

Maternity Rights

April 2018



This factsheet covers maternity rights, income and benefits single parents may be entitled to. Maternity rights are complicated and this factsheet gives only a brief outline.

Note: For details of the benefits described here see **Money for Single Parents** or contact the Lone Parent Helpline on 0808 801 0323.

Rights at work

Maternity leave and notice

All employees are entitled to statutory maternity leave of 52 weeks regardless of length of service.

Statutory maternity pay and maternity allowance are only paid for 39 weeks, therefore if you take your entire statutory maternity leave, the remaining 13 weeks are unpaid and you are no longer entitled to working tax credit but you may be able to claim income support.

The earliest you can start maternity leave and pay is 11 weeks before your baby is due, however, you may prefer to work for longer and have more leave left to take after your baby is born. The latest you can start maternity leave and pay is the day your baby is born.

Your employer must be given notification that you are taking maternity leave, and when, before the end of the 15th week before the week the baby is due. Being off work sick in the last four weeks of pregnancy can trigger maternity leave.

Shared parental leave

Parents of babies born on or after 05 April 2015 may be entitled to shared parental leave and statutory shared parental pay. Shared parental leave and pay must be taken between the baby's birth and first birthday. If you choose to do so, you can end your maternity leave early and, with your baby's father, take shared parental leave instead of maternity leave. If you both meet the qualifying criteria, you can then decide how you want to divide the shared parental leave and pay. Shared parental leave also lets you suggest a flexible pattern of leave to your employer. You have the right to take shared parental leave in up to three separate blocks but your employer can agree to more. They can also let you split each block into several shorter periods of work and leave.

Optional keeping-in-touch days

You and your employer can arrange for you to come into work for up to 10 days during your maternity leave (except during the first two weeks after your baby is born). It is up to you and your employer what type of work you do during these days. You may, for example, want to go in for conferences or training days. Your employer cannot compel you to do this. You will receive your day's pay at the normal rate less the proportionate day's statutory maternity pay or maternity allowance.

Returning to work

Your employer must assume that you will take all 52 weeks of your statutory maternity leave. If you decide not to take all your leave you must give your employer at least eight weeks notice that you're returning to work early.

Your employer can insist that you don't return until eight weeks have passed. Your entitlement to paid leave is not affected if you decide not to return to work and your statutory maternity pay/maternity allowance does not have to be repaid. You should give notice to your employer in the normal way.

Health and safety

Your employer should offer you an alternative job or suspend you on full pay if there is a health and safety risk because you are pregnant. You are entitled to paid time off to attend antenatal appointments and classes. If your employer dismisses you because you are pregnant, this is automatically an unfair dismissal and you should seek legal advice.

Income you will have if you are not working

If you want to stay at home to care for your baby there are benefits to help financially. Single parents with a new baby are entitled to claim income support, child benefit, and child tax credit.

Income support personal allowance rates

- Single parent under 18 years £57.90
- Single parent aged 18 and over £73.10

You may also be entitled to an additional premium of £34.90 if you are a carer.

Child benefit rates

- First child £20.70
- Second and subsequent children £13.70

Child tax credit rates

- Family element (Pre-April 2017) £10.50
- Child element (per child) £53.34
- Disabled child element (for child in receipt of DLA) £62.86
- Severely disabled child element (for child in receipt of DLA highest rate care component) £25.55

Note: Child tax credit is now only paid for two children. It will not be paid for subsequent children born after April 6 2017. The family element was also abolished, for new claims, from this date.

Families already getting the family element and child tax credit for more than two children, at this date, will have 'transitional protection' meaning they will continue to receive it.

If you are over 16 when you become pregnant you can claim income support from 11 weeks before your baby is due and may, depending on circumstances, continue to receive it until your child is five. You can claim child benefit and child tax credit once your baby is born.

If you are 16 or 17 years old and still in full-time, non-advanced education you cannot claim income support, child tax credit and child benefit until your baby is born.

You may be entitled to the educational maintenance allowance of £30 per week.

