

November 2023

Dame Andrea Leadsom MP
Parliamentary Under Secretary of State (Minister for Primary
Care and Public Health)
House of Commons
London
SW1A 0AA

Dear Dame Leadsom MP

HEALTHY START SCHEME: FAMILIES WITH NO RECOURSE TO PUBLIC FUNDS

1. We are writing to you in relation to the serious concerns surrounding access to the Government's Healthy Start scheme (the "**Scheme**"). As you know, the Scheme helps young families and those who are pregnant to access healthy food, milk and vitamins.¹ However, unacceptable barriers to accessing the Scheme remain for children from households on low incomes with no recourse to public funds ("**NRPF Households**"). As explained further below, last year the Government promised to hold a consultation on the permanent extension of the Scheme to NRPF Households "*in due course*" (the "**Consultation**"). This consultation has failed to materialise. We are writing to you now to urge that the promised consultation takes place without any further delay.

BARRIERS TO ACCESS FOR NRPF HOUSEHOLDS

Access is currently temporary

2. In June 2021 the Department of Health and Social Care ("**DHSC**") agreed to "*temporarily*" extend the Scheme to British children under four years old whose parent or guardian meets the financial eligibility criteria and is excluded from claiming public funds as a consequence of their immigration status or their lack of immigration status.² However, this extension remains temporary, leaving NRPF Households uncertain as to their future eligibility for the Scheme.

Methods to apply are reduced

3. The application process for NRPF Households is burdensome and non-transparent. The majority of non-NRPF applicants may choose between applying for the Scheme online, by email or by phone. By contrast, NRPF Households have no choice but to apply by email and wait for the DHSC to "*contact them to discuss the application process.*"³ This leaves NRPF Households with no control over their application process and removes all transparency and certainty as to when they will be contacted to move matters forward.

Evidence of the difficulties

¹ NHS Business Services Authority, Healthy Start: Guide for Health Professionals dated 28 November 2022, p. 2, available at <<https://media.nhsbsa.nhs.uk/resources/guide-for-health-professionals>>.

² NHS Business Services Authority, Healthy Start: Guide for Health Professionals dated 28 November 2022, p. 7; NHS, "Healthy Start: How to apply", <<https://www.healthystart.nhs.uk/how-to-apply/>>.

³ NHS Business Services Authority, Healthy Start: Guide for Health Professionals dated 28 November 2022, pp. 4, 7; NHS, "Healthy Start: How to apply".

4. The difficulties for NRPF Households seeking to access the Scheme are supported by the statistics. By way of example:

(a) On 19 September 2023, in response to a Parliamentary Question about NRPF Households accessing the Scheme, you as Parliamentary Under-Secretary for the Department of Health and Social Care said that “The Department has sent out over 1,300 application forms to those who have requested them.”⁴

(b) On the same date, your Department had also confirmed that the DHSC had received only “As of 18 August 2023, the Department has received 110 fully completed applications that have demonstrated that the applicant met the eligibility criteria.”⁵

Comparative schemes

5. We note that, following a threatened judicial review challenge⁶ to the decision of the Secretary of State for Education not to provide free school meals during the 2020 summer school holiday, the Department for Education has since permanently extended free school meal eligibility to children in NRPF Households, subject to maximum income thresholds.⁷ As the Food Foundation has explained in its previous correspondence, we consider that the DHSC should similarly permanently expand eligibility for the Scheme to all NRPF Households.⁸
6. While the Scheme is available in England, Wales and Northern Ireland, Scotland operates its own Best Start Foods scheme.⁹ From 13 December 2021, Best Start Foods eligibility was extended to children with British citizenship in NRPF Households.¹⁰
7. We see little reason to distinguish the Scheme from the free school meals and/or Best Start Food schemes described above and therefore urge the DHSC to commence the Consultation urgently so that progress can be made to bring the Scheme into line with its comparators.

