

Department of Education Consultation on Period Products (Free Provision) Regulations

Specifying Public Service Bodies for the Provision of Free Period Products

August 2022

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Executive Summary

- i.Under the [Period Products \(Free Provision\) Act \(Northern Ireland\) 2022](#), (The Act) all government Departments in Northern Ireland must specify by Regulations ‘Public Service Bodies,’ which must establish and maintain arrangements to ensure that period products are obtainable, free of charge, on their premises. In other words, Departments must specify which of their bodies will be legally required to make sure free period products are available for use on their premises.
- ii.Period Products is defined in the Act as ‘*manufactured articles the purpose of which is to absorb or collect menstrual flow*’ and types of products ‘*include tampons, sanitary towels and articles which are reusable*’.
- iii.As well as specifying Public Service Bodies, the Regulations may provide for descriptions of people and premises to be treated as ‘in scope’ for provision on their premises.
- iv.Given the policy intention (of the Act) to make products widely available, the Department of Education (DE) aims to minimise any limitation of this provision, in making the Regulations.
- v.These Regulations are to be in place by 11 May 2023 and are the first step towards the implementation of this new law.
- vi.Departments are also required to provide Guidance to the specified Public Service Bodies on their duties under the legislation, which will be subject to a separate statutory consultation. DE is however using this exercise to gather early information on topics to include in the Guidance.
- vii.The purpose of this consultation is to consult the Public Service Bodies that DE is proposing to specify in Regulations and which will therefore be subject to the duties under the Act. DE also welcomes contributions from its wider stakeholders on the proposals.
- viii.DE is required to specify ‘*bodies with functions that would enable them to discharge this duty in relation to persons in school premises*’. The drafting of the Act means that all types of school in Northern Ireland can be captured under this new law.
- ix.In relation to schools, DE is proposing to specify the following Public Service Bodies in the Regulations: The Education Authority as manager of controlled schools; all voluntary schools; all grant-maintained integrated schools; and all independent schools.
- x.DE is proposing that the Regulations specify that the duties under the Act would sit with the “managers” of each of these bodies, which follows the approach taken in other legislation, for example the Freedom of Information Act (2000). The legal definition of “managers” of each type of school is explained in the consultation document at paragraph 34.

xi.DE **may** also specify Public Service Bodies (within its functions) **other** than schools, provided that body is constituted by or under a statutory provision and has functions that consist of or include providing public services or otherwise serving the public interest. In short, statutory bodies, serving the public, or public interest, may be specified.

xii.DE is proposing to specify the Education Authority (EA) in relation to statutory youth settings, Education Other Than At School (EOTAS) settings, pupil referral units and office accommodation. Other Arms-Length Bodies that meet the definition of Public Service Body under the Act, specifically, the Council for Catholic Maintained Schools (CCMS); the NI Council for Curriculum, Examinations and Assessment (CCEA); and General Teaching Council for Northern Ireland (GTCNI) are also included in the proposals in relation to their office accommodation.

xiii.There are a small number of Public Service Bodies which could be specified in the Regulations, but DE is not proposing to do so. Supporting rationale is provided in the main body of this document.

xiv.DE understands that it would not specify itself as a Public Service Body.

xv.DE is proposing the following descriptions of premises to be treated as being (or not being) premises for the purposes of the Act:

- a. *Schools, EOTAS settings and pupil referral units:* Regulations will include all buildings used for non-educational purposes (e.g. eating, leisure or sport), as well as those used for learning (e.g. classrooms, laboratories), so long as they form part of the premises of the school, EOTAS setting or pupil referral unit. These premises could be off site for example, sports halls not located at the main site.
- b. *Statutory youth settings:* Regulations will include all buildings used for the delivery of EA's youth services and programmes.
- c. *Office accommodation:* Regulations will include office accommodation of DE's (*specified*) Arms-Length Bodies. Specifically, EA, CCMS, CCEA and GTCNI.

xvi.The Regulations will specify that buildings are to be considered as 'in use' when there is at least one member of staff present.

xvii.DE is proposing to limit provision in schools, EOTAS Settings, pupil referral units and office accommodation to pupils and staff, as well as visitors to each setting, who have good reason for being there, such as attending organised school events and meetings. This would ensure the general public are not entitled to enter these settings to obtain free period products, given the importance of safeguarding children and young people.

xviii.DE is seeking the views of consultees on:

- a. The proposed list of Public Service Bodies to be specified in the Regulations;

- b. Proposals that the duties under the Act to establish and maintain arrangements to ensure that period products are obtainable, free of charge, would sit with the “managers” of schools;
- c. Its proposals on descriptions of people and premises to be treated as ‘in scope’ for this provision; and
- d. The list of proposed Guidance topics, noting that Guidance will be subject to a separate consultation.

