

# 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 employer offers. Many offer better rights than the legal minimum. If you are sacked because of a reason connected with your pregnancy, it is unfair dismissal and sex discrimination. If this happens get advice by calling the Working Families helpline.

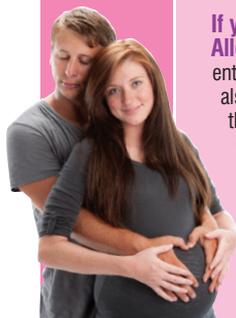
**Health and safety risks** can develop at any stage of the pregnancy. If there is evidence of risk, your employer should carry out a health and safety risk assessment of your working conditions. You should inform your employer in writing that you are pregnant and ask for a risk assessment. If there 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 ante-natal appointments.** This includes relaxation and parent craft classes. Employed dads or partners have the right to attend two ante-natal appointments unpaid.

**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 tax credits are based on income of no more than £16,190. Some people on Universal Credit (UC) may also be able to claim – ring Healthy Start for advice. Your midwife/GP may have a claim form or you can get one by calling **0345 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 apply for an exemption certificate (get the form from your midwife or GP).

**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 you may qualify for Statutory Maternity Pay (SMP) – see week 25. 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, the Sure Start Maternity Grant, MA or ESA for pregnancy.

### Week 25

**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 25 of pregnancy). You must also give your employer your MAT B1 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 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. 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. ESA for pregnancy is only paid for a short time around the birth, unless there is serious risk to health.

**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 two weeks of 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 MA or SMP has to 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, Universal Credit (UC), CTC of more than the family element, WTC 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 usually claim if you already have a child under 16 in your household.

### Week 34

**If your partner wants to take shared parental leave** immediately after paternity leave, notice should be given now. For more information on shared parental leave (SPL) and Shared Parental Pay (ShPP), please see our website.

### 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.

# just had a baby?

a weekly guide to maternity rights and benefits



## 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 one or two consecutive weeks of paternity leave, and may be entitled to SPP (see week 25). Paternity leave and pay must be taken within eight weeks of the birth.

**Child Benefit:** Currently most families can claim Child Benefit, unless they are not allowed to claim public funds. If you or your partner have taxable income of over £50,000 a year, and you receive Child Benefit you will have to pay back some or all of the benefit via a tax charge. You should seek advice before deciding what to do. 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. You may be treated as working during some of your time off which means you could get WTC, including help with childcare costs. During the first 39 weeks of maternity leave, all of paternity leave and any period for which you get ShPP (see week 34), you are treated as working and so may 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. The end of week 2 is the earliest SPL can be taken.

### Week 6

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

### Week 11

**Maternity Grant:** If you are getting IS, UC, 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).

### 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 49

**If you wish to take parental leave** at the end of additional maternity leave (AML) or SPL, 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, for example because you or your partner want to take SPL, 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 or SPL, 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 who have worked for their employer for 26 weeks have the right to make a formal request for flexible working. In some circumstances if your application for flexible working is turned down, you may also have a claim under the Equality Act. To find out more and for advice on applying, call the Working Families Helpline.

### \* Maternity pay and benefit levels (correct up to April 2017)

Flat Rate for SMP, SPP, ShPP & MA  
Lower Earnings Limit  
Earnings threshold for MA  
Sure Start Maternity Grant  
Child Benefit

£139.58 per week  
£112 per week  
£30 per week  
£500 one off payment (usually for first child only)  
£20.70 per week for first child  
£13.70 for younger children

**Working Families relies on voluntary contributions.** Do contact us if you can help on 020 7253 7243, office@workingfamilies.org.uk or Cambridge House, 1 Addington Square, London, SE5 0HF



See page 1 for rights when expecting your baby

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

call working families helpline



**0300 012 0312**

for more information visit [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)

Working Families runs a support network for parents of disabled children who work or want to work. There are factsheets about the specific entitlements of parents of disabled children available. Contact us or see the website for more information