

**Department for Communities (DfC)
Consultation on Period Products (Free
Provision) Regulations**

**Specifying Public Service Bodies for the
Provision of Free Period Products**

JANUARY 2023

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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 for Communities (DfC) aims to minimise any limitation of this provision, in making the Regulations.
- v. DfC therefore intends to categorise itself as a ‘Public Service Body’ and to list all the Departments arm’s length bodies within these regulations to ensure the purpose of section 2 is fully complied with.
- vi. These Regulations are to be in place by 11 May 2023 and are the first step towards the implementation of this new law.
- vii. 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. DfC is, however, using this exercise to gather early information on topics to include in the Guidance.
- viii. The purpose of this consultation is to consult with the Public Service Bodies that DfC is proposing to specify in Regulations and which will therefore be subject to the duties under the Act.
- ix. DfC must specify Public Service Bodies (within its functions), 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.

- x. DfC is proposing the following descriptions of premises to be treated as being (or not being) premises for the purposes of the Act:
 - *North/South Language Body – USA,*
 - *North/South Language Body - FnaG*
- xi. The Regulations will specify that buildings are to be considered as ‘in use’ when there is at least one member of staff present.
- xii. DfC is seeking the views of consultees on:
 - a. The proposed list of Public Service Bodies to be specified in the Regulations;
 - b. Its proposals on descriptions of people and premises to be treated as ‘in scope’ for this provision; and
 - c. 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 to specify by Regulations the ‘Public Service Bodies’ which will be legally required to establish and maintain arrangements to ensure that period products are obtainable, free of charge, on their premises. This consultation relates to this section of the Act.
5. Departments must consult with Public Service Bodies before specifying them in Regulations and the Regulations must be in place by 11 May 2023.

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

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;
 - 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. DfC 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 DfC is proposing to specify in Regulations, and which will therefore be subject to the duty in Section 2 (3) of the Act.
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 emphasise that DfC is not consulting on the duties that are in the Act. This consultation is to seek views from consultees on DfC'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 DfC is not proposing to specify.

Specified Public Service Bodies

14. DfC must 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

15. 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 B – descriptions and provisions in relation to premises and persons*.

Section C – Future Guidance

16. Section C 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. DfC 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

17. 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 Section 1 of the Act.
18. This universal scheme will, however, be subject to a separate consultation and Public Service Bodies specified by DfC in Regulations would not be required/compelled under the Regulations to provide products other than for use on the premises.

Funding Arrangements

19. Funding arrangements across Departments are still to be established and we anticipate that this will be discussed at a cross-Departmental working group.

SECTION A – Provision of free period products -Public Service Bodies (within the functions of the Department for Communities)

20. 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.
21. 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*'.
22. 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*'.
23. 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.
24. 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.

25. DfC have identified *North/ south Language Body – USA, North South Language Body – FnaG* as two bodies that it will not be listed as public service bodies for the purposes of section 2. Such bodies have no permanent accommodation, using various venues.
26. DfC is proposing to list all of its Arm’s length bodies and two corporate soles, set out in Table 1 below. DfC is seeking the views of consultees on the inclusion of the bodies in the list.

Table 1	
AOP	The Armagh Observatory and Planetarium was set up under the Armagh Observatory and Planetarium (NI) Order 1995 and, under the Companies (NI). Order 1986 (“The Order”). It is registered as a company limited by guarantee and has charitable status. Its purpose is to advance the knowledge and understanding of astronomy and related sciences through the execution, promotion and dissemination of astronomical research nationally and internationally in order to enrich the intellectual, economic, social and cultural life of the community.
Arts Council NI	<p>The Arts Council is an Executive Non-Departmental Public Body (NDPB) established under the Arts Council (Northern Ireland) Order 1995 which established the functions of the Arts Council as follows:</p> <ul style="list-style-type: none"> a) to develop and improve the knowledge, appreciation and practice of the arts; b) to increase public access to and participation in the arts; c) to advise the Department and other government departments, district councils and other bodies on matters relating to the arts; and d) such other functions as are conferred on the Council by any other statutory provision.

