



SANCTUARY
PERSONNEL

IR35 webinar transcript

March 2017

Sanctuary Personnel: Good evening everyone, we would like to welcome you all to tonight's discussion which is based around the upcoming implementation of the IR35 tax legislation.

The reforms will come into effect from 6 April 2017. We've been sharing as much detail as we can over the last few weeks via our websites and mailers, but we know that many of you still have a lot of questions about what this could mean for you.

Members of our senior management team are here to answer your questions and explain more about what IR35 is, and how Sanctuary are prepared to support you as these changes take place.

Sanctuary Personnel: Before we start however, we wish to make it clear that the discussions tonight will not constitute specific financial advice, and we would strongly recommend that you speak with your own accountant to determine whether you fall inside or outside of IR35 rules.

PLEASE SPEAK TO
YOUR ACCOUNTANT
FOR SPECIFIC
FINANCIAL ADVICE.

Sanctuary Personnel: So let's get started!
Answering your questions tonight will be:



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Sanctuary Personnel: Over the course of the evening, we will be answering your questions, but also publishing some questions and answers that have come through to us in advance of tonight's discussion. If you've pre-submitted your question, we will do our best to answer it tonight, but if we don't, we will be providing a detailed Q+A document within the next few weeks so you can be sure that your question will definitely be answered in due course.

So if you're all sitting comfortably let's get started!

Comment From Gil: How does the IR35 affect Skylakes workers?

Craig Davis: Hi Gil, Skylakes project workers are deemed out of scope of the IR35 regulations, so they are currently not affected. Craig.

Comment From Gil: Many thanks.

Comment From Caroline Wright: I have emailed the IR35 queries email address, as advised in an earlier email from you - but have not heard back. I am a Ltd company but do not work solely for Sanctuary but for many other clients as well - my accountant considers I fall outside IR35 but I have had no reply from Sanctuary as to the way forward? Please advise.

Craig Davis: Hi Caroline, We are really sorry, the email address has been inundated and we are trying to work through it as quickly as possible. However, we did recently add a blog which may help, below is an extract which may help answer your question:

If you feel that your assignment does fall outside of IR35, then you will need to speak to your line manager or client nominated IR35 liaison officer, if applicable, to go through the HMRC test with

them. If the results conclude your assignment is outside IR35, then Sanctuary will require the client copy of the tool, including responses with the contractors name on, signed by the client and sent directly from the client to email us.

See more at: <https://www.sanctuarypersonnel.com/blog/ir35-tax-update-7-march-2017-76899547369#sthash.kqidKtGt.dpuf>

Comment From Gil: I don't seem to be seeing others questions. Are the responses and questions viewable to all?

Sanctuary Personnel: Hi Gil - we have many questions coming through at the moment - it's taking us some time to read and reply to them all. We will be publishing more replies soon.

Comment From What is the differ...: If I choose limited/PSC, who works it out?

Craig Davis: We will be outsourcing the payments through Freedom Friday and they will be making the deductions. We can ask them to contact you to give you a breakdown if you wish. Craig.

Comment From Ibraheem Lateef: What is the difference in payments?

Charlie: Hi Ibraheem,

The difference in payments would depend on your personal circumstances, you can speak to any of the umbrella companies we recommend who will be able to provide you with a detailed breakdown for that option. Freedom Friday would be able to provide you with information regarding staying as a PSC and for PAYE it would simply be you getting paid net pay by Sanctuary after full deductions and accruing holiday pay as you work. Your consultant will be able to advise you of your PAYE equivalent rate.

Comment From Claire: Good evening. Thank you for setting this discussion up, I'm sure it will prove very useful to many, especially me who has only just really heard about the implication. From what I can gather as agency workers, we will now be asked to pay tax outside of our usual self-assessment but how will it be determined who pays when?

Craig Davis: Hi Claire, Sanctuary are now responsible for deducting tax and NI each time a payment is processed. If you work with an umbrella company, it will be their responsibility, but we are required to carry out due diligence checks on a regular basis to make sure they are making the correct payments.

Comment From Amanda: I have been advised that if I have my PAYE and NI deductions processed through Sanctuary, I have to remain with a limited company. Why is this? I have spoken to my accountant and she advises that I am better off as a sole trader as a result of the IR35.

