

# Regulatory changes

For employer use only.

**The Department of Work and Pensions (DWP) has introduced some technical changes to the pensions regulations to simplify the rules for employers. Some of these changes are detailed below.**

The new regulations:

- simplify your duties as an employer regarding the provision of information about automatic enrolment to employees
- create exceptions to your duties – there are certain circumstances in which you are not required to enrol an employee into a workplace pension (but have the discretion to do so)

These changes are permissive and as such, you can continue to follow the old rules indefinitely.

## Employee information requirements

The number of letters required has been reduced and the information within them simplified. The new template letters are available on the Pensions Regulator website (although you can still use the old template letters).

From 1 April 2015, there are only three occasions when communications are required:

- Enrolment
- Postponement
- Employee's right to opt in/join a scheme

You are no longer required to distinguish between an entitled employee and a non-eligible employee for communication purposes, or know that they have changed category if they are not an eligible employee.

The following letters are no longer required:

- The entitled employee and non-eligible employee tailored letters
- The existing member of Qualifying Workplace Pension Scheme (QWPS) letter

## Enrolment exceptions

The revised regulation introduces new exceptions, giving you the discretion to enrol certain employees:

### • Employees in their notice period

You do not have to enrol the employee if notice is given or received by the employee (e.g. resignation, dismissal and retirement) before, or up to six weeks after the automatic enrolment or re-enrolment date, or before enrolment arrangements are complete.

The employee cannot opt in or join during their notice period. If notice is withdrawn by consent of both parties, then the re-enrolment duty will be effective from this date.

### • Employees who have ceased active membership of a QWPS

You can choose whether or not to automatically enrol employees if they are an eligible employee on their re-enrolment date for employees who had ceased membership up to 12 months before the automatic enrolment or re-enrolment date.

If you choose not to automatically enrol/re-enrol the employee, you will have no duty to re-enrol them until the next cyclical re-enrolment date.

### • Employees with protected pension savings

- You may choose whether to automatically enrol/re-enrol the employee if you have evidence that they have protection for their pension savings e.g. Enhanced/Fixed/Primary/Individual protection. The employee would still have the right to opt in/join.

### • Directors

A director is exempt from automatic enrolment if:

- they are the only employee of the company, regardless of whether or not they have a contract of employment, **or**
- if there is more than one employee (including the director) and the director in question does not have a contract of employment

An employer, at their own discretion, can choose whether or not to automatically enrol directors if:

- there is more than one employee (including the director) and the director in question is both 'eligible' for automatic enrolment and has a contract of employment

These rules apply only where the director was formally appointed under the Companies Act 2006. It does not apply where the person is a director in name only.

Source: The Pensions Regulator - Detailed guidance for employers no.11. April 2015.



For more information regarding regulatory changes, please refer to The Pensions Regulator website [www.thepensionsregulator.gov.uk/employers](http://www.thepensionsregulator.gov.uk/employers)