THE PROMISED CONSULTATION SHOULD PROCEED WITHOUT FURTHER DELAY

8. The low number of NRPF Household applications and even lower number of successful applications and payments made to NRPF Households are clear indicators that change is needed. While it is our view that the Scheme should be extended permanently to children from NRPF Households without further delay, we recognise that the DHSC considers that the first step towards securing the urgently needed changes would be to conduct the promised Consultation.
9. The Consultation has been continually promised but remains outstanding. Indeed, the letter from the Parliamentary Under Secretary of State for Vaccines and Public Health to the Food Foundation and Sustain stated that “[t]he department has committed to consult on Healthy

⁴ UK Parliament, “Healthy Start Scheme”, Question for Department of Health and Social Care, UIN 199522, tabled on 13 September 2023, answered on 19 September 2023, <[Written questions and answers - Written questions, answers and statements - UK Parliament](#)>.

⁵ Ibid.

⁶ “COVID-19/Free School Meals and the Summer Holidays”, Pre-Action Protocol Letter dated 16 June 2020, paras 7-8, 10, <https://www.sustainweb.org/resources/files/responses/FSMLegalLetter_200616.pdf>.

⁷ Department for Education, “Providing free school meals to families with no recourse to public funds (NRPF)”, updated 31 January 2023, <<https://www.gov.uk/government/publications/free-school-meals-guidance-for-schools-and-local-authorities/providing-free-school-meals-to-families-with-no-recourse-to-public-funds-nrpf>>.

⁸ See, for instance, The Food Foundation, “Healthy Start Working Group Policy Positions”, March 2023, p. 2, <https://www.foodfoundation.org.uk/sites/default/files/2023-04/Healthy%20Start%20Working%20Group%20Policy%20Positions_2023.pdf>.

⁹ NHS Business Services Authority, Healthy Start: Guide for Health Professionals dated 28 November 2022, p. 2.

¹⁰ Social Security Scotland, “Best Start Grant and Best Start Foods: high level statistics to 31 March 2023”, p. 15, <<https://www.gov.scot/collections/social-security-scotland-stats-publications/>>.

Start and No Recourse to Public Funds (NRPF) and this will be published in due course."¹¹ This letter, dated 6 September 2022, made it clear that the Government was "committed to the [Scheme]" and "aware of how important it is to pregnant women and families from very low-income households."¹²

10. Despite this, on 19 December 2022, in response to a further parliamentary question about when the Consultation would take place, you said "[w]e are currently considering options and further information will be available in due course."¹³
11. Despite it being more than a year since the commitment to conduct the Consultation and nine months since your reference to "considering options", no further information has been published about the Consultation. The DHSC appears to have made no concrete steps towards holding the urgently needed Consultation. We therefore urgently request that the DHSC provides immediate and clear information as to the proposed format and timing of the Consultation so that it can be held without further delay.

PROGRESSING THE CONSULTATION IS IN LINE WITH UNITED NATION STANDARDS

12. For completeness, we consider that the proposal that the DHSC should proceed urgently with the Consultation is in line with government commitments to United Nations standards and requirements.

The United Nations Committee on the Rights of the Child

13. In June 2023, the United Nations Committee on the Rights of the Child (the "**Committee**") recommended that the United Kingdom "[s]trengthen measures to address child malnutrition, food insecurity and growing trends in overweight and obesity", including by:
 - (i) "ensuring all children's access to nutritious foods and reducing their reliance on food banks, regardless of their or their parents' migration status";
 - (ii) "expanding the free school meals programme to all children in disadvantaged situations, including children whose parents receive Universal Credit";
 - (iii) "addressing the root causes of food insecurity, including poverty";
 - (iv) "providing nutrition services in schools and communities"; and
 - (v) "promoting healthy lifestyles and physical activity".¹⁴
14. The Committee also "urges" the United Kingdom "to eliminate discrimination against children in disadvantaged situations, including children belonging to ethnic minority groups, asylum-seeking, refugee and migrant children".¹⁵
15. The DHSC's failure to conduct the Consultation and consider the permanent expansion of the Scheme to NRPF Households amounts to a failure to comply with the Committee's recommendations.

