



WORKPLACE PENSION + AUTOMATIC ENROLMENT GUIDE



Provided by: RS Risk Solutions Ltd

Blackgrove
Tandridge Lane
Lingfield RH7 6LW

01342 580106
www.rsrisk.solutions



DISCLAIMER

This guide contains information regarding the automatic pension enrolment process and highlights key compliance requirements for employers in the United Kingdom (UK). The information provided in this document is based on the guidance published by The Pension Regulator in April 2014.

This guide is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. This guide may not address all compliance issues with UK or European Union laws. Compliance with all applicable legal requirements is the responsibility of the employer. Using the materials in this guide does not guarantee that an employer will be in full compliance with all applicable requirements. Use this guide as reference, but rely on competent legal advice to determine compliance requirements.

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INTRODUCTION

What is Automatic Enrolment?

Automatic enrolment is a new requirement imposed on employers in the UK under the pension reform laws. To comply with this requirement, UK employers must systematically enrol eligible jobholders into qualifying pension schemes. Automatic enrolment laws also require UK employers to make mandatory minimum contributions into their employees' pension schemes. Under automatic enrolment laws, certain employees have the right to opt in or out of their pension scheme when certain conditions are met.

Automatic enrolment laws apply to **all employers in the UK**, regardless of size or industry. Each employer has or will be assigned a **staging date**, the date by which the employer is required to comply with its automatic enrolment duties.

Why was Automatic Enrolment Enacted?

Across the UK, millions of people are not saving enough for their retirement. Automatic enrolment laws were enacted in order to help more individuals do so. The aim of automatic enrolment laws is to provide individuals with a source of retirement income in addition to their State Pension.

What are an Employer's Automatic Enrolment Duties?

Employers must comply with specific requirements under the new automatic enrolment laws. This guide provides a step-by-step overview of the four stages of the automatic enrolment process and details what employers must do to comply with automatic enrolment laws.

Preparing for Automatic Enrolment



- Determining a staging date
- Assessing the workforce
- Selecting a pension scheme

Implementing Automatic Enrolment on Your Staging Date



- Enrolling eligible workers

Post-staging Requirements



- Informing employees within six weeks of the staging date
- Completing a declaration of compliance within five months of the staging date

Ongoing Responsibilities



- Making and deducting contributions
- Continuing workforce assessment
- Maintaining records
- Managing opt-ins, joiners and opt-outs
- Performing automatic re-enrolment



Preparing for Automatic Enrolment

Identifying Staging Dates

In order to comply with the pension reforms, employers must identify their staging date. An employer's **staging date** is the date by which the employer is obligated to comply with the automatic enrolment duties.

An employer's staging date is determined by the number of members the employer has in its Pay-as-you-earn tax (PAYE) scheme. Generally, the more people an employer has in its PAYE scheme, the earlier the employer's staging date. Exact staging dates were determined in accordance to PAYE scheme information held by Her Majesty's Revenue and Customs (HMRC) in April 2012.

Staging **began in October 2012** for the UK's largest employers, and it will continue on a rolling basis for smaller employers. Employers may find out their staging date by entering their PAYE reference into the Regulators' [staging date tool](#).

The following table details staging dates based on employer size.

Table 1: Automatic Enrolment Staging Schedule

Employer PAYE Scheme Size	Automatic Enrolment Period
250 or more members	October 2012 to February 2014
50 to 249 members	April 2014 to April 2015
49 or fewer members	June 2015 to April 2017

For employers that operate more than one PAYE scheme, their staging date will be determined by the total number of members in their largest scheme. The automatic enrolment duties for employers with multiple PAYE schemes come into effect on the same date for all of their workers regardless of which PAYE scheme they are a member of.

Complex Corporate Groups

Employers that are part of complex corporate or group structures must find out where in the group their workers' contracts of employment are held. Doing so will determine which employer within the corporate group is responsible for automatic enrolment duties. Once it has been established which entity in the group is the employer, each employer's staging date will be determined by what PAYE scheme they use.

- Employers with single PAYE schemes of their own will have a staging date determined by the size of that PAYE scheme.
- Employers with multiple PAYE schemes will have a staging date determined by the size of the largest PAYE scheme.

- Employers that share a single PAYE scheme with other employers will all have the same staging date, determined by the size of that single scheme.

The Impact of Mergers on Staging Dates

If employers merge **after 1 April 2012**, and both employers remain legal entities in their own right and remain the employer for their respective workers under the contracts of employment or service, then the staging date of each legal entity will remain as it was prior to the merger. If an employer ceases to exist after a merger or takeover, the staging date of the employer taking over will apply. If a new business entity is created following a takeover, it will be treated as a new employer and assigned a staging date accordingly.

Staging Dates for New Employers

Employers that establish PAYE schemes **between 1 April 2012 and 30 September 2017** will be assigned a staging date between 1 May 2017 and 1 February 2018. The staging date of new employers is **not** based on the number of individuals in the employer's largest PAYE scheme but on the date of the employer's first PAYE payment.

Table 2: Staging Dates for New Employers

First PAYE Payment Date	Staging Date
Between 1 April 2012 and 31 March 2013	1 May 2017
Between 1 April 2013 and 31 March 2014	1 July 2017
Between 1 April 2014 and 31 March 2015	1 August 2017
Between 1 April 2015 and 31 December 2015	1 October 2017
Between 1 January 2016 and 30 September 2016	1 November 2017
Between 1 October 2016 and 30 June 2017	1 January 2018
Between 1 July 2017 and 30 September 2017	1 February 2018

Modifying Staging Dates for Small Employers

Under limited circumstances, small employers can choose to delay their staging date, if on 1 April 2012, they:

- Employed fewer than **50 employees**; and
- Had (or were part of a PAYE scheme that had) **more than 50 members**.

The date to which a small employer may delay their staging date is determined by the employer's original staging date. Small employers may use the following table to determine their new staging date.

