

complaint

Miss K complains that her payments were not credited to her Provident Personal Credit Limited account.

background

Miss K took out a fixed-sum loan with Provident Personal Credit Limited in August 2011, then again in December 2011. Miss K says she paid Provident's agent £20 every fortnight, which was greater than the weekly payment she was required to make under the terms of the agreement. Miss K says she was not given a repayment book, nor was she ever given a receipt for her payments.

Miss K says she discovered that her payments had not been credited to her account when the agent changed and she was sent a statement of account.

Provident says Miss K was sent several arrears letters and did not question the balance.

our initial conclusions

Our adjudicator did not recommend that Miss K's complaint be upheld. She was not satisfied that all the collecting agents would have recorded incorrect payments. Therefore, she could not conclude that Miss K had made regular fortnightly payments of £20 as she claimed.

Whilst Miss K did not disagree with anything the adjudicator said in her assessment and could not provide any new information, she disagreed with the conclusion and asked for her complaint to be reviewed by an ombudsman.

my findings

I have considered all the available evidence to decide what is fair and reasonable in all the circumstances of this complaint. Having done so, I do not feel able to uphold Miss K's complaint for reasons which I give below.

Miss K maintains that she made regular repayments of £20. However, Provident's statement of account indicates that Miss K made variable repayments, with only one payment of £20 having been made. Miss K believes that her payments were misappropriated by the collecting agent.

Provident does not appear to dispute that Miss K was not issued with receipts for her payments or a paying in book. Whilst, in my opinion, this is not good practice, by itself, it is not proof that Miss K was defrauded.

Miss K says she understands that the collecting agent was relieved of her duties because of fraud, but she does not say why she holds this belief. Provident has not provided any information relating to the agent's employment. However, it says it has investigated Miss K's claim and found nothing untoward in its records. It therefore assumes that the agent left on her own terms.

Provident says its records indicate that it sent Miss K a statement in January 2012, but she did not question the balance at that stage. Provident also relies on a number of arrears letters which, according to its records, were sent from July 2012. However, it says Miss K did not question the balance until September 2012.

Miss K says she raised the issue with Provident when her first collecting agent left, which appears to have been in around June 2012. Miss K says she had several agents after that to whom she also paid £20 fortnightly, but was still not given receipts.

Provident's statement indicates that Miss K made only two payments to two different collecting agents after the first agent left. Neither payment was for £20. According to the account statement she did not make any payments after that.

I think it unsatisfactory that Miss K was not given receipts for her payments by any of the collecting agents, one of whom was a manager. However, I also find it surprising that she does not say that she asked for receipts after the first collecting agent left, when she says she discovered the discrepancies. I also find Miss K's recollection of events to be somewhat imprecise. Miss K does not dispute that she was sent a statement in January 2012, which she did not challenge. Neither does she explain why she understands the first collecting agent was dismissed because of fraud. There is also no explanation for why the branch manager, who collected the first payment after the first agent left, or the next agent, both recorded payments of under £20.

In all the circumstances, I am not persuaded that it is more likely than not that Miss K made regular payments of equal amounts which were misappropriate by all agents collecting for her account.

my final decision

For these reasons, my final decision is that I do not uphold Miss K's complaint against Provident Personal Credit Limited.

Athena Pavlou
ombudsman