



Working Parents Know Your Rights

An advice leaflet for Usdaw members

Rights At Work

Usdaw wants to make sure that all members who are juggling work with bringing up children know about their rights to time off work, as well as the benefits they are entitled to claim.

This leaflet explains the rights parents have at work and the key benefits available to them.

Time Off for Dependants

From day one of your job, parents (and carers) can take a reasonable amount of unpaid time off work to deal with an unexpected or sudden emergency involving someone who depends upon them. For example, you are entitled to unpaid time off to make alternative care arrangements when your child suddenly falls ill or your childcare arrangements fall through.

For more information about the right to time off for dependants see Usdaw leaflet *Time Off for Family Emergencies (Leaflet 349)*.

Parental Leave

Parents who have worked for their employer for 12 months can take up to 18 weeks unpaid leave before their child's 18th birthday.

For more information about parental leave see *Maternity and Parental Rights - An advice guide for Usdaw Members*.

The Right to Request Flexible Working

Parents who have worked for their employer for more than 26 weeks have the right to ask their employer for a change in their working hours.

Employers must seriously consider requests.

The Government have committed to removing the 26 week qualifying period, meaning all employees will have the right to request flexible working from day one of employment. The Employment Relations (Flexible Working) Bill will also allow employees to make 2 requests in any 12 month period (currently 1 request) and require employers to respond to requests within 2 months (currently 3 months). The bill is currently making its way through parliament and there is no date yet for when the changes proposed will come into effect.



Usdaw continues to make the case that these reforms do not go far enough to support members seeking hours the fit round their childcare.

For more information about the right to request flexible working see Usdaw leaflet *Flexible Working – Your right to have a say in the hours you work* (Leaflet 346).

Maternity Leave

From the first day of your job you are entitled to 52 weeks maternity leave. You may also be entitled to Statutory Maternity Pay if you have worked for the same employer for 26 weeks (by the 15th week before your baby is due) and earn over a certain amount.

See the next section in this leaflet (Benefits for Working Parents) for more information about pay during maternity leave.

Time Off to Attend Antenatal Appointments

If you are pregnant you have the right to reasonable paid time off to attend antenatal appointments. All pregnant women have this right, no matter how many hours you work or when you started your job. This includes appointments with your midwife, GP or hospital doctor, antenatal and parenting classes and relaxation classes. There is no limit on the amount of time you can take, as long as you can show it is reasonable and on the advice of your doctor or midwife.

Pregnancy Risk Assessments

Your employer has a duty to ensure the workplace is safe for pregnant women, new mothers and women who are breastfeeding.

The Health and Safety Executive (HSE) has recently updated its guidance to make it clear that employers must carry out individual risk assessments for pregnant workers and new mothers.

Once you have told your employer you are pregnant they must carry out a detailed individual risk assessment to identify any aspects of your job that may affect the health and safety of you and your baby, including your journey to and from work.

Where areas of concern are identified, such as risks posed by heavy lifting or physically demanding work, working late at night or working in extreme temperatures, your employer must take action to reduce the risk to a reasonable and safe level. For example, making temporary changes to your duties, your hours of work or moving you to a suitable alternative role during your pregnancy.

Risks should be kept under review as your circumstances change and your pregnancy progresses.

The Royal College of Obstetricians and Gynaecologists advises that studies show pregnant women are no more likely to get COVID-19 than other healthy adults. However, women who are pregnant and unvaccinated or not fully vaccinated are at increased risk of becoming severely unwell if they catch COVID-19, which can lead to them needing intensive care, their baby being born prematurely, or their baby being born stillborn, and this should be taken into account during your risk assessment.

Vaccines have been recommended as safe for women at all stages of pregnancy and you may wish to discuss any individual circumstances or concerns with your health professional or midwife. Up to date guidance on pregnancy and Covid-19 can be found on the website: www.rcog.org.uk/guidance/coronavirus-covid-19-pregnancy-and-women-s-health/coronavirus-covid-19-infection-in-pregnancy/coronavirus-covid-19-infection-and-pregnancy-faqs

Maternity Suspension

If it is not reasonable to alter your working conditions or hours of work, or if it would not avoid the risk, employers are required to suspend you from work on full pay for as long as is necessary to avoid the risk.

This provision is set out in the Employment Rights Act 1996 and is known as maternity suspension.

Before being suspended you are entitled to be offered any suitable alternative work available. It must be suitable and appropriate for you and must be on no less favourable terms and conditions.

You are entitled to an individual pregnancy risk assessment. If you are struggling to get a risk assessment from your employer speak to your Usdaw rep or contact your local Usdaw office for support: **0800 030 80 30**

Paternity Leave

If you are a new father or the partner of the mother of a new baby and have worked for the same employer for 26 weeks (by the 15th week before your baby is due) you have the right to two weeks paternity leave. This right is called Ordinary Paternity Leave and is also available to same sex parents. You may also be entitled to Statutory Paternity Pay.

