impossible, therefore, to do so before the body has been named.

The Department of Education suggested that the matters referred to in clause 4(3) should be listed. I am not sure of the benefits of doing so. The wording follows exactly that of clause 6(3)(b) of the Period Products (Free Provision) (Scotland) Act 2021, with which there has been no issue.

The Department of Education suggested that clause 4(4):

*"be amended to make it clear that public service bodies must have regard to the Guidance provided by its relevant Department".*

I am unsure whether that amendment is required. I find it unlikely that a public service body would have regard to a different Department's guidance instead of that which is addressed specifically to it.

The Department of Education suggested that clause 4(6) could be amended so that Departments:

*"can issue guidance with one or more departments."*

I agree with that, and I have drafted an appropriate amendment.

The Department of Education considers that there is a typo in clause 5(4)(b):

*"specifically the words 'the arrangements mentioned in section 3' should read, 'the arrangements mentioned in section 2(3)'."*

This refers to clause 5(3), and I have drafted an amendment to clarify that.

The Department of Education and the Department of Health questioned the definition of a public service body and whether it is required for the body to be both:

*"constituted by or under an enactment, and ... having functions that consist of or include providing public services or otherwise serving the public interest",*

as in the Scottish Act. As long as I can get clarity that that will not unduly restrict the number of public service bodies that could be named under clause 2, I am happy to bring that into my Bill.

The Department of Education and the Department of Health also questioned the commencement date of clauses in the Bill. In the way in which the Bill was designed, it was always envisaged that different requirements would commence at different times. Currently, clause 2(1) states that Departments must specify which public service bodies will fall under the duty in clause 2(3) "within ... one year". That is to give them time for the following: for consultation with the named bodies, as set out in clause 2(7); for departmental guidance to be produced, as set out in clause 4, for the named bodies; and for the named bodies to produce their statement on how they will provide products, as set out in clause 5, before the duty in clause 2(3) commences under clause 9(2) within two years. Clause 9(2) allows the Executive Office to commence clauses by regulation within two years. That will allow the Executive Office to commence clause 2(1), which will allow for the sequencing that I laid out. In addition, the wording of clause 9(2) follows that of section 11(2) of the Period Products (Free Provision) (Scotland) Act 2021. Therefore, there appears to be no issue with the function of that clause. I am seeking further guidance on that. As clauses 2(1) and 6(2) give a clearly defined timescale of:

*"within the period of 2 years",*

an amendment may need to be tabled to exempt those clauses from clause 9(2).

You will not be surprised to learn that I was disappointed with the Department of Health's response to clause 1. I am not here to put an undue burden on the Department, and I understand the pressures that it is under. I tried to make my proposals as flexible as possible. Ultimately, the Executive Office needs to decide who will take the lead, and I hope to meet it before Consideration Stage. I do not, however, find it credible that a Department that is overseeing the vast roll-out of COVID vaccine, vaccine certification and COVID testing programmes would find a programme of providing period products to those who need them difficult to manage and administer. During drafting, there was a discussion about placing that duty on local government. However, the practicalities of that are complicated, and it was felt that, in Northern Ireland, it would be more suitable to place that duty on the Department of Health.

The Department of Health suggested removing the Ambulance Service Health and Social Care Trust from clause 2. That could be done by creating a definition in clause 8. It also suggested removing the Regional Health and Social Care Board, as it is due to be wound up. I have drafted an appropriate amendment to do that.

There are a few other technical points regarding the publication of information, and some points were raised by the other respondents that I am happy to take questions on.

I will highlight one point that the Council for the Curriculum, Examinations and Assessment (CCEA) brought up on educational settings other than schools. I may need to have further discussions on youth settings. While the Department could name those bodies under clause 2(1), one of the purposes

of the clause is to make sure that products are available in educational settings. Therefore, educational settings other than schools should be explicitly named in clause 2(2).

Thanks again, everybody, for the opportunity to speak to you this morning.

**The Chairperson (Mr Lyttle):** Thanks so much, Pat, for your comprehensive engagement with the Committee Stage. You and your team have clearly paid close attention to the engagement that we have had with Departments, and your readiness to respond in the interests of progressing this Bill is evident. We are grateful for that. We have a commitment to progress this Committee Stage effectively and efficiently, and we are on course to do that for you. We are grateful for your time with us today to help us to achieve that. I am keen to bring in as many members in as possible because we are pushed for time today, as seems to be the case at this stage of the mandate for all issues.

