



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**A Guide for Listeners & Viewers to the Complaints Process
& the Broadcasting Authority of Ireland
2019**

Introduction

Any viewer or listener who is not satisfied about broadcasting content on an Irish broadcasting service, whether a programme or an advertisement/commercial communication, has a right to complain about it and have their complaint handled by the broadcaster in the first instance.

This document explains how the complaints procedure works, the role of the broadcasters and the Broadcasting Authority of Ireland (BAI) in adjudicating complaints.

Your right to complain is protected by the Broadcasting Act 2009. This Act is available on request from the offices of the BAI, 2 – 5 Warrington Place, Dublin 2 (01 644 1200) or on its website, www.bai.ie.

This document is a summary of the complaints process, including the powers and jurisdiction of the Broadcasting Authority of Ireland. It does not purport to be exhaustive and complainants are advised to study carefully the statutory provisions.

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1. Radio & Television Complaint Procedures

1.1 Who Can Make a Complaint?

Any viewer or listener can make a complaint. In most instances, your complaint should firstly be made to the relevant broadcaster about the programme or advertisement/commercial communication that has been broadcast and that you believe may have infringed the BAI's broadcasting codes.

Please note that you may only complain about content that was broadcast. The BAI cannot consider complaints about content carried via on-demand services such as the RTÉ Player, TG4 Player and 3 Player or other content on the Web such as YouTube. The BAI cannot also consider complaints about content on the websites of a broadcaster or contracts for the provision of services, for example those provided via cable, satellite or pay per view. If you have a complaint about a programme broadcast by a British broadcaster you can contact Ofcom - <https://www.ofcom.org.uk/>.

1.2 Which broadcasters are within the scope of the complaints process?

All commercial, community and public radio and television broadcasters, be they on a local, temporary, institutional, regional or national basis, are covered by the complaints handling process detailed in this document.

For the avoidance of doubt, a 'broadcaster' refers to the organisation operating the broadcasting service. It does not refer to individual programme presenters, producers etc., employed or contracted by the broadcaster.

1.3 What can I complain about?

If you see or hear any broadcast which you believe infringes any of the following requirements you can make a formal complaint:-

- i. **Fairness, objectivity & impartiality in news and current affairs**
(Section 48(1)(a) of the Broadcasting Act: [BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs](#))

All broadcast news must be presented and reported in an objective and impartial manner and without expression of the broadcasters' own views.

Current affairs broadcasts, including matters of public controversy or debate, must be treated in a manner which is fair to all interests concerned and the broadcast must be presented in an objective and impartial manner, without any expression of the broadcasters' own views.

You are invited to review the *BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs* when making a complaint under this heading. If the broadcast is not a news and current affairs programme, it is not obliged to comply with this code. Instead, the *BAI Code of Programme Standards* may apply (see below). Complainants should also note that the BAI cannot consider complaints about party political broadcasts or about programmes or commercial messages that have yet to be broadcast.

ii. Harm & undue offence, including law and order

(Section 48(1)(b) of the Broadcasting Act: [BAI Code of Programme Standards](#))

Every broadcaster must ensure that it does not broadcast anything which may reasonably be regarded as likely to cause harm or **undue** offence or unreasonably encroach on the privacy of an individual or raise issues of a law and order nature. You are invited to review the *BAI Code of Programme Standards* when making a complaint about harm and undue offence, including law and order and privacy.

iii. Privacy

Section 48(1)(c) of the Broadcasting Act: [BAI Code of Programme Standards](#))

Every broadcaster must ensure that it does not broadcast anything which may unreasonably encroach on the privacy of an individual. The Act does not give an absolute right to privacy and there may be certain circumstances, such as the public interest, where the encroachment on the privacy of an individual may be reasonable.

If you are considering making a complaint about privacy, you should be aware that only individuals who believe that their privacy has been unreasonably encroached upon may make a complaint. A complaint may not be made on behalf of another individual unless that individual has authorised this complaint or where you are, for example, the parent or guardian of that person.

iv. Commercial communications

(Section 48(1)(d) of the Broadcasting Act: [BAI General and Children's Commercial Communications Codes](#))

Commercial communications include, advertisements, sponsorship announcements, competitions, teleshopping and product placement.

If you want to make a complaint about commercial content, you are invited to review either the *BAI General Commercial Communications Code* or and the *BAI Children's Commercial Communications Code* when making a complaint under this heading.