Introduction and Background

1. Pat Catney MLA, considered that: ‘... *there is an undeniable need to provide sustained free access to period products in education settings and other public buildings*’¹; and introduced the Period Products (Free Provision) Bill in the Northern Ireland Assembly in October 2021.
2. The Bill had broad support in the Assembly and received Royal Assent on 12 May 2022. The [Period Products \(Free Provision\) Act \(Northern Ireland\) 2022](#) is referred to in this consultation document as ‘the Act’.
3. Section 1 of the Act places a duty on the Executive Office to ensure that period products are available free of charge, on a universal basis, in appropriate locations.
4. Section 2(1) of the Act, requires each Government Department in Northern Ireland to specify by Regulations ‘Public Service Bodies,’ which must establish and maintain arrangements to ensure that period products are obtainable, free of charge, on their premises. **In other words, Departments must specify which bodies will be legally required to make sure free Period Products are available in their premises.**
5. Departments must consult with Public Service Bodies before specifying them in Regulations and the Regulations must be in place by 11 May 2023.
6. There are a number of other steps along the way to full implementation of this new law in as far as it relates to Public Service Bodies. These steps include:
 - Departments will need to consult on Guidance to be provided to Public Service Bodies in relation to their duties under the Act;
 - Guidance is to be published by Departments as soon as reasonably practicable after specifying Public Service Bodies in Regulations;
 - The Public Service Bodies will be required to consult with product users on the arrangements to be put in place;

¹[Period Products \(Free Provision\) Bill - Explanatory & Financial Memorandum As Amended at Further Consideration Stage](#)

- The Public Service Bodies will be required to ultimately publish a statement of those arrangements; and
- Departments are required to publish information on locations of free products.

Purpose of this Consultation

7. The Department of Education (DE) is undertaking this consultation as the first step in the process of implementing this new law in respect of its ‘Public Service Bodies’.
8. The purpose of this consultation is to consult the Public Service Bodies that DE is proposing to specify in Regulations and which will therefore be subject to the duty in Section 2 (3) of the Act. DE also welcomes contributions from its wider stakeholders on the proposals.
9. The Section 2 (3) duty requires the specified Public Service Bodies to ‘*ensure that period products are obtainable free of charge (in accordance with arrangements established and maintained by that body) by persons in its premises who need to use them*’.
10. Period Products is defined in the Act as ‘*manufactured articles the purpose of which is to absorb or collect menstrual flow*’ and types of products ‘*include tampons, sanitary towels and articles which are reusable*’.
11. Section 2(6) states that the products are to be ‘*sufficient products to meet the person’s needs while the person is in the premises*’.
12. This means that these bodies will need to ensure free period products are available for use on their premises and it is for each body to establish and maintain arrangements, having consulted with product users, and others, as they see fit. There are a number of requirements in the Act that relate to this duty, and Departments must publish Guidance to assist Public Service Bodies after specifying them in the Regulations.
13. It is important to note that DE’s pilot scheme to address Period Dignity in schools also makes a degree of provision for products to take home during term time. We will give consideration as to how this provision will sit alongside the legal requirement to provide products for use on the premises, in discussion with The Executive Office who are responsible for the Universal scheme under Section 1 of the Act.
14. **It is important to emphasise that DE is not consulting on the duties that are in the Act. This consultation is to seek views from consultees on DE’s proposed list of Public Service Bodies to be specified in Regulations and subject to duties under the Act.** The consultation document lists both the proposed bodies to be specified and the bodies DE is not proposing to specify; along with supporting rationale.

15. The consultation also seeks stakeholder views on DE's proposals on descriptions of people and premises to be treated as 'in scope' for this provision and comments on a list of proposed Guidance topics, noting that Guidance will be subject to a separate statutory consultation. Given the policy intention (of the Act) to make products widely available, DE aims to minimise any limitation of this provision, in making the Regulations.

Specified Public Service Bodies

16. DE is **required** to specify '*bodies with functions that would enable them to discharge this duty in relation to persons in school premises*'. The drafting of the Act means that all types of school in Northern Ireland can be captured under this new law. A list of proposed bodies is in *Section A – Provision of Period Products in School Premises*.

17. DE may also specify Public Service Bodies within its functions that are constituted by or under a statutory provision and have functions that consist of or include providing public services or otherwise serving the public interest. Proposed bodies are listed in Section B.

Descriptions and provisions in relation to premises and persons

18. As well as specifying the Public Service Bodies to which duties will apply, the Regulations may also provide for certain descriptions of people and premises to be treated as 'in scope' for this provision. See *Section C – descriptions and provisions in relation to premises and persons*.

