

complaint

Ms S is unhappy with the handling of her debt by Pollock Credit Union Limited (PCU). Ms S believes the debt isn't owed as she's already made a lump sum payment. Ms S wants PCU to stop pursuing her for this debt, pay her compensation and reimburse her costs.

background

PCU considered the complaint but didn't uphold it. They still think the debt is owed. Unhappy with the outcome, the matter was referred to our service.

An investigator has already looked at this case. Overall he felt the debt was still outstanding and PCU was entitled to pursue her for the recovery of the balance.

In light of Ms S remaining unhappy this complaint has now been passed to me to look at. Ms S has provided further details to our service which she feels supports her complaint and shows practice of *"unfair debt collection."*

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Whilst I've considered all the evidence which has been submitted to our service, this decision will only focus on what I think are the key issues in dispute. I should start by emphasising that my role is to decide if I think PCU has acted fairly towards Ms S in this case.

Ms S has advised our service that PCU isn't owed any money as she paid a lump sum towards the debt around March 2012. But unfortunately I've not seen any evidence to support this statement. I think PCU and now this service has given Ms S reasonable opportunity to provide evidence to support her claim. Whilst I appreciate the length of time which has lapsed since Ms S says she made the payment, given the importance of the payment and amount in question, I would've expected her to keep some form of record of this transaction.

I note the concerns Ms S has raised about documents accepted by the Scottish courts. But this isn't something which our service would consider. My role is to look at the actions of PCU only.

Ms S has raised a number of issues which include inconsistencies in her statements. PCU appear to have taken over responsibility for the debt around September 2015 when it was transferred to them. And I note Ms S says the form of charge for payment of money is incorrect. I've carefully considered all the further evidence Ms S has kindly sent to our service. But I'm afraid I can't safely conclude that PCU has acted unfairly. I would however note that it's not uncommon for amounts in such circumstances to increase due to things like interest and professional charges being added to the total outstanding debt.

As I understand PCU has taken several reductions from shares to cover interest and repayments towards the outstanding debt. I think they're entitled to do this.

Overall I'm not prepared to uphold this complaint. To date I've not seen anything to show this debt has been settled by Ms S.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms S to accept or reject my decision before 6 June 2020.

Robyn McNamee
ombudsman