

Auto enrolment explained

Keeping you one step ahead



ReAssure



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Employers must automatically enrol eligible employees into a qualifying pension scheme. This guide has been developed to help you understand auto enrolment and what you need to do.

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Introduction

What is auto enrolment?

Auto enrolment is part of a government initiative to increase private retirement savings. As part of the Pensions Act 2008, all eligible employees must be automatically enrolled into their company pension. Between October 2012 and February 2018 all eligible employees had to be auto enrolled into a qualifying pension scheme with their employer also contributing to their plan.

Once your employees have been auto enrolled they have the choice to opt out. However, if they don't opt out within a month their contributions up to that point will remain invested in their pension until they retire or transfer to another provider. Every employer has duties they must comply with under auto enrolment legislation. We've put this guide together to help support you with these duties.

This document is based on ReAssure's current understanding of auto enrolment and may be subject to change.



Who is eligible?

Your workforce will fall into one of these three categories:

Eligible jobholders

Eligible jobholders are workers who:

- are aged between 22 and state pension age
- are working or ordinarily working in the UK
- have qualifying earnings payable by the employer in the relevant pay reference period that are above the earnings trigger for auto enrolment (£10,000 a year**).

Non-eligible jobholders

Non-eligible jobholders are not eligible for auto enrolment but can choose to opt in to a pension scheme and receive contributions from you. These include workers who:

- are aged between 16 and 74
- are working or ordinarily working in the UK
- have qualifying earnings payable by the employer in the relevant pay reference period that are above the lower earnings level for qualifying earnings (£6,240 a year**) but below or equal to the earnings trigger for auto enrolment (£10,000 a year**)

or

- are aged between 16 and 21 or between state pension age and 74
- are working or ordinarily working in the UK
- have qualifying earnings payable by the employer in the relevant pay reference period that are above the earnings trigger for auto enrolment (£10,000 a year**).

Entitled workers

Entitled workers are not subject to auto enrolment but are 'entitled' to join a pension scheme. These are workers who:

- are aged between 16 and 74
- are working or ordinarily working in the UK
- have qualifying earnings payable by the employer in the relevant pay reference period that are below or equal to the lower earnings level for qualifying earnings (£6,240 a year**).

*See page 9 to find out more about pay reference periods.

**For the tax year 2023/2024

Other types of employee

Agency workers

The party that holds the contract of employment for agency workers is responsible for the auto enrolment duties. For example, if a recruitment agency holds the contract of employment for one of your temporary workers, it will be the agency that will have to conduct the auto enrolment duties.

Secondees

These individuals remain the responsibility of the company from which they are seconded.

One-person companies

If you, as the director of your company, are the sole employee there is no requirement to auto enrol. If you were to take on another employee however, both you and your new employee would be subject to auto enrolment.

Self-employed contractor

An individual working under a contract for services with an employer is not normally a worker and so there is no requirement to auto enrol.





The staging date

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Your staging date was the date on which you first had to start enrolling your employees. This was based on PAYE records held by HMRC as at 1 April 2012.

Your staging date will be available to view on the ReAct Portal and will be used to confirm the date you'll need to re-enrol eligible employees every three years. We'll also send you a letter to remind you when this date is approaching.





Postponing the auto enrolment date

If you wish, you can defer the auto enrolment date for new employees for up to three months by using a waiting period. This is a sensible move as it can help with:

- Seasonal workers
- Employees on short term contracts
- One-off peaks in earnings, such as bonuses
- Aligning with the payroll run to ease administration. For example, a company's payroll is run on 28th of each month. John joins the company on 10 October whereas Peter joins on 18 October. Operating a waiting period means that even though the two employees started on different days their auto enrolment date is the same; in this case 1 January. In effect, the employer is tailoring each of their employees' waiting periods, to ensure they're enrolled on the same day, to ease their administrative duties.

You are required to provide information to your employees within six weeks of the first day of their waiting period. The information needs to include:

- That auto enrolment has been deferred
- The new date of auto enrolment
- That on the deferral date, if they meet the criteria to be an eligible jobholder that they will be automatically enrolled
- The employees' right to opt in during the waiting period.

You may also provide the auto enrolment information at the same time. You can choose to send a generic notification or one tailored specifically to each employee. You must record the date on which notifications of the waiting period are sent and the eligible jobholders they are sent to.

You will need to maintain a continuous review of the eligibility of your employees who were not auto enrolled. As soon as they do become eligible, or a new employee joins your company who is also eligible, they will need to be auto enrolled.

