



April 2016

Detailed guidance for employers

Resource: Information to workers

Introduction

It is the employer's duty to provide the right information, to the right individual, at the right time. We have produced a table summarising the information that employers may be required to provide to workers.

This resource also collects together all the different information requirements that the employer is subject to.

The employer's duty to give information

1. One of the employer duties is to give certain information to workers. Irrespective of the category 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.
 - For jobholders being automatically enrolled, automatically re-enrolled or enrolled following opt-in, they must be given information about what it means for them and their right to opt out
 - For jobholders with the right to opt in for the first time or entitled workers with the right to join for the first time, they must be provided with 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
 - For workers to whom the employer has chosen to use postponement, they must be provided with information about the postponement of automatic enrolment and about the right to opt in or join during the postponement period
 - For eligible jobholders subject to the transitional period for defined benefit (DB) and hybrid schemes, they must be provided with information about the deferral of automatic enrolment.

2. In addition if the employer uses postponement to postpone the assessment of all their workers at their staging date, they will have to give a notice to all their workers.
3. And, 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**.
4. Until an employer completes the formal assessment of their workforce, they cannot know with certainty which of these particular types of workers they have. However, this does not prevent an employer preparing the information in advance, and it is also not necessary to wait until their staging date to give it.

Giving the information

5. The responsibility is on the employer 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 attachments or other attachments by email.

6. '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 providing the worker access to the information but not giving the actual information to the worker.
7. 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 to whom the information must be given. 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.
8. An employer should also consider the completeness and the 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 (for example email addresses) for their workers should minimise the risk that the information cannot be given.
9. 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.
10. An employer may wish to give all the information in one communication eg as part of a handbook or joining pack. Where the employer is using postponement for all workers, a general notice covering all workers is one of the information options available to them for the type of postponement notice to issue.

11. Where the employer is not using postponement, it may be possible to provide a generic communication where the specified information does not require individual data, for example the information to a jobholder about their right to opt in.
12. Where the information includes personal or individual data, it will be necessary to communicate with workers individually, but it is still possible to provide a communication which combines all the different information requirements that may apply to that worker.
13. An employer who is considering combining multiple information requirements into one communication (whether as part of choosing their postponement notice or not) 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.
14. More detailed information about giving information and combining different information requirements can be found in **Detailed guidance no. 10 – Information to workers**.

Using this resource

15. A table summarising the different information requirements, grouped by to whom the information must be sent and showing where in the detailed guidance the information occurs, is set out below.

Information requirement	Given to	Exceptions to the requirement	Time limits	Detailed guidance	Template *
Information to jobholders about automatic enrolment, re-enrolment or enrolment	Jobholder	<p>Where a jobholder:</p> <ul style="list-style-type: none"> • is being automatically re-enrolled or has opted in and is being enrolled, and • is already a member of the personal pension scheme, and • the employer has chosen instead to make arrangement with the provider so that: <ul style="list-style-type: none"> – the jobholder becomes an active member again and – that the scheme is an automatic enrolment scheme <p>this requirement does not apply.</p>	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).	<p>More information on the process of automatic enrolment can be found in Detailed guidance no. 5 – Automatic enrolment</p> <p>More information on opting in can be found in Detailed guidance no. 6 – Opting in, joining and contractual enrolment</p> <p>More information on automatic re-enrolment can be found in Detailed guidance no. 11 – Automatic re-enrolment</p>	www.tpr.gov.uk/letter-yes and www.tpr.gov.uk/letter-insert
The terms and conditions of the personal pension scheme into which a jobholder is being automatically enrolled, re-enrolled or enrolled	Jobholder	<p>Only applies if the employer has chosen to automatically enrol or enrol the jobholder into a personal pension scheme. Where a jobholder:</p> <ul style="list-style-type: none"> • is being automatically re-enrolled or has opted in and is being enrolled, and • is already a member of the personal pension scheme, and • the employer has chosen instead to make arrangement with the provider so that: <ul style="list-style-type: none"> – the jobholder becomes an active member again and – that the scheme is an automatic enrolment scheme <p>this requirement does not apply.</p>	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).	<p>More information on the process of automatic enrolment can be found in Detailed guidance no. 5 – Automatic enrolment</p> <p>More information on opting in can be found in Detailed guidance no. 6 – Opting in, joining and contractual enrolment</p> <p>More information on automatic re-enrolment can be found in Detailed guidance no. 11 – Automatic re-enrolment</p>	N/a

continued...

