

## The complaint

Mr B says First 4 Financial Planning Ltd ('F4FPL') mainly did as follows:

- Gave him unsuitable pension planning/investment advice (initial and ongoing). [issue 1]
- Mis-sold, to him, its pension/investment management service; did not deliver the pension/investment management service he paid for; mismanaged his pension's investments; and breached his investment instructions. [issue 2]

He says the above, between 2009 and 2022, led to woeful underperformance of his pension's investments and a significant loss of value in his pension. He holds F4FPL responsible for this, and he also seeks personal accountability from its principal for her misconduct in the matter (which he alleges).

F4FPL disputes the complaint.

## What happened

There is evidence from another firm, Investec Wealth & Investment Limited ('Investec'), that confirms it undertook (from F4FPL) responsibility for servicing Mr B's pension from October 2020 onwards. The evidence also confirms that Investec has already addressed his complaint (against Investec) about its advice/servicing from then and up to October 2022 (when its service ended). Investec identified matters in the complaint that it upheld and offered compensation to Mr B.

Key events prior to October 2020 can be summarised as follows:

- In 2009 Mr B had a Self-Invested Personal Pension ('SIPP') that was held with Pointon York ('PY'). Investment of the PY SIPP was under the Discretionary Fund Management ('DFM') of Quilter. This arrangement continued until 2014, by which time the PY SIPP business had been acquired by Suffolk Life ('SL'), so SL was the SIPP provider in 2014.
- Mr B says he first met F4FPL's principal at a social gathering, where she introduced herself and presented him with her professional financial advice and management service to consider. He says she gave assurances of a high-level service that, though more expensive, offered continuous and active investment monitoring and management to ensure maximum pension growth; and that he explained to her his unique professional circumstances and personal needs, so she was aware of these from the outset.
- Mr B was assessed as having a medium to high risk profile in 2008. He was assessed as having the same risk profile in 2014. However, he says he never asked for his SIPP to be managed by F4FPL on the basis of risk profiles and that, instead, he expected specific investments to be made, but they were not.

- The financial/pension planning report produced for him, by F4FPL, in July 2014 summarised the SIPP mainly as follows – it began in August 2008; its value in 2014 was just under £230,000; regular premiums were £2,880 per year; there was no exit fee, there was no crystallised fund and no guaranteed annuity; his selected retirement age was 60 (with an option for 55); the SIPP's investment funds were under Quilter's Portfolio Management Service ('PMS'); and the associated charges included £255+VAT (or approximately 0.15%) per year SIPP fees and 1.91% per year management fees for Quilter's PMS.
- F4FPL's fee for ongoing servicing of the pension was 0.75% (of its investments' value) per year. This, on an advisory basis and as set out in the fee terms, covered an annual portfolio review/rebalancing (including implementation of recommended and agreed transactions), one face-to-face meeting per year for the annual portfolio review, additional meetings as and when necessary, ongoing monitoring of his pension's portfolio, ad-hoc rebalancing/switching advice when deemed necessary, the provision of updates, the setting up of payments and withdrawals, providing taxation notifications and annual valuation reports, and Bed and ISA/Pension services.
- F4FPL says it negotiated the lower SIPP fee, downwards from the standard rate of £515+VAT, and that by the time of the report the SIPP had been moved away from Quilter's DFM to its PMS. It says the latter was a compromise agreed by Mr B who was unhappy with Quilter's performance at the time and had initially wanted to terminate its service, but settled on the move to the PMS in order to avoid charges that would have been applied to its liquidation of the DFM portfolio (if he terminated its service). It also says the move, earlier in 2014, had benefitted from the lower (1.91%) charge it negotiated on its behalf for the PMS.
- In October 2014 Mr B's SIPP was switched to a Standard Life Wrap Pension (the 'SLW pension'), which was also a SIPP. F4FPL says it did not charge an initial fee for the switch and that he was able to avoid the high costs of liquidating the Quilter portfolio because he had already moved away from the DFM (to the PMS) at this point.
- From October 2014 onwards, F4FPL advised on the investments in the SLW pension. It says this service continued until it was terminated in August 2020. However, as stated earlier, Investec says the service transferred (from F4FPL) to its responsibility in October 2020.

