

Section 3 – Maternity, Paternity and Adoption Benefits

Maternity Allowance

Maternity Payment

Paternity Allowance

Adoption Allowance

MATERNITY ALLOWANCE

1. INTRODUCTION

1.1 GENERAL

Maternity Allowance (MA) is payable to women who:

- are pregnant and have 11 weeks or less before their baby/or babies is/are due, or
- have recently given birth.

MA is payable for a maximum of 39 weeks.

A woman is allowed to work in prescribed cases for up to 10 days either as employed or self-employed without being disqualified from receiving MA. This is to allow better contact and communication between the woman and her employer during her maternity absence and to help ease the woman's eventual return to work.

1.2 MA is

- (i) tax-free;
- (ii) based on earnings (for employed earners); and
- (iii) not income-related.

1.3 Leaflet - NI17A (IOM)

Claim form - MA1

1.4 Telephone contact - 685105

2. BASIC QUALIFYING CONDITIONS

To qualify for MA the customer must:

- be pregnant or have recently given birth;
- have stopped work;
- have worked in at least 26 of the 66 weeks immediately before the expected week of childbirth (EWC); and
- have earnings from employment which, on average, amount to at least £30 a week for 13 weeks in the 66 weeks immediately before the EWC; or
- have paid class 2 NI contributions for at least 13 weeks in the 66 weeks immediately before the EWC; or
- have been excepted from paying class 2 NI contributions at least 13 weeks of the 66 weeks immediately before the EWC on account of low earnings.

3. AMOUNT OF MA

Employees – if the customer is an employee, MA will be paid at the rate of 90% of average weekly earnings up to a maximum of £162.20.

Self-employed – if the customer is self-employed and has paid Class 2 National Insurance contributions she will be treated as if the self-employed rate for MA is 90% of her earnings for the weeks covered by those Class 2 contributions and will receive the standard rate of MA (£117.18 for 2008/09).

Section 3

If the customer is self-employed and has a Small Earnings Exception Certificate, she will be treated as having earnings equal to the MA Threshold (£30.00 for 2008/09) and will receive MA at the rate of £27.00 per week.

4. RESIDENCE CONDITIONS

The customer must be ordinarily resident on the Isle of Man at the time of the claim.

5. HOW TO CLAIM

To claim MA the customer must complete a claim form MA1(IOM), enclosing the maternity certificate (MatB1), and take or send it to the General Benefits Section, Ground Floor, Markwell House, Market Street, Douglas or any of the district offices (see page 121).

6. WHEN TO CLAIM

The claim should be made no earlier than the 14th week before the EWC and no later than 3 months from the date the customer stopped work.

7. PAYMENT

Payment is usually made directly into a bank or building society account on a fortnightly basis.

Payment may be made by weekly cheque if the customer does not have a bank account or wishes to be paid by cheque.

8. RELATED BENEFITS

If the customer does not satisfy the contribution conditions for MA but does satisfy the contribution conditions for Incapacity Benefit (see pages 14 & 15), she may be able to get Incapacity Benefit for

- six weeks before the EWC, and
- two weeks after the actual date of childbirth.

The General Benefits Section will automatically look at the contribution conditions for Incapacity Benefit if the claim to MA is disallowed.

If the customer is receiving a Variable Rate of MA, she may also be entitled to receive some Incapacity Benefit, subject to an overall maximum equal to the rate of Short-term Incapacity Benefit payable.

If MA becomes payable

- any Incapacity Benefit otherwise payable to her is reduced or extinguished; and
- any claim to Jobseeker's Allowance is terminated.

9. DIFFERENCE BETWEEN THE IOM AND UK

In the UK Statutory Maternity Pay (SMP) is paid to employed earners (earning at least the weekly lower earnings limit) by their employers. Women who do not qualify for SMP in the UK may instead be entitled to Maternity Allowance.

SMP does not operate in the IOM and people who would otherwise qualify for SMP in the UK instead receive Maternity Allowance in the IOM. Since April 2004, however, the IOM maximum rate of Maternity Allowance for employed earners has been higher than the UK rate. This change was introduced to compensate those women who would have been entitled to SMP in the UK.

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MATERNITY PAYMENT

1. INTRODUCTION

1.1 GENERAL

Maternity Payments can be paid where the customer, their partner or their dependent child or young person;

- is expecting a baby within the next 11 weeks;
- has had a baby within the last three months; or
- has adopted a child within the last three months who is not more than 12 months old at the time of claim.

1.2 Maternity Payments are -

- (i) non-taxable;
- (ii) non-contributory; and
- (iii) income-related.

1.3 Leaflet - NI17A

Claim form - SF100

2. BASIC QUALIFYING CONDITIONS

A Maternity Payment is paid if:

- the customer or their partner receives
 - * Income Support,
 - * Jobseeker's Allowance (Income-based),
 - * Family Income Supplement, or
 - * Disability Working Allowance; and
- the pregnancy lasts to the 25th week, even if a stillbirth occurs; and
- the customer is aged 16 or over.

A person is not entitled to qualify for a Maternity Payment if they or their partner have (or together they have) capital of more than £6,000.

3. HOW TO CLAIM

To claim a Maternity Payment, the customer must complete a claim form SF100 and take or send it to the Income Support Group, Markwell House, Market Street, Douglas or any district office (see page 121). Evidence of the expected or actual date of birth or adoption will also be required.

4. WHEN TO CLAIM

The claim should be made between the 11th week before the expected week of childbirth, and can be made up to three months after childbirth. Customers adopting a child should claim within three months of the date of the adoption order.

5. PAYMENT

Payment is made by cheque which can be cashed at a Post Office or paid into a bank or building society account.

