



Pregnancy and Maternity Leave

A quick guide

Pregnancy should be a positive and exciting time.

It is also a time when information and support is needed and questions may arise.

The NASUWT is committed to supporting you throughout this time, ensuring that you receive the advice you need about what pregnancy will mean for your job.

This quick guide provides you with key information about your rights at work while you are pregnant.



A woman with dark, curly hair is shown in profile, smiling and looking towards the right. She is in a classroom or office setting, with other people blurred in the background. A white rounded rectangle is overlaid on the image, containing text about maternity rights.

To qualify for maternity rights, you must:

- have a contract of employment;
- notify your employer you are pregnant at least 15 weeks before the expected week of the birth, confirming the date your baby is due and the date you want your maternity leave to start;
- have worked for your employer continuously for at least 26 weeks prior to the 'qualifying week' (i.e. 15 weeks before the Expected Week of Childbirth);
- provide your employer with proof of your pregnancy (e.g. doctor's letter or a maternity certificate known as an MATB1 certificate). These are usually issued 20 weeks before the due date.

Once you have notified your employer of your pregnancy, your employer must then write to you within 28 days, confirming the date you have agreed to return after your maternity leave.



Your contractual rights

Your employer may have a maternity policy which is better than the statutory entitlements. You are entitled to a copy of the policy.

It is important to check your contract of employment and request a copy of your employer's policy.

If you are employed by the local authority then you should refer to the Scottish Negotiating Committee for Teachers (SNCT).

A smiling pregnant woman with dark hair tied back, wearing a white top, is the central focus of the image. She is looking slightly to the right of the camera. The background is a blurred indoor setting, possibly a clinic or office, with a blue wall and some equipment visible.

Antenatal appointments

You are entitled to reasonable paid time off to attend antenatal appointments. Keep details of any antenatal appointments in case your employer asks to see them.

Sickness absence

Sickness absence during your pregnancy, whether connected with your pregnancy or not, should be treated as ordinary absence on sick leave.

However, if you take sick leave for pregnancy-related reasons in the last four weeks before the expected week of childbirth, your employer can require you to start your maternity leave early.



Risk assessment

During your pregnancy, your employer is required to carry out an initial risk assessment of your job and working environment, examining any risks that might affect you or your unborn child.

Your employer is required to confirm that a risk assessment has been undertaken. You should be given a copy of the risk assessment.

Further assessments should be undertaken if your job or working environment changes in any way.

If any risks are identified as part of the assessment, 'reasonable adjustments' should be made. These should be discussed with you first, and you should be asked for your opinion.

If any risks identified cannot be managed by making reasonable adjustments, and no suitable alternative work is available, your employer must suspend you on full pay for as long as necessary to protect the health, safety and wellbeing of you and your baby.



Maternity leave

Your maternity leave may commence no earlier than the 11th week before the Expected Week of Childbirth.

The latest date maternity leave can commence is the date you give birth.

You are entitled to 52 weeks' Statutory Maternity Leave, made up of 26 weeks' Ordinary Maternity Leave and 26 weeks' Additional Maternity Leave.

You must take at least two weeks' maternity leave following the day of childbirth.

Maternity leave and pay can be shared with your partner if you choose to end your maternity leave and give notice to your employer that you intend to do so.

A woman with dark curly hair is feeding a baby with a spoon. The baby is looking down at the spoon. The background is a plain, light-colored wall.

Other legal rights during your pregnancy and maternity leave

It is unlawful sex discrimination for your employer to treat you less favourably because you are pregnant or because you have taken maternity leave.

Your employer cannot change your terms and conditions of employment whilst you are pregnant or whilst you are on maternity leave without your agreement.

You also cannot be dismissed from employment or subject to unfair treatment because of your pregnancy or maternity.

Maternity leave pay

You are entitled to receive up to 39 weeks' Statutory Maternity Pay during your maternity leave followed immediately by up to 13 weeks' unpaid maternity leave if you:

- are employed in the 'Qualifying Week' (i.e. the 15th week before the Expected Week of Childbirth);
- have given the employer at least 28 days' notice (or, if that is not reasonably practicable, as much notice as is reasonably practicable) of the date you intend to start your Statutory Maternity Pay;
- have given your employer proof that you are pregnant;
- have worked for your employer continuously for at least 26 weeks up to the 'qualifying week';
- are still pregnant 11 weeks before the start of the Expected Week of Childbirth;
- have ceased work (i.e. commenced maternity leave);
- earn at least the Lower Earning Limit for National Insurance purposes (which is £118 a week (gross as at April 2019)) in an eight-week 'relevant period'.



Maternity Allowance

Maternity Allowance is usually paid if you do not qualify for Statutory Maternity Pay.

The amount depends on your eligibility.

You can claim Maternity Allowance after the 26th week of pregnancy.

Payments can start 11 weeks before your baby is due.


A photograph of two women in an office environment. The woman on the left has long dark hair and is wearing a pink top, smiling and looking towards the right. The woman on the right has curly hair and is wearing a white top, also smiling. A white rounded rectangular box is overlaid on the image, containing text.

Keeping in Touch

During your maternity leave, you can have the option to work up to ten 'Keeping in Touch' days. These are optional and need to be agreed by you and by your employer.

Many teachers benefit from these days by attending briefings, curriculum development meetings and in-service training.

Before coming into work on a Keeping in Touch day, you should agree with your employer the type of work you will be undertaking and how much you will be paid. Normally, you should expect to be paid a day's salary.

A photograph of three women in an office setting, smiling and engaged in conversation. The woman on the left has curly hair and is wearing a white button-down shirt. The woman in the center has dark hair and is wearing a light-colored sweater. The woman on the right has long brown hair and is wearing a white top. The background is a bright, out-of-focus office environment.

Your rights to maternity leave and maternity pay are not affected by Keeping in Touch days.

During your maternity leave, your employer has the right to make reasonable contact with you, but this should not be excessive or intrusive.

Returning to work following maternity leave

If you wish to return to work on the agreed date, then no notice is required.

If you wish to return to work earlier than your agreed date, or if you wish to extend the period of your maternity leave, you will need to give your employer at least eight weeks' notice in writing of the new date of return.

You should return to the same job if you took Ordinary Maternity Leave. If you have taken Additional Maternity Leave, then you have the right to return to a job that is not significantly different, but it may not be the same.

If you become pregnant again during your maternity leave, then a second period of maternity leave will begin immediately, without you returning to work.



Further advice and guidance:

For further advice and guidance, please contact the NASUWT. We can help with information and advice to support you throughout your pregnancy and maternity leave.

Other NASUWT advice:

Flexible Working: www.nasuwt.org.uk/FlexibleWorking

Paternity Leave: www.nasuwt.org.uk/PaternityLeave

Shared Parental Leave: www.nasuwt.org.uk/SharedParentalLeave



Tel: 0131 226 8480

E-mail: rc-scotland@mail.nasuwat.org.uk

Website: www.nasuwat.org.uk