DRN-3559214

The complaint

Mrs G complains about advice given by St James' Place Wealth Management Plc ("SJP") to invest in an Enterprise Investment Scheme ("EIS"). Mrs G says the advice was unsuitable, in particular it was too high risk and SJP misled her about the timescale for investment.

What happened

In 2015, Mrs G sought financial advice from SJP. The purpose of the recommendation was to provide advice about investment of funds from the sale of an asset, which had been sold for £615,000 in 2014, triggering a substantial capital gains tax liability.

It is common ground that advice was sought around tax efficient investment and SJP had already advised Mrs and Mr G to invest £115,000 each into a loan plan, with the aim of freezing the growing value of their prospective inheritance tax ("IHT") liability whilst retaining access to capital. No complaint is made about that recommendation.

SJP then recommended investing part of the remaining funds, £150,000 each, into EIS on the basis that capital gains could be deferred, 30% income tax relief could be claimed and if the investment was held for over two years, inheritance tax relief was also available. Further, the particular EIS targeted capital preservation with future options that might enable Mrs G to reduce capital gains tax in the longer term.

Mrs G recalls that information was provided about tax efficiency but says the high risk to capital was not explained. No suitability letter was provided before or after the recommendation was made. The adviser completed the paperwork for the investment on behalf of Mrs G and asked her to sign it on the day funds were transferred. The adviser also drove Mrs G and her husband to the bank to ensure the funds transfer completed. Mrs G further complains that she's been unable to access the capital for over six years. She was not advised that it could take significantly longer than three years to liquidate the funds. Mrs G also complains that no information about SJP's fees and fees to the EIS provider were explained or provided before the investment was made. The application form was completed by the adviser.

The value of the EIS has significantly reduced over time, having lost around 70% as at June 2020 and the investment remains illiquid. Mrs G says she has sustained a significant capital loss for which she seeks compensation.

The representative acting on behalf of Mrs G, emphasises the distress and upset this matter has caused Mrs G and her family.

SJP maintain that the recommendation was suitable as the tax benefits met Mrs G's objectives at the time. They say that investment into an EIS scheme was discussed over a period of time (around six months) and the high risk of investing in such a scheme was set out in the product provider's Information Memorandum ("IM"), which was provided to Mrs G. They point out that Mrs G's husband discussed his concerns around specific risks from Brexit and currency exchange directly with the product provider and was satisfied with the responses he received at the time.

Our investigator considered the complaint. He thought the investment was in line with Mrs G's attitude to risk and thought Mrs G had been made aware of the inherent risks associated with the EIS investment. Whilst Mrs G had not taken much risk in the past, our investigator thought Mrs G was willing to take higher risks to secure the tax benefits. Our investigator thought the timing around disposal of assets was set out in the IM and the charges were set out in the application form and the IM.

Mrs G disagreed with the view.

I issued a provisional decision in April, upholding the complaint, after considering all the available evidence and arguments to decide what was fair and reasonable. I took into account that at the time of seeking advice, Mrs G was retired and jointly owned her residential home with Mr G outright, held £201,934 in insurance-based investments (namely bonds), jointly owned other valuable collectables and had a joint disposable income of just over £600 a month from a net joint monthly income of just over £4,000 (a combination of pension and investment drawdowns). Mrs and Mr G accepted a recommendation in June 2015 to invest £115,000 each into a loan trust plan from £607,000 that had been held on deposit, leaving a balance of funds in cash. This decision considered the advice to invest in an EIS from the remaining cash funds.

Attitude to risk
At the time of the recommendation Mrs G's other investments were mostly held in distribution bonds or physical assets.

In the suitability letter, SJP categorised Mrs G as an upper medium risk investor, being willing to, "*invest a proportion of your overall wealth in higher-risk assets with the potential for significant IHT savings. You understand the additional risks of investing in UK smaller companies, acknowledging the more illiquid nature of such investments compared to larger listed companies, and are comfortable with some of your capital being invested in these markets. You are investing for three years or longer, and recognise that you may experience significant falls in the value of your investments."*

Mrs G said she didn't receive the suitability letter and was shocked by the assessment of risk she had now seen. As the suitability letter post-dated the transfer of funds to the provider by around one week, I accepted Mrs G wouldn't have seen it before the decision to invest was made. Further, in response to the complaint raised on Mrs G's behalf, SJP said Mrs and Mr G were ordinarily medium risk investors who were prepared to accept upper medium risk for this particular investment in return for the tax benefits on offer. In my view, this suggested SJP knew Mrs G's overall risk appetite was lower.

