EXPLANATORY MEMORANDUM TO

THE OCCUPATIONAL AND PERSONAL PENSION SCHEMES (DISCLOSURE OF INFORMATION) (REQUIREMENTS TO REFER MEMBERS TO GUIDANCE ETC.) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2022

S.R. 2022 No. 115

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under sections 109(1), 109B(1), (4) and (6) and 177(2) to (4) of the Pension Schemes (Northern Ireland) Act 1993 and is subject to the negative resolution procedure.

2. Purpose

2.1 These Regulations make amendments to existing legislation governing the disclosure requirements for occupational and personal pension schemes. The amendments require trustees and managers of certain occupational pension schemes (defined contribution pension schemes) to ensure relevant beneficiaries are referred to appropriate pensions guidance, provided by the single financial guidance body or one of its delivery partners. They will be provided with an explanation of the nature and purpose of the guidance as part of the application process when a beneficiary applies to receive or transfer their flexible benefits. The requirements will ensure that a relevant beneficiary has either received appropriate pensions guidance or opted out of receiving such guidance before they can transfer or access their flexible benefits.

3. Background

3.1 The Taxation of Pensions Act 2014 gave savers greater flexibility in how they access their money purchase pension pots from 6th April 2015. That Act amended the Finance Act 2004 to enable individuals with certain types of benefits to have more flexibility of access to those benefits (known as the pension flexibilities).

3.2 The Pension Schemes Act 2015 includes provision to support the pension flexibilities and created a new term "flexible benefits" which covers the types of benefits to which the pension flexibilities apply. That Act also established a pensions guidance service (Pension Wise) to help members of pension schemes, and survivors of members of pension schemes, to make decisions about what to do with their flexible benefits. The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014 ("the 2014 Regulations"), as amended by the Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations (Northern Ireland) 2015, include measures to support those changes.

3.3 The Financial Guidance and Claims Act 2018 ("the 2018 Act") established the single financial guidance body (known as the Money and Pensions

Service) to include the pensions guidance function. Section 19 of the 2018 Act inserts section 109B into the Pension Schemes (Northern Ireland) Act 1993 which confers powers on the Department to make regulations placing duties on trustees and managers of certain occupational pension schemes to refer scheme members and survivors with rights or entitlement to flexible benefits ("relevant beneficiaries") to appropriate pensions guidance when the beneficiary applies to transfer or receive their pension benefits. The regulations must ensure the member (or other relevant beneficiary) has either received the guidance or opted out of receiving it before they can transfer or access their flexible benefits.

3.4 Section 18 of the 2018 Act (which inserts section 137FB into the Financial Services and Markets Act 2000) imposes a duty on the Financial Conduct Authority ("the FCA") to make rules to require trustees and managers of certain personal and stakeholder pension schemes to refer members and survivors with rights or entitlement to flexible benefits to appropriate pensions guidance when the beneficiary applies to transfer or access their pension benefits. The FCA have made provision for this in their Conduct of Business Handbook (CoB rules).

3.5 Currently, trustees and managers of certain occupational pension schemes are required to provide information about the availability of the pensions guidance service to members eligible for flexible benefits as set out in the 2014 Regulations. They are not required to ensure that members have received or opted out of receiving appropriate pensions guidance, or to facilitate the booking of an appointment to receive such guidance.

3.6 These Regulations amend the 2014 Regulations to require trustees and managers of occupational pension schemes in scope to take additional steps when a relevant beneficiary applies to receive, or transfer with the intention of receiving, flexible benefits (broadly, defined contribution pension savings). Trustees and managers will be required to facilitate the booking of an appointment to receive appropriate pensions guidance provided by the single financial guidance body or its delivery partner ("Pension Wise appointment") on the beneficiary's behalf, as part of the application process. This can take the form of offering to book an appointment for the beneficiary or, in some circumstances, by providing the beneficiary with information on how to book a Pension Wise appointment.

3.7 Before proceeding with the application, trustees and managers will be required to ensure that the beneficiary has received, or opted out of receiving, Pension Wise guidance. This is to ensure that relevant beneficiaries are made aware of Pension Wise guidance before accessing their pension savings, and remove the inertia introduced by beneficiaries having to book their own Pension Wise appointment.

3.8 Where a beneficiary wishes to opt out of receiving appropriate pensions guidance, they will be required to do so in a separate, active communication with the scheme, unless an exemption applies (see below paragraph 3.9). For example, they may have to complete an additional phone call, email, or postal or digital form, which is separate from their original application. The aim is to ensure that any decision not to receive appropriate pensions guidance is a considered one, and that beneficiaries do not default out of receiving such guidance.

3.9 The following relevant beneficiaries are exempt from the requirement to opt out in a separate interaction, but will still receive the offer from trustees and managers to facilitate the booking of a Pension Wise appointment -

- those who request to transfer their flexible benefits to a different scheme;
- those who have received Pension Wise guidance in the past 12 months;
- those who have received regulated financial advice in connection with their application in the past 12 months;
- those who qualify for a serious ill-health lump sum, within the meaning of paragraph 4(1) of Schedule 29 to the Finance Act 2004, which is defined as those in respect of whom the scheme administrator has received from a registered medical practitioner evidence of a life expectancy of less than one year.

3.10 Beneficiaries who request to transfer their pension savings for any purpose other than to access their savings, for example for the sole purpose of consolidation, will not be required to confirm they have received or opted out of pensions guidance before proceeding with their application. For these purposes, any transfer made by a member under the age of 50 is exempt from the requirements, as schemes may assume any transfer made by a member under 50 is for the purpose of consolidation.

