

ADM Chapter L2: Sure Start Maternity Grants

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Introduction

L2001 The guidance in this chapter is to help the DM determine regulated SF payments under the Act¹ which are made for maternity expenses.

1 SS CB Act 92, s 138(1)(a) & (2)

L2002 A SSMG payment of £500 is paid in respect of each child or still-born child¹ where the conditions of entitlement are met.

1 SFMFE (Gen) Regs, reg 5(1)

L2003 A DM decides any claim for a SSMG. These decisions have the same right of appeal as other DM decisions¹.

1 SS Act 1998, s 12

Effect of capital

L2004 Capital has no effect on claims for SSMGs.

L2005 - L2009

Definitions L2010 - L2049

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Meaning of C

L2010 C means the child or still-born child in respect of whom a SSMG is claimed¹.

1 SFMFE (Gen) Regs, reg 5A(1)(a)

L2011

Couple

L2012 Couple means¹

1. two people who are married to, or civil partners of, each other and are members of the same household

or

2. two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.

1 SFMFE (Gen) Regs, reg 3(1)

L2013

Family

L2014 The definition of family is¹

1. a couple **or**

2. a single person **or**

3. except where the claimant is in receipt of UC, people living in the same household who are members of a polygamous marriage

together with any dependent children who are members of the same household and for whom the single person or at least one of the couple or member of the polygamous marriage is responsible.

1 SFMFE (Gen) Regs, reg 3(1)

L2015

Health professional

L2016 Health professional¹ means

1. a registered medical practitioner **or**

2. a registered nurse or registered midwife.

1 SFMFE (Gen) Regs, reg 3(1)

L2017

Partner

L2018 A partner¹ is

1. the other member of a couple **or**

2. where the person is married polygamously to two or more members of the household, any such member, except where the claimant is in receipt of UC.

L2019

Adoption agency

L2020 Adoption agency means a local authority adoption service or a body which meets the definition of registered adoption society¹.

1 SFMFE (Gen) Regs, reg 3(1); Adoption and Children Act 2002, s 2(1), (2) and (5)

L2021

Adoption order

L2022 Adoption order is an order made by the court giving parental responsibility for a child to the adopters or adopter¹.

1 SFMFE (Gen) Regs, reg 3(1); Adoption and Children Act 2002, s 46

L2023

Guardian

L2024 Guardian means a person appointed as a guardian or special guardian under specified legislation¹.

1 SFMFE (Gen) Regs, reg 3(1); Children Act 1989, s 5 & 14A

L2024

Parental order

L2025 Parental order means an order by a court under specified legislation¹ which treats in law a child as a child of the party or parties where the party, or one of the parties, provided either sperm cells or egg cells and where other statutory conditions are met.

1 SFMFE (Gen) Regs, reg 3(1); Human Fertilisation and Embryology Act 2008, s 54 or s54A

L2026

Placed for adoption

L2027 Placed for adoption means a child placed for adoption as defined in specified legislation¹.

1 SFMFE (Gen) Regs, reg 3(1); Adoption and Children Act 2002, s 18

L2028

Qualifying order

L2029 A qualifying order is¹

1. an adoption order
2. a parental order
3. a child arrangements order

1 SFMFE (Gen) Regs, reg 3(1) & reg 3A(6)

L2030

Child arrangements order

L2031 Child arrangements order means an order regulating arrangements relating to any of the following

1. with whom a child is to live, spend time or otherwise have contact, and
2. when a child is to live, spend time or otherwise have contact with any person¹.

1 SFMFE (Gen) Regs, reg 3(1); Children Act 1989, s 8(1)

L2032

Meaning of “responsible for”

L2033 A person is to be treated as responsible for

1. a child if the person is receiving CHB for the child¹ **or**
2. a child where CHB is not in payment if they are the person who the child normally lives with² **or**
3. both children where a person is receiving CHB for a child who is in receipt of CHB for another child³.