It was said on Mrs G's behalf that the adviser led her to believe that income could be drawn from the loan trust and capital gains would be payable on the sums withdrawn. Whereas the EIS was recommended to "lock away" the remaining proceeds from the sale of the asset for up to three years with the benefit of capital gains tax being deferred. I thought that was consistent with commentary in the recommendation for the loan plan, in which SJP also recommended paying a portion of CGT and referred to the balance of funds being invested in EIS, *"which after the initial qualification period could then be used to wash out your Capital Gains Allowances on an annual basis whilst deferring the CGT liability on this element of your capital which would become IHT exempt after two years."* It was also supported by the illustration provided by the adviser, which showed projections over time with annual withdrawal of the capital gains tax allowance whilst recording that the capital investment would remain the same over time. The projections for inheritance tax savings in the suitability letter also assumed the capital sum would not deplete. It was my view that comments referring to Mrs G as a medium risk investor and the presentation of the investment as maintaining capital, supported Mrs G's assertion that she didn't intend to expose the capital sum to high risk.

So, for the reasons given, I was not satisfied that the assessment of Mrs G's attitude to risk was accurate. On balance, I was not persuaded that the particular differences between EIS and the other investments held by Mrs G were explained by SJP before the investment was made, especially the concentration and risks with early stage investment in unlisted companies. I thought the adviser likely misled Mrs G into thinking that for a little more risk she could achieve tax benefits.

Pressure to invest
Mrs and Mr G recalled a sense of urgency on the adviser's part. When the EIS provider launched a new scheme, the adviser encouraged quick action and accompanied Mrs and Mr G to their accountant to discuss tax implications. I'd seen that the application forms were completed by the adviser and it didn't appear to be disputed that he drove Mr and Mrs G to the bank to make the transfers. The forms were signed by them on 17 September 2015 and bank transfers were made that day. Whilst I accepted that the application forms and transfers were completed on the same day, I also considered that discussions about the investment had been ongoing over a number of months and the scheme appeared to have been popular. So, on balance, I didn't think it is likely that Mrs G was pressurised into going ahead with the investment, but as I concluded below, I was not satisfied that the risks were adequately explained.

Illiquidity
Mrs G said she wasn't advised about the risk of her money remaining tied up beyond three years. That seemed to be supported by the adviser who referred to Mrs G being able to make withdrawals after the qualifying period. The IM highlighted that no guarantee could be made about disposal of the investment, but suggested the period from sending in the application form to selling the shares would be around 4.5 years (or longer), with the earliest exit point likely to be at least four years. But there was nothing to show that the adviser addressed this directly with Mrs G when considering the objectives. I hadn't seen anything which showed the adviser understood or advised Mrs G specifically about how capital was to be released in the context of this particular investment. I thought that would have been a relevant factor in the risk assessment, when assessing the prospects of partially redeeming capital within a given timeframe. A response from the provider in November 2019, explained that it was down to the discretion of investment managers as to when underlying assets of an investee company might be sold and the sales process alone could take six-twelve months or longer. Usually they waited for all the companies in the tranche as a whole to finish trading for three years before starting any sale process. So, timelines weren't guaranteed.

The illustrations provided by the adviser simply showed how the product could work, showing withdrawals of the capital gains allowance from the EIS after the third year, which wasn't a realistic timeline given the information in the IM. As Mrs G was seeking and relying upon professional advice, I didn't think it was enough for the adviser to expect Mrs G to have identified different factors from the IM. It was for the adviser to assess the risks within the suitability assessment. And it was clear that Mrs G hadn't expected her funds to still be tied up over six years later.

Risk warnings
Mrs G was clear that SJP didn't properly explain the nature of EIS or the risks to her. SJP said Mrs G had details of the main features and benefits in the IM and their EIS leaflet. I'd seen that the IM set out the investment strategy of capital preservation rather than growth. That was separate to the inherent risks of investing in an EIS scheme, which were set out in a risks section of the IM. The introduction also said,

“Octopus EIS should be considered a high-risk investment, and as such isn’t for everyone. Even though we target capital preservation, your capital is still at risk.”