3.11 These Regulations make other consequential amendments to the 2014 Regulations. In particular they substitute the definition of the term "pensions guidance" set out in regulation 2 of the 2014 Regulations so that the term "pensions guidance" means information or guidance provided by any person in pursuance of the requirements mentioned in section 4 of the 2018 Act. This updates the definition of "pensions guidance" such that it reflects the formation of the Money and Pensions Service in 2018. They also make consequential modifications to relevant provisions of the Pension Schemes (Northern Ireland) Act 1993 to prevent trustees and managers from carrying out a relevant beneficiary's transfer request if the conditions set out in the Regulations are not satisfied.

4. Consultation

4.1 There is no requirement to consult on these Regulations. They make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain.

5. Equality Impact

5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the legislative proposals for these Regulations. The Department has concluded that they would not have significant implications for equality of opportunity and considers that an Equality Impact Assessment is not necessary.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment is attached in the Annex to this Explanatory Memorandum.

7. Financial Implications

7.1 None for the Department.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department is content that these Regulations comply with section 24 of the Northern Ireland Act 1998 (Convention rights, etc.).

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 The Great Britain Regulations are the Occupational and Personal Pension Schemes (Disclosure of Information) (Requirements to Refer Members to Guidance etc.) (Amendment) Regulations 2022 (S.I. 2022/30) which come into force on 1st June 2022. Parity of timing and substance is an integral part of the maintenance of single systems of social security, child support and pensions in line with section 87 of the Northern Ireland Act 1998.

REGULATORY IMPACT ASSESSMENT

The Occupational and Personal Pension Schemes (Disclosure of Information) (Requirements to Refer Members to Guidance etc.) (Amendment) Regulations (Northern Ireland) 2022

The costs and savings outlined in this Regulatory Impact Assessment are calculated on a UK-wide basis.

Evidence Base

The policy issue and rationale for government intervention

Delivering the Stronger Nudge and Booking the Appointment

1. The new requirements propose that trustees and managers of occupational schemes in scope, explain the nature and purpose of Pension Wise guidance and offer to book a Pension Wise appointment for the beneficiary as part of the application process.

2. Where beneficiaries accept this offer, trustees and managers should take reasonable steps to book a Pension Wise appointment at a time and date suitable to the beneficiary.

3. Where members do not take up the offer, or where trustees and managers are unable to book a suitable appointment despite taking reasonable steps, trustees and managers should provide details on how the beneficiary may book a Pension Wise appointment themselves. For example, in a purely postal journey trustees and managers will not be required to telephone the beneficiary to offer to book an appointment. This could take the form of providing instructions on how to book a Pension Wise appointment via post, or by providing a link to the Pension Wise booking tool, and requiring beneficiaries to confirm that they have received or opted out of this guidance before proceeding with the next stage of the application.

4. Trustees and managers will not be required to facilitate the booking of a Pension Wise appointment or ensure that beneficiaries have either opted out or received guidance in relation to applications by a beneficiary transferring for any purpose other than accessing flexible benefits, for example if they are transferring their DC pension for the sole purpose of consolidation. Trustees and managers may assume that a relevant beneficiary aged under 50 who wishes to transfer their pension benefits out of their existing scheme is doing so for the sole purpose of consolidation.

5. Trustees and managers in scope will only have a duty to fulfil the Stronger Nudge requirements in relation to an application from a beneficiary who has accrued rights to flexible benefits under the scheme and wishes to transfer their rights to flexible benefits they have accrued. They will not be required to deliver the Stronger Nudge to those applying to transfer into the scheme.

6. The Stronger Nudge will not need to be redelivered to beneficiaries who have already received the offer to have the booking of a Pension Wise appointment facilitated for them

and have confirmed they have received Pension Wise guidance or opted out of receiving that guidance. This will apply even where the Stronger Nudge has been given by a different scheme involved in the transfer request.

Opting out of Guidance

7. It is also proposed that the opt-out process must be completed in a communication with the trustees or managers solely for the purpose of opting out if a specified exemption does not apply. This could be a phone call, email, letter, postal form, or digital form, which is separate from the individual's initial contact to receive (or transfer for the purpose of receiving) their pension benefits and from the providers' offer to book a Pension Wise appointment.

Policy options considered, including any alternatives to regulation

Option 0: Do Nothing

8. There is evidence that take up of Pension Wise guidance is increasing year-on-year. There were around 132,000 face-to-face and telephone appointments attended in 2019/20, which was a 29% increase from 2018/19[1]. As such the option of not introducing regulations was considered. However, the current increases in Pension Wise take up still leaves a large number of pension holders making decisions without the use of financial advice or guidance.

9. There is no guarantee the Pension Wise service would see an increase in take up without further regulatory intervention. It is important to act now to achieve this increased take up, in order to ensure everyone has access to the guidance that will help them make an informed decision. This approach would also fail to replicate Financial Conduct Authority (FCA) rules that will implement a Stronger Nudge to pensions guidance in the contract-based market.

Option 1: Non-regulatory option

10. A non-regulatory option would not be suitable. The current provisions regarding when and how to signpost to Pension Wise are already set out in regulations, and requiring a beneficiary to have received guidance or opted out of guidance before proceeding with a transaction would conflict with existing duties requiring trustees and managers of pension schemes to progress a transfer when it is requested, so it will be necessary to amend the legislation in order to allow changes to the process.

