

**Cyngor Cymuned
Trefriw
Community Council**

MATERNITY POLICY

This policy was adopted at a meeting on
17th January 2023
and will be reviewed in January 2026
or sooner should legislation dictate

Trefriw Community Council (TCC) offers statutory maternity pay and leave to qualifying employees as per the relevant UK employment law. See also the TCC Adoption policy if this situation applies to you. There is a separate TCC Paternity policy also.

These entitlements can be found online at <https://www.gov.uk/maternity-pay-leave/print>

A Welsh (Cymraeg) version is available at: <https://www.gov.uk/tal-absenoldeb-mamolaeth>

1. Overview

When you take time off to have a baby you might be eligible for:

- [Statutory Maternity Leave](#)
- [Statutory Maternity Pay](#)
- [paid time off for antenatal care](#)
- [extra help](#) from the government

You can [check what maternity pay and leave you're eligible for](#). There are rules on [when and how to claim your paid leave](#) and if you want to [change your dates](#). You can [work out your maternity pay and leave](#) online. You may also be eligible to get [Shared Parental Leave and Pay](#).

Your [employment rights](#) are protected while on Statutory Maternity Leave. This includes your right to:

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

2. Leave

Statutory Maternity Leave is 52 weeks. It's made up of:

- Ordinary Maternity Leave - first 26 weeks
- Additional Maternity Leave - last 26 weeks

You do not have to take 52 weeks but you must take 2 weeks 'leave after your baby is born (4 weeks if you work in a factory).

Use the [maternity planner](#) to work out the dates for your ordinary and additional leave.

You may be entitled to take some of your leave as [Shared Parental Leave](#).

Start date and early births

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

Leave will also start:

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

Use the [maternity planner](#) to work out the earliest date your maternity leave can start.

Change your date for returning to work

You must give your employer at least 8 weeks 'notice if you want to change your return to work date.

3. Pay

Statutory Maternity Pay (SMP) is paid for up to 39 weeks. You get:

- 90% of your average weekly earnings (before tax) for the first 6 weeks
- £156.66 or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks

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

Use the [maternity pay calculator](#) to work out how much you could get.

If you take [Shared Parental Leave](#) you'll get Statutory Shared Parental Pay (ShPP). ShPP is £156.66 a week or 90% of your average weekly earnings, whichever is lower.

Start date

SMP usually starts when you take your maternity leave.

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

Problems and disputes

Ask your employer (via the TCC Staffing Committee) to explain your SMP if you think it's not right. If you disagree about the amount or your employer cannot pay (for example because they're insolvent), [contact the Statutory Payment Disputes Team](#).

4. Eligibility

Statutory Maternity Leave

You qualify for Statutory Maternity Leave if:

- you're an [employee not a 'worker'](#)
- you give your employer the [correct notice](#)

It does not matter how long you've been with your employer, how many hours you work or how much you get paid.

You cannot get Statutory Maternity Leave if you have a child through surrogacy - you could get [Statutory Adoption Leave and Pay](#) instead.

Statutory Maternity Pay (SMP)

To qualify for SMP you must:

- earn on average at least £123 a week
- give the [correct notice and proof you're pregnant](#)
- have [worked for your employer continuously](#) for at least 26 weeks continuing into the 'qualifying week' - the 15th week before the expected week of childbirth

If you usually earn an average of £123 or more a week, and you only earned less in some weeks because you were paid but not working ('on furlough') under the Coronavirus Job Retention Scheme, you may still be eligible.

You cannot get SMP if you go into police custody during your maternity pay period. It will not restart when you're discharged.

Early births or you lose your baby

You can still get Statutory Maternity Leave and SMP if your baby:

- is born early
- is stillborn after the start of your 24th week of pregnancy
- dies after being born

If you're not eligible for SMP

Your employer must give you form SMP1 explaining why you cannot get SMP within 7 days of making their decision. You may be eligible for [Maternity Allowance](#) instead.

[Download form SMP1 - 'Statutory Maternity Pay' \(PDF, 57KB\)](#)

5. How to claim

Statutory Maternity Leave

At least 15 weeks before your due date, tell your employer when the baby is due and when you want to start your maternity leave. Your employer can ask for this in writing.

Your employer must write to you within 28 days confirming your start and end dates.

Use the [maternity planner](#) to work out when you must claim your maternity leave.

Statutory Maternity Pay (SMP)

Tell your employer you want to stop work to have a baby and the day you want your SMP to start. You must give them at least 28 days 'notice (in writing if they ask for it) and proof that you're pregnant. Your employer must confirm within 28 days how much SMP you'll get and when it will start and stop. If they decide you're not eligible, they must give you form SMP1 within 7 days of making their decision and explain why.

Proof you're pregnant

You need to give your employer proof of the pregnancy to get SMP. You do not need it for maternity leave.

Within 21 days of your SMP start date (or as soon as possible if the baby's born early) give your employer either:

- a letter from your doctor or midwife
- your MATB1 certificate - doctors and midwives will give you this no more than 20 weeks before the due date

You will not get SMP if you do not give your employer proof that the baby is due.

6. Extra help

Maternity benefits

Use a [benefits calculator](#) to see what help you can get from:

- Universal Credit
- Child Benefit
- Child Tax Credit
- Working Tax Credit - this can continue for 39 weeks after you go on maternity leave
- Income Support - you may get this while you're not working

You could get a £500 [Sure Start Maternity Grant](#) (usually if it's your first child).

If you're not eligible for Statutory Maternity Pay, you could get [Maternity Allowance](#) from the government.

Extra leave

You could get 18 weeks '[unpaid parental leave](#) after the birth - this may be restricted to 4 weeks per year.