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.

Continuous service means any previous employment with councils, employers listed in the Redundancy Payment (Local Government) (Modification) Order 1990 (as amended) and any other employment deemed by the council to be relevant, shall be counted as continuous service (as defined in the Employment Rights Act 1996) subject to a gap in employment not exceeding one working week.

|  |  |
| --- | --- |
| **Qualification** | **Entitlement** |
| **If you have less than 26 weeks’ local government continuous service at the beginning of the 15th week before the expected week of childbirth**(**\***see previous page for definition of continuous service) | You will not be entitled to Statutory Maternity Pay (SMP) or Occupational Maternity Pay (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 at the beginning 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 Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP) for a maximum period of 39 weeks as follows:-* For the first 13 weeks you will get Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP) to equal your normal salary.
* For the following 26 weeks you will get the flat rate of SMP.
* The remaining 13 weeks of maternity leave, if taken, would be without pay.
 |
| **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 Statutory Maternity Pay but you may be entitled to claim Maternity Allowance through Jobcentre Plus. See notes below for further details.You will be entitled to Occupational Maternity Pay as follows:-* For the first 13 weeks you will get Occupational Maternity Pay (OMP) to equal your normal salary (inclusive of any Maternity Allowance).
* The remaining 39 weeks of your maternity leave, if taken, will be without pay.
 |