If you are under 16 years old and are expecting, or have a baby, you are not entitled to claim some benefits in your own right as you are not legally an adult. You will be able to claim healthy start vouchers (see below) from 11 weeks before the birth and child benefit once the baby is born. If your parents receive child tax credit for you they can claim extra child tax credit for your baby. Once you are 16 you can claim income support and child tax credit for your baby yourself.

Note: Once you start claiming benefits for yourself and your baby, benefits paid to anyone else for you will stop and can affect the financial circumstances of the whole family. Call the Lone Parent Helpline on 0808 801 0323 for more information.

Income you will have if you are working

If you are an employee (i.e. you have a contract of employment) check what your contract says as it may give you more generous rights than your statutory entitlement shown below.

Note: If you are a supply, bank or agency worker, you may be entitled to statutory maternity pay if you meet the qualifying conditions. If you are self-employed you may be entitled to maternity allowance. Check with Working Families.

▶ Working Families: 0300 012 0312

Statutory maternity pay

Statutory maternity pay is paid for 39 weeks via your employer. You'll receive 90% of your average weekly earnings for six weeks followed by 33 weeks at £145.18 or 90% of earnings if this is less.

To qualify you must have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before your baby is due and have earned at least £116 per week (before tax) over the last eight weeks.

Maternity allowance

If you do not qualify for statutory maternity pay, you may be entitled to maternity allowance. This could be the case if you are self-employed, changed your job during pregnancy, or have only just become employed and are on a low income.

To qualify you must have been employed for any 26 weeks out of the 66 weeks prior to your baby's due date. The 26 weeks do not have to be in a row or with the same employer. You must also have earned £30 per week or more. Your earnings are averaged over any 13 weeks in the 66 weeks before your baby is due. You can choose the weeks with the highest earnings to maximise your maternity allowance. Add all your earnings from the 13 weeks and divide this total by 13 to obtain the average.

There are different rules for calculating earnings if you are self-employed. Seek specialist advice.

Maternity allowance is paid for 39 weeks and you will receive 90% of your earnings, or £145.18 per week, whichever is less.

Claim on form MA1 available from Jobcentre Plus:

- ▶ 0800 055 66 88
- ▶ www.gov.uk

Tax credits

You are considered to be in employment (i.e. working 16 hours a week or more) while on maternity leave and receiving statutory maternity pay or maternity allowance. As long as you were working 16 hours or more before your leave, you can make a claim for working tax credit, as well as child tax credit when your child is born.

Tax credits are means tested. HM Revenue & Customs initially assess your claim for tax credits on last year's income. However, as your income will probably drop once you are on maternity leave, you should ask HM Revenue & Customs to calculate your tax credits on the current year's expected income. If you are not intending to return to work, or will be reducing your hours after maternity leave, this will be especially relevant. This should give you a higher rate of tax credits when you most need them. Claiming in this way may help you qualify for the Sure Start Maternity Grant. Income falls of less than £2,500 will be disregarded.

The maximum weekly amount of working tax credit you can receive is £76.16 if you work 16 or more hours but less than 30, or £91.70 if you work 30 or more hours, but these amounts may be reduced depending on your income.

Mothers on paid maternity leave can get help with childcare costs as part of their working tax credit claim. Maximum weekly amounts are £122.50 for one child or £210 for two or more children but these amounts may be reduced depending on your income.

Note: When a tax credit award is based on previous year's income, increases in income of up to £2,500 between one tax year and the next are ignored.

However, you should be aware that if your tax credit award is based on the current year's income (rather than the previous year) you won't be entitled to the £2,500 earnings disregard. In addition to this, if your earnings rise higher than the estimated earnings figure used to calculate your tax credits you should inform HM Revenue & Customs to avoid an overpayment that you'll need to repay.

Other sources of help

Baby Box

All newborn babies in Scotland will be given a baby box containing useful items. Including:

- clothes, from newborn up to 6 months
- a changing mat
- a digital ear thermometer
- books
- a bath towel

The box has a mattress, mattress protector and a fitted sheet, and can be used as a safe place for your baby to sleep. The baby box is free and your midwife will help you register for it at your 20 to 24 week antenatal appointment. You don't need to do anything else. You're baby box will arrive between weeks 28 to 32 of your pregnancy.

If you have any enquiries about your box please phone 0800 030 8003 or email scotlandsbabybox@theapsgroup.com quoting the registration number from the card given to you when you registered.