The themes throughout Mr B's complaint submissions are his assertions about underperformance and loss in the value of his pension portfolio, and about contribution to that loss from charges incurred for advice and management of the pension. To support the former, he presented arguments, calculations and evidence on market benchmarks. He also drew comparisons between his pension portfolio's performance and those benchmarks (and comparisons with a hypothetical unmanaged portfolio) over the relevant period.

Beyond the above, Mr B also made claims relevant to the complaint issues summarised above.

### Issue 1

In this respect, he mainly says F4FPL failed to deliver the investment advice, for his pension, that he paid for and the type of advice its principal guaranteed him; that she assured him of financial advice to ensure growth in his pension, but the opposite turned out to be the case

and he suspects she never had the ability to deliver the service she sold; that she used his pension as way to generate fee income for herself; that when annual reviews occurred she placed undue pressure on him to increase contributions to the pension and to consolidate other assets within it; and that over time she compounded her failures by consistently giving him misleading advice and updates about the state of his pension's investments and, sometimes, by ignoring his requests for such advice/updates.

He also claims to have been mis-sold the SLW pension.

## Issue 2

Mr B says F4FPL sold its management service to him as one that would ensure his pension portfolio performed above market levels, so he expected performance at market levels as a minimum. He considers this to have been a gross misrepresentation and says he subsequently discovered, especially around 2021, that his portfolio had mainly been left broadly unmanaged (it was invested in a few funds and then left without further management), that associated fees had significantly eroded returns, and that the portfolio had underperformed the markets (and even a hypothetical unmanaged portfolio).

He also says F4FPL failed to implement his investment instructions/ideas, but instead misguided itself through his risk profile, which he never expected to define the portfolio's investments. As an example, he says there was a time when it ignored his request to switch from a Brewin Dolphin ('BD') fund holding to a Baillie Gifford All American fund holding; that it was reluctant to do so and referred to fee related concerns (which he did not consider to be a problem); and that it eventually moved only a token amount of the portfolio to the BG fund. He adds that F4FPL often invested the portfolio against his wishes.

Mr B says F4FPL compounded its lack of management by mismanaging the portfolio on the occasions that it took action. He says it hid the ongoing underperformance from him and never addressed the need to recover the portfolio from that; it was dismissive of his enquiries, over time, about the current states of growth (at each time) in the portfolio; it consistently gave him the impression the portfolio was on course for the longer-term growth he expected; and it never shared with him meaningful performance related information or information about investment strategy or fees.

## F4FPL's Position

F4FPL mainly says:

- Mr B held a medium to high risk profile dating back to 2008, the same profile remained up to 2014 and thereafter. The investments it recommended for his pension portfolio matched that and the investments' profiles matched his growth objective.
- He held the PY SIPP from 2006, prior to F4FPL's existence, and he held the SLW pension from October 2014 onwards (and continued to hold it as of the end of its service in August 2020). The fees and charges associated with the SLW pension (including its 0.75% ongoing service fee) were transparent and agreed. Evidence of the actual fees/charges incurred does not support his claim about incurring £12,000 per year in fees. The charges were on a percentage basis so they rose and fell over time for this reason, and because of the rises and falls in the portfolio's values.
- It had no role in managing the SIPP's portfolio up to 2014 because it was under Quilter's DFM. Overall, and thereafter, it had no management responsibility for Mr B's pension portfolio. It had/has no regulatory authority for investment management.

Instead, it provided him with advice on investing the portfolio and its recommendations were executed only upon his agreement. In broad terms, the majority of the pension was invested in managed portfolios, including one that was designed and automatically rebalanced by Investec – though, from September 2020 the rebalancing stopped, but that was Investec's responsibility.