The Children's Code applies to commercial communications broadcast during children's programme or where the commercial message is directed at children. All other commercial messages fall under the General Code.

Copies of the BAI's codes are available on our website - <http://www.bai.ie/en/codes-standards/> or by emailing info@bai.ie. If you have any query about our codes or the complaints process, you can call the BAI on 01 644 1200 or email complaints@bai.ie.

1.4 Where do I direct my complaint?

The Broadcaster

The BAI has discretion, under the Broadcasting Act, to refer a complaint in the first instance to the broadcaster for consideration. Therefore in most cases, the BAI expects that the broadcaster is the first stop for your complaint.

The advantages of a broadcaster addressing your complaint in the first place are: -

- Some complaints may not be based on the Broadcasting Act, cannot be dealt with by the BAI and are best resolved by the broadcaster;
- The broadcaster has institutional knowledge which can allow for a speedy resolution of your complaint;
- Under section 47 of the Broadcasting Act the broadcaster has a legal obligation to give due and adequate consideration to a complaint on grounds specified in section 48(1) of the Broadcasting Act.

You should make your complaint in the manner outlined in the broadcaster's **Code of Practice for Complaints Handling**. This can usually be found in the 'contact us' or 'complaints section' of a broadcaster's website. For easy reference, information on how to access these codes of practice is provided in Appendix 1 below. If you have any difficulty accessing a Code of Practice please feel free to contact the BAI by emailing info@bai.ie or by calling 01 644 1200.

When making a complaint, you should be sure to address your complaint to the complaints section of the broadcaster and not to individual presenters/producers.

The BAI

In certain circumstances, you may make a complaint **directly** to the BAI ahead of the broadcaster. This will be where:-

- The complaint deals with your privacy or the privacy of a person for whom you have responsibility (such as a child);

- Where a request for anonymity is granted by the BAI following a request from you;
- Where you or an organisation that you represent has been mentioned in the programme or commercial communication that you wish to complain about;
- We will also consider your complaint directly where you provide an acceptable reason or reasons why the complaint should not be referred to the relevant broadcaster in the first place.

How quickly should the complaint be made to a broadcaster/the BAI?

There is a time limit: -

- (i) If the complaint relates to one broadcast, you must send it to the broadcaster no later than thirty days after the date of the broadcast;
- (ii) If it relates to two or more unrelated broadcasts, you must send it no later than thirty days after the date of the earlier or earliest broadcast;
- (iii) If it relates to two or more related broadcasts, of which at least two are made on different dates, you must send it later than thirty days after the later or latest of these broadcasts.

If you make the complaint to the broadcaster outside of these timeframes, they are not obliged to consider your complaint. If you make a complaint directly to the BAI outside of these timeframes, we cannot consider it.

1.5 Complaint Referrals to the BAI

The BAI also deals with complaint *referrals* i.e. where a broadcaster has already issued a response on a complaint or where a broadcaster has not issued a response within the relevant timeframe detailed in their code of practice for complaints handling e.g. 20 days.

If you want to refer a complaint to the BAI, you should do so promptly. The BAI considers 14 days to be a sufficient period within which to submit a complaint referral i.e. 14 days after you have received a response from the broadcaster or after the date by which a response was due but did not arrive. If your referral occurs later than 14 days after a broadcaster's decision or lapse of a broadcaster's timeframe we ask that you provide a reasonable explanation for this delay.

We retain discretion to accept referred complaints received later than 14 days after the broadcaster's decision or their failure to respond. If we reasonably believe there has been an undue delay in the submission of a referral complaint we may reject the complaint. Each complaint will be considered on a case-by-case basis.

Further information on the decision-making process of the BAI is set out in Appendix 4.

When directing complaints to the BAI, you should complete the form included at Appendix 2 and send it to:

Complaints Officer
Broadcasting Authority of Ireland
2 – 5 Warrington Place, Dublin 2
Phone: (01) 6441200
Fax: (01) 6441299 E-mail: complaints@bai.ie.

1.6 What will happen to your complaint to the broadcaster?

Once your complaint has been submitted to the broadcaster, the broadcaster should acknowledge receipt of your complaint.

The broadcaster should consider the content of your complaint and inform you of the decision within the timeframe set out in their Code of Practice for Complaints Handling. The broadcaster may reject, uphold or seek to resolve your complaint. Each complaint will be decided by broadcasters on a case-by-case basis. This may entail an apology, correction, clarification and/or the offer of a rebuttal.

