

complaint

Mr R complains that Erudio Student Loans Limited, ("ESLL"), has fabricated that he owes it a debt and unfairly pursued him for that debt.

background

Mr R had a student loan which ESLL bought from the original lender. ESLL wrote to him twice in November 2016 requesting payment of the loan even though the loan had previously been declared statute barred. When Mr R complained to it, ESLL upheld Mr R's complaint and said that no further communications would be sent to him. It said that it had closed Mr R's account and accepted that the debt was statute barred. It has offered to pay Mr R £100 compensation, but Mr R is seeking £2,000 compensation from ESLL for the upset caused by ESLL's error.

The adjudicator concluded that ESLL's offer was fair for its poor administration. She also noted that this service had previously considered a similar complaint from Mr R, and said that we couldn't consider any issues raised in the previous complaint.

Mr R disagreed and said that £100 compensation was insufficient.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I note that Mr R has very strong feelings about ESLL's actions. He says that his well being is being attacked. He has raised a number of issues which he wants this service to answer including issues about the ownership of ESLL. But it's for me to decide what I consider to be the relevant issues, in order to resolve the complaint in line with my statutory duties. I've considered all that Mr R has said, but I don't propose to comment individually on all of the issues he has raised.

I can see that in this service's previous decision in February 2016, ESLL accepted that the loan was statute barred. Nevertheless, it sent Mr R two letters in November 2016 pursuing him for the loan. When Mr R complained, it upheld his complaint, confirmed the loan was statute barred, closed his account and it said that it wouldn't be sending him any further communications. It has offered to pay Mr R £100 compensation. Whilst Mr R is seeking substantially more, I think that ESLL's compensation offer and response to his complaint are reasonable in the circumstances. I've also seen no evidence that ESLL has sent Mr R any further debt collection communications.

I also note that Mr R would like ESLL to destroy his personal data. If Mr R would like to take this aspect of his complaint further, he should contact the Information Commissioner's Office.

I appreciate Mr R's strength of feeling and recognise that he is unlikely to accept this decision. Should Mr R not accept my final decision, then any rights he may have to take action in the courts against ESLL are unaffected and he will be free to pursue his arguments in any court action that may arise, if he so wishes.

my final decision

My decision is that I uphold this complaint in part. In full and final settlement of this complaint, I order Erudio Student Loans Limited to pay Mr R £100 compensation.

ESLL must pay the compensation within 28 days of the date on which we tell it Mr R accepts my final decision. If it pays later than this it must also pay interest on the compensation from the date of my final decision to the date of payment at 8% a year simple.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 8 June 2017.

Roslyn Rawson
ombudsman