DRN-3504468

The complaint

Mr W complains about the advice given by Acumen Independent Financial Planning Limited ('Acumen') to transfer the benefits from his defined-benefit ('DB') occupational pension scheme with British Steel ('BSPS') to a personal pension arrangement. He says the advice was unsuitable for him and believes this has caused a financial loss

What happened

In March 2016, Mr W's employer announced that it would be examining options to restructure its business, including decoupling the BSPS (the employers' DB scheme) from the company. The consultation with members referred to possible outcomes regarding their preserved benefits, which included transferring the scheme to the Pension Protection Fund ('PPF'), or a new defined-benefit scheme ('BSPS2'). Alternatively, members were informed they could transfer their benefits to a private pension arrangement.

In October 2017, members of the BSPS were sent a "Time to Choose" letter which gave them the options to either stay in BSPS and move with it to the PPF, move to BSPS2 or transfer their BSPS benefits elsewhere. The deadline to make their choice was 11 December 2017 (and was later extended to 22 December 2017). Mr W chose to move to the BSPS2.

Nevertheless, still concerned about what the announcement by his employer meant for the security of his pension, Mr W sought advice. Around November 2017, Mr W met with Acumen and it completed a fact-find to gather information about Mr W's circumstances and objectives. Amongst other things this recorded that he was 35; he was married with three children; he owned his own home, which had an outstanding mortgage of around £102,000; he had a 50% share of the rental income from a property amounting to £275 a month; he had around £3,000 in savings and held some individual shares valued at around £4,500; and he was contributing to his employer's new defined contribution ('DC') pension scheme. Acumen also carried out an assessment of Mr W's attitude to risk, which it deemed to be 'high medium' – a score of 6 on a scale of 1-10.

In January 2018, following Mr W's agreement to proceed with the transfer, the necessary paperwork was submitted to carry out the transfer. And on 9 February 2018, Acumen issued a suitability report confirming its advice to Mr W to transfer his BSPS benefits into a personal pension and invest the proceeds split across three investment funds.

In summary, the suitability report said the reasons for this recommendation were to allow Mr W to access his benefits from any time from age 55; to provide a broad range of investment opportunities; to provide greater freedom and flexibility in how to access his pension; to provide better death benefits; and because Mr W's desired level of retirement income was sustainable beyond his life expectancy given the various sources of income he'd have.

In May 2018 the transfer was completed and around £164,000 was transferred to Mr W's new personal pension plan.

In 2021 Mr W complained to Acumen about the suitability of the transfer advice. Mr W said he didn't think the advice was in his best interests and was worried about the performance of his pension plan and that it wouldn't perform well enough to match his BSPS benefits.

Because Acumen didn't respond to the complaint within the required timescale, Mr W asked the Financial Ombudsman Service to consider his complaint. An investigator upheld the complaint and required Acumen to pay compensation. In summary they said the transfer wasn't financially viable because of the growth rate required to match Mr W's DB scheme benefits. And they didn't think there was a compelling reason to justify the transfer despite likely providing Mr W with overall lower retirement benefits. They said Mr W was too young to have any retirement plans at this stage and so he didn't know that he would retire early; he didn't have a need for flexibility at this time; and lump sum death benefits wasn't a suitable reason to transfer particularly when his DC scheme could provide this. They said if suitable advice had been given not to transfer, Mr W would've followed that advice and on balance he would've moved to the BSPS2.

Acumen disagreed. It said that the BSPS2 was not guaranteed to go ahead at the time – the only options were to transfer or move to the PPF. And it said Mr W didn't want to go into the PPF.

The investigator wasn't persuaded to change their opinion, so the complaint was passed to me for a final decision.

Following the referral, Acumen indicated that it wanted to run a loss calculation and it made an offer of settlement to Mr W. It appears the offer wasn't accepted by Mr W / the offer expired – so it is necessary for me to give certainty to both parties on this matter and make a final decision.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I've taken into account relevant law and regulations, regulator's rules, guidance and standards and codes of practice, and what I consider to have been good industry practice at the time. This includes the Principles for Businesses ('PRIN') and the Conduct of Business Sourcebook ('COBS'). And where the evidence is incomplete, inconclusive or contradictory, I reach my conclusions on the balance of probabilities – that is, what I think is more likely than not to have happened based on the available evidence and the wider surrounding circumstances.

