



Maternity
benefits
in the UK

Over recent years, maternity benefits for UK employees have been reviewed, enhanced and updated. This fact sheet provides an overview of the current arrangements.

Maternity leave

All employees have a statutory right to maternity leave if they are pregnant. Employees have this right from their first day of starting a job and there is no qualification period.

Statutory Maternity Leave is up to a maximum 52 weeks. There is significant flexibility in how this leave may be taken however, by law, the employee must take at least two weeks off after the baby is born. This is increased to four weeks if the employee is a factory worker.

Maternity leave can start either a maximum of 11 weeks before the employee's baby's due date or on the day of birth.

Employees must inform their employer of the date they plan to start their maternity leave no later than 15 weeks before their due date.

Once the baby is born, by law the employee must:

- start maternity leave if they haven't already
- take at least two weeks off (four if they work in a factory) – this is known as 'compulsory maternity leave'
- take maternity leave in one go

Other considerations:

- Maternity leave and pay ends when the employee returns to work.
- The rules vary if shared parental leave is used.
- If the employee wishes to change the start date of their maternity leave they must give their employer 28 days' notice or reach a mutually agreed date.

Starting maternity leave early:

- If the employee is off-work with pregnancy related illness in the four weeks prior to their due date, the maternity leave will start on the day after their first day off in the four week period.
- If the employee is suspended from work for health and safety reasons, the employer can start the maternity leave from four weeks before the due date. If suspension occurs during the last four weeks the maternity leave starts automatically.
- If the baby arrives early or is premature, maternity leave starts immediately.

Maternity pay

Statutory Maternity Pay (SMP) is paid for up to 39 weeks. It is currently:

- 90% of the employee's weekly earnings (before tax) for first six weeks.
- £184.03 or 90% of the employee's average weekly earnings (whichever is lower) for the following 33 weeks.

SMP is paid via normal payroll and is subject to tax and NI deductions.

To qualify for SMP an employee must:

- earn on average at least £123 per week
- provide the correct notice and proof of pregnancy
- have been continuously employed with their employer for a least 26 weeks prior to the 'qualifying week' – 15th week before due date

Enhanced maternity benefits

According to the Alan Jones UK Benefits Survey 2023/24¹, 79% of companies provide enhanced (above statutory) maternity benefits.

The survey shows that where full pay is provided as an enhanced benefit, the upper decile is 26 weeks leave on full pay and the lower decile is 12 weeks. The median average is 18 weeks.

Details of enhanced maternity benefits are usually provided in contracts of employment and may include details of clawback arrangements should the employee not return to work.



Adoption

The rules in relation to Statutory Adoption Leave and Statutory Adoption Pay follow the same template as maternity benefits.

Paternity

Employees are entitled to time off to attend two antenatal appointments with their partner. This also applies to adoption appointments after a child has been matched.

To qualify for Statutory Paternity Leave the employee must be employed continuously with their employer for 26 weeks prior to 'qualifying week'.

Employees can take either one or two weeks leave, however:

- leave cannot be taken before the birth
- weeks may be taken together or separately but must be taken within 52 weeks of birth

Statutory Paternity Pay is currently either £184.03 per week or 90% of average weekly earnings (whichever is lower). This is paid via payroll and is subject to tax and National Insurance (NI).

Many companies provide enhanced paternity benefits, again the Alan Jones UK Benefits Survey 2023/24, shows 70% of companies enhance paternity benefits with the median level being two weeks full pay.

Shared parental leave and pay

It is possible for couples to share their benefits. Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) may apply to the birth of a baby, using a surrogate, adoption or fostering in advance of adoption.

Couples can share up to 50 weeks leave and up to 37 weeks' pay between them. Sharing of leave and pay needs to take place in the first year after the birth or placement of the child.

UK private healthcare and maternity

The UK National Health Service provides comprehensive care in relation to pregnancy and childbirth. However, there are limited facilities in relation to private maternity and obstetric care in the UK.

As a result, UK private medical insurance typically excludes these benefits and will usually only provide coverage in relation to specific medical complications during pregnancy – for example ectopic pregnancy, hydatidiform mole, miscarriage (see policy documents for specific coverage details).

Routine maternity and obstetric needs (pregnancy, antenatal care, delivery natural and caesarean, and post-natal care) are not covered.

Workplace pensions and maternity

There are additional considerations in relation to pension contributions, particularly when submitted via Salary Exchange while on maternity leave. All non-cash benefits must be maintained during paid maternity leave (statutory or contractual). Therefore, the employer is usually obligated to maintain the full employer pension contribution, including any National Insurance reinvestment, throughout the period of any paid maternity leave (statutory maternity pay is 39 weeks).

Employers should seek legal advice in relation to the treatment of employee pension deductions and maternity leave, particularly when under a Salary Exchange Agreement.

Please note the above information is a summary of current UK Government/HMRC regulations and practices in relation to leave and pay.

We recommend that legal advice is sought in relation to employment law before implementing and/or changing any company policies or contracts of employment.

<https://www.alan-jones.co.uk/>



Get in touch

For more information, or to arrange a meeting to discuss your employee benefits strategy and employee communication options, please email us at **info@mattioliwoods.com**, or contact your Mattioli Woods consultant.

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