The table over the page sets out details about the general notice you can send when postponing an employee's auto enrolment.



We can provide a template of a postponement notice that you can tailor for your own postponement communications. You can also find examples of postponement notices on The Pension Regulator's website.



Postponing the auto enrolment date (cont.)



Postponement notice	Content	When it can be used
<p>General notice Contains information that must be provided to all categories of worker*. Issued to any worker irrespective of worker category</p>	<ul style="list-style-type: none">• The requirement to tell a jobholder about their right to opt in to an auto enrolment scheme• The requirement to tell an entitled worker about their right to join a pension scheme• The requirement to tell an existing member of a qualifying scheme about the scheme	<ul style="list-style-type: none">• The worker's first day of employment

*See page 4 for workforce categories





Your workforce

Assessing the workforce

You need to assess your full workforce to put your employees into one of the three categories mentioned in the 'Who is eligible?' section of this guide. As part of the assessment the key criteria are:

- the worker's age
- whether the worker is working or ordinarily working in the UK
- whether they have qualifying earnings in the relevant pay reference period.

The assessment must be conducted at particular points in time, or when particular events occur. These dates include:

- at each re-enrolment date
- the worker's first day of employment with you
- the date of the worker's 22nd birthday
- the date of the worker's 16th birthday.

As you must provide information to your employees about auto enrolment, you have just six weeks from the dates mentioned above to conduct this assessment.

Assessing whether a worker is working or ordinarily working in the UK

Not all types of pension scheme can accept non-UK residents so it is important employers consider this when deciding on the best type of scheme for them.

If a worker is not wholly working in the UK it is necessary to determine whether they are ordinarily working in the UK. To do this the employer needs to establish:

- where the worker begins and ends their work
- where their private residence is or is intended to be
- where the worker's headquarters are
- whether they pay National Insurance contributions in the UK
- what currency they are paid in.

These factors are important when assessing workers such as pilots or seafarers.

If you were to send a worker outside the UK on a placement you would need to be satisfied that the worker's base remains in the UK. If it does, the worker is deemed to be ordinarily working in the UK. In such cases you would also need to consider whether the worker's contract remains with yourself in the UK and that there is an expectation that the worker will return to the UK after their placement has finished.

A non-UK employer sending a worker to the UK to work for a UK-based employer would also need to make an appropriate assessment. If the employee's base is not in the UK they would not be considered ordinarily working in the UK.

For further information, please refer to TPR's 'Assessing the Workforce' guide:

www.tpr.gov.uk/detailed-guidance-3

You can find help with the eligibility assessment process on the TPR website at:

www.thepensionsregulator.gov.uk/en/employers

and

www.thepensionsregulator.gov.uk/en/employers/work-out-your-automatic-enrolment-costs



Contributions

The government has set a minimum amount that must be paid into a pension scheme for eligible and non-eligible jobholders. This is 8% of qualifying earnings. The table below sets out the minimum levels for both employer and total contributions.

Period	Employer contribution	Total contribution
From 6 April 2019	3%	8%

Pay reference periods

A pay reference period is the worker's normal pay period. For example, those paid weekly will be assessed over a week whereas those paid monthly will be assessed on their monthly pay. Pay comprises salary, commission, bonuses, overtime, statutory sick, maternity or paternity pay.

The following examples are taken from TPR's guide, 'Assessing the workforce':

- Stewart receives a fixed basic salary, regardless of how many hours he's worked in the month, and is paid monthly. This is paid on the last working date of the calendar month. This payment relates to work done during the period from 1st of the month to the end of the month, e.g. the pay reference period for March runs from 1 March to 31 March. The first day of the next pay reference period is 1 April.
- Ann receives a fixed, basic salary regardless of how many hours she has worked in the month, and is paid monthly. This is paid on the 23rd of each month. The payment relates to work done between the 24th and the 23rd day of the following month. Ann's March pay reference period runs from 24 February to 23 March.
- Jermaine is paid weekly on a Friday for the hours worked during the week, beginning on a Monday and ending on the Sunday. His pay reference period runs from Monday to Sunday.
- Mira receives her pay on a Friday for the hours worked during the week, beginning on a Saturday and ending on that Friday. Mira's pay reference period runs from Saturday to Friday.





Contributions (cont.)

Pay reference period	Lower level of qualifying earnings (2023/24)	The earnings trigger for auto enrolment (2023/24)
1 week	£120	£192
Fortnight	£240	£384
4 weeks	£480	£768
1 month	£520	£833
1 quarter	£1,560	£2,499
Bi annual	£3,120	£4,998
Annual	£6,240	£10,000

You can see a breakdown of the earnings triggers for different pay reference periods above.

