

Penny Raby & Co.

Guidance Notes for Financial Dispute Resolution and Form E



Notes and Guidance

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FINANCIAL DISPUTE RESOLUTION IN ENGLAND

In England, a significant method for the settlement of financial matters in divorce cases is through a hearing process called Financial Dispute Resolution (FDR). The FDR process has three stages, with each stage culminating in a court hearing:

Stage 1 - From the initial filing of a financial order application until the end of the First Directions Appointment (FDA).

Stage 2 - From the end the First Directions Appointment until the end of the FDR hearing.

Stage 3 - From the end of the FDR hearing until the final hearing.

Stage 1 - From the initial filing of a financial order application to the FDA

The purpose of the FDA is to try to define the issues in the case, to decide what additional information is needed by both parties and the court to move the case forward, and to give directions for the future progress of the case.

The process starts with the applicant filing an application for the court to deal with financial issues ;this is known as a **Form A**. At the time of filing the Form A the court will fix the date for the FDA for 20 to 26 weeks ahead. Each party is ordered to complete and swear a **Form E**, a court document in which each party details assets, resources, income, debt, contributions made to the marital wealth and future needs.

Five weeks before the FDA, sworn Form Es are exchanged simultaneously. Both parties then request missing information via questionnaires. Simultaneous exchange ensures that each party puts forward their version of events without reference to the information provided by the other.

Two weeks before the FDA, the parties must also file:

- A concise statement of the issues between them.
- A chronology (a list of key events in date order).
- A questionnaire requesting further information and/or documents not provided in Form E.
- **Form G**, a form that the parties use to tell the court whether they will be in a position to negotiate a settlement at **the FDA**.

Each side must also file a written costs estimate for the FDA (and later for the FDR hearing and the final hearing).

Stage 2 - From the FDA to the FDR hearing

The FDR hearing normally takes place two to three months after the FDA. The FDR hearing is essentially a process of court-led mediation, giving the parties the benefit of a wholly independent judicial opinion on their case without the need for a full trial and the costs and delay that a full trial necessarily involves. Most negotiation takes place outside the courtroom between the lawyers on behalf of the parties. The parties do not give evidence at the hearing although they may, on occasion, be asked questions directly by the judge.

Generally speaking, the majority of cases settle on, or soon after, the FDR hearing.

Stage 3 - From the FDR hearing to the final hearing

The final hearing begins with each party setting out its case. Both spouses then give oral evidence for the first time. If experts have been involved (such as accountants), they may also be questioned, as may other witnesses, if relevant. After the evidence has been given, the judge makes a final, binding order detailing how the parties' finances are to be divided.

1 General information

1.1 Full name

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1.2 Date of birth

Day	Month	Year
-----	-------	------

 1.3 Date of the marriage/
civil partnership

Day	Month	Year
-----	-------	------

1.4 Occupation

--

1.5 Date of separation

Day	Month	Year
-----	-------	------

 Tick here if not applicable

1.6 Date of the

Petition for divorce/ dissolution/nullity/ (judicial) separation	Decree nisi/ conditional order/ (judicial) separation order	Decree absolute/ final order (if applicable)
Day Month Year	Day Month Year	Day Month Year

1.7 If you have subsequently married or formed a civil partnership, or will do so, state the date

Day	Month	Year
-----	-------	------

 1.8 Are you living with a new partner? Yes No
1.9 Do you intend to live with a new partner within the next six months? Yes No

1.10 Details of any children of the family

Full names	Date of birth			With whom does the child live?
	Day	Month	Year	

1.11 Details of the state of health of yourself and the children if you think this should be taken into account

Yourself	Children

1.12 Details of the present and proposed future educational arrangements for the children.

Present arrangements	Future arrangements

1.13 Details of any child support maintenance calculation or any maintenance order or agreement made in respect of any children of the family. If no calculation, order or agreement has been made, give an estimate of the liability of the non-resident parent in respect of the children of the family under the Child Support Act 1991.

