

PODE Report Fee Breakdown for Legal Aid

I understand a breakdown of the proposed fixed fee of £1,900 + VAT is required for legal aid purposes. The following is summary of the potential time involved in the process and the associated fee. This is broken down into various stages and the work is described in more detail in the remainder of this document.

Stage	Type of Work	Time Spent	Rate	Fee Parameters
Pre Appointment	Marketing	15 minutes 3 hours	£100	£25 £300
Appointment	Administration	15 minutes 1 hour	£50	£12.50 £50
Information Requests	Administration	15 minutes 2 hours	£50	£12.50 £100
Data Gathering	Technical	3 hours 16 hours	£200	£600 £3,200
Computations	Professional	2 hours 32 hours	£300	£600 £9,600
Report Drafting	Professional	2 hours 10 hours	£300	£600 £3,000
Issue	Administration	½ hour 1 hour	£50	£25 £50
Subsequent queries	Marketing	1 hour 2 hours	£100	£100 £200
Total Fee				£1,975 to £15,900

Pre Appointment

I am frequently involved in email exchanges with financial advisers, solicitors, mediators, or family lawyers regarding a potential appointment. The time this involves depends on the complexity of the case, numbers of questions raised and additional evidentiary requirements.

In the simplest scenario I receive an email requesting a fee estimate, details of timescales and a copy of my CV. I have created a template wording to respond to that, which means the reply takes a few minutes. I then create a file and print the email exchanges to Adobe for the record.

When I first started undertaking this type of work, I also created a task to follow up. However, I have concluded that in most cases my quotation is one of the three required and if I am to be appointed, I will be contacted in due course and if not, there is no point taking time to chase.

At the other extreme, I am obliged to undertake a meeting with the solicitors, which involves travelling and time out together with the associated expenses.

The majority of cases are somewhere between the two – several email exchanges and possibly a telephone conversation or Video Conferencing Meeting with the referrer and the two parties to the divorce in which I explain the requirements, fees, and timescales.

15 minutes to three hours

Appointment

If the appointment to prepare the PODE Report is via a solicitor I will receive a letter of instruction agreed by both parties and their legal representatives. This will generally be accompanied by the relevant page of the Form E, which gives a nominal amount of information regarding the parties' benefits.

If the appointment is via a mediator or financial adviser, I prepare and issue a draft letter of instruction, together with a client information form to be completed with the personal data I need.

I am then obliged to contact the parties and request whatever information they hold regarding their pension benefits; their state pension forecasts and letters of authority so I can contact the schemes for information. The clients have to print out those letters and sign them as virtually no scheme administrators or insurance companies will accept an electronic signature. They then need to scan or photograph them. They can then relatively easily upload them via the link I send them or email them as attachments.

Depending on clients this may involve several emails and calls as they try to work out the logistics and understand what is required.

15 minutes to an hour

Information request

I can submit a standard request to the scheme for the details. I will do this if neither party has any real details of their benefits.

If I am lucky, there is an email address. If not, I have to search for one via google and/or call the scheme. In some cases, schemes insist I submit the request via a portal or website, which is not always as easy to do as one might hope. Other schemes will refuse to accept an email with an electronic version of the letter of authority and insist it is posted. In that situation, I have to revert to the parties and ask them to print sign and post the letter of authority.

Once I have submitted the request, I diary the case for two weeks. I then review whatever responses I have received and request the remaining omitted details. I also send email (or postal) reminders to the other pension providers. I send the solicitors, divorcing parties, and mediators, as appropriate, an update.

This all assumes the clients have provided me with some scheme information and completed the Letter of Authority with the correct details. It is not unusual for me to need to go back to the clients and ask for a new letter, because the first contact refers me elsewhere.

I diary the case for another two weeks and repeat the process. This takes longer if there are more pensions.

15 minutes to two hours

Data Gathering

Either when I receive the first response from the scheme or if the client has some scheme information, I need to review that and extract the details I require.

