

Statutory maternity leave and pay

1 . Eligibility for leave

Someone who has a baby might be eligible for:

- compulsory maternity leave
- statutory maternity leave
- other types of leave, for example shared parental or neonatal care leave

After giving birth

After giving birth, a worker must not work for a minimum of 2 weeks (4 weeks if they do factory work). This is for health and safety reasons.

Employees

For an employee, taking 2 weeks off after they have given birth is a protection by law.

This is called compulsory maternity leave. The law is the Employment Rights Act 1996.

People who work in a factory must take at least 4 weeks off.

Compulsory maternity leave starts the day the baby is born. It is a good idea for an employer to record when compulsory maternity leave has started.

Someone might start their statutory maternity leave before the baby is born. In these cases, they'll need to tell their employer when the baby is born. This is so the employer knows when compulsory maternity leave starts.

Statutory maternity leave

Someone with the [legal status of employee](#) is entitled to statutory maternity leave. The right to take statutory maternity leave applies from the first day of work.

Employees who have had a baby can take up to 52 weeks. Employers must not discourage eligible parents from taking all their maternity leave.

The first 26 weeks are called 'ordinary maternity leave'. This starts the day after the baby is born.

The following 26 weeks are called 'additional maternity leave'.

All employees get the same amount of statutory maternity leave. For example, someone with twins has the same maternity leave entitlement of up to 52 weeks.

Someone who does not have the legal status of employee can still stop working to care for their child.

Maternity pay

Someone's eligibility for statutory maternity pay depends on:

- how long they have been working for the employer
- how much they have earned
- how they pay their tax

Eligibility for statutory maternity pay is different to eligibility for statutory maternity leave.

[Find out about eligibility for maternity pay](#)

Other types of leave

There are other types of leave and pay that someone may be eligible for.

These include:

- [shared parental leave and pay](#)
- [neonatal care leave and pay](#)

Surrogates

Surrogates have the same maternity rights as anyone else who has given birth.

[Find out more about legal rights of parents and surrogates on GOV.UK](#)

Checking the pregnancy and maternity policy

Workers and managers should check their organisation's pregnancy and maternity policy.

If an organisation does not have a policy, they should consider creating one. Having a policy can:

- help everyone understand their rights and responsibilities
- help to prevent pregnancy and maternity discrimination

Employers should also check other policies to make sure they do not discriminate. For example, policies around absence, recruitment or redundancy.

[Find out more about creating a pregnancy and maternity policy](#)

2. 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](#).

3. Eligibility for pay

If someone is eligible for statutory maternity pay, they will get paid for 39 weeks.

For the first 6 weeks, the organisation must pay 90% of the worker's average weekly earnings.

During the next 33 weeks workers must be paid whichever is lower:

- £187.18 a week (£194.32 from 5 April 2026)
- 90% of their average weekly earnings

An organisation does not have to provide maternity pay for the last 13 weeks.

You can check how much pay someone will get using the [maternity pay calculator on GOV.UK](#).

Eligibility criteria

Eligibility for statutory maternity pay is different to eligibility for statutory maternity leave.

Someone's eligibility for statutory maternity pay depends on:

- how long they have been working for the employer
- how much they have earned
- if they are classed as employed for tax purposes

Length of employment

Someone is eligible for pay when they have 26 weeks 'continuous employment' before the 'qualifying week'.

Continuous employment means working for the same employer without a break. Things like sickness, statutory leave or holiday do not break continuous employment.

To work out the qualifying week, use a calendar to count 15 weeks back from the week the baby is due.

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

Amount someone has earned

Someone must have earned at least £125 a week (£129 from 6 April 2026). They must earn this amount on average for 8 weeks before the qualifying week.

If someone is off sick, they may only receive statutory sick pay in the 8 weeks before the qualifying week. This may affect their right to statutory maternity pay.

Classed as employed for tax purposes

Someone must be classed as employed for tax purposes. This includes anyone who has their tax paid automatically through PAYE. For example, employees and agency workers.

Workers who pay tax through self-assessment are not eligible for statutory maternity pay.

[Check employment status for tax on GOV.UK](#)

Telling an employer about maternity pay

Workers who are entitled to statutory maternity pay must give their employer notice. Workers must give notice at least 28 days before the date they want their pay to start. They must tell them as soon as possible if they could not tell them by this date.

They must also give their employer their 'MAT B1' form. They can get this from their doctor or midwife once they are 20 weeks' pregnant.

