Maternity benefits

Simon Ennals

Contributory benefits

Retirement pension
Widow's benefit
Unemployment benefit
Sickness benefit
Invalidity benefit
Maternity allowance

Non-contributory benefits

Child benefit
One parent benefit
Attendance allowance
Invalid care allowance
Mobility allowance
Severe disablement allowance
Industrial injury benefit
Statutory sick pay and maternity pay

Means tested benefits

Income support
Housing benefit
Community charge benefit
Family credit
Social fund

Several benefits are available to women, during pregnancy and after the baby is born. Doctors, midwives, and health visitors are often in the best position to advise women about these benefits and to help them to obtain their full entitlements during a potentially stressful and vulnerable time for them and their babies. The benefits include maternity allowance, statutory maternity pay, social fund maternity payments, sickness benefit, income support, housing benefit, and free NHS services such as prescriptions and dental treatment.

Statutory maternity pay

In April 1987 statutory maternity pay was introduced along the same lines as statutory sick pay, which has meant that maternity allowance has faded in importance. Statutory maternity pay represents the minimum that an employer can pay to a woman covered by the scheme. Many groups of workers have negotiated considerably better maternity rights from their employers, but employers are not entitled to contract out of the statutory maternity pay scheme. To be covered by the scheme the woman must:

- Have been working for the same employer for at least 26 weeks before the qualifying week (the 14th week before the expected date of confinement)
- Have given their employer certain notice and information
- Have earned an average of at least £46 a week for the eight weeks before the qualifying week
- Not do any work for the employer paying statutory maternity pay
- Not work for any other employer after the birth
- Be expecting a baby within 11 weeks or have recently given birth.

It is important to note that the woman does not have to intend to return to work with the same employer after the baby is born.

Statutory maternity pay is paid by the employer at two different rates, depending on how long the woman has been in employment. The higher rate is 90% of average weekly earnings, calculated over the eight weeks before the qualifying week, and is paid for the first six weeks; after that the lower rate is paid. The woman should receive the higher rate if, at the qualifying week, she has worked for the same employer full time for at least two years or part time for five years. The lower rate is currently £39.25 a week. As with statutory sick pay if a woman meets the conditions for getting statutory maternity pay from more than one employer then it can be claimed from each of them. Statutory maternity pay is treated as part of the woman's taxable pay.

Statutory maternity pay should be paid in the same way as the woman's normal wage or salary for a maximum of 18 weeks—known as the "maternity pay period." Some flexibility exists about which weeks statutory maternity pay is paid for. There is a core period of 13 weeks, covering the week of confinement and six weeks either side. The other five weeks can be taken before the birth, after the birth, or partly before

Women who are pregnant or who have recently given birth may be entitled to several benefits

and partly after, depending on when the woman chooses to stop work. So the earliest a woman can take maternity leave to obtain her full 18 weeks' statutory maternity pay is 11 weeks before the expected week of delivery and the latest is six weeks before.

Most women employees are covered by the statutory maternity pay scheme. Employers cannot require the woman to contribute to the cost of the statutory maternity pay and cannot dismiss her to avoid liability. The only employees excluded from entitlement are those who have normal earnings less than £46 a week; have failed to give proper notice or medical evidence; go abroad outside the European Community; are in legal custody; or have been continuously employed less than 26 weeks at the qualifying week. Employers who consider a woman to be excluded have to provide her with an SMP1 form to claim maternity allowance.

Claims are made by giving the employer a copy of the certificate of confinement (MAT B1) or other medical evidence of the pregnancy. This normally has to be supplied within three weeks of the start of the maternity pay period, although the time limit can be extended for "good cause." The woman should give the employer 21 days' notice of leaving work or notice can be given as soon as practicable after that.

Women have a statutory right to return to their job if, at the start of the maternity pay period, they have been with that employer for at least two years. Any disputes about statutory maternity pay can be referred to the adjudication officer at the Department of Social Security for a ruling. Appeals against that ruling can be

Essential Rights,
94 Chaworth Road,
Nottingham NG2 7AD
Simon Ennals, consultant in
welfare law
Written in association with the
Child Poverty Action Group
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made to the social security appeal tribunal. If a baby is born prematurely the mother is not entitled to more than 18 weeks' statutory maternity pay: the maternity pay period simply starts and ends sooner.