1.7 What will happen to your complaint if made directly to the BAI or referred to the BAI?

If the BAI is satisfied to take your complaint directly or if you decide to refer your complaint to the BAI after having first contacted the broadcaster, we will assess the complaint.

In this regard:-

- We will consider whether your complaint has been made in line with the timeframes set down in the Broadcasting Act 2009 and also whether it has been referred to the BAI in a timely manner.
- We will consider whether your complaint can be considered under the BAI's Broadcasting Codes or the Broadcasting Act 2009. Please note that the BAI can only consider complaints about content that was broadcast.
- We will then either register the complaint as valid or we will inform you that we consider the complaint invalid. If we consider the complaint to be invalid, we will set out our reasons for reaching this decision e.g. that the complaint was made outside the statutory timeframes.

- At this point, we will then either:-

Make a decision based on the broadcast, your complaint referral and the initial response of the broadcaster to your complaint.

Or

We will invite further submissions from the broadcaster and the complainant. We will then make a decision on the broadcast and any further submissions provided by you and by the broadcaster.

- Once a complaint has been decided we will send you and the broadcaster a copy of our decision. **This decision will set out whether we believe the broadcast complied or did not comply with broadcasting codes.** It will not deal with every issue highlighted in your complaint as the BAI's decision concerns compliance with codes. The BAI may also deem a complaint resolved if it is satisfied that the broadcaster has taken adequate steps to address the complaint.
- The complaint decision will, in most cases, then be published. The publication will detail the decision of the BAI and will identify the name of the broadcaster, the programme/commercial communication that was the subject of the complaint, the date of the broadcast and the name of the complainant.

More detail on this process is provided at Appendix 4.

1.8 Section 48(5) Broadcasting Act 2009

This section of the Act permits an employee of the broadcaster or an independent producer to make a request to the BAI to comment on a complaint. If the BAI considers the interest of the employee might be adversely affected, or the prospects of the independent producer to obtain future programming commissions from the broadcaster concerned may be impeded, as a result of the complaint, then he/she will be given the opportunity to comment.

It is expected that requests of this nature will be the exception since, in the normal course of events, broadcasters are expected to ensure that an employee or independent producer would be informed of the complaint and be provided with the opportunity to input into the response of the broadcaster to the BAI in respect of the complaint. Nevertheless, broadcasters are expected to apprise relevant parties of the provisions of section 48(5).

1.9 Right of Reply Scheme

In addition to the categories of complaints listed above in Section 1.3, a member of the public may request a Right of Reply from a broadcaster. A Right of Reply, as set out in the Broadcasting Act 2009 provides for the **correction of incorrect facts or information** that have been broadcast about a person, where the assertions of such incorrect facts or information may have impugned that person's honour or reputation.¹ It **does not** provide for the broadcast of an alternative or contrary opinion. In other words, a person may not be satisfied with the manner in which a broadcaster has relayed information about him/her, but a Right of Reply will not be granted unless the facts or information are factually incorrect such that their honour or reputation have been impugned. If the matter is one where the facts were correct, but not fairly presented, and was contained in a current affairs programme, you can make a complaint under fairness, objectivity and impartiality (See Section 1.3 above for more information).

Further to this Scheme, broadcasters must publish the Right of Reply Scheme on their web site and provide up-to-date details in relation to the person who deals with any requests for a Right of Reply.

A request for a Right of Reply may only be made to the broadcaster. The BAI cannot consider such requests. However, under the Scheme and only in certain circumstances, a member of the public may request the Compliance Committee of the BAI to review a decision of a broadcaster not to grant a Right of Reply. Information on the review process can be found in the Right of Reply Scheme. Interested parties seeking a review should complete the form included at Appendix 3.

1.10 Confidentiality

The BAI undertakes the complaint referral process and the operation of the Right of Reply Scheme in a confidential manner and asks that all parties in a complaint respect this confidentiality. Parties involved in a complaint are asked not to comment publicly on the complaint until it has been finalised by the BAI.

While your contact details will not be disclosed, the BAI is subject to the requirements of the Freedom of Information Act (2014). If there is any aspect of your complaint which you deem commercially sensitive or which you may wish to make in confidence, please identify any information which you do not wish to be publicly disclosed and specify the reasons for its sensitivity. If the BAI receives a request for information submitted in confidence, you will be consulted before any decision is made.

¹ The Broadcasting Act has given the BAI responsibility for the development of the Right of Reply Scheme and this Scheme has been developed by the BAI and can be viewed on the BAI's website, www.bai.ie.

