

18<sup>th</sup> September 2023

The Executive Office

By email only: [Period.Products@Executiveoffice-ni.gov.uk](mailto:Period.Products@Executiveoffice-ni.gov.uk)

To Whom It May Concern:

### **TEO Consultation: Provision of Period Products**

- 1.1 We welcome the opportunity to respond to the Executive Office's (TEO) consultation on the Provision of Free Period Products. We have previously engaged with TEO officials on this issue via workshops and correspondence.
- 1.2 We note that this consultation relates to the duty on TEO to ensure that period products are available free of charge to all persons who need to use them, under Section 1 of the Period Products (Free Provision) Act (NI) 2022. When considering implementation, TEO should consider how this will interact with requirements on public service bodies under Section 2 of the Act and existing schemes, such as the Department of Education's scheme to address period dignity in schools<sup>1</sup> and existing Council schemes<sup>2</sup>.
- 1.3 As the legislation progressed through the Assembly, we welcomed its general intent and any contribution it could make to avoiding the emergence or widening of inequalities. We also welcomed the requirements to produce guidance and to ensure consultation across a range of areas.

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<sup>1</sup> See [www.education-ni.gov.uk/articles/pilot-scheme-address-period-dignity-schools](http://www.education-ni.gov.uk/articles/pilot-scheme-address-period-dignity-schools) (Accessed 15/09/23)

<sup>2</sup> For example, see [www.belfastcity.gov.uk/free-period-products](http://www.belfastcity.gov.uk/free-period-products) (Accessed 15/09/23)

- 1.4 In broad terms, we welcome any contribution that the implementation of the universal duty could make to furthering equality of opportunity.
- 1.5 We have previously highlighted the importance of consulting with all persons who need to use period products, now or in the future, and those who may need to obtain products on their behalf, across the equality grounds. Implementation should also take account of the needs of those with multiple identities from across the equality groups.
- 1.6 As well as involving different equality groups in consultation and the design of the scheme, it is important that representatives from across the equality grounds are involved in monitoring and review. This will assist in identifying and addressing any barriers which arise for particular equality groups when accessing products.
- 1.7 Further, whilst recognising the requirement that products must be obtained in a way that respects dignity, privacy and confidentiality, we would encourage TEO to consider how it can gather data on how different equality groups may make use of the scheme, to monitor implementation, and identify and tackle any barriers facing particular equality groups.
- 1.8 We understand from previous engagement that TEO intends to work with a wide variety of delivery partners to fulfil its duty to provide free period products to all who need them. It would be welcome that, when TEO engages with these delivery partners, it highlights the importance of furthering equality of opportunity, and puts in place mechanisms for partners to learn lessons from each other to improve practices in this regard.
- 1.9 We note that products should be accessible with reasonable ease and in a way that respects dignity, privacy and confidentiality; that a reasonable choice of different types of products is obtainable; and that the availability of such products, and the arrangements for obtaining them, is advertised. Such action, if effectively implemented, has the potential to overcome barriers faced by a range of equality groups.

- 1.10 Whilst socioeconomic disadvantage is not a specified ground under the equality legislation, it is clear that the barriers and inequalities experienced by equality groups are exacerbated by poverty and social exclusion. We have previously highlighted that this may be particularly relevant in relation to access to education and healthcare services.
- 1.11 Under the provisions, period products should be available to all those who need to use them, as well as those who need to access products on behalf of others. In the majority of cases, this will relate to the needs of women and girls. However, TEO should ensure that products are accessible for all those who may require them, including trans men, people who are intersex and non-binary people who menstruate, as well as those who need to obtain products on others' behalf.
- 1.12 We note the requirement that the free period products must be obtainable by another person on behalf of the person who needs the products. We welcome any contribution this makes to advancing equality of opportunity for those with dependents, disabled people, carers or those benefitting from such care, or those of different age groups etc.
- 1.1 The specific needs of disabled people and carers should be considered, including potential barriers to using particular products and accessing toilets. It is welcome that the consultation recognises that 'Reasonable ease should also include ease of physical access for those with physical disabilities or mobility issues'. Any particular needs of disabled people with other disabilities should also be addressed.
- 1.2 In relation to accessibility, TEO should also consider how to ensure those whose first language is not English or who have lower levels of literacy are made aware of the availability of products, and are able to access them.
- 1.3 It is welcome that the consultation notes the need to consider the needs and wishes of users in relation to privacy, including for religious and/ or cultural reasons. Consideration should also be given to any specific religious/ cultural requirements in relation to

the type of products available, and how these can be accessed, to ensure appropriate products are provided.

- 1.4 More widely, the Commission has recommended coordinated, comprehensive and coherent measures to counter gender-based stereotypes and prejudicial attitudes from an early age and across all areas of life<sup>3</sup>. When implementing the duties arising from the Act, TEO and partners should take available opportunities to tackle stereotypes, including around menstruation.
- 1.5 TEO may find it helpful to review our policy positions and recommendations on gender equality, which can be found at [www.equalityni.org/gender](http://www.equalityni.org/gender)

### Section 75 advice

- 1.6 We welcome TEO's equality screening of this new policy, and welcome the screening going out for consultation along with the main policy consultation as timely.
- 1.7 The Commission notes that TEO have screened the policy out, without mitigation, and the screening document states that no EQIA considered necessary.

### Mitigation

- 1.8 The equality screening asks public authorities not only to identify potential adverse impacts of a new/amended policy, but also to seek out opportunities to better promote equality of opportunity for people within the Section 75 categories. The period product policy is screened out, and TEO states there are no mitigating measures (at page 33 of the screening document). However earlier in the screening document, at the '*Available evidence*' section (pages 6-14) and '*Needs, experiences and priorities*' section (pages 15-22), TEO refers to a few measures which could be considered mitigating measures, for example:
  - 1.9 Under religious belief and racial group it states that due to different views of different religious groups/racial groups regarding

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<sup>3</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), paras 5.1-5.12

the types of products which should be used during menstruation, it will consider the range of products which will be made available.

- 1.10 Under disability it states that it will need to ensure that period products are available to all who need them, and will need to ensure suitable signage for those who are vision impacted, and the use of locations which are fully accessible.
- 1.11 These could, for example, be considered mitigating measures.
- 1.12 Action recommended: We would recommend that TEO highlight these as mitigating measures, aimed at better promoting equality of opportunity, and that TEO could expand on these, taking into account, for example, other disability factors, accessibility, feedback from consultees, etc.

#### *Section 75 Monitoring*

- 1.13 When a new policy is introduced or amended public authorities are required to commit to monitoring across the Section 75 categories for adverse impacts over a 1-2 year period and to publishing this monitoring information.
- 1.14 Action required: TEO must outline its arrangements for monitoring in its screening document. The screening document should therefore outline monitoring arrangements for the new period product policy. See paras 2.13 - 2.20, pages 9-10 of [Section 75 Monitoring Guidance](#) for the benefits of monitoring, including, for example, enabling the public authority to make better decisions about what actions would best improve equality of opportunity, review progress and adjust actions as appropriate, etc.
- 1.15 Please let us know if any further information or engagement would be helpful.

Yours sincerely,

Kathryn

**Kathryn Barr | Senior Policy Officer**

**Equality Commission for Northern Ireland**

e: [kbarr@equalityni.org](mailto:kbarr@equalityni.org) | w: [www.equalityni.org](http://www.equalityni.org) | t: 02890 500 602