

## **EXECUTIVE NOTE**

### **THE HEALTHY START SCHEME (PRESCRIBED DESCRIPTION OF FOOD) (SCOTLAND) REGULATIONS 2011**

#### **SSI 2011/101**

The above instrument was made in exercise of the powers contained in section 13 of the Social Security Act 1988 and section 175(3) of the Social Security Contributions and Benefits Act 1992, and executively devolved to Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.)(No.3) Order 2006. The instrument is subject to negative resolution procedure. The instrument extends only to Scotland.

#### **Background**

The Healthy Start Scheme is a scheme set up by the Secretary of State in the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 to provide certain foods for the benefit of qualifying pregnant women, mothers and children.

The Healthy Start scheme operates across the UK and, previous to these Regulations, the description of food prescribed for the purposes of the scheme in Scotland was contained in the 2005 Regulations.

Following a UK consultation carried out in 2010 it was agreed that frozen fruit and vegetables should be made available via the scheme. The power to prescribe the description of food for the purposes of the scheme, as it operates in Scotland, was executively devolved to Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.)(No.3) Order 2006. These regulations accordingly prescribe the description of food for the purposes of the operation of the scheme in Scotland, including the addition of frozen fruit and vegetables.

#### **Policy Objectives**

The Regulations prescribe the range of foods that Healthy Start vouchers can legally be spent on in Scotland and, in doing so, extend the previous definition so as to include frozen fruit and vegetables. The instrument also amends slightly the overall definition of the fruit and vegetables that Healthy Start vouchers can be spent on to make it easier to read and to more clearly exclude any fresh or frozen fruit and vegetables to which fat, salt, sugar, flavouring or others ingredients have been added.

The aim of these changes is to encourage greater consumption of fruit and vegetables among Healthy Start beneficiaries, and to ensure that the rules of the scheme can be explained simply and clearly.

All UK administrations have indicated that they will seek to make the same legislative change, on the same date. This will ensure that the Healthy Start Scheme can be delivered consistently and cost-effectively throughout the UK.

## **Consultation**

A joint public consultation by the Department of Health, the Scottish Government, the Welsh Assembly Government, and the Department of Health, Social Services and Public Safety in Northern Ireland was carried out between 8 October and 31 December 2010. The consultation particularly targeted scheme beneficiaries, health and public health professionals, retailers and their representative groups. It asked whether plain frozen fruit and vegetables should be added to the scheme, how this would affect beneficiaries, and whether taking this step would increase risks that Healthy Start vouchers would be spent illegally. A response to the consultation has been published at [www.dg.gov.uk/en/consultations](http://www.dg.gov.uk/en/consultations).

90% of those who responded to the consultation agreed that frozen fruit and vegetables should be added to the scheme. In addition, 70% of beneficiaries who responded said that they would buy and eat more fruit and vegetables if this change was implemented. Almost 75% of health professionals said that it would make it easier for them to encourage pregnant women and families to eat more fruit and vegetables.

In relation to risks of vouchers being spent on products not included in the scheme, 71% did not believe these would increase if plain frozen fruit and vegetables were added. Around 17% said that the risks would, or might, increase. One of the reasons given for this was that there may be confusion about which frozen products were included and which were not. This could be mitigated by simple, clear and comprehensive guidance for scheme beneficiaries and retailers.

The strength of the support for adding plain frozen fruit and vegetables to the scheme has persuaded us that this change should be made as quickly as possible. However, we have taken on board the comments about the need to ensure that the guidance for beneficiaries and retailers is fit for purpose. That is why we have also taken the opportunity to make small changes to the overall definition of fruit and vegetables in the Regulations. The changes we have made from the existing description of food will ensure that the explanations given in scheme guidance can align fully with the wording in the Regulations, and can focus on explaining specifically why any products with added fat, salt and sugar are excluded.

## **Impact Assessments**

An equality impact assessment has been completed on the Healthy Start Scheme (Prescribed Description of Food) (Scotland) Regulations 2011. There are no specific equality impact issues.

## **Financial Effects**

The impact of the policy on business is negligible. The instrument extends, rather than restricts, the range of products that retailers can legally accept Healthy Start vouchers for. Some retailers will benefit from the opportunity to accept the vouchers for a wider range of products. Those that do not can continue to accept them for other Healthy Start foods.

Scottish Government  
Directorate for Children and Families  
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