

BENEFITS AND YOUR RIGHTS IN THE WORKPLACE



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This chapter provides a guide to the main benefits available to families with young children and an overview of your rights in the workplace. You may qualify for other benefits too. Benefits have to be claimed on many different forms, from many different offices, and the situation is always changing. It's always worth checking that you are getting everything you are entitled to. There are many voluntary organisations that are happy to help. Don't hesitate to ask for advice. If in doubt, get a second opinion.

- Working out what benefits and rights you are entitled to and making claims is not always easy. Ask for help.
- You can go to your local Social Security Office/Jobs and Benefits Office, your local Citizens Advice Bureau, library or other advice centre (see the useful organisations section).
- Some local authorities have welfare rights officers. Phone your social services department and ask.
- Some voluntary organisations offer information and advice on benefits and rights at work. Try One Parent Families/Gingerbread and Working Families (see page 185). For advice on rights at work call Acas on 08457 47 47 47.
- Child Maintenance Options
Impartial information for both parents about making a child maintenance arrangement.
Phone: 0800 028 7439 Lines open 9am to 5pm Monday to Friday.
Textphone: 0800 783 8416
Or visit www.cmoptions.or
- If you are aged 19 or under, you can get advice on work, benefits and housing from www.nidirect.gov.uk



More information

General information on benefits

Benefit rates change each year. You will be able to find up-to-date information online. The easiest place to start is www.nidirect.gov.uk. This can direct you to other useful websites, including:

- www.hmrc.gov.uk for Statutory Maternity, Adoption and Paternity Pay, Child Benefit and tax credits
- www.bis.gov.uk for your rights at work
- www.dsdni.gov.uk for some leaflets that are only available online, including *A Guide to Maternity Benefits* (NIL17A)



- www.cmoptions.org
For impartial information on making the best maintenance arrangement for your situation, including tools, leaflets and a maintenance calculator.

If you don't have internet access, ask Social Security Office/Jobs and Benefits Office or a Revenue Enquiry office for leaflets that give you the information you need.

You can also contact Working Families for leaflets on maternity pay and benefits for expectant and new parents and young children.

Free HSC dental treatment

Who gets it?

You can get free HSC dental treatment while you are pregnant and for 12 months after you have given birth. To claim, ask your doctor or midwife for form FW8. You will be sent an exemption certificate that lasts until a year after your due date.

How do I claim?

To claim after your baby is born (if you did not claim while you were pregnant) just get form HC11A from your GP or health visitor. To claim for dental treatment, tick the box on the form provided by the dentist or show your exemption certificate (see above).

Child Benefit

What is it?

A tax-free benefit to help parents with the cost of caring for their children. It is payable for each child from birth until they are at least 16.

Who gets it?

The person responsible for caring for the child. Generally, this person should be living in the UK.

How much is it?

For your first child, £20.70 per week. For other children you get £13.55 a week per child.

How do I claim?

You may get a claim pack inside the Bounty Pack which most new mothers are given in hospital. You can also get a claim pack from

your Social Security Office/Jobs and Benefits Office or Post Office. Alternatively, call 0845 302 1444. Fill in the forms and send them with your baby's birth certificate to the Child Benefit Centre. The birth certificate will be sent back to you. You can also apply online, or notify a change of circumstances, at www.hmrc.gov.uk/childbenefit/

Child Benefit can be paid directly into a bank, building society or Post Office™ card account. It's usually paid every four weeks in arrears, but single parents and families on low incomes can choose to be paid weekly. You should start to claim Child Benefit within three months of your baby's birth, otherwise you will lose some of the benefit.

Child Benefit and your pension

If you are staying at home to look after your child, Child Benefit could help to protect your state retirement pension. For each full year that you get Child Benefit, but don't pay enough National Insurance contributions to count towards the basic pension, you automatically receive a pension credit. This means that you don't have to have as many years of National Insurance contributions to get your state retirement pension.

If you or your partner have an individual income of more than £50,000

If you or your partner have an individual income of more than £50,000, you can still qualify for Child Benefit, but you'll need to decide whether to actually receive the payments. This is because you may be liable to a tax charge called the 'High Income Child Benefit charge'.

It's important to still fill in a Child Benefit claim form, even if you don't want to get the payments. This is because if you are entitled to receive Child Benefit it can:

- help you qualify for National Insurance credits that can protect your entitlement to State Pension
- help protect your entitlement to other benefits such as Guardian's Allowance
- ensure your child is automatically issued with a National Insurance number before their 16th birthday.

You can find out more at www.hmrc.gov.uk

Maternity leave

What is it?

Any woman who is employed while she is pregnant is entitled to 26 weeks of Ordinary Maternity Leave (OML) plus 26 weeks of Additional Maternity Leave (AML). It doesn't matter how many hours a week you work or how long you have worked for your employer, you are still entitled to a year off in total. You must give your employer the correct amount of notice that you plan to take maternity leave.

Giving notice of maternity leave

You must let your employer have the following information in or before the 15th week before your baby is due:

- that you are pregnant
- the expected week of childbirth, and
- the date on which you plan to start your maternity leave.

If your employer asks you to, you must put this date in writing. Generally, it's a good idea to put the whole notice in writing and keep a copy for yourself. Your employer may also ask to see your maternity certificate (MAT B1).

If you want to change the start date, you must give your employer notice of the new date at least 28 days before the new date or the old date, whichever is the earlier. If there is a good reason why you cannot do this, tell your employer as soon as you can.

When can I start my leave?

The earliest you can start your leave is 11 weeks before the expected week of childbirth (that is, when you are about 29 weeks pregnant). You must use the due date on your MAT B1 certificate, which your midwife

or GP will give you at around the 20th week of your pregnancy. Find the Sunday before your baby is due (or the due date if it is a Sunday) and count back 11 Sundays from there.

It's up to you to decide when you want to stop work. You can even work right up until the date the baby is due, unless one of the following applies:

- You have a pregnancy-related illness/absence in the last four weeks of your pregnancy. In this case your employer can start your maternity leave, even if you are only away for one day. However, if you are ill for a short time only, your employer may agree to let you start your maternity leave on the date you originally planned.
- Your baby is born before the day you were planning to start your leave. In this case leave will start on the day after the birth.

