April 2020

10

Detailed guidance for employers

Information to workers: The new duties

automatic enrolment

The Pensions Regulator

Publications in the series

1. Employer duties and defining the workforce
   An introduction to the new employer duties
2. Getting ready
   First steps to prepare for the new employer duties
3. Assessing the workforce
   How to identify the different categories of worker

3a Postponement

3b Transitional period for schemes with defined benefits

3c Having completed the assessment

4. Pension schemes
   Pension schemes under the new employer duties
5. Automatic enrolment
   An explanation of the automatic enrolment process
6. Opting in, joining and contractual enrolment
   How to process pension scheme membership outside of the automatic enrolment process
7. Opting out
   How to process 'opt-outs' from workers who want to leave a pension scheme
8. Safeguarding individuals
   The new safeguards for workers
9. Keeping records
   Records that must be kept by law under the new employer duties
10. **Information to workers**
11. Automatic re-enrolment

Accompanying resources

Information to workers
Summary of information requirements in a quick-reference table format

The different types of worker
Diagram of the different categories of worker and the criteria for each category

Employer duties and safeguards
At-a-glance summary of the duties and safeguards

Contents

	page
About this guidance	5
Introduction	6
The different information requirements	7
Information for jobholders about being automatically enrolled, automatically re-enrolled or enrolled	7
The terms and conditions of the personal pension scheme into which jobholders are being automatically enrolled, re-enrolled or enrolled	11
Information for workers not being automatically enrolled	13
Information for workers about being postponed	20
Information for eligible jobholders about the transitional period for schemes with defined benefits	23
Giving information	26
Combining different information requirements	27
What next?	28
Key terms: Summary of the different categories of worker	29

About this guidance

This guidance is aimed at professional advisers and employers with in-house pensions professionals. Trustees, managers and pension scheme providers should also familiarise themselves with the automatic enrolment process.

This guidance collects together all the different information requirements that the employer is subject to. Employers reading this guidance should have already read the following guidance in this series:

- Detailed guidance no. 1 – Employer duties and defining the workforce
- Detailed guidance no. 2 – Getting ready
- Detailed guidance no. 3a – Postponement
- Detailed guidance no. 3b – Transitional period for schemes with defined benefits
- Detailed guidance no. 3c – Having completed the assessment
- Detailed guidance no. 5 – Automatic enrolment
- Detailed guidance no. 11 – Automatic re-enrolment

This guidance is about giving information to your workers

'Month' means 'calendar month' throughout this guidance.

We recognise that many employers will already have pension provision for their workers, and that this will often match or exceed the minimum requirements contained in the duties. In these cases, such employers may just need to check that the minimum requirements are covered in their existing processes.

It will help employers if they are familiar with the different categories of workers. These are explained in detail in **Detailed guidance no. 1 – Employer duties and defining the workforce**. A quick reminder is available in the Key terms.

This guidance forms part of the latest version of the detailed guidance for employers (published April 2019).

Introduction

1. One of the employer's duties is to give certain information to their workers. Irrespective of the category of worker into which those individuals fall, every employer will almost certainly have an obligation to give specified information to groups of their workers within prescribed time limits.

2. The information must be given by the employer[1] to the worker in writing and before the end of a specified period. The different information requirements for an employer are to give:

   a. information to eligible jobholders and the trustees, managers or provider of pension schemes as part of the automatic enrolment, re-enrolment and enrolment (opt-in) process

   b. information to jobholders with a right to opt in and entitled workers with a right to join that explains both the right of a jobholder to opt in to an automatic enrolment scheme and the right of an entitled worker to join a pension scheme.

   c. information about postponement, where an employer chooses to use postponement

   d. information about the transitional period for schemes with defined benefits, where an employer chooses to use the transitional period

3. In essence this means that there are four occasions when an employer will give a worker information. They must tell workers:

   - who they are automatically enrolling, or re-enrolling or who have asked to opt in about the automatic enrolment process
   - who they are not automatically enrolling that they can ask to become a member of a scheme at any time
   - who they have chosen to apply postponement that they have delayed automatic enrolment and that they can ask to become a member of a scheme at any time, and
   - who they have chosen to apply the transitional period for schemes with defined benefits, information about the deferral of automatic enrolment.