Time Off to Attend Antenatal Appointments

Fathers and partners of pregnant mothers as well as those having a child via a surrogacy arrangement are entitled to take unpaid leave to enable them to attend up to two antenatal appointments.

The maximum amount of time allowed for each appointment is 6.5 hours.

Your employer can ask you for a signed declaration stating:

- The date and time of the appointment.
- That the appointment has been made on the advice of a registered medical practitioner, nurse or midwife.
- Where you are an intended parent in a surrogacy arrangement that you (and your partner where relevant) expect to apply for and be granted a Parental Order after the birth*.

*If the surrogate mother does not wish to be accompanied to her antenatal appointment an intended parent cannot insist on attending.

Adoption Leave

Adoption leave is available to parents who are newly matched with a child by an approved adoption agency within the UK.

It isn't available to parents who make their own private arrangements such as a step-parent adopting a child. 52 weeks adoption leave is available to adoptive parents.

If a couple are adopting they may choose between them which partner takes adoption leave and which takes paternity leave. You may also be entitled to Statutory Adoption Pay.

See the next section in this leaflet (Benefits for Working Parents) for more information about Statutory Adoption Pay.

Time Off for Adoption Appointments

Time off to attend adoption appointments is available to parents who have been newly matched with a child by an agency.

Single adopters are entitled to paid time off to attend up to five adoption appointments. In the case of couples who have been jointly matched with a child, one of the adopters is entitled to paid time off to attend up to five adoption appointments. The other adopter may be entitled to unpaid time off work to attend up to two adoption appointments.

Up to 6.5 hours is allowed for each appointment.

This right is also available for foster carers who have a child placed with them by a local authority as part of a fostering for adoption scheme.

Shared Parental Leave

Shared Parental Leave enables parents to share the leave allowed them in the year immediately following their baby's birth or adoption.

A new mother/adopter can choose to end their maternity/adoption leave and pay early and share the amount they have left over with their partner (if they are eligible).

Some members will find Shared Parental Leave helpful and will want to make use of it. But it won't suit everyone; the rules are complex and you should contact your Area Organiser if you are unsure what to do.

Parents in same sex relationships, and in some circumstances parents who have a child via surrogacy arrangements, may also be entitled to Shared Parental Leave and Pay. Local authority foster carers in England who are in a fostering for adoption scheme may also qualify.

Not all parents will qualify for Shared Parental Leave (and Pay) as both partners must meet eligibility criteria.

For more information about Shared Parental Leave and Pay see *Maternity and Parental Rights – An advice guide for Usdaw Members*.

Rights for Parents Having a Child Through a Surrogacy Arrangement

Surrogate mothers in the UK are considered the legal mother and have automatic parental responsibility. They are therefore entitled to 52 weeks maternity leave and 39 weeks pay (if certain qualifying conditions are met). A surrogate mother has the same employment rights and protections as any other woman who is pregnant or has given birth.

Relatively new rights have been introduced for parents who are having a child through a surrogacy arrangement. These rights include unpaid time off to attend antenatal appointments with the surrogate mother and access to paid adoption leave, paternity leave or Shared Parental Leave after the child is born (where certain qualifying conditions are met).

Intended parents in a surrogacy arrangement must apply for and expect to obtain (or have already obtained) a Parental Order for their expected child under the Human Fertilisation and Embryology Act 2008 in order to access the rights outlined opposite.

Acquiring legal parenthood and parental responsibility can be complex. In the first instance you may wish to visit the Human Fertilisation and Embryology Authority's website for further information www.hfea.gov.uk. Should you require further advice the Union's free legal service may be able to help.

For more information about Shared Parental Leave and Pay see *Maternity and Parental Rights – An advice guide for Usdaw Members*.

Parental Bereavement Pay and Leave

This day one right gives employed parents an entitlement to two weeks' leave for any child who dies under the age of 18, or is stillborn after 24 weeks of pregnancy. Employees with 26 weeks' continuous service (and earnings above £123 in the eight weeks before the week in which the child dies) will be entitled to paid leave at the statutory rate of £172.48. Other employees will be entitled to unpaid leave.

Benefits For Working Parents

Child Benefit

Anyone responsible for bringing up a child can claim Child Benefit for a child up to 20 years old if in full time education, or under 16 otherwise. The payment is usually made four-weekly.

Claim within three months of your baby's birth. Call the Child Benefit helpline on **0300 200 3100**, textphone **0300 200 3103** or online at: www.gov.uk/child-benefit

Tax Credits

Now that Universal Credit has been fully rolled-out across the UK, most people can no longer make a new claim for tax credits and have to claim Universal Credit (UC) instead (renewal claims can continue).