Do I have to give notice of my return?

You don't need to give notice if you are going back to work at the end of your 52 weeks' maternity leave. Simply go to work on the day that you are due back. If you want to return to work early, you must give your employer eight weeks' notice of the date you want to return. If you don't give notice and just turn up at work, your employer can send you away for eight weeks or until the end of your leave, whichever is earlier. If you want to return to work after your OML (that is, after 26 weeks), or after your maternity pay stops (usually after 39 weeks), you must give eight

weeks' notice of your return as in effect you are returning early.

What happens when I go back?

When you go back after OML it will be to **exactly the same job**. When you go back after AML your employer must give you:

- the same job, or
- if that is not reasonably practicable, a suitable job on terms and conditions at least as good.

If your employer does not give you your original job back, and it still exists, you should get advice.

What will I get while I am away?

Since 5 October 2008, your contractual rights (that is, any special rights that apply to your particular workplace, such as a company car) continue throughout your maternity leave (OML and AML) as if you were still at work. This includes your legal right to 5.6 weeks' paid annual leave (normally 28 days for full-time employees and the pro-rata equivalent for part-time workers) whether you are on maternity leave or not. This does not include your normal pay.

**you are
entitled
to a year
off in total**



During the first 39 weeks of your leave you will probably be entitled to either Statutory Maternity Pay or Maternity Allowance (see pages 162 and 168). After that your leave will be unpaid. Some employers also offer extra maternity pay: check your contract, or ask the human resources department or your union representative.

If you are made redundant while on maternity leave, your employer must offer you any suitable alternative work that is available. If there is none, they must give you any notice and redundancy pay that you are entitled to, although they could offset any maternity pay you get from the notice pay. Also, your employer must not

discriminate against you by failing to consider you for opportunities such as promotion.

For more information visit www.nidirect.gov.uk

Statutory Maternity Pay

What is it?

Statutory Maternity Pay (SMP) provides you with some money to help you take time off at and around the birth of your baby. It's paid for up to 39 weeks by your employer, who can claim back some or all of it from Her Majesty's Revenue and Customs. SMP counts as earnings and your employer will deduct tax and National Insurance.

You can get it even if you don't plan to go back to work or you leave your employment after you have qualified for SMP. You will not have to pay your SMP back if you don't return to work. You may qualify for SMP from more than one employer.

Who gets it?

You can get SMP if:

- You have been continuously employed for at least 26 weeks by the same employer at the qualifying week (the 15th week before the week your baby is due). This means you must have been employed by that employer before you were pregnant. Part weeks count as full weeks.
- You are earning an average of £112 a week or more before tax. This is called the Lower Earnings Limit for National Insurance contributions. You have to earn more than this amount before you actually start paying National Insurance.

Your earnings are averaged over an eight-week period, running up to and including the 15th week before the week your baby is due. This period may vary slightly depending on whether you are paid weekly, monthly or at other intervals.

If you are not sure whether you are entitled to SMP, ask your employer anyway. Your employer will work out whether or not you should get it, and if you don't qualify, they will give you a form (SMP1) explaining why not.

Helpful tips

The qualifying week

To find out which is the qualifying week, look on a calendar for the Sunday before your baby is due (or the due date if that is a Sunday) and count back 15 Sundays from there. You should use the due date on the MAT B1 certificate, which your midwife or GP will give you at around the 20th week of your pregnancy.

How much is it?

SMP is paid for a maximum of 39 weeks. For the first six weeks you get 90% of your average gross weekly earnings, with no upper limit. The remaining 33 weeks are paid at a standard rate of £139.58 or 90% of your average gross weekly earnings, whichever is less. SMP should be paid

in the same way and at the same time as your normal wages.

When is it paid?

The earliest you can start your SMP is 11 weeks before the week your baby is due, and the latest is the day following the birth. To work out the earliest date, use the due date on your MAT B1 certificate, which your midwife or GP will give you at around the 20th week of your pregnancy. Find the Sunday before your baby is due (or the due date if it is a Sunday) and count back 11 Sundays from there.

It's up to you to decide when you want to stop work, unless your job finishes before your SMP starts. If your job finishes before the 11th week before the week your baby is due, your SMP must start 11 weeks before the week your baby is due. If your job finishes after the 11th week but before your SMP is due to start, your SMP must start the day after you left your job. If you are still employed, you can even work right up until the date the baby is due, unless one of the following applies:

- You have a pregnancy-related illness/absence during the four weeks before the week your baby is due. In this case your employer can start your SMP automatically the day after the first day you are away.

- Your baby is born before the start of your SMP. In this case, SMP will start the day after the birth and be paid for 39 weeks.

You can work for up to 10 days for the employer who pays you SMP and still keep the SMP for the weeks in which you do that work. These are called Keeping in Touch (KIT) days. You don't have to work KIT days if you prefer not to, and your employer doesn't have to offer them to you. Once you have used up your 10 KIT days, you cannot get SMP for any week in which you work for the employer paying your SMP.

Your employer can offset any contractual pay against SMP, so you will need to agree with them if any payment you get for these days is in addition to SMP.

If after the birth you work for another employer who did not employ you in the 15th week before the week your baby was due, you must tell the employer paying your SMP. SMP will then stop.

How do I claim?

You must give your employer at least 28 days' notice of the date you want to start your SMP. They may need this in writing. It's a good idea to do this at the same time as you give notice of your maternity leave (see page 160). You must also send your maternity certificate (MAT B1 form), which is issued by your GP or midwife at around the 20th week of your pregnancy. You can give notice for leave and pay together in the 15th week before the week your baby is due. You can change your mind about the dates you have given for the start of your SMP, but you must give your employer 28 days' notice before the earlier date. Again, your employer can ask you to give this notice in writing.

Paternity leave

What is it?

Following the birth of a child, eligible employees will be able to take one or two weeks' leave to care for the child or support the mother. They must give their employer the correct notice. The leave must be taken within 56 days of the birth.

Who gets it?

The baby's biological father, your husband, civil partner or partner, including a same-sex partner, can take paternity leave providing they:

- expect to have responsibility for bringing up the child, and
- have worked for the same employer for at least 26 weeks by the 15th week before the baby is due.

