



S O C I A L
S E C U R I T Y
A G E N C Y

A guide to

Maternity Benefits

- Statutory Maternity Pay (SMP)
- and
- Maternity Allowance



Contents

Terminology	7-8
About this guide	9
This guide and the law	9
<i>Northern Ireland and Great Britain</i>	9
Introduction to maternity benefits	10-12
Maternity leave	10
Parental leave	11
<i>Time off for dependants</i>	11
Flexible working	12
Statutory Maternity Pay (SMP)	13-40
Introduction	13
Eligibility	14
<i>Who is your employer?</i>	14
<i>The earnings rule</i>	15
<i>The continuous employment rule</i>	15
<i>When broken employment can be taken as continuous</i>	16
<i>If you are employed by an agency</i>	17
<i>If you stop work before the qualifying week</i>	18
<i>If you stop work during or after the qualifying week</i>	18
<i>Change of employer</i>	18
<i>If your contract ends</i>	19
<i>If you are taken into custody</i>	19
<i>If you go abroad</i>	19
Reasons for not getting SMP	19
When SMP may stop	20
How to get SMP	20
<i>Telling your employer</i>	20
<i>Proving your baby is due</i>	21
<i>More than one employer</i>	21

When SMP is paid	22
<i>Maternity pay period</i>	22
<i>Baby born late</i>	23
<i>Industrial disputes</i>	23
<i>More than one employer</i>	23
<i>Health Service employees</i>	24
SMP amount	25
<i>Working late in pregnancy</i>	25
<i>Pregnancy-related illness</i>	26
<i>Deductions from SMP</i>	26
<i>Working out your average weekly earnings</i>	26
How SMP is paid	29
When SMP ends	30
Working for an employer in your Maternity Pay Period	30
<i>Keeping in Touch Days</i>	31
What to do if your employer says you should not get SMP	32
Occupational Maternity Pay	32
Premature births	32
<i>If your baby is born after your maternity pay period (MPP) has started</i>	33
<i>If your baby is born before your MPP has started but after the qualifying week</i>	33
<i>If your baby is born before or during the qualifying week</i>	33
Twins or multiple births	33
Stillbirths	34
Mariners and continental shelf workers	34
Effect of SMP on other benefits	34
<i>Statutory Sick Pay</i>	34
<i>Incapacity Benefit</i>	35
If your employer cannot pay	35
Unfair dismissal on maternity-related grounds	36
If you need more money	36
If you think your employer's decision is wrong	37
<i>Your appeal rights</i>	37

<i>When will you get paid if you have asked HMRC for a decision</i>	38
Resuming work	38
<i>Unemployment</i>	39
Extra help through tax credits	39
<i>Child Tax Credit</i>	39
<i>Working Tax Credit</i>	39
NI credits while you are getting SMP	40
<i>National Insurance Credits</i>	40
Maternity Allowance (MA)	41-58
Introduction	41
Eligibility	41
<i>Employment rule</i>	41
<i>Earnings rule</i>	42
<i>Period for calculating average weekly earnings</i>	43
Rates of MA	43
<i>Self-employed contributions paid by direct debit</i>	43
<i>Self-employed contributions paid by quarterly billing</i>	43
<i>If you lose your entitlement to Statutory Maternity Pay</i>	44
Reasons for not getting MA	44
How to claim MA	44
<i>Proving your baby is due</i>	45
<i>Proving your earnings</i>	45
<i>Claiming if you still work for an employer</i>	45
<i>Claiming if you have stopped working for an employer</i>	46
<i>Claiming if you are self-employed</i>	46
<i>Claiming extra benefit for a dependant</i>	46
<i>Claiming before you stop working</i>	46
<i>Claiming too early</i>	46
<i>Claiming after the baby is born</i>	47
When Maternity Allowance is paid	47
<i>The Maternity Allowance period</i>	47
<i>Working out your Maternity Allowance period</i>	47
<i>Pregnancy-related illness</i>	49
<i>Baby born late</i>	49
Premature births	49

Twins or multiple births	49
Stillbirths	49
How MA is paid	49
<i>Payment direct into an account</i>	50
<i>Frequency of payment</i>	50
<i>First payment</i>	50
<i>Sometimes too much money is paid into your account</i>	50
<i>Changes you must tell us about</i>	51
<i>Returning to work</i>	51
<i>Keeping in Touch days if you are getting MA</i>	51
<i>Backdated pay rises</i>	52
Extra benefit for your dependants	52
<i>Effect of other benefits</i>	52
How other benefits affect MA	53
Effect of MA on other benefits	53
<i>Statutory Sick Pay</i>	53
<i>Incapacity Benefit</i>	54
<i>Jobseeker's Allowance</i>	54
<i>Income Support or income-based Jobseeker's Allowance</i>	54
National Insurance credits while you are getting MA	54
Extra help through tax credits	55
<i>Child Tax Credit</i>	55
<i>Working Tax Credit</i>	55
If you are going abroad or have been abroad	56
Appeals	57
<i>Disputing the decision</i>	57
<i>Appealing the decision</i>	57
<i>If you cannot get SMP or MA</i>	59-60
Incapacity Benefit	59
Jobseeker's Allowance	59
Income Support	59

Sure Start Maternity Grant	60
NI credits	60
<i>Statutory Paternity Pay (SPP)</i>	61-63
Eligibility	61
How to get leave and pay	62
<i>Telling your employer</i>	62
When leave and pay can start	62
<i>SSP amount</i>	63
<i>Statutory Adoption Pay and Leave (SAP)</i>	64-65
Eligibility	64
How to get leave and pay	64
When leave and pay start	65
<i>When SAP is paid</i>	65
<i>SAP amount</i>	65
<i>Further information</i>	66-71
Rates of benefits	66
Guides and leaflets and where to get them	66
<i>Detailed information guides</i>	67
<i>Guides and leaflets used in NIL17A</i>	67
Acts, Regulations and detailed information	68
<i>Acts, orders and Regulations</i>	68
<i>Acts and Regulations Table</i>	69
<i>The Law Volumes (known as The Blue Volumes)</i>	70
<i>Legislation</i>	70
<i>The Decision Makers Guide and the Social Security Commissioners</i>	71
Addresses	71
<i>Index</i>	72-76

Terminology

Childbirth	Labour resulting in a live birth, or labour after at least 24 weeks of pregnancy – see Stillbirths.
DEL	Department for Employment and Learning.
DSD	Department for Social Development.
European Economic Area	All the European Union countries and Iceland, Liechtenstein and Norway. Switzerland is not a member of the EEA, but the EC rules on social security also apply to Switzerland.
European Union	Member countries are: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Spain, Sweden and the United Kingdom (UK), for social security matters, Gibraltar.
EWC	Expected week of childbirth – the week in which your baby is due.
KIT	Keeping in Touch.
LEL	Lower earnings limit – the point at which you start to be treated as if you have paid National Insurance (NI) contributions.
MA	Maternity Allowance (MA).
MAP	Maternity Allowance period – the period (up to 26 weeks) in which you can be paid MA if your EWC is on or before 31/03/07 – the period (up to 39 weeks) in which you can be paid MA if your EWC is on or after 01/04/07
MAT	Maternity Allowance Threshold – minimum level of earnings to qualify for MA
MA test period	The period of 66 weeks immediately preceding the week in which your baby is due.
Maternity certificate (MATB1)	Certificate issued by a doctor or midwife showing the date on which your baby is due.
MPP	Maternity pay period – the period (up to 26 weeks) in which you can be paid Statutory Maternity Pay if your EWC is on or before 31/03/07 – the period (up to 39 weeks) in which you can be paid Statutory Maternity Pay if your EWC is on or after 01/04/07.
NI	National Insurance.
Primary earnings threshold	The point at which you have to start actually paying National Insurance contributions.

Qualifying week	The 15th week before the beginning of the week in which your baby is due.
SAP	Statutory Adoption Pay.
SPP	Statutory Paternity Pay.
SMP	Statutory Maternity Pay.
SSP	Statutory Sick Pay.
United Kingdom (UK)	England, Wales, Scotland and Northern Ireland. The Channel Islands and the Isle of Man are not part of the UK. *
Week	Generally a period of seven days that begins at midnight between Saturday and Sunday. Where SMP begins on a day other than a Sunday, a week means any period of 7 days such as Thursday to Wednesday.
Year	Period of 12 months such as from 7 November 2006 to 6 November 2007. * The Isle of Man may be treated as part of the UK for the purpose of benefits.

About this guide

This guide and the law

This is only a guide to maternity benefits, it has no status in law. It does not cover all the rules in the maternity benefits scheme for every situation, nor does it provide a full interpretation of the rules. So it should not be treated as a complete and authoritative statement of the law.

The basis of the law for maternity benefits is the Social Security Contributions and Benefits (Northern Ireland) Act 1992. The Act provides the framework for the detailed rules contained in regulations made by the Department. Pages 67 to 70 list all the relevant legal documents and tell you where you can consult them.

Throughout the guide there are references to the relevant Regulation or Schedule, to allow you to consult the legal wording of the rules.

Northern Ireland and Great Britain

The information contained in this guide is primarily concerned with the law in **Northern Ireland**. Great Britain that is, England, Scotland, and Wales, is covered by the Social Security Contributions and Benefits Act 1992 and the arrangements are basically the same. Information on Great Britain can be obtained from local offices there.

Introduction to maternity benefits

There are two maternity benefits available to women under the social security scheme:

Statutory Maternity Pay from your employer
and **Maternity Allowance** from the Department for Social Development (DSD).

Both types of payment are intended to help you take time off work both before and after the date your baby is due. You cannot get both at the same time.

Some important changes have been made which will apply to you if your baby is due on or after 1 April 2007. This Guide will show the changes which apply to you so you should read it carefully.

Statutory Maternity Pay (SMP) is a weekly payment that you may be able to get from your employer. You must meet qualifying conditions based on the length of your employment with your employer and how much you earn. The amount of SMP you get also depends on how much you earn. For women whose babies are due before 1 April 2007, SMP can be paid for up to 26 weeks. For women whose babies are due on or after 1 April 2007, SMP can be paid for 39 weeks. For full details of SMP turn to page 13.

If you cannot get SMP, you may be able to get:

Maternity Allowance (MA) from Incapacity Benefits Branch.

MA is a weekly payment that you may get if you have been employed or self-employed for some of the time during and before you became pregnant and your earnings for part of that time were at least £30 a week. For full details turn to page 41.

If you are not entitled to get either SMP or MA, you may be able to get some **Incapacity Benefit** instead. If you or your partner are getting Income Support, income-based Jobseeker's Allowance, Pension Credit, Working Tax Credit or Child Tax Credit at a rate higher than the family element or Working Tax Credit where a disability or severe disability element is included in the award, you may be able to get a Sure Start Maternity Grant from the **Social Fund**. For details turn to page 60.

Maternity leave

Employment (Northern Ireland)
Order 2003

Employees with expected week of childbirth (EWC) on or before 31 March 2007.

All employees are entitled to 26 weeks ordinary maternity leave whether or not they qualify for Statutory Maternity Pay or Maternity Allowance. In addition, employees who have worked for the same employer for at least 26 weeks at the beginning of the 14th week before their baby is due, are entitled to additional maternity leave. Additional maternity leave starts immediately after ordinary maternity leave and lasts for 26 weeks.

Employees with EWC on or after 1 April 2007

All pregnant employees are entitled to 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave whether or not they qualify for SMP or MA. Additional Maternity Leave starts immediately after Ordinary Maternity Leave so women have 52 weeks maternity leave in total.

For more information on employment rights see booklet **ER16** *Maternity Rights: a guide for employers and employees*. This is available on the Department for Employment and Learning website **www.delni.gov.uk** or by calling the Department for Employment and Learning publications orderline on 028 9025 7678.

Parental leave

Maternity and Parental
Leave etc Regulations (Northern
Ireland) 1999 (SR1999 No. 471)

Parental Leave is a right to take time off work to look after a child up to the child's fifth birthday (or 18th birthday for disabled children) or make arrangements for the child's welfare. The right applies to mothers and fathers and to a person who has obtained formal responsibility for a child.

Statutory Paternity Pay and Leave

Employees may have a right to one or two weeks paternity leave and Statutory Paternity Pay so that they can take time off work to care for the baby or support the mother following birth. To get this the employee must be either the baby's biological father or the partner of the mother, and take responsibility for the child's upbringing.

Details about parental leave can be found in the Department for Employment and Learning Employment Rights booklet **ER25** *Parental Leave: a guide for employers and employees*. This is available on the Department for Employment and Learning website

Employment Rights
(Northern Ireland) Order 1996 as
amended by the Employment
Relations (Northern Ireland)
Order 1999

www.delni.gov.uk or by calling the Department for Employment and Learning publications orderline on 028 9025 7678.

Time off for dependants

Employees have the right to take reasonable amount of time off work to deal with certain unexpected emergencies involving a dependant.