Section D – Future Guidance

19. Section D has been included to inform the development of Guidance for Public Service Bodies. Departments must consult on and provide Guidance to specified Public Service Bodies which must be published as soon as is reasonably practicable after the Regulations are in place. DE is therefore taking this opportunity to gather early views of Public Service Bodies in relation to the scope and content of this Guidance.

The Executive Office Universal Scheme

20. It should be noted that The Executive Office (TEO) is considering options for the delivery of the universal scheme for which it is responsible under the Section 1 of the Act. i.e. *to ensure that period products are available free of charge, on a universal basis, in appropriate locations*. Under this universal scheme, products are to be sufficient to meet a person's needs while they are in Northern Ireland (i.e. not just for use on the premises where they are obtained). For efficiency TEO may propose linking in with provision that is to be put in place on the premises of Public Service Bodies.

21. This universal scheme will however be subject to a separate consultation and Public Service Bodies specified by DE in Regulations would not be required/compelled under the Regulations to provide products other than for use on the premises.

Funding Arrangements

22. Funding arrangements across Departments are still to be established and we anticipate that this will be discussed at a cross-Departmental working group. Given the Act requires sufficient products for use of the premises, it would follow that provision would be calculated, based on female headcount (full time equivalent for staff).

SECTION A – Provision of free period products in school premises

23. NI Departments have until 11 May 2023 to specify in Regulations (secondary legislation) which bodies will be legally required to make sure free period products are available on their premises.

24. Specifically, Section 2(3) of the Act requires specified Public Service Bodies to '*ensure that period products are obtainable free of charge (in accordance with arrangements established and maintained by that body) by persons in its premises who need to use them*'.

25. Period Products is defined in the Act as '*manufactured articles the purpose of which is to absorb or collect menstrual flow*' and types of products '*include tampons, sanitary towels and articles which are reusable*'.

26. It will be for each body to establish and maintain arrangements, having consulted with product users and others, as they see fit, however Departments must publish Guidance to assist Public Service Bodies as soon as practicable after specifying them in Regulations.

27. The following box includes extracts from the Act to provide a precise explanation of the definition of Public Service Body within the Act.

Definitions of Public Service Body

Clause 9 provides:-

"public service body" means a body—

(a) constituted by or under a statutory provision; and

(b) having functions that consist of or include providing public services or otherwise serving the public interest,

and also includes a body falling within section 2(2)(b), (c) or (d) which is not constituted by or under a statutory provision

Section 2 (2) provides

(2) The public service bodies specified under subsection (1) must include—

(a)bodies with functions that would enable them to discharge the duty in subsection (3) in relation to persons in hospital premises;

(b)bodies with functions that would enable them to discharge that duty in relation to persons in school premises;

(c)bodies with functions that would enable them to discharge that duty in relation to persons in further education premises; and

(d)bodies with functions that would enable them to discharge that duty in relation to persons in higher education premises.

28. Under Section 2(2) DE is required to specify bodies with functions that would enable them to discharge this duty in relation to persons in school premises. Schools and other educational premises are specifically referenced in the Act and it was acknowledged during the Assembly's consideration of the Bill that nobody should miss out on their education because they don't have access to period products. This resonates with the DE's Pilot Scheme to Address Period Dignity in Schools which seeks to support confident attendance at school, primarily through the provision of free period products.

29. It is important to note that DE's pilot scheme to address Period Dignity in schools makes a degree of provision for products to take home during term time however, the legal requirement, under the Act, is to make sufficient provision for use on the premises. We will give consideration on the way forward for 'take home' provision, in discussion with The Executive Office, who are responsible for the universal scheme, under Section 1 of the Act.

30. The Act requires that period products be provided free of charge in schools and its drafting ensures that all types of school in Northern Ireland can be included in this provision.

31. DE is proposing to specify the following Public Service Bodies in Regulations:

1. The Education Authority as manager of controlled schools;
2. All voluntary schools;
3. All grant-maintained integrated schools; and
4. All independent Schools.

32. It should be noted that pupil referral units, Education Other Than at School and Youth settings are considered in Section B.

33. DE is proposing that the Regulations would specify that the duties under the Act would sit with the "managers" of each of these bodies, which follows the approach taken in other legislation, for example the Freedom of Information Act (2000).

34. "Managers" of schools is defined in Education and Libraries (Northern Ireland) Order 1986 as:

- (a) in relation to a controlled school, the Authority;
- (b) in relation to a voluntary school or a grant-maintained integrated school, the Board of Governors of the school;
- (d) in relation to an independent school, the proprietor of the school;

Section A Questions

Do you have any concerns or comments on DE's approach to placing the duty on 'managers' of each type of school, set out at paragraph 33 - 34 of the consultation document? (For example, in relation to a voluntary school, the duty would rest with its Board of Governors and for a controlled school, the duty would rest with the Education Authority).

Yes/No. If yes, please provide details.

