

Chapter L2: - Social Fund - Sure Start Maternity Grants

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Legislation Used in Chapter L2

Abbreviation	Full title
SS C&B (NI) Act 92	Social Security Contributions and Benefits (Northern Ireland) Act 1992
SS (NI) Order 98	Social Security (Northern Ireland) Order 1998 No. 1506
SF M&FE (Gen) Regs (NI)	Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 No. 506
A (NI) Order 87	Adoption (Northern Ireland) Order 1987 No. 2203
SS (C&P) Regs (NI)	Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 No. 465
Children (NI) Order 95	Children (Northern Ireland) Order 1995 No. 755
HFE Act 90	Human Fertilisation and Embryology Act 1990
HFE Act 08	Human Fertilisation and Embryology Act 2008
TC Act 02	Tax Credit Act 2002
JS (NI) Order 95	Jobseekers (Northern Ireland) Order 1995 No. 2705
JSA Regs (NI)	Jobseeker's Allowance Regulations (Northern Ireland) 1996 No. 198
ESA Regs (NI)	Employment and Support Allowance Regulations (Northern Ireland) 2008 No. 280

Chapter L2: Social Fund - Sure Start Maternity Grants

Social Fund payments - General

Introduction

L2001 The guidance in this chapter is to help the decision maker determine regulated Social Fund payments under the Act¹ which are made for maternity expenses.

1 SS C&B (NI) Act 92, sec 134(1)(a)

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

1 SF M&FE (Gen) Regs (NI), reg 5(1)

L2003 A decision maker decides any claim for a Sure Start Maternity Grant. These decisions have the same right of appeal as other decision maker decisions¹.

1 SS (NI) Order 98, art 13

Effect of capital

L2004 Capital has no effect on claims for Sure Start Maternity Grants.

L2005 – L2009

Sure Start Maternity Grants

Definitions

Meaning of C

L2010 C means the child or still-born child in respect of whom a Sure Start Maternity Grant is claimed¹.

1 SF M&FE (Gen) Regs (NI), 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 SF M&FE (Gen) Regs (NI), reg 2(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 Universal Credit, 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 SF M&FE (Gen) Regs (NI), reg 2(1)

L2015

Health professional

L2016 Health professional¹ means

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

1 SF M&FE (Gen) Regs (NI), reg 2(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 in the household, any such member, except where the claimant is in receipt of Universal Credit.

1 SF M&FE (Gen) Regs (NI), reg 2(1)

L2019

Adoption agency

L2020 Adoption agency means a body whose functions consist of or include making arrangements for the adoption of children¹.

1 SF M&FE (Gen) Regs (NI), reg 2(1); A (NI) Order 87, art 2(2)

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 SF M&FE (Gen) Regs (NI), reg 2(1) & 2(1A); A (NI) Order 87, art 12

L2023

Guardian

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

1 SF M&FE (Gen) Regs (NI), reg 2(1); Children (NI) Order 95, art 159 & art 160

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 SF M&FE (Gen) Regs (NI), reg 2(1); HFE Act 90, sec 30; HFE Act 08, sec 54 or 54A

L2026

Order freeing a child for adoption

L2027 Order freeing a child for adoption means an order freeing a child placed for adoption as defined in specified legislation¹.

1 SF M&FE (Gen) Regs (NI), reg 2(1); A (NI) Order 87, art 2(2)

L2028

Qualifying order

L2029 A qualifying order is¹

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

1 SF M&FE (Gen) Regs (NI), reg 2(1) & reg 3A(6)

L2030

Residence order

L2031 Residence order means an order settling the arrangements to be made as to the person with whom a child is to live¹.

1 SF M&FE (Gen) Regs (NI), reg 2(1); Children (NI) Order 95, art 8(1) & 10

L2032

Meaning of “responsible for”

L2033 A person is to be treated as responsible for

1. a child if the person is receiving Child Benefit for the child¹ **or**
2. a child where Child Benefit is not in payment if they are the person who the child normally lives with² **or**

3. both children where a person is receiving Child Benefit for a child who is in receipt of Child Benefit for another child³.

1 SF M&FE (Gen) Regs (NI), reg 4A(2)(a); 2 reg 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 an authority under specified legislation¹ **or**
2. being held in custody pending trial or sentencing² **or**
3. in custody serving a sentence imposed by a court³.

