



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	SMS-NET
Information Provider (IP) (if any)	
Service Type	n/a
Source of Complaints	WASPA Monitor
Complaint Number	8060
Date received	12 November 2009
Code of Conduct version	8.0

Complaint

The complainant alleges that it has again received numerous complaints regarding the functionality of the SP's call centre numbers.

The complainant provided proof of various test calls conducted by it over a number of days to various landline and cellphone numbers provided by the SP.

In two instances, the call was answered by an operator. However, in the majority of instances the call either rang off with no option given to leave a message; or there was an engaged tone and the call ended after 5 beeps; or the call went straight onto voice mail stating that *"This mailbox is full and cannot accept any more messages at this time, goodbye"* or that *"MTN will conveniently send a sms to the person notifying them of your call. Please press 1 to send your number or 2 to send another number. If the message is urgent please press 1 (I then pressed 1 on both occasions) Your message has been sent goodbye"*

The complainant alleges that the SP is fully aware of the compulsory need to have fully functional customer call centre numbers.

The complainant alleges that the SP has breached section 4.1.8 of WASPA Code of Conduct.

SP's response

The SP responded to the complaint by raising issue with the numbers which were used by the complainant in its tests. The SP alleges that some of the numbers were not provided to WASPA.

The SP did acknowledge that two of the cell phone numbers were switched off temporarily as they assumed that the other four numbers were working efficiently and it was not always necessary to have 6 consultants attending to calls all the time.

The SP states that any surplus would be captured on voicemail but it did not call each and every client back. However, all subscription requests were carried out.

The SP also confirmed that its land lines were working together with the cell phones given on their website. Their mail boxes are constantly checked and all unsubscribe requests from these mail boxes are carried out. The SP only calls a client back if it is necessary due to the costs involved in calling all clients back.

The SP states that its clients can cancel their subscription through the following means:

1. Sending STOP to 33912;
2. Calling the given land line numbers; or
3. Calling the given mobile numbers which are used to supplement the land lines;
4. Texting a SMS to the cell numbers stating their unsubscribe requests; and
5. Sending an email to helpdesk@smsnet-sa.co.za.

Sections of the Code consideredSection 4.1.7

Customer support must be easily available, and must not be limited to a medium that the customer is unlikely to have access to (for example, support should not be limited to email if a significant number of customers do not have access to email).

Section 4.1.8

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.

Decision

It is clear from the evidence provided by the complainant that the SP has not complied with section 4.1.8. The complainant has shown that there were a number of instances where calls were not answered and they were not provided with an opportunity to leave a message, either because no such facility was available or because the relevant mailboxes were full.

I do not accept the SP's argument that no call centre can be 100% functional. It is accepted that calls may not always be answered but there must be a mechanism in place for these calls to be actioned at a later stage.

The SP has referred to unsubscribe requests being actioned from voice messages without the need to call the customer back. However, calls would also be fielded from customers seeking support and not only to unsubscribe from the service. The SP's explanation in this regard cannot be accepted.

The SP has acknowledged that some of its numbers were not functional. While there appears to have been some technical problems with the lines which were not due to any fault on the part of the SP; alternative numbers were used but proved to also be non-functional.

The complaint is accordingly upheld.

Sanction

I have noted that a number of complaints have been made regarding the functionality of the SP's call centre. These complaints, including the present one, are viewed in a very serious light and have been taken into account in arriving at the appropriate sanctions.

The following sanctions are given:

1. The SP is fined an amount of R80 000.00.
2. The WASPA Monitor is requested to test the functionality of the numbers provided by the SP over a 10 day period commencing from the date of this report and to report back to the Secretariat on its findings.
3. If the SP is found to be in breach of section 4.1.8 again, the matter must be referred back to adjudication and it is recommended that the SP's membership of WASPA be suspended until such time as the SP is compliant with section 4.1.8.