11. Introducing an extra step to refer beneficiaries to guidance would also represent a cost to providers of pension schemes, and without regulation there would be no obligation on trustees and managers to follow this step, so there would be an incentive on trustees and managers to not take any additional steps. If any providers do not comply with voluntary measures, this could lead to beneficiaries being treated differently according to the scheme they are a member of, which would contradict the objective of ensuring all beneficiaries with a need for guidance are encouraged to receive it. A non-legislative approach would also fail to replicate proposed FCA rules requiring providers of contract schemes to deliver the Stronger Nudge to Pension Wise guidance.

[1] MaPs Money Helper Pension take-up dashboard - https://maps.org.uk/moneyhelper-pension-take-updashboard/

Option 2: Regulation

12. Introducing regulations will give trustees and managers the necessary powers to require beneficiaries to receive or opt out of Pension Wise guidance and will lead to the largest increasein take up of Pension Wise. This is the preferred option.

Exemptions

13. Those who have already received Pension Wise guidance or received regulated financial advice on the proposed transaction, within the last 12 months, are exempt from the requirement to opt out in a separate interaction. It is also proposed to exempt those who are applying to access their pension benefits as a Serious ill Health Lump Sum, as defined in the Finance Act 2004, from the requirement to opt out in a separate interaction.

14. In both of the above cases, trustees and managers should accept self-reported evidence of meeting an exemption, such as the beneficiary providing written or oral confirmation that they believe they meet one of these criteria.

15. Those who are applying to transfer their benefits only will also not be required to opt out in a separate interaction.

Record Keeping

16. The regulations will require trustees and managers to record when a beneficiary confirms they have received Pension Wise guidance as a result of the Stronger Nudge requirements.

17. Trustees and managers are also required to record when a beneficiary opts out, and whether the beneficiary was exempt from the requirement to opt out in a separate interaction.

Other Consequential changes

18. The Pension Schemes (Northern Ireland) Act 1993 is modified so that trustees and managers will be unable to proceed with a transfer application to which the Stronger Nudge requirements apply unless the conditions set under the Regulations have been satisfied.

19. The definition of the term ‘pensions guidance’ set out in regulation 2 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014[2] (the ‘Disclosure Regulations 2014’) is updated. Currently these regulations define the term ‘pensions guidance’ to mean guidance given by a designated guidance provider. The term ‘pensions guidance’ is redefined as information or guidance provided by any person in pursuance of the requirements mentioned in section 4 of the Financial Guidance and Claims Act 2018.

20. The regulations also make further minor amendments to the Disclosure Regulations 2014 to disapply requirements to signpost to Pension Wise when the Stronger Nudge to pensions guidance requirements apply, and to disapply the requirement to provide a postal

[2] S.R. 2014/79 https://iaccess.communities-ni.gov.uk/sspldbluevolumesinternet/users/internetsearchpage.aspx

or electronic address for further communication when the Stronger Nudge is delivered orally.

Regulators

21. The Pensions Regulator (TPR) would be responsible for monitoring and enforcing compliance with these requirements. The civil penalties provisions in regulation 5 of the Disclosure Regulations 2014 will apply to trustees/managers of schemes in scope of the Stronger Nudge regulations. If such trustees/managers should fail without reasonable excuse to comply with the new Stronger Nudge requirements, such trustees/managers would be liable to pay a fine of up to £5,000 (individual) or up to £50,000 (in any other case).

Meeting of Policy Objectives

22. This approach is the preferred option. It makes the regulatory changes necessary to enable trustees and managers to proceed with an application in scope only once a beneficiary has opted out or received Pension Wise guidance, and ensures that beneficiaries of different schemes receive the same level of support in making the decision to access guidance. Of the options considered, it is the option that will lead to the largest increase in take up of Pension Wise guidance, and thus meets the policy objective most successfully. It targets those who have not yet received guidance or financial advice (with those who have already received guidance or financial advice within the previous 12 months being exempt from the requirement to opt out in a separate interaction). It ensures that beneficiaries who decide they do not want Pension Wise guidance are able to opt out without difficulty, whilst ensuring that pension savers do not default into not receiving Pension Wise guidance.

Risks and assumptions

Key assumptions

Number of businesses in scope

23. Whilst the legal requirement to make the changes described above falls to the trustee/managers of occupational pension schemes, in practice the additional work may be done by administrators of DC pension schemes depending on how the scheme is governed. Where schemes are self-administered, the employer or trustee would be responsible for making the changes themselves. Therefore, to estimate the total number of businesses directly affected by these changes, the number of administrators of occupational DC Schemes is considered, rather than assuming that all occupational DC schemes will face additional costs.

24. TPR 2020/21 scheme return data shows there are 2,840 schemes which this policy change is likely to impact, excluding Executive Pension Plans[3] (EPP) and Relevant Small Schemes[4] (RSS) that have provided an administrator on the scheme return. The number of providers of these schemes are estimated below in Table 1.

[3] EPPs are schemes where a company is the only employer and the sole trustee, at least one third of current directors of the company are members, and all the members are either current or former directors. EPPs represent 600 (2%) of micro schemes.
[4] Previously known as small self-administered schemes (SSAS), relevant small schemes are schemes with fewer than 12 members where all the members are trustees of the scheme and either decisions have to be made unanimously or there is an independent trustee appointed to the scheme who appears on the

25. When estimating one-off implementation costs, it is assumed that large and medium providers are grouped together in a ‘larger’ category. From consultations, large and medium providers are estimated to have similar one off implementation costs.

