

PRESS RELEASE

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BENEFITS CONFUSION PROMPTS CHARITY TO CALL FOR GOVERNMENT ACTION TO HELP BEREAVED MOTHERS

Sands, the stillbirth and neonatal death charity, is increasingly concerned that some mothers whose babies were stillborn (died after more than 24 completed weeks into pregnancy) are being refused maternity benefits, that they are legally entitled to, by some local benefit offices. This is because some of the wording used by the Department of Work and Pensions, on maternity benefits for mothers of stillborn babies, is confusing.

The Department of Work and Pensions' (DWP) text on rights to Statutory Maternity Pay (SMP) and stillbirths on the directgov website currently reads:

"If your baby is stillborn earlier than the 25th week of your pregnancy you will not be able to get any SMP, but you may be able to get Statutory Sick Pay (SSP). Talk to your employer about SSP or find out more using the link below.

*"If your baby is stillborn after the start of the 25th week of your pregnancy, you are entitled to the same SMP you would have received if your baby had been born alive."**

So although the DWP guidance is factually correct, it is misleading because it is expressed differently (after the start of the 25th week of pregnancy) from the legal definition for stillbirth (24 completed weeks of pregnancy). The DWP guidance also differs from standard medical practice which defines gestation in terms of completed weeks and days.

Judith Schott, Improving Bereavement Care Manager, Sands. "The reality is that any woman who has a stillborn baby at 24 weeks has, according to the legal definition, completed 23 weeks and 7 days of pregnancy, and so has begun her 25th week, thus entitling her to maternity pay.

Judith continues: "The problem is that the Department of Work and Pensions' guidance on maternity pay and stillbirths is expressed differently from the legal definition of stillbirth and from

the way it is expressed by health professionals and therefore by parents. So it is not surprising mistakes are being made.”

This week, a Parliamentary Question was tabled by one of Sands supportive MPs, which called on the Government to re-word the DWP guidance to bring it into line with the legal definition of stillbirth, that is 24 completed weeks of pregnancy – which is the equivalent to 23 weeks + 7 days.

“It is crucial that the Government addresses this issue so that benefits staff have a clear understanding of the regulations and do not inadvertently cause further distress to bereaved mothers by denying them their legal right to maternity benefits. We would also welcome parents being asked to show the stillbirth certificate, when contacting the DWP, to remove any ambiguity or doubt. A small clarification in the DWP’s guidance and the presentation of the stillbirth certificate will remove any room for confusion and ensure that bereaved parents get the benefits to which they are entitled.” concludes Judith.

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*http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Expectingorbringingupchildren/DG_175869