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1.14 If this application is to vary an order, attach a copy of the order and give details of the part that is to be varied and the changes sought. You may need to continue on a separate sheet.

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1.15 Details of any other court cases between you and your spouse/civil partner, whether in relation to money, property, children or anything else.

Case No.	Court	Type of proceedings

1.16 Your present residence and the occupants of it and on what terms you occupy it (e.g. tenant, owner-occupier).

Address	Occupants	Terms of occupation

IMPORTANT NOTICE

Clients will be please to note that the 2018 DATA PROTECTION ACT and European GDPR regulations limit costs payable by parties seeking data for financial disclosure on divorce (e.g., bank, credit card and loan statements etc).

Please do NOT pay additional fees without reference to this office

Organizations may charge a fee of up to a MAXIMUM £10

You have the right to receive a copy of the information that is held about you by an organization. This is known as a Subject Access Request (SAR). It enables you to ask the organization you think is holding, using, or sharing the personal information you want, to supply you with copies of both paper and computer records and related information.

There are special rules that apply to fees for paper-based health records and education records within the regulations which may allow an organization to refuse to comply with your subject access request, but only in certain circumstances.

When applying to an organization you should try to be as specific as possible about the information that you need and ensure that you include all information needed otherwise you may have to pay for a second request. You should also include any details that will help the organization to identify you, for example, full contact details, organization reference codes or account numbers. You can apply by post, email or using social media; however, you should ensure that you retain records of any requests that have been sent. You can find further information about this on the ICO website <https://ico.org.uk/your-data-matters/>

Once you have applied to the organization it must respond to you within one month starting from the day on which they receive the fee, the information they need to identify you and the information you need. A credit reference agency must reply within seven days to a request for a credit file. If an organization reasonably needs more information to help them find your information or identify you, they must ask you for the information they need. They can then wait until they have all the necessary information as well as the fee before dealing with your request.

The organization can withhold information if the information you have asked for contains information that relates to another person. This is unless the other person gives their permission for you to receive the information or if it is reasonable in all the circumstances to provide the information without permission.

For further information, including an SAR template please refer to <https://ico.org.uk/your-data-matters/your-right-of-access>

DISCLOSURE and DOCUMENTATION in Form E

A Form E is a detailed form setting out your financial details, including the needs of yourself and the children. Both you and your spouse have a duty to provide full and frank disclosure in your Form E, giving full details of all your finances including capital, income, and pensions.

The Form E procedure may be followed on a voluntary basis or via a predetermined Court timetable. Once completed, this will be mutually exchanged with your spouse or their legal representative so that a full review can be done, and any queries or questions can be addressed and raised via a questionnaire.

Whilst there are some minor technical differences between the two processes, it is the practice of Penny Raby & Co. to require clients to provide full disclosure as required by the Court, and indeed to exceed this minimum level. Practical experience suggests that wasted costs and unnecessary delay can be avoided by provision of further information in the original filing of Form E. All matters are reviewed on a case-by-case basis, but the following table can be taken as a guide to the supporting documentation normally provided in Form E.

IMPORTANT NOTE: Where clients need to approach banks, credit card providers or other financial institutions for copy statements, valuations etc., please be aware that Court precedents and the Data Protection Act require such providers to supply full disclosure for a maximum charge of £10 per account, Please do not pay additional fees without reference to our office !

Please provide the following documentation and information where applicable. If you have any questions or are unsure about anything, please contact Trisha Ierston (accounts@harmony-house.co.uk | 01386 555 114)

