

## **complaint**

Mr M has complained Erudio Student Loans Limited can't carry out a search on his credit record and have registered his deferral as a payment holiday.

## **background**

Earlier this year he complained to the ombudsman service about Erudio not allowing him to defer payment. An ombudsman issued a final decision. This confirmed Erudio could set up their own procedures for managing applications to defer payments. It was reasonable of them to ask customers to sign and return a form. She also decided *"it's fair and reasonable that Erudio should be entitled to register the deferral on Mr M's credit file"*.

Mr M is also concerned Erudio isn't meeting its own rules. This is by carrying out a credit search when assessing whether he can defer payment on his student loans.

Our adjudicator initially felt we couldn't look at the rest of Mr M's complaint further. There were very similar issues at the heart of his complaint as covered in a previous final decision. Mr M didn't agree. Our adjudicator reviewed this further. He then told Mr M he wasn't going to uphold his complaint. He felt Erudio hadn't done anything wrong in searching Mr M's credit record.

Mr M disagreed. He's asked an ombudsman to look at his 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 M understands I can't re-consider issues another ombudsman has already considered. I think the issue about how Erudio has registered his deferral was considered when Mr M first came to the service earlier this year. And a colleague completed a final decision. I therefore won't be looking at that aspect any further.

I'm now going to turn to the other aspect of Mr M's complaint. Is Erudio allowed to conduct a search on his credit record?

Mr M feels what our adjudicator said means Erudio can do whatever they wish as long as they're making their own commercial decisions. I don't believe this is the case. What I'd say is we don't interfere if businesses are operating fairly. And I'm satisfied this is the case here.

Mr M draws our attention to another decision about someone else with Erudio loans. I'd say two things. Firstly each complaint has its own different aspects and we always say each decision refers to one specific complaint. And I've reviewed the other decision – which coincidentally I also made. I'm satisfied I wasn't saying Erudio couldn't search their customer's credit record. Rather I felt they couldn't add what they were trying to add to this customer's terms and conditions and ask her to agree to that.

I'm satisfied there's no reason why Erudio can't review Mr M's credit record. This has no impact on Mr M. He will always know they've done this because there will be what's known as a *soft footprint* but anybody else reviewing his record won't see this. I believe Erudio has acted fairly.

**my final decision**

For the reasons I've given, my final decision is not to uphold Mr M's complaint against Erudio Student Loans Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 29 October 2015.

Sandra Quinn  
**ombudsman**