

PRESS RELEASE

8 February 2012

FOLLOWING CONCERN BY CHARITIES OVER BENEFITS CONFUSION FOR BEREAVED MOTHERS GOVERNMENT CHANGES GUIDANCE TO ENSURE MOTHERS OF STILLBORN BABIES RECEIVE BENEFITS

Sands, the stillbirth and neonatal death charity, and the charity, Working Families, are delighted that following consultation with the Department of Work and Pensions, the Department is making changes to Maternity Allowance guidance, to ensure that mothers whose babies are stillborn, (died after more than 24 completed weeks into pregnancy), receive benefits they are legally entitled to. In future bereaved parents will only have to produce evidence of stillbirth by way of a stillbirth certificate when claiming Maternity Allowance and Statutory Maternity Pay.

Why this change is necessary:

We were extremely concerned last year (2011) to find that some mothers whose babies were stillborn were being refused maternity benefits, by some local benefit offices. This was due to two separate Acts of Parliament using different methods of calculating the stage a pregnancy had reached.

The guidance stated that women, whose babies were stillborn after 24 completed weeks of pregnancy, were entitled to maternity allowanceⁱ. The Stillbirth (definition) Act 1992 defines stillbirth as the birth of a baby after 24 completed weeks of pregnancy (that is 23 weeks and 7 days or more) who shows no signs of life after birthⁱⁱ.

Obstetricians and midwives express the stage a pregnancy has reached in weeks and days. The expected date of delivery is calculated initially from the first day of the woman's last period. It is checked later by ultrasound scanning and the expected date of delivery is adjusted if necessary.

In the legislation governing benefits, the expected date of delivery is defined in weeks rather than days and states that a week begins on a Sunday. This means that benefits officers identify the week, starting on a Sunday, and not the day in which the baby is due. They then subtract 15 weeks to reach the date at which the pregnancy is deemed to have reached 24 completed weeksⁱⁱⁱ.

Some women who have a stillborn baby according to the Stillbirth (definition) Act 1992 and who have registered their baby as a stillbirth, were denied state benefits as there are currently these two Acts of Parliament, each stating a different method of calculating the stage a pregnancy has reached.

What changes have been made:

- Bereaved parents will now only have to produce evidence of stillbirth by way of a stillbirth certificate when claiming Maternity Allowance and Statutory Maternity Pay.
- Maternity allowance guidance for benefits processors has been amended and simplified (as of 5th December 2011), they will no longer be required to calculate the 24th week of pregnancy in relation to the Expected Week of Confinement, but will now award benefit upon the presentation of a stillbirth certificate.
- Changes to employer guidance, the Employer Handbook for Statutory Maternity Pay (2012/13) and leaflet N1 17A - 'A guide to Maternity Benefits' are being made. These can be found on the DWP website at <http://www.dwp.gov.uk/publications/specialist-guides/technical-guidance/ni17a-a-guide-to-maternity/>.
- However, due to set timescales when any changes to printed forms can be done, these will be updated from April 2012.

Judith Schott, Improving Bereavement Care Manager, Sands. "We are delighted that the Department of Work and Pensions has taken our concerns seriously and made these important changes to their guidance on Maternity Allowance and Statutory Maternity Pay. The stillbirth of a baby causes unimaginable pain to their parents, families and friends and it is some comfort to know

that in future bereaved parents will not have to face further distress through being refused benefits which they are legally entitled to.”

Will Hadwen, Adviser, Working Families: “Too many women have faced a very unpleasant experience, being refused maternity pay or benefit at a time of great distress. Working Families are pleased that a simple and straightforward rule will now apply so that everybody who has had a stillbirth will be able to access the money they are entitled to.”

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ⁱ http://www.moneyadviceservice.org.uk/assets/downloads/pdfs/parents/bereavement_guide_english.pdf and

<http://www.dwp.gov.uk/publications/specialist-guides/technical-guidance/ni17a-a-guide-to-maternity/statutory-maternity-pay-smp/twins-or-multiple-births/#stillbirths>

ⁱⁱ <http://www.legislation.gov.uk/ukpga/1992/29/section/1>

ⁱⁱⁱ Social Security Contributions and Benefits Act 1992 Part II State maternity allowance.

http://www.hmrc.gov.uk/nicmanual/volume_1/sscba_1992.pdf

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Key Information about Sands:

Sands, the stillbirth and neonatal death charity, was established by bereaved parents in 1978 and obtained charity status in 1981.

Sands core aims are to:

- Support anyone affected by the death of a baby;
- To work in partnership with health professionals to improve the quality of care and services offered to bereaved families; and
- To promote research and changes in practice that could help to reduce the loss of babies' lives

Sands is a national organisation, with over 100 regional support groups across the UK.

Helpline: 020 7436 5881

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Key information about Working Families:

Working Families is the UK's leading work-life balance organisation. The charity helps working parents and carers and their employers find a better balance between responsibilities at home and work.

Our free Legal Helpline gives parents and carers advice on employment rights such as maternity and paternity leave, rights to time off in an emergency, and parental leave, as well as helping them to negotiate the flexible hours they want, and advising on the benefits and tax credits that working parents can claim.

www.workingfamilies.org.uk

Helpline: 0800 013 0313

Email: advice@workingfamilies.org.uk