



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Local Government and Communities Committee

**Wednesday 15 January 2020**

**Session 5**



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**LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE**

**2<sup>nd</sup> Meeting 2020, Session 5**

**CONVENER**

\*James Dornan (Glasgow Cathcart) (SNP)

**DEPUTY CONVENER**

\*Sarah Boyack (Lothian) (Lab)

**COMMITTEE MEMBERS**

\*Annabelle Ewing (Cowdenbeath) (SNP)

\*Kenneth Gibson (Cunninghame North) (SNP)

\*Graham Simpson (Central Scotland) (Con)

\*Alexander Stewart (Mid Scotland and Fife) (Con)

\*Andy Wightman (Lothian) (Green)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Claudia Bennett (Scottish Parliament)

Monica Lennon (Central Scotland) (Lab)

Andrew Mylne (Scottish Parliament)

**CLERK TO THE COMMITTEE**

Peter McGrath

**LOCATION**

The James Clerk Maxwell Room (CR4)



**Scottish Parliament**  
**Local Government and**  
**Communities Committee**

*Wednesday 15 January 2020*

*[The Convener opened the meeting at 09:45]*

**Decision on Taking Business in**  
**Private**

**The Convener (James Dornan):** Good morning. Welcome to the second meeting in 2020 of the Local Government and Communities Committee. Agenda item 1 is consideration of whether to take in private agenda item 3, which is consideration of evidence that will be heard today and on 8 January on the Period Products (Free Provision) (Scotland) Bill. Do members agree to do so?

**Members indicated agreement.**

**Period Products (Free Provision)**  
**(Scotland) Bill: Stage 1**

09:45

**The Convener:** Agenda item 2 is the concluding evidence session on the Period Products (Free Provision) (Scotland) Bill. I welcome Monica Lennon MSP, who is the member in charge of the bill; Kirsty-Louise Hunt, who is a researcher in the MSP staff of the Scottish Labour Party; Claudia Bennett, who is a solicitor in the office of the solicitor to the Scottish Parliament; Mary Dinsdale, who is a senior assistant clerk; and Andrew Mylne, who is head of the non-Government bills unit.

I invite Monica Lennon to make a brief opening statement.

**Monica Lennon (Central Scotland) (Lab):** I welcome the opportunity to give evidence today, and I thank all members of the committee for their work on the bill so far.

Sadly, we know that period poverty is real and that period dignity is a struggle for too many people. The aim of the bill is to ensure that all those who menstruate have the right to free access to period products. The bill has widespread support across Scotland, and 51 MSPs from every party in this Parliament signed the final proposal that helped the bill to get to this stage. I am grateful to the committee, the clerks and the Parliament's outreach team for their engagement with a wide range of organisations and individuals. I have heard good things about the Scottish Parliament workshop that was led by Graham Simpson, and the committee's visit to Perth this week, which I know was well received.

Last week, I listened carefully to the Cabinet Secretary for Communities and Local Government when she gave evidence in response to your questions. I note her reservations about the bill, and I am pleased to be meeting her next week to work towards what I hope will be a positive outcome.

Despite her reservations, yesterday, the cabinet secretary confirmed in writing to the committee that the Government believes that period products should be made available

"to all those who need them."

I welcome that and agree that this is an issue of equality and dignity. I also congratulate Aileen Campbell on the initiative that she has taken forward already, in collaboration with local government, colleges, universities and the third sector, and I pay tribute to her predecessor, Angela Constance.

On the fundamental question of a universal scheme versus a targeted approach, it has become clear that the Scottish Government prefers a targeted approach that prioritises people on low incomes. However, I believe that that risks missing out some of the people who struggle to access products but do not fall easily into the low-income bracket.

The committee has heard a range of evidence about how poverty can make it difficult for people to access period products. However, you have also heard about a range of factors that impact period dignity. For example, health conditions such as endometriosis involve heavy and irregular bleeding, which can result in a need for more products.

Similarly, women with disabilities are more likely to be pushed into poverty. It is also important to consider women who have experienced a miscarriage and baby loss, as well as children and young people who do not have access to their own money or are not financially independent.

Furthermore, in December, we heard from Engender about women acting as poverty managers, buying or sourcing products for other family members. All those people, as well as trans men and non-binary people, women and girls who are affected by gender-based violence and coercive control, and people in insecure work and on zero-hours contracts could miss out under the Government's approach. That is why I believe that we need to introduce a legal right of access for all.

Although the bill is in my name, it is empowered by people outside Parliament and their grass-roots campaigning. Today, more than 30 leading organisations have published an open letter in support of the bill, which I believe is a constructive call to action to all MSPs to support the general principles of the bill at stage 1.

The bill goes further than current initiatives by proposing a statutory right to access free period products, as well as an obligation on key public bodies to provide the products for free to those who need them. I want to build on the progress that has been made so far. The bill will enhance that work, not hinder it. Legislation is the only guarantee that current initiatives will continue and will not be undone by a future Administration. We can send a clear message that Parliament takes period dignity and access to period products seriously.

The bill sets a minimum standard for a universal scheme and for specific provision in schools, colleges and universities. It does not prevent those bodies from doing more than the minimum, and it does not prevent others from acting voluntarily. It gives Government the freedom to design a

universal scheme in the way that it thinks will work best, and to vary it over time to reflect experience.

The Government says that the bill would be much more expensive than the financial memorandum suggests. I am more than happy to discuss costs but, to be clear, the financial memorandum sets out in detail my costings, which were drawn from Scottish Government information. In contrast, the Scottish Government has not set out workings for how its higher estimated costs have been arrived at.

I am happy to look at amendments at stage 2 to address concerns that have been raised about some aspects of the bill. I have already indicated to the cabinet secretary changes that I would be prepared to make. For example, I would be prepared to remove from the bill the requirement for postal delivery.

Ultimately, this boils down to whether we are willing to do everything possible to ensure that no one is denied period dignity. Are we willing to support a universal scheme that would be easily accessible by everyone who needs period products? The bill is ambitious, because we would be the first country in the world to take that step, but it is the right thing to do. I remain hopeful that Parliament will agree to back the principles of the bill at stage 1.

Thank you, convener. I look forward to the committee's questions.

**The Convener:** Thank you very much. You have explained why you feel that the bill is necessary, but is it aimed at period poverty, or is it to be a universal rights bill? Surely, those are two different things. You have not clarified what your aim is.

**Monica Lennon:** Without legislation, there is no guarantee that the current initiatives will continue. The bill, the policy memorandum and the explanatory notes are clear about what the bill is trying to do. I recognise that there is a difference between the Government's targeted approach and what I want to introduce, which is a universal right to free access. I have mentioned some of the people who could miss out if we use only a targeted scheme. Not everyone who is experiencing poverty is referred to a food bank, and people might not be in education, so there is a big gap. The cabinet secretary recognises that there is a gap and that many people still experience period poverty. I am sure that the committee will have heard that from its outreach work.

I am not embarrassed to say that the scheme would be accessible to everyone. From all the consultation that we have undertaken, we believe that uptake would be low and modest, because most women and girls whom we spoke to said that

they can afford products, that they have preferred brands and that they would continue to make those choices. However, people recognise that the bill is the best way of providing a safety net for when people find themselves in need because of health conditions, disabilities, caring responsibilities and so on.

**The Convener:** Two points arise from what you have said. Last week, the cabinet secretary said that the Government is already looking at how it can expand the scheme into some of the areas that it might be missing out. In the cabinet secretary's letter to you, she said that you are both aiming for the same thing, which is to ensure that all those who cannot afford period products are able to get them.

You said that the scheme would be universal but that there would be a low uptake. Last week, it was made clear that the Government expects that young people who receive the products at school will go on to expect to receive them when they leave school and become adults. There is something in that, because there is nothing more difficult than taking away something that somebody is already getting. Other members will ask more questions about costs, but I do not know whether you have taken that fully into account in the financial memorandum.

**Monica Lennon:** There was a lot in that, so I will try to unpack some of it. As a principle, the Government, the people who support the bill and I agree that none of us wants anyone to be in period poverty; we want period dignity for everyone.

My proposal goes further, in that I want the scheme to be universal. The Government says that it wants a targeted approach, although I recognise that the cabinet secretary has said that there is more to do and that the Government is looking to roll out further provision and evaluate some of the work that has already been undertaken.

We are going in the right direction, but a universal approach would be more inclusive. We have heard about a range of circumstances, which are not all about how much money someone has in the bank but about recognising the circumstances and stigma that make it difficult for some people to access period products.

The requirement for provision in education settings is based on information about the levels of period poverty in the classroom that I received from teachers through their trade union, the Educational Institute of Scotland. Fundamentally, it is to make sure that learners do not have to miss out on learning or participating in sport because they cannot access products.

The Government has built on good work in North Ayrshire, which Kenneth Gibson is aware of. That work bedded in, and the following year, the Government worked with the Convention of Scottish Local Authorities and others. It has had good outcomes, and that example is about products being available if they are needed during the school or college day.

**The Convener:** Once people hit 16 or 18, or whatever age, and are out of that school environment where they have been receiving products, they will not automatically expect to have to pay for the products. Do you not think that a high percentage of those people will go on to look for free products if they are available?

**Monica Lennon:** There is a difference between having to go to the toilet because you need to change a pad or tampon, or because you have been caught short and have an emergency and need to get out of the class, and having access to a monthly supply. Provision in school is not all about addressing poverty; it is also a recognition that, throughout the school day, someone's bag might be in their locker when they are in an emergency situation and have to get to the toilet. Some schools, as are some colleges, are going further and making monthly supplies available if people want to take extra away.

My vision is that the schemes that are developing in the community are where people who have that financial need and a longer-term need can get their monthly supply. I will not say too much about my discussions with the cabinet secretary, because those talks are continuing. However, I think that there is recognition that it is those people who may need a bit more help, such as a monthly supply in the house—

**The Convener:** That is why the cabinet secretary said in last week's evidence session that the review is being done. Some steps have already been taken to reach those people in the community, as opposed to those who are in the education system.

**Graham Simpson (Central Scotland) (Con):** We will come on to costs in a bit, but first I will focus on the main question that Parliament will have to consider, which is whether we agree to the general principles of the bill. I am struggling to understand what they are, given that you have said that you do not think that everyone needs universal access but your bill would create that. Could you clear that up for me?