4. In this way these information requirements are to ensure that when a worker is being automatically enrolled, automatically re-enrolled or enrolled following opt in they understand what is happening to them. Or where they are not being automatically enrolled that they understand that as a jobholder they can opt in to an automatic enrolment scheme and as an entitled worker they can choose to join a pension scheme.

1
The employer must make arrangements so that the terms and conditions of the personal pension scheme being used for automatic enrolment, re-enrolment or enrolment are given to the jobholder. Whilst in practice the provider may issue the terms and conditions, it remains the employer's responsibility under the law to make arrangements for this to happen. For more information see our section called Give jobholders the terms and conditions of the personal pension scheme into which they are being automatically enrolled, re-enrolled or enrolled.

5. Where automatic enrolment is delayed through postponement or the transitional period for schemes with defined benefits, the requirements also ensure the worker understands that pension provision is being delayed but that they are also entitled to opt in or join during the period of delay.

6. In addition, as part of the automatic enrolment process and the process of joining (where an entitled worker has given a joining notice) the employer must give the trustees, managers or pension provider information about the jobholder. This is to ensure that active membership can be created. More information about the automatic enrolment process can be found in Detailed guidance no. 5 – Automatic enrolment. More information about the process of joining an entitled worker can be found in Detailed guidance no. 6 – Opting in, joining and contractual enrolment.

7. These statutory information requirements are minimum requirements. An employer may also wish to provide additional information about the introduction of automatic enrolment. To help communicate automatic enrolment more generally to their workers, employers can adapt and use the resources available on our website at **www.tpr.gov.uk/aware**.

8. Each information requirement and the time period for giving the information is set out below.

The different information requirements

Information for jobholders about being automatically enrolled, automatically re-enrolled or enrolled

9. The employer must give eligible jobholders who are being automatically enrolled or automatically re-enrolled information about automatic enrolment or re-enrolment and their right to opt out (but see paragraph 15).

10. The employer must also give the same information to jobholders who are being enrolled after they opted in to an automatic enrolment scheme, or who are being automatically re-enrolled immediately after certain events have caused active membership of a qualifying scheme to cease ('immediate' automatic re-enrolment). More information on immediate re-enrolment can be found in **Detailed guidance no. 11 – Automatic re-enrolment**.

11. This 'enrolment information' is part of the prescribed steps for completing automatic enrolment, re-enrolment or enrolment (opt-in).

12. The enrolment information must be given no later than six weeks after the eligible jobholder's automatic enrolment date (in the case of automatic enrolment), or the jobholder's automatic re-enrolment date (in the case of automatic re-enrolment) or enrolment date (in the case of opt-in).

13. The information that must be given is:

Mandatory enrolment information

About being automatically enrolled

- A statement that the jobholder has been, or will be, enrolled into a pension scheme.
- The jobholder's automatic enrolment date, automatic re-enrolment date or enrolment date.
- The value of any contributions payable to the pension scheme by the employer and the jobholder in any applicable pay reference period. The value can be shown as a fixed amount or a percentage of any qualifying earnings or pensionable pay due to the jobholder in any pay reference period.
- If the pension scheme chosen for automatic enrolment is a defined contribution (DC) occupational pension scheme or personal pension scheme, a statement advising the jobholder of the phased increase in contributions as part of the introduction of the reform.
- A statement that any contributions payable to the scheme by the jobholder have been, or will be, deducted from any qualifying earnings or pensionable pay due to the jobholder.
- Confirmation as to whether tax relief will be given on employee contributions.

continued...

About the jobholder's right to opt out and opt back in

- A statement that the jobholder has the right to opt out of the pension scheme during the opt-out period.
- If the start and end of the opt-out period are known by the employer: the start and end date of the opt-out period for the jobholder.
- If the start and end of the opt-out period are not known by the employer: a statement that the opt-out period is to be determined in accordance with regulation 9(2) or (3) of the Occupational and Personal Pensions Schemes (Automatic Enrolment) Regulations 2010.
- The source from which the opt-out notice may be obtained.
- A statement that opting out means that the jobholder will be treated for all purposes as not having become an active member of the pension scheme on that occasion.
- A statement that after a valid opt-out notice is given to the employer, any contributions paid by the jobholder will be refunded to the jobholder by the employer.
- A statement that where the jobholder opts out, the jobholder may then choose to opt in, in which case the employer will be required to arrange for that jobholder to become an active member of an automatic enrolment pension scheme once in any 12-month period.
- A statement that a 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 after the opt-out period, the jobholder may cease to make contributions towards their pension scheme in accordance with the scheme rules.
- A statement that a jobholder who opts out or ceases active membership will normally be automatically re-enrolled into an automatic enrolment pension scheme by the employer, in accordance with section 5 of the Pensions Act 2008.