¹¹ Letter from Ms Maggie Throup MP, Parliamentary Under Secretary of State for Vaccines and Public Health, to Ms Kath Dalmeny, Chief Executive of Sustain, dated 6 September 2022, <<https://foodfoundation.org.uk/sites/default/files/2023-01/DHSC%20response.pdf>>.

¹² Ibid.

¹³ UK Parliament, "Healthy Start scheme: Migrants", Question for Department of Health and Social Care, UIN 69490, tabled on 24 October 2022, answered on 19 December 2022, <<https://questions-statements.parliament.uk/written-questions/detail/2022-10-24/69490>>.

¹⁴ UN Committee on the Rights of the Child, "Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland", CRC/C/GBR/CO/6-7, 22 June 2023, para. 41(e), <<https://digitallibrary.un.org/record/4013807>>.

¹⁵ Ibid, para. 20(a).

The Government's commitment pursuant to the United Nations Convention on the Rights of the Child (UNCRC)

16. In a written statement to Parliament on 6 December 2010, the Minister of State for Children and Families made "*a clear commitment that the Government will give due consideration to the UNCRC articles when making new policy and legislation.*"¹⁶
17. The Government's commitment to give due consideration to the UNCRC has been consistently affirmed in subsequent public statements.¹⁷ For example, in a statement made in the House of Lords on 20 November 2018, the Parliamentary Under-Secretary of State for Children and Families said that the United Kingdom "*is a proud and long-standing signatory*" of the UNCRC and that "*this Government remains fully committed to the promotion and safeguarding of children's rights.*"¹⁸ The statement also "*reaffirm[ed] the value that this Government places on the UNCRC and our ongoing commitment to give due consideration to the UNCRC when making policy and legislation.*"¹⁹
18. Having signed and ratified the UNCRC, the United Kingdom "*shall undertake all appropriate legislative, administrative, and other measures*" to implement the rights recognized in the Convention.²⁰ In particular, the United Kingdom shall "*take appropriate measures*" to assist parents in implementing the child's right to an adequate standard of living and, in case of need, shall "*provide material assistance and support programmes*" with regard to nutrition.²¹ The United Kingdom shall also "*pursue full implementation*" of the child's right to enjoy "*the highest attainable standard of health*"²² and shall "*take appropriate measures*" to combat malnutrition, including "*through the provision of adequate nutritious foods*".²³
19. Given the temporary nature of the eligibility of NRPF Households for the Scheme, and the low number of NRPF Households who actually receive payments, it is clear that the DHSC has failed to take appropriate measures and to provide the material assistance and adequate nutrition that children from the poorest households rightly deserve and that the UNCRC supports.
20. Leaving access to the Scheme on a temporary basis for NRPF Households clearly does not give proper consideration to the United Kingdom's commitments under the UNCRC.

NEXT STEPS

21. We look forward to hearing from you in relation to the timing of the Consultation and your proposals as to urgent next steps and would be happy to discuss the issue further, should that prove necessary.

¹⁶ Minister of State for Children and Families, 6 December 2010, <<https://hansard.parliament.uk/commons/2010-12-06/debates/1012063000011/ChildrenSCommissionerReview>>.

