

The Pregnancy Diary takes you from the time you conceive up to the year after the baby's birth. This booklet provides general information on your baby's development, and explains your statutory rights as a working woman.

# The pregnancy diary

Produced by UNISON





# The pregnancy diary

## Contents

Introduction	2
Maternity rights	4
Health and safety at work	5
Maternity leave	5
Statutory Maternity Pay	6
Qualifying conditions	6
Rate of statutory maternity pay	6
Claiming SMP	6
Maternity allowance	6
Qualifying conditions	6
Benefit rate	6
How to claim	7
Keeping in touch days	7
Paternity leave and pay	7
Qualifying conditions	8
Rate of statutory paternity pay	8
Returning to work	8
Child-friendly working hours	8
Breast feeding and work	9
Parental leave	9
Before the birth	9
After the birth	11
Breastfeeding	12
More information and reading	13

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## Introduction

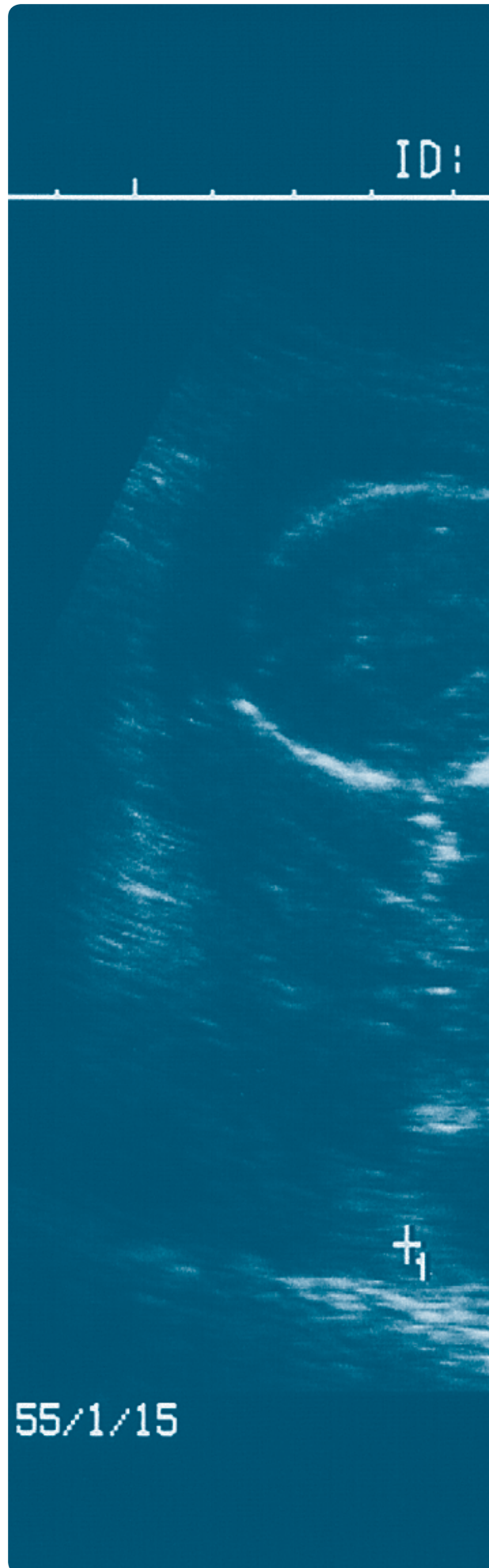
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The Pregnancy Diary takes you from the time you conceive up to the year after the baby's birth. The booklet provides general information on your baby's development, and explains your statutory rights as a working woman. UNISON has negotiated agreements at national and local level, which improve on these rights for many members. Please check with your UNISON representative for details of your contractual scheme.

As every pregnancy and baby is different, you will want a lot more specific information on how to best enjoy both. Books are available from your local library that will provide you with a wealth of useful information.

If you have been in the same job throughout your pregnancy you may be entitled to Statutory Maternity Pay (SMP). If not, you may still be able to get Maternity Allowance if you have done some work in the year and a quarter before your baby is due, or Incapacity Benefit based on your National Insurance contributions.

This is not a full statement of the legal position but is a short summary for the benefit of members.



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Distance  
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17w3d

150

MI:0.6 PWR:100%

All women employees are entitled to 52 weeks maternity leave. This applies regardless of length of service or the number of hours worked each week.

