

## This page contains information on:

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## There are a few key things to remember when you read about your rights:

- All workers are protected against discrimination if you are dismissed or treated unfairly because of pregnancy or childbirth. It is discrimination to dismiss you or treat you unfairly because you have taken maternity leave or exercised any of your maternity rights at work.
- It doesn't matter if you work full-time or part-time, the same rights still apply.
- You have the same maternity rights if you are an employee on a term-time only, fixed-term or temporary contract or if you are an apprentice. If you are not an employee, for example, because you are self-employed or doing casual work, you do not have the right to maternity *leave* but you may still get maternity *pay* and have other rights.
- Agency workers are protected against discrimination during pregnancy and after childbirth. Most agency workers are entitled to maternity pay. Agency workers who have completed 12 weeks in the same placement have the right to paid time off for antenatal care and health and safety protection. Any pregnancy-related absence will not affect the qualifying period.
- This leaflet tells you your legal minimum rights. Your employer may give better rights than these, so you should always check your contract or ask your union or the human resources department. If your employer does not give you these rights you should seek legal advice.

## Maternity Leave

### What is Ordinary Maternity Leave (OML)?

OML is the first 26 weeks of maternity leave. If you return to work during the first 26 weeks' OML you have the right to return to exactly the same job. You must give your employer the correct notice prior to going on maternity leave in order to qualify for maternity leave (see 'How to give notice' below).

### What is Additional Maternity Leave (AML)?

AML lasts for 26 weeks and starts on the day after the end of OML. If you return to work after AML you still have the right to return to the same job but, if it is not reasonably practicable, your employer can offer a suitable alternative job on similar terms and conditions. See 'Return to work' below.

### Do I have to tell my employer how much maternity leave I am going to take?

No, your employer should assume that you will be taking 52 weeks maternity leave. When you give notice to your employer of the date you want to start your maternity leave, your employer should write back to you stating the date that your maternity leave will end (52 weeks from the start date). If you decide not to take all of your maternity leave (52 weeks) you must give at least 8 weeks' notice prior to your return date to return to work early (see 'Return to work' below). If you only wish

to take OML you should give 8 weeks' notice prior to your return date in order to return to work at the end of OML. If your employer does not write back to you (within 28 days of your notice or you

starting your maternity leave) stating the date that your 52 week maternity leave will end, they cannot later insist on you giving 8 weeks' notice if you decide to return to work before the end of your 52 week maternity leave period.

### Who gets it?

You are entitled to maternity leave regardless of how early your baby is born. You are also entitled to maternity leave if your baby dies after the birth or is stillborn after the end of the 24<sup>th</sup> week of pregnancy.

All women employees are entitled to OML and AML from day one of their employment. It doesn't matter how many hours you work or how long you have worked for your employer.

### Quick checker – workers

#### Summary of rights for agency, casuals and other workers who are not employees.

**Rights for agency workers** Agency workers who have completed 12 weeks in the same placement are entitled to be offered suitable alternative work if your employer ends your placement for health and safety reasons. Any suitable alternative work should be on not less favourable terms and conditions. If there is no suitable alternative work, you are entitled to be suspended on full pay by your agency for the remainder of your original placement or for as long as you would have been likely to have stayed in that placement.

Agency workers who have completed 12 weeks in a placement also have the right to paid time off for antenatal appointments that fall during your work hours. For more information see: Maternity and parental rights for agency workers

You are usually an employee if the following arrangements exist at your work:

- your employer deducts tax and National Insurance from your pay
- your employer controls the work you do, when and how you do it
- your employer provides all the equipment for your work.

If you work for an agency or do casual work, you are probably not an employee, but you can still get maternity pay (see below).

Some agency workers have a contractual right to maternity leave so you should check your contract. If not, you should agree with your agency/employer how much time you will be taking off to have your baby. You are protected by discrimination law if you are treated less favourably because you have been absent because of pregnancy or childbirth.