14. Templates are available on our website at **www.tpr.gov.uk/letter-yes** and **www.tpr.gov.uk/letter-insert**. These templates are one way that an employer may choose to communicate the information. An employer may add their own wording or use their own templates as long as the underlying requirements in the box above are met.

15. Please note that if the jobholder being automatically re-enrolled or opting in is already a member of a personal pension scheme with that employer, and the employer wants to use that scheme to fulfil their re-enrolment or enrolment duty the automatic enrolment process is modified.

16. Under the modified process, the employer must make arrangements to achieve active membership for the jobholder, effective from their automatic re-enrolment date by making arrangements with the provider of a personal pension scheme, so that:

    - the scheme is an automatic enrolment scheme, and
    - the eligible jobholder is an active member of that scheme.

17. If the existing scheme arrangements allow for a modified process and the employer chooses to do this, there is no requirement to give the enrolment information as part of this modified process at automatic re-enrolment or enrolment. This is because the employer and provider are reactivating agreements that were put in place when the jobholder was an active member of an automatic enrolment scheme previously.

18. This modified process can also be used at immediate automatic enrolment where the jobholder is a member of an occupational pension scheme, but only where immediate re-enrolment has been triggered because active membership of a qualifying scheme has ceased as a result of the worker losing jobholder status.

The terms and conditions of the personal pension scheme into which jobholders are being automatically enrolled, re-enrolled or enrolled

19. This is only applicable where the pension scheme the employer is using for the automatic enrolment, automatic re-enrolment or the enrolment following opt-in of a jobholder, is a personal pension scheme (but see paragraph 26).

20. Where this is the case, the employer must make arrangements with the provider of the pension scheme so that the eligible jobholder (in the case of automatic enrolment and cyclical automatic re-enrolment) or the jobholder (in the case of immediate automatic re-enrolment or opting in) is given the terms and conditions of the contract they are being entered into to become an active member of the pension scheme.

21. Whilst in practice the provider may give the terms and conditions, it remains the employer's responsibility under the law to make arrangements for this to happen.

22. The information must be given no later than six weeks after the eligible jobholder's automatic enrolment date (in the case of automatic enrolment), or the jobholder's automatic re-enrolment date (in the case of automatic re-enrolment) or enrolment date (in the case of opt-in).

23. The information that must be given is:

Terms and conditions of the contract between the pension scheme provider and the jobholder

The terms and conditions that the agreement must contain as a minimum are to:

- explain the purpose of the personal pension scheme
- specify the services to be provided by the personal pension scheme provider
- specify the value of any contributions payable by the jobholder, where this information is available to the pension scheme provider
- specify the charges payable to the pension scheme provider
- in the absence of a choice made by the jobholder, explain the investment strategy adopted by the pension scheme provider for the contributions made by the jobholder and employer.

24. Where an employer has chosen to use the modified process for automatic re-enrolment or enrolment (see paragraphs 15 to 18), there is no requirement to make arrangements for the terms and conditions to be given. This is because the employer and provider are reactivating agreements, if those agreements allow, that were put in place when the jobholder was an active member previously.

25. For more information about the automatic enrolment process see **Detailed guidance no. 5 – Automatic enrolment**. For more information on the modified process see **Detailed guidance no. 6 – Opting in, joining and contractual enrolment** and **Detailed guidance no. 11 – Automatic re-enrolment**.

Information for workers not being automatically enrolled

26. A worker who is not being automatically enrolled because they do not meet the eligible jobholder criteria can ask the employer to become a member of a pension scheme at any time. The employer must give a worker information about the right of a jobholder to opt in to an automatic enrolment scheme and the right of an entitled worker to join a pension scheme. The information must be given no later than six weeks after the first time the worker becomes either:

    a. a jobholder with a right to opt in, or

    b. an entitled worker with a right to join.