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### **Maternity rights**

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It is against the law for an employer to treat a woman unfairly, dismiss her or select her for redundancy for any reason connected with pregnancy, childbirth or maternity leave. Employees have the right to take reasonable time off for antenatal appointments without loss of pay. These rights apply regardless of how long you have worked for your employer, and the number of hours you work each week.



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## Health and safety at work

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If you are pregnant, have recently given birth or are breast feeding, your employer must do a risk assessment to make sure that the kind of work you do and your working conditions will not put you or your baby's health at risk. Ask your UNISON health and safety representative for advice and information.

### To exercise your health and safety rights you must:

- tell your employer in writing that you are pregnant or breast feeding, or that you have given birth in the last six months
- if your employer asks in writing for proof that you are pregnant, show them your certificate of pregnancy from your doctor or midwife
- discuss any job-related concerns about your health or the health of your baby with your doctor or midwife. If they advise you that there could be a risk, ask for a letter to show to your employer so that they can take this into account.

### Your employer must:

- carry out a 'risk assessment' of any processes, working conditions, physical, chemical and biological agents that could jeopardise your health or safety or that of your child while you are pregnant, breast feeding, or have given birth within the previous six months
- if the assessment reveals a risk, do all that is reasonable to remove it or prevent your exposure to it
- give you information on the risk and what action has been taken
- if the risk remains, temporarily alter your working conditions or hours of work, if this is reasonable and if this avoids the risk
- if that is not possible offer you suitable alternative work (on terms and conditions which are not substantially less favourable than your original job)
- if this is not possible, suspend you on full pay (ie give you paid leave) for as long as is necessary to avoid the risk.

*NB: if you are suspended your employer may have the right to bump you onto maternity leave from four weeks before the week your baby is due.*

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## Maternity leave

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All women employees are entitled to 52 weeks maternity leave. This applies regardless of length of service or the number of hours worked each week. Your maternity leave will be divided into 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML) starting on the day after the end of OML. There are different rights to return to work depending on whether you return after OML or AML.

You can start your maternity leave any time from the 11th week before your baby is due (unless you give birth before then), providing you give the correct notice in or before the 15th week before your baby is due. This is the latest time you can tell your employer that you are pregnant, although you may choose to tell them earlier to take full advantage of your maternity rights. You must also confirm your expected week of childbirth and the date on which you intend to start your maternity leave before the end of this week. If you want to change the date you start your leave, you must give notice at least 28 days before the new date or the old date, whichever is earliest.

Once you have given notice, your employer must write to you within 28 days and state the date you are expected to return from maternity leave.



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## Statutory Maternity Pay

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Statutory Maternity Pay (SMP) is paid for 39 weeks by your employer, who then claims most of it back from the Inland Revenue. You will not have to repay any SMP if you decide not to go back to work.

You must give your employer your MATB1 form at least 28 days before you wish to start your pay – although most women choose to give this form in when giving notice of maternity leave. If your employer believes you are not entitled to SMP, they must give you form SMP1.

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## Qualifying conditions

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### You can get SMP if:

- you have worked for the same employer for at least 26 weeks by the end of the 15th week before your expected week of childbirth
- you are still in the same job in the 15th week before your baby is due
- you earn at least £90 a week on average (2008 figure is quoted – rates change each April).

If you leave your job or are dismissed after the 15th week before your baby is due, you will still be entitled to SMP.

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## Rate of statutory maternity pay

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SMP is 90% of your average weekly earnings for the first six weeks. After that you get a flat rate of £117.18 per week for 33 weeks, or 90% of your average earnings if less.

*NB: 2008 rate is quoted – rates change each April.*

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## Claiming SMP

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To get SMP you must give your employer at least 28 days notice of the date you want your pay to start. SMP usually starts on the Sunday after the start of maternity leave.



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## Maternity allowance

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Maternity Allowance (MA) is paid by the Job centre Plus for 39 weeks. The earliest MA can start is 11 weeks before your baby is due, but you can choose to work until closer to the birth. You may get MA if you do not qualify for SMP from your employer, for example, because you changed jobs during your pregnancy or your earnings are too low.

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## Qualifying conditions

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### To get MA you must have:

- worked for at least 26 weeks in the 66 weeks before your baby is due
- have earned at least £30 per week on average in any 13 of these weeks.

