EXPLANATORY MEMORANDUM TO THE HEALTHY START SCHEME AND DAY CARE FOOD SCHEME (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2011

2011 No. 41

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department of Health, Social Services and Public Safety.

2. Purpose of Regulation

2.1 This Regulation adds plain frozen fruit and vegetables to the range of foods that Healthy Start vouchers can legally be spent on, and clarifies the overall definition of fruit and vegetables included in the Healthy Start scheme.

2.2 The Regulations are subject to negative resolution procedure before the Assembly.

3. Legislative Background

3.1 These Regulations amend the Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 ("the principal Regulations").

4. Extent

4.1 These Regulations apply to Northern Ireland.

5. European Convention on Human Rights

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

6. Policy Background

6.1 The Regulations will extend the range of foods that Healthy Start vouchers can legally be spent on in Northern Ireland so that it also includes frozen fruit and vegetables. The opportunity has also been taken to amend slightly the overall definition of 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, flavourings, or other ingredients have been added.

6.2 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.

7. Consultation Outcome

7.1 A UK wide public consultation was carried out on proposed change to Healthy Start 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 them, and whether taking this step would increase risks that Healthy Start vouchers would be spent on products that are not included in the scheme. A response to the consultation has been published at www.dh.gov.uk/consultations

7.2 In total 2369 responses were received. Approximately 90% of those who responded agree that plain frozen fruit and vegetables should be added to the scheme. In addition, 70% of the 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. Of the 4% who disagreed that frozen fruit and vegetables should be added, and the 6% who were uncertain about it, some were concerned that it would discourage beneficiaries from learning how to cook fresh produce. A few said that there is sufficient fresh produce available making it unnecessary, a few that fresh produce is healthier, and a few that it would complicate the scheme.

7.3 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 and reasons given included that there could be confusion about which frozen products were included and which were not, though a number commented that this could be mitigated by simple, clear and comprehensive guidance for scheme beneficiaries and retailers.

7.4 In view of the strength of the support for adding plain frozen fruit and vegetables to the scheme it has been agreed that this change should be made as quickly as possible. In response to the comments about the need to ensure that the guidance for beneficiaries and retailers is fit for purpose, the opportunity has also been taken to make small changes to the overall definition of fruit and vegetables in the regulations. The changes will ensure that the explanations given in scheme guidance can align fully with the wording in the regulations, and that the guidance can focus on explaining specifically that any products with added fat, salt and sugar are excluded.

8. Guidance

8.1 All scheme guidance and information materials for beneficiaries, retailers and health professionals is routinely updated and reprinted for each new financial year. The changes will be included in this updating exercise and, as usual,

a copy of the revised guidance will be sent to every scheme beneficiary and participating retailer.

9. Impact

9.1 The impact on business, charities or voluntary bodies is neglible. The Regulation extends, rather than restricts, the products that retailers can accept Healthy Start vouchers for. Some retailers will benefit from the opportunity to accept the voucher for a wider range of products. Those that do not can continue to accept them for other Healthy Start foods.

9.2 The impact on the Public Sector is negligible, Health Professionals working with pregnant women and young children already give advice and information on healthy diet, although the change may make it easier for them to do this in a way that is consistent with messaging on what counts towards the recommended five daily portions of fruit and vegetables.

10. Regulating Small Business

10.1 The legislation applies to small business.

10.2 If firms employing up to 20 people were excluded from the scope of the change, it would reduce the ability of many small retailers to compete with supermarkets for custom from Healthy Start beneficiaries. It would also disadvantage beneficiaries who rely heavily on small local retailers, for example those in rural and deprived urban areas or with disabilities, who rely heavily on small local retailers.

11. Monitoring and Review

11.1 UK Health Departments have committed to reviewing the impact of this change by 31 March 2016, within the context of an overall review of the effectiveness of Healthy Start.

12. Contact

Janet Moore at the Department of Health, Social Services and Public Safety Telephone 02890 520772 or email: janet.moore@dhsspsni.gov.uk can answer any queries regarding the Statutory Rule.