

## The complaint

Mr A's complaint concerns advice given by Money Wise in 2009 about Mr A's pension.

Fidelius Ltd is now responsible for the advice Money Wise gave.

## What happened

I've considered Mr A's complaint before. I issued a provisional decision on 4 May 2022. I've set out again the background and my provisional findings upholding the complaint in part. In my provisional decision I also referred to the jurisdiction decisions I'd earlier issued.

*'Money Wise advised Mr A in 2009 to switch from his existing SIPP (self invested personal pension) to a new SIPP with a different provider and invest his pension fund via a discretionary portfolio managed by Money Wise, using an investment platform with Ascentric. One of the investments was the Quadris Fund, a South American forestry fund.*

*Mr A complained to Fidelius in March 2020. Fidelius issued its final response letter on 23 April 2020. It set out Mr A's complaint as being that, on advice from Money Wise, he'd invested part of his pension fund into a forestry fund which had since become illiquid. Now, as he approached retirement, he'd found he couldn't move his pension to another arrangement because of the illiquid fund.*

*Fidelius went on to explain why it wasn't upholding the complaint. In summary it said the advice given in 2009 had been suitable, bearing in mind that the Quadris Fund represented about 6% of the overall SIPP portfolio, which was made up of a wide range of funds and matched Mr A's balanced attitude to investment risk. In September 2010 Mr A had removed Money Wise as his advisers as he followed the adviser to his new firm. The Quadris Fund became illiquid in March 2011, after Money Wise had ceased to manage Mr A's SIPP.*

*Fidelius gave referral rights to this service. But it said that time limits applied and its view was that Mr A had complained outside those time scales and so this service wouldn't be able to consider the complaint unless exceptional circumstances applied. In particular Fidelius said the investment had been made more than six years ago and it had become illiquid more than three years earlier. Changes to Mr A's portfolio had been made in 2011. It should've been clear more than three years ago that the Quadris Fund's illiquidity was causing problems.*

*Mr A referred his complaint to us. On his complaint form he said he was advised to transfer his pension to a new arrangement with the investments held on a platform in a new portfolio. He hadn't wanted to take excessive risks and he'd been identified as a balanced investor.*

*He'd subsequently found out that part of his pension fund was invested in an unregulated investment which had been suspended and was likely to produce a nil return. He'd effectively lost all his money on that particular investment that he'd been advised to invest in. And he'd been unable to transfer his pension to a more suitable product as he was unable to sell the assets in the suspended fund. That meant he'd been paying annual SIPP fees for a product he'd since been informed he didn't need and he could've invested in a different*

*product without those annual fees. He said he didn't need a SIPP and a 'normal' pension arrangement would've been suitable. He wanted compensation for the loss of the value of the unregulated investment and a refund of his SIPP fees from inception.*

*I issued a provisional jurisdiction decision on 9 August 2021 and a jurisdiction decision on 10 August 2021. I said, for the reasons I set out, that we could investigate a complaint about the advice given in 2009 to invest part of Mr A's SIPP in the Quadris Fund. But I'd overlooked what Mr A had said on his complaint form about not needing a SIPP. The investigator went on to consider that wider complaint.*

*Fidelius didn't agree that we could investigate a complaint about the suitability of the SIPP itself. Again it said the complaint had been made too late.*

*I issued a further provisional jurisdiction decision on 9 February 2022 dealing with whether we could investigate that wider complaint. Again I thought we could. I maintained that view in the jurisdiction decision I issued on 2 March 2022.*

*The investigator had issued his view on the merits of the complaint on 21 September 2021.*

