

## **EXPLANATORY MEMORANDUM TO**

### **The Healthy Start Scheme and Day Care Food Scheme (Amendment) Regulations (Northern Ireland) 2021**

**[SR 2021 No. 26]**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 13(1) to (4), (6) and (8) of the Social Security (Northern Ireland) Order 1988 and section 171(2) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. To make amendments to provide for the digitisation of the Healthy Start scheme. Digitisation will change the way people apply for, receive and use Healthy Start benefits, but it will not change the groups of people who are eligible for the scheme. The Rule also expands the definition of 'Healthy Start food' to include pulses and canned fruit and vegetables.

#### **3. Background**

- 3.1. Healthy Start is a statutory benefit which aims to provide additional support to improve the diets of lower income pregnant women, mothers with children under the age of one and children under the age of four to give them the best start in life. Eligible pregnant women, mothers and children currently receive paper vouchers, worth £3.10 per week. The Healthy Start vouchers issued to qualifying beneficiaries can be exchanged with registered retailers for fresh or frozen fruit and vegetables, plain cow's milk and infant formula, and for Healthy Start Vitamins. The voucher for Healthy Start Vitamins can be exchanged locally for free supplies of vitamins, available through such outlets as are commissioned locally, but which typically include ante-natal clinics, child health clinics and community pharmacies.
- 3.2. The 2006 Regulations provide entitlement to Healthy Start benefits for pregnant women, mothers of children under the age of one and children under the age of four, who are entitled to a "qualifying" income related benefit, or where certain members of their household are so entitled.
- 3.3. They also provide entitlement to Healthy Start benefits for all pregnant women under the age of 18, regardless of whether they receive any of the qualifying benefits. Following the birth of their baby, women aged under 18 must meet the benefit criteria to continue receiving Healthy Start benefits.
- 3.4. The Department of Health and Social Care is working with the NHS Business Services Authority to digitise the Healthy Start scheme. Digitisation is intended to make it more straightforward for families to

apply for, receive and use Healthy Start benefits, but it will not change the groups of people who are eligible for the scheme. The paper Healthy Start application form will be replaced by an online application, with a telephone alternative for people needing assisted digital support, and the paper vouchers will be gradually replaced by vouchers in an electronic form or in the form of a pre-payment card. The digitised service will initially be introduced for new Healthy Start beneficiaries, with existing beneficiaries then being invited to transition across from the paper-based to the digitised service.

- 3.5. The introduction of the online application form will remove the requirement for the application to be countersigned by a healthcare professional. The healthcare professional signature was identified in research carried out by the Department of Health and Social Care as a barrier to applying for the Healthy Start scheme. Healthcare professionals will be encouraged to continue to discuss Healthy Start with pregnant women and families as part of wider conversations about nutrition and infant feeding and to support them to apply for the scheme. An individual applicant's eligibility for Healthy Start, linked to the receipt of qualifying benefits and/or tax credits, will be checked with DWP and HMRC.
- 3.6. The introduction of vouchers in an electronic form or in the form of a pre-payment card means that retailers will no longer be required to collect and return paper healthy Start vouchers for reimbursement. They will also no longer be required to register to accept vouchers, meaning that beneficiaries will be able to spend their Healthy Start benefit in any retail outlet which sells Healthy Start food. This will offer more flexibility for beneficiaries, for example by being able to spend their Healthy Start benefit in a wider range of retail outlets and in amounts which are smaller than the value of an individual voucher. It will also remove the stigma reported by beneficiaries when spending paper vouchers. The policy intention is to gradually introduce pre-payment cards to replace paper vouchers after the coming into operation of these regulations and, in due course, to continue to consider other suitable electronic payment methods in line with changes in technology and practice in the retail sector.
- 3.7. The regulations also refer to 'credit'. Credit is only relevant in respect of pre-payment cards or other electronic payment methods, which will gradually replace paper Healthy Start vouchers. Unlike paper vouchers, a beneficiary will not receive a new pre-payment card each week, instead the beneficiary's pre-payment card will be credited with the current voucher (or credit) value for each week that the beneficiary is entitled to Healthy Start benefit.
- 3.8. In addition, following the removal of retailer registration, retailers will no longer be required to complete basket checks to ensure that beneficiaries only spend Healthy Start vouchers on Healthy Start food. This means that beneficiaries will be solely responsible for ensuring their Healthy Start voucher is spent on Healthy Start food. The current regulations stipulate that vouchers may be used in exchange for Healthy Start food. As the definition of 'voucher' will include pre-payment cards, which will not be 'exchanged' for Healthy Start food (instead credit on the pre-payment card

may be used to purchase Healthy Start food), references to 'exchange' have been substituted in the regulations with the words 'used to purchase'. The purpose of the Healthy Start voucher will be clearly communicated to beneficiaries and options are being considered to provide further protection against fraud, for example by considering any information the card supplier is able to provide.

