

Maternity rights and services in the UK

8 March 2023

Rules for today

- We are recording this event, but participants (audience members) will not be recorded
- Camera can be on/off, but please keep microphones off when not participating
- Cantonese interpreter is available
- In-meeting chat is open for your messages in either Chinese (Traditional) or English
- PowerPoint slides and recording will be available on our Hong Kong Hub but can also be requested from HK@migrationyorkshire.org.uk

What will we cover?

- Maternity services and care in England
- Rights in the workplace during pregnancy and maternity leave
- Registration of birth and immigration status
- Support available when pregnant and after having a baby
- Help when things go wrong



Women's health services in England

Women's services available through NHS:

- Family planning services, including [contraceptive services](#), [termination of pregnancy](#) and [infertility treatment](#))
- Maternity care
- Routine cervical screening (for ages 25 to 49 every 3 years and for ages 50 to 64 every 5 years)
- Breast screening programmes (mainly for women aged 50 up to their 71st birthday)
- Free immunisation against human papillomavirus (HPV) for girls aged up to 18



Maternity care and services

Overview (England):

- Maternity care and services are free for BNO visa holders (you need to be registered with a GP); however, you might be asked to provide proof that you are residing in the UK (you are an 'ordinary' resident)
- Maternity care covers [antenatal care](#) (including routine antenatal screening) and [postnatal care](#) (including health visiting services)
- Free NHS prescriptions and dental care – with a [Maternity Exemption Certificate](#) – when pregnant and up to 12 months after giving birth (You can check validity of your certificate [here](#))
- Access to free [professional interpreting and translation services](#), if you experience language barrier

Antenatal (pregnancy) care

Antenatal (pregnancy) [care](#) includes:

- Checking the health of you and your baby
- Giving you useful info to help you have a healthy pregnancy, including advice on eating and exercise
- Discussing your options/choices for your care during pregnancy, labour and birth plan
- You may also be offered antenatal classes, including breastfeeding workshops.

Depending on your health and where you live, you may see:

- a midwife for all your appointments
- a midwife for some appointments and a GP for others

If you have special health needs your midwife, GP or obstetrician may take shared responsibilities for your maternity care.

Antenatal (pregnancy) care

Your [pregnancy journey](#):

- 10 pregnancy appointments (7 if you've had a child before) to check the health and development of you and your baby
- screening tests to find out the chance of your baby having certain conditions, such as Down's syndrome
- blood tests to check for syphilis, HIV and hepatitis B
- screening for inherited blood disorders (sickle cell and thalassaemia)
- 2 pregnancy scans at 8 to 14 weeks and 18 to 21 weeks – [you can find a breakdown of your appointments here](#) as well as what to expect

You will also discuss your [birth plan](#) (choosing hospital, natural birth/caesarean section, pain relief, [what to pack](#) and more).



Birth and postnatal care

Birth:

- You can find information as to what to expect at the hospital or birth centre [here](#)
- In the UK your partner can be present in the room whilst you're giving birth

Postnatal care:

- 6 weeks postnatal check [Your 6-week postnatal check - NHS \(www.nhs.uk\)](#)
- Regular health and development reviews (health visitor checks) for your baby until they are 2



Registration of birth and immigration status

- Your child's birth must be registered within 42 days of the child being born
- The birth is registered at a [local register office](#) and either parent can do it
- There are 2 types of birth certificate:
 - the short version, which contains only the baby's details
 - the full version, which also contains the parents' details
- You need to regularise child's immigration status within 3 months' of child's birth; otherwise the child loses free access to the NHS
- A BNO visa application can be made without a valid passport, if you are unable to get one for the child within three months (you'd need the child's full birth certificate)
- If one of the parents was British or had ILR at the time of the child's birth, the child is likely to be a British citizen by birth and does not need a visa. You can check it [here](#) or seek immigration advice

Rights in the workplace

Pregnant employees, including agency workers, have a legal right to:

- paid time off for antenatal care (medical appointments, antenatal or parenting classes, recommended by a doctor or midwife), including travel time
- maternity leave (up to 52 weeks)
- Statutory Maternity Pay (SMP) or Maternity Allowance (MA) (if eligible)
- protection against unfair treatment, discrimination, or dismissal
- reasonable adjustments (if there's a risk to your health in your current role or if this is not possible your agency must find you alternative work or pay you at the same rate for the expected length of your contract)

As an agency worker, you have [employee's pregnancy rights](#) **after** working in your role for 12 weeks.

Rights in the workplace

It is unlawful for an employer to:

- Dismiss you or change your contract without agreement due to pregnancy
- Refuse to assess the risks to the employee and their baby and make reasonable adjustments to duties/working hours
- Refuse a time off for antenatal appointments or to pay* normal rate for a time off for those appointments
- Refuse to allow long maternity leave or pay SMP, if a person is eligible

If you are refused work or treated unfairly because of your pregnancy you should seek [legal advice](#).