Table 3: New Staging Dates for Small Employers

Original Staging Date Range	Prescribed Moving Date
1 October 2012 to 1 November 2012	1 August 2015
1 January 2013 to 1 February 2013	1 October 2015
1 March 2013 to 1 April 2013	1 January 2016
1 May 2013 to 1 June 2013	1 February 2016
1 July 2013 to 1 August 2013	1 March 2016
1 September 2013 to 1 October 2013	1 April 2016
1 November 2013 to 1 January 2014	1 May 2016
1 February 2014 to 1 April 2014	1 July 2016
1 May 2014 to 1 July 2014	1 September 2016
1 August 2014 to 1 October 2014	1 November 2016
1 November 2014 to 1 January 2015	1 February 2017
1 March 2015 to 1 April 2015	1 April 2017

Although employers are not required to notify the Regulator if they choose to modify their staging date, they are strongly encouraged to do so. The Regulator may ask employers for confirmation that they were able to move their staging date, so employers should maintain a record of the number of people in their PAYE scheme and the number of people they had in their staff as of 1 April 2012.

Bringing a Staging Date Forward

Employers are able to bring their staging date forward. They may choose to do so in order to align their staging date with other key financial or operational dates.

To bring its staging date forward, an employer must:

- Have an existing staging date;
- Seek and obtain agreement that the pension scheme that the employer has selected can fulfil the duties from the new (earlier) staging date; and
- Notify the Regulator, in writing, at least one calendar month before the new (earlier) staging date and provide all of the required information.

Employers may notify the Regulator of their intention to bring their staging date forward via the [Government Gateway website](#).

Once an employer has submitted its notification to the Regulator, it may not revert to its original staging date. Once a new staging date has been set, the employer's automatic enrolment duties will be determined in relation to the new staging date. Employers must submit their declaration of compliance to the Regulator **no later than five months** following their new staging date. The table below presents a list of available early staging dates.

Table 4: Available Early Staging Dates

Available Early Staging Dates			
2015	2016	2017	2018
1 March	1 January	1 January	1 January
1 April	1 February	1 February	
1 June	1 March	1 March	
1 July	1 April	1 April	
1 August	1 May	1 May	
1 September	1 June	1 July	
1 October	1 July	1 August	
1 November	1 August	1 October	
	1 September	1 November	
	1 October		
	1 November		

Worker Categories and Eligibility

Under the new pension reform laws, employers must determine whether their employees must be automatically enrolled in a pension scheme. An employee's eligibility for the pension scheme and an employer's duties to that employee depend on whether the employee qualifies as a 'worker' under the law, and if so, on the worker's classification category.

'Worker' Definition

For the purposes of automatic enrolment, the term 'worker' has a specific definition that depends on the contractual relationship between the individual and his or her employer. A worker is any individual who:

- Works under a contract of employment; or
- Has a contract to perform work or services personally and is not undertaking the work as part of his or her own business.

Contracts do not have to be written and the terms and conditions of the contract may be implied or explicitly stated.

Any employer that employs one or more workers is subject to automatic enrolment duties. The physical location of the employer is not taken into account when considering an employee's status. An employer may be based outside of the UK and still be required to comply with the automatic enrolment requirements.

Worker Categorisation

Once an employer has determined it employs at least one worker, it must classify the worker into one of three categories—eligible jobholders, non-eligible jobholders and entitled workers. An employer's obligations under the automatic enrolment laws depend on the type of workers they have. To classify its workers, an employer must know each worker's age and the amount of qualifying earnings he or she receives as compensation.

Eligible Jobholders

Eligible jobholders are workers who:

- Are between 22 years of age and the [state pension age](#) (SPA);
- Are working or ordinarily work in the UK under their contract; and
- Have qualifying earnings that are above the earnings trigger for automatic enrolment (currently £10,000 a year).

Employers must automatically enrol eligible jobholders into an automatic enrolment scheme and make contributions on their behalf. Part of this process also requires employers to provide each eligible jobholder with information that:

- Informs the eligible jobholder that he or she has been (or will be) automatically enrolled and what that means for him or her;
- Explains the jobholder's right to opt out and his or her right to opt back in; and
- Provides information about the pension scheme into which the jobholder has been automatically enrolled.

If an eligible jobholder is already a member of a qualifying scheme on his or her automatic enrolment date, the only action the employer needs to take is to provide the jobholder with information about the pension scheme that the jobholder is a member of.

Non-eligible Jobholders

Non-eligible jobholders are workers who either:

- Are between 16 and 74 years of age;
 - Are working or ordinarily work in the UK under their contract; and
 - Have qualifying earnings payable by the employer in the relevant pay reference period but below the earnings trigger for automatic enrolment (currently between £5,772 and £10,000 per year).
- OR
- Are between 16 and 21 years of age, or between the SPA and 74 years of age;
 - Are working or ordinarily work in the UK under contract; and
 - Have qualifying earnings above the earnings trigger for automatic enrolment (currently £10,000 a year).

Employers do not need to automatically enrol non-eligible workers. However, non-eligible workers have a right to opt in to an automatic enrolment scheme if they choose to do so, in which case their employers have a duty to make pension contributions on their behalf.

Employers must provide non-eligible jobholders with information about opting in to an automatic enrolment scheme and what this means to non-eligible jobholders. This information must be provided **within one month** of the worker becoming a non-eligible jobholder.

Entitled Workers

Entitled workers are workers who:

- Are between 16 and 74 years of age;
- Are working or ordinarily work in the UK under their contract; and
- Have qualifying earnings that are below or equal to the lower earnings level for qualifying earnings (currently £5,772 per year).

Employers do not need to automatically enrol entitled workers. However, entitled workers have the right to join a pension scheme through their employer. When an entitled worker exercises his or her right to join a pension scheme through his or her employer, the employer can choose to use a different scheme than the one it uses for automatic enrolment. However, employers are not required to make pension contributions on behalf of entitled workers.

Employers must provide entitled workers with information about joining a pension scheme and what this means for entitled workers. This information must be provided **within one month** from the date on which an individual becomes an entitled worker.

The following table illustrates the rights of workers depending on which worker category they belong to.