But I thought it was important to highlight that it was for SJP to make a suitable recommendation that met Mrs G’s needs, having assessed her attitude to risk, objectives, capacity loss and circumstances, including highlighting the level of risk. It wasn’t enough for SJP to rely on Mrs G reading the IM.

From what I’d seen, it appeared that the adviser downplayed the risks with the investment. As set out above, in illustrations the adviser held out that the capital sum would not depreciate over time.

In a letter to SJP complaints team the adviser explained that discussions around the suitability of an EIS began in some detail after the individual loan plans were arranged but there was nothing to show that the adviser highlighted the nature of the risk of investing in EIS, as opposed to focusing on tax benefits. The adviser said,

“. .the xx group were used to provide information at this time as to what an EIS is and how it works, the associated risks of investing in such a plan, the costs and charges for the arrangement . . The one re-occurring theme in the literature is the higher risk nature of such investments and in particular with regards to liquidity . . .”

The adviser went on to say that he had not been qualified to address certain risk associated questions around areas such as Brexit implications, so arranged for Mrs and Mr G to speak directly with a fund manager of the EIS. Nowhere in the letter did the adviser say that he explained and took into account the high-risk nature of the EIS products.

The adviser conceded that a meeting with Mrs and Mr G and the representative at Mrs G’s home had been on a *“very much higher level and focused on the concept of what an EIS is, the basis on this occasion for the investment in solar powered farms in Italy, the taxation benefits with regards to CGT and IHT as well as income tax reclaims.”* The focus on taxation benefits was in line with Mrs G’s and the representative’s recollection of events. Whilst it was fair to say that overall tax benefits could mitigate some of the capital risk, in this instance, Mrs G wasn’t looking for income tax relief.

In my view the adviser gave too much weight to the potential capital gains tax benefits. There was nothing to show that the adviser balanced that against and/or addressed the high risk of investing in an EIS, indeed the adviser conceded that he spoke about, *“ . . how the scheme would provide a lower risk approach to investment using the Retain Facility . .”* namely how funds realised after sale of the underlying asset could be reinvested retaining the EIS status. But this would have resulted in Mrs G tying up her capital for longer, whilst continuing to expose it to the risk of significant losses and I wasn’t persuaded that was in line with her objectives. EISs are non-mainstream, complex, illiquid, specialised and speculative investments, where there is a real risk of losing the original, capital investment.

Whilst the focus on the capital gains benefits was highlighted, I was not persuaded that Mrs G understood the level of risk she was taking, and SJP hadn’t demonstrated that she was in fact willing to take that level of risk to achieve her objectives at the material time.

SJP also accepted there was a higher concentration of risk due to the lack of diversification with funds being invested into one EIS where investment was made solely within the renewable energy sector. Whilst the IM stated investment may be in one or a small number of companies, with the investments being in one sector, *“Therefore, there is likely to be limited diversification, which could increase the risk for investors.”* SJP said Mrs G was prepared to take more risk to secure the capital gains tax benefits but I'd not seen anything from the adviser drawing attention to this factor prior to the suitability letter, which was written after the funds were invested.

In his letter the adviser said he discussed the delay in deployment of the capital in review meetings and described the investment moving through a “J curve”, with net asset values falling on capital deployment. He maintained that Mrs and Mr G were aware of the risk of values dropping but did not raise any concerns at the time. But given the early stage of investment, in my view this didn't show that Mrs and Mr G understood the overall risks. The absence of explanation from the adviser about the risk of the investment was consistent with Mrs G's recollection. On balance, I was satisfied that the risk of investing in EISs was not adequately explained to Mrs G at the time. It wasn't enough for SJP to rely upon the EIS Declaration, which simply said investors could get back less than they invested, especially as I found that the form was completed by the adviser leaving only the signature for Mrs G to complete on the day the transfer provided for investment. It was for SJP, as the adviser, to enable Mrs G to understand the particular features and risk of this investment, not just the concept of an EIS.

Suitability
The financial review undertaken by the adviser recorded that Mrs and Mr G wished to use the capital sum to provide an income stream and wanted to invest for the benefit of family heirs. Tax efficiency was also to be considered, particularly consideration of CGT liability arising in January 2016, estimated to be around £160,000.

The suitability letter for the EIS referred to objectives of inheritance tax mitigation and capital gains deferral. But I thought it was more likely than not that the main focus of the EIS recommendation was capital gains tax deferral.

