

Maternity leave and pay

1 . Checking your rights

You have the right to up to 52 weeks' maternity leave if you're having a baby and are [legally classed as an employee](#).

You have this right from your first day of starting a job.

By law, you must take at least 2 weeks off after your baby is born (4 weeks if you work in a factory). After this, how many of the 52 weeks you take is up to you.

You get the same amount of maternity leave and pay even if you have more than one baby, for example twins.

Maternity pay

You might be entitled to maternity pay when you take maternity leave.

[Find out about maternity pay](#)

Shared parental leave

If you have a partner, you might be able to use shared parental leave. This means you end your maternity leave early and what's left of your entitlement can be used more flexibly between you and your partner.

You must still take a minimum of 2 weeks' maternity leave (4 weeks if you do factory work) after your baby's born.

You can decide to take shared parental leave after you have started maternity leave, but it's best to plan it and let your employer know as early as possible.

[Find out more about shared parental leave](#)

Agency, freelance, self-employed and zero-hours workers

You must still stop work for a minimum of 2 weeks (4 weeks if you do factory work) after giving birth if you're:

- employed through an agency
- freelance
- self-employed
- on a zero-hours contract

You can choose to take more time off to look after your baby.

If you work through an agency, you need to tell them the dates you'll be off. You might be entitled to [maternity pay](#) for this time off.

What you're entitled to will depend on your employment status.

Find out more about:

- [employment status](#)
- [employment rights as an agency worker](#)

Surrogates

If you're a surrogate and [legally classed as an employee](#), you have the same rights to maternity leave and pay as other pregnant employees.

Find out more about:

- [legal rights of parents and surrogates on GOV.UK](#)
- [having a child through surrogacy](#)

Dismissal because of pregnancy or maternity

You're protected by law against unfair treatment and dismissal if it's because of your pregnancy and maternity, no matter how long you've worked for your employer. If you think you're being treated unfairly because of pregnancy or maternity, you should [raise the issue with your employer](#).

If you're dismissed while pregnant or on maternity leave, your employer must put the reason for your dismissal in writing.

If your dismissal can be linked to your pregnancy or maternity, you could make a claim to an employment tribunal for unfair dismissal and discrimination.

[Find out more about dismissals](#)

2. Telling your employer you're pregnant

If you're entitled to paid maternity leave, you must tell your employer you're pregnant no later than the 15th week before your baby is due.

You must tell them:

- you're pregnant
- the date of the week your baby is due
- the date you want to start maternity leave

It's a good idea to put this in an email or letter, as your employer might want it in writing.

Your employer might ask to see a medical certificate or 'MAT B1' form. You can get this from your doctor or midwife once you're 20 weeks' pregnant.

[Use our template letter to tell your employer you're pregnant](#)

How your employer must respond

After you've told your employer, they should reply in writing. They must:

- reply within 28 days
- confirm the date your maternity leave will run to

If you're worried about telling your employer

It's against the law for your employer to dismiss you or treat you unfairly just because you tell them you're pregnant.

If you're pregnant when applying for a job

You do not have to tell the employer you're pregnant when applying for a job. If you do, by law they cannot treat you unfairly because of it.

For example, they cannot use your pregnancy as a reason for rejecting you for the job.

3. Taking maternity leave

If you're entitled to maternity leave and pay, you can choose to start it either:

- from up to 11 weeks before your baby is due
- the day you give birth

You must [tell your employer](#) the date you plan to start maternity leave no later than 15 weeks before your baby is due.

After your baby is born, by law you must:

- start your maternity leave (if you have not already)
- take off at least 2 weeks (4 weeks if you work in a factory) – this is known as 'compulsory maternity leave'
- take your maternity leave in one go

Your maternity leave and pay ends when you go back to work.

The rules are different if you use shared parental leave.

[Find out more about shared parental leave](#)

Changing the date you start maternity leave

If you want to change the start date of your maternity leave, you must give your employer 28 days' notice, or agree a new date together.

Starting your maternity leave early

In some circumstances, your maternity leave might need to start early.

If you're absent from work

Your maternity leave will start automatically if you're off work because of pregnancy-related sickness in the 4 weeks before the week your baby is due. Your maternity leave will start the day after your first day off in that 4-week period.