Do you consider that the list of "managers" at paragraph 34 of the consultation document is appropriate and captures all types of school in NI? (Note EOTAS, pupil referral units and youth settings are in section B)

Yes/No/Don't know. If no, please provide details.

Do you have you any other comments on Section A?

SECTION B – Provision of free period products – Public Service Bodies (within the functions of the Department of Education) other than schools

35. Departments have until 11 May 2023 to specify in Regulations (secondary legislation) which of their bodies will be legally required to make sure free period products are available on their premises.

36. Specifically, Section 2(3) of the Act requires specified Public Service Bodies '*ensure that period products are obtainable free of charge (in accordance with arrangements established and maintained by that body) by persons in its premises who need to use them*'.

37. Period Products is defined in the Act as '*manufactured articles the purpose of which is to absorb or collect menstrual flow*' and types of products '*include tampons, sanitary towels and articles which are reusable*'

38. It will be for each body to establish and maintain arrangements, having consulted with product users and others, as they see fit, however Departments must publish Guidance to assist Public Service Bodies as soon as practicable after specifying them in Regulations.

39. The following box (repeated from Section A) provides extracts of the Act to provide a precise explanation of the definition of Public Service Body within the Act.

Definitions of Public Service Body

Clause 9 provides:-

"public service body" means a body—

(a) constituted by or under a statutory provision; and

(b) having functions that consist of or include providing public services or otherwise serving the public interest,

and also includes a body falling within section 2(2)(b), (c) or (d) which is not constituted by or under a statutory provision

Section 2 (2) provides

(2) The public service bodies specified under subsection (1) must include—

(a)bodies with functions that would enable them to discharge the duty in subsection (3) in relation to persons in hospital premises;

(b)bodies with functions that would enable them to discharge that duty in relation to persons in school premises;

(c)bodies with functions that would enable them to discharge that duty in relation to persons in further education premises; and

(d)bodies with functions that would enable them to discharge that duty in relation to persons in higher education premises.

40. Unless a body under the functions of DE can fall within Section 2 (2)(b) above it must be a statutory body (constituted by or under a statutory provision) if it is to be specified in the Regulations. Given the policy intention (of the Act) to make products widely available, DE aims to minimise any limitation of this provision, in making the Regulations.

Proposed Public Service Bodies (within the functions of DE) other than schools

41. Proposed Public Service Bodies within the function of the DE, to be specified in Regulations, are listed in table 1 below and DE is seeking views of consultees on the inclusion of their body/the bodies in the list.

Table 1 – Public Service Bodies DE proposes to specify in Regulations
Education Authority (EA) – Executive NDPB EA is a Statutory Body and has functions that consist of or include providing public services or otherwise serving the public interest. It could therefore be specified. Legislative basis is Education Act (Northern Ireland) 2014 As well as being specified as Manager of Controlled Schools (see Section A) DE also proposes to specify the EA in respect of other premises including office accommodation, Youth Settings, EOTAS Settings and pupil referral units. EA would be required to ensure that period products are obtainable free of charge for use on those premises.
Council for Catholic Maintained Schools (CCMS) - Executive NDPB CCMS is a Statutory Body and has functions that consist of or include providing public services or otherwise serving the public interest. It could could therefore be specified. Legislative Basis Education Reform (NI) Order 1989 Part IX & Schd 8 Art 1-2 While CCMS does not fall within the definition of manager of schools (set out in Section A, paragraph 34), DE is proposing to specify it in the Regulations. It would be required to ensure that period products are obtainable free of charge for use on its premises, such as office accommodation.
NI Council for Curriculum, Examinations and Assessment (CCEA) - Executive NDPB CCEA is a Statutory Body and has functions that consist of or include providing public services or otherwise serving the public interest. It could therefore be specified. Legislative Basis - Education (NI) Order 1998 Part VII (Art. 73-80) & Schd 3

DE is proposing to specify CCEA in the Regulations. It would be required to ensure that period products are obtainable free of charge for use on its premises, such as office accommodation.

General Teaching Council for Northern Ireland (GTCNI) –Executive NDPB

GTCNI is a Statutory Body and has functions that consist of or include providing public services or otherwise serving the public interest. It could therefore be specified.

Legislative basis: [Education \(NI\) Order 1998 Part VI Chapter 1 \(Art. 34\) & Sch 1](#)

DE is proposing to specify GTCNI in the Regulations. Although the Council was stood down in December 2021, GTCNI will be required to ensure that period products are obtainable free of charge for use on its premises, such as office accommodation.

*Bodies DE is **not** proposing to specify*

42. Table 2 details bodies that the DE is **not** proposing to specify in the Regulations and DE is seeking views of consultees on the exclusion of their body/the bodies from the proposals.

43. It should be noted that unless a body (within DE's functions) has power or duty enabling it to make products available in school premises, it must be a **statutory** body if it is to be specified in the Regulations.

