

Supplementary Material: Report of the Pension Advisory Group, 1st July 2019

Focus Groups held on 17th May 2018: Key Points

1. This briefing note summarises the key points emerging from a series of focus groups run by the Pension Advisory Group (PAG) on 17th May 2018. The PAG, with the backing of the Family Justice Council and the President of the Family Division, and some funding from the Nuffield Foundation, had at that point been working for approximately nine months on producing a good practice guide to pensions on divorce for the benefit of the judiciary, family practitioners and the divorcing public. PAG had published two consultation reports raising a number of questions of law and practice which were circulated widely for comment. Following the publication of the consultation documents, they arranged this series of small focus groups for a mix of family lawyers and pension experts, and Brewin Dolphin kindly hosted these at their London office. The aim of the focus groups was to sound out the views of the profession on the issues raised by their draft guidance and then to analyse and feed back those views, as appropriate, into the final report.
2. The project was funded by the Nuffield Foundation, but the views expressed are those of the authors and not necessarily the Foundation. For more information visit www.nuffieldfoundation.org.
3. There were 5 – 6 people in each of the four groups, lawyers and experts in separate groups, and two moderators. In the lawyers' groups, we secured an even balance of male and female; a mix of solicitors and barristers (mostly solicitors), all known to specialize in family financial remedy work but with a range of age and experience; ethnically and geographically diverse (drawn from London, cities and provinces). In the financial experts' groups, all specialised in pensions on divorce. We had a reasonable gender balance (8 male, 4 female, probably reflecting the profession); a mix of financial experts and actuaries, members of different professional bodies, report writers and non-report writers, and one from the pension administration side; a good range of practice geographically. Each group discussion lasted approximately 90 minutes. The group discussions were recorded and transcribed verbatim, and the content then thematically analysed. Approval for the focus groups was granted by the University of Cardiff ethics committee. Anonymity and confidentiality was assured to all participants to enable free and frank discussion. The analysis of the focus groups fed into the widespread consultation by the PAG, the design of an online survey, and into the final report of the PAG published on 1st July 2019. All focus group participants have agreed to this briefing note being published.
4. The focus group topic guides are included as Appendices to this document.
5. This briefing focuses on those issues that these constituent groups viewed as especially problematic in the practice of considering and dividing pensions on divorce.

Pension on divorce experts (PODEs) from the financial services industries and actuarial professions

What type of expert, what are the issues between different types of experts?

6. PODEs described that they often became involved far too late, and while the pension may have been valued perhaps even by an actuary, no thought had been given to the financial advice that the parties needed throughout and at the end of the process. They have to deal with the real-life, real-time implications of what individuals have ended up with, with no opportunity after the fact to influence that, and it was often just a mess with grave financial damage having been done. Really terrible arrangements had often been agreed or approved by the court that cost one or both clients a great deal of money through lack of understanding and expertise of clients, lawyers and judges. Far better outcomes could have been achieved if they had been involved early enough, and avoidable tax liabilities preserved for the clients. They gave examples of basic errors such as ignorance of lifetime allowance protection; cases where a party was ordered to take his pension lump sum and pay a proportion to his wife but no-one realised that this meant he would have to take early retirement to secure his pension, thereby considerably reducing the value of the pension; cases where no-one appreciated that part of the value of a Defined Benefit (DB) scheme could be taken in cash tax free. Attention was drawn to problematic cases where there might be more than one DB scheme but one might create much better value out of a sharing exercise. The experts perceived a great deal of ignorance about pensions in their daily practice.
7. Part of this problem was felt to be that often parties and solicitors hadn't appreciated that different types of financial experts and advisers deal with different aspects of the problem. Technical valuation of the pension is only one of the issues arising. Many experts felt that both before and after proceedings, the advisory side was much needed in the form of end-to-end advice, including helping draft letters of instruction for reports, understanding reports and possible outcomes, future cash flows and especially where parties are on good enough terms to collaborate to obtain optimal results. Lawyers tended to go to actuaries for valuation reports and not seek financial advice for their clients, nor encourage the clients to seek financial advice. A tension emerged in the discussions between the court appointed expert, where the feeling was that they were engaged to produce a valuation and speak to related matters, but not to advise the parties financially. While actuaries were engaged to do pension reports, non-actuaries might do reports about outcomes but would never get involved in valuations. Since pension freedoms, who exactly is needed for what has become a more ambiguous question. IFAs felt that they often sat between the courts, the lawyers and actuaries. They felt a degree of frustration at being constrained just to give figures and not permitted to use the full range of their financial expertise to achieve what they felt was the right solution for those clients. The lack of financial advice given to parties was a recurrent and deeply salient theme in the discussions.
8. They felt that there was widespread ignorance of the state pension and of the number of things that could be done to enhance the state pension and make sure all due credits had been received, for example if child benefit hadn't been claimed where a husband had been earning above the threshold.