*The investigator had upheld the complaint. In summary he'd said:*

- The issue to determine was whether the advice Mr A received in 2009 to switch SIPP's and invest in the 'Money Wise Balanced Income & Growth Portfolio' which included the Quadris Fund was suitable. The investigator didn't think it was.*
- Mr A's holding in the Quadris Fund equated to around 7% of his pension fund. That was more than the investigator expected to see for that type of investment – it was unregulated and usually only suitable for certain investors – such as high net worth or sophisticated investors.*
- Unregulated investments have multiple significant risks and shouldn't be promoted to the general public.*
- The suitability report recorded that Mr A was a balanced investor. He'd said he wanted a low return for a small risk. It seemed he didn't want to take excessive risks. Although he already had a SIPP he wasn't an experienced investor.*
- The Quadris Fund wasn't the only concern. A lot of the funds had a short history or were within a small sector. The asset allocation didn't match a balanced or medium risk investor. Only 26% of the portfolio was made up of fixed interest investments which was lower than the investigator expected, especially taking into account the value of Mr A's pension fund. The investigator didn't think Mr A could afford to take the risks associated with the Quadris Fund or the Money Wise Balanced Income & Growth Portfolio generally. And he didn't need a discretionary fund manager and the added costs of that.*
- Stakeholder and personal pensions were listed and disregarded. But it wasn't clear that the adviser had considered other options available within Mr A's existing SIPP. It seems the switch to the new SIPP was recommended to facilitate the investment in the recommended portfolio.*
- Mr A had only been a Money Wise client until around 2010. But that didn't change the fact that Money Wise was responsible for the advice to switch SIPP's and invest in the Balanced Income & Growth Portfolio which included the Quadris Fund. The switch wasn't necessary or suitable.*

*The investigator set out how Fidelius should compensate Mr A. Essentially he said Fidelius should compare the current value of Mr A's pension fund with what it would be worth compared to the benchmark set out – 50/50 Bank of England average return from fixed rate bonds and the FTSE UK Private Investors Income Total Return Index.*

*Fidelius said it didn't accept liability for investment performance from 2010 – when Mr A left Money Wise – up to 2021. It referred to an ombudsman's decision in 2016.*

*Mr A had ended his relationship with Money Wise shortly after his adviser had left Money Wise in April 2010. His pension wasn't reviewed until November 2011, by which time the Quadris Fund had been suspended. If Mr A had remained with Money Wise, he'd have sold the Quadris Fund (and other funds) in accordance with Money Wise's ongoing reviews. Holding such funds was a temporary measure after the credit crunch. Fidelius was liable for Mr A's fund only until about May 2010. Fidelius said there were also practical problems in calculating redress on the basis the investigator had proposed.*

*The investigator considered what Fidelius had said. But he wasn't persuaded to change his view. He said there'd been no need for Mr A to switch SIPP's and the investments recommended had been too high risk given his circumstances, the level of risk he was prepared to take and the size of his pension fund. The redress suggested would put Mr A back in the position he'd have been in, had the advice not taken place.*

*Fidelius' position is that the advice to enter into the new SIPP was suitable. In summary Fidelius said:*

- It had provided Mr A with a detailed suitability report. It included the benefits of the new arrangement, including the model portfolio recommended.*
- Other options were considered but discounted as they weren't as flexible as the SIPP in terms of investment choices and options available at retirement.*
- All the charges associated with the advice were fully disclosed. The new SIPP had lower ongoing charges than Mr A's existing SIPP.*
- When Mr A had approached Money Wise his existing SIPP had lost 14% of its value as it hadn't been actively managed and Mr A was unhappy about that.*
- Although the investigator had questioned the makeup of the portfolio, the fund selection at the time was heavily influenced by the global financial crisis. The inclusion of funds such as the Quadris Fund was intended to provide balance and diversification.*
- Although actively managing the existing SIPP would've been possible, that would still have required establishing a wrap account and so wouldn't have resulted in any saving. Money Wise would still have charged for its investment advice and as it would've been less familiar with the product, the charges may have been slightly higher. And the existing SIPP had higher charges than the new SIPP which allowed a wider range of fund choices.*

*And, about the Quadris Fund, Fidelius said:*

- The Quadris Fund made up a little over 6% of Mr A's pension fund at the time. He'd agreed he wanted to take a balanced or medium risk approach to investing his pension. Viewed in context, the advice in 2009 to invest a small part of his pension in the Quadris Fund was suitable. It was a small percentage of an overall portfolio of assets which included investments with a variety of risk profiles, designed to provide diversity and stability, and which, taken as a whole, was balanced and therefore in line with Mr A's assessed attitude to risk. It was important to remember the context of the global financial circumstances at the time. The banking crisis had caused significant volatility in the stock markets, interest rates had fallen to record lows and bonds and equities had become closely correlated and so could not be used to offset each other's risk. In these circumstances, it was even more justifiable to invest a small part of Mr A's overall portfolio in non-standard assets in 2009, so as to provide*