27. In other words, the information requirement is triggered on the earliest of the dates when the worker first becomes a jobholder with a right to opt in or an entitled worker with a right to join.

28. The first time a worker is a jobholder with a right to opt in to an automatic enrolment scheme will be:

    a. the first occasion the worker becomes a jobholder on or after the employer's staging date, and

        – they are not an active member of a qualifying scheme that the employer provides and

        – they are not being automatically enrolled, and

        – they have not been paid a winding-up lump sum payment[2] in the last 12 months, ceased employment after the payment and been re-employed by the same employer during the 12 month period that started when the winding up lump sum payment was made.

    b. the first occasion the worker becomes a jobholder after they cease active membership of a qualifying scheme, and

        – they were never previously a jobholder prior to becoming an active member for example they were an active member of a qualifying scheme that the employer provides on the employer's staging date, and

        – they are not being automatically enrolled or re-enrolled, and

        – they have not been paid a winding-up lump sum payment in the last 12 months, ceased employment after the payment and been re-employed by the same employer during the 12 month period that started when the winding up lump sum payment was made.

2 Under HMRC provisions occupational pension schemes in wind up are allowed to commute sums of under £18,000 provided certain conditions are met. For more information on the exception from some of the employer duties where a worker has been paid a winding up lump sum see **Detailed guidance no. 3c – Having completed the assessment**.

29. The first time a worker is an entitled worker with a right to join a pension scheme will be:

    a. the first occasion the worker becomes an entitled worker on or after the employer's staging date, and

        – they are not an active member of a pension scheme that the employer provides, and

        – they have not been paid a winding-up lump sum payment[2] in the last 12 months, ceased employment after the payment and been re-employed by the same employer during the 12 month period that started when the winding up lump sum payment was made.

    b. the first occasion the worker becomes an entitled worker after they cease active membership of a pension scheme, and

        – they were never previously an entitled worker prior to becoming an active member for example they were an active member of a pension scheme that the employer provides on the employer's staging date, and

        – they have not been paid a winding-up lump sum payment in the last 12 months, ceased employment after the payment and been re-employed by the same employer during the 12 month period that started when the winding up lump sum payment was made.

30. The employer is only obliged to provide the information once, per worker, per employment. This means that once the information has been given on the earliest of the dates the worker becomes a jobholder with a right to opt in for the first time or an entitled worker with a right to join for the first time there is no recurring duty. There is no need to give the information again on the later of these dates occurring (see example 1a). There is also no need to give the information each time the worker changes category.

Example 1a: combined information about opt-in and joining

Jasmine, who is 38 years old, starts her employment with A Flower Company Ltd on 5 January. A Flower Company Limited have chosen not to use postponement and assess that Jasmine has no qualifying earnings in the relevant pay reference period as they pay in arrears. They identify therefore that Jasmine is an entitled worker with a right to join a pension scheme for the first time on 5 January. They know that they must give her information and have decided to give the combined information about both the right of a jobholder to opt in and the right of an entitled worker to join no later than six weeks from 5 January. They also know that they must continue to assess Jasmine on the first day of each pay reference period to identify if Jasmine meets the eligible jobholder criteria.

In the next pay reference period, starting on 18 January, Jasmine does have qualifying earnings but below the earnings trigger for automatic enrolment. A Flower Company Ltd identify that Jasmine is a jobholder with the right to opt in to an automatic enrolment scheme for the first time on 18 January. No information requirement is triggered as Jasmine has already been an entitled worker for the first time before this date.

31. The information the employer must give is as follows:

Mandatory information

A statement that by giving written notice to the employer, the worker who is aged at least 16 and under 75 and:

a. who earns now or at any future time more than the lower threshold of qualifying earnings (and the amount must be specified)[3] and is a not an active member of a qualifying scheme, may opt in to an automatic enrolment scheme and will be entitled to employer's contributions or

b. who earns now or at any future time no more than the lower threshold of qualifying earnings (and the amount must be specified) and is a not an active member of a pension scheme, may require the employer to make arrangements for the worker to become an active member of a pension scheme but will not be entitled to employer's contributions.

A statement that a 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 they personally submitted the notice.