In Yorkshire and Humber, you can contact a dedicated advice service for BNO visa holders – [KCALC](#) (for advice in English or Cantonese) or a service for in-work disputes – [ACAS](#)

Rights in the workplace

Your responsibilities:

- Inform your employer no later than at least 15 weeks before the beginning of the week the baby is due and give them proof
- You have to inform them when you want to start your [Statutory Maternity Leave](#) and [Statutory Maternity Pay](#), and your intentions re work after maternity leave
- Statutory Maternity Leave is 52 weeks. It's made up of ordinary Maternity Leave (first 26 weeks) and additional Maternity Leave (last 26 weeks)
- You do not have to take 52 weeks but you must take 2 weeks' leave after your baby is born (or 4 weeks if you work in a factory)
- Usually, the earliest you can start your leave is 11 weeks before the expected week of childbirth

Support available when pregnant

Financial support while pregnant:

- If you are working, you might be eligible for Statutory Maternity Pay (SMP), paid by your employer(s)
- If you do not meet the eligibility for SMP, you might be able to receive Maternity Allowance (MA) from the job centre
- You cannot get SMP and MA at the same time
- If you are not sure if you qualify for any of the above, you can use this government's tool [Check if you can get Maternity or Paternity Leave or Pay, or Maternity Allowance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/check-maternity-paternity-leave)
- If you are not working or have not worked in the past, there is no other financial support available, due to BNO visa holders having a NRPF condition

Support available when pregnant

Statutory Maternity Pay (SMP):

- For those working for at least 26 weeks and earning at least £123 a week, subject to working into the 'qualifying week' - the 15th week before the expected week of childbirth
- Subject to giving the correct notice (at least 28 days' notice, in writing if required) and proof (MAT B1 or a letter from your midwife)
- Within 28 days of your notice, your employer will confirm how much SMP you'll get and when it will start and stop
- If you're not eligible for SMP, you'll get form SMP1 within 7 days
- You can have SMP from more than one jobs/employers, if you meet the conditions

Support available when pregnant

Statutory Maternity Pay (SMP):

- Standard SMP is paid for up to 39 weeks
- You get – 90% of your average weekly earnings (before tax) for the first 6 weeks and £156.66 or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks
- Some employers might have an enhanced package topping up SMP
- SMP is paid in the same way as your wages (for example monthly or weekly), with Tax and National Insurance deducted
- SMP usually starts when you take your maternity leave
- If you take [Shared Parental Leave](#), you'll get Statutory Shared Parental Pay (ShPP); ShPP is £156.66 a week or 90% of your average weekly earnings, whichever is lower

Support available when pregnant

Maternity Allowance (MA):

- If you are self-employed, working part-time or have changed employers and do not qualify for SMP from your employer, you might be eligible for [Maternity Allowance](#) (MA) from the job centre
- You can get Maternity Allowance for up to 39 weeks and can claim it as soon as you've been pregnant for 26 weeks; payments can start up to 11 weeks before your baby is due
- You'd be eligible, if in the 66 weeks before your baby's due, you've been employed or registered as self-employed for at least 26 weeks or earning (or classed as earning) £30 a week or more in at least 13 weeks
- The weeks do not have to be together
- You can also get it, if you do unpaid work for your spouse or civil partner's business

Support available when pregnant

Maternity Allowance (MA):

- If you're employed or have recently stopped working you'll get £156.66 a week or 90% of your average weekly earnings (whichever is less) for 39 weeks
- You can get Maternity Allowance for up to 39 weeks, this means if you take the full 52 weeks Statutory Maternity Leave, your final 13 weeks will be unpaid
- If you're self-employed, you can get between £27 to £156.66 a week for 39 weeks depending on National Insurance contributions you've made in the 66 weeks before your baby is due
- To get the full amount, you must have been registered with HM Revenue and Customs (HMRC) for at least 26 weeks in the 66 weeks before your baby is due and paid National Insurance contributions for at least 13 of these 66 weeks
- You'll get £27 a week for up to 14 weeks if you do unpaid work for your spouse's business

Support available after having a baby

Paternity leave/pay

- Your partner can get 1 or 2 weeks paid [Paternity Leave and Paternity Pay](#)

Return to work:

- You're entitled to return to the same job, including pay and conditions
- There is no right to return to work on a flexible or part-time basis
- Childcare – universal childcare for 3-4 years' old only; different childcare options
[Childcare - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Financial support for children/families:

- NRPF so no eligibility for child benefit, child tax credit or any other family benefits
- BNO visa holders are eligible for Free School Meals

Other support:

- Postnatal care – health visitor
- Free community baby groups/baby Rhyme time

Help when things go wrong

Destitution:

- When children/vulnerable adults are in need, including due to financial difficulties or health issues, local authority has a legal responsibility to step in
- BNO visa holders can apply for the NRPF condition to be removed from their visa, if experiencing destitution or are at risk of destitution; in Yorkshire and Humber, support with the application is being provided by KCALC [HKSS - Hong Kong Settlement Scheme - Kirklees Citizens Advice & Law Centre \(kcalc.org.uk\)](#)

Family breakdown:

- BNO visa holders, including dependents, have the same right to destitution support through local authority
- BNO dependents, such as spouses and children aged 18 and over, can apply for a further BNO visa or ILR, without a BNO sponsor [British National \(Overseas\) visa: Overview - GOV.UK \(www.gov.uk\)](#)

Help when things go wrong

Bereavement

- If in the unfortunate event of a stillbirth, you must [register](#) it within 42 days
- There are many bereavement support services such as:
 - [Lullaby Trust](#)
 - [Child Bereavement UK](#)

Domestic violence

- In the UK, domestic violence is classed as any abusive behaviour, not just physical
- In immediate danger call 999 and ask for the police
- If you can't speak and are calling on a mobile press 55 to have your call transferred to the police
- Further help when experiencing domestic violence [Domestic abuse: how to get help - GOV.UK \(www.gov.uk\)](#)



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Interested in the advanced English (IELTS, OET or CELTA) preparation course?

- Complete our Hong Kong BNO advanced learner questionnaire by 31 March 2023

*For residents of the Yorkshire and Humber region only
Scan the QR code to access the questionnaire*

