



Radio Kerry

Code of Practice on Complaints Handling

Introduction

At Radio Kerry we aim to deliver the best possible service to our listeners. We also aim to ensure that our programming is compliant with the requirements set out in the Broadcasting Act, 2009 and broadcasting codes published by the Broadcasting Authority of Ireland.¹

We welcome all feedback, both negative and positive, from our listeners concerning any aspect of our service.

We are obliged under the Broadcasting Act, 2009 to have in place a *Code of Practice* for handling complaints from our listeners. This *Code of Practice* sets out and explains our complaint process for listeners and ensures that we deal with complaints in an effective and efficient manner. It should be noted that the *Code of Practice* only relates to **certain** categories of complaints as detailed below.

1. What can I complain about?

You may submit a complaint to us if you are of the opinion that a broadcast or part of a broadcast on our service has breached one or more of the following obligations:²

(i) News

We will ensure that our news programming is *objective and impartial without any expression of our own views*.

(ii) Current affairs

We will ensure that our current affairs programming is:

- *objective and impartial* without any expression of our own views; and

- will treat the subject matter and all interests concerned *fairly*.

¹ The Broadcasting Authority of Ireland (BAI) was established on October 1st 2009, as an independent regulator for radio and television broadcasters in Ireland. Its functions, roles and responsibilities are set out in the Broadcasting Act, 2009

² The categories of complaints are specified in the Broadcasting Act, 2009.



If we cannot achieve *fairness, objectivity and impartiality* in one current affairs programme, we will do so in related broadcasts that will be broadcast within a reasonable period of each other.

(iii) Programmes

We will ensure that our programming does not contain any content which may reasonably be regarded as

- causing *harm or offence*;
- tending to *promote, or incite crime*;
- tending to *undermine the authority of the State*; or
- unreasonably encroach upon *the privacy of an individual*.

We also will ensure programming is in compliance with the **BAI Code of Programme Standards** which is available here: http://www.bai.ie/pdfs/bci_cops_Mar07.pdf

(iv) Commercial Communications³

All commercial communications broadcast by us will be in compliance with the **BAI General Commercial Communications Code** and the **BAI Children's Commercial Communications Code** which are available for download here:

http://www.bai.ie/pdfs/bai_comm_code_sept10.pdf

http://www.bai.ie/pdfs/childrens_commercial_communications_code.pdf

(v) If you have a complaint that does not fall under the categories set out in (i) to (iv) above, we would invite you to avail of our feedback/complaints facility at:

<http://www.radiokerry.ie/complaints>

If your complaint concerns alleged defamation, you should refer to the **BAI Right of Reply Scheme**.⁴

³ Commercial Communications is defined in section 2 of the BAI General Commercial Communications Code and includes, *inter alia*, advertising, sponsorship, teleshopping and product placement. Members of the public are asked to refer to the BAI Code.

⁴ The Right of Reply Scheme was prepared by the BAI pursuant to section 49 of the Broadcasting Act, 2009.



2. How do I make a complaint?

You can first contact us by telephone on 066 71 23666, email us at complaints@radiokerry.ie or by letter and inform us of your complaint. A member of our staff will contact you to discuss what concerned you and attempt to resolve the matter to your satisfaction. If we cannot resolve your complaint to your satisfaction, and you are satisfied that your complaint is covered by this *Code of Practice*, you should submit the following details in writing (letter, fax or email):

- your name and address;
- the category of complaint; (please refer to the categories of complaints in ‘What I can complain about?’ above)
- the date and time of broadcast;
- the name of the programme, news item or advertisement/commercial communication that you have heard and which is the subject of your complaint;⁵
- detail exactly what, in the broadcast, concerned you;

Personal details submitted are for use by Radio Kerry only. A complainant’s name shall not be published without his/her prior consent. Radio Kerry is committed to protecting the rights and privacy of individuals in accordance with the Data Protection Acts 1988 – 2003.

In order for your complaint to be accepted and considered, it **must** include the above details and must refer to a programme, advertisement or other form of commercial communication **already broadcast** on our service.

To assist, we have a ‘**Programming Content Complaint Form**’ & an ‘**Advertising Complaint Form**’ available to download from our website at <http://www.radiokerry.ie/complaints>. An online complaint facility is also available at <http://www.radiokerry.ie/complaints>. If, by reason of disability or other good reason, you are unable to submit the complaint in writing, please contact us and we will assist you to do so. We will not accept complaints which we deem to be of a frivolous or vexatious nature.

3. How soon should I make my complaint after the broadcast?

The Broadcasting Act, 2009 requires you to make your complaint not more than 30 days after the date of broadcast:

- (a) if your complaint relates to one broadcast, 30 days after the date of that broadcast;

⁵ Radio Kerry is not obliged to send you a copy of any broadcast. You yourself should have heard/viewed the broadcast in question.



(b) if your complaint relates to two or more unrelated broadcasts; 30 days after the date of the earlier or earliest of those broadcasts;

(c) if your complaints relates to two or more related broadcasts of which at least two are made on different dates; 30 days after the date of the later or latest of those broadcasts.

Complaints submitted outside of these time periods cannot be considered.

4. Where should I send my complaint?

General Manager
Radio Kerry
Maine Street,
Tralee
Co. Kerry

Fax: (066) 71 22282

Email: complaints@radiokerry.ie

5. What will happen to my complaint?

Once we have accepted your complaint we will work to resolve the issue/s as soon as possible. Your complaint will be carefully considered, investigated if necessary, and responded to in writing by our General Manager or a senior member of our management team.

- We will write to you to acknowledge receipt of your complaint within 7 working days.
- We will consider the issues raised in your complaint.
- We will listen to the programme/broadcast item identified in your complaint.
- Where appropriate, we will consult with any party to which your complaint relates, for example, the advertiser, the presenter or programme maker, to give that party an opportunity to provide observations and comments in relation to the issues raised by you.
- We will provide a response to your complaint which will, as far as possible, address all of the issues/concerns you have raised. We will set out the reasons for our decision on your complaint.

This response will be sent to you within 21 days from receipt of your complaint.



6. What are the potential outcomes for my complaint?

We may uphold or reject a complaint. Upholding a complaint means that we believe that our programming did not comply with our obligations covered by this *Code of Practice*. Rejecting a complaint means we believe that our programming was in compliance with our obligations.

If we uphold your complaint, we will seek to resolve it 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.

7. The role of the Broadcasting Authority of Ireland

If we have not responded to your complaint within 21 days or if you are not satisfied with our response, you can refer your complaint to the Broadcasting Authority of Ireland. The BAI will consider the complaint and may carry out an independent review of the complaint and our response. Information on how to refer a complaint to the BAI is available on the BAI website at <http://www.bai.ie> or from the following address:

Complaints Officer

Broadcasting Authority of Ireland

2 – 5 Warrington Place, Dublin 2

Phone: (01) 6441200

Fax: (01) 6441299

Email: complaints@bai.ie

8. Record of Complaints

We are required 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 the Committee so directs.

Our records will include copies of your complaint, our response/s and the audio copies of the broadcast material.