1 SFMFE (Gen) Regs, reg 4A(2)(a); 2 4A(2)(b); 3 reg 4A(3)

L2034

Not treated as “responsible for”

L2035 A person is not to be treated as responsible for a child at the date of claim if the child is

1. being looked after by a LA under specified legislation¹ (which includes children in foster care) **or**

2. being held in custody pending trial or sentencing²**or**

3. in custody serving a sentence imposed by a court³.

1 SFMFE (Gen) Regs, reg 4A(4)(a); Children Act 1989, s 22; Children (Scotland) Act 1995, s 93; Social Services and Well-being (Wales) Act 2014, s.74; 2 SFMFE (Gen) Regs, reg 4A(4)(b); 3 reg 4A(4)(b)

L2036

Equivalent provisions

L2037 Reference to

1. definitions in L2020 to L2035¹**and**

2. the adoption of children under specified legislation²

also includes any analogous provision of equivalent effect in Scotland, Northern Ireland, the Channel Islands or the Isle of Man³.

Note: If a claim is made and it is not clear if it is made under an analogous order, refer the case to DMA Leeds for advice.

1 Children Act 1989, s 5, 8, 10, & 14A; Adoption and Children Act 2002, s 2, 18 & 46;

2 Adoption and Children Act 2002, s 66; 3 SFMFE (Gen) Regs, reg 3(1A)

L2038-49

Conditions of Entitlement L2050 - L2069

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Conditions of entitlement

L2050 To be entitled to an SSMG¹

1. the claimant or partner must, for the date of claim for an SSMG

1.1 have been awarded a QB² (see L2052) **and**

1.2 have made a claim within the prescribed time for claiming³ (see L2054) **and**

1.3 have received advice from a health professional (see L2016) on

1.3.a health and welfare matters relating to the child (but this does not apply where the claim is made after the birth of a still born child)⁴ **and**

1.3.b matters relating to maternal health where the claim is made before the child is born⁵ **and**

2. either

2.1 the claimant or, if the claimant is a member of a family, one of the family, must at the date of claim⁶

2.1.a be pregnant **or**

2.1.b have given birth to a child (including a child who is still-born after 24 weeks of pregnancy) **or**

2.2 the child's parents are not partners at the date of claim and the claimant is

2.2.a the parent (but not the mother) of the child (who does not exceed the age of 12 months at the date of claim) or is responsible for that parent⁷ **and**

2.2.b responsible for the child⁸ (see L2033) **or**

2.3 the claimant or the claimant's partner is responsible for a child (see L2033) under the age of 12

months at the date of claim and the claimant or the claimant's partner has

2.3.a been granted a qualifying order⁹ (see L2029) **or**

2.3.b been appointed the guardian of the child¹⁰ (see L2024) **or**

2.3.c a child that has been placed for adoption with them by an adoption agency¹¹ (see L2020 and L2027) **or**

2.4 the claimant or the claimant's partner has adopted a child under the age of 12 months at the date of claim under specified legislation¹² **and**

3. the claimant must live in England or Wales¹³

1 SFMFE (Gen) Regs, reg 5(1); 2 reg 5(2); 3 reg 5(5); 4 reg 5(4)(a); 5 reg 5(4)(b) 6 reg 5(3)(a); 7 reg 5(3)(b)(i); 8 reg 5(3)(b)(ii); 9 reg 5(3)(c); 10 reg 5(3)(d); 11 reg 5(3)(e); 12 reg 5(3)(f), Adoption and Children Act 2002, s 66(1)(c) to (e); 13 reg 5(6)

Example

Julie lives in Wales and is looking after her nephew Robert as her sister Jennifer has serious health problems and is unable to care for him. Julie is receiving IS and has obtained a child arrangements order under the Children Act for Robert. She is in receipt of CHB for her nephew. Julie applies for a SSMG when Robert is eight months old, a month after her child arrangements order was granted. The DM decides that Julie satisfies the conditions of entitlement and awards a SSMG.

