

ADVICE SHEET

MATERNITY



Advice Sheet – Maternity

Our most important piece of advice when you find out you are pregnant or an employee tells you they are pregnant, is to keep the lines of communication open and honest.

Whilst this is an amazing time for most people, things can change, and having an understanding employer is key to keep the stress levels down. The well-being of the individual is paramount.

What do you need to do?

As an employer -

When your employee tells you they are pregnant, you are obliged to take the following steps:

- Do a risk assessment for their current role and make adjustments if necessary;
- Give your employee paid time off for ante-natal care (appointments and ante-natal classes if recommended by their doctor);
- Ensure they are not given unfair treatment, discriminated against or dismissed because of their pregnancy;
- Your employee is entitled to 52 weeks maternity leave – 26 weeks Ordinary Maternity Leave then 26 weeks Additional Maternity Leave.

Full details on maternity rights are available [here](#).

As an employee -

- You are required to tell your employer at least 15 weeks before the birth date, unless you are unaware you are pregnant;
- You cannot take time off for ante-natal appointments until you have told your employer;
- When your midwife gives you your MATB1 form, you need to hand it to your employer, to ensure you receive the correct maternity pay;
- You must also tell your employer when you are planning to start your maternity leave and when you intend to return, although these dates may change.

How much is statutory maternity pay?

Statutory Maternity Pay (SMP) lasts up to 39 weeks, made up of:

- 6 weeks at 90% of average weekly pay (before tax);

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- 33 weeks of **either** the current rate of £156.66 a week or 90% of the average weekly pay (before tax) - whichever is less;
- If you are not entitled to SMP (earn less than £123 per week, or have worked for less than 26 weeks at the 15th week before the expected date of child birth), you still receive [Statutory Maternity Leave](#).

From April 2023 the weekly rate of statutory maternity pay (SMP) and maternity allowance will increase to £172.48 (up from £156.66). The same rate for statutory paternity pay (SPP).

Whilst on Maternity Leave you are still entitled to:

- Accrued leave;
- Pay rises;
- Bonuses;
- Returning to a role within the company.

It is also important to note that it is not just the individual carrying the baby that is involved in the pregnancy. The partner also has statutory rights:

- Time off for 2 ante-natal appointments (unpaid);
- 2 weeks of paid parental leave (SPP applies);
- Whilst on leave all normal employee benefits apply.

When it comes to having a family there are multiple ways of making that happen and each of these have their own statutory rights.

Adoption

Employees can take up to 52 weeks' Statutory Adoption Leave - 26 weeks 'Ordinary Adoption Leave', then 26 weeks as 'Additional Adoption Leave'.

Leave can start:

- on the date the child starts living with the employee or up to 14 days before the expected placement date (UK adoptions)
- when an employee has been matched with a child to be placed with them by a UK adoption agency
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (parents in surrogacy arrangements)

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Statutory Adoption Pay (SAP) for employees is:

- 90% of their gross average weekly earnings for the first 6 weeks
- £156.66 a week or 90% of their gross average weekly earnings (whichever is lower) for the next 33 weeks
- Tax and National Insurance need to be deducted.

IVF

If you become pregnant through IVF, you have all the same pregnancy and maternity rights as non-IVF pregnancies.

There's no legal right for time off work for IVF treatment or related sickness. But your employer should treat your IVF appointments and any sickness the same as any other medical appointment or sickness. You can check your contract for this.

You could talk with your employer about any time off you need during your IVF treatment. They might agree to you using:

- flexible working
- paid time off, unpaid time off or holiday.

You have pregnancy rights once you've had the last part of the IVF process ('embryo transfer') and might become pregnant.

You do not have to tell your employer at this stage, but you might find it helpful as they could offer support. If your employer knows you might be pregnant, you're protected against unfair dismissal and unfair treatment related to your possible pregnancy.

You're still protected by law against pregnancy discrimination for 2 weeks after finding out an embryo transfer was unsuccessful.

For more information or to trial Breathe, our HR Software which helps to calculate and administer maternity leave, email us at enquiries@sylobeyondhr.com

For a free health check on your organisation use our [HR Diagnostic Tool](#) to receive a Diagnostic Report based on your results, and a range of HR Retainer Services to choose from to support you.