Details about parental leave can be found in the Department for Employment and Learning Employment Rights booklet **ER24** *Time off for dependants*. This is available on the Department for Employment and Learning website www.delni.gov.uk or by calling the Department for Employment and Learning publications orderline on 028 9025 7678.

The right to request flexible working

Parents of children under the age of 6 or of disabled children under 18 have the right to request flexible working patterns.

Employers are required to give such requests serious consideration and may only turn down such requests if they follow a set procedure.

For more information about these schemes see booklets: **ER34** *Rights to paternity leave and pay*, **ER35** *Adoptive Parents – rights to leave and pay*, and **ER36** *Flexible Working: a guide for employers and employees* which are available on the Department for Employment and Learning website www.delni.gov.uk or by calling the Department for Employment and Learning publications orderline on 028 9025 7678.

Statutory Maternity Pay (SMP)

Social Security
Contributions and
Benefits
(Northern Ireland) Act 1992
Part XII and Schedule 13

The Statutory
Maternity Pay
(General)
Regulations (Northern Ireland)
1987 (SR1987 No 30)

Statutory Maternity Pay (SMP) is a weekly payment made by employers to employees or former employees. Employers pay SMP to those women who have been employed by them prior to their pregnancy. Qualifying women are entitled to SMP whether or not they intend to return to work for that employer.

If your EWC is on or before 31 March 2007, SMP can be paid for a maximum of 26 weeks.

If your EWC is on or after 1 April 2007, SMP can be paid for a maximum of 39 weeks.

The important date for working out how long SMP can be paid is for the date your baby is due not when your baby is actually born.

Examples:

EWC: 28 March 2007 - baby is born earlier on 15 February 2007, SMP will be paid for 26 weeks.

EWC: 28 March 2007 - baby is born later on 1 April 2007, SMP will be paid for 26 weeks

EWC: 2 April 2007 - baby is born earlier on 16 March 2007, SMP will be paid for 39 weeks.

The amount of SMP you get depends on how much you earn.

So if you were not employed in your pregnancy you cannot get SMP. But you may be able to get **Maternity Allowance (MA)** from Incapacity Benefits Branch. (Turn to page 41 for full details.)

If you think you may be entitled to SMP, please read the following pages very carefully. Pages 7 and 8 should help you if you forget the meanings of any of the abbreviations or technical phrases.

Before you read on, it may help if you work out the date of the start of your qualifying week. This is a very important date.

The qualifying week is the 15th week before the week in which your baby is due. The definition of a week for the qualifying week is a period of 7 days that begins at midnight between Saturday and Sunday. For more details see page 15.

Generally, the definition of a week in this guide is a period of 7 days that begins at midnight between Saturday and Sunday. But if your

SMP starts on a day of the week other than a Sunday, then a week in your Maternity Pay Period (MPP) means a period of seven days starting from the day of the week your MPP began. For example, if your MPP started on a Thursday, weeks in your MPP run from Thursday to Wednesday.

Eligibility

To qualify for SMP, you have to satisfy two basic rules:

the continuous employment rule

and **the earnings rule.**

The **continuous employment rule** states that:

you must have been employed by the same employer for at least 26 weeks including (and ending with) the qualifying week. You must have been employed at least one day in the qualifying week.

The earnings rule states that:

you must earn enough on average to be relevant for National Insurance (NI) purposes. For more details, see below.

If you satisfy both these rules, you are usually entitled to SMP from your employer.

NOTE: the week in which your baby is due is sometimes referred to as the EWC – expected week of childbirth.

Who is your employer?

Your employer is someone who is liable to pay the employer's share of your Class 1 NI contributions (or would do if you earned enough, or were old enough to pay this). You do not have to have a written contract of service. And your employer does not actually have to have paid any NI contributions for you.

A few employers do not have to pay SMP (see 'Reasons for not getting SMP' on page 19).

If you have more than one employer (or more than one contract with the same employer), you may be entitled to more than one lot of SMP (see 'More than one employer' on pages 21 and 23).

NOTE: If you expect your baby on or after 14 January 2007 and you are under 16, you can qualify for SMP from your employer if you satisfy the rules.

The earnings rule

To qualify for SMP, you must satisfy the earnings rule. Your average weekly earnings must be at least equal to the lower earnings limit for National Insurance (NI) purposes. The lower earnings limit is the point at which you start to be treated as if you have paid NI contributions. You will not actually have to pay NI contributions until your earnings reach a higher point called the primary earnings threshold.

The lower earnings limit is reviewed regularly, usually in April. If it changes while you are pregnant, remember that the lower earnings limit that applies to you will be the one that was current at the end of the qualifying week. You will find the current rate in leaflet **GL23 Social Security Benefit rates**.

You can find out more about how your average earnings are calculated on pages 26–29.

The continuous employment rule

To qualify for SMP, you must satisfy the continuous employment rule. You must have been employed by your employer for a continuous period of at least 26 weeks into the **qualifying week** (which is the 15th week before the week in which the baby is due). This period must include at least one day in the qualifying week:

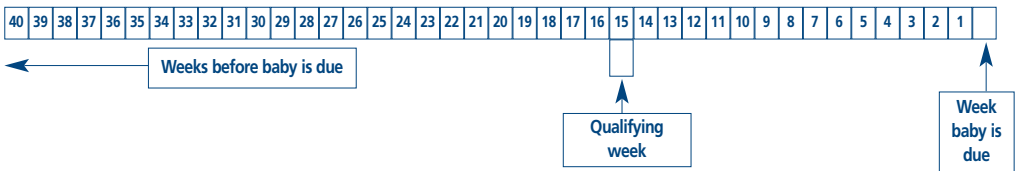


Diagram showing the qualifying week

Although continuous employment usually means employment by the same employer without a break, there are some circumstances when breaks in employment can be disregarded (see below).

The employment rule may be modified slightly if your baby is born prematurely (see page 32).

When broken employment can be taken as continuous

Continuous employment usually means employment by the same employer without a break, but it does not always mean this. There are circumstances when a change of employer can be disregarded (see page 18). And under some circumstances, your employment can be treated as continuous, in spite of some breaks.

For SMP purposes, your employment can be taken as continuous if any one of the following applies:

- you are absent (for periods of less than 26 consecutive weeks) because of sickness, injury, pregnancy or confinement
- or you resume work after a period of statutory maternity leave, adoption leave, paternity leave or parental leave (in which case, that period counts toward your period of continuous employment)
- or your work has temporarily ceased because your employer was unable to offer you any work
- or you are away in circumstances in which, by arrangement or custom, your employment is regarded as continuing for some purposes (for example, if you are a teacher employed on term-by-term contracts with the same or associated employers)
- or you were unfairly dismissed and, after action under the Employment Rights Order (Northern Ireland) 1996, were reinstated (or would have been, but for your pregnancy) and have refunded any redundancy or equivalent payment you received from your employer when you were dismissed
- or you were reinstated or re-engaged after following the dispute resolution procedure under Employment (Northern Ireland) Order 2003
- or you are away because of a stoppage of work during an industrial dispute. A strike does not break continuity of employment, but the weeks or part weeks of a strike do not count towards your 26 weeks of employment
- or after a spell in the Armed Forces, you return to your previous employer under the Reserve Forces (Safeguard of Employment) legislation within six months. In this case your previous period

with your employer can be treated as continuous together with your present one, but not the period of the break.

If you are employed by an agency

If you are employed by an agency, in each of the 26 weeks into the qualifying week, you will satisfy the continuous employment rule.

As long as you did some work during any week it counts as a **full** week.

There may be complete weeks when you did no work for the agency. This does not necessarily mean that your continuity of employment is broken.

Deciding the continuous employment question

If the agency was unable to offer you work in any particular week, continuity is not broken.

If the agency did offer work, but you were not available, the period of absence can count only if you were unable to work because of sickness, injury, pregnancy or parental, paternity or adoption leave.

Employment in the qualifying week

If you were not employed in the qualifying week (QW), you can still be treated as employed in that week if:

- the agency had no work for you in that week
- and you were not intending to start your maternity leave at that time, and remained available for work after the QW as soon as the agency had something for you
- and you did in fact have further employment with the agency before starting your maternity leave.

If you had intended to go on working but stopped before the QW because of sickness, you can be regarded as working into the QW.

You must actually resume work with the agency within 26 weeks of stopping before this can apply.

If you have stopped looking for work through a particular agency before the start of the QW, you are not entitled to SMP from that agency. But you may be entitled to claim **Maternity Allowance** from Incapacity Benefits Branch (see page 41).

The Statutory Maternity Pay (General) (Modification and Amendment) Regulations (Northern Ireland) 2000 as amended

If you stop work before the qualifying week

You will not normally qualify for SMP if your employment ends before the qualifying week. This is the 15th week before the week in which your baby is due.

However, if your baby is born prematurely before the QW you will be taken as satisfying the continuous employment rule (see page 15) if you would have been continuously employed but for early childbirth.

If you stop work during or after the qualifying week

If your employment ends during or after the qualifying week, you can still qualify for SMP from your former employer.

Change of employer

If you change jobs during your pregnancy, you are unlikely to be able to meet the continuous employment rule (see page 15). But there are circumstances when your employment can be treated as continuous, even if your employer changes. For SMP purposes, your employment is treated as continuous if any of the following applies:

- your employer's trade, business, or undertaking is transferred to another employer
- or by or under an Act of Parliament, one corporate body takes over from another as your employer
- or there is a change in the partners, personal representative or trustees who employ you
- or you move from one employer to another at a time when the two employers are associated employers, that is if one is a company of which the other (directly or indirectly) has control, or if both are companies of which a third person (directly or indirectly) has control
- or you are a teacher in a school maintained by a local education authority, and you move to another school maintained by the same authority.

More information is available from the Department for Employment and Learning booklet **ER11** *Employment Rights on the Transfer of an Undertaking*. This is available on the Department for Employment and Learning website www.delni.gov.uk or by calling the Department for Employment and Learning publications orderline on 028 9025 7678.

If your contract ends

If you satisfy both the continuous employment rule (see page 15) and the earnings rule (see page 14), your employer must pay you SMP even if your contract ends at some time after the start of the 15th week before the week your baby is due.

If you are taken into custody

If you are taken into legal custody at any time in your maternity pay period (MPP), your employer no longer has to pay you SMP. Your employer will give you **form SMP1** to explain why. Legal custody means being detained by the police, usually arrested and/or in prison. Your entitlement to SMP is not affected if you voluntarily help the police with their enquiries.

When you are discharged from custody, you still will not be able to get SMP. But you may be able to get **Maternity Allowance** from Incapacity Benefits Branch (see page 41).

If you go abroad

Your employer can pay SMP to you anywhere in the world. If you work outside the European Economic Area (EEA), you may get SMP if your employer is liable to pay the employer's share of Class 1 NI contributions throughout the 26 week employment period.

Reasons for not getting SMP

The following are all reasons why you might not be able to get SMP:

- you do not have an employer
- or you are exclusively self-employed
- or you were not employed in the qualifying week (see page 15) and could not be treated as employed (see page 17) in the qualifying week on the grounds that you had already had your baby (see page 32)
- or you do not satisfy the continuous employment rule (see page 15)
- or you do not satisfy the earnings rule (see page 14)
- or you failed to give your employer due notice of the start of your maternity absence (see page 20)
- or you did not provide medical evidence of your expected week of childbirth (and of the childbirth itself if this was earlier than expected) within the time allowed (see page 21)

- or your baby is stillborn before the 25th week of pregnancy (see page 34)
- or your employer is not liable to pay the employer's share of Class 1 NI contributions
- or you are employed by an employer in the UK against whom the NI scheme is not enforceable (for example, you work in an embassy or consulate)
- or you are a mariner on a foreign-going vessel or a deep sea fishing vessel (see page 34)
- or you were in legal custody in the first week of your maternity pay period (see page 19).

When SMP might stop

You cannot continue to get SMP if:

- after** the baby is born, you start work in the MPP for an employer other than any employer you had in the qualifying week
- or you are taken into legal custody at any time during the MPP.

If you cannot get SMP or it is stopped for any of the above reasons, you may be able to get **Maternity Allowance** from Incapacity Benefits Branch. Turn to page 41 for more information.

How to get SMP

If you are pregnant and you think you are eligible for SMP from your employer, you must tell your employer that you intend to stop work to have the baby and the day you want your SMP to start. You must also provide your employer with evidence of when your baby is due.

Telling your employer

To take maternity leave, you should inform your employer **no later than the end of the 15th week before the week your baby is due** (or as soon as is reasonably practicable) that:

- you are pregnant;
- and when the expected week of childbirth is;
- and when you want your maternity leave to start.

If you can get both maternity leave and SMP it is best to tell your employer the date you want your SMP to start at the same time as you tell your employer about your leave.

You must though give your employer at least 28 days' notice of the date you want your SMP to start. Your employer may need your notice in writing.

If it is not possible to give 28 days' notice, you must tell your employer as soon as you can. If your employer considers it was reasonably practicable for you to have given notice earlier than you did, they can refuse to pay you SMP.