Note	Description	Disclosure (if applicable)
2.1	Matrimonial Home	Recent Valuation and most mortgage statement
2.2	Other Properties	Recent Valuation and most mortgage statement
2.3	Bank & Savings	Previous 12 months detailed statement for all accounts
	Other Liquid Funds	Previous 12 months detailed statements or most recent valuation
2.4	Stocks & Securities	Most recent valuation
2.5	Life Insurances	Policy documents and surrender value
2.6	Debts or monies owed to YOU	Most recent valuation, copy of statement showing monies paid, any agreements held
2.8	Personal Belongings	Valuations are based on the resale or distressed sale value.
2.9	Liabilities	Previous 12 months detailed statements (e.g., credit cards) or most recent valuation (e.g., loan statements)
2.11	Business Interests	Most recent 2 years certified Accounts and estimate for the current financial year. Other matters as to valuation of the business should initially be discussed with Penny Raby & Co
2.13	Pensions	Policy document and CETV value is mandatory. All other benefits and valuations are discretionary
2.14	Other Assets	As appropriate depending on materiality of sums
2.15	Earned Income	Most recent 3 pay slips and P60 for the previous financial year

2.16	Self-employed income	Refer to 2.11 and last 3 years tax returns
2.17	Investment Income	As appropriate depending on materiality of sums
2.18	State Benefits	Confirmation certificate or annual statement
2.19	Other Income	As appropriate depending on materiality of sums

2 Financial Details

Part 4 Capital: Pensions and Pension Protection Fund (PPF) Compensation

2.13 Give details of all your pension rights and all PPF compensation entitlements, including prospective entitlements. Complete a separate page for each pension or PPF compensation entitlement.

EXCLUDE:

- Basic State Pension

INCLUDE (complete a separate page for each one):

- Additional State Pension (SERPS and State Second Pension (S2P))
- Free Standing Additional Voluntary Contribution Schemes (FSAVC) separate from the scheme of your employer
- Membership of ALL pension plans or schemes
- PPF compensation entitlement for each scheme you were a member of which has transferred to PPF

Documentation required for attachment to this section:

- A recent statement showing the cash equivalent (CE) provided by the trustees or managers of each pension arrangement; for the additional state pension, a valuation of these rights or for a PPF valuation of PPF compensation entitlement.
- If any valuation is not available, give the estimated date when it will be available and attach a copy of your letter to the pension company, administrators, or PPF Board from whom the information was sought and/or state the date on which an application for a valuation of an Additional State Pension was submitted to the Department of Work and Pensions.

Name and address of pension arrangement or PPF Board

Your National Insurance Number

Number of pension arrangement or reference number or PPF reference number

Type of scheme e.g. occupational or personal, final salary, money purchase, additional state pension, PPF or other (if other, please give details)

Date the CE, PPF compensation or additional state pension was calculated

Is the pension in payment or drawdown?

State the CE quotation, the additional state pension valuation or PPF valuation of those rights.

If the arrangement is an occupational pension arrangement that is paying reduced CEs, please quote what the CE would have been if not reduced. If this is not possible, please indicate if the CE quoted is a reduced CE

Is the PPF compensation capped?

TOTAL value of ALL your pension assets: TOTAL F

State Pension statement



Department
for Work &
Pensions

Please tear off and keep for your information.

What is a State Pension statement?

A State Pension statement will give you an estimate of how much State Pension you may get and the earliest date you can claim. The estimate will be based on your National Insurance contribution record as it stands on the date the statement is produced.

Your State Pension statement is not a guarantee. The amount you get when you claim your State Pension may be different from the amount on your statement. You may want to get financial advice before making decisions based on your State Pension statement.

Who can get a State Pension statement?

You can get a State Pension statement if you are aged 16 or over and at least 30 days away from your State Pension age when we look at your application.

Completing the form

Please fill in the form in **black ink** and send to the address below. You must sign the form in **Part 7** – if you do not your application may be delayed.

If you need any help, please call us on **0800 731 0175** (if you live in the UK) or **+44 191 218 3600** (if you live outside the UK). You can also write to us at:

**Newcastle Pension Centre, Futures Group
The Pension Service 9
Mail Handling Site A
WOLVERHAMPTON
GREAT BRITAIN
WV98 1LU**

Other ways to get a State Pension statement

If you live in the UK you can get a State Pension statement by calling us on **0800 731 0175**. Lines are open Monday to Friday 8am to 6pm. For security and quality purposes your call may be monitored and recorded.

