

Resolution Specialist Accreditation

Pensions Portfolio Competence Unit - Lawyers

This portfolio unit focusses on the specialist knowledge, understanding and application in practice to provide advice to clients and deal effectively with pension in relation to separation and divorce.

Competency code	Knowledge and Understanding Candidates must know and understand:
SAPD01	The Resolution Code of Practice and other relevant protocols (e.g. The Law Society Family Law Protocol, the Remote Access Family Court and any associated protocols), the SRA Competence Statement and over-arching Standards Framework, Family and Civil Procedure Rules. Resolution's Guides to Good Practice and Precedents.
SAPD02	The range and types of pensions available, including private and public sector schemes.
SAPD03	The state pension scheme, relevant retirement ages and including the effect of divorce.
SAPD04	Pension Protection Fund and Financial Assistance Scheme.
SAPD05	Pensions documentation (e.g. trust deed, scheme rules and statement of benefits), retirement ages and age at which benefits can be taken.
SAPD06	Family law implications of relevant pensions legislation including: <ul style="list-style-type: none"> • Pensions Act 1995 • Welfare Reform and Pensions Act 1999 • Pensions Act 2004 • Finance Act 2004 • Pensions Act 2007 • Pensions Act 2008 • Equality Act 2010 • ss61 and 67 • Pensions Act 2011 • Finance Act 2011 • Finance Act 2012 • Finance Act 2013 • Public Services Pensions Act 2013 • Pensions Act 2014 • Finance Act 2014 • Taxation of Pensions Act 2014 • Pensions Schemes Act 2015
SAPD07	Statutory defences as to a decree of divorce relating to pensions.
SAPD08	Pensions remedies, including pension (compensation) attachment, off-setting and pension (compensation) sharing.
SAPD09	Pensions valuation methodology applicable to divorce cases.
SAPD10	Overseas divorce and pensions and pensions jurisdictional issues.
SAPD11	Additional voluntary contributions.
SAPD12	The range of family dispute resolution processes that may be of assistance to clients.
SAPD13	The role of financial neutrals, financial advisers, pension specialists and actuaries (including selecting and instructing for e.g. pension valuation).
Competency code	Performance Candidates must be able to:

SAPD14	Demonstrate appropriate application of the Resolution Code of Practice and other relevant practice protocols in all cases.
SAPD15	Identify and explain scheme rules in relation to client situation and including scheme retirement ages, valuation methods, etc.
SAPD16	Identify and explain appropriate means of obtaining relevant CEV and client eligibility to receive information from scheme trustees and administrators.
SAPD17	Identify and explain when/where the instruction of a pensions expert is appropriate.
SAPD18	Identify, describe and assess methods of equalising pensions on retirement.
SAPD19	Explain the range of family dispute resolution processes and assess with the client what may be appropriate in their circumstances.
SAPD20	Identify, explain and 'signpost' client to relevant and appropriate other services of help and support e.g. pensions advisory service, etc.
SAPD21	Identify and explain the advantages and disadvantages of Off-setting and Attachment Orders and Pension Sharing Orders.
SAPD22	Identify and explain any 'balancing factors' in relation to, for example, future family finances, affordability, family dependants and especially any children of the family.
SAPD23	Identify, describe and explain state pension scheme (including the effect of divorce) and in relation to the client's situation.
SAPD24	Identify and explain offsetting pension CEV against other assets.
SAPD25	Identify any additional voluntary contributions.

Guidance Notes to Unit:

Candidates should be aware that not all competencies will feature in case studies but must be prepared and able to answer all that are listed in the unit. Assessment is adjusted to match competencies tested.