Thanks for sharing my pain in relation to my birthday falling in the middle of a three-day debate in the Assembly, Pat.

**Mr Catney:** You are only a young fella, Chris.

**Mr Newton:** Thank you, Pat, for coming to us. At this stage, I have no specific questions about any of the clauses, Pat; I am taking more of an overall look at the Bill and the issue of finding a real home for it. You said that you were disappointed at the Department of Health's response to your Bill. In the earlier session, I raised with the Children's Commissioner the issue that, at this stage, we are seeing only what might be described as guesstimates of the budget required. I do not know whether you have had a discussion with the Finance Minister. You said that you will seek a meeting with the Executive Office on the matter of a home for the Bill and where its budget source will lie, whether that is Education, Health or Communities. The key to that will be the Finance Minister and what can be agreed at the Executive. In the overall Budget, addressing a poverty issue is, obviously, in the interests of all of us. My comments are in that context of the bigger picture, Pat, rather than having any concerns about any aspect of any clause.

**Mr Catney:** Thank you, Robin, for your analysis. The amendments will be back with us this afternoon. The Executive are yet to choose a lead Department. The Finance Minister refused to pay for the Education pilot, so I will meet with Finance to make sure that we can find the funding for it. There still is work to do on that. In the financial memorandum, a high figure of £3.8 million is estimated, Robin, for the cost of the universal scheme. I have previously shared with the Committee the rationale and the calculations that have gone into reaching that number. I am pleased that Department of Health officials are in agreement and have estimated the cost at around £3 million.

I also noted that the Department of Education stated that the cost of the pilot scheme is around £200,000 less than the expected £0.9 million. Although my proposal in clause 2 includes staff, as I explained, given that most provisions are covered by clause 1, it would be exempt from the Department's costs, which would be similar to or less than £0.7 million. That may answer some of your questions. I am happy to send you some of the other information that I have for you to look over, Robin.

**Mr Newton:** I am content with what you said. Obviously, that is all in your Bill. At what stage will you get a decision from the Executive on which Department will be the lead Department?

**Mr Catney:** Robin, I will defer to your greater experience. As an ex-Speaker, you can guide me on that one. I need to get in there to have the conversation. Someone needs to commit to it. Hopefully, we can get it scheduled.

**Mr Newton:** I will use your expression: you need "to get in there" to get a decision. I am sure that your colleagues can get you entry. Overall, addressing poverty is something that we all want to do, but you still have a lot of work to do on the Bill. I think that you recognise that. Those are all my comments. Thank you for coming to the meeting, Pat.

**The Chairperson (Mr Lyttle):** I will supplement that and draw on some of the remarks that you made, Pat. As a matter of fact, the record will show that the Education Committee accepted the Committee Stage of the Bill when other Committees did not. You have been fair — the Committee ought to be fair, as it was last week — in recognising that the Department of Education has responded to the wider issue of period poverty and to your Bill in a constructive way.

I am concerned that we need an Executive Department to take responsibility for responding to your Bill. The Executive are made up of political parties. All political parties have expressed support for progress on this, Pat. Political parties will have to account for why they have not stepped up in the ways in which they can via the Executive. We need to see progress on that, as you said. I will keep bringing in other members.

**Ms Brogan:** Thank you for coming along to the meeting, Pat. As the Chair said, you are always very engaged with us, and we appreciate that. One of the main things that the Committee discussed this morning — it has featured throughout our discussions on the Bill — is bringing the education around periods back to school and ensuring that boys and girls are taught about periods and everything that comes with them at a young age. As a Committee, we discussed the possibility of tabling an amendment to reflect that. What are your views on that? We are trying to figure out whether that goes beyond the scope of the Bill. Are you open to our tabling an amendment so that it would be mandatory for schools to teach young boys and girls about periods and even the menopause as part of the curriculum?