If your baby is born prematurely, before you had given notice to your employer, you may still be able to get SMP (see 'Premature births' on page 32).

Proving your baby is due

You must give your employer medical evidence of the date your baby is due. This will normally be on a maternity certificate (MATB1) that you can get from your doctor or midwife. You cannot get this certificate until you reach the 20th week before the week in which your baby is due (generally the 21st week of pregnancy).

Your employer may be willing to accept other medical evidence, but this must be broadly the same as a maternity certificate. It must be in writing, it must identify you, it must be issued by your doctor or midwife no more than 20 weeks before the baby is due, and it must either be stamped with your doctor's name and address, or show your midwife's name and personal identity number.

You should normally give your employer the medical evidence no later than 3 weeks after the date SMP was due to start (see 'Maternity pay period' on page 22). Your employer may agree to accept your medical evidence later than this if they are satisfied that you had a good reason for the delay. But if you have not given the evidence within 13 weeks of the start of the MPP, for whatever reason, SMP is not payable.

Even if your baby is born prematurely, before the maternity certificate could be issued, your employer will still need evidence of the date the baby was actually due. Please read the section about 'Premature births' on page 32.

More than one employer

If you have more than one employer, you may be entitled to SMP from each one (so you could get more than one lot of SMP). The same is true if you have more than one contract with the same employer, if your NI contributions are paid separately for each contract.

The Statutory
Maternity Pay
(Medical Evidence)
Regulations
(Northern Ireland) 1987
(SR 1987 No 99)

Remember that your doctor or midwife will normally issue you with only one maternity certificate (form MATB1). So if you do qualify for SMP from more than one employer, your other employer will have to tell you what other medical evidence is acceptable (see 'Proving your baby is due' on page 21).

When SMP is paid

Unless your baby is born earlier you cannot get any SMP until 11 weeks before the week your baby is due. If you choose to work on into the later weeks of your pregnancy there is usually some flexibility as to exactly when the payments start, depending on when you stop work to have the baby.

Maternity Pay Period

If your EWC is on or before 31 March 2007, SMP can be paid for up to 26 weeks. This is called the Maternity Pay Period or MPP. You can get SMP from 11 weeks before the week in which your baby is due, but only if you stop work before then. Your employer cannot pay you SMP for any week in which you do work for him or her.

It is up to you to decide whether to stop work or to work on. You can carry on working until the date your baby is due if you choose to. If you do work on beyond the 12th week before the week in which your baby is due, your MPP will usually begin the week after the week in which you last worked.

If your EWC is on or after 1 April 2007, SMP can be paid for up to 39 weeks. This is called the Maternity Pay Period or MPP. You can get SMP from 11 weeks before the week in which your baby is due, but only if you stop work before then.

It is up to you to decide whether to stop work or to work on. You can carry on working until the date your baby is due if you choose to. If you do work on you can choose the day you want your SMP to start. It will start then provided you have stopped work in accordance with the notice you gave to your employer (see page 20). Your MPP will start the same day as your Maternity Leave begins.

But if:

- your baby is born before the date you notified (or before you have a notified date) your MPP will begin the week following the birth
- or you are absent from work wholly or partly because of your pregnancy but before the date you notified (or before you have a notified date) and this absence occurs in the 4 weeks

running up to the week your baby is due your MPP will begin the day following the day you are first absent from work because of your pregnancy.

To get SMP, you must be employed – but not necessarily have been paid or worked – if your baby is born before or during the qualifying week. See **Premature Births** on Page 32.

The Maternity Pay Period can last:

- up to 26 weeks from the week it starts for women expecting babies on or before 31 March 2007.
- up to 39 weeks from the day it starts for women expecting babies on or after 1 April 2007.

Baby born late

If your baby is born later than the week in which it was due, your SMP is not affected. Your MPP remains the same. However, if you are incapable of work when the MPP ends, you may be able to get SSP from your employer (see page 34) or Incapacity Benefit from Incapacity Benefits Branch (see page 35).

Industrial disputes

Industrial or trade disputes have no effect on the start of the maternity pay period. If you are involved in such a dispute, you can still give your employer notice of the date your maternity leave will start. This date can be within the period of the dispute. And the notice that you have already given to your employer is not affected by a subsequent trade dispute.

More than one employer

If you have more than one employer, you may be entitled to more than one lot of SMP (see page 21). Although you may want to stop work in each job at the same time, you can still go on longer with one of them if you feel you can do so. Your MPPs with each employer would then start at different times.

You may also be entitled to more than one lot of SMP if you have separate contracts with the same employer. However in this case you must stop working under each contract before you can get the SMP from either contract.

If you leave your employment

If you leave your employment after the start of the qualifying week you can still get SMP. But:

- if you leave your employment after the start of the qualifying week but before the start of the 11th week before your EWC, your MMP will start from the 11th week before your EWC;
- if you expect your baby on or after 1 April 2007 and leave your employment after the start of the 11th week before your EWC but before the date you told your employer you wanted your MPP to start, your MPP will start from the day after you leave your employment;
- if you expect your baby on or before 31 March 2007 and leave your employment after the start of the 11th week but before the date you told your employer you wanted your MPP to start, your MPP will start from the Sunday after you left your employment.

If you leave your employment after your MPP has started, you will still get SMP from your former employer.

Health Service employees

If you work for a health authority at more than one hospital or unit and one (or more) of those hospitals or units become an HS trust then you will have two or more contracts of employment.

This may mean that you will get more than one lot of SMP (see page 21). It may also mean that because your earnings have been split between contracts, your average earnings under one or more of those contracts are below the lower earnings limit (see page 14) and you will not qualify for SMP.

There are special rules for this situation. If you were employed by a health authority when your contract was split between a health authority and a trust or between trusts, you can elect to have your contracts treated as one for SMP purposes if it would be helpful to you.

Example A – A woman earning £100 each week had her contract of employment split equally between a health authority and an HS trust. She then earned £50 per week under each contract. After the split, because her earnings under each contract were below the lower earnings limit, she did not qualify for SMP. She can therefore elect to have her contracts treated as one to enable her to qualify for SMP.

The Statutory
Maternity Pay
(Health & Social Service
Employees) Regulations
(Northern Ireland) 1992
(SR 1992 No 17)

Example B – Before her contract split a woman earned £150 each week and qualified for higher rate SMP of £135 per week (90 per cent of £150). After the split she earned £100 under one contract and £50 under the other. Higher rate SMP of £90 (90 per cent of £100) would be payable on the bigger contract for 26 weeks and no SMP would be payable under the other. Electing to have her contracts treated as one would mean that she would get 90 per cent of £150 again for the first 6 weeks of her maternity pay period, followed by standard rate SMP of £108.85 for the remaining weeks of her MPP.

If you want to elect to have your contracts treated as one, you should tell each of your employers about your election at least 28 days before the date you intend to stop work to have the baby.

Within 28 days of telling your employers about your election you should give each of your employers the following information:

- the name and address of each employer
- the date you started working for each employer
- details of your earnings from each employer for at least 8 weeks up to and including the qualifying week (see page 27 for how average weekly earnings are worked out). If you cannot give this information within the 28 day time limit, you must do so as soon as you can.

SMP amount

If you satisfy the continuous employment rule (page 15) and the earnings rule (page 14), you will be entitled to SMP:

- for a maximum of 26 weeks, if your EWC is on or before 31 March 2007.
- for a maximum of 39 weeks, if your EWC is on or after 1 April 2007.

The amount you get depends on your earnings. The first 6 weeks of SMP are earnings related (90 per cent of your average weekly earnings with no upper limit). The remaining weeks are paid at the standard rate SMP of £108.85 or the earnings related rate if this is less than standard rate SMP.

Working late in pregnancy

You can start your maternity pay period at any time between the 11th week before your EWC right up until your the Saturday prior to the week your baby is born.

If, before the birth, you have more than one employer, you can get SMP from one employer and work for another without it affecting your SMP.

Pregnancy-related illness

An absence from work wholly or partly because of your pregnancy may trigger the start of your MPP:

If you are absent from work for a pregnancy-related reason on or after the 4th week before the week your baby is due, your MPP will start automatically from the day following the first complete day you are absent from work for a pregnancy-related illness.

Example – A woman works part of the day on Tuesday 5 June 2007 but goes home early because of an illness due to her pregnancy. She does not come into work on Wednesday 6 June for the same reason. Her MPP will start on Thursday 7 June 2007 for 26 weeks. If she phoned in sick on Wednesday 6 June 2007 the MPP will also start on Thursday 7 June 2007.

But if you do not think that your absence is wholly or partly because of your pregnancy, ask your employer to reconsider their decision. If you are still dissatisfied you should consult HM Revenue & Customs (HMRC) National Insurance Operations, Foyle House, Duncreggan Road, Londonderry BT48 0AH.

Deductions from SMP

SMP is treated as earnings, so your employer will make any deductions (such as income tax and NI contributions) that are due. Your employer can also deduct pension contributions or trade union subscriptions from SMP.

Working out your average weekly earnings

Your employer must work out your average weekly earnings to find out whether or not you qualify for SMP and, if so, at what rate. As a general rule, your earnings will be averaged over a period of at least 8 weeks up to and including the last pay day before the end of the qualifying week. But the calculation may differ from this, depending on your pay period.

For SMP purposes, 'pay' means gross pay that is due before any deductions. The gross pay you get from your employer in the relevant period will be taken into account, as long as it counts for NI contributions (or would count if you earned enough or were old enough to pay Northern Ireland Contributions).

Sick pay, overtime, bonus payments, arrears of pay and even, in most circumstances, holiday pay, must all be included if you actually get them at this time. It is when you get the money that counts, not when it was earned.

Average earnings should include all earnings which give rise to National Insurance contributions, except Class 1B contributions which arise from a PAYE tax settlement agreement which your employer makes with the HM Revenue & Customs. However, if you fail to qualify for SMP because some of your earnings are accounted for under the PAYE settlement agreement, your employer should recalculate your gross pay to include the elements giving rise to Class 1B National Insurance contributions.

If you are a student in receipt of a bursary, your bursary is not treated as earnings for SMP purposes.

Salary sacrifice

Salary sacrifice is when an employee voluntarily gives up the right to some of their earnings in return for some form of benefit from their employer e.g. childcare vouchers.

If you are a part of a salary sacrifice scheme, SMP will be assessed on those lower earnings, that is, no account will be taken of the salary you have given up or the value of the benefit you receive in its place. This will reduce your entitlement to SMP or may mean that you will not be entitled to SMP as your earnings are too low.

Pay rises

If your employer awards a pay rise that is effective at any time from the start of the period used to calculate your SMP (the set period) and the end of your maternity leave, your employer must re-calculate your SMP. Your employer must also re-calculate SMP if you are awarded a pay rise with an effective date before the start of the set period but the earnings used in the SMP calculation did not reflect that pay rise.

The end of the maternity leave means the end of any ordinary or additional maternity leave you take.

Example A

In this example the woman is due a pay increase on 1 July each year and is entitled to SMP. Her maternity leave is 5 February 2007 to 3 February 2008. The beginning of the set period for calculating SMP is likely to have been around 1 November 2006.

The employer in this case must re-calculate SMP to take account of the pay rise due from 1 July 2007 because the effective date of the pay rise fell in the period 1 November 2006 to 3 February 2008.

Example B

In this example the woman is due a pay increase on 1 July each year and is entitled to SMP. Her maternity leave is 6 August 2007 to 3 August 2008. The beginning of the set period for calculating SMP is likely to have been around 1 May 2007.

The employer must re-calculate SMP to take account of the pay rise due from 1 July 2007, and because the woman is still on maternity leave on 1 July 2008, the employer must re-calculate her SMP for the second time.

If in this example the woman decides to return to work early and end her maternity leave on 30 April 2008, then it is only the 1 July 2007 pay rise that will affect her SMP.

If you are paid weekly

Your employer will usually add together all your gross weekly earnings in the 8 weeks up to and including the last pay day before the end of your qualifying week. The total will then be divided by 8 to give your average weekly earnings.

NOTE: If a normal payment has been early, for example, before a holiday, the payments in the 8 week period should be divided by the number of weeks they cover.

If you are paid monthly

All the pay you get in the 2 months up to and including the last normal pay day before the end of the qualifying week will count.

If you are paid once each calendar month, for example on the last working day of the month or on the same date each month, your employer will usually add together all the pay you received in these 2 months, divide by 2, multiply by 12 and then divide by 52 to give your average weekly earnings.

If you are paid monthly but are paid in multiples of a week (for example, on the last Friday of each month), your employer will usually add together all the pay you received in these 2 months and divide the total by the number of weeks covered by the payments to give your average weekly earnings.

different pay periods, if this fits better with the way your employer normally pays you.

Your SMP can be paid to you through an insurance company, friendly society, payroll service or other third party if you wish, but your employer must make sure that all the necessary income tax and NI deductions are made.

