



The Scottish Parliament  
Pàrlamaid na h-Alba

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James Dornan MSP  
Convenor of Local Government and Communities Committee

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Dear James,

### **Period Products (Free Provision) (Scotland) Bill – Stage 2 amendments**

I wrote to the Committee on 11 September to explain the amendments I had then lodged, which were a result of commitments I gave at Stage 1. I am now writing to provide the Committee with details of further amendments I have lodged since then.

The Cabinet Secretary and I have continued to work collaboratively in our approach to Stage 2, and I have added my name in support of the amendments the Cabinet Secretary has lodged. I have consequently withdrawn my earlier amendments where they have been superseded.

My additional amendments, along with an explanation behind each of them, are set out below.

#### **Amendment 20A**

As an amendment to amendment 20, line 11, leave out subsection (3) and insert—

<(3) Where the premises of an institution comprise two or more buildings that are normally used by pupils or, as the case may be, students at the institution, the locations specified in the arrangements established and maintained under subsection (1) must include at least one location situated in each such building.>

Section 5 of the Bill as introduced places a duty on education providers to make period products available free of charge in schools, colleges and universities for the pupils or students who need them. Under section 5(2) free period products must be made available in all appropriate toilets in each school or campus building or other premises normally used by pupils or students. This applies to buildings or premises not directly used for education, and so covers (for example) college sports facilities and halls of residence as well as departments, lecture theatres, laboratories and libraries; but doesn't apply to buildings or premises used only by college staff or to which students don't normally have access.

**Amendment 20** in the name of the Cabinet Secretary, which my amendment 20A amends, replaces the current section 5 with a new version. It requires each education provider to provide products at locations (to be specified in published arrangements) in each institution (i.e. school, college or university) (subsection (2)). This is then supplemented as follows:

“(3) Where an institution operates over a number of campuses in Scotland, the locations specified in the arrangements established and maintained under subsection (1) must include locations within each such campus.”

I do not believe that this goes far enough to ensure that pupils and students can obtain products when they need them, as it sets a statutory minimum of only one location on each campus. My amendment

would replace this with a stronger minimum requirement of one location in each building on the campus. I believe this is a more realistic level of provision, in some circumstances - for example, for a student who divides their time on a typical day between a hall of residence, a department, the university library and a sports hall, all of which are located in separate buildings spread across a large campus. I also believe it strikes a fair compromise between the original Bill (requiring products to be available in every appropriate toilet in each building used by students) and the Scottish Government amendment (with its minimum requirement of one location per campus).

#### **Amendment 34**

Before section 7, insert—

##### **<Arrangements under sections 1, 5 and 6: particular requirements**

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

- (a) period products to be obtainable—
  - (i) reasonably easily, and
  - (ii) in a way that respects the dignity of persons obtaining them,
- (b) a reasonable choice of different types of period products to be obtainable.>

Section 4 of the Bill (as introduced) includes a number of important safeguards for any universal scheme (made under Part 1 of the Bill). These include a requirement that period products can be obtained reasonably easily and with reasonable privacy, and a requirement to make available a reasonable choice of different products.

The Scottish Government's amendments replace the whole of Part 1 (including section 4) with a single new section (the new section 1 set out in amendment 17). While I am largely content with this, my concern is that it omits these two important safeguards.

Amendment 34 re-instates these two safeguards, not only in relation to the provision that local authorities must make across Scotland (under the new section 1), but also in relation to the provision that education providers must make (under section 5) and that public service bodies must make (under section 6).

I have taken the opportunity of changing the reference to "privacy" (used in section 4(1) at present) with a reference to "dignity", which I now consider to be a more appropriate term, particularly in view of the aspiration (which I share with the Minister) of helping to remove the stigma around menstruation.

#### **Amendment 24A**

As an amendment to amendment 24, line 18, after <(1)> insert <—

- ( ) must in particular include guidance about the matters in relation to which section (*Arrangements under sections 1, 5 and 6: particular requirements*) imposes requirements,
- ( )>

The Scottish Government's amendment 24 creates a new section requiring Ministers to issue guidance to responsible bodies, steering them on how to fulfil their duties (under sections 1, 5 and 6) to provide period products, and to publicise the availability of those products (under section 7).

My amendment 24A is a consequential amendment to my own amendment 34. It ensures that the guidance issued by Ministers also covers the new requirements about ensuring products can be obtained easily and in a way that respects dignity, and about providing a reasonable choice of product types.

### **Amendment 25A**

As an amendment to amendment 25, line 15, after <explain> insert <—

( ) the ways in which the arrangements mentioned in subsection (2)(a) comply with section (*Arrangements under sections 1, 5 and 6: particular requirements*), and ( )>

The Scottish Government's amendment 25 creates a new section requiring responsible bodies to publish statement of how they plan to fulfil their requirements (to provide products under sections 1, 5 and 6) and to publicise their availability (under section 7).

My amendment 25A is a further consequential amendment to amendment 34. It requires these statements also to cover the responsible bodies' plans for ensuring products can be obtained easily and in a way that respects dignity, and about providing a reasonable choice of product types.

I hope the above is helpful and I am grateful to the Committee for its continuing work on the Bill. I look forward to debating these amendments and those lodged by other members in due course.

Yours sincerely,

Monica Lennon MSP