Table 5: Summary of Worker Categories

	Age between 16 and 21 years	Age between 22 and SPA	Age Between SPA and 74
Qualifying Earnings (2014-2015)			
£ 10,000/year		<p>Eligible Jobholders</p> <p>Rights/Privileges: automatic enrolment</p> <p>Employer Obligations:</p> <ul style="list-style-type: none"> • Contributions to pension scheme • Provide notice of automatic enrolment • Explain rights to opt in and out • Description of scheme used for automatic enrolment 	
£ 5,772/year		<p>Non-eligible Jobholders</p> <p>Rights/Privileges: may opt into automatic enrolment scheme</p> <p>Employer Obligations:</p> <ul style="list-style-type: none"> • Contributions to pension scheme (if opt-in selected) • Explain rights to opt in within one month 	
		<p>Entitled Jobholders</p> <p>Rights/Privileges: May join a pension scheme through employer (may differ from automatic enrolment scheme)</p> <p>Employer Obligations:</p> <ul style="list-style-type: none"> • Provide information about joining pension scheme within one month • Explain rights to opt in within one month 	

Initial Assessment of the Workforce

Employers must assess all members of their workforce to determine whether they need to be automatically enrolled into a pension scheme. An employer's automatic enrolment duties will depend on which categories the employer's workers fall into. In practice, many employers will utilise business software to support their assessment practices.

In conducting assessments, employers must consider:

- A worker's age
- Whether a worker is working or ordinarily works in the UK under his or her contract
- Whether qualifying earnings are payable in the relevant pay reference period

When to Make an Assessment

Employers are required to conduct a formal assessment of their workforce on their staging date (or their deferral date if using postponement). However, the Regulator recommends that employers assess their workforce several months before their staging date to get an idea of who they will need to automatically enrol.

Conducting the Assessment

Assessing a worker's age

Employers must identify workers aged between:

- 16 and 74 – the age criteria for both jobholder and titled workers
- 22 and the SPA – the age criteria for eligible jobholders

Assessing a worker's age is typically straightforward for employers using existing business processes.

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

After determining an employee's age, the employer must determine whether the worker is working or ordinarily works in the UK under his or her contract. In most cases, it will be clear to the employer whether the worker is working in the UK. However, some cases—involving multi-national employers and employers who regularly move their workers between countries—may be less clear. In any scenario, the primary consideration is where the worker is based.

A worker is considered to be working in the UK if he or she works **wholly** in the UK, meaning:

- The worker's contract provides for the worker to be based at a location in the UK
- There is no simultaneous employment relationship between the worker and an employer outside the UK

It does not matter whether the worker is a UK national, as long as he or she is working legally in the UK. Additionally, occasional business trips outside the UK as part of work do not impact this assessment.

If a worker does not wholly work in the UK, the employer must establish whether the worker ordinarily works in the UK. Remember that the primary consideration is where the worker is based. In order to determine a worker's base, the employer should examine the worker's contract and how the contract operates in practice.

Employers will also need to consider:

- Where the worker begins and ends his or her work
- Where his or her private residence is, or is intended to be
- Where the worker's headquarters are
- Whether he or she pays National Insurance contributions in the UK
- The currency used to pay the employee's wages

These considerations are especially important when an employer considers workers who regularly move between countries but who are based in the UK.

Assessing whether qualifying earnings are payable

On an assessment date, employers must complete the following steps to identify whether qualifying earnings are payable:

- Step 1 – Identify the relevant pay period.
- Step 2 – Identify what is payable in that period.
- Step 3 – Compare what is payable with the lower level of qualifying earnings and the earnings trigger for automatic enrolment.

For some workers, such as those who are paid a regular amount that does not fluctuate, the earnings assessment will be straightforward. However, for others, it may be more difficult.

Step 1: Identify the relevant pay period.

In this step, employers must identify the period of time over which a worker's earnings are to be measured. This period of time is referred to as the '**pay reference period**'.

Employers may choose between two definitions of a pay reference period as the basis for assessing a worker's earnings; one definition is aligned to tax weeks or months, and the other is aligned with the period in which the worker is paid his or her regular wage or salary. Nothing prevents employers from applying one definition to some workers and the other definition to other workers.

Alignment with Tax Periods	Alignment with Wage Payment Period
<p>Under the pay reference period aligned to tax periods, the length of the pay reference period is the longer of:</p> <ul style="list-style-type: none"> • A period equal in length to the usual interval between payments of the person's regular wage or salary; or • A period of one week. 	<p>Under the pay reference period aligned to the period by reference to which the worker is paid his or her regular wage or salary, a worker's pay reference period is:</p> <ul style="list-style-type: none"> • One week, in the case of a worker who is paid his or her regular wage or salary by reference to a period of a week; or • In the case of a worker who is paid his or her regular wage or salary by reference to a period longer than a week, whichever period the worker is paid in reference to.

For more information on identifying the relevant pay period, employers may consult the Regulator's [guidance](#) on assessing the workforce.

Step 2: Identify what is payable in that period.

Once an employer has identified the relevant pay reference period, the next step is to identify which earnings are to be measured. Employers must measure the gross qualifying earnings that are payable in the relevant pay reference period. It does not matter whether the assessment date falls part way

through a pay reference period; the amount payable for the entire pay reference period must be considered.

‘Qualifying earnings’ are earnings between £5,824 and £42,385 (for the 2015 to 2016 tax year), consisting of any of the following components:

- Salary and wages
- Commissions, bonuses and overtime
- Statutory sick pay
- Statutory maternity pay and ordinary or additional statutory paternal pay
- Statutory adoption pay

Where an employer is treating multiple employment contracts with the same worker as a single employment relationship, all components of pay that make up qualifying earnings under the contract must be included.

‘Payable’ is the key word. **Payable** means earnings actually paid in the pay reference period. It also includes what is due to be paid, or was due to be paid, in the pay reference period. This is particularly important when a work is paid in arrears—an employer must consider what is due to be paid in the period, not what is due to be earned.

Step 3: Compare what is payable with the lower level of qualifying earnings and the earnings trigger for automatic enrolment.