9. PODE participants felt strongly that membership of a profession and experience were really important, and that expert witness insurance was needed as well as generic professional indemnity insurance. The issues that they felt needed canvassing included technical training, experience, complaints handling, ethics, guidance, Continuing Professional Development (CPD), quality of work, professional behaviour and professional indemnity, though they recognised that it is difficult to discern divorce experience.

What should they be recommending?

10. There was widespread ambiguity about how PODEs were supposed to be conceptualising their valuations and advice. For example, should a wife be putting her pension share or capital into a risky investment or can she buy a risk free investment? Should income be considered by reference to annuity pricing, low risk, i.e. the equivalent of a DB pension? Experts commented that financially constrained women tend not to take risks (and would not be advised to do so) and so in reality they end up with very different investments than envisaged by the courts on unrealistic assumptions. They had noticed a tendency towards drawdown approaches being taken by courts rather than an annuity approach which was not always considered appropriate, feeling that if a pension report is based on a wife going into drawdown, this seemed unfair; some experts felt that reports should make an annuity assumption when a wife was depending on a pension share. In their experience of implementation after the order clients might go into drawdown or might take annuities. They felt that solutions needed to take account of people's capacity for loss and appetite for investment risk, and that they should be able to give a range for cautious and risky investors. Single values were seen as not realistic. There was a feeling that when talking about equal incomes, we don't think enough about equal *styles* of income – e.g. indexations, guarantees, internal membership and that really we should be trying to make sure parties end up with similar *styles* of income.
11. Equalisation of income was for many the preferred approach, with an acknowledgement that there were a number of different methodologies but they all sort of end up in the same place. However it was noted that equalising incomes when parties are many years away from retirement could be very problematic with small errors leading to massive compounding effects. Some felt that if a long way from retirement, we should just equalise capital.
12. It was widely agreed that offsetting causes the most problems and that there is no consistency in practice to offsetting. It was felt that a true/actuarial/market consistent valuation was needed for offsetting. While there was general agreement that tax should be factored in to calculations, there was also wide consensus expressed that so-called 'utility discounts' are "a made up number". So-called 'utility discounts' underestimated the future pension and led to expert shopping.
13. A great deal of inconsistency was observed across cases in the ways that pension are valued. This all led to a strong feeling that we need a consistent basis of valuation for income, capital, offsetting and there was a strong desire for common standards and a series of standardised assumptions, including about the date of implementation. Any departure from common assumptions should need justification with good reasons. However it was also noted that any common assumptions need regular review to remain relevant and effective.

14. Variation in retirement ages was reported as a big problem area, with large numbers of permutations being requested in valuations, which was not seen as helpful to anyone.
15. PODEs were asked what they thought about the use of *Ogden*-style tables by solicitors. They were divided in thinking that this was either a great idea or a terrible idea. Some felt it could be dangerous for solicitors to use Ogden Tables especially in complex cases like revalued pensions, Guaranteed Minimum Pensions (GMPs) and so on, where they may not realise the underlying complexity.

Particular problem areas

16. PODEs identified several areas that they had experienced as problematic. These included where there was active membership and the figures changed on implementation; great variation among pension schemes in the ways that they calculate cash equivalents (CEs), potentially leading to wildly different CEs from different schemes for the same benefits; cases involving the Pension Protection Fund; cases involving the armed and uniformed services.
17. Experts identified that inconsistency amongst experts and the methods they used leads to expert shopping and cherry picking, which they had observed. Issues that could lead to inconsistencies included various financial and other assumptions; choice of retirement date; the date that calculations are done to; whether using annuities, drawdown or market annuities; whether and how mortality is allowed for.
18. They were somewhat frustrated by solicitors gathering insufficient or the wrong data, which led to duplication of time and costs, and felt that it would be better that the data gathering was in the hand of the expert preparing the report who would know what was needed.

