

Understanding IR35

Am I entitled to SMP?

To qualify for Statutory Maternity Pay you must have been:

- employed by continuously for at least 26 weeks into the 15th week before the week your baby is due;
- earning an average of at least £112 a week (before tax)

How much will you receive?

Statutory Maternity Pay is paid for a maximum period of 39 weeks;

- at 90% of your average gross weekly earnings with no upper limit for the first six weeks;
and
- for the remaining 33 weeks at either the standard rate of £139.58 or 90% of your average gross weekly earnings (if the 90% rate is less than the standard rate).

How is the SMP paid?

Your employer will usually pay your SMP in the same way, and at the same time, as your normal wages. As this is treated as normal pay we also have to deduct Tax and National Insurance as usual.

How and when to claim

To claim SMP you must inform your employer, in writing, at least 28 days before the date you want to start your Maternity Pay.

You can change your mind about the date you want to start your Statutory Maternity Pay but you must still give at least 28 days' notice of the new date.

You must also give medical evidence of when your baby's due. This is normally on the maternity certificate, (form MATB1), that your doctor or midwife issues to you, no earlier than 20 weeks before your baby is due.

What if I'm not entitled to SMP?

If you are not eligible for Statutory Maternity Pay, you do have other options, such as Maternity Allowance or Incapacity Benefits and if you or your partner/civil partner are claiming benefits or tax credits, you may be able to get a Sure Start Maternity Grant.

Statutory Maternity Pay Facts

- Each time you become pregnant you must use the expected week of childbirth of your new pregnancy to work out your Statutory Maternity Pay for that pregnancy.
- The earliest SMP can start is from the 11th week before the week your baby's due (unless your baby is born before this).
- The latest your SMP can start is from the day following the birth.
- Even if you don't intend to return to work, you can still get Statutory Maternity Pay which you do not have to repay.
- If you continue to work into the 11 weeks before the baby is due you can choose when you start getting your Statutory Maternity Pay. You do not have to be physically at work to retain this choice – you may be off sick for example.
- SMP will start from any day you chose once you have stopped work to have your baby, this means your SMP will start from the first day of your maternity leave.
- If you have more than one job, you may be able to get Statutory Maternity Pay from each employer.
- You may work for the employer paying you SMP for up to 10 days without losing SMP. Once you have used your 10 days and you do further work for that employer, you will lose SMP for each week in your Maternity Pay Period in which you do that work.
- If, after the baby is born, you work for any employer who did not employ you in the 15th week before the week your baby was due, you must tell the employer paying your SMP about this work and your SMP will stop.