### When can I start maternity leave?

The earliest you can start your ordinary maternity leave is 11 weeks before your expected week of childbirth. This is when you are about 29 weeks pregnant, but you have to use the due date on your MAT B1 certificate which your midwife or GP will give you. Find the Sunday before your baby is due (or the due date if it is a Sunday) and count back 11 Sundays from there. It is up to you to decide when you want to stop work. You can work right up until the date the baby is born, unless:

- You are absent from work *because of your pregnancy* in the four weeks before your expected week of childbirth. Pregnancy-related absence includes pregnancy-related illness, not other illnesses, and a maternity suspension on health and safety grounds. If you are only

off sick for a short time your employer may agree to let you start your maternity leave when you had planned, for example, if they have arranged maternity cover.

- Your baby is born before the day you were planning to start your leave. In this case your leave will start on the day after the birth and you should tell your employer as soon as you can that you have given birth,

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### When do I have to tell my employer I'm pregnant?

The latest time you can tell your employer that you are pregnant is the 15th week before your baby is due. There is nothing to say that you have to tell your employer any earlier although it may be to your advantage, for example, special health and safety rights during pregnancy and the right to paid time off for antenatal care apply when your employer knows you are pregnant. The law protects you from being dismissed or discriminated against on the grounds of pregnancy and this is only likely to apply once your employer knows you are pregnant. For more information see: [Pregnancy Discrimination](#)

### Discrimination

**How do I work out the 15th week before my baby is due?** Find the Sunday before your baby is due (or the due date if it is a Sunday) and count back 15 Sundays from there. That is the start of the 15th week before your expected week of childbirth.

You should use the due date on the MAT B1 certificate which your midwife or GP will give you when you are about 20 weeks pregnant.

### What am I entitled to during maternity leave?

You are still entitled to your **statutory rights** (i.e. rights that apply by law to all employees in this country) throughout your maternity leave. For example, everyone has a statutory legal right to at least 28 days paid annual leave (including bank holidays) whether they are on maternity leave or not. Check your contract, as this may give you more favourable terms for annual leave. Also, your employer must not discriminate against you by failing to consider you for opportunities such as a promotion or a pay rise whilst you are on maternity leave. For more information, if you are treated unfairly during maternity leave, see [Discrimination during maternity leave and return to work](#)

The following rights continue during OML and AML:

- the notice period in your contract of employment will still apply (if either you or your employer wish to terminate your employment)
- you will be entitled to redundancy pay (after two years' service)
- disciplinary and grievance procedures continue to apply
- if your contract has a section which states that you must not work for any other company, this will still apply.

Your **contractual rights** (i.e. terms and conditions, such as a company car or paid holidays) also continue throughout your maternity leave, apart from your normal pay. During the first 39 weeks of your leave you will probably be entitled to SMP or MA (see 'Maternity Pay', below). After that your leave will usually be unpaid. Some employers offer extra maternity pay, so check your contract or ask the human resources department or your union representative.

If you are made redundant whilst on maternity leave, your employer must offer you a suitable alternative vacancy if one is available. If there is none, they must pay you any notice and redundancy pay that you are entitled to.

## How do I give notice for maternity leave and pay?

To get maternity leave you must give your employer the following information in or before the 15th week before your baby is due (it's a good idea to put this in writing e.g. send your employer an email to confirm the date you want to start your leave):

1. that you are pregnant
2. the expected week of childbirth
3. the date on which you intend to start your maternity leave

If you want to change the date you start your maternity leave, you must give your employer notice of the new date at least 28 days before the new date or the old date, whichever is the earliest. If there is a good reason why that is not possible, tell your employer as soon as you reasonably can. To get SMP you must give your employer 28 days' notice of the date you want to start your pay and your MATB1 maternity certificate.

**You must give your employer a copy of your maternity certificate (form MAT B1)** which states your expected week of childbirth. You can get your MATB1 maternity certificate from your midwife or GP once you are 20 weeks' pregnant. You are normally given the MATB1 form at your 20 weeks scan. You can give notice for leave and pay together in the 15<sup>th</sup> week before your baby is due. If you cannot give notice by the 15<sup>th</sup> week before you are due, you must give notice as soon as you reasonably can.

