

EXPLANATORY MEMORANDUM TO
THE HEALTHY START SCHEME AND WELFARE FOOD (AMENDMENT)
(ENGLAND AND WALES) REGULATIONS 2019

2019 No. 909

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Health and Social Care and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument grants eligibility to Healthy Start benefits to certain Pension Credit claimants or certain members of their household. This puts these persons on a similar statutory footing to claimants in receipt of other income related benefits.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is to England and Wales.
- 4.2 The territorial application of this instrument is to England and Wales.
- 4.3 The Department of Health in Northern Ireland will be producing its own legislation for Northern Ireland.
- 4.4 Since 8th February 2019, Scottish Ministers have legislative competence in respect of the subject matter of section 13 of the Social Security Act 1988 (benefits under schemes for improving nutrition: pregnant women, mothers and children) in relation to Scotland. Scottish Ministers will be producing their own legislation for Scotland.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 This instrument amends the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 (S.I. 2005/3262) (“the Principal Regulations”).
- 6.2 The Principal 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 either entitled to a “qualifying” income related benefit, or where certain members of their household are so entitled.

- 6.3 Pension Credit is not currently a qualifying income related benefit for the purpose of Healthy Start. This instrument therefore adds Pension Credit as a qualifying benefit in order that certain Pension Credit claimants, or certain members of their households as prescribed in this instrument, are also entitled to Healthy Start benefits. This puts these persons on a similar statutory footing to claimants in receipt of other income related benefits.
- 6.4 Relevant information about people entitled to Pension Credit can be shared with the Department of Health and Social Care by the Department for Work and Pensions (by virtue of s.131 of the Welfare Reform Act 2012 and regulations made under it) to determine entitlement to Healthy Start benefits.

7. Policy background

What is being done and why?

- 7.1 Healthy Start is a UK-wide 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. 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, infant formula and vitamins.
- 7.2 All pregnant women below the age of 18 are entitled to Healthy Start. For other claimants, Healthy Start is means-tested with eligibility being linked to qualifying income related benefits and tax credits, as specified in regulations. Healthy Start is referred to as a “passport benefit” because being in receipt of a qualifying benefit or tax credit “passports” eligible people to Healthy Start benefits.
- 7.3 On 1 February 2019, the Department for Work and Pensions introduced an additional amount of Pension Credit for those who have responsibility for a child or a qualifying young person as part of the guarantee credit of their Pension Credit award (“the child or QYP addition”). This change was made by the State Pension Credit (Additional Amount for Child or Qualifying Young Person) (Amendment) Regulations 2018 (S.I. 2018/676). The child or QYP addition will allow support to continue to be available for pensioners on low incomes who have responsibility for a child or a qualifying young person after Child Tax Credit has been abolished.
- 7.4 The Department of Health and Social Care wishes to ensure that Pension Credit claimants are eligible to receive Healthy Start benefits for the children in their care. Pension Credit claimants caring for children may be in vulnerable situations, for example grandparents caring for grandchildren due to the loss of a parent, illness or family breakdown. Some Pension Credit claimants with responsibility for a child or a qualifying young person will have previously been eligible for Healthy Start benefits due to the receipt of Child Tax Credit. The Department of Health and Social Care wishes to ensure equity of treatment for this group following their move to Pension Credit. The overall number of Pension Credit claimants eligible for Healthy Start benefits is expected to be low.
- 7.5 The following groups of Pension Credit claimants will become eligible to receive Healthy Start benefits under this instrument: pregnant women who are aged 18 and

over and entitled to Pension Credit; pregnant women who are aged 18 and over and a member of a couple where the other member of the couple is entitled to Pension Credit; pregnant women who are aged 18 and over who are the responsibility of a person who is entitled to Pension Credit which includes the child or QYP addition; mothers who are aged 16 and over, who have children under the age of one and who are in receipt of Pension Credit which includes the child or QYP addition; mothers who are aged 16 and over, who have children under the age of one and who are a member of a couple where the other member of the couple is entitled to Pension Credit which includes the child or QYP addition; mothers who are aged 16 and over, who have children under the age of one and who are the responsibility of a person entitled to Pension Credit which includes the child or QYP addition; children under the age of four who are the responsibility of a person who is entitled to Pension Credit which includes the child or QYP addition; and children under the age of four for whom a relevant child (defined to include a child who is the responsibility of a person who is entitled to Pension Credit which includes the child or QYP addition) has parental responsibility.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 No timetable has been set for consolidation of the Principal Regulations.

10. Consultation outcome

10.1 The changes made by this instrument have not been subject to public consultation as there are no changes to the Department of Health and Social Care's core policy intention that pregnant women, new mothers and children aged under four from lower income families continue to receive nutritional support from the Healthy Start scheme.

10.2 There is a statutory duty to consult the Welsh Ministers before making any variations to the Principal Regulations. They are content with the proposed amendments.

10.3 The Department of Health in Northern Ireland were sent the instrument for information only as the Healthy Start scheme is fully devolved in Northern Ireland.

10.4 The Scottish Government were also sent the instrument for information only as the subject matter of the instrument is fully devolved to Scotland.

11. Guidance

11.1 The Healthy Start website (www.healthystart.nhs.uk), which provides information to the public and health professionals, will be updated during May 2019 to explain the changes. Printed resources which provide information about eligibility for the scheme and scheme guidance will be updated to reflect the changes. Staff at the Healthy Start Issuing Unit will receive guidance and training to ensure they manage applications and casework in line with the new Regulations.

12. Impact

- 12.1 No impact on business, charities or voluntary bodies is envisaged because this instrument is primarily concerned with granting Pension Credit claimants access to the Healthy Start scheme.
- 12.2 There is no significant impact on the public sector. The issuing of Healthy Start benefits to Pension Credit claimants will be funded from the Department of Health and Social Care's existing budget for the Healthy Start scheme. Healthy Start application forms are required to be countersigned by a healthcare professional, usually a health visitor or midwife. The number of additional applications to the Healthy Start scheme from Pension Credit claimants is expected to be small and many of these people would have previously been entitled to Healthy Start through the receipt of Child Tax Credits.
- 12.3 An Impact Assessment has not been prepared for this instrument because there is no expected impact on business.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The approach to monitoring of this legislation is for the Department of Health and Social Care to receive regular data from the Healthy Start Issuing Unit specifying the number of Pension Credit claimants in receipt of Healthy Start benefits.
- 14.2 The regulation does not include a statutory review clause.

15. Contact

- 15.1 Rebecca Sidwell at the Department of Health and Social Care Telephone: 0113 254 6710 or email: rebecca.sidwell@dhsc.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Dorian Kennedy, Deputy Director for Children, Families and Communities, at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Jackie Doyle-Price, the Parliamentary Under-Secretary of State for Mental Health, Inequalities and Suicide Prevention at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.