When can paternity leave start?

Your husband or partner can choose to start paternity leave either:

- from the date of your baby's birth
- from a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected), or
- from a chosen date.

Paternity leave must have been taken within 56 days of the baby's birth or, if the baby was born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

Your partner should give notice to take paternity leave by the end of the 15th week before the baby is due, or as soon as reasonably practicable. The notice should state your expected due date, whether your partner wants to take one or two weeks' leave, and the date they want the leave to begin. Your



partner will be able to return to the same job after paternity leave.

What is Statutory Paternity Pay (SPP)?

SPP is paid by employers for up to two weeks at a rate of £139.58 per week or 90% of average earnings, whichever is less.

Can my partner get SPP?

Your partner can get SPP if they:

- are the baby's father or your husband/partner/civil partner and are responsible for the baby's upbringing (if you are not in a

civil partnership or marriage, your partner must live with you and your baby)

- have worked for an employer for 26 weeks by the 15th week before your baby is due or, if your baby is born before then, would have worked for an employer for 26 weeks by the 15th week before your baby is due
- are still employed by the same employer as before the birth, and
- earn at least £112 per week on average (before tax) in the eight weeks immediately before the week your baby is born.

Your partner must request paternity pay at least 15 weeks before the week the baby is expected, ie at the same time as giving notice to take paternity leave.



ADDITIONAL PATERNITY LEAVE

If you have returned to work your partner could have the right to Additional Paternity Leave of up to 26 weeks. Additional Statutory Paternity Pay may also be payable by his employer. A fuller explanation of these rights and the conditions for entitlement is available at www.nidirect.gov.uk

Parental leave

You and your partner are entitled to take 18 weeks' unpaid leave each, per child, before your child's eighteenth birthday. Adoptive parents also have until their child's eighteenth birthday. You cannot usually take more than four weeks' leave per child in any one year, and you should give 21 days' notice to take parental leave, but your employer may allow you to take more of your leave or to accept less notice.

Emergency unpaid leave

All workers are also entitled to emergency unpaid leave to make arrangements to care for a dependant who falls ill, gives birth or is injured. This leave can be used if there is a sudden problem with care arrangements (for example, if your childminder falls ill). It only allows you to take reasonable time off, usually not more than one or two days, and you must keep your employer informed as to what is going on.

CHILD-FRIENDLY WORKING HOURS

What are my rights?

If you need to change your working hours to fit in with your childcare arrangements, you have the right to have your request considered seriously. Since April 2015, every employee has the statutory right to request flexible working after 26 weeks employment service. Both you and your employer will have to follow a set procedure if you want to make a request for flexible working, but you can always make an informal request first, and you may be able to come to an agreement with your employer without using the procedure.

Am I entitled to ask for flexible working?

You are entitled to ask for flexible working if:

- you are an employee (but not an agency worker or member of the armed forces)
- you have worked for your employer for 26 weeks continuously by the time you make your request, and
- you have not made a request in the last 12 months.



Making a request for flexible working hours

You will need to send a written request to your employer giving details of the working pattern you want. Your request must meet certain requirements. These include explaining what effects the change will have on the business and how you feel those effects can be dealt with.

Before making your request, look at the job you do now and how it could be done differently.

Flexible working covers a wide range of working practices, including:

- **part-time working.** Fewer hours in return for proportionately lower pay. You could start work later and finish early in order to take care of children before and after school
- **flexi-time.** Employees may be required to work during essential periods, but given freedom to choose their hours outside those 'core times'
- **job-sharing.** Typically, two employees share one job
- **working from home.** New technology is enabling many

people to do some or all of their work from home

- **term-time working.** Employees work normal hours during term time and take paid or unpaid leave during school holidays
- **staggered hours.** Employees in the same workplace have different start, finish and break times. This can help employers cover longer opening hours
- **compressed working hours.** Employees work their total agreed hours over fewer working days, for example squeezing a five-day working week into four days by working slightly longer hours each day.



various working patterns

Your application for flexible working hours

Your written application must:

- state that this is an application for flexible working
- state that it is an application under the statutory right to request a contract variation in relation to flexible working under section 112F of the Employment Rights (Northern Ireland) Order 1996
- state the working pattern you are asking for and the date you want it to start
- explain how you think the new working pattern may affect your employer and how you think the implications could be dealt with
- state whether you have asked before and, if so, when, and
- be signed and dated.



Your employer's response

Your employer must arrange a meeting with you to discuss your application within 28 days of receiving it. They must give you written notice of their decision within 14 days of the meeting. If your employer agrees to your request, the new arrangements should start on a date agreed between you.

Your terms and conditions (like pay and leave) will stay the same until that date, when they will change in line with your new working pattern. You must not be treated less well for, say, working part time. Your hourly rate of pay should not change, even if your overall salary is lower.

Sometimes, an employer will be justified in refusing a request for a change in working hours. Under the right to request flexible working, they can refuse for the following business reasons, as long as these are based on the facts:

- burden of additional costs
- detrimental effect on their ability to meet customer demand
- inability to reorganise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods you propose to work
- planned structural changes.

Remember that these reasons **must** be based on the facts in your workplace. If they are not based on the facts, you should appeal and continue to negotiate with your employer.

Your employer must explain why a particular reason applies in your circumstances, and they must tell you about your right to appeal. If your employer doesn't follow the procedure, refuses for a reason other than those listed on the left, refuses to give an explanation or gives a reason that you don't think reflects the facts, you can appeal. You must do this within 14 days of receiving the notice of refusal from your employer.

Your employer then has 14 days from the date they receive your notice of appeal to hold the appeal meeting. Again, they must notify you of their decision in writing, within 14 days of the appeal, giving reasons for their decision.

If you are not happy with the appeal decision, you can make a claim at an industrial tribunal. You should get advice before doing this. You must usually make a tribunal claim within three months of the refusal.

Thinking it over

Your employer must seriously consider your request to change your working pattern. They will only know if they have a good reason for refusing your request by giving it a lot of thought. People often assume that a job has to be done full time or at certain fixed times of day. But, if you and your employer look carefully at your job, you may be able to work out a more child-friendly option – perhaps one that neither of you had thought about before.