If you're suspended from work because of health and safety reasons, your employer can start your maternity leave from 4 weeks before the week your baby is due. If your baby is due in less than 4 weeks, your maternity leave will start automatically.

If your baby arrives early

If your baby is born earlier than expected or is premature, your maternity leave starts straight away.

You'll need to let your employer know as soon as you can. You can ask your partner, a friend or a family member to do this if you need to.

You do not have to give your employer any formal evidence, but your workplace might have a policy that needs you to contact them as soon as possible.

If your baby is late

If your baby is late and you had told your employer a specific date you want to start maternity leave, you can still start the leave from that date.

You need to tell your employer the date when you have given birth so you start compulsory maternity leave from then.

If you'd planned to work up to when your baby is born

If you told your employer you want to start maternity leave the day after your baby's born, you do not need to change anything.

If you want to start your maternity leave early, you can ask your employer.

If you have a partner, their paternity leave starts when the baby is born.

If your contract is due to end

If you have a temporary or fixed-term contract due to end while you're on maternity leave, your employer does not have to renew it.

It's against the law for the reason not to renew it to be your sex, pregnancy or maternity.

You can ask your employer to give you the reason in writing. If you do not think it's fair, you can [raise a grievance](#). This is where you make a formal complaint to your employer.

If there's a stillbirth or your baby dies

You still get maternity leave and pay if:

- your baby is stillborn after 24 weeks of pregnancy
- your baby only lives for a short time after birth at any stage of pregnancy

If you're eligible for [parental bereavement leave and pay](#), you have the right to take this after you finish your maternity leave.

You need to tell your employer as soon as you can about the death. You can ask your partner, a friend or a family member to do this if you need to.

You do not have to give your employer any formal evidence, but your workplace might have a policy that needs you to contact them as soon as you can.

The legal name for the time off is 'statutory maternity leave'. If you're not comfortable calling it 'maternity leave' try and let your employer know so they can support you. Employers should be sensitive to your preference and be led by you when having conversations about leave.

You can find help and support following the death of a baby before, during or shortly after birth from:

- [Child Bereavement UK](#)
- [Sands](#)

If there's a miscarriage

If you have a miscarriage before 24 weeks, you're not entitled to maternity leave and pay.

You do not have to tell your employer you've had a miscarriage. But it's a good idea to tell them, if you feel able to, so they can offer you any support that's available, including time off.

[Find out more about what to do after a death](#)

You can also find help and support from the [Miscarriage Association](#).

4. Holiday

You still accrue (build up) your usual [holiday entitlement](#) while you're on maternity leave. This includes bank holidays.

You cannot take holiday or get holiday pay while on maternity leave. But you can arrange with your employer for you to take it before or after maternity leave.

You should talk with your employer as early as possible to agree how and when to take your holiday entitlement, including any you'll accrue while on maternity leave.

What you need to do when planning maternity leave

When you know you're going to be taking maternity leave, you should agree with your employer:

- how much holiday entitlement you'll accrue before and during your planned maternity leave
- if you're going to take your accrued holiday before or after maternity leave
- how much you can carry over, if appropriate

It might be written in the contract that you get more than statutory holiday entitlement. This can be called 'enhanced' or 'contractual' holiday entitlement. If your employer offers this, you should agree with them whether you can get payment in lieu of taking the days that are additional to statutory entitlement.

When you should take your holiday

It's important to plan as early as possible with your employer when you'll take your holiday entitlement.

Once you and your employer have agreed how and when you'll take your holiday, it's a good idea to ask your employer to put it in writing.

You must take your holiday before or after your maternity leave. This is because you cannot take 2 different types of leave at the same time.

You and your employer can agree to add your holiday to the beginning or end of your maternity leave, so that you get holiday pay for that time.

By law, your employer must allow you to take your statutory holiday entitlement during the holiday year.

Example of planning when to take your holiday entitlement

Your contract gives statutory holiday entitlement of 5.6 weeks.