**Mr Catney:** Thank you very much, Nicola. First, we listened to the witness in the previous session on the Bill. There is no doubt about the need for education, and I would fully support that. From my point of view, however, I can bring only myself. I am the brother of four sisters, the father of three daughters and, now, the grandfather of three little girls. They will be flying in on Sunday night. It will be outside, but I will see them, and I have not seen my grandchildren for probably a year.

We need to help, Nicola. We need to make all of that as simple as we can. I have a daughter — I am not talking out of school — who has little hot water bottles to alleviate the pain of having a period. My oldest grandchild is 12, and the process of moving from girl to woman is happening with her.

I got no education about this in school. When I left school — St Paul's in Lurgan — at 15, it was not talked about. We did not know anything about it. We need to get it out into the public domain. There must be no stigma attached to it. We all have to be aware. The older I get, the more aware I become of what girls and women have to go through, which is just a natural process, and it is a great process.

Although what you describe goes further than the Bill currently does, if an appropriate amendment can be found, I would be delighted to include it in the Bill, Nicola. There is a big hole in our education on periods, and it needs to be tackled. The answer to your question is yes, 1,000 times over. Well done, and thank you.

**Ms Brogan:** OK, Pat, thanks for that. I completely agree. One thing that kept coming up throughout our evidence sessions on the Bill was the taboo around periods and the fact that that needs to be addressed. That said, the Committee had an engagement event with youth groups last week. I found how open and willing both boys and girls were to talk about periods refreshing. I found it refreshing that they were so open and honest. Partly, this is a generational issue, but anything that we can do to remove the stigma and taboo will be of benefit. Hopefully, the Committee can table an amendment to make sure that this is taught in schools, and —.

**Mr Catney:** Nicola —.

**Ms Brogan:** Go ahead.

**Mr Catney:** I was just going to add to that. The young ones who have engaged with me throughout the process have been absolutely invaluable. Listening to their guidance and wisdom helps me, at the age that I am, to understand and progress this as best I can.

**Ms Brogan:** Pat, in my limited experience on the Committee, their views are invaluable. We love having those youth engagement meetings. They are so important. At the end of the day, they are the ones whom we need to listen to when it comes to education and these topics. The meetings that we have with them are always really enjoyable. As I said earlier today, I came away from that meeting on Thursday night knowing more than I had known. I thought that I knew all that I needed to know, but there is always something to learn.

Thank you so much for this engagement. We will have a chance to go through each clause as a Committee. Hopefully, you will still be available, should we have any further queries. I am sure that you will be.

**Mr Catney:** Absolutely. Thank you, Nicola.

**Ms Brogan:** Thank you, Pat.

**Mr McCrossan:** Hello, Pat. It is good to have you with us.

**Mr Catney:** Hello, Daniel.

**Mr McCrossan:** You are always so positive and cheerful.

**Mr Catney:** You young people keep me like that.

**The Chairperson (Mr Lyttle):** He makes my life easier so that I can deal with you, Daniel. *[Laughter.]* Go ahead, Daniel.

**Mr McCrossan:** Every cloud has a silver lining, I suppose.

Pat, I share your disappointment about the issue of where the duty associated with clause 1 will be placed. I acknowledge your willingness to amend the clauses to improve the Bill. That is commendable and reflects your flexibility throughout the process. That said, has any light been shed on how the universal aspect of the Bill, as set out in clause 1, could be met? Has any Department indicated that it sees a role for itself in that?

**Mr Catney:** I will give that one to Johnny, Daniel, because he has been dealing with the Departments

**Mr Johnny McCarthy (Social Democratic and Labour Party):** Hello, members. Hello, Daniel. Good morning to you, if it is still the morning. We are just past morning.

Our engagement with officials has been good. I should not mention Sue Gray today, because everybody has been mentioning Sue Gray over the last couple of weeks, but, when she was with the Department of Finance, she was one of the first officials to engage with us. She developed a period poverty working group in Stormont. There is a key want and a key desire. Throughout the drafting of the Bill, I would not say there was a fight amongst Departments, but there was engagement among Departments on wanting to take this on. Now, since the Bill has been drafted, that has cooled off, to say the least. The duty in clause 1 is for universal provision, but apart from the provision of period products, we have not specified anything further as long as the products are reasonably accessible, there is a reasonable range and dignity is respected. Therefore, there is complete flexibility in any Department that takes it on.