Charity Commission NI	The Charity Commission for Northern Ireland was established in June 2009 as a NDPB under the Charities Act (Northern Ireland) 2008. The main objectives of this Act are to provide an integrated system of registration and regulation of charities in Northern Ireland, and supervision and support of registered charities.
Local Government Staff Commission	The Local Government Staff Commission for Northern Ireland is an Executive NDPB established under the Local Government Act (Northern Ireland) 1972. Its powers were later extended under the Housing Orders 1976 and 1981, and the Local Government (Miscellaneous Provisions) (NI) Order 1992. In general, the terms of reference for the Commission are to exercise 'general oversight of matters connected with the recruitment, training and terms and conditions of employment of officers of councils and the Northern Ireland Housing Executive and of making recommendations to councils and the Northern Ireland Housing Executive on such matters.'
Libraries NI	<p>Libraries Northern Ireland is an Executive NDPB established under The Libraries Act (Northern Ireland) 2008. The primary duty of Libraries NI is to provide a comprehensive and efficient public library service for persons living, working or studying in Northern Ireland. In doing so the organisation is required to secure that facilities are available for the borrowing of, or reference to, library materials sufficient in number, range and quality to meet the general requirements of adults and children (whether by keeping adequate stocks, by arrangements with other bodies concerned with library services or by any other means); and have regard to the desirability of:</p> <ul style="list-style-type: none"> • encouraging both adults and children to make full use of the library service • providing advice as to the use of the library service and making available such bibliographical and other information as may be required by persons using the service • promoting literacy and lifelong learning • maintaining a collection of library materials relevant to the cultural heritage of Northern Ireland; and • making library premises available for cultural and community activities meeting any special requirements of adults and children by any appropriate means.

NI Housing Executive	The Northern Ireland Housing Executive (NIHE) is a NDPB established by the Housing Executive Act (Northern Ireland)
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	<p>1971. The Office of National Statistics directed that for public accounts purposes, the Landlord function should be classified as a 'Quasi Corporation' and the Regional functions as an 'NDPB'. The NIHE is Northern Ireland's single comprehensive regional housing authority and the largest local landlord. The Housing Executive's aim is to deliver good housing and ensure the long-term future of all neighbourhoods across Northern Ireland and its primary responsibilities in support of this include:</p> <ul style="list-style-type: none"> · to regularly examine housing conditions and housing requirements · to draw up wide ranging programmes to meet these needs; · to effect the improvement of the condition of the housing stock and · to encourage the provision of new houses. The Executive also has a wider strategic role which extends to addressing broader housing issues across all tenures in Northern Ireland.
NILGOSC	<p>The Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC) is a NDPB sponsored by the Department, established on 1 April 1950 by the Local Government (Superannuation) Act 1950, to administer and maintain a fund providing pension benefits for employees of local authorities and other admitted bodies. In accordance with Regulation 63(2) of the Local Government Pension Scheme Regulations (Northern Ireland) 2014, as amended, the Committee submits its annual report for the year ended 31 March 2015 to the Department for Communities. The Local Government Pension Scheme (LGPS) Northern Ireland is managed by NILGOSC.</p>
NI Museums Council	<p>NI Museums Council is a company limited by guarantee. The fact that it is a company means that they have been incorporated under company's legislation and, as such, have a separate legal entity. NIMC is also a registered charity and the charitable status means it must comply with the 'Charities Statement of</p>
National Museums NI	<p>National Museums NI is an Executive NDPB established under the Museums and Galleries (NI) Order 1998 which established the functions of NMNI as follows:</p> <ul style="list-style-type: none"> (a) Care for, preserve, and add to the Collections. (b) Ensure that the Collections are available to the public through exhibitions, effective interpretation, research and study. (c) Promote the awareness, appreciation and understanding of:

