

complaint

Miss M complains that Provident Personal Credit Limited recorded a default on her credit file without sending her a default notice or a notice of its intention to file a default.

our initial conclusions

The adjudicator recommended that this complaint should be upheld. She concluded that Provident Personal Credit had a responsibility to send the required notices to Miss M and that it had made an error in not doing so. She also concluded that Miss M did owe the money and should have been aware of her debt. The adjudicator recommended that Provident Personal Credit should remove the default and mark the account as settled.

Provident Personal Credit says that it did send a letter to Miss M notifying her that it would be sharing a default with the credit reference agencies and that she had ample notice of the consequences of non-payment.

my final decision

I have considered all that Miss M and Provident Personal Credit have said and provided in order to decide what is fair and reasonable in this complaint.

Provident Personal Credit accepts that it did not send a default notice to Miss M. I consider that it should have sent her a default notice to give her a fair warning of its intention to record the default and a last opportunity for her to repay the debt before the default was recorded. I therefore consider that it would be fair and reasonable for Provident Personal Credit to remove the default from Miss M's credit file and to mark the account as settled. I do not consider that it is necessary for it to remove any other adverse information that it has recorded on Miss M's credit file.

For these reasons, my decision is that I uphold Miss M's complaint. In full and final settlement of it, I order Provident Personal Credit Limited to remove the default from Miss M's credit file and to mark her account as settled.

Under the rules of the Financial Ombudsman Service, I am required to ask Miss M either to accept or reject my decision before 25 November 2013.

Jarrold Hastings

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.