**Monica Lennon:** Thank you for your question. It is clear that we must focus on the general principles, and the bill is clearly about making access to period products a legal right. You will recognise that the bill is drafted in a way to make that an opt-in right. People are not going to be

given lots of free stuff if they do not want it. The Scottish Government is doing good work on having an app to let people know where they can get products, so there is a lot of work under way.

The bill would place a duty on ministers to develop the scheme by regulations. There is a lot of good practice that we can already capture, but there is no guarantee that that work will continue in the future, as I have said. We want to ensure period dignity for everyone, and we believe that the universal approach is the right one. The duty would rightly rest with ministers, and the bill has provisions for education providers—schools, colleges and universities. There has been no dissent about that approach. I think that people recognise that young people and other learners should be able to readily access free products during the school day.

10:00

**Graham Simpson:** You said yourself that not everyone needs free products. The committee has heard the evidence, as have you—you are well aware of it—on the Government's work on a more targeted approach. Maybe that would be a better approach. That is something that the committee will consider. If not everyone needs a product, is not an approach that targets the people who need it a better way of doing things?

**Monica Lennon:** No. With any route that involves means testing—which is what targeting involves—there is a danger of missing people out. That is the situation that I addressed in my opening remarks.

It is worth looking at the evaluation of the Scottish Government's pilot scheme in Aberdeen. I have been to Aberdeen a couple of times to meet Community Food Initiatives North East, or C-FINE, who led on the work. The people who participated in the early scheme, which has influenced what the Government is doing now, said clearly that they did not want the scheme to be intrusive. They did not want to be asked lots of questions or to have to provide financial information.

We want to get entirely away from the idea that people have to be directed to a food bank if they want to get period products. We want people to live a life free of poverty, but right now, that is not the reality, so we want people to be able to access a scheme that is not stigmatised and is available for everyone.

Over the course of our work, people have said, "This is a really good thing. I back it, but I wouldn't use it." I was struck by something that we heard at the cross-party group on women's health from Professor Alison Scott, who is a gynaecologist—based here in Edinburgh—and a leading member of the Faculty of Sexual and Reproductive

Healthcare. She said that when a service user in her clinic—a woman who has drug addiction—was offered free period products from a basket, she took one item and said, "Oh no, I won't take any more, because other people need them." People who have experienced poverty and the quality of life that comes with living from day to day do not abuse such schemes.

I have been heartened to hear from lots of people who, like me, are on incomes that mean that we can buy our own products, and who said, "This is the right thing to do."

**Sarah Boyack (Lothian) (Lab):** At our meeting last week, the Cabinet Secretary for Communities and Local Government expressed concern about the cost of your proposal, which is for a universal scheme that would involve people opting in. How do you define the limits of your scheme? You said that there will be a personal approach and that people will just take what they need to use, rather than all the products that are available in a toilet, for example. I want to tease out the potential for uptake and costs to snowball. Will you say a little more about that?

**Monica Lennon:** The bill is drafted so that it applies only to people who need the products. It is a framework bill, which is a deliberate approach, because it is right to give ministers the freedom to devise a scheme. That is not a new approach; it is common in other legislation and members will have experience of it.

You asked about limits. Members might have questions about the idea of a voucher scheme. The bill provides for such a scheme, because ministers might want to take that approach. I have heard the evidence on such a scheme. The idea originated in the well-established c:card model, which offers access to free condoms. Some campaigners took that idea and suggested that there should be an s:card, and that became Scottish National Party policy in 2016. The approach was popular, so it is provided for in the bill because I thought that ministers might be attracted to that option. However, I have said that those provisions do not need to be in the bill. The bill says that any scheme must be cost-free for users and reasonably easy to access. That is clear.

You asked about future uptake and cost of the scheme. In the financial memorandum, the approach was to identify the unit cost per item. That meant working out the cost of a pad, tampon, menstrual cup and reusable pad. We took figures from the Aberdeen pilot project and other Scottish Government documentation and got a figure of around 9p. The committee heard from Hey Girls about its unit costs, which are 7.5p for a pad and between 9p and 13p for a tampon. I think that we



all recognise that the cost of reusable products is higher.

The Government needs to be more transparent about how it arrived at the costs that it has set out. It looked not only at unit costs—other things have been lumped in. There are a lot of assumptions about delivery, which is only an option, as well as about administration and so on.

**Sarah Boyack:** To pick up on that point about postal delivery, my reading of your letter to the committee is that you are prepared to negotiate on that. Is that the case?

Last week, in the cabinet secretary's comments, the points that came across strongly were concerns about the cost of postal delivery, and the fact that, if every pharmacy or general practitioner service had to register, that would automatically rack up costs. However, those two things are not in the bill. Will you comment on that?

**Monica Lennon:** The bill does not mandate any of those things. They would apply only if ministers chose to do that—for example, if they chose to get pharmacies involved. The reference in the bill to a voucher scheme is simply to limit what information could be collected about people's circumstances. That is an option; it does not mandate ministers.

On your point about costs snowballing, ultimately, we all want culture change, and the cabinet secretary has made that clear. She wants some of the voluntary work in places such as football stadiums to continue. The "On the ball" campaign has been so inspiring but, in the past week, the three young women who run it and who are volunteers have said that they cannot do it forever. No one would expect football stadiums to provide women who find themselves in period poverty with a monthly supply of products. However, if we start to change the culture, we will see more period-friendly workplaces such as the one that we are sitting in today, and day-to-day access to products will improve.

In the past couple of weeks, MSPs who are not on the committee have told me that they want a universal scheme in order to drive change in relation to sustainability and different types of product. There is a real opportunity in that regard. Mooncups and reusable pads are becoming more popular. If someone can access a menstrual cup, they will not need another one for, arguably, several years. There is a lot of awareness of the climate challenge. Most of the e-mails that I receive about the bill and the campaign are asking why more is not being done in relation to reusable products. There is an opportunity to do that.

There is also scope for savings and efficiency. North Ayrshire Council said in evidence to the committee that, since it started providing free products in schools and community settings, the

process has become more efficient and costs have started to come down. There is a lot to learn from that. It is the kind of good practice that we need to draw on.

**Sarah Boyack:** My next question follows up on that, because it is about flexibility and collaboration. You have spoken about how different organisations are doing things differently.

COSLA was clear that a localist approach is needed, and the cabinet secretary said that she is unhappy about the concept of a universal scheme because it would automatically reduce flexibility and collaboration. What is your view on having a national approach through legislation to ensure that period products are available? To what extent does your bill overdefine, or to what extent is it a framework? Will you address the Scottish Government's concerns, as expressed by the cabinet secretary?

**Monica Lennon:** I take a different view from the cabinet secretary. I do not think that having legislation that allows ministers to design the scheme in consultation with others would stifle flexibility or innovation in any way. I do not accept that premise.

There has been a lot of collaboration and pioneering work. In 2016, when I first raised the issue, people kind of said that it could not be done, but then some great things started to happen. South Lanarkshire College, which is based in East Kilbride, said that it was just going to go ahead and do it within its existing budget—and it did. Then North Ayrshire Council, the University of Dundee and others did the same. Those organisations tested that approach and found that, because of the benefits to wellbeing and all the rest of it, it is the right thing to do.

The Government has worked in partnership with COSLA and others. That has been going well, although it can be improved. If the Government is committed to doing it, there is no sense that that work would fall away. The Government will continue to work on the issue and ensure that schemes are properly resourced. However, there is a guarantee only if we put a duty in legislation. The way in which the bill is drafted gives maximum latitude to ministers to devise a scheme and, in time, to improve and adjust it.

**Sarah Boyack:** This is my final follow-up question, because I know that my colleagues are desperate to get in.

It is a framework bill with elements that would apply to schools and further and higher education institutions. What flexibility would local authorities and further and higher education institutions have? You said in a letter to the committee that provision might not be required in en suite facilities, and that it would be up to the student hall provider to

decide what was appropriate. How far would that go in schools? Earlier this week, we heard interesting and different evidence about accessibility in toilets and where in a school products might be accessed. Is that prescribed in the bill?

To what extent does the framework enable local authorities and schools to do what is most appropriate in their area in a way that does not either fall below a threshold of taking it seriously or result in overprovision? How does that balance in relation to localism play out in reality?

**Monica Lennon:** The intention in the education part of the bill is that products will be available in toilets. However, I have said that I am willing to look again at all of this. I reinforce the point that, once we have established the principle, we can get to stage 2 and make amendments and improvements. I think that access to products in toilets would be the best way, but I accept that having products in en suite facilities in student accommodation is perhaps not necessary. There can absolutely be flexibility, because we are only at stage 1 of the bill.

I recognise the cabinet secretary's comments that some schools have fed back that young people would prefer to be able to access products through a school office or school nurse. That is important, because there is a wider issue about menstrual wellbeing and education. I know that Endometriosis UK and others are very active on that and that there are live petitions on the topic, which members might want to look at. If products are accessed through the school office, young people can have conversations with a teacher or nurse about having really bad period pain that is getting to a point where it might not be normal and they might need to see a doctor. We know that it can take a long time to get a diagnosis for conditions such as endometriosis.

There are other issues. It is also about ensuring that boys as well as girls have good awareness—boys might have mums and sisters at home who need products, too. It is also important for relationships with partners to understand about menstruation and respecting young women and girls. If schools want to and are able to do a bit of both—placing products in a toilet in a basket, as happens in Parliament, and having the option to pick them up from the school office—it would not be my intention to stifle that, and the bill would not do that. As I said, we can look at various amendments to the bill.

**Kenneth Gibson (Cunninghame North) (SNP):** On the issue of amendments, in your recent letter to the cabinet secretary, you said:

"I also understand concerns that have been raised about section 4(3) regarding postal delivery and would be content

to lodge an amendment which removes this from the face of the Bill in order to give Ministers maximum flexibility."

You touched on that earlier. In response to questions about toilets, you talked about removing the provision on vouchers. For clarification, what other amendments would you lodge to change the bill at stage 2 and what areas of the bill do you consider to be sacrosanct and would you not consider amending under any circumstances?

**Monica Lennon:** At this stage, I am asking for support for the general principles of the bill. I will be having further discussions with the cabinet secretary next week, and I am willing to approach those with an open mind and to seek ways in which to improve the bill.

A couple of members have approached me about ideas that they have on education, sustainability and reusable products. That is really encouraging, because it is not just my bill; it is the Parliament's bill and we all need to have input.