1 SF M&FE (Gen) Regs (NI), reg 4A(4)(a); Children (NI) Order 95, art 2(2);

2 SF M&FE (Gen) Regs (NI), 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 Decision Making Services for advice.

1 Children (NI) Order 95, art 8, 10, 159 & 160; A (NI) Order 87, art 2(2) & 12;

2 art 39; 3 SF M&FE (Gen) Regs (NI), reg 2(1A)

L2038 – L2049

Conditions of entitlement

- L2050 To be entitled to a Sure Start Maternity Grant¹
1. the claimant or partner must, for the date of claim for a Sure State Maternity Grant
 - 1.1 have been awarded a qualifying benefit² (see L2042) **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 Northern Ireland¹³.

1 SF M&FE (Gen) Regs (NI), 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); A (NI) Order 87, art 39(1)(cc); 13 SF M&FE (Gen) Regs (NI), reg 5(6)

Example

Julie lives in Strabane 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 Income Support and has obtained a residence order under the Children (Northern Ireland) Order 1995 for Robert. She is in receipt of Child Benefit for her nephew. Julie applies for a Sure Start Maternity Grant when Robert is eight months old, a month after the residence order was granted. The decision maker decides that Julie satisfies the conditions of entitlement and awards her a Sure Start Maternity Grant.

L2051

Qualifying benefits

L2052 **[See ADM Memo 8/23]** The claimant or partner must, in respect of the date of claim for a Sure Start Maternity Grant, have been awarded¹

- 1.** Universal Credit **or**
- 2.** Income Support **or**
- 3.** State Pension Credit **or**
- 4.** income-based Jobseeker's Allowance **or**
- 5.** Working Tax Credit, where the disability or severe disability element is included in the award **or**
- 6.** Child Tax Credit which includes an individual element or a disability element referred to in specified legislation² **or**
- 7.** income-related Employment and Support Allowance **or**
- 8.** owner-occupier loan payments and be treated as entitled to Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance or State Pension Credit³.

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

1 SF M&FE (Gen) Regs (NI), reg 5(2); 2 TC Act 02, sec 9(3); 3 SF M&FE (Gen) Regs (NI), reg 5(2)(h)

L2053 A person is not awarded income-based Jobseeker's Allowance for the first seven days of any jobseeking period or income-related Employment and Support Allowance for the first seven days of a period of limited capacity for work. These are known as waiting days¹.

1 JSA Regs (NI), reg 46; ESA Regs (NI), reg 144

Prescribed time for claiming

L2054 **[See ADM Memo 8/23]** 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 (NI), reg 19(1), Sch 4(8) & SF M&FE (Gen) Regs (NI), 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 A (NI) Order 87, art 39(1)(cc); 8 art 39(1)(d)

Advance claim

L2056 The decision maker should accept that an advance claim has been made where the evidence shows that 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 (NI), reg 13(1)(b); 2 reg 13(1)(b)

Example

Nadia makes a Sure Start Maternity Grant claim on 1.10.19. The decision maker considers the claim on 14.10.19 and establishes that the first day of the eleventh week before the expected week of confinement is 21.10.19. The evidence suggests that all of the other conditions of entitlement will be satisfied on 21.10.19 so the decision maker treats the claim as an advance claim. The decision maker waits until 21.10.19 to check that the conditions of entitlement are still satisfied and decides the claim.

Late award of qualifying benefit

L2057 See DMG 2260 - 2267 for guidance on special rules for determining the date of claim and DMG 3065 for guidance on revision of disallowance where there is a late award of a qualifying benefit.

Time limit for claiming Universal Credit

L2058 See ADM A2043 et seq for guidance on the time limit for claiming Universal Credit.

L2059 – L2069

Prevention of award

L2070 **[See ADM Memo 8/23]** A Sure Start Maternity Grant 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 Sure Start Maternity Grant 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 United Kingdom (see L2076)².

1 SF M&FE (Gen) Regs (NI), 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 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 **or**
 - 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 SF M&FE (Gen) Regs (NI), 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 Sure Start Maternity Grant 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 income-based Jobseeker’s Allowance and lives with her daughter, Diane, aged 17. Diane has a son James, aged 2. Diane is expecting another baby. 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 Sure Start Maternity Grant would not be payable. However if Diane were expecting twins, one Sure Start Maternity Grant would be payable (see L2072 - L2075 below).

Example 2

Louise receives income-based Jobseeker’s Allowance 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 Sure Start Maternity Grant.

Example 3

Parveen receives Universal Credit. She is the grandmother of Asif, her son’s child. She has had guardianship of Asif since he was 18 months old. Parveen is now pregnant. A Sure Start Maternity Grant would be payable as Asif was not at the time of his birth a child of Parveen and she first became responsible for him when he was over 12 months old. Asif, therefore, does not fall within the definition of existing family member.