You must continue to monitor the status of non-eligible jobholders and entitled workers to see if they ever satisfy the auto enrolment criteria. If their pay reaches the trigger you need to auto enrol them within one month of them becoming eligible.

It may be a good idea, however, to use a waiting period to help deal with jobholders that receive a one-off spike in their pay.



Contributions (cont.)

Joe works for a retail company. His pay reference period is one month. He normally receives £550 a month. During December he works some overtime and picks up a bonus; his pay in December is now £900. He has reached the trigger of £833 and his employer must now auto enrol him. Joe's employer operates a waiting period of three months and he's told that he will be enrolled in March. At the enrolment date Joe's employer reassesses his pay; he has dropped back down to £550 so will not need to be enrolled. Joe's employer goes back to monitoring whether his pay will reach the trigger figure – if it does his employer repeats the exercise.

It's possible to use the waiting period each and every time your employees reach the auto enrolment threshold.

Having identified the categories of worker you must communicate certain messages to each of them, listed below. You will find further information about what you need to include in the 'Providing details' section of this guide.

Category of worker	Information to be provided
Entitled worker	Information about their right to join a pension scheme.
Non-eligible jobholder	Information about their right to opt into an auto enrolment scheme.
Eligible jobholder	Scheme information, what auto enrolment means and their right to opt out.
All workers	If the employer is to operate a waiting period they must inform workers when they will be auto enrolled.

Reducing contributions below the minimum

If you receive a request to reduce one of your employee's contributions below the minimum amount, you need to update ReAct to both change the contribution amount and tell us they are no longer treated as auto enrolled.

If you later re-enrol this employee, you'll need to increase contributions within their existing policy based on the minimum auto enrolment requirements at the time, and also change their auto enrolment status on ReAct. This will allow us to send the auto enrolment notification to the employee.



Salary sacrifice

Salary sacrifice and flexible benefits packages

Salary sacrifice is where an employee agrees to sacrifice a percentage of their salary in return for a non-cash benefit (in this case a pension contribution equal to the amount sacrificed). Their contract of employment would be amended to reflect this.

For example:

Joe earns £20,000 a year and he is not currently a member of a pension scheme. He has been contacted by his employer about a salary sacrifice arrangement, which Joe had to agree to in writing (signed and dated). Joe's contribution is 5% (£1,000 gross) and his employer's contribution is 3% (£600 gross).

Joe's salary is reduced to £19,000. The £1,000 is instead put directly into Joe's pension pot, avoiding any income tax or NIC on the sacrificed amount.

Joe saves 12% NIC on the £1,000 sacrificed – a saving of £120, which can be given back to Joe – effectively increasing his take home pay or be used to increase his pension contribution.

Joe's employer also saves 13.8% NIC on £1,000 – a saving of £138.

Most flexible benefits schemes work on the basis that there is a basic salary, then sitting on top of this is an amount that can be flexed to provide other benefits. An eligible jobholder would need to be auto enrolled after the flexible benefits have been set.

For example:

John has a basic pay of £30,000 and £5,000 available for flexible benefits. He will have to be auto enrolled. If he uses all of the £5,000 his pension contributions will be based on £30,000. However, John uses just £3,000 with the £2,000 balance added to his pay; his pension contributions must now be based on £32,000.

With auto enrolment there is no requirement for the jobholder to make a choice about whether to have a pension; they must be auto enrolled into a pension scheme regardless.

If you'd like more information on how salary sacrifice works and the various advantages or disadvantages, you should contact a financial adviser.



Enrolment

Provision of information

On enrolling your employees, you must provide information to your pension scheme provider and your employees.

You may also be required to provide the following information for each employee, depending on the pension scheme set-up:

Providing information to the pension scheme provider

You're required to give the managers or providers of your pension scheme the following details of each eligible jobholder:

- name
- gender
- date of birth
- auto enrolment date
- postal residential address
- National Insurance number (NINO).

- postal work address
- work email address (if one exists)
- personal email address (if you hold this information)
- gross earnings in any pay reference period
- the value of any contributions payable to the pension scheme by you and the eligible jobholder in any pay reference period where this information is available. (The value can be shown as a fixed amount or a percentage of any qualifying earnings or pensionable pay due to the eligible jobholder).



Enrolment (cont.)