The applicable rules, regulations and requirements

The below is not a comprehensive list of the rules and regulations which applied at the time of the advice, but provides useful context for my assessment of Acumen's actions here.

PRIN 6: A firm must pay due regard to the interests of its customers and treat them fairly.

PRIN 7: A firm must pay due regard to the information needs of its clients, and communicate information to them in a way which is clear, fair and not misleading.

COBS 2.1.1R: A firm must act honestly, fairly and professionally in accordance with the best interests of its client (the client's best interests rule).

The provisions in COBS 9 which deal with the obligations when giving a personal recommendation and assessing suitability. And the provisions in COBS 19 which specifically relate to a DB pension transfer.

Having considered all of this and the evidence in this case, I've decided to uphold the complaint for largely the same reasons given by the investigator. My reasons are set out below.

The regulator, the Financial Conduct Authority ('FCA'), states in COBS 19.1.6G that the starting assumption for a transfer from a DB scheme is that it is unsuitable. So, Acumen should have only considered a transfer if it could clearly demonstrate that the transfer was in Mr W's best interests. And having looked at all the evidence available, I'm not satisfied it was in his best interests.

Financial viability

Acumen carried out a transfer value analysis report (as required by the regulator) showing how much Mr W's pension fund would need to grow by each year in order to provide the same benefits as his DB scheme (the critical yield). However, this was based on his existing scheme benefits. But at the time of the advice Mr W didn't have the option to remain in the BSPS – he either needed to opt into the BSPS2 or move with the scheme to the PPF.

I can see that Acumen provided an estimate of the annual pension amount Mr W would likely receive at 65 through the BSPS2. But I think the benefits available to him through the BSPS2 should've been factored in with Acumen's transfer value analysis. It's possible Acumen didn't do this because it has argued in response to the investigator's opinion of the complaint that the BSPS2 wasn't guaranteed to go ahead at this time. But I think Acumen's comments suggest it overestimated the chances of this not happening. Mr W had received his "Time to Choose" information by the time the advice was given and details of the scheme had been provided; the BSPS2 would've offered the same income benefits but the annual increases would've been lower. Of course, it's possible this may not have gone ahead, but all of the communications from the scheme trustees were very optimistic that the scheme operating conditions would be met. So given this, and because Mr W had elected to opt-into the BSPS2, I think it was reasonable for Acumen to have factored the benefits available to Mr W through the BSPS2 into its analysis and advice so that he was able to make a fully informed decision.

The advice was given after the regulator gave instructions in Final Guidance FG17/9 as to how businesses could calculate future 'discount rates' in loss assessments where a complaint about a past pension transfer was being upheld. Prior to October 2017 similar rates were published by the Financial Ombudsman Service on our website. Whilst businesses weren't required to refer to these rates when giving advice on pension transfers, they provide a useful indication of what growth rates would have been considered reasonably achievable for a typical investor.

Mr W was 35 at the time of the advice and its recorded that he was looking to retire at 58. The critical yield required to match Mr W's benefits at age 65 was set out in the TVAS report of 13 November 2017 and was 6.9% a year if he took a full pension – no figure was produced based on a cash lump sum and a reduced pension. The critical yield to match the benefits available through the PPF at age 65 was quoted as 5.1% per year if Mr W took a full pension – again no figure was produced for a cash lump sum and a reduced pension.

But as I've said above, Mr W remaining in the BSPS wasn't an option. So, the critical yields applicable to the BSPS2 benefits should've been provided instead. The lower annual increases under the BSPS2 would've likely decreased the critical yields somewhat. But I still think they would've likely been higher than those reflecting the PPF benefits.

Furthermore, it strikes me as a little odd why Acumen only produced critical yield figures based on the scheme's normal retirement age of 65 when Mr W had indicated that he wanted to retire earlier at age 58. This was the retirement age the advice was, or ought to have been predicated on, so I would've expected to see Acumen include critical yield figures based on the benefits available to Mr W at 58 too. Without this I don't think Mr W was in a position to make an informed decision.

The relevant discount rate closest to when the advice was given which I can refer to was published by the Financial Ombudsman Service for the period before 1 October 2017, and was 4.7% per year for 29 years to retirement (age 65) and 4.5% for 22 years to retirement (age 58.) I've kept in mind that the regulator's projection rates had also remained unchanged since 2014: the regulator's upper projection rate at the time was 8%, the middle projection rate 5%, and the lower projection rate 2%.