Table 1: Estimated Providers of DC schemes by Size for Implementation costs[5]

Estimated number of Providers who administer occupational DC schemes, excluding RSS and EPP.		
Administrator Size	**Estimated number of Providers**	**Estimated number of schemes they administer**
Large	10	900
Medium	20	1000
Small	600	900

RSS/EPP Scheme

26. There are around 25,600 schemes identified as RSS/EPP. Of these, 11.4% are administered by a large provider, 4.5% by a medium and 32% by a small. Therefore, for 48% of these schemes there is no need to estimate any additional cost as the cost will be borne by the providers in Table 1.

27. There are around 13,300 remaining EPP/RSS schemes not included in the figures above. Due to their small nature it is assumed that they offer bespoke services to their members and will therefore not face additional implementation costs as they are unlikely to have IT systems to update and staff to train. However, they are included when estimating familiarisation costs. They are also included in on-going costs as the methodology uses pension savers rather than businesses, therefore incorporating the whole industry.

Proportion of members who access through different channels offered by Schemes

28. The new proposed policy will apply to all channels offered by a pension scheme for their members to access their pension savings or to transfer their savings for the purposes of accessing. From engagement with industry, the 3 main channels offered are telephone, digital and postal. The following percentage breakdown by channel is estimated by taking the average percentage allocated to each channel from the figures given by pension providers. The three channels can be broken down as:

- Telephone – Engagement with providers suggest this is the most common route for members to access their savings. It is estimated that **72%** of applications to access are conducted through this channel.
- Postal – Engagement with providers suggest postal journeys are still available however they are on the decline. It is assumed that only **7%** of applications to access are conducted through this channel.
- Digital –This could be through email or an online digital platform. Engagement with providers suggest that a fully serviced digital platform to access benefits is not yet common in the occupational market although many schemes are starting to develop

trustee register. Where there is a sole corporate trustee the above conditions apply in relation to the directors of the corporate trustee. Relevant small schemes represent 21,750 (81%) of micro schemes.

[5] Figures used in Table 1 are based on unpublished data and rounded to 1 significant figure

these. There is insufficient evidence to suggest that providers have digital platforms and it is therefore assumed this channel is in its simplest form – via email – and that **20%** of applications to access are conducted through this channel.

Number of pension savers in scope of the Stronger Nudge requirements

29. Data is not available on the number of pension savers who make applications to their pension provider each year regarding accessing or transferring to access their pension in the occupational defined contribution (DC) market. As a result, there is no robust figure for the number of pension savers who will receive the Stronger Nudge because of this proposed policy.

30. However, the FCA Retirement Market Income Data[6] provides data at a pension pot level for how DC pensions are accessed for the first time in the contract-based market and whether the plan holder has received regulated advice or Pension Wise guidance. In 2019/20 there were 673,831 pots accessed for the first time. This figure is used to determine the number of pension savers administrators will need to deliver the Stronger Nudge to each year. It is expected that this figure provides an overestimation of the number of pension savers who will be nudged to guidance because individuals may access more than one DC pension pot in a given year, with nearly two thirds of adults with multiple pensions pots[7]. With nearly two thirds of pension savers accessing multiple pots and analysis showing that an individual has on average 1.5 to 2 DC pots[8], the number of pots accessed is divided by 1.5 to estimate the number of pension savers that will be in scope of the Stronger Nudge requirements.

31. As the occupational DC decumulation market is growing as a result of Automatic Enrolment which has brought millions of people in to saving into workplace pensions, a growth factor for the number of pots being accessed in each year following inception of 5.3%[9] is assumed, this is based on historic growth rates of DC pots being accessed.

32. The FCA data only covers the contract-based market, and so although not directly capturing the occupational DC market there are many occupational DC schemes that do not offer a full range of decumulation products at present. Therefore, at the point of access it is expected that the majority of occupational DC members will transfer to the contract-based market at the point of accessing. However, it is accepted that using this data will be an overestimation of the cost to the occupational market and the estimates below will provide a maximum estimate.

Number of pension savers who take up the offer of a Pension Wise appointment from their scheme

33. The FCA's data shows that 50% of pension pots in 2019/20 received financial advice or Pension Wise guidance when the plan holder accessed their pot for the first time[10]. It is therefore assumed that this percentage is applied to the number of pension savers as outlined above and will not be impacted by this policy as they would receive financial advice or Pension Wise guidance under the baseline. This is a simplifying assumption as some pension savers may want, and will be able to book, another appointment. However,

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6 FCA Retirement Market Income Data 2019/20 - https://www.fca.org.uk/data/retirement-income-market-data

7 Aegon (2017) 1 in 5 with multiple pensions has lost track of savings

8 Analysis of Wealth and Assets Survey (2020)

9 This is based on previous growth rates on the number of DC pots being accessed in the Retirement Market Income Data.

10 FCA Retirement Market Income Data 2019/20 - https://www.fca.org.uk/data/retirement-income-market-data

the policy is primarily targeted at those that do not currently receive advice or guidance when accessing their pension.