3
The lower level of qualifying earnings for 2019-2020 tax year is £6,240. The appropriate thresholds for the worker's pay reference periods (ie £6,240 broken down into the weekly, monthly or other pay reference period) can be found in **Detailed guidance no. 3 – Assessing the workforce**.

32. A template of this notice is available at **www.tpr.gov.uk/letter-no**. This template is one way that an employer may choose to communicate the information. An employer may add their own wording or use their own templates as long as the underlying requirements in the box above are met.

33. Employers should note that exactly the same information about both the right of a jobholder to opt in to an automatic enrolment scheme and the right of an entitled worker to join a pension must be included in the postponement notice (see paragraph 19).

34. This means that where the employer has chosen to use postponement in respect of a worker there is no need to give the same information again on the earliest of the dates the worker becomes a jobholder with a right to opt in for the first time or an entitled worker with a right to join for the first time.

35. The notice for the transitional period for schemes with defined benefits also must include the same information about the rights to opt in or join (see paragraph 31). Therefore if the employer has given this notice there is no need to give the same information again on the earliest of the dates the worker becomes a jobholder with a right to opt in for the first time or an entitled worker with a right to join for the first time.

36. In practice, there may be no need for an employer to distinguish between a jobholder with a right to opt in and an entitled worker with a right to join when assessing the worker each pay reference period. This is because the same information is given to the worker whether they are a jobholder with a right to opt in or an entitled worker with a right to join. And that information must be given no later than six weeks after the earliest of the dates that they are either one of these categories of worker for the first time.

37. An employer will only need to make this distinction when assessing:

    - if the worker is an active member of a tax registered pension scheme that does not meet the qualifying criteria. This is because if an entitled worker is a member of such a scheme then there is no requirement to give this information (as they do not have a right to join.) However, if a jobholder is a member of such a scheme then the employer must give them this information
    - when they are given an opt-in or joining notice by a worker. This is to identify what action they need to take in relation to the worker. For more information on opting in and joining see **Detailed guidance no. 6 – Opting in, joining and contractual enrolment**, or
    - when immediate automatic re-enrolment is triggered.

38. Prior to 1 April 2015 the requirement was to give information about the right relevant to the particular worker at both the first time the worker was a jobholder with a right to opt in or an entitled worker with a right to join. From 1 April 2015 there is one requirement to give information about the right to opt in and join, however within this requirement an employer can choose to give either:

    - only information about the right which is relevant to the worker when the requirement is triggered, or
    - information about both the rights, irrespective of which one is relevant to the worker.

39. This choice is available to allow an employer with a staging date before 1 April 2015 who is giving separate information only relevant to a specific worker category as their approach to the information requirements, to minimise the change to their existing systems and processes.

40. Where an employer makes use of this facility and the worker is a jobholder with a right to opt in, then the information that must be included in the notice is:

Mandatory information when choosing to give the information only relevant to a jobholder with a right to opt in

- A statement that the jobholder may, by giving written notice to the employer, require the employer to make arrangements for them to become an active member of an automatic enrolment scheme and that the jobholder will be entitled to employer's contributions.
- A statement that a 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.

41. Where the employer makes use of this facility and the worker is an entitled worker with a right to join, then the information that must be included in the notice is:

Mandatory information when choosing to give the information only relevant to an entitled worker with a right to join

- A statement that the worker may, where they are working or ordinarily work in the UK and are aged at least 16 and under 75, by giving written notice to the employer, require the employer to make arrangements for the worker to become an active member of a pension scheme.
- A statement that a written notice from the entitled worker must be signed by the entitled worker or, if it is given by means of an electronic communication, must include a statement that they personally submitted the notice.

42. It remains the case that the employer is only obliged to give the information once even if they choose to make use of the facility to only include information about one of the rights to opt in or join (see example 1b).

Example 1b – tailored information about either opt in or joining

Josh, who is 23 years old, starts his employment with XYZ Ltd on 3 May. XYZ Ltd has chosen not to use postponement and assess that Josh has no qualifying earnings in the relevant pay reference period as they pay in arrears. They identify therefore that Josh is an entitled worker with a right to join a pension scheme for the first time on 3 May. They know that they must give him information and have decided to give the tailored information. They know therefore that they must give Josh information about the right of an entitled worker to join no later than six weeks from 3 May. They also know that they must continue to assess Josh on the first day of each pay reference period to identify if Josh meets the eligible jobholder criteria.

continued...