Subsequent multiple births

L2072 An exception provides for payment of a Sure Start Maternity Grant 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 Sure Start Maternity Grant 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 SF M&FE (Gen) Regs (NI), reg 5A(5) & reg 5A(6)

Example

Marjorie claims income-based Jobseeker's Allowance. 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 Sure Start Maternity Grant for each of her expected children. However, a Sure Start Maternity Grant will also be payable for Edwina's child, Marjorie's grandchild. Therefore three Sure Start Maternity Grants 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 Sure Start Maternity Grants 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 Sure Start Maternity Grant 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 SF M&FE (Gen) Regs (NI), reg 5A(7)(a)

Example

Mohinder and Jaswinder are in receipt of Universal Credit. 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 Sure Start Maternity Grant. As Amarjit and Gurdeep were born as a result of separate pregnancies, one Sure Start Maternity Grant 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 Sure Start Maternity Grants 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 SF M&FE (Gen) Regs (NI), reg 5A(7)(b)

Example

Alan and Beatrice are in receipt of income-related Employment and Support Allowance. 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 Sure Start Maternity Grant. 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 Sure Start Maternity Grant 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 Sure Start Maternity Grant 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 United Kingdom.

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 United Kingdom. If the claimant is an asylum seeker they are not entitled to a Sure Start Maternity Grant as they have no recourse to public funds.

L2077 For information on the meaning of refugee status and humanitarian protection see paragraphs, 070110, 070697 - 070700 and 073175 - 073177 of the DMG, or C1670-C1671 and C1678 of the ADM, and paragraphs 334 and 339C of the Immigration Rules part 11.

Certain claimants from Afghanistan and Ukraine

L2078 The general rule that a Sure Start Maternity Grant cannot be awarded if at the date of claim any existing member of the family is under the age of 16¹ is amended to make provisions for individuals who were evacuated from Afghanistan in connection with the collapse of the Afghan government on 15.8.21, as well as those who left Ukraine in connection with the invasion by Russia on 24.2.22.

1 SF M&FE (Gen) Regs (NI), reg 5A

L2079 From 8.6.23 a Sure Start Maternity Grant can be awarded if

1. at the date of claim there is an existing member of the family (as defined in ADM L2071) who is under the age of 16¹ **and**
2. the claimant is
 - 2.1 a person who is granted leave in accordance with immigration rules² by virtue of
 - 2.1.a Appendix Afghan Relocations and Assistance Policy of those rules **or**

- 2.1.b** the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme)³ **or**
- 2.2** a person in Northern Ireland not coming within **2.1** but who left Afghanistan in connection with the collapse of the Afghan government that took place on 15.8.21⁴ **or**
- 2.3** a person who was residing in Ukraine immediately before 1.1.22 and who left Ukraine in connection with the Russian invasion which took place on 24.2.22 and who
 - 2.3.a** has a right of abode in the United Kingdom within the meaning in legislation⁵ **or**
 - 2.3.b** has been granted leave in accordance with immigration rules⁶ **or**
 - 2.3.c** has been granted, or is deemed to have been granted, leave outside those rules **or**
 - 2.3.d** does not require leave to enter or remain in the United Kingdom in accordance with legislation⁷ **and**
- 3.** no Sure Start Maternity Grant has already been awarded to the claimant on or after
 - 3.1** 15.8.21 where the claimant falls under **2.1** or **2.2**⁸ **or**
 - 3.2** 24.2.22 where the claimant falls under **2.3**⁹ **and**
- 4.** all the other conditions of entitlement to a Sure Start Maternity Grant are satisfied¹⁰.

Note: See ADM L2050 for the other conditions of entitlement to a Sure Start Maternity Grant.

*1 SF M&FE (Gen) Regs (NI), reg 5A(8)(a); 2 Immigration Act 1971, sec 3(2);
3 SF M&FE (Gen) Regs (NI), reg 5A(9)(a); 4 reg 5A(9)(b); 5 Immigration Act 1971, sec 2;
6 sec 3(2); 7 sec 3ZA & SF M&FE (Gen) Regs (NI), reg 5A(10);
8 SF M&FE (Gen) Regs (NI), reg 5A(8)(c)(i); 9 reg 5A(8)(c)(ii); 10 reg 5A(8)(d)*

Example

Viktoria is in receipt of Universal Credit and applies for a Sure Start Maternity Grant. She already has a daughter aged 10 and gave birth to a son on 1.9.22. She was residing in Ukraine immediately before 1.1.22 and left the country on 28.2.22 because of the Russian invasion on 24.2.22. She has a right of abode in the United Kingdom within the meaning of legislation. Although there is already an existing member of the family under the age of 16 (her daughter) she is entitled to a Sure Start Maternity

Grant in relation to the birth of her son as she falls within **2.3** above and satisfies the other conditions of entitlement.