The final step is to compare the payable qualifying earnings identified against certain benchmarks. For a worker **between 22 years of age and the SPA**, employers must identify whether the qualifying earnings payable are:

- Above the earnings trigger for automatic enrolment; or
- Between the lower level of qualifying earnings and the earnings trigger for automatic enrolment.

For **all other workers**, employers must compare the qualifying earnings with the lower level of qualifying earnings applicable to that pay reference period, as shown in the following table.

Table 6: Lower Level of Qualifying Earnings and the Earnings Trigger for Automatic Enrolment

Pay Reference Period	Lower Level Of Qualifying Earnings	The Earnings Trigger For Automatic Enrolment
One week	£112	£192
Fortnight	£224	£384
Four weeks	£448	£768

Pay Reference Period	Lower Level Of Qualifying Earnings	The Earnings Trigger For Automatic Enrolment
One month	£486	£833
One quarter	£1,456	£2,499
Biannual	£2,912	£4,998
Annual	£5,824	£10,000

Note: These figures are for the 2015 to 2016 tax year and are subject to annual revision by the DWP.

Postponement of Automatic Enrolment

Postponement is an optional tool that provides additional flexibility and allows employers to delay the assessment process for up to **three months**. This new assessment date is known as the employer's '**deferral date**'. An employer may choose to use postponement for:

- The employer's staging date—for workers employed on the employer's staging date;
- The first date of employment—for workers starting after an employer's staging date; and
- The date a worker meets the criteria to be an eligible jobholder—if this date is after the employer's staging date and the first day of employment.

Postponement is sometimes referred to as a '**waiting period**'. When an employer utilises postponement, they are essentially pushing back the date on which they legally have to assess their worker(s) and whichever duties apply to them. Postponement can be used in respect to single workers, groups of workers or an entire workforce.

Employers often decide to use postponement if they have temporary or short-term staff that they know will stop working for them within three months. Employers may also use postponement to align automatic enrolment with other business processes.

Employers should note that postponement is not available at automatic re-enrolment.

Postponement Notice

Employers exercise their postponement option by issuing a notice to affected employees. Employers do not have to inform the Regulator of their decision to postpone, but they will be asked for their deferral date when they complete their declaration of compliance.

Among other things, postponement notices:

- Inform employees that automatic enrolment has been postponed
- Provide employees with the deferral date selected by the employer

- Advise affected employees that on the deferral date they will be automatically enrolled, if they are an eligible jobholder

Postponement notices must be issued **within six weeks**. The six-week period begins the day after the date on which an employer wishes to postpone. Employers that do not issue the notice within this time frame do not qualify for postponement.

There are four different levels of information that employers can choose to include in their postponement notices, as shown by Table 7.

Table 7: Four Types of Postponement Notice

Postponement Notice	Information Included	When It Can Be Used
General Notice A	<ul style="list-style-type: none"> • Postponement information • The requirement to tell a non-eligible jobholder about his or her right to opt in to an automatic enrolment scheme • The requirement to tell an entitled worker about his or her right to join a pension scheme • The requirement to tell a jobholder who is an active member of a qualifying scheme about the scheme 	Can be used at: <ul style="list-style-type: none"> • The employer's staging date • The worker's first day of employment
General Notice B	<ul style="list-style-type: none"> • Postponement information • The requirement to tell a non-eligible jobholder about his or her right to opt in to an automatic enrolment scheme • The requirement to tell an entitled worker about his or her right to join a pension scheme 	Can be used at: <ul style="list-style-type: none"> • The employer's staging date • The worker's first day of employment
Tailored notice for a jobholder	<ul style="list-style-type: none"> • Postponement information • The requirement to tell a non-eligible jobholder about his or her right to opt in to an automatic enrolment scheme 	Must be used at the date the eligible jobholder criteria are met. Can be used at: <ul style="list-style-type: none"> • The employer's staging date • The worker's first day of employment
Tailored notice for an entitled worker	<ul style="list-style-type: none"> • Postponement information • The requirement to tell an entitled worker about his or her right to join a pension scheme 	Can be used at: <ul style="list-style-type: none"> • The employer's staging date • The worker's first day of employment

A complete overview of the information requirements of each type of notice is provided in the Regulator's [guidance](#) on postponement. An employer may be required to take further action, depending

on which notice it selects. The Regulator offers postponement letter templates that employers can use through its [letter template tool](#).

Selecting a Pension Scheme

Pension reform laws were enacted to extend pension benefits to a higher number of jobholders. Under these laws, employers are not required to re-enrol active members of a pension scheme, if the pension scheme meets the qualifying criteria.

Employers with existing pension schemes must determine whether their pension schemes qualify as automatic enrolment pension schemes that may be used to enrol eligible jobholders. The employer must establish a pension scheme by its staging date if it does not have an existing pension scheme or cannot use its existing pension scheme for automatic enrolment. Therefore, pension scheme criteria set out by pension reform laws apply not only to new cases of automatic enrolment, but also to already existing pension scheme members because employers will have to evaluate whether their employees are enrolled in a qualifying pension scheme. To select a compliant pension scheme, employers must consider location requirements, qualifying criteria, automatic enrolment criteria and minimum requirements by pension type.

Location Requirements

Employers must consider the location of a pension scheme's main administration when evaluating whether a scheme can satisfy the automatic enrolment requirements. If a pension scheme's main administration is located in the UK or in another European Economic Area (EEA) state, the pension scheme may be used for automatic enrolment, if all other relevant criteria are met. A scheme whose main administration is located outside of the UK or any other EEA state cannot be used for automatic enrolment, but it can be used as a qualifying scheme for existing members of the pension scheme, if it meets the relevant criteria.

Qualifying Criteria

All automatic enrolment schemes, as well as any existing pension schemes, must:

- Be an occupational or person pension scheme
- Be tax registered
- Satisfy specific minimum requirements set out for each pension scheme type

Non-UK pension schemes must meet a series of additional requirements to be classified as qualifying schemes. Employers may consult the Regulator's [pension scheme guidance](#) for more information.

