

Pension Advisory Group: reports and consultation

The Pension Advisory Group (PAG) is an interdisciplinary group of judges, family and pension lawyers, pension experts (PODEs), academics and a mediator. It is jointly chaired by Mr Justice Francis and His Honour Judge Edward Hess and has the support of the Family Justice Council and the President of the Family Division. Please see the full list of members below.

The PAG has been formed with the specific purpose of producing a good practice guide to pensions on divorce, for use by the profession and divorcing public in all cases involving pensions, but particularly in the more 'everyday' cases. The aim is to improve understanding and consistency of approach in a field where there is currently little clear guidance, and ultimately to help produce fairer, more informed outcomes so far as pensions on divorce are concerned.

This project is being conducted under the auspices of Cardiff University School of Law and Politics Part with the assistance of grant funding from the Nuffield Foundation.

After nearly a year of very hard work and discussion, the PAG has produced two draft reports which you will find at <http://www.nuffieldfoundation.org/pensions-divorce-interdisciplinary-working-group> and on which we seek to consult as widely as possible. The first reviews legal questions, including how s 25 of the Matrimonial Causes Act 1973 operates in this context and when to instruct an expert. The second reviews the assumptions used by experts when valuing pensions for the purposes of sharing or offsetting, and any desirable qualifications and regulation of the experts. The reports are necessarily long, reflecting in part the complex subject matter, but also demonstrating the reasoning behind our recommendations, both where we have been able to reach agreement and where we have not.

If you do not have the time or inclination to read both reports from beginning to end, please just read the sections which interest you and respond to the consultation questions. You will find these at the beginning of the Legal report, and at the beginning of, as well as embedded within, the Valuation and Expert Issues report. Please email your replies, using the pro forma provided, to Hilary Woodward at woodwardhd@cardiff.ac.uk by 18 July 2018.

All replies will be considered by the PAG to assist in the preparation of a good practice guide for the judiciary and practitioners specialising in this field, with a target date for on line publication towards the end of 2018. There will then follow another guide for non-specialists and the divorcing public.

This project has received ethical approval from the Cardiff School of Law and Politics Research Ethics Committee (SREC) on 17 May 2018 (Internal Reference SREC/080518/12).

They can be contacted via: School Research Officer, Cardiff School of Law and Politics, Cardiff University, Law Building, Museum Avenue, Cardiff CF10 3AX; Email: LAWPL-Research@cardiff.ac.uk

Participation in this consultation is entirely voluntary. We will use your responses to better understand the issues facing the professions and to inform the guidance that we publish. We will not be publishing the responses themselves or any part of them, but we may, if you agree, publish a list of those who responded to the consultation exercise. When you provide your consultation response, please confirm – using the pro forma provided:

- 1) That you are happy for your individual details and your response to the consultation to be shared with the members of the PAG;
- 2) That you are happy for your response to be used by the PAG to inform the reports and guidance issued by the Group;
- 3) That you are happy to be listed publicly as a person or body responding to the consultation exercise.

Data will only be collected once you press the send button and it will then be securely stored in accordance with The Data Protection Act and GDPR for a maximum of two years.

The membership of PAG (listed alphabetically in each category) currently comprises:

Co-Chairs: Mr Justice Francis, His Honour Judge Edward Hess

“CEO”: Hilary Woodward, former family solicitor and mediator, lead author of the first major study of the treatment of pensions in matrimonial cases: *Pensions on Divorce: an empirical study* (2014, funded by the Nuffield Foundation, administered by Cardiff University), currently Honorary Research Associate at Cardiff School of Law and Politics.

Academic members: Professor Rosemary Hunter, Professor of Law and Socio-Legal Studies at Queen Mary University of London, academic member of the Family Justice Council; Joanna Miles, Reader in Family Law and Policy, University of Cambridge and member of the Family Justice Council “financial needs” working party; and Professor Debora Price, former family law barrister, now Professor of Social Gerontology at the University of Manchester.

Legal members: James Copson, Robin Ellison and Simon Tyler (pensions lawyers), Pauline Fowler (chair of Resolution property, tax and pensions committee), Val Le Grice QC (on behalf of FLBA), Fiona Hay, Sarah Hoskinson, Mena Ruparel (on behalf of the Law Society), David Salter, Christopher Sharp QC (family and personal injury specialist), Rhys Taylor, Philip Way and DJ Barbara Wright (on behalf of ADJ).

Mediator: Dominic Raeside, Head of Mediation, Family Law in Partnership and mediation member of the Family Justice Council.

Expert members: Paul Cobley, David Lockett, George Mathieson, Peter Moore, Kate Routledge, Ian Sharpe (on behalf of IFoA), Clive Weir and Geoffrey Wilson.

We are grateful to Nick Forrest of PWC, who attended several of the Valuation Working Group meetings and contributed to their discussions, and to all those who responded to the PAG blog.

We do not believe that there will be another opportunity within the near future to bring together a group of people with such vast combined experience of working in the field of pensions on divorce. Please take this opportunity to let us know your views.

This project was funded by the Nuffield Foundation, but the views expressed are those of the authors and not necessarily those of the Foundation.