

## **complaint**

Mr W complains Erudio Student Loans Limited is saying his student loans are in arrears despite him having deferred them.

## **background**

Mr W has several student loans which he's been deferring for a number of years.

Mr W says he received a letter from Erudio in September 2015 saying his repayments had restarted as it hadn't received a deferment form. Mr W says he tried to call Erudio about this letter but couldn't get through. He says he emailed Erudio instead saying that he hadn't received a deferment form to fill in. He asked Erudio to send him a form. Erudio did so – by email. Mr W says he wasn't expecting Erudio to do this, so he didn't get the form as it went into his junk folder. He eventually received a form but ended up in arrears because it was submitted late. So he complained to Erudio.

Erudio investigated Mr W's complaint but didn't uphold it. Erudio said it had sent Mr W a form by post in July 2015 and that it wasn't its fault that the form it sent by email went into his junk folder. Erudio said that it had rolled back Mr W's deferment by three months which was the most it could do. Mr W complained to us.

Our adjudicator didn't recommend that this complaint be upheld. Mr W was unhappy with this saying that Erudio didn't have his permission to send a form by email. He said that it was up to Erudio to send the form out to him, not up to him to constantly chase them. So I was asked to consider this 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.

Mr W has been deferring his student loan repayments for a number of years. He's had to make some repayments during that time because there have been gaps between his deferments. For example, in 2013 there was a gap of nine months between his deferments.

In November 2014 Mr W deferred repayment of his student loans. I've seen a letter from Erudio saying that the repayment of his loans would be deferred until 24 September 2015. The letter also said Erudio would contact Mr W approximately eight weeks before his deferment ended to give him another opportunity to defer the repayment of his loans. In other words, Erudio said it would write to Mr W at the end of July 2015 to give him another opportunity to defer his loans. I accept that Erudio wrote to Mr W at the end of July 2015 enclosing a deferment form as it had said it would. Mr W says he didn't receive that letter.

On 24 September 2015 Erudio wrote to Mr W to say that it hadn't received his deferment form. Mr W says he tried to call Erudio several times after receiving this letter but wasn't able to get through. So he emailed Erudio on 6 October 2015 saying that he hadn't received his deferment form. I think Mr W should have realised before this that he hadn't received his deferment form, but I can understand why he didn't. At this stage, however, he ought to have known that his deferment form should have been returned a while ago and that he needed to get it in quickly given that his repayments had restarted.

On 7 October 2015 Erudio emailed Mr W a copy of the deferment form instead of sending another copy in the post. That isn't something that Erudio normally does. Mr W says he didn't check for this email because he was expecting a form in the post. Mr W says he has a lot going on in his life – he works unsocial hours, is not in the best of health and has family responsibilities too. So it can't be easy for him to keep on top of everything. At this stage, however, I would have expected him to check either that Erudio had received his email or that it had sent him a form given that his repayments had restarted. He could have done this by sending a chasing email. More importantly I would have expected him to check Erudio hadn't emailed him (including checking that its email hadn't gone into his junk folder). He did, after all, say in his email to Erudio that "I can be contacted through this e-mail address if there [are] any issues".

Mr W didn't contact Erudio again until 4 November 2015. He asked where the form had got to. Erudio explained that it had emailed the form to him. More importantly Erudio emailed a copy of the form to Mr W whilst he was on the phone. This was the third form Erudio had sent. In other words, Mr W had a copy of the form by 4 November 2015. At this stage he ought to have known that his form should have been returned at least two months earlier.

Mr W returned his deferment form on 7 December 2015 – a month after receiving it – by email. Erudio emailed him back on 17 December 2015 to say that it needed three months' worth of wage slips. Mr W provided these at the beginning of February 2016. In other words, he took a month and a half to return his wage slips. I can see that Mr W has had difficulties getting his wage slips in the past, and he did so on this occasion too. By the time Erudio had all the documents it needed, however, the previous deferment had ended and, significantly, had ended four and a half months beforehand.

Erudio rolled back the deferment date by three months – it's not allowed to roll back deferment dates by more than three months – meaning there was still a gap between Mr W's previous deferment period ended and his new one beginning. Mr W was, as a result, asked to make two months' worth of repayments.

Mr W wants Erudio to roll back the deferment date by more than three months. That's something I can tell Erudio to do if I decide that delays in the deferment process were as a result of errors by Erudio. In this case, I don't think I can fairly say that.

### **my final decision**

My final decision is that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 4 November 2016.

Nicolas Atkinson  
**ombudsman**