You do not have to have worked whole weeks, any week in which you have done some work will count. You should choose the weeks in which you have earned the most. You can add together earnings from more than one job and can include holiday pay, bonuses, overtime and sick pay.

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## Benefit rate

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Maternity Allowance is £117.18 per week (from April 2008) for 39 weeks or 90% of your average earnings if that is less.

*NB: 2008 rate is quoted – rates change each April*

## How to claim

You should claim MA from your local Job Centre Plus by filling in the appropriate claim form (MA1) when you are about 26 weeks (six months) pregnant. You will also need to send:

- your MATB1 form confirming the date your baby is due: if you are employed, an SMP1 from your employer explaining why you can't get SMP
- wage slips or other written confirmation of earnings over the 13 weeks you have chosen to be used to calculate your entitlement.

You should also check with your local UNISON representative to see if the union has been able to negotiate any 'top up' provision with your employer.

If you are not entitled to either SMP or MA, you may still be entitled to Incapacity Benefit, dependent on your National Insurance contributions in the previous three years. The Job Centre Plus should advise you.

## Keeping in touch days

From 1 April 2007 you may work for up to 10 days without bringing your maternity leave to an end or losing your SMP or MA. You may not work during the two weeks of compulsory maternity leave immediately after the birth.

Keeping in Touch (KIT) days are not compulsory – neither you nor your employer can insist on it – but can be used for work related activities such as training, conferences and meetings.

The new legislation does not dictate how much an employee should be paid for attending work on a KIT day. However, the minimum is the SMP you would be entitled to in any event. UNISON believes that women should be paid their usual daily rate while not on maternity leave, offset against your SMP payment. Other out of pocket expenses such as childcare and travel costs might also be claimed. You should discuss this with your union representative and/or manager.

## Paternity (Maternity Support) leave and pay

The right to time off to care for the child or support the mother following the birth, called Paternity Leave, is available to the mother's husband or partner, including same sex partners, as well as the biological father. It can be taken in a block of one week or two weeks in a row, but not odd days or two separate weeks. It must be taken within 56 days of the child's birth (or if the child is born early it must be taken within 56 days of the first day of the expected week of birth).

If a baby is stillborn after 24 weeks, or is born alive at any time but then dies, you have the right to take paternity leave as usual.

Paternity leave can be taken by more than one person for the same baby – for example the biological father and the mother's partner.

You should check with your local UNISON representative to see if the union has been able to negotiate any 'top up' provision with your employer.

## Qualifying conditions

### You can get paid paternity leave if:

- you are an employee
- you have worked for your employer for 26 weeks by the 15th week before the baby is due
- you are still employed by the same employer before the birth
- you earn at least £90 per week on average (for pay)
- you give notice for leave by the 15th week before the baby is due
- you give at least 28 days notice for Statutory Paternity Pay.

## Rate of statutory paternity pay

SPP is paid by employers for up to two weeks at a rate of £117.18 per week or 90% of average earnings if that is less.

*NB: Some employers give better paternity pay so always check with your UNISON representative.*

## Returning to work

When you go back to work after OML, you have the right to return to exactly the same job. When you go back to work after AML, you also have the right to return to the same job. But, if your employer can show that it is not reasonably practicable for you to return to the same job, for example because the job no longer exists, you have the right to be offered a suitable alternative job.

You do not have to give any notice if you are returning to work at the end of your maternity leave. If you wish to return to work early, or to change the date of your return to work you must give your employer at least eight weeks notice of the date you will be returning. If you are entitled to AML but only wish to take OML you must still give eight weeks notice to return, as you will in fact be returning early. If you decide that you no longer wish to return to work following your maternity leave you must give your employer the notice required by your contract of employment.

If you are not well enough to return to work at the end of your maternity leave then normal contractual arrangements for sickness absence will apply.

## Child-friendly working hours

In April 2003 parents of young children gained a new right to ask their employers for flexible work. From 6 April 2007 this right has also been extended to the carers of adults. This could mean changing or reducing your hours of work, days of work or place of work. Your UNISON branch may have negotiated a workplace policy that improves on the statutory minimum, so check with them. They will also provide advice and guidance on the new right.

### You can ask for flexible work if you are an employee and:

- you are the parent, adoptive parent, guardian or foster carer of a child under six or a disabled child under 18 (or you are married to, living with or the partner of that person)
- you have worked for your employer for 26 weeks by the time you make your request
- you have not made a request in the last 12 months.

