

Expecting your rights

A guide to maternity, paternity and adoption leave

Introduction

This guide is for anyone who is about to have a baby or adopt a child and has a job. It explains what your rights at work are if you are pregnant, if your partner is, or if you are adopting.

If you are about to become a parent you are probably really excited. But when you are not hopping from foot to foot with pure joy, you might also be a little bit worried about how it will go down at work, how you'll survive financially, and how you can juggle being a top-quality parent and a treasured employee at the same time.

This guide explains what you need to know at every step and legal agony aunt, Beverly Reid, advises readers' how to handle the trickier situations.



I'm pregnant. My friends know, but I don't want to tell my boss because I am going for promotion. I don't want to hurt my chances, but I also don't want him to think that I tricked him. What should I do?



Great news about your pregnancy! You should be able to shout it from the rooftops. However, you are right to want to consider how you approach the subject with your boss. The first thing to say is that he might be supportive and positive, do you have any reason to think that he won't be? Some employers treat pregnant women very well.

Write to your boss as soon as possible and let him know that you are pregnant. Tell them the week the baby is due and when you want to start maternity leave (if you already know). As soon as they know you are pregnant, they have a legal duty to protect the health and safety of you and the baby. They need to give you a risk assessment, and make changes to your working hours or the jobs you do if they are needed. They also need to give you paid time off for medical appointments and pregnancy related illness – all of which may come in handy over the next few months. If they don't know about your pregnancy, they don't have to consider your needs.

It would be illegal for your boss not to give you the promotion because you're pregnant. If you didn't get the promotion and could show that you were the best person, and that you probably would have got the job if you weren't pregnant, you might be able to take your employer to an employment tribunal for sex discrimination. I know that you might not necessarily want to do this, but you would have the option to.

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You have all the rights in this guide if you are an 'employee'. Most people who have a job are employees. If you are not sure whether this includes you, see 'How do I know if I am an employee?' on p.21 for more details. If you are not an employee, we explain which of these rights you do and don't have.

I'm having a baby. How much leave will I get?



You can take up to a year's leave from work. It does not depend on how long you have worked for your boss, or how many hours you do a week.

When can I take my leave?

It's your choice. You can start your maternity leave at any time as long as your baby is due within 11 weeks. If you intend to work up until your baby is due, and then your baby comes early – your leave will start when your baby arrives.

What do I need to do?

You need to tell your boss that you are pregnant (this brings other benefits as well, because as soon as your boss knows they have to look after your health and safety more).

You might tell them earlier, but in all cases you must tell them by the 15th week before your baby is due (that's the week in which you are 25 weeks pregnant). For these purposes, weeks start on a Sunday. They only need to know the week your baby is due and the date you want to start your leave. You don't have to put it in writing unless they ask you to, but it's always a good idea to do so.

If you will be getting Statutory Maternity Pay, you might want to say when you want your pay to start as well (see below). You don't have to tell them how long you expect to take off at this stage; they should assume you'll take the full year.

What happens while I'm on leave and afterwards?

For your rights during your leave, see 'While you are on leave'.

See pages 15–19 for details of how you can use your rights to balance being the perfect parent with your work.

It is illegal for your boss or colleagues to treat you unfairly because you had a baby or took maternity leave.

My boss keeps asking me how long I plan to take off because he has to organise cover for me. I haven't made up my mind yet. What should I say?



It's good that your boss is trying to organise cover for you, it shows that he is trying to plan ahead. All women are now entitled to 12 months maternity leave from the day they start work. You have the right to take the whole 12 months if you want to and your boss should assume that you are, unless you tell him otherwise.

If you are not sure how long you want to take off yet, why don't you write to your boss (it is always best to write) telling him that you will let him know ASAP. Tell him, you will give him at least 8 weeks notice of the date when you want to come back to work, so that he can arrange for your cover to finish. That should reassure him.

If you have given 8 weeks notice, your boss has to let you come back. But if you haven't, he could send you home and not allow you to work until you have. Your boss has to allow you back to work at the end of the 12 months even if you haven't given him any notice.

If you take only 6 months leave then you have a right to return to the same job as you did before you went on maternity leave, if you take 12 months you have the right to return to the same job, or if this is no longer available, another suitable one.

What maternity pay will I get?

There are two different types of maternity pay. Which you get depends on how long you've worked for your employer. They are both paid for 39 weeks.

Statutory Maternity Pay

You are entitled to Statutory Maternity Pay (SMP) as long as you started the job at least a week before you became pregnant and you earn over £95 a week before tax. (This is the lower earnings limit for 2009–10. It goes up slightly every April).

With Statutory Maternity Pay, you get 90% of your average weekly earnings for the first 6 weeks. After that, you get £123.06 per week for 33 weeks. (If 90% of your average weekly earnings are less than £123.06, you'll continue getting 90% of your earnings instead).

Many employers are more generous than the legal minimum; check your contract, staff handbook or office manual.

What do I need to do?

SMP is paid by your employer, who then claims it back from HMRC (HM Revenue and Customs). You need to give your boss a form from your midwife (called the MATB1 form) at least 28 days before you want to start receiving your maternity pay. In practise, many women tell their boss in writing at the same time as telling them when you want to take your leave.

If your boss thinks you are not entitled to SMP but you think you are, you can ask HM Revenue and Customs to check it. If you aren't entitled to SMP, your boss must give you a form called SMP1 – you can use this to get maternity allowance (see below).

What if I don't want to go back?

You are entitled to the money even if you don't plan to return to work. However, if your employer is going to pay you more than the statutory maternity pay, you can be asked to repay the extra if you don't go back (if it was in your contract or you had agreed it with your boss).

I've just started here. What do I do?

If you were pregnant before you started the job, you won't be entitled to Statutory Maternity Pay, but you will be entitled to maternity leave and will probably get Maternity Allowance (see below to check you meet the conditions).

I have two jobs. What do I do?

If you have been working for them for long enough, you can get Statutory Maternity Pay for both. If you don't qualify for SMP, you will get Maternity Allowance (provided you meet the conditions).

I'm on a short-term contract. What do I do?

If you will still be employed on your due date, you will be entitled to SMP, provided you meet the conditions above. If it is not certain whether you will still be employed on your due date, get advice. See 'How to find an adviser' on p.21.

I'm an agency worker – what do I get?

You will be entitled to SMP if you meet the conditions above. Your employer is usually the agency you work for.

I'm self-employed – what do I get?

If you are self-employed, you won't be entitled to statutory maternity pay, but you will be entitled to maternity allowance if:

- you have worked for 26 weeks in the last 66 weeks (either for yourself or an employer); and
- you have 13 weeks where you have paid Class 2 NI contributions or held a certificate of small earnings exemption.

If you have got 13 weeks of Class 2 NI contributions, you are entitled to the full amount of £123.06. If you have the certificate, you will be entitled to £27 per week.

If you own a limited company and pay yourself through PAYE, you will qualify for SMP if you meet the conditions.

Maternity Allowance

If you aren't entitled to Statutory Maternity Pay, you'll be entitled to Maternity Allowance if:

- you have worked for 26 weeks in the last 66 weeks. (This could be in lots of different chunks or for different employers. It can include self-employed work); and
- you earned more than £30 for 13 of those weeks. (You can choose the weeks when you've earned the most, combine wages from different jobs, and it can include overtime, bonuses, or sick pay).

