



Wireless Application Service Provider Association

## REPORT OF THE ADJUDICATOR

<b>WASPA Member (Member):</b>	AMV Holdings
<b>Information Provider (IP):</b>	Bling Mobile
<b>Service Type:</b>	Customer Support
<b>Source of Complaints:</b>	WASPA Monitor
<b>Complaint Number:</b>	# 6795
<b>Code of Conduct version:</b>	7.0

### **Complaint**

As a result of a number of consumer complaints that had been received in relation to the member's customer call centre, the WASPA Monitor carried out a series of tests of the call centre.

The Monitor's report, which forms the basis of this complaint, is set out below:

**DATE:** 15 JUNE 2009  
**SERVICE PROVIDER:** AMV HOLDINGS/ BLING  
**CALL CENTRE NUMBER:** 011 461 0317

#### **REASON FOR THE TEST:**

We have had various complaints about problems with the customer call centre number. Therefore we decided to test the call centre ourselves.

On Tuesday, 9 June I tried calling the call centre four times, each time I had no luck talking to a operator and each time the voice recording was exactly the same:

#### **The voice recording is as follows:**

Thank you for calling Bling customer care. If you would like to cancel your subscription please Press 1

To Speak to one of operators  
Press 2

(I pressed 2 every time with the hope of speaking to an operator) then it said:

Please hold while whilst try to connect to next available operator...

Thank you for calling customer services, I'm afraid we can't take your call right now, please leave your name, number and a brief explanation of your enquiry

**and someone will call you back as soon as possible. Thank you for calling.  
\*Beep\***

**On my fourth attempt I called and decided to leave a message on Tuesday 9 June at 10:09am.**

**On Thursday the 11<sup>th</sup> I had still not received a call back, so I tried three more times to be transferred to an operator, but once again the voice recording was exactly the same stating:**

**Thank you for calling customer services, I'm afraid we can't take your call right now, please leave your name, number and a brief explanation of your enquiry and someone will call you back as soon as possible. Thank you for calling**

**By Monday 15 June, I still had not received a call back, and once again tried the customer care line. I got exactly the same prompts from the voice recording telling me "im afraid we can't take your call right now.... e.t.c."**

**It has been six days since I leave the message.**

**I tried three more times today to be transferred to a operator, but once again the voice recording was exactly the same stating:**

**Thank you for calling customer services, I'm afraid we can't take your call right now, please leave your name, number and a brief explanation of your enquiry and someone will call you back as soon as possible. Thank you for calling**

The WASPA Monitor referred to sections 3.3.1, 3.3.2, 4.1.6 and 4.1.7 as sections of the WASPA Code of Conduct that had potentially been breached.

On 15 June 2009 WASPA instituted complaint proceedings against the member.

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### **SP Response**

On 15 June 2009, the member responded to the complaint as follows:

**Dear Sirs,**

**Thank you for your email.**

**We fully understand the severity of this matter and will investigate the specified breeches immediately.**

**To assist with this, would it be possible for you to provide the test number that was used to make the calls?**

**And details of any information left in the voicemail messages.**

**Kind Regards**

**Carina Ellis  
Customer Care Manager  
Bling Mobile Help Team**

The number used by the Monitor was thereafter forwarded to the member.

On 19 June 2009 the member responded further as follows:

**Dear Lorraine,**

**Thank you for your email.**

**There has been a growing concern with regard to our SA careline queuing system over the last month.**

**We have an in-house designed system, with in-house call handling agents taking the calls.**

**A bug with the call routing software between our South African telecoms provider and our system (based in London) has caused specific call handling issues for some South African callers. We have been aware of intermittent issues whereby users are present in the queue but do not get connected, even though call handling agents are available to take the call. Whenever we have tested it the system has worked successfully, and tracing the bug has proved so far impossible.**

**Your monitoring was affected by this bug, although we do not understand what has happened to the voice-messages you claim to have left. We have no record of receiving or processing such voice-message.**

**Is the monitor sure that upon selecting to review the recording, that they didn't accidentally fail to confirm it?**

**All voice-messages are processed into an email and posted to the call handling agent with a .WAV file recording of the call. We aim to respond to voice-messages within one hour during working hours, or if over the weekend (when it is sometimes busy as we only have one staff taking calls), on Monday morning.**