We recently went through the guidance that was issued by the Scottish Government in September 2021 — we can share that with the Committee — about the provision in the Bill. It gives good guidance on how that provision can be met, but, again, there is still flexibility. You will need flexibility in any scheme for universal provision; for example, in rural provision and provision for people with disabilities and other section 75 groups. That flexibility needs to be in there, and that is why the Bill has been developed with that framework.

**Mr McCrossan:** I am just frustrated that no Department is showing a willingness to accept responsibility for where the measure will ultimately rest. Given that leadership has been shown in it in other jurisdictions, for instance, in Scotland, which Department takes responsibility for it?

**Mr Catney:** Do you mean in Scotland?

**Mr McCrossan:** No. There is confusion about whether the duty should come under the Department of Health. Maybe it should be under the Department for Communities, I do not know, but have you looked at other jurisdictions to see where the responsibility rests?

**Mr Catney:** It should be with Health, Daniel. That is what I thought when I started the Bill. I have had really good engagement with Monica Lennon in Scotland, and she has been helpful in talking it through with us.

Daniel, I also find it frustrating that a lead is not coming forward, especially with the engagement that we had with all Departments at the meetings that were set up under the chairmanship of Sue Gray. Coming from where I come from in the private sector, it just seems that it is slow-moving and there is a lack of will to take something like this on. I heard, Daniel, your earlier evidence sessions when people were briefing you, and it seems that this should not be done in isolation. It could be all joined up so that we could meet the equality and poverty agenda. We can do it, but we cannot bit by bit. People just need to step up to the plate and take on the responsibilities that they have. The other wee thing that —

**Mr McCrossan:** I agree with you on that, Pat, but I am basically asking you this: if there is reluctance in certain Departments here to take responsibility because they feel that the matter falls under the remit of a different Department, can we seek some clarification from the Scottish model, for instance, about where responsibility rests? For instance, is it the Department of Health? Which Department there is responsible, just for a bit of clarification?

**Mr Catney:** In Scotland, it sits at local government level, but that was rejected at the drafting stage of the Bill. Therefore, Health was chosen at that stage.

**Mr McCrossan:** Health. OK, thank you, Pat.

**Mr Butler:** Pat, well done. The passion that you bring to everything that you do is marvellous, absolutely brilliant. I have no doubt that you will bring a Bill through, but I will pick your brains a wee bit.

I will pick up on what Daniel said, because I am not sure that you answered him satisfactorily. You lean very much on the Scottish experience, but you deviated from the Scottish model, where it is done through local government, when the Bill was being drafted. If the Scottish model is such a good framework to build on, will you flesh out a bit more why and what the rationale was at the drafting stage that made you decide that we needed a specific Department to take the lead here?

**Mr Catney:** Good morning to you, Robbie. Johnny will take that question because he worked hard on that matter at the start of the process.

**Mr Butler:** I get that.

**Mr McCarthy:** Good morning, Robbie. The Scottish universal provision sits with local government. That is what we went to the drafters with. What was brought up at that stage was how that could be done in Northern Ireland. Questions were then brought up about the need to amend things like the Local Government Act and the duties that councils are under. We could have still brought a Bill to do that, but it was felt that the issue would be more suitable in Health because it was just easier to provide for it in Health.

We drafted the Bill around the time of the pandemic and the roll-out of the vaccine and when the information on that was coming out, and we thought, "No, this can be done by Health". It can be done in Northern Ireland through local government, but the information that we got from the drafters was that it would be, to use unlegislative language, a more messy approach.

**Mr Butler:** So, to bottom the point out, guys, you said, Pat, that there were discussions and it was decided that it would be best in Health. Who was in that discussion apart from you and the drafters? Was that it? Were any stakeholders involved that thought that, or was Health involved in that discussion?

**Mr McCarthy:** As part of our consultation process, Health was named as the lead Department, and 500 people responded to that consultation. Health was also consulted. Notwithstanding that, we got a one-word response from the Department of Health that said that it felt that the duty should be with the Department for Communities. Ultimately, we looked at it and said, "Is this a health issue?", and, fundamentally, we believe that it is. There are poverty issues in period poverty. Pat's Bill is about universal provision, and that, for us, is a fundamental health issue.