Your rights under discrimination law

If you are not entitled to request flexible working, for example because you have not worked for your employer for long enough, you may still be able to rely on your rights under sex discrimination law. You may also be able to rely on sex discrimination law even if you have used the procedure set out on page 165 – it can strengthen your argument to change your hours.

Under sex discrimination law, employers can only refuse a request if the requirement or practice they are imposing on you (for example, the requirement to work full time) is genuinely necessary for the business. Unlike the right to request flexible working, there are no set reasons for refusal, and it will depend on the circumstances of the case whether your employer can show that it's genuinely necessary for them not to give you the hours you want.

If the requirement puts you at a disadvantage and cannot be justified as being genuinely necessary for the business, your employer may be guilty of indirect sex discrimination. For example, working the hours your employer requires might mean that you cannot afford or find childcare that

fits around your working pattern, or that you will see very little of your children. If you cannot call on family or friends, or if you live a long way from sources of childcare, you may be able to show that this is having a detrimental effect. Because you may be able to use this argument as well as or instead of a claim under the right to request flexible working, you are advised to consult a solicitor before making an employment tribunal claim.

The Sex Discrimination Order 1976 applies to everyone regardless of the age of your child or how long you have worked for your employer. Women may be able to show indirect sex discrimination because they are more likely to have childcare responsibilities than men. Men may be able to show direct sex discrimination if, for example, they are refused flexible working where women doing similar jobs are not.

If you are disabled for the purposes of the Disability Discrimination Act, then your employer has a duty to

make reasonable adjustments to help you work.

In limited circumstances if you are the parent or carer of a disabled child or adult, you may be able to argue that your employer is guilty of discriminating against you because of your association with a disabled person. Seek legal advice if you think this could apply to you.

If you think your employer has unreasonably refused your request, you should get advice about whether you can get compensation under the right to request flexible working and/or under sex discrimination law, or disability discrimination law if this applies to you. You must usually make a tribunal claim within three months of the refusal, but you should seek advice first. You may need to raise a grievance before applying to a tribunal, and it is important that your grievance contains all the relevant arguments.

Dismissal or unfair treatment

It's against the law for your employer to treat you unfairly, dismiss you or make you redundant for any reason connected with pregnancy, childbirth, maternity, paternity, adoption or parental leave.

If you are dismissed while you are pregnant or on maternity leave, your employer must give you a

written statement of the reasons. You can make a claim for unfair dismissal and sex discrimination in an employment tribunal (also called an industrial tribunal) within three months.

You can also claim unfair dismissal if you are dismissed for reasons related to parental leave or time off for dependants. You must seek legal advice if you are thinking about applying to an employment tribunal.

Helpful tips

Some benefits 'overlap' with each other and cannot be paid at the same time. For example, you cannot get Maternity Allowance (because you are on maternity leave) and contribution-based Jobseeker's Allowance (because you are unemployed) at the same time.

BENEFITS FOR WORKING PARENTS

Maternity Allowance

What is it?

Maternity Allowance (MA) is a weekly allowance paid by the Northern Ireland Social Security Agency to women who don't qualify for Statutory Maternity Pay (page 162). You may also get MA if you are self-employed or unemployed or if you changed jobs during pregnancy.

Who gets it?

You can claim MA if you have been employed and/or self-employed in at least 26 of the 66 weeks before the week you expect to give birth. This 66-week period is known as the test period. You must also have average gross weekly earnings of at least £30. An average is taken over any 13 weeks in the test period. You should choose the 13 weeks in which you earned the most. In your chosen weeks, you can add together earnings from more than one job, including any self-employed work.

How much is it?

MA is paid for 39 weeks at a standard rate of £139.58 a week, or 90% of your average earnings, whichever is less.

When is it paid?

The earliest that MA can start is 11 weeks before the week your baby is due and the latest is the day after the birth. If you are unemployed, and have already qualified for MA, it will start 11 weeks before the week your baby is due. If you are employed or self-employed at the start of the 11th week before the week your baby is due, you can choose when to start your MA. You can even work right up until the date the baby is due. However:

- if you are absent from work because of a pregnancy-related reason on or after the start of the fourth week before the week your baby is due, your MA will start automatically the day following your first day of absence, or
- if your baby is born before your MA is due to start, your MA will start from the day following the birth and will last for 39 weeks.

How do I claim?

You can claim MA from the 14th week before the week your baby is due. Fill in form MA1, available from your GP or your antenatal clinic, or from www.nidirect.gov.uk/maternity_allowance

You must also send your maternity certificate (form MAT B1), which is issued by your GP or midwife at around the 20th week of your pregnancy. If you are employed and not eligible for Statutory Maternity Pay, send form SMP1 from your employer to show why you don't qualify.





You will also have to supply original payslips to show that you meet the earning condition, unless you are self-employed. In this case, the Northern Ireland Social Security Agency will confirm this direct with Her Majesty's Revenue and Customs. When you have completed your claim form, send it to Social Security Office/Jobs and Benefits Office, together with your maternity certificate (MAT B1) and your original payslips.

Claim as soon as you can, even if you are still at work, don't have the medical evidence needed or are missing some of the other information you need to complete the claim form. You can always send it later. You must claim within three months of the date your MA period is due to start. Ask for your MA to be backdated if you claim after your entitlement starts. If you delay, you will lose money.

How is it paid?

MA is paid directly into your bank account, normally every week or every four weeks in arrears.

Working during the MA pay period

You are allowed to work as an employed or self-employed person for up to 10 days during your MA pay period without losing your MA. These special days are called Keeping in Touch or KIT days. Once you have used up your 10 KIT days, if you do any further work you could lose at least a day's MA for each day you work. You must tell the Social Security Office/Jobs and Benefits Office about any work you do in your MA pay period.

The amount you get paid for the KIT days you work in your MA pay period will not affect your MA.

Anything else?

If you are not entitled to MA, your claim can be treated as a claim for Employment and Support Allowance (ESA), which some women can get for a short period immediately before and after the birth (see right). It is a good idea to make sure that the Social Security Office/Jobs and Benefits Office checks your entitlement to ESA if you cannot get MA.