Automatic Enrolment Criteria

To have an automatic enrolment scheme, an employer must ensure its scheme meets the qualifying criteria discussed above. In addition, the pension scheme may not contain any provisions that:

- Prevent the employer from making its required arrangements for the automatic enrolment, opt-in or re-enrolment of a qualifying jobholder

- Require the jobholder to express a choice or provide any information in order to remain an active member of the scheme

A pension scheme that is mainly administered in an EEA state, outside of the UK, can be used for automatic enrolment if it is also:

- Classified as:
 - An institution for occupational retirement provision within the meaning of Article 6(a) of the Institution for Occupational Retirement Provision (IORP) Directive; or
 - A personal pension scheme that is regulated by the relevant competent authority in its home state and operated by a person authorised by that authority, in relation to that activity.
- Subject to the following regulatory requirements:
 - At least 70 per cent of any jobholder's money purchase benefits (or lump-sum accrual) is used to provide the jobholder with an income for life; and
 - The pension scheme's benefits are paid no earlier than age 55 (except for cases of ill health).

Additionally, employers with a non-UK EEA pension scheme should be aware that the pension may need to comply with existing cross-border requirements.

In general, the automatic enrolment criteria dictate that the rules of a pension scheme cannot:

- Contain any barrier to enrolment
- Require a jobholder to provide information to become or remain a member
- Require an employer to provide information about the jobholder as a condition of joining
- Require a jobholder to make any choice to join or remain a member of a pension scheme

Minimum Requirements by Pension Scheme Type

The minimum requirements for pension schemes differ by pension scheme type. Workplace pension regulations establish requirements for:

- Defined contributions (DC)
- Defined benefits (DB)
- Hybrid pension schemes

For more information on the requirements for the various types of pension schemes, employers may consult the Regulator's [guidance](#) on pension schemes.



Implementing Automatic Enrolment on your Staging Date

The Automatic Enrolment Process

Central to the automatic enrolment process is the requirement for employers to make arrangements for eligible jobholders who are not already active members of a qualifying pension scheme to become members of an automatic enrolment pension scheme. This must be done from the employer’s staging date, or, if the employer has chosen to use postponement, by the employer’s deferral date.

Before the end of the joining window—the six-week period from the eligible jobholder’s automatic enrolment date—an employer must:

- Provide the pension scheme with information about eligible jobholders
- Inform workers about automatic enrolment
- Make arrangements with the scheme trustees (or provider) for eligible jobholders to become active members of the scheme, effective on their automatic enrolment date

Providing Information to the Pension Scheme

Employers make eligible employees active members of their pension scheme by providing the scheme trustee or provider with certain information. Employers must provide this information before the end of the related joining window.

For each eligible jobholder who is being automatically enrolled, employers must provide the pension scheme or trustee with the following information about the jobholder:

Table 8: Providing Information to the Pension Scheme

Mandatory Information (For each enrolled eligible jobholder)	Recommended Information (Can omit unless required by scheme)
<ul style="list-style-type: none"> • Name • Sex • Date of birth • Automatic enrolment date • Residential postal address • National Insurance number <p><i>Note: If the employer does not have this information at the time, it can be provided within one month of the employer receiving it.</i></p>	<ul style="list-style-type: none"> • Work postal address • Work email address (if one exists) • Personal email address (if available) • Gross earnings in any pay reference period • Where available to the employer, the value of any contributions payable to the pension scheme by the employer and eligible jobholder in any pay reference period <p><i>Note: The value can be shown as a fixed amount or a percentage of any qualifying earnings or pension payable.</i></p>

Providing Information to Workers

Employers must provide workers with certain information in order to help workers make informed decisions about workplace pensions. This information must be **in writing** and must be provided within the prescribe timeframe. Employers may satisfy the information requirement by:

- Sending hard copy information by post or internal post;
- Handing over hard copy information by hand;
- Sending information in the body of an email; or
- Sending information in PDF format or other attachments by email.

A third party, such as an accountant or financial advisor, may send information on behalf of an employer; however, the responsibility to ensure that the correct information is received by the right employee within the designated timeframe remains with the employer.

Employers must provide eligible jobholders with the following information:

- Information about automatic enrolment or re-enrolment, what it means to affected employees and a statement of the employees' right to opt out (for jobholders being automatically enrolled, re-enrolled or enrolled following opt-in)
- Pension scheme information (for eligible jobholders who are already members of a qualifying pension scheme)
- Information about the right to opt in to an automatic enrolment scheme (for jobholders with the right to opt in for the first time)
- Postponement of automatic enrolment information and the right to opt in during the postponement period (for eligible jobholders who are affected by employer postponement)
- Deferral of automatic enrolment information (for eligible jobholders who are subject to the transitional period for DB and hybrid schemes).

Employers must provide non-eligible jobholders with the following information:

- Information about the right to opt in to an automatic enrolment scheme
- Enrolment or automatic re-enrolment information along with a statement of what it means for employees and information about the right to opt out (for non-eligible jobholders being automatically re-enrolled or enrolled after opting out)
- Postponement of automatic enrolment information and a statement of the right to opt in during the postponement period (for non-eligible jobholders who are affected by employer postponement)

- Pension scheme information (for non-eligible jobholders who are already members of a qualifying pension scheme with the employer)

Employers must provide entitled workers with the following information:

- A statement regarding the right to join a pension scheme
- Postponement of automatic enrolment information and a statement explaining that entitled workers may request to join a scheme during the postponement period (for entitled workers affected by employer postponement)

Employers may consult the Regulator's [guidance](#) on the subject for letter templates and additional information on exactly what information must be provided and when.

Making Arrangements for Active Membership

Employers must establish an active membership in a pension scheme for eligible jobholders. These arrangements will differ depending on the type of pension the employer chooses to use. For more information on making arrangements for active membership, please consult the Regulator's [guidance](#) on the subject.