**Mr Butler:** We had a really good session with Department of Health officials last week and a really good session with a group of stakeholders during the week. What came out of those sessions was the idea that periods are sometimes a health issue, as opposed to periods of themselves being a health issue. That will be picked up in the knowledge in the education piece.

I will genuinely help you with this because I want to see the Bill proceed. Maybe the Bill Clerk might be useful here for my next question. The Children's Services Co-operation Bill did not sit with any specific Department. Is there the potential to make this Bill an Executive Bill? Under clause 2, we could detail the bodies and Departments with responsibility in order to spread the financial burden, and regulations from your Bill would state that it is an absolute necessity that products be supplied in those premises by those Departments rather than by the bun-fighting Executive because, as you know, the Executive are difficult at times and budgets are stretched.

Every Department could reach in here, and every Department will have an opportunity to contribute to alleviating period poverty and to making those products available. When the analysis is done of all the places that were ambitious enough to put the products out, the legislation will put the burden directly on to those providers as opposed to tying it into one. Does that make sense? Basically, what I am saying is this: can it be an Executive Bill as opposed to a departmental Bill? In clause 2, we could name specifically the Departments and potential premises where things should happen, and, obviously, the education piece could be taken care of in a different manner.

**Mr McCarthy:** There is no issue with that, but the Chair has already brought up how there is a risk of Bills like this one falling through the cracks. I want to make it clear that clause 2 is about the availability of period products in public service premises while people are on the premises. There is a small scope to clause 2.

Clause 1 concerns universal provision. I just want to make it clear that an Executive Bill that requires period products to be available in public service bodies is not the main scope of the Bill. The main scope of the Bill is the universal provision in clause 1.

**Mr Butler:** Does the responsibility for the universal provision rest on the shoulders of one Department? Is that the crux of why we need a lead Department? I am trying to think of the workings of it and how it pans out so that we can make sure that we get the products and the people in the appropriate places.

**Mr Catney:** I stated that I did not want to place an undue burden on the Department of Health. The amount of money that is required for the Bill is small in comparison with that Department's overall budget. As the scheme gets up and running, it will cost less for it to be administered and to work.

As our Chair, Chris, said, if you start going across different departmental bodies, you find that Bills tend to fall through the net. We need to keep it focused and where it is. We need the Executive, when we get it scheduled, to put a lead partner on it. The Bill could save money in the long run.

**Mr Butler:** To be fair, Pat, I think that you indicated that it could cost between £2 million and £3 million in the first year and possibly about £1 million annually thereafter. I think that that is what the memorandum indicates. I do not think that anybody would argue that that would not be money well spent.

I look forward to working with you on the Bill. You are two good, passionate guys trying to do the best that you can. I wish you every success.

**Mr Catney:** Good man, Robbie.

**Mrs Dodds:** Thank you, Pat and Johnny, for the work on the Bill. I have some issues that I will speak to you separately about, Pat. I am unsure of the process. I do not know where a Bill that does not have a lead Department goes — that is the honest truth — or who has responsibility for its functioning. Sometimes, when we cannot decide on a lead Department, a Bill goes to TEO and just gets swamped by everything else in TEO. I understand why you have chosen the Department of Health; that is fine. However, as you are going to insist on universal provision, why not the Department for Communities?

**Mr Catney:** My personal decision was that it sits best with Health. As we progress it, we should put it up to TEO, the Executive or someone in the Bill Office to decide, politically, which is the best Department to take the lead on it. To me, Health is where it fits in best. Johnny, we have done a lot of work on trying to get that through. I will hand you over to Johnny.

**Mrs Dodds:** I am only asking; I am only flying a kite on that. It seems that the issues that we discuss constantly around periods are anti-poverty issues. They are issues of disadvantage. Periods become

a health issue when there is a specific health-related issue; other than that, they are a fact of life. They happen all day, every day, to any number of women across Northern Ireland. Not being able to do something because you cannot afford period products seems to be a poverty issue and an issue with disadvantage, as opposed to a health issue. I am just asking.

Who will have the final decision on the allocation of a lead Department? I do not understand that either.