- 3.9. The rule enables the Department to require a person to take reasonable steps to provide such information or evidence as may be reasonably needed in connection with the administration of the Healthy Start scheme. Where a person fails to provide the information or evidence requested, the Department may suspend the provision of Healthy Start vouchers or credit until such information is provided or the Department is otherwise satisfied of the person's entitlement to benefit and/or compliance with requirements relating to the use of the voucher. Where the issue of vouchers or credit has been suspended for a period of 16 consecutive weeks, the person ceases to be entitled to Healthy Start benefit.
- 3.10. The rule also includes a provision for circumstances where a Healthy Start voucher or credit has not been used for a period of 16 consecutive weeks. In such circumstances the Department may cancel the voucher or credit and the beneficiary will cease to be entitled to the benefit. The beneficiary will be notified of the cancellation of the voucher in such circumstances.
- 3.11. In cases where a voucher has been lost, stolen or accidentally destroyed, or the beneficiary is unable to use the voucher for its intended purpose, the beneficiary must notify the Department. For paper vouchers, the 2006 Regulations require this notification to be given before the expiry of the period of validity of the voucher. For electronic vouchers or credit, this notification must be given within 16 weeks of the receipt of the voucher or credit where the voucher has been lost, stolen or accidentally destroyed. This aligns with the new requirement in regulation 13 that a voucher must be used within 16 weeks or the voucher will be cancelled. It also ensures that beneficiaries will not lose out where, for example, they lose a voucher which contains several weeks' worth of credit. Beneficiaries will not however be entitled to reimbursement of any credit spent prior to making the notification to the Department. Where a beneficiary claims that they are unable to use the voucher for its intended purpose, for example where they are unable to use the voucher to purchase Healthy Start food within a reasonable distance of their home, notification must be given within eight weeks of receipt of the voucher or credit. Following such notifications, the Department may, if it is considered appropriate, issue the beneficiary a voucher or credit or pay the beneficiary a sum equal to the value of the voucher or credit.
- 3.12. The beneficiary will receive a Healthy Start voucher or credit every four weeks and will be made aware of the date the next voucher or credit is due to be received by e-mail or text message.
- 3.13. The regulations also includes a new provision for the Department to be able to increase or decrease the value of the Healthy Start voucher or credit. However, an important caveat to this power is that the value may not be decreased below the current value of £3.10 per pregnant woman,

mother with a child under the age of one or child under the age of four, which is a statutory minimum. Further regulations would be needed to make such a change. The revised voucher or credit value will be published in advance on the Healthy Start website at [www.nhsbsa.nhs.uk](http://www.nhsbsa.nhs.uk) and the value of the revised voucher or credit, along with the date the revision will take effect, will be communicated to beneficiaries in advance of the revision taking effect by text message or e-mail. Beneficiaries will also be able to check their Healthy Start account online, at an ATM or via a telephone helpline to see the total value of credit available to them. The purpose of this power is to enable the Department to respond quickly to food inflation or to particular circumstances which may affect families receiving Healthy Start benefits by adjusting the voucher value accordingly. The Department has no current plans to change the value of the Healthy Start voucher.

- 3.14. 'Healthy Start food' currently includes fresh and frozen fruit and vegetables, cow's milk and infant formula suitable for use from birth. The rule expands the definition of 'Healthy Start food' in Schedule 2 to the 2006 Regulations to include pulses and canned fruit and vegetables, but not those to which fat, salt, sugar or flavouring have been added. Research carried out by the Department of Health and Social Care with Healthy Start beneficiaries has identified that some beneficiaries find it easier to store and prepare canned fruit and vegetables than fresh and frozen ones. Canned fruit and vegetables can also provide good value for money and compare favourably in nutritional terms with fresh and frozen fruit and vegetables, therefore meeting the policy aims of the Healthy Start scheme.
- 3.15. Government nutritional advice has, for some considerable time, noted that children under the age of one should not consume cow's milk and that infant formula should be used instead of cow's milk. This amendment make it clear that only dried milk provided to children under the age of one is eligible for reimbursement. It does not change any aspect of policy or eligibility and does not make any changes to the type of formula which can be reimbursed.

#### **4. Consultation**

- 4.1. Government digital projects are taken forward in three stages – discovery, alpha and beta. The Healthy Start digitisation programme entered its beta phase in November 2018. The beta has involved extensive research with Healthy Start beneficiaries and pregnant women and families eligible for, but not claiming, Healthy Start benefits in locations across England, Wales and Northern Ireland. This included a survey of 2710 Healthy Start beneficiaries, interviews with 62 individuals, a diary study with 11 beneficiaries and a "private beta" to test the changes with a small number of beneficiaries. Research with beneficiaries identified strong support for the Healthy Start scheme, areas for improvement to the online application, difficulties with using paper vouchers and areas where users needed additional support to access a digital scheme. The findings of the user research have all been taken into account in the design of the digitised service.

- 4.2. Research was also carried out with retailers and healthcare professionals, including surveys, interviews with midwives and health visitors, a retailer engagement day attended by major retailers, discussions with the Association of Convenience Stores and visits to major retailers, convenience stores and market traders. This research has also informed the design of the digitised service.

## **5. Equality Impact**

- 5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. An Equality Impact Assessment was not considered necessary as the regulations are beneficial.

## **6. Regulatory Impact**

- 6.1. The impact on business, charities or voluntary bodies is limited to the impact on retailers created by the change from paper vouchers to pre-payment cards. This is expected to create a low level of impact on retailers during the first year, due to the need for retailers to train staff about the changes and prepare to accept pre-payment card payments, followed by cost savings in subsequent years created by no longer needing to collect paper Healthy Start vouchers and return them to the Department for reimbursement.
- 6.2. There is no significant impact on the public sector. The transition from the current Healthy Start service to the digitised service will be funded from the existing budget for the Healthy Start scheme. The changes will mean that Healthy Start application forms will no longer be required to be countersigned by a healthcare professional, usually a health visitor or midwife.
- 6.3. A Regulatory Impact Assessment has not been prepared due to the low level of impact per business

## **7. Financial Implications**

- 7.1. There is a minimal financial cost which can be subsumed within the existing budget.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. Consideration has been given to the human rights implications of these regulations. They are considered to be compatible with section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. Not Applicable

## **10. Parity or Replicatory Measure**

- 10.1. These regulations maintain parity with the rest of the United Kingdom.

## **11. Additional Information**

- 11.1. Not Applicable.