

12PAY

By IRIS

12Pay

Automatic Enrolment
Legislation Guide

Date: April 2022

Contents

What is automatic enrolment?.....	3
How to prepare for Automatic Enrolment	3
Know Your Duty Start Date / Staging Date.....	4
Provide a point of contact with TPR.....	4
Check who needs to enrol.....	4
Choose your pension scheme (or check your existing one).....	5
Postponement	5
What is postponement?	5
Complete a Declaration of Compliance.....	5
Steps to complete at Duty Start Date / Staging Date and beyond	6
Assess your workforce.....	6
Work out your costs	6
Contributions.....	7
Review your records and payroll process.....	7
Write to your employees	7
Ongoing automatic enrolment duties	8
Keep records.....	8
Monitor your workers.....	8
Manage opt-in/join requests	8
Manage opt-out requests	8
Administrative duties.....	9
Re-enrolment	9
Legislation FAQs.....	10
Can I postpone a worker more than once?	10

What is automatic enrolment?

Workplace pension law contains duties for every employer with at least one worker. **The Pensions Regulator** states these duties include enrolling eligible workers, into a workplace pension scheme and contributing to it on their behalf.

Automatic Enrolment means your workers don't need to do anything to become enrolled into your pension scheme; and as an employer, you still have steps to complete, such as:

- Enrolling your eligible workers in the pension scheme
- If you have an existing pension scheme, speak to your pension provider to check its suitability for automatic enrolment

You can find the information in this guide on The Pensions Regulator (TPR) website; click [here](#) for their step-by-step guide.

How to prepare for Automatic Enrolment



Know Your Duty Start Date / Staging Date

The Duty Start Date / Staging Date is when your automatic enrolment duties start and when the law comes into effect for you. If you don't know your Duty Start Date / Staging Date; click [here](#); you will need your PAYE reference, which can be found on a P6/P9 coding notice or your white payslip booklet P30BC.

Provide a point of contact with TPR

Responsibility for complying with automatic enrolment legislation lies with the employer. TPR writes to the most senior person in the company, or business owner (the 'primary contact'). You can request TPR send help and guidance, via email, to the person carrying out the day-to-day tasks (the 'secondary contact'). Nominate a point of contact with TPR by clicking [here](#).

Check who needs to enrol

There are three main things to look at when assessing your workers:



These things will determine whether they are an **eligible jobholder**, a **non-eligible jobholder**, or an **entitled worker**. Only **eligible jobholders** need to be automatically enrolled.

Earnings	Age (inclusive)		
	16-21	22-SPA	SPA-74
Up to and including lower earnings threshold (£6240.00)	Entitled worker		
Between £6240.01 and £10,000.00 inclusive	Non-eligible jobholder		
Over earnings trigger for automatic enrolment (£10,000.01)	Non-eligible jobholder	Eligible jobholder	Non-eligible jobholder

- An **eligible jobholder** must be automatically enrolled, and employers are required to contribute
- A **non-eligible jobholder** can opt into an auto-enrolment scheme; employers are required to contribute
- An **entitled worker** can request to join a scheme, but employers are not

required to contribute

When you reach your Duty Start Date/Staging date, you must carry out a full assessment of your employees

Choose your pension scheme (or check your existing one)

If you already have a pension scheme, check with your pension provider to ensure that you can use it as a qualifying scheme for automatic enrolment. For more information, see TPR's website.

If you don't already have a pension scheme or can't use your current one, you must choose a pension scheme for auto-enrolment; for more information, see TPR's website.

Postponement

What is postponement?

Postponement allows you to optionally postpone the assessment of your worker until a specified date, which is known as the deferral date. You can apply postponement to a worker for up to 3 months from any one of these dates:

- Your company's Duty Start Date / Staging Date
- The first day of your worker's employment after Duty Start Date / Staging Date
- The date the worker meets the criteria to be an eligible jobholder

You must write to your workers within 6 weeks from the date you have applied postponement advising them you have postponed their assessment. If you don't write to the worker in this timescale postponement cannot be applied.

A worker can opt-in / join during the postponement period, where you must ensure you enrol them into the pension scheme.

Complete a Declaration of Compliance

Each employer must complete a declaration of compliance (previously known as registration) for The Pensions Regulator and give them details of their workplace pension scheme, together with the number of people automatically enrolled. Employers also need to provide automatic enrolment details to their pension provider.

Please Note: The declaration of compliance can only be completed a month after your Duty Start Date / Staging Date and must be completed within five months of your Duty Start Date / Staging Date.

You can find a checklist of the information required to complete the declaration of compliance; by clicking [here](#).

Steps to complete at Duty Start Date / Staging Date and beyond



Assess your workforce

By your Duty Start Date / Staging Date, the date from which the law applies to you, you should have everything in place and be ready to enrol your workers into your automatic enrolment pension scheme.

You must now formally assess your workers for auto-enrolment:

- An **eligible jobholder** must be automatically enrolled
- A **non-eligible jobholder** can opt into an auto-enrolment scheme
- An **entitled worker** can request to join a scheme

You can choose to postpone automatic enrolment for up to three months; you must write to your workers informing them of this.