Your employer cannot pay you SMP in kind, or as board and lodging, or by way of a service. Your employer can pay SMP as a lump sum, so long as the rules for paying NI contributions are obeyed. But if you are paid SMP in a lump sum you and your employer could pay more in NI contributions than if you are paid monthly or weekly.

When SMP ends

If your EWC is on or before 31 March 2007 your SMP must end when your employer has paid you SMP for 26 weeks.

If your EWC is on or after 1 April 2007 your SMP must end when your employer has paid you SMP for 39 weeks.

But it can end earlier than this if after the baby is born but before the end of the maternity pay period (MPP) you work for an employer who did not employ you in the qualifying week. It is up to you to tell the employer paying you SMP about your new job. You should do this as soon as possible, and make sure you return any SMP payment you get that covers any part of the period after you resumed work.

You must also let the employer paying you SMP know if, at any time during the MPP, you are taken into legal custody (see page 19). In these circumstances, SMP will stop. But you may be able to claim **Maternity Allowance** from Incapacity Benefits Branch instead (see page 41).

SMP also ends if you die. It cannot be paid to your family.

Working for an employer in your Maternity Pay Period

All Women

If you are getting SMP from one employer and, **before your baby is born**, you do some work for another employer, your SMP is not affected.

Your SMP will stop if **after the baby is born** but before the end of the Maternity Pay Period, you work for an employer who did not employ you in the qualifying week. It is up to you to tell the employer paying you SMP about your new job. You should do this as soon as possible, and make sure you return any SMP payment you get that covers the week you started work and any part of the period after you resumed work.

If you return to work in the MPP for the employer who is paying you SMP, you will not be paid SMP for any weeks in which you work (but see information about Keeping in Touch days (below) if you expect your baby on or after 1 April 2007). If there are any remaining weeks in the MPP in which you do not work, you can get SMP for them. But the pay period is **not** extended to make up for the weeks in which you did not get SMP.

Keeping in Touch (KIT) days

If you are expecting your baby on or after 1 April 2007 you will be able to work under your contract of service for the employer paying you SMP for up to 10 days during your MPP without losing any SMP.

These special days are known as KIT days. They are intended to help you keep in touch with your workplace and allow you to do some work during your Maternity Pay Period without affecting your SMP. KIT days could also help ease your eventual return to work. The type of work you do could be attending work for a training course or for an appraisal interview. These are just examples, but whether you take advantage of these days is your choice. Both you and your employer should agree that you can work on those days. Your employer does not have any right to insist that you work. Any work you do as a KIT day, even as little as half an hour for example, will be counted as a whole day for KIT days. They can be taken as single days; in blocks of two or more days; or can be taken consecutively. Once you have used up your 10 KIT days and you do any further work, you will lose a week's SMP for the week in the Maternity Pay Period in which you have done that work. If a week in your Maternity Pay Period contains only KIT days, you will be paid SMP for that week. If a week in your Maternity Pay Period contains the last KIT day and you do a further days work in the same week for the employer paying you SMP, you will lose SMP for that week.

For any KIT days that you work under your contract of service for the employer paying you SMP, your employer must pay you SMP for that week as a minimum. Any contractual payment for the work done as

a KIT day, will depend on the agreement between you and your employer.

NOTE: You can only use Keeping in Touch days with the employer paying you SMP. You cannot use KIT days for any work you do for any employer other than the employer who is paying you SMP. If, after your baby is born, you do any work for an employer who did not employ you in the qualifying week, your SMP will stop.

What to do if your employer says you should not get SMP

If your employer decides that they should not pay you SMP, they should give you form SMP1, stating why. Your employer must return any maternity certificate (see page 21) you have given them. If you think you are entitled to Maternity Allowance you should get a form MA1 from your Social Security or Jobs & Benefits office, or maternity or child health clinic. Complete it and take or send it to **Incapacity Benefits Branch, Castle Court, Royal Avenue, Belfast BT1 1SB** with form SMP1 and the maternity certificate.

If you think your employer's decision is wrong, see page 37.

If your employer is not liable to pay contributions under the NI scheme, you are not entitled to SMP. You should ask your employer to give the reasons for non-payment in writing. Provided you are not entitled to SMP from another employer, you should make a claim for **Maternity Allowance** (see page 41).

Occupational Maternity Pay

Your employer cannot pay you less than your SMP entitlement. They may pay you more if you are entitled to a higher rate of maternity pay under your employment contract.

If your employer does have an occupational maternity pay scheme, you will have to keep to its rules if you want to get all the pay you are entitled to. Your employer can usually pay you SMP as part of your occupational maternity pay, or vice versa. But if the occupational scheme is funded entirely by the employees your employer cannot treat your maternity pay as part of SMP.

Premature births

If your baby is born prematurely, your SMP may or may not be affected, depending on just how premature the birth is.

If your baby is born after your maternity pay period (MPP) has started

Your SMP will not be affected. You can still get SMP for the full payment period. Your employer should pay it to you just as if the baby had been born when it was due.

If your baby is born before your MPP has started but after the qualifying week

You must, if reasonably practicable, inform your employer of the birth within 3 weeks. You will then receive the SMP due to you but the pay period will now be from the day following the day your baby is born.

If your baby is born before or during the qualifying week

Within 3 weeks of the birth, you must give written evidence that you were away from work because of your baby's birth - the baby's birth certificate will do. You must also still provide your employer with medical evidence of the date the baby was due to be born. Evidence of both the expected date and the actual date of birth can be provided together on part B of the maternity certificate (form MATB1) issued by your doctor or midwife. You must do this within 3 weeks of the baby's birth. Your employer may agree to extend this time limit to 13 weeks (but no longer) if they feel you had good reason for delay.

You will be taken as satisfying the continuous employment rule (see page 15) if you would have satisfied it but for your early childbirth. The period over which the earnings rule (see page 14) is applied and your average weekly earnings are calculated (see page 26) will be the 8 weeks that ended with the Saturday before the birth of your baby. The payment period will run from the day following the birth of your baby. Note, however, that if your baby is stillborn before the 25th week of your pregnancy, you won't be entitled to SMP – see 'Stillbirths' on the next page.

Twins or multiple births

If you are expecting more than one baby, your entitlement to SMP is exactly the same as if you were expecting only one.

Stillbirths

If your baby is stillborn earlier than the 25th week of your pregnancy you will not be able to get any SMP. But you may be able to get Statutory Sick Pay (see below). Talk to your employer.

If your baby is stillborn after the start of the 25th week of your pregnancy, you are entitled to the same SMP you would have been given if your baby had been born alive.

NOTE: Even if the baby survives only for an instant it is a live birth.

Mariners and continental shelf workers

You will not get SMP if you are a mariner on a foreign-going vessel or deep sea fishing vessel employed by a UK employer while under a contract for which your employer pays a special low rate of NI contributions. See leaflet on Seafarers available from HM Revenue & Customs website www.hmrc.gov.uk

If you are a continental shelf worker or a mariner employed by a UK employer trading within the near continental limits you are covered by the SMP scheme.

Moreover, if your baby is born early or you cannot be returned to the UK when your MPP is due to start, you will be regarded as if you are in the UK.

Effect of SMP on other benefits

You cannot get Statutory Sick Pay (SSP), short-term (lower rate) Incapacity Benefit, Jobseeker's Allowance (JSA) or Maternity Allowance (MA) while you are getting SMP.

But it is possible to go on getting Severe Disablement Allowance (SDA) and an adjusted rate of short-term (higher rate) or long-term Incapacity Benefit if you were getting this when the MPP started.

Where you are entitled to short-term (lower rate) Incapacity Benefit or SSP directly before your MPP, and you keep giving medical evidence of incapacity for work, all your days of incapacity may count towards getting short-term (higher rate) or long-term Incapacity Benefit.

Statutory Sick Pay

Most people who work for an employer and earn enough on average to equal or exceed the National Insurance lower earnings limit (LEL) get Statutory Sick Pay (SSP) from their employer. But you are not entitled to SSP if you are sick while you are getting SMP. For details

of how much you have to earn contact the NIC Helpline **0845 3021479**. You do not have to pay National Insurance contributions to be entitled to SSP.

If you are still under a contract of service to the employer paying you SMP, you may be entitled to SSP from them when your SMP ends. You should inform your employer that you are sick and let them have whatever evidence they require from you. Your employer will then check if you are entitled to SSP and, if so, they will pay it. If you are not entitled to SSP, your employer will give you form SSP1 to explain why.

Incapacity Benefit

If you do not go back to work for your employer when your SMP ends because you are incapable of work, but you are not entitled to SSP (for example, because of your maternity absence you may not satisfy the earnings rules), your employer must issue you with an exclusion form SSP1. Complete it and send it to Incapacity Benefits Branch as soon as possible if you want to claim Incapacity Benefit. If your contract with your employer has ended you should claim Incapacity Benefit using claim pack SC1.

If you get short-term (higher rate) or long-term Incapacity Benefit when your entitlement to SMP starts, you can continue to receive it provided that you continue to supply Incapacity Benefits Branch with medical evidence of your incapacity, unless you have been told that this is no longer required. The weekly amount of Incapacity Benefit will be reduced by the weekly amount of SMP that you get. Incapacity Benefit will again be paid in full when SMP ends and it will continue for as long as your entitlement lasts.

More information is given in leaflet **IB1** *A guide to Incapacity Benefit* available from your Social Security Office or Jobs & Benefits office or our website www.dsdni.gov.uk

If your employer cannot pay

If your employer cannot pay you SMP because they are bankrupt, or the firm is in liquidation, contact HM Revenue & Customs (HMRC), Foyle House, Duncreggan Road, Londonderry BT48 0AH. Arrangements can then be made for you to be paid. But note that the HM Revenue & Customs (HMRC) can only pay you from the week of your employer's insolvency. Any SMP you are due for earlier weeks remains the responsibility of your employer.

If your employer is not insolvent or bankrupt, but is in financial difficulties or the business is closed, they should still pay you SMP. Make sure you give your employer notice (see page 20) and medical evidence (see page 21) at the right times. If you have any difficulty in getting payment from your employer, you should consult HM Revenue & Customs (HMRC), Foyle House, Duncreggan Road, Londonderry BT48 0AH.

Unfair dismissal on maternity-related grounds

Regardless of your length of service or hours of work you can have certain protections as soon as your employer knows you are pregnant. If you are dismissed from your job on grounds related to:

- pregnancy
- or childbirth
- or taking or seeking statutory maternity leave
- or any of the benefits of ordinary maternity leave
- or because you were suspended from work for health and safety reasons connected to maternity,

you will be entitled to make a complaint of unfair dismissal to an employment tribunal. It is also direct sex discrimination for an employer to treat you less favourably for a reason related to your pregnancy or maternity leave.

More information is given in the Department for Employment and Learning booklet **ER16** *Maternity Rights: a guide for employers and employees*. This is available on the Department for Employment and Learning website www.delni.gov.uk or by calling the Department for Employment and Learning publications orderline on 028 9025 7678.

If you need more money

If you find it hard to manage on SMP and any other income you have, you might be entitled to **Income Support**. But you will have to claim this separately at your Social Security or Jobs & Benefits office.

More information is given in leaflet **IS20** *A Guide to Income Support*.

If you think your employer's decision is wrong

If your employer does not pay you SMP when you think they should, or pays you less than you think you are entitled to, ask them for an explanation of the decision. There may be a good reason for it.

If you still disagree with your employer's decision you should ask for the reasons in writing. You can then ask for a formal decision from HM Revenue & Customs (HMRC), Foyle House, Duncreggan Road, Londonderry BT48 0AH. They make decisions on all questions you may have on SMP.

HM Revenue & Customs (HMRC), will look at anything in writing that has to do with the question that has been asked. They will also ask for more evidence from you or your employer if needed.

If you find it hard to write down what you want to say, you can ask a friend or your trade union or staff association officer to help you. Or you can ask HM Revenue & Customs (HMRC), Foyle House, Duncreggan Road, Londonderry BT48 0AH for advice. If your employer has given you anything in writing to do with SMP, keep it. HM Revenue & Customs (HMRC), will want to see it.

You and your employer will both get copies of the decision.

Your appeal rights

Both you and your employer have the right to appeal to the HM Revenue & Customs (HMRC) Tax Commissioners **within 30 days of the date of the decision**. If you decide to appeal you must write, using form **DAA3** attached to leaflet **DAA2** *A Guide to your notice of Decision*, to HM Revenue & Customs (HMRC), Foyle House, Duncreggan Road, Londonderry BT48 0AH.

If your employer appeals, the HM Revenue & Customs (HMRC) will let you know.

The HM Revenue & Customs (HMRC) officer may decide to review their decision rather than sending the case straight to the Tax Commissioners. If they do they will contact you about this.

Details of the appeals process is given in the Department for Constitutional Affairs booklet - Tax Appeals. A guide to appealing against decisions on the HM Revenue & Customs and other matters, available from any HM Revenue & Customs Office.