In the next pay reference period, starting on 6 May, Josh does have qualifying earnings but below the earnings trigger for automatic enrolment. XYZ Ltd identify that Josh is a jobholder with the right to opt in to an automatic enrolment scheme for the first time on 6 May. No information requirement to give Josh information about the right to opt in is triggered as Josh has already been an entitled worker for the first time before this date.

Information for workers about being postponed

43. An employer exercises the choice to use postponement in relation to a worker by giving that worker a notice.

44. The postponement notice tells a worker:

    - that automatic enrolment has been postponed
    - the deferral date
    - that on the deferral date, if they meet the criteria to be an eligible jobholder, they will be automatically enrolled, and
    - about the right to opt in to an automatic enrolment scheme for jobholders and the right to join a pension scheme for entitled workers.

45. The notice must be given no later than six weeks and a day from:

    - the employer's staging date, if they are choosing to use postponement on their staging date in respect of any workers employed on their staging date
    - the first day of employment, if they are choosing to use postponement on the first day of employment in respect of any worker starting employment
    - the date the criteria to be an eligible jobholder are met, if choosing to use postponement on this date.

46. Where the employer is using postponement where they have applied the transitional period, the employer must issue the postponement notice no later than six weeks and a day after the date with effect from which arrangements fall to be made under the transitional period.

47. The information the employer must give is as follows:

Mandatory information to be included in a postponement notice

- A statement that the employer has deferred automatic enrolment until the deferral date (and the deferral date must be given).
- A statement that the employer will automatically enrol the worker into an automatic enrolment scheme if, on the deferral date, the worker is aged 22 or more but less than state pension age and earnings of more than the earnings trigger for automatic enrolment are payable to the worker.
- A statement that by giving written notice to the employer, the worker who is aged at least 16 and under 75 and:

  a. who earns now or at any future time more than the lower threshold of qualifying earnings (and the amount must be specified)[4] and is a not an active member of a qualifying scheme, may opt in to an automatic enrolment scheme and will be entitled to employer's contributions or

  b. who earns now or at any future time no more than the lower threshold of qualifying earnings (and the amount must be specified) and is a not an active member of a pension scheme, may require the employer to make arrangements for the worker to become an active member of a pension scheme but will not be entitled to employer's contributions.
- A statement that a 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 they personally submitted the notice.

4
The lower level of qualifying earnings for 2019-2020 tax year is £6,240. The appropriate thresholds for the worker's pay reference periods (ie £6,240 broken down into the weekly, monthly or other pay reference period) can be found in **Detailed guidance no. 3 – Assessing the workforce**.

48. A template for the postponement notice is available on our website at **www.tpr.gov.uk/letter-postpone**. This template is one way that an employer may choose to communicate the information. An employer may add their own wording or use their own templates as long as the underlying requirements in the box above are met.

49. If the employer has given this notice to a worker then there is no need to give jobholders with a right to opt in and entitled workers with a right to join information about both these rights on the first occasion they are either a jobholder with a right to opt in or an entitled worker with a right to join (see paragraphs 26 to 42).

50. Prior to 1 April 2015, information about the right to opt in and the right to join was included in some but not all of the postponement notices available to an employer. If an employer chose to use the tailored postponement notices the requirement was to give information about the right relevant to the particular worker at the time they were being postponed ie only information about the right to opt in or only information about the right to join. This would not comply with the amended requirement in paragraph 47. As a result, under the amended requirements, an employer can choose to give either:

    - only information about the right which is relevant to the worker being postponed, or
    - information about both the rights, irrespective of which one is relevant to the worker.

51. This choice is available to allow an employer with a staging date before 1 April 2015, using the tailored postponement notices under the previous requirements, to minimise the change to their existing systems and processes and continue to give information about the right relevant to the worker.

52. Where an employer makes use of this facility and the worker is a jobholder who is not an active member of a qualifying scheme, then the statement required in the third bullet in the box at paragraph 47 is substituted with:

> A statement that the jobholder may, by giving written notice to the employer, require the employer to make arrangements for them to become an active member of an automatic enrolment scheme and that the jobholder will be entitled to employer's contributions.

