



The Scottish Parliament
Pàrlamaid na h-Alba

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Scottish Government
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Dear Aileen,

I write further to your evidence session at the Local Government and Communities Committee on 8 January 2019 regarding the Period Products (Free Provision) (Scotland) Bill.

It is disappointing that the Scottish Government does not support the proposed legislation at this time. The Bill is widely supported, both within the Parliament and across civic Scotland. It would be regrettable if the Scottish Parliament is seen to block proposals to make access to period products a legal right and I hope we can work together towards avoiding that outcome. I know we share a passion and strong desire to end period poverty.

You have stated on several occasions that we have a shared ambition on what the Bill aims to achieve and that you “fully believe in the principle of ensuring that everyone who needs to access period products can do so.” This is appreciated, as is the practical action that the Scottish Government has taken and supported to improve access to period products. I know we agree that there is more to do.

On that basis, I hope that we can have further discussions about how the Bill can move forward. I have suggestions for amendments and I would be interested to hear what amendments you might be considering. I am confident we can reach agreement and overcome any barriers that would prevent you from supporting the general principles of the Bill at Stage 1. I am keen to engage in constructive dialogue, as I have always been, and work more closely with you on improvements to the Bill.

Further to my 11 December 2019 letter to the Committee, which addressed a number of the concerns in your written submission to the Committee, I am taking this opportunity to write to you again ahead of the next Committee meeting to set out possible areas of agreement and potential amendment.

Financial Memorandum

On costs, I am keen to further understand your views on the evidence by Hey Girls to the Committee on the 18 December. As you will be aware, Celia Hodson said:

I want to pick up on the cost per unit. We won the Scottish Excel washroom solutions contract. As you will know, those contracts are won predominantly on price, and then on environmental impact and service. Our unit price is 7.5p for a pad and 9p to 13p for a tampon, so I am not quite sure where the other costs are coming from. If local authorities used the washroom solutions framework, that would instantly bring down the cost of the products.

The costings in the Financial Memorandum are based on the average unit cost of a range of supermarket and branded towels and tampons, which works out at 9p per unit, similar to the costs cited by Hey Girls. In the interests of promoting best practice and value for money, are you in a position to share further information as to why the current unit cost price quoted by the Scottish Government is so much higher and what work is ongoing to ensure this cost will be reduced?

DPLR Committee concerns

I have written to the DPLR Committee and to the Local Government and Communities Committee to express my intention to address concerns from the DPLR Committee by lodging Stage 2 amendments:

- to make any regulations that specify any public-facing body or other person in a period products scheme for the first time subject to the affirmative procedure; and
- to include a statutory duty to consult public-facing or other persons before they are specified in any regulations under section 2.

Voucher-based procedure

I recognise the concerns about the potential for a voucher-based approach to increase bureaucracy. The Bill only includes reference to a voucher-based preliminary procedure in order to place a limit on what information could be collected from those accessing the universal scheme. The Bill does not require Scottish Ministers to establish a voucher-based procedure as part of its universal scheme. However, given the concerns, I would be happy for the reference to the voucher scheme to be removed entirely from the Bill at Stage 2.

Evaluation of existing scheme and timescale for implementation

I am aware of the need to fully evaluate current schemes and practice around Scotland, in order to capture best practice and make improvements. I welcome the ongoing work towards this and the Scottish Government's commitment to a campaign to reduce period stigma and the development of an app which will identify locations where products can be collected, to promote product uptake.

I am willing to lodge Stage 2 amendments to extend the timescale for bringing the universal scheme into operation, to allow time for this evaluation and learning to be undertaken. I think this will help towards reducing cost and improving the efficiency of current schemes.

Education providers - requirement to provide products in toilets

I am willing to work on Stage 2 amendments to fine-tune the provisions about where products must be available in education premises (for example, to exempt en-suite toilets in halls of residence).

Postal delivery

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. The intention was to meet the needs of people living in remote communities or who have difficulty accessing the entitlement because of illness, disability or other inequalities.

I sincerely believe that not supporting legislation at this stage to make access to period products a legal right will be a missed opportunity to fully tackle period poverty and create a fairer Scotland that values gender equality.

You have identified a number of specific areas of the Bill that you dislike, and I have expressed a willingness to make changes by amendment. Given that these are points of detail, I hope you can be persuaded that these are not reasons to oppose the general principles of the Bill at Stage 1. I would be grateful for the Scottish Government to lend its support to the Bill at this stage and to allow it to be scrutinised in further detail at Stage 2.

I look forward to meeting with you as soon as possible and hope that we can use that opportunity to discuss these issues and others in more detail.

Yours sincerely,

Monica Lennon MSP