I've taken this into account, along with the composition of assets in the discount rate, Mr W's 'high medium' 'attitude to risk and also the term to retirement. In my view, there would be little point in Mr W giving up the guarantees available to him through his DB scheme only to achieve, at best, the same level of benefits outside the scheme. As I said above, Acumen didn't produce critical yield figures based on Mr W's target retirement age of 58. Had it done so, I think it's reasonable to assume that given the shorter term to retirement and even allowing for the lower annual increases under the BSPS2, the critical yields would've been higher based on a retirement age of 58 than those quoted at age 65.

Nevertheless, even based on a retirement age of 65, at a required investment return of 6.9% (and allowing for a slight decrease in the critical yield based on the BSPS2 benefits) I think Mr W was most likely to receive benefits of a lower overall value than those provided by the BSPS2 if he transferred to a personal pension, as a result of investing in line with a 'high medium' attitude to risk. And I don't think the position was very different if the scheme didn't go ahead and Mr W moved to the PPF – I think the opportunity to improve on the benefits available to Mr W was extremely limited.

For this reason alone a transfer out of the DB scheme wasn't in Mr W's best interests. Of course financial viability isn't the only consideration when giving transfer advice. And this is something Acumen indicated at the time – it didn't believe that the required returns could be met to match Mr W's scheme benefits but thought Mr W's other objectives meant the transfer was suitable. So as I agree there might be other considerations which mean a transfer is suitable, despite providing overall lower benefits, I've considered this below.

Flexibility and income needs

One of the main reasons Acumen recommended the transfer was to provide Mr W with the ability to access his pension benefits from age 55 and to offer flexibility and control in how he accessed those benefits.
But I'm not persuaded that Mr W knew with any certainty whether he required flexibility in retirement. And in any event, I don't think he needed to transfer his DB scheme benefits at this stage to achieve flexibility - *if* that's what he ultimately required.

Mr W was 35 at the time of the advice. And while I accept it's possible he had given his future retirement some thought, given it was at least 23 years away and he still had the majority of his working life in front of him, I don't think he had anything that could reasonably be described as a firm retirement plan. In support of this I can see in the suitability report it said: *"Looking to retire at 58 although this might may change..."* I think Mr W's desire to want to retire early at 58, was in my view likely based on the earliest age he would be entitled to access his benefits rather than being a firm objective.

Like most people, I accept Mr W liked the idea of retiring early. And he already had this option available to him –he didn't have to transfer out to achieve this. I also accept Mr W couldn't take his DB scheme benefits flexibly. Although he could choose to take a cash lump sum and a reduced annual pension, Mr W had to take those benefits at the same time. But nothing here indicates that Mr W had a likely future need to take a cash lump sum and defer taking his income. I also haven't seen anything to indicate that Mr W had a strong need to vary his income throughout retirement. In fact Mr W didn't know what income he'd need in retirement and Acumen didn't do anything to try and establish it – the relevant section in the fact-find about future income requirement says: "*None...23 years to retirement."*

So it strikes me that 'flexibility' was simply a feature or a consequence of transferring to a personal pension arrangement rather than a genuine objective of Mr W's at the time.

But crucially, Mr W was contributing to his workplace DC pension scheme. And the nature of a DC scheme means this already provided Mr W with flexibility – he wasn't committed to take these benefits in a set way. Acumen recorded that a total of 16% of Mr W's salary was being invested here – a combination of employer and employee contributions. So by age 58, based on current contributions alone and without accounting for growth, salary increases or increases in contribution rate, this could be worth around £118,000. And even accounting for modest growth over this period, this could be substantially more. I think Mr W could've taken lump sums as and when required and adjusted the income he took from it according to his needs. So, I think if Mr W retained his DB pension, this combined with his new workplace pension (plus the share of the rental income he was receiving assuming this would continue)would've likely given him the flexibility to retire early - if that's what he ultimately decided.