If you have speech or hearing difficulties you can contact us using a textphone on **0800 731 0176**.

If you live outside the UK

You can call us by dialling **+44 191 2183600** to get a State Pension statement. Lines are open Monday to Friday 8am to 6pm. If you have speech or hearing difficulties you can contact us using a textphone on **+44 191 2182051**.

Call to **0800** numbers are free from landlines and mobile.

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How long will it take to get my statement?

We will normally send you a State Pension statement within 10 working days of receiving your application.

Sending your State Pension statement to someone else

If you would like us to send your State Pension statement to someone else, please tick the box in **Part 5** and fill in **Part 6**.

We can only send your State Pension statement to someone else if:

- they have an existing Power of Attorney, or
- you give us your permission in writing to do this now

If you are making the application on behalf of someone you are authorised to act for, we will need to see proof of that authority before we can send you their State Pension statement.

Claiming State Pension

You cannot use this form to claim your State Pension. This form is to get a State Pension statement.

To find out how to claim your State Pension go to www.gov.uk/state-pension/how-to-claim

How the Department for Work and Pensions collects and uses information

When we collect information about you we may use it for any of our purposes. These include dealing with:

- social security benefits and allowances
- child support
- employment and training
- financial planning for retirement
- occupational and personal pension schemes

We may get information about you from others for any of our purposes if the law allows us to do so. We may also share information with certain other organisations if the law allows us to.

To find out more about how we use information, visit our website www.gov.uk

State Pension statement

Application for a State Pension statement

Part 1 About you

Please tell us about yourself. Use BLOCK CAPITALS and black ink.

National Insurance (NI) number	Letters Numbers Letter <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Title	<input type="text" value="Please choose"/>
Current surname or family name	<input type="text"/>
First name and any middle names	<input type="text"/>
Any other surnames or family names you have previously been known by	<input type="text"/>
Date of birth – DD/MM/YYYY	<input type="text"/>
Full address including postcode or zip code	<input type="text"/>
Correspondence address if different from above. Give us the full address, including the postcode or zip code.	<input type="text"/>
Have you ever worked or paid National Insurance in the Isle of Man?	No <input type="checkbox"/> Yes <input type="checkbox"/>

Application for a State Pension statement continued

Part 2 Marital status

Please tick the description that applies to you and give exact dates as DD/MM/YYYY.

Single

Married

Date of marriage

If you converted or changed your civil partnership into a marriage, or married your civil partner, enter the date your marriage is treated as starting on.

Civil partner

Date of formation of civil partnership

Divorced

Date of marriage

If you converted or changed your civil partnership into a marriage, or married your civil partner, enter the date your marriage is treated as starting on.

Date of divorce

Civil partnership dissolved

Date of formation of civil partnership

Date of dissolution

Widowed

Date you were married

If you converted or changed your civil partnership into a marriage, or married your civil partner, enter the date your marriage was treated as starting on.

Date you were widowed

Surviving civil partner

Date of formation of civil partnership

Date your civil partner died

Part 3 Contact details

If we need to contact you before we send you your State Pension statement, how would you prefer us to get in touch with you?

By letter to the address given in **Part 1**.

By phone.
Please give number below.

Home phone number

Daytime phone number, if different

What is this number?

Work Mobile Textphone

If you live in Wales, we can send you your State Pension statement in English or Welsh. Which language do you prefer?

English

Welsh

We can send you your State Pension statement in braille or large print.

Braille

Large print

Please tick a box if you prefer one of these choices.

Application for a State Pension statement continued

Part 4 Living outside the United Kingdom

We use United Kingdom (UK) to mean England, Scotland, Wales and Northern Ireland.

If you are currently living in the UK please go to **Part 5**.

If you are currently living outside the UK, please tell us:

**Your last two UK addresses,
including postcodes**

Address 1

Address 2

The date you left the UK

Use DD/MM/YYYY.