Once you have given notice of the date you want to start your maternity leave and pay, your employer must write to you within 28 days, stating the date that your maternity leave will end (52 weeks from the start date). If your employer does not write back to you stating the date that your maternity leave will end, they cannot insist on you giving 8 weeks' notice to return before the end of the 52 week maternity leave period.

The regulations on these notice requirements come from the **Maternity and Parental Leave Regulations 1999, reg. 7 and 11.**

## Statutory Maternity Pay

### What is Statutory Maternity Pay (SMP)?

SMP is paid for 39 weeks to women who qualify for it. Your employer pays it to you and then claims most or all of it back from HM Revenue and Customs (HMRC). You can get SMP for 39 weeks even if you do not plan to go back to work or you are dismissed or made redundant or a fixed-term contract comes to an end after the 26<sup>th</sup> week of pregnancy. You do not have to pay any SMP back if you do not return to work or if you do not start another job within the statutory maternity pay period. Casual, agency and other 'workers' can get SMP, if you meet the normal qualifying conditions. You are a 'worker' if your employer pays you through PAYE and deducts any tax and NI but you are not self-employed.

If you are subject to immigration control you are entitled to SMP if you meet the normal qualifying conditions. SMP is not classed as 'public funds' and will not affect future immigration applications.

### Who gets SMP?

You get SMP if:

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- you have been employed by the same employer for at least 26 weeks by the end of the 15th week before the expected week of childbirth (which is approximately the 26th week of pregnancy). In other words you need to have started the job before you got pregnant, and
- you are still in your job in the 15th week before your baby is due – even if it's only for one day that week – or you are off sick or on holiday, and
- you actually receive at least £123 per week on average in the eight weeks (if you are paid weekly) or two months (if you are paid monthly) up to the last pay day before the end of the 15th week before your baby is due.

To get SMP you must give the correct notice to your employer (see 'How to give notice' above). If you are not sure if you are entitled to SMP, ask anyway. Your employer will work out whether or not you qualify for SMP and if you do not qualify they will give you form SMP1 to explain why. You should then check to see if you can get Maternity Allowance (see 'Maternity Allowance', below). If your employer is not sure how to work out your SMP or how to claim it back, they can ring the HMRC Employers' Helpline on 0300 200 3200 for advice. If you are refused SMP, your employer has gone into liquidation or has paid it incorrectly, you can contact HMRC Statutory Payments Disputes Team on 0300 322 9422 and ask for a formal decision. HMRC can pay SMP directly. For more information on maternity pay, see Maternity Pay Questions

## How much is SMP?

SMP is paid at two rates: for the first six weeks you get 90% of your average pay. After that you are paid £156.66 per week, or 90% of your average earnings if that is lower, for 33 weeks.

The average is calculated from the pay you actually received in the eight weeks or two months up to the last pay day before the end of the qualifying week (the 15<sup>th</sup> week before your expected week of childbirth).

Your employer pays your SMP in the same way as your salary is paid. They deduct any tax and National Insurance contributions.

## When can I get SMP?

As with maternity leave, the earliest you can start your SMP is 11 weeks before the expected week of childbirth. You can work right up until the date the baby is born, unless:

- you have a pregnancy-related illness/absence in the 4 weeks before your expected week of childbirth or
- your baby is born before you start your maternity leave.

Your SMP will usually start on the same day as your maternity leave. If your maternity leave and pay is triggered by one of the reasons above, your SMP will start as follows:

- if you are off work for a pregnancy-related reason in the four weeks before your expected week of childbirth, your SMP will start on the day after your first day of absence from work. So, if you phone in sick on a Wednesday, your SMP period will start on Thursday
- if you give birth before the start of your maternity leave, your SMP will start on the day following the actual date of birth.