34. To estimate how many of the remaining 50% of pension savers will agree for their provider to book them a Pension Wise appointment after receiving the Stronger Nudge, evidence has been used from The Behavioural Insights Team trials conducted from October 2019 to February 2020 to test the effectiveness of 'A Stronger Nudge to Guidance'[11]. The trials found that of those pension savers who did not report having had guidance or advice in the previous year, approximately 11% received Pension Wise guidance as a result of the Stronger Nudge interventions. However, this trial did not consider the effectiveness of a separate opt out.

35. Following the trials, analysis suggested that most pension savers thought a separate opt out would make them more likely to book a Pension Wise appointment. Due to the qualitative nature of this analysis a figure cannot be provided for how much this is expected to increase take up beyond that of the trial findings. Therefore the figure of 11% from the trials is used as a 'best' estimate of increase in take-up for pension savers who haven't already had regulation financial advice or Pension Wise guidance. The figures used in the sensitivity analysis are estimations of what the outcome could be and should not be seen as targets set for the success of the policy.

36. Using the best estimate of an 11% increase in the take-up of Pension Wise appointments (for those that previously did not have any advice or Pension Wise guidance) the table below shows the volumes of pension savers which will need a Pension Wise appointment to be booked for them by their provider.

Table 2: Estimation of pension savers referred to Pension Wise/ in scope of the Stronger Nudge requirements and appointments booked for 10-year period[12]

Year	Best estimate of the number of pension savers contacting regarding accessing or transferring to access their pension (Previous year multiplied by 5.3%)	Proportion who prior to intervention did not take up financial advice or Pension WiseGuidance (50%)	Best estimate of the number of additional appointments booked (11% of the left column)
Year 1	449,200	224,600	24,700
Year 2	473,000	236,500	26,000
Year 3	498,100	249,000	27,400
Year 4	524,500	262,200	28,800
Year 5	552,300	276,100	30,400
Year 6	581,600	290,800	32,000
Year 7	612,400	306,200	33,700
Year 8	644,900	322,400	35,500
Year 9	679,000	339,500	37,300
Year 10	715,000	357,500	39,300

[11] https://moneyandpensionsservice.org.uk/wp-content/uploads/2020/07/maps-stronger-nudge-evaluation-reportjuly-2020.pdf

[12] Figures in this table have been rounded to the nearest hundred

Cost of time

37. To calculate the cost of time the Annual Survey of Hours and Earnings (ASHE) provisional data for 2021[13] has been used.

38. Using the median hourly wage for Corporate Managers and directors of £22.82. This is then uplifted by 27%, to account for non-wage costs to £28.98. This is the considered cost of time for management roles within administrators.

39. The median hourly wage for administrative occupations of £12.30 is used and is also uplifted by 27% to £15.62. This is considered the cost of time for those delivering the Stronger Nudge and booking the appointment.

Non-monetised costs and benefits of each option

Non monetised benefits

40. Option 0: There is no intervention in the market and therefore no increase of the burden on pension providers to oblige by any new regulations, however with 50% of DC pension pots accessed without regulated financial advice or Pension Wise guidance[14], there may be a failure in increasing the take-up of guidance.

41. Option 1: This option is considered to have the same effect as option 0 whereby trustees and managers are unable to require beneficiaries to receive or opt out of guidance so beneficiaries will not be any more likely to access guidance compared to the current baseline.

42. Option 2 (Preferred option): It is considered that by legislating the Stronger nudge to pensions guidance, pension savers are more likely to be engaged in their pensions and will have access to more information about the choices they have in retirement. They may also now be more equipped to avoid scams.

Non monetised costs

43. Option 2 (Preferred option): For providers, there is the opportunity cost of staff working on the Stronger Nudge processes as opposed to working on other areas such as to boost customer satisfaction and engagement. Also, for consumers there is the opportunity cost of needing to separately opt-out of guidance rather than use that time for themselves.

Monetised costs and benefits

Direct costs to business

One-off costs – Familiarisation

44. One-off familiarisation costs are expected to be experienced by all providers affected by the proposed changes to regulations. Providers will be required to read and understand the requirements of the policy. These costs will take place as a one-off instance in year 1,

[13] Annual Survey of Hours and Earnings 2021 (provisional) Earnings and hours worked, occupation by two-digit SOC: ASHE Table 2 - Office for National Statistics (ons.gov.uk)

[14] FCA Retirement Market Income Data - https://www.fca.org.uk/data/retirement-income-market-data

the year that the regulations are implemented. The one-off cost for familiarisation is estimated to be approximately £858,000 in year 1 of the regulations being implemented, across all providers in scope.

This figure is based on:

- Assuming it takes 2 hours for the provider to read the regulations and understand the requirements of the business. This is based on an estimated reading time of 6 minutes per page.
- Based on DWP consultations, larger providers will require 10 managers per business, small schemes will require 2 managers and RSS/EPP schemes will require 1 per business to familiarise.
- Assuming the average hourly wage of a corporate manager/director using ASHE data for 2021 is £28.98.
- Familiarisation costs are estimated using the following method with figures outlined in Table 1:

  a) number of managers needed to familiarise for larger providers (10) *number of larger providers (35) = 350

  b) number of managers needed to familiarise for smaller providers (2) * number of smaller schemes (556) = 1,112

  c) number of managers needed to familiarise for the remaining RSS/EPP schemes (1) * number of RSS/EPP schemes (13,338) = 13,33

  d) Total managers needed to familiarise = The sum of all managers needed to familiarise for all providers/schemes = 14,800

  e) Total cost of familiarisation = total managers to familiarise (14,800) * number of hours to familiarise (2) * average hourly wage of manager (£28.98) = £858,000

One-off costs – Implementation

45. Based on research it has been established that the average cost of implementation for a large provider is **£567,000** and for a small provider is £**25,000**.