- diversification and the possibility of returns uncorrelated with the stock market.
- The portfolio as a whole was suitable or successful and growing in value. The poor performance of one fund isn't evidence of inherent unsuitability.
- It wasn't fair or reasonable to hold Fidelity responsible for the subsequent illiquidity of the Quadris Fund. When Mr A left Money Wise in 2010, there were no indications of any problems. Part of Money Wise's offering was continually to monitor investments and recommend switches where available. Had Mr A remained a client, he'd have been advised to disinvest in 2010, as other clients of Money Wise were, and so the subsequent problems with the Quadris Fund would've been avoided. It was removed from the model portfolio at that time. It appears that Mr A's new advisers failed actively to monitor the portfolio, resulting in Mr A remaining invested. It was that failure, not any inherent unsuitability of the original recommendation, that's caused Mr A's losses in respect of the Quadris Fund.
- Without prejudice to Fidelity's arguments that the complaint shouldn't be upheld, the redress shouldn't be the same as suggested by the investigator and which Fidelity said was unworkable. And the end date for the calculation should be the date on which Mr A left Money Wise as a client. From then onwards it was unable to advise him. What had been suggested was unfair and unreasonable and inconsistent with the previous ombudsman's decision.
- Fidelity has set out the charges for the existing and new SIPPs. The existing SIPP cost about 2.01% pa and the new SIPP about 1.46% pa. That was broadly comparable with a stakeholder pension. The charges were set out in the suitability letter and which said that the new SIPP was competitively priced.

### **What I've provisionally 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 first considered jurisdiction again. We're required to keep jurisdiction under review throughout our consideration of a complaint. I've done that and I maintain, for the reasons I've indicated previously, that we can consider Mr A's complaint about the Quadris Fund and also about the suitability of the SIPP itself.*

*I'm issuing this provisional decision as my views about the merits of the complaint aren't the same as the investigator's.*

*While Mr A's concerns initially centred on the Quadris Fund, he's been told he didn't need a SIPP and he now feels he's been paying fees for a product he didn't need. He's seeking compensation for the loss of the Quadris Fund and a refund of his SIPP fees from inception.*

*I've considered the suitability of the SIPP first. I've then gone on to consider the portfolio of investments that Money Wise recommended and which included the Quadris Fund.*

*At the time of the advice in 2009, Mr A's pension fund was relatively modest – about £84,000. That might call into question the suitability of a SIPP which can be a higher charging type of pension vehicle. Indeed Mr A's concerns about the SIPP centre on the charges.*

*But I note that Mr A had an existing SIPP. So it seems he'd decided at some point, presumably on another firm's advice, that he wanted a SIPP and he liked or needed the flexibility that sort of pension arrangement could provide.*

*Whatever product was chosen, charges would've been incurred. I think the charges for the*

*SIPP Fidelius recommended, and which were set out in the suitability letter, weren't unreasonable.*

*Fidelius has pointed out that the charges were less than those for Mr A's existing SIPP. And, if the total costs were about 1.46% pa, that doesn't compare unfavourably with the costs of a stakeholder pension. That's usually regarded as a basic type of pension arrangement with limited fund choice and charges that have to be kept low – 1% pa when stakeholder pensions were first introduced in 2001 and then increased in 2005 to 1.5% pa for the first ten years and 1% pa thereafter. I don't think the SIPP was unsuitable from a charges perspective.*

*The investigator thought that the new SIPP was recommended to facilitate investment in the Money Wise Balanced Income & Growth Portfolio. If the recommended investments are unsuitable then that may make the product unsuitable too. But here I don't think the SIPP was inherently unsuitable for Mr A. It doesn't necessarily follow, even if the investments were unsuitable, that would mean the SIPP was too. So I've just considered the portfolio from an investment suitability perspective.*

*Mr A had been identified as a balanced risk investor. I don't see any real reason to say that wasn't a credible assessment of his attitude to risk at the time and even if he's subsequently indicated that his attitude to risk was lower. He was 48 at the time and as his retirement was some time away I think he could afford to take some risk with his pension fund, albeit that it was modest and, as far as I'm aware, he didn't have other pension provision at the time. He's said he didn't want to take excessive risks but I think he was prepared to take a degree of risk in the hope that he'd get a reasonable return over the period to his intended retirement. Looking at his circumstances generally I don't think he should've been advised that he should adopt a lower than medium attitude to risk.*