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You can work for the employer who pays your SMP for up to 10 days during your maternity leave without losing any SMP (see 'Keeping in Touch' days). But, if you do more than 10 days' work, you cannot get SMP for any week in which you work – even for part of a week.

## **Do I still get SMP if my job ends after the 15th week before my baby is due?**

Yes, you can still get SMP as long as you are employed in the 15th week before your baby is due and you meet the normal qualifying conditions stated above. It does not matter if you are off sick or on

holiday in that week. Once you have qualified for SMP, you are entitled to receive it for the full 39 weeks even if you are made redundant, you leave your job or a fixed term contract comes to an end at any time after the 15th week before your baby is due or during your maternity leave.

Note: if you get occupational maternity pay from your employer (this tops up your SMP) you will not get the occupational pay after your contract ends, only the SMP part, unless this is agreed as part of your termination of employment.

## **My employer gives extra maternity pay. Do I have to repay it if I don't go back to work?**

If your employer gives you extra occupational maternity pay you only have to repay it if that was agreed in advance or specifically stated in your maternity policy. You only ever have to repay the extra occupational pay, never the SMP part of your maternity pay. SMP is 90% of your average pay for six weeks and £156.66 for 33 weeks. SMP is yours to keep whether you go back or not.

For more information on SMP, see: [Maternity Pay Questions](#)

## Maternity Allowance

### **What is Maternity Allowance?**

Maternity Allowance (MA) is paid by your local Jobcentre Plus for 39 weeks. You may be able to get MA if you do not qualify for SMP from your employer, for example, because you started a new job when you were already pregnant, your earnings are too low or you are self-employed. You can also claim MA if you are currently unemployed as long as you meet the normal qualifying conditions. You can also claim a lower rate of MA for 14 weeks if you are the spouse or civil partner of a self-employed person and you help in their business.

If you are subject to immigration control, you are entitled to Maternity Allowance if you meet the normal qualifying conditions. Maternity Allowance is not classed as 'public funds' and will not affect future immigration applications.

### **Who gets MA?**

You can claim MA if:

- you have been employed for at least 26 of the 66 weeks before the expected week of childbirth, and
- you can find 13 weeks (not necessarily in a row) in which you earned over £30 per week on If you are employed, you should send in payslips for the weeks in which you earned the most.

You can add together earnings from more than one job. If you are self-employed the JobCentre Plus will check your national insurance contribution record and allow you to update your NI contributions.

Maternity Allowance is very flexible and most women can qualify. You can include weeks of employed and self-employed work. **You do not have to work full-time in each week, one day or part of a day at work will count as a week of work.** You continue to be 'employed' by your employer during maternity leave so you can count previous periods of maternity leave when calculating your entitlement to a further period of maternity leave and pay.

**How do I claim MA?**

You can ask your local Jobcentre Plus for form MA1 and make a claim or phone the JobCentre Plus claim line on [0800 055 6688](tel:08000556688). You can also find the MA1 claim form here: [www.gov.uk/government/publications/maternity-allowance-claim-form](http://www.gov.uk/government/publications/maternity-allowance-claim-form)

The JobCentre Plus will work out whether you can get the benefit. If you are not entitled to MA, they should automatically use the same claim form to check whether you can get Employment and Support Allowance instead (see 'Employment Support Allowance', below).

The earliest you can claim MA is 15 weeks before your baby is due and the earliest it can be paid to you is 11 weeks before you are due. If you claim Maternity Allowance late, it can only be backdated for up to three months. It is up to you to decide when you want to start your Maternity Allowance and you should put the date on the MA1 claim form. If you are not working your MA will be paid from 11 weeks before you are due.

**How much is Maternity Allowance?**

Maternity Allowance is paid at £156.66 per week, or 90% of your average pay if that is lower, for 39 weeks.

For more information on claiming MA, see: [Maternity Pay Questions](#)

**Employment and Support Allowance (ESA) – Maternity****What is ESA – Maternity?**

ESA is a weekly allowance which can be paid to pregnant women who do not qualify for Statutory Maternity Pay or Maternity Allowance. You do not have to complete a Work Capability Assessment. It is also possible to get ESA if you are incapable of working because of illness or disability.

