

Planning leave

Someone with the [legal status of employee](#) must tell their employer if they are pregnant. They must give certain information if they want to take statutory maternity leave.

Someone who does not have the legal status of employee can still stop working to care for their child. They will need to tell the employer or the agency but won't need to provide the same information.

When to give notice

An employee who wants to take maternity leave must tell their employer.

The employee must tell their employer the expected week of childbirth. The employee needs to do this at least 15 weeks before the expected week of birth. They must tell the employer as soon as possible if they could not tell them by this date.

For example, it would not be possible if someone didn't know they were pregnant until 14 weeks before the due date.

This information does not have to be in writing. But if the employer asks for it in writing, the employee must provide it that way.

An employee should tell their employer as soon as they feel comfortable. This is so the employer can do a [health and safety assessment during their pregnancy](#).

An employer might ask to see a medical certificate or 'MAT B1' form. The employee can get this from their doctor or midwife once they're 20 weeks' pregnant.

When applying for a job

Someone does not have to tell an employer they're pregnant when applying for a job. If they do, by law the employer cannot treat them unfavourably because of it. This would be [pregnancy and maternity discrimination](#).

For example, the employer cannot use pregnancy as a reason for rejecting someone for the job.

Once the employee accepts a job offer, they must follow the rules for giving notice. They need to tell the employer they are pregnant by 15 weeks before the expected week of childbirth. They must tell them as soon as possible if they start after this date.

How to tell an employer

An employee must tell their employer:

- they're pregnant
- the expected week of childbirth
- when they intend to start statutory maternity leave – this can be a specific date or a day related to the birth, such as the day after they give birth

The expected week of childbirth is the week the baby is due.

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

Choosing a start date

An employee must choose when they want their statutory maternity leave to start. They will need to tell the employer the start date.

The earliest someone can start maternity leave is the 11th week before their baby is due.

The latest someone can start ordinary maternity leave is the day after the baby is born.

To change the start date, the employee needs to give 28 days' notice before the new or the original start date. An employer might agree to a change with less notice.

How an employer must respond

After they've received the information employers must:

- reply to the employee within 28 days
- tell them they're entitled to up to 52 weeks' statutory maternity leave
- confirm their return to work date

It is good practice for an employer to reply in writing. For example, in a letter or email. This can help the employer and employee keep a record.

The employee might tell the employer how long they want off. If they do, the employer should use this to work out their return-to-work date. Otherwise, the employer should assume they'll take 52 weeks.

The employee can ask to return earlier if they want to take less maternity leave. The employee must give 8 weeks' notice to change the length of maternity leave.

If the employer does not inform the employee about their return-to-work date, they:

- cannot stop the employee from returning early without notice or withhold pay
- might not be able to discipline or dismiss them for delaying their return

[Use our template letter to confirm an employee's maternity leave](#)

If someone's contract is due to end

Someone might have a temporary or fixed-term contract which is due to end while they're on maternity leave. An employer does not have to renew a contract.

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

Employees can ask their employer to give them the reason in writing.

Starting maternity leave early

An employee might need to start statutory maternity leave early:

- if they're absent from work
- if they're suspended from work for health and safety reasons
- if the baby arrives early

If an employee is absent from work

An employee might go on sick leave due to pregnancy-related sickness. If they are off work in the 4 weeks before the week the baby is due, maternity leave will start automatically. Statutory maternity leave will start the day after the first day off in that 4-week period.

They'll still need to tell their employer the date the baby is born.

If they're suspended from work for health and safety reasons

An employee might be suspended from work for health and safety reasons. If they are suspended in the 4 weeks before the baby is due, maternity leave will start automatically.

Ordinary maternity leave will start the day after the first day off in that 4-week period.

They'll still need to tell their employer when the baby is born.

If a baby arrives early

If the baby arrives early, statutory maternity leave starts the day after the baby is born.

The employee must let the employer know as soon as they can. They do not have to give their employer any formal evidence.

An employee can ask a partner, friend or family member to do this if they need to.

A workplace might have a policy that the employee needs to contact employers. If someone else has told the employer, the employee should make contact as soon as possible after.

If the baby needs neonatal care

If the baby needs neonatal care, parents might be eligible for neonatal care leave and pay. This is in addition to maternity leave.

They can take up to 12 weeks leave and pay depending on how long the baby needs neonatal care. Neonatal care leave and pay is added onto the end of statutory maternity leave.

[Find out more about neonatal care leave and pay](#)

If the baby is late

If the baby is late, maternity leave can still start when it was planned.

If maternity leave was planned for a specific date, it will still start then. The employee must tell the employer the date the baby is born.

Someone might plan to start statutory maternity leave the day after the baby is born. They do not need to change anything. If they want to start their statutory maternity leave early, they can ask their employer.

If there's a stillbirth or the baby dies

An eligible employee will still get statutory maternity leave and pay if:

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

Someone might be eligible for [parental bereavement leave and pay](#). They have the right to take this after they finish their statutory maternity leave.

[Find out more about stillbirth or miscarriage](#)

Get more advice and support

If you have any questions, you can [contact the Acas helpline](#).

Acas also offers [free e-learning on pregnancy and maternity](#).