APPENDIX 1

Broadcaster Code of Practice for Complaints Handling

Broadcasters are required to develop and implement a *Code of Practice for Complaints Handling*. For ease of reference and in line with its statutory obligations, the BAI is making available information regarding the Code of Practice for all Irish broadcasters. This information is provided in the complaints handling section of the BAI's website: <http://www.bai.ie/en/viewers-listeners/complaints/>

If you have any difficulty accessing the *Code of Practice for Complaints Handling*, you should contact the broadcasters directly. Contact details for broadcasters can be found on the BAI website at the **www.bai.ie**. In the event that you continue to have trouble in accessing the broadcaster's complaints procedures, you may contact the BAI: **www.bai.ie**.

APPENDIX 2

COMPLAINT/COMPLAINT REFERRAL FORM

Complaint/Complaint Referral Form

Programming & Commercial Communications
(including advertising, sponsorship & product placement)

Making a complaint

This form should only be used if you have already made a complaint to a broadcaster or where you believe you have grounds to make a complaint directly to the BAI (see section 4 below). If this is not the case, please contact the broadcaster in the first instance.

This form has four sections:-

- Please complete **Section 1 if you have made a complaint to a broadcaster** and either you have received no response from the broadcaster or you are unhappy with their response.
- **Section 2** requires you to provide the detail of your complaint, including the section of the Broadcasting Act and the relevant BAI Code that you believe the broadcast infringed.
- **Section 3** requires you to provide your name and your contact details, address, email, phone contact details. Your contact details will not be shared with any third party.
- Please complete **Section 4** if your complaint concerns a broadcast that you or an organisation you represent were referenced in, you are requesting anonymity, you believe the broadcast has impacted on your privacy or where you believe there is a particular or exceptional reason(s) why the complaint should not be referred to the relevant broadcaster in the first instance for consideration.

You **should** complete this form **in full** and, where relevant, attach copies of all previous correspondence between you and the relevant broadcaster. **This form should be sent to the BAI no later than 14 days after the date on which you received a response from the broadcaster or the date by which a response was due.**

The BAI has developed a guide to the complaints process. This details how broadcasters and the BAI will handle your complaint. It is recommended that you read this document before making a complaint or completing this form. This document is available on the BAI website here. A copy of the document is also available from the BAI upon request by emailing complaints@bai.ie or by phoning 01 644 1200.

If you would like further help or advice on making your complaint or completing this form, please contact one of the BAI's staff on the number provided on this form or by e-mail, complaints@bai.ie.

Section 1 – Referral process

Only complete this section if you have already made a complaint to the broadcaster and are not satisfied with their response or have not received a response.

Date initial complaint made to broadcaster (dd/mm/yy): _____

Did you receive a response from the broadcaster within the timeframe, included in their *Code of Practice*?

Please indicate **yes** or **no** _____

Section 2 – Details of your complaint

Please provide the details of the programme and the reason you believe the content did not comply with the Broadcasting Act and/or the BAI's Codes.

Details of complaint

Details must be completed in full.

Programme Title / Broadcast Item	
Programme date: dd/mm/yr	
Time of broadcast (if applicable)	
Broadcaster	

Reason(s) for complaint:

<p><i>Please specify the reason by ticking the box that you think best fits your complaint. You may also make reference to specific BAI Codes that you think apply and the relevant codes are detailed below.</i></p>	
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<p>1. I did not think a news programme was objective or impartial. See the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs for more information.</p>	
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<p>2. I did not think the current affairs programme was fair, objective or impartial. See the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs for more information.</p>	
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<p>3. I am of the view that the content would cause harm and undue offence. See Principles 1- 5 of the BAI Code of Programme Standards for more information.</p>	
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<p>4. I am of the opinion that the content would be likely to promote, or incite to, crime or would tend to undermine the authority of the Irish state. See Principle 6 of the BAI Code of Programme Standards for more information.</p>	
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<p>5. The content infringed my privacy. Please note that this relates only to your privacy or the privacy of a person over whom you have legal guardianship e.g. a child. See Principle 7 of the BAI Code of Programme Standards for more information.</p>	
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<p>6. The content was an advertisement or other commercial communications and I believe it did not comply with the BAI's General and Children's Commercial Communications Codes. See here for a copy of the Codes that set out the requirements in this area. Please indicate which section of the code applies.</p>	
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Is the matter complained of the subject of any proceedings in a court of law in the Republic of Ireland?

