

# 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 fired because of a reason connected with your pregnancy, it is unfair dismissal and sex discrimination. If this happens, get advice.

**Health and safety risks** can develop at any stage of the pregnancy. Discuss with your midwife and health professional whether your working conditions pose risks to you or your baby's health, and what arrangements could remedy this. You should inform your employer in writing that you are pregnant, and you should ask for a risk assessment if there are any risks. 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 and some agency workers who are pregnant are entitled to paid time off to go to antenatal appointments.** This includes relaxation and parent craft classes. Employed dads or partners have the right to attend two antenatal appointments unpaid.

**If you are claiming Universal Credit (UC) or any other income-based benefits,** you may be entitled to Healthy Start vouchers. To check whether you're eligible or to get a claim form ring 0345 607 6823 or go to [www.healthystart.nhs.uk](http://www.healthystart.nhs.uk). You may also be entitled to free vitamins – ask your midwife. (Scotland only: Healthy Start has been replaced by Best Start Foods. See more information here: [www.mygov.scot/best-start-grant-best-start-foods](http://www.mygov.scot/best-start-grant-best-start-foods))

**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. 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).

### 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, Best Start Grant, MA or Employment and Support Allowance (ESA) for pregnancy.

### Week 24

**Best Start Grant (Scotland only):** This is the earliest you can claim Best Start Grant in Scotland – for more information see week 25

overleaf. Between weeks 20 and 24, your midwife can register you for your Baby Box.

### 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 (approximately 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 also entitled to SMP.

**If you don't qualify for SMP,** Claim MA (on form MA1) or ESA – check [gov.uk](http://gov.uk) or ring Jobcentre Plus on 0800 55 66 77 (for MA). 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

learnings 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. It's always worth checking what other benefits you may be entitled to and which one is more beneficial for you to claim through a benefits calculator such as [www.entitledto.co.uk](http://www.entitledto.co.uk).

**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 from this point onwards (see week 36). You may wish to work closer to the birth in order to have more leave after the birth.

**Before you leave work,** discuss with your employer how you want to keep in touch (KIT) and whether you can do KIT days (see week 2 overleaf). It's also a good idea to think about any changes to your working conditions that might be useful when you come back to work – see Right to request flexible working overleaf – week 35.

**If you are unemployed** during this week, 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 UC or income-based JSA, from this week you will no longer have any work-related requirements. If you are already in receipt of IS, this will continue otherwise you may have to claim UC instead.

**Sure Start Maternity Grant:** You should start claiming now if you are eligible – see week 25 overleaf for more information. (In Scotland, see week 24)

### Week 34

**Shared Parental Leave:** You can share most of the maternity leave with your partner through Shared Parental Leave (SPL) but there are several notices to give and not everyone is entitled. Please see our

website for more information on SPL and Shared Parental Pay (ShPP). If your partner wants to take SPL immediately after paternity leave, notice should be given now.

### Week 36

**It is entirely up to you when you start your maternity leave** unless you are absent from work for a pregnancy-related reason in the last

four weeks of your pregnancy, in which case 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 next page for rights after giving birth**

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

Working Families' helpline:

0300 012 0312 or [advice@workingfamilies.org.uk](mailto:advice@workingfamilies.org.uk)



# Just had a baby?

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## After your baby is born

### Week 1

**Birth certificate:** It is important to get a birth certificate as proof of the birth. You need to register the birth within 42 days at the local register office.

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

**Paternity Leave:** Employees who have worked for the same employer since before the mother became pregnant are entitled to up to two consecutive weeks of paternity leave, and may be entitled to SPP (see week 25, previous page). Paternity leave and pay must be taken within eight weeks of the birth.

**Child Benefit:** Currently most families can claim Child Benefit. 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. If you do not have a form to claim Child Benefit, check [gov.uk/child-benefit](http://gov.uk/child-benefit) or ring 0300 200 3100.

**Universal Credit:** Most people cannot make a new claim for tax credits, housing benefit or income support because these benefits have been replaced by UC. You can receive UC even if you or your partner are working. UC includes elements for housing costs, childcare, and child elements, which may depend on the number of children.

**Tax credits:** If you are already claiming Tax Credits, you may be entitled to an extra child element(s) depending on the number of children. During the first 39 weeks of maternity leave, all of paternity leave and any period for which you get ShPP, you are treated as working for WTC which means that you may get help with childcare costs.

**Scottish Child Payment (Scotland only)** if you claim UC, CTC, WTC, IS, PC, income-based JSA or ESA you will be eligible for each child you are responsible for who is under 6 years of age. You will get it in addition to Child Benefit and any other benefits you claim. Claim online [www.mygov.scot/scottish-child-payment/how-to-apply/](http://www.mygov.scot/scottish-child-payment/how-to-apply/) or contact Social Security Scotland 0800 182 2222

### 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. Your partner may start SPL now, when paternity leave finishes.

**KIT (Keeping In Touch) days:** You can work up to 10 KIT days during your maternity leave without it affecting SMP and MA, but it must be agreed beforehand with your employer. Make sure you discuss how much you will be paid.

### Week 6

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

### Week 15

**Income Support:** If you have been getting IS on the basis of your pregnancy, this will stop. If you make a new claim for benefits, you

will have to make a claim for Universal Credit unless certain very limited exceptions apply to you.

### Week 25

**Sure Start Maternity Grant:** If you are in receipt of UC or other certain benefits and you haven't already claimed Sure Start Maternity Grant\*, you must submit your claim now (before your baby turns six months old) for a one-off payment. You cannot usually claim if you already have a child under 16 in your household.

**Best Start Grant (Scotland only):** If you claim UC, IS, any CTC or WTC, HB, PC, income-based JSA or ESA, you must submit your

claim now (before your baby turns six months old) for a Pregnancy and Baby Payment\* to help you with the costs of your new baby. Check on [www.mygov.scot](http://www.mygov.scot) or call 0800 182 2222. If you are under 18, or aged 18/19 and a dependant on someone else's claim, you should qualify even if you are not receiving any of these benefits. You should still claim if you have other children under 16 living with you.

### Week 35

**Right to request flexible working:** If you want to return to work part-time/on different hours/from home (or somewhere else), you can make a request to work flexibly. Make sure you leave plenty of time for negotiation with your employer. If you have at least 26 weeks' service,

you have the right to make a formal request to which your employer should respond within three months. If your application is turned down, in some circumstances, you may have a claim under the Equality Act. To find out more and for advice on applying, check our website.

### Week 49

**If you wish to take unpaid parental leave** at the end of maternity leave 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, but time spent on maternity leave will count towards your length of service.

### Week 52

**This is your last week of maternity leave if you started maternity leave at 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 maternity leave 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 working conditions put you or your baby's health at risk, ask for a risk assessment.

#### \* Maternity pay and benefits levels

- **Flat rate for SMP, SPP, ShPP & MA:** £156.66 (from 06/04/2021)
- **Lower earnings limit:** £123
- **Earnings threshold for MA:** £30
- **Sure Start Maternity Grant:** (England, Wales, Northern Ireland): £500 one-off payment
- **Baby Payment/Best Start Grant:** (Scotland): £606 (first child); £303 on the birth of any subsequent children
- **Child Benefit:** £21.80 per week for first child; £14.45 for younger children

(Correct to April 2023)

See previous page for rights when expecting your baby

Working Families provides free advice on family and carer-related employment rights and in-work benefits.

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

For free, confidential advice on maternity, paternity and shared parental leave, contact Working Families'

helpline: 0300 012 0312 or visit [workingfamilies.org.uk](http://workingfamilies.org.uk)