Qualifying Benefits

L2052 The claimant or partner must, in respect of the date of claim for an SSMG, have been awarded¹

1. UC **or**

2. IS **or**

3. SPC **or**

4. JSA(IB) **or**

5. WTC, where the disability or severe disability element is included in the award **or**

6. CTC which includes an individual element or a disability element referred to in specified legislation² **or**

7. ESA(IR) or

8. owner-occupier loan payments and be treated as entitled to IS, JSA(IB), ESA(IR) or SPC³.

Note: Special rules apply if the claimant or partner is affected by a Trade Dispute (see L2111 et seq).

1 SFMFE (Gen) Regs, reg 5(2); 2 Tax Credits Act 2002 s. 9(3); 3 SFMFE (Gen) Regs, reg 5(2)(h)

L2053 A person is not awarded JSA(IB) for the first seven days of any JSP or ESA(IR) for the first seven days of a period of LCW. These are known as waiting days¹.

1 JSA Regs, reg 46; ESA Regs, reg 144

Prescribed Time for Claiming

L2054 The prescribed time for claiming is the period beginning

1. eleven weeks before the first day of the expected week of confinement and ending 6 months after the actual date of confinement¹ or

2. with the date on which the claimant becomes responsible for the child (see L2033) and ending 6 months after that date² or

3. with the date on which a qualifying order (see L2029) is made and ending 6 months after that date³ or

4. with the date on which the guardianship (see L2024) takes effect and ending 6 months after that date⁴ or

5. with the date on which the child is placed with the claimant or the claimant's partner for adoption (see L2027) and ending 6 months after that date⁵ or

6. with the date on which the adoption⁶

6.1 takes effect in respect of an adoption under prescribed legislation⁷ or

6.2 is recognised under prescribed legislation⁸

and ending 6 months after that date.

1 SS (C&P) Regs, reg 19(1), Sch 4(8) & SFMFE (Gen) Regs, reg 5(3)(a); 2 reg 5(3)(b);
3 reg 5(3)(c); 4 reg 5(3)(d); 5 Reg 5(3)(e); 6 Reg 5(3)(f);
7 Adoption and Children Act 2002, s 66(1)(c), (d) & (e); 8 s 66(1)(e)

Advance claim

L2056 The DM should accept that an advance claim has been made where the evidence shows that all of the conditions for entitlement will be satisfied on a day (the relevant day) not more than three months after the date on which the claim is made, and treat the claim as made on the relevant day¹, subject to the condition that they do become satisfied on that day².

1 SS (C&P) Regs, reg 13(1)(a); 2 reg 13(1)(b)

Example

Nadia makes a SSMG claim on 1.10.19. The DM considers the claim on 14.10.19 and establishes that the first day of the eleventh week before the EWC is 21.10.19. The evidence suggests that all of the other conditions of entitlement will be satisfied on 21.10.19 so the DM treats it as an advance claim. The DM waits until 21.10.19 to check that the conditions of entitlement are still satisfied on that date and decides the claim.

Late award of qualifying benefit

L2057 See DMG 02260 - 02267 for guidance on special rules for determining the date of claim and DMG 03065 for guidance on revision of disallowance where there is a late award of a QB.

Time limit for claiming UC

L2058 See ADM Chapter A2043 et seq for guidance on time limit for claiming UC.