¹⁷ The Memorandum submitted by the Department of Education to the Joint Committee on Human Rights on 1 February 2011, <<https://publications.parliament.uk/pa/it201012/itselect/itrights/154/15410.htm>>, stated that the "*Government is a proud signatory of the UNCRC and is committed to its implementation*". In a statement made in the House of Lords on 17 October 2016, <<https://questions-statements.parliament.uk/written-statements/detail/2016-10-17/HCWS194>>, the Minister of State for Vulnerable Children and Families said that the United Kingdom "*is a proud signatory*" of the UNCRC and the Minister "*want[s] to reinforce this commitment.*" The Cabinet Office Guide to Making Legislation, <<https://www.gov.uk/government/publications/guide-to-making-legislation/guide-to-making-legislation-html>>, says that "*[t]he Government has made a commitment to give due consideration to the articles of the [UNCRC] when making new policy and legislation*" and that explanatory notes for new legislation should include "*a summary of the anticipated effects of legislation on children and on the compatibility of draft legislation with the UNCRC.*"

¹⁸ Parliamentary Under Secretary of State for the School System, 20 November 2018, <<https://questions-statements.parliament.uk/written-statements/detail/2018-11-20/HCWS1093>>.

¹⁹ Ibid.

²⁰ UNCRC, Article 4.

²¹ UNCRC, Article 27(1) and (3).

²² UNCRC, Article 24(1) and (2).

²³ UNCRC, Article 24(2)(c).

Yours faithfully

Anna Taylor, Executive Director, The Food Foundation

Kath Dalmeny, Chief Executive, Sustain: the alliance for better food and farming

Peter Jackson, Professor of Human Geography, University of Sheffield

J B Lever, Reader in sustainable and Resilient Communities, University of Huddersfield

Kate Sutcliffe, Staffordshire County Council

Eva Nembhard, Brent Council, Public Health Apprentice

Kathryn Ingold, Chief Officer / Consultant in Public Health at Leeds City Council

Ashlee Teakle, Senior Public Health Strategist, London Borough of Newham

Mathilde Kerr, Health Improvement Officer, Harrow Council

Milly Carmichael - Health Improvement Officer - Bath and North East Somerset Council

Ruth Helen, Commissioning Manager, Manchester City Council

Poppy Lane, Public Health Officer for Children and Young People, London Borough of Hounslow

Peace Kayode, Public Health Officer Children and Young People for Haringey Council

Joanna Lussi, Project Officer, Kent County Council

Dr Arif Rajpura, Director of Public Health - Blackpool Council

Laura Quinn Public Health Senior Practitioner Barnsley Council

Verity Wilde, Health Improvement Specialist, East Sussex Public Health

Teresa Johnson, Startwell Nutritionist, Birmingham Community NHS Foundation Trust

Iona Lidington, Director of Public Health, Royal Borough of Kingston-upon-Thames

Cllr Kemi Akinola, Deputy Leader, Wandsworth

Mathilde Kerr, Health Improvement Officer, Harrow Council

Ciara Fisher, Health and Wellbeing Trainer, North Tyneside Council

Jayne Williams, Associate Public Health Practitioner at Worcestershire County Council

Gloria Okewale, Public Support Officer, Havering

Cllr Jackie Floyd. Chair of Blackburn with Darwen Food Alliance , Asst Exec Adult Services & Health BwD, Trustee Blackburn Foodbank

Catherine Houlcroft, Principal Project Officer, No Recourse to Public Funds (NRPF) Network

Katie Bates, Health Improvement Specialist, Brighton & Hove City Council

Katie Knight, Healthy Lifestyles Manger, Brighton & Hove City Council

Gill Kelly, Public Health Development manager, Blackburn with Darwen Public Health

Julie Gunn Executive Member for Children, Young People and Education Blackburn With Darwen

Angela Eden, Senior Health Improvement Manager, Salford City Council

Emma Croucher, Salford Transformation Midwife, Salford City Council/ Manchester Foundation Trust

Russell Styles, Director of Public Health, Merton Council

Dr Lynne Goodacre, Co-ordinator, Blackburn with Darwen Food Alliance

Caroline Kenyon Chair Greater Lincolnshire Food Partnership

Samantha Watts, Access to Food Food Lead, Winchester Food Partnership

Marge Hobberstad, volunteer, Alexandra Rose Vouchers via 1st Place Childrens' Centre and Borough Food Cooperative