10:15

Kenny Gibson is right on the voucher scheme, and I am willing to be flexible on postal delivery. I reiterate that the bill does not mandate ministers to introduce a voucher scheme, but they may do so, and the only requirement would be that it has to be cost free and easy to access. In the early days of campaigning, there was a lot of interest in that approach, but some people perhaps feel that a card is not the best way forward. I am totally relaxed on that.

On postal delivery, I am aware that under the c:card scheme, some health boards provide free condoms by postal delivery, which is good for people who live in more remote areas. It is certainly not the intention that everyone would access period products in that way, but I would be happy to remove that provision from the bill, because I understand some of the anxiety about it. Because of the localism that Sarah Boyack talked about, if the bill is passed, providers would not be prevented from doing that if they wanted, as it might be cost effective in some of the island communities from which we took evidence. Again, I am willing to be flexible on that.

**Kenneth Gibson:** My concern is that you are willing to be too flexible. That is why I asked which provisions in the bill are sacrosanct. You seem to be willing to change almost any aspect of it to get it through. What is the point of presenting a bill if the bill that comes out at the other end of the process is in no shape or form the same?

I asked which provisions of the bill you are not willing to change because I want to get an idea of what the core values of the bill are. If you are willing to amend this and that, we will end up with something that is too much of a movable feast. I

am trying to find out which aspects of the bill you will not shift from.

**Monica Lennon:** The straight answer to that is the principle of universality. It is about a right for everyone to access free period products because, if we have means testing and targeting, we risk missing out some of the people who need the products. Some of the examples that I gave, such as postal delivery and provision in en suite toilets, are very marginal to the bill and are things that would be nice to have. There is a perception that postal delivery would be very expensive, but the evidence that I have heard from groups that represent disabled people, carers and people who live in remote communities is that it could help people who struggle to get to community centres and so on.

The bill was not drafted to be about how we post out period products or how we get them into en suite toilets in halls of residence. The bill is about the principle of universality to ensure that we, as a country, can guarantee period dignity and tackle the issue of period poverty, which a few years ago no one was talking about, because of deep shame and embarrassment.

The Parliament has broken down many of those barriers. In that regard, I am grateful to Kenny Gibson for his work as a member of the cross-party group on women's health. Many of the women who we engage with on the CPG who have endometriosis or who experience different chronic and intersecting conditions would benefit. There is a recognition that inequality intersects in different ways and sometimes it is the people who we would not expect who struggle to access products.

On this side of the table, there is no compromise on the principle. I disagree with the Government's approach, which is to continue targeting but not to move to a scheme that can be accessed by everyone. I am happy to make concessions on things that are at the margins, such as postal delivery and en suite toilets.

**Kenneth Gibson:** It is just that you said a few minutes ago that you believe that there should be "maximum latitude" for ministers. That is why I asked about what other things you would be happy to amend and what you would not be happy to amend.

I have one further question. In section 2(2), the bill states:

"The period products scheme must oblige all or any of the following—

- (a) councils,
- (b) specified public-facing bodies,
- (c) other specified persons,

to make period products available".

In part 3, the bill goes on to say that

"public-facing bodies' means bodies or other organisations appearing to the Scottish Ministers ... to be bodies or other organisations to the premises of which the public or a section of the public has frequent access".

Will you give a bit more information on the kind of bodies that we are talking about? We have discussed some of them and had evidence from others, but are there any other bodies that the bill should specifically refer to?

**Monica Lennon:** That provision was built into the bill in order to future proof it. Ministers already have ideas on, and are working with, some public bodies and places where Government officials work. Examples of that are Scottish Natural Heritage and the Scottish Environment Protection Agency. That provision is in the bill to provide that option and flexibility.

There could be a role for the national health service, as there is a bit of an issue in that regard that we need to work on. I carried out research on access to period products for patients in hospitals that found that not a single health board in Scotland had a policy. That means that there is huge variation in access, with some nurses having to provide their own products, which is a bit like what teachers are doing in schools. I have raised that issue with the Government, and the Cabinet Secretary for Health and Sport made a commitment that the chief nursing officer will work with health boards to sort that out. However, the issue has drifted on, and we need to go back to it.

I am not suggesting that we put into legislation what the NHS has to do. However, when something is not formal policy or in legislation, it drifts and falls down the order of priority. The bill is designed to be future proofed and to give maximum flexibility.

**Graham Simpson:** To follow up on that, do you accept that, if you keep expanding the number of public bodies that are in the scheme, it stands to reason that the cost will keep growing?

**Monica Lennon:** This is about people—primarily women and girls—accessing products, and that is why the approach looks at the cost of products and their uptake, so we would—

**Graham Simpson:** Yes, but is it correct that the more you add to the list of public bodies that are obliged to take part in the scheme, the more the costs will go up?

**Monica Lennon:** The bill gives ministers the power to mandate other public bodies, but there would have to be consultation before that happened. Right now, it is a hypothetical question, because it is about something that ministers might do in the future. However, there is an aspiration

that more employers will provide period products, as happens in the Scottish Parliament and Government buildings. My understanding of what the cabinet secretary said is that the Government is seeking to do that anyway with SNH, SEPA, Transport Scotland and other similar bodies, so I guess that that work will have to be funded anyway by the Government.

**Graham Simpson:** Yes, it will have to be funded and, according to your bill, it is the Government that will have to fund it. There is a very worrying phrase on funding, which I have quoted before, which is that

“The Scottish Ministers may make such payments as they think appropriate”

to any of the bodies that might be involved, although we do not know how many there will be.

**Monica Lennon:** Is that in section 8?

**Graham Simpson:** Yes. It is about payments from the Government. Clearly, a Government could say that it does not think that the figure is appropriate, so the funding will not be set in stone by the bill. Governments change and, if that wording gets through, any Government could decide to pull the funding. Despite the bill's laudable aims, if it gets through, there is no guarantee that we will have an all-singing, all-dancing scheme.

**Monica Lennon:** When you are trying to draft a member's bill, you look at what has been done before and what is common practice. It was felt that section 8 would allow ministers flexibility regarding the best way of balancing demands on public funds and the ability to offset costs arising. I have heard some feedback that the bill is too rigid and I have also heard that it is too vague. It has been designed to allow that flexibility so that the matter can be addressed in the future.

On the general principles, this Government is saying the right things on its intentions and is saying that it wants to work in collaboration with other public bodies. We would always expect future Governments to be reasonable, but I say again that the approach is common in other legislation. I do not have all the examples with me, but I will share them with the committee. I have not just plucked the approach out of nowhere. I have looked at other bills and acts to see what the general approach has been.

**Graham Simpson:** It may be common—I have no idea—but we can deal only with what is in front of us, and that allows the ultimate flexibility on funding, which could mean that the scheme that you want would not be properly funded. Do you accept that the wording would not guarantee proper funding in the future?

**Monica Lennon:** We have to look at how the public sector operates now, and any provision that required ministers to fully fund a statutory obligation on public bodies would be highly unusual. I will come back to the committee with the examples to back that up.

We could take a different approach and say that money must be absolutely guaranteed for this, but ministers might then shave money off something else when they negotiate revenue budget settlements with public bodies, because other things are not protected, as I think Graham Simpson said. I do not need to rehearse the way in which ministers negotiate on budgets with COSLA, for example.

I do not think that this area is a big concern, but I understand Graham Simpson's questions. I am happy to come back with further examples.

**Graham Simpson:** I want to ask about costs and a health issue. A lot of figures have been bandied about on what period products cost, and the committee has asked witnesses what they pay per month. I have had a look at what things cost in supermarkets. Before I give the figures, I note that every woman is different and women will use different amounts, but if we base the costs on a woman using six tampons a day for six days, a well-known brand will cost only £3.42 a month, a supermarket's own brand will cost £1.72 a month and a well-known German chain's brand will cost £1.26 a month. Those are not massive costs. I accept that everyone is different, but this stuff is not costing a lot for a lot of women. Based on that, where is the issue? What is the issue that you are trying to solve?

**Monica Lennon:** You have picked out some figures. I appreciate that you said that everyone's product use will be different. Some people have very heavy periods and have to change products more regularly than others, so I am not sure who you have in mind when you are thinking about usage of one packet a month or whatever.

Costs do vary. On page 3 of the financial memorandum, there is a table that gives average prices based on a supermarket's own-brand towel and a branded towel, and a supermarket's own-brand tampon and a branded tampon. A branded tampon, such as Tampax or Lil-Lets, costs between 10p and 14p; the average price per unit is 12p. You can look at the figures in the financial memorandum.

10:30

Some of the costs that Graham Simpson mentioned are beyond the reach of young people who do not have their own income. They are beyond the reach of people who are in insecure work or on a zero-hours contract. In the early

days, when the campaign was getting into the public eye, there was a lot of pushback from some quarters—particularly on social media—asking, “Is period poverty real? You can go to a pound shop.” There is also an issue about quality and dignity. People can buy cheap products, but they could be sitting in the classroom, worried sick that those products will leak and that there will be blood on their chair, so they will not feel confident taking part in physical education and sport, for example. A couple of years ago, the Children and Young People’s Commissioner Scotland looked at participation in sport, which, in girls, drops off at around the age of 13 or 14. Those are the realities.

I agree that most people can afford to meet their monthly needs by buying supermarket products. I am in that category and there is no issue. However, for those people who cannot afford it, the universal scheme will be a lifeline. That is what the bill is about.

**Graham Simpson:** I get that. However, based on those figures, as you said, most people can afford less than a fiver a month. I accept that some women pay more than that. Based on those figures, maybe we do not need a universal scheme.

With regard to women who use far more than that, when the committee visited Perth, we heard the case of women who have conditions such as endometriosis. One woman who spoke to us there pays as much as £50 a month, because she has a medical condition that means that she needs a lot of products. However, she cannot get those products on prescription. If a person has a medical condition that requires them to use certain things, should they not get them on prescription?

**Monica Lennon:** That is good insight into that person’s experience. The universal scheme would address the need of the woman whose condition you outlined and anyone else in that situation.