	<ul style="list-style-type: none"> • Art history and science, • The way of life and traditions of people, with particular reference to the heritage of Northern Ireland Museums and Galleries (Northern Ireland) Order 1998.
Sport NI	Sport Northern Ireland (SNI) is an Executive NDPB established under the Recreation and Youth Service (NI) Order 1986. It is the leading body for the development of sport in Northern Ireland. SNI is committed to ensuring that sport and physical recreation is for everyone, regardless of age, gender, race, disability, marital status, sexual orientation, dependency, religious belief, or community background.
USEL	Ulster Supported Employment Limited (USEL) is a not for profit organisation having NDPB and charitable status. It is supported and partially funded by government. USEL was established in 1962 with the aim of providing supported paid employment for people with disabilities within its Belfast manufacturing base. In 1980 it incorporated the Workshops for the Blind and became the largest supporter of people with disabilities into open employment within Northern Ireland. USEL's vision is to be the best at assisting people with disabilities meet their employee aspirations. Each year it supports over 1500 people with disabilities in more than 750 companies to enter and sustain economic employment through various employment programmes. Today the organisation spans the whole of the province with offices in Belfast, Londonderry, Portadown and Omagh with 90 employees.
NICCY	The Commissioner for Children and Young People for Northern Ireland (NICCY) is an Executive NDPB sponsored by the Department. NICCY was established on 1st October 2003 under the Commissioner for Children and Young People (Northern Ireland) order 2003. NICCY's principal aim is to 'safeguard and promote the rights and best interests of children and young people' up to the age of 18 or up to 21 for those with a disability or who have experience of being in the care of the state.
COPNI	The Commissioner for Older People (COPNI) was established under the Commissioner for Older People Act (Northern Ireland) 2011. The Commissioner is a NDPB, and is sponsored by DfC, but is operationally independent from Government. The COPNI has promotional, advisory, educational and general investigatory powers and duties. It champions the rights and interests of older people throughout Northern Ireland.

Section A Questions

Do you have any concerns or comments on DfC's approach to placing the duty on its arms length bodies (Table 1).

Do you agree with DfCs assessment that these bodies meet the definition of Public Service Body under the Act? If you do not agree, please provide details.

Do you have any comments on the rationale for including these bodies?

DfC is NOT proposing to specify the North/South Language Body – USA, North /South Language Body- FnaG.

Do you agree with the rationale for the Public Service Body not being specified? If you do not agree, please provide details.

Do you consider that there are any bodies within the functions of DfC, missing from Section A? If yes, please provide details.

Do you have any other comments on the proposals and rationale set out in **Section A?**

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

27. As well as specifying the Public Service Bodies who must ensure free period products are available on their premises, the Regulations 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'
28. 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.
29. DfC'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

30. DfC proposes the following descriptions of premises to be treated as being, or not being, premises for the purposes of the Act:
 - Regulations will include all staffed buildings of the specified Public Service Bodies which are used for the delivery of services to the public and which are normally open to the public; and
 - Regulations will include the office accommodation *of* the specified Public Service Bodies.
31. 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 DfC will 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

32. Three main principles have been applied when developing the following proposals:
- (a) A need to safeguarding;
 - (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.

Staffed buildings, normally open to the public, for the delivery of services to the public

33. DfC is proposing to limit provision in these buildings to staff, visitors and those who are in the settings to make use of the services to the public provided there by the specified Public Service Body.
34. In addition, by nominating the Department for Communities itself as a public body, all DfC premises will be obliged to provide free period products. In premises in which another public body has been listed within these regulations or other Departmental regulations, the provision of the products will be catered for within the premises as one single unit.

Office Accommodation

35. DfC is proposing to limit the description of persons on premises which is solely office accommodation, to staff and visitors with good reason for being there, such as contractors or those attending meetings and events.
36. Guidance to be issued by DfC in respect to shared premises and sufficient access points to ensure relative ease of access in a way that respects dignity, privacy and confidentiality, which are requirements under the Act.