When will you get paid if you have asked HMRC for a decision

If neither you or your employer appeal against the HM Revenue & Customs (HMRC) officer's decision, and it was in your favour, your employer must pay you:

by your next pay day

or if that is not possible, no later than the second pay day after the time for appeal has run out.

If your employer has not paid you in that time, contact HM Revenue & Customs (HMRC), Foyle House, Duncreggan Road, Londonderry BT48 0AH.

If you or your employer appeal against the HM Revenue & Customs (HMRC) officer's decision you cannot be paid until the appeal has been heard or withdrawn. If after the appeal the decision is that your employer should pay you SMP, your employer must pay you:

by your next pay day

or if that is not possible, no later than the second pay day after the appeal decision.

If the HM Revenue & Customs officer decides that you are not entitled to SMP you may be able to claim Maternity Allowance from Incapacity Benefits Branch (see page 41).

Resuming Work

Payment of SMP does not depend on you intending to return to work for your employer after your baby is born. If you qualified for SMP you are entitled to get it and keep it, even if you do not return to work.

You have a right to return to your former job after maternity leave on the same terms and conditions.

If you take additional maternity leave you have a right to return to the same job, or one with no less favourable terms and conditions if it is possible for you to return to your former job.

If your contract of employment gives you different rights to the statutory minimum set out above, you can take advantage of whichever is better for you.

Unemployment

If you do not return to work for your employer after your SMP ends then you may be able to claim Jobseeker's Allowance. But remember that you can claim Jobseeker's Allowance only if you are capable of, available for and actively seeking work. Contact your Social Security or Jobs & Benefits office. You do not have to pay SMP back even if you do not return to work.

More information is given in the Department for Employment and Learning booklet **ER16 Maternity Rights: a guide for employers and employees**. This is available on the Department for Employment and Learning website www.delni.gov.uk or by calling the Department for Employment and Learning publications orderline on 028 9025 7678.

Extra help through tax credits

There are two tax credits:

- Child Tax Credit, for families with children; **and**
- Working Tax Credit, to help working people on low incomes.

Child Tax Credit

Child Tax Credit is the main financial support from the Government for families, for their children and for 16-19 year olds in full-time non-advanced education. The money you get is based on your income including that of your partner if you have one. All families with children, with an income up to £58,000 a year (or up to £66,000 a year if there is a child under one year old), are eligible for Child Tax Credit, regardless of whether or not the adults in the family are in work.

Families already getting Child Tax Credit can get additional help as soon as they have a new child without having to wait for the end of the tax year and without having to make a new claim. The family can simply contact the Tax Credit Helpline. See the number overleaf.

Working Tax Credit

Working Tax Credit provides support for working people, helping to top up earnings. Mothers who are already getting Working Tax Credit can continue to receive it while they are getting SMP and mothers who were working at least 16 hours a week immediately before going on maternity leave may be able to claim Working Tax Credit while they are due SMP **without having to wait until they return to work**.

It may also be possible to get help with the costs of eligible childcare for other children in the family before a mother returns to work.

To find out more about Child Tax Credit and Working Tax Credit visit HM Revenue & Customs Tax Credit website www.hmrc.gov.uk. You can claim online too. You can also ring HM Revenue & Customs (HMRC) by calling the Helpline on **0845 603 2000**. People with hearing or speech difficulties can dial the Textphone number **0845 607 6078**.

The Helpline is open 8am – 8pm seven days a week (except Christmas Day, Boxing Day, New Year's Day and Easter Sunday).

NI credits while you are getting SMP

Keep a note of the period during which you received SMP. If you were not paying or treated as paying NI contributions during this period, credits may be awarded later to keep your NI record in order and entitle you to other benefits in later years.

These credits will only be needed if your National Insurance record is deficient in the tax year or years when you received SMP.

If you are a married woman paying reduced rate NI contributions you will not be able to get NI credits. Contact the HM Revenue & Customs Office if you think you need these credits.

Maternity Allowance (MA)

Introduction

Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 35 and Schedule 3 Part 1 para 3

Maternity Allowance (MA) is a benefit paid weekly by the Social Security Agency to pregnant women who cannot get SMP and to the self-employed. You will get it only if you have been employed or self-employed and satisfy the conditions explained below.

If your Expected Week of Childbirth is on or before 31 March 2007, MA can be paid for up to 26 weeks.

If your Expected Week of Childbirth is on or after 1 April 2007, MA can be paid for up to 39 weeks.

MA is not liable to income tax or NI contributions.

If you think you may be entitled to MA, please read the following pages very carefully. Pages 7 and 8 should help you if you forget the meanings of any of the abbreviations or technical phrases.

If you did not qualify for Statutory Maternity Pay (SMP) because you did not earn enough (see page 14 – ‘The earnings rule’) and you subsequently receive a backdated pay rise, you should ask your employer to look again at whether you could get SMP (see page 13). If after recalculation you qualify for SMP, your employer will pay the difference between any MA paid to you and the SMP due.

Eligibility

You can only get MA if you cannot get SMP, have been employed and/or self-employed and earned on average at least £30 a week in your test period. The test period is the period of 66 weeks up to and including the week before the week your baby is due. Your average earnings are worked out using earnings from any 13 weeks in the **test period**.

NOTE: the week your baby is due is sometimes called the EWC – expected week of childbirth.

Employment rule

You must have been employed and/or self-employed for at least 26 weeks in your 66 week test period. The 26 weeks do not have to be in a row and it does not matter how much you earn. You do not actually have to be physically at work to be employed or self-employed; you might be off sick, for example.

Weeks when you have not worked a full week count towards your 26 weeks.

If you are self-employed, you must register as such with the HM Revenue & Customs (HMRC) according to their rules.

The earnings rule

To get MA your earnings, on average, must be at least equal to the Maternity Allowance Threshold (MAT) in force at the beginning of your test period. The MAT is £30 a week so you must earn on average at least £30 a week. If you have more than one employer, all earnings will count when working out the average.

If you are an employee the earnings rule is based on your gross earnings during your test period. Gross earnings are your earnings before any deductions and may include:

- Statutory Adoption Pay
- Statutory Maternity Pay
- Statutory Paternity Pay, or
- Statutory Sick Pay

If you are a student in receipt of a bursary, your bursary is not treated as earnings for MA purposes.

If you are part of a salary sacrifice scheme this will mean that you have voluntarily given up the right to some of your earnings in return for benefits from your employer e.g. childcare vouchers. MA will be assessed on those lower earnings that is, no account will be taken of the salary you have given up or the value of the benefit you receive in its place. This may reduce your entitlement to MA or may mean that you will not be entitled to MA as your earnings are below the MAT.

If you are self-employed and do not have a small earnings exception certificate, for any week covered by a Class 2 NI contribution you will be treated as having earnings sufficient to result in the standard rate of MA, payable at the end of the week covered by a Class 2 NI contribution. This means that:

- From 11 April 2005 treated as earning £117.78
- From 10 April 2006 treated as earning £120.95

If you are self-employed and hold a small earnings exception certificate, you will be treated as having earnings equal to the MAT at the end of any week covered by your certificate. This applies even if you pay a Class 2 contribution for a week which is also covered by the certificate.

If you are employed and self-employed, earnings from your employment and earnings you are treated as having from self-employment can be added together to help you get more MA.

Social Security (Maternity Allowance) (Earnings) Regulations (Northern Ireland) 2000 (SR2000 No104)

Period for calculating average weekly earnings

Your earnings are averaged over any 13 weeks. The 13 weeks do not have to be in a row and you may choose the weeks with the most earnings to help you get more MA. Earnings from all your jobs (if you have more than one) and earnings you are treated as having from self-employment will be used to work out your average weekly earnings. If your average is at least equal to £30 a week you will get MA.

Rates of MA

If you satisfy the employment rule and the earnings rule, you will be entitled to MA but how long you get it for depends on when you expect your baby:

- you will be entitled to MA for a maximum of 26 weeks, if your Expected Week of Childbirth is on or before 31 March 2007
- you will be entitled to MA for a maximum of 39 weeks, if your Expected Week of Childbirth is on or after 1 April 2007.

The amount you get depends on your earnings. You will get either standard rate MA, which is £108.85 a week from 10 April 2006 or 90 per cent of your average weekly earnings, if this calculation results in a figure which is less than the standard rate of MA.

If you have paid Class 2 contributions at the end of each week in your 13 week earnings period, you will receive standard rate MA.

Self-employed contributions paid by direct debit

Where self-employed NI contributions are paid by direct debit, they are treated as having been paid on the due date, even though they are actually paid monthly in arrears.

Self-employed contributions paid by quarterly bill

These bills are sent out every 13 weeks in arrears. To satisfy the MA rules you may need to count some NI contributions which you are due to pay but for which you have not yet been sent a bill. When you claim MA your Social Security or Jobs & Benefits office will tell you how many NI contributions you need to pay to qualify for MA.

NOTE: your MA may be delayed if you wait for your bill before you pay your contributions.

If you lose your entitlement to Statutory Maternity Pay

If you have qualified for Statutory Maternity Pay (SMP) from your employer but are taken into legal custody at the start of your Maternity Pay Period (MPP), you lose your entitlement to SMP. If you are taken into legal custody at any time while you are receiving SMP, your SMP will stop immediately.

You may be able, in this case, to claim MA. Your employer should give you form SMP1, stating why your SMP has stopped, together with a maternity certificate (form MATB1) or any other medical evidence (see page 21) that you have given him or her. You will need both forms to claim MA.

Reasons for not getting MA

You may not be able to get MA (or will stop getting it if you were initially entitled to it) if:

- you are getting SMP from your employer
- or you do not satisfy the rules for MA (see pages 41, 42 and 43)
- or your baby is stillborn earlier than the 25th week of your pregnancy (see 'Stillbirths', page 49)
- or you are imprisoned or detained in legal custody, but you may be able to get MA on release
- or you are in a country outside the European Economic Area (EEA) or one with whom the UK has no reciprocal agreement. There is a list of countries that form the EEA on page 7 and a list of countries with reciprocal agreements on page 56.

If you cannot get MA, you may be able to get **Incapacity Benefit** for part of your pregnancy (see page 59).

How to claim MA

You can claim MA when you reach the 14th week before the week in which your baby is due (the 27th week of pregnancy). Ask for an MA claim pack (MA1) at your Social Security or Jobs & Benefits office or your maternity clinic or child health clinic.

NOTE: You can claim even if you are still working. Do not delay your claim. If you claim more than 3 months after the date your Maternity Allowance Period (MAP) is due to start, you will lose money. For information about the MAP see page 47.

Fill in claim form MA1 carefully. The information you give on the form will be used to calculate your entitlement to MA. A series of checks will be carried out on the information you supply. So it is important that the details you give are correct, or you might not get your correct entitlement. If you are in any doubt, say so.

When you have filled in the claim form, take it or send it to Incapacity Benefits Branch, together with medical evidence of when the baby is due and any other information required.

Claim as soon as you can, even if you are still at work or if you do not have the medical evidence needed, or cannot provide any other information needed to complete the claim form. You can send that later.

Proving your baby is due

You must provide Incapacity Benefits Branch with medical evidence of the date your baby is due. Ask your doctor or midwife for a maternity certificate (form MATB1) when you reach the 20th week before the week in which your baby is due (the 21st week of pregnancy). It cannot be given to you any sooner.

Proving your earnings

You must send us payslips for the 13 week period you have chosen from your Test Period (see page 41). Send them to Incapacity Benefits Branch with your MA1 claim form. Your claim may be delayed if you do not send proof of earnings. Your original payslips will be returned to you.

Claiming if you still work for an employer

If you are working for an employer during the 15th week before your EWC (the 26th week of pregnancy), you may be able to get SMP from your employer. Your employer may need to see your maternity certificate (form MATB1) to see if you qualify for SMP.

If you are not entitled to SMP, your employer will return your maternity certificate to you, together with an SMP exclusion form (SMP1) on which they have given the reasons for not paying you SMP. Send the SMP1 and your maternity certificate to Incapacity Benefits Branch with your Maternity Allowance claim form (MA1). You should send form SMP1 with your MA claim if you were employed at any time in the 15th week before the week in which your baby is due. If you do not enclose SMP1, Incapacity Benefits Branch will return your claim form and your maternity certificate to you with a note telling

Social Security
(Medical Evidence)
Regulations (Northern Ireland)
1976 (SR 1976 No 175)

you to ask your employer (or employers) if you are entitled to SMP. All this could delay matters. If your MA claim was successful tell your employer.

Claiming if you have stopped working for an employer

If you are not employed during the 15th week before your EWC, you can claim MA by sending your claim form (MA1) and your maternity certificate (form MATB1) to Incapacity Benefits Branch.

Claiming if you are self-employed

If you are self-employed, claim on form MA1, which you should send to Incapacity Benefits Branch together with your maternity certificate (form MATB1) and your small earnings exception certificate, if you have one.

If you were also employed at any time in the 15th week before the week in which your baby is due, you must also provide a form SMP1 with your claim to show why your employer will not pay you SMP. You should get form SMP1 from your employer.