Post-staging Requirements

Declaration of Compliance

All employers with one or more employees must file a **declaration of compliance** with the Regulator by their staging date. The declaration of compliance is a statement that employers issue to the Regulator certifying that they have complied with their automatic enrolment responsibilities. Employers may file their declaration of compliance directly or through a third party. A declaration of compliance must:

- Confirm the filing party has the authority to declare compliance on behalf of the employer
- Identify and provide contact information for the employer's most senior contact person
- Provide information about the employer's PAYE scheme
- Provide certain details regarding the employer's workforce
- Provide certain information regarding the pension scheme used for automatic enrolment
- Declare that all the data provided is accurate

For a detailed look at all of the information that must be provided, employers may reference the Regulator's [Declaration of Compliance \(Registration\) Checklist](#). All declarations must be completed within **five calendar months** of the employer's staging date. Employers may only complete their declaration of compliance after all eligible employees have been enrolled in a qualifying pension scheme. Employers may file their declaration of compliance directly or through a third-party representative (administrator), including accountants or bookkeepers. Declarations of compliance must be completed through the [Government Gateway website](#).

Registration, Reporting and Levy

Employers with pension schemes must provide certain information to the Regulator about their pension schemes. Employers, or their pension trustees, must:

- Register their pension scheme with the Regulator
- Provide a regular scheme return to the Regulator
- Report a breach of the law where it is likely to be of material significance to the Regulator
- Report a [notifiable event](#) (defined benefit schemes only)
- Pay any applicable levy
- Report any amendments or wind ups of the employer's scheme

Employers may share their information with the Regulator through the online service [exchange](#).



Ongoing Responsibilities

Ongoing Automatic Enrolment Responsibilities

An employer's automatic enrolment duties do not cease once it has enrolled its eligible workers into a pension scheme; rather, they become an ongoing responsibility. Employers are required to continually pay contributions, maintain personnel records, monitor personnel age and earnings changes and manage opt-in and opt-out requests.

Ongoing Assessments

In addition to conducting initial assessments, employers must monitor their workforce to identify individuals that become eligible for automatic enrolment. Specifically, pension reform laws require employers to assess their personnel when certain events occur. The following table lists dates and events that trigger additional employer assessment duties.

Table 9: Additional Assessment Dates

Assessment Date	The Circumstances
The first day of employment	A worker who starts after an employer's staging date
The date of a worker's 16 th birthday	Where the worker's 16 th birthday occurs after the employer's staging date
The date of a worker's 22 nd birthday	Where the worker's 22 nd birthday occurs after the employer's staging date
The date the employer receives an opt-in or joining notice from a worker	Where a worker is exercising his or her right to opt in or join
The day after the transitional period has ended	Where an employer is using the transitional period for a defined benefit or hybrid scheme
The first day of each pay reference period	Where the first assessment identifies the worker to be considered non-eligible or entitled

When an employer identifies that a worker has become an eligible jobholder, the employer must automatically enrol the individual into an automatic enrolment scheme. For more information on the assessment process, please see the section on Initial Assessments in this guide.

Contributions and Funding

Employers are required to pay minimum contributions to their workers' pension schemes. An employer's contributions must comply with the minimum contributions shown in the table below and any additional rules governing each type of pension scheme used for the employer's workers. Minimum contribution levels will be introduced gradually over time. Employers must usually pay pension scheme contributions as a fixed amount or based on a percentage of earnings.

Table 10: Minimum Contribution Levels

Date	Minimum Employer Contribution (Percentage of earnings)	Total Minimum Contribution (Percentage of earnings)
Before 30 September 2017	1 per cent	2 per cent
10 January 2017 to 9 March 2018	2 per cent	5 per cent
After 10 January 2018	3 per cent	8 per cent

Employers can use the [interactive tool](#) provided by the Regulator to determine their required minimum contributions for the automatic enrolment of each affected employee.

Employers must pay their contributions to their staff pension schemes. This includes calculating and deducting contributions from their staff's salaries. Employers must agree on contribution payment due dates with their scheme trustees or providers. By law, employers must deduct pension contributions from their staff's pay and deposit them into the pension scheme no later than the 22nd day of the month following the deduction. Additionally, there are special rules for the first deduction of contributions on automatic enrolment.

For additional information on paying contributions, please reference [The Pension Regulator's Quick Guide to Paying Contributions](#) and the Regulator's [guidance](#) on the subject.

Managing Opt-ins

Certain employees who are not eligible for automatic enrolment have the right to opt in to an employer's pension scheme. Employees that opt in become active members of the employer's automatic enrolment pension scheme and are entitled to employer contributions.

The following types of employees have the right to opt in to an employer's pension scheme:

- Non-eligible jobholders
- Eligible jobholders who were automatically enrolled but subsequently opted out or ceased membership in the employer's pension
- Eligible jobholders who were not automatically enrolled because they were members of a qualifying scheme on their automatic enrolment date, but subsequently ceased membership in that pension scheme

An employer has no obligation to allow an employee to enrol in a pension scheme when the employee has already asked to opt in during the previous 12 months and subsequently opted out or ceased membership in the employer's pension. Under these circumstances, the opt-in request is governed by the employer's discretion.

A jobholder that chooses to exercise his or her right to opt in must do so by providing the employer with an opt-in notice. An opt-in notice does not have to be formal, but it must be in writing and signed by the employee that submits it. An employee that sends an electronic notice must include in the notice a statement indicating that he or she has personally submitted the request.

Because employees may submit opt-in notices months, or even years, after being informed of their right to opt in, employers must confirm whether the employee is entitled to opt in at the time of the request by checking the employee's age and earnings.

If an eligible employee notifies the employer of his or her intent to opt in, the employer must enrol the employee into a pension scheme that the employer is using for automatic enrolment. Under most circumstances, employers must comply with opt-in requests **within one month** of receiving the opt-in notice. Once enrolled in the pension scheme, these employees are treated the same as other employees that have been automatically enrolled and the employer must make pension contributions for this employee.

Managing Joiners

Similar to opt-in rights, the right to join an employer's pension scheme is given to certain employees. Employees classified as 'entitled workers' have the right to join a pension scheme, unless they are already active members of a pension scheme.

An entitled worker that chooses to exercise his or her right to join must do so by providing the employer with a joining notice. A joining notice does not have to be formal, but it must be in writing and signed by the employee that submits it. An employee that sends an electronic notice must include in the notice a statement indicating that he or she has personally submitted the request.