Healthy start

Healthy start is a voucher scheme for children and pregnant women. Vouchers, worth £3.10 each per week, are issued depending on your circumstances. They can be used for formula milk, cow's milk, fresh and frozen fruit and vegetables at participating shops.

If you get vouchers you automatically qualify for free vitamins available from health centres.

Vouchers are awarded to each of the following groups:

- women under 18 years of age who are at least 10 weeks pregnant whether or not they receive any benefits
- women over 18 years of age who are at least 10 weeks pregnant and receive a qualifying benefit
- women with a baby under one year old who receive a qualifying benefit (Note: The year starts from the expected date of delivery and not the date of birth so vouchers may be received for more or less than one year)
- a child who is under four years old whose family is in receipt of a qualifying benefit.

Qualifying benefits are:

- income support
- income-based jobseeker's allowance
- income-related employment and support allowance
- child tax credit, where income is below £16,190 and no working tax credit is received
- universal credit, with monthly net earnings of £408 or below.

Multiple vouchers are awarded if more than one criterion is met. For example, a mother who has a baby under a year old will get two vouchers, one for herself and one for her baby. If she also has another child aged two she will get another voucher bringing her total to three.

Vouchers are posted out monthly.

Application forms and information are available from :

- ▶ Healthy Start Helpline: **0345 607 6823**
- ▶ www.healthystart.nhs.uk

Sure start maternity grant

A Sure Start Maternity Grant of £500 is available if you receive a qualifying benefit and:

- this is your first baby
- this is your second or subsequent baby and will be the only child in the house under 16 (i.e. all other children are over 16 years old)
- this is your second or subsequent pregnancy and results in a multiple birth. In this case you can get the grant even if your other children are under 16.

As the Sure Start Maternity Grant is usually only available if the new baby is the only child in the household under 16, you will get it for your first child only. However, if you are getting child benefit for a daughter under 20 who has a baby, you can claim the grant for her child even if you have other children under 16 yourself.

Qualifying benefits are income support, income-based jobseeker's allowance, income-related employment and support allowance, any amount of the child element of child tax credit, or working tax credit that includes a disability element.

You must claim between 11 weeks before to three months after the birth as long as you are in receipt of one of the above benefits at the time of claiming.

If you are not in receipt of a qualifying benefit when you need to claim the maternity grant (because you are waiting to be awarded it) you can still apply. In this case you will be turned down but can apply again once you receive a qualifying benefit, even if you are outwith the time allowed. The new claim will be backdated to the date of the original claim.

Make a claim on form SF100, which must be signed by a midwife, health visitor or doctor. Forms and Information are available from:

- ▶ www.gov.uk
- ▶ Sure Start Maternity Grant Helpline: 0345 603 6967

Best Start Grant

Scottish Government intends to replace the current Sure Start Maternity Grant with a new Best Start Grant which will pay qualifying families £600 on the birth of their first child and £300 on the birth of any second or subsequent children. It is due to start in Summer 2019. Please watch our website www.opfs.org.uk for updated information on this.

Child maintenance

Regardless of your marital status, the father of your child is liable to pay child maintenance. Child maintenance does not affect any benefits or tax credits.

Health benefits

Pregnant women are entitled to dental costs while pregnant and for 12 months after their baby is born. You will also get help paying for glasses and with travel costs to and from hospital. Prescriptions are free in Scotland.

Universal credit

Universal credit is a means tested benefit that has gradually been introduced across the UK. It provides financial support, for living expenses and housing, to working age people both in and out of work. Universal credit was created to simplify the benefits system, by replacing 6 other benefits, and it is expected that by 2022 the majority of people, entitled to benefit, will be getting it.

For more information:

- ▶ Lone Parent Helpline: **0808 801 0323**
- ▶ www.opfs.org.uk

Education and training

If you are considering starting or continuing an educational or training course while pregnant, or after your baby is born, financial support is available. The amount of help you receive will depend on the course you want to study. It is a complex area and you should seek information before committing yourself to a course of study.

