

Resolution Specialist Accreditation

Taxation & State Benefits Portfolio - Financial Advisers

This unit focusses on the specialist knowledge, understanding and application in practice required to provide advice to separating or divorcing clients in relation to Taxation and State Benefits.

Competency Code	Knowledge and Understanding Candidates must know and understand:
FATSB1	The Resolution Code of Practice and of other relevant protocols (e.g. The Law Society Family Law Protocol, CII Protocol).
FATSB2	The role and moral and ethical obligations of a financial neutral/single joint expert in any process of separation, divorce, or dissolution with particular regard to the requirements of the FCA.
FATSB3	The main state benefits that may be available on divorce or separation, or those that may be affected by divorce or separation, including an understanding of eligibility criteria and the impact of periodical payments on Universal Credit.
FATSB4	Working on a 'needs' basis.
FATSB5	Tax treatment in relation to the main state benefits and in relation to separation/divorce including any statutory charge in relation to Legal Aid.
FATSB6	The key organisations and online resources that provide direct help for the general public in relation to benefits, tax credits, debt management/resolution, and so forth.
FATSB7	The impact of 'tax year of separation' for separating/divorcing couples in relation to Capital Gains Tax, Inheritance Tax and Income Tax.
FATSB8	Taxation in relation to pre and post nuptial agreements.
FATSB9	Assignment, transfer or disposal of investments and pensions.
FATSB10	Implications of 'risky'/'unsafe' asset transfer. Impact of 'attitude to risk' and/or investment risk (including taking account of transferee knowledge and understanding).
FATSB11	Trusts, including the protection of family assets/money, trust assets and entitlement to capital/income on divorce, analysis of key means of distributing trust assets.
FATSB12	Maintenance Protection, including protection of periodical payments.

Competency Code	Performance Candidates must be able to:
FATSB13	Must demonstrate appropriate application of the Resolution Code of Practice and any other relevant practice protocols in all cases.
FATSB14	Explain and comply with any moral or ethical obligations in your role as a financial neutral/single/joint expert in any case involving any process of separation, divorce, or dissolution.
FATSB15	Explain the role of the financial adviser and associated professionals, e.g. family

	solicitor.
FATSB16	Identify and explain the range of family dispute resolution processes that may be appropriate (including the availability of legal aid for mediation).
FATSB17	Identify, describe and explain the relevant state benefits, outline eligibility and tax treatment of same in relation to separation and divorce.
FATSB18	Identify and explain s.25 MCA needs.
FATSB19	Identify, describe and signpost clients to appropriate services (including online) in relation to state benefits, tax credits, debt management/resolution.
FATSB20	Provide an explanation of 'tax year of separation' for separating/divorcing couples and explain impact in relation to capital gains, inheritance or income taxes.
FATSB21	Identify and explain the impact or implications of pre/post nuptial agreements.
FATSB22	Explain the transfer of equity in relation to marital home, including stamp duty.
FATSB23	Identify relevant and appropriate assignment, transfer or disposal of investments and pensions.
FATSB24	Explain the legislative provision in relation to maintenance payments.
FATSB25	Identify and explain the relevant and appropriate means of maintenance protection and of any periodical payments.
FATSB26	Explain the legislative provision in relation to Trusts with regard to 'family money', capital and income, distribution and entitlement.
FATSB27	Identify and explain the appropriate drafting of Consent Orders in relation to the Inheritance and Family Dependents Act 1975.

Guidance Notes to Unit:

FATSB9/23: This may include, but is not limited to, ISA, Unit Trusts/OEICS (income and accumulation shares), investment bonds (on and off-shore) and including the impact of a Consent versus Court Order, VCTs, Deposit Accounts (including change of charging structures post RDR), Business Assets and maintenance payments.

FATSB12/25: This may include, but is not limited to, death/critical illness, death in service, other life (issues arising from non/incorrect disclosure), use of trusts, payment/control of premiums, benefits for tax purposes, proper preparation of consent orders where no current policies for maintenance protection (inheritance and Family Dependents Act 1975).