The representative acting on Mrs G's behalf also recalled that the adviser had consistently provided assurance that the benefits of investment in terms of mitigating capital gains would far outweigh the small potential for loss. As set out above, that recollection of events was consistent with way in which potential returns and withdrawals were displayed in illustrations at the time.

It was said that the adviser recommended this particular EIS as it gave the option for Mrs G to transfer the holding to a similar scheme at the end of the qualifying period, enabling roll over of the CGT liability or a partial/full exit. It was now said a partial exit would enable a sell down of holdings up to the value of the annual CGT allowances, enabling Mrs G to withdraw funds in stages, whilst managing down the deferred CGT. Whereas the suitability letter repeatedly referred to capital gains tax deferral, rather than reduction. In any event, in my view, the information about using the capital gains tax allowance was misleading because it was held out that the capital sum would remain the same over time. So, I didn't agree that the reality actually met Mrs G's objectives.

I thought it was entirely plausible that Mrs G relied upon what she was told by the adviser. The suitability letter was dated after the decision to invest was made and after the documents were signed. Mrs G consistently said no such letter was received and SJP hadn't provided anything to show that it was sent. And even if it was sent, it was clear from the timeline that it would have been sent after the decision to invest was made so the content would not have formed part of the decision making process, accordingly, I placed limited weight upon it.

On balance, I was not persuaded that capital gains tax deferral or inheritance tax exemption was more important to Mrs G than capital preservation (recorded as a priority in the financial review). Even the adviser recognised that inheritance tax benefit was not a key consideration at the time. As Mrs G's representative highlighted, the risk with the investment was disproportionate to the benefits obtained. Also given the objectives and the recognition by the adviser that Mrs and Mr G foresaw a greater need income in the future and were looking to access their capital, I thought Mrs G was exposed to more risk than she wanted to take.

Further, I thought Mrs G had intended to have access to the funds after the three-year period. As addressed above, I didn't think it was made clear that the funds could remain illiquid for a number of years and there was nothing to show that Mrs G wanted to tie the funds up for a lengthy period. Indeed, SJP accepted the opposite in their response to the complaint, namely that Mrs G had an objective of being able to access capital to supplement her income and fund additional expenditure as well as gifting. And even though SJP said partial withdrawal was a possibility, I hadn't seen any assessment of the likelihood of this, which would have been a key factor when assessing the suitability of the recommendation.

I considered that some funds were being retained on deposit and Mrs G held other assets, so Mrs G had some capacity for loss. But given the objectives, I was persuaded by the representative's assertion that had Mrs G been made aware of the risks that capital losses could outweigh the tax benefits, she and Mr G would have paid the capital gains tax and invested the balance of funds into a less risky product. I considered that a consistent and plausible account has been given on behalf of Mrs G and given her circumstances at the time, I didn't think she would have risked losing a substantial amount of the £150,000 investment.

Overall, therefore, I was not satisfied that the recommendation was suitable for Mrs G's needs.

Fees and charges
The representative said no information was given about the fees charged by SJP and the EIS provider.

It wasn't disputed that Mrs and Mr G paid for professional advice for years, so I thought it was unlikely that they didn't expect to pay any fees. SJP's fees were set out in the documents signed by Mrs G and the provider's fees were referred to and set out in detail in the IM. The adviser was adamant that the fees and charges had been discussed as SJP didn't take ongoing advice charges for this type of investment, which was another reason why it provided greater value for money. Also, SJP confirmed that the account management charges (AMCs) were not applied when the investment was worth less than the net investment amount.

On balance, I considered that it was more likely than not that adequate information was given about fees, so I didn't uphold this aspect of the complaint.

Conclusion
As Mrs G was receiving advice from SJP, it was reasonable for her to assume that investing in the EIS was suitable for her circumstances, objectives and attitude to risk. I was not satisfied that Mrs G would've invested if she'd understood the risks involved and overall, I was not persuaded that the recommendation was suitable. Mrs G had been very clear that she didn't have a high attitude to risk. It was also relevant that Mrs G's circumstances were going to change in that her income need was likely to increase in the future.

Putting things right

In order to put things right, I considered how to put Mrs G back into the position she'd have probably been in if she hadn't been given unsuitable advice, which wasn't as straightforward as simply refunding the original investment.

