

# expecting a baby?

a weekly guide to maternity rights and benefits



## during your pregnancy

### In the early weeks

**Rights at work:** You should check your contract or staff handbook to see what rights and benefits your employers offer. Many offer better rights than the legal minimum for mothers and father described here. If you are sacked because of a reason connected with your pregnancy, it will automatically be unfair dismissal and sex discrimination. If this happens get advice by calling Working Families' helpline.

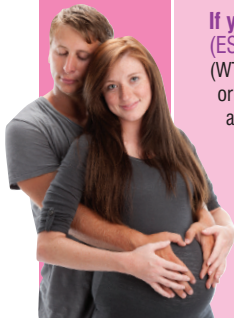
**Health and safety risks** can develop at any stage of the pregnancy. Your employer should carry out a health and safety risk assessment of your working conditions. Risks may be obvious, like heavy lifting, or they may be less obvious, like stress or workstation set up. You should inform your employer in writing that you are pregnant and ask for a risk assessment. If there is a risk it must be removed by changing your working conditions, offering a suitable alternative job or suspending you from work on full pay.

**Employees who are pregnant are entitled to paid time off to go to antenatal appointments.** This includes relaxation and parent craft classes. Unfortunately there is no right for the father or the mother's partner to have time off.

**If you are claiming Income Support (IS), Income-based Job Seeker's Allowance (JSA) or Income-based Employment and Support Allowance (ESA)** you will be entitled to Healthy Start vouchers. Some people on Child Tax Credit (CTC) may also be entitled, but only if they are not entitled to Working Tax Credit (WTC) and their annual income is no more than the threshold for CTC only\*. Your midwife/GP may have a claim form or you can get one by calling 0845 607 6823 or from the website [www.healthystart.nhs.uk](http://www.healthystart.nhs.uk) Your midwife will have to confirm that you have been given health advice. You may also be entitled to free vitamins – ask your midwife.

**All pregnant women are entitled to free prescriptions and dental treatment** throughout their pregnancy and for 12 months after the birth of their child. If you don't already get this help then you need to send proof of your pregnancy (on a form which your GP or midwife should give you) to your health authority and they will send you an exemption certificate.

**Visit a health professional** as soon as possible for information about early tests and food safety. There are a number of scans and other tests that are available in the early stages of pregnancy. Your GP may be able to prescribe folic acid.



### Week 18

**Statutory Maternity Pay:** If you were already working for your employer when you got pregnant the chances are you will qualify for Statutory Maternity Pay (SMP) – see week 26. SMP is 90% of your average earnings for six weeks and then the flat rate\* for 33 weeks or 90% of your average earnings if that is less. Your "average earnings" are the average of what you actually get over the next eight weeks or so. If they fall below the lower earnings limit\*, then you will not qualify for SMP but may be able to claim Maternity Allowance (MA).

### Week 20

**Your doctor or midwife will give you your MAT B1 certificate** between this week and week 28. You will need it if you are claiming SMP, Maternity Allowance or ESA for pregnancy.

### Week 24

**If your baby is stillborn** after the end of the 24th week of pregnancy then all maternity rights apply in the same way as a live birth.

### Week 26

**Maternity Leave:** You need to give your employer notice of the date you intend to start your maternity leave and pay by the end of the 15th week before the baby is due (approx. week 26 of pregnancy). You must also give your employer your MATB1 maternity certificate to claim SMP. All women are entitled to 52 weeks of maternity leave. If your employer has employed you for 26 weeks by the end of this week and your average earnings are at least the lower earnings limit\* you are entitled to SMP.

**If you don't qualify for SMP** you need to claim Maternity Allowance (MA) or ESA from your local Jobcentre Plus on form MA1. You can claim MA if you have worked for 26 weeks in the 66 weeks before your baby is due and you have been earning at least the earnings threshold for MA\* for 13 of those weeks. If you qualify, MA is paid for 39 weeks at the MA flat rate\* or 90% of your average earnings if that is less. If you don't qualify for MA, the Jobcentre should check to see if you can claim ESA.

**Paternity Leave:** If you are the mother's spouse or partner, or the baby's father, and you have worked for the same employer since before the mother became pregnant, you will be entitled to take 2 weeks of Ordinary Paternity Leave. You need to give your employer notice in this week. If you earn at least the lower earnings limit\* on average you will also get Statutory Paternity Pay (SPP) either at the flat rate for SPP\* or 90% of your average earnings if that is less.

### Week 29

**You can start your maternity leave and pay this week** provided you have given the right notice. If you do not want to start your leave at week 29, you can start it whenever you choose (see week 36). You may wish to work closer to the birth in order to have more leave after the birth. If you are unemployed, your Maternity Allowance will start this week if you qualify, so make sure you have put in a claim. If you have been claiming income-based JSA you will now be entitled to claim IS instead as you no longer have to sign on and show you are seeking work.

**Maternity Grant:** If you are receiving IS, Child Tax Credit of more than the family element, Working Tax Credit which includes a disability element, pension credit or income-based JSA or ESA; you may be able to claim a one off Sure Start Maternity Grant\*, to help you with the costs of your new baby. The earliest you can claim is now, the latest is when your baby is three months old. You cannot claim for a baby due on or after 11 April 2011 if you already have a child under 16 in your household, unless your baby is born before this date.