The market

19. PODEs experience was that lawyers find it very difficult to persuade a client to agree to a report. From their side they described very low margins for this work, in some cases the least of all the work that they undertake. They thought that there are not enough people doing the work probably because it does not pay sufficiently well, and while their costs are going up there is a price constraint from clients and judges. Reports are thus becoming the privilege of already wealthy families where a pension is only one of a number of assets, when often it is those where the pension is a more important asset to the family who need them more.
20. Some thought that standardising reports and assumptions and limiting the permutations that clients could ask for would help in keeping costs down, to keep experts in the market.
21. It was noted that there was not much relevant CPD in this field for experts.

The letter of instruction and reports

22. There was a clear, urgent, and strongly held view among PODEs that we need a cheaper and more efficient way to deliver more standardised reports.

23. There was widespread strongly expressed dissatisfaction with letters of instruction. Instructions are much too complex and too many variations are sought. The plea was for simplicity of instructions and simplicity of reports. Lawyers and clients would benefit from the input of a financial advisor when drafting letters of instruction. There was a feeling that often lawyers don't really know what to ask for and don't focus on what the clients are trying to achieve. Experts often don't have the data on which to do the multiple calculations sought. Experts felt that they should be allowed to feed back much more strongly on the letter of instruction.
24. There was a commensurate call for simple and understandable reports that can be read and understood by both lawyers and clients, together with a plea to do away with multiple retirement ages and to keep retirement ages simple. Ideas suggested were to use FCAs conducted business illustration requirements, with no more than two or three central assumptions; clear instructions on things that are helpful rather than twenty things or scenarios that are of tangential interest. The process of reporting needs to follow what is actually needed.

The court process

25. PODEs felt that the range of pension knowledge and quality of pension advice varies hugely among solicitors and judges. They felt that lawyers and judges need more training and that there should be a minimum pension knowledge requirement for family law practice.
26. They gave examples where they felt the Judge had not been robust enough in controlling what reports were sought, consistent bases of valuation, and reports that inappropriately advantaged one party.
27. Most PODEs felt strongly that there should be no choice but to take pensions into account, whatever the parties say.
28. They also all reported that despite FPR 25.19 where they ought to be informed of the result of any case, no-one ever tells them what has happened. Importantly, this means that there are no feedback loops operating.

Dealing with pension providers for the report and implementation

29. Some pension administrators expressed frustration with solicitors' tendency not to provide a Letter of Authority to enable the pension scheme to disclose information to them, and also noted that their need for strict compliance with the legislation appeared to frustrate them, which in the opinion of the administrators was an unreasonable response to necessary legal compliance.
30. Clients need to be warned that predictions of Pension Sharing Order effects are never accurate. Timing is key. For active members the reduction in benefits is not pre-determinable and benefits always change by the implementation period. These issues are insufficiently understood by lawyers and clients.
31. There was a large well of dissatisfaction about dealing with pension providers, with administrative turnarounds considered unacceptable. PODEs reported that it can take weeks or months to get the data; it's out of the control of the person doing it. There was often confusion

about who should be gathering pension data – the expert or solicitor, and many errors in the data gathering process were part of everyday practice.

32. Information coming from Trustees was seen as problematic, unhelpful and often wrong. For example where trustees offer a reduced external transfer they are obliged to offer a full internal transfer, but often deny this is the case; often refusing to tell a spouse what pension a particular share will provide in a scheme under internal sharing; divorce enquiries going to the bottom of the list because member queries take priority; refusing to release the share because a reputable or legitimate provider is not on their list of “approved” companies. Alternative companies might be proposed providing worse value for money for the client. These issues lead to delay and expense.
33. There was widespread frustration with time for orders to be implemented and confusion over fees. In one example given, the husband never paid his share of the fees and so the order was never implemented, while the trustees were not obliged to tell anyone that this had happened. Ten years elapsed before this was uncovered. PODEs felt that undertakings to pay fees need to be standardised and routine and systems for checking these implemented.

Lawyers (barristers and solicitors)

Information gathering and the report: the plea for standardisation

34. There was a clarion call from the lawyers to standardise how you gather information and the Statement of Information. It needs to be much clearer what you are looking at when you look at a Form E.
35. Lawyers sought, from the PAG, a straightforward paragraph, citable in a skeleton argument that explains to the DJ or higher why a public sector defined benefit scheme needs a report. They wanted a clear statement of what are the triggers, and what are the red flags for a report? This would enable them to say to the judges: this is the pension and there are all these red flags, for example: interaction with state benefits, GMP, additional pensions, defined benefit complexities, income gaps and so on.
36. There should then be a simple standardised pension report with a limited number of assumptions, and importantly, simple enough for a Litigant in Person to read and understand. This needs clear language that all involved from the judge to the lawyers to the clients can understand. They need to have confidence in the calculations, not hundreds of tables. What is required is simple reports that answer the question “boom boom boom”. The report envisaged would get right to the point, clearly stating the assumptions used, what the options are, when the lump sum can be drawn and what the impact is going forward. If a range of assumptions is needed, these need to be clearly laid out – and only the ‘big’ assumptions. These need to be agreed by consensus across the industry. It was felt that “chaos reigns” and that experts need to come to some sort of agreement to narrow the range of assumptions used – for example what rates should you apply before the pension is taken and once in payment.
37. Importantly there was a call for the use of realistic returns that are achievable in the real world for real people, and a standard risk layout.