Your employer can only refuse your request for specific business reasons set out in the statutory regulations.

Mothers still have the right to have a request seriously considered by their employers under sex discrimination law if they need to change their working hours because of childcare.

All employees are entitled to take reasonable (unpaid) time off work to deal with an emergency involving a dependant.



## You and your baby: know your rights

### Before the birth

**Week 1** – first day of your last period. Pregnancy is counted from now.

**Week 4** – first missed period. You can take a pregnancy test from the first day of a missed period, if you wish. Free pregnancy tests may be available from:

- your GP
- a family planning clinic
- genitourinary medicine (GUM)/sexual health clinics
- a Brook or other young people's clinic.

#### You can pay to have a test at:

- British Pregnancy Advisory Service clinics
- Marie Stopes clinics.

You can buy a do-it-yourself pregnancy test kit from a chemist. If the test is negative, try again a week later if your period still hasn't come.

**Week 5** – think about when you want to tell your employer about your pregnancy. You have the right to a health and safety risk assessment to make sure that the work you do will not put your or your baby's health at risk.

**Week 6** – to book in for antenatal care your first step is to see your own GP, practice midwife or contact a midwife through the community midwifery service – you have this choice. If you wish to change your GP for your pregnancy you can do this as long as the new GP accepts you on to their list. Direct booking with a midwife can improve information and support for women early in pregnancy.

You are entitled to free prescriptions and dental treatment throughout your pregnancy and for 12 months after you have given birth. Ask your GP or midwife for form FW8 to apply for an exemption certificate. If you are claiming Income Support you can get free milk during pregnancy and until your child is five years old.

**Week 7** – get advice as early as possible if abortion is being considered.

**Week 8** – you should book for your first antenatal appointment around the eighth to twelfth week of

### Breast feeding and work

There is some legal protection under health and safety and sex discrimination laws for breast feeding mothers at work. All employers have a legal duty to protect the health and safety of breast feeding mothers by providing 'suitable facilities' for her to rest. This should ideally include access to a private room, access to a secure clean fridge for storing milk and time off to express milk or to breastfeed. Failure to provide suitable facilities could amount to a health and safety risk. You may be able to temporarily change your hours of work and/or be temporarily given alternative work if your working conditions make it hard or impossible for you to breastfeed or express milk.

### Parental leave

Parents who have completed a year's service with an employer, and whose child was born or adopted on or after 15 December 1999, are entitled to 13 weeks unpaid parental leave to care for the child. This leave must be taken by the child's 5th birthday or within five years of the adoption. If your child gets Disability Living Allowance parental leave can be taken up to the age of 18. Parents of a child under five on 15 December 1999 had until 30 March 2005 to take 13 weeks parental leave. You may choose to take a period of parental leave following maternity leave. Some employers limit parental leave to a maximum of four weeks in any one year. All employees are entitled to take reasonable (unpaid) time off work to deal with an emergency involving a dependant.

Remember that if you are working you are entitled to paid time off work for antenatal appointments, including travel to your clinic or GP.



pregnancy, unless you need to see someone earlier, for instance if you have severe pregnancy sickness or concerns about any medication you are taking. In some areas ultrasound is offered around 11 weeks and you may need information and time to consider this.

The earlier you book, the better. You should allow plenty of time as you will probably see a midwife and a doctor, and may be offered an ultrasound scan. You'll be asked questions about your and your partner's family history, health and work, to see if there are any special risks to you or your baby. Blood and urine tests will be taken to check for any abnormalities or dangers. It is routine in most clinics to offer a pregnant woman an HIV test. You may have a full physical examination as well.

Remember that if you are working you are entitled to paid time off work for antenatal appointments, including time needed to travel to your clinic or GP, without loss of pay. You should let your employer know when you need time off. For appointments after the first one, your employer can ask to see your appointment card and a certificate stating that you are pregnant. Antenatal care includes parentcraft and relaxation classes. You may need a letter to show your employer from your GP or midwife, saying that these

classes are part of your antenatal care.

**Week 12** – 12 weeks after conception the foetus is fully formed. After this time it is just growing and maturing.

**Week 14** – an amniocentesis test may be offered from 14 weeks to women who are at higher risk of genetic disorders, or whose tests have indicated an abnormality or increased risk of abnormalities. The test involves taking some fluid from around the foetus in the womb. The test can occasionally result in miscarriage of a normal foetus (0.5-1% risk), so it is not offered routinely.