L2059 - L2069

Prevention of award L2070 - L2089

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Prevention of award

L2070 A SSMG cannot be awarded, if at the date of claim, there is any existing member of the claimant's family (see L2071), apart from the child in respect of whom the SSMG is claimed, who is under the age of 16, except in the case of

1. multiple births (see L2072)¹
2. where a claimant has refugee or humanitarian protection and had children before they arrived in the UK (see L2076)²

1 SFMFE (Gen) Regs, reg 5A(4); 2 SK and LL vs SSWP [2020] UKUT 145 (AAC)

Meaning of existing member of the family

L2071 Existing member of the family means

1. where a parent (P) of C is under the age of 20 and a member of the claimant's family, any member of the claimant's family who is also a child of P, apart from

1.1 C or

1.2 any other child born as a result of the same pregnancy as C¹or

2. in any other case, any member of the claimant's family apart from

2.1 C or

2.2 any other child born as a result of the same pregnancy as C or

2.3 any child whose parent is

2.3.a under the age of 20 and

2.3.b a member of the claimant's family²or

2.4 any child

2.4.a who was not, at the time of the child's birth, a child of the claimant (or, where the claimant has a partner at the date of claim, the claimant's partner); **and**

2.4.b whose age, at the time that the claimant (or, where the claimant has a partner at the date of claim, the claimant's partner) first became responsible for that child, was more than 12 months³.

1 SFMFE (Gen) Regs, reg 5A(1)(b) & 5A(2); 2 reg 5A(1)(b) & 5A(3); 3 reg 5A(3)(d)

Note 1: See L2010 for meaning of C.

Note 2: The term "partner" means the claimant's partner at the date of the SSMG claim. The claimant's partner at the date of the child's birth or at the date the claimant became responsible for the child is not relevant.

Example 1

Mary receives JSA(IB) and lives with her daughter Diane, aged 17. Diane has a son James, aged 2. Diane is expecting another baby. As Diane is a dependent member of Mary's family who is under the age of 20 and already has a child under 16, James, a SSMG would not be payable. However, if Diane was expecting twins, one SSMG would be payable (see L2072 - L2075 below).

Example 2

Louise receives JSA(IB) and lives with her daughter, Ruby, aged 17. Ruby has a son, Thomas, aged 3. Louise is now expecting a baby. Although Thomas is a child under 16, his mother Ruby is under the age of 20 and is a member of Louise's family. Therefore, Louise would be eligible for a SSMG.

Example 3

Parveen receives UC. She is the grandmother of Asif, her son's child whom she had guardianship of since Asif was 18 months old. Parveen is now pregnant. A SSMG would be payable as Asif was not at the time of his birth a child of Parveen's and Parveen first became responsible for him when he was over 12 months old. Asif, therefore, doesn't fall within the definition of existing family member.

Subsequent multiple births

L2072 An exception provides for payment of a SSMG in circumstances where there is already a child or children under the age of 16 in the family, but there has been a subsequent multiple birth.

L2073 Where, at the date of claim, no existing member of the family is under the age of 16, a SSMG is to

be awarded for each child where C is one of two or more children who is

1. born or still-born as a result of the same pregnancy **or**
2. expected to be born as a result of the same pregnancy¹

1 SFMFE (Gen) Regs, reg 5A(5) & reg 5A(6)

Example

Marjorie claims JSA(IB). She has a dependent 18 year old, Edwina, who is expecting her first child. Marjorie has no other children, however she is now expecting twins herself. Marjorie can claim a SSMG for each of her expected children. However, a SSMG will also be payable for Edwina's child, Marjorie's grandchild. Therefore three SSMGs will be payable in total. This is because Marjorie and Edwina are treated as separate family units for the purpose of determining the number of SSMGs payable.

L2074 Where at the date of claim, any existing member of the family is under the age of 16, then where each of those existing members of the family under the age of 16 was born as a result of separate pregnancies, a SSMG is to be award for all but one of the children born or expected to be born as a result of the multiple birth¹.

1 SFMFE (Gen) Regs, reg 5A(7)(a)

Example

Mohinder and Jaswinder are in receipt of UC. There are 2 children in the family, Amarjit who is 6 years old and Gurdeep who is 3 years old. Jaswinder has recently had twins and now claims a SSMG. As Amarjit and Gurdeep were born as a result of separate pregnancies, one SSMG is payable.