Claiming extra benefit for a dependant

If you want to claim benefit for an adult dependant, fill in the appropriate part of form MA1 and you will be sent a claim form. Do not delay claiming as you may lose the extra money for any period earlier than 3 months before you claim it.

Claiming before you stop working

If you decide to work later into your pregnancy you can claim MA before you stop working. Incapacity Benefits Branch will work out if you can get MA, how much to pay you and how long for. They will send you a form (BM25A) notifying you of your entitlement and asking you to let them know the date when you stop work to have your baby so that payments can start. You should also remember to tell your employer so that you can go on maternity leave. For more information on maternity leave go to the website

www.delni.gov.uk

Claiming too early

If you send in your claim too early, Incapacity Benefits Branch will return it to you with any relevant information, and ask you to send it in later.

Claiming after the baby is born

If you have been unable to claim before the birth of your baby because the baby was born earlier than you expected or you have delayed your claim until after the birth ask the doctor or midwife to give you a certificate (MAT B1), showing on it the date on which the baby was due.

NOTE: If you claim more than 3 months after the date your MAP is due to start, you will lose money.

When MA is paid

Social Security Contributions and Benefits (Northern Ireland) Act 1992
Section 35

The earliest MA can be paid is the start of the 11th week before the week the baby is due but only if you start working by then. But there may be some flexibility as to exactly when the payments start, depending on when you stop work to have the baby. See page 49 if your baby is born early.

The Maternity Allowance period

The period for MA is called the **Maternity Allowance Period** or MAP.

- MA can be paid for a period of up to 26 weeks, if your EWC is on or before 31 March 2007.
- MA can be paid for a period of up to 39 weeks, if your EWC is on or after 1 April 2007.

Working out your MAP

Unless your baby is born prematurely the earliest your MAP can start is 11 weeks before the week your baby is due.

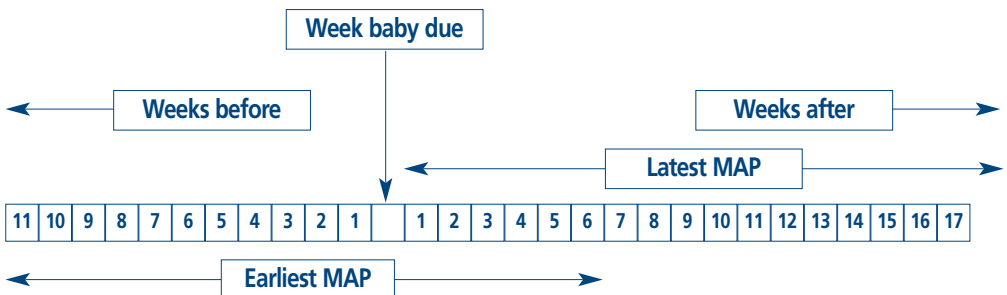


Diagram showing earliest and latest Maternity Allowance periods.

Your MAP will start at the earliest date if, at the start of the 11th week before the week in which your baby is due, any one of the following applies to you:

- you have already given up work as an employee or self-employed person
- or you are claiming contribution-based Jobseeker's Allowance (JSA) (this will stop when MA starts)
- or you are no longer employed or self-employed but are claiming Incapacity Benefit or Severe Disablement Allowance (SDA).

(Exceptionally, if your baby is born prematurely more than 11 weeks before it was due, your MAP will start earlier. See 'Premature births' on page 47.)

But if, at the start of the 11th week before your baby is due any one of the following applies:

- you are still working as an employed or a self-employed person
- or you are getting Statutory Sick Pay (SSP) from your employer
- or you have not yet given up your job but are claiming Incapacity Benefit or Severe Disablement Allowance

you can choose to start your MAP later once you have stopped work to have your baby.

If your EWC is on or before 31 March 2007 your MAP will usually start from the Sunday following the date you have told your employer you are going to stop work to have your baby.

If your EWC is on or after 1 April 2007, you can choose the date you want your MAP to start. This may be any day of the week. If you qualify for maternity leave from your employer the start date of your MAP will be the same day as the day your maternity leave begins.

But if your baby is born before the date you told your employer you were going to stop work, your MAP will start from the day following the day you gave birth.

If you are absent from work wholly or partly because of your pregnancy on or after the beginning of the 4th week before your EWC the rules on page 49 apply.

Pregnancy-related illness

An absence, wholly or partly because of your pregnancy, will trigger the start of your MAP if you are absent from work for a pregnancy-related reason on or after the start of the 4th week before the week your baby is due. Your MAP will then start automatically from the day following the first complete day you are absent from work for a pregnancy related illness.

Baby born late

If your baby is born later than the week in which it was due, your MAP will not change if it has already started. If you continue to work beyond the date your baby is due and you give birth, your MAP will start the day following the birth.

Premature birth

If your baby is born prematurely, your MAP may or may not be affected, depending on how premature the birth is.

If your baby is born prematurely after your MAP has started, nothing will change.

If your baby is born before your MAP was due to start, your MAP will start from the day following the day on which the baby was born.

Twins or Multiple Births

If you are expecting more than one baby, your entitlement to MA is exactly the same as if you were expecting only one.

Stillbirths

If your baby is stillborn earlier than the 25th week of your pregnancy you will not be able to get MA. But you may be able to get Statutory Sick Pay from your employer or **Incapacity Benefit** from Incapacity Benefits Branch (see page 53).

If your baby is stillborn after the start of the 25th week of your pregnancy, you are entitled to the same MA you would have been given if your baby had been born alive. Even if the baby survives only for an instant, it is a live birth.

How MA is paid

Our policy is to pay all benefit directly into an account. This is the safest way to pay you and lets you choose how and when you get your money. You can use a bank or building society account. The

Post Office® also provides a bank account that we can pay benefits into.

Payment direct into an account

We recommend that you get your money this way because:

- It is safe and secure
- It is convenient – you decide when and how much you want to withdraw
- Using an account may help you to save
- From some accounts you could have regular bills paid. This could save you money but you will need to make sure that there is enough money in your account to pay the bills. If not you may be charged a fee
- You can get your money from different places.

We cannot pay your MA into an account if you are claiming Incapacity Benefit or Severe Disablement Allowance at the same time.

Frequency of payment

We can arrange to pay you either weekly or every 4 weeks into an account.

First payment

We will tell you when the first payment will be made and how much it is for. After that please check with your bank, building society or Post Office® card account to find out how much is paid into your account.

Getting someone to collect your benefit

If you want someone else to collect your benefit for you regularly, you may be able to make arrangements with your bank, building society or, if you have a Post Office® card account, the Post Office. Please ask them to help you with this.

There are special rules that apply when someone is unable to manage their own affairs. Where no one is appointed as a receiver by the Court of Protection, then the Social Security Agency may appoint someone to act for them. For more information, contact Incapacity Benefits Branch.

Changes you must tell us about

You must report any changes which may affect your benefit. These may include:

- during the period of the allowance you do any work as an employed or self-employed person (but see Keeping in Touch days (below) if your baby is due on or after 1 April 2007)
- or during the period of the allowance you start getting SMP
- or you leave the UK (England, Scotland, Wales, Northern Ireland and, for benefit purposes, the Isle of Man)
- or you are imprisoned or detained in legal custody.

Returning to work

If you return to work during your MAP you must not collect any more money, and you must tell Incapacity Benefits Branch of your return as soon as possible. If you are returning to work for only a few odd days, the decision maker will decide whether any further payments can be made but you will not lose MA for at least the number of days your work (but see Keeping in Touch days below).

Keeping in Touch (KIT) days if you are getting MA

If you are expecting your baby on or after 1 April 2007 you are allowed to work as an employed or self-employed person for up to 10 days during your Maternity Allowance Period without losing any MA. These special days are known as KIT days. They are intended to help you keep in touch with your workplace or, if you are self-employed with your business, and enable you to do some work without affecting your MA. KIT days could also help ease your return to work. If you are on maternity leave from your employer you and your employer should agree that you can work on those days. Your employer does not have any right to insist that you work. If you are not on maternity leave from an employer, or you are self-employed, you are free to decide for yourself whether to do any work or not.

Any work you do as a KIT day, even for as little as half an hour, for example, will count as a whole day for KIT days. You can work for single days, in blocks of two or more days; or they can be worked consecutively. Once you have used up your 10 days and you do any further work, you will lose a days MA for any day on which you work.

You must tell Incapacity Benefits Branch if you do any work for an employer or work as a self-employed person (including work you do on KIT days) in your Maternity Allowance Period.

Backdated pay rises

If you get a backdated pay rise that includes earnings in your test period, and you are getting less than standard rate MA, you can ask us to look again at your MA as you may get more money.

Extra benefit for your dependants

An increase of your MA may be paid for one adult dependant.

The current amount payable is shown in leaflet **GL23** *Social security benefit rates*.

If the adult dependant is your husband or civil partner you may get an increase if both of the following apply:

- their earnings or occupational pension are no more than the increase normally payable for a dependant
- and the person normally lives with you, or you are contributing to their maintenance a sum that is at least as much as the amount of the increase you would get.

If the adult dependant is a person looking after children, you may get an increase if all the following apply:

- you are entitled (or can be treated as entitled) to Child Benefit for the children
- and they normally live with you, or you are contributing to their maintenance a sum that is at least as much as the amount of the increase you would get
- and you do not get an increase for your husband or civil partner.

You cannot get an increase for an adult dependant who has stopped work or lost their job because of involvement in a trade dispute.

If you wish to claim an increase, you should tick the appropriate box in part 8 of your MA claim form MA1.

Effect of other benefits

An increase for a dependant may be reduced or not paid at all if you or anyone else is getting a payment for the same dependant under the War Pensions, Industrial Injuries, or training allowances schemes. This includes an allowance under any Youth Training Scheme.

This also applies if a partner or other adult dependant is receiving payment in his or her own right under any such scheme, including the

Job Release Scheme. (But it will not apply if the payment is a War Pension or Industrial Injuries Disablement Benefit.)

How other benefits affect MA

Your MA may be reduced, or not paid at all, if you get another social security benefit or a training allowance (including an allowance under the Youth Training Scheme).

Effect of MA on other benefits

While you are receiving MA you will not be entitled to Jobseeker's Allowance. You may still be entitled to benefits such as Income Support, but the amount you get will be reduced by the amount of MA.

Statutory Sick Pay

Most people who work for an employer and earn enough on average to equal or exceed the National Insurance lower earnings limit (LEL) get Statutory Sick Pay (SSP) from their employer. But you are not entitled to SSP if you are sick while you are getting MA. For details of how much you have to earn contact your local HM Revenue & Customs (HMRC) office. You do not have to pay National Insurance contributions to be entitled to SSP.

If you are still employed at the start of the 11th week before the week in which the baby is due and are sick for four days or more, you may be able to get SSP for periods of sickness up to the day before MA is due to start.

If your MA has not started and you become sick with a pregnancy-related illness in the 4 weeks before your baby is due, you will not be able to get SSP. Your MA must start instead. But if you do not think your illness is pregnancy-related, ask your employer to look at the decision again. If you are still not satisfied, contact your HMRC Office.

More information is available on the website www.hmrc.gov.uk

If you are employed after your baby is born and after your Maternity Allowance Period (MAP) ends, you may be able to get SSP if you become sick. You do not actually have to have returned to work. If you cannot get SSP, your employer must give you form SSP1 so that you can claim Incapacity Benefit instead.

Incapacity Benefit

If you are ill when your MA ends and you cannot get Statutory Sick Pay (SSP) from your employer, or you no longer have an employer, you may claim Incapacity Benefit.

If you are entitled to more than one benefit at the same time (for example, MA and Incapacity Benefit) you will normally get an amount equal to the greater.

More information on Incapacity Benefit is given in leaflet **IB1** *Incapacity Benefit* available from your Social Security or Jobs & Benefits office or our website www.dsdni.gov.uk

Jobseeker's Allowance

If you are getting Jobseeker's Allowance (JSA), tell the office paying it about your MA claim, because you cannot get JSA as well as MA.

If you are getting JSA and qualify for MA, your MAP automatically starts at the beginning of the 11th week before the week in which the baby is due. That is when your JSA will stop.

Exceptionally, and only if you expect your baby on or before 31 March 2007, if you become unemployed after the beginning of the 11th week you may be able to get some JSA for any days in that week between the last day of work and the start of payment of MA the following week.

Income Support or income-based Jobseeker's Allowance

Income Support or income-based JSA paid to you or to your partner will be reduced by the amount of MA, including any increase of your allowance you receive for dependants (see pages 52–53). So you must tell your Social Security or Jobs & Benefits office when you make a claim for MA.

NI credits while you are getting MA

You will normally be entitled to NI contribution credits for each complete week in which you receive MA to maintain your NI record and assist you in any future claim to other benefits. These are added to your NI record automatically. You do not have to apply for them. A week for NI Credits means Sunday through to the following Saturday.

If you are a married woman paying reduced rate NI contributions you will not be able to get NI credits.

