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## Residency

### Residency overview

To qualify for Best Start Grant, the client must meet residency conditions. This means they must be:

- living in Scotland
- 'ordinarily resident' in Scotland

If the client does not receive a qualifying or other benefit, they must also be:

- 'habitually resident' in the EEA (European Economic Area)
- be legally allowed to reside in the UK

### Check client lives in Scotland

If the address is not automatically found on SPM, you can check the Manual Post Code Check Spreadsheet to confirm if the address is in Scotland.

If the client's address is not in Scotland, SPM will raise a verification. The claim can be declined on this basis.

### Check the client is 'ordinarily resident' in Scotland

To be 'ordinarily resident' in Scotland the client must:

- be living in Scotland
- have a daily routine centred around their address, such as GP registration or proof that their children are in school in Scotland
- have only temporary or occasional absences
- have a settled purpose, such as employment in Scotland

A person can be 'ordinarily resident' in more than one place.

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## **Example of 'ordinary residence'**

A client may have a home in England and Scotland and have a settled purpose for each one. Their home in England could be the family home, and the home in Scotland could be where they live during their working week.

As the client is working in Scotland, they can be considered as 'ordinarily resident' since they have a settled purpose to live here.

## **If the client has a qualifying or other benefit**

The client can be considered as 'ordinarily resident' in Scotland if:

- the address on Searchlight matches the address on SPM and
- the client receives a qualifying or other benefit (this includes child responsibility check)

If the address does not match on Searchlight and SPM, ask the client for proof of address to confirm that they live in Scotland.

## **If the client does not have a qualifying benefit**

Ask the client for evidence that could show their 'ordinary residence'. This can be documents confirming:

- their address
- a daily routine centred around their address, for example GP registration or proof that their children are in school in Scotland
- that the pregnancy took place in Scotland, for example BabyBox evidence or a MAT B1 certificate with a Scottish address
- a settled purpose, for example employment in Scotland

## **Check the client is 'habitually resident' in the European Economic Area (EEA)/Switzerland**

If the client does not receive a qualifying or other benefit (including a child responsibility benefit e.g. Child Benefit) they must be:

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- 'ordinarily resident' in Scotland
  - 'habitually resident' in the EEA/Switzerland

They can have only one 'habitual residence'.

'Habitual residence' is the place where the client normally lives and considers to be 'home' and routinely returns to after visiting other places. The client must also have an 'intent to stay' to be 'habitually resident'.

'Habitual residence' is not just the building where the client physically lives but also considers the day-to-day life that they live and their ties to the EEA.

## **Ask the client for evidence**

It's likely that the evidence provided for 'ordinary residence' will also show that the client is 'habitually resident' in Scotland.

If this is not the case, ask the client for evidence of 'habitual residence' in EEA/Switzerland. This can be a document confirming:

- their employment
- that their children are in school in the EEA/Switzerland
- that the pregnancy took place in the EEA/Switzerland
- sports or club membership
- their intention to stay, for example a long term rental agreement or mortgage

There's no set period of time that you have to be in Scotland or the EEA to be ordinarily or habitually resident. You could be both on the very first day you arrive in Scotland as long as you can show settled purpose (that is ordinary residence) and settled intent (that is habitual residence).

This evidence can collectively show the client's ties to Scotland beyond just where they live and demonstrates that they have a life and an 'intent to stay' in the EEA.

You have the discretion to ask for further evidence if you do not feel the evidence the client has provided proves their habitual residence and their intention to stay.

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## Example of 'Habitual Residence'

There are two 17 year old students studying in Scotland.

One is from Poland and the other is from the USA. Both are classed as 'ordinarily resident' in Scotland as they have a 'settled purpose' i.e. they are both studying here. Neither of them receive a qualifying benefit.

The Polish student's family home where they return to after term time is in Poland. The American student's family home where they return to after term time is in the USA.

Since the Polish student can demonstrate that they are ordinarily resident in Scotland and habitually resident in the EEA (in this case, Poland) then they would qualify for BSG. However, the American student would not qualify for BSG because they are habitually resident outside of the EEA (in this case, the USA).

Check the [Evidence Matrix](#) for more examples of evidence.

## Check if the client is legally resident in the UK

The client must be legally in the UK. If the client is already on another DWP benefit, in receipt of Child Tax Credit or Child Benefit then this check has already been done and you do not need to see any evidence.