Vanessa: I'm sorry Amanda, I'm not sure what you mean? You have the choice of PAYE, umbrella or PSC via deemed payments. Please clarify.

Self-employment falls within the IR35 guidance, and there is a risk of debt transfer to agencies so most agencies including Sanctuary are unable to engage self-employed contractors. Who is your consultant? I'm not sure what they are referring to. We will look into this if you email us on: ir35queries@sanctuarypersonnel.com

Comment From What is the differ...: Who are Skylakes?

Craig Davis: Skylakes are a project-based service, below is a brief on what they do:

Skylakes' services are entirely bespoke to your needs, ranging from piece work and project work to providing continuous support alongside councils' existing teams.

- Guaranteed delivery of high quality social work
- Guaranteed timescales
- Large scale cost and efficiency savings
- Largest social work resource in the UK
- Ability to budget for specific work
- Transparent budgeting
- Scalable infrastructure

Comment From Matt: Has there been any discussions with local authorities in relation to an increase in hourly rates to reflect the increased tax implications?

Charlie: Hi Matt,

Most clients have stated no rates will be increased, however, tax shouldn't be increased for you, the change is in the responsibility of whoever has to ensure it is paid correctly. Sanctuary will be responsible from April to ensure the correct amount of tax is paid by all workers. If you are currently paying the correct tax then nothing will change for you.

Comment From Guest: Why are Skylakes outside IR35 regulations and agency workers are not?

Craig Davis: Skylakes are a private company and IR35 regulations currently only applies to public

sector workers. Whilst they work with the public sector, they provide a service rather than staff.

Comment From Reward: Now that the Government has done a climb down on NI, do we have to go ahead with the IR35?

Craig Davis: At present, the Government have not suggested any climb down on IR35 regulations.

Comment From Will Independent B...: Will Independent BIAs contracted directly to councils fall within IR35?

Vanessa: You would need to discuss this with your local authority.

Comment From Gri: What is the format here? Are you presenting, asking questions, or both?

Sanctuary Personnel: This is a text-based question and answer format - we won't be making any presentations, but we will be answering all of your questions tonight.

Comment From I'm a public sector...: I'm a public sector worker, do I have to use your umbrella company?

Craig Davis: We do have a list of umbrella companies who are FCSA registered and are recommended by the REC. If you have an umbrella company in mind who are not on this list, we will be carrying out due diligence checks to make sure they are making the correct deductions prior to agreeing to process payments with them.

Comment From What is the differ...: What is an umbrella company and how is payment going to affect agency workers with a limited company?

Craig Davis: You would only use either limited company/PSC or umbrella. So, if you choose to use an umbrella company, you would probably close your Ltd company.

Comment From Matt: Are Sanctuary acceptant of the IR35 tool outcome, if this indicates that you are outside of IR35?

Charlie: Hi Matt,

It is the client's decision as to whether you fall inside or outside IR35. Sanctuary will accept the tool outcome if it is sent via the client's correct process for this to say you are outside, however there is still a duty of care on our part to question the outcome should we feel it may be incorrect.

Comment From Caroline Wright: Thanks Craig. When you say line manager or client nominated IR35 liaison officer - who is that? Within the county council, who are your clients - or via Sanctuary.

Craig Davis: This would be within the local authority as they would sit with you to complete the tool so the answers are agreed between you.

Comment From What is the differ...: How are limited companies affected and how are they going to deduct the NI and tax?

Vanessa: NI and tax will be deducted at source by Freedom Friday and then the remaining 'deemed payment' will be paid to your PSC.

Comment From Lara: Whose responsibility is it to confirm whether the position falls within IR35 requirements? The HR team where I work does not seem to know much about it!

Craig Davis: Hi Lara,

Maybe speak to your manager who might be able to advise who you would need to speak to.

Comment From Matt: What is the deadline for submitting your IR35 outcome to Sanctuary?

Charlie: Hi Matt,

The legislation comes in for any payments made after 6 April so for us to pay you outside IR35 after this date, we would need the outcome sent from your client prior to this date.

Comment From Syed: I am doing locum work and getting pay in my limited company account. After this change, what will happen to paid holidays and pension?

Craig Davis: Nothing changes, except we will be making full tax and National Insurance deductions.

Comment From Kirk: Hi, how soon can the figures or illustrations be available if one chooses to stay Ltd or opt for PSC.