53. Where the employer makes use of this facility and the worker is an entitled worker who is not an active member of a qualifying scheme, then the statement required in the third bulletin the box above is substituted with:

> A statement that the worker may, where they are working or ordinarily work in the UK and are aged at least 16 and under 75, by giving written notice to the employer, require the employer to make arrangements for the worker to become an active member of a pension scheme.

Information for eligible jobholders about the transitional period for schemes with defined benefits

54. The transitional period for schemes with defined benefits allows the employer to choose to delay automatic enrolment. This is only applicable to employers who provide a DB scheme or a hybrid pension scheme with defined benefits and can only be used in respect of eligible jobholders who meet certain conditions.

55. For more information about the transitional period for schemes with defined benefits including the conditions that the eligible jobholder must meet see **Detailed guidance no. 3b – Transitional period for schemes with defined benefits**.

56. The way the employer exercises their choice to apply the transitional period is to give a notice to the eligible jobholder who meets the conditions. An employer must give the notice no later than six weeks after the employer's first enrolment date.

57. An employer's first enrolment date is the date that they first have an eligible jobholder. This will either be:

    a. their staging date, if the assessment of their workers on this date identifies at least one eligible jobholder, or

    b. the automatic enrolment date of the first eligible jobholder identified after the staging date.

58. The information that must be included in the notice is:

Mandatory information to be included in the notice for the transitional period for schemes with defined benefits

- A statement that the employer intends to defer automatic enrolment in respect of that jobholder until the end of the transitional period for defined benefit and hybrid schemes.
- A statement that by giving written notice to the employer, the worker who is aged at least 16 and under 75 and:
  - a. who earns now or at any future time more than the lower threshold of qualifying earnings (and the amount must be specified[5]) and is a not an active member of a qualifying scheme, may opt in to an automatic enrolment scheme and will be entitled to employer's contributions or
  - b. who earns now or at any future time no more than the lower threshold of qualifying earnings (and the amount must be specified) and is a not an active member of a pension scheme, may require the employer to make arrangements for the worker to become an active member of a pension scheme but will not be entitled to employer's contributions.
- A statement that a 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.

5
The lower level of qualifying earnings for 2019-2020 tax year is £6,240. The appropriate thresholds for the worker's pay reference periods (ie £6,240 broken down into the weekly, monthly or other pay reference period) can be found in **Detailed guidance no. 3 – Assessing the workforce**.

59. The information about the right to join was not included in the requirements for the notice for the transitional period for schemes with defined benefits under the previous set of information requirements. However, it is likely that an employer who had a staging date prior to 1 April 2015 has passed their first enrolment date and therefore will have already given the notice if they have chosen to apply the transitional period. As such the change to the notice to include the right to join information has no impact upon such an employer.

60. In any event, an employer is also given the choice to be able to include only the information about the opt in right in the notice rather than the information about both the right to opt in and join as described in the second bullet in the box at paragraph 58. This choice is available to allow an employer with a staging date before 1 April 2015, who has not had their first enrolment date before 1 April 2015, to minimise the change to their existing systems and processes.

61. Where an employer makes use of this facility then the statement required in the second bullet in the box at paragraph 58 is substituted with:

> A statement that the jobholder may, by giving written notice to the employer, require the employer to make arrangements for them to become an active member of an automatic enrolment scheme and that the jobholder will be entitled to employer's contributions.

Giving information

62. It is the employer's responsibility to give the statutory information to a worker, and to give the information in writing. 'Giving' information, in the regulator's view, includes:

    - sending hard copy information by post or internal mail
    - handing over hard copy information by hand
    - sending information in the body of an email
    - sending information in PDF format or other attachments by email.

63. 'Giving' information does not include merely signposting to an internet or intranet site, attaching a URL or displaying a poster in the workplace. In these circumstances the employer is merely providing the worker access to the information about the duties but is not giving the actual information.

64. In deciding on the method of giving the information an employer should consider the appropriateness of the format for their workers, for example the extent to which electronic access is available to all the workers the information must be given to. A range of formats may be required to ensure the information is given to all the workers to whom the employer is required to give information.

65. An employer should also consider the completeness and accuracy of the data they are using for giving the information. For example, where post is returned as 'gone away' or email is bounced back as the address is not recognised, an employer cannot be considered to have given the information to the worker. Using the most up-to-date records (eg email addresses) for their workers should minimise the risk that the information cannot be given.