The enrolment notification

You're responsible for providing the following information to eligible jobholders on being automatically enrolled into your pension scheme. The information must be provided in writing.

- A statement that they have been, or will be, automatically enrolled into a pension scheme to help save for retirement.
- Their auto enrolment date.
- The name, address, telephone number and electronic contact details of the pension scheme of which they are, or will be, an active member.
- The value of any contributions that both they, and you, will make in any pay reference period.
- If the pension scheme chosen for auto enrolment is a defined contribution (DC) personal pension scheme.
- A statement that their contributions have been, or will be, deducted from any qualifying earnings or pensionable pay in any pay reference period.
- Confirmation of whether tax relief will be given at source, under net pay arrangements, or if payments will be made by salary sacrifice.
- A statement that you may not take any action or make any omission by which the eligible jobholder ceases to be an active member of the pension scheme (without the eligible jobholder ceasing employment) or that results in the pension scheme ceasing to be a qualifying scheme, unless the eligible jobholder is, or becomes, an active member of another qualifying pension scheme.
- A statement that they have the right to opt out of the pension scheme during the opt out period.
- The start and end of their opt out period.
- Where they can obtain the opt out notice.
- A statement that opting out means that they will be treated as if they had never joined the pension scheme.
- A statement that after a valid opt out notice is given, any contributions they have paid will be refunded.
- A statement that where an eligible jobholder opts out, they may then choose to opt back in, at least once in a twelve month period.
- A statement that after the opt out period, they may cease to make contributions towards their pension scheme in accordance with the scheme rules.
- A statement that if they opt out or cease active membership they will normally be re-enrolled into an auto enrolment pension scheme by you, in accordance with section 5 of the Pensions Act 2008.
- A statement giving details of where to get more information about pensions and saving for retirement.

We will provide the enrolment notification on your behalf. See Appendix 1 for samples of our communications.



Opting in and joining

The opt in process for non-eligible jobholders

Once you've completed the assessment of your workforce and identified any non-eligible jobholders, you must give them the opportunity to opt in to your auto enrolment scheme and benefit from your contributions.

On receipt of a valid opt-in notice you must follow the same process that is in place for eligible jobholders and your employee must still be given the opportunity to opt out.

Where an employee has ceased to be an active member within the last 12 months or has chosen to opt out within the last 12 months then the employer does not need to action the opt-in request. If you do choose to action the opt-in then the employer must follow the auto enrolment process.

The enrolment date will be the first day of the next pay reference period, after you receive the opt-in notice. If you have already closed the payroll for the next pay reference period then the enrolment date will commence on the first day of the second pay reference period.

The joining process for entitled workers

If you've identified any entitled workers and you receive a joining notice from them, you must make arrangements for that employee to join your pension scheme. This doesn't have to be the same scheme that you use for your eligible and non-eligible jobholders. You're not obliged to make any contributions for an entitled worker.

You don't have to act on the joining notice if your employee has stopped membership within the previous 12 months.

To create active membership you must:

- enter into arrangements with the provider of a personal pension scheme
- give information about your employee to the providers of the scheme.



Opting out

Opting out

Employees can opt out of the pension scheme but only after they've been enrolled and have received their enrolment information.

To opt out they must request an opt out notice from the pension provider and submit it within one month of being enrolled. You will find an example of our opt out notice in appendix 1.

Once we provide the enrolment notification to your employees on your behalf, they can telephone us to request an opt out notice or find one online at www.reassure.co.uk/auto-enrolment.

Refunds

The regulations state that you, as the employer, are responsible for refunding any contributions deducted during the opt out period to your employees. Your payroll will have a record of how much this is.

You will need to refund any contributions deducted from pay, within a month of the employee opting out. Normally, you should issue the refund in the next payroll after you receive confirmation the employee has opted out.

Where money has been passed to ReAssure, we will refund any contributions directly to you, on behalf of the employee. It is important that you don't wait for us to return any money before making the refund to your employee, as this could mean you miss the one-month deadline.

Leaving the pension scheme

A pension scheme member is entitled to leave the scheme at any time, although their contributions must remain invested in the pension scheme until they take their benefits. This is referred to as a deferred benefit.

For members of a personal pension scheme, they may stop contributing at any time. However, they will only receive a refund if they opt out within one month of being enrolled. If they decide to leave after one month their contributions, up to that point, will remain invested until they take their benefits.



Opting out (cont.)

Eligible jobholders

There will be occasions when an eligible jobholder may express a wish to either:

1. reduce their contributions below the minimum required, or
2. opt out at the auto enrolment stage only to request to join a pension scheme at a level below the minimum required.