Louise Baker, Food Justice Coordinator, Cambridge Sustainable Food

Ruth Barry, Vicar St Philip's Church, Cambridge

Tuyet Dickens Outreach Worker Wythenshawe Children's Centre

Susie Rogers, Senior Outreach Support Worker, Cambridge Women's Aid

Grace Harvey, Assistant Campaign's Manager, Manchester Central Foodbank

Virginia Sotirova Information, Advice and Admin Worker, Family Action, Wythenshawe Children's Centre

Ragen Fallon, Team Manager, Family Action

Elizabeth Maurice- Early Years Practitioner at 1st Place Children & Family Centre

Rachel Karniely, Food Hub Coordinator

Katie Lockwood 0-19 Health & Wellbeing Service Manager - Yorkshire Children's Centre

Melissa Freeman Family Support Worker Cambridge Women's Aid

Rebecca Taylor, Head of Policy and Public Affairs, World Cancer Research Fund

Julie Philbin, Locality Manager, Family Action

Nicky Massey, Manager, Cambridge Student CommunityAction

Helen Mason, Food Bank Programme Manager, Action For Refugees In Lewisham (AFRIL).

Edwina Revel, Programme Director, Early Start Nutrition

Beckie Lang, Director of Network Impact, Home-Start UK

Andrea Gibbons, Sustainable Food Places Network Coordinator, Soil Association

Matthew Philpott, Executive Director, Health Equalities Group

Thomas Cave, Policy Manager for Child Poverty and Inequality, The Children's Society

Sally Etheridge; Leicester Mammals

Ellen Holmes, Partnership Coordinator, Food Newcastle

Dr Naomi Maynard, Director, Feeding Liverpool

Sonja Woodcock, Sustainable Food Places Coordinator for FoodWise Leeds

Sabine Goodwin, Director, Independent Food Aid Network

Mel Steel, Director, Voices in Exile

Norman Minter. Chair. Waltham Forest Migrant Action.

Dr Vicky Sibson, Director, First Steps Nutrition Trust

Jonathan Pauling, Chief Executive, Alexandra Rose Charity

Caz Hattam, Caseworker, The Unity Project

Michael Boyle, Coordinator, Akwaaba

Sally Daghlian OBE, CEO, Praxis

Rosario Guimba-Stewart, CEO, Lewisham Refugee and Migrant Network (LRMN)

Ros Bragg, Director, Maternity Action

Katie Palmer, Programme Manager, Food Sense Wales

Joseph Ellis, Startwell Birmingham

Sarah Bates, Startwell Team Leader, NHS

Abi Brunswick, Director, Project 17

Rebecca Tully, Coordinator, Herefordshire Food Alliance

Neil Leitch, CEO, Early Years Alliance

Rachel Stevenson, Finance Officer, Growing Communities

Louise Delmege, Partnership Coordinator for Bristol Good Food 2030

Karen Thomas, Specialist Health Improvement, Wakefeild Council and committee member of the British Dietetic Association Obesity Specialist Group

Chris Nottingham Sustainable Food Coordinator Tai Calon Community Housing

Ariela Cravitz, Southwark Rose Vouchers Project Lead

Elena Salazar, Family Service Manager at 1st Place Children and Parents' Centre

Candice George, Islington Food Partnership Co-ordinator, Manor Gardens Welfare Trust

Jane Partington, Partnerships Director, The Bread and Butter Thing

Bruce White, Community Development Worker Community First

Jane Read, Coordinator Home-Start winchester & Districts

Ellen Holmes, Partnership Coordinator, Food Newcastle

India Doris, Programmes Director, Creative Treaty

Lara Daniel, CEO/Founder - Excel Beyond Barriers CIC

Funmi Agbonjinmi, Operational Lead ZenoCh community hub

Jill Essam, Food Durham Co-ordinator, Food Durham

Helen Starr-Keddle, Project Manager, Brighton & Hove Food Partnership

Elena Demetri, Project Manager, Parents and Communities Together

Stephanie Slater, Founder/Chief Executive, School Food Matters

Laura Stratford, Coordinator, The Greater Lincolnshire Food Partnership

Leon Ballin, Programme Manager, Sustainable Food Places

Revd Karin Voth Harman, Vicar and Organiser of the Cherry Hinton Food Hub at St Andrew's
Cherry Hinton

Smita Botre, Trumpington Food Hub Coordinator.