46. The estimated cost of implementation by providers is made up of three components; training employees, updating IT systems (including building capability for the separate opt-out) and updating scripts.

47. The total one-off implementation costs to business is estimated to be £**33,700,000**.

Table 3: Cost to business calculations for the preferred option 2

Provider size (members)	Cost of transition per provider	Number of providers	Total nominal cost
Smaller	£25,000	556	£13,900,000
Large	£567,000	35	£19,845,000
Total		591	**£33,745,000**

Ongoing costs to businesses

48. The expected ongoing costs of the policy have been broken down into 4 elements:

- delivering the Stronger Nudge,
- booking a Pension Wise appointment
- where necessary, the separate opt out; and
- record keeping of a beneficiary's decision.

Ongoing costs – Delivering the Stronger Nudge

49. There will be ongoing costs to all providers in scope from delivering the Stronger Nudge. The total ongoing cost of this to all providers in scope is estimated to be around **£2,700,000** over the 10-year appraisal period.

This cost estimate is based on:

- The number of pension savers accessing DC pension pots in each year – using FCA Retirement Outcome data and a growth factor of 5.3%.
- Assuming that 73% of members who make an application to access or transfer to access, do so via telephone which will require additional time per call.
- Assuming that 20% of member's contact through a digital channel and 5% a postal channel. Responses from industry suggest that delivering the Stronger Nudge via the digital or postal journey will not incur any additional costs to the one-off costs detailed above as the assumption is the individual may bear the cost of booking appointments through these channels.
- Under current regulations providers are already required to signpost customers at the point of access to Pension Wise guidance. As a result, the on-going cost is the additional time to deliver the Stronger Nudge script over the time taken to currently signpost. Based on responses from industry, a best estimate of 2.5 minutes (0.042 hours) additional time for the Stronger Nudge to be delivered, when delivering by telephone, is used.
- This additional time of an administrative member of staff of £15.62 per hour is applied to all appointments in scope.
- The ongoing costs of delivering the Stronger Nudge are estimated using the following method:

  a) Number of pension savers accessing their pension in year 1 (449,221[15]) * percentage of pension savers contacting using telephone channels (0.72) * additional time taken in hours to deliver Stronger Nudge (0.042) * average hourly wage of employee (15.62[16]) = £212,000.

  b) This calculation is repeated for all years in Table 2 to estimate a total ongoing cost of **£2,700,000** for delivering the Stronger Nudge.

[15] Based on figures from Table 2
[16] Based on figures in paragraph 39

Ongoing cost - Booking the appointment

50. As outlined above, the proposed regulations will require the provider to offer to book the Pension Wise appointment for beneficiaries once the Stronger Nudge is delivered. An ongoing cost of time for providers to book Pension Wise appointments of around **£593,000** is estimated across the 10-year appraisal period.

    This cost estimate is based on:

    - 50% of pension savers already access their pension with either advice or guidance so will not need to book an appointment as stated in paragraph 33
    - A best estimate of an 11% increase in the number of pension savers who will want their provider to book them a Pension Wise appointment who didn't previously have financial advice or Pension Wise guidance in the last 12 months as stated in paragraph 35
    - It is assumed that the time taken for a pension provider to book a Pension Wise appointment on the telephone using the Pension Wise booking tool taking approximately 10 minutes (0.17 hours).
    - Applying this to the 72% of contacts which are estimated to be through the telephone channel.
    - Applying the cost of time of an administrative occupation wage which is £15.62 per hour.
    - It is assumed that for the digital channel and the postal channel there will be no additional ongoing costs to providers. The Stronger Nudge can be provided in the digital journey and via post with a link to the online Pension Wise booking tool with the option for a beneficiary to book it themselves but in some rare cases may choose to contact the provider to facilitate the booking.
    - The ongoing costs of Booking an appointment are estimated using the following method:
        a) Number of pension savers accepting an appointment = number of pension savers accessing their pension in year 1 (449,221[17]) * percentage that have not had advice or guidance already (0.5) * percentage increase in expected take-up (0.11) = 24,707
        b) Cost of booking an appointment = Number of pension savers accepting an appointment (24,707) * percentage that contact through telephone (0.72) * additional time taken in hours to book an appointment (0.17) * average hourly employee wage (15.62) = £47,237.
        c) This calculation is repeated for all years in Table 2 to estimate a total ongoing cost of **£593,000** for booking an appointment.

Separate Opt-out

51. There will be additional ongoing costs to all providers to record the separate opt out from beneficiaries. For customers who do not wish to take up the offer of a Pension Wise appointment and are not exempt from the separate opt out, they will need to carry out a separate form of communication in order to proceed with accessing their DC pot. The policy is not prescriptive in how this separate opt out should be delivered and could be

[17] Based on figures in Table 2

through a separate phone call, digital form or email for example. Some of the cost will be borne by the beneficiary, as explained in paragraph 67.

52. The total ongoing cost to all providers in scope to implement the separate opt out is estimated to be **£5,100,000** over the 10-year appraisal period.