I was mindful that had it not been for the unsuitable advice, Mrs G wouldn't have had the potential EIS tax relief and she wouldn't have whatever value (if any) the EIS now had. The investments had also now been held for longer than three years.

Given the information Mrs G has provided, I thought she'd have invested differently. It wasn't possible for me to say precisely what she would have done, so I considered what I thought was fair and reasonable given her circumstances and objectives when she invested. To compensate Mrs G fairly, SJP must:

- Compare the performance of Mrs G's investment with that of the benchmark shown below and pay the difference between the fair value and the actual value of the investment. If the actual value is greater than the fair value, no compensation is payable.
- SJP should also pay interest as set out below.

Investment name	Status	benchmark	from ("start date")	To ("end date")	Additional interest
Octopus EIS	Still exists	FTSE WMA Stock Market Income Total Return Index and then from 1 March 2017 the FTSE UK Private Investor Income Total Return Index	Date of investment	Date of my decision	8% simple per year from date of decision to date of settlement (if compensation is not paid within 28 days of the business being notified of acceptance)

actual value
This means the actual amount payable from the investment at the end date. If at the end date the investment is illiquid (meaning it could not be surrendered or readily sold on the open market), it may be difficult to work out what the actual value is. In such a case the actual value should be assumed to be zero. This is provided Mrs G agrees to SJP taking ownership of the investment, if it wished to. If it is not possible for SJP to take ownership, then it can request an undertaking from Mrs G that she repays to SJP any amount she might receive from the investment in future.

SJP may also add to the actual value any available tax reliefs Mrs G has received by virtue of making the investment. It may ask her for evidence of this, or assume she has availed herself of all available relief at her marginal rate of tax.

For ease it can calculate the value of the available relief and add it to the actual value as one figure at the end.

fair value
This is what the investment would have been worth at the end date had it produced a return using the benchmark.

why is this remedy suitable?

I decided on this method of compensation because:

- Mrs G was willing to accept some investment risk.
- The WMA index and Private Investor index are made up of diversified indices representing different asset classes, mainly UK equities and government bonds. They would be a fair measure for someone who was prepared to take some risk to get a higher return.
- Although they are called income index, the mix and diversification provided within the index is close enough to allow me to use them as a reasonable measure of comparison given Mrs G's circumstances and risk attitude.

I also took into account that Mrs G suffered distress at being unable to access her funds, whilst watching the value deplete overtime. I considered that it was more likely than not that she suffered distress and upset as a result of the advice given and the subsequent locking into an investment, which was unsuitable for her needs. In my view it was fair and reasonable to make an award of compensation and I considered that £500 was a fair sum.

The parties have now considered the provisional decision. Mrs G's representative broadly agreed with the provisional decision but submitted that the award for distress and inconvenience was disproportionately low given the impact upon Mrs G. Further, SJP's full fees should be refunded in light of their poor advice and service.

SJP disagreed with the provisional decision. They maintained that the recommendation was suitable, weight should be attached to the suitability letter, Mrs G's attitude to risk was consistent with that undertaken for another investment (the loan plan) and no complaint was made about that risk assessment, Mrs G was adequately informed of the risks given she signed the EIS declaration and signed to say she'd read the IM, SJP highlighted other decisions and said that Mrs G had sufficient capacity for loss.

I've now reviewed these additional comments along with all the information provided in order to reach 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.

Having carefully considered everything, I'm not persuaded to change my original outcome.

I've taken into account SJP's comments about their process at the time, whereby a suitability letter could be sent within 10 calendar days after application. SJP repeat that weight should be given to the suitability letter, but I'm not persuaded this changes anything. For the reasons given in the provisional decision, I remain of the view that in this case, limited weight should be attached to the content of the recommendation provided after investment as made and I place more weight on the consumer's recollection of events and documents provided before the funds were invested. I think it is likely that Mrs G would have relied upon the verbal assurances, coupled with the illustrations provided by the adviser. Whilst it might be that no guarantees were made as to returns, it remains my view that the adviser held out that the capital sum would be unlikely to change over time and that was misleading given this was a high risk investment.