L2080 – L2089

Polygamy

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

L2091 Except where the claimant is in receipt of Universal Credit, 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 SF M&FE (Gen) Regs (NI), reg 2(4)(b)

Example

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

L2092 – L2099

Prevention of duplicate payment

L2100 The decision maker should not award a Sure Start Maternity Grant if a Sure Start Maternity Grant or a Best Start Grant Pregnancy and Baby Payment 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 SF M&FE (Gen) Regs (NI), 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 SF M&FE (Gen) Regs (NI), 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); A (NI) Order 87, art 39(1)(cc) & (d)

L2102 The second condition is that the claimant

1. has not already received a first Sure Start Maternity Grant or a Best Start Grant Pregnancy and Baby Payment **or**
2. was not, at the time the first Sure Start Maternity Grant or Best Start Grant Pregnancy and Baby Payment was claimed, a member of the family of a person to whom that grant was paid¹.

1 SF M&FE (Gen) Regs (NI), reg 3A(5)

L2103 – L2110

Claimant or partner affected by a trade dispute

L2111 If the claimant or the claimant's partner is affected by a trade dispute¹ entitlement to a Sure Start Maternity Grant can only exist when certain conditions are satisfied. These are where the claimant or the claimant's partner is in receipt of

1. Income Support or income-based Jobseeker's Allowance and at the date of the Sure Start Maternity Grant claim the trade dispute has continued for 6 weeks or more² **or**
2. Working Tax Credit, where the disability or severe disability element is included in the award and the claim for Working Tax Credit was made before the beginning of the trade dispute³ **or**
3. Child Tax Credit which includes an individual element or a disability element referred to in specified legislation⁴ and the claim for Child Tax Credit was made before the beginning of the trade dispute⁵.

1 SS C&B (NI) Act 92, sec 125; 2 SF M&FE (Gen) Regs (NI), reg 6(1)(a); 3 reg 6(1)(b)(i); 4 Tax Credits Act 2002, sec 9(3); 5 SF M&FE (Gen) Regs (NI), reg 6(1)(b)(ii)

L2112 A person is affected by a trade dispute¹ when the claimant or partner

1. is entitled to income-based Jobseeker's Allowance but is disentitled because of a trade dispute² **or**
2. is not entitled to income-based Jobseeker's Allowance but if they were, would be disentitled because of a trade dispute³ **or**
3. would be entitled to an applicable amount which would be affected because of a trade dispute⁴ if they made a claim to Income Support.

1 SF M&FE (Gen) Regs (NI), reg 2(1); 2 JS (NI) Order 95, art 16; 3 art 16; 4 SS C&B (NI) Act 92, sec 125(3)

People not affected

L2113 The decision maker should not treat a person as affected by a trade dispute 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 expected week of confinement
 - 2.2 to the end of the seventh week after the week in which confinement takes place².

1 SS C&B (NI) Act 92, sec 125(1); 2 sec 125(2)

Treatment of the claim

- L2114 If it is decided that the trade dispute provisions
1. do not apply, the decision maker should decide entitlement to a Sure Start Maternity Grant
 2. do apply, the decision maker should find out when the trade dispute began. If
 - 2.1 Income Support or income-based Jobseeker's Allowance is in payment and the trade dispute has, at the date of the Sure Start Maternity Grant claim, continued for
 - 2.1.a less than six weeks before the date of claim - the decision maker should not award a Sure Start Maternity Grant
 - 2.1.b six weeks or more before the date of claim - the decision maker should decide entitlement to a Sure Start Maternity Grant **or**
 - 2.2 Income Support or income-based Jobseeker's Allowance is not in payment but Working Tax Credit (where the disability or severe disability element is included in the award) or Child Tax Credit (which includes an individual element or a disability element referred to in specified legislation¹) is in payment, and the claim for Working Tax Credit or Child Tax Credit was made
 - 2.2.a on or after the date the trade dispute began - the decision maker should not award a Sure Start Maternity Grant **or**
 - 2.2.b before the date the trade dispute began - the decision maker should decide entitlement to a Sure Start Maternity Grant **or**
 - 2.3 both Income Support or income-based Jobseeker's Allowance and Working Tax Credit (including the disability or severe disability element) or Child Tax Credit (which includes an individual element or a disability element referred to in specified legislation¹) are in payment - the decision maker should apply whichever of **2.1** or **2.2** is more beneficial to the claimant.

¹ TC Act 02, sec 9(3)

L2115 – L2899

Historical rates for Sure Start Maternity Grants

L2900 The historical rates for Sure Start Maternity Grants are

From 11 June 2000 £200

From 3 December 2000 £300

From 16 June 2002 £500

L2901 – L2999