If someone has more than one employer

Someone might have more than one employer. In these cases they might be able to get statutory maternity pay from each one. This depends on if they meet the eligibility in both jobs.

If someone is not eligible for statutory maternity pay

If a worker is not eligible for statutory maternity pay, employers must give them the 'SMP1' form. The employer needs to do this within 7 days of determining that someone is not eligible.

[Find the SMP1 form on GOV.UK](#)

Maternity allowance

Someone who is not eligible for statutory maternity pay might be able to get maternity allowance. This is paid by the government.

[Find out more about maternity allowance on GOV.UK](#)

Keeping records

Employers must keep records of statutory maternity pay payments.

[Find out more about keeping statutory maternity pay records on GOV.UK](#)

Changes to statutory maternity pay

A pay rise could change how much someone gets paid once they are already on maternity leave.

A pay rise might affect someone's statutory maternity pay. This depends on when the pay rise is given.

[Find out more about pay rises when someone is off work](#)

Workplace pensions

If someone is receiving maternity pay, an employer might have to make pension contributions.

[Find advice on maternity leave and pensions from Money Helper](#)

Enhanced maternity pay

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

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

An worker should check their contract or talk to their employer to find out:

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

If an organisation does not have a policy, they should consider creating one.

A worker might have to repay some or all of the enhanced amount (anything more than statutory maternity pay) if they:

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

This should be clearly set out in their contract.

Repayment if someone does not return to work

If a worker doesn't return to work after maternity leave, they may have to pay back some maternity pay, depending on their contract.

They never have to repay statutory maternity pay.

They might have to repay enhanced maternity pay. This is the amount they received on top of statutory maternity pay.

The contract must clearly explain when repayment is needed. Employers should remind workers about the possibility of repayment before paying enhanced maternity pay.

Get advice and support

Employers can [contact the HMRC helpline](#) if:

- they disagree with a worker about statutory maternity pay
- they cannot pay, for example because they're insolvent

Workers can [contact the HMRC Statutory Payment Disputes Team](#) if they think their employer:

- is paying them the wrong amount of statutory maternity pay
- has wrongly decided not to pay them statutory maternity pay

4. During maternity leave

When someone is on maternity leave, managers should:

- tell them about important changes
- keep information shared confidential

Keeping each other informed

Before maternity leave starts, the employer and employee should agree on how to keep in touch.

Employers should try to agree on a way of keeping in touch that's comfortable for the employee. For example, they can ask if they prefer email to phone calls.

Things employers must tell the employee about

The employer must tell the employee about important changes that might affect them. For example:

- promotions or other job opportunities
- training
- redundancies
- any reorganisation

If they do not, this could be [pregnancy and maternity discrimination](#).

Other things they can tell the employee

Employers could also tell the employee about:

- social events
- colleagues who are leaving or joining
- arrangements for their return to work

It's a good idea for employers to:

- let the employee decide how much contact they want, unless it is about things the employer must tell them
- remind the employee they do not have to work during maternity leave

Confidentiality

Employers must keep information shared during maternity leave confidential.

They should only tell others if the employee makes it clear they can share. This includes other employees, clients or customers.

This also applies if an employee tells an employer that their baby needs [neonatal care](#).

Keeping in touch days

An employee could have up to 10 keeping in touch (KIT) days during their maternity leave.

Keeping in touch days need agreement from the employer.

Keeping in touch days help an employee stay in contact with their organisation. For example, by joining training sessions or team meetings.

An employee should agree with their employer:

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

If an employee works part of a keeping in touch day, it still counts as a full day.

Employees cannot work more than 10 keeping in touch days. Their statutory maternity leave and pay will automatically end if they do.

Pay for keeping in touch days

An employer and employee should agree pay for keeping in touch days in advance. The easiest option is to pay normal pay for the day.

Employers can sometimes pay less than normal pay. This depends on what someone is doing on their keeping in touch day. Paying someone less than they normally get for doing the same thing could be [discrimination](#).

Employers must not pay less than the [minimum wage](#).

If someone is taking shared parental leave

An employee taking shared parental leave might be able to take 20 extra days for keeping in touch. These are on top of the 10 maternity keeping in touch days.

These extra days are called shared parental leave in touch (SPLIT) days.

[Find out more about when an employee is on shared parental leave](#)

Entitlement to bonuses

If the employer awards a bonus while an employee is on maternity leave they might be eligible to get the bonus.