44. Where DE is not proposing to specify bodies even though they *do* meet the definition of Public Service Body under the Act, an explanation/rationale is provided.

Table 2 – Public Service Bodies DE is not proposing to specify in Regulations

Diocesan Education Committees (DECs) of CCMS - Executive NDPB

DECs is established under statutory provision and has functions that consist of or include providing public services or otherwise serving the public interest. It could therefore be specified.

Legislative Basis [Education Reform 1989 - Schedule 8 Art. 3-11](#)

DE however does not propose to capture these Education Committees, since they are Committees of the Council for Catholic Maintained Schools, which is included in the proposed bodies to be specified in the Regulations.

Youth Council for Northern Ireland - Executive NDPB

The Youth Council is a Statutory Body and has functions that consist of or include providing public services or otherwise serving the public interest. It could therefore be specified.

Legislative Basis [The Youth Service \(NI\) Order 1989 - Art 3, 4 and Sched](#)

Since the Youth Council is not currently operational, and does not have independent premises, DE is not proposing to specify it in Regulations. Since Departments are required to review and make necessary updates to the Regulations at intervals of no more than three years, the Youth Council could be specified in relation to any independent premises it may have in the future.

Northern Ireland Council for Integrated Education (NICIE) Executive NDPB (non-statutory)

[Article 64 of the Education Reform \(Northern Ireland\) Order 1989](#)

DE does not propose to specify NICIE in Regulations as it is not established by or under a statutory provision, nor does it have functions (power or a duty) that would enable them to discharge the s.2(3) duty in relation to persons in schools.

Comhairle na Gaelscholaíochta (CnaG) - Executive NDPB (non-statutory)

[Article 89 of the Education \(Northern Ireland\) Order 1998](#)

DE does not propose to specify CnaG in Regulations as it is not established by or under a statutory provision, nor does it have functions (power or a duty) that would enable them to discharge the s.2(3) duty in relation to persons in schools.

Middletown Centre for Autism (MCA) - Executive NDPB (non-statutory)

DE does not propose to specify MCA in Regulations as it is not established by or under a statutory provision, nor does it have functions (power or a duty) that would enable them to discharge the s.2(3) duty in relation to persons in schools.

Catholic Schools' Trustee Service (CSTS) – Third Party Organisation

Funded under the [Education Act \(Northern Ireland\) 2014 \(legislation.gov.uk\)](#)

DE does not propose to specify CSTS in Regulations as it is not established by or under a statutory provision, nor does it have functions (power or a duty) that would enable them to discharge the s.2(3) duty in relation to persons in schools.

CSTS is located at St Mary's University College, which would be captured by regulations to be made by the Department for the Economy.

Controlled Schools' Support Council (CSSC)

Funded under the [Education Act \(Northern Ireland\) 2014 \(legislation.gov.uk\)](#)

DE does not propose to specify CSSC in Regulations as it is not established by or under a statutory provision, nor does it have functions (power or a duty) that would enable them to discharge the s.2(3) duty in relation to persons in schools.

CSSC is located at Stranmillis University College which would be captured by Regulations to be made by the Department for the Economy.

Governing Bodies Association (GBA)

Funded under the [Education Act \(Northern Ireland\) 2014 \(legislation.gov.uk\)](#)

DE does not propose to specify GBA in Regulations as it is not established by or under a statutory provision, nor does it have functions (power or a duty) that would enable them to discharge the s.2(3) duty in relation to persons in schools.

Exceptional Circumstances Body (ECB)

Legislative Basis

[School Admissions \(Exceptional Circumstances\) Regulations \(Northern Ireland\) 2010 as provided by Art 16A of the 1997 Order](#)

While not a statutory Body corporate, ECB is a body constituted under a statutory provision and could therefore be specified. Since ECB staff are comprised from DE staff and located within Rathgael House, provision could be made, should civil service buildings be captured in Regulations made by another Department or in TEO's Universal Scheme under Section 1.*

*DE understands that it would not specify itself as a public service body.

Section B Questions

In Table 1 on page 13 of the consultation document, DE proposes to specify EA, CCEA, CCMS and GTCNI in the Regulations.

Do you agree with DE's assessment that these bodies meet the definition of Public Service Body under the Act? (Y/N) If you do not agree, please provide details.

Do you have any comments on the rationale set out in the table for including these bodies?

In Table 2 on page 14 of the consultation document, DE sets out rationale for bodies DE is not proposing to specify in Regulations. For example, the Youth Council could be specified but it is not currently operational, and does not have independent premises.

Do you disagree with any of the rationale set out in Table 2, which lists the bodies DE is not proposing to specify? If yes, please provide details.