L2075 Where at the date of claim any existing member of the family is under the age of 16, then where two or more of those existing members of the family under the age of 16 were born as a result of a single pregnancy, the number of SSMGs to be awarded in respect of children born or expected to be born as a result of the multiple birth is

1. the number of children born or expected to be born as a result of the multiple birth, minus
2. the maximum number of existing members of the family born as a result of a single pregnancy¹.

1 SFMFE (Gen) Regs, reg 5A(7)(b)

Example

Alan and Beatrice are in receipt of ESA(IR). They have 4 year old twins (Charlie and Daniel) and a 2 year old (Edward). It has been confirmed that Beatrice is now expecting triplets. As she is now within 11 weeks of her expected date of confinement, she has made a claim for a SSMG. As three children are expected

to be born as a result of this multiple birth and there are two children (Charlie and Daniel) who are existing members of the claimant's family born as a result of a previous single pregnancy, one SSMG is payable.

Claimant has refugee status or humanitarian protection

L2076 Where a claimant (who satisfies all other qualifying criteria) has an existing member of the family under the age of 16 they will still be entitled to a SSMG in the circumstances where they have been granted either refugee status, or humanitarian protection, as long as the other child (or children) under the age of 16 was their responsibility before their flight to the UK.

Note: An asylum seeker is awaiting a decision on whether they are to be granted refugee status or humanitarian protection, or whether they are to be refused leave to remain in the UK. If the claimant is an asylum seeker they are not entitled to SSMG as they have no recourse to public funds.

L2077 For information on the meaning of refugee status and humanitarian protection see paragraphs [073175](#), [070110](#), and [070697](#) of the DMG, or [C1376-C1377 and C1384](#) of the ADM, and paragraphs 334 and 339C of the [Immigration Rules \(link is external\)](#) part 11.

L2078-L2089

Polygamy L2090 - L2099

Polygamy

L2090 Under UC, polygamous marriages are not recognised when calculating entitlement to a SSMG. Second and subsequent wives have to make separate claims to UC as either single people or lone parents where children are involved.

L2091 Except where the claimant is in receipt of UC, a person is treated as a member of a polygamous marriage, where during the subsistence of that marriage

- 1.** a party to it, is married to more than one person **and**
- 2.** the ceremony took place under the law of a country which permits polygamy¹.

1 SFMFE (Gen) Regs, reg 3(4)(b)

Example

Abass has a polygamous marriage with his two wives, Edosewele and Shanice. Abass receives UC for himself and his first wife, Edosewele. Abass' second wife, Shanice, receives UC as a single person. Edosewele has just given birth and as there are no other children under the age of 16 in Abass' family, a SSMG is payable for the baby. Also Shanice is within 11 weeks of expecting the birth of her baby, and as she is claiming UC as a single person and has no other children under the age of 16 within her family, a SSMG would be payable in respect of her child.

L2091 - L2099

Prevention of duplicate payment L2100 - L2110

Prevention of duplicate payment

L2100 The DM should not award a SSMG if a SSMG or BSG Pregnancy and Baby Grant has already been awarded for the child in question¹. Exceptions to that rule are met if the conditions in L2101 and L2102 are satisfied.

1 SFMFE (Gen) Regs, reg 3A

L2101 The first condition is that

1. the claimant alone or together with another person, has been granted a qualifying order¹ (see L2029)
or

2. at the date of claim the claimant is the parent (but not the mother) of a child under the age of 12 months, or is responsible for that parent, **and**

2.1 responsible for the child (see L2033) **and**

2.2 the child's parents are not partners² (see L2018) **or**

3. the claimant or the claimant's partner is responsible for a child (see L2033) under the age of 12 months at the date of claim and the claimant or claimant's partner

3.1 has been appointed the guardian (see L2024) of the child³ **or**

3.2 has a child that has been placed for adoption (see L2027) by an adoption agency⁴ (see L2020)
or

4. the claimant or the claimant's partner has adopted a child under the age of 12 months at the date of claim under specified legislation⁵.