Maternity Allowance gives you £123.06 a week or 90% of your average weekly earnings, whichever is less. You may get an additional amount for your husband, civil partner, or someone else who looks after your children, if that person is on a very low income.

What do I need to do to get it?

Maternity Allowance is paid by Jobcentre Plus. To claim it, download form MA1 from the Jobcentre Plus website at www.jobcentreplus.gov.uk and give it to your local benefits office. You can do this at any time after your 26th week of pregnancy. You will need to give them medical evidence of your pregnancy, usually your maternity certificate (MATB1). If you have a job, you will also have to get form SMP1 from your employer to confirm that you aren't entitled to SMP.

When do I get it?

You get Statutory Maternity Pay or Maternity Allowance for 39 weeks. The earliest they can start to be paid is the 11th week before your baby is due. The latest it can start is just after your baby is born. If you are not working, there are rules about when your Maternity Allowance has to start being paid. If you are late claiming, you may be able to get some of the money backdated, get advice – see 'How to find an adviser' on p.21.

Will I be entitled to anything else for the baby?

Child benefit

Everyone gets child benefit. You get £20 a week for your oldest child, and £13.20 a week for each of your other children (these rates are for 2009–10, it usually goes up every year). You need to apply for it using form CH2 (you can download it from www.hmrc.gov.uk/childbenefit)

Health in pregnancy grants

Most people can now get a one-off grant of £190 to help prepare for the birth. Get a claim form from your midwife or doctor (they must fill in their part and sign it before giving it to you). Then send it to HM Revenue and Customs within 31 days. You might not be entitled if you are subject to immigration control or don't normally live in the UK.

Healthy start vouchers

Some people on low incomes (and mums under 18) get healthy start vouchers which you can swap for milk, fresh fruit and vegetables, and infant formula milk. You can check if you are entitled at www.healthystart.nhs.uk/en/qualifier/index.asp

Tax credits

Most people with children are entitled to some level of child tax credit. If you will be, and how much, depends on your circumstances and income. You can get it on quite high incomes, including incomes of over £50,000 a year.

The tax credit calculation is very complicated. To check if you are entitled and how much you will get, see an adviser or use HMRC's calculator:

www.taxcredits.inlandrevenue.gov.uk/Qualify/DIQHousehold.aspx.

Maternity grants

If you are on a low-income, you may also be able to get a £500 maternity grant from the Social Fund. If you or your partner get Income Support, income-based Jobseeker's Allowance or Pension Credit, the disability element of Working Tax Credit, or get Child Tax Credit at a rate higher than just the family element you should apply. Use form SF100 (Sure Start) available at www.dwp.gov.uk.

WATCH OUT!

If you take more than 39 weeks maternity leave and your SMP or maternity allowance has stopped, tell the HMRC immediately. It may make a big difference to what you are entitled to as you will no longer be counted as working.



During your pregnancy



Telling your boss

You don't actually have to tell your boss, except to get maternity leave. But, apart from the fact that they might wonder at your increasing bump, it's often useful to do so. This is because as soon as you've told them, they have a responsibility to take extra care over your health and safety. They also have to give you time off for antenatal appointments or pregnancy-related sickness.

If you tell your boss before you want to tell other people, make it clear that you expect them to keep it quiet.

Health and safety

As soon as you've told your boss you are pregnant in writing, they have a duty to do a health and safety assessment if there is reason to think there is any risk. Many employers do it as a matter of course, but if yours doesn't, you can ask for one if you have any concerns.

Ask your midwife what sort of problems you might have. It's not just about lifting heavy things, some women get back pain if they have to stand a lot, others can't lift even quite light things.

Your assessment should look at all these things, and you should be involved in it. If there is anything to be concerned about, your boss needs to find ways to remove or reduce any risk. This might be by temporarily changing the work that you do (you should still get the same pay), or changing your hours. If you can't be moved to a suitable role or your hours can't be changed in a way you could manage, you should be sent home on full pay.

The manual says that pregnant workers will be given a health and safety check. I have never had one, should I remind them?

Your boss should already be managing health and safety issues if he has women of childbearing age in the workplace. When you inform your boss that you are pregnant, he must consider any particular health and safety risks which may affect you. You should remind your boss immediately and let him know if there are any issues that affect your health (or might do).

He should keep checking how your health is throughout your pregnancy and adjust your work if needed. I would suggest that if your boss does not keep checking on your health, you should politely remind him to.

Once a month I have to go to meetings at the other end of the country. It is 4 hours each way and the travelling really tires me out now. Is there anything I can do?

That's a lot of driving in one day. Health and safety law states that excessive driving is a common risk during pregnancy. Your boss has a duty to carry out a risk assessment on you as soon as possible after you let him/her know you are pregnant. Presumably you have had one of these, if not you should ask for one straightaway. If you have had one then your boss will still need to consider making changes to your work pattern if your health is put at risk. If you are driving for 8 hours in one day, it is no surprise that you are getting tired.

Why don't you get a letter from your GP saying that you need to stop that particular part of your job during pregnancy? If you can't do this for some reason, then write to your boss and tell him/her that the driving is tiring you out because you are pregnant. Ask him to change that part of your job whilst you are pregnant, and offer to do other duties that aren't a problem. You're not asking for special treatment, it's their job to make adjustments to help you to continue working.

I'm a waitress and so I'm on my feet all day, rushing around with heavy trays. I am really exhausted by the time I get in, and I often feel sick. Do you think there is anything I can do?

Has your boss carried out a risk assessment? If not, you should ask him/her to do one straight away. Once s/he has done one, s/he should realise that what you are doing is unsafe because you are running around with heavy items and because it is making you ill. Write to him and let him know how you are feeling. Then he will need to think of ways to help you. He might suggest giving you different jobs which are less physically demanding, allowing you to sit down or take lots of breaks, or changing your hours. If he doesn't suggest anything sensible, you might want to do so yourself.

If your boss cannot think of other ways to help you then, legally, he may have to consider suspending you from work on full pay.



Time off

If you are off sick because of your pregnancy, make sure your boss isn't writing it down as normal sick leave. If you get any sick notes from the doctor – make sure s/he says that is related to your pregnancy on the notes. This kind of sick leave can't be counted in any decision to make people redundant or sack them. You should still get your normal sick pay, unless your baby is due in less than 4 weeks (for these purposes, weeks start on a Sunday). If you have less than 4 weeks to go, your boss can insist you start your maternity leave (and therefore your SMP or Maternity Allowance) early.

You are allowed to take extra time off for antenatal appointments with your doctor, mid-wife or health visitor. This includes relaxation classes and antenatal classes, like parentcraft or those run by the National Childbirth Trust. Your boss shouldn't ask you to make the time up later and you should be paid as normal. After the first appointment, your boss can ask for evidence of the appointment and a certificate proving you are pregnant.

I asked my boss if I could come in late because I have an appointment with my midwife. She asked me why I couldn't see the midwife on a Thursday (I don't work Thursdays). Is that right?



Your boss could try to make you take appointments outside working hours if it is reasonable. But if your midwife can't give you an appointment on a Thursday, your boss should let you take the time off. You shouldn't have to make the time up.

But if for example, you only worked one day a week, and you could go to an appointment on one of the other 4 days, it might be reasonable for you to fix the appointment for a day when you are off.