If the client is not on another benefit, the type of evidence needed to confirm this depends on the client's nationality or immigration status.

Check the ['Legal Status Checker'](#).

### For British citizens

The client needs to provide a copy of a valid passport, long form birth certificate or proof of their British nationality .

If it states British citizen on a UK passport

OR If their long form birth certificate shows the client was born in the UK(or a qualifying territory) and one parent was born in the UK or qualifying territory.

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OR they have a certificate of Naturalisation/Registration as a British Citizen  
Then this is enough evidence of their legal right to be in the UK.

### **For EEA and Swiss Nationals**

The client needs to provide a copy of a valid passport or national identity card.

If they are a citizen of an EEA country or they are a Swiss National then they are entitled to reside in the UK. Check the [legal status checker](#) to see if the country is in EEA/ Switzerland.

### **For third country nationals**

This is anyone who is not British or an EEA or Swiss National.

The client needs to provide a copy of documentation which states they are legally in the UK.

The most common evidence is a biometric residence card, which will state what type of immigration status they have, for example "Indefinite leave to remain", or if they have "leave to remain" their documents will state when this leave expires. You must check that their leave to be in the UK has not expired.

Although Third Country Nationals on a visitor visa are legally in the UK, they have no intention to stay so they cannot satisfy habitual residence.

### **If the person is registered as homeless by a local authority**

The homeless registration letter from the local authority can be used as evidence to prove they are habitually resident in the EEA/Switzerland and legally in the UK.

### **If the client provides evidence**

This means the client has met all residency criteria (assuming they have also passed ordinary and habitual residence checks).

### **If the applicant does not provide evidence**

This means the client has not met all residency criteria and/or they are not legally in the UK. The BSG claim can be declined.

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If you're not sure what decision to make or what to tell the client, contact your manager.

## **Exemptions from the residency test**

Some people are exempt from meeting the ordinary and habitual residence criteria.

They only need to show that they have an address in Scotland.

Other groups that are exempt include:

- refugees
- asylum seekers
- clients who have been granted discretionary leave or leave under humanitarian rules
- clients granted leave under a domestic violence concession
- clients who are not subject to immigration control and have been deported, expelled or removed from another country to the UK

If a client falls into any one of these categories you must request evidence of this e.g. documentation from the Home Office.

More information in the [No recourse to public funds guidance](#).

## **Declining a claim due to residency**

A claim can be declined if the client is:

- not living at a Scottish address
- not ordinarily resident in Scotland
- not habitually resident in the EEA/Switzerland
- not entitled to access public funds

The decline letter must clearly outline the reason why the claim has been denied.

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The deny options in SPM are:

- current address not in Scotland – use this option if they have not satisfied ordinary residence
- no access to public funds – use this option if they have not provided proof they are legally in the UK
- no proof of settled intent – use this options if they have not satisfied habitual residence

You'll find the appropriate letter template in the shared folder: R:\DM\_Outbound\DM\_Outbound\_Templates\DM\_Outbound\_Template:

## Recording residency on SPM

In all cases you should record residency status in SPM when processing a claim. To do this, follow the SPM 'BSG application case evidence: Residence and Presence' guidance.

If the client has provided proof of legal right to be in the UK then you can tick the entitled to public funds checkbox. From the reason drop down menu select whether they are a:

- third Country National
- common Travel Area Client – use this option for British citizens
- EEA/Swiss National – use this option for all EEA nationals including Ireland
- in receipt of non QB benefit – for cases where you don't need to request proof of nationality as they have another DWP or HMRC benefit.
- other – use this for groups exempt from residency test, e.g. Asylum Seeker
- refugee

If the client does not meet the residency conditions, choose a reason for declining the claim on the grounds of residency.

If the client is already receiving another DWP benefit, then no ordinary, habitual or entitlement to public fund checks are required. Just tick the 'access to public funds' checkbox and proceed with the rest of the claim - as long as their address matches e-SEF.

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If there are any differences in the address between Searchlight and SPM – for example, if the address has not been updated by DWP - you must ask the client for evidence to verify their address.

See the list of acceptable evidence.



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## Young parents

### Eligibility

The Best Start Grant can be applied for by either:

- a young mother or her partner
- a parent or carer the young mother is dependent on

This is also applicable for mothers under 16. Children over 12 can legally act on their own behalf.

