

complaint

Miss A complains that Greenwood Personal Credit Limited did not update her address details and as a result did not visit the right address to collect her repayments. She asks for compensation and for any adverse information on her credit record to be removed.

background

At the time of taking out the loan, Miss A lived at her parents' address. A few months later she gave the business a new address. Repayments were successfully collected whilst she was at this address. She then told the business of another change of address but did not receive any agent visits – though an arrears letter was sent to her parents' address.

When the business called her, she again informed it of her new address. It said it would update this but asked for a repayment immediately by debit card. Miss A explained that she could not pay by debit card and asked for an agent to resume home collections. She then had to complain about the agent visiting her parents' address. She says she was again reassured that an agent would begin collecting at her new address. This happened soon after but as she was not present her partner asked the agent to call back later. By contrast, the business says that the visit was to verify the address but because Miss A was not there, ongoing arrangements could not be made to collect repayments from that location.

Although collections were not made at the most recent address for a number of months, letters were sent there, including the final response letter for this complaint.

Miss A says her failure to make repayments was entirely due to the business' failure to collect them, and she had told it that she had no ability to use other payment facilities.

Our adjudicator recommended that the complaint should be upheld. He said he was not certain that the business had updated the address records correctly, and that it was not reasonable to argue that it had not been able to verify an address for collections when it sent mail there. He concluded that the business should remove any adverse information from Miss A's credit file, resume agent collections and pay £100 compensation for the distress and inconvenience caused.

Greenwood disagreed, saying that Miss A would not co-operate to confirm her change of address; that there was a wide range of alternative payment methods; and that it could not remove the adverse information on Miss A's account as it was an accurate reflection of her arrears balance.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Where the evidence is contradictory, incomplete or inconclusive (as some of it is here), I have based my decision on the balance of probabilities – in other words, on what I consider is most likely to have happened in the light of the available evidence and the wider circumstances.

I understand that Greenwood has a set process to verify an address but the evidence is contradictory as to why this could not be done. I consider it most likely that Miss A notified it of her change of address but I am not satisfied that there is enough evidence to conclude that it followed her instructions in a timely manner.

On balance, I am not persuaded that Greenwood offered Miss A fair opportunity to make her repayments. I find that it is most likely that Miss A would have made the required payments if a collections agent had visited her. Whilst the business argues that she had other payment options, I cannot conclude with certainty that Miss A had access to other facilities (yet opted not to use them as suggested) as the evidence is contradictory.

Greenwood's response explains that it cannot remove any adverse data from Miss A's credit record as it is an accurate reflection of the account status, however it goes on to acknowledge that there may have been 'a problem'. Given my findings above I do not agree that it is fair and reasonable to expect Miss A to have met her contractual payments if there have been problems with the administration of her account that have prevented agent collections.

my final decision

My final decision is that I uphold this complaint. I order Greenwood Personal Credit Limited to:

- remove any adverse data from Miss A's credit file from 1 August 2012;
- arrange for agent collections to resume at her current address immediately; and
- pay £100 to Miss A for the distress and inconvenience caused.

Rebecca Connelley
ombudsman