53. All providers in scope will be required to confirm that when the pension saver wishes to opt-out of a Pension Wise appointment that this is done so via a separate communication unless they are exempt. To estimate the cost, it is assumed that beneficiaries will opt out through a separate phone call. To estimate the ongoing cost, it is assumed that:

- If the pension saver wishes to opt out via the telephone, they will call up their provider and formally confirm that they wish to proceed without a Pension Wise appointment. Based on evidence from providers, it is expected that this will require an additional 5 minutes (0.083 hours) of employee time and uses ASHE data on the average wage for administrative occupations described in paragraph 39.
- If the pension saver wishes to opt out through a digital platform or by post, there is to be no ongoing costs to providers as stated in paragraph 28.
- The ongoing costs of a separate opt-out are estimated using the following method:

    a) Number of pension savers opting out of an appointment = number of pension savers accessing their pensions in year 1 (449,221) – number of pension savers accepting an appointment (24,707[18]) = 424,514

    b) Cost of separate opt-out = Number of pension savers opting out (424,514) * percentage that contact through telephone (0.72) * additional time taken to opt-out of an appointment (0.083) * average hourly employee wage (15.62) = £399,721.

    c) This calculation is repeated for all years in Table 2 to estimate a total ongoing cost of **£5,100,000** for the separate opt-out of.

Ongoing cost - Recording a beneficiary's decision

54. Providers that do not currently record whether a pension saver has had Pension Wise guidance will be required to now record if an appointment has been booked or opted out of. All businesses in scope will be required to store information as described in the regulations.

55. The ongoing cost of recording a beneficiary's decision is estimated to be **£2,160,000** over the 10-year appraisal period for all providers in scope.

56. It is estimated that it will take on average an additional 2 minutes (0.033 hours) of time to record the required information for telephone and postal journeys. The digital journey will encounter no additional costs.

57. Applying this to the 72% of contacts which are estimated to be through the telephone channel.

58. Applying the cost of time of an administrative occupation wage which is £15.62 per hour.

59. The ongoing costs of recording a beneficiary's decision are estimated using the following method:

[18] Based on figures in paragraph 50

a) number of pension savers accessing their pensions in year 1 (449,221) * percentage that contact through telephone (0.72) * additional time taken to opt-out of an appointment (0.033) * average hourly employee wage (15.62) = £169,194.

b) This calculation is repeated for all years in Table 2 to estimate a total ongoing cost of **£2,160,000** for recording a beneficiary's decision.

Summary of total costs and benefits

The estimated annual net direct cost to business (EANDCB) in any one year is **£4,400,000.**

Table of Impacts

Costs

Type	**Affected Party**	**Amount**	**In scope of EANDCB**	**Ongoing / One-off**
Familiarisation	Provider	£858,000	Y	One-off
Implementation	Provider	£33,700,000	Y	One-off
Delivery of Stronger Nudge	Provider	£2,700,000 (Over whole 10-year appraisal period)	Y	Ongoing
Booking Pension Wise appointment	Provider	£593,000 (Over whole 10-year appraisal period)	Y	Ongoing
	Individual	£220,000 Over whole 10-year appraisal period)	N	
Separate Opt-out	Provider	£5,100,000 (Over whole 10-year appraisal period)	Y	Ongoing
	Individual	£5,100,000 (Over whole 10-year appraisal period)	N	Ongoing
Recording a beneficiary's decision	Provider	£2,160,000 (Over whole 10-year appraisal period)	Y	Ongoing
Facilitating appointments	MaPs	£30,900,000 (Over whole 10-year appraisal period)	N	Ongoing

Benefits

Monetised consumer benefits have not been estimated due to a lack of available evidence on the extent to which improved information and consumer engagement leads to quantifiable savings outcomes for consumers. However, it has been possible to outline below potential non-monetised benefits that may arise from implementing the policy.

Consumers: Increasing individuals' awareness and understanding of their pension information and potential options in retirement. Supporting better retirement planning and decision making by individuals. Nine in ten appointment customers (91%) agree that Pension Wise helped them to consider their pension access options more thoroughly. A similar proportion (89%) felt they learned something new from using the service[19].

Providers: A potential increase in purchases of retirement products due to increased consumer information and engagement.

Total Costs to business		**Total Benefits to business**		**Total Impact**
One-off costs	£34,600,000	One-off benefits	£0	**-£34,600,000**
Ongoing costs (over 10-year appraisal period)	£10,300,000	Ongoing benefits	£0	**-£10,300,000**

[19] Pension Wise Service Evaluation - https://maps.org.uk/2020/10/05/pension-wise-service-evaluation-2019-2020/

EANDCB = £4,400,000 (Base year: 2020)

Sensitivity Analysis

60. When estimating familiarisation costs, it is assumed that the average time taken for a provider to familiarise with the policy would be 2 hours. The effects of a 50% decrease in hours for the 'low' estimate and 50% increase in hours for the 'high' estimate have been tested. A 50% decrease in hours needed to familiarise would reduce familiarisation costs to **£429,400** whilst a 50% increase in hours would estimate costs at **£1,286,700**.