Young parents do not need to be on a qualifying benefit if they are:

- under 18 years old
- a mother who is 18 or 19 years old, in non-advanced education and dependent on someone else

If an 18 or 19 year old who is dependent on their parent or carer is applying with evidence that they are in full time education or training, they should not also be listing a partner. This is because they cannot be on their parent or carer's benefits and also on their partner's benefits.

### Dependency

To be a dependant, the birth mother must be named on someone else's:

- Child Tax Credit
- Child Benefit
- Universal Credit (child element)
- Pension Credit (child addition)
- legal order, for example adoption or kinship

There's a limit to the number of dependants that Child Tax Credit or Universal Credit will cover. This does not affect BSG eligibility of the client.

If the person on whom the birth mother is dependant applies, they:

- do not have to receive a qualifying benefit if the birth mother is under 18 years old

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- must receive a qualifying benefit if the birth mother is 18/19 and in full time education or training

Most people will receive a qualifying benefit. This is because the definition of a dependant includes receiving Child Tax Credit or Universal Credit (child element). Child Benefit can be used to evidence dependency, but **it is not a qualifying benefit**.

A grandparent or carer can get child entitlements for both the mother and the grandchild or the young mother can apply. In most cases, once the baby is born, the young mother will be better off applying herself. This is because she'll be able to get higher amounts of other benefits.

If a young person is dependent of someone else, such as still on their benefit, they cannot also be on a benefit for a partner.

## Required evidence

### Under 16's

If the birth mother or her partner applies, they must provide evidence of pregnancy.

If the birth mother's parent or carer apply, they must provide evidence of:

- the mother's dependency on them
- pregnancy

### 16 – 17's living independently

If the birth mother or her partner apply, they must provide evidence of pregnancy.

### 16 – 17's who are dependent

If the birth mother or her partner apply, they must provide evidence of pregnancy.

If the birth mother's parent or carer apply, they must provide evidence of:

- 
- the mother's dependency on them
  - pregnancy

## **18 – 19's living independently**

If the birth mother or her partner apply, they must provide evidence of:

- qualifying benefit
- pregnancy

## **18 – 19's who are dependent**

If the birth mother applies, she must provide evidence of:

- being in non-advanced education
- pregnancy

If the birth mother's parent or carer apply, they must provide evidence of:

- qualifying benefit
- the mother's dependency on them
- pregnancy

### **Additional evidence**

We may need to ask young parents for some additional evidence if they are not on a qualifying benefit.

For example, if the young parent's residence cannot be verified using electronic systems because they are not on a qualifying benefit, they need to provide evidence that they live in Scotland.

## **If the mother's parent or carer apply**

During the application, the client will be asked if they or their partner receive a 'responsibility benefit' for the birth mother. This could be either:

- Child Tax Credit

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- Child Benefit
  - Universal Credit (child element)
  - State Pension Credit (child addition)
  - a legal order, for example adoption or kinship

If they answer yes, this will create a 'Responsibility Benefit – Child Tax Credit' evidence in SPM. This evidence may need to be amended to record accurately which, if any, of the responsibility benefits the client or their partner receives.

## **Verify that the birth mother is a dependant of the client or their partner**

To verify the responsibility benefit award, do this:

1. Log in to e-SEF.
2. Search for the client.
3. Select 'Award History' and look for an award of Child Tax Credit.

### **If there's no award of Child Tax Credit**

1. Select 'Interests History' and look for a Child Benefit interest.

### **If there's a Child Tax Credit award or a Child Benefit interest**

If there's a Child Tax Credit award or a Child Benefit interest on the BSG application date for the client or their partner, you must verify it by contacting HMRC. See the 'Contact HM Revenue and Customs (HMRC)' guide on how to do this.

When you contact HMRC you must provide:

- full name of the client or their partner
- National Insurance Number (NINO) of the client or their partner
- date of birth of the client or their partner
- full name of the dependant birth mother
- date of birth of the dependant birth mother
- BSG application date

The HMRC staff member will confirm if the birth mother was named on the client's or partner's Child Tax Credit or Child Benefit award on the BSG

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application date.

If you need to confirm if there are other children under 16 that the applicant or partner receives Child Tax Credit or Child Benefit for, you can also do this at this stage.

See the ['Other children under 16 in the household'](#) guide.