1 SFMFE (Gen) Regs, reg 3A(4)(a); 2 reg 3A(4)(b) & reg 5(3)(b); 3 reg 3A(4)(b) & reg 5(3)(d);
4 reg 3A(4)(b) & 5(3)(e); 5 reg 3A(4)(b) & 5(3)(f) & Adoption and Children Act 2002, s 66(1)(c) to (e)

L2102 The second condition is that the claimant

1. has not already received a first SSMG or a BSG Pregnancy and Baby Grant **or**

2. was not, at the time the first SSMG or the BSG Pregnancy and Baby Grant was claimed, a member of the family of a person to whom that first grant was paid¹.

L2103-2110

Claimant or partner affected by a trade dispute (TD) L2111 - L2899

Claimant or partner affected by a trade dispute (TD)

People not affected

Treatment of the claim

Claimant or partner affected by a trade dispute (TD)

L2111 If the claimant or the claimant's partner is affected by a TD¹ entitlement to a SSMG can only exist when certain conditions are satisfied. These are where the claimant or the claimant's partner is in receipt of

1. IS or JSA(IB) and at the date of the SSMG claim the TD has continued for 6 weeks or more² **or**
2. WTC, where the disability or severe disability element is included in the award and the claim for WTC was made before the beginning of the TD³ **or**
3. CTC which includes an individual element or a disability element referred to in specified legislation⁴ and the claim for CTC was made before the beginning of the TD⁵.

1 SS CB Act 92, s 126; 2 SFMFE (Gen) Regs, reg 6(1)(a); 3 reg 6(1)(b);

4 Tax Credits Act 2002, s.9(3); 5 SFMFE (Gen) Regs, reg 6(1)(b)

L2112 A person is affected by a TD¹ when the claimant or partner

1. is entitled to JSA(IB) but is disentitled because of a TD² **or**
2. is not entitled to JSA(IB) but if they were, would be disentitled because of a TD³ **or**
3. would be entitled to an applicable amount which would be affected because of a TD⁴ if they made a claim to IS.

1 SFMFE (Gen) Regs, reg 3(1); 2 JS Act 95, s 14; 3 s 14; 4 SS CB Act 92, s 126(3)

People not affected

L2113 The DM should not treat a person as affected by a TD who is

1. incapable of work because of disease or bodily or mental disablement¹**or**

2. within the maternity period, that is the period

2.1 from the beginning of the sixth week before the EWC

2.2 to the end of the seventh week after the week in which confinement takes place².

1 SS CB Act 92, s 126(1); 2 s 126(2)

Treatment of the claim

L2114 If it is decided that the TD provisions

1. do not apply, the DM should decide entitlement to a SSMG

2. do apply, the DM should find out when the TD began. If

2.1 IS or JSA(IB) is in payment and the TD has, at the date of the SSMG claim, continued for

2.1.a less than six weeks before the date of claim - the DM should not award a SSMG

2.1.b six weeks or more before the date of claim - the DM should decide entitlement to a SSMG **or**

2.2 IS or JSA(IB) is not in payment but WTC (where the disability or severe disability element is included in the award), or CTC (which includes an individual element or a disability element referred to in specified legislation¹) is in payment and the claim for WTC or CTC was made

2.2.a on or after the date the TD began - the DM should not award a SSMG **or**

2.2.b before the date the TD began - the DM should decide entitlement to a SSMG **or**

2.3 both IS or JSA(IB) and WTC (including the disability or severe disability element) or CTC (which includes an individual element or a disability element referred to in specified legislation¹) are in payment - the DM should apply whichever of **2.1** or **2.2** is more beneficial to the claimant.

1 Tax Credits Act 2002, s. 9(3)

Historical rates for SSMG L2900

L2900 The historical rates for SSMG are

From 11 June 2000	£200
From 3 December 2000	£300
From 16 June 2002	£500