Vanessa: Have you completed the online form? Freedom Friday will respond within 24 hours and you can speak to an umbrella company anytime.

<https://www.sanctuarypersonnel.com/ir35-payment-changes>

Comment From Bashir: I learnt there are

accountants out there trying to exploit people in order to fall out of the IR35 filling in the HMRC IR35 assessment form. They charge exorbitantly for this service. What is Sanctuary doing to assist their workers without going down this channel? As for me, I am prepared to leave the job. I have spoken to my accountant to check my assessment. Regards, Bashir.

Craig Davis: We would only accept IR35 assessment forms confirmed by the local authority you work for. We would not recommend going to any companies who are advising they can help you avoid it.

Comment From Fiona: Do you know if I chose to remain as a limited company, I will invoice Freedom Friday?

Charlie: Hi Fiona, You would still invoice Sanctuary as you currently do.

Comment From Amanda: Could you explain deemed payments please?

Vanessa: A Deemed Payment is the payment to your PSC after tax and NI has been deducted by Freedom Friday.

Comment From Gri: I work through a PLC and have an accountant who takes care of my taxes and returns. Can you say a bit more about whether I will be significantly affected?

Craig Davis: This depends on your personal circumstances and what deductions your accountant has been making. We would recommend you take advice from your accountant.

Comment From Gil: Is there potential for a climb down on IR35?

Sanctuary Personnel: It is very unlikely. There has been no indication that this will change.

Comment From Caroline Wright: Thanks Craig - will my Sanctuary consultant know who this person is - as I wouldn't have a clue who to phone/email - and whether they even know what they have to do?

Craig Davis: If you contact your consultant we will do all we can to help you find out.

Comment From Fi: What benefits does your umbrella company offer?

Vanessa: We don't have an umbrella company. we recommend the FCSA full members list, and we have a lot of workers with Liquid Friday, but you would need to look into them yourself.

<http://www.fcsa.org.uk/fcsa-full-members>

Comment From Rob: Hi. If I go PAYE via an umbrella company, will I get holiday pay and other employee rights? Rob

Craig Davis: You would need to speak directly to the umbrella company to see what rights you are entitled to.

Comment From Greg: As the local authority will not be increasing hourly rates, will Sanctuary renegotiate with individual workers in terms of offsetting some of the loss of income to workers, thereby increasing workers rates by paying a higher wage to workers?

Charlie: Hi Greg,

If you are currently paying the correct amount of tax on your earnings then there shouldn't be a loss of income. The change is just in the responsibility for Sanctuary to ensure the correct tax is being deducted.

Comment From MHIZHA: I have worked on the IR35 tool and have had the result that I fall out of the IR35. What will Sanctuary Personnel do with this outcome?

Craig Davis: We can only process the outcome if it is approved by the local authority you are working for.

Comment From Caroline Wright: Also is the HMRC IR35 tool available - and if so, where do we access it?

Vanessa: Here you go:

<https://www.gov.uk/guidance/check-employment-status-for-tax>

Comment From Gil: If you ran the limited company option and fell inside of IR35, would that mean you still had to pay corporation tax?

Craig Davis: Hi Gil,
We know you will not get double taxed, but recommend you take advice from your accountant on this.

Comment From how much percent o...: What percentage of my salary must be deducted to pay for these taxes please? All the different umbrella

companies seem to be quoting varied net payments hence leaving me confused. One told me I will retain 75% of my pay. Is this correct?

Charlie: HMRC have not advised the tax codes as yet however, if your hourly rate is above £22 an hour then a take home of 75% is highly unlikely to be correct.

Comment From MHIZHA: Hi Craig. Thanks for the reply. I have sent the outcome both to my agent and to the local authority I am working with. I will communicate once my local authority comes back to me.

Comment From Fiona: I am really struggling to decide whether to stay Ltd or change to umbrella. Boox say stay Ltd with them and umbrella companies say stay with them, nothing impartial seems available. Boox will charge me 3 months to close Ltd company.

Craig Davis: Hi Fiona, it really does come down to personal preference and looking at what you think would benefit you the most. Sadly, we cannot advise on which is best either.

Comment From Amanda: NI and tax will be deducted at source by Freedom Friday and then the remaining 'deemed payment' will be paid to your PSC. Sorry, who are Freedom Friday and what is the difference between them and PAYE?

