

## **The complaint**

Mr M complains Provident Personal Credit Limited is asking him to repay loans he didn't take out. He wants them to stop pursuing him for the debt.

## **What happened**

Mr M says a former girlfriend took out loans in his name without his permission. He disputes taking out several loans between 2016 and 2017. And he says he could not have taken out some of the loans because he was imprisoned for the periods when the loans were taken out. Mr M also disclosed he suffers from a disability which is made worse by Provident pursuing him for the debt.

Provident says Mr took out the loans and made weekly repayments in the past.

An investigator at our service didn't uphold Mr M's complaint. They found:

- Provident's loan application process was face to face. An agent would attend Mr M's home and take weekly repayments. They would at first require identification, but then would know who Mr M was and what he looked like. Because the loans overlapped, the same agent attended Mr M's address to collect payments and when new loans were taken out. So, it's unlikely the agent dealt with someone other than Mr M.
- Mr M was not imprisoned during the time any of the loans were taken out. He was living at his address when the loans were taken out and payments collected. It was notable that weekly payments stopped during the period he was imprisoned, which would support it being him who made the repayments up to that point. If someone else had been making the repayments, it didn't make sense for them to then stop.

Mr M disagreed with the outcome the investigator reached. He asked for a final decision from an ombudsman, so his complaint was given to me to decide.

## **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 have decided not to uphold Mr M's complaint. I'll explain why:

- It's not possible to know what happened for certain when the loans were taken out and repayments collected. But my role is to make findings on what I think is most likely to have happened based on all the circumstances and evidence before me.
- Mr M doubts Provident's advisor attended his address. He feels CCTV should be obtained from that time period. But our service is informal. While we can consider CCTV, we do not have the same powers of the police or a court of law in relation to

third party evidence. And given how long ago the loans were taken out, I doubt CCTV exists from that time period to review.

- Mr M said he never signed the loan agreements for the loans. But Provident have confirmed its agents use a mobile application when customers wanted to take out loans. They obtained an electronic signature from Mr M for each loan, he would have been given each loan in cash, and the agreements were then sent to him. So, I don't find the lack of a written signature is telling.
- Other than Mr M saying he didn't take out the loans or make repayments, I cannot fairly conclude Provident are not being truthful or that its agent was involved in something improper. There isn't persuasive evidence to support this conclusion. Instead, I'm satisfied Provident's usual lending process was most likely followed and its agent attended Mr M's address each week to collect payments and when new loans were taken out. Provident has provided full records of repayment for each loan and I find this evidence persuasive.
- I have seen the dates the loans were taken out and Mr M wasn't imprisoned at those times. So, I'm satisfied he would have been able to take the loans out, and that he was residing at the address Provident had for him.
- Provident's records show that one agent primarily dealt with the collections and taking out of the loans Mr M disputes. So, I doubt that agent would have mistaken Mr M for his former girlfriend. And I doubt someone else was present each week in Mr M's home dealing with the agent, as Mr M would have likely questioned their presence and what was happening.
- The weekly loan repayments stopped when Mr M was imprisoned. This supports it being him who made the previous payments and that he couldn't continue from that point onwards. It's possible that he may no longer recall taking out the loans, but I'm satisfied he did take them out.
- Mr M says being pursued for the loan debt is affecting his health. And I am sorry to hear how he has been affected. But I am not upholding his complaint, so I will not be directing Provident to not hold him liable for a debt which is rightfully owed.

### **My final decision**

I am not upholding Mr M's complaint for the reasons I have given above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 2 December 2021.

Liam King  
**Ombudsman**