So in any event, Mr W didn't need to transfer his DB scheme benefits at this stage to a personal pension arrangement in order to achieve flexibility in retirement. And he didn't have to sacrifice this by opting into the BSPS2. But if Mr W did in fact have a greater need for flexibility beyond that which he already had, because the BSPS2 would've still allowed Mr W the ability to transfer out, I think this could've been explored closer to his intended retirement age - if his needs later demanded it.

Turning to Mr W's income need – as I said above, Mr W did not know, and Acumen did not attempt to establish, what income Mr W might likely need in retirement. I think it was simply too far in the future for Mr W to make a reasonable estimate. Despite that, one of Acumen's reasons for recommending the transfer was because Mr W's desired level of retirement income was sustainable beyond his life expectancy. The report also said that: "*You do not need the higher level of income projected from the British Steel Pension Scheme..."*

But I don't know how Acumen could reasonably arrive at either of these conclusions given it did not know or record the level of income Mr W would need.

I think it was far too early to recommend Mr W transfer out of his DB scheme when both his retirement plans and income needs were unknown. And when there was nothing to indicate that the income from the BSPS2 (estimated by Acumen to be £13,905 a year at age 65, so at age 58 and assuming Mr W did choose to retire at 58 it would be lower) wouldn't have provided Mr W with a solid guaranteed income foundation upon which his other means could supplement to likely meet his needs. As I referred to above, Mr W had his DC workplace pension, which he could draw on flexibly, as and when needed to top up his income or take lump sums. Mr W might also still have the benefit of his share of a rental income (£275 a month at the time of the advice.) I'm mindful too that with at least 23 years to retirement and possibly more, Mr W would likely have capacity at various points to save any excess income in the years to his retirement to give him further scope to supplement his income – at least until his state pension being payable later on.

If the BSPS2 hadn't gone ahead, Mr W would've moved with the scheme to the PPF. And while the income Mr W would receive was likely lower than the pension he'd be entitled to under the BSPS2, I don't think it was substantially lower such that it would've made a difference to the recommendation.

So overall, I don't think it was in Mr W's best interests for him to transfer his pension just to have flexibility that I'm not persuaded he really needed and when his retirement plans and income needs were unknown.

Death benefits

Acumen also recommended the transfer for better lump sum death benefits – the suitability report said that the lump sum death benefits through a transfer to a personal pension arrangement were better than those provided from the two options put forward by British Steel.

Death benefits are an emotive subject and of course when asked, most people would like their loved ones to be taken care of when they die. The lump sum death benefits on offer through a personal pension was likely an attractive feature to Mr W. But whilst I appreciate death benefits are important to consumers, and Mr W might have thought it was a good idea to transfer his DB scheme to a personal pension because of this, the priority here was to advise Mr W about what was best for his retirement provisions. A pension is primarily designed to provide income in retirement – not as a legacy planning tool.

I also think the existing death benefits attached to the DB scheme were underplayed. Mr W was married, so the 50% spouse's pension would've been useful to his spouse if Mr W predeceased her. I don't think Acumen made the value of this benefit clear enough to Mr W. This was guaranteed and it escalated. And under the BSPS2 it would be calculated as if no cash lump sum had been taken (if Mr W chose to do so). Furthermore, it was not dependent on investment performance, whereas the sum remaining on death in a personal pension was. In any event, Acumen should not have encouraged Mr W to prioritise the potential for higher death benefits through a personal pension over his security in retirement.

I'm mindful too that Mr W already had lump sum death benefits available to him through his workplace DC scheme – he also had death-in-service benefit, which would've paid out in the event of Mr W's death before retirement. And Mr W could've nominated his wife and/or children as beneficiaries of these if he hadn't already done so.

But if Mr W genuinely wanted to leave a legacy for his spouse and/or children, which didn't depend on investment returns or how much of his pension fund remained on his death, I think Acumen should've instead explored and ultimately recommended additional life insurance.
The starting point for this didn't necessarily have to be based around a sum assured for the full transfer value of Mr W's pension. Basing the quote on this basis essentially assumes that he would pass away on day one following the transfer, and that isn't realistic. Ultimately, Mr W wanted to leave whatever remained of his pension to his family, which would be a lot less than this if he lived a long life, if he took more from his pension than expected and/or if

investment returns were lower than expected. So, the starting point should've been to ask Mr W how much he would ideally like to leave to his family, taking into account his existing benefits. And this could've been explored on a whole of life or term assurance basis, which was likely to be a lot cheaper to provide given Mr W's age.