It's up to you whether you allow them to remain in the pension scheme like this. If they do remain in the scheme they must be separately identified, because at the re-enrolment date you are required to re-enrol them at the minimum auto enrolment contribution rate, if they are still an eligible jobholder at that time.

For example:

- John is currently a member of his employer's scheme. He pays a 2% employee contribution and his employer matches this. John's employer then auto enrols all eligible jobholders into his pension scheme. His employer has decided that the contribution rate will be 5% employer and 5% employee (a more generous rate than the minimum required).
- John cannot afford the increase in his contribution from 2% to 5%; he wishes to continue on his existing basis. John will need to opt out of the auto enrolment scheme and at the same time make a request to his employer to continue on his existing basis.

- John's employer agrees to allow him to retain his existing contribution rate.
- When John's employer reaches their re-enrolment date three years later the exercise must be repeated unless John is in a position to pay the 5% employee contribution.

Safeguards

You must not take any action which results in your employees ceasing active membership of your qualifying pension scheme. Any choice to leave the scheme or opt out should be made solely by your employee.

You must also not do anything to avoid having to automatically enrol new employees. For example, you must not screen job applicants so that those less likely to join the pension scheme are employed.

You must not pressure workers into leaving the pension scheme, for example by offering extra pay or holiday or suggesting that future progression within the company would be compromised.

Some instances may be less clear-cut. For example, an employer could offer a flexible benefit package from which the worker may choose. Auto enrolment must be a default option and the employer must demonstrate that the other flexible benefits are not a bribe for opting out of the pension scheme.



Keeping track

To adhere to auto enrolment regulations, you must keep the following records about your employees:

Who the record relates to	What record must be kept	How long must it be kept
Eligible and non-eligible jobholders who become members	<ol style="list-style-type: none"> 1. Name 2. NI number 3. Date of birth 4. Gross earnings in the pay reference period 5. The amount of employer and employee contributions 6. The date contributions were paid to the scheme 	6 years
Information for eligible and non-eligible jobholders only	<ol style="list-style-type: none"> 1. Auto enrolment date 2. Opt-in notice (original format) 3. The contributions to which the jobholder is entitled under the scheme rules 	6 years
	Opt out notice	4 years
Information for entitled workers only	<ol style="list-style-type: none"> 1. Name 2. NI number 3. Date of birth 4. Date, with effect, from which the worker became an active member 5. Joining notice (original format) 	6 years
All workers for whom the employer has used postponement	<p>Name</p> <p>National Insurance number (where one exists)</p> <p>Date the notice was sent to the worker</p>	6 years



Keeping track (cont.)

Records must be kept about the pension scheme as well:

Type of pension scheme being used	What record must be kept	How long must it be kept
Contract-based personal pension scheme (UK-administered)	<ol style="list-style-type: none"> Employer pension scheme reference number Name and address of pension provider 	6 years

The pension scheme provider must keep the following information about the pension scheme member recorded:

Who the record relates to	What record must be kept	How long must it be kept
Active member	<ol style="list-style-type: none"> Full name Date of birth NI number Gender Residential address including postcode) Date on which the person became an active member of the scheme The date on which the person ceases to be an active member of the scheme A description of the member's status (i.e. active if a member is receiving contributions or, inactive if the member falls outside of this category) 	6 years
Jobholders who opt out	<ol style="list-style-type: none"> Full name The date on which the scheme was informed by the employer of the jobholder's decision to opt out 	4 years
Pension scheme	Employer pension scheme reference number	6 years