Contact student services at your college/university or call the Lone Parent Helpline:

- ▶ Lone Parent Helpline: **0808 801 0323**

Parental responsibilities and rights

If you are not married

Only the mother may determine the child's name. The mother may give the child any forename and surname of her choice.

If the father's name is to be included on the birth certificate he must agree and accompany the mother to register the birth or provide a statutory declaration confirming his paternity. The statutory declaration must be signed in front of a Justice of the Peace or Notary Public.

Any unmarried father whose name appears on the birth certificate after 4th May 2006 will have automatic parental responsibilities and rights.

If a father's name does not appear on the birth certificate he does not have parental responsibilities and rights but still has a duty to financially maintain his child. Registering the father's name on the birth certificate could have the following effects:

- the Child Maintenance Service or the courts may use the certificate as evidence of paternity for maintenance proceedings
- the person named on the birth certificate will be assumed to be the father
- the child will have information about who both parents are.

Because the father will have parental responsibilities and rights, he will have a say in the major decisions affecting the child's life (residency, education, health treatment and religious upbringing).

If the father's name is not on the birth certificate but, at a later date, you decide that you would like the father to have parental responsibilities and rights, you may both sign a parental responsibilities and rights agreement form.

For more details and the cost to register the agreement, call the Registers of Scotland:

▶ 0800 169 9391

If you do not agree, the father may go to the court to request parental responsibilities and rights. Once acquired, the father obtains rights which can only be changed by a court order.

If you get married

If you marry, at any time between the child's conception and birth, your husband is presumed to be the father. If married you have joint responsibility in deciding the name of the child and the father's name and occupation must be entered on the birth certificate. A married father has equal parental responsibilities and rights with the mother.

Important dates

23rd–15th week before baby is due

- Your average earnings in these weeks are used to work out your statutory maternity pay.

15 weeks before baby is due

- You must give your employer notice of when you intend to start maternity leave before this.

11th week before baby is due

- Qualifying week for entitlement to statutory maternity pay and maternity allowance.

From 11 weeks before baby is due

- You can claim income support from this week.
- You may be able to claim Sure Start Maternity Grant.
- If you are working, this is the earliest you can start your maternity pay and leave.

From four weeks before baby is due

- If you are ill in these weeks it could trigger your maternity leave automatically.

When baby is born

- Claim child benefit and child tax credit for the new baby. Claim working tax credit

Eight weeks before returning to work

- You must give your employer notice of when you wish to return to work otherwise they will assume you are taking the whole 52 weeks.

Useful contacts

Working Families

0300 012 0312

www.workingfamilies.org.uk

Free legal advice for pregnant women, parents and carers.

Child Benefit

0300 200 3100

www.hmrc.gov.uk/childbenefit

Tax Credit Helpline

0345 300 3900

Gov.uk

www.gov.uk

Official government website with information and application forms.

Scottish Family Information Service:

www.scottishfamilies.gov.uk

Help on finding childcare and the contact details of your local Childcare Information Service.

Relationships Scotland

0345 119 2020

www.relationships-scotland.org.uk

Information on local relationship counselling, family mediation services and child contact centres.

Sleep Scotland

0131 651 1392

www.sleepscotland.org

Support for families of children and young people with additional support needs and sleep problems.

Supporting and inspiring single parent families across Scotland

For further information about OPFS or our services, please contact:

One Parent Families Scotland,
13 Gayfield Square, Edinburgh EH1 3NX

Tel: 0131 556 3899

Email: info@opfs.org.uk

Helpline: 0808 801 0323

Helpline email: helpline@opfs.org.uk

Visit our website at www.opfs.org.uk

More help from OPFS

You may also be interested in these related information packs available from OPFS:

- [Separation and Divorce](#)
- [Money for Single Parents](#)
- [Money If You Are Working](#)

Call the helpline on 0808 801 0323, or download them from www.opfs.org.uk.

We have done our best to ensure that the Information contained in this factsheet is correct at the time of publication. Please check dates and details before use. This factsheet is not a comprehensive guide to the law, nor a substitute for legal advice. We cannot accept responsibility for any loss or damage that may arise from your use of services offered by third parties.

One Parent Families Scotland is a charitable company limited by guarantee. Registered at Edinburgh, No. 094860. Registered Scottish Charity No. SC006403.