61. Along with 'best' estimates, 'high' and 'low' estimates have been provided to account for the sensitivity around some of the figures used in the estimation of ongoing costs. The following paragraphs outline the different tests and changes made to estimate the overall 'high' and 'low' estimates:

    a) As explained in paragraph 30, the estimation that has been used for the number of pension savers who will be in scope of the Stronger Nudge requirements is based on FCA data for number of pots accessed for the first time and an average 1.5 pots per person. There is some uncertainty around whether this is an overestimate or underestimate of this figure so a 10% increase and 10% decrease in this figure has been tested when calculating the high and low estimates.

    b) Research with pension providers has been used to understand how long it will take to deliver the nudge, book an appointment and record information. Based on this research the highest and lowest figures provided for each has been used in the sensitivity analysis when calculating the high and low estimates.

    c) As explained in paragraph 35, the Stronger Nudge trials have been used as the 'best' estimate for the percentage of pension savers who will accept a Pension Wise appointment. As this did not include the enhanced opt-out (which had a positive response), this is believed to be a conservative estimate of take-up so the 'low' and 'best' estimate percentages have been kept at 11%. However a 20% take-up rate is assumed for the 'high' option of pension savers who will accept offer of PW appointment.

    d) Taking into account these changes, the 'low' ongoing cost is estimated to be **£5,500,000** over the 10-year appraisal period and the 'high' cost to be **£20,000,000**.

Impact on small and micro businesses

62. The pensions providers affected are typically 'larger' and 'smaller' providers, although there will be micro schemes that will face familiarisation costs as well. It is not believed that it would be appropriate to provide an exemption from the new Stronger Nudge requirements for any small and micro scheme.

63. Failure to ensure that all members, regardless of the size of scheme, receive a Stronger Nudge to pensions guidance risks consumer detriment.

64. It is unlikely that the costs will pose a significant burden on even the smallest schemes. In fact, it is likely that the cost impacts will be proportionally smaller on small schemes. Smaller schemes are likely to provide bespoke communications given the small number of members and therefore are less likely to incur some of the costs a larger provider would face. Also given the tailored approach of micro and smaller, implementing the Stronger Nudge will most likely be classified in business as usual operating costs.

Wider Impacts

Costs to Individuals

65. The proposed new regulations may result in cost implications for individuals. The separate opt-out element of the policy will require the consumer to initiate a separate, active communication with the provider. This could be a phone call, email, letter, postal form, or digital form which is separate from the initial contact to seek access to their pension savings. As a result, the individual will likely incur a cost of sending this additional communication.

66. There may also be a monetary cost to individuals who use the digital and postal journey as they may have to book the Pension Wise appointment themselves. It is assumed that for those that book the Pension Wise appointment themselves, they will contact their provider to book an appointment through the telephone channel so the subsequent costs will reflect this.

67. Using the same estimation process used for calculating ongoing cost to business of opting-out and booking appointments by the different communication channels, it is estimated that the cost to all individuals of opting-out will be **£5,100,000** across the 10-year appraisal period as outlined in paragraph 53. This is because the individual will face the same amount of time on the phone as the provider so it is assumed that the cost will be the same as for the provider.

68. The additional cost to individuals of booking an appointment who received the Stronger Nudge by post or digitally is estimated to be **£220,000** over the 10- year appraisal period.

69. The additional cost to individuals who received the Stronger Nudge by post or digitally is estimated using the following method:

   a) Number of pensions savers that will accept an appointment (24,707[20]) * percentage that would have received the Stronger Nudge digitally or postal (0.27[21]) * additional time taken to book appointment by phone (0.17[22]) * average hourly wage (15.62) = £17,400.

   b) This calculation is repeated for all years in Table 2 to estimate a total cost to individual of booking an appointment at **£220,000**.

Cost to Money and Pension Service (MaPS)

70. MaPs provide Pension Wise appointments to pension savers who take up the offer of an appointment from their provider. The estimated cost to MaPs of delivering these appointments is approximately **£30,900,000** over the 10-year appraisal period.

71. It is estimated that they will have to provide over 315,000 additional appointments over the 10-year appraisal period. The breakdown of these appointments per year is provided in Table 2[23] . These are then multiplied by a cost range for Pension Wise appointments provided by the MaPs.[24]

72. The cost to MaPs is excluded from the EANDCB.

[20] Based on figures from paragraph 50
[21] Based on figures from paragraph 28
[22] Based on figures from paragraph 50
[23] Table 2: Estimation of pension savers referred to Pension Wise/ in scope of the Stronger Nudge requirements and appointments booked for 10 year period
[24] Data on appointment cost is unpublished.

Monitoring and Evaluation

73. TPR would be responsible for monitoring and enforcing compliance with these proposed requirements. The businesses in scope would be required to report to TPR.

74. MaPs currently monitor usage of guidance services and publish a quarterly data dashboard showing the number of Pension Wise guidance appointments booked and attended[25]. They also publish a yearly evaluation survey tracking satisfaction with the Pension Wise service. These will enable absolute increases in Pension Wise appointments to be tracked.

75. Additionally, it is proposed that providers be required to record when a beneficiary confirms they have received Pension Wise guidance as a result of the offer to book an appointment, where a beneficiary completes the separate opt out procedure, and where a beneficiary opted out without having to complete the separate opt out procedure due to an exemption applying.

Other Impacts

Equality

76. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on these legislative proposals and has concluded that they would not have significant implications for equality of opportunity and considers that an Equality Impact Assessment is not necessary.

Environmental

77. There are no implications.

Rural proofing

78. There are no implications.

Health

79. There are no implications.

Human rights

80. The Department considers that the regulations are compliant with the Human Rights Act 1998.

Competition

81. There are no implications.

Approved by:	Anne McCleary Anne McCleary Director of Social Security Policy, Legislation and Decision Making Services	**Date: 16 March 2022**

[25] MoneyHelper pension take up dashboard | The Money and Pensions Service (maps.org.uk)

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