Unfair treatment and unkind words

You shouldn't be treated less well because you're pregnant, or because you need to take time off or change your work because of it. If you are, it is discrimination and it is illegal. Whether it is your boss or a colleague who is causing the problem, your employer has a responsibility to stop it. If they don't, you could take the case to an employment tribunal.

If you think you may be being discriminated against, you need to get advice. See 'How to find an adviser' on p.21. See further help on p.23.

One of my colleagues has started making comments about how I'm really slow. She is a nice woman but it makes me feel really awkward, as if I'm causing more work for the others. What am I supposed to do?



It's unfortunate when people make comments like this. You might want to just take her to one side and tell her how the comments make you feel. If, as you say, she is a nice woman she might well stop. If she does not stop, then use your organisation's grievance procedure to complain. You'll find details of this in the office manual or staff handbook.

Comments like this could show that she is blaming your pregnancy for what she sees as you slowing down. This may amount to sex discrimination, so if your boss doesn't sort it out, you could take your complaint to an Employment Tribunal.



Getting the sack

Some people think it is illegal to sack anyone who is pregnant. Unfortunately, this isn't correct. You can be sacked while you are pregnant, but it cannot be because you are pregnant (or because you will go on maternity leave). That would be discrimination and unfair dismissal, and you could make a complaint to an employment tribunal. If you are sacked, your employer has to follow the rules for dismissing someone, and must give you the reasons in writing. See www.adviceguide.org.uk/index/life/employment/dismissal for more details.

Pregnant women can also be made redundant (once you are on maternity leave you do have special protection). But the decision to make you redundant, rather than anyone else, cannot be based on anything to do with your pregnancy. If they have factored in any time you have had off as a result of your pregnancy (including any related sickness) or the fact that you will be taking maternity leave, they are breaking the law. You need to get advice. See 'How to find an adviser' on p.21.

I am being made redundant. I think it is because I am having a baby.

Oh dear, I hope this isn't what is happening! From what you can see, do you think that your boss needs to make you redundant, or has he created the redundancy because you are pregnant?

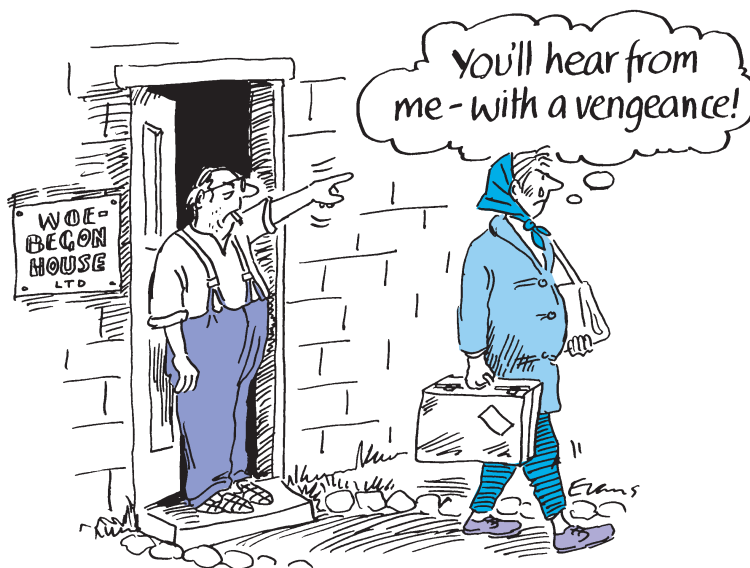


If this is a real redundancy situation, your boss should be able to show that he has followed a fair procedure and that he has discussed the situation with you over a period of weeks. He should have explained why he is making you redundant rather than any other employee. He should have given you a copy of the things he considered (the selection criteria) before deciding to make you redundant. You should be given an opportunity to say whether you think the things he based his decision on were fair.

If you do not think that a fair process was followed, you need to show that your boss is making you redundant because you are pregnant. Your boss should have given you the right to appeal; you should do this. If your boss does not change his mind, it might be possible for you to make a complaint of unfair dismissal and sex discrimination to an Employment tribunal.

If you are made redundant during your maternity leave or adoption leave you have the right (no matter how long you have worked there) to be offered suitable alternative work (if there is any) before other staff. The work should be of the same or similar type to the work you were doing before. And you have a right to receive the same pay and conditions as you had in your old job.

If your boss offers you another job that is suitable, and you refuse it without a good reason, it could hurt the chances of any complaint about unfair dismissal or discrimination you make.



I'm about to become a dad – what am I entitled to?

You can take either one or two weeks off when your baby arrives as long as

- you expect to be involved in bringing up your child, and
- you have been in the job since at least a week before your partner became pregnant. (Technically speaking, you have worked for your employer for 26 weeks or more by the 15th week before your baby is due).

This is called paternity leave. It doesn't count as part of your holiday.

For some reason, you cannot take a week and a half off – you can only choose between taking one week and two weeks and they have to be together. Which you choose is entirely up to you. Your boss should not put pressure on you to take only one week.

Is it paid?

Most dads are entitled to Statutory Paternity Pay (SPP) as long as they earn more than £95 a week on average (before tax). SPP is £123.06 each week (or 90% of your average weekly earnings if that are less). Check your contract though; your work may be more generous than the legal minimum.

If you are not entitled to SPP, you may be entitled to Income Support for those two weeks if you are on a low income.



I'm on a short-term contract. What do I do?

If you will still be employed when the baby is due, you will be entitled to SPP. If it is not certain whether you will still be employed when the baby is due, get advice – see 'How to find an adviser on p.21.

I'm an agency worker – what do I get?

You will be entitled to SPP if you meet the conditions. Your employer is usually the agency you work for.

I'm self-employed – what can I get?

If you are self-employed, you won't be entitled to statutory paternity pay, but on the upside, you can give yourself as long as you want off.

**I'm not
the biological dad.
What do I do?**

Paternity leave and pay isn't just for biological dads. If you are the live-in partner, husband, or civil partner of the mum, you can also take paternity leave as long as you expect to be responsible for the child's upbringing. You can also take paternity leave if you are adopting a child and your partner is taking adoption leave.

It is possible for two people to be entitled to take paternity leave for the same baby – this might happen if both the dad and the mum's partner expect to be involved in the child's upbringing.

When can I take it?

You can start your leave any time from the first day of the week in which the baby is due, and it must have finished by the time your baby is 56 days old (or, if the baby comes early, by 56 days after the Sunday before the baby was due).

You can choose to start your leave on a particular date, or you can choose the day your baby is born (whenever that turns out to be).

What do I need to do?

You need to tell your boss that you want to take paternity leave by the end of the 15th week before the baby is due, or as soon as you can. If you are adopting, you need to tell your boss within seven days being notified of a match by your adoption agency.

You don't have to tell your boss in writing, but it's always a good idea to put it down on paper.

By the week before your baby is due, you need to have told your boss whether you want to take one week's leave or two, and when you want the leave to start.

(If you are adopting, you need to tell your employer when you were told about the match, when you expect

the placement to start, whether you wish to take one week or two, and when you want the leave to start all at the same time).

If you change your mind about when you want to start your leave, you must give your employer as much notice as you possibly can.

If you want to get Statutory Paternity Pay, you must complete form SC3 – 'Statutory Paternity Pay' (available from www.hmrc.gov.uk/forms/sc3.pdf) and give it to your boss.

What about after my leave?

It is illegal for your employer or colleagues to treat you unfairly because you took paternity leave.