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

37. DfC 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 B Questions

Do you have any comments on the proposed descriptions of premises which would be treated as being, or not being, premises of a body for the purposes of the Act?

Do you have any comments on the proposed descriptions of persons to be treated as being, or not being, persons 'in that body's premises' for the purposes of the Act?

Do you have any comments on the Department'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 B?

SECTION C – Future Guidance

39. As soon as is 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 DfC is taking this opportunity to gather early views of Public Service Bodies in relation to the scope of this Guidance.

Proposed Guidance Topics:

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				
Shared accommodation				
Environmental concerns				
Procurement of products				
Guidance on product safety				
Education on the associated issues				

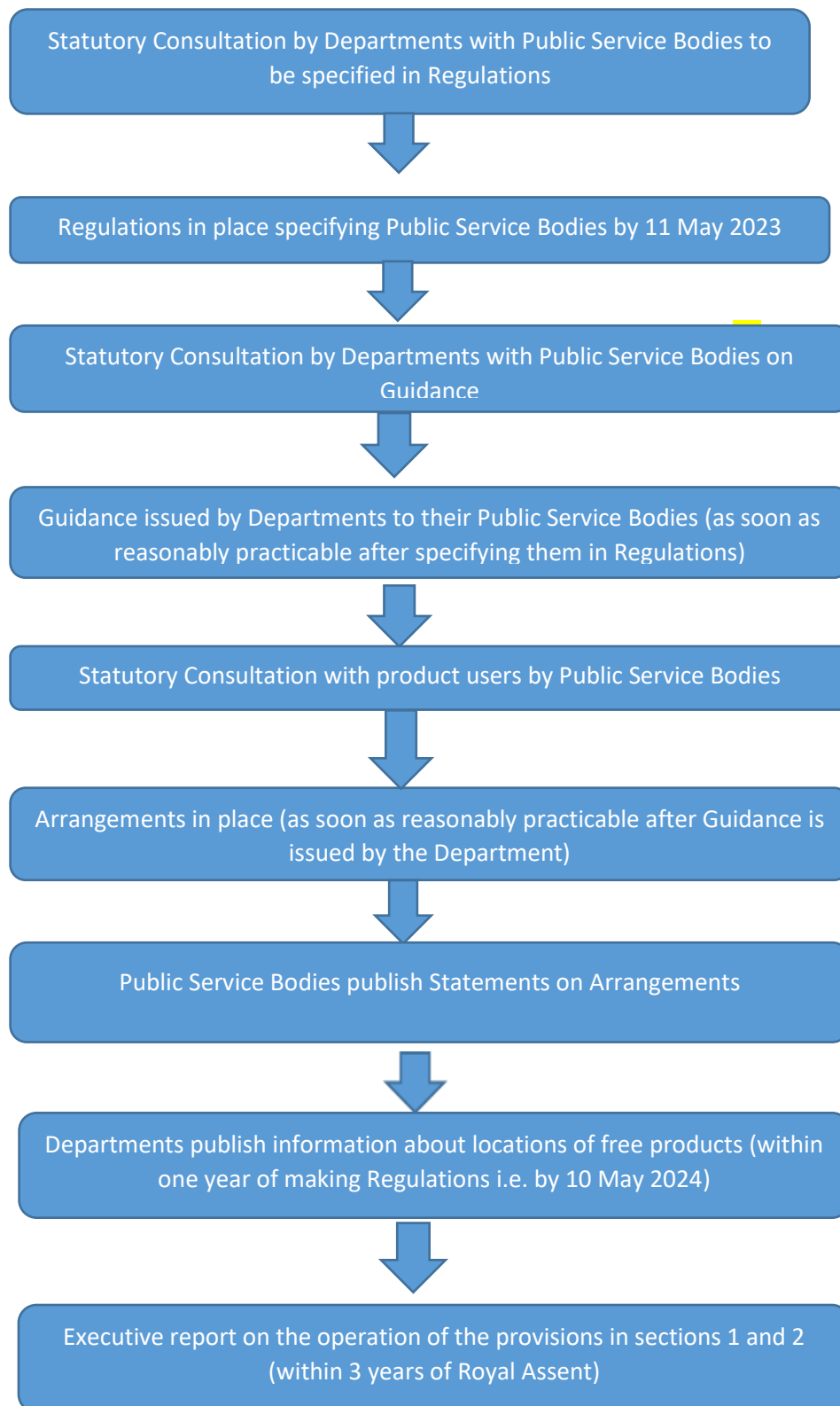
Section C Questions

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

(If yes, please provide details)

Do you have any other comments on Section C?

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



Privacy Statement

Personal Data Privacy Notice Consultations

Privacy Notice – Online Questionnaire (DfC) – Consultation on a Scheme of Delegation for the Charity Commission

Data Controller Name: Department for Communities (DfC)
Address: Causeway Exchange, 1-7 Bedford Street, BELFAST, BT2 7EG
Email: Gerard.Flynn@communities-ni.gov.uk
Telephone: 02890823049

Data Protection Officer Name: Karen McMullan
Telephone: 02890829200
Email: DPO@Communities-ni.gov.uk

Being transparent and providing accessible information to individuals about how we may use personal data is a key element of the [Data Protection Act \(DPA\)](#) and the [UK General Data Protection Regulation \(UKGDPR\)](#). The Department for Communities (DfC) is committed to building trust and confidence in our ability to process your personal information and protect your privacy.

Purpose for processing

We will process personal data provided in response to questionnaires for the purpose of informing the development of a prospective Scheme of Delegation to be made by the Department in accordance with the Charities Act (Northern Ireland) 2022. A summary of the questionnaire responses may form part of advice to Minister in respect of the Scheme. We will only publish the names of respondents, whether they be individuals or organisations, where they have provided clear consent. We will not publish the contact details of respondents.