As with opt-in notices, employers must determine whether the employee is entitled to join a pension scheme at the time of the request by checking the employee's age and earnings.

An employee's joining options differ from opt-in options in that the pension the employee is allowed to join does not need to be an automatic enrolment scheme or a qualifying scheme. In addition, employers are not required to make employer contributions to the scheme the employee joins, but may do so if they wish by choosing a scheme that requires employer contributions. However, the pension scheme used for joining options must be a UK tax-registered pension scheme.

Managing Opt-outs

Opting out occurs when an employee chooses to leave an employer's pension scheme **within a month** of being enrolled. Eligible jobholders that have been automatically enrolled by their employers and non-eligible jobholders who have opted into a pension scheme have the right to opt out.

Employers are prohibited from actively encouraging employees to opt out of a pension scheme. Any decision to opt out must be made freely by employees without influence from their employers.

Once employees have been enrolled in a pension scheme, they have **one calendar month** during which they may opt out and receive a full refund of any contributions. This time frame is known as the **opt-out period** and starts from the later of:

- The date the employee became an active member in the pension scheme; or
- The date the employee received a letter from his or her employer that presented the employee with enrolment information.

Employees may opt out before or after the opt-out period. However, if an employee chooses to leave the pension scheme outside of the opt-out period, he or she will be **ceasing active membership** rather than opting out. Whether the employee is entitled to a contribution refund is dictated by the rules governing each individual pension scheme.

Employees opt out by giving an employer an opt-out notice, which is provided by the pension scheme. When an employer receives an opt-out notice, the employer is required to check whether the notice contains all of the information required by law. If any of the required information is missing, the employer must inform the employee who submitted the notice about the missing information. The employee's opt-out period is then extended an **additional six weeks** to allow the employee to correct the notice.

After receiving a valid opt-out notice, employers are required to provide the employee a full refund of any contributions he or she has made during the opt-out period. All refunds must be made **within one month** of the employee's opt out date.

Automatic Re-enrolment

Automatic re-enrolment takes place when an employer must reinstate a jobholder into a pension scheme either on a periodic basis or when the employee experiences a break in continuous pension scheme membership through no fault of his or her own. The process for automatic re-enrolment is the same as automatic enrolment, and once re-enrolled, the employee becomes an active member of the employer's automatic enrolment scheme with the right to opt out.

There are two types of automatic re-enrolment—cyclical and immediate. With cyclical automatic re-enrolment, employers must reinstate eligible jobholders who are no longer in a pension scheme back into an automatic enrolment scheme on a three-year cycle. With immediate automatic re-enrolment, employers must reinstate jobholders back into an automatic enrolment scheme immediately when certain conditions are met.

For more information on automatic re-enrolment, please consult the Regulator's [guidance](#) on the subject.

Record-keeping

Employers must preserve certain records related to their pension scheme(s) for designated periods of time. These records must be produced and presented to the Regulator upon request. Pension laws require employers to keep two types of records:

- Records about jobholders and workers—such as names, National Insurance numbers, opt-in notices and joining notices

- Records about the pension—such as employer pension scheme references, scheme names and addresses

Employers may use their existing business documentation (e.g. payroll records) for the purpose of collecting and storing records, but should note that certain notices (opt-in, joining and opt-out notices) must be retained in their original formats, as this is proof of an individual exercising a legal right. Copies of the original format or electronically stored versions are acceptable.

Employers that outsource business or pensions administration may authorise a third party to keep, preserve or provide these records on their behalf. However, the employer remains legally responsible to ensure these records are kept, and, if requested, produced.

The following tables detail employer record-keeping requirements.

Table 11: Records Employers Must Keep About Jobholders and Workers

Who the Record Relates to	What Record Must be Kept	How Long it Must be Kept
Jobholders and workers who become members	<ul style="list-style-type: none"> • Name • National Insurance number (where one exists) • Date of birth • Gross qualifying earnings in each relevant pay reference period • The contributions payable in each relevant pay reference period by an employer to the scheme, and the amount payable • The date contributions were paid to the scheme 	Six years
Additional information for jobholders only	<ul style="list-style-type: none"> • Automatic enrolment date • Opt-in notice (original format) • The contributions to which the jobholder is entitled under the scheme rules 	Six years
	<ul style="list-style-type: none"> • Opt-out notice (original format) 	Four years
Additional information for workers only	<ul style="list-style-type: none"> • Date on which the worker became an active member • Joining notice (original format) 	Six years
All workers for whom the employer has used postponement	<ul style="list-style-type: none"> • Name • National Insurance number (where one exists) • Date the notice was sent to the worker 	Six years

Table 12: Records Employers Must Keep About the Pension Scheme

Type of Pension Scheme Being Used	What Record Must be Kept	How Long it Must be Kept
Defined contribution, defined benefit or hybrid scheme	<ul style="list-style-type: none"> • Employer pension scheme reference • Scheme name and address • Scheme contracting-out certificate (applies to contracted-out DB schemes only) • Any evidence showing that a scheme meets the test scheme standard (this applies to non-contracted-out defined benefit schemes only) • Non-UK administered schemes must keep: <ul style="list-style-type: none"> ○ The address of the scheme ○ Name of the authority which carries out functions that corresponding to those of the Regulator in the country where the scheme is based 	Six years
Personal pension scheme	<ul style="list-style-type: none"> • Employer pension scheme reference • Name and address of the pension provider • Non-UK administered schemes must keep: <ul style="list-style-type: none"> ○ The address of the scheme ○ Name of the authority which carries out functions that correspond to those of the Regulator in the country where the scheme is based. 	Six years
DC scheme, where the employer is certifying that a qualify or alternative requirement is satisfied	<ul style="list-style-type: none"> • The certificate and any data/evidence relating to it 	Six years after the end of the certification period

Table 13: Records the Pension Scheme Must Keep

Who the Record Relates to	What Record Must be Kept	How Long it Must be Kept
Active member	<ul style="list-style-type: none"> • Full name • Date of birth • National Insurance number (where one exists) • Gender • Residential address, including postcode (last notified to the scheme by either the employer or member) • The 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 in the scheme, which, as a minimum, must be either active or inactive 	Six years
Jobholders who opt out	<ul style="list-style-type: none"> • Full name • The date on which the scheme was informed by the employer of a jobholder's decision to opt out 	Four years
Pension scheme	<ul style="list-style-type: none"> • Employer pension scheme reference 	Six years

Safeguards

Under the pension reforms, employers must adhere to new safeguards. These safeguards prohibit employers from taking certain actions both before individuals start working for them and after those individuals are members of pension schemes.

