3.4 Am I entitled to maternity pay?

Your entitlement to maternity pay depends on your length of continuous service and how much you earn.

To qualify for **Statutory Maternity Pay (SMP)** and/or **Occupational Maternity Pay (OMP)** continuous service means, continuous service with **Aberdeen City Council** or a **public authority** as listed in the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Orders (which covers local authorities and related bodies).

(Please note that if you have returned to local government service following a break for maternity reasons and the break in service does not exceed eight years and does not include a period of employment for which you were paid, you will be entitled to have the previous service taken into account for maternity pay purposes).

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| **Qualification** | **Entitlement** |
| **If you have less than 26 weeks’ continuous service\* by the end of the 15th week before the expected week of childbirth**(**\***see previous page for definition of continuous service) | You will not be entitled to SMP or OMP but you may be entitled to claim Maternity Allowance through Jobcentre Plus. **See notes below** for further details. |
| **If you have 26 weeks’ continuous service\* or more by the end of the 15th week before the expected week of childbirth and your average weekly earnings are equal to or more than the lower earnings limit for National Insurance contributions:**(**\***see previous page for definition of continuous service) | You will be entitled to OMP and SMP for a maximum period of 39 weeks as follows:-* For the first 6 weeks you will get 90% of your average weekly earnings.
* For the following 12 weeks you can get a sum equal to 50% of your normal pay (this is optional and you can choose whether or not to receive this money – **see notes below** for further details). In addition you will get the flat rate of SMP or 90% of your average weekly earnings if this is less than the flat rate of SMP. The maximum amount you can receive for these 12 weeks is your normal full pay.
* For the following 21 weeks you will get the flat rate of SMP (or 90% of your average weekly earnings if this is less than the flat rate of SMP).
* The remaining 13 weeks of maternity leave, if taken, would be without pay.
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| **If you have 26 weeks’ continuous service\* or more by the end of the 15th week before the expected week of childbirth but your average weekly earnings are less than the lower earnings limit for National Insurance contributions:**(**\***see previous page for definition of continuous service) | You will not be entitled to SMP but you may be entitled to claim Maternity Allowance through Jobcentre Plus. See notes below for further details.You will be entitled to OMP as follows:-* For the first 6 weeks you will get 90% of your normal pay (which includes any Maternity Allowance).
* For the following 12 weeks you can get a sum equal to 50% of your normal pay (this is optional and you can choose whether or not to receive this money – **see notes below** for further details). The maximum amount, including any Maternity Allowance, you can receive for these 12 weeks is your normal full pay.
* The remaining 34 weeks of your maternity leave, if taken, will be without pay.
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