The Government is rolling out Universal Credit in stages. People currently receiving Tax Credits and other 'legacy benefits' will transfer automatically onto Universal Credit when it is introduced for working people in their area.

The transfer process has been subject to delay and the Government now expects all existing benefit and tax claimants to be moved onto Universal Credit by the end of 2024.

If you already claim tax credits, you are not currently affected by the introduction of Universal Credit unless your circumstances change ending your tax credit award, you choose to apply for UC, you are officially transferred or you make a claim for another benefit that has been replaced by Universal Credit.

Universal Credit (UC)

Universal Credit is a means-tested benefit for people of working age. Universal Credit has now been rolled out to all parts of the UK and replaces the following means-tested benefits and Tax Credits:

- Income Support
- Income-based Jobseekers Allowance
- Income-related Employment and Support Allowance
- Housing Benefit
- Child Tax Credit
- Working Tax Credit

Most new claimants for these benefits will now make a single claim for Universal Credit. Most claims must be made online and there is a helpline available for those who need it (details at the end of this leaflet).

Universal Credit (UC) is gradually replacing many existing benefits and Tax Credits.

Universal Credit is a means-tested benefit for people of working age. It has now been rolled out to all parts of the UK and replaces Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Housing Benefit, Child Tax Credit, Working Tax Credit and Tax Credits.

How is Universal Credit Paid and Calculated?

1. A single direct payment. Universal Credit is paid as a single monthly payment, per household, to the nominated person's account. The payment is made up of a basic rate or 'standard allowance' plus additional amounts according to your circumstances eg if you have children, if you or they are disabled or if you need help with housing costs. If you were previously eligible for Housing Benefit paid directly to your landlord, this housing element will now be paid to you for you to pay your rent.
2. No minimum hours of work. There are no minimum hours of work in order to claim Universal Credit.
3. Payments based on monthly income. Employers report earnings direct to the HMRC where Universal Credit is calculated based on your household's earnings in the previous month. If your income varies each month, your payment will increase if your earnings drop and decrease if your earnings rise.



As Universal Credit is paid monthly and many Usdaw members are paid four-weekly this means there is one month a year where employees receive two payments which can heavily impact your Universal Credit payment for that month.

If you find monthly payments difficult to budget for, or the payment of housing costs to yourself instead of your landlord is causing you to fall into arrears, it may be possible to be paid more frequently through 'alternative payment arrangements'.

Many working families will be worse off under Universal Credit than under the previous benefits, however this will depend on individual household circumstances.

For information on how to find online, free to use and independent benefit calculators visit:

www.gov.uk/benefits-calculators

Tax Credits and Universal Credit Two Child Limit

The Government has introduced a two child limit on Tax Credits and Universal Credit.

This means that a child element will not be awarded for a child born on or after 6 April 2017 if you already have two or more children included in your claim (unless they are covered by the exception). You can get a child element for each child born before 6 April 2017, even if you are making a new claim after this date.

You still get the disabled/severely disabled child elements for a third or subsequent child born on or after 6 April 2017.

To get these elements your child must be entitled to Disability Living Allowance.

Exceptions

The two child limit does not apply in some cases. A child element is payable for a third or subsequent children to whom the limit would apply but who is:

- Born in a multiple birth (other than the first born if you already have two or more children in your award).
- Living with you on a long-term basis because they are unable live with their parents, they would otherwise be at risk of entering the care system and you are caring for them as a family member or friend.
- Where a child aged under 16 in the household becomes the parent of a child.
- Being adopted by you from local authority care.
- Likely to have been conceived as a result of rape or in a controlling or coercive relationship and you are not living with the alleged perpetrator.

Help with NHS Health Costs

If you are pregnant or have given birth in the last year you qualify for free prescriptions, free dental treatment and other help with NHS costs. Others may qualify for help on grounds of low income or depending on personal circumstances including age.

To find out more about the help available to meet the cost of treatment download leaflet HC11, Help with health costs, available on the NHS website at:

www.nhs.uk

Statutory Maternity Pay

Statutory Maternity Pay is paid for six weeks at 90% of your average earnings, followed by 33 weeks at a flat rate of £172.48 (from April 2023). If you earn less than the flat rate, you will be paid 90% of your average earnings instead, for the full 39 weeks.

- To qualify you must have worked for the same employer for 26 weeks by the 15th week before your baby is due; and
- have average earnings of £123 per week before tax.

Statutory Paternity Pay

Ordinary Statutory Paternity Pay is paid for two weeks at a flat rate of £172.48 (from April 2023). If you earn less than the flat rate, you will be paid 90% of your average earnings instead.