Maternity allowance

If a woman cannot get statutory maternity pay because she has recently given up or changed a job or has been self employed she may be able to claim maternity allowance. The main conditions are that the woman has been employed and paid class 1 (employees) or class 2 (self employed) National Insurance contributions in at least 26 out of the 52 weeks preceding the qualifying week; she is expecting a child in the next 11 weeks or has recently given birth; and she is not working. Maternity allowance is currently paid at the rate of £35.70 a week for the claimant, and £22.10 for an adult dependant (husband or other adult caring for the woman's children, earning less than £22.10). As with statutory maternity pay, maternity allowance is paid for 18 weeks, with the same flexibility about the weeks of payment around the 13 week core period. Claims should be made to the Department of Social Security 12 to 14 weeks before the expected date of birth.

Sickness benefit and statutory sick pay

Although pregnancy itself is not considered an illness, conditions arising out of the pregnancy, such as high blood pressure, may well justify the issue of a sickness certificate, which may lead to the woman qualifying for sickness benefit or statutory sick pay (see article 5). It is important to remember that this may apply to self employed people and some unemployed people as the period when National Insurance contributions have to have been paid is often between 18 months and three years previously.

For some women who have not been in work sufficiently long to qualify for statutory maternity pay or maternity allowance, sickness benefit may be the only possible benefit entitlement during the pregnancy and in the time after the baby is born. Sickness benefit will, however, be paid only if the woman has a specific illness or disability (even if that directly arises out of the pregnancy) rather than simply being incapacitated because of the pregnancy.

Social fund maternity payments

Lump sum payments of £100 are available to pregnant women receiving, or whose partners are receiving, income support or family credit. Women in low paid work who are having their first child may have to wait until after the birth before qualifying for family credit. In that case they should claim the maternity payment at the same time as claiming the family credit and the claim will be processed as soon as the family credit has been awarded. The payment can be claimed (on form SF100 from the social security office) within 11 weeks of the expected date of confinement or not later than three months after the actual date of birth. The woman needs to send her maternity certificate, a note from the doctor or midwife, or the antenatal clinic appointment card. The payment can also be made for an adopted child provided that the child is no more than 12 months old and that the claim is made within three months of the adoption order. Young mothers under 16 will not qualify for income support or family

credit in their own right, but the adults they live with can claim if they meet the conditions outlined above. The payment will be reduced if the claimant has savings over £500.

Other benefits

NHS SERVICES

Free prescriptions and free dental treatment and check ups are available to pregnant women and women with babies less than 12 months old. Free milk and vitamins are available to expectant mothers receiving income support, and nursing mothers receiving income support can get free vitamins within 30 weeks of childbirth. Vitamins can be obtained from child health and maternity clinics. Milk tokens can be exchanged for seven pints of milk a week or 900 g of dried milk for children under 1 year. Milk tokens should be paid with the income support by the local Department of Social Security office.

MATERNITY AND MEANS TESTED BENEFITS

Inevitably a great many pregnant women and nursing mothers have to claim income support because their income is so low. In the early stages of pregnancy a woman is required to be available for work to get income support, unless she is ill and covered by a sickness certificate. Even if she is not specifically ill, if a doctor considers her to be "incapable of work by reason of pregnancy" she will be eligible for income support without signing on. If the woman has a partner who is not in full time work either one is eligible to make the claim on behalf of the couple, and any requirement to sign on for work would be applied only to the one making the claim.

Once the woman is within 11 weeks of the expected date of confinement and up until six weeks after the birth she is not expected to be available for work. As soon as the baby is born the family's income support entitlement will go up by £12.35 a week because of the new child. If it is the first child the family premium (£7.35 a week) and, when appropriate, the lone parent premium (£4.10 a week) would also be payable.

Housing and community charge benefit may also be payable if the woman's income, or the income of the couple, is reduced during the pregnancy and once the baby is born. As with income support the benefit entitlement will increase once the baby is born, with the additional allowance for the child and the premiums referred to above.

If the woman has a partner in full time work or if the woman returns to full time work shortly after the birth it may be worth claiming family credit if the wages are low. The birth of the new child will increase the potential benefit payable and may bring the family into entitlement for the first time. This is particularly the case when a first child is born to parents in low paid work. For example, a couple with one child would qualify for some family credit if their net income was less than £121 a week.

More information on means tested benefits can be found in article 3, and in the Child Poverty Action Group's *National Welfare Benefits Handbook*. Information on statutory maternity pay, maternity allowance, and sickness benefit can be found in the group's *Rights Guide to Non-means Tested Benefits*. In addition, the computer programme available from Lisson Grove Health Centre enables a patient's entitlement to maternity benefits to be calculated quickly and accurately.