Do you consider that there are any Public Service Bodies within the functions of DE missing from Section B? (Y/N/Don't know) If yes, please provide details.

Do you have any other comments on the proposals and rationale set out in Tables 1 and 2, page 13 to 16 of the consultation document?

SECTION C – Descriptions and provisions in relation to premises and persons

45. As well as specifying the Public Service Bodies who must ensure free period products are available on their premises, the Regulations (secondary legislation) may also provide for:

- (a) descriptions of premises to be treated as being (or as not being) premises of that body for the purposes of the Act,
- (b) descriptions of persons to be treated (or as not being) persons ‘in that body’s premises, for the purposes of the Act
- (c) provisions about when premises are to be treated as ‘in use’

46. It is important to note however that nothing in the Act itself limits the free provision, other than products are to be sufficient for use on the premises and provided specified Public Service Bodies meet the definition under the Act. The Act is therefore wide reaching in its provision.

47. At Final Stage debate, the Bill’s sponsor said:

The impact on those who cannot get access to period products is huge. Giving that to pupils, workers and all people will improve access to education and work and will allow them the level of dignity that they all deserve’.

48. DE’s proposals aim to minimise any limitation of this provision in making the Regulations.

(a) Descriptions of premises to be treated as being (or as not being) premises of that body for the purposes of the Act

49. DE proposes the following descriptions of premises to be treated as being (or not being) premises for the purposes of the Act:

- a. *Schools, EOTAS settings and pupil referral units:* Regulations will include all buildings used for non-educational purposes (e.g. eating, leisure or sport), as well as those used for learning (e.g. classrooms, laboratories), so long as they form part of the premises of the school, EOTAS setting or pupil referral unit. These premises could be off site for example, sports halls not located at the main site;
- b. *Youth Settings:* Regulations will include all buildings used for the delivery of EA’s youth services and programmes. As with (a), these premises could be off site.
- c. *Office Accommodation:* Regulations will include office accommodation of specified public service bodies, specifically, EA, CCEA, CCMS and GTCNI.

50. It is important to emphasise that while having products in one location in a building would meet the requirements under the Regulations, Guidance to be issued by DE is likely to recommend sufficient access points to ensure relative ease of access in a way that respects dignity, privacy and confidentiality, which are requirements under the Act.

(b) Descriptions of persons to be treated (or as not being) persons ‘in that body’s premises, for the purposes of the Act

51. Three main principles have been applied when developing the following proposals:

- a. A need to safeguard children and young people;
- b. The Act requires products be sufficient to meet needs while on the premises; and
- c. Wider provision is a matter for the universal scheme under Section 1 of the Act.

Schools, EOTAS settings, pupil referral units and EA Youth Settings,

52. DE is proposing to limit provision in schools, EOTAS settings, pupil referral units and Youth Settings, to ensure the general public are not entitled to go into these settings to obtain free period products, given the importance of safeguarding children and young people. Provision would be limited to pupils in schools, young people attending youth services and programmes, staff on those premises, as well as visitors to each setting, who have good reason for being there, such as attending organised events and meetings.

Office Accommodation

53. DE is proposing to limit description of persons on premises which is solely office accommodation to staff and visitors with good reason for being there such as attending meetings and events.

(c) Provisions about when premises are to be treated as ‘in use’

54. DE proposes that all premises are to be treated as ‘in use’ when there is at least one staff member in the building. This would ensure that there are sufficient products available at all times.

Section C Questions

Do you have any comments on the proposed descriptions of premises, at paragraph 49 of the consultation document, which would be treated as being (or as not being) premises of a body for the purposes of the Act? For example, Regulations will include all buildings used for the delivery of EA’s youth services and programmesthese premises could be off site.

Do you have any comments on the proposed descriptions at paragraph 51-53 of the consultation document, of persons to be treated (or as not being) persons ‘in that body’s premises, for the purposes of the Act? These proposals limit provision in most settings and ensure safeguarding children and young people.

Do you have any comments on DE’s proposal that buildings are to be treated as ‘in use’ when there is at least one member of staff present?

Do you have any other comments on section C?

SECTION D – Future Guidance

55. As soon as reasonably practicable after specifying Public Service Bodies in Regulations, Departments are required to provide Guidance to these Public Service Bodies in relation to their duties under the Act. While the Guidance will be subject to a separate statutory consultation, the DE is taking this opportunity to gather early views of Public Service Bodies in relation to this scope of this Guidance.

