



Auto Enrolment - Regulator 'names and shames'

A number of employers that have failed to meet their auto enrolment obligations have been named and shamed this month by The Pensions Regulator (TPR).

The organisations named include those that the TPR has secured court orders against for failing to meet their auto enrolment duties and have failed to pay fines issued in respect of their non-compliance. Other businesses named include those that have paid their escalating penalty notices (EPN) but who remain non-compliant.

An EPN is issued if employers continue to be non-compliant after receiving a fixed penalty notice of £400. An EPN can increase by up to £10,000 a day until the fee is paid. TPR said it could take "additional enforcement action" against employers that continue to be non-compliant, and even raise prosecutions "in appropriate cases."

The publicised named are intended to highlight the importance of employers meeting their automatic duties and stress that employers face significant fines if they do not comply. TPR has commented they intend to update the published lists every quarter.

TPR has publicised that it has issued more than 4,673 fixed penalty notices of £400 for automatic enrolment non-compliance to employers in the first three months of 2017, up from 2,919 such notices the previous quarter – the largest total issued to date. A total of 1,043 EPNs were issued in the quarter, up from 870 in the last three months of 2016.

Charles Counsell, Executive Director of automatic enrolment at TPR, said: *"Employers who wilfully refuse to become compliant should be in no doubt that we will take enforcement action against them, as these lists show. Automatic enrolment is not an option, it is the law. Allowing some employers to get away with non-compliance is not fair on the employees who are denied the workplace pensions they are entitled to and is not fair on the vast majority of businesses who have taken the time to meet their responsibilities."*

"To date we have only had to bring court proceedings against a tiny proportion of employers, but every court case is one too many – and one that employers can easily avoid by becoming compliant."

For further information please contact your 44 Consultant.

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