Lawful basis for processing

The lawful basis we are relying on to process your personal data is Articles 6(1)(a), 6(1)(c) and 6(1)(e) of the UKGDPR, which allows us to;

- publish the names of participants where they have provided clear consent;
- compliance with the legal obligation of the Charities Act (Northern Ireland) 2022 which requires a public consultation on a Scheme of Delegation for the Charities Commission Northern Ireland;

- process personal data when this is necessary for the performance of our public tasks in our capacity as a Government Department.

How will your information be used and shared

We process the information internally for the above stated purpose. The data will be shared internally within DfC between the Professional Services Unit and the Charities Team. We do not intend to share your personal data with any other third party. Any specific requests from a third party for us to share your personal data with them will be dealt with in accordance the provisions of the data protection laws.

Categories of personal data we will process:

Categories of personal information processed include:-

- Name;
- Organisation E-mail Address if applicable
- Opinions

How long will we keep your information

We will retain questionnaire response information until our work on the prospective Scheme of Delegation is complete, and in line with the Department's approved Retention and Disposal Schedule (which can be accessed through: <https://www.communities-ni.gov.uk/dfc-privacy-notice>).

What are your rights?

- You have the right to obtain confirmation that your data is being [processed, and access to your personal data](#)
- You are entitled to have personal data [rectified if it is inaccurate or incomplete](#)
- You have a right to have personal data [erased and to prevent processing](#), in specific circumstances
- You have the right [to 'block' or suppress processing](#) of personal data, in specific circumstances
- You have the right to [data portability](#), in specific circumstances
- **You have the right to [object to the processing](#)**, in specific circumstances
- **You have rights in relation to [automated decision making and profiling](#).**

How to complain if you are not happy with how we process your personal information

If you wish to request access, object or raise a complaint about how we have handled your data, you can contact our Data Protection Officer using the details above.

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
casework@ico.org.uk

This notice was last updated in November 2021.