

## Resolution Specialist Accreditation Core Competence Unit - Financial Advisers

This unit is about identifying the core competencies required of Financial Adviser accredited specialists. The focus is on the main categories of need in relation to clients who are separating or divorcing.

Competency code	<b>Knowledge and Understanding</b> <b>Candidates must know and understand:</b>
<b>FAC1</b>	The Resolution Code of Practice and of other relevant protocols (e.g. The Law Society Family Law Protocol, CII Protocol).
<b>FAC2</b>	The role and moral and ethical obligations of a financial neutral/single joint expert in any process of separation/divorce/dissolution with particular regard to the requirements of the FCA.
<b>FAC3</b>	The ground for and facts of divorce, dissolution of civil partnership, the effect and consequences of separation in respect of cohabitation.
<b>FAC4</b>	The legal and financial effect of separation (rather than divorce).
<b>FAC5</b>	The general process of divorce including all relevant Court forms/procedure.
<b>FAC6</b>	The duties and responsibilities of the Adviser, with regard to the Proceeds of Crime Act 2002 or suspected taxation or benefit fraud.
<b>FAC7</b>	Relevant law, legal statute and precedent/s.
<b>FAC8</b>	Pre and Post Nuptial agreements and status in law.
<b>FAC9</b>	The range of family dispute resolution processes, any quasi-judicial processes such as family law arbitration and the role and function/s of supporting professionals.
<b>FAC10</b>	The emotional impact of family separation for individuals, couples and for children and young people.
<b>FAC11</b>	Protection of vulnerable adults and of children and young people, the civil and criminal legal remedies for domestic abuse, and the principles and requirement of 'Working Together' safeguarding of children and young people and the role of statutory agencies.
<b>FAC12</b>	The availability of and eligibility criteria in respect of Legal Aid, with particular reference to the Mediation Information and Assessment Meeting (MIAM).
<b>FAC13</b>	The range of services of help and support for separating and divorcing couples and families.
<b>FAC14</b>	Dealing with matrimonial assets and pre and post separation assets (including pensions), the impact of the length of the marriage and including trusts and tax implications.
<b>FAC15</b>	The law and effect of maintenance orders – interim/joint lives, capitalisation for a 'clean break'.

<b>FAC16</b>	Relevant legislation, role of and formula in relation to Child Support/Child Maintenance/Child Support Agency/Child Maintenance Service.
<b>FAC17</b>	Pension sharing/Attachment/Earmarking Orders.
<b>FAC18</b>	Valuation methods for capitalisation of maintenance.
<b>FAC19</b>	The relevance of attitude to risk in relation to any settlement proposals.
<b>FAC20</b>	Inheritance (Provision for Family and Dependants Act 1975) and associated legislation.
<b>FAC21</b>	Confidentiality and Privilege, as it might relate to all processes.
<b>FAC22</b>	Financial disclosure, as it might relate to all processes.
<b>FAC23</b>	Agreements, contracting and Data Protection, as it might relate to your role in all processes.

Competency code	<b>Performance</b> <b>Candidates must be able to:</b>
<b>FAC24</b>	Demonstrate appropriate application of the Resolution Code of Practice and any/all other relevant practice protocols in all cases.
<b>FAC25</b>	Explain and comply with any moral or ethical obligation in your role as a financial neutral/single joint expert in any case involving any process of separation, divorce, and dissolution.
<b>FAC26</b>	Identify, and properly assess the client's circumstances and provide tailored information and a clear explanation in relation to their financial circumstances or service needs.
<b>FAC27</b>	Identify, consider and appropriately address the emotional impact that may affect or have affected client/s. Identify and assess the client/s needs in relation to emotional or practical support and signpost to the appropriate professional, agency or organisation.
<b>FAC28</b>	Identify the needs of any children (and young people) of the family; explain the importance of children being kept at the forefront of any discussions and parental decision-making (welfare principle).
<b>FAC29</b>	Identify and signpost where there are, or may be, issues in relation to harm, demonstrate the ability to identify appropriate referral services.
<b>FAC30</b>	Explain the general procedure of divorce and its stages, including financial disclosure and Court procedures.
<b>FAC31</b>	Assess with the client/s the most appropriate means of dealing with, or resolving, their separation, provide tailored information and a clear explanation in relation to family dispute resolution processes and assess with the client the type/nature/availability of an inter-disciplinary team that might best assist.
<b>FAC32</b>	Identify, assess and explain contracting as a member/commissioner of an inter-disciplinary team, including dealing with issues of confidentiality,

	privilege and data protection legislation.
<b>FAC33</b>	Signpost clients who may be potentially eligible for Legal Aid, by clearly explaining the MIAMS process.
<b>FAC34</b>	Identify and explain the relevant information required to prioritise the client's financial needs and to act on those priorities.
<b>FAC35</b>	Identify and explain the full range of financial options available to the client.
<b>FAC36</b>	Identify and explain all relevant legal obligations and requirements.
<b>FAC37</b>	Identify and address any specific need for individual legal advice or representation.
<b>FAC38</b>	Explain clearly the duty to disclose financial information, as it may relate to any process, highlighting relevant legislation and potential consequences.

### Guidance Notes to Unit

**FAC5:** This may include, but is not limited to, Form A, Decree Nisi, Form E and financial disclosure, Form P1, Pension Sharing orders/Annexe, first appointments, FDR, use of counsel, final hearings and decree absolute.

**FAC6:** This includes all relevant responsibilities in relation to Proceeds of Crime and illegal or unlawful acts (or commissioning of same) in relation to financial dealings.

**FAC7:** This includes, and is not limited to, MCA 1973 (including s.25 needs) Children and Families Act 2014, Radmacher, Imerman, Mill, McFarlane, White v White and Young v Young and in relation to relevant jurisdictional law (e.g. jurisdiction, domicile and Hague) and/or Statutory Instruments.

**FAC9:** This includes, but is not limited to, processes such as family mediation (and the requirements in relation to same as set out in the Children and Families Act 2014), collaborative practice, inter-disciplinary team processes and family law arbitration. Candidates should note any/all dispute resolution processes which may be/have been relevant in answers to case study questions or in their own cases (where submitted). Supporting professionals may include but is not limited to e.g. CAFCASS officers, family accountants etc.

**FAC12:** Candidates are expected to have an outline knowledge of eligibility criteria and to be able to indicate (in answer to set questions) or in a case account (if/where appropriate) their awareness of, and ability to, appropriately signpost clients who may be eligible for legal aid particularly in relation to the Mediation Information and Assessment (MIAM) meeting requirement.

**FAC13:** This may include any/all services of support and advice, for example those relating to

law and individual legal advice, debt, housing and welfare benefits advice. Candidates should also consider services of emotional and parenting support.

**FAC18:** This includes and is not limited to Duxbury and Ogden Tables, 'Duxbury Paradox' and associated issues including the place of Mesher Orders.