- Reviews and review meetings were held throughout its service and full lists of funds and valuations were provided to Mr B annually. Portfolio reports, including information about fees and charges, were also produced annually, and sometimes more than once a year. There were also periods in which several meetings were held with him in addition to the annual review meeting.

### Our Investigation

One of our investigators considered that advice for Mr B's pension portfolio was the main issue in the complaint, and she explained, with reasons, that this service would not address the matter of investment performance in isolation. She concluded that the complaint should not be upheld.

In the main, she found that the 2014 review had resulted from Mr B's unhappiness with Quilter's management of the pension portfolio; the review recommendation was the SLW pension, because it allowed full flexibility of funds, cheaper fund fees, flexibility at retirement, and ease of access and management; there is evidence that Mr B received regular portfolio reviews between 2014 and 2020; during this period it does not appear that his investor profile changed, so there was no need for a new asset allocation; F4FPL's ongoing fees were disclosed in the review report and Mr B's claim about incurring £12,000 in fees per year is not supported by evidence; there was an increase in the fee deductions during the above period but that was because the fee was based on a percentage of the increasing portfolio value; overall, it does not appear that F4FPL gave unsuitable advice or failed to provide its ongoing advice service.

Mr B strongly disagreed with this outcome and asked for an Ombudsman's decision. He mainly repeated and developed his cores submissions about underperformance, loss of value, the impact (and non-disclosure) of fees and, as summarised above, about issues 1 and 2. He also emphasised the personal and professional consequences that he says have resulted directly from these matters. In addition, Mr B referred to a life assurance related grievance he had against F4FPL and a grievance related to its role in his mother's portfolio. In response, the investigator explained that both issues had to be pursued separately and distinct from the present complaint.

Furthermore, Mr B presented a list of questions he wants the Ombudsman to address.

The matter was referred to an Ombudsman.

### **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.

There is a strength of feeling and conviction in the allegations and submissions that Mr B has presented in his case. Given that the case relates to his pension and his retirement plans, both of which are inherently serious subjects, the feelings, conviction and, in some respects, emotions he has expressed are understandable. However, my task is to determine the issues in his complaint fairly and neutrally, based on facts, available evidence and F4FPL's responsibilities towards him. I acknowledge the feelings he has expressed but my

focus is, and must be, primarily on these elements.

For the above reason, I consider it important to set out parameters, with reasons, for my approach to the complaint.

- As the investigator explained and as Mr B appears to have agreed, the matters he has raised about the life assurance policy and his mother's portfolio are outside the present complaint. I do not make any findings on these matters.
- Another claim that I will not be addressing is Mr B's allegations against F4FPL's principal personally. He has alleged that she committed a personal misconduct in his case, including a suggestion of fraud, and he seeks her personal accountability in this respect. This service is not the industry regulator and our remit does not extend to law enforcement. Therefore, on their own, his allegation that the principal misconducted herself (as a regulated individual) and any suggestion of fraud within that allegation are beyond what I can address, and beyond the scope of this decision. Of course, any wrongdoings found to have been committed by F4FPL in the context of issues 1 and 2 will be addressed.
- I endorse the investigator's approach towards Mr B's submissions about underperformance and associated loss of value in his pension portfolio. Investment performance is not a matter, on its own, that this service would normally address. An investment's performance can be defined by a combination of factors, including the nature of the investment's underlying activity, the state of the market(s) it is exposed to and wider circumstances relevant to it (such as economic, political and social circumstances). These were factors beyond F4FPL's control in Mr B's case. However, the suitability of investments recommended to him was a matter within its responsibility and control, so that can and will be addressed.
- Mr B has presented specific questions he wants answered by the Ombudsman. I have considered those questions. They are essentially for F4FPL's principal to answer. They are about the intention she held behind the service she offered him; her capability to deliver the service she offered; whether (or not) she concealed the portfolio's performance from him to avoid him terminating her service; why his portfolio was invested in managed funds instead of being managed by her; and why the portfolio had been unmanaged for years. It is not my role to speak for F4FPL or its principal, so whilst I will be addressing issues 1 and 2 and the matters related to them, I will not be answering these questions.
- There is reliable evidence from F4FPL and, importantly, from Investec confirming that the former's responsibility for Mr B's account and pension passed to the latter in late 2020. As noted above, one says this happened in August 2020 and the other says it happened in October 2020. I also note that Investec's retirement planning report for Mr B is dated 15 September 2020. Overall, it is safe to conclude that F4FPL's responsibility for servicing the pension did not continue past October 2020. There is evidence that Mr B's complaint to Investec, about the post-October 2020 period, has been addressed separately. For these reasons, I will not be considering his case beyond October 2020.
- It is undisputed that F4FPL's actions in advising on the pension's investments did not begin until October 2014. Prior to that, investment of the pension's portfolio was under Quilter's management so there was no scope for investment advice, on the same portfolio's management, from F4FPL.