Vanessa: Hi Amanda, pay will depend on your rate which you would need to discuss with your consultant. Here is an extract from Sanctuary's most recent mailer:

Sanctuary processing of PSCs where contracts are determined as inside IR35 after 6 April:

- Sanctuary have considered the options and have decided that the most efficient way for contractors to be paid after 6 April is via a third party. With that in mind, Sanctuary has engaged Freedom Friday, a part of Liquid Friday to calculate gross payments, deemed payment deductions and process allowable expenses.

What does this mean?

- PSCs will need to sign up with Freedom Friday
- New contracts will be issued
- Limited company gross pay rates will become gross assignment rates (and includes reimbursements for all the amounts deducted

below, the gross assignment rate is the same as our umbrella rate, both of which have been uplifted from our internally PAYE rates to cover all deductions below)

- Freedom Friday will make deductions for ERNI, Apprenticeship Levy and their fee from your gross assignment rate giving you your gross pay
- Freedom Friday will then calculate deemed payments for NI & PAYE tax taking into account any allowable (tax deductible) expenses
- Freedom Friday will pay your deemed payment into your company bank account
- Freedom Friday will pay the deductions over to HMRC via an RTI and send a copy to Sanctuary for audit purposes
- The margin for the Freedom Friday service is normally £10 per week, payable by the PSC. This has been discounted for Sanctuary contractors by 50% to £5 per week

Signing up to Freedom Friday is compulsory if you wish to remain being paid via a PSC and your contract is inside IR35.

For audit and administration purposes, Sanctuary will not be working with any other secondary companies to process deemed payments.

At this stage, HMRC has not issued details of the technicalities around which tax code will be required for deemed payment deductions. Once this is released, we will communicate it to you.

Sanctuary will be offering contractors these alternative options:

- PSC (inside IR35) deemed payments as detailed above
- PAYE
- PSC - confirmed as outside of IR35 / out of scope
- Umbrella - See more at: <https://www.sanctuarypersonnel.com/blog/ir35-tax-update-7-march-2017-76899547369#sthash.mLlVsRfn.dpuf>

Comment From Rob: Hi. I was informed that the company you were directing us to was Liquid Friday. Is that correct? Rob

Craig Davis: We do work with them a lot, however

we are also recommending the FCSA list, of which Liquid Friday are also a member.

Comment From Matt: My accountant has recently completed an IR35 review. Would a copy of this act as supporting evidence for Sanctuary? I understand that you may not accept end client's confirmation even if the tool indicates outside...

Charlie: Sanctuary can only act on instruction from the client as to whether you are inside or outside IR35. If you feel that your assignment does fall outside of IR35, then you will need to speak to your line manager or client nominated IR35 liaison officer, if applicable, to go through the HMRC test with them. If the results conclude your assignment is outside IR35, then Sanctuary will require the client copy of the tool, including responses with the contractor's name on, signed by the client and sent directly from the client to email us.

Sanctuary is only allowed to pay workers in a compliant way, this means:

- We are unable to accept tools or certificates that are not from HMRC.
- We are unable to determine or influence IR35 status.
- We are unable to pay contractors as outside of IR35 without a copy of the tool, including responses, signed and directly from the client.

There are some clients that could be categorised as public or private sector. We are currently taking advice on this matter and for any clients confirmed as within the private sector, they are expected to remain out of scope, so the payment method will remain unchanged and it will continue to be your responsibility to determine IR35 Status. See more at: <https://www.sanctuarypersonnel.com/blog/ir35-tax-update-7-march-2017-76899547369#sthash.3K7ZWjSV.dpuf>

Comment From Susan: Hi, I'm mailing late as I only just finished work. Can you explain why a colleague of mine in the care sector for a UK prison is not affected by IR35? Thanks.

Craig Davis: It could be that this is viewed as a private company. However, without knowing the full details we would not be able to confirm.

Comment From Matt: For information purposes on the research I have carried out - Staying limited would be financial suicide if you fall inside of IR35. The average take home under umbrella is around 63% based on a rate of £25 per hour.

Comment From Vince: I work away from home each week. Is my weekly commute cost in terms of mileage and accommodation still claimable as a tax expense or do I need to relocate my home and family?

Vanessa: Hi Vince. If you are determined as falling inside IR35 then I'm afraid it is no longer claimable.