66. Someone acting on the employer's behalf, such as an independent financial adviser (IFA), benefit consultant, accountant or bookkeeper can send the information, but it remains the employer's responsibility to make sure it is given, on time, and is correct and complete.

67. The information must be given before the end of a prescribed period. This period varies depending upon the specific information requirement. Each information requirement and the time period for giving the information are described in the next section.

68. The Pensions Act 2008 does not define the point at which information is 'given'. Where legislation is silent, legal convention is that the Interpretation Act 1978 should be considered in the first instance unless a contrary provision applies. Where a document is to be given by post this Act provides that 'the service is deemed to be effected by properly addressing, pre-paying and posting a letter containing the document and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post'.

69. Where an employer is giving information by post to a worker, they should allow sufficient time before the end of the specified time limit for giving the information for the delivery of the letter in the ordinary course of post in order that the information can be given on time.

70. When giving information by hand or electronically to a worker, receipt is likely to be instant and the point at which the information was given can be taken as the point of receipt.

Combining different information requirements

71. As described in paragraphs 26 to 42, an employer has a duty to give information the first time any of their workers become either a jobholder with a right to opt in or an entitled worker with a right to join. If the employer used postponement this information is included in the postponement notice.

72. Nothing prevents an employer including the enrolment information in a combined notice with either the postponement notice or the information about the right to opt in or join, so that all the information requirements are discharged in one go, (unless opt-in or re-enrolment occurs).

73. An employer who is considering combining multiple information requirements into one communication or considering whether to issue separate communications as and when any of the information requirements are triggered should, in our view, consider the appropriateness of their preferred approach for their workforce.

74. This includes a judgement about the ability of the workforce to absorb the level of detail all in one go and the relevance of the information to the worker. In making the judgement about the relevance of the information, an employer should consider:
    - how sure they are that the worker is or will be in the future an eligible jobholder, and
    - the length of time between the planned giving of the information and the likely automatic enrolment date – the date information will become relevant.
75. It remains the employer's responsibility to make sure that the right information is given to the right individual on time, and that it is complete and correct.

What next?

A summary of these different information requirements and references to the detailed guidance which includes description of the requirements can be found in the Information to workers resource in the resource section of the detailed guidance on our website.

The employer will monitor the age and earnings of a group of workers for each subsequent pay reference period. This is in order to identify whether automatic enrolment or any of the information requirements are triggered for workers who are not active members of a qualifying pension scheme with the employer. In addition, as an employer approaches their cyclical automatic re-enrolment date, they will have to assess their workers as at this date, to identify any eligible jobholders whom they must automatically re-enrol.

The final guidance in the series, **Detailed guidance no. 11 – Automatic re-enrolment**, provides more information on the process of automatically re-enrolling workers back into pension saving.

Key terms

Summary of the different categories of worker

Category of worker	Description of worker
Worker	An employee or someone who has a contract to perform work or services personally, that is not undertaking the work as part of their own business.
Jobholder	A worker who: • is aged between 16 and 74 • is working or ordinarily works in the UK under their contract • has qualifying earnings.
Eligible jobholder	A jobholder who: • is aged between 22 and state pension age • has qualifying earnings above the earnings trigger for automatic enrolment.
Non-eligible jobholder	A jobholder who: • is aged between 16 and 21 or state pension age and 74 • has qualifying earnings above the earnings trigger for automatic enrolment or • is aged between 16 and 74 • has qualifying earnings equal to or below the earnings trigger for automatic enrolment.
Entitled worker	A worker who: • is aged between 16 and 74 • is working or ordinarily works in the UK under their contract • does not have qualifying earnings.

How to contact us

PO Box 16314
Birmingham
B23 3JP

T 0845 600 1011
F 0845 606 9970
E customersupport@autoenrol.tpr.gov.uk

www.thepensionsregulator.gov.uk
www.trusteetoolkit.com

Detailed guidance for employers no. 10
Information to workers

© The Pensions Regulator April 2020

You can reproduce the text in this publication as long as you quote The Pensions Regulator's name and title of the publication. Please contact us if you have any questions about this publication. We can produce it in Braille, large print or on audio tape. We can also produce it in other languages.

The Pensions Regulator