Proposed Guidance Topics:

Section D Questions

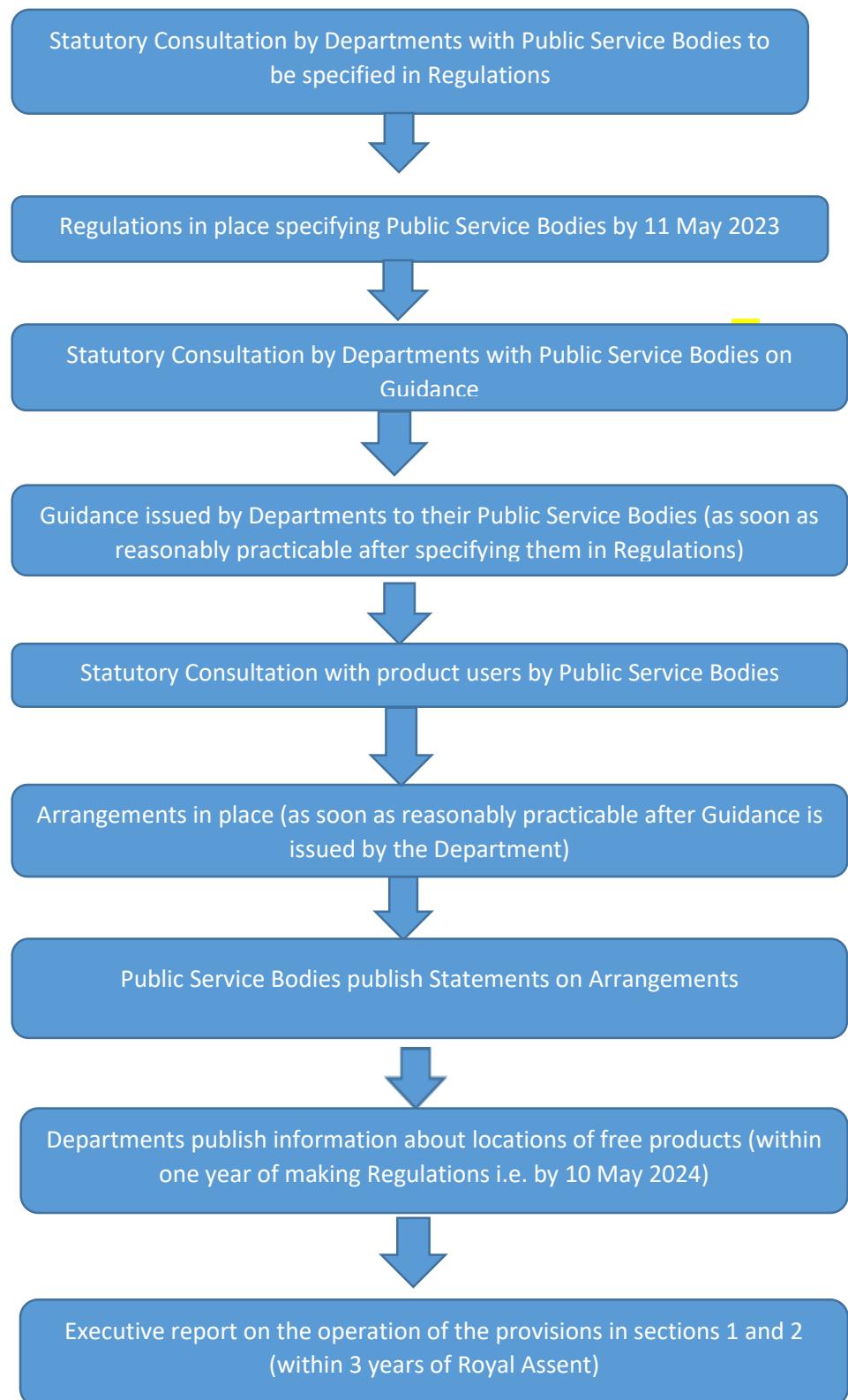
How helpful would each of the guidance topics, set out below, be to Public Service Bodies, in carrying out their duties under the Act.

	Essential	Very Helpful	Helpful	Not required
Timescales regarding next steps				
Meeting needs of individuals i.e. dignity, privacy and confidentiality				
The need to consult with product users and develop a statement on arrangements				
Availability, choice and ease of access				
Environmental concerns				
Procurement of products				
Guidance on product safety				
Education on the associated issues				

Are there any topics not on the list that you would like to see included?

(If yes, please provide details)

Annex A - Flowchart – Provision of Free Period Products on the premises of Public Service Bodies



Annex B - Full List of Questions

Section A - Provision of free period products in school premises

1. Do you have any concerns or comments on DE's approach to placing the duty on 'managers' of each type of school, set out at paragraph 33-34 of the consultation document? (For example, in relation to a voluntary school, the duty would rest with its Board of Governors and for a controlled school, the duty would rest with the Education Authority).
2. Do you consider that the list of "managers" at paragraph 34 of the consultation document is appropriate and captures all types of school in Northern Ireland? (Note EOTAS, pupil referral units and youth settings are in section B)
3. Do you have any other comments on Section A?