See pages 15–19 for details of what you can do to balance your new fatherly responsibilities with your work. It includes your right to ask to change your hours, take time off to look after your little bundle of joy, or what you can do if you need to stay home because they are sick.

I wanted to take two weeks paternity leave but we're busy at work and I'm being put under pressure to only take one. I don't want to be seen as uncommitted but I want to be at home. What should I do?



Paternity leave is short enough without your boss trying to make it even shorter. And of course, you will want to spend quality time with your new child. Try writing a short note to your boss, saying you need to take the full two weeks. Give him/her a sense of how busy you will be when you are off by telling him what your plans are once the baby is here. There is no need to do this, but letting your boss know how excited you are and why you want the time often eases the situation.

If you are treated badly or sacked because you take the full two weeks, you are likely to have a claim for unfair dismissal and (whether you are a man or a woman) sex discrimination.

I'm adopting – what will I be entitled to?

You can take up to a year off, as long as you have worked for your employer for 26 weeks before you are matched with a child.

If you are adopting with your partner, you can choose which one of you takes adoption leave. The other will be entitled to take paternity leave (as long as they meet the conditions – see p.9).

You must have been matched with the child by an adoption agency. Step-parents wishing to adopt a step-child won't be entitled to any extra time off.

Is it paid?

You are entitled to Statutory Adoption Pay (SAP) if you are entitled to adoption leave, and your average earnings are more than £95 a week (before tax). (This is the lower earnings limit for 2009–10. It goes up slightly every April). Your average weekly earnings are worked out on the basis of the 8 weeks before you were matched with the child/children (or two months if you are paid monthly).

SAP is £123.06 per week, or 90% of your usual weekly salary if that is lower. You can get it for up to 39 weeks. If you go back to work before the 39 weeks is up, the SAP will stop.

If you aren't entitled to SAP, you may be entitled to other benefits. You should make an appointment at your local advice agency or CAB.

When can I take it?

It is up to you when you take your leave. You can start it anytime from 14 days before the placement is expected to start. You can either choose to start it from a specified date or from the day of placement. (This is useful in case the placement starts earlier or later than expected.)

If it doesn't work out and the placement ends during your adoption leave, you can continue with the leave for up to eight weeks after the placement.

What do I need to do?

You need to tell your boss that you want to take adoption leave within seven days of the adoption agency telling you of the match or as soon as you can if that is not possible. You don't need to put it in writing unless they ask, but it is always a good idea. You just need to tell them when you expect the child to be placed with you, and when you want your leave to start. They might ask for evidence that you are adopting – a 'matching certificate' from your adoption agency will be enough.

Your boss has 28 days to reply to you. Their reply should include the date they expect you to return to work after your full entitlement of leave (12 months). Don't panic, you don't have to take this long, but if you want to come back sooner you need to give them at least 8 weeks notice.

If you change your mind about when you want your leave to start, you need to give your boss 28 days' notice (again, unless this isn't possible).

If you want to get SAP, give your employer 28 days' notice (or as much as you can) of when you want the payments to start. You will need to show a 'matching certificate'.

My work is going to start making people redundant. As I am about to go on adoption leave I am worried that it is going to be me....



The economic situation does mean that lots of people are being made redundant, and some employers do consider making redundancies from those in the most vulnerable groups, including pregnant women and those on maternity or adoption leave. I can see why you might be a little worried, but try not to worry until you have to.

Before you go on leave, you could ask to be kept informed of any consultations or meetings, and ask to receive any documents about proposed redundancies. This way at least you will know what's happening.

If you don't mind having a bit of contact with your employer during adoption leave, why don't you ask for an informal meeting and suggest that you could have a few days where you come in during your leave. (You don't have to do this, it is optional). These are called 'keeping in touch' days and you can have up to 10 without losing any adoption pay. They might help you keep up to date with what is going on, or attend important meetings. But remember ... it might not happen!

We're adopting from abroad. What are we entitled to?

You have the same rights as if you were adopting a child from within the UK. However, the rules work slightly differently in practice. See www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Adoptionrightsintheworkplace/DG_4019611 for more details.

My company has different policies for adoption and maternity pay. I feel discriminated against. Is there anything I can do?



You would think that policies about maternity pay and adoption pay would be the same. It makes sense that they should be. However, there are differences in the statutory pay and legal rights you get:

- women who have a right to Statutory Maternity Pay can get 90% of their salary for the first 6 weeks of their leave and then £123.06 for remaining 33 weeks. However, those who get paid Statutory Adoption Pay only get £123.06 (or 90% of her average earnings if that is less), for 39 weeks. They don't get more money for the first 6 weeks.
- women need to have been in the job for 26 weeks to be able to take Adoption leave, unlike Maternity leave where you have a right to take the leave from the day you start.

So, as unfair as it can seem, it isn't classed as discrimination. The law can and does change though, so this may change in the future.



I'm on a short-term contract. What do I get?

If you have been working for your employer for 26 weeks when you are matched and you will still be employed when the placement happens, you will be entitled to SAP. If it is not certain whether you will still be employed then, get advice – see 'How to find an adviser on p.21.

I'm an agency worker – what do I get?

You may be entitled to pay if you meet the conditions but you won't have the right to come back to work.

I'm self-employed – what can I get?

If you are self-employed, you won't be entitled to statutory adoption pay. On the upside, you can give yourself as much time as you like off.

Will we get any other help?

Yes – you will get child benefit, and you might be entitled to child tax credit. See p.20. Some people can also get an adoption allowance, but this depends on the situation of the child/children you adopt.

Time off

You don't get any extra time off for adoption visits in the way that pregnant women do for antenatal appointments. Some employers do let you though. If it doesn't say anything in your contract, it might be worth asking your boss.

What happens while I'm on leave and afterwards?

For your rights during your leave, see 'While you are on leave'.

See pages 15–19 for details of how you can use your rights to balance your new responsibilities with your work.

It is illegal for your boss or colleagues to treat you unfairly because you took adoption leave.

While you are on leave

While you are on maternity or adoption leave, you have almost all of the same rights as you do when you're at work. You are still entitled to your usual amount of annual leave, and if you usually have perks like use of a company car, or health or life insurance these continue while you are on leave. If opportunities for promotion or pay increases come up while you are on leave, you should be considered (if you aren't it could be sex-discrimination). If you are made redundant, you will still be entitled to redundancy pay.

However, there are a few things that aren't quite so straight-forward. You are only entitled to pension contributions from your employer for the first 6 months, or notice whilst you are receiving maternity or adoption pay. If you are sacked at any point during your leave, you are entitled to the legal minimum notice pay. If your employer has a more generous notice policy, you are only entitled to receive the extra pay if you are still receiving SMP or SAP.

If you get any extra payments as part of your salary (this might be anything that is shown separately on your pay slip – for example, a car allowance) you might not be entitled to them while on leave. The law is unclear, so if you won't be paid an allowance like this you might want to speak to an adviser about whether or not you should challenge it. See 'How to find an adviser'.

Bonuses are a particularly tricky area in the law. If you have missed out on a bonus, you should speak to an adviser. See 'How to find an adviser'.



My boss keeps putting pressure on me to work during my maternity leave. What can I do?

Your boss has no right to ask you to work during maternity leave if you don't want to. Write and tell him that you are on maternity leave and that right now caring for your new child is what you want to do. Remind him of the date you will go back to work. If you are looking forward to it, say so as it will give him a bit of encouragement. If the events you are complaining about happened before 6th April 2009, you must make a complaint in writing if it isn't solved by just bringing it up informally. See your handbook or intranet, or speak to someone from HR about your work's procedure for formal complaints.