- For the above reasons, I consider that F4FPL's responsibility in the complaint is limited to the period between October 2014 and October 2020.
- I understand Mr B's references to and expectations of investment management by F4FPL. However, evidence of the service contracted between both parties does not show an investment 'management' service from F4FPL – or, at least, not the sort of service that he says he expected. I summarised the terms of service above and I repeat that summary as follows – *“F4FPL's fee for ongoing servicing of the pension was 0.75% (of its investments' value) per year. This, on an advisory basis and as set out in the fee terms, covered an annual portfolio review/rebalancing (including implementation of recommended and agreed transactions), one face-to-face meeting per year for the annual portfolio review, additional meetings as and when necessary, ongoing monitoring of his pension's portfolio, ad-hoc rebalancing/switching advice when deemed necessary, the provision of updates, the setting up of payments and withdrawals, providing taxation notifications and annual valuation reports, and Bed and ISA/Pension services”*.
- F4FPL's responsibilities towards Mr B and his pension were based on these summarised main terms, and based on an advisory service. One in which it made investment recommendations to him and had no authority to execute investments without his agreement and/or his instruction. As such, I will be addressing issue 2 in the context of it *advising the investment of the pension portfolio*, not in the type of management context he has presented.
- Mr B has alleged that F4FPL made investments against his wishes and/or without his consent. I have not seen evidence of that. The terms of service did not allow for that, and available evidence is that investments in the portfolio were executed only upon his agreement and/or instruction. Therefore, I make no further finding on this allegation.

### Issue 1

What was said between Mr B and F4FPL's principal when they first met each other was not recorded and cannot be independently verified. I acknowledge that Mr B has shared his recollection of the event, but F4FPL has not agreed with his description.

Given the scope summarised above, I am not persuaded that their initial meeting – around 2008 – is as important as Mr B considers. As I said above, the period that features in the complaint begins in 2014 and ends in 2020, so evidence, from 2014, about the relationship, about F4FPL's advice and about the terms of its service is significantly more relevant than what it may or may not have said to Mr B in a social gathering around 2008. Notably, I have not seen evidence that he disputed, at the time, contents of the documentation he was given in 2014, so those contents can be considered reliable.

Mr B says the SLW pension was mis-sold to him. Both parties reached the point of considering this pension because he was unhappy with Quilter's management of the SL SIPP portfolio. Hence F4FPL's recommendation of an alternative approach in its July 2014 pension planning report. Later in 2014 its recommendation evolved and concluded on the SLW pension.

The recommendations gave Mr B detailed information about the SLW pension, including its key features, its associated costs and why it was being recommended. He was also given information about the proposed investment strategy, asset allocation and selection, and portfolio rebalancing. Having considered the information, they are meaningful and non-

misleading. I have not found evidence to conclude that the SLW pension was misrepresented to Mr B.

He was assessed as having a medium to high risk profile. He says he did not agree for this to define how the portfolio was invested. However, the recommendations made it reasonably clear that they were based on considerations including his risk profile. He would have been aware of this and I have not seen evidence of his objection to that approach at the time.