For further information about MA, see leaflet NIL17A, *A Guide to Maternity Benefits*, available from www.dsdni.gov.uk/a_guide_to_maternity_benefits_nil17a.pdf

Employment and Support Allowance

What is it?

Employment and Support Allowance (ESA) is a weekly allowance that is normally paid to people whose ability to work is limited by an illness or disability. It may also be paid to women who don't qualify for Statutory Maternity Pay or Maternity Allowance.

Who gets it?

ESA is available to people who have paid a certain amount of National Insurance contributions during the last two tax years. Employment and Support Allowance will check your application. You can also contact them for information if you are not sure whether you are eligible.

How much is it?

ESA is £73.10 per week if you are aged 25 or over and £57.90 if you are under 25.

When is it paid?

ESA is paid from the sixth week before your baby is due or from before your baby is born, whichever is earlier, until two weeks after your baby's birth. It may not be paid for the first seven days of your claim.

How do I claim?

You can claim Employment and Support Allowance by telephone or textphone. An adviser at the contact centre will go through the application with you and fill in the form. You will not have to fill in any forms yourself.

Lines are open Monday to Friday, 9.00 am to 5.00 pm.

Contact centre numbers:

- Telephone 0800 085 6318
- Textphone 0800 328 3419

You can also call at your local Social Security or Jobs and Benefits office and ask for an ESA1 claim form.

If you are not entitled to Maternity Allowance, contact the ESA centre to see if you qualify for Employment and Support Allowance. It can be paid directly into your bank. You must claim within three months of the start of your entitlement.

Where can I find out more?

To find out more about ESA, call Social Security Office/Jobs and Benefits Office and ask for leaflet NISSA015, or go to the ESA website at www.dwp.gov.uk/esa



Contribution-based Jobseeker's Allowance

What is it?

Contribution-based Jobseeker's Allowance (JSA) is for people who are unemployed or working less than 16 hours a week. It can be paid for up to 26 weeks.

Who gets it?

You get it if you have paid enough National Insurance contributions during the last two tax years that don't overlap with the current calendar year. You must be available for work for at least 16 hours a week, and be actively seeking work.

How much is it?

If you are under 25, JSA is £57.90 a week. If you are 25 or over you get £73.10 a week. Your partner's earnings are not taken into account, but, if you are in part-time work, your earnings are.

How do I claim?

To start your claim, call Social Security Office/Jobs and Benefits Office. Once you are claiming, you will have to go to your Social Security Office/Jobs and Benefits Office every fortnight to 'sign on' to show you are available for work.

How is it paid?

JSA is paid directly into your bank account, normally every two weeks in arrears.

Anything else?

If your family has no other income and neither you nor your partner work (or you work less than a certain number of hours – 16 for the jobseeker and 24 for your partner), you will probably be entitled to income-based JSA and other benefits for families on low incomes (see page 172). If you lose your job while you are pregnant or on maternity leave, contact Social Security Office/Jobs and Benefits Office or Working Families for advice.

BENEFITS FOR FAMILIES

Child Tax Credit and Working Tax Credit

What are they?

Child Tax Credit and Working Tax Credit were introduced in April 2003 to provide extra financial support for children.

Who gets working tax credit?

You usually need to be working a minimum number of hours a week to claim Working Tax Credit. If you are responsible for a child or qualifying young person and you are not part of a couple, you can claim Working Tax Credit if you are aged 16 or over and you work at least 16 hours a week.

If you are responsible for a child or qualifying young person and you are part of a couple, you can claim Working Tax Credit if you are both aged 16 or over and:

- you work at least 24 hours a week between you, with one partner working at least 16 hours a week, or
- one partner works at least 16 hours a week and qualifies for the disability element of Working Tax Credit, or
- one partner works at least 16 hours a week and is aged 60 or over, or

one partner works at least 16 hours a week and the other partner can't work because they are:

- incapacitated (getting certain benefits because of a disability or ill health)
- an inpatient in hospital
- in prison either on remand or serving a custodial sentence, or
- entitled to Carer's Allowance.

You can be treated as if you are working during the first 39 weeks

If I decide not to go back to work after maternity leave, can I claim anything?

You may be able to claim contribution-based JSA for up to six months, but you will need to show that you had 'just cause' for voluntarily leaving your job. You will also have to be available for work for as many hours a week as your caring responsibilities permit (and not less than 16).

If you have not paid enough National Insurance contributions, you may be able to claim income-based JSA instead (see page 172), depending on your personal circumstances. The best way to claim is to call Social Security Office/Jobs and Benefits Office. If you are a single parent you may be able to claim Income Support (see page 172) once the baby is born. Whether you have a partner or you are a single parent, you may be able to claim tax credits (see right).

of your maternity leave if you were working enough hours immediately before starting your maternity leave.

Help with childcare costs

Many working parents can get help with their childcare costs through tax credits. If you work at least 16 hours a week and use registered childcare, you could get up to 70% of the cost back, up to a limit of £175 a week if you have one child or £300 a week if you have two or more. Your household income will be taken into account when working out what you get. Call the Tax Credits Helpline on 0345 300 3900 to find out more.

How do I claim tax credits?

You can use the same form for both Child Tax and Working Tax Credits. Call the helpline on 0845 300 3900. A claim for one of the tax credits is a claim for both, so if your circumstances change you should phone the helpline to let them know and find out what you need to do.

How much will I get?

The amount will depend on your current circumstances, for example the number of children in your household, the number of hours you and your partner work, whether you get disability benefits, your childcare costs, and your household's gross income for the last tax year. Claims for the current tax year will initially be based on the previous tax year's income. Awards will normally run until the end of the tax year. If your circumstances change, for example because you have another baby, you can ask for the award to be adjusted from the date of the change but it can only be backdated up to a maximum of one month. You could lose out if you don't report the change within three months.

