



Department
of Health &
Social Care

From Maria Caulfield MP
Parliamentary Under Secretary of State for Primary Care and Patient Safety

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Iain Stewart MP
By email to: iain.stewart.mp@parliament.uk

17 November 2021

Dear Iain,

Thank you for your correspondence of 22 October on behalf of a number of your constituents, about NHS charges for maternity care. Please accept my sincere apologies for the delay in replying.

As you are aware, the NHS is a residency-based healthcare system and so only people who are 'ordinarily resident' in the UK, or otherwise exempt from charges under the NHS Regulations are eligible for free care. Being 'ordinarily resident' broadly means living here on a lawful and properly settled basis for the time being, with individuals subject to immigration control also requiring 'indefinite leave to remain' in the UK.

The charging regulations, which have been in force since 1982, place a legal obligation on providers of NHS secondary care to make and recover charges from overseas visitors, except where an exemption from charge category applies. The current charging regulations include a number of exemptions from charge to ensure that some of the most vulnerable – for example, asylum seekers, refugees and victims of modern slavery - are protected.

Where a charge does apply to treatment provided to an overseas visitor, care that is immediately necessary, or considered urgent by clinicians, will be provided without delay regardless of the patient's ability to pay and charges will be recovered when appropriate, if full upfront payment is not possible. All maternity services must be treated as being immediately necessary. Maternity services include all antenatal, intrapartum and postnatal services provided to a pregnant person, a person who has recently given birth or a baby. Maternity services must never be denied, or delayed, due to charging issues.

The department's guidance to the NHS provides help and advice on the correct and consistent implementation of the charging regulations, including information on when an overseas visitor or the treatment that they are receiving falls within an exemption. The guidance also makes clear that urgent or immediately necessary care may never be withheld or delayed for reasons to do with charging.

The charging regulations and relevant guidance to the NHS on implementing the regulations seek to balance protecting resources with a humanitarian approach to the provision of healthcare. In addition to exemptions from charge and provisions for

immediately necessary and urgent treatment, the departments guidance to the NHS sets out circumstances in which trusts can 'write-off' debt, for example when the person is genuinely without funds and therefore it would not be cost effective to pursue them. The guidance is also clear that debts must be cancelled entirely if the charges they relate to are found not to have applied in the first place.

I hope this reply is helpful.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Maria'.

MARIA CAULFIELD