

Expert Witness Services

At Barnett Waddingham, we have experience of working with legal advisers in providing expert witness reports on a wide range of matters relating to our different practice areas. Often this is in relation to actuarial advice relating to pension schemes or insurance business but we also provide expert witness services on wider issues within our areas of expertise.

Our experience, breadth of technical knowledge and communication skills make us ideally placed to provide expert witness reports. A number of our experts have given evidence in court and many more have prepared expert witness reports under Part 35 of the Civil Procedure Rules. As with all Barnett Waddingham advice, our reports are written in a clear, concise and easy to understand manner and avoid the unnecessary use of jargon. We are an independent firm, wholly owned by the partners, and have a strict policy on conflicts of interest to ensure the integrity of each expert opinion given.

Some examples of specific services we provide are listed below:

- **Pension disputes** – We have experience of occupational pension scheme trusts, both defined benefit and defined contribution, public sector pension schemes, group contract-based pension plans and executive pension arrangements. We can provide expert advice on:
 - Assessment of quantum of loss where disputes arise on pension scheme benefits, perhaps as a result of an administration or actuarial error.
 - Acting as a mediator in disagreements between trustees and employers or between scheme sponsors and the Pensions Regulator.
 - Providing an opinion on matters of professional judgment, such as fulfilling the actuary's role set out within a pension scheme's trust provisions, or the suitability of actuarial assumptions.
- **Life assurance** – We can provide an independent view on reserving, solvency margins and other matters associated with the financial management of both life and general insurance companies. We can also act as an expert in relation to disputes between policyholders and shareholders or managers and between insurers and reinsurers.



- **Pension loss** – A company pension scheme is often one of the most valuable employment benefits for an employee, and any unforeseen early termination of pension scheme membership, for example due to fatal accident, injury or redundancy, can have a big effect on an individual's or a family's retirement plans. We have experience of using the "Ogden" tables to calculate the value of lost pension rights, as well as other approaches that are more appropriate in particular circumstances.
- **Pension settlement on divorce** – Pensions are usually one of the three largest marital assets (the others being property and business interests). However, a pension benefit does not always have an easily obtainable market value. We can provide an independent valuation to ensure a fair settlement between the parties.
- **Trust valuations** – We have provided advice on the apportionment of trust funds between the party with a current interest ("the life tenant") and the party with a future contingent interest ("the remainderman") for many years. Our reports take into account the specific circumstances of each case to determine suitable assumptions for longevity of the beneficiaries, the likely future income stream of the trust and, if appropriate, the inheritance tax saving from apportioning the trust.
- **Investment loss** – We can place a value on the potential loss suffered by a pension scheme as a result of inappropriate investment advice.

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Our costs

Our costs will depend on the nature of the assignment. Due to the bespoke nature of expert witness advice, our charges are usually based on the time spent, with details of hourly charging rates included in our appointment documentation. However, we are happy to provide an indication of our likely fees once we have reviewed the details of each case and to also agree a fixed fee in advance for clearly defined exercises.

For further information

For further information on any aspect of our Expert Witness Services, or for an informal discussion about how we can help you, please contact your usual Barnett Waddingham consultant, visit our website or contact one of our seven UK offices.



Amersham – Nick Salter

Email: nick.j.h.salter@barnett-waddingham.co.uk
Telephone: +44 (0)1494 788100



Bromsgrove – Robert Hawkes

Email: robert.hawkes@barnett-waddingham.co.uk
Telephone: +44 (0)1527 300000



Cheltenham – Mark Howard

Email: mark.howard@barnett-waddingham.co.uk
Telephone: +44 (0)1242 538500



Glasgow – Graeme Muir

Email: graeme.muir@barnett-waddingham.co.uk
Telephone: +44 (0)141 243 4400



Leeds – Mark Underwood

Email: mark.underwood@barnett-waddingham.co.uk
Telephone: +44 (0)113 394 3700



Liverpool – Adam Walker

Email: adam.walker@barnett-waddingham.co.uk
Telephone: +44 (0)151 235 6600



London – Danny Wilding

Email: danny.wilding@barnett-waddingham.co.uk
Telephone: +44 (0)20 7776 2200

www.barnett-waddingham.co.uk

**Amersham – Bromsgrove – Cheltenham
Glasgow – Leeds – Liverpool – London**

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