Overall, I don't think different death benefits available through a transfer to a personal pension arrangement justified the likely decrease of retirement benefits for Mr W. And I don't think that insurance was properly explored as a suitable alternative.

Control or concerns over financial stability of the BSPS

While Mr W's concerns about the scheme wasn't given as a reason for the recommendation to transfer, Acumen says that Mr W didn't want to go into the PPF.

I understand that Mr W, like many of his colleagues, was concerned about his pension. His employer had recently made the announcement about its plans for the scheme and so he was likely worried his pension would end up in the PPF. There were lots of negative things circulating about the PPF. So it's quite possible that Mr W was leaning towards the decision to transfer because of the concerns he had. But it was Acumen's obligation to give Mr W an objective picture and recommend what was in his best interests.

As I've explained, by this point details of the BSPS2 were known and it seemed likely it was going ahead. So, the advice should've properly taken into account the benefits available to Mr W through the BSPS2, particularly as he'd chosen to opt into it. I think this should've alleviated some of Mr W's concerns about the scheme moving to the PPF.

But even if there was a chance the BSPS2 wouldn't go ahead, I think that Acumen should've reassured Mr W that the scheme moving to the PPF wasn't as concerning as he thought or had been led to believe. Importantly Mr W still had the option of taking early retirement through the PPF. Mr W didn't have any firm retirement plans at this stage - but I think the income available to Mr W through the PPF would've still provided a solid base, which his other means including his DC scheme could supplement to meet his overall income need at retirement. Crucially I don't think he was likely to be able to exceed this by transferring out. And although the increases in payment in the PPF were lower, the income was still guaranteed and was not subject to any investment risk. Mr W might not have been able to later transfer out of the PPF – but given what I said earlier on about him already having flexibility, I don't think there was an apparent need for him to do so.

Summary

I accept that, given the broader circumstances and situation at the time Mr W was likely motivated to transfer out of the BSPS and that his concerns about what might happen to the scheme were real. And I don't doubt that the flexibility, control and potential for higher or different death benefits on offer through a personal pension would have sounded like attractive features to Mr W. But Acumen wasn't there to just transact what Mr W might have thought he wanted. The adviser's role was to really understand what Mr W needed and recommend what was in his best interests.

Ultimately, I don't think the advice given to Mr W was suitable. He was giving up a guaranteed, risk-free and increasing income. By transferring, Mr W was very likely to obtain lower retirement benefits and in my view, there were no other particular reasons which would justify a transfer and outweigh this. Mr W did not have any real retirement plans, so he shouldn't have been advised to transfer out of the scheme just to have flexibility that I'm not persuaded he really needed, and the potential for higher death benefits wasn't worth giving up the guarantees associated with his DB scheme. So, I don't think it was in Mr W's best interests for him to transfer his DB scheme to a personal pension at this time, particularly when Mr W had already opted-into the BSPS2.

So, I think Acumen should've advised Mr W that his decision to opt into the BSPS2 was a suitable one and in his best interests in the circumstances.

Of course, I have to consider whether Mr W would've gone ahead anyway, against Acumen's advice.

I've considered this carefully, but I'm not persuaded that Mr W would've insisted on transferring out of the BSPS against Acumen's advice. I say this because, while as I've already said Mr W was likely motivated to transfer when he approached Acumen, on balance, I still think Mr W would've listened to and followed its advice if things had happened as they should have and it recommended he not transfer out of the scheme. While I can see Mr W held some individual shares, he was not, in my view an experienced investor or someone who possessed the requisite skill, knowledge or confidence to against the advice they was given, particularly in complex pension matters. Mr W's pension accounted for most of his private retirement provision at the time and as Acumen documented, his capacity for loss was low. So, if Acumen had provided him with clear advice against transferring out of the BSPS, explaining why it wasn't in his best interests, I think he would've accepted that advice.

I'm not persuaded that Mr W's concerns about the scheme were so great that he would've insisted on the transfer knowing that a professional adviser, whose expertise he had sought out and was paying for, didn't think it was suitable for him or in his best interests. So, if Acumen had clearly explained this and that it wasn't necessary for Mr W to risk his guaranteed pension at this stage, I think that would've carried significant weight. So, I don't think Mr W would've insisted on transferring out of the BSPS if Acumen had given suitable advice that he not do so and told him that his decision to opt into the BSPS2 was the right one in the circumstances.

