

complaint

Mr K is complaining that Provident Personal Credit Limited hasn't been sending him annual statements for his loan.

background

Mr K took out a loan with Provident in November 2014. In March 2017, Mr K complained to Provident as he said it hadn't sent him (or his guarantor) annual statements for the loan. He said that under the Consumer Credit Act he was meant to receive a statement every year and that as he hadn't, this meant the agreement wasn't enforceable during the time statements weren't sent. He wanted Provident to refund him the interest it charged him during this time and said he wasn't liable for any default sums that may have been payable. He also asked for copies of the statements.

Provident said that it had sent the annual statements on 23 November 2015 and on the same date in 2016. So it said he'd been sent them within the required timeframes and that the agreement was enforceable. Mr K said he hadn't received any of them so brought his complaint to our service.

Our investigator asked Provident for evidence the statements were sent and copies of all the statements Mr K had been sent. Mr K also raised with us that he still hadn't received any annual statements despite asking for copies.

Provident said an external company sent the statements and that the actual letters were only kept for six months, so this is why they couldn't be provided. It said an error meant Mr K hadn't received the summary it intended to send him in March. But it said it could send him something to show the transactions on his account, which it did and Mr K confirmed he received this in July.

Provident then provided us with internal records to show which letters had been generated by it and which letters had been printed and sent. This showed annual statements being both generated and printed in November 2015 and November 2016. It showed manual statements being generated in March and July, but only the July statements being sent. Based on these records and the fact Mr K received the July statements, our investigator was satisfied Provident had sent Mr K annual statements.

Mr K disagreed with the investigators view so the complaint has now been passed to me for a final decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I'm not upholding Mr K's complaint.

I've reviewed the evidence that Provident has provided to show the letters were produced and printed by the external company. The letter code for the annual statements matches the sample annual statement that has been provided. And I can see from the records that the statements Mr K asked for in March and July were also requested. But as our investigator said, you can then see that for some reason the March statement doesn't appear on the printed/sent list. And Mr K has confirmed he didn't receive this. The July statements do

appear on the list and Mr K has confirmed receiving these. So I have no reason to think that this list shows inaccurate information. Because of this I think it's most likely annual statements were printed and sent to Mr K in November 2015 and 2016. And so it follows that I think a court would say his agreement is and has been enforceable, so I don't think he isn't due any compensation or a refund.

I'm sorry to disappoint Mr K and I do appreciate that it would be frustrating for him if he didn't receive the statements. But the evidence I have suggests that the external company sent them on Provident's behalf. So I think Provident has done everything it could to send Mr K the statements.

my final decision

I don't uphold Mr K's complaint against Provident Personal Credit Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 13 November 2017.

Amy Osborne
ombudsman