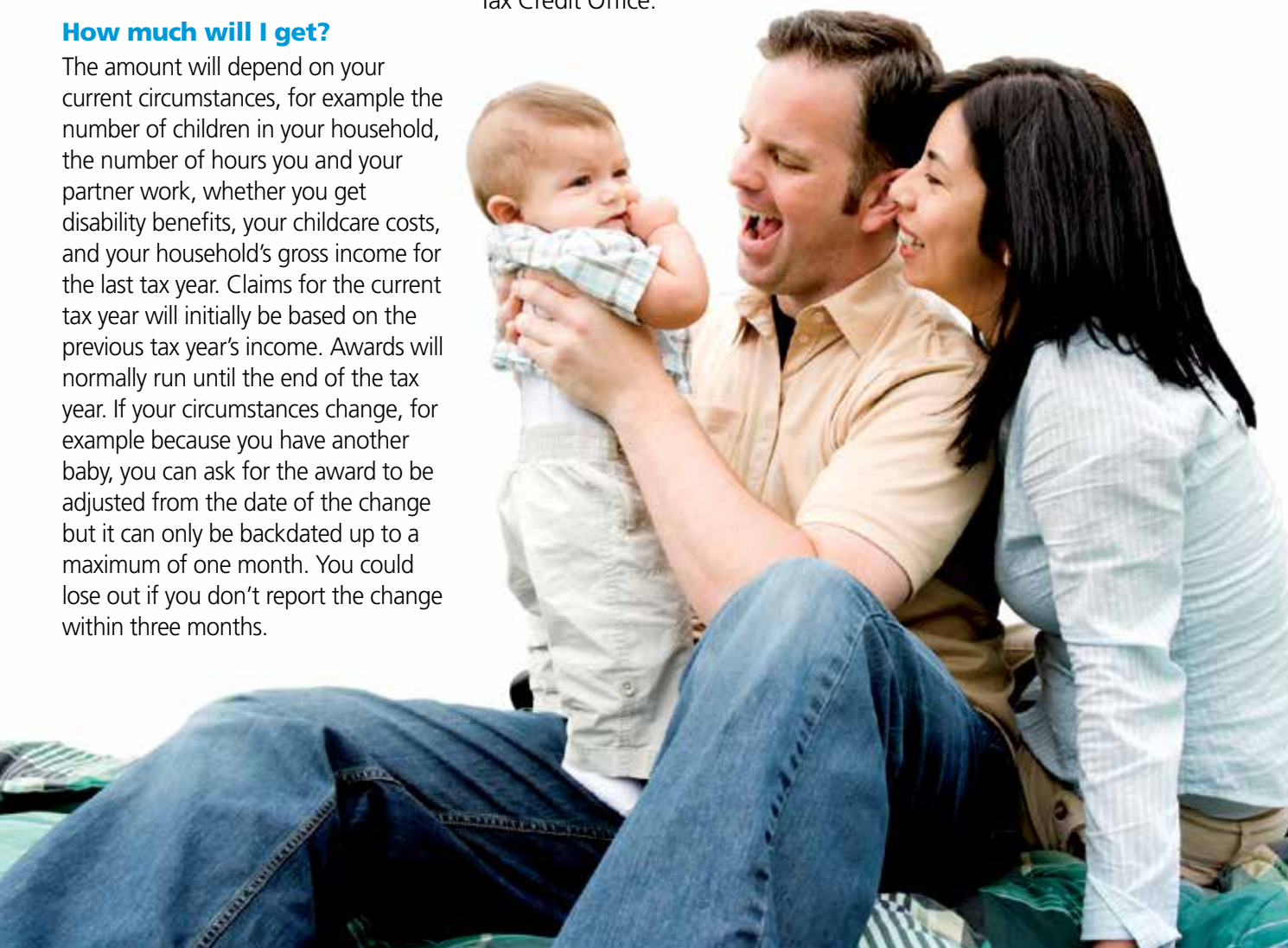


If your income drops because of maternity leave, your tax credits will usually be adjusted for this after the end of the tax year. But if you are confident that you can estimate your income (and your partner's income, if they are living with you) from 6 April to the following 5 April inclusive, you can report this to the Tax Credits Helpline and get them to revise your award. Be careful: if you give them a figure that is too low, you could be overpaid and you will have to repay money to the Tax Credit Office.

Maternity Allowance or the first £100 a week of Statutory Maternity Pay will not count as income for the purposes of calculating your tax credits.

Anything else?

If you get tax credits you may also be able to get the £500 Sure Start Maternity Grant (see page 172) and help with the cost of travelling to hospital for treatment (including antenatal appointments). The help will depend on the level of your tax credits.



Income-based Jobseeker's Allowance and Income Support

What are they?

Income-based Jobseeker's Allowance (JSA) and Income Support are weekly payments for people who are not in work and don't have enough money to live on. If your family income falls below a set level the benefit will 'top it up'. This means that you may be able to get Income Support even if you are already getting Statutory Maternity Pay, Maternity Allowance or some income from part-time work.

Who gets them?

You can claim income-based JSA if you are 18 or over and actively seeking work. Typically, you will claim this benefit if you are living with your partner and are either unemployed or working less than 16 hours a week. You should also claim it if you are single and unemployed and your baby has not been born yet.

If you are 16 or 17 years old you may be able to claim income-based JSA in certain circumstances. You should get further advice about this.

You can claim Income Support if you are 16 or over but not available for work. This could be because you are a single parent or because you are 29 weeks pregnant or more. You may also get Income Support if you are pregnant and too sick to work.

You cannot claim either income-based JSA or Income Support if you have a partner who lives with you and works for 24 hours or more a week, or if you work for 16 or more hours a week, or if you have savings of more than £16,000.

How much are they?

This will depend on your age, whether or not you have a partner, and what other income you have. If you are under 25 you get a lower rate. If you have more than £6,000

in savings, your benefit will be reduced. If you are claiming during pregnancy you should let your Social Security Office/Jobs and Benefits Office know as soon as the baby is born, as your benefit will go up if you are under 25 but over 18.

How do I claim?

To claim income-based JSA or Income Support, contact your Social Security Office/Jobs and Benefits Office.

How are they paid?

The benefits will be paid directly into your bank account. If you are claiming income-based JSA, you will have to go to your Social Security Office/Jobs and Benefits Office every fortnight to 'sign on' to show that you are available for work. If you are claiming Income Support, you will not need to 'sign on', but you may have to attend work-focused interviews from time to time.

