

# Code of Practice on Complaints Handling



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## Introduction

98FM aims to deliver a high quality listening experience to our audience. While providing this service, we strive to ensure our programming complies with the requirements as laid out in the Broadcasting Act, 2009 as well as all codes as published by our regulator, the Broadcasting Authority of Ireland (BAI).

At all times, 98FM welcomes feedback from our audience on all aspects of our broadcast service.

Under the Broadcasting Act 2009, 98FM is obliged to put in place a Code of Practice for dealing with listener complaints. This Code of Practice outlines a number of things for the listener:

- What you can complain about ,
- How your complaint will be dealt with.

It's important for 98FM that you know your rights with regards to complaints and that the process of complaining is accessible and transparent. However, as per the Broadcasting Act, 2009, the Code of Practice only relates to the following categories of complaints as outlined below.

## What can I complain about?

You can complain about 98FM's broadcast service if it falls in one (or more) of the following categories:

1. *News*

98FM will ensure that our news service is impartial, objective and fair.

2. *Current Affairs*

98FM will ensure our current affairs programming is objective, impartial and fair.

3. *Programming*

98FM will ensure our programming does not contain content which may be regarded by our audience as:

- Causing harm or offence.
- Promoting or inciting crime.
- Undermining the authority of the State.
- Unreasonably encroaching on the privacy of the individual.

98FM will at all times ensure our programming complies with the BAI Code of Programme Standards (available at [www.bai.ie](http://www.bai.ie))



#### 4. *Commercial Communications (Advertising)*

98FM will ensure we are always in compliance with the BAI General Commercial Communications Code and the BAI Children's Commercial Communications Code (available at [www.bai.ie](http://www.bai.ie))

If your complaint falls under any of these categories please get in touch with us. You can access our complaints form here: <http://www.98fm.com/complaints>

If your complaint concerns alleged defamation, you should refer to the BAI Right of Reply Scheme (available at [www.bai.ie](http://www.bai.ie))

***The Broadcasting Act, 2009 provides that a broadcaster is not required to accept complaints deemed to be of a frivolous or vexatious nature.***

### **How do I make a complaint?**

If you have to make a complaint, then

- You can contact us via our website.
- You can phone us.
- Or you can write to us.

A senior member of our staff will contact you to discuss your complaint and attempt to resolve the matter to your satisfaction. If we are not able to do this, then you can begin the complaints process. You will need to fill in our complaints form (available on our website at <http://www.98fm.com/complaints>) ensuring that we receive the following information:

- Your name, address & contact details,
- The type of complaint (see 'What can I complain about' above),
- The date, time and channel of broadcast,
- The programme name/news item/advertisement which **you** heard and which you wish to complain about,
- Exact detail as to what concerned you about the broadcast.

All of this information should be filled out using the complaint form. It is vital that you complete the complaint form in full, if you wish your complaint to be considered by 98FM. If by any good reason (such



as disability or other) you are unable to complete the form in writing, please phone us and we will assist you to do so.

98FM is committed to protecting the rights and privacy of individuals in accordance with the Data Protection Acts 1988 – 2003.

### **How soon do I need to make my complaint?**

The Broadcasting Act requires you to make your complaint not more than 30 days after the date of Broadcast, specifically:

If your complaint relates to one broadcast, no later than 30 days after that broadcast.

If your complaint relates to two or more unrelated broadcasts; no later than 30 days after the date of the earlier or earliest of those broadcasts.

If your complaint relates to two or more related broadcasts of which at least two are made on different dates; no later than 30 days after the date of the later or latest of those broadcasts.

The Broadcasting Act, 2009 provides for these timeframes, and therefore complaints submitted to 98FM outside of these time periods will not be considered.

### **Who do I send my complaint to?**

Please send your Complaint to:

Programme Director, 98FM, Marconi House, Digges Lane, Dublin 2.

[complaints@98fm.com](mailto:complaints@98fm.com)

Phone - 01/4398800

Fax - 01/4398899

### **What will happen to my complaint?**

Once we have received your complaint we will work to resolve the issues as soon as we can. We value the thoughts and opinions of our listeners on the service we provide and any complaint received through this process will be treated extremely seriously and in the following manner:

- The complaint will be examined by the 98FM Programme Director.



- The Programme Director will reply to you to acknowledge receipt of your complaint in 7 working days.
- Your complaint will be considered through listening back to the item(s) in question.
- Where appropriate the Programme Director will consult with Producer(s)/Presenter(s)/Programme Maker(s) who worked on the item.
- Any third party (such as a guest or advertiser) may also be consulted in order to provide observations and insights in relation to the issues you raised in your complaint.
- We will provide a written response to your complaint which will, as far as possible, address all the issues raised by you. We will set out the decision(s) and the reason for our decision(s) on your complaint. This written response will be sent to you within 21 working days from the receipt of your complaint.

### **What will happen then?**

98FM may uphold or reject your complaint.

- If we uphold your complaint it will be because after consideration of your complaint we believe we did not adhere to the obligations set out in the Broadcasting Act, 2009. If this occurs, 98FM will seek to resolve your complaint to your satisfaction in an agreed manner. . The manner of resolution will be decided on a case-by-case basis but may include an apology, correction, clarification and/or the offer of a rebuttal.

If we reject a complaint it means 98FM believes that we were in compliance with our obligations.

### **What if I'm still not happy?**

If you are not happy with our response to you, the process by which we dealt with your complaint or our final decision regarding your complaint, you can refer your complaint to our regulator, the BAI. Information on how to refer a complaint to the BAI is available from [www.bai.ie](http://www.bai.ie) or from:

Complaints Officer, Broadcasting Authority of Ireland, 2-5 Warrington Place, Dublin 2.

Phone – 01 6441200

Fax – 01 6441299



## **Keeping a Record**

98FM is obliged, under the Broadcasting Act 2009 to keep a record of all complaints submitted in accordance with this Code of Practice for two years. We are also obliged to provide these records to the Compliance Committee of the BAI if they wish us to do so. Our records will include: Your complaint form, our response, any subsequent correspondence in relation to the complaint, the manner of resolution/ decision taken by the station and the audio of the broadcast in question.

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