Women who are perimenopausal start to experience heavy bleeding. Menopause is not an illness; it is part of our normal cycle and part of a woman’s normal life. There are also issues when women come off long-term reversible contraception. There are issues around waiting times. Sometimes, there can be a lot of bleeding after that. I mention the example of miscarriage. We do not openly speak about some of the taboos. People are entitled to their privacy. For women who have experienced pregnancy loss, it is possible that their family and friends did not know that they were pregnant, so the whole thing is kept secret. Everyone in those situations could benefit from the universal scheme. I will go back to the cabinet secretary’s comments about equality and dignity—

**Graham Simpson:** I will stop you there. I know that you are in full flow.

I do not see how your universal scheme could capture somebody who needs 50 quid’s worth of products every month. They are not going to trot up to the local library or sports centre and grab as much as that. If it was covered by prescription, they could go to a pharmacy and get the products that they need for the month, which is quite a lot. Do you not accept that, if people have a medical condition that requires them to use that much, they should get it on prescription?

**Monica Lennon:** I believe that anyone in that situation should be able to access products. That is what the bill would achieve. The scheme, which ministers have the freedom to design, could capture that experience. If others want to discuss further the prescription approach, we can do so. It is not in the bill at the moment.

However, there is a balance between whether we start to medicalise this and talk about menstruation as an illness and whether we talk about it as a wellbeing issue. We have to be careful not to further stigmatise women because they have endometriosis. Endometriosis UK has signed the open letter that I mentioned. It is very serious about menstrual wellbeing and we will do more work with it in the cross-party group on women’s health. Endometriosis UK and many others say that the approach in this bill is the right approach and it wants us to agree to those principles and then do some of that fine-tuning work at stage 2.

**Annabelle Ewing (Cowdenbeath) (SNP):** The financial memorandum has been the cause of a lot of the discussion that the committee has had thus far. In hindsight, does the member regret not having done more work on it?

**Monica Lennon:** As I said earlier, the costs are based on unit costs. The table on page 3 sets out those costs. Below that are their sources. Where I have been able to access information that is in the public domain—Scottish Government documentation and so on—that has been factored in. I have told the Government where there is any disparity in relation to the projected costs and some of the assumptions that have been built in on possible administrative costs and “bureaucracy”, as it has been called. I would like to have a discussion about that.

The costs have come from the Aberdeen pilot scheme. The Government needs to be more transparent about how it has arrived at some of its figures. Members are familiar with the work of Hey Girls, which is working closely with the Scottish Government and other public providers. Hey Girls gave evidence to the committee last December about its unit costs, which are very close to mine.

**Annabelle Ewing:** Thank you for that, but we have had conflicting information from the Scottish Government on many of the issues to which you have just referred. This morning you have confirmed—which is helpful for the committee—that the key principle of your bill is to create a universal right. You have said that most women can afford period products, but the creation of a universal right is a die-in-a-ditch part of the bill to which you would not accept an amendment. Would that not, in effect, require the creation of a new public service and all that that would entail?

**Monica Lennon:** Annabelle Ewing is right that a point of principle is at the very heart of the bill. That is why, in my opening statement, I said that this really comes down to whether you support a universal approach that would not put up any barriers and reinforce stigma, or whether you want a targeted approach, which would mean having to find out if someone is on a low enough income to qualify.

I have said that the Scottish Government's evaluation of the important pilot scheme in Aberdeen provided feedback that people do not want such intrusion but want to be able to access a scheme in a dignified way. That is the evidence.

There has been much good work already, so there is no need to set up a new public body or service. This is about supporting the localism that Sarah Boyack referenced. We are not starting from scratch. This really important work is already under way; in some places, it is well established. I offer a big thank you to those early pioneers who have spurred on everyone else.

I have not heard anyone from any party say, "We might want to start to roll back on this," but that could happen. We need legislation to give certainty to the scheme. I am not anticipating the creation of a new public body. If we can have a legal right for prisoners to access period products and we can make it a legal requirement to provide toilet paper, hand soap and running water in public bathrooms, we can do this.

**Annabelle Ewing:** I hear what Monica Lennon says. I was not suggesting a new public body—I spoke about a new public service. The two things are not necessarily the same.

On the overarching objective, I think that we all agree that we want to address period poverty—I say that every time we discuss the issue—but the bill's key provision would impose a requirement to set up a universal service and create a universal right as a matter of law. There would need to be a Scotland-wide delivery mechanism to ensure that, should any individual—whether that be a woman who can afford to pay or a woman who cannot afford to pay—seek to exercise that right, which they would be perfectly entitled to do under the

legislation, there would be the ability to service that right. That would require a different approach from the Scottish Government. As Monica Lennon knows, the Scottish Government does not take that approach; it tries to tackle period poverty in such a way that those who need help get it. Monica Lennon's bill would, as she has stated, create a universal right, so that mechanism would have to be set up.

Earlier, in talking about the unit cost—we have dealt with the unit cost issue quite a few times—Monica Lennon said that

"other things have been lumped in"

by the Scottish Government. However, that includes the delivery costs. Monica Lennon referred to bureaucracy, but what system would need to be in place to ensure delivery? We have not really got to the bottom of the postage costs or the alternative to them. General practitioners and pharmacies would be an obvious and less intrusive local delivery route for women but, again, that would come at a cost. With respect, it is not a matter of lumping in those things; they have to be factored in so that, if the right is created, every single person who is entitled to exercise it can be assured that the state can service them.

On additional costs and the appeal mechanism, which I raised with the Cabinet Secretary for Communities and Local Government last week, there would have to be a legal system to ensure that the right could be respected if an individual thought that the state was not meeting its obligation. What cost assessment of all those additional elements has Monica Lennon made?

**Monica Lennon:** There is a lot in that, so I apologise if I do not manage to respond to all your questions.

I reinforce the point that this is a debate about general principles. I accept that some members might be struggling to accept the general principles of the bill. Some members know that period poverty exists but want to address it with a targeted approach. That is a choice for individual members to make. However, a lot of the supporting evidence says that a universal approach is the right one to address all the dignity and equality issues that I have mentioned.

On delivery and whether a system needs to be introduced, I will focus on education providers for now. In most schools, colleges and universities, a small basket or box with products in it is placed in a toilet—although not in every toilet. That is a bit like what is done in the Parliament. That basket or box is topped up with other washroom supplies. The person who has responsibility for replenishing the toilet rolls and hand towels tops up the period products. There has been no feedback about people abusing that approach or being unable to

access schemes because they have been completely depleted and have run out of products. If we started to hear such feedback, it would be important to learn from it and consider how we could improve things.

When I talk about pushing back on the bureaucracy, quite a simple approach is involved. If the products are in an office, there are no set-up costs. If they are in a basket, the baskets will be bought, and they can be sourced quite cheaply.

That covers the education providers. I do not know whether that helps Annabelle Ewing.

**Annabelle Ewing:** Obviously, there would be many scenarios outwith the education sector. That is the nitty-gritty of what we have been talking about.

**Monica Lennon:** I come on to your examples involving GPs and pharmacies. In drafting the universal scheme and the regulations, ministers may choose to include GPs and pharmacies as partners, providers or collection points—or whatever way you would want to draft it. The bill does not mandate that; it would be up to ministers to decide that.

I know that, in one of the cabinet secretary's letters, she talked about the concern that there could be implications for the national health service and GPs who are independent providers. I would like to think that we can be more ambitious. We are trying to encourage culture change, rather than seeing the scheme as a negative or a threat.

On Graham Simpson's point about women with conditions, what about women who go to their GP or nurse practitioner for a cervical smear test or an internal examination and experience bleeding while they are in the surgery? We are now in 2020. I would like to think that GPs and others working in healthcare would wonder why they are not providing products in a basket. It is not that onerous. If they were respecting people and understanding women's needs, that is something that they could do. Again, the bill does not mandate that, but it is the kind of thing that I would like to happen.

**The Convener:** Does the outline that you have given us about doctors' surgeries not just highlight the voluntary approach and that doctors' surgeries should, as a matter of course, make those products available because they are the sort of thing that people who are coming in to see them might well need? That would mean that there would be no need for a universal approach.

10:45

**Monica Lennon:** I gave that example because the cabinet secretary raised a concern that provision could be onerous for GPs. She was not

saying that she would like GPs to do it; she was flagging it up as another concern.

A universal approach is the right one because it means that no one gets left behind. I am confident that the system would not be abused and that people would use it on the basis of need. The scheme can be devised in a way that facilitates that.

On who the main partners would be, there is clearly a close relationship between Government and COSLA, so we could build on the good work that is being done in community centres and leisure centres. Beyond that, the bill does not stipulate any partner or provider.

**Annabelle Ewing:** I have a few more questions, if I may, convener.

In that scenario, and throughout this morning's evidence session, you have referred to the scheme that is to be devised and said that the bill is a framework bill. However, with all due respect, it seems to me that there is no framework set out in the bill.

Going back to the cost, what maximum annual figure do you think it would be reasonable for the public purse to spend on the approach that you suggest in your bill? What maximum would be reasonable for the Scottish Government to earmark?

**Monica Lennon:** My understanding is that the Scottish Government says that it believes in the principle that everyone who needs the products should have the right to access them. We have heard Nicola Sturgeon say that they are not luxury items but essential items.

There is broad agreement that we all want to address the need to eliminate period poverty and to make sure that people can live in period dignity, for the different reasons that have been outlined, whether they be health related or because of some other circumstances. If that is the approach that we want to take, the costs will reflect the need.

My concern is—the Government has accepted this—that there are gaps. The targeted approach is missing out some people. Whatever the Government is doing, I am sure that it privately recognises that it will have to do a bit more work, and that that might increase costs. My approach is to look at the cost of products as they are now. There is a role for the manufacturers and retailers to look at their costs, and a lot of good work is being done around that, including on the cost of vending machine products. This is about doing the right thing, which I believe most of us want to do.

We can use good practice and efficiency to support people who want to begin using reusable products, particularly the Mooncup. That product is

becoming popular, but they can be quite pricey, so we want to influence that.

The financial memorandum has been clear about how we arrived at the figures. I hear what Annabelle Ewing said about there being no framework, although I disagree. The principle is clear. I accept that the Scottish Government disagrees and supports a targeted approach, which is where the main difference lies. Giving ministers complete freedom to devise the scheme would give the flexibility that everyone wants there to be.

**Annabelle Ewing:** As Monica Lennon has recognised, the Scottish Government has, over a very short time, created quite a headwind on the ground because of its world-leading delivery. We have heard that gaps have been recognised and are being addressed. The cabinet secretary said last week that, given all that activity, the bill—let alone any other consideration—was somewhat premature and that we should allow the innovative co-production approach to continue.