- To qualify you must have worked for the same employer for 26 weeks by the 15th week before the baby is due (or if adopting by the week you are matched with the child); and
- have average earnings of £123 per week before tax.

Statutory Adoption Pay

Statutory Adoption Pay is paid for six weeks at 90% of your average earnings, followed by 33 weeks at a flat rate of £172.48 (from April 2023). If you earn less than the flat rate you will be paid 90% of your average earnings instead for the full 39 weeks.

- To qualify you must have worked for the same employer for 26 weeks ending with the week you've been notified of a match with a child; and

- have average earnings of £123 per week before tax.

Housing Benefit

If you are of working age you can only make a new claim for housing benefit if one of the following applies:

- You or your partner are pension age.
- You claim other benefits which include a severe disability premium.
- You're staying in a refuge, hostel or some types of supported or temporary housing.

Otherwise, you must claim Universal Credit instead. The amount of help you will get depends upon several different factors. You do not have to be in work to claim. To claim, contact the benefits section at your local Council Office.

Council Tax Support

Help towards the cost of your Council Tax is available from your local authority under the Council Tax Reduction Scheme. All local authorities operate their own schemes so you will need to check the eligibility criteria for support with your local Council Office.



Usdaw Benefits

Usdaw Contributions

If you are a member of Usdaw you can claim a refund of your union contributions when you return to work after maternity leave. You can be refunded any contributions you have paid from the week following the date of your baby's birth, up until the date you return to work (up to a maximum period of 29 weeks).

To claim your refund, send a copy of your baby's birth certificate, together with confirmation of the date you actually returned to work and your name and address to:

Records Section
Usdaw Head Office
Voyager Building, 2 Furness Quay
Salford Quays, Manchester M50 3XZ

Maternity Grant

Under Usdaw rules, women members in Scale A who have 12 months membership at the time of their baby's birth are eligible for a one-off payment of £40 - this is the Usdaw Maternity Grant.

Members in Scale C are entitled to a one-off Maternity Grant payment of £30.

See opposite for details on how to claim.

Paternity Grant

Usdaw also offers a Paternity Grant to new fathers and partners (including same sex partners). The conditions for entitlement and the amount of the payment are exactly the same as for the Maternity Grant.

How to Claim Your Usdaw Benefits

To make a claim you need to provide a copy of the birth certificate, along with a covering note including your name, address and membership number (where possible) and a sentence saying that you are applying for either Usdaw's Maternity or Paternity Grant. You send this by post to the Benefits Section at Usdaw's Head Office or by email to: benefits.enquiries@usdaw.org.uk

Alternatively, you can speak to your Branch Secretary (who can apply for the grant on your behalf) or local Usdaw office for assistance in applying.

Claims must be made within 24 months of the baby's birth.



Get Advice

For information about your rights at work contact your local Usdaw Office by calling 0800 030 80 30.

For detailed benefit advice contact a local advice centre or welfare rights unit for face-to-face advice about your case.

If you have access to the internet, the following online guides are useful:

Advice Services Alliance

Information on where to go for advice.

web: www.asauk.org.uk

Citizens Advice

Has a large section on benefits, plus visit the site to find out where your local office is.

web: www.citizensadvice.org.uk

Department for Work and Pensions

Has a useful guide to benefits.

web: www.gov.uk/browse/benefits

HM Revenue and Customs

For leaflets and to find out whether you qualify for Tax Credits.

web: www.gov.uk/tax-credits-calculator

Low Incomes Tax Reform Group

Provides detailed information on tax and Tax Credits.

web: www.litr.org.uk

Maternity Action

Provides advice and information to new and expectant parents.

web: www.maternityaction.org.uk

Universal Credit

Government website giving basic information about Universal Credit.

web: www.gov.uk/universal-credit

Working Families

National charity which provides advice and information to parents and carers.

web: www.workingfamilies.org.uk

Udaw Equalities Section

Udaw Head Office
Voyager Building, 2 Furness Quay
Salford Quays, Manchester M50 3XZ

Tel: **0161 224 2804**

email: equalitymatters@usdaw.org.uk



More Information

Usdaw Nationwide

Wherever you work, an Usdaw rep or official (Area Organiser) is not far away. For further information or assistance, contact your Usdaw rep or local Usdaw office. Alternatively you can phone our Freephone Helpline **0800 030 80 30** to connect you to your regional office or visit our website: **www.usdaw.org.uk**

You can also write to the Union's Head Office. Just write **FREEPOST USDAW** on the envelope and put it in the post.

Join Usdaw

You can join online at:
www.usdaw.org.uk/join



Scan the QR code
to join today.

What Happens Next

Once we process your application, you will receive a membership card with our Helpline telephone number and a New Member's Pack giving details of all the benefits and professional services available to you.



www.usdaw.org.uk

UsdawUnion

