EXPLANATORY MEMORANDUM TO

THE WELFARE FOOD (AMENDMENT No. 2) REGULATIONS 2015

2015 No. 1580

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

2. Purpose of the instrument

2.1 The purpose of this instrument is to amend regulation 20 of the Welfare Food Regulations 1996. This regulation sets out the maximum time limit for making claims for reimbursement under the Nursery Milk Scheme, and the amendment reduces the time limit from twenty-four months to six months.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 This is a minor amendment to the Welfare Food Regulations 1996 and does not form part of a wider package of legislative changes. The Welfare Food Regulations 1996 could benefit from general updating and consolidation, and this work will be carried out as soon time allows.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

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

7. Policy background

7.1 The Nursery Milk Scheme allows for the provision of a free drink of one-third of a pint of milk for children under the age of five who attend eligible childcare settings for at least two hours each day. The Welfare Food Regulations 1996 provide for reimbursement to be made to eligible childcare settings for milk provided to eligible children under the Scheme. Regulation 20 allows the submission of claims up to two years after milk has been supplied. In practice the vast majority of claims are made relatively speedily following purchase, and over 90% of claims are made within six months.

7.2 Changing the regulations to require claims to be made within six months would have a limited impact on the individuals and organisations who make claims, but would save on the administrative cost of checking or investigating the small number of older claims which are currently received by the Nursery Milk Reimbursement Unit.

8. Consultation outcome

8.1 When the Department of Health consulted on options for modernising the NMS in 2012, the consultation included a proposal to cut the maximum time period for reimbursement from two years to six months. None of the individuals and organisations responding to the consultation expressed any concern about this proposal.

9. Guidance

9.1 The Nursery Milk Reimbursement Unit registers childcare settings and make reimbursements in respect of milk and infant formula purchased in line with the legislation governing the Scheme. The Nursery Milk Reimbursement Unit will be communicating with all individuals and organisations involved with the Scheme to advise them of these changes.

10. Impact

10.1 The impact on business, charities or voluntary bodies is minimal. It will not affect the amount which can be reimbursed. All interested parties will be notified in sufficient time to make whatever changes they may need to make to their current claiming practices.

10.2 The impact on the public sector is minimal, although a small administrative saving may be expected in the longer term, as the Nursery Milk Reimbursement Unit will not need to deal with time-consuming and complex older claims.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The legislation will be kept under regular review to ensure that childcare settings and children are not disadvantaged by this change.

13. Contact

Judith Hind at the Department of Health email: Judith.hind@dh.gsi.gov.uk can answer any queries regarding the instrument.