Anything else?

If you get Income Support, income-related Employment and Support Allowance or income-based JSA, you can claim other benefits, such as a £500 Sure Start Maternity Grant, help with fares to hospital and Housing Benefit. You may be able to get help with mortgage interest payments.

You can get help from Healthy Start if you get Income Support, income-based JSA, income-related Employment and Support Allowance or Child Tax Credit but not Working Tax Credit (except Working Tax Credit run-on) and you have an annual family income of £16,190 or less.

There is more information on all these benefits elsewhere in this chapter. If you get Pension Credit, you can also get the Sure Start Maternity Grant, and you may be able to get some Housing Benefit and Rates relief. If you get the guarantee credit of Pension Credit, you can get help with fares to hospital.



Sure Start Maternity Grant from the Social Fund

what is it?

A lump sum payment of £500 to help buy things for a new baby. This is a grant, not a loan, so you don't have to pay it back.

who gets it?

Pregnant women and new parents who are getting income-based Jobseeker's Allowance, Income Support, income-related Employment and Support Allowance, Pension Credit, Working Tax Credit where a disability or severe disability element is included in the award, or Child Tax Credit at a rate higher than the family element. If you are a young parent and your parents still claim for you, they may be able to claim the grant on your behalf if they get one of these benefits.

Is it paid for every child?

A Sure Start maternity grant cannot be awarded where there is another child under the age of 16 in the family at the date of the claim except:

- in the case of multiple births (e.g. twins) or
- where the claimant or claimant's partner is responsible for the baby's parent.

how much is it?

£500 for each eligible baby who is:

- expected within the next 11 weeks or recently born or in certain circumstances an eligible child which:
 - you have become responsible for
 - you have been granted an adoption, parental or residence order for
 - you have been appointed guardian of

- has been placed with you for adoption or
- has been adopted overseas.

how do I claim?

You can get a copy of the claim form SF100 (Sure Start) by contacting your Social Security/Jobs and Benefits office. You can claim any time from 11 weeks before your due date until three months after the birth. Where:

- you become responsible for a child
- you are appointed guardian of a child
- a child is placed with you for adoption
- an overseas adoption takes effect or is recognised

You should claim within three months of the date each order/placement commences and the child must be no more than one year old when you make a claim. Your midwife, GP or health visitor will need to fill in part of the form. This is to confirm when your baby is due or actually born, and that you have had advice about the health and welfare of your baby and, if you claim before the baby is born, yourself. If you cannot get income-based Jobseeker's Allowance, Income Support, income-related Employment and Support Allowance, Pension Credit, Working Tax Credit or Child Tax Credit at a rate higher than the family element until after your baby is born, you must still claim the Sure Start Maternity Grant within the three-month time limit.



The Discretionary Social Fund

What is it?

The Discretionary Social Fund provides grants and interest-free loans for expenses that are hard for people to meet out of their weekly benefits or regular income. There are three types of payment: Community Care Grants, Budgeting Loans and Crisis Loans.

Who gets them?

Community Care Grants are for people getting Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Pension Credit. Community Care Grants are intended to meet certain needs, like paying the cost of travelling to see a mother and baby in hospital, helping people set up home in the community after being in care (or stop them going into care in the first place) or helping a family under exceptional pressure.

Budgeting Loans are interest-free, repayable loans for people getting Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Pension Credit for at least 26 weeks. They are intended to help people who are on benefits for long periods to afford things they cannot save for, like furniture and household equipment.

Crisis Loans are interest-free, repayable loans for people (whether on benefits or not) who cannot meet their immediate short-term needs in a crisis.

How much are they?

This will depend on your personal circumstances, your ability to pay and the amount of money available. You don't have an automatic right to a Social Fund payment, and there is a limited amount of money to be distributed among everyone who successfully applies.

The upper limit for Budgeting Loans and Crisis Loans is £1,500, and the total amount you owe the Social Fund cannot be more than £1,500. Repayments will be taken directly from your income if you are claiming other benefits. The amount you have to repay each week will depend on the size of the loan, the size of your income and any other debts you may have.

The amount of any Social Fund payment you get will be reduced on a pound-for-pound basis by any savings you or your partner have. For Community Care Grants, savings over £500 (£1,000 if you or your partner are aged 62 or over) will usually affect how much you can get. For Budgeting Loans, savings over £1,000 (£2,000 if you or your partner are aged 62 or over) will usually affect how much you can get.

How do I claim?

For information about which Social Fund payment to claim and how, contact your Social Security Office/ Jobs and Benefits Office. More information is also available at www.nidirect.gov.uk/help-from-the-social-fund or in leaflet S16 *A guide to the Social Fund*, which is available online at www.dsdni.gov.uk

Housing Benefit

What is it?

Housing Benefit can help you pay your rent (and/or rates, if you live in Northern Ireland) if you are on income-based Jobseeker's Allowance (JSA), income-related Employment and Support Allowance (ESA), Income Support or the guarantee credit of Pension Credit or if you have a low income. If you are a private tenant, it will usually be paid to you, although in some circumstances it can be paid to your landlord.

How much is it?

It depends on the rent and/or rates you pay, the size of your home, your income, savings, other benefits, your age and your family size. It may not match the rent you are actually paying. If you are a private tenant, your Housing Benefit will be limited to the Local Housing Allowance, a set amount for your area and the size of your family. You cannot get Housing Benefit if you have savings of more than £16,000. If you have savings of less than £16,000, this may affect the amount of Housing Benefit you get.

How do I claim?

If you are getting income-based JSA or Income Support, you will get a Housing Benefit claim pack with your JSA/Income Support claim form. If you claim Pension Credit, you should be asked about Housing Benefit and helped to claim it if you need to. If you are not claiming these benefits, get a form from the Northern Ireland Housing Executive or Land and Property Services.

Help with mortgage interest repayments

What is it?

If you have a mortgage and you are on income-based Jobseeker's Allowance (JSA), income-related Employment and Support Allowance (ESA), Income Support or the guarantee credit of Pension Credit, you may be able to get help with your interest payments, although there may well be a waiting period during which you will not get any help.