Appendix 1

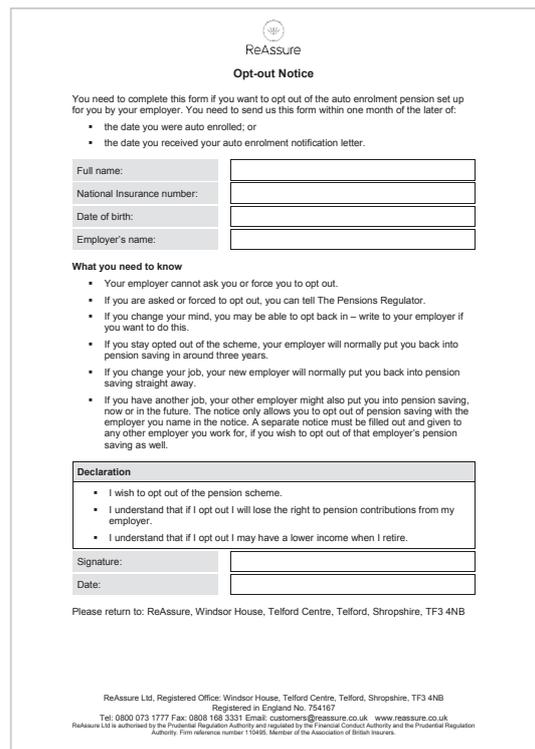
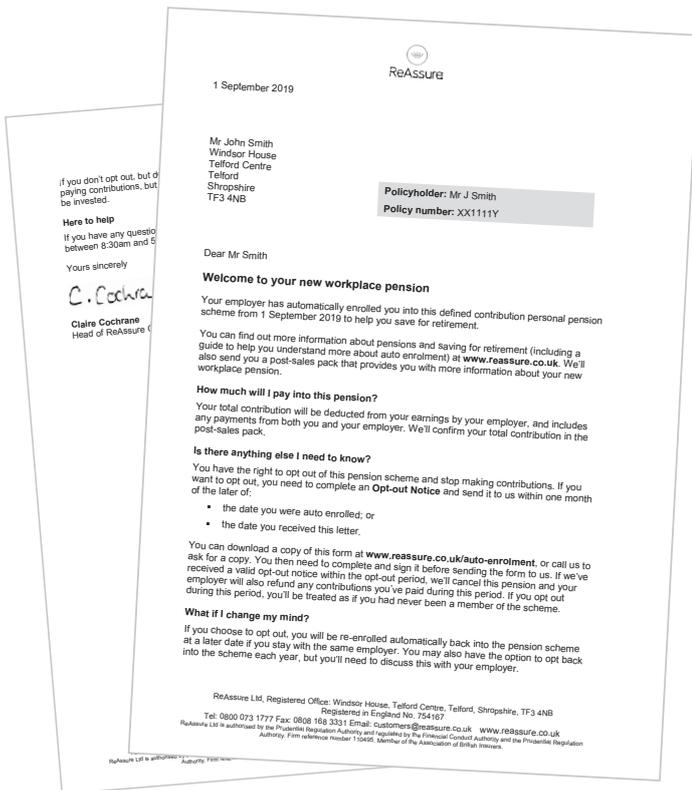
Our enrolment communications

Enrolment notification

To advise eligible jobholders, non-eligible jobholders and entitled workers that they have been enrolled into their employer's pension scheme.

Opt out notice

To be provided to those looking to opt out by post.





Appendix 2

Information to be included in each postponement notice

Mandatory information to be included. This information is prescribed in regulations. The text below provides a further explanation from the regulator.	General notice*
A statement that the employer has deferred auto enrolment.	✓
The deferral date.	✓
A statement that the employer will automatically enrol the worker into an auto enrolment scheme if, on the deferral date, the worker is aged between 22 and state pension age and earns more than the earnings trigger for auto enrolment.	✓
The amount of the earnings trigger for auto enrolment. Currently £10,000 for the 2023-2024 tax year.	✓
<p>A statement that, by giving a written notice to the employer, the worker, may:</p> <ul style="list-style-type: none"> A. where they earn more than the lower level of qualifying earnings and are a jobholder and not an active member of a qualifying scheme, opt-in to an auto enrolment scheme and that the jobholder will be entitled to employer's contributions B. where they are not a jobholder, (for the sole reason that they earn less than the lower level of qualifying earnings) and are not a member of a pension scheme, require the employer to make arrangements for the worker to become an active member of such a pension scheme. 	✓

*For more information regarding the General notice – refer to our template communications. Please speak to your usual ReAssure contact.



Appendix 2 (cont.)

Information to be included in each postponement notice

Mandatory information to be included. This information is prescribed in regulations. The text below provides a further explanation from the regulator.	General notice*
The lower level of qualifying earnings. Currently £6,240 for the 2023–2024 tax year.	✓
A statement that any written notice from the worker must be signed by the worker or, if it is given by means of an electronic communication, must include a statement that the worker personally submitted the notice.	✓
A statement that the jobholder may, by giving written notice to the employer, require the employer to make arrangements for the jobholder to become an active member of an auto enrolment scheme and that the jobholder will be entitled to employer’s contributions.	✗
A statement that the worker may, by giving written notice to the employer, require the employer to make arrangements for the entitled worker to become an active member of a pension scheme.	✗

*For more information regarding the General notice – refer to our template communications. Please speak to your usual ReAssure contact.



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