

Proposed Sanitary Products (Free Provision) (Scotland) Bill

Page 2: About you

Are you responding as an individual or on behalf of an organisation?

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

Please choose one of the following; if you choose the first option, please provide your name or the name of your organisation as you wish it to be published.

I am content for this response to be attributed to me or my organisation

Please insert your name or the name of your organisation. If you choose the first option above, this should be the name as you wish it to be published. If you choose the second or third option, a name is still required, but it will not be published.

Children and Young People's Commissioner Scotland

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Page 7: Your views on the proposal

Q1. Which of the following best expresses your view of the proposed Bill?

Fully Supportive

Q1. Which of the following best expresses your view of the proposed Bill?

Please explain the reasons for your response

This proposal seeks to address the significant disadvantage experienced by women, girls, and some trans and non-binary people, particularly those experiencing poverty or who for other reasons are not able to purchase these necessary products (e.g. domestic abuse). It will support them to manage their personal hygiene with dignity and safety. This issue should be seen in the context of the duty on the State to take all appropriate measures, including legislation, to ensure the human dignity and the realisation of rights. The United Nations Convention on the Elimination of All Forms of Discrimination Against Women is of particular relevance, but we understand that a number of other organisations have provided analysis on this point, so in line with our mandate, our comments focus on the United Nations Convention on the Rights of the Child (UNCRC). Article 8 of the European Convention on Human Rights (ECHR) and Article 16 of the UNCRC define the protection of private life to encompass a person's physical and psychological integrity, and require provision to support a person's dignity, including the right to manage their periods discreetly and with privacy. The UNCRC contains relevant commitments in relation to the best possible standard of health (Article 24), to benefit from social security (Article 26) and to the best possible standard of living (Article 27). Making tampons and sanitary towels available to children and young people in education settings supports the realisation of children's rights. Period poverty has a direct impact on education (Articles 28 and 29), both in terms of attendance and by creating a barrier to accessing a broad education which encourages the development talents and mental and physical abilities to their fullest potential. The corresponding right to engage in play and recreational activities (Article 31) must be supported by ensuring that children have access to appropriate and sufficient products to manage their periods. Whilst more work is necessary to challenge the stigma surrounding periods, the reality is that most children and young people report embarrassment about periods and wish to manage them as discreetly as possible. During our work on school toilets, we heard of cases where girls opted to go home, rather than have to approach a member of staff for supplies, particularly since in some cases, they had already had to ask a teacher for permission to leave class and may then have to ask a third member of staff for access to a toilet during class time. Availability of products within toilet facilities will help ensure that children and young people's right to privacy is better respected. The consultation document highlights evidence on the impact of periods on the education of girls. Whilst there is little research in a UK context, international research from a range of countries indicates that periods impact on school attendance. Preventing potential disruption to education through making products freely available within schools supports children's right to an education, but pupils must also have unrestricted access to toilet facilities, including gender-neutral facilities, throughout the school day and there must be adequate, hygienic disposal bins in girls', gender neutral and disabled toilets.

Page 8: Universal provision of sanitary products

Q2. Do you think a universal, card-based system (modelled on the c-card system for free condoms) would be an effective means of providing sanitary products for free to those who need them?

Yes

Please explain the reasons for your response

This system should be supplemented by availability in schools, colleges and universities, as outlined in the consultation document, to address the additional barriers faced by children and young people.

Q3. Which of the following best expresses your view in relation to a card-based system?

The card should be available to anyone; card-holders should have unlimited access to free sanitary products

Please explain the reasons for your response.

There should be a range of products available to meet varying needs, allowing all users to have a choice about what the products they use, in line with article 12 of the UNCRC which provides that children must be allowed to give their views on decisions that affect them. The availability of light-flow tampons is important for children and young people – these are often not available through standard vending machines or local shops and

Q3. Which of the following best expresses your view in relation to a card-based system?

pharmacies, but the use of regular products may be uncomfortable and guidance on the avoidance of toxic shock syndrome recommends using the lightest possible tampon. Both applicator and non-applicator tampons should be available. Likewise, a variety of pads should be available to suit different body shapes. Panty liners should also be available as these are used for mid-cycle spotting or as extra protection with a tampon. This is important for children and young people who may experience irregular bleeding during their cycle or may still be learning how to manage their periods. It should be recognised that those with very heavy periods and/or mid-cycle bleeding due to endometriosis or other conditions may need to use significantly more products than others, so it is inappropriate to restrict the quantity of products provided.

