

## **BEST START GRANTS**

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### **INTRODUCTION**

- 1 This memo provides guidance on the Social Security (Scotland) Act 2018 (Best Start Grants)(Consequential Modifications and Saving) Order 2018 (SI 2018/1138). The order comes into force on 10.12.18<sup>1</sup>.

*<sup>1</sup> The SS (Scotland) Act 2018 (Best Start Grants)(Consq Mod) Order 2018, Art 1 (2)*

### **BACKGROUND**

- 2 The Scottish Government is introducing Best Start Grants (BSGs) under the powers given to them by the Social Security (Scotland) Act 2018 to provide early years assistance to people living in Scotland<sup>1</sup>. BSGs will eventually consist of three elements - Pregnancy and Baby Grants, early learning payments and school age payments.

*<sup>1</sup>The Social Security (Scotland) Act 2018, s32 & Sch 6*

- 3 The BSG Pregnancy and Baby Grants element is being introduced from 10.12.18, with the other elements to be introduced at a later date. BSG Pregnancy and Baby Grants

replace Sure Start Maternity Grants (SSMGs) for people living in Scotland on the date of claim.

- 4 Claims for BSG Pregnancy and Baby Grants will be made to the Scottish Government who will be responsible for deciding them and making payments. People living in England and Wales will continue to claim SSMGs in the normal way.
- 5 The purpose of the Social Security (Scotland) Act 2018 (Best Start Grants)(Consequential Modifications and Saving) Order 2018 is to ensure that:
  1. from 10.12.18, a person living in Scotland is no longer entitled to a SSMG
  2. unless an exception applies, a SSMG cannot be awarded if a BSG Pregnancy and Baby Grant has been awarded in respect of the same child, and
  3. all BSG elements are disregarded as income and capital for IS, JSA, ESA(IR) and SPC purposes.

## **PERSON LIVING IN SCOTLAND CLAIMS A SSMG ON OR AFTER 10.12.18**

- 6 The conditions of entitlement for a SSMG are explained in DMG 39006. From 10.12.18, there is a further condition of entitlement<sup>1</sup> for a SSMG, which is that the claimant must live in England or Wales.

*1 SFMFE(Gen) Regs, reg5(6)*

- 7 If a person who lives in Scotland makes a claim for a SSMG on or after 10.12.18, a decision should be made that they are not entitled and they should be advised to claim a BSG Pregnancy and Baby Grant. The decision carries normal MR and appeal rights.

## **PERSON LIVING IN SCOTLAND CLAIMS A SSMG BEFORE 10.12.18 - CLAIM NOT DECIDED BEFORE 10.12.18**

- 8 The condition in paragraph 6 that a person is only entitled to a SSMG if they live in England or Wales does not apply to claims made before 10.12.18<sup>1</sup>. A claim made before 10.12.18 by a person living in Scotland should be decided under the conditions

of entitlement that existed before 10.12.18, even if the decision is made on or after 10.12.18.

*1 The SS (Scotland) Act 2018 (Best Start Grants)(Consq Mod) Order 2018, Art 4 (1)*

## **PREVENTION OF DOUBLE PAYMENT**

- 9 DMG 39036 explains that a SSMG cannot be awarded if a SSMG has already been awarded in respect of the child in question, unless the conditions in DMG 39037-39038 are met. From 10.12.18, a SSMG cannot be awarded if a SSMG or a BSG Pregnancy and Baby Grant has been awarded in respect of that child<sup>1</sup>, unless the conditions in DMG 39037-39038 are met.

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

## **EFFECT ON INCOME AND CAPITAL FOR IS, JSA(IB), ESA(IR) AND SPC PURPOSES.**

- 10 All BSG elements are fully disregarded<sup>1</sup> as income for IS, JSA(IB) and ESA(IR) purposes and are not a prescribed income for SPC<sup>2</sup> so are disregarded in full.

*1 IS (Gen) Regs. Sch 9, para 82; JSA Regs, Sch 7, para 78; ESA Regs, Sch 8, para 70*

*2 SPC Regs, reg 15(1)(rb)*

- 11 All BSG elements are also fully disregarded<sup>1</sup> as capital for IS, JSA(IB), ESA(IR) and SPC purposes.

*1 IS (Gen) Regs, Sch 10, para 75; JSA Regs, Sch 8, para 68;*

*SPC Regs, Sch V, para 20(2)(r) & ESA Regs, Sch 9, para 63*

## **ANNOTATIONS**

Please annotate the number of this memo (Memo DMG 18/18) against the following DMG paragraphs: DMG 28350, 29358 (heading), 39006, 39036, 51210, 52360 (heading) 84367 (heading), 85280.

## **CONTACTS**

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3<sup>rd</sup> Floor East, Quarry House, Leeds. Existing arrangements

for such referrals should be followed, as set out in Memo DMG 03/13 - Obtaining legal advice and guidance on the Law.

**DMA Leeds: (December) 2018**

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