### Week 36

**It is entirely up to you when you start your maternity leave** but if you are absent from work for a pregnancy-related reason in the last four weeks of your pregnancy your employer can start your maternity leave and pay.

### Actual week of childbirth

**The day after you give birth** is the latest you can start your maternity leave and pay if you have not already stopped working. This applies even if the baby is born early.

See page 2 for rights after you have had your baby

# just had a baby?

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## after your baby is born

### Week 1

**Paternity Leave:** Employees who have worked for the same employer since before the mother became pregnant are entitled to 1 or 2 consecutive weeks of Paternity Leave, and may be entitled to SPP (see week 26). Some employees may be able to take Additional Paternity Leave (see week 11).

**Child Benefit:** Currently most families can claim Child Benefit, unless they are not allowed to claim public funds because of their immigration status. From 2013, if families with higher rate tax payers claim Child Benefit, the government are planning to take the money back from them through the tax system. Make sure you claim within three months of the birth.

**Tax credits:** Whether or not you or your partner are working, you may be entitled to tax credits once your child is born. If you are already entitled to Tax Credits your entitlement may go up and you should inform the Tax Credit Office of the birth of your baby within three months of the birth. During the first 39 weeks of maternity leave, all of Ordinary Paternity Leave and the first 26 weeks of Additional Paternity Leave, you are treated as working and so can get WTC, including help with childcare costs. £100 a week of SMP and all MA is ignored when tax credits are calculated.

It is important to get a birth certificate as proof of the birth.

**A midwife** will visit you at home for 10 days after the birth (up to 28 days if necessary) to check on your and your baby's health and well-being. A health visitor will also visit you.



### Week 2

**Women are not allowed to return to work within two weeks of giving birth (four weeks if you work in a factory).** If you want to return to work before the end of your 52 weeks maternity leave you have to give eight weeks notice. If you are claiming ESA on the grounds of pregnancy only, it will stop this week.

### Week 6

**You should see your GP, midwife or obstetrician** for your postnatal health check in weeks 6-8.

### Week 11

**Maternity Grant:** If you are getting IS, CTC of more than the family element or WTC which includes a disability element, pension credit or income-based JSA or ESA, you must submit your claim for the Sure Start Maternity Grant\* if you haven't already claimed (see week 29 of during your pregnancy if you already have a child).

**Additional Paternity Leave and Pay:** If you are entitled to this (see week 20) you need to give 8 weeks notice before taking leave, so if you want to take it from when baby is 20 weeks old you need to give notice now.

### Week 15

**Income support:** If you have been getting IS on the basis of your pregnancy, this will stop. There may be other benefits you can claim. If you are a single parent claiming IS you will be able to continue your claim.

### Week 20

**If your baby is due on or after 3rd April 2011, the partner of the mother/the baby's father might be entitled to Additional Paternity Leave and Pay** if they have worked for their employer since before the mother became pregnant and the mother is returning to work. This is the earliest Additional Paternity Leave can be taken.

### Week 49

**If you wish to take parental leave** at the end of AML, this is the latest you must send your employer 21 days notice, if you started maternity leave at the birth. You need to have one year's service with your employer to take parental leave.

### Week 52

**This is your last week of Maternity Leave if you started maternity leave at the birth.** If you want to return to work sooner than this, you must give eight weeks notice in writing of your return date. You do not have to give any notice if you are returning at the end of 52 weeks' leave. You have the right to return to the same job or, only if that is not reasonably practicable, a suitable job on very similar terms and conditions. If you are ill at the end of AML, your employer's normal sickness procedures apply.

### After your maternity leave

**Your employer has a health and safety duty** towards women who have given birth in the last six months or who are breastfeeding. If your work is difficult or dangerous ask for a risk assessment.

**Right to request flexible working:** Employees with a child under 17 (or under 18 if receiving Disability Living Allowance) who have worked for their employer for 26 weeks have the right to make a formal request for flexible working. Carers of disabled adults can also make a request. In some circumstances if your application for flexible working is turned down, you may also have a claim under the Equalities Act. To find out more and for advice on applying, call the Working Families Helpline.

### \* Maternity pay and benefit levels (correct up to April 2012)

Flat Rate for SMP, SPP & MA	£124.88 per week
Lower Earnings Limit	£102 per week
Earnings threshold for MA	£30 per week
Sure Start Maternity Grant	£500 one off payment (for first child only from April 2011)
Threshold for CTC only	£15,860 per year
Child Benefit	£20.30 per week for first child £13.40 for younger children

See page 1 for rights when expecting your baby

**Working Families relies on voluntary contributions.** Do contact us if you can help on 020 7253 7243, office@workingfamilies.org.uk or 1-3 Berry Street, London EC1V 0AA

Registered Charity No 1099808

for: **advice on maternity and paternity leave**  
confidential legal advice on your rights at work  
support to negotiate family-friendly hours

call our **free helpline**  **0800 013 0313**  
or for more information visit [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)

