

The complaint

Miss B has complained about a number of issues regarding her loan with Erudio Student Loans Limited. Specifically:

- she's unhappy about the process of transferring her loan to another provider, and would like her account to be deferred;
- Erudio was rude and unhelpful during a telephone call; some emails weren't responded to by Erudio's complaints team; and a letter to her was addressed incorrectly; and
- she's concerned about the production and delivery of documentation regarding her subject access request ('SAR').

Miss B has been represented in bringing her complaint. However, for clarity, I'll refer to all submissions made on her behalf as having been made by her directly.

What happened

Miss B initially complained to Erudio about issues she was having with transferring her loan to another provider, and asked that her loan be deferred. Our investigator noted we were unable to consider this aspect of the complaint, as it had been brought out of time, and a decision had previously been sent regarding this.

However, he was able to consider the other aspects of the complaint. He could see that Erudio had apologised to Miss B, in a letter dated 11 November 2022, if she felt that the call handlers had been rude and unhelpful. It also accepted that it hadn't responded to emails, and that a letter had been issued with a minor error in the address. It awarded Miss B £50 in recognition of these errors.

Our investigator felt that an apology was reasonable regarding the service received. He also carefully considered the issue of the incorrectly addressed letter. He could see that there was a letter missing from Miss B's street name. However, he was satisfied that this wouldn't have meant the letter would end up at another address. This was because there was no street with the incorrect name. And, the correct house number and postcode had been used. So, although Miss B has said the letter didn't arrive, he didn't think it fair to hold Erudio responsible for this.

Taking everything into account, he felt an apology and the £50 compensation that was awarded was fair.

He then looked at issues regarding the SAR. Miss B made a SAR request in August 2022. Erudio responded on 2 August 2022, to say it was passing her request to its SAR team. But, on 6 October 2022, Miss B complained that she hadn't received a response. Erudio sent an internal request that Miss B be sent the SAR response by email.

On 26 November 2022, Miss B contacted Erudio to say she'd received the SAR. But, as it

was password protected, she couldn't access it. Erudio then said it would forward the documentation by post, and this was arranged on 1 December 2022. The documentation was then sent using Royal Mail 'track and trace'. Unfortunately, Miss B explained she didn't receive this, so it was sent again. On 15 March 2023, someone at Miss B's address signed for the delivery.

Our investigator considered the guidance from the Information Commissioner's Office (ICO) on how organisations should deal with SARs. He noted that a firm should supply a SAR within one month, but where the request is complex it may take more time to provide the information, and that in these situations a further two months should be allowed, meaning that in total three months are allowed under ICO guidelines. Therefore, some requests may take longer than others.

He could see that Erudio received Miss B's request on 2 August 2022. And the information was emailed to her on 26 November 2022. So, this was just outside of the recommended period set out by the ICO. But, he felt an apology was reasonable, and that Erudio had apologised for the service Miss B received. He also thought about Erudio's decision to post the documents, given that Miss B had said she was having difficulty with receiving mail. He thought it had been reasonable to post the documents, as it had used 'track and trace'.

In conclusion, our investigator didn't think Erudio needed to do anything further.

Miss B disagreed, so her complaint's been passed to me.

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.

First, I'm aware of the impact this matter is having on Miss B. I'm very sorry to hear this, and understand she's been signposted by our investigator to organisations who may be able to help. I very much hope that things are improving for her.

Although I'm sympathetic to Miss B's concerns, I'm afraid I'm not upholding her complaint. I've set out below my responses to each of her complaint points below, and I agree with our investigator's conclusions. I'm sorry this isn't the answer Miss B was hoping for, but I hope that a final decision on the matter may provide some closure.

the transfer and deferment of the loan

As our investigator has explained, our service is unable to consider this aspect of the complaint, as it was brought too late. A separate decision was previously issued explaining the reasoning for this. Accordingly, I'm not considering it here.

the phone call, email responses and address error

I can see that Erudio has apologised to Miss B and paid her £50 compensation. I'm satisfied this is in line with what our service would have required, had it not done so already. And I don't think that the error in the address would have resulted in it falling into the wrong hands, given the very minor nature of the error, and that there wasn't another address it could have matched.

the SAR

I can see there were issues around delays with the SAR, but that the required documents were provided by email only slightly outside the required timeframe. So, I don't feel this would have had a material effect on Miss B. Unfortunately, she couldn't access them, so I think it was reasonable for Erudio to then provide these by tracked mail, as the best way of getting them to her. Unfortunately, it wasn't to know she hadn't received them, so rightly then sent them again, when it became aware. I have no reason to doubt that the documents were sent in the manner Erudio has explained.

conclusion

In conclusion, I think that Erudio has done enough to put things right. I'm aware that Miss B made Erudio aware of her personal circumstances, and I'm pleased to see it signposted her to a source of assistance. I don't feel it treated her unfairly or insensitively, although that isn't to suggest that she wasn't upset by what was happening, or that it isn't understandable. But I feel Erudio did its best to comply with Miss B's request.

My final decision

For the reasons given above, it's my final decision not to uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss B to accept or reject my decision before 20 November 2024.

Elspeth Wood
Ombudsman