

complaint

Mr L says that he was not sent a default notice before Provident Personal Credit Limited (trading as Provident) recorded a default on his credit file.

our initial conclusions

The adjudicator recommended that the complaint should be upheld. She considered that as Provident could not show that it had sent a default letter to Mr L before registering a default, it should remove details of it from his credit file.

Provident does not agree. It says we have recommended that similar complaints against it were not upheld.

my final decision

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

As the adjudicator has pointed out, Provident has not been able to produce system notes or any other record to show that Mr L was sent a default notice. It wasn't fair for Provident to default his account when it wasn't made clear to him that this would happen. In these circumstances, I agree with the adjudicator that Provident should remove the default from Mr L's credit file.

Provident says that we have reached a different view in other complaints that have been brought against it. We decide each case on its own merits, and assess what is fair and reasonable on the facts of each particular complaint. In this case I consider that it is fair that the default is removed from Mr L's credit file.

My decision is that I uphold this complaint. In settlement of it, Provident Personal Credit Limited (trading as Provident) should remove the default it has registered on Mr L's credit file.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr L either to accept or reject my decision before 9 November 2015.

Rosemary Lloyd

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.