Application for a State Pension statement continued

Part 5 What to do now

Please tick the box that applies to you. If you tick both boxes, we will only send the State Pension statement to you.

Where do you want your State Pension statement sent?

To me at the address I have given in **Part 1**.

Please go to **Part 7**.

To my representative.

I want my representative to handle any follow-up enquiries that relate to my State Pension statement.

Please go to **Part 6**.

Please note that:

- this authorisation relates only to enquiries made to the Newcastle Pension Centre, Futures Group and
- we can only provide information to your representative for the period that your State Pension statement is held on our computer records

If you request another State Pension statement in the future, you would need to provide further authorisation for us to provide or discuss that statement with your representative.

I am a Personal Acting Body.

Send the State Pension statement to me.

Please go to **Part 6**.
Please provide proof of your authority.
For example, power of attorney.

A *Personal Acting Body* is a named person appointed to look after all or some aspects of a customer's affairs.

Application for a State Pension statement continued

Part 6 Your representative

Please give details of your representative.

If you are a Personal Acting Body, please give **your** name and address.

Title	<input type="text" value="Please choose"/>
Surname or family name	<input type="text"/>
Other names	<input type="text"/>
Organisation's name if this applies.	<input type="text"/>
Full address including postcode or zip code	<input type="text"/>
Daytime phone number	<input type="text"/>
Fax number	<input type="text"/>
Reference number if you know it	<input type="text"/>

Please go to **Part 7**.

Part 7 Signature

Please sign and date this form.

Signature	<input type="text"/>
Date DD/MM/YYYY	<input type="text"/>

Where to send this form

Send this form to

**Newcastle Pension Centre, Futures Group
The Pension Service 9
Mail Handling Site A
Wolverhampton
WV98 1LU
United Kingdom**

Budget Summary

CLIENT NAME :

Section	Description	CURRENT	FUTURE
1	Housing	0.00	0.00
2	Utilities & bills	0.00	0.00
3	Food	0.00	0.00
4	Other household expenses	0.00	0.00
5	Garden	0.00	0.00
6	Pets	0.00	0.00
7	Car	0.00	0.00
8	Employment expenses	0.00	0.00
9	Personal expenses	0.00	0.00
10	Sports, entertainment, hobbies, holidays	0.00	0.00
11	Assurance, insurance and savings	0.00	0.00
12	Professional services	0.00	0.00
13	Other	0.00	0.00
	TOTAL	0.00	0.00
14	Children's expenses	0.00	0.00
	GRAND TOTAL	0.00	0.00

ALL FIGURES ARE STATED on a MONTHLY BASIS

1	HOUSING	CURRENT	FUTURE
	Mortgage / Rent		
	General maintenance		
	Service contracts		
	Insurances		
	Other		
	TOTAL	0.00	0.00

2	HEAT AND LIGHT	CURRENT	FUTURE
	Gas		
	Electricity		
	Council Tax		
	Water rates		
	Telephone		
	Mobile		
	Other		
	TOTAL	0.00	0.00

3	FOOD	CURRENT	FUTURE
	Groceries and food		
	Wines, spirits, beer and alcohol		
	TOTAL	0.00	0.00

4	OTHER HOUSEHOLD EXPENSES	CURRENT	FUTURE
	Laundry and cleaning		
	Cleaning materials and other household		
	Stationery and postage		
	TV, video & satellite		
	Window cleaner		
	Other		
	TOTAL	0.00	0.00

5	GARDEN	CURRENT	FUTURE
	Gardener		
	Plants etc		
	Equipment		
	Other		
	TOTAL	0.00	0.00

6	PETS	CURRENT	FUTURE
	Food		
	Vet and insurance		
	Kennels		
	TOTAL	0.00	0.00

7	CAR	CURRENT	FUTURE
	Lease rental / depreciation		
	Car licence		
	Insurance		
	Maintenance, repairs, replacements		
	Petrol and oil		
	Car wash/valet service		
	Parking expenses		

