

complaint

Mr K complains that a person unknown to him and who was not a collection agent came to collect the payment due under his loan with Provident Personal Credit Limited. He says the person had no authority to do this.

background

Mr K says that in December 2015, an unknown person approached him to collect the payment due on his loan.

He has provided a statement from a friend who was present at the time. This states that the person approached her saying he was collecting payment under a loan. When she asked who payment was due from he said Mr K and the friend pointed out Mr K. Mr K asked for identification at which point the person said he wasn't an employee of Provident but had been asked to collect payments while the agent was elsewhere.

The witness says the person then removed a piece of paper from his car which had personal details for Mr K on it and which she could clearly see. She says that the person then shouted his demand for payment to Mr K meaning anyone passing could hear.

Mr K says that the person had the account book with people's loan details in and was collecting payments on behalf of the agent who was a family member and was collecting on another route. He says that he saw the agent on the other route shortly after.

Provident says that it spoke to its agent and she said that she was collecting at another property at the time and saw Mr K. She says she asked a family member who was driving her round to ask Mr K to wait. She disputed that the family member had any details about Mr K's account.

The adjudicator said the versions of events provided by Mr K and Provident were different. However he said that a person who Mr K did not recognise approached him and explained that someone from Provident wanted payment. He said that this shouldn't have happened and recommended that Provident pay Mr K £100 compensation. Provident agreed.

The adjudicator noted the comments about Mr K's personal details being disclosed in a public area. He explained that we cannot investigate whether there has been a breach of data protection and that Mr K should contact the Information Commissioner Office (ICO) about this if he wished.

Mr K did not accept that the severity of the issues he had raised had been understood. He said that the Provident agent had lied about what had happened. He said that the agent was not being driven round by a family member but was on a different collection round. He says the family member was in possession of the account book which detailed everyone's personal details and also had documents detailing his account.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Where the evidence is incomplete, inconclusive or contradictory, I have to base my opinion on the balance of probabilities. In other words, what I consider is most likely to have happened.

Mr K says that he saw his agent working a different collection round shortly after he had been approached by her family member. He says that when the family member approached him the agent was not around and that the family member had information about him and his account.

Provident has said that the agent was accompanied by a family member and did not provide any personal details to them.

I have looked at the information provided and I find it more likely than not that the agent was not present when her family member approached Mr K. Had she been present, or able to see what was happening, I would have expected her to take over the discussion with Mr K when it was clear he was not happy being approached by someone he did not know. As far as I can see this did not happen which suggests the agent was not aware of the issue until later.

That said, a number of the issues Mr K has raised relate to breaches of the data protection act. As the adjudicator has mentioned this would need to be taken up with the ICO.

Mr K has said that by allowing an unregistered person to approach him for payment a criminal offence has been committed. Again this is not something that this service can consider.

What we can consider is the service Provident has provided Mr K. I find that this has not been satisfactory. Provident's agent allowed a third party to approach Mr K about his loan and I accept that this caused Mr K distress. The manner in which the approach was made also appears to have added to this distress. Because of this I find that Mr K should be paid compensation.

I understand Mr K's comments about the £100 compensation not being enough given the severity of the issues raised. But because I am only considering the level of service provided to Mr K in regard to the collection of his payment in December, I find that the compensation recommended and agreed to by Provident is reasonable.

I can see why this issue has upset Mr K and appreciate the points he has made however I can only provide a decision based on the service aspects of this complaint.

my final decision

My final decision is that Provident Personal Credit Limited should pay Mr K £100 compensation, as it has agreed, in settlement of this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 22 July 2016.

Jane Archer
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