* The 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 table are met.

Information requirement	Given to	Exceptions to the requirement	Time limits	Detailed guidance	Template
Information to a jobholder with a right to opt in and an entitled worker with a right to join	Jobholder	<p>The worker is:</p> <ul style="list-style-type: none"> an active member of a qualifying scheme or in the case of an entitled worker, an active member of a pension that the employer provides, or the employer has previously applied postponement and given the postponement notice, or the non-eligible worker is subject to the DB/hybrid transitional period (note the transitional period can only be applied to a worker who was an eligible jobholder on the employer's first enrolment date), or the worker has not been paid a winding up lump sum, ceased employment after payment and been re-employed the employer has previously given the worker information about one or both of these rights. 	The employer must give this information by no later than six weeks after the right to opt in or the right to join first applies to the worker	More information on opting in can be found in Detailed guidance no. 10 – Information to workers	www.tpr.gov.uk/letter-no
Information about postponement	All workers	None – the employer chooses to apply postponement to a worker by giving the worker the postponement notice	<p>The employer must give the notice no later than six weeks and a day after:</p> <ul style="list-style-type: none"> 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 after the employer's staging date the date the criteria to be an eligible jobholder was met, if they are choosing to use postponement on the date the criteria to be an eligible jobholder are met the date with effect from which arrangements fall to be made under the transitional period, if they are choosing to use postponement where they have applied the transitional period to the worker 	For more information on postponement see Detailed guidance no. 3a – Postponement	www.tpr.gov.uk/letter-postpone

continued...

Information requirement	Given to	Exceptions to the requirement	Time limits	Detailed guidance	Template
Information about the transitional period for schemes with defined benefits notice	Eligible jobholders	None – the employer chooses to apply the transitional period to an eligible jobholder who meets the conditions by giving the worker the postponement notice	The employer must give the notice no later than six weeks after the employer's first enrolment date	More information about the transitional period for DB and hybrid pensions schemes, including the conditions that the eligible jobholder must meet and the employer's first enrolment date can be found in Detailed guidance no. 3b – Transitional period for DB and hybrid pension schemes	N/a
Information to the pension scheme about a jobholder who is being automatically enrolled, re-enrolled or enrolled	Trustees, managers or provider of automatic enrolment scheme	Where a jobholder: <ul style="list-style-type: none"> • is being automatically re-enrolled or has opted in and is being enrolled, and • is already a member of the personal pension scheme, and • the employer has chosen instead to make arrangement with the provider so that: <ul style="list-style-type: none"> – the jobholder becomes an active member again and – that the scheme is an automatic enrolment scheme this requirement does not apply	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)	More information on the process of automatic enrolment can be found in Detailed guidance no. 5 – Automatic enrolment More information on opting in can be found in Detailed guidance no. 6 – Opting in, joining and contractual enrolment More information on automatic re-enrolment can be found in Detailed guidance no. 11 – Automatic re-enrolment	N/a
Information to the pension scheme about an entitled worker who is joining	Trustees, managers or provider of pension scheme	None – part of the prescribed steps for the joining process when the employer has received a valid joining notice from an entitled worker with a right to join	No time limit	More information on opting in can be found in Detailed guidance no. 6 – Opting in, joining and contractual enrolment	N/a

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

Resource: Information to workers

© The Pensions Regulator April 2016

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