

EXPLANATORY MEMORANDUM TO

DRAFT

The Period Products (Department of Education Specified Public Service Bodies) Regulations (Northern Ireland) 2024

S.R. 2024 No.

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Education (DE) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(1), (2)(b), (7)(a) and (b) and (13) of the Period Products (Free Provision) Act (Northern Ireland) 2022 (The Act) and is subject to the draft affirmative resolution procedure.

2. Purpose

- 2.1. Regulation 1 provides the name of the Regulations, that is The Period Products (Department of Education Specified Public Service Bodies) Regulations (Northern Ireland) 2024. It also provides that the Regulations will come into force on the day following the date on which they are approved by resolution of the Assembly.
- 2.2. Regulation 2 provides interpretation of key terms used in the Regulations.
- 2.3. Regulation 3 specifies Public Service Bodies for the purposes of section 2(1) of the Act (Specified Public Service Bodies).
- 2.4. These Public Service Bodies will be subject to duties under the Act, making and maintaining arrangements for period products to be available, free of charge on their premises, in line with the requirements set out in the Act.
- 2.5. Section 9 of the Act defines a Public Service Body as a body (a) constituted by or under a statutory provision and (b) having functions that consist of or include providing public services or otherwise servicing the public interest. The definition also includes bodies with functions that would enable them to discharge duties under the Act in relation to people in hospital premises, school premises, further education premises and higher education premises, even if those bodies are not 'statutory'.
- 2.6. The Education Authority (EA) is specified in the Regulations as manager of all controlled schools, in respect of EA premises used as statutory youth settings, in respect of Education Other Than at School Settings (EOTAS) delivered on EA premises; and in respect of EA administrative accommodation.
- 2.7. All voluntary schools and grant-maintained integrated schools are captured by the Regulations. The duties under the Act will sit with 'Managers' of these types of school i.e. with Boards of Governors.

- 2.8. Independent schools are specified in the Regulations and the duties under the Act will sit with 'managers' of these types of school i.e. with the proprietors of the schools.
- 2.9. All types of school are captured in the drafting of the Regulations, even if they are not explicitly referenced.
- 2.10. The Council for Catholic Maintained Schools, The Northern Ireland Council for Curriculum, Examinations and Assessment and The General Teaching Council for Northern Ireland are specified Public Service Bodies in respect of their administrative accommodation.
- 2.11. Regulation 4 provides for descriptions of premises to be treated as premises of specified bodies for the purposes of the Act; and for descriptions of persons to be treated as persons in a body's premises, for the purposes of the Act.
- 2.12. In schools, provision will be made in 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. These premises could be off site for example, sports halls not located at the main site of the school.
- 2.13. Provision will be made in all EA premises (leased or owned) used as statutory youth settings or EOTAS settings. Provision does not include community EOTAS settings.
- 2.14. Provision is also to be made in all administrative accommodation of the specified Public Service Bodies. Administrative accommodation means accommodation leased or owned by a specified Public Service Body for the purpose of effecting its statutory functions that is not: school premises; premises used as EOTAS settings; or premises used as statutory youth settings.
- 2.15. Regulation 4 also limits provision to ensure the general public are not entitled to go into these settings to obtain free period products, particularly given the importance of safeguarding children and young people. Provision is limited to pupils, staff and visitors in schools and EOTAS settings. It is limited to young people, staff and visitors on the premises of statutory youth settings and to staff and visitors in administrative accommodation of specified Public Service Bodies.
- 2.16. In all cases, 'visitors' is defined as persons who have legitimate reason for being in the premises of a specified Public Service Body, such as attending organised events and meetings, or providing a function or service.

3. Background

- 3.1. Under Section 2 of the Act, all Government Departments must specify by Regulations, Public Service Bodies, who will be subject to duties under the Act.
- 3.2. Specified Public Service Bodies, having had regard to Departmental guidance, and having consulted with product users, must make and maintain arrangements to ensure free period products are available for use on their premises.

- 3.3. Subsection 2(7) of the Act provides that the Regulations specifying Public Service Bodies may include descriptions of persons and premises for the purposes of the Act, and make provision for when premises are to be treated as 'in use', for the purposes of the Act.
- 3.4. Departments must, as soon as reasonably practicable after making these Regulations, provide guidance to their Specified Public Service Bodies, in relation to their duties under the Act. The guidance is subject to statutory consultation.

4. Consultation

- 4.1. In accordance with section 2(8)(a) of the Act, an 8 week public consultation was undertaken on the proposals for these Regulations with the proposed Specified Public Service Bodies.
- 4.2. As provided for under section 2(8)(b) of the Act, DE also consulted with its wider stakeholder base, including bodies it was not proposing to specify.
- 4.3. 47 responses were received which did not necessitate a substantive change in the proposed policy. DE's response to this consultation is published on its website.

5. Equality Impact

- 5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. The Department considers that this matter will not have a differential impact on any of the section 75 categories and, on this basis, the measure was screened out.

6. Regulatory Impact

- 6.1. A regulatory impact assessment was not considered necessary.

7. Financial Implications

- 7.1. There is no significant cost to making the Regulations and funding for the provision will be bid for in line with normal financial planning procedures.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. This measure does not replicate, nor is there a requirement to maintain parity with, legislation in other administrations.

11. Additional Information

- 11.1. Not applicable.