



Southdown Consultants

Letter of Engagement

Overview

Southdown Consultants Ltd provide services to matrimonial lawyers, mediators and/or individuals and couples within the divorce process. The services we provide can differ depending on the circumstances. Prior to engaging and commencing work we will provide a clear estimate of the cost of the work that is to be carried out.

This document details the potential work that can be carried out, how the necessary information will be obtained, how we hold this data, how we issue the work and our invoicing process.

In all instances we will make assumptions (financial, lifestyle and demographic), these will be clearly laid out within the analysis.

We will make every effort to gain an understanding as to the objectives and give guidance as to how the pensions and matrimonial assets can be divided in order to meet the objectives laid out in the letter of instruction. We will set out our rationale for the guidance where required.

Once we receive an instruction we will provide a written estimate of the cost of the work that is being requested, this will usually be a fixed fee. If it is difficult for an estimate to be provided we will work on an hourly basis and will provide a 'best estimate' and keep all parties updated weekly on the costs incurred to date.

Both of the company directors are Resolution Accredited Specialists and can work in the capacity of both a Pension on Divorce Expert (PODE) and as a Financial Neutral.

As accredited Resolution specialists we adhere to their code of conduct and standards at all times. A copy of this code of conduct is available on request.

Our Services

1. Single Joint Expert Reports

When we are jointly instructed all parties concerned will be copied in on all correspondence to ensure that we are acting impartially. If any conversations or communication is held with one party, the other party will be advised of the content of this.

The appointment is on a Single Joint basis in accordance with CPR Part 35 and PD35.

The analysis will be made available to all parties via a secure document link.

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Directors : Paul Gorman & Ian Hawkins



Unless otherwise stated it is assumed that fees will be split equally between the parties, invoices will be issued upon completion of the report.

2. Single Party Instructions

The analysis in this instance will be tailored to the requirements of the client. The analysis may be issued in writing or verbally as agreed at the time of instruction.

The analysis will be made available via a secure document link.

An invoice will be issued upon completion of the agreed work.

3. Mediation Support

A report for a couple in mediation can be issued in the same way as a Single Joint Expert instruction.

We can attend the mediation and provide neutral analysis/support to the parties within the meeting.

If support is provided within a meeting we will require sight of the meeting record for approval prior to this being issued to the parties. If a written summary of the guidance is required this can be provided upon request.

Invoices will be issued after the completion of the report of after each meeting if multiple meetings are to be attended.

4. Collaborative Law

A report for a couple engaged in Collaborative Law can be provided in the same way as a Single Joint Expert Instruction.

We can attend a Collaborative Meeting as either a Pension on Divorce Expert, Financial Neutral of both.

If support is provided within a meeting we will require sight of the meeting record for approval prior to this being issued to the parties. If a written summary of the guidance is required this can be provided upon request.

If requested by all parties we will meet with the couple without the lawyers being present. These meetings would form part of the Collaborative process and we would provide detailed notes of the discussions to all parties.

Invoices will be issued after the completion of the report of after each meeting if multiple meetings are to be attended.

5. Cashflow Modelling

This service can be provided for couples within either Mediation or Collaborative Law or to an individual.



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This service can provide generic help in gathering and understanding financial information, we can generate financial settlement options and cashflow modelling of those options, this will be based on information that is provided to us and any agreed assumptions.

Sharing of information and confidentiality

We may be working as part of an interdisciplinary team of professionals. This relies upon effective sharing of information, any information that is considered legally privileged, without prejudice or confidential as part of this process will remain so when shared with other members of the team and we will be bound by the terms of your agreement to Mediate or Collaborative participation agreement.

There may be a requirement to indicate the likely costs of financial products, or an understanding or likely mortgage borrowing capacity, in these circumstances, we will use the systems at our disposal, or refer you to a suitably authorised adviser to obtain this information.

Data Protection

In order to understand the circumstances properly, we may need to obtain certain information about an individual's financial position and personal circumstances. All information is treated as confidential, however, by accepting the terms within this Letter of Engagement it is agreed that the information provided/obtained may be disclosed to third parties for the purpose of assessing the financial situation.

Any information provided by third parties requires the consent of the individual, which will be sought as required.

Depending on the circumstances we may also hold personal health data (and perhaps genetic information). We may also be provided with details of sexual orientation (for same sex marriages). These are classified as 'special category data' under GDPR and we use them because of the divorce legal claims process, whether or not the case goes to court.

Personal data will be shared with our staff, our IT providers, instructing solicitors, your spouse/former spouse, the courts.

We do not share your data with any other third parties without explicit consent.

We will retain personal and financial information in both hard copy and electronic form. This data is retained within our systems to refer to when completing the work we have been instructed to carry out.

We do not automatically destroy any data after any time period as we prefer to retain this in case there are questions regarding our analysis in the future.

We are happy to advise what data we hold (to the individual concerned) and we want to ensure this is correct. The individual can ask us to destroy this data and we will consider this request and advise our decision after considering the requirements of GDPR.



Fees and Invoicing

Fees for Pension Sharing reports are normally charged at a fixed rate and are based on the complexity of each case and the anticipated time required to produce the report.

Prior to instruction we will estimate the fee applicable for the requested report, agreement will be sought before we commence our work.

Additional fees may be charged if further calculations are requested following production of our report, or any significant changes are made to the original instruction.

Where meetings are attended, or where work is carried out on an hourly rate, we will charge our standard hourly rate of £220. We will provide an update of the fee incurred to date on a weekly basis.

If at any point we are asked to cease work an invoice will be issued for the work that has been carried out to the point of disengagement.

Invoices will be issued upon completion of the work and are payable within 14 days.

Invoices should be settled by either cheque or bank transfer. We reserve the right to charge interest at a rate of 3% over the Bank of England base rate for any period in excess of thirty days that invoices remain unpaid.

VAT

All fees are subject to VAT at the applicable rate.

Law

This client agreement is governed and shall be construed in accordance with English Law and the parties shall submit to the exclusive jurisdiction of the English Courts.

Acceptance of this Letter of Engagement

Should you choose to instruct us please confirm your acceptance by signing this document, retaining a copy and returning the other to Southdown Consultants.

Consent

I instruct Southdown Consultants Limited and consent to the terms within this Letter of Engagement

Signed :

Name : Firm :

Client Name : Date :