You're planning to take a year of maternity leave. You meet with your line manager to plan how to take your holiday. Your manager talks through all the options, taking into consideration:

- how it'll affect your workload and the rest of the team
- when in the holiday year you'll be going on maternity leave and coming back to work

Your options could be to take:

- some of your holiday entitlement in the months leading up to your maternity leave and some in the months after you return to work
- all of your holiday for the year before you start maternity leave
- some of your holiday before you go on maternity leave and then add some to the end of your maternity leave so you have more time off and get holiday pay instead for that time
- most of your holiday when you return from maternity leave, and carry some into the next holiday year

Carrying over holiday

You should usually take all your statutory holiday in the holiday year. But if you're not able to use it because you're on maternity leave for all or most of the year, your employer must allow you to carry it over.

If your contract gives you more holiday than the statutory amount, your employer may allow:

- carrying over some into the next holiday year
- payment instead ('in lieu') of taking it

Whether you carry over any holiday to the next holiday year could depend on how far through the current holiday year you are when you return to work after maternity leave.

For example, if you're going to take 6 months' maternity leave and will be returning to work with 1 month left of the holiday year, you should arrange with your employer to make sure you can take your holiday in that month.

If your employer does not allow you to take holiday

If your employer does not allow you to take your holiday entitlement because of your sex, pregnancy or maternity, it could be discrimination.

[Find out more about discrimination](#)

Get more advice and support

For more advice you can:

- [find out about holiday entitlement](#)
- [contact the Acas helpline](#)

5. Pay

When you have a baby, you might be eligible for one of the following:

- statutory maternity pay
- more than statutory maternity pay – this can be called 'enhanced' or 'contractual' maternity pay
- Maternity Allowance

Checking you're eligible for statutory maternity pay

If you're [legally classed as an employee](#), you get statutory maternity pay when both of the following apply:

- you've been working continuously for 26 weeks for the same employer before your 'qualifying week'
- you earn at least £123 a week on average for 8 weeks before your qualifying week

If you have more than one employer, you might be able to get statutory maternity pay from each one, if you're eligible.

If you're [legally classed as a worker](#), you might also be able to get statutory maternity pay.

If you're not eligible for statutory maternity pay, you might be able to get Maternity Allowance.

[Find detailed guidance on statutory maternity pay and Maternity Allowance on GOV.UK](#)

Your qualifying week

You need to work out when your 'qualifying week' is so you know:

- when you need to give notice to your employer to get maternity leave and pay
- whether you'll get either statutory maternity pay or Maternity Allowance

To work out your qualifying week, use a calendar to count 15 weeks back from the week you're due to have your baby.

You can also use the [maternity calculator on GOV.UK](#).

How much statutory maternity pay you get and how long for

Statutory maternity pay is paid for 39 weeks.

For the first 6 weeks

You get 90% of your average weekly earnings.

For the following 33 weeks

You get whichever is lower:

- £184.03 a week
- 90% of your average weekly earnings

You get the same amount of maternity pay even if you have more than one baby, for example twins.

How much is unpaid

If you take the full 52 weeks' maternity leave, the last 13 weeks are unpaid unless your contract offers enhanced maternity pay.

Enhanced maternity pay

Some employers offer more than statutory maternity pay. This can be called 'enhanced' or 'contractual' maternity pay.

For example, you might get 26 weeks of full pay followed by 13 weeks of statutory maternity pay.

You should check your contract or talk to your employer to find out:

- if you're entitled to enhanced maternity pay
- the amount of pay you get
- how long you get it for

If your employer offers enhanced maternity pay, you might have to repay some or all of the enhanced amount (anything more than statutory maternity pay) if you:

- do not to return to work
- leave shortly after maternity leave

This should be clearly set out in your contract.

6. Time off for appointments

By law, you have the right to reasonable time off with full pay for 'antenatal' (pregnancy-related) appointments and care before you have your baby.

You have this right:

- from your first day of employment if you're [legally classed as an employee](#)
- whether you work full time or [part time](#)

The antenatal appointments need to be on the advice of a doctor, nurse or midwife and can include:

- scans
- pregnancy health checks
- relaxation classes, for example pregnancy yoga
- parentcraft classes

If you work through an agency

You can get paid time off for antenatal appointments if you've worked in the same placement for at least 12 weeks in a row.

