Separation: sorting out the finances

What information will you need and what happens to it?

A short guide for people using mediation for financial separation

After separation, disentangling your finances can feel overwhelming. We get it. But you can take it step by step and it may not be as hard as you think. It starts with something achievable. Each of you gathers and shares the financial information needed. Once done, you both have the same, honest picture of what you own, owe and earn.

It's known as 'full and frank' financial disclosure, and this is for a good reason. You must be 'full and frank' as this information (unlike most things you talk about in mediation) can be shared with the court as part of your separation. This guide explains what information to gather and what happens when we bring it all together in mediation.

Important things to know

- **You are in control.** You and the other person make the decisions, not the mediator.
- **It's not about who "deserves" what.** It's about working from one accurate set of figures.
- **Everything must be included.** Disclosure has to be full and honest, whether you settle in mediation or in court.
- **We don't give legal or financial advice.** We strongly recommend you take your own advice alongside mediation, especially where pensions or a business are involved.

What will we ask you for?

Start gathering now so you're not chasing documents later. You only need items that apply to you.

Property	Estate agent valuation or appraisal, latest mortgage statement, and details of any other property or land. If you are renting a property it will be helpful to have information about your monthly rent.
Bank and savings	You'll need 12 months of statements for every current, savings and joint account, plus ISAs and Premium Bonds.
Pensions	You'll need a cash equivalent transfer value (**CETV**) and latest annual statement for every workplace and private pension, plus a State Pension forecast.
Investments	Statements for shares, funds, bonds and investment platforms, including cryptocurrency.
Income	Your last three payslips and most recent P60. If you're self-employed, two or three years of accounts or SA302 tax calculations.
Business	Company or partnership accounts, details of your shareholding and any director's loan.
Debts	Statements for the mortgage, loans, credit cards, overdrafts, car finance and any other borrowing.
Other	Life policies with a surrender value, valuable possessions, money owed to you, and anything held abroad or in a trust.

Top tips

- **Order pension CETVs first.** They can take up to three months to arrive.
- **Don't forget pensions.** A workplace pension can be worth more than the house.
- **Check, don't guess.** Use real figures rather than rounding down or estimating.
- **Include everything.** That means sole accounts, savings from before the relationship, and inheritances. How they are treated is a separate question, but they all need to be on the table.
- **Stuck?** Tell us. We can help you work out what you need and where to find it.

What happens to your information?

Here is the journey your information takes:

1. **You complete a financial form** and gather your documents, ideally before the first joint mediation session.
2. **It's shared through the mediator.** You both see the same information, so neither of you is negotiating in the dark.
3. **Questions are asked.** Either of you, or the mediator, can ask for anything that is missing or unclear.
4. **You agree on the figures** so you're working from one set of numbers while exploring your options.
5. **The figures are recorded.** At the end, we summarise both your financial positions in an **open financial statement**. Here's an example.

Is it confidential?

What you say in mediation is confidential (unless there is concern about a serious crime, or potential harm to a child or adult).

- Your conversation and the agreements you come to in mediation are **without prejudice**. This means they can't be used against either of you if the case later goes to court.
- You can ask the mediator to write up the agreements into a **Memorandum of Understanding** (without prejudice). If you **both agree** the memorandum can be used to draft a **'consent order'** which you apply to the court to make legally binding.
- **The open financial statement** is **open** (i.e. not confidential). You can share it with your solicitors if you decide to apply for a financial settlement order from the court. You will use the information from this statement to help you to complete your D81 application form.
- **Mediation disclosure** is voluntary and **not sworn**. But the **same standard of honesty** applies. If an asset is later found to have been hidden, the court can set aside the agreement and reopen everything, and the person who hid it may have to pay the other person's legal costs.

Mediators don't offer advice. We always advise that you speak to a financial advisor or solicitor specialising in family law/financial separation. We're here to help you talk.
If you want to find out more about mediating financial separation Antworks Family Mediation offers a free confidential 15 minute conversation. Book on our website here.

Financial information held by Antworks Family Mediation is stored in an online folder secured with multi-step verification. We keep client information for up to six years before disposal.