Please indicate **yes** or **no** _____

If yes, please provide further detail _____

When submitting this form, please enclose a copy of all dated correspondence between you and the broadcaster about your complaint.

Section 3 – Contact Details

Please provide your personal contact details. Contact Details submitted are for use by the BAI only.

Contact Details	Please complete in full
First Name	
Surname	
Mr. / Mrs. / Ms.	
Address	
Daytime Phone Number	
Email (if applicable)	

To finish, please read through the above form to ensure all your details are correct.

You may post, e-mail or fax this complaint form to the BAI. The relevant contact details are: -

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

Telephone: 01 644 1200
Fax: 01 644 1299
Email: complaints@bai.ie
Website: www.bai.ie.

Date: _____

Section 4 – Complaint directly to BAI

Please complete this section in the case of a broadcast that you or an organisation you represent were referenced in, where you are requesting anonymity, where you believe the broadcast has impacted on your privacy or where you believe there is a particular or exceptional reason(s) why the complaint should not be referred to the relevant broadcaster in the first instance for consideration in accordance with their ***Code of Practice for Handling Complaints***? Please provide details of the reasons why you would not wish your complaint to be considered directly by the BAI.

APPENDIX 3
RIGHT OF REPLY SCHEME
COMPLIANCE COMMITTEE REVIEW FORM

Right of Reply Scheme

Compliance Committee Review Form

Requesting a Review of Right of Reply Request

The first point of contact for requesting a **Right of Reply** is the relevant broadcaster. In certain circumstances, you can request a review of a decision by a broadcaster to refuse your request for a Right of Reply. For more information, please refer to the BAI Right of Reply Scheme on the BAI's website: www.bai.ie

The application for a review of the refusal of a request for a Right of Reply must be submitted to the Compliance Committee:

- **not later than 21 days** after receipt from the broadcaster of a decision to refuse the Right of Reply request, or;
- **not later than 31 days** after receipt of your initial request where the broadcaster has not made a decision on the request, or;
- **not later than 21 days** after the failure to agree the form of the Right of Reply statement or the failure and/or refusal to broadcast the Right of Reply statement - formerly agreed.

You **must** complete this form **in full** and attach all previous correspondence between you and the relevant broadcaster.

If you require further help or advice, please contact one of the BAI's staff on the number provided on this form or by e-mail, complaints@bai.ie.

For office use only: Ref. No.

Grounds for a Review by the Compliance Committee

Please state the basis for your request for a review by the BAI of your Right of Reply request to the broadcaster (only one of the following should be selected).

Broadcaster has refused my request for a Right of Reply and I am dissatisfied with the reasons provided.....

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Broadcaster has not made a decision within 10-days of receipt of my initial request for a Right of Reply.....

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Broadcaster has agreed a Right of Reply is warranted but the form of the Right of Reply Statement cannot be agreed by the parties.....

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Broadcaster has agreed a Right of Reply is warranted but has failed/refuses to broadcast the statement formally agreed.....

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Date of a refusal of a request for a Right of Reply: _____

Please provide your personal contact details. Contact Details submitted are for use by the BAI only.

Contact Details:	Please complete these details in full.
Surname	
First Name	
Mr. / Mrs. / Ms.	
Address	
Daytime Phone Number	
Email (if applicable)	
Fax Number (if applicable)	

Is the matter complained of the subject of any proceedings in a court of law in the Republic of Ireland?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

All requests for a review of a decision by a broadcaster not to grant a Right of Reply considered by the BAI are made publicly available, including the name of the complainant. However, in the event that a complainant has valid concerns relating to privacy issues in making a complaint, the BAI may consider requests from the complainant for anonymity.

Please note that the personal contact details submitted by you are for use by the BAI only and will not be disclosed to a third party.

While you contact details will not be disclosed, the BAI is subject to the requirements of the Freedom of Information Act (2014). If there is any aspect of your complaint which you deem commercially sensitive or which you may wish to make in confidence, please identify any information which you do not wish to be publicly disclosed and specify the reasons for its sensitivity. If the BAI receives a request for information submitted in confidence, you will be consulted before any decision is made.

To finish, please read through the above form to ensure all your details are correct.

You may post, e-mail or fax this complaint form to the BAI. The relevant contact details are: -

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

Telephone: 01 644 1200
Fax: 01 644 1299
Email: complaints@bai.ie
Website: www.bai.ie.