I am due to return to work in 1 month's time but haven't taken any holiday this year. When can I take it?

You are still entitled to paid holiday, even if you are on leave. Most organisations are quite flexible about when you can take it. Most women add the holiday onto their Maternity Leave/Adoption Leave. Some women have paid holiday during their leave, or get paid a lump sum at the end. Whatever happens, you have a right to take your holiday at some point other than during your leave. Write and let your boss know when you want to take your holiday.

I am still on maternity leave and I'm pregnant again. My boss is going to go ballistic. What can I do?

You are in for a busy time! If you want to go back to work early then you don't need to write to your boss to say that you are pregnant again, but you should probably let them know. They are not allowed to treat you badly because of your second pregnancy, that would be discrimination.

You have a right to take any leave and pay that is still due from your first pregnancy. Your employment will continue without a break. You may even be able to get Statutory Maternity Pay for your second leave – go and see an adviser. If you can't get SMP, check to see if you can get Maternity Allowance.

If you take maternity leave for your second child straight after maternity leave for your first, you will still have the right to return to the same job, or (if there is a good reason why this is not possible) to another similar job with the same pay and benefits. If you went back to work for even one day between the 2 periods of maternity leave you will have the right to return to exactly the same job if you went back six months after the birth of your second baby.

I have had 6 months off on maternity leave and I'm certain I don't want to go back to work. What do I need to tell my boss?



The best thing to do is to write to your boss and tell him/her that you don't want to come back to work. Check your contract of employment. It should tell you how much notice you have to give. If you don't have a contract, you will need to give 1 week's notice for every full year you have worked there. If you have worked for the organisation for more than 12 years, you only need to give 12 weeks notice. All your rights stay the same during your notice period. You should ask them to pay you any other money, such as holiday pay. Even if you have left, your boss will still have to pay you Statutory Maternity Pay for the full 39 weeks. (If you receive maternity allowance, you will get that for 39 weeks).

I am on adoption leave and have just got a letter from my boss firing me. She says that my work is not up to standard. Can I appeal?

Did she mention any problems with your work before you went on leave? What was your last work review like? If there were no problems with your work before your leave then it sounds like it might be unfair dismissal, and possibly sex discrimination, which is against the law.

Your boss should have told you about your right to appeal in your letter. If she didn't, then this might also be unfair.

If you took it to a tribunal, you may also be able to argue that it is discrimination because it is usually women rather than men that take time off for adoption leave. However, if your boss can come up with a good reason why they fired you, you might not win a tribunal.

If this happened before 6th April 2009, you must make a formal written complaint before you could complain to a tribunal. If this happened more recently, it is still advisable to put your complaint in writing to your employer first. See your intranet or speak to someone from HR for details of your work's procedure.

Before I went on maternity leave, my boss agreed that I could use the intranet to keep up to date on the upgrading of my post, but then he didn't sort it out. Now everyone has been moved to a higher salary band except me. Should I complain?

This sounds like possible sex discrimination and your boss may also have broken a term of your contract. Being on maternity leave should not have stopped your boss from making sure you didn't miss out. By not sorting the intranet out, he failed to let you have information that you needed about the regrading. Or your boss could have changed your salary scale before you went on maternity leave.

Write to your boss and ask him to send you information on the changing of salary scale. You should make sure that you are on the same scale and salary as the others. If you're not, get some legal advice.

If the others had their grade changed before 6th April 2009, you must make a formal written complaint before you could complain to a tribunal. See your intranet or speak to someone from HR for details of your work's procedure.

Working

You can work for your boss for up to 10 days during your leave without it causing a problem for your rights to maternity or adoption leave and pay. Your boss doesn't have to offer you this, and you don't have to do it if they do. It is upto you to agree between you if this would be helpful and, if so, what you should be paid.

You cannot work for another employer during your leave, but you can do self-employed work.

Redundancy

There are special protections for people on maternity and adoption leave. If you are made redundant, you must be offered any suitable alternative work first, before any of your colleagues, and you should not have to apply for it.

Going back to work

If you are taking the full 12 months, you don't need to do anything. Although if you haven't had any contact with them, it's good to remind them when you're coming back.

If you are going back sooner you need to give them at least 8 weeks notice.

If you go back to work having taken only 6 months leave or less, you should go back to exactly the same job. If you are taking between 6 months and a years' leave, if the same job is no longer available, you must be given a similar job with the same pay and conditions.

It is illegal for your boss or colleagues to treat you unfairly because you took maternity or adoption leave and pay. If you have any problems, you should get advice. See 'How to find an adviser' on p.21.

Breastfeeding

If you are still breastfeeding when you go back, you should be able to take breaks to express milk or, if you need to, you could temporarily change your hours or how you work.

If you will need to take breaks to express milk, talk to your boss about finding a suitable room for you. The room should be private, clean, and fairly comfortable. You certainly shouldn't be asked to express milk in the ladies loo. At the moment, you're not entitled to be paid for these breaks.

If you have any problems, you should get advice. See 'How to find an adviser' on p.21.

I am on maternity leave and I was due to go back to work in a few weeks. Now my boss has phoned to say that the work that I do has 'dried up'. Yet the woman who covered my maternity leave is still there. What can I do?



I wonder what your boss means by 'dried up'. Is he saying that the job you did is no longer needed? Does any of the work still exist? If so, who is doing it? You need to find this out – write to him and ask.

If he is making you redundant, he should have let you know well in advance. He should have written to you saying that he might make you redundant, if anyone else is being considered for redundancy, and what factors he will look at when making his decision. If you are chosen for redundancy then he should have a meeting with you to give you the right to have your say. If you are actually made redundant, he must offer you any other suitable work first, before any other employee, because you are on maternity leave. If he does not do this, then this might be sex discrimination. If there really is no work, you can claim a redundancy payment if you have worked for your boss for over 2 years (including your maternity leave).

When you write to your boss, ask him who else might be made redundant. Ask him what your maternity cover is doing. (If you have any friends at work, ask them too.) If she is doing your job, it may be sex discrimination and unfair dismissal. Both of these are illegal, so you might be able to take it to an employment tribunal.

(If he phoned you before 6 April 09 you will need to make a formal written complaint before you can take it to an employment tribunal. Look in your staff handbook or intranet, or speak to someone from HR about your work's procedure.)

I am due to go back to work next week but I want to go back part time. My boss has refused, saying I must work full time because after my last maternity leave I signed a letter saying that I would always work full time. I have 3 kids now, and need the time to care for them. Help!



Your boss sounds tough! He cannot use the letter as a reason to make you work full time. It may also be sex discrimination because more women than men are going to want to work part time because they have children.

Because you are due to go back to work soon, you don't have the time to try and sort this out with your boss casually, so I suggest you put in a flexible working application. Use the form on the BIS website (see 'Further help'). You will have to set out why you want to change your hours and show how any problems it might cause for your boss's business could be reduced. You boss will have to meet with you to discuss it within 28 days and should give you an answer in writing 2 weeks after that. The process may take up to 2 months so I would do this ASAP. Get legal advice whilst your application is being looked at.

If he turns you down, and if his reasons would disadvantage women generally, it might be sex discrimination. Good luck!