**We made a decision several weeks ago to implement a brand new system, as we couldn't find the intermittent queuing-system bug.**

**Our team has been building this system for the last few weeks, following a specific brief from Customer Services.**

**The proposed schedule for the move, to the new system, was originally not until Friday 26th June.**

**Having received your case request (below) on Monday 15<sup>th</sup> June our team has worked around the clock to complete the new system and transfer the lines across.**

**We successfully re-routed the South African Careline yesterday morning at 7am.**

**Since that time we have received many successful calls without any issues that we are aware of.**

**We are also carrying out regular and vigorous testing of the line to ensure that it is working to the best standard possible.**

**We would invite you to test the number again, now that it is routed to the new system, to verify that there are no issues.**

***In mitigation we would ask that you consider our efforts to implement the new system ahead of schedule following your concerns.***

***We would also point out that only a small minority of users would have been affected by this intermittent queuing-system bug, and that in most of these instances users would be able to successfully connect when trying again. Our voice-message system has never knowingly had a problem or failure. We also provide email support.***

***I look forward to your comments.***

***Kind Regards***

***Jack Cresswell***

On 22 June 2009 the Monitor advised WASPA that the matter could proceed to adjudication and advised further that she was 100% sure that voicemail messages had been left with the member.

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### **Decision**

Section 3.3.1 of the WASPA Code of Conduct (“the Code”) provides generally that members must not “***offer or promise services that they are unable to provide***”. The meaning of the word “***services***” as it appears in section 3.3.1 is wide enough to include support services.

I do not think that the member in this case was intentionally misleading the public by purporting to offer or promise services that it was clearly unable to provide. Rather, it seems that the member was in fact able to provide support services, but failed to do so adequately during the period in which the complaint arose.

The further clauses of the Code cited by the Monitor are:

- Section 3.3.2 which provides that “***[s]ervices must not be unreasonably prolonged or delayed.***”
- Section 4.1.6 which provides, amongst other things, that support services must be “***easily available***”.
- Section 4.1.7 which deals specifically with telephonic support and states as follows:

***“Any telephonic support must be provided via a South African telephone number and must function effectively. Should the member be unable to provide immediate support, a customer should be provided with the ability to leave a message. Support numbers may not forward to full voice mailboxes.”***

There is clear evidence that, between 9 and 15 June 2009, the telephonic support line was not functioning effectively as is required by this section. The Monitor has complained that she was unable to connect to an operator during any of her several calls to the support line and did not receive any reply to her voicemail message after six days. This is clear evidence of a breach of sections 3.3.2, 4.1.6 and 4.1.7. In response, the member has not refuted the Monitor’s allegations and has in fact conceded that the support number was not functioning effectively due to a software bug. The complaint of a breach of sections 3.3.2, 4.1.6 and 4.1.7 is accordingly

upheld. The remaining question to be determined is whether any sanction ought to be imposed for this breach and, if so, what the extent of any sanction should be.

### **Sanctions**

The fact that a telephonic support line was upgraded on an accelerated basis in response to the complaint is a mitigating factor to be taken into account when considering any sanction to be imposed. However, it is also relevant to note that the monitor's investigations came about as a result of a number of complaints from members of the public had been received. No detail is given regarding the specific number of complaints received, however it is apparent that it was not only the Monitor who experienced the problems with the members support line, the problems certainly extended to at least one or more members of the public as well. This is an aggravating factor.

I consider it appropriate that a fine be imposed on the Member for the breaches of Code in this matter. I have had regard for the range of fines that have been imposed in other complaints for breaches of the obligation to provide customer support. In complaint 6730 a fine of R250 000 was imposed against a member for failing to provide customer support services. In complaint 6795 a fine of R20 000 for breach of section 4.1.7 of the Code was imposed. Having regard for the facts of those two complaints, I regard the severity of the present complaint as being more on a par with complaint 6795.

The following sanctions are imposed:

1. In respect of the failure to maintain an effectively functioning support line and the resultant breach of sections 3.3.2, 4.1.6 and 4.1.7 of the Code, the member is directed to pay to WASPA a fine of R25 000 within 10 days of the delivery of this adjudication report.
2. In the event that the member fails to comply with the above sanctions, its membership of WASPA shall be suspended until such time as it does so comply.