



REPORT TO: MORAY COUNCIL 10 AUGUST 2022

SUBJECT: PERIOD PRODUCTS (FREE PROVISION) (SCOTLAND) ACT 2021– MORAY COUNCIL STATEMENT ON EXERCISE OF FUNCTIONS

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 To inform the Committee of progress in meeting the 'Period Products (Free Provision) (Scotland) Act 2021' and seek agreement for a statement of intent outlining how the council will meet the requirements of the Act.
- 1.2 This report is submitted to Council in terms of Section II of the Council's Scheme of Administration relating to 'Any new policy matter which does not fall within the terms of reference of any Committee.'

2. RECOMMENDATION

- 2.1 **It is recommended that the Council approves and adopts the Statement of Intent at Appendix 1 for the Exercise of Functions Period Products (Free Provision) (Scotland) Act 2021.**

3. BACKGROUND

- 3.1 Since the 2018/19 financial year, Moray along with all councils in Scotland has received funding for the provision of free period products. Work has been accommodated within existing resources for the co-ordination and development of this task/fund, which along with difficulties arising as a result of the Covid-19 pandemic has led to gaps in development and implementation of a Council approach to the upcoming implementation of legislation.
- 3.2 The annual allocation has been split between School estate and non-school estate usage, with distribution assistance provided by Moray Food Plus (Moray Food +). The Council currently supply all council schools and in partnership with Moray Food+, around 100 other publicly accessible premises with free period products, including community facilities, publicly accessible toilets, GP surgeries, and numerous independent community and voluntary group facilities. Information on where period products can be accessed is currently being developed for inclusion on the PickUpMyPeriod app and

[PickUpMyPeriod website](#). At present, providing these free period products is voluntary.

- 3.3 The new Period Products (Free Provision) (Scotland) Act 2021 which seeks to ensure that “everyone in Scotland who menstruates can have reasonably convenient access to period products, free of charge, as and when they are required” places specific duties upon local authorities, Education providers and possibly other public bodies in the future. These duties come into force on 15 August 2022.
- 3.4 Section 1 of the Act places a duty on Local Authorities to make period products obtainable free of charge for anyone who needs to use them. Section 2 of the Act places a duty on education providers to make period products obtainable free of charge on their premises for pupils and students during term time.
- 3.5 Within the Act, each local authority across Scotland is required to undertake specific duties. This report pertains specifically to one of these duties (Section 6) which is to produce a ‘Statement of Intent’, outlining how the Council has met or plans to meet these legal obligations.
- 3.6 The Act specifies particular requirements that the arrangements put in place by all responsible bodies must meet, namely that they must make products reasonably easy to obtain, respect dignity, offer a reasonable choice of types of period products and that both the general public and school pupils should be consulted.
- 3.7 The proposed Statement of Intent is set out in **(Appendix 1)**, which takes account of the feedback from the public consultation summarised below.
- 3.8 In order to meet the requirements of the Act, authorities must undertake consultation with the public to help ascertain preferences for the type and location of period products. While the consultation of school pupils was undertaken on an ongoing basis by individual schools, the consultation of the general public in Moray was undertaken separately. This was carried out by online survey from the 5th to the 13th of July and over 250 responses were received. However, not all respondents answered all questions and some had single figure responses. Key questions had a good response and indicated:
 - 41% live in Elgin;
 - 78% of respondents were unaware of the availability of free period products;
 - 9% of respondents have previously accessed free products;
 - Nearly 88% of respondents would be interested in accessing free products in the future;
 - Tampons and pads were the most popular options for products, with interest also expressed in re-usable products;

- Over 80% favoured online/postal provision with over 70% selecting chemist and health centres, community venue and food bank also being popular;
- Over 90% expressed a preference for products to be available in toilets.