On the key issue of cost, the member's proposed approach to create a whole delivery system for a host of people who do not need the products would result in resource that should be and will be invested being taken away from those who do need the product. What would the member cut from the Scottish Government's budget or the cabinet secretary's budget to pay for her proposed approach, which would be much more expensive than the Scottish Government's approach and would provide a service that she said this morning most women do not need? What worthy item in the Scottish budget would she be prepared to have money taken away from in order to pay for that? In her example of negotiations with COSLA, she spoke about having to

"shave money off something else".

What is the "something else" that she would shave the money off?

**Monica Lennon:** It is worth repeating that no one would be forced to take products. This is very much an opt-in scheme.

**Annabelle Ewing:** They would not be forced to take the products, but they would have to be there in case they wanted them.

**Monica Lennon:** No one would be forced to take the products. People in education can take or leave the products that are available. If a person goes to the bathroom and has tampons or pads in their bag, the reality is that they would use their own products. Whether people use them is a choice that they will make.

On whether people would go to a local community centre, an example is—I am looking at Kenneth Gibson here—Kilwinning library, which

has a good scheme. People can choose to make the journey to get the products or they can choose to go to their nearest pharmacy or supermarket. People would make those choices.

I repeat that the written evidence to the committee and the bill's consultation, and the letters and emails that member will have received, say that people want a safety net for everyone. I agree with members that most people can afford the products and tend to buy their own. That is why I do not agree that the costs would run away. As good practice develops, I think that the costs would decrease. There are exciting opportunities around reusable products and plastic-free products. The culture change that we all want among employers will improve access across society more generally. It will not all be provided by or supported through public bodies.

I do not accept the premise of Annabelle Ewing's question because I do not agree with the Scottish Government's projection. The cabinet secretary and I need to have that discussion next week; I hope that she will publish more detail about it.

**Annabelle Ewing:** I did not hear the answer to my question about where to shave off the money, but I think that my time has run out.

**Andy Wightman (Lothian) (Green):** You said that the issue at this stage of the legislative process is whether the committee recommends to Parliament that it agrees with the general principles of the bill rather than about the detail. Is it fair to say that the general principles are captured by section 1(1)? It says:

"Everyone in Scotland who needs to use period products has the right under this Part to obtain them free of charge."

Would that be a fair summation of the principle?

**Monica Lennon:** Yes.

**Andy Wightman:** Do you know of anywhere else in the world where a scheme provides a statutory right to period products free of charge? To your knowledge, would this be the first such scheme?

**Monica Lennon:** To my knowledge, given the entire scope of the bill, it would be the first such scheme in the world. There are other examples of legislation that does part of what the bill intends to achieve. In New York, for example, a bill was passed a few years ago to mandate provision in schools, homelessness shelters and prisons. There is legislation in Kenya—although it does not go as far as my bill. I am also in touch with academics and activists who are giving me updates on what is happening in various states in America. Some good work is going on.



I had a message of solidarity today from the Homeless Period Dublin, which backs what we are doing and says that the issue is heating up in Ireland. There is good practice in Wales and England, as well. Initially in England, the Free Periods campaign proposed that the education provision could be tagged to free school meal entitlement, but then it found out that there was cross-party support in Scotland for the approach that we are taking in our education sector, so it has raised its sights and ambitions as a result. We are all spurring each other on. The scope of the bill, which would provide a universal scheme of access, makes it the first of its kind.

**Andy Wightman:** That is useful. In your answer, you confirmed that there is legislation elsewhere in the world—in municipalities and in US states—that provides a statutory framework for provision, although it might not be universal provision.

**Monica Lennon:** Yes.

**Andy Wightman:** Okay—thanks. I want to revisit a question that Graham Simpson asked about payments. I am particularly keen to understand what the bill is actually saying in law. Section 5(1) places a duty on schools, universities and colleges to

“make period products available free of charge for pupils or students who need to use them.”

That is a clear statutory duty on those parties. Section 8 says that

“The Scottish Ministers may make such payments as they think appropriate”

to those who are obliged under the bill

“to make period products available free of charge”.

Am I correct to say that the Scottish ministers would not have an obligation to pay and that, if the bill was to become law as it stands and a future Government decided for budgetary reasons that it was not willing to make any such payments or was willing to make only small ones, the people who had a duty to provide period products would still have to provide them, by law?

**Monica Lennon:** Yes. The member will see that that section is drafted in such a way that it says that

“Ministers may make such payments”.

**Andy Wightman:** That is helpful. I want to move on to rights. This point might seem to be a bit pedantic, but it is potentially important. Section 1(1) says:

“Everyone in Scotland who needs to use period products has the right under this Part to obtain them free of charge.”

What is the meaning of the phrase

“who needs to use period products”?

Is it to be interpreted as meaning people who, because of their biology, require such products and need to use them, or is it to be interpreted as meaning people who have needs like that but cannot afford to meet those needs themselves? Perhaps there is nothing to explore there and I am barking up the wrong tree.

**Monica Lennon:** That provision, which establishes the right to products, is about ensuring that everyone who menstruates and needs period products has the right to access them.

11:00

**Andy Wightman:** Okay. That becomes important because of the line of questioning that Annabelle Ewing pursued in relation to how one upholds the right. Let us say that, after the bill becomes law, no products are made available by education authorities in Aberdeen and Aberdeenshire, or any other defined geographical area in Scotland—I did not pick those two for any reason. What would be the recourse for a citizen who had that right under section 1(1)? Would it involve judicial review? How would they seek to uphold that right if the duty holder was failing?

**Monica Lennon:** I appreciate that question. I know that Annabelle Ewing has pressed that point in previous meetings. I have argued that the only way to guarantee that schemes will continue or will exist at all is to have legislation that places duties on Scottish ministers and others.

With any legislation, there needs to be compliance with the law, and people need to know that they have rights and how to access them. That is fundamental to the laws of Scotland. Sometimes things go wrong, of course, and people do not comply with the law or meet their duties. However, I hope that that would not be a particular issue with regard to the legislation that we are discussing. We have lots of legislation and lots of compliance across the public sector.

Any guidance that underpins the universal scheme, which will be developed through consultation, will make clear the issue of standards and what would happen if, for example, an authority such as the City of Edinburgh Council simply refused to make products available. I do not anticipate that that would happen—I think that the risk of it happening is low. However, if it did happen, people would be entitled to seek legal advice. Of course, I am not a lawyer, although I know that some members of the committee are.

**Andy Wightman:** You have a lawyer with you, and I invite her to contribute. My question is simply a matter of law. What would be the mechanism by which a citizen who felt—rightly or wrongly—that their rights were not being upheld could seek to have them upheld?

**Claudia Bennett (Scottish Parliament):** Thank you for giving me an opportunity to explore the matter. The bill places clear duties on the Scottish ministers and public authorities, and by law there is an obligation to comply with such statutory duties. That is why it was felt that there was no need to make express reference in the bill to any appeal mechanism. Any consequences of non-compliance are dealt with generally by the rules of administrative law.

The ultimate mechanism is judicial review, which you mentioned, but that is obviously a last resort. Various other mechanisms would be available. For example, under the Court of Session Act 1988, a court can order specific things to be done if there is a failure, and if it persists after such an order, it would be dealt with through contempt of court proceedings. Another mechanism is available in the Local Government (Scotland) Act 1973, whereby if, for example, someone notified the Scottish ministers that an education authority or a public body was not complying with the duty, the Scottish ministers could investigate that and direct the public body to comply with it. Various mechanisms are available under administrative law.

**Andy Wightman:** That is helpful. The various mechanisms that are available under administrative law in relation to a wide range of statutes would be available in relation to the bill, and you do not believe that any special procedure needs to be built into the bill to ensure that the rights are upheld because you believe that the existing administrative law systems are adequate. Is that correct?

**Claudia Bennett:** Yes.

**Monica Lennon:** Yes.

**Andy Wightman:** Okay—thank you. The bill requires ministers to draw up a period products scheme, and section 2(4) says that it shall

“be operational not later than 12 months after Royal Assent.”

On the assumption that the bill is agreed to at stage 1—that is an assumption—it would probably pass into law some time in late March, and royal assent might be in April, so we are talking about the scheme needing to be operational by some time in spring 2021.

We have heard that the Government is undertaking quite a lot of work, as Monica Lennon has done, and nobody has questioned that work being commendable. We have also heard that lessons are being learned and that reviews are planned, I think for later this year. Do you accept that making it the law that the scheme should

“be operational not later than 12 months after Royal Assent”

might be pushing it a bit?

**Monica Lennon:** I accept Andy Wightman’s points. I have said that I am willing to be flexible and that that provision could be amended. I cannot recall exactly when the Government said that it will report on its evaluation schemes, but I recognise that that work is under way. I am willing to lodge amendments at stage 2.

**Andy Wightman:** You are willing to be flexible on that point.

**Monica Lennon:** Yes.

**Andy Wightman:** That is helpful. You mentioned the letter—which I have just seen—from 30 or so organisations that has been published today. In it, the organisations say:

“The passage of the Period Products (Free Provision) (Scotland) Bill is an important step towards normalising menstruation and helping to end the stigma around periods.”

Under health and safety legislation, workplaces are required to provide toilet and washing facilities that are adequate. “Adequate” means that they should be clean, and it means providing

“a supply of toilet paper and, for female employees, a means of disposing of sanitary dressings”.

It also means providing

“enough soap”,

a large enough basin,

“a means for drying hands”,

showers and so on. Is it your understanding that “normalising menstruation”—those words are used in the letter—means bringing it into the normalisation that is associated with the legal expectation of sanitary facilities and bathrooms in workplaces that provide soap, sanitary product disposals, hot water and so on? Is that what normalisation means to you, or is it a broader cultural thing? Is it about ensuring that we talk about these things as a normal part of discourse? Where does it sit?

**Monica Lennon:** Thank you for mentioning the letter. I am not one of the signatories; I think that I might be a recipient of it. In answer to your question, it is probably about both. You talked about the current statutory requirements in relation to toilets and what needs to be provided. It is ironic that there is legislation that says that there must be provision for “disposing of sanitary dressings”, which is quite archaic language, but there is no requirement for the provision of period products.

