

PERIOD PRODUCTS (FREE PROVISION) (SCOTLAND) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Education providers to ensure period products obtainable free of charge by pupils and students

12. Section 2 places a duty on education providers (defined in section 10) to establish and maintain arrangements for period products to be obtainable free of charge during term time on their premises, including in particular in every building normally used by pupils and students. This includes buildings used by students for non-educational purposes (e.g. eating, leisure or sport), as well as those used for learning (e.g. classrooms, lecture-theatres, laboratories), so long as they form part of the premises of the education provider and are suitable for the provision of products. This duty is placed on all primary and secondary schools in Scotland (including independent, special and grant-aided schools) as well as on all publicly-funded Scottish colleges and universities. While products must be obtainable in every building normally used by pupils and students and suitable for the provision of products, education providers will still have the flexibility to decide (subject to consultation (under section 7)) which products should be made obtainable and in what way and in which locations in each such building. For example, an education provider may choose, following consultation, to put individual single-use products in toilets in each building, while also making larger volumes of products, including reusable products, available in other locations.
13. Subsection (2) allows an education provider either to provide period products itself, or to secure their provision through arrangements made with a third party, for example a washroom services contractor.
14. Subsection (4) makes clear that products do not have to be provided in a building, even if it is normally used by pupils or students, if the building is not suitable. This might be, for example, because there are no toilets or changing facilities in the building. It also makes clear that education providers must consult with users on the suitability of buildings before decisions are taken.
15. Under subsection (6), education providers are obliged to provide free period products to meet a pupil or student's needs during term time only for the relevant course of study. Pupils and students will be able to obtain products outside term time through the arrangements put in place by local authorities under section 1. As local authorities will have duties under sections 1 and 2 in relation to school pupils, they will have the flexibility to decide to meet their section 1 duties by making additional products obtainable in advance of holidays, or by providing holiday packs.
16. Education providers do not have to put in place special arrangements to provide products to students at Scottish institutions who are studying abroad or remotely (from elsewhere in Scotland). But such students are entitled to collect sufficient products for their term-time needs while on their home institution's premises.

*These notes relate to the Period Products (Free Provision) (Scotland)
Act 2021 (asp 1) which received Royal Assent on 12 January 2021*

17. Residential accommodation for pupils at local authority schools (often referred to as school hostels) is not covered under section 2 duties. Local authorities will be required to provide all pupils who are accommodated in hostels with sufficient products, on school premises, for their term-time needs. While there is no requirement on local authorities to provide products in hostels, pupils will be able to take products from school in bulk for use in hostels. In addition, guidance could recommend that local authorities, in terms of their section 1 duties, make products obtainable from hostels.
18. University or college-owned halls of residence are part of the institution and so education providers must make period products obtainable from at least one location in each hall of residence. Privately-operated halls of residence are not covered by section 2 duties. However, education providers have to make enough products available at locations on campus (e.g. in departments, libraries etc.) to meet the term-time needs of students, so students living in private halls will be able to collect the products they need from these locations. In addition, students (whether staying in private or college/university-owned halls) could also obtain the products they need through the local authority arrangements under section 1.