**Who gets ESA?**

You get ESA if you have paid or been credited with enough National Insurance contributions during the last three tax years that do not overlap the current calendar year. Your Jobcentre Plus adviser will work out whether you can get the benefit.

To claim ESA, use the claim form for Maternity Allowance (see 'Maternity Allowance', above). If you are not entitled to MA, the Jobcentre Plus should check automatically to see if you can get ESA. Contributory ESA is based on previous National Insurance contributions and is not classed as public funds. For the full list of public funds, see: <https://www.gov.uk/government/publications/public-funds>

**When is ESA paid to pregnant women?**

ESA can be paid from six weeks before your baby is due until two weeks after your baby is born. The rate of ESA varies according to your circumstances. ESA is £77.00 per week if you are over 25 or a single parent over 18.

**Return to work****Do I have to give notice of my return from maternity leave?**

You do not need to give any notice of return if you are going back to work at the end of 52 weeks' maternity leave. You simply go to work on the day that you are due back. Once your maternity leave has ended you are 'back at work' and entitled to your normal pay. You can take annual leave (by arrangement with your employer) and sick leave, if needed.

If you want to return to work before the end of your maternity leave, you must give your employer at least 8 weeks' notice of the date you will be returning. If you do not give this notice and just turn up at work before the end of your maternity leave, your employer can send you away for up to 8 weeks or until the end of your leave, whichever is earlier.



If your employer did not write back to you stating the date that your 52 week maternity leave will end, see [How to give notice for maternity leave and pay above](#), they cannot insist on you giving 8 weeks' notice to return to work early. You should still give as much notice as possible, so that you and your employer can plan your return to work.

The law does not allow you to work for two weeks (4 weeks if you work in a factory) after childbirth and this period is known as Compulsory Maternity Leave. You will not be allowed to return to work during this time.

If you intend to take shared parental leave (SPL) after your maternity leave or your partner is going to share some of your leave, you must give at least 8 weeks' notice. For more information, see [Shared Parental Leave and Pay](#)

### **Do I have the right to return to the same job?**

Yes, if you go back to work after OML, you have the right to return to exactly the same job.

If you go back to work after AML, you also have the right to return to exactly the same job. But, if your employer can show that it is not reasonably practicable for you to return to the same job, for example, because there has been a reorganisation, you have the right to be offered a suitable alternative job on very similar terms and conditions.

If your employer does not offer you the same job on return to work see [Discrimination during maternity leave and return to work](#)

Your rights on return to work are different if you take some shared parental leave as your rights will depend on how much leave you take altogether, including maternity, paternity and shared parental leave. For more information, see [Shared Parental Leave and Pay](#)

### **What happens if I need more time off work?**

You cannot stay off work after your maternity leave has ended as you will lose your right to return to your old job.

If you need more time off you could:

- ask your employer if you can take annual leave immediately after your maternity leave. Note that paid holiday continues to accrue during maternity leave so you may have some holiday owing to you.
- Ask your employer if they will agree to a further period off work. You should ask your employer to confirm this agreement in writing and to confirm that you will have the right to return to the same job.
- Take some unpaid parental leave at the end of your maternity leave. For more information, see: [Time off for Working Parents](#) You must give 21 days' notice to take parental leave and it is usually unpaid unless your employer offers paid parental leave. Note: parental leave can be taken up to your child's 18<sup>th</sup> birthday and is different from shared parental leave, see below.
- If you cannot return because you are ill you can take sick leave after the end of your maternity leave, as long as you follow your employer's sickness procedures. For more information, see [Sickness during pregnancy and maternity leave](#)



- Take some shared parental leave. If you have not used up all your maternity leave, you may be entitled to take any untaken weeks as shared parental leave, if you and your partner qualify. You must give at least 8 weeks' notice and it must be taken by a year from the birth of your baby. See Shared Parental Leave and Pay

### **What should I do if I do not want to go back to work?**

You should resign in the normal way, giving the notice required by your contract or the notice period that is normally given in your workplace. If you do not have a contract or nothing has been said you should give a week's notice.

