

Chapter L2: Universal Credit - Social Fund - Sure Start Maternity Grants

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Chapter L2: Universal Credit - Social Fund – Sure Start Maternity Grants

Social Fund Payments - General

Introduction

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

Note: UC guidance relating to SFFP can be found within ADM Chapter L3. UC guidance relating to CWP can be found within ADM Chapter L4.

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

L2002 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

L2003 Capital has no effect on claims for SSMGs¹.

1 SFMFE (Gen) Amdt Regs 01, reg 2(3)

L2004 - L2009

Sure start maternity grants

Conditions of entitlement

[See Memo ADM 23/18]

L2010 The first condition¹ is that the claimant or partner must, in respect of the date of claim for a SSMG, have been awarded UC.

1 SFMFE (Gen) Regs, reg 5(2)(g)

L2011

L2012 The second condition¹ is that

1. the claimant or, if the claimant is a member of a family, one of the family, must at the date of claim
 - 1.1 be pregnant **or**
 - 1.2 have given birth to a child (including a child who is still-born after 24 weeks of pregnancy)² **or**

2. the child's parents are not partners at the date of claim and the claimant is
 - 2.1 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 parent³ **and**
 - 2.2 responsible for the child⁴ **or**
3. the claimant or partner is responsible for a child under the age of 12 months at the date of claim and the claimant or the claimant's partner has
 - 3.1 been granted a qualifying order⁵ **or**
 - 3.2 been appointed the guardian of the child⁶ **or**
 - 3.3 a child that has been placed for adoption with them by an adoption agency⁷ **or**
 - 3.4 adopted a child under specified legislation⁸.

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

L2013

L2014 The third condition¹ is that the claimant or partner has received advice from a health professional on

1. 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)² **and**
2. matters relating to maternal health where the claim is made before the child is born³.

1 SFMFE (Gen) Regs, reg 5(4); 2 reg 5(4)(a); 3 reg 5(4)(b)

L2015

L2016 The fourth condition¹ is that the claim is made within the prescribed time for claiming a SSMG (See L2123).

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

Example

Julie is looking after her nephew Robert as her sister Jennifer has serious health problems and is unable to care for him. Julie is receiving UC and has obtained a residence order under the Adoption and 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 residence order was granted. The DM decides that the residence order should be treated as an adoption as referred to in L2012 **3.4** and awards a SSMG¹.

1 R(IS) 6/06

L2017 – L2029

Definitions

Adoption agency

L2030 Adoption agency means a body whose functions consist of or include making arrangements for the adoption of children¹.

1 SFMFE (Gen) Regs, reg 3(1) & 3(1A); Adoption and Children Act 2002, s 2; Adoption and Children Scotland Act 2007, s 119(1)

L2031

Adoption order

L2032 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) & 3(1A); Adoption and Children Act 2002 s 46; Adoption and Children Scotland Act 2007, s 119(1) & s 28(1)

L2033

Meaning of C

L2034 C means the child or still-born child in respect of whom a SSMG is claimed¹.

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

L2035

Couple

L2036 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 a married couple.

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

L2037

Family

L2038 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)

L2039

Guardian

- L2040 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 & s 14A

L2041

Health professional

- L2042 Health professional¹ means

1. a registered medical practitioner **or**
2. a registered nurse or registered midwife.

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

L2043

Parental order

- L2044 Parental order means an order by a court under specified legislation¹ which treats a child as a child of the parties in law where one of the parties provided either sperm cells or egg cells.

*1 SFMFE (Gen) Regs, reg 3(1); Human Fertilisation and Embryology Act 1990, s 30;
Human Fertilisation and Embryology Act 2008, s 54*

L2045

Partner

- L2046 A partner¹ is

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

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

L2047

Placed for adoption

L2048 Placed for adoption means a child placed for adoption as defined in specified legislation¹.

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

L2049

Qualifying order

L2050 A qualifying order is¹

1. an adoption order **or**
2. a parental order **or**
3. a residence order.

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

L2051

Residence order

L2052 Residence order means an order settling the arrangements to be made as to the person with whom a child is to live¹.

1 SFMFE (Gen) Regs, reg 3(1) & 3(1A); Children Act 1989, s 8 & s 10; Children (Scotland) Act 1995, s 11(2)(c)

L2053

Meaning of “responsible for”

L2054 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)

L2055

Not treated as “responsible for”

L2056 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)

L2057

Meaning of Existing Member of the family

L2058 Existing member of the family means

1. where a parent 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 that parent, apart from
 - 1.1 **C or**
 - 1.2 any other child born as a result of the same pregnancy as C¹ **or**
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 family².
 - 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.

Note: 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 relevant³.

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

Example

Mary receives UC for herself and her daughter, Diane, aged 17. Diane has a son James aged 2. Diane receives CHB for James. Diane is now expecting twins. As Diane is a dependant member of Mary's family who is under the age of 20 and already has a child under 16, James, a SSMG would not ordinarily be payable. However as Diane is expecting twins, one SSMG is payable.