This depends on whether the bonus is based on:

- performance of the organisation
- performance of an individual employee

[Find out more about bonuses when someone is off work](#)

If the employee becomes pregnant on maternity leave

An employee might become pregnant while on maternity leave. If they do, they're entitled to an additional 52 weeks' statutory maternity leave.

The employee cannot start their next statutory maternity leave until the 11th week before their baby is due.

If their first statutory maternity leave ends before the 11th week, they'll need to either:

- return to work until at least the 11th week before the baby is due
- see if they can stay off work by taking another type of leave (such as holiday leave)

It's up to the employer to decide if they can stay off work by taking another type of leave. The employee must give the correct notice for other leave.

Maternity cover

An employer can choose to employ someone else to do the work while the employee is on maternity leave. This is sometimes called 'maternity cover'.

The maternity cover can be an existing or new employee.

Usually these roles are temporary with a fixed end date.

The employer must tell the maternity cover what happens when their role ends. For example:

- if they're an existing employee, whether they'll go back to their previous role or to a different one
- if they're a new employee, whether their job will end – if so the employer must end their contract fairly

An employer must not dismiss an employee on maternity leave and replace them with maternity cover. This would be [pregnancy and maternity discrimination](#).

5. Holiday and maternity leave

An employee will 'accrue' (build up) their holiday entitlement during statutory maternity leave. This includes bank holidays.

It's not possible to take 2 types of leave at the same time. But someone could take their holiday either before or after maternity leave.

Planning maternity leave and holiday

An employer must allow their employee to take their statutory holiday entitlement during the holiday year.

An employee might not be able to use it because they're on maternity leave for all or most of the year. In these cases, the employer must allow them to carry it over to the next holiday year.

When someone is planning maternity leave, they should agree with their employer:

- how much holiday entitlement they'll accrue before and during the planned maternity leave
- if they're going to take their accrued holiday before or after maternity leave
- how much they will carry over, if appropriate

Options to take annual leave could include:

- taking some annual leave before maternity leave and some after returning to work
- using all of their holiday for the year before they start maternity leave
- ending maternity leave earlier and taking annual leave instead
- taking most of their holiday after maternity leave, and carry some into the next holiday year

Taking holiday during maternity leave

An employee might choose to take holiday before they have used the full 52 weeks of maternity leave. This will automatically end their statutory maternity leave.

For example, Gill takes 39 weeks of maternity leave followed by 2 weeks of paid holiday. Taking the holiday will end Gill's statutory maternity leave. Gill cannot take the remaining 13 weeks after their holiday.

Example of planning holiday entitlement

Charlie's contract gives them statutory holiday entitlement of 28 days.

Charlie is planning to take a year of statutory maternity leave. They meet with their line manager to plan how to take their holiday. Their manager talks through all the options, taking into consideration:

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

Charlie decides to take:

- 3 days before they start maternity leave
- 25 days when they return from maternity leave.

Because of the time of year, 5 of those days will carry into the next holiday year.

Enhanced holiday entitlement

It might be written in the contract that an employee gets more than statutory holiday entitlement.

This can be called 'enhanced' or 'contractual' holiday entitlement.

If an employer offers this, the employee should agree with them whether they will:

- get payment in lieu of taking the days that are additional to statutory entitlement
- take the days additional to statutory entitlement and potentially carry them over

If an employer does not allow an employee to take holiday

It could be discrimination if an employer does not allow an employee to take their holiday entitlement because of:

- their sex
- pregnancy or maternity

[Find out more about discrimination](#)

Get more advice and support

For more advice you can:

- [find out about holiday entitlement](#)
- [find out more about holiday for irregular hours and part-year workers](#)

6. Maternity protections

Anyone taking maternity leave is protected by law against:

- discrimination
- detriment
- unfair dismissal
- unfair redundancy

The laws are the Equality Act 2010 and the Employment Rights Act 1996.

Protection from discrimination

It's against the law to treat someone unfavourably because of pregnancy or maternity.

All employers should take steps to make sure maternity discrimination does not happen at work. For example, an organisation should consider [creating a pregnancy and maternity policy](#).

If someone has experienced discrimination at work, they can make a complaint to their employer.

[Find out more about pregnancy and maternity discrimination](#)

Protection from detriment

An employer must not cause someone 'detriment' for taking, or planning to take, maternity leave.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- they experience [bullying](#)
- they experience [harassment](#)
- their employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities
- their employer reduces their hours without good reason

Protection from unfair dismissal

Employees are protected against unfair dismissal related to maternity. This includes anyone planning on taking maternity leave.