I don't want to go back to work full-time, at least not right away. What can I do?



Most women do not want to go back to work full-time straight away. A change like this would be called flexible working or 'child friendly' working. First, you should try just asking your boss as soon as you know that you want to change your hours, he might say yes. The more notice you give your boss the better. You would be amazed at the amount of employers who will try to help you if you want to reduce your hours. If he says yes, you should ask him to put the change down in writing. You could just send an email thanking him and asking him to confirm what was said.

If you have no joy with this you can make a formal application if you have worked for your boss for at least 26 weeks (including your maternity or adoption leave), and your child is under 16, or if you care for a disabled relative over the age of 16. It is best to use the form on the BIS website (see 'Further help' on p. 23). You will have to explain why you want to change your hours, and show how any effect that changing your hours might have on your boss's business could be reduced. Be as clear as you can about what is you want; you can only make one application each year.

Your boss may just agree to your request but if not, s/he will have to arrange a meeting within 28 days of getting your application. After the meeting, s/he has 14 days to let you know (in writing) what they have decided. If they refuse, they will need to show how the business will suffer if your hours change. You then have 14 days from to put in an appeal. This is a long process so you should fill out the application and give it to your boss as soon as possible.

Many employers are willing to allow some employees to work flexibly on a first come first served basis, so a lot depends on the set up in your workplace. You could make a complaint about indirect sex discrimination if your boss refused your application and you can show that the reasons your boss has given will usually disadvantage more women than men. Good luck!

I have developed a painful back condition since giving birth. It means I have to sit down most of the time, but at work we stand all day. What can I do?

If I were you, the first thing I would do is get a medical report from your doctor. If you have had this problem for a year or your doctor says it is likely to be bad for a year, then you may have a disability which your organisation will have to take seriously. They will need to look for ways in which they can adapt how you work or your hours, or change your work altogether so that you can work comfortably. If they don't then it sounds like it might be disability discrimination, so you could take them to an employment tribunal.

If you go back to work within 6 months of giving birth or while you are still breastfeeding, your boss must carry out a risk assessment for you and consider ways of helping you. If your employer does not do this, then you may be able to take them to a tribunal for sex discrimination as well.

I have gone back to work and have found that I have been given a much worse desk (in the storeroom, with no windows), and rather than my usual admin duties, I'm just being given photocopying and filing to do. Should I just put up with it?



It doesn't sound as if you have had much of a welcome back! This isn't just a bad way to treat you it might also be discrimination. If you are returning after six months or less of maternity leave then you have a right to return to the same job and duties that you had before you went on leave.

If you are took more than 6 months leave then, if they have not been able to keep your old job open, she must offer you another suitable job. A 'suitable job' would have the same (or better) pay and benefits, and the work should be of the same level.

Do you feel that your boss is trying to get you out of the way? Is someone else doing your job? You should write to your boss and complain about what has happened. Remind her exactly what you used to do, and where you used to sit. Tell her how things have changed since your return from leave. If you have no joy, then you should get legal advice. You might want to take it to an employment tribunal.

If you went back to work before 6th April 2009, you will need to make a formal written complaint before you can take it to an employment tribunal. Look in your handbook or intranet, or speak to someone from HR about your work's procedure.

Taking time off

It doesn't matter how good you are at multi-tasking, you can't be in two places at once. Now that you have kids, there will be times when you need to take time off work. The good news is that you are allowed to, provided it is an emergency. This includes if your child gets ill or sent home from school, or if the person who usually cares for them unexpectedly can't come.

There is no limit to the number of times you can do this (provided you really do need to), and you can take as long as you need to deal with the emergency or arrange extra care (this would usually be one or two days). You also don't need to make the time up.

The only downside is that you aren't usually entitled to be paid for this time. So if you are offered the chance to make the time up and you can manage it, it would probably be better to do that and save your bank balance.

Some people can also take longer periods off to look after their child. Your child needs to be under 5 years old, or under 18 if they are disabled, or you must have adopted them less than 5 years ago. And you must have worked for your boss for more than a year. If you are in this position, you can take up to 4 weeks off each year for each child, as long

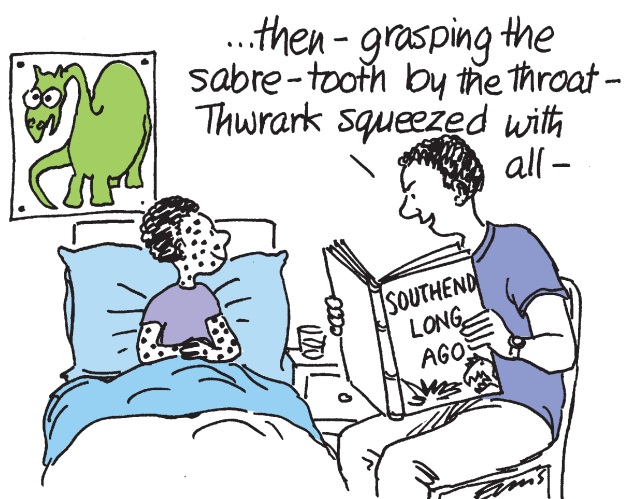
as you don't take more than 13 weeks off for each child in total.

This longer leave is also usually unpaid, and has to be taken a week at a time unless your child is disabled. You might not get all your perks while you're on leave either – this might include payments to your pension or use of a company car.

When you come back, you should come back to your job. If you've taken more than 4 weeks, and it's not possible for them to give you your job back, they have to give you another job with the same pay and perks as you used to have.

You can't be sacked, passed over for promotion, or treated unfairly because you took time off to look after your children in one of these ways. This would be discrimination and is illegal.

You can only take this longer leave if you have something called 'parental responsibility' so you might not be able to do this if you are a stepparent. (All mums and adoptive parents have parental responsibility, so do civil partners of mums. Dads have 'parental responsibility' if they are married to the mum, or if they are named on the birth certificate if the birth has been registered since December 2003. Stepparents will only have parental responsibility if they have been given it by the court).



What can I do if my kids get ill?



You have 2 possible options, depending on how much time you need and the reason why you need to take time off.

If you are an employee (which most people who have a regular job are), you can take unpaid time off to look after your child in an emergency, or to arrange for someone else to look after them. This is called time off for dependants. It doesn't matter how long you have worked for your boss and the illness does not need to be serious. But the amount of time you can take off is limited to you just sorting out the emergency. You would need to let your boss know that you need the time off and why as soon as possible, so you should call or email him.

If you need to look after a child yourself for more than a few days, you should consider parental leave instead. If you are an employee and have worked for your organisation for over a year, you can take up to 13 weeks parental leave off for **each** child that you have under the age of 5, or under 18 if they have a disability, or that you adopted less than 5 years ago. You must take all the leave before the child reaches 5, or within 5 years of them being placed with you for adoption. However, you can only take a maximum of 4 weeks in any one year.

Changing your hours or how you work

Anyone can ask to change their hours but if have worked for your employer for at least 26 weeks and you are responsible for a child under 16 (or care for a disabled relative of any age), you have a **right** to ask. And your boss can't just turn you down because he feels like it; he needs to have a good reason.

Changing your hours or how you work is often referred to as 'family friendly working' or 'flexible working'. You can ask to change the number of days or hours you work, work different days, work from home, work flexitime, only work during term-time, stagger or compress your hours, or pretty much anything else you can think of that would make life easier.