Equivalent provisions

L2059 Reference

1. to the entitlement conditions for a SSMG (see L2010 to L2016) **and**
2. the adoption of children under specified legislation¹

also includes any analogous provision of equivalent effect in Scotland, Northern Ireland, the Channel Islands or the Isle of Man².

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 & 66;
2 SFMFE (Gen) Regs, reg 3(1A)*

Polygamy

L2060 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.

L2061 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.

L2062 - L2090

Prevention of award

- L2091 A SSMG cannot be awarded, if at the date of claim, there is any existing member of the claimant's family, apart from C, who is under the age of 16, except in the case of multiple births¹.

1 SFMFE (Gen) Regs, reg 5A(4)

Example

Patrice and her current partner, Gordon, are in receipt of UC. Patrice has given birth to baby Noah, and now claims a SSMG. Patrice already has another child, Adam (who is under the age of 16) living with her and Gordon on a permanent basis. However Patrice's ex-partner, Frank, claims and receives CHB for Adam but regularly pays this money over to Patrice. As CHB is in payment for Adam and it is Frank who claims and receives the CHB, Frank is treated as the responsible person for Adam. As there is no other existing member of her family, apart from baby Noah, who is under the age of 16 for whom she is responsible, Patrice would not be prevented from receiving an award of SSMG.

L2092

Subsequent Multiple births

- L2093 A further exception to L2091 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. The number of SSMGs to be awarded when there is a multiple birth is set out in L2095 - L2097.

L2094

Award of SSMG

- L2095 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 UC. She has a dependent 18 year old daughter, 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.

- L2096 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 awarded 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 (6 years old) and Gurdeep (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.

- L2097 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 UC. 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, Beatrice 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.

L2098 - L2122

Prescribed time for claiming

- L2123 [See Memo ADM 20/18] An advance claim for a maternity payment can be made up to three months before the normal time for claiming begins¹. The normal time for claiming is the period beginning

1. eleven weeks before the first day of the EWC and ending three months after the ADC² **or**

2. with the date on which the claimant becomes responsible for the child and ending 3 months after that date³ **or**
3. with the date on which a qualifying order is made and ending 3 months after that date⁴ **or**
4. with the date on which the guardianship takes effect and ending 3 months after that date⁵ **or**
5. with the date on which the child is placed with the claimant or the claimant's partner for adoption and ending 3 months after that date⁶ **or**
6. with the date on which the adoption⁷
 - 6.1 takes effect in respect of an adoption under prescribed legislation⁸ **or**
 - 6.2 is recognised under prescribed legislation⁹ and ending 3 months after that date.

1 SS (C&P) Regs, reg 13(1); 2 reg 19(1), Sch 4(8) & SFMFE (Gen) Regs, reg 5(3)(a); 3 reg 5(3)(b); 4 reg 5(3)(c); 5 reg 5(3)(d); 6 Reg 5(3)(e); 7 Reg 5(3)(f); 8 Adoption and Children Act 2002, s 66(1)(c), (d) & (e); 9 s 66(1)(e)

L2124 The DM should

1. decide whether a claim which has been made too early can be accepted as an advance claim **and**
2. if the claim is not accepted as an advance claim, disallow it because it has been made outside the normal time limits.

L2125 The DM should accept that an advance claim has been made where the evidence shows that the conditions for entitlement will be satisfied for maternity payments on the first day of the eleventh week before the EWC, benefit will be paid on that day, subject to all the conditions for entitlement being satisfied¹.

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

L2126 – L2150

Time limit for claiming UC

L2151 See ADM Chapter A2043 et seq for guidance on time limit for claiming UC.

L2152 - L2161

Evidence

L2162 See ADM Chapter A1 for guidance on what evidence is acceptable.

L2163

Amount of sure start maternity grant

L2164 The amount of a SSMG is £500 and is paid in respect of each child or still-born child for whom an award can be made¹.

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

L2165

Prevention of duplicate payment

L2166 [See Memo ADM 23/18] The DM should not award a SSMG if a payment has already been made for the child in question. Exceptions to that rule are met if the conditions in L2167 -L2168 are satisfied¹.

1 SFMFE (Gen) Regs, reg 3A

L2167 The first condition is that

1. the claimant alone or together with another person, has been granted a qualifying order¹ **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 **and**
 - 2.1 responsible for the child **and**
 - 2.2 the child's parents are not partners² **or**
3. the claimant or the claimant's partner is responsible for a child 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 of the child³ **or**
 - 3.2 has a child that has been placed for adoption by an adoption agency⁴ **or**
 - 3.3 has adopted a child 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)

L2168 The second condition is that the claimant

1. has not already received a first grant **or**
2. was not, at the time the first grant was claimed, a member of the family of a person to whom the first grant was paid¹.

1 SFMFE (Gen) Regs, reg 3A(5)

L2169 - L2999

The content of the examples in this document (including use of imagery) is for illustrative purposes only