

Statutory Maternity Pay Guide

Statutory Maternity Leave

Eligible employees can take up to 52 weeks' maternity leave. You do not have to take 52 weeks, but you must take 2 weeks' leave after your baby is born.

Usually, the earliest you can start your leave is 11 weeks before the expected week of childbirth. Leave will also start:

- the day after the birth if the baby is early
- automatically if you're off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that your baby is due

Statutory Maternity Pay (SMP)

SMP is paid for up to 39 weeks, as follows:

- the first 6 weeks: 90% of your average weekly earnings (AWE) before tax
- the remaining 33 weeks: £151.97 or 90% of your AWE (whichever is lower)

SMP is paid in the same way as your wages (for example monthly or weekly). Tax and National Insurance will be deducted.

In order to qualify, you must:

- be employed in the 'qualifying week' – the 15th week before the expected week of childbirth
- provide the correct notice
- provide proof of pregnancy (MATB1 certificate or a letter from your doctor or midwife)
- have been continuously employed by your employer for at least 26 weeks up to any day in the qualifying week
- earn at least £120 a week (gross) in an 8-week 'relevant period'

If you do not qualify, you may qualify for Maternity Allowance instead. If this is the case, you will be provided with the SMP1 form.

Keeping in Touch Days (KIT Days)

You are allowed to work for up to ten days during your maternity leave without it affecting your maternity pay. These are called 'Keeping in Touch Days'. Both the employee and employer must agree whether 'Keeping in Touch Days' will be worked, how many you will work, when you will work them and how much you will be paid for them. You are under no obligation to work them and your employer is under no obligation to offer them to the you.

Employment rights when on leave

Your employment rights are protected while on Statutory Maternity Leave. This includes your right to:

- pay rises
- build up (accrue) holiday
- return to work

If you need further information or have any specific questions, please contact Sara Lucioni:

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