The risk profile was verified after the report, with Mr B completing and signing the profiling questionnaire in August 2014. It is noteworthy that Quilter's service, up to 2014, also appears to have used a risk profile-based approach to investments and that he had held the same risk profile for years before 2014, so that approach and profile would not have been new to him.

In addition to addressing his concern about Quilter, Mr B's objectives at the time were pension growth and tax efficient pension income. Inheritance Tax planning is also mentioned in the report. He was within 10 years of his optional and selected retirement ages; he was self-employed; he was in a long-term project at the time but there is evidence suggesting there was generally some potential for gaps between his projects; he earned a relatively high income (with a healthy level of monthly disposable income after expenses); and he had assets outside his pension, including a cash holding of around £50,000.

In this overall context, and given his responses to the profiling questionnaire. I consider that his risk profile began at medium but went beyond that, and I can understand how some of his questionnaire responses led to room being left in the profile for higher risks – hence the medium to high risk profile.

His objectives required a certain level of exposure to risk in order to achieve growth (including ongoing growth to sustain income withdrawals). He had the financial capacity for the profile. Altogether, his questionnaire responses (for example, responses confirming that he could take more risk than the average person but that he could also be described as a moderate risk taker) were consistent with the medium to high risk profile.

Valuation and performance reports for the portfolio, during the relevant period, have been shared with us and have been helpful. The investments initially recommended, and constituted in the portfolio, were as follows:

- It was split between an Investment Holdings ('IH') section and a Managed Portfolio ('MP') section (containing a BD growth MPS). As of October 2014, around £224,000 was assigned to the former and around £3,500 to the latter. The same asset allocation percentages (as I summarise next) were applied to both.
- Review and valuation evidence from the time suggests that, at first, the entire portfolio was invested in money market instruments (including cash). This changed relatively quickly. By January 2015 around 75% of the portfolio was invested in money market instruments (including cash), which essentially meant exposure to the short-term financing markets; 3% of it was invested in bonds; a total of around 18% invested in Overseas and UK equities; and the remainder was in property, multi asset and specialist funds.

On balance, I do not consider that the portfolio was suitably constituted to begin with. Its heavy weighting in money market securities holdings (around three quarters of the entire portfolio) caused a lack of asset class diversification and, given the relatively lower risk nature that such holdings can have, it meant the portfolio probably did not match Mr B's medium to high risk profile. Instead, it might be said to have had a low to medium risk profile.

However, the complaint is not about the initial advice in isolation. F4FPL advised on the portfolio in an ongoing service between 2014 and 2020, and issue 1 is about its initial and ongoing advice during this period. At the outset it shared enough to say that the portfolio would undergo rebalancing, and it also referred to a strategy to phase in more managed funds and diversification. Evidence from the portfolio's valuation reports, as of January 2016 and thereafter, shows notable changes.

By January 2016:

- There was an IH section and two MP sections – the BD MPS and an F4FPL Balanced Strategy 2 MP (which Investec has confirmed it rebalanced for F4FPL). Around £94,000 in value was in the IH, around £121,000 in the F4FPL MP and around £24,000 in the BD MPS.
- The portfolio's asset allocation was as follows – around 40% in Overseas and UK equities; around 21% in bonds; around 8% in money market instruments (including cash); 13.13% in property; around 15% in multi asset funds; and the remainder in specialist funds.

The portfolio's sections remained the same as of January 2017. At this point, it was invested as follows – around 43% in Overseas and UK equities; 23% in bonds; 5.58% in money market securities (including cash); around 11% in property; 13.18% in multi asset funds and the remainder in specialist funds.

As of January 2018, the portfolio had an additional MP section – the Quilter Cheviot IDX Growth MP (the 'Quilter MP') – making a total of three MPs. At this point, it was invested as follows – 47% in Overseas and UK equities; 22% in bonds; 12% in multi asset funds; around 10% in property; 5.07% in money market instruments (including cash); and the remainder in specialist funds.