You can only ask for changes to make it easier to look after your child. You don't have a right to ask to change your hours so that you can write your novel or make more money doing something else.

You only have the right to ask once every 12 months so it's important to put some time into your application.

Before you ask

Unless you agree otherwise, any changes will be permanent. So before you ask you need to be sure you really want a permanent change and that you can afford it. If you're not sure how it will work, you could think about asking for the changes for a trial period. You should also think about when you want it to start.

Next, you need to think about all the problems the change will cause for your boss or the business, and how these could be dealt with. Would they need to take on a new member of staff or could you swap some duties with someone else? Could you access your email and have the phone redirected so that you could work from home? Is there a way that it could even help the business – perhaps by having extra staff available at busy times or saving money at times when it is quiet?

How to ask

You should ask in writing. You can write a letter or use the form on the Department for Business, Innovation and Skills (BIS) website: www.berr.gov.uk/whatwedo/employment/workandfamilies/flexible-working/flexforms

If you write a letter, you need to say that you are asking for a change in your terms and conditions of employment. You should explain how you want your working pattern to change and suggest a start date for the changes to become effective.

You need to explain why you are entitled to request flexible working. For example, say that

- you (or your partner) have a child,
- you have responsibility for their upbringing,
- you are asking for this change to help you to look after the child, and
- you have not asked before in the past 12 months.

If you haven't made a formal request before you should say so and if you have, give the dates. Put a date on your application.

If you find it difficult or you're not good at this sort of thing, you should get some help from an adviser or your trade union if you have one.

If you change your mind

If you change your mind, you can just stop your application before a decision is made. But if you do this, you are not entitled to ask again for another year.

If you don't turn up to a meeting without a good reason or you don't give them the information they need, your employer can treat your application as if you had stopped it.



What happens next?

Your boss or someone from HR should meet with you within 28 days. This meeting gives you and your boss a chance to discuss your proposal in detail and to think about any other options.

Try not to worry about it; it should all be very friendly. Having said that, it is always best to be prepared. Before you go to the meeting, think about what you want to say and how they might respond. Make a list of the issues you want to cover, so you can tick them off as you go through. You can take a colleague or a trade union rep to this meeting if you wish. Sometimes this is helpful, particularly if you're worried about getting confused or forgetting to say things. If you need to postpone the meeting because your colleague can't come, you can, but only once.

By 14 days after the meeting, your employer should have written to you to tell you what they have decided. If they have agreed, the letter should confirm the change and start date. If they have said no, the letter should explain exactly why they have said no and tell you how you can appeal.

If it isn't possible to stick to these deadlines, they can be extended if both you and your employer agree.

If they say no

If they say no, you have 14 days to appeal. This means that they will have to look at it again. You should have been given details of who to appeal to when they turned you down. Write to them and explain why you think they have made the wrong decision. It will be useful to get some advice, even just over the telephone. See 'How to find an adviser' on p.21.

What if they don't like it?

It is illegal for them to treat you unfairly or sack you because you asked for flexible working. If this does happen, you should consider making a complaint using your company's complaint procedure.

I have applied for flexible working. Now I am getting a few too many jokes about being a hen-pecked house-husband.

It is a shame that men are often forgotten when considering child-care and family life. For some reason, very, very few men challenge their bosses when they are treated like this.

If this is upsetting you, you might want to mention to your boss what is happening. Maybe the teasing can be dealt with by a bit of training on equal opportunities at a staff meeting or a new policy on family leave. If this does not work, you should write to your boss using your company's complaint procedures explaining how you feel.

If all else fails the law does protect you. This may count as sex discrimination and/or harassment because you are male, so you could make a complaint to an employment tribunal. (If the jokes you are complaining about happened before 6th April 2009, you will need to make a formal complaint using the grievance procedure before you could take it to a tribunal.)



My childcare does not fit with my hours anymore. What can I do?

You could ask to change the hours you work. First, you should try just asking your boss, he might just say yes. If you have no joy with this and you have been working for your employer for at least 26 weeks, and have a child under 16 or care for a disabled relative over the age of 16, you can make an application on a form that is available from the BIS website (see 'Further help' on p.23). You should say why you want to work flexibly and show how any difficulties that it might cause for your boss's business could be reduced. Spend some time on your application and try to be as clear as possible about what is you want, you can only make one application each year.

Your boss may just agree to your request immediately but if not, s/he will have to arrange a meeting within 28 days of getting your application. After the meeting, s/he has 14 days to let you know (in writing) what they have decided. If they refuse your application, they will need to show how the business will suffer if your hours change. You then have 14 days to put in an appeal.



Can I get any other help?

Tax credits

Most people with children are entitled to some level of child tax credit. If you will be, and how much, depends on your circumstances and income. You can get it on quite high incomes, including incomes of over £50,000 a year.

The tax credit calculation is very complicated. To check if you are entitled and how much you will get, see an adviser or use HMRC's calculator: www.taxcredits.inlandrevenue.gov.uk/Qualify/DIQHousehold.aspx

Help from your employer

Some organisations now offer their staff help to pay for childcare, usually in the form of childcare vouchers, loans to pay for childcare, or workplace nurseries. Your employer doesn't have to offer this help but if they don't already offer this scheme, it might be worth suggesting they think about it.

For more details, see www.hmrc.gov.uk/leaflets/ir115.pdf



Sure Start children's centres

If you have a child under 5 you can get help from a Sure Start children's centre. They can help advise you on local childcare options, parenting, managing your money, healthy eating, other health issues, and how to get specialist support like speech therapy.

For more details see Directgov: www.direct.gov.uk

Directgov also have useful information about how to choose childcare or a nanny.

Free education for 3 and 4 year olds

All three and four year olds are entitled to 12.5 hours a week of free childcare with a 'registered provider' (like a school, nursery or playgroup education) for 38 weeks a year.

For more details of how you can make use of this see:

www.surestart.gov.uk/surestartservices/support/helpwithchildcarecosts/earlyeducationplaces/

If your child has a disability

If your little one is disabled there is more help available, but it's not always easy to find out about. The government's Early Support website has information about the help you can get with health, education, childcare, money, and social services.

See www.earlysupport.org.uk

You may also be able to get Disability Living Allowance for your child. For more details see:

www.cafamily.org.uk/pdfs/DLA_factsheet.pdf

If you think your child is likely to be entitled, we recommend that you get help from an adviser to fill in the application form. Not only is it quite hard emotionally to fill in the form yourself, your claim is more likely to be successful if you get help from someone who understands exactly how it will be assessed.

Contact a family are a charity that provide advice, information and support to the parents of disabled children. Speak to them on their helpline about what other help you could get: **0808 808 3555**.

How to find an adviser

If you are not sure you are getting a fair deal at work or need some help to take things further, you need to see an adviser.

If you are a member of a trade union, they will be able to help you. If you are considering joining a trade union, you could use 'union finder' on the TUC website at www.worksmart.org.uk/unionfinder

Most people will also be able to get help from a local independent advice centre or CAB that helps with employment problems. Look in your Yellow Pages or phone Community Legal Advice to ask if there is one near you, see 'Further help' p.23.

Sometimes there are services that you can access through your council, GP, or community group. There's no harm in asking – so call them up and ask if there is a service for you.

Alternatively, you may be able to get help from an adviser over the phone. Community Legal Advice can give you free advice over the telephone if you live on a low income or benefits. Working families also has a helpline for families on a low income, and One Parent Families/Gingerbread has a helpline for single parents. See 'Further help' on p.23 for contact details.