Work out your costs

You may incur one-off costs when setting up your pension scheme or receiving independent financial advice. One of your crucial automatic enrolment duties is to make regular contributions to your workers' pension scheme.

You only need to contribute to the pensions of eligible jobholders and to those of non-eligible jobholders who choose to opt-in; you may choose to contribute to entitled workers' pensions, although you are not required to do so.

Contributions

The combined minimum contribution rate for qualifying earnings is 8%, of which employers must pay a minimum of 3%. Employers can choose to make the whole minimum contribution or ask their workers to make up some of it.

Contributions must meet or exceed the legal minimum amounts.

Review your records and payroll process

You must make sure your workers' records are correct and up to date, including their:

- Date of Birth
- Salary
- National Insurance number
- Contact details

To make sure your payroll software is ready to assess and automatically enrol workers, contact Sales for the IRIS AE Suite™.

Write to your employees

You must write to your workers advising how automatic enrolment affects them and to explain their rights; you must do this within six weeks of your Duty Start Date / Staging Date.

Written information must inform:

- Entitled workers that they can request to join
- Non-eligible jobholders that they can opt in
- Eligible jobholders that they will be automatically enrolled

You should notify eligible jobholders that they have the right to opt out of auto-enrolment; employees can only opt out AFTER being enrolled.

Employers must NOT:

- Discriminate against employees seeking a pension
- Influence jobholders to opt-out
- Give any pensions advice to workers

Ongoing automatic enrolment duties

From your Duty Start Date / Staging Date onwards, you must continue to comply with your automatic enrolment responsibilities, which are:

- Keeping records
- Monitoring your workers
- Managing opt-in / join requests
- Managing opt-out requests

Keep records

You must keep records to show how you have complied with your responsibilities as an employer, including:

- Name and address of workers you have auto-enrolled
- When you paid contributions
- Opt-in, join, and opt-out requests
- Your Pension Scheme Reference number or Registry number
- Any information you send to your pension provider

You must keep these records for 6 years (and keep opt-out notices for 4 years).

Monitor your workers

You must monitor your workforce to see if workers who were previously not auto-enrolled now meet the criteria to be eligible jobholders. If they do, you must automatically enrol them and inform them in writing; on the day they first meet the criteria.

Manage opt-in/join requests

Non-eligible jobholders can opt into the pension scheme and entitled workers can join.

Also, if you are using postponement, your workers can opt-in/join the pension scheme during the postponement period.

Manage opt-out requests

Eligible jobholders automatically enrolled and non-eligible jobholders that opted in can choose to opt out of the pension scheme within one month of being enrolled.

If you receive an opt-out request, you must:

- Stop taking pension contributions
- Arrange a full refund of pension contributions taken to date
- Refund pension contributions within one month of the opt-out request

Failure to complete your ongoing automatic enrolment duties could result in a fine.

Administrative duties

Administrative duties you will need to carry out include:

- Ensuring payment of pension contributions by the 22nd (electronic payments) or 19th (cheque/cash) of the following month

Re-enrolment

Re-enrolment occurs approximately 3 years after the company's Duty Start Date / Staging Date and then every 3 years after that. At the company's re-enrolment date, eligible jobholders that previously opted out or ceased contributions, more than a year before that date, must be put back into pension savings.

Re-enrolment follows the same process as the automatic enrolment assessment; however, postponement is not permitted.

- The re-enrolment date can fall anywhere within a 6-month window which starts 3 months on either side of the third anniversary of the Duty Start Date / Staging Date
- Eligible jobholders need to be re-enrolled on the chosen re-enrolment date
- Eligible jobholders MUST receive written communications within 6 weeks of the re-enrolment date to explain how re-enrolment applies to them
- Postponement CANNOT be used for re-enrolment
- You do not need to inform TPR of the re-enrolment date
- You MUST complete the declaration of compliance

