

JLT Employee Benefits

AE Smart



FACT SHEET 330. WHAT COMMUNICATIONS SHOULD I SEND?

This fact sheet explains the information that you must give your employees automatic enrolment, the time scales for providing it, what it should contain and the forms in which it may be delivered. It also covers extra communications that you may choose to issue.

Key Facts

- > Employers with an automatic enrolment duty must provide specified information to workers within prescribed timescales.
- > The information must be provided 'in writing', which includes e-mail.
- > Employers can provide additional information if they wish but must ensure that a communication does not amount to an 'inducement' to opt out.
- > Various resources are available to help employers comply with their information duties and needs.

Introduction

You must give specified information to your employees, including existing pension scheme members, within prescribed time scales.

The exact information to be provided depends on which category the worker falls in to (see *Fact Sheet 100: What is auto-enrolment?*)

Statutory Notices

There are essentially five notices that you must give, although all but one can be bundled together. The five notices and their main contents are:

- > **Postponement notice.** Tells your employees that you are postponing their assessment, what date you are postponing to and that they will be enrolled on that date if they meet the criteria.
- > **Enrolment notice.** Tells your employees that you are enrolling them, how much you and they are paying, that they have a right to opt-out and what their opt-out period is.

- > **Active member notice.** Tells your employees that they are already a member of a qualifying scheme.
- > **Non-eligible jobholder notice.** Tells non-eligible jobholders that they have a right to opt in to a qualifying scheme and to receive employer contributions.
- > **Entitled worker notice.** Tells entitled workers that they have a right to join a pension scheme.

You can bundle up all the notices, except for the enrolment notice, and send them as one. The Pensions Regulator calls the General Postponement Notice A. If you exclude the active member notice from this bundle and send it separately, the bundle becomes General Notice B.

Most employers send general notices at the beginning, rather than send the notices individually when they are required, because it is simpler and reduces the number of separate communications you must send.

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Giving information

You must give these notices to people individually. You cannot put up posters or use a website to deliver the information.

Giving information includes:

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

If an email bounces back, or post is returned as “gone away,” the Pensions Regulator does not consider you to have given information to the worker. This underlines the importance of having accurate contact details for your employees.

Deadlines

You can provide statutory information before you need to; there is no earliest date.

The deadlines for the notices are:

- > **Postponement notice.** Within six weeks of staging date, date of hire or first becoming an eligible jobholder, as appropriate
- > **Enrolment notice.** Within six weeks of the employee’s enrolment date.
- > **Active member notice.** Within two months of your staging date.
- > **Non-eligible jobholder/entitled worker notice.** Within six weeks of the date that the employee first became non-eligible or entitled.

Checklist for Postponement Notices

A general postponement notice must contain the statements below as a minimum.

- That the employer has postponed automatic enrolment until the postponement date
- The postponement date
- 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

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pension age, is working or ordinarily works in Great Britain, earnings of more than £10,000 (2014/15) are payable to the worker and the worker is not already an active member of a suitable scheme.

- That, by giving a written notice to the employer, the worker may –
 - where they earn more than £5,772 (2014/15) and are a jobholder and not an active member of a suitable scheme, opt in to an automatic enrolment scheme and that the jobholder will be entitled to employer's contributions
 - where they are not a jobholder, for the sole reason that they earn no more than £5,772 (2014/15), 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.
- Where the worker is a jobholder and an active member of a suitable scheme and, on a date, ceases to

be such a member (without the jobholder ceasing to be employed by the employer) by reason of something other than an action or omission by the jobholder, the employer must make arrangements by which the jobholder becomes an active member of an automatic enrolment scheme with effect from the day following that date.

- 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.
- Where to obtain further information about pensions and saving for retirement.

Checklist for Enrolment Notices

Enrolment Notices must contain the statements below, as a minimum. Where any of this information has already been given, there is no need to provide it twice.

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- That the jobholder has been or will be automatically enrolled, automatically re-enrolled or enrolled, as the case may be, into a pension scheme to help save for the jobholder's retirement.
- The jobholder's automatic enrolment date, automatic re-enrolment date or enrolment date, as the case may be.
- The name, address, telephone number and electronic contact details of the scheme in respect of which the jobholder is or will be an active member.
- The value of any contributions payable to the scheme by the employer and the jobholder in any applicable pay reference period (including information on any change in the value of any contributions which will occur as the result of the transitional periods for money purchase and personal pension schemes). The value can be shown as a fixed amount or as a percentage of earnings.
- 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 is provided through 'relief at source' or under the 'net pay arrangement'.
- That if the jobholder, on a date, ceases to be an active member of a qualifying scheme (without the jobholder ceasing to be employed by the employer) by reason of something other than an action or omission by the jobholder, the employer must make arrangements by which the jobholder becomes an active member of an automatic enrolment scheme with effect from the day following that date.
- That the jobholder has the right to opt out of the scheme during the opt out period.
- The start and end dates of the opt out period applicable to the jobholder if that information is known to the employer but, if not,

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- a statement as to how the opt out period is determined.
- Where the opt out notice may be obtained.
- That opting out means that the jobholder will be treated for all purposes as not having become an active member of the scheme on that occasion.
- 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.
- That where the jobholder opts out the jobholder may opt in, in which case the employer will be required to arrange for that jobholder to become an active member of an automatic enrolment scheme once in any 12 month period.
- That, after the opt out period, the jobholder may cease to make contributions in accordance with scheme rules.
- That a jobholder who opts out or who ceases active membership of the scheme will normally be automatically re-enrolled (broadly, every 3 years).
- 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.
- Where to obtain further information about pensions and saving for retirement.

Template Notices

AE Smart gives you a suite of template notices. We have provided the standard Pensions Regulator notices and some JLT drafted alternatives. You can use the checklists to validate any changes you make, or we can do this for you.

Voluntary information

There is nothing to stop employers sending out additional information, over and above the mandatory requirements and this can be issued before, at or after an employer's Staging Date. The only conditions are

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that this extra-statutory information does not constitute an Inducement (see *Fact Sheet 430: How are HR procedures affected?*) and, of course, employers must not provide advice.

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