

complaint

Mr C has complained Provident Personal Credit Limited is asking him to repay money for loans he didn't take out.

background

After Mr C found he had defaults on his credit record for two loans, he contacted Provident. He told them he'd not taken out these two loans. He brought his complaint to the ombudsman service.

Provident told us these loans had been given to him in his home and both Provident employees knew him. This was because one had given him loans previously. They felt the evidence pointed to Mr C having taken out these loans and they were able to ask him to repay them.

Our adjudicator reviewed the evidence. She was convinced by two employees identifying Mr C as the person taking out the loans. She didn't therefore feel Provident were acting unreasonably in asking Mr C to repay the loans.

Mr C disagreed with this outcome and asked an ombudsman to review his complaint.

my findings

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

I've taken seriously Mr C's conviction that he wasn't in the house when the two disputed loans were taken out. And he's given us a copy of his driving license so we could compare his signature with the one on the two loan documents. As I warned him we don't pretend to be signature or forensic experts. We take decisions based on the evidence in front of us. Based on this I don't believe it would be fair to say Mr C didn't take out these loans. My reasons for this are similar to our adjudicator's and include:

- The member of Provident's staff who was present when these two loans were taken out knew Mr C and confirmed he was there when the loans were taken out.
- Provident told us about two members of staff knowing Mr C because of the loans he'd taken out himself before these two in 2015. Only one of these was present for the loans in April and June 2015 but this member of staff had given Mr C a few of his previous loans.
- Payments were being made towards the loans which suggest these weren't taken out fraudulently. The regular payments did stop. This coincided with Mr C's mother no longer working as a Provident agent.
- Signatures on the disputed loan documents are similar to Mr C's. That doesn't mean they're definitely his but I think it's fair to say that's the most likely conclusion.

I asked Mr C what happened if he didn't take out these loans. He wasn't able to say. I don't think it would be fair to conclude anything other than he most likely took out these loans. He may well have taken them out on someone else's behalf and was expecting them to be paid

but unfortunately this isn't what has happened. And he's been left with paying what's due under the terms of the agreement.

Provident has already passed these loans to another company for collection. I would make the point that there's a responsibility to treat Mr C sympathetically and positively if he has difficulty paying what's owed.

my final decision

For the reasons I've given, my final decision is not to uphold Mr C's complaint against Provident Personal Credit Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 3 October 2016.

Sandra Quinn
ombudsman