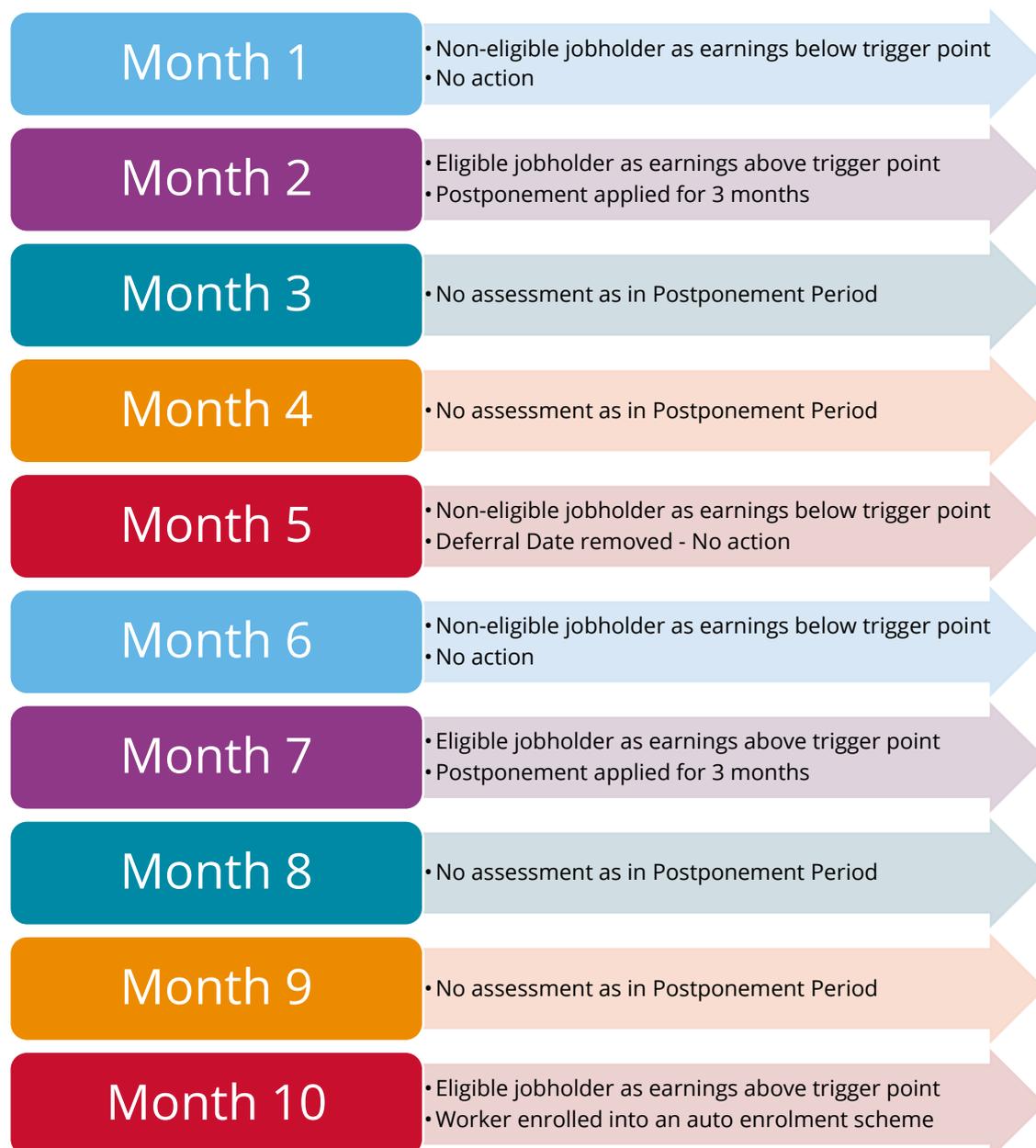
Each time re-enrolment occurs, you must complete the declaration of compliance; this is an essential part of the process; if you do not complete this, TPR is likely to audit you.

Legislation FAQs

Can I postpone a worker more than once?

Postponement can be used more than once for a worker providing the worker is NOT an Eligible Jobholder at the end of the postponement period, for example, you can use postponement to avoid temporary spikes in earnings, such as with seasonal workers.

Here is an example of applying postponement to a monthly paid employee multiple times:



- Since the worker is a Non-eligible Jobholder at the end of the postponement period in month 5, the worker is not automatically enrolled
- When the worker becomes an eligible jobholder in month 7, a postponement period can be applied again
- In month 10 (at the end of the postponement period); the worker is assessed as an Eligible Jobholder and must be automatically enrolled
- If the worker is assessed as a Non-eligible Jobholder in month 10, the worker would not be automatically enrolled

Please Note:

If the following apply; you can postpone an employee again:

- The employee's deferral date is in the current pay reference period

and
- The employee's 22nd birthday is the day after the deferral date in the current pay reference period

and
- The employee is an Eligible Jobholder

If, however, the employee's 22nd birthday is on or before the deferral date in the current pay reference period and the employee is an Eligible Jobholder, the automatic enrolment date will be set to the deferral date.

Useful numbers

HMRC online service helpdesk	HMRC employer helpline
Tel: 0300 200 3600 Fax: 0844 366 7828 Email: helpdesk@ir-efile.gov.uk	Tel: 0300 200 3200 Tel: 0300 200 3211 (new business)

Contact Support

Your Product	Phone	Email
IRIS 12Pay	N/A	support@12pay.co.uk
IRIS PAYE-Master	0344 815 5555	payroll@iris.co.uk
IRIS Payroll Business	0344 815 5555	ipsupport@iris.co.uk
IRIS Bureau Payroll	0344 815 5555	ipsupport@iris.co.uk
IRIS GP Payroll	0344 815 5555	gpsupport@iris.co.uk
IRIS GP Accounts	0344 815 5555	gpaccsupport@iris.co.uk
Earnie or Earnie IQ	0344 815 5555	earniesupport@iris.co.uk
IRIS Payroll Professional (formerly Star)	0344 815 5555	payroll-support@iris.co.uk

IRIS is a trademark.

© IRIS Software Group Ltd 11/2020.

All rights reserved.