



MATERNITY, PATERNITY AND ADOPTION BENEFITS



STATUTORY MATERNITY PAY (SMP)

WHAT IS IT?

This Benefit is for women who work for an employer and are expecting a baby.

HOW TO QUALIFY

- ◆ You have been in the same job for **26** weeks without a break ending with the **15th** week before the week your baby is due (This is called the QUALIFYING WEEK), and
- ◆ Your average weekly earnings were enough to pay National Insurance Contributions. (An average of earnings is usually taken). Statutory Sick Pay counts as earnings.

HOW MUCH?

- ◆ 2 RATES

90% average weekly earnings for first **6 WEEKS** followed by the lower of £117.18 or 90% of your average earnings.

MAIN POINTS

- ◆ **SMP** can be paid for up to **39** weeks
- ◆ You can start claiming **11** weeks before the baby is due, or
- ◆ You can delay claiming **SMP** right up to birth if you stay at work and not lose any Benefit.

TO CLAIM

Tell your employer when you want your maternity pay and leave to start. You should do this by the 'qualifying week'. You must give 28 days notice of any change to this date. Give your employer your maternity certificate (MAT B1), as soon as you get it.

MATERNITY ALLOWANCE

WHAT IS IT?

If you cannot get Statutory Maternity Pay you may get Maternity Allowance e.g. if you are self-employed or if you gave up work or changed jobs.

HOW TO QUALIFY

You must have been employed or self-employed for 26 weeks during the 66 weeks before you expect to have your baby (the 'test period'). The 26 weeks do not have to be consecutive, and you need only show that you have been employed for some part of each of these 26 weeks. Your average weekly earnings must be at least £30. You must have stopped work.

POINTS TO REMEMBER

- ◆ You do not need to have paid NI Contributions to get this benefit.
- ◆ You cannot claim Maternity Allowance and Statutory Maternity pay.
- ◆ If you worked for more than one employer during the 66 week 'test period', or your wages vary a lot, seek advice. The calculation can be complicated.

HOW MUCH?

You will receive the lower of £117.18 or 90% of your average weekly earnings.

*** See Benefit Rates for current amounts**

- ◆ It is paid for up to 39 weeks – the earliest it can start is 11 weeks before expected week of childbirth.
- ◆ You cannot get Maternity Allowance for weeks when you are working. The latest you can claim is the day after the baby is born.

HOW TO CLAIM

- ◆ Fill in **MA1** and send to DWP with maternity certificate (MAT B1) and SMP 1 from employer if you have got it.

STATUTORY ADOPTION PAY

1. To qualify you must be adopting a child under 18, and
2. Have been notified of having been “matched” with the child, and
3. Have worked for the same employer for 26 weeks at the time you are notified of a match for adoption, and
4. Be earning at least the lower earnings limit, and
5. Have given your employer the required notice to leave work, and
6. Have stopped working for your employer, and
7. Have elected not to claim Statutory Paternity Pay and your spouse/partner is not also receiving Statutory Adoption Pay. (Note that ‘spouse/partner’ also refers to a civil partner)

Statutory Adoption Pay is payable for 39 weeks at £117.18 per week or 90% of average earnings if less.

STATUTORY PATERNITY PAY (ADOPTION)

To qualify you must:

- Meet condition 1-6 above,
- Be married to, or the partner of, the adopter (includes same sex relationships), and
- Be taking leave to care for an adoptive child or support an adoptive parent, and
- Have elected not to receive Statutory Adoption Pay.

STATUTORY PATERNITY PAY (BIRTH)

To qualify you must:

- Be taking leave to care for your child or support the birth mother, who is your partner, and
- Have been continuously employed by the same employer for a period that covers (at least) the 26 weeks prior to the 15th week before the expected week of childbirth (EWC) up to the actual date of the birth, and
- Have earned at least the lower earnings limit in the 8 weeks before the EWC, and

Statutory Paternity Pay is paid for two weeks at £117.18 or 90% average earnings if less.

Both Statutory Adoption Pay and Statutory Paternity Pay are paid by your employer.

HOW TO CLAIM

- ◆ Statutory Adoption Pay and Statutory Paternity Pay are claimed from the employer. You must give your employer the correct notice and information (dependent on which benefit you are claiming). Your employer may offer more favourable contractual rights, but additional forms of notice may be required. Overall responsibility for the administration of the Statutory Adoption Pay and Statutory Paternity Pay schemes is with HM Revenue and Customs.

WHERE TO GET HELP (for all the above)

- ◆ Contact your Local Advice Centre.

The information in this factsheet is correct as of October 2008

**NB: This item may not be reproduced without prior agreement
or acknowledgement**

*Produced by Warwickshire Welfare Rights Advice Service
Funded by: Warwickshire County Council
Charity Reg No: 1113524
Company No. 5730678*