As to Mrs G's attitude to risk, SJP haven't been clear. Initially they said Mrs G had a medium risk appetite but was prepared to take more risk with this investment to gain tax advantages. Later they said Mrs G was properly assessed as having an upper medium attitude to risk more generally because the same assessment was made for the loan plan and no complaint was raised about that assessment. First, its important to note that Mrs G and her husband have consistently said they did not receive a suitability letter for the loan plan or for the EIS investment. These letters were first seen in 2020 in response to an information request. It is Mrs and Mr G's case that if they had seen an overall risk assessment of "upper medium" they would have questioned it. Second and in any event, there's still nothing to show that this adviser properly explained the high-risk nature of the EIS investment to Mrs G.

As to the presentation of risks, the information within the IM is a factor, but as I've explained it isn't enough for the adviser to rely upon Mrs G reading the IM. It was for the adviser to make a suitable recommendation. Given the consistent account by Mrs G and her representative, coupled with the presentation of the illustrations, it remains my view that the risks were downplayed because the risk of losing all or a substantial amount of the capital investment was not made clear.

SJP have pointed to other outcomes in different cases. But as I have explained to SJP, each complaint is assessed on its own particular facts and in this case I have placed more weight upon the timing of signing of the EIS declaration and the oral assurances which I consider were likely provided by the adviser. I have found the testimony of Mrs G, her husband to be persuasive and consistent and given that professional advice was being provided, it was not unreasonable for the consumer to rely upon what she was told by the adviser.

Taking everything into account, for the reasons set out in the provisional decision and above, I am not persuaded that the recommendation met Mrs G's objectives and I find that it exposed her to more risk than she wanted to take. It is therefore fair and reasonable to put things right for Mrs G.

Putting things right

SJP encouraged me to consider tax relief when calculating redress. I agree that any tax relief obtained should be added to the actual value, to avoid double recovery and this has been addressed above. As to CGT deferral and potential IHT savings, SJP haven't provided evidence of any tangible financial benefit yet received by Mrs G, so I'm not persuaded it's fair and reasonable to include them in the calculation of losses.

In my view the method of redress proposed in the provisional decision, set out above, remains fair and reasonable to compensate for any financial losses.

Mrs G's representative said the compensation award for distress was disproportionate and she emphasised the impact this matter has had upon Mrs G and her husband. It's clear Mrs G and her husband have found the locking up of their capital and subsequent loss in value to be distressing and I've taken into account the inconvenience they've faced pushing for information from SJP, all set against the background of difficult personal circumstances. But I am also mindful that they have worked together to progress the complaint and that I am awarding like compensation for distress and inconvenience to them individually. So overall, it remains my view that £500 each is fair and reasonable compensation.

Mrs G also said SJP's fees should be refunded in full because of the poor service provided. The recommended redress compensates Mrs G against the benchmark for the gross investment, not the net figure after deduction of fees. So, I'd like to reassure Mrs G that this has been factored into the redress calculation. And I don't agree that SJP should refund the fees in full because Mrs G would likely have taken advice in any event.

So, on balance, I consider that the method of redress set out above plus £500 award for distress and inconvenience is fair and reasonable to put things right for Mrs G.

My final decision

I am upholding this complaint.

Where I uphold a complaint, I can make a money award requiring a financial business to pay compensation of up to £160,000, plus any interest and/or costs that I consider appropriate. If I consider that fair compensation exceeds £160,000, I may recommend that SJP pays the balance.

Determination and award: I uphold the complaint. I consider that fair compensation should be calculated as set out above. My final decision is that SJP should pay the amount produced by that calculation up to the maximum of £160,000 (including distress or inconvenience but excluding costs) plus any interest on the balance as set out above. SJP should provide details of its calculations to Mrs G in a clear, simple format.

Recommendation: If the amount produced by the calculation of fair compensation exceeds £160,000, I recommend that SJP pays Mrs G the balance plus any interest on the balance as set out above.

If SJP does not pay the recommended amount, then any investment currently illiquid should be retained by Mrs G. This is until any future benefit that he may receive from the investment together with the compensation paid by SJP (excluding any interest) equates to the full fair compensation as set out above.

SJP may request an undertaking from Mrs G that either she repays to SJP any amount Mrs G may receive from the investment thereafter, or if possible transfers the investment to SJP at that point.

This recommendation is not part of my determination or award. It does not bind SJP. It is unlikely that Mrs G can accept my decision and go to court to ask for the balance. Mrs G may want to consider getting independent legal advice before deciding whether to accept this decision

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs G to accept or reject my decision before 28 July 2022.

Sarah Tozzi
Ombudsman