*But I don't think the portfolio that Money Wise recommended matched Mr A's balanced attitude to risk or was suitable for a medium risk investor. I agree with what the investigator said about the makeup of the portfolio. I think it represented a higher degree of risk than was suitable for a medium or balanced risk investor.*

*Fidelius has pointed out that the Quadris Fund represented a relatively small proportion of the portfolio. But it was over 6% which I think was on the higher side. But, in any event, it wasn't the only unregulated investment. The portfolio composition in 2009 included other unregulated collective investment schemes – for example, EEA Life Settlements, Matrix Ascension, New Earth Solutions Recycling Facilities and the Connaught Guaranteed Low Risk Income.*

*I note what's been said about the makeup of the portfolio having been driven by the financial crisis and an attempt to find assets whose performance was uncorrelated with the stock market. But unregulated investments typically have multiple risk factors and are generally regarded as suitable (both at the time and now) only for certain clients – typically high net worth and/or sophisticated investors – and then usually only for a small proportion of the portfolio. Before promoting an unregulated investment a firm should be sure that the client is one to whom such a promotion can lawfully be made. I've not seen any evidence that Money Wise took the necessary steps to ensure that unregulated investments could be promoted to Mr A.*

*Even if it was intended to hold certain assets for a relatively short period the portfolio wasn't suitable for a medium risk investor such as Mr A. I also tend to agree with the investigator that, given the value of Mr A's pension fund, it would be difficult to justify the increased costs of actively managing it.*

*The upshot is that Money Wise's advice that Mr A invest his SIPP fund in Money Wise's Balanced Income & Growth Portfolio was unsuitable for Mr A.*

*But that was in 2009. I need to consider what's happened since then. And, in particular, that Mr A was only Money Wise's client for a very limited period. In September 2010 he told Money Wise that he was following the adviser to his new firm. Fidelius says that Mr A's portfolio wasn't reviewed until November 2011, by which time the Quadris Fund had been suspended. And, if Mr A had remained with Money Wise, he'd have sold the Quadris Fund (and other funds) in accordance with Money Wise's ongoing reviews.*

*To deal with the last point first, I don't think what would've happened if Mr A had stayed with Money Wise is directly relevant, given that Mr A moved on. Instead I've looked at what actually happened and how it came about that Mr A retained the Quadris Fund until after March 2011 when it became illiquid and Mr A couldn't then, or since, sell his holding.*

*I don't think it's the case that Mr A's portfolio wasn't reviewed for some eighteen months. I think Fidelius is taking the start date of that period as when the adviser left Money Wise which I think was in April 2010. But Mr A remained a client of Money Wise for longer than that. And in any event I think some changes to Mr A's portfolio were made before November 2011. It seems that before then, by May 2011, with the exception of the Quadris Fund, the unregulated investments had been sold – the last being the New Earth Fund which was sold in May 2011.*

*Fidelius has pointed to a decision by another ombudsman which suggests that, where a client moves to another advisory firm (albeit with the same adviser) there's a very short window in which we'd expect the new adviser to review the client's holdings and suggest and implement changes if necessary. But, although we aim for consistency, I'm not bound by previous decisions. I have to decide what's fair and reasonable in all the circumstances of the particular case I'm deciding.*

*Mr A left Money Wise in September 2010. It was only about six months later that the Quadris Fund became illiquid. As I've said, it seems that, in the interim, changes were being made to Mr A's portfolio and by May 2011 the unregulated investments had been sold, aside from the Quadris Fund which had become illiquid in March 2011.*

*In some cases, where a new adviser is appointed, there might be a need to review the investments urgently. For example, if the investments have been in place for some time and those and the client's circumstances haven't been recently reviewed. But here I don't think there'd have been any perceived urgency to review the portfolio and sell off funds which had only a year or so earlier been deemed suitable by Money Wise. And there was no indication that the Quadris Fund was in (or would soon face) difficulties. The problems with the Quadris Fund didn't emerge until March 2011 when the Fund was temporarily suspended (and which suspension has remained in place ever since).*

*Although it looks like some adjustments to Mr A's portfolio were being made, unfortunately, the Quadris Fund hadn't been sold before it became illiquid. In the circumstances of this particular case I don't think it would be fair to say that Money Wise had no responsibility for the fact that Mr A had invested in the Quadris Fund and that he wasn't later able to sell his holding. His investment in the Quadris Fund was made on Money Wise's advice. I think the investment was inherently unsuitable for Mr A. I think that – rather than any failure by Mr A's new advisers to monitor his portfolio – was the root cause of his losses.*