Section B - Provision of free period products – Public Service Bodies (within the functions of the Department of Education) other than schools

4. In Table 1 on page 13 of the consultation document, DE proposes to specify EA, CCEA, CCMS and GTCNI in the Regulations. Do you agree with DE's assessment that these bodies meet the definition of Public Service Body under the Act? If not, please provide details.
5. Do you have any comments on the rationale (set out in table 1 on page 13 of the consultation document) for including these bodies?
6. In table 2 on page 14 of the consultation document, DE sets out rationale for bodies DE is not proposing to specify in Regulations. For example, the Youth Council could be specified but it is not currently operational, and does not have independent premises. Do you disagree with any of the rationale set out in Table 2, which lists the bodies DE is not proposing to specify?
7. Do you consider that there are any Public Service Bodies within the functions of DE missing from Section B? (Y/N/Don't know) If yes, please provide details.
8. Do you have any other comments on the proposals and rationale set out in Tables 1 and 2, pages 13 to 16 of the consultation document?

Section C – Descriptions and provisions in relation to premises and persons

9. Do you have any comments on the proposed descriptions of premises, at paragraph 49 of the consultation document, which would be to be treated as being (or as not being) premises of a body for the purposes of the Act? For example, Regulations will include all buildings used for the delivery of EA's youth services and programmesthese premises could be off site.
10. Do you have any comments on the proposed descriptions at paragraph 51 – 53 of the consultation document, of persons to be treated (or as not being) persons 'in that body's premises, for the purposes of the Act? These proposals limit provision in most settings and ensure safeguarding children and young people.
11. Do you have any comments on DE's proposal that buildings are to be treated as 'in use' when there is at least one member of staff present?
12. Do you have any other comments on section C?

Section D – Guidance Topics

13. How helpful would each of the Guidance Topics on page 21 of the consultation document be?

	Essential	Very Helpful	Helpful	Not required
Timescales regarding next steps				
Meeting needs of individuals i.e. dignity, privacy and confidentiality				
The need to consult with product users and develop a statement on arrangements				
Availability, choice and ease of access				
Environmental concerns				
Procurement of products				
Guidance on product safety				
Education on the associated issues				

14. Are there any topics not on the list that you would like to see included?

Annex C – Privacy Statement

Personal Data Privacy Notice

Consultations

Data Controller: Department of Education (DE)

Address: Rathgael House, Balloo Road, Rathgill, Bangor, BT19 7PR

Email: Dale.Heaney@education-ni.gov.uk

Telephone: 028 9127 9402

Data Protection Officer: Alan Macdonald

Telephone: 028 91 279788

Email: dataprotectionofficer@education-ni.gov.uk

This Privacy Notice explains your rights and gives you information you are entitled to under the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA). It only refers to your personal data (your name, address and anything that could be used to identify you personally) and not the content of your response to this consultation.

Why we collect your personal data

We collect your personal data, provided in response to consultations, for statistical purposes or in case we need to contact you about your response for some reason.

We will publish a summary of the consultation responses and in some cases, the responses themselves but these will not contain any personal data. We will not publish the names or contact details of respondents, but will include the names of organisations responding.

Our legal basis for processing your personal data

UK GDPR Article 6(1)(e) states that a government department, such as DE, may process personal data as necessary for the effective performance of a task carried out in the public interest, i.e. a public consultation.

DE will only process any Special Category personal data you provide, which reveals racial or ethnic origin, political opinions, religious belief, health or sexual life/orientation, when it is necessary for reasons of substantial public interest under UK GDPR Article 9(2)(g), in the exercise of the functions of the Department and Data Protection Act (2018) Schedule 1 (Part 2 (6)) - Statutory etc and government purposes, including informing relevant statistics.

How your personal data may be used or shared?

DE will only process or share your personal data for the above stated purposes. Any requests from a third party for us to share your personal data with them, under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 for instance, will be dealt with in accordance with data protection legislation, to protect your identity.

If you want the information that you provide to be treated as confidential please tell us but be aware that we cannot guarantee confidentiality in all circumstances.

How long will we keep your information?

DE will retain your consultation response information, including your personal data, until our work on the subject matter of the consultation is complete, in line with the Department's Retention and Disposal Schedule.

What are your rights?

The personal data you give us belongs to you and you have considerable say over what happens to it. You have the right:

- to see what data we have about you;
- to ask us to stop using your data, but keep it on record;
- to have all or some of your data deleted or corrected;
- to lodge a complaint with the independent Information Commissioner's Office (ICO), if you think we are not handling your data fairly or in accordance with the law.

How to complain.

If you're unhappy with the way we have handled your personal data please contact the Department's Data Protection Officer using the details above or you can raise a complaint with the ICO at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
[casework@ico.org.uk](mailto:caserwork@ico.org.uk)
0303 123 1113