I am looking at the letter and its mention of “normalising menstruation”. I think that everyone accepts that there is a lot of stigma. Periods have been discussed in hushed tones and I think that, across the world, there are 5,000 euphemisms for

periods. We are breaking down some of those barriers in recognising that periods are not dirty, are not an illness and are nothing to be ashamed of, but are a normal part of life. There is wide recognition across civic Scotland that the bill can play a huge part in ending the stigma.

**Alexander Stewart (Mid Scotland and Fife) (Con):** It is quite obvious that there is a good understanding and appreciation of the principles of your bill. There have been some in-depth questions about it this morning. You have indicated your flexibility with regard to it to ensure that it progresses, and amendments will be lodged at stage 2. You touched on the idea of a voucher scheme, and on the c:card. We have heard about access barriers in relation to those, which you have acknowledged.

When I questioned the cabinet secretary about the bill last week, I asked her whether, as drafted, it would jeopardise the system that the Scottish Government has in place. She said that that might well be the case and that the bill is probably premature. It would be good to get your views on that.

**Monica Lennon:** Thank you for your question. I think that you were part of the visit to Perth this week, and I hope that that outreach work helped to answer some of your questions.

I do not agree that the bill is premature or unnecessary. Nothing in it would stop or run into what the Government is already doing. The letter that the cabinet secretary sent to the committee yesterday says:

“the Scottish Government is firmly committed to period products being available.”

We all believe the same thing, and that is the starting point. I believe that the bill can lock in the good work and guarantee that it will continue in the future. Let us all continue with a positive approach.

**Alexander Stewart:** I note the targeted approach, which is reflected in the words

“to all those who need them”.

As we have heard today, there are a vast array of products and a vast array of requirements depending on age and the different circumstances of women. For example, a woman might have an ailment that means that she needs more products than is the norm. That creates some difficulties in itself, but I think that the range and the standard of the products that are provided under the current targeted scheme are good.

It has been suggested that, under the scheme that you propose, the quality might vary, because people would look at the price. We have heard today that, as the financial memorandum says,

more would be spent, which could have a knock-on effect on the quality and the range of products that were provided. What are your views on that?

**Monica Lennon:** You are correct to say that women’s needs differ, which is why we have products in different sizes, with different absorbency levels and so on. It is important that there are a range of products to meet different needs and provide choice.

Just to be clear, I note that, if the bill is passed, it will be not my scheme, but the scheme of successive Scottish Governments. The bill happens to be sponsored by me, but a lot of people want this to happen. It will be up to ministers, and they will have my full support for whatever they choose to do. This point has been made already, but I repeat that ministers will have complete flexibility as to how the scheme is written and devised and the guidance that goes with that. Nothing in the bill would influence price or quality—

**Alexander Stewart:** Would ministers have complete flexibility given that it would be a budgetary consideration and a budgetary recommendation? We have heard from COSLA and others that they would need the scheme to be fully funded. That is what you seek, but it might have an impact on what was provided because of the costs that would be incurred.

11:15

**Monica Lennon:** For today and in the coming weeks, the important point is that we will need to take a view on whether we support the principles of the bill, on which I hope more clarity will emerge. There might have been some misunderstandings about its main principle, but I have been very clear about that and about the proposed universal approach. I think that members want there to be maximum flexibility in the scheme, which is why the bill has been drafted to give ministers full ownership of it, any guidance that is issued and any future amendments to that.

I recognise the concerns that exist on funding. Some members feel that local government is not funded fairly, but others feel that it is. We do not need to get into those political points today, but we should recognise that local government budgets are set and negotiated in the ways that they have always been. We have made it clear in the bill that ministers may provide funding, but it gives the flexibility and future proofing that I think we all want to see. I hope that I will be able to reassure members that the bill provides maximum flexibility.

**Alexander Stewart:** However, going back to Annabelle Ewing’s question, I note that, if there is a cost element for the scheme—which there will be—something else will have to give if it is to be

fully funded so that it can provide the quality and level of support that are required. It might be seen as a constraint across local government. Authorities might find that they do not have the available resource and that, if they are to ensure that resource can be made available, something else has to give.

**Monica Lennon:** I do not accept that. I understand where you are coming from with your question, but we have heard from those who feel very strongly about the cost of not doing this—about those who find themselves living in period poverty and cannot experience period dignity. We have talked about some of the barriers today. The current schemes do not provide a remedy for women, such as those who were described by Graham Simpson, who have very heavy periods and find their needs expensive to manage.

The bill therefore presents us with an opportunity. We have heard about the proposed scheme's benefits in relation to productivity, participation, quality of life, and education. It would be an investment in our young people and women, all of whom should feel valued. I have heard COSLA's evidence and commentary, and it has told us that it agrees with the principles of the bill. Those principles are clear and they have broad support. If the bill reaches stage 2, we will be able to achieve further clarity, and by then I will also have met the cabinet secretary. I reiterate the point that Engender and others made about the cost of not adopting the proposed scheme.

**Alexander Stewart:** You are right to identify that but, at the same time, you have to take on board the fact that we will not be able to provide what you are asking for if the resource and support are not there. The principle is fine, but trying to ensure that it happens might lead to a bigger problem in future.

**Monica Lennon:** I think that members broadly accept that most people can afford to source and buy their own products and would want to continue to do so. However, there are, unfortunately, people who find that very difficult because of poverty, lack of income and other barriers. I have tried to give as many examples of those as possible today. Interesting work has been done with refugees and asylum seekers whose first language is not English and who sometimes experience cultural barriers because of their religious beliefs. A whole spectrum of people, including Gypsy Travellers, have said that such a scheme is required and is the right thing to do.

I am optimistic about the delivery of such a scheme as regards achieving good value for the public pound and ensuring that we adopt it in a way that is equitable, reasonable and sensible. I do not believe that the scheme would be abused—there has been no evidence of that in any of the

schemes that have existed so far. It is essential that we adopt such a scheme, which would be a progressive step. If we all believe in the principle that products should be available to all who need them, the proposed scheme is the approach that we should take.

**The Convener:** A couple of members want to come back in. I ask them to be brief.

**Kenneth Gibson:** I will touch on a number of points. Monica Lennon said that recipients should have a choice of products. How broad should that range be? Should that range of products be available in all locations? What are the financial implications of that? It is not just about the use of products as we progress, but about ensuring that there is a sufficient supply initially. Obviously, the more products that you have in more locations, the more the up-front costs increase.

**Monica Lennon:** It will be up to ministers to develop the scheme. My preference would be for a scheme that made available a range of tampons, pads and reusable options such as Mooncups and reusable pads. There is a real opportunity to promote the use of more sustainable products. It is up to ministers to decide what they put in the scheme.

Kenneth Gibson asks whether all products should be available in all locations. I am not suggesting that—I do not think that anyone is.

I am encouraged by what the cabinet secretary said about the marketing work that the Government is about to take forward in an app. The most important thing is that people have clarity about where they can access products, not the number of locations. I live in Hamilton, and not every public building there would have products available—it could be a very small number of buildings. It is then about the important signposting and public information work and—going back to Andy Wightman's point about a right-based approach—letting people know how to access that right.

**Kenneth Gibson:** You provided clarity about your approach to universality, but I am not getting anything back about the finances that we can pin down. For example, you talked about COSLA agreeing to the bill, but it has only agreed to the bill if it is fully funded. COSLA says that the cost is 17p per item and Universities Scotland says that it is 19p, whereas the financial memorandum says that it is 9p per unit. The annex to Aileen Campbell's 14 January 2020 letter to the committee gives a differential in relation to the parameters for the bill, over a parliamentary period, with your figures showing £80.4 million, and the Scottish Government's £216.9 million over five years. That is a huge disparity, which is why I am trying to pin some of those things down.

You said earlier, in response to Annabelle Ewing, who asked how much you envisaged being spent on the bill, that costs should reflect need. Every single area of the Scottish Government has a specific budget. The NHS cannot just spend whatever it needs, neither can local government, nor justice. No area can spend whatever it needs—everyone has to live within their means. You went on to say that you believe that costs will decrease over time. Where is the evidence for that? Do you not agree that some kind of battenning down of the hatches needs to happen in relation to the finances, regardless of your position—of anyone's position—on the bill?

**Monica Lennon:** I welcome Kenneth Gibson's further questions on the matter. In no way am I being flippant about the financial memorandum. It is very important to address cost, funding and affordability, but—I am repeating myself—we are at stage 1 of the bill, when we are trying to agree on general principles.

I do not deny the disparity between the costs that I have set out and those of the Scottish Government. We have been clear that we arrived at a 9p product cost based on the information that was available at the time of publication. The information was mostly drawn from Scottish Government documentation and we have tried to be transparent about that. It is unclear how we have reached that disparity.

COSLA talks about 17.6p, education providers about 19p and the Scottish Government about a range from 8p to 81p. I will come back to Hey Girls—the key partner of the Scottish Government—which gave evidence, and which appears to supply many of the products to the scheme that we have been discussing. Hey Girls said to the committee that its unit cost was 7.5p for a pad and between 9p and 13p for a tampon, and that it was not sure where the other costs were coming from. I hope that the matter will be explored further when I speak to the cabinet secretary next week.

The Scottish Government has not explained how the £19.4 million figure has been arrived at and it does not appear to relate to the higher product cost that was cited in its submission. We need to get into the issue a bit more, but I cannot provide any more answers today. I have been very clear about how I have arrived at the costs in the financial memorandum.

**Kenneth Gibson:** The cabinet secretary has said that the financial memorandum does not include, for example, the use of products by schoolgirls outside school time, such as at weekends and during holidays. The Government is saying that the financial memorandum that you have put together—and all financial memorandums should be based on best

estimates—looks only at that particular time and does not reflect the wider usage by young girls. Therefore, the costs in regard to schools have been significantly underestimated and the cabinet secretary has said so.

I think that we would all like to see that issue being pinned down. It has already been mentioned that we could shave money off something else to fund the bill, but, as I am sure that you would accept, that sets alarm bells ringing. We really need to know what figure we are talking about if the provisions of the bill are to be successfully delivered.

**Monica Lennon:** I believe that costs are coming down. We heard that from North Ayrshire Council, which is a wee bit ahead in the work that it is doing. The advice that I have taken from COSLA is that it has seen costs decrease, because people are getting more efficient and sharing what they are doing. We need people not to work in silos.

Kenneth Gibson is right that the Scottish Government has measured the school costs differently to how I have measured them, so a comparison cannot be made. My view is that, for days on which pupils are not in school, they could, if they needed to, access a universal scheme. From memory, the Government has calculated the costs based on every day of the year and it has tried to factor in that holiday packs might need to be provided and so on.