*Fidelius' argument – that losses could've been avoided if Mr A's new advisers had monitored the portfolio – is a mitigation issue. But, notwithstanding that there was, after Mr A left Money Wise, a window in which to sell his holding, I don't think that means that Money Wise isn't*

*responsible for any losses because Mr A's holding wasn't sold before March 2011. As I've said the root cause of his losses is Money Wise's unsuitable advice. And, since then, he's been unable to sell or redeem it. Mr A has the Quadris Fund because Money Wise recommended it. It was unsuitable and I'm not persuaded that Money Wise (now Fidelius) shouldn't be held responsible for Mr A's losses in connection with that investment.*

*But I think the Quadris Fund is something of an exception because of Mr A's inability to do anything with it. I don't see, given that Mr A has had a new adviser in place since about September 2010, that Fidelius can be responsible for the performance of Mr A's portfolio from 2009 up to date.*

*I think at most (and leaving aside the Quadris Fund which and as I've said because of its illiquidity I regard as an exception) Fidelius would be responsible for any losses Mr A suffered from when he switched SIPP's in 2009 and into an unsuitable portfolio until when the adviser should've reviewed his portfolio. As I've said I don't think there was any real urgency and so any review may not have happened until sometime in 2011.*

*I've looked at Mr A's fund values from November 2009 until September 2011. Up until 31 March 2011 the overall fund value steadily increased. As at 9 November 2009 the fund value was £84,195.72. By 31 March 2010 it had increased to £89,396.75 and to £90,118.19 by September 2010. Mr A left Money Wise the following month so during the time he was with Money Wise his fund value had grown by almost £6,000 or just over 7%. The fund value then fell to £89,278.24 as at 30 September 2011. But that still represented an overall gain. And, by 31 March 2012, it had recovered to £95,502.10.*

*The upshot is that, notwithstanding that the portfolio that Money Wise recommended wasn't suitable for Mr A, I don't think he suffered any financial loss during the period that Money Wise was responsible for his investments and or shortly afterwards and before his investments were reviewed by his adviser at his new firm. I don't think, from, say, 2011 onwards, that Money Wise can continue to be held responsible for how Mr A's SIPP portfolio has performed. That's aside from the Quadris Fund which maintained for some time and on paper a value more or less consistent with the amount invested which it now appears may in fact have been lost.*

*In summary, I think Fidelius is responsible for the losses Mr A has sustained in connection with the Quadris Fund. I've set out below how Fidelius needs to calculate compensation for that. Mr A has also said that because of the illiquid Quadris Fund he's unable to close his SIPP and move his fund to an alternative pension arrangement. I've set out what below what should happen about that and in the event that Fidelius can't buy the Quadris Fund and the SIPP is unable to be closed.'*

We haven't received any comments from Mr A or Fidelius in response to my provisional decision about the merits of the complaint.

### **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 first considered jurisdiction again. As I've said, we have to keep jurisdiction under review throughout our consideration of a complaint up and until we issue a final decision. I've done that and I maintain, for the reasons I've indicated previously, that we can consider Mr A's complaint about the Quadris Fund and also about the suitability of the SIPP itself.

I've set out in full above the findings I reached in my provisional decision and these form part of this decision. In the absence of any comments, new arguments or evidence, my views haven't changed. So I'm upholding the complaint but only in part.

I've set out again what I said in my provisional decision about how Fidelius should redress Mr A.

### **Putting things right**

In assessing what would be fair compensation, my aim is to put Mr A as close as possible to the position he'd probably now be in if he'd been given suitable advice. I think he'd have invested differently. It's not possible to say *precisely* what he'd have done but I'm satisfied that what I've set out below is fair and reasonable given Mr A's circumstances and objectives when he invested.

### **What should Fidelius Ltd do?**

To compensate Mr A fairly Fidelius Ltd should:

- Compare the performance of Mr A's investment with that of the benchmark shown below. If the *fair value* is greater than the *actual value*, there is a loss and compensation is payable. If the *actual value* is greater than the *fair value*, no compensation is payable.

Fidelius Ltd should also pay any interest set out below.