Extra help through tax credits

There are two tax credits:

- Child Tax Credit, for families with children; **and**
- Working Tax Credit, to help working people on low incomes.

Child Tax Credit

Child Tax Credit is the main financial support from the Government for families for their children and for 16-19 year olds in full-time non-advanced education or approved training. The money you get is based on your income and that of your partner if you have one. All families with children, with an income up to £58,000 a year (or up to £66,000 a year if there is a child under one year old), are eligible for Child Tax Credit, regardless of whether or not the adults in the family are in work.

Families already getting Child Tax Credit can get additional help as soon as they have a new child without having to wait for the end of the tax year and without having to make a new claim, the family can simply contact the Tax Credit Helpline. See the number below.

Working Tax Credit

Working Tax Credit provides support for working people, helping to top up earnings. Mothers who are already getting Working Tax Credit can continue to receive it while they are getting MA and mothers who were working at least 16 hours a week immediately before going on maternity leave may be able to claim Working Tax Credit while they are due MA **without having to wait until they return to work.**

It may be possible to get help with the costs of eligible childcare for both the new baby and for other children in the family before a mother returns to work.

To find out more about Child Tax Credit and Working Tax Credit visit the HM Revenue & Customs Tax Credit website **www.hmrc.gov.uk**. You can claim online too. You can also ring the HM Revenue & Customs (HMRC) by calling the Helpline on **0845 603 2000**. People with hearing or speech difficulties can dial the Textphone number **0845 607 6078**.

The Helpline is open 8am – 8pm seven days a week (except Christmas Day, Boxing Day, New Year's Day and Easter Sunday).

If you are going abroad or have been abroad

The UK has special arrangements with certain other countries that may help you to get MA if you are going abroad or if you have recently been abroad and returned to the UK.

These Rules may apply to you if the country concerned is a country within the European Economic Area, or Switzerland, or is a country with whom the UK has a two-way agreement on maternity benefits. These two-way agreements are with Barbados, Guernsey, Israel, Jersey, Turkey and Yugoslavia. Currently, the agreement with the former Yugoslavia is applied separately by the republics of Bosnia-Herzegovina, Croatia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia. If you return to the UK after working in any country of the world for your UK employer, other rules may help you to get MA.

You can find out more information on how to get MA if you are going abroad from or coming to the UK by writing to:

International Pension Centre Department for Work and Pensions
Tyneview Park,

Benton,

Newcastle-upon-Tyne

NE98 1BA

Phone: 0191 218 7777

(or 44 191 218 7777 when calling from abroad)

Fax: 0191 218 3836

E-mail: TVP.internationalqueries@thepensionservice.gsi.gov.uk

Or you can find out more in the DSD website: www.dsdni.gov.uk

If you are already getting MA in the UK and intend moving abroad you must tell Incapacity Benefits Branch the date you will leave the UK and what your address will be.

This must be done as soon as possible.

For more details of the arrangements and other information ask your Social Security or Jobs & Benefits office for leaflet **GL29** *Going abroad and social security benefits* or **GL28** *Coming from abroad and social security benefits*.

The Further Information section on page 67 explains where to get leaflets and further advice.

Appeals

Disputing the decision

You may have received a decision you are unhappy about, but don't really understand why it has been made. If this is the case, you should ask the decision maker to explain it to you. You can write or you can phone for an explanation.

If you are not satisfied with the decision or explanation, you can dispute it. There are 2 ways you can do this. You can:

ask the decision maker to look at the decision again

or you can appeal to an independent appeal tribunal

If you take the first option you will still have the opportunity to appeal to an independent tribunal (see page 58). Whichever option you choose, it is important that you make your dispute within **one month** of being notified of the decision. If you dispute outside this period it may not be accepted and you could lose benefit.

You can write or phone if you want the decision maker to look at your decision again.

Appealing the decision

You have the right to appeal to an independent appeal tribunal against most decisions. You can either appeal straight away or after the decision maker has looked at the decision again. An appeal must be in writing. You can use the form attached to leaflet **GL24** *If you think our decision is wrong*, or you can write a letter. Leaflet **GL24** is available from your Social Security or Jobs & Benefits office. The form or letter giving your reasons must be sent to Incapacity Benefits Branch within **one month** of you either being notified of the original decision, or of the decision being looked at again.

You can ask a representative to act on your behalf in making the appeal. If you want to do this you must give them written authority.

An appeal tribunal can change a decision by:

increasing the award

or decreasing the award

or confirming the decision is correct.

It cannot change the law, or pay more than the law allows.

Appeal tribunals include either one, two or three members who are independent of the Department for Social Development. How the tribunal is made up will depend on the issues raised in the appeal, but one member will be legally qualified. Normally, a legally qualified member sitting alone will hear MA appeals.

If you cannot get SMP or MA

Incapacity Benefit

If you cannot get either SMP from your employer or MA from The Social Security Agency, you may be able to get Incapacity Benefit. This will depend on your National Insurance (NI) contributions in recent years. Your maternity certificate (form MATB1) is accepted as evidence of incapacity for work for the period starting six weeks before the week the baby is due, to 14 days after the date on which the baby is born.

If you claim MA, your claim will automatically be considered for Incapacity Benefit if you do not qualify for MA. You do not need to make a separate claim although you may be contacted for further information. This is true even if your MA claim is delayed until up to 3 months after your baby is born.

The contribution conditions for Incapacity Benefit are shown in leaflet **IB1** *A guide to Incapacity Benefit* available from your Social Security Office or Jobs & Benefits office or our website www.dsdni.gov.uk

Jobseeker's Allowance

If your MA claim is disallowed, you may be able to continue to claim Jobseeker's Allowance (JSA) after the beginning of the 11th week before the week in which your baby is due. But remember you can claim JSA only if you are available for, capable of and actively seeking work. You should consult your Social Security or Jobs & Benefits office.

Income Support

You may be able to claim Income Support from the period beginning 11 weeks before your expected date of childbirth and ending 15 weeks after the date your pregnancy ends. You may also be able to claim at any time during your pregnancy if you are unable to work because of your pregnancy.

Sure Start Maternity Grant

The Sure Start Maternity Grant is a one-off payment to help with the costs of a new baby.

If you or your partner are getting:

- Income Support
- or Income based Jobseeker's Allowance
- or Pension Credit
- or Working Tax Credit where a disability or severe disability element is included in the award
- or Child Tax Credit at a rate higher than the family element.

you may be able to get a Sure Start Maternity Grant from the period beginning 11 weeks before your baby is due until 3 months after the baby is born. If you are adopting, your baby must be aged under 12 months when you claim. You should claim within 3 months of adopting.

If your baby is born by surrogacy, you or your husband or wife must have a parental order. You must claim within 3 months of the order being made. For more information, ask your Social Security or Jobs & Benefits office for leaflet **S16** *A Guide to the Social Fund*.

NI credits

If you do not qualify for SMP, MA or IB, you may still be entitled to some NI contribution credits for 6 weeks before the week your baby is due until two weeks after the date your baby is born. But if you are a married woman paying reduced rate NI contributions you will not be able to get NI credits. You **must** send your maternity certificate (MATB1) to Incapacity Benefits Branch and you **must** not work during that time. These credits will maintain your NI record and assist you in any future claims to other benefits.

Statutory Paternity Pay (SPP)

Statutory Paternity Pay (SPP) is paid by employers to employees. SPP can be paid to employees whose wife or partner is expecting a baby or where a child is placed for adoption. SPP can be paid for either one or two consecutive weeks.

Eligibility

To qualify for Statutory Paternity Leave and Pay, you must have or expect to have responsibility for the child's upbringing and are taking leave to care for the child or support the mother or the adopter. You must also be the:

- biological father of the child
- or mother's spouse or partner
- or the adopter's spouse or partner.

You must also satisfy other rules:

To qualify for paternity leave you must satisfy the **continuous employment rule**

- and To qualify for Statutory Paternity Pay you must satisfy the **continuous employment rule** and the **earnings rule**.

The **continuous employment rule** states that:

You must have been employed by the same employer for at least 26 weeks up to and including the 15th week before the week the baby is due or the week the adopter is told that they have been matched with a child for adoption (the matching week).

You must remain employed by the same employer up until the baby is born or the child is placed for adoption.

The **earnings rule** states that:

Your average weekly earnings must be at least equal to the lower earnings limit for National Insurance (NI) purposes. The lower earnings limit is the point at which you start to be treated as if you have paid NI contributions.

Your earnings are usually averaged over an 8 week period immediately before the 15th week before the baby is due or ending with the matching week.

How to get leave and pay

If you think that you are entitled to leave and pay from your employer, you must tell your employer when you intend to take leave to look after the child or support your spouse or partner.

Telling your employer

You should tell your employer when you want your paternity leave to start. You must do this:

- by the Saturday of the 15th week before the week the baby is due
- or within 7 days of being told that you or your partner have been matched with a child for adoption.

To receive SPP you must tell your employer that you want to be paid SPP at least 28 days before you want to be paid SPP or if this is not practicable as soon as you reasonably can and explain why you could not give proper notice.

Before your employer can pay you SPP you will need to sign a declaration that you have the prescribed relationship with the mother and the baby or the adopter and the child. You must also tell them that you have been matched with a child for adoption and when the child will be placed with you.

When leave and pay can start

You can choose when you want your leave to start. You can take either one week or two consecutive weeks leave. You can choose to start your leave and receive payment of SPP:

- from the date of the child's birth or placement for adoption or a chosen date after the child's birth or placement for adoption
- or from a chosen number of days or weeks after the child's birth or placement.

Leave can start on any day of the week and must be completed within 56 days of the baby's birth or the date the child is placed for adoption. If the baby is born early, leave must be taken between the date of birth and 56 days after the first day of the week the baby was due.

SPP amount

The current rate of SPP is £108.85 per week or 90 per cent of your average weekly earnings if this is less than £108.85. You cannot be paid SPP for any week in which you are entitled to be paid Statutory Sick Pay (SSP) or in which you have done any work for your employer.

If you are not entitled to SSP, there are special rules which may help you qualify for Income Support. For more information contact your Social Security or Jobs & Benefits office.

This information is for general advice only and is not a complete guide to the law.

Further information is given in the Employment Rights booklets: **ER34** *Rights to paternity leave and pay* and **ER35** *Adoptive Parents – rights to leave and pay* which are available on the Department for Employment and Learning website **www.delni.gov.uk** or by calling the Department for Employment and Learning publications orderline on **028 9025 7678**.

Statutory Adoption Pay and Leave (SAP)

Statutory Adoption Pay (SAP) is a payment made by employers to employees.

Eligibility

To qualify for Statutory Adoption Pay and Leave, you must be matched with a child for adoption by an adoption agency.

You must also satisfy other rules:

To qualify for adoption leave you must satisfy the **continuous employment rule**

and To qualify for Statutory Adoption Pay you must satisfy the **continuous employment rule** and the **earnings rule**.

The **continuous employment rule** states that:

You must have been employed by the same employer for at least 26 weeks ending with the week you are told that you have been matched with a child for adoption (the matching week). Continuous employment means employment with the same employer without a break although some breaks do not count.

The **earnings rule** states that:

Your average weekly earnings must be at least equal to the lower earnings limit for National Insurance (NI) purposes. The lower earnings limit is the point at which you start to be treated as if you have paid NI contributions.

Your earnings are usually averaged over an 8 week period ending with the matching week.

How to get leave and pay

If you think that you are entitled to leave and pay from your employer, you must tell your employer when you intend to stop work to look after your child.

You should tell your employer when you want to take adoption leave from work. You must notify your employer within 7 days of being told that you have been matched with a child.

All employees taking adoption leave are entitled to 26 weeks' Ordinary Adoption Leave and 26 weeks' Additional Leave, irrespective of the date of placement for adoption.

In the case of adoptions where the child's placement is expected on or after 1 April 2007, SAP is paid for 39 weeks.

When leave and pay start

To receive SAP you must tell your employer that you want to be paid SAP at least 28 days before the start of your adoption leave or if this is not practicable as soon as you reasonably can and explain why you could not give proper notice.

Before your employer can pay you SAP you must give your employer a letter from your adoption agency telling them that you have been matched with a child and when the child will be placed with you. Your adoption agency may supply you with a matching certificate for this.

When SAP is paid

You can choose to start your leave and receive payment of SAP from either

up to 14 days before the expected date of placement

or the date when the child is placed with you.

SAP amount

The current rate of SAP is £108.85 per week or 90 per cent of your average weekly earnings if this is less than £108.85. You cannot be paid SAP for any week in which you are entitled to be paid Statutory Sick Pay (SSP) or in which you have done any work for your employer.

This information is for general advice only and is not a complete guide to the law.

Further information is given in the Department for Employment and Learning Employment Rights booklet **ER35** *Adoptive Parents – rights to leave and pay* which is available on the Department for Employment and Learning website **www.delni.gov.uk** or by calling the Department for Employment and Learning publications orderline on **028 9025 7678**.