You do NOT have to repay any of the SMP you received.

For more information, see Resigning from your job during pregnancy and maternity leave

### **What happens if I say I want to return to work and I change my mind?**

Many women find it impossible to know before the birth how they will feel afterwards, so it is always a good idea to say you are coming back in order to keep your options open. If you decide later not to return you can resign from your job in the normal way. Your notice period can run at the same time as your maternity leave.

### **Can I go back part-time or change my hours?**

You have the right to ask for part-time or flexible hours and your employer has a duty to seriously consider your request. Your employer must have a good business reason for refusing. If you or your partner want to work part-time or to change your hours, see Child friendly working hours

### **My maternity leave ends soon and I'm pregnant again. What rights will I have?**

You will be entitled to take up to 52 weeks' maternity leave for your new baby and you may also qualify for SMP or Maternity Allowance if you meet the normal qualifying conditions. For more information, see Pregnant during maternity leave (expecting again)

## **Other maternity and parental rights**

### **Paid time off for antenatal care**

If you are an employee, you have the right to take reasonable time off for your antenatal appointments, including time needed to travel to your clinic or GP, without loss of pay. You should let your employer know when you need time off. Your employer can ask to see your appointment card and a certificate stating that you are pregnant for all appointments apart from the first one.

Antenatal care can include parentcraft and relaxation classes. You may need a letter to show your employer from your GP or midwife, saying that these classes are part of your antenatal care.

Agency workers who have completed 12 weeks in the same placement have the right to paid time off for antenatal appointments and classes that fall during their work hours.

For more information on time off for antenatal care, see: Time off for antenatal care

Fathers and partners are also entitled to unpaid time off for up to two antenatal appointments (maximum of 6.5 hours per appointment. Some employers offer paid time off. For more information, see Rights at work for fathers and partners

### **Health and safety rights**

If you are pregnant, have given birth in the last six months or are breastfeeding, your employer must make sure that the kind of work you do and your working conditions will not put your health or your baby's health at risk.

All employers must carry out a workplace risk assessment. This must include an assessment of risks to pregnant women or new mothers and your employer must do all that is reasonable to remove or reduce any risks. This includes risks of infection from Covid-19.

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If you want your employer to take action to protect your health and safety you must notify your employer in writing that you are pregnant or have given birth in the last six months or are breastfeeding. If your employer asks for proof of your pregnancy or childbirth you must obtain a medical certificate from your midwife or GP. If you have any concerns about your health or safety at

work, you should discuss it with your midwife or GP and ask them for a letter to show your employer.

Your employer must consider the risks and take reasonable action to alter your working conditions or hours of work, such as providing somewhere to sit, extra breaks or ensuring that you do not do any heavy lifting.

- If this is not possible or would not avoid the risk, your employer must offer you a suitable alternative job.
- If this is not possible your employer must suspend you on full pay for as long as is necessary to avoid the risks.

If you do night work and your doctor advises that you should stop for health and safety reasons, you have the right to transfer to day work or, if that is not possible, to be suspended on full pay. You must provide a medical certificate.

Agency workers who have completed 12 weeks in the same placement are entitled to be offered suitable alternative work if you cannot continue in a placement for health and safety reasons. Any suitable alternative work should be on not less favourable terms and conditions. If there is no suitable alternative work, your agency must suspend you on full pay for the remainder of your original placement or for as long as you would have been likely to have continued in the placement. For more information, see Health and safety during pregnancy and return to work

## **Breastfeeding**

There is some legal protection under health and safety, flexible work and discrimination laws for breastfeeding mothers at work. For more information, see Continuing to breastfeed when you return to work

## **Dismissal, discrimination or loss of wages**

It is against the law for your employer to treat you unfairly, dismiss you or select you for redundancy for any reason connected with pregnancy, childbirth or maternity leave, see: Pregnancy Discrimination and Discrimination during maternity leave and return to work

You will need to have worked for your employer for two years to claim ordinary unfair dismissal but you can claim discrimination and automatic unfair dismissal on the grounds of pregnancy and maternity leave from day one of your employment.