38. There was consensus that there should be a template; an agreed format for pension reports. There was some appetite for an “express service” – a basic report, limited assumptions, quick to turn out which could be timely and usable in many or even most cases.
39. Some lawyers thought that if they could get better information from DB schemes there would be less need for reports, for example, if DB schemes were obliged to tell them what pension a particular split would result in, or what split would be needed to give the wife a pension of a particular amount.

Letter of instruction and obtaining reports

40. The letter of instruction was seen as problematic. This was difficult to agree between solicitors and doubly difficult with litigants in person. The issue was raised by many of tactical advantages being handed to more savvy lawyers on the letter of instruction, and people felt that they system was crying out for this to be eradicated.
41. Lawyers had no views about how valuations were done or assumptions used, seeing this as the remit of experts.
42. They had many serious concerns about timeliness and the delays experienced in getting reports.

What makes it difficult?

43. We canvassed with the lawyers which issues they found most difficult in resolving cases. Offsetting was viewed as the biggest problem. Other issues which made cases difficult included ‘middle-income’ where there was really just a house and a pension, especially if the pension was worth more than the house; where there is not much housing wealth to offset against; couples aged between 35 and 45; large age differences (income gaps); where liquid assets are limited; where there are different types of pensions; SSASs, SIPP and overseas pensions, which can lead to liquidity and/or disclosure issues; where the pension owns company premises; public sector pensions, especially uniformed services with different rules at different stages. Lawyers also felt they needed guidance about how to deal with pre- and post- cohabitation and separation periods, about which parties often felt strongly. The emotional attachment of wives to the family home and husbands to their pensions was a problem that lawyers dealt with all the time.
44. Lawyers from some areas, and especially those who did *not* deal exclusively with high net worth clients, reported many difficulties in persuading clients and judges of the need for expert advice. Clients resist instructing experts and it is hard to persuade them otherwise, especially in lower and middle income cases. It can be equally hard even getting pension details from clients as they just don’t see the point, and getting them to pay the money to experts for a report can be impossible. If they were in mediation or had already reached agreement between themselves this became even more difficult – clients could not understand how complex pensions are, that they might be missing out on a substantial settlement, or the loss of value that can arise from agreeing something and getting this wrong. This issue was creating many anxieties for some lawyers; risk managers and insurers were starting to insist that pensions with a CE over £100,000 required a report but the clients won’t pay for it. Some reported having to issue Part 25 applications to resolve the issue where the other side was resisting a report and felt that this was sometimes because they knew the pensions were valuable and were trying to suppress the

information. Solicitors who routinely dealt with higher net worth clients did not report this resistance. Regional variation was also noted which was attributed to judicial culture.

45. Many expressed the view that they considered pensions to create high potential for negligence risk in divorce cases.

Courts and judges

46. There was a feeling that the courts should be more forceful and should mandate the information; that the D81 should not be allowed to say 'we don't want to make a claim'. Some perceived that the problem sometimes lay with the judges not wanting to disrupt an agreement, which was felt to be inappropriate – people felt that when agreements were to the manifest disadvantage, usually of the wife possibly under coercive or emotional pressure, it was the judge's duty not to approve it. For example when they might have gone to great lengths to tell their own client that the pension is a real issue, may have had them sign a waiver of liability because their client doesn't want it raised, expecting the judge to raise an objection to a manifestly unfair settlement, and then have the judge approve without comment. There was a feeling that judges give insufficient scrutiny and are too easily satisfied.
47. It was apparent that there was widespread regional and/or court by court variation in how easy or difficult it is to persuade a judge to order a Single Joint Expert report varying from judges routinely ordering this to it being impossible to persuade judges. This leads to something of a postcode lottery on this issue.
48. Lawyers hoped for more support from judges as to when reports are needed, for judges to insist on adequate pension disclosure in the Form E and D81, to reject D81 statements that parties have agreed to ignore pensions, and to insist on proper preparation for a s25 application.
49. Training for judges was thought to be potentially helpful about different types of pensions, why pension reports might be necessary, and why "just sharing the pension" might be value destroying and not optimal. In this realm simple-looking solutions are often really sub-optimal, depriving the clients of financial value. Also that there should be more judicial control of whether pension companies have been served, and more understanding of the time it can take to get information from pension companies.