6. DIFFERENCES BETWEEN THE IOM AND UK

In the UK the Maternity Payment has been replaced by the Sure Start Maternity Grant. On the Island, a person cannot qualify for a maternity payment if they or their partner have (or together they have) capital of more than £6,000.

PATERNITY ALLOWANCE

1. INTRODUCTION

1.1 GENERAL

Paternity Allowance (PA) may be payable to people who take up to two weeks off work to:

- support the mother of a new born baby or to look after the baby; or
- support their partner who is adopting a child or to look after the child.

Customers can choose to claim PA for one or two whole weeks at any time up to 8 weeks after:

- the date of birth of the child
- the date the child is placed with the person adopting.

1.2 PA is -

- (i) based on earnings;
- (ii) not income-related;
- (iii) non-contributory;
- (iv) taxable; and
- (v) not available to foster parents or step-parents who go on to adopt a child.

1.3 Claim form – PA1 (IOM)

1.4 Telephone contact - 685105

2. BASIC QUALIFYING CONDITIONS

PA (Birth)

The customer must be:

- the baby's biological father, or
- married to the baby's mother, or
- living with the baby's mother in an enduring family relationship, but are not an immediate relative of the baby's mother

and

- will take responsibility for the child's upbringing, and
- is taking time off work to support the mother or care for the child.

Employment condition – the customer must have been in employed earner's employment for a continuous period of at least 26 weeks ending with the 15th week before the week the child is expected. The customer must also remain in employment up to the day before the child is born.

Earnings condition – the customer must have earnings at or above the National Insurance lower earnings limit in the last 8 weeks of the 26 week period. (£90.00 per week for the 2008/09 tax year)

PA (adoption)

The customer must be:

- married to the person adopting the child, or
- living with the person adopting the child in an enduring family relationship, but are not an immediate relative of that person

and

- will take responsibility for the child's upbringing and will take time off work to support the person adopting the child or to care for the child.

Employment condition – the customer must have been in employed earner's employment for a continuous period of at least 26 weeks up to and including the week they are told that they have been matched with the child. The customer must also remain in employment up to the day the child is placed with them.

Earnings condition – the customer must have earnings at or above the National Insurance lower earnings limit in the last 8 weeks of the 26 week period. (£90.00 per week for the 2008/09 tax year)

3. RATE OF PA

PA is paid at the rate of £187.45 (April 2008 rate) or 90% of the customer's average weekly earnings, whichever is less.

4. RESIDENTIAL CONDITIONS

The customer must be ordinarily resident on the Isle of Man.

5. HOW TO CLAIM

The customer must complete the claim form PA1, and take it or send it to the General Benefits Section, Markwell House, Market Street, Douglas or any district office (see page 121).

6. WHEN TO CLAIM

The claim should be made when agreement about time off work has been reached with the employer, and should be during or after the 14th week before the baby is expected, or after notification of matching in adoption cases.

7. PAYMENT

Payment is made by cheque, which can be cashed at a Post Office or paid into a bank or building society account.

8. DIFFERENCES BETWEEN THE IOM AND UK

In the UK, Statutory Paternity Pay (SPP) is paid to qualifying employed earners by their employers. The employment and earnings conditions for Paternity Allowance in the IOM are the same as they are for SPP in the UK.

ADOPTION ALLOWANCE

1. INTRODUCTION

1.1 GENERAL

Adoption Allowance (ADA) is a benefit intended to help employees take time off work to be with their new family. ADA may be paid for a maximum of 39 weeks, starting at the earliest 2 weeks before the child is placed for adoption and at the latest the day after placement. Both men and women are able to claim ADA but only one member of a couple will be able to claim.

1.2 ADA is

- (i) based on earnings;
- (ii) not income-related;
- (iii) non-contributory;
- (iv) taxable; and
- (v) not available to foster parents or step-parents who go on to adopt a child.

1.3 Claim Form – ADA1 (IOM)

Matching Certificate – ADA2 (IOM)

1.4 Telephone contact - 685105

2. BASIC QUALIFYING CONDITIONS

To qualify for ADA the customer must –

- be a person with whom a child is, or is expected to be, placed for adoption under IOM law;
- have stopped work, or be taking leave from employment;
- have worked in employed earner's employment for at least 26 weeks of the 66 weeks immediately preceding the week in which they are told that they have been matched with a child; and
- in any 13 weeks of the same 66 week period have had average earnings of not less than the adoption allowance threshold (£30 for the 2008/09 tax year).

3. RATE OF ADA

ADA is paid at the rate of £162.20 (April 2008 rate) or 90% of average weekly earnings, whichever is less.

4. RESIDENTIAL CONDITIONS

The customer must be ordinarily resident on the Isle of Man.

5. HOW TO CLAIM

The customer must complete the claim form ADA1 (enclosing the matching certificate ADA2 and wage slips for the selected 13 weeks) and take or send it to the General Benefits Section, Markwell House, Market Street, Douglas or any district office (see page 121).

6. WHEN TO CLAIM

Claims should be submitted four weeks before the date the customer wants the allowance to start. The earliest the adoption allowance period can start is 2 weeks before the date the child is placed for adoption, and the latest, where the customer is working on the day of placement, is the day after placement.

7. PAYMENT

Payment is made by direct credit into a bank or building society account, or by cheque which can be cashed at a Post Office or paid into a bank or building society account.

8. RELATED BENEFITS

The customer's partner may be able to claim Paternity Allowance for up to two weeks if they take time off work to offer support.

9. DIFFERENCES BETWEEN THE IOM AND UK

In the UK, Statutory Adoption Pay is paid to qualifying employed earners by their employers. It is only available to those who earn at least the lower earnings limit for National Insurance purposes. In the IOM, Adoption Allowance is available to employed earners who have earnings of at least £30.00 per week (on average).

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