If you are dismissed while you are pregnant or during your maternity leave, you are entitled to written reasons for your dismissal.

You must make a claim in an employment tribunal within three months, less one day, from the date of the act you are complaining about. You must also contact ACAS Early Conciliation within the time limit on 0300 123 11 00 before making a tribunal claim.

For more information, see: Dealing with problems at work

## **Redundancy**

If you are made redundant because you are pregnant or taking maternity leave, you may have a claim for unfair dismissal, automatic unfair dismissal and/or pregnancy/maternity discrimination.

If your job is at risk of redundancy during maternity leave you have the right to be offered a suitable alternative vacancy (if one exists) before it is offered to any other employees. This special protection is provided by Reg. 10 of the Maternity and Parental Leave etc Regulations 1999. You do not have to

go for interview or assessment procedures if you are on maternity leave and there is a suitable alternative vacancy. For more information, see: Redundancy during pregnancy, maternity and parental leave

## **Paternity leave**

Fathers and partners (including same sex partners) have the legal right to take two weeks' paternity leave and pay at the birth if you meet the qualifying conditions. For more information, see: Time off for Working Parents

Fathers or partners also have the right to take shared parental leave if the mother ends her maternity leave early and both parents meet the qualifying conditions. For more information, see: Shared Parental Leave and Pay

## **Parental Leave and time off for dependants**

Parents are entitled to take up to 18 weeks' unpaid Parental Leave per parent per child (this is different from the new right to shared parental leave), up until your child's 18th birthday.

Parents are also entitled to unpaid emergency leave to care for a dependant who falls ill, gives birth or is injured. The leave can also be used if there is a sudden problem with arrangements for care of the dependant e.g. if your childminder falls ill. For more information on these rights, see: Time off for Working Parents

## **Sickness**

You are protected against unfair dismissal and discrimination if you are off sick during pregnancy. Any pregnancy-related sickness absence must be recorded separately and should not be included in your total sickness absence for disciplinary or redundancy purposes. For more information see: Sickness during pregnancy and maternity leave

## **Benefits for families**

All pregnant women and new mothers are entitled to free prescriptions and free NHS dental care. You need to complete form FW8 to obtain a Maternity Exemption certificate, available from your GP or midwife.

Once your baby is born you will also be entitled to claim Child Benefit (if you or your partner earn less than £60,000), ask your Health Visitor for the claim form.

If you are unemployed, on a low income or your income falls during maternity or parental leave, you may be able to claim Universal Credit. Eligibility for Universal Credit depends on your household income, your housing costs and number of children.

You can get further help with a Universal Credit claim from the Citizens Advice free Help to claim service: England: 0800 144 8444, Wales: 0800 024 1220, Scotland: 0800 023 2581

For more information about benefits for families, see: Money for Parents and Babies

*This information sheet was written in March 2022. It is very important to get up-to-date advice as law and guidance changes.*

*This guide is for information purposes only and should not be treated as legal advice. You are strongly advised to get personal legal advice about the individual circumstances of your case.*

**If you find this information sheet helpful, please consider donating £1 or whatever you can afford, to help us be there for more women facing pregnancy discrimination, please donate here**



## Where to go for more help

### Maternity Action

For information on maternity and parental rights at work and benefits,

see: [www.maternityaction.org.uk](http://www.maternityaction.org.uk)

Maternity Rights Advice Line:

Nationwide (except London) – 0808 802 0029

London (if you live or work in a London borough) – 0808 802 0057

For opening hours see: <https://maternityaction.org.uk/advice-line/>

### ACAS

For advice on employment rights or for Early Conciliation if you are thinking of making a tribunal claim

[www.acas.org.uk](http://www.acas.org.uk)

