

complaint

Mr H says NewDay Ltd has failed to explain the seven interest rate rises on his credit card from 2004 to 2014. It doesn't have records to justify each increase and hasn't responded appropriately to his requests for information.

our initial conclusions

Our adjudicator didn't recommend the complaint should be upheld. She said setting an interest rate was a commercial decision that we weren't able to get involved in. Mr H asked for an ombudsman's review. He reiterated his main issue is NewDay doesn't have records to explain the increases. And it delayed responding directly to this question.

my final decision

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I know Mr H feels strongly about this, but I can't find any compelling evidence to change the proposed outcome.

My role is to decide if the bank has made an error it needs to put right, and to award compensation if appropriate. In this case, whilst I understand that Mr H wants more information, the bank doesn't have to comply with his requests in the way he wants. As long as the increases were in line with the terms of the account, and were notified in line with regulatory requirements, I can't conclude it's acted in error. And I've haven't seen evidence to suggest it didn't meet these two criteria.

I've also looked at how NewDay responded to Mr H's request for information. Whilst I think the bank could've been clearer that it wouldn't respond in the way Mr H wanted, once he made a formal complaint it responded within the required timelines. He asked very specifically earlier in the exchange of letters that it didn't treat his request as a complaint.

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

Under the rules of the Financial Ombudsman Service, I am required to ask Mr H either to accept or reject my decision before **23 June 2016**.

Rebecca Connelley

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.