Q4. Do you have a view on which locations would be most suitable for dispensing free sanitary products (e.g. GP surgeries, pharmacies, community centres, health clinics)?

Products needs to be widely available to ensure that all people who menstruate, including children and young people, can access them easily within their local community. This is particularly important for children who may need to access products during school holidays but have limited access to transport. As girls can start to their periods as young as 8 or 9, this is a younger cohort than existing schemes such as C-Card or the Minor Ailment Services. Whilst the number of younger children accessing products independently may be small their needs must be considered when designing the scheme. The scheme must also be inclusive of trans and non-binary people in compliance with principles of equality and non-discrimination.

Page 11: Schools, colleges and universities

Q5. Do you agree that there should be specific obligations on schools, colleges and universities to make sanitary products available for free (via dispensers in toilets)?

Yes

Please explain the reasons for your response

Periods can start as early as 8 years old. The consultation document rightly highlights that children and young people face additional barriers to accessing products. They may not have access to money, or be able to visit shops. Evidence from the Child Poverty Action Group shows that children can be acutely aware of money problems within their home and may not wish to ask parents for money. The ongoing effects of the culture of shame surrounding periods may mean they are too embarrassed to ask for pads or tampons. Their needs may not be effectively met through the proposed scheme for distribution via community pharmacies, health centres and community centres as they may not have the ability to independently travel to a facility. We therefore feel that an obligation on all schools, colleges and universities to make products freely available, without requiring children to approach a member of staff, is the best way of addressing the additional barriers faced by children and young people. It must be clear that the obligation extends to independent or private schools and we feel that it should be extended to residential care settings and to childcare settings catering for children aged 8 or over. As with the products distributed through the card scheme, there should be a choice of products available, appropriate to the needs of children and young people (see answer to question 3).

Page 12: Personal experience (questions 6 and 7 are for individual respondents only)

Q6. Have you ever struggled to access or afford sanitary products during menstruation? (e.g. financial barriers, unexpected circumstances, health issues)

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No Response

Q7. If sanitary products were available for free, which of the following would apply to you?

No Response

Page 14: Financial implications

Q8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Government and the public sector (e.g. local authorities, the NHS)				X		
(b) Colleges and universities						X
(c) Businesses (including suppliers/retailers of sanitary products)			X			
(d) Individuals (including consumers of sanitary products)				X		

Please explain the reasons for your response

While there may be some increase in cost for public provision this should be set within the context of significant fiscal gain in having increased engagement in education, and a reduced call on health services.

Q9. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

No Response

Page 16: Equalities

Q10. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation?

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Positive

Please explain the reasons for your response

There is likely to be a positive impact in providing access to these products in a discreet, stigma free manner, especially to children and young people. Provision of products within schools and via community settings must be delivered in a way that provides trans young people with discreet access to products as they face particular barriers to accessing products.

Q11. In what ways could any negative impact of the proposed Bill on equality be minimised or avoided?

No Response

Page 18: Sustainability

Q12. Do you consider that the proposed Bill can be delivered sustainably i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

Please explain the reasons for your response:

Financial Impact The provision of free products to menstruating people will come with a cost. The consultation document assumes that, amongst adults, the take up of the scheme will be low – reflecting take up for the C-Card scheme to provide free condoms. We believe there are also parallels to the Minor Ailment Scheme in which community pharmacists can prescribe common medicines for use by children, such as paracetamol. Despite the availability of medicines free for charge via this scheme, many parents continue to purchase these products elsewhere. As set out above, there will be economic benefits through increased school attendance and engagement. **Sustainability** We acknowledge that there are sustainability issues around the use of disposable sanitary towels and tampons and we would support measures to reduce the environmental impact of these. However, we believe that environmental considerations should not be prioritised over the individual needs, choice and comfort of children and young people. The products provided must include ones that children and young people are comfortable using long term, if the scheme is to be effective. Not all children and young people will be in a position to wash re-usable towels and may not be physically or mentally comfortable using a menstrual cup. Likewise, whilst we acknowledge the environmental impact of applicators, many children and young people find these easier and more comfortable to use. It is important that a range of disposable products is available, but we would support the availability of more sustainable alternatives, such as reusable pads or menstrual cups, through the any scheme developed.

Page 19: General

Q13. Do you have any other comments or suggestions on the proposal?

No Response