**Kenneth Gibson:** You hit on an important point when you mentioned North Ayrshire. We took evidence from North Ayrshire Council, which is my local authority and was a pioneer in respect of the initiative, and it agreed that it had made some mistakes with how it delivered the products. That is understandable—assumptions were made and they have been corrected as time has gone on.

I explored with that panel the need to share best practice, but that is one of the reasons why the cabinet secretary has suggested that primary legislation is premature; otherwise, the Scottish Government would have introduced a bill. There is so much evolution, change and innovation, which the cabinet secretary feels could be stifled by legislation. How do you feel about that? Along with costs, that gets to the heart of the bill and affects whether, and in what form, it goes forward.

**Monica Lennon:** I recognise that members are taking the issue of cost seriously, and rightly so. It is encouraging that we have heard evidence from people who are in the know, and who have been doing it for a while, that they have seen improvement and that costs have come down. In my head, the proposal is not radical, but for many people it is, because they have never really had to think about period products.

At the end of 2016, I visited the East Kilbride campus of South Lanarkshire College as a local MSP. People at the college had heard about the members' business debate and they told me that they wanted to go ahead with a scheme. At that point, they were investigating the cost of replacing vending machines with free-to-vend machines, which involved buying kit and so on. People seem to have moved away from that approach and the arrangements are now very relaxed and informal, such as having products in a basket.

There has been good practice. I am encouraged by COSLA doing more work to bring people together to share best practice, as well as by the work that is being done in colleges and universities, which have been an important part of the journey.

I disagree with the cabinet secretary—she has not indicated that she thinks that legislation would ever be the right approach, so it is in that regard that we will have to either agree or disagree. I have made it quite clear that, if we want to guarantee access to products, legislation is the way to go.

11:30

**Kenneth Gibson:** You have cited the experience in North Ayrshire to show that the costs will go down, but that specifically relates to schemes in schools. The table in the annex to the Cabinet Secretary for Communities and Local Government's letter envisages a 5 per cent increase in uptake year on year over a parliamentary session. The increase will happen because people will become more familiar with and will access the service, which will be available in more facilities. The costs mentioned in the annex range from £80.4 million—that figure is based on your own unit cost—to £216.9 million. What makes you think that the overall costs, which the financial memorandum does not reflect, will decrease over time?

**Monica Lennon:** A couple of documents can be looked at. The Scottish Government has made its own assumptions about the uptake, leading it to arrive at much higher costs. I do not fully recognise or agree with the scenarios that it sets out.

In the financial memorandum, I have tried to look at the cost of products as they are now and to source all the information that Graham Simpson has been sourcing in the supermarket. I have put in all that information in order to be transparent about where the costs have come from. None of us can say—it is impossible to say—what the uptake would definitely be, but we have talked about how we can make people aware of the scheme and make it accessible to them.

We obviously want poverty to reduce across the whole population, so that people do not find themselves in a bad situation in the first place. I think that there needs to be a discussion between the cabinet secretary and me, because I do not want people getting distracted by some of the assumptions that are floating around. The financial memorandum has set out where the figures have come from. The Scottish Government—in saying this I do not want to be overly critical—has not shown its workings when it comes to its figures. I hope that we will get to that point. We can unpick some of the assumptions, but I do not in any way want to minimise members' questions or concerns.

**Graham Simpson:** I want to ask about the same issue. I think that we have found out today that we have no idea what the scheme would cost if the legislation was passed. Nobody has a clue what the total figure would be and we do not know how much it would grow by. We assume that it would grow over the years, but we do not know. The figures that you have provided are very different to those provided by the Scottish Government. I—we—do not know who is right and who is wrong.

At the end of the day—this goes back to Andy Wightman's and Alexander Stewart's points—we would be passing legislation that would impose a duty on public bodies, such as councils and schools, to do certain things that come at a cost. The legislation would not compel Government, if it chose not to, to fund that. We would potentially be creating a massive cost for public bodies with no idea about how that would be funded. Money is finite. I think that Annabelle Ewing made that point, too. This is a serious issue. At a time when local government is really up against it, if we were to pass this legislation, whatever you think about the issue and however valid it is—and it is valid—that would create extra costs for local government with no guarantee that those would be funded. Something has to give. I think that that is the point that members have been trying to make. Do you not accept the general point?

**Monica Lennon:** My starting point—I hope that this would be the committee's too—is whether we support the general principles of the bill. Members will have to make a yes or no choice about that.

We have heard compelling evidence about period poverty and people who struggle to live in period dignity. If we want to do something about that, we should back the principle of the bill, which is to give people a right to access free period products. Members will have to say yes or no to that. If they support that principle, we will be able to move on to stage 2, when we will be able to do the fine tuning and amend the bill to address some of the concerns that people have and make it a little bit clearer.

With all due respect, I note that the bill is fully costed. We have based it on the average price of products and we have set out the framework around that. I believe that the scheme can be delivered economically. Inherent to that would be a focus on delivering good value for the public purse—and I repeat that the Scottish Government is delivering similar schemes, so we are not starting from day zero.

It is really important to bring this back to the people who are telling us that the bill is essential. They include women's organisations; equality groups; anti-poverty charities such as the Poverty Alliance, which signed the letter that you have received; and the Scottish Trades Union Congress, which represents half a million workers in Scotland. In addition, many trade unions have passed their own motions saying that the bill is vital.

I also return to the point that, as Engender and others have said, there is a cost to not legislating on the matter, in terms of hidden poverty and inequality.

I believe that my talks with the Government can be constructive. We can continue to listen to COSLA, Universities Scotland, Colleges Scotland and all the other partners who are already committed and involved. We need to capture the very best of what they are doing and learn the lessons with regard to evaluation and efficiency.

I take Andy Wightman's point about the timing of implementation following royal assent. I am not sure that the Government could give absolute certainty on anything to do with future provision, but I take in good faith what the cabinet secretary said to the committee—I think just last night—about believing that everyone has the right to access period products.

**Graham Simpson:** I do not think that that answers the point that I made, but I will ask my final question. You will meet the cabinet secretary next week. Is there anything that she could say to you that would persuade you that legislation is not required at this point?

**Monica Lennon:** No.

**Graham Simpson:** Okay. Thank you.

**Sarah Boyack:** I have a question on a subject that quite a few colleagues have referenced but which we have not actually drilled into, which concerns environmental and sustainability issues and reusable and plastic-free products. One thing that came across strongly in the round-table discussion on Monday was the wider issue of education, both as part of a Government strategy to promote the bill, should it be passed, and more generally. I want to get your views on how you would promote education and knowledge about

reusable products. They are not appropriate for everybody, but they are clearly a potential investment that individual people can make. How would you use the bill to promote sustainability and a reduction in the environmental impact, which are crucial as part of our approach to tackling climate change?

**Monica Lennon:** That is really important. Again, I note that it will be for ministers to devise a scheme. Members, including those outwith the committee, have been lobbied a lot on how we can amplify issues around the climate, sustainability and plastic-free options. This is not really pertinent to the bill, but many women feel that products are marketed to them that they do not need, such as perfumes and so on, that can bring about skin irritations, infections and so on.

There are opportunities in the wider discussion about menstrual wellbeing in education. A lot of that work can happen outwith the provisions of the bill, but things could be written into guidance that would come from ministers in order to help to steer the scheme.

Sarah Boyack is right that Mooncups will not be for everyone, in the same way that tampons are not right for everyone. There can be practical challenges around reusable or washable pads, in the same way that some people use reusable nappies but not everyone does. There are opportunities there. However, I would like to think that a universal scheme could be a real driver in increasing and encouraging uptake of reusables. Based on what I have heard from a whole range of organisations, including some of the signatories to the open letter that I mentioned earlier, when people are given the chance to access and try reusable products—which can be more expensive to buy up front—for free, they are more likely to stick with them. A product such as a menstrual cup can last for years. Nonetheless, although I have heard from some people—not from colleagues here—that the answer for women who are rough sleeping or in homeless or temporary accommodation would be to give them all a Mooncup, that will not be the answer for everyone. People who are in poverty deserve to have choice, too.

**Andy Wightman:** I have three brief points. You and the Scottish Government have some differences of opinion; we have heard about that on costings, for example. However, would it be fair to say that the fundamental difference between you and the Scottish Government is that it does not believe that legislation is necessary, but you do?

**Monica Lennon:** Yes, I would say so—for now. However, I hope that the Scottish Government will think again on that. The other difference, which I do not want to shy away from, is that—as the

cabinet secretary confirmed in her oral evidence and in writing—the Government prefers a more targeted approach, which is different from the universal approach that I have proposed.

**Andy Wightman:** If we are talking about rights—your proposed bill is about creating a new right—do you agree that only law can create rights for citizens? Government cannot create rights for citizens; although it can say to citizens that they have a right—which is in its gift to give—it can, ultimately, take it away again tomorrow. As such, if one believes that a universal right should be created, is it your understanding that that can be guaranteed only through law?

**Monica Lennon:** Yes. Although the Government said to the committee in writing that it is committed to a rights-based approach—which I welcome and which sounds really good—I want people to know with certainty that the good work that is happening now will continue. I believe that the only way to guarantee that right is through legislation.

**Andy Wightman:** Kenny Gibson mentioned COSLA's evidence, and I think that he implied that its support for the bill was conditional on the scheme being fully funded. The submission from COSLA states:

“COSLA supports the overall aim of the Bill. However, any scheme that enables this should be fully resourced, accessible and consider the learning”

from existing schemes and so on. As such, my understanding is that COSLA supports the bill—it states that it does—and that it would like the scheme to be fully funded, but that its support for the scheme is not conditional on its being fully funded. Have you had any discussions with COSLA in relation to its exact approach to your bill, or do we have only its written submission and oral evidence?

**Monica Lennon:** COSLA supports the overall aim and general principles of the bill, which is welcome. I think that local authorities are proud of their role and input in relation to the issue. North Ayrshire Council is an example of a local authority that is taking a really pioneering early approach, and I would say the same of North Lanarkshire Council.

It struck me that the Ravenscraig regional sports facility—which is also in my region—had no period products at all in the ground-floor toilets, and so you had to go up the stairs and through the cafeteria to get them. Competitors come there not just from Lanarkshire but from all over the world, and it was certainly the case when I took my daughter there for gymnastics that there were lots of girls running around in white judo and karate suits, and in gymnastics leotards, but there were no period products. That situation was addressed

through informal conversations, and a lot of good work like that is going on.

