

STATUTORY PAY

In the UK, Statutory Pay means the minimum pay an employer is legally required to provide to eligible employees in specific situations, as set out in employment law. In simple terms, it's pay that's required by law ("statutory"), not something optional or discretionary.

What does Statutory Pay cover?

Statutory pay applies when an employee is away from work for certain reasons. The main types include:

- Statutory Sick Pay (SSP) – when an employee is off work due to illness
- Statutory Maternity Pay (SMP) – for eligible employees on maternity leave
- Statutory Paternity Pay (SPP) – for eligible partners taking paternity leave
- Statutory Adoption Pay (SAP) – for employees adopting a child
- Shared Parental Pay (ShPP) – when parents share leave after birth or adoption
- Statutory Neonatal Care Pay and Statutory Parental Bereavement Pay – for specific family-related circumstances

These are all defined and regulated by the UK government (HMRC and related departments).

Key things to know

- It's a legal minimum: Employers can offer more generous ("enhanced") pay, but they cannot offer less than statutory pay if an employee qualifies.
- Eligibility rules apply: Each type of statutory pay has qualifying conditions, such as length of service and minimum earnings. Not every employee automatically qualifies.
- Paid by the employer: Statutory pay is paid through payroll by the employer, not directly by the government, although employers may be able to reclaim some costs in certain cases.
- Rates and rules can change: Statutory pay rates are reviewed periodically, so employers and employees should always check the latest government guidance.



1. Statutory Sick Pay (SSP)

Who is eligible

An employee qualifies for SSP if they:

- Are classed as an employee (including part-time and agency employees)
- Are off sick for at least 4 consecutive days (including non-working days)
- Notify their employer according to workplace rules
- Earn at or above the Lower Earnings Limit (LEL) on average during the relevant period

Earnings threshold (2025/26)

- **£125 per week (gross)** average earnings

Payment rules

- Paid for up to **28 weeks**
- **Waiting days:** first 3 qualifying days are unpaid (paid from day 4)
- Weekly rate (2025/26): **£118.75 per week**

Upcoming change

- From **6 April 2026**, the **Lower Earnings Limit and waiting days will be removed**, and SSP will be payable from day one of sickness for all employees

2. Statutory Maternity Pay (SMP)

Who is eligible

An employee qualifies for SMP if they:

- Are **legally classed as an employee**
- Have been **continuously employed for at least 26 weeks** up to the **15th week before the expected week of childbirth** (the "qualifying week")
- Earn **at least £125 per week on average** over the relevant 8-week period
- Provide **correct notice and medical evidence (MATB1)**

Earnings threshold (2025/26)

- **£125 per week (gross)** average earnings



Payment duration & structure

- Paid for **39 weeks**:
 - First 6 weeks: **90% of average weekly earnings**
 - Next 33 weeks: **£187.18 or 90% of earnings (whichever is lower)**

3. Statutory Paternity Pay (SPP)

Who is eligible

An employee qualifies for SPP if they:

- Are the **father, partner, spouse, adopter, or intended parent (surrogacy)**
- Are **taking time off to care for the child**
- Have been **continuously employed for at least 26 weeks** up to the **15th week before the baby is due**
- Are **employed at the time of birth**
- Earn **at least £125 per week on average**

Earnings threshold (2025/26)

- £125 per week (gross)

Payment rules

- Paid for **up to 2 weeks**
- Weekly rate: **£187.18 or 90% of earnings (whichever is lower)**

4. Statutory Adoption Pay (SAP)

Who is eligible

An employee qualifies for SAP if they:

- Are **adopting through an approved agency** (including fostering-to-adopt)
- Are **classed as an employee**
- Have been **continuously employed for at least 26 weeks** by the week they are matched with a child
- Earn **at least £125 per week on average**
- Provide **correct notice and proof of adoption**

Earnings threshold (2025/26)

- **£125 per week (gross)**

Payment duration & structure

- Paid for **39 weeks**:
 - First 6 weeks: **90% of average weekly earnings**
 - Next 33 weeks: **£187.18 or 90% of earnings (whichever is lower)**

5. Statutory Shared Parental Pay (ShPP)

Who is eligible

To qualify, **both parents must meet separate tests**:

Employee taking ShPP must:

- Be **classed as an employee**
- Have **26 weeks' continuous employment** by the **15th week before birth/adoption**
- Remain employed while taking leave
- Earn **at least £125 per week on average**

Partner must pass the employment and earnings test:

- Have worked **at least 26 of the last 66 weeks**
- Earned **at least £30 per week on average in any 13 of those weeks**

Earnings threshold (employee)

- **£125 per week (gross)**

Payment rules

- Up to **37 weeks of pay** shared between parents
- Weekly rate: **£187.18 or 90% of earnings (whichever is lower)**



Summary (2025/2026)

Statutory Pay Type	Min Earnings Threshold	Service Requirement
Sick Pay (SSP)	£125/week	None
Maternity Pay (SMP)	£125/week	26 weeks
Paternity Pay (SPP)	£125/week	26 weeks
Adoption Pay (SAP)	£125/week	26 weeks
Shared Parental Pay (ShPP)	£125/week	26 weeks