How do I know if I am an employee?

A lot of your rights at work depend on whether you are an employee, rather than self-employed or a casual worker. For some people this is a complicated question and you may need to get advice – see 'How to find an adviser'.

Most of us are employees. If you are expected to turn up and work regularly, and cannot send someone else to do your work, you are an employee. It doesn't matter if you were never given a written contract.

If you are a casual worker, an agency worker, or some types of freelancer you are usually classed as a 'worker' rather than an employee. Workers have most of the same core rights as employees – they are entitled to statutory maternity pay, paternity pay and adoption pay but they don't have a right to come back to work. Similarly, they can take time off if their children are sick, but don't have a right to ask to change the hours they work. They also have the right not to be discriminated against or treated badly because they are pregnant or took maternity pay etc.

If you are paid to get a particular job done and technically you could send someone else to do it, you are self-employed. You do not have rights to leave or pay if you are self-employed as you are your own. However, you do have the right not to be discriminated against and the right to work in a safe and healthy working environment.

The standard example is that of the chauffeur and taxi driver. The chauffeur is an employee or a worker. He is employed to provide his service and take you everywhere you want to go. The taxi driver is self-employed. He enters into a contract to take you to an agreed place for a fee. If you then want to go on elsewhere, the taxi driver either makes a new contract with you or refuses to take you.

Jargon buster

The jargon	What it means
Additional Adoption Leave (AAL)	Adoption leave is split into two parts – the first 6 months is called Ordinary Adoption Leave. The only real difference these days is about the rights you have to go back to work. If you go back during the first 6 months (during ordinary maternity/adoption leave), then you have a right to return to exactly the same job that you had before leave. If you are taking more than 6 months leave you have a right to return to the same job, unless it is no longer available, in which case you must be given a similar job with the same pay and conditions.
Additional Maternity Leave (AML)	Maternity leave is split into two parts – the second six months is called Additional Maternity Leave. The only real difference these days is about the rights you have to go back to work. If you go back during the first 6 months (during ordinary maternity/adoption leave), then you have a right to return to exactly the same job that you had before leave. If you are taking more than 6 months leave you have a right to return to the same job, unless it is no longer available, in which case you must be given a similar job with the same pay and conditions.
Employee	See 'How do I know if I am an employee' for more details.
Expected Week of Childbirth (EWC)	This is the week that your baby is due. For these purposes, the week begins on a Sunday.
Flexible working	This means changing your hours or working from home, or working a different number hours on different weeks etc. If you have a child under 16, you have a right to ask to change your hours. See p.18 for more details.
Ordinary Maternity Leave (OML)	Maternity leave is split into two parts – the first 6 months is called Ordinary Maternity Leave.
Ordinary Adoption Leave (OAL)	Adoption leave is split into two parts – the second six months is called Additional Adoption Leave.
Parental leave	This is a right to take longer periods of time off to look after your child. See p.17 for more details.
Statutory	This means the rights that the law gives you. Your contract may give you extra rights. Your contract cannot give you fewer rights than the law gives you.
Statutory Adoption Pay (SAP)	Pay that your employer might have to pay you by law whilst you are on adoption leave. You may have rights that are more generous in your contract. See p.11 for more details.
Statutory Maternity Pay (SMP)	Pay that your employer might have to pay you by law whilst you are on maternity leave. You may have rights that are more generous in your contract. See p.3 for more details.
Statutory Paternity Pay (SPP)	Pay that your employer might have to pay you by law whilst you are on paternity leave for 1 or 2 weeks. You may have rights that are more generous in your contract. See p.9 for more details.
Time off for dependents	This is a right employees have to take time off to deal with emergencies affecting close family members. You can use this right to take time off to look after your child when they are sick or when the person who normally cares for them cannot come. See p.17. for more details.
Worker	A legal term for people who work for somebody else (rather than being self-employed). See 'How do I know if I am an employee' for more details.

Further help

Department for Business, Innovation and Skills (BIS)

Department for Business, Innovation and Skills (BIS) is the government department that regulates business and employment issues.

The website has the form that you can use to ask to change your hours or how you work. If you are turned down, they have a form that you can use to appeal.

www.berr.gov.uk/whatwedo/employment/workandfamilies/flexible-working/flexforms

Equality and Human Rights Commission (EHRC)

Equality and Human Rights Commission provides information and guidance on discrimination and human rights issues.

www.equalityhumanrights.com

Helpline: **0845 604 6610**
(Mon, Tues, Thurs, Fri 9.00am–5.00pm;
Wed 9.00am–8.00pm)
Textphone: **0845 604 6620**
Fax: **0845 604 6630**

Community Legal Advice

Community Legal Advice helps people find information and advice, including local independent advice services and CABs. They can also give free and confidential advice to people who live on benefits or a low income.

www.communitylegaladvice.org.uk

Helpline: **0845 345 4 345**
(Mon–Fri 9am–6:30pm;
Sat 9am–12:30pm)

Minicom: **0845 609 6677**

Citizens Advice Bureau (CAB)

Citizens Advice Bureaux help people resolve their legal, money, and other problems by providing free information and advice. You can find your local CAB by going to:

www.citizensadvice.org.uk/index/getadvice

Trade Union Congress (TUC)

Trade Union Congress (TUC) has various member unions which represent over six and a half million working people. Trade unions work to protect and improve people's pay and conditions of employment. They also campaign for laws and policies which will benefit working people and often provide information, advice and representation to members.

www.tuc.org.uk

You can locate a suitable union for you at www.worksmart.org.uk/unionfinder

Working families

Working families run a helpline for parents who work: **0800 013 0313**

You can also e-mail for advice: advice@workingfamilies.org.uk

If you need more detail on an issue, Working families have a series of helpful factsheets (including sample letters).

www.workingfamilies.org.uk

Gingerbread

Gingerbread has a helpline for single parents: **0800 018 5026**. The helpline is open Monday to Friday 9am to 5pm, Wednesdays 9am to 8pm.

Gingerbread also has helpful factsheets on a range of issues for single parents.

www.gingerbread.org.uk

Contact a family

Contact a family provide advice, information and support to the parents of disabled children. They have a really useful website, and a free helpline: **0808 808 3555**

www.cafamily.org.uk

This information is produced by Advicenow. Other guides include:

- Divorce – a survival toolkit
- Parents apart
- Trouble at school
- LivingTogether
- Family Mediation
- Dealing with discrimination at work
- Working parents (or parents to be)
- Young workers
- Unfair dismissal
- Is that discrimination?
- Homeless and young?
Get your foot in the door...
- Seven steps to solving a problem
- How to get good asylum advice
- Support for asylum seekers in the UK
- How to handle an interview under caution
- Turned down for DLA/AA? Think you're not getting enough?
- Dealing with Bailiffs
- Claiming compensation
- 10 steps to sorting out your debts
- Identity theft
- Do I need a lawyer?

You can read or download all these guides and more at www.advicenow.org.uk

“Advicenow is the liveliest, least stuffy, most accessible and understandable website on legal matters that I’ve ever come across.”

Marcel Berlins, *The Guardian*

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The information in this guide applies to England and Wales only.

The law is complicated and every case is different. Get advice.

This guide was written by Beverly Reid and Mary Webber.

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If you have any comments on this guide, please email us at feedback@advicenow.org.uk



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