Comment From Jongo: If I am going to decide which umbrella company I'm going to work through, what guidance can I have to ensure that I won't end up with one that will charge a high percentage rate?

Craig Davis: As with anything, you need to do some research on the companies. The take home should be similar if the umbrella company is making the correct deductions. So, when you receive the breakdown it should show taxable pay, plus employers NI, plus their fee. That should equal the gross pay. If you put the taxable pay into a tax calculator this will show you whether they are paying you at the correct amounts. If someone offers more than the other companies, remember, if it looks too good to be true, it probably is.

Comment From MHIZHA: Please may you explain why Sanctuary have rejected an umbrella company of my choice?

Craig Davis: It is probably because they have not answered our due diligence questionnaire. If you can contact me directly, I will look into this for you.

Comment From how much percent o...: Thank you.

Comment From how much percent o...: Polite question: some umbrella companies are giving bonuses for referring clients to them. Now, does Sanctuary also get bonuses for their clients registering with Liquid Friday? I note that it's a compulsory expectation to register with them if one wishes to continue getting paid as PSC. Please correct me if I am wrong to think its a compulsory expectation. Thank you.

Vanessa: Sanctuary do not receive any bonuses for workers being paid through Freedom Friday, we agreed with them that they would offer a discount to workers from £10 per week to £5 per week.

Sanctuary has considered the options and

decided that the most efficient way for contractors to be paid after 6th April is via a third party. With that in mind, Sanctuary has engaged Freedom Friday to calculate gross payments, deemed payment deductions and process allowable expenses. See more at: <https://www.sanctuarypersonnel.com/blog/ir35-tax-update-7-march-2017-76899547369#sthash.mLlVrRfn.dpuf>

Comment From Bob: Do you feel that once current contracts end, the demands from those affected by IR35 will insist on projects that are not within scope?

Craig Davis: Some people may choose to look for roles deemed outside of IR35, however, these projects are on a smaller scale than local authority work, so it is not always possible to work on such a project.

Comment From MHIZHA: How do I contact you directly Craig?

Craig Davis: You can call me between 8.45am and 7pm tomorrow on 0333 7000 022



Comment From how much percent o...: Did you say its compulsory to register with Liquid Friday?

Vanessa: Do you mean as an umbrella? If so then no; we recommend agencies from the FCSA's full list, Liquid Friday is one of those and we already work with them.

Comment From Will Independent B...: Hi Craig, can you give an example of how the pay is supposed to be calculated?

Craig Davis: We cannot give financial advice; however, we have used what to look out for in a correct breakdown in a previous answer.

Comment From Jongo: What advice would you give to someone who holds a full-time job but augments their earnings by doing agency work?

Craig Davis: You would need to seek the financial

advice from your current accountant or umbrella company.

Comment From Susan: I keep reading your reply saying pay isn't affected but it is. I pay proper tax to utilise tax relief onto expenses that is no longer allowed in IR35 changes. My take home pay will be a third less; we have to pay employers tax on top of tax and NI. It's a total rip off now.

Charlie: Hi Susan,

Legislation changed last year regarding tax relief on things like expenses on travel to and from work, the reason HMRC have removed the ability for you to deem yourself outside IR35 is due to individuals that should be inside and shouldn't be claiming this relief.

Comment From Will Independent B...: Does umbrella company, SIMPLY, meet Sanctuary's compliance?

Craig Davis: They are not in the FCSA list; however, questionnaires have been sent to numerous umbrella companies and your consultant will be able to advise you in due course.

Comment From Hi guys, if my tru...: If I am doing a self-assessment, can I claim expenses for travel and accommodation whilst working away? This could be devastating for trusts that find it hard to attract staff or have high living costs.

Vanessa: Hi,

If you're inside IR35 then I'm afraid you can no longer claim expenses to and from work even on your self-assessment I believe. We expect that clients who find it difficult to recruit will have to reflect this in their pay rates in the future.

Comment From Tunde: With the deemed payment option to PSC or Ltd, would the person still have to declare taxes to HRMC as before?

Craig Davis: Tax and NI will be deducted at source. It would then be your responsibility to complete an assessment with your accountant for any other earnings at the end of the year.

Comment From Matt: Are NHS contracts affected by IR35 regulations or is it just local authorities?