Helpline: 0300 123 11 00 (offers telephone interpreting service)

### Citizens Advice

For information about your rights see: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

You can telephone the national Citizens Advice phone service on 03444 111 444

You can get help with Universal Credit claims through the free national Help to Claim service:

England: 0800 144 8444, Wales: 0800 024 1220, Scotland: 0800 023 2581

For more information on how to find your local Citizens Advice Bureau, see:

<https://www.citizensadvice.org.uk/about-us/contact-us/contact-us/contact-us>

### Civil Legal Advice

If you are eligible for legal aid you can get free legal advice on 0345 345 4 345 (offers translation service). To check your eligibility see [www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice)

To search for specialist legal advisers or solicitors in your area see: <https://find-legal-advice.justice.gov.uk/>

### Equality Advisory Support Service

Help and advice on discrimination and human rights [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

Helpline: 0808 800 0082 Mon – Fri 9am – 7pm, Sat 10am – 2pm

Textphone: 0808 800 0084

### Equalities and Human Rights Commission (EHRC)

For information and advice about discrimination law [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

For information for employees and employers about pregnancy and maternity rights in the workplace see: [www.equalityhumanrights.com/about-us/our-work/key-projects/managing-pregnancy-and-maternity-workplace](http://www.equalityhumanrights.com/about-us/our-work/key-projects/managing-pregnancy-and-maternity-workplace)

## **GOV.UK**

The government's online information service [www.gov.uk](http://www.gov.uk)

## **Jobcentre Plus**

To make new telephone benefit claims or request claim forms, including Maternity Allowance and Sure Start Maternity Grant: 0800 055 6688 Mon – Fri 8am – 6pm

For ESA/JSA/Income Support claims: 0800 169 0310 Mon – Fri 8am – 6pm

For Maternity Allowance claims: 0800 169 0283 Mon – Fri 8am – 6pm

For Sure Start Maternity Grant claims: 0800 169 0140 Mon – Fri 8am – 6pm/For Best Start Grant claims in Scotland: 0800 182 2222

Universal Credit helpline – for new claims and existing online claims: 0800 328 5644. Mon – Fri 8am – 6pm

For help with claiming Universal Credit see: [www.gov.uk/universal-credit](http://www.gov.uk/universal-credit)

## **HM Revenue & Customs (HMRC)**

Tax Credit Helpline: 0345 300 3900 Mon – Fri 8am-8pm, Sat 8am-4pm, Sun 9am -5pm

Child Benefit: 0300 200 3100 Mon – Fri 8am-8pm, Sat 8am- 4pm

For queries about Statutory Maternity Pay, Adoption Pay, Paternity Pay and Shared Parental Pay:

Employees helpline 0300 200 3500

Employers helpline 0300 200 3200

## **HMRC Statutory Payments Disputes Team**

If you cannot resolve a dispute about your SMP, you can ask HMRC for a formal decision on your entitlement. You can also ask HMRC to pay your SMP if your employer has refused to pay, has dismissed you to avoid paying SMP or has gone into liquidation. This includes disputes about Statutory Maternity Pay/Adoption Pay/Paternity Pay/Shared Parental Pay/Parental Bereavement Pay or Statutory Sick Pay

See: <https://www.gov.uk/guidance/statutory-pay-entitlement-how-to-deal-with-disagreements>

Telephone: 0300 322 9422

You can also write to the Statutory Payments Disputes Team at HM Revenue and Customs, PT Operations, Statutory Payments Dispute Team, BX9 1AN.

## **Insolvency Service Helpline**

You can currently only contact the Insolvency Service online.

For what you can claim if your employer goes out of business, see: <https://www.gov.uk/your-rights-if-your-employer-is-insolvent>

## **Law Centres Network**

To find out if there is a Law Centre in your area telephone 020 3637 1330 or

see: [www.lawcentres.org.uk/](http://www.lawcentres.org.uk/)

## **Turn2us**

Online benefits calculator and grant search [www.turn2us.org.uk](http://www.turn2us.org.uk)