3.9 Feedback from the survey has contributed to the following undertakings within the Statement of Intent:

i. Community Setting

1. Identify gaps in provision geographically and by type of premises.
2. Increase the number of premises supplying free period products in Moray, targeting additional venue types highlighted within the feedback.
3. Cooperate with current and future premises to identify appropriate spaces in their venue where period products can be easily accessed whilst protecting an individual's dignity.
4. Expand provision of products (both quantity and range) in premises, with a focus on ensuring all communities have some provision available.
5. Encourage and identify options to increase the supply of reusable products.
6. Investigate a system for postal delivery for the hardest to reach geographies/users.
7. Provide communities with publicity material so that the public are aware of the availability of the products.
8. Make additional arrangements for those who experience barriers to accessing free period products.

ii. School Setting

1. Expand provision of products (both quantity and range) in schools, with a focus on ensuring options in a choice of toilet facilities in schools where possible including single use and reusable provision available.
2. Continue to cooperate with schools to identify appropriate spaces where period products can be easily accessed without embarrassment.
3. Provide all schools with appropriate publicity material so that pupils are aware of the availability of the products.

iii. Council Premises

1. Identify gaps in provision and contact each premise to organise supply.
2. Expand provision of products (both quantity and range) in premises, with a focus on ensuring all bathrooms have both single use and reusable provision available.
3. Cooperate with premises to identify appropriate spaces where period products can be easily accessed without embarrassment.
4. Provide all premises with appropriate publicity material so that Council staff and visitors are aware of the availability of the products.

- 3.10 A short life working group has been established to discuss and progress these undertakings with a future report expected to spell out arrangements, systems and future activities including staff resource recommendations.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The Provision of free period products will assist with Poverty related aspects of the LOIP.

(b) Policy and Legal

The content of this report informs the Council's meeting of its statutory responsibilities in meeting the relevant Act of the Scottish Parliament.

(c) Financial implications

None as funding is available from the Scottish Government. I

(d) Risk Implications

Failure to approve a statement of intent by 15 August could result in risk relating to failure to meet statutory responsibilities.

(e) Staffing Implications

Although the voluntary provision of these products purchased from Scottish Government allocation, has been un-resourced in terms of dedicated Officer time, this has undoubtedly led to gaps and delays in the development and implementation of Moray council's approach. Now that this provision is no longer voluntary, and will become a statutory responsibility from 15 August 2022, consideration will be given to the options available including internal and external resources, which may require a new post to be funded from the Scottish Government funding allocation.

(f) Property

None.

(g) Equalities/Socio Economic Impact

Not everyone who menstruates identifies as female, therefore as part of ensuring a dignified approach, Moray Council will ensure that the arrangements put in place to meet our duties allow any individual who menstruates, including transgender men and non-binary individuals, to access products. The language that is used in consultation, published arrangements and delivery will be considerate of equalities. In addition, in some cases men may wish to access products for free for family members or partners. Consultation methods and engagement along with accessibility options and product types available, will all be mindful of best practice in an effort to engage with traditionally hard to reach groups.

(h) Climate Change and Biodiversity Impacts

None.

(i) Consultations

The Chief Executive, Depute Chief Executive Education (Communities and Organisational Development), Chief Executive (Economy, Environment and Finance), Chief Officer. Health and Social Care Moray, Tracey Sutherland, Committee Services Officer and Moray Food Plus.

5. CONCLUSION

- 5.1 The Council has received funding from the Scottish Government for the provision of free period products since 2018/19 and while provision has been put in place, the full funding has not always been utilised. From 15 August 2022 there is a statutory requirement for the Council to have an agreed Statement of Intent in relation to the delivery of the requirements of the Period Products (Free Provision) (Scotland) Act 2021. A statement is proposed for agreement in Appendix 1, however, this will require consideration of options to support delivery and maximise the use of the funding available, which will be the next phase of work on this area of the poverty agenda.**

Author of Report:

Background Papers:

Ref:

Will Napier, Senior Policy Officer (Poverty)

[Period Products \(Free Provision\) \(Scotland\) Act 2021](#)

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