Vanessa: NHS are classed as a public body under the Freedom of Information Act and therefore the regulations will apply, yes.

Comment From Bob: Do you feel the possible decrease in contractors willing to accept IR35 rates will result in an increase in rates?

Craig Davis: At this stage Bob, we do not think rates will increase. But who knows what changes may happen in the future.

Comment From I understood that ...: I understood that I could only be on umbrella for 2 years and after that I had to resume with just PAYE or become Ltd - which I did. Can I go back to being on umbrella? I am still on the same contract - now 3.5 years.

Craig Davis: After two years, your place of work is classed as permanent for the purpose of tax, so this stops you claiming travel expenses to and from work. IR35 does the same so there is really no change.

Comment From how much percent o...: So, if we close our limited companies down and in the future, we get contracts outside the IR35; how do we handle these situations? I'd like to believe then we can be paid directly as we do now, but the Ltd companies would have closed or gone dormant.

Vanessa: Hi,

You're correct, you could be paid directly for your outside IR35 work, but it would need to be into a PSC; you would need to take independent advice as to what's best for you but I think other people are staying PSC if they envisage being in this position in the future so they have the option.

Comment From Susan: Do you think a lot of agency workers will leave locum work once contracts end?

Craig Davis: Locum work still has a lot of benefits and suits many people's lifestyles. There is also a demand for locum workers so we are not expecting to see a reduction.

Comment From Susan: Can you explain why umbrella companies charge employers NI to us when we have to submit our P45 to them, technically making us their employee? Thanks.

Craig Davis: Employers NI is an uplift on your rate as an umbrella or Ltd company so they are not actually charging this onto you.

Comment From Vince: Can I choose my own umbrella company or am I restricted to ones identified by Sanctuary?

Charlie: Hi Vince,

Sanctuary is engaging with the fully accredited members of the FCSA as we know they are audited regularly and comply with the new legislation. If you wish to engage with a company not on the list, then we will review on a case-by-case basis and only rule them out if we don't believe them to be compliant.

Comment From Diane Goodman: Would I have to close my limited company if I chose the umbrella option as I do other direct work which I consider to fall outside IR35. Even if the LA decided that they would deem this to be inside and only agree to pay this way, could the umbrella company pay my limited company?

Vanessa: Hi Diane,

You wouldn't have to close your limited company. I'm not sure about whether umbrella companies could pay deemed payments to your limited company but I don't see a legislative reason why not. However, that would possibly not be the most cost-effective way for you. I would recommend taking advice.

Comment From how much percent o...: Did you say we all must complete the IR35 test and submit or can one just accept to be within without completing a test?

Charlie: Most clients have advised already if workers are inside IR35, if you agree then you do not need to complete the tool you just need to advise us of your intention to stay as PSC or change to umbrella/PAYE.

Vanessa: Umbrella companies should all be very similar, one way to check is to get a breakdown from the umbrella. If you add together the taxable pay, ERNI & umbrella charge, that should add up to your gross pay from the agency. If that all adds up, put your taxable pay into any UK online tax calculator and that will give you a good idea of what net take home you should get. There might be slight variations on this due to individual payroll systems but mainly the only difference cost-wise between umbrellas should be their fee, if they are doing things properly.

Comment From how much percent o...: I heard on the news today that Chancellor Hammond and PM May have now taken a U-turn on the decision to increase taxes on self-employed persons. How is this likely to affect us?

Craig Davis: It is NI that they have made a U-turn on. This will have no effect on the IR35 regulations.

Comment From Rob: I've found it now; It was the case that commuting could not be claimed but if you travel for work and live away from home then that could be claimed for, such as in my previous incarnation in construction and education. Is this no longer the case?

Vanessa: Hi Rob,

I'm afraid tax deductible expenses are not our area of expertise. you would need to speak to an accountant.

Comment From Matt: Is Pay Stream on your list of accredited umbrella companies?

Vanessa: Hi Matt,

We recommend the FCSA full members: <http://www.fcsa.org.uk/fcsa-full-members/>

Sanctuary Personnel: Thank you to everyone for joining us tonight. We have now come to the end of the discussion - if you do have any further questions, please feel free to get in touch with us.

Comment From Guest: Thank you for this web chat, it has been very helpful!

Comment From how much percent o...: Thanks indeed.