Resolving the case

50. Lawyers perceived that rather than pensions being properly considered, the issue became whether the outcome was something their client could live with, even if the pension hadn't been properly considered. Lawyers acting for parties with greater pensions (usually the husband) knew this, and often it was about "what they could get away with" for their clients. This was seen as especially the case in offsetting cases, where what the client wants now becomes an emotional consideration, which can lead to very uneven settlements.
51. They also expressed the view that so-called utility discounts are being used tactically, being made up figures thrown in as part of the bargaining of an uncertain outcome, just part of the dynamics of negotiation.

The pension funds and implementation

52. Concern was expressed at the variability of the quality of information obtained from pension schemes. Standardisation of the information that pension schemes have to give the profession on divorce was seen as a critically important outcome to try to achieve in this field. Requiring pension companies to give better information about the income generated after pension splits would also be very helpful.
53. Getting pension orders implemented was seen as something of a nightmare (“it’s the devil”). Particular problems raised included pension administrators not complying with rules, delaying implementation, providing trivial excuses, and not accepting destination fund choices.
54. Minor issues in the form stop implementation, often being errors by the pension funds rather than the solicitors, such as boxes they say need to be ticked which technically don’t. Getting the company name slightly wrong and other slight ambiguities, when in reality the intent is clear. The lawyers reported that it made no difference to this issue whether the order had been pre-approved by the pension provider as the pre-approval is done by one department and the implementation by another. In contrast, in the advisor focus groups, some frustration was expressed by pension administrators that their need for strict compliance with the legislation was not always understood by solicitors.
55. Implementation was also perceived as too slow – even acknowledging receipt of the DA or Pension Share Order might never happen. Solicitors were having to send by special delivery to prove receipt. Pension companies were seen as simply not caring, even if they were taken to the ombudsman over the issue. All of this delays getting the new pension set up which is a real problem.
56. Overall, much better practice and regulations around implementation was seen as needed, including governance of service on pension fund/trustees, added to forms and protocols, covering:
 - orders for service on the pension company (not by the court)
 - Injunctions/undertakings not to deal with pension in the interim – served on the pension company
 - service of notices when dealing with LIPs – what should happen if they don’t do it
 - at the first appointment: Judges should require evidence of service on the pension company:
57. Delays in state pension reports were also seen as problematic.

The Pension Advisory Group

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Appendices: Focus Group Topic Guides

Pension Advisory Group: Lawyer Focus Group Topic Guide

For participant lawyers

Welcome and Introductions

- Purpose of PAG
- Outline of the day
- Purpose of FG discussions
- Confidentiality/ Chatham House Rule
- Recording and transcription (with tips)
- Data protection
- Any questions at all
- Individual/ round table introductions

Key Issues of Concern on pensions on divorce from the family lawyer's perspective

1. What are the key legal issues on which you would most appreciate guidance?
2. What are the technical issues on which you would most appreciate guidance and/or consistency?
3. Are there any practice/ procedural points on which you would like more guidance?
4. What sort of cases do you find most difficult to deal with?
5. Are there any differences in how you deal with pensions between low, middle and high value cases?
6. How do you approach offsetting and/or compare the value of pension and non-pension assets? Do you make any adjustments for tax or utility?
7. Have you encountered any issues over implementation of a pension order?

Client perspective on pensions on divorce

1. What sort of pension issues do clients most often struggle with? What do they need most help with?
2. How often do you meet resistance from clients to taking pensions into account?
3. How cooperative are your clients in providing disclosure of pension assets?
4. Is there any difference between husbands and wives on any of these?

Instruction of experts

1. What are the main triggers for your instructing an expert?
2. How do you decide which expert to instruct?
3. How confident do you feel about drafting the letter of instruction to experts?
4. How do clients respond to your advice to instruct an expert?