In light of the above, I think Acumen should compensate Mr W for the unsuitable advice, in line with the regulatory rules for calculating redress for non-compliant pension transfer advice. And as per the above, it is the benefits available to him through the BSPS2 that should be used for comparison purposes.

I can see the investigator also recommended an award of £250 for the distress and inconvenience the matter has caused Mr W. So I've also thought about whether it's fair to award compensation for distress and inconvenience - this isn't intended to fine or punish Acumen – which is the job of the regulator. But I think it's fair to recognise the emotional and practical impact this had on Mr W. Taking everything into account, including that I consider Mr W's retirement provision is of great importance to him given its significance in his overall retirement income provision, I think the unsuitable advice has caused him some distress. So I think an award of £250 is fair in all the circumstances.

Putting things right

A fair and reasonable outcome would be for the business to put Mr W, as far as possible, into the position he would now be in but for the unsuitable advice. I consider Mr W would most likely have remained in the occupational pension scheme and moved to the BSPS2 if suitable advice had been given.

Acumen must therefore undertake a redress calculation in line with the rules for calculating redress for non-compliant pension transfer advice, as detailed in policy statement PS22/13 and set out in the regulator's handbook in DISP App 4:
https://www.handbook.fca.org.uk/handbook/DISP/App/4/?view=chapter.

Acumen should use the FCA's BSPS-specific redress calculator to calculate the redress. A copy of the BSPS calculator output should be sent to Mr W and the Financial Ombudsman Service upon completion of the calculation.

For clarity, Mr W has not yet retired, and he has no plans to do so at present. So, compensation should be based on the scheme's normal retirement age, as per the usual assumptions in the FCA's guidance.

This calculation should be carried out using the most recent financial assumptions in line with DISP App 4. In accordance with the regulator's expectations, this should be undertaken or submitted to an appropriate provider promptly following receipt of notification of ,Mr W's acceptance of my final decision.

If the redress calculation demonstrates a loss, as explained in policy statement PS22/13 and set out in DISP App 4, Acumen should:

- calculate and offer Mr W redress as a cash lump sum payment,
- explain to Mr W before starting the redress calculation that:
    - their redress will be calculated on the basis that it will be invested prudently (in line with the cautious investment return assumption used in the calculation), and
    - a straightforward way to invest their redress prudently is to use it to augment their DC pension
- offer to calculate how much of any redress Mr W receives could be augmented rather than receiving it all as a cash lump sum,
- if Mr W accepts Acumen's offer to calculate how much of their redress could be augmented, request the necessary information and not charge Mr W for the calculation, even if he ultimately decides not to have any of their redress augmented, and
- take a prudent approach when calculating how much redress could be augmented, given the inherent uncertainty around Mr W's end of year tax position.

Redress paid to Mr W as a cash lump sum will be treated as income for tax purposes. So, in line with DISP App 4, Acumen may make a notional deduction to cash lump sum payments to take account of tax that consumers would otherwise pay on income from their pension. Typically, 25% of the loss could have been taken as tax-free cash and 75% would have been taxed according to Mr W's likely income tax rate in retirement – presumed to be 20%. So making a notional deduction of 15% overall from the loss adequately reflects this.

Acumen should also pay Mr W £250 for the distress and inconvenience the matter has caused.

Where I uphold a complaint, I can award fair compensation of up to £160,000, plus any interest and/or costs that I consider are appropriate. Where I consider that fair compensation requires payment of an amount that might exceed £160,000, I may recommend that the business pays the balance.

My final decision

Determination and money award: I uphold this complaint and require Acumen Independent Financial Planning Limited to pay Mr W the compensation amount as set out in the steps above, up to a maximum of £160,000.

Recommendation: If the compensation amount exceeds £160,000, I also recommend that Acumen Independent Financial Planning Limited pays Mr W the balance.

If Mr W accepts this decision, the money award becomes binding on Acumen Independent Financial Planning Limited.

My recommendation would not be binding. Further, it's unlikely that Mr W can accept my decision and go to court to ask for the balance. Mr W may want to consider getting independent legal advice before deciding whether to accept any final decision.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 19 October 2023.
Paul Featherstone
Ombudsman