**Week 15** – you may be offered an alpha-feto protein (AFP) test at about 15-20 weeks. This is a blood test to check for spina bifida and other abnormalities.

**Week 16** – at about 16-22 weeks you may feel your baby move for the first time. If this is your second baby, you may feel it earlier. Your tummy will begin to get bigger around now.

**Week 18** – most hospitals offer ultrasound scans to all women at 18-20 weeks to check for certain abnormalities, although they may be offered as early as 10 weeks. Ultrasound scans use sound waves to create an image of the baby in the womb. Ask for the image on the screen to be explained, if you can't make it out. Some hospitals will provide a copy of the image.

**Week 20** – going to antenatal classes can help to prepare you (and your family) for birth. They are sometimes called parentcraft classes. There will probably be a choice of classes in your area - run by the NHS in the maternity unit or health centre by midwives and health visitors, or independently by the local branch of the National Childbirth Trust (NCT). It is often necessary to book your classes early in the pregnancy as they tend to be popular (this can apply to NHS, NCT and other classes).

Topics covered by classes include: health in pregnancy, what happens during labour and birth and coping techniques, caring for your baby (including feeding), and your feelings.

**Week 21** – your doctor or midwife can now give you a form MAT B1 confirming your expected date of childbirth. You will need to give this to your employer when giving

notification of your intention to stop work, or to the Job Centre Plus, if you claim maternity allowance.

**Week 24** – at 24 weeks the baby is called ‘viable’. This means that the baby is now thought to have a chance of survival if born, although only with modern medical intervention.

**Week 25** – this is the latest week in which to give your employer notice for maternity leave. Remember to give four weeks notice for Maternity Pay.

**Week 26** – baby’s eyes start to open.

**Week 28** – the end of this week is the earliest you can go on maternity leave without losing the right to return.

**Week 29** – Statutory Maternity Pay and Maternity Allowance can start from now. Claim the Sure Start Maternity Grant of £500 if you or your partner are getting Income Support or Income based Jobseekers Allowance. You may also qualify for this grant if you get the Child Tax Credit. Check your tax credit award letter for details.

**Week 32** – the baby is usually lying downwards by now, ready for birth.

**Week 34** – if you are planning to have your baby in hospital, your bags should be packed ready by now, in case you go into labour early. During the next four weeks the baby will be moving down into the pelvis getting ready for the birth, if it is your first baby. It often pushes down in the last week, if you’ve already had a baby.

**Week 35** – if you are off work after this week with a pregnancy related illness or health and safety suspension your employer can trigger your maternity leave.

**Week 39** – the big day. But the baby can come early or late. Most women’s labour begins with contractions but for some labour may start with backache, a ‘show’ or with the waters breaking. If the waters break, phone the hospital or midwife. You will probably need to be seen by a doctor or midwife, as there is a risk of infection to the baby if you don’t go into labour within 24 hours of your waters breaking. If the waters break before labour starts, you will notice either a slow trickle from your vagina or a sudden gush of water that you can’t control.

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## After the birth

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As each baby is an individual, the rate of development can differ. If in doubt, seek advice from the professionals.

**Week 1** – your community midwife has a legal duty to care for you and your baby for the first ten days after the birth and will keep you on her books for the first 28 days if you or your baby needs her.

Nine out of 10 families with children qualify for the Child Tax Credit. Make a claim for tax credits as soon as possible after the birth, or ask the Inland Revenue to reassess your entitlement now you have a new baby. If you qualify for tax credits you may also be able to claim the Sure Start Maternity Grant of £500, within three months of the birth. You can get an application form, or more information on tax credits, by phoning the Inland Revenue helpline on 0845 300 3900.

**Week 2** – your health visitor will make their first visit some time after the baby is 10 days old.

**Week 4** – you will probably feel very tired after childbirth and with a small baby. Rest as much as you can.

**Week 6** – in England, Wales and Northern Ireland you must register the birth at your local registry office within 42 days of the birth date. In Scotland you must register within 21 days. The registrar will also give you a birth certificate and a form with the baby’s NHS number on it. Fill in the form and take it to your GP surgery. Claim child benefit as soon as baby is registered and you have the birth certificate. You may have been given a claim pack inside the Bounty Pack which most new mothers are given in hospital. You can also get a claim pack from your local Job Centre Plus or post office or download one from [www.inlandrevenue.gov.uk/menus/child\\_benefit.htm](http://www.inlandrevenue.gov.uk/menus/child_benefit.htm).