The documentation supplied by schemes to members is not designed for divorce purposes, but to give the members an overview of their benefits. Unfortunately, in an attempt to make their paperwork intelligible to members it is rare that the information is as detailed as I need.

Once I have reviewed what has been provided and ascertained what is missing, which I do with the aid of a structured checklist, I can email the scheme and request the other details required. Again, this is more time consuming if I need to submit the request via a portal or letter.

I may then need to undertake a further chaser call if the response is slow. As described above that can be time consuming and also is only possible within specific times of the day.

In due course I will receive a response and then repeat the entire review process, adding details to my checklist and then request the information not supplied or query discrepancies and question contradictory responses. Unfortunately, this happens more frequently than is acceptable. Each and every scheme and policy has its own specific rules and contract terms and so it is essential to obtain the details each time. Where I can, I will use my library of scheme information gathered over twenty years of specialising in pensions, but every scheme also has sections which differ.

One other difficulty is that some schemes refuse to provide details directly to me, because I am not an authorised financial adviser recorded on the Financial Conduct Authority Register. Authorisation is not required for a PODE, but schemes do not understand what a PODE is, so they assume I am trying to commit some form of transfer fraud. In that case, they will insist on posting documentation to the member, which means they then have to send it to me. That just takes longer and delays progress, especially if the member in question is not too good with paperwork.

This process can take days, weeks or even months, depending on various matters totally outside my control.

Two hours to two days

Computations

Once I finally have all the details regarding each of the plans, I can start work on the computations.

I have designed and developed an excel workbook which acts as my checklist and calculator and produces the information for inclusion within the report. The initial version took a couple of weeks work by myself and two members of my staff at the time. We then reviewed the results and checked the accuracy, which took another couple of days.

That calculator has been adjusted and revised and upgraded on each occasion that I have prepared a report since. This reflects variations in schemes and policies and my increasing expertise in excel calculations. I spent two or three weeks over last Christmas revising it entirely and revamping my report, reflecting improvements I wanted to make, and suggestions and revisions suggested by clients' questions. The concept is that the actuarial mathematics is undertaken via the calculator enabling me to be more efficient and produce more reports more quickly over time.

In practice then, the computations are actually completed by the calculator as I add the data. What I really do at this stage is review the calculations and ensure the results look reasonable and logical. I then adjust the figures to ensure they are correct and make amendments to the template ready for the next case.

If there is only one scheme and it is a relatively simple DB case this will only take a couple of hours. If the case is a little more complex, including several schemes, or an aspect not considered in the original design or subsequent revamp last year. This can also involve research reviewing PAG Guidance, pension legislation and considering how to undertake the calculation and then setting up the appropriate formulas to allow for the variations. In that type of situation, the work can take days.

My calculator also provides the outputs to add to the report template, again the intention is to simplify and speed up that process and enable me to maintain accuracy and improve the personalisation of each report.

Two hours to four days

Report Drafting

As explained, I have created a template for the report and designed the calculator to provide the inputs for that. That makes it easier to add the repeated information throughout the report. It also lists the details that are included once throughout to assist in the process of drafting it.

Having added the easiest information, I then work through adjusting the report to reflect the letter of instruction. That should only take a couple of hours but can take longer if it is more complex with numerous schemes of different types to consider and variations not previously considered.

Two hours to ten hours

Issue

I then issue the report to all parties via email. I then raise the invoices and issue those to each party separately.

Half an hour to an hour

Subsequent queries

Generally, the two parties will call me individually to discuss the figures and understand the details. I have to explain I cannot speak to them individually in view of my duty to the court

to remain impartial. I suggest that they discuss the report with a Financial adviser and provide them with my contact list. That will probably take around half an hour each.

I may then be asked further questions about the report by the solicitors or mediator and that could take another hour or so.

An hour to two hours

Hourly rates

I do not generally charge an hourly rate, because the time taken to undertake the work is not controlled by my clients who have to pay the invoice or even generally by me. In view of that, I have considered hourly rates, appropriate to the complexity of the work.

Type of Work	Hourly Rate
Administration	£50
Marketing	£100
Technical	£200
Professional	£300