If there is a loss, Fidelius Ltd should pay into Mr A's pension plan, to increase its value by the amount of the compensation and any interest. The payment should allow for the effect of charges and any available tax relief. Compensation shouldn't be paid into the pension plan if it would conflict with any existing protection or allowance.

If Fidelius Ltd is unable to pay the compensation into Mr A's pension plan, it should pay that amount direct to him. But had it been possible to pay into the plan, it would've provided a taxable income. Therefore the compensation should be reduced to *notionally* allow for any income tax that would otherwise have been paid. The *notional* allowance should be calculated using Mr A's actual or expected marginal rate of tax at his selected retirement age.

For example, if Mr A is likely to be a basic rate taxpayer at the selected retirement age, the reduction would equal the current basic rate of tax. However, if he would've been able to take a tax free lump sum, the reduction should be applied to 75% of the compensation.

In addition, Fidelius Ltd should pay Mr A £300 for the upset caused by the unsuitable investment advice. That's the same amount as the investigator suggested. Notwithstanding the investigator thought the wider complaint about the SIPP itself should be upheld, whereas my view is that it's only any losses in respect of the Quadris Fund that Fidelius Ltd needs to redress (plus any future SIPP fees as detailed below), I don't think £300 is unreasonable so I've awarded the same sum.

Fidelius Ltd should also provide the details of the calculation to Mr A in a clear, simple format.

Income tax may be payable on any interest paid. If Fidelius Ltd considers that its required by HM Revenue & Customs to deduct income tax from that interest, it should tell Mr A how much it has taken off. It should also give Mr A a tax deduction certificate if he asks for one,



so he can reclaim the tax from HM Revenue & Customs if appropriate.

investment name	status	Benchmark	from ("start date")	to ("end date")	additional interest
Quadris Fund	suspended	FTSE UK Private Investors Income Total Return Index	date of investment	date of settlement	not applicable

### ***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 cannot be readily sold on the open market), it may be difficult to find the *actual value* of the investment. So, the *actual value* should be assumed to be nil to arrive at fair compensation.

Fidelius Ltd should take ownership of the illiquid investment by paying a commercial value acceptable to the pension provider. This amount should be deducted from the compensation and the balance paid as above.

If Fidelius Ltd is unable to purchase the investment the *actual value* should be assumed to be nil for the purpose of calculation. Fidelius Ltd may wish to require that Mr A provides an undertaking to pay Fidelius Ltd any amount he may receive from the investment in the future.

That undertaking must allow for any tax and charges that would be incurred on drawing the receipt from the pension plan. Fidelius Ltd will need to meet any costs in drawing up the undertaking.

### ***Fair value***

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

Any additional sum paid into the investment should be added to the *fair value* calculation from the point in time when it was actually paid in.

Any withdrawal, income or other distribution out of the investment should be deducted from the *fair value* at the point it was actually paid so it ceases to accrue any return in the calculation from that point on. If there is a large number of regular payments, to keep calculations simpler, Fidelius Ltd can total all those payments and deduct that figure at the end instead of deducting periodically.

### **Why is this remedy suitable?**

I've chosen this method of compensation because:

- Mr A wanted capital growth and was willing to accept some investment risk.
- The FTSE UK Private Investors Income total return index (prior to 1 March 2017, the FTSE WMA Stock Market Income total return index) is made up of a range of indices

with different asset classes, mainly UK equities and government bonds. It's a fair measure for someone who was prepared to take some risk to get a higher return.

- Although it is called income index, the mix and diversification provided within the index is close enough to allow me to use it as a reasonable measure of comparison given Mr A's circumstances and risk attitude.

### **Future SIPP fees**

Mr A has said that he wants to close his SIPP and move his pension fund to another pension arrangement.

I understand that the illiquid Quadris Fund is preventing the SIPP from being closed. If that is the case and if Fidelity Ltd is unable to buy Mr A's holding in the Quadris Fund and so enable the SIPP to be closed, then Fidelity Ltd will also need to pay Mr A five years' worth of SIPP fees (using the current tariff). That should give a reasonable period for the problems with the Quadris Fund to be resolved and the SIPP closed.

### **My final decision**

I uphold the complaint in part. Fidelity Ltd must redress Mr A as I've set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 7 July 2022.

Lesley Stead  
**Ombudsman**