EXPLANATORY MEMORANDUM TO

THE SOCIAL FUND MATERNITY GRANT AMENDMENT REGULATIONS 2012

2012 No. 1814

1. This Explanatory Memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the Instrument

The purpose of this instrument is to extend the Sure Start Maternity Grant scheme to provide a grant or grants for children who are due or have been born as a result of a subsequent multiple birth. The Regulations currently preclude entitlement in such circumstances if there is already a child under 16 in the family.

3. Matters of special interest to the Joint Committee on Statutory Instruments

The Department apologises to the Committee for the timing of these regulations as they will be laid within 21 days of a Parliamentary recess. To ensure that those due to give birth on or after 29th October 2012 will benefit from the change, Ministers wish to bring into force the regulations on 13 August 2012, as applications may be made 11 weeks prior to an individual's due date.

4. Legislative Context

This instrument makes changes to the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (SI No 2005/3061) to provide for a Sure Start Maternity Grant to be paid in respect of children due or born as a result of a subsequent multiple birth. The change follows discussions with outside organisations representing multiple births i.e the Twins and Multiple Birth Association and Treasury to determine affordability.

5. Territorial Extent and Application

This instrument applies to Great Britain. Equivalent provision will be made for Northern Ireland by statutory rules.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

- ***What is being done and <u>why</u>***

7.1 The £500 Sure Start Maternity Grant assists with the costs of maternity and baby items.

7.2 Currently, people in receipt of one of the following income-related benefits - Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance and State Pension Credit – are eligible for a Sure Start Maternity Grant in respect of a child where that child (or children in the case of a multiple birth) will be the only child in the family under the age of 16. People who receive Child Tax Credit at a rate higher than the family element or Working Tax Credit that includes the disability or severe disability element (as set out in HMRC legislation) are also eligible. Grants are payable whether a child is born to the claimant or is new to the family (for example, under an adoption, residence or parental order or guardianship).

7.3 The restriction to allow Sure Start Maternity Grants to be paid for only the first child came into force from April 2011 and, at the time two exceptions were introduced. These were:

- where the claim related to a multiple birth, grants would be made for each child so long as there were no other children under the age of 16 in the family.

- where dependent children or young people had a child (or multiple birth) themselves, the child's grandparents could apply for a Sure Start Maternity Grant (as long as the dependent child did not have any other children under the age of 16 who were part of the same household). Grandparents could claim even though there could be other children aged less than 16 years in the family.

7.4 The Department has however taken note of representations from outside organisations and taking into account affordability, has determined that a further exception can be considered.

7.5 The additional exception provides for entitlement to a Sure Start Maternity Grant in respect of the additional children born as a result of a subsequent multiple birth where there is already a child under the age of 16 in the family. For example, if a claimant has an existing child but then has twins, one further Sure Start Maternity Grant will be paid on the basis that the claimant already has existing baby items from the first child but needs additional baby items in respect of the second twin. If they have one existing child and then have triplets, two more grants will be paid and so on. The same rationale applies in relation to the children of dependants. The change also ensures that

a child whose parent is under the age of 20 and a member of the claimant's family is ignored when considering if there is an existing child under the age of 16 in the family.

- ***Consolidation***

7.6 Consolidation of the existing regulations is not proposed but 'The Law Relating to Social Security' (The Blue Volumes) provides a consolidated version of the regulations and will incorporate the amendments made by this instrument. This publication is available free of charge on the internet at (http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security).

8. Consultation

8.1 A formal consultation exercise was not undertaken as this is a beneficial change extending the provision of the Sure Start Maternity Grant. The decision to make an exception for subsequent multiple births has been made by the Minister for Pensions following discussions with the Twins and Multiple Birth Association and Treasury to determine affordability.

8.2 The regulations have been considered by the Social Security Advisory Committee which approved the regulations without requiring a formal referral.

9. Guidance

Guidance on the changes will be provided (in the form of an internal memorandum) to decision makers prior to the regulations coming into force. Claim forms do not require amendments to implement this change however the notes page will be revised to explain the circumstances in which a Sure Start Maternity Grant may be payable in time for October. Information on Direct.gov.uk will be updated in August when the regulations come into force.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is negligible.

10.3 A full impact assessment has not been published for this instrument.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring and review

There are no plans to monitor the impact of this policy as it is a minor change.

13. Contact

Andrea Teale at the Department for Work and Pensions Tel: 0113 232 7801 or email: Andrea.Teale@dwp.gsi.gov.uk can answer any queries regarding the instrument.