Further information

Rates of benefits

Rates of benefits are published each year in Social Security (Uprating) Regulations which are approved by Parliament usually at the start of each year. Benefits are usually uprated from April, at the beginning of the financial year.

Details of the current rates of all social security benefits, including maternity benefits, are available in leaflet **GL23 Social Security Benefit rates**.

Guides and leaflets and where to get them

All the guides and leaflets mentioned in this guide are free of charge. Social security guides and leaflets and some others are available from your Social Security or Jobs & Benefits office. For your nearest office look for the display advert under **Social Security Agency** in the business numbers section of the phone book.

Leaflets on Housing Benefit are available from your local Housing Executive office or Rates Collection Agency office.

You can get more information and leaflets from the DSD website. The address is: **www.dsdni.gov.uk**

Social Security guides and leaflets are designed in a number of different styles to make it as easy as possible for you to find the information you want. Some of these guides and leaflets are described on the next page.

Detailed information guides

Technical guides, such as this one, give detailed information on particular benefits or benefit areas. They are intended for both professional and voluntary advisers as well as for members of the public who want to know more about, in this case, the maternity benefits scheme. Others include:

- HB5 *A guide to non-contributory benefits for disabled people and their carers*
- IS1 *Income Support – see if you are entitled*
- IS20 *A guide to Income Support*
- NIL260 *A guide to Dispute, Supersession and Appeal*
- NP45 *A guide to Bereavement Benefits*
- S16 *A guide to the Social Fund*

Guides and leaflets used in NIL17A

The following is a list of guides and leaflets referenced in NIL17A:

- CA23 *National Insurance contributions for mariners*
- CA86 *An Employee's Guide to Statutory Sick Pay*
- ER16 *Maternity rights: a guide for employers and employees*
- ER24 *Time off for Dependents: a guide for employers and employees*
- ER25 *Parental Leave: a guide for employers and employees*
- ER34 *Rights to paternity leave and pay: a guide for employers and employees*
- ER35 *Adoptive parents, rights to leave and pay: a guide for employers and employees*
- ER36 *Flexible working: a guide for employers and employees*
- GL23 *Social security benefit rates*
- GL24 *If you think our decision is wrong*
- GL28 *Coming from abroad and Social Security Benefits*
- GL29 *Going abroad and Social Security Benefits*
- IB1 *A guide to Incapacity Benefits*
- IS20 *A Guide to Income Support*
- S16 *A Guide to Social Fund*

Acts, Regulations and detailed information

This is only a guide to maternity benefits. It has no status in law. For more detailed information on maternity benefits you may want to consult some of the following publications.

The detailed rules of the maternity benefits, including benefit rates and entitlement, are contained in Regulations made by the Department. You can buy copies of the Acts, Orders and all the Regulations through bookshops or direct from the publishers – The Stationery Office Ltd. Many libraries will also hold copies for you to consult.

Acts, Orders and Regulations

This guide refers you to the Acts, Orders and Regulations which cover the SMP and MA rules. The Regulations may be changed or added to from time to time by Amendment Regulations. Also, each year a set of Uprating Regulations is published which change the benefit rates. The Acts and main Regulations which govern maternity benefits are currently:

Social Security (Northern Ireland) Act 1998

Social Security Administration (Northern Ireland) Act 1992

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Chapter 4)

Social Security and Child Support (Decision and Appeals) Regulations (Northern Ireland) 1999 (SR 1999 No 162)

The Social Security Maternity Allowance (Earnings) Regulations (Northern Ireland) 2000 (SR 2000 No 104)

The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987 (SR 1987 No 30)

The Statutory Maternity Pay (General) (Modification and Amendment) Regulations (Northern Ireland) 2000

The Statutory Maternity Pay (Medical Evidence) Regulations (Northern Ireland) 1987 (SR 1987 No 99)

The Employment (Northern Ireland) Order 2002

The Employment Rights (Northern Ireland) Order 1996 as amended by The Employment Relations (Northern Ireland) Order 1999

The Statutory Maternity Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 1987 (SR 1987 No 171)

The Statutory Maternity Pay (Compensation of Employers) and Miscellaneous Amendment Regulations (Northern Ireland) 1994 (SR 1994 No 271)

The Statutory Maternity Pay (Health Service Employees) Regulations (Northern Ireland) 1991 (SR 1992 No 17)

The Social Security (Maternity Allowance) Regulations (Northern Ireland) 1987 (SR 1987 No 170)

The Social Security (Medical Evidence) Regulations (Northern Ireland) 1976 (SR 1976 No 175)

The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (SR 1987 No 465)

Social Security Terms and Conditions of Employment, the Social Security (Claims and Payments Regulations) Amendment Regulations (Northern Ireland) 1996 (SR 1996 No 85)

The Social Security (Credits) Regulations (Northern Ireland) 1975 (SR 1975 No 113)

The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002

The Paternity and Adoption Leave Regulations 2002

The Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002

Maternity and Parental Leave etc Regulations (Northern Ireland) 1999 (SR 1999 No 471)

Maternity and Parental Leave (Amendment No 2) Regulations (Northern Ireland) 2002 (SR 2002 No 135)

Acts and Regulations Table

The table on the next page is a list of all the Acts, Orders and Regulations referred to in NIL17A.

The Law Volumes (known as the Blue Volumes)

The Stationery Office also publishes a series of loose-leaf books known as the 'Blue Volumes'. These volumes contain all the Acts and Regulations and keep them indexed and up to date by regular supplements. You can consult a copy at your Social Security or Jobs & Benefits office. Many libraries also have a copy. Copies can also be bought direct from The Stationery Office.

LEGISLATION	PAGE
Maternity and Parental Leave etc Regulations (Northern Ireland) 1999 (SR 1999 No 471)	11
The Social Security (Maternity Allowance) (Earnings) Regulations (Northern Ireland) 2000 (SR 2000 No 104)	41
Social Security Contributions and Benefits (Northern Ireland) Act 1992 Part XII and Schedule 13	13
Social Security Contributions and Benefits (Northern Ireland) Act 1992 Section 35	39, 45
The Employment (Northern Ireland) Order 2003	10
The Employment Rights (Northern Ireland) Order 1996 as amended by the Employment Relations (Northern Ireland) Order 1999	11
The Social Security (Medical Evidence) Regulations (Northern Ireland) 1976 (SR 1976 No 175)	43
The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987 (SR 1987 No 30)	13
The Statutory Maternity Pay (General) (Modification and Amendment) Regulations (Northern Ireland) 2000	17
The Statutory Maternity Pay (Medical Evidence) Regulations (Northern Ireland) 1987 (SR 1987 No 99)	21
The Statutory Maternity Pay (Health & Social Service Employees) Regulations (Northern Ireland) 1992 (SR 1992 No 17)	23
The Statutory Maternity Pay (Persons Abroad & Mariners) Regulations (Northern Ireland) 1987 (SR 1987 No 171)	19

The Decision Maker's Guide and the Social Security Commissioners

The Decision Maker's Guide

The Decision Maker's Guide (DMG) gives guidance to decision makers on the interpretation of the law for all benefits. The DMG Volumes 1 to 3 covering subjects common to all benefits. The DMG Volumes 4 to 12 aim to ensure consistency in decision-making throughout the country.

The Social Security Commissioners

The role of the Social Security Commissioners is to decide appeals on a point of law from decisions of Appeal Tribunals. Reported decisions of the Commissioners deal with matters of important legal principles and must be followed by decision makers and Appeal Tribunals.

Addresses

For information on Maternity Allowance contact:

Incapacity Benefits Branch
Castle Court
Royal Avenue
Belfast
BT1 1SB
028 90 336000

Employers who require information on Statutory Maternity Pay should contact The Employers Helpline - **0845 7143143**

Employees who require more information should contact the NIC Helpline - **0845 3021479**

Index

Description	Page
Abroad	
– for MA.....	56
– for SMP.....	19
Adoption.....	64–65
Appeals	
– about MA.....	57–58
– about SMP.....	37–38
Armed Forces.....	16
Backdated pay rises.....	27, 41, 52
Birth	
– late.....	23, 49
– multiple.....	33, 49
– premature.....	32, 49
Birth certificate.....	33
Bonuses.....	27
Broken employment.....	16
Change	
– of employer.....	18
– of job.....	19
Child Tax Credit.....	10, 39, 55
Claim packs.....	44
– SC1.....	35
– SSP1.....	35
Claiming MA.....	44–47
– too early.....	46
– too late.....	47
– if self-employed.....	46
– while still at work.....	46
Continental shelf workers.....	34
Continuous employment rule.....	19
Contracts.....	18
Credited NI contributions.....	40, 54, 60
Death	
– of baby.....	34, 49
– of claimant.....	30
Decision maker.....	57, 71

Deductions	
– from SMP	30
Dependants	
– claiming extra benefit for	52–53
Dismissal	
– unfair	36
Early childbirth (see also premature birth)	18, 30, 32–33, 47, 49
Earnings	
– average	14–15, 26, 43
– bonuses	27
– gross	26
– overtime	27
– rule	15
– weekly	14, 28
Earnings related SMP	25
Employer	
– bankrupt	35
– change of	18
– definition of	14
– more than one	21, 23
Employment	
– rule	15
European Economic Area (EEA)	7, 19, 56
Evidence of pregnancy	21, 45
Expected week of childbirth (EWC)	7, 14, 41
Extra benefit	
– for dependants	52–53
Flexible working	12
Forms	
– BM25A	46
– MA1	44, 46
– MATB1	21, 44–47
Friendly society	30
Gross earnings	26
Health Service Employees	24
HM Forces (see Armed Forces)	16
Income tax	
– deductions	26, 30

Income Support	10, 59
Industrial disputes.....	23
Injury.....	15
Incapacity Benefit.....	10, 35, 48, 54, 59
Jobseeker's Allowance	10, 54, 59
<i>Income-based</i>	10, 54
<i>Keeping in Touch days</i>	31, 51
Late birth.....	23, 49
Late pregnancy.....	47
Legal custody.....	19, 44, 51
Leaving work (see Stopping work)	
Lower earnings limit (LEL)	7, 14
Mariners	34
Maternity Allowance (MA)	
– <i>claiming</i>	44–47
– <i>earnings rule</i>	42
– <i>effect on other benefits</i>	53–54
– <i>effect of other benefits on</i>	53
– <i>effect on tax credits</i>	55
– <i>eligibility</i>	43
– <i>employment rule</i>	41
– <i>Keeping in Touch days</i>	51
– <i>payment of</i>	47–52
– <i>qualifying rules</i>	41–43
– <i>rates of MA</i>	43–44
– <i>test period</i>	41
Maternity Allowance period (MAP)	47
– <i>working during</i>	51
– <i>working out</i>	47–48
Maternity Allowance Threshold (MAT)	42
Maternity certificate (MATB1).....	21, 45–46
Maternity leave.....	10
Maternity pay period (MPP)	22
– <i>working during</i>	22
Medical evidence	21, 45
Monthly earnings.....	28
More than one	
– <i>employer</i>	21, 23
– <i>job</i>	21, 23

National Insurance (NI) contributions	40, 43, 54, 60
– credits	40, 54, 60
– paid by quarterly billing	43
– paid by direct debit	43
– reduced rate	60
– self-employed	43
Notification	
– of intention to stop work	20
Occupational Maternity Pay	32
Parental leave	11
Paternity leave	61–63
Pay (see also earnings)	26, 27
Pay day	28
Pay rise, backdated	27, 41, 52
Payroll service	30
Pregnancy	
– medical evidence	21, 45
– working late in	25, 46
Pregnancy-related illness	26, 49
Premature birth	
– for MA	49
– for SMP	32–33
Prison	18
Qualifying rules	13, 42
Qualifying week	13
Reserve Forces	16
Return to work	
– during MAP	51
– during MPP	30
– right to	38
Rules (see Qualifying rules)	
Self-employed women	
– and MA	41
Severe Disablement Allowance (SDA)	48
Statutory Adoption Pay (SAP)	64–65
Statutory Maternity Pay (SMP)	
– amount of	25
– claiming	20
– effect on other benefits	34–35

– effect on tax credits.....	39–40
– entitlement to.....	13
– payment of.....	29–30
– qualifying rules	13
– standard rate.....	25–26
Statutory Paternity Pay (SPP)	61–63
Statutory Sick Pay (SSP)	34, 48, 53
Stillbirths.....	34, 49
Stopping work	
– early.....	32–33, 46
– late.....	25, 49
– notification of intention of.....	20, 45
Sure Start Maternity Grants.....	10, 60
Test period	
– for MA	41
Transfer	
– of business	18
– of employee.....	18
Twins	33, 49
Unemployed / unemployment	39, 54
Unfair dismissal	36
Week	8, 13
Working	
– in late pregnancy	46
– in MAP.....	49
– in MPP.....	22
Working Tax Credit	11, 39–40, 55

Maternity Benefits

Maternity Benefits Guide NIL 17A November 2006
Replaces edition from August 2005