How much is it?

You can only get help with interest payments (not repayments of capital or contributions to a linked PEP, endowment or insurance policy), and the amount is usually based on a standard interest rate (which may not be the same as the interest you are paying).

If you are pensionable age or over, there is no waiting period and you will get help with mortgage interest straight away.

If you are under pensionable age, there is a 13-week waiting period before you can get help with mortgage interest.

How do I claim?

Once you have claimed income-based JSA, income-related ESA, Income Support or the guarantee credit of Pension Credit, your Jobs and Benefits or Social Security Office will automatically send you form MI12 about your housing costs shortly before they become payable. You fill out part of the form and then send it to your mortgage lender to fill out the rest.

How will it be paid?

The money will usually be paid directly to your mortgage lender.

Anything else?

Tell your mortgage lender as soon as you get into difficulties with your mortgage. If you are unable to meet your repayments, you may be able to negotiate a temporary agreement for reduced repayments (for example, during your maternity leave). Some mortgage lenders allow a 'repayment holiday' of a few months once during the life of the mortgage.

If you have mortgage protection insurance, contact your insurer immediately. Most insurance policies will pay out if you are getting JSA or Income Support, but not if you are only getting Statutory Maternity Pay or Maternity Allowance, so check carefully.



**tell your
mortgage lender
as soon as
you get into
difficulties**

Healthy Start

What is it?

Healthy Start is a scheme which provides vouchers that can be exchanged for milk, plain fresh or frozen fruit and vegetables and infant formula. If you qualify, you can also get coupons to claim free Healthy Start vitamin tablets and Children's drops. Women who are 10 weeks pregnant and children over one and under four years old can get one £3.10 voucher per week. Children under one year old can get two £3.10 vouchers (£6.20) per week.

Who gets it?

You qualify for Healthy Start if you're at least 10 weeks pregnant or have a child under four years old and you or your family get:

- Income Support, or
- Income-based Jobseeker's Allowance, or
- Income-related Employment and Support Allowance, or
- Child Tax Credit (but not Working Tax Credit unless your family is receiving Working Tax Credit run-on only*) and have an annual family income of £16,190 or less (2016/17).

*Working Tax Credit run-on is the Working Tax Credit you receive in the 4 weeks immediately after you have stopped working for 16 hours or more per week (single adults) or 24 hours per week (couples).

You also qualify if you are under 18 and pregnant, even if you don't get any of the above benefits or tax credits.

- Ask your health visitor for more information.
- Visit www.healthystart.nhs.uk or www.nidirect.gov.uk.
- You will need your midwife to fill in their part of the application form. You can apply as soon as you are 10 weeks pregnant. Healthy Start vouchers and vitamin coupons cannot be backdated, so apply as early as you can.
- Once your baby is born, you should claim Child Tax Credit to make sure you continue to get your vouchers and vitamin coupons if you are still entitled. See page 158 for more information.

Help with the cost of travelling to hospital

What is it?

A refund of fares to and from hospital, including for antenatal visits. This can cover normal public transport fares, estimated petrol costs and taxi fares if there is no alternative.

Who gets it?

You may get help with the cost of travelling to hospital if your family gets income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Income Support or the guarantee credit of Pension Credit. You may also be entitled to help if your family income is low, or if you are getting tax credits and your income is below £16,190 (check your tax credits letter to see if this applies to you).

How do I claim?

If you are claiming one of the benefits mentioned above, you can claim at the hospital at the time of your visit by showing proof that you get the benefit. Alternatively, you can claim within three months of your visit by filling in form HC5 (available from hospitals).

If your income is low, you will need to fill in form HC1 (available from your GP, hospital or Social Security Office/Job and Benefits Office) first. Depending on how low your income is, you will then be given either certificate HC2, which means that you qualify for free services, or certificate HC3, which means that you qualify for some help. You show the certificate when you go to the hospital, or you can claim within three months of your visit, using form HC5.

Have you claimed everything you are entitled to?

You can claim → If you get ↓	Child benefits	Free dental treatment	£500 Sure Start Maternity Grant*	Social Fund loans***	Help with mortgage	Healthy Start**	Fares to hospital
Income-based JSA	Y	Y	Y	Y	Y	Y	Y
Income Support	Y	Y	Y	Y	Y	Y	Y
Low income	Y	Y****	Y*	N	N	N	Y
All mothers	Y	Y****	N	N	N	N	N

- * You can claim if you get Pension Credit, income-related Employment and Support Allowance, Working Tax Credit, where a disability or severe disability element is included in the award or Child Tax Credit at a rate higher than the family element.
- ** You can also claim if you get Child Tax Credit but not Working Tax Credit with an income of £16,190 or less. The qualifying criteria for Healthy Start are: Income Support/income-based JSA/income-related Employment and Support Allowance/and Child Tax Credit without Working Tax Credit (unless Working Tax Credit run-on only is in payment) and annual family income of £16,190 or less.
- *** You have to be on Income Support, income-based JSA, income-related Employment and Support Allowance or Pension Credit to get a Social Fund loan (called a Budgeting Loan) unless there is an emergency or disaster and you are without sufficient resources to meet your immediate short-term needs (this is called a Crisis Loan).
- **** Free dental treatment is only available for low income/all mothers during pregnancy and for one year after birth.
- ***** Some people will get full help, other people may only get partial help – it all depends on how low income is.

More information

Some useful websites include:

- www.dsdni.gov.uk (Department for Social Development)
- www.nhschoices.gov.uk (NHS Choices)

- www.hmrc.gov.uk (Her Majesty's Revenue and Customs). For all tax information, and information on Working Tax Credit, Child Tax Credit and Child Benefit
- www.hse.gov.uk (Health and Safety Executive)
- www.acas.org.uk (Acas). For information on employment rights and help to negotiate with your employer
- www.nidirect.gov.uk Useful sections on employment and family rights

- www.workingfamilies.org.uk Advice on employment rights, benefits and tax credits
- www.daycaretrust.org.uk Information about finding and paying for childcare
- www.cmoptions.org Information and support for anyone with an interest in child maintenance

Useful apps:

- www.bestbeginnings.org.uk/news/baby-buddy