The same portfolio sections remained in January 2019. The total equities holding had dropped to around 40%; the money market instruments, multi asset funds and bonds holdings were broadly at the same levels as they were in 2018; the property holding had dropped to around 7%; and around 11% was held in specialist funds.

By January 2020 the Quilter MP was no longer in the portfolio, but the other sections remained. The total equities holding had risen to around 45%; the multi asset funds, bonds and specialist funds holdings were broadly at the same levels as they were in 2019; the property holding had dropped further to around 5%; and the money market instruments holding had dropped further to around 3%.

By January 2021 Investec was responsible for the portfolio. However, the IH, BD MPS and F4FPL MP sections remained and the asset allocation was roughly similar to what it was in January 2020.

Overall, on balance, and considering the evidence summarised above, I do not consider that F4FPL's advice on investing the portfolio was unsuitable. I acknowledge the points that Mr B has made about what he considers were better alternative funds and/or better alternative investment strategies. Whether (or not) F4FPL could have given 'better' advice goes beyond its regulatory duty to give suitable investment advice. Its advice had to be suitable. It did not need to be the *most* suitable advice.

The portfolio had a mixture of the directly advised IH and the MPs which were managed and rebalanced by third party firms. F4FPL did not have the investment management role Mr B



appears to have described, it gave initial and ongoing advice on the investment of the portfolio.

In this respect, I do not consider there was anything inherently wrong or conflicting about its recommendation of MPs. Of course, they had to be suitable and available evidence shows that they followed the overall asset allocations for the portfolio. As I address next, those asset allocations were not unsuitable.

To be suitable, the asset allocations needed to match Mr B's medium to high risk profile. Furthermore, and in the absence of specific/insistent instructions to the contrary, they also should have reflected a reasonable level of diversification. As I said above, neither was the case initially, but the balance of evidence is that F4FPL created scope for such an initial phase, that it shared this in its recommendations and that the allocations then changed within around the first year.

The allocations I have summarised above, for the period between January 2016 and 2020, did not experience drastic changes. As the investigator noted, there is no evidence that there were such changes to Mr B's profile during the same period. That profile continued to apply, so it is unsurprising that the allocations based on it behaved broadly the same.

Total equities exposure was kept within the 40% to 50% range. This is not particularly uncommon or unsuitable for a medium risk portfolio. In Mr B's case, it allowed for scope in the other half of the portfolio to strike a balance between a tilt towards higher risk investments (to match the higher risk element in his profile) and the need to avoid tilting the portfolio too far in that direction.

The property and specialist fund holdings could be viewed as providing the higher risk tilt. A key purpose of the multi asset holdings appears to have been to further aid diversification, which I address below, but they could also be viewed broadly as a match for a medium risk profile. The bonds and money market holdings were of a lower risk nature and both were maintained around the levels of 25% to 28%.

Overall, this meant the tilt towards higher risks in the other half of the portfolio was measured and suitably counter balanced, and that the portfolio (as a whole) matched Mr B's medium to high risk profile.

Using two to three MPs in addition to the IH aided diversification of advice and investment ideas, and resulted in a reasonable level of diversification in the asset allocations within the portfolio. The multi asset holdings also added to such diversification given their exposure to a mix of asset classes. Overall and on balance, I do not consider that the portfolio was unsuitably diversified.

Investment related fees could not be avoided, especially with regards to the fund and portfolio related investments. The performance reports gave information about total investment costs in the portfolio as follows – around £490 for the period between October 2014 and January 2015; around £3,000 for the next period up to January 2016; the same for the next period up to January 2017; £3,350 for the next year up to January 2018; around £3,600 for the next year up to January 2019; around £4,000 for the next period up to January 2020; and the same for the next year up to January 2021.

These costs do not appear to have been out of line with the investment costs information disclosed with F4FPL's recommendations. The portfolio's value ranged between around £230,000 and around £350,000 during the above years, so these charges were roughly around 1% of the changing values. Overall, I am not persuaded that the associated investment costs made the recommendations unsuitable.