5. What do you do if clients decline your advice to instruct an expert?
6. On the quality of expert reports: How helpful do you find the reports? How easy are they to understand? How consistent are they? To what extent are they value for money?
7. What are the advantages/ disadvantages of having a single joint expert?
8. How often/ in what circumstances might you involve a 'shadow' expert?
9. What if the experts disagree? How do you deal with that?
10. How often/ in what circumstances do you consult with a financial advisor?
11. How often/ in what circumstances do you recommend that your client consult a financial advisor?
12. How often roughly have you instructed an expert in the last year (joint or sole)?
13. How easy was it to get your report within a reasonable period of time?
14. How important do you think it is for the expert to be a member of a professional organisation?
15. What is your experience of how judges deal with expert evidence?

Are there any other issues which you think are important which we have not considered today?

Pension Advisory Group: Focus Group Topic Guide

for participant pensions on divorce experts

Welcome and Introductions

- Purpose of PAG
- Outline of the day
- Purpose of FG discussions
- Confidentiality/ Chatham House Rule
- Recording and transcription (with tips)
- Any questions/ concerns?
- Individual/ round table introductions and outline of involvement with PODE cases

Key issues of concern on pensions on divorce from the pension expert's perspective:

1. In your day to day practice in this area, what are the problems that concern you most:

- a. In instructions received and communications with solicitors and lay clients
- b. In dealing with other experts
- c. In preparing your reports
- d. (If any experience) in contested court cases
- e. In implementation

2. The PAG is aiming to give guidelines that help to create more consistency in the ways that pensions are valued for the purposes of divorce:

- a. How consistent do you find experts to be in the way they value pensions in divorce cases?
- b. If inconsistent, why do you think this is?
- c. Have you been involved in a case with very inconsistent valuations?
 - i. How was this resolved?
 - ii. How satisfied were you with this resolution?
- d. What might be done to reduce inconsistencies for clients?
- e. What sort of guidelines could PAG produce that might help?
- f. How easy/hard do you think it would be to reach consensus about financial, actuarial and demographic assumptions as between experts?
 - i. If hard, why do you think that is?

- ii. If a single set of assumptions was proposed by the guidelines, how happy would you feel about changing (your) current methods and/or assumptions accordingly?
 - iii. Is a set of guidelines that proposes a range of methods and/or assumptions for carrying out pensions on divorce calculations useful?
- 3. What do you think makes a case involving valuing pensions complex? Where you are involved in a case that requires you to put a value on the pension other than the CE, how do you approach this?
- 4. Do you think expert valuations should be commissioned in more or fewer cases?

Issues in the operation of the law:

- 1. To what extent do you think the role of an expert is to:
 - i) place a more realistic value on the pension
 - ii) leave the decision making to the lawyers and judges
 - iii) try to find the right solution, in your view, for the parties?
- 2. On the PAG we discuss experts being given instructions to provide reports on how to share pensions between the parties on the basis of: i) their income value; ii) their capital value; or iii) offsetting them against non-pension assets.
 - a. Do you agree that these are the main three options? If not, what others are there?
 - b. Which of these causes the most problems in practice in your view?
 - c. Why do you think this is?
 - d. On off-setting: do you ever factor in a utility discount? Do you i) always do so; ii) only do so if requested; iii) refuse to do so? (If you ever do so) how do you factor it in?
- 3. How do you deal with issues of taxation – do you think this is part of your role:
 - a. In terms of optimal tax planning?
 - b. In off-setting cases?
- 4. Are you familiar with Ogden Tables? [Explain if not:]
 - a. Do you think something like Ogden Tables might have any usefulness for parties in pension cases, even though they are actuarially imperfect?
 - b. What do you think the advantages and disadvantages might be?

5. Have you encountered any issues over implementation of a pension order?
6. Have you ever been involved in cases where you felt there were imbalances of power between the parties as a result of their or their solicitor's knowledge of pensions, or as between experts instructed?
 - a. How could these sorts of imbalances be reduced?

Operation of the market:

1. Do you belong to any professional or expert bodies? If so, which one(s)?
2. How important do you think it is that experts instructed in pension on divorce cases belong to a *professional* body such as the Institute and Faculty of Actuaries, the Chartered Insurance Institute or the Chartered Institute for Securities Investment? Which professional bodies are most appropriate for pensions on divorce experts, in your view, and why?
3. How do you think the balance between supply and demand is working for pension on divorce experts?
 - a. What do you think the problems are, if any, in the operation of this market?
 - b. To what extent do you think experts give value for money in pension on divorce cases?
 - c. If you consider improvement is possible/desirable, how might this be achieved?
4. What do you think the core competencies need to be for those offering their services as expert witnesses in this field?

Conclude

- What do you think the most serious problems are in this field that we need to take away and think about?
- Are there any other issues which we have not covered today which you think are important?