

## The complaint

Mr L is unhappy with the way Erudio Student Loans Limited handled his complaint. He's also unhappy that it spoke to a third party about his account without authorisation to do so. And that his account was sold on.

## What happened

The details of this complaint are well known to both parties, so I won't repeat them again here. The facts are not in dispute, so I'll focus on giving the reasons for my decision.

I should add that I'll only be addressing the matters relating to this specific complaint and won't be revisiting complaints already considered by our service.

## What I've decided – and why

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 agree with the conclusions reached by the investigator for these reasons:

- Mr L alleges that Erudio has taken actions such as withholding a final response letter in an attempt to stop him from referring his complaint to this service in time. He thinks Erudio should've emailed communication to him rather than contacting him by post.

This service has already considered whether a specific complaint was brought to us in time so, as mentioned above, I won't be revisiting that. But I'll address this complaint more generally. There appears to be some suggestion Mr L hadn't given his permission for the email address to be stored, though there isn't a great deal of information available. But, I find this to be somewhat irrelevant as businesses are simply required to issue a final response in writing. There's no requirement around how it sends this – either an email or a letter is appropriate. And Mr L admits to having thrown correspondence away when it didn't come via his preferred channel. So I don't have enough information to reasonably say that Erudio has acted unfairly or in error here.

- Mr L is unhappy that the loan account was sold on to a third party. But Erudio has confirmed this isn't the case – it's still the owner of the account but it's now managed by a third party which is the main point of contact for Mr L. I can't see that this has caused him any detriment and Erudio has mentioned that he should contact the third party if he wishes to arrange an affordable and sustainable payment plan.
- Erudio hasn't been able to provide documentation to prove that Mr L authorised it to speak with family members about his account. But Mr L hasn't been able to provide sufficient proof that Erudio actually did contact anyone else about his account. Based on what I've seen, a family member recalls receiving a letter that was seemingly about Mr L, but they can't remember who it was from. Mr L has forwarded an email chain between himself and his family member in which they say "*No, you cannot*

*categorically state that they sent me a letter.*” So I can’t safely say the letter referred to was even from Erudio or in relation to this loan, and it would therefore be unreasonable to suggest it disclosed personal information about Mr L.

For these reasons, while I’m sorry to hear about how stressful Mr L is finding the situation with his student loan, I don’t uphold this complaint.

### **My final decision**

For the reasons given above, I don’t uphold this complaint against Erudio Student Loans Limited.

Under the rules of the Financial Ombudsman Service, I’m required to ask Mr L to accept or reject my decision before 23 September 2021.

Melanie Roberts  
**Ombudsman**