

Maternity & Paternity Rights: *What You're Entitled To*

A plain-English guide for workers and managers — statutory pay, leave entitlements, KIT days, shared parental leave and protection from dismissal.

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 GOV.UK · ACAS · ERA 2025

 England, Wales & Scotland

ukworkrights.co.uk

How much leave are you entitled to?

- All employees are entitled to **52 weeks' maternity leave** regardless of length of service or hours worked
- **Ordinary Maternity Leave (OML)**: first 26 weeks
- **Additional Maternity Leave (AML)**: remaining 26 weeks
- Leave can start up to **11 weeks before** the expected week of childbirth
- If your baby arrives early, leave starts **automatically the day after the birth**
- You must give your employer **at least 8 weeks' notice** to change your return date
- Your job is **protected** during OML and AML — you have the right to return

✓ FROM DAY ONE

Maternity leave is a right from the first day of employment. There is no qualifying period.

💡 COMPULSORY LEAVE

You must take at least **2 weeks** off after giving birth (4 weeks if you work in a factory). This is compulsory maternity leave.

What pay are you entitled to?

PERIOD	RATE (2026/27)
Weeks 1–6	90% of average weekly earnings
Weeks 7–39	£194.32/week or 90% AWE — whichever is lower
Weeks 40–52	Unpaid (leave continues)

📋 QUALIFYING FOR SMP

- Employed by the same employer for **26 weeks by week 15** before your due date
- Earning at least £129/week on average (Lower Earnings Limit)
- Still pregnant at week 11 before due date, or already given birth

⚠️ DON'T QUALIFY FOR SMP?

You may still be entitled to **Maternity Allowance** from DWP — up to £194.32/week for 39 weeks if you've worked for 26 of the 66 weeks before your baby's due date.

💡 ENHANCED PAY

Check your contract — many employers offer enhanced maternity pay above the statutory minimum. Any enhanced pay must be clearly stated in your contract or staff handbook.

KIT days — keeping in touch during leave

- You can work up to **10 Keeping in Touch (KIT) days** during maternity leave without losing your SMP
- KIT days are **voluntary** — both you and your employer must agree to them
- Your employer **cannot force** you to do KIT days
- Agree the pay for KIT days in advance — your employer may count your SMP towards the pay agreed, but must not pay you less than the minimum wage
- KIT days can be used for training, team meetings, handovers or a phased return preparation
- Any part of a day counts as a full KIT day
- On Shared Parental Leave, these are called **SPLIT days** — up to 20 per parent

✓ IN PLAIN ENGLISH

KIT days help you stay connected without ending your leave early. They're designed to work for both sides — but you always have the right to say no.

Paternity leave and pay

- **1 or 2 weeks'** statutory paternity leave — taken together or as 2 separate one-week blocks
- Must be taken within **52 weeks of birth** (or adoption placement)
- Must give notice of **15 weeks before** the expected due date
- Qualifying: paternity leave is a right from your first day of employment; for Statutory Paternity Pay you must have been employed for 26 weeks by week 15 before the due date
- Statutory Paternity Pay: **£194.32/week** or 90% AWE — whichever is lower
- Must be taking time off to look after the child and be the father, or the husband or partner of the mother

▲ PATERNITY CHANGES

You can already take paternity leave as **two separate one-week blocks** at any time within 52 weeks of the birth, and paternity leave is now a right from your first day of employment.

💡 CHECK YOUR CONTRACT

Many employers offer enhanced paternity pay. Check your staff handbook or ask HR — you may be entitled to more than the statutory minimum.

Shared Parental Leave (SPL)

- Allows parents to **share up to 50 weeks of leave** and up to 37 weeks of pay between them
- The mother must first **curtail maternity leave** to release the remaining leave
- Leave can be taken simultaneously by both parents or in turns
- Can be taken in **up to 3 separate blocks** each — subject to employer agreement for discontinuous blocks
- Each parent taking leave needs 26 weeks' employment with the same employer by week 15 before the due date (and average earnings of at least £129 a week for Shared Parental Pay); the other parent must have worked 26 of the 66 weeks before the due date and earned at least £390 in any 13 of them
- Shared Parental Pay: **£194.32/week** or 90% AWE
- Give at least **8 weeks' notice** of each leave period

⚙ YOUR EMPLOYER'S ROLE

Your employer can refuse discontinuous leave requests but must offer continuous leave instead. They cannot prevent you from taking SPL altogether — only the pattern.