Planning to take or being on maternity leave is never a valid reason to dismiss someone. If an employee is dismissed because they are on maternity leave it is 'automatically unfair'.

An employee can make a claim for automatically unfair dismissal regardless of how long they've worked for their employer. If an employer dismisses an employee who is on maternity leave, they must give them the reasons in writing.

[Find out more about unfair dismissal](#)

Redundancy protection

An employee who is taking maternity leave has special protection in a redundancy situation.

By law, employers must offer them a suitable alternative vacancy, if there is one.

If an employer does not follow the law, it might be automatically unfair dismissal. It could also be pregnancy and maternity discrimination.

[Find out more about redundancy protection for pregnancy and new parents](#)

Raising a problem

If someone has a problem at work related to maternity, they can raise it informally first. They can do this by [talking with their employer](#).

If they've already tried to resolve things informally, they can [raise a grievance](#). This is where someone makes a formal complaint to their employer.

Making a claim to an employment tribunal

Someone might not be able to resolve the problem. In these cases, they might be able to make a claim to an employment tribunal.

They could make a claim for:

- detriment
- unfair dismissal
- discrimination

There are strict time limits for making a claim to an employment tribunal.

[Find out more about making a claim to an employment tribunal](#)

7. Returning to work

When someone returns from maternity leave, they:

- are usually entitled to return to the same job
- have special protection in a redundancy situation

Employees might need to work in a different way when they return to work. For example, they may ask to work flexibly or part time.

Returning to the same job

At the end of maternity leave, someone's right to return to the same job depends on how much leave they've taken.

If they've taken up to 26 weeks' maternity leave

Someone has the right to return to the same job if they have taken 26 weeks or less.

They've taken more than 26 weeks' maternity leave

They have the right to return to the same job unless the employer has a genuine reason why this is not possible. In these cases, they have the right to return to a suitable alternative role.

This right applies even if someone else is covering their job well during maternity leave.

If there's no alternative but to offer them a different job, the job must be suitable, appropriate and on the same terms. For example, it must have the same:

- pay
- benefits
- holiday leave and pay

- location
- seniority

Protection from redundancy

By law, an employer cannot make an employee redundant for:

- taking maternity leave
- making a statutory request for flexible working to care for their child

Employees who are pregnant or on maternity leave have extra redundancy protection. By law, employers must offer them a suitable alternative vacancy, if there is one. The law is the Employment Rights Act 1996.

[Find out about redundancy protection for pregnancy and new parents](#)

Changing the return date

An employee must tell the employer in writing at least 8 weeks before they're due to return to work if they want to:

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

To change the date, they must give at least 8 weeks' notice before:

- the new date if they want to return to work earlier
- the original date if they want to stay on maternity leave longer than planned

Help and support

Going back to work after having a baby can be difficult. Someone might have different needs when they return to work. It is a good idea to discuss any help or support they might need.

Flexible working requests

An employee can make a statutory flexible working request if they want to make changes to how they work. For example, if they want different working hours.

[Find out about statutory flexible working requests](#)

Supporting mental health

After having a baby, mental health can be affected. If someone has poor mental health, it's important their employer takes it seriously. They should treat it with the same care as a physical illness.

There are many types of mental health conditions, for example:

- depression – including postnatal depression
- anxiety

Postnatal depression affects more than 1 in every 10 women within a year of giving birth. It can start any time in the first year after giving birth.

If an employee has a mental health condition, it is up to them whether they disclose it to their manager and at what stage. It can be a good idea to tell them, as a manager can offer support.

Together they could discuss changes to the employee's working pattern to suit the situation. For example, they might agree to change the start and finish time.

An employee could use the organisation's employee assistance programme (EAP), if there's one available.

Find out more about:

- [support and training for mental health at work](#)
- [postnatal depression from the NHS](#)

Health and safety

The law says employers must do a health and safety risk assessment for:

- women of childbearing age, including pregnant women
- someone who is breastfeeding
- someone who has given birth in the last 6 months

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

Breastfeeding and expressing milk

Employers must provide a suitable area where someone who is breastfeeding can rest.

It is good practice for the area to:

- include somewhere to lie down if necessary
- be hygienic and private so they can express milk if they choose to – toilets are not a suitable place for this
- include somewhere to store their milk, for example a fridge

[Read NHS advice on breastfeeding and going back to work](#)

If someone does not want to go back to work

The employee must follow the organisation's usual resignation process, including giving notice. The employment contract should set out this process.

It's a good idea to consider any handover that might be needed. The employee could use keeping in touch (KIT) days to do this.