I should point out that COSLA would have every right to provide further submissions at stage 2 if the bill progresses. I do not see anyone wanting to shut down the opportunity now. From the open letter that was published today, we can see that there is broad support for the principles of the bill and for it to get beyond stage 1, and for there to be further engagement and scrutiny at stage 2. I have made some comments about amendments that I am willing to make and I know that other members might have their own ideas about amendments, as might the cabinet secretary.

11:45

**Andy Wightman:** We have heard some discussion this morning about the uncertainty of the cost and the extent to which that might undermine support for the general principles. In other words, if one does not know how much it is going to cost, that might affect one's view of the general principles.

Are you aware of any assessment or any statements being made about what might have to give in budgets when, for example, the health and safety at work legislation required every workplace in the country to provide toilet paper? Did such a discussion take place or were people just told that that was what they had to do?

**Monica Lennon:** I think that that happened well before I was born, so I do not know what discussions took place at that time.

Lots of initiatives spring up, such as the baby boxes or other provisions, that place expectations or duties on public bodies. There is always negotiation around those things. As I said earlier, the approach that we have taken in the bill is not unique or novel. We have drawn on the experience of other bills.

If it is helpful, I am happy to provide some of those examples later. I hope that we can all recognise the benefit of collaboration and partnership working between Government, COSLA and others—after all, COSLA talks about spheres of government rather than tiers. I have taken a partnership approach and done things through negotiation and accommodation.

In answer to your question, I will keep in regular touch with COSLA. It was recently reviewing some of the work that it has done, which is why I am able to say that it is confident that costs are decreasing.

**The Convener:** I have a couple of questions, but I also want to go back to a couple of points that Andy Wightman raised. In evidence that it has given to us on three or four occasions, COSLA



has made it clear that it supports the bill, but that it has to be fully funded. I do not think that the part of its submission that Andy Wightman quoted means that COSLA is in favour of it no matter what.

We are getting a bit confused when we talk about the general principles of the bill. Everyone around this table supports the general principle that anybody who needs to get free products should get them. Your bill does not say that; it says that anybody who needs to use period products can get them free of charge, and that is a subtle but important difference.

Andy Wightman talked about the private business scenario and period products being available in toilets along with toilet paper and so on. If we are talking about private businesses making such products available in their toilets, that takes us to a completely different level of potential costs. First, I am not sure that the Government would have legislative responsibility for that. It would have to be done through a voluntary system. Secondly, if it did have such responsibility, that would hugely increase the cost.

**Monica Lennon:** There is no proposal for a duty on private businesses.

**The Convener:** No, absolutely not, but when Andy Wightman mentioned it, you supported it.

**Monica Lennon:** I am sorry, but I do not follow you, convener.

**The Convener:** When Andy Wightman talked about those who had signed the letter, he said that, along with toilet paper, soap, and so on, period products should be in workplaces such as builders' premises. You said that you thought that that was the right idea. Feel free to look back.

**Monica Lennon:** Yes. Andy Wightman also looks puzzled, so perhaps we need to look back at the *Official Report*.

**Graham Simpson:** For clarity, Andy Wightman was referring to UK legislation relating to what workplaces need to provide in their toilets. That regulation is set at United Kingdom level. It is not what the bill is trying to achieve.

**Andy Wightman:** Perhaps I can clarify that. My first reference to that was in terms of the question of normalisation, and what that means. That was a cultural question. The second part was about discussions during the passage of legislation—such as, for example, the legislation that made it a legal obligation to provide toilet paper in workplaces—about the cost of the provision and its impact on budgets. I want to be clear that that is what I was seeking when I asked those questions.

**The Convener:** The response from Monica Lennon was that she supported it in terms of culture and in terms of normalisation.

**Annabelle Ewing:** I would like to come in briefly, convener. I understood Andy Wightman's analogy, and his point that we should look not at the cost but at the principle. However, we are in a devolved situation and we have a limited budget. To discharge our responsibilities as parliamentarians, we must look at cost.

Last week, in questioning the Cabinet Secretary for Communities and Local Government, Andy Wightman said:

"I am not asking about the reality—I am asking you what the bill says." [*Official Report, Local Government and Communities Committee*, 8 January 2020; c 19.]

The rest of us have to deal with reality. The analogy, apart from other questions that you might have about it, is not a good analogy in a devolved context, because we must consider cost. Is that not the case?

**Monica Lennon:** At this stage, the committee must consider the general principles of the bill. It is legitimate to ask a range of questions. Today, and in written submissions, I have tried to address some misconceptions. I cannot speak for the Government in terms of how it has arrived at assumptions that it has made, but I accept that there is a difference: the Government does not believe that there should be legislation, but I do. I have made it clear why I believe that there should be a universal rights-based approach that is enshrined in law. The Government, at this stage, does not appear to want to do that.

It will be up to members to listen to all of the evidence. Listening to me is a small part of it; a lot of other people have given evidence, can give evidence and want to be part of the scrutiny work as the bill—I hope—progresses through Parliament.

It is clear that the bill provides a framework and provides maximum flexibility and scope for the Government to design a scheme and to consider how it might wish to fund it. That is probably all that I can say to wrap that up.

**Sarah Boyack:** I have quite a fundamental question about that. My understanding is that the bill would require the Scottish Government to set a framework for schools and further and higher education institutions, and would enable it to roll out universal provision, as it would define that, at a point of its choosing, in a way that could involve other public bodies. The bill will not require private organisations, such as bars and companies, to start providing period products in their workplaces; however, as part of a wider culture shift, that is something that is hugely desirable, whether or not

the bill is passed. Can you confirm whether my understanding is correct?

**Monica Lennon:** Yes, it is. The bill does not propose any duty on private businesses or private providers. For example, although the committee had On the Ball here, talking about football stadiums, the bill has nothing to do with football stadiums or private gyms, bars or nightclubs. The second part of the bill is about education provision, which contains a duty for schools, colleges and universities. The scheme would put a duty on ministers, and ministers would have the further power to consider what happens with regard to other public bodies, but it is not about the private sector.

**Andy Wightman:** On that point, section 10(2) says:

“public-facing bodies’ means bodies or other organisations appearing to the Scottish Ministers—

(a) to be bodies or other organisations to the premises of which the public or a section of the public has frequent access, and

(b) to be otherwise suitable to be specified.”

Am I correct to take that to mean that those definitions could include, for example, private sports grounds and football clubs?

**Monica Lennon:** The intention is not for us to creep into private spaces. I am happy to consider that section again if members or others think that we need to tighten up that definition. The intention of the bill concerns bodies that are defined in law as public bodies.

**Andy Wightman:** I understand that it is not your intention, but my question is about the language that is used in the bill, which talks about

“bodies or other organisations to the premises of which the public or a section of the public has frequent access”.

One might argue that the public frequently access, for example, a private tennis club, in which activities might be going on every day of the week. You can come back to us on the meaning of that the point later .

**Monica Lennon:** I can bring in other experts on the panel, if the convener is happy with that.

**Andrew Mylne (Scottish Parliament):** I am happy to address that point. I think that you need to see the point in the context of part 1 of the bill. The specified public-facing bodies are one of the categories of bodies that the Scottish Government can choose to use as delivery partners. It is a matter for ministers whether any public bodies, as defined, are brought into the universal scheme. It is not a mandatory matter. However, as Monica Lennon said, we are trying provide maximum flexibility for ministers in exactly how they deliver the scheme within the general parameters that are

set out. If they want to bring in a public-facing body as a delivery partner, they have that option and, yes, the definition of that would go beyond what you might describe as public sector bodies. A public-facing body is not the same as a public sector body, so if ministers wanted to bring in some bodies that are essentially private but public facing, they have that option, but there would certainly be no requirement on them to do so.

Clearly, we would expect ministers to enter into negotiation with any such body and decide whether involving it is appropriate. It would have to be done with agreement. If the proposed partnership does not work out because it is too expensive or whatever, ministers can go down a different route instead and do it through councils or some other bodies.

The proposal in the bill is only in the context of providing a delivery mechanism for people who take up the universal scheme. It is not about imposing requirements on those bodies to provide products in their own toilets. The extent to which ministers have the power to impose obligations on other bodies to provide products within their own premises is under section 6 of the bill, which is entirely separate and is not about public-facing bodies.

I hope that clarifies the point to some extent.

**Andy Wightman:** It does; that is helpful.

**The Convener:** I have a final question for Monica Lennon. There has been a lot of reference to this being a framework bill, but what framework? I would have thought that a framework bill was one in which you said what you wanted to be done and how you expect that to happen, and the Government would fill in the regulations and the specifics around the bill. However, the only framework that I can see in the bill is one that says that everyone in Scotland who needs to use period products has a right under this part of the bill to obtain them free of charge. That is pretty much it, because you have said that you are willing to amend everything else.

**Monica Lennon:** By specifying the minimum criteria that any universal scheme has to meet, the bill creates a framework for the Scottish Government to build on. I have been open to comments from everyone, and I have heard that people want the bill to be as flexible as possible. That is what the bill, as drafted, delivers. There are issues that can be looked at again and improved upon, but I have heard from ministers that they want to have maximum freedom and latitude, and that is why the bill is drafted the way that it is.

**The Convener:** Ministers would say that, with the system that is in place, we have freedom and latitude to work with other organisations.

**Monica Lennon:** If we are going back to the debate on the need to introduce the bill, I would say that, although there has been some good progress, a targeted approach will see people fall through the net and remain in period poverty. I do not want to see that situation. I want to see legislation that gives people rights and that is what the bill seeks to do—the issue of rights is addressed at the top of the bill. The provision for a framework that gives ministers maximum flexibility is in the bill. I hear some of the points that have been made, which is why I am hopeful that we can agree those principles, get to stage 2 and have further discussion about improvements.

**The Convener:** That is interesting; thank you.

I thank Monica Lennon and supporting officials for attending today's session. As I said earlier, that was our concluding evidence session, and the committee will consider a draft report to Parliament at a later meeting.

Before I close the public part of today's meeting, I want to thank Perth and Kinross Association of Voluntary Service for hosting committee members on Monday. It was an extremely helpful visit.

11:59

*Meeting continued in private until 12:45.*



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