Protection from dismissal and detriment

- It is **automatically unfair dismissal** to dismiss someone because they are pregnant, on maternity leave, or have taken/requested leave
- This protection applies **from the moment pregnancy begins** — there is no qualifying service requirement
- From **1 January 2027**, ordinary unfair dismissal needs 6 months' service instead of 2 years (England, Wales and Scotland) — but a dismissal because of pregnancy or maternity leave needs no service at all
- You have the right to **return to the same job** after OML
- After AML, you have the right to return to the same job or, if not reasonably practicable, a **suitable alternative**
- Redundancy during maternity leave: you must be **offered any suitable vacancies first** — this is a priority right

▲ WATCH OUT FOR

- Being passed over for promotion while pregnant
- Performance management starting suspiciously after announcing pregnancy
- Redundancy without being offered suitable alternatives

✓ REMEDIES

Pregnancy/maternity discrimination claims have **no cap on compensation** and do not require a qualifying period of service.

BY THE NUMBERS

52

Weeks of maternity leave every employee is entitled to

39

Weeks of Statutory Maternity Pay (SMP) if you qualify

£194.32

Weekly SMP rate from weeks 7–39 (2026/27)

10

KIT days you can work without losing SMP

50

Weeks of Shared Parental Leave available to share

Day 1

Maternity leave entitlement — no qualifying period required

Adoption leave and pay

- The **primary adopter** is entitled to up to **52 weeks' adoption leave** — same structure as maternity
- Statutory Adoption Pay (SAP): **90% of AWE for 6 weeks**, then £194.32/week or 90% AWE for 33 weeks
- Must have been employed for **26 weeks** before being matched
- The secondary adopter is entitled to **paternity leave** (1–2 weeks)
- Both adopters may be eligible for **Shared Parental Leave**
- For **surrogacy**: intended parents may qualify for adoption leave if they intend to apply for a parental order
- Leave can start up to **14 days before** the child is placed

FOSTER TO ADOPT

If you are fostering a child prior to adoption, speak to HR — you may be entitled to adoption leave and pay from the point of fostering.

What to do — step by step

1

Notify your employer in writing by week 25

Tell them you're pregnant, your expected due date and when you want to start leave. They must confirm your leave dates within 28 days.

2

Get your MATB1 certificate from your midwife

Available from week 20. Your employer needs this to process SMP — give it to HR or payroll as soon as you have it.

3

Check your contract for enhanced pay

Your staff handbook may include enhanced maternity or paternity pay above statutory. If unclear, ask HR in writing.

4

Discuss KIT days if you want them

KIT days are optional — arrange any you want in advance and confirm the pay rate in writing before working them.

5

If you face dismissal or detriment — act fast

Contact ACAS immediately on 0300 123 1100. Time limits apply — 6 months less one day for acts on or after 1 October 2026 (3 months less one day for earlier acts).

Frequently asked questions

Q Can I be made redundant while on maternity leave?

Yes, but only in genuine redundancy situations. You must be offered any suitable vacancies first — this is a priority right that overrides other employees. If you are not offered suitable alternatives, the dismissal is automatically unfair.

Q What if I don't qualify for SMP?

You may qualify for Maternity Allowance instead — up to £194.32/week for 39 weeks. Claim through the DWP using form MA1. Self-employed women often fall into this category.

Q Can my employer contact me during maternity leave?

Yes, but only to a reasonable extent for keeping-in-touch purposes. They cannot require you to work (other than agreed KIT days) or make decisions that could disadvantage you by reason of your absence.

Q Do I have to return to the same job?

After OML (first 26 weeks), yes — you return to the same job on the same terms. After AML, you return to the same job if reasonably practicable, or a suitable alternative on no less favourable terms.

FREE RIGHTS GUIDANCE

Check your maternity & *paternity rights*

Get plain-English guidance on your rights and your employer's legal duties.

ACAS — FREE EMPLOYMENT ADVICE

0300 123 1100

acas.org.uk

CITIZENS ADVICE

0800 144 8848

citizensadvice.org.uk

MATERNITY ACTION

0808 802 0029

maternityaction.org.uk

UK WORK RIGHTS — FREE GUIDE

**Maternity Pay and Leave in
England, Wales and Scotland
2026**

ukworkrights.co.uk/guide-maternity-pay-leave-gb.html

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Flexible Working

ukworkrights.co.uk/toolbox-flexibleworking.html

TOOLBOX TALK

Discrimination at Work

ukworkrights.co.uk/toolbox-discrimination.html

TOOLBOX TALK

Domestic Abuse at Work

ukworkrights.co.uk/toolbox-domesticabuse.html

FREE GUIDE

Maternity pay and leave (England, Wales and Scotland)

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