**Mr Catney:** Our call for evidence demonstrated that the issue takes in more than poverty; it takes in development and growth. My reckoning was about where it sits best and where we should try to progress the Bill. Johnny, we engaged as much as we could.

**Mr McCarthy:** Yes. As I said to Robbie, the original discussion was about looking at local government, like the Scottish Bill does. However, because of the amendments that would be required to the Local Government Act and the duties that would be placed on councils, it was felt that it would be cleaner to do it this way.

One of the things that we have been doing since the Department of Health came back to us is pointing out the process for the change in the Scottish Bill. As drafted, that Bill put a different duty on a different Department than was the case in the final provisions. We are continuing discussions, and we have reached out to the Department for the Economy, TEO and the Department for Communities to have a discussion about which should be the lead Department. Ultimately, the Bill does not need much of a change, but we need someone to step up to the plate.

**Mr Catney:** Yes, that is what we need.

**Mr McCarthy:** Clause 1 just says "the Department", and then it defines "the Department" as the Department of Health currently. If the lead is to be the Department for Communities, we will go back to the Bill team to see what the restrictions are with putting the duty on local government in Northern Ireland. We will go through that argument again, because we expect that point to come up at Consideration Stage and Further Consideration Stage, if it gets to that point. We just want to be sure that we have made the right decision in putting it with Health and that, if we have not or if there is more scope for flexibility than we thought there was, we have an answer for that.

**Mrs Dodds:** That is fair enough. If it was going to go down the local government route, it would have to go to Communities, because that is the Department that looks after local government and anti-poverty measures, for example. That is where all that sits. I accept that it is not an easy thing to do. I accept your argument, Pat, that it is also about development and many other things. In my head, however, it is about disadvantage a lot, how we treat that and how we make access to services and education more equitable. It is important to me in that respect.

I do not have any satisfactory answers, and no one has given me one about the costing of the universal scheme. Perhaps I am being a bit nerdy and pernickety; I can be all those things. I may even be a bit thran about it, to use a good Ulster-Scots word. I reread the letter from the Department of Health while you were chatting, and it talks about how to tie the scheme down so that it is not used inappropriately and is appropriately costed. Those are the main issues that are raised in the Department of Health's letter on the universal scheme.

**Mr Catney:** In my workings, I have learned from speaking about the roll-out in Scotland that people are not abusing it. The products are there for the people who need them, and they use only what they require.

On the question of costings, we have worked out what the products that are needed are and how much each product costs. We know where they sit and how they are distributed. I believe genuinely that the overall costing will be less than the uptake. We are going for the absolute maximum uptake. I am not sure that that will be the case if the Bill is successful and we are allowed to roll the scheme out. Do you agree with that, Johnny?

**Mr McCarthy:** Yes, and we are lucky with the information that has come from Scotland so far, which shows that they are at the upper reaches of what they guessed the cost to be. For us, that would be somewhere around the figure of £3.08 million. Again, it has been shown that the scheme is not being abused in the Scottish model. We had a discussion about how it might be abused. We asked whether

it was likely that someone might obtain a multitude of products to sell on, and we talked about why the scheme might be abused.

Ultimately, the schemes are not specified in the Bill, apart from the provision of products. Under consultation and guidance, the Departments can put in caps to minimise any abuse of the scheme. They are free to do that. There is no restriction on their doing that, given how the scheme is drafted. I know that the Department of Education had a difficulty with the unknown cost of the pilot scheme. I also know that the Department of Finance had an issue with that. We are lucky to have the information from a similar scheme in Scotland about how that has been taken up. I understand the point that there are unknowns about the finances.

**Mrs Dodds:** Have you engaged with the Department of Finance on that? I am with you on the purpose of the legislation; I am with you on that. However, for good legislation, we should have an idea of how it will be implemented, who will implement it and what it will cost.

**Mr Catney:** I started the process, as we alluded to, with Sue Gray when she was the head of that Department. Work was carried out through that group on the costings. She took the lead with all the Departments, as Johnny stated. They tried collectively to bring something forward to alleviate period poverty. We have reached out to the Departments on the figures.

**Mr McCarthy:** The information that we have provided to the Committee from the public policy scrutiny — sorry, I will get that acronym wrong.