Ian Smith, Director, Food Plymouth CIC

Michelle O'Neil, NSPCC, Blackpool Better Start

Revd. Ian Rutherford Chair, Greater Manchester Food Security Action Network

Kimberley Rayson, Community Pioneer, Arbury Road Baptist Church

Sophie Tebbetts, Head of Programmes, FoodCycle

Sonja Woodcock, Sustainable Food Places Coordinator for FoodWise Leeds

Chris Price, CEO, PECAN

Nina Towers Job title: Southwark Food Action Alliance Administrator Organisation: Pecan

simon Rai/ Retail manager/ Be enriched

Karen Coulson, COO Be Enriched

Jane Smillie, Finance Office, Be Enriched

Ruby Barnett, Partnership Coordinator, Be Enriched

Rachel Howley Director Citizens Advice Greater Manchester

Hannah Cooper, Research and Campaigns Manager, Citizens Advice Newcastle

Munira Nesredin, Parent Engagement Officer - PACT Citizens UK

Josephine Namusisi-Riley, Lead for Parents And Communities Together Project, Citizens UK.

Kady channer- associate Parent Organiser - Citizens UK

Layla Meerloo, Senior Project Manager, PACT (Parents and Communities Together, Citizens UK)

GRACE ROMERO- PARENT ORGANISER - PACT (PARENTS AND COMMUNITIES
TOGETHER)

Mena Amnour, Parent Organiser at PACT CitizensUK

Luna Vargas- Volunteer coordinator- Citizens UK

Katherine Letley, National Project Lead Maternity Stream of Sanctuary, City of Sanctuary UK

Enioluwada Oluwajoba, City of Sanctuary

Susan Riley, Joint Chief Officer, Citizens Advice Tameside

Michelle O'Neil - NSPCC, Blackpool Better Start

Mickey Reedy Customer Support Officer, North Paddington Foodbank

Mads Melluish - Projects and Community Officer, North Paddington Foodbank

Suzanne Betts, Clinical Lead for Public Health Nurses, Sirona health and care

Consultant Midwife Health Equity, Leeds Teaching Hospitals NHS Trust

Amanda Tombs Health Visiting Team Lead

Laura McLaren, Public Health Midwife, NHS

Peggy Osborne. Community Midwife. Specialist Midwife for asylum seekers and refugees.
University Hospitals Sussex. University Hospitals Sussex

Zoe Neilson, Early Years Food and Healthy Weight Project Manager, NHS GM

Maria Carvalho, Social prescriber, NHS

Eirini Koutrouli Highly Specialist Dietitian (NHS, Salford Council)

Beatrice Brown: Integrated Neighbourhood Project Manager- Cambridgeshire and Peterborough
ICS

Annabelle Sadler, Healthy Start Practitioner, Central London Community Healthcare NHS Trust

Alison Morton, CEO, Institute of Health Visiting (iHV)

Dr Helen Stewart, Officer for Health Improvement, Royal College of Paediatrics and Child Health

Alison Morton, CEO, Institute of Health Visiting (iHV)

Gerry Cano, CLAS Project Manager, CHS Group

Nike Animashaun, Manager, Angels Breakfast and Afterschool club

Fatema Khatun

Jordan Moore

Hollie-Mae Janes

Aayesha Bhattay

Julie Craig, TPH

Funmi Agbonjinmi