AA membership		
TOTAL	0.00	0.00

8	EMPLOYMENTS EXPENSES	CURRENT	FUTURE
	Fares		
	Lunches		
	Special clothing and equipment		
	Subscriptions		
	TOTAL	0.00	0.00

9	PERSONAL EXPENSES	CURRENT	FUTURE
	Clothes		
	Jewellery		
	Shoes		
	Hairdressing		
	Cosmetic and toiletries		
	Optician		
	Medical expenses		
	Dentist		
	Beautician		
	Health clubs		
	Tobacco/cigarettes		
	TOTAL	0.00	0.00

10	SPORTS, ENTERTAINMENT, HOBBIES, HOLIDAYS	CURRENT	FUTURE
	Meals, outings, theatre		
	Books, magazines, music, entertainment		
	Club subscriptions		
	Hobbies		
	Holiday, shorts breaks etc		
	Christmas expenses, gifts, parties etc		
	Donations		
	TOTAL	0.00	0.00

11	ASSURANCE, INSURANCE AND SAVINGS	CURRENT	FUTURE
	Life and endowment policies		
	Family protection		
	Mortgage protection		
	Sickness and accident		
	Medical (eg BUPA)		
	Regular savings		
	Pension		
	TOTAL	0.00	0.00

12	PROFESSIONAL SERVICES	CURRENT	FUTURE
	Accountancy fees		
	Legal fees		
	TOTAL	0.00	0.00

13	OTHER ITEMS OF EXPENDITURE	CURRENT	FUTURE
	TOTAL	0.00	0.00

14	CHILDREN'S EXPENSES	CURRENT	FUTURE
	School fees		

Fares to and from school		
School meals		
Uniform and special clothing		
Sports and other equipment		
Mobile phones		
Dancing lessons		
Music lessons		
Hobbies		
Toys		
Pocket money		
Clothing other than for school		
Outings		
Birthday parties		
Stationery		
Holiday clubs		
Budget		
TOTAL	0.00	0.00

4 Other information

4.1 Details of any significant changes in your assets or income.

At both sections 4.1.1 and 4.1.2, INCLUDE:

- All assets held both within and outside England and Wales
- The disposal of any asset.

4.1.1 Significant changes in assets or income during the LAST 12 months.

4.1.2 Significant changes in assets or income likely to occur during the NEXT 12 months.

4.2 Brief details of the standard of living enjoyed by you and your spouse/civil partner during the marriage/civil partnership.

4.3 Are there any particular contributions to the family property and assets or outgoings, or to family life, or the welfare of the family that have been made by you, your partner or anyone else that you think should be taken into account? If there are any such items, briefly describe the contribution and state the amount, when it was made and by whom.

INCLUDE:

- Contributions already made
- Contributions that will be made in the foreseeable future.

4.4 Bad behaviour or conduct by the other party will only be taken into account in very exceptional circumstances when deciding how assets should be shared after divorce/dissolution. If you feel it should be taken into account in your case, identify the nature of the behaviour or conduct below.

4.5 Give details of any other circumstances that you consider could significantly affect the extent of the financial provision to be made by or for you or any child of the family.

INCLUDE: (the following list is not exhaustive):

- Earning capacity
- Disability
- Inheritance prospects
- Redundancy
- Retirement
- Any agreement made between you and your spouse/civil partner before or after your marriage/civil partnership stating whether or not you rely upon the agreement giving your reasons
- Any plans to marry, form a civil partnership or live with a new partner
- Any contingent liabilities.

4.6 If you have subsequently married or formed a civil partnership (or intend to) or are living with another person (or intend to), give brief details, so far as they are known to you, of his or her income, assets and liabilities.

Annual income		Assets and liabilities	
Nature of income	Value (if known, state whether gross or net)	Item	Value (if known)
Total income:	(Gross) £ (Net) £	Total assets/liabilities:	£