**Mrs Dodds:** Do not worry, although Justin is fussy about acronyms, so you need to watch.

**Mr McCarthy:** It gave us the costings on that. Those were really helpful, because they showed that, similar to the Scottish team's findings, if everybody got access to period products for all their needs and if everybody who could use the scheme did so, the scheme would cost — off the top of my head — £12.6 million. That is the maximum possible cost if everybody who could use the scheme used the scheme. I appreciate that that is a lot more than £3.08 million, but it is the maximum.

We have shared that with the Department of Finance. Ultimately, we would love to meet the Department to discuss that and make sure that the Bill is financed as it is. We still feel that, due to our knowing what the maximum figure is and for all the reasons outlined in the document that speak of uptake and how the schemes cross over, we believe that our £3.08 million figure holds up to scrutiny. Again, that is *[Inaudible owing to poor sound quality]* with the provision in the Scottish Act, which is working on the ground.

**Mrs Dodds:** OK. Thank you very much. I shall speak to you all separately as well.

**Mr McNulty:** Johnny, Pat, how are you?

**Mr Catney:** Good afternoon, Justin.

**Mr McNulty:** Pat, thank you for bringing forward the Bill. You are helping to change attitudes and open minds. Last week, as Nicola alluded to, we, along with Robbie and the Chair, had a very engaging and open conversation with a youth group about periods, which, a number of years back, probably would have been unthinkable. You are at the forefront of that, so well done.

There are two parts to the issue: poverty and stigma, which are equally important. On poverty, what conversations have you had with the Department for Communities about it potentially being the lead Department? Forgive me if that causes you to repeat earlier discussions. What is your perspective on that, gents?

**Mr Catney:** We reached out to all the Departments at the start of the process. You could make an argument for this, and there is no doubt that it could sit in the Department for Communities. I came to the decision myself by taking whatever evidence I could, listening to what came back, looking at the costings and at the £12 million and bringing it down to the £3.8 million. In the scheme of things and considering where it would sit within the amount of money that is spent in the Health Department, I thought that it would sit best there. I do not have the call on that, but I still firmly believe that that is the case. I was disappointed when Health came back and was negative about it. I will try to exert as much pressure as I can to stay with that Department. It would hold the duty best. At the start, we consulted

everyone that we could, Justin, and we have yet to have that discussion with the Department for Communities. We need to have that as well. I agree with what you say. However, as I stated at the start, I still firmly believe that the provision of the products sits best with Health.

**Mr McNulty:** OK, Pat. It was heart-warming to see how much passion and pride you spoke with when you talked about the girls in your family. It is probably something to do with your education in County Armagh. *[Laughter.]*

**Mr Catney:** Good man, Justin. Thank you

**The Chairperson (Mr Lyttle):** Always gets a plug in for County Armagh. *[Laughter.]* OK, Justin. Thank you.

I will bring in Harry Harvey MLA. My apologies, I realise that Harry had a commitment to be with another Committee.

OK, Pat. That is the end of our questions. We really appreciate your presence here. We will conclude our Committee Stage in the next few sessions and definitively by next Wednesday. The Bill will then progress to Consideration Stage, when parties and Departments have to take responsibility to respond accordingly. Thank you for all the proactive work that you are doing on the matter. We really appreciate it, Pat.

**Mr Catney:** Chair, the amendments will be back with us this afternoon. As soon as we have them, I will share them with the Committee.

I thank you, Chair, and all the Committee for that open engagement and help in pointing us in the right direction. We are not sitting here saying that we know it all.

As to the lead Department on the matter, Chair, I have found that difficult since the letter came from the Department of Health. That would have given me a better focus on where we are going with it. If anybody wants a private chat with me — Diane said that she would talk to us privately — I am more than willing to buy the coffee. *[Laughter.]*

**The Chairperson (Mr Lyttle):** Thanks a lot, Pat. We are scheduled to meet tomorrow morning, so, if you could get those amendments back this afternoon, it would really be worthwhile getting them to us so that we could give further consideration to them tomorrow. Sometimes, delivering change presents a few hurdles on the way, Pat. So, keep going. Talk to you soon.

**Mr Catney:** Thank you, Chair.