Please note: all previous correspondence between you and the relevant broadcaster must be included with this form.

Date: _____

Appendix 4

BAI Decision-making Process

Decision-making process – Complaints/Complaint Referrals

This is an overview of the main steps in the process and does not purport to be an exhaustive description of how the complaint will be processed. The BAI's consideration of complaints submitted will be carried out in private and will be confidential. Upon receipt of your complaint/complaint referral, the BAI will take the following steps:-

- i. The BAI will review your referral/complaint and determine whether it is valid. If the BAI deems your complaint invalid, we will provide reasons for our decision.
- ii. If your complaint is deemed valid, the BAI will either make a decision based on the broadcast, your complaint referral and the initial response of the broadcaster to your complaint **or** we will invite further submissions from the broadcaster and the complainant.

We will invite further submissions from the broadcaster and the complainant for a range of reasons. These include, but are not limited to the following circumstances: where the matter is complex; where the complainant was personally impacted by the content broadcast; or where the broadcast itself has been the subject of controversy. The broadcaster and the complainant are expected to reply within a certain time. This time limit may be extended by the BAI if good and valid reasons are shown.

- iii. An employee of the Broadcaster or an independent producer may request to comment on a complaint. If the BAI considers the interests of the employee might be adversely affected, or the prospects of the independent producer to obtain future programming commissions from the broadcaster concerned may be impeded, as a result of the complaint, then he/she will be given the opportunity to comment. Please note that the onus is on the employee or the producer to make this request to the BAI.
- iv. When the complaint is one in respect of an advertisement under Section 48(1)(d) of the Broadcasting Act, 2009 or where it concerns a public service announcement, the BAI will afford the person responsible for submitting the advertisement/public service announcement an opportunity to make submissions in relation to the broadcast.
- v. Where a further submission has been requested by the BAI from the broadcaster, a copy of the response by the broadcaster to the complaint, if any, will be sent to the complainant. The complainant is not required to provide any extra details or respond to the points raised by the broadcaster. If the complainant decides to respond, a copy of any response provided will then be provided to the broadcaster and correspondence between the complaint parties will continue until either one of the party has concluded making submissions or the BAI determines that sufficient information has been provided such that a decision can be reached.

- vi. All written correspondence together with the relevant recording of the broadcast will be forwarded for consideration and determination to either the BAI Executive Complaints Forum or the BAI Compliance Committee.
- vii. In the case of complaints considered by either the BAI Executive Complaints Forum or the BAI Compliance Committee, all written material on file, together with relevant broadcast material will be reviewed and the issues will be discussed in a collegiate manner at a meeting of the Forum or the Committee.
- viii. Following consideration, the complaint will be upheld, upheld in part, rejected or deemed resolved.

What happens when the BAI upholds a complaint?

- A copy of the decision will be sent to the complainant and the broadcaster before its publication. If the commercial communication/public service announcement is produced by a person other than the broadcaster, the BAI will also forward a copy of the decision to the relevant person.
- A complainant is requested to submit contact details. Such details submitted are for use by the BAI for internal purposes only and are not divulged to third parties. The information published includes the name of the complainant only.
- Where a programming complaint is upheld, in whole or in part, the broadcaster concerned will broadcast a summary of the BAI's decision, unless it considers it inappropriate to do so. This could include the name of the person who made the complaint. This will be done at a time and manner suitably similar or close to the timing of the original broadcast which prompted the complaint.
- In most instances, a copy of the decision of the BAI will be published and distributed to media. This document will include a summary of the initial complaint, the initial response from the broadcaster and the broadcaster's response to the BAI (where relevant). The programme, broadcast date and the name of the complainant will also be published. The name of the complainant may be withheld if anonymity has been granted or where it is in the interests of the complainant to maintain their privacy.

Complaint parties should note that the BAI does not have any power to award to any party, costs or expenses.

Appendix 5

Members of BAI Compliance Committee & BAI Executive Complaints Forum

Compliance Committee

Mr. Kevin Rafter (Chairperson)
Mr. Nigel Heneghan
Ms. Grace Smith
Ms. Eileen Maher
Ms. Rosemary Day
Ms. Orlaith Carmody
Ms. Anne O'Brien
Mr. Neil O'Brien

Executive Complaints Forum – 4 members with one position currently vacant

Mr. Ciarán Kissane (Chairperson)
Ms. Sinéad Owens
Mr. Richard Brennan
Mr. Roger Woods