For all the above reasons, I do not uphold the part of issue 1 that alleges unsuitable initial and ongoing advice. On balance, I do not find that F4FPL's initial and ongoing advice for the pension portfolio was unsuitable.

I also do not uphold the other parts of issue 1. As I said above, the service agreed between both parties in 2014 is more relevant than Mr B's recollection of how F4FPL's service was presented to him when he first met its principal. There is documented evidence of the former, as summarised above, and F4FPL's direct influence on the portfolio began in 2014.

With regards to delivering the service agreed, I do not find that F4FPL failed to this. It has disclosed a significant amount of documentation to us, covering the breadth of its relationship with Mr B and his pension. There are significant amounts of documents for the period between 2014 and 2020 which illustrate how the different aspects of the service agreed were delivered. There are too many to list individually and completely without overburdening this decision. It should be enough to highlight the following (all relevant to the 2014 to 2020 period):

- Agreed terms, with disclosed and agreed fees (and explanation of fees). In this respect, there might be a suggestion of *churning* within Mr B's submissions – where he alleges that F4FPL's principal used his pension to generate fee income. No scope for this appears to have existed. F4FPL's fees were for its ongoing service. I have not seen evidence that it generated additional income from investment dealings in the portfolio.
- Correspondence, over the years (and during the years), between the parties about the portfolio and its contents, including those in which Mr B's consent to investments were sought (and given).
- Formal 'Review Reports' for the portfolio for each year, with corresponding portfolio valuation and performance reports. In some years updated versions were provided within the year.
- Review related letters (which also referred to attached portfolio valuation and performance reports) to Mr B during the relevant period. Including, for example, those sent in December 2017, October 2019,
- Circumstances were such that face-to-face meetings were not viable at all relevant times in the life of the portfolio, but there is enough evidence of a number of meetings being arranged and held, and of telephone contact between the parties over the years. Overall, evidence of contact between them does not show Mr B's ongoing access to F4FPL was ever a problem.

Based on the balance of all available evidence about the interactions between the parties, about the service delivered by F4FPL, and mindful of the evidence highlighted and summarised above, I am not persuaded to uphold Mr B's claims about its service delivery.

I do not uphold issue 1.

## Issue 2

As I previously found, the setting for this issue is that F4FPL advised the investment of the pension portfolio between 2014 and 2020. For this reason, my findings about suitability of advice in issue 1 are directly relevant to determining issue 2, and I incorporate those findings

for this purpose. Overall, F4FPL's advice for the investment of the portfolio during this period was not unsuitable, so Mr B's claim about mismanagement of the portfolio in this respect is not upheld.

He was given no portfolio performance guarantees. His submissions about performance expectations are understandable, as an indication of the performance he hoped for, but there are no grounds to conclude that a *guaranteed* level(s) of performance was not reached. Furthermore, as I explained above, it is not reasonable to make findings about performance in isolation.

Investment costs inevitably affect net returns, but I have found that the charges in the portfolio were mainly as disclosed, and that they did not make F4FPL's investment recommendations unsuitable.

Evidence does not establish that F4FPL breached investment instructions from Mr B or that it invested the portfolio without his consent. As I previously said, even if he considers that better investment ideas could have been used in the portfolio, that does not automatically mean F4FPL's advice was unsuitable.

I have also found, above, that the recommendation and use of MPs in the portfolio was not unsuitable. I have referred to evidence of contact between the parties (and the contents of that contact) and to portfolio related information (reports, valuations and performance information) that was provided over the relevant years. On balance, I have not found that relevant information about his pension portfolio was concealed from Mr B, or that the state of the portfolio was misrepresented to him.

Overall and for the above reasons, I do not uphold issue 2.

### **My final decision**

For the reasons given above, I do not uphold Mr B's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 31 August 2023.

Roy Kuku  
**Ombudsman**