



## TPR to prosecute second company for automatic enrolment non-compliance

**Following our In4orm in October 2017 reporting on the prosecution of a Greater Manchester bus firm for automatic enrolment compliance failure, The Pensions Regulator (TPR) has reported that it is to prosecute a second company for failing to comply with the law on automatic enrolment.**

Birmingham-based Crest Healthcare and Managing Director Sheila Aluko are accused of wilfully failing to comply with their automatic enrolment duties.

Both defendants are also accused of falsely claiming that they had enrolled 25 staff into a workplace pension scheme. Knowingly providing false information to TPR is an offence under section 80 of the Pensions Act 2004. This is the first time that the TPR has prosecuted an employer for knowingly providing false information in relation to automatic enrolment duties.

Crest Healthcare and Sheila Aluko have been summonsed to appear at Brighton Magistrates' Court on 22 December 2017.

They will each face two charges of wilfully failing to comply with their automatic enrolment duties and one charge of knowingly or recklessly providing false or misleading information to TPR. If found guilty they face an unlimited fine, which is the maximum sentence a magistrates' court can hand out. If referred to the Crown Court, a sentence of two years' imprisonment could be granted.

It is clear the Regulator has entered a monitoring stage of automatic enrolment compliance and is taking a much tougher stance where employers do not follow or can't demonstrate adequate governance oversight.

*Please contact your usual 44 Consultant for further information.*

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