



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	iTouch
Information Provider (IP) (if any)	N/A
Service Type	Support services
Source of Complaints	Competitor
Complaint Number	#1366
Date received	3 June 2007
Code of Conduct version	4.92

Complaint

The original Complaint received by the WASPA Secretariat read as follows:

"I understand that a support/complaints line may not be in the form a Dicon line, however iTouch uses 082 232 7700 as a complaints line. Whats more they take at least 1 minute to answer the phone after connection and then keep the caller holding whilst supposedly checking on the problem."

The above does not of itself reveal even a prima facie breach of the WASPA Code of Conduct. Notwithstanding that the Complaint had elements which suggested that it was in fact a Competitor complaint (and therefore to be dealt with more strictly as regards compliance with formalities than a consumer complaint), the WASPA Secretariat entered into protracted correspondence with the Complainant in an attempt to assist with the proper formulation of the matter. This took place under the informal complaints resolution process set out in the Code of Conduct.

It appears to this Adjudicator that the real essence of the Complaint is that the Complainant has an objection, held as a result of personal experience, to the use of support lines as a source of profit for service providers. This eventually found expression in an allegation that the SP had breached section 5.1.3 of the Code of

Conduct in that the SP failed to provide an opt-out mechanism at a cost of no more than R1. According to the Complainant:

“My call to the call centre on the DICON line took 7 minutes and cost me just less than R21.00 because they kept me on the line with silences and ruses to generate revenue – they didn’t help me resolve the issue at all. This was much more than the R1 mentioned in 5.1.3.”

The SP then contacted the Complainant to discuss the matter and thereafter indicated to the WASPA Secretariat that, while there may not have been a meeting of minds, it regarded the matter as resolved. The Complainant felt otherwise and the matter was accordingly escalated to the formal procedure.

SP Response

Under the formal procedure the SP filed the following Response:

“I had a long discussion with [the Complainant] during which I assured him that the iTouch Call Centre categorically does not purposefully keep customers on the line to generate revenue via the Dicon line.

After discussion with [the EHoD of WASPs] from Vodacom he confirmed that [the Complainant] had his Dicon lines terminated as he was directing them at normal switchboards, and not call centre environments (as is the case for iTouch's call centre).

It appears that this is the reason that [the Complainant] is annoyed at the use of a Dicon line in iTouch's call centre - and is contesting this on principle.

I have studied the WASPA Code of Conduct, and have ascertained that there is no clause that precludes iTouch from using a dicon line. Also consider that many other organisations use dicon lines for support - such as Computicket, other mobile services, etc.”

Sections of the Code considered

The following section of the WASPA Code of Conduct was raised and considered:

5.1.3. Any mechanism for allowing a recipient to remove him or herself from a database must not cost more than one rand.

Decision

There is no merit in the Complaint insofar as it relates to the use of Dicon lines due to the simple fact that there is no provision of the WASPA Code of Conduct that prohibits it. This aspect is not considered further.

With regard to the alleged breach of section 5.1.3 there is likewise little merit. The mechanism referred to, as is apparent from the context in which the clause is situated, is SMS. The Complainant implicitly accepts this in later correspondence with the Secretariat when he acknowledges that (a) he was not seeking to opt out of a database and (b) that he understands that there is a R1 unsubscribe option (albeit that this should be free).

In respect of the more sweeping concerns of the Complainant: while this Adjudicator might be supportive of the notion that a support line should not constitute an intended revenue source, there is not an iota of real evidence to indicate that this was the case in the matter at hand.

The Complaint is dismissed.