Post-natal visit for mother, to check and see if everything is getting back to normal. Baby should also be checked by a doctor.

**Week 8** – first vaccination against Diphtheria (D), Pertussis (P-whooping cough) and Tetanus (T), known as the DPT injection, is usually given now. You can get this at the baby clinics.

All employees are entitled to take reasonable (unpaid) time off work to deal with an emergency involving a dependant.



**Week 12** – second DPT vaccination is due about now. Between now and the next four weeks, baby should begin to roll over; also to co-ordinate hands in order to grasp an object.

**Week 16** – third DPT vaccination is due about now

**Week 24** – each baby develops at their own rate, but generally co-ordination has much improved by now. Your baby may now be able to grasp objects easily and they may begin to try crawling and sitting unaided.

**Week 27** – you will now be back at work if returning at the end of OML.

Tell your employer in writing if you are breast feeding, to exercise your right to a health and safety risk assessment.

Remember to give eight weeks notice if you want to go back to work before the end of AML.

**Week 49** – if you wish to take parental leave at the end of AML, this is the latest that you must send your employer 21 days notice, if you started maternity leave at the birth.

**Week 52** – this is the last week of maternity leave if you started ML at the birth. If you want to return to work sooner then you must give eight weeks notice, in writing, of your return date. You do not have to give any notice if you are returning at the end of 52 weeks maternity leave.

## Child Trust Fund

This scheme started in April 2005 and aims to encourage family and friends to save money for children (all income and capital growth is tax exempt) and the government also pays into it. All children born after September 2002 will be able to open an account and the government will give them £250 (those from low-income families will get £500) and a further payment when the child is seven years old.

## Breastfeeding

Breastmilk given babies all the nutrients they need for the first six months of life, is easy for the baby to absorb and is perfect to help him or her grow and develop. It also helps protect them from diseases and infection, including eczema, asthma and obesity in later life.

Breastfeeding also helps protect the mother against ovarian cancer, breast cancer and osteoporosis.

Your midwife or health visitor can help you establish breastfeeding, or you can get further help and advice from: [www.breastfeeding.nhs.uk](http://www.breastfeeding.nhs.uk)

Breastfeeding helpline: 0844 20 909 20

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## More information and reading

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Available from UNISON (via our online catalogue)

*Bargaining on Childcare* stock no. 2318

*Bargaining for Maternity Rights* stock no. 2198

*Parents and Childcare: A Survey of Childcare*

*Arrangements* stock no. 1593

*Pre-tax childcare subsidy – a UNISON guide* stock no. 2062

*Negotiating Parental Leave* stock no. 1759

*Negotiating time off for Dependents* stock no. 1795

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## The following organisations are also active in the field of pregnancy and childbirth

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### The National Childbirth Trust

Alexandra House, Oldham Terrace, London W3 6NH

Telephone: 0300 3300 770

[www.nct.org.uk](http://www.nct.org.uk)

Charity concerned with education for pregnancy, birth and parenthood, with over 300 branches and groups all over the country. Provide ante-natal classes, support with breast feeding, and help and support after the baby is born.



### Working Families

Helps to give a voice to parents and carers, and employers to create workplaces which encourage work-life balance for everyone.

[www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)

Telephone: 0800 013 0313

### UNISON

Speak to your UNISON representative for details of the maternity and parental pay and leave scheme in your workplace. Branches can get further advice from their regional women's officer.

UNISON 0845 355 0845

UNISON website: [www.unison.org.uk](http://www.unison.org.uk)

### TIGER interactive website

This government website provides individualised information about your entitlements to maternity leave and associated rights.

[www.tiger.gov.uk/maternity/index.htm](http://www.tiger.gov.uk/maternity/index.htm)

### Daycare Trust

This childcare charity has a hotline that provides free information and advice for parents: 020 7840 3350 Monday – Friday 10am to 5pm. They also have free copies of the 'Choosing Childcare' guide to childcare and early years education.

[www.daycaretrust.org.uk](http://www.daycaretrust.org.uk)

### One Parent Families/Gingerbread

Charity offering support and advice to lone parents

Telephone: 0800 018 5026

[www.oneparentfamilies.org.uk](http://www.oneparentfamilies.org.uk)