The safeguards apply to entitled workers and jobholders. In addition, the prohibited recruitment safeguards extend protections to job applicants. Employers should note that the safeguards provided by the pension reforms became effective **1 July 2012**, meaning that they apply to all employers regardless of when their staging date occurs.

Stopping Active Membership of a Qualifying Scheme

An employer must not take, or fail to take, any action that causes:

- A jobholder to lose active membership in a qualifying scheme
- A qualifying pension scheme to lose its qualification for active employee membership

If an action results in either of the above results, the employer must automatically enrol the jobholder back into the qualifying automatic enrolment scheme, with effect from the day after active membership ceases, or the scheme ceased to be a qualifying scheme.

Unfair Treatment of Workers

An employer is barred from treating a worker unfairly or dismissing him or her on grounds related to the employer's pension duties. For example, an employer cannot deny a worker a promotion or other training opportunities because the worker has decided not to opt in to a pension scheme membership.

Employees who have been unfairly treated by their employers because they exercised any right under the pension laws may seek redress in an employment tribunal.

Inducements

Entitled worker and jobholders must be allowed to decide to opt out or leave pension schemes freely and without undue influence from their employers. Accordingly, the pension reforms prohibit employers from inducing workers to take certain actions. An **inducement** is any action taken by an employer, with the sole or main purpose to influence:

- A jobholder to opt out without becoming an active member of a qualifying scheme; or
- A jobholder or an entitled worker to cease active membership of a scheme without becoming an active member of another appropriate scheme, with effect from the day after the original membership ceased.

Employers are prohibited from inducing their employees. Employers breach pension laws when they take actions with views to induce their employees to opt out or cease membership. Whether an employer's inducement is successful is immaterial in determining a breach of the law.

The **sole or main purpose test** is the key to establishing whether a particular action would be regarded as an inducement. This is whether the sole or main purpose of the particular action is to persuade or cause an individual to opt out of or leave his or her pension scheme, without becoming an active member of another scheme.

In practice, employers should think carefully about the motivation behind the actions they are contemplating and should apply the sole or main purpose test when making decisions. For more information and examples of what is and is not inducement, employers should consult the Regulator's [guidance](#) on the subject.

Prohibited Recruitment Conduct

During the recruitment process, an employer (or its representative) may not ask any question or make any statement (whether written or verbal) that either states or implies that a job applicant's success could depend on whether he or she opts out of an automatic enrolment pension scheme.

Such questions could arise out of the following recruitment processes:

Table 14: Prohibited Recruitment Conduct

Situation	Example
During the process of advertising the job or inviting job applications	An advert or invitation might state that applicants who wish to join a pension scheme need not apply, or simply that applicants will be expected to opt out of an automatic enrolment scheme.
During the process of asking for information in relation to an application	There may be a specific question on the application form asking whether the applicant intends to opt out of an automatic enrolment scheme. Or an interviewer may enquire about the applicant's current pension membership status and whether he or she would opt out if offered the role.
Providing information about employment	Information provided may state that an automatic enrolment scheme has been set up but that the successful applicant would be expected to opt out.
While proposing terms or conditions of employment	The proposed terms may stipulate or imply that the offer is conditional on the applicant agreeing to opt out.

Prohibited recruitment conduct applies to all applicants who could become eligible jobholders during the course of employment.

Enforcement and Penalties

The Regulator enforces compliance with pension laws in the UK. An employer that violates its automatic enrolment duties may be subject to a notice and a penalty.

When investigating a non-compliance case, the Regulator may issue formal notices requesting additional information. The Regulator may also carry out audits and inspections.

Penalties may range from £50 to £50,000, depending on the severity of the violation.

Table 15: Penalties

Informal Action
The Regulator can issue guidance and instructions by telephone, email, letter and in person or can send a warning letter confirming a set time frame for an employer to comply with its automatic enrolment duties.
Statutory Notice
Statutory notices can direct employers to comply with their automatic enrolment duties and/or pay any contributions they have missed or are late in paying. The Regulator also has discretionary powers which allow it to estimate and charge interest on unpaid contributions and to direct employers to calculate and/or pay unpaid contributions.
Penalty Notice

The Regulator may also issue penalty notices to punish persistent and deliberate non-compliance.

Fixed Penalty Notice – Can be issued if employers fail to comply with a statutory notice or if there is sufficient evidence of a breach. This is fixed at £400 and payable within a specific period.

Escalating Penalty Notice – Can also be issued for failure to comply with a statutory notice. This penalty has a prescribed daily rate of £50 to £10,000, depending on an employer’s size.

Civil Penalty – Can be issued in cases where an employer fails to pay contributions due. This is a financial penalty up to £5,000 for individuals and up to £50,000 for employers.

Prohibited Recruitment Conduct Penalty Notice – This penalty has a prescribed rate of £1,000 to £5,000, depending on the size of the employer.

Employers may appeal a notice or penalty notice with the Regulator. Appeal applications along with any supporting documents must be submitted **within 28 days** of the date when the notice was issued. The Regulator will inform an employer filing an appeal when a decision can be expected. For more information on appeals, employers may visit the Regulator’s [website](#).

Additional Automatic Enrolment Resources

For more information on the automatic enrolment process and workplace pension schemes, employers may visit the Regulator’s [website](#). For more detailed information on individual topics related to automatic enrolment, employers may consult the 14-part [Automatic enrolment detailed guidance](#) published by the Regulator.