[Find out more about your employment rights after 12 weeks](#)

What counts as reasonable time for an appointment

'Reasonable' time off for an antenatal appointment includes:

- the length of the appointment or class
- travel to and from it

If you have an appointment in the middle of a working day or shift, it's a good idea to talk with your employer about how long it'll take.

They might agree to flexible working. For example they might allow you to:

- work from home for the rest of the day if it'll take too long to get back to work
- change your start and finish times

Your employer cannot make you change an antenatal appointment to a different time if you do not want to.

If you do not want to tell your employer you're pregnant

If you're not ready to tell your employer you're pregnant, you can choose to take the antenatal appointment time as you would another medical appointment, for example to go to the doctor or dentist.

If your employer does not know it's a pregnancy-related appointment, they'll treat that time off as they would any other medical appointment. This means you might not get paid for it or you have to make up the time later, depending on your contract.

When your employer can ask for proof

After your first antenatal appointment, your employer can ask you for proof, for example an appointment card or an email confirming a class booking.

When your partner can get time off to come with you

Your partner has the right to time off work to come with you to 2 antenatal appointments. This time off is usually unpaid and is for a maximum of 6.5 hours for each appointment.

7. Health at work during pregnancy

It's important to look after your health while you're pregnant. There are a number of things your employer must do to help remove any health and safety risks to you and your unborn baby at work.

Health and safety assessments

By law, your employer must have a general health and safety risk assessment for all employees. This includes considering specific risks for employees of childbearing age, for example those who could become pregnant, are pregnant and new mothers.

Specific risks to employees of childbearing age could include:

- work-related stress
- lifting and carrying heavy objects
- sitting or standing for long periods of time

- exposure to toxic chemicals and radioactive materials

Carrying out an individual risk assessment

Your employer must carry out an individual risk assessment when you tell them in writing that:

- you're pregnant
- you've given birth within the last 6 months
- you're breastfeeding

Your employer should review the risk assessment regularly.

[Find out more about risk assessments for pregnant workers and new mothers from the Health and Safety Executive](#)

Changing your work duties for your pregnancy

If your job has a health and safety risk to you and your unborn baby, your employer or 'hiring organisation' (the organisation an agency has placed you with) must remove the risk for you.

This should include temporarily changing your job if something more suitable is available.

For example, if your job involves heavy lifting your employer or hiring organisation might be able to remove that task, or provide someone to help so you do not have to lift heavy objects.

The terms of your contract or assignment should not change, for example your pay needs to be the same.

Suspension to protect your health and safety

If you are an employee and it's not possible to remove the health and safety risk to you or your unborn baby, your employer must suspend you on full pay until the risk is removed or until your maternity leave starts.

If you are an employee suspended from work because of health and safety reasons, your employer can start your maternity leave from 4 weeks before the week your baby is due. If your baby is due in less than 4 weeks, your maternity leave will start automatically.

If you work through an agency

If you are an agency worker and it's not possible to remove the risk, the hiring organisation must tell your agency.

If your agency cannot find you another suitable assignment, they must end your current assignment. If you meet the 12-week qualifying period, they must pay you for the original length of your assignment.

By law, agency workers should not be treated differently to other workers.

[Find out more about your employment rights after 12 weeks](#)

If you're having a difficult pregnancy

You should talk with your employer if you're having difficulties in your pregnancy and it's affecting your work, for example:

- severe morning sickness
- pain
- mental health problems

You could ask for a change to your working arrangements, for example:

- different start and finish times
- an occupational health assessment
- time working from home
- extra breaks for when you're feeling unwell

If you want to make more permanent changes to your job, you can make a [flexible working request](#).

You can also get advice and support from your health and safety representative or trade union representative, if you have one.

If you're off sick

It's against the law for your employer to treat you unfairly because of any time off you need to take for your pregnancy.

If you're off work because of pregnancy-related sickness in the 4 weeks before your baby is due, by law your maternity leave and pay will start automatically the day after your first day off. If you do not want this to happen, you can talk with your employer.

If you're off sick and it's not related to your pregnancy, your organisation's usual rules for sickness absence will apply. Check your organisation's policy to find out what these are.

8. Having IVF treatment

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

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

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

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

When you have pregnancy protection rights

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

You do not have to tell your employer at this stage, but you might find it helpful as they could offer support.