## **Record verification of responsibility benefit**

### **If the birth mother is named on the Child Tax Credit award**

If the HMRC staff member confirms that the birth mother is named on the client's or partner's Child Tax Credit award, do this:

1. [Log in to SPM](#).
2. [Search for the client record](#).
3. [Go to the BSG application case](#).
4. Select 'Evidence' from the top menu bar.
5. Select 'Evidence' on the left of the screen.
6. Update the outstanding 'Responsibility Benefit – Child Tax Credit' evidence by adding the name of the HMRC member of staff, the date and time of the call and the information provided in the comments box. See the SPM ['Responsibility benefit evidence'](#) guide.
7. Update the outstanding 'Responsibility Benefit – Child Tax Credit' verification by selecting 'confirmed by HMRC'. See the SPM ['Responsibility benefit evidence'](#) guide.

### **If the birth mother is named on the Child Benefit award**

Do this:

1. [Log in to SPM](#).
2. [Search for the client record](#).
3. [Go to the BSG application case](#).
4. Select 'Evidence' from the top menu bar.
5. Select 'Evidence' on the left of the screen.
6. Delete the 'Responsibility Benefit – Child Tax Credit' evidence. See the SPM ['Responsibility benefit evidence'](#) guide.
7. Create a new 'Responsibility Benefit – Child Benefit' evidence. See the SPM ['Responsibility benefit evidence'](#) guide.

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8. Update it by adding the name of the HMRC member of staff, the date and time of the call and the information provided in the comments box.

### **If the birth mother is named on the Child Benefit award**

Do this:

1. Log in to SPM.
2. Search for the client record.
3. Go to the BSG application case.
4. Select 'Evidence' from the top menu bar.
5. Select 'Evidence' on the left of the screen.
6. Delete the 'Responsibility Benefit – Child Tax Credit' evidence. See the SPM 'Responsibility benefit evidence' guide.
7. Add a note in the application case stating that HMRC have confirmed that the birth mother is not named on the applicant or partner's Child Tax Credit or Child Benefit award. See the SPM 'Notes' guide.
8. Access the benefit 'Award History' on e-SEF and look for an award of Universal Credit.

### **If there's no Universal Credit award on BSG application date**

Do this:

1. Log in to SPM.
2. Search for the client record.
3. Go to the BSG application case.
4. Add a note in the application case stating that there is no Child Tax Credit, Child Benefit or Universal Credit Child Element associated with the birth mother. Include the date and time of the e-SEF check.

### **If there's a Universal Credit award on the BSG application date**

Ask the client to send in evidence that the birth mother is named on their Universal Credit award. Follow the 'Ask a client for more information or evidence' guide on how to do this.

We are currently unable to obtain confirmation of receipt of Universal Credit Child Element directly from DWP.

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The verification must be a letter from DWP or a print out from the client's or partner's Universal Credit online account, dated within the last month, and should include:

- full name of the client or partner
- National Insurance Number (NINO) of the client or partner
- current address of the client or partner
- full name of the dependant

Once the Universal Credit Child Element award has been verified, do this:

1. [Log in to SPM](#).
2. [Search for the client record](#).
3. [Go to the BSG application case](#).
4. Select 'Evidence' from the top menu bar.
5. Select 'Evidence' on the left of the screen.

Create a 'responsibility benefit – Universal Credit Child Element' evidence and update by adding details of the verification provided in the comments box. See the SPM ['Responsibility benefit evidence'](#) guide.

## Support for young parents

### Financial abuse

Young clients may be less likely to have their own bank account and be using someone else's bank account. They may also be more vulnerable to financial abuse from the adult they live with or other adults in their lives.

### Support services

#### Parentline Scotland

A charity providing free confidential advice for young parents and anyone caring for a child in Scotland.

**Helpline:** 0800 028 2233

**Email:** [parentlinescotland@children1st.org.uk](mailto:parentlinescotland@children1st.org.uk)

**Website:** [www.children1st.org.uk/help-for-families/parentline-scotland](http://www.children1st.org.uk/help-for-families/parentline-scotland)

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## **One Parent Families Scotland**

A facility providing information to lone parents.

**Helpline:** 0808 801 0323

**Email:** [helpline@opfs.org.uk](mailto:helpline@opfs.org.uk)

## **Ping (Young People's Pregnancy and Parenthood Group)**

A group supported by 'Young Scot'.

**Helpline:** 0808 801 0338

**Email:** [infoline@young.scot](mailto:infoline@young.scot)

**Website:** [young.scot/ping](http://young.scot/ping)