

complaint

Miss S has complained Provident Personal Credit Limited hasn't sent her annual statements and arrears notices as they're required to do.

our initial conclusions

Our adjudicator felt the evidence showed Provident did send annual statements. He wasn't sure whether default notices had been sent but told Miss S that wasn't enough reason to uphold her complaint. Miss S's representative felt the missing arrears notices had been ignored. She was also concerned about Provident's record keeping.

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.

I don't believe there's any evidence to show Provident has made up their records to show what they sent to Miss S. They were able to show us they'd sent her letters about her arrears – often from their solicitors. They also sent three sets of annual statements showing combined totals – in July 2012, 2013 and 2014. I've also checked with them about default notices sent to Miss S. And I believe these were sent too.

Overall I'm satisfied Miss S knew what her debts were and what Provident was asking her to repay. and I believe it's fair Provident asked her to pay these debts before they sold them on.

For the reasons I've given, my final decision is I'm not asking Provident Personal Credit Limited to anything more.

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

Sandra Quinn

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 true is now Provident have sold on Miss S's debts to a separate company, they've had difficulty putting together their records. But I don't think that means they didn't do what they've said they've done.

I appreciate Miss S doesn't think Provident has done what they must do legally. It's for the courts, rather than the ombudsman service, to decide what's legally enforceable or not. Our role is to look at the actions taken and decide what is fair and reasonable in the circumstances.

Miss S's representative queried arrears notices and I think our adjudicator felt she meant default notices. It doesn't matter as I've confirmed I believe both were sent.

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.