If your employer knows you might be pregnant, you're protected against unfair dismissal and unfair treatment related to your possible pregnancy.

If you find out you're pregnant

You continue to have the same rights throughout your pregnancy and maternity as with non-IVF pregnancies.

If the IVF was unsuccessful

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

Get more advice and support

[Find out about IVF support on the NHS website](#)

9. While you're on maternity leave

Your employer has the right to a reasonable amount of contact with you during your maternity leave.

Keeping in touch with work

Before you go on maternity leave, your employer or manager should have a meeting with you to talk about how you'd like to stay in touch.

While you're on maternity leave your employer must tell you:

- if jobs are being advertised
- of any promotion opportunities
- if they're planning redundancies or reorganisation

You can also agree with them:

- what else you'd like to hear about, for example staff bulletins or social events
- how you'd like to communicate, for example by email, phone or keeping in touch (KIT) days
- how often you'd like to be in touch

Keeping in touch days

You can agree with your employer to work for up to 10 days during your maternity leave to help you stay in touch with your organisation. These are called keeping in touch (KIT) days.

It's up to you to agree with your employer:

- if you want to work keeping in touch days
- how many days you want
- what type of work you'll do on the days
- how much you'll be paid for the work

It still counts as a full keeping in touch day even if you only work part of it, for example a half day.

If you work more than 10 keeping in touch days, your maternity leave and pay automatically end by law.

Pay and keeping in touch days

You should agree the pay for your keeping in touch days with your employer in advance. The easiest option is for your employer to pay you your normal pay for the day.

Your employer can sometimes pay less than normal pay depending on what you're doing on your keeping in touch days. But paying someone less than they normally would get for doing the same thing could be [discrimination](#).

You must not be paid less than [National Minimum Wage](#).

Redundancy

Your employer must not use your pregnancy or maternity as a reason to make you redundant. This would be discrimination.

10. Returning to work

There are some things you might need to consider when you go back to work after maternity leave.

The right to return to work

Your right to return to the same job as before depends on how much maternity leave you've taken.

If you've taken 26 weeks or less

The first 26 weeks of maternity leave are called 'ordinary maternity leave' under the law.

You have the right to return to the same job after ordinary maternity leave.

If you've taken more than 26 weeks

More than 26 weeks' maternity leave is called 'additional maternity leave' under the law.

If you use additional maternity leave, you still have the right to return to your job on the same terms as before you left. But if it's not possible because there have been significant changes to the organisation, you could be offered a similar job.

In this case, the job cannot be on worse terms than before. For example, the following must be the same:

- pay
- benefits
- holiday entitlement
- seniority
- where the job is

Changing the date you want to return

You must tell your employer at least 8 weeks before you're due to return to work if you want to:

- stay on maternity leave longer than planned
- return to work sooner than planned

Taking holiday

You still accrue (build up) your holiday entitlement during maternity leave.

If you did not plan your holiday before going on maternity leave, you should talk with your employer before you're due to return to work to arrange when you will take your holiday.

[Find out more about holiday and maternity leave](#)

Health and safety when you return to work

Your employer has to have a workplace [health and safety assessment](#) for employees of childbearing age, including new mothers.

[Find out more on health and safety for new mothers from the Health and Safety Executive](#)

Breastfeeding

Your employer must provide somewhere suitable for you to rest if you're breastfeeding.

They're not legally required to provide somewhere for you to breastfeed or express milk at work, but you could ask if they can organise something for you. For example, a private room and a fridge to store the milk.

If you want to change your hours or job

If you want to change your hours or duties when you return from maternity leave, you might be able to make a flexible working request.

[Find out how to make a flexible working request](#)

Redundancy

It's against the law for your employer to make you redundant just because you've been on maternity leave or have requested flexible working to care for your child.

If you decide to leave your job

If you decide you want to leave your job during or after maternity leave, you follow the usual process for resigning from a job, including the same notice period.

It's a good idea to consider any handover that might be needed and you could use your [keeping in touch \(KIT\) days](#) for this.

If your employer offers [enhanced maternity pay](#), you might have to repay some or all of the enhanced amount (anything more than statutory maternity pay) if you:

- do not to return to work
- leave shortly after maternity leave

This should be clearly set out in your [contract's written statement](#).