



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

June 2020



Contents

[BAI Complaints Handling Process.....3](#)

Rejected by the Compliance Committee

[C5094: Mr. William Campbell: RTÉ Radio 1 RTÉ 2FM RTÉ Lyric FM: AA Roadwatch: 4th June 2019..... 4](#)

[C5193: Mr. Patrick J. Cusack: RTÉ Radio 1: The Ryan Tubridy Show: 20th and 22nd February 2019.. 8](#)

[C5256: Ms. Maria Bailey: RTÉ Radio 1: Today with Sean O'Rourke: 15th November 2019 10](#)

[C5274: Complainant X: RTÉ One: Survivors: 15th October 2019 12](#)

Rejected by the Executive Complaints Forum.....

[C5279: S. Purcell: RTÉ Radio 1: Liveline: 23rd December 2019..... 15](#)

[C5282: Mr. Shay Duffy: Virgin Media One: News at 5.30: 6th January 2020 18](#)

[C5285: Mr. Phillip Donnelly: RTÉ Radio 1: Morning Ireland: 16th January 2020 20](#)

[C5287: Mr. Richard Mitchell: Newstalk 106–108FM: Moncrieff: 20th January 2020 22](#)

[C5291: Mr. Liam Doran: RTÉ One: The Week in Politics: 1st March 2020 24](#)

[C5293: Mr. John Hughes: RTÉ One: Claire Byrne Live: 17th February 2020 26](#)

[C5299: Mr. Michael Lenehan: RTÉ One: Drivetime: 27th February 2020 28](#)



BAI Complaints Handling Process

Under the Broadcasting Act 2009, viewers and listeners to Irish radio and television services can complain about broadcasting content which they believe is not in keeping with broadcasting codes and rules. When making a complaint, the relevant programme or commercial communication should be identified, including the date of broadcast and time. The complainant should explain what it is about the broadcast that has led them to make a complaint. It is important to set out clearly the grounds of the complaint and why the programme material or commercial content does not comply with the BAI's Broadcasting Codes. A copy of the codes may be found on the BAI's website: www.bai.ie, by emailing info@bai.ie or by phoning the BAI on 01 644 1200.

In line with the complaint process, the viewer or listener should direct their complaint to the broadcaster in the first instance and in the manner detailed in the broadcaster's Code of Practice for Handling Complaints, a document which each broadcaster has available on its website. If a viewer or listener is not satisfied with the response from the broadcaster or if the broadcaster does not respond within the timeframe provided for in their Code of Practice (usually 21 days), then the viewer or listener can refer the complaint to the BAI for consideration.

In assessing complaint referrals, the BAI will have regard to the relevant codes and rules, the written material submitted by the relevant parties, together with the broadcast material. Complaints are assessed at Executive level by the Executive Complaints Forum and/or by the Compliance Committee of the Authority. Further information may be found on the complaints handling section of the BAI's website: www.bai.ie.

The details of the broadcasting complaints decisions reached by the BAI are set out in this document. The decisions deal with the issue of whether a programme or a commercial communication did or did not comply with the relevant legal requirements and the relevant broadcasting codes or rules. The decisions do not constitute endorsement or support for the views of either parties to the complaint nor will they address every aspect of a complaint submission. The BAI will not carry out a separate or independent assessment outside of the matters raised in the complaint.

In total, four complaints were considered and rejected by the Compliance Committee¹ of the BAI at its meeting in February 2020². In addition, seven complaints were considered and rejected by the Executive Complaints Forum. The decisions of the Executive Complaints Forum were reached at meetings held on 28th February, 30th March and 20th April 2020.

¹ As per section 48(10) of the Broadcasting Act 2009, all complaint decisions are published unless the Committee considers it inappropriate to do so. One complaint considered by the Committee at its February 2020 meeting was of a very sensitive nature and was directly impacted the complainant, as such, the Committee considered it inappropriate to publish this complaint.

² The publication document also includes a complaint which was considered by the Compliance Committee at its meeting in December 2019. This complaint was not included in the March 2020 publication document due to the Committee having to consider a request from the complainant regarding the manner in which the complaint was due to be published.



Rejected by Compliance Committee

Complaint Reference Number	C5094
Complainant	Mr. William Campbell
Station	RTÉ Radio 1, 2FM, Lyric FM
Programme Name	AA Roadwatch
Broadcast Date	4 th June 2019
Broadcast Time	Various
Programme Description	AA Roadwatch
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs). Broadcasting Act 2009 – Section 48(1)(d)(commercial communications); the BAI General Commercial Communications Code (“GCCC”) – Rules 9.1 and 9.4.

Complaint Summary

The complaint refers to the inclusion of AA Roadwatch segments during RTÉ radio programmes. These segments are generally 90 seconds in duration and provide current traffic and travel information. The segments are presented and produced by AA Roadwatch staff in their studios. The complainant claims that the AA Roadwatch infringes the requirements in the Act and Codes set out above, as outlined below.

Fairness Objectivity and Impartiality in News and Current Affairs

The complainant states that AA Roadwatch is a news programme and that the arrangement between RTÉ and the AA has a general impact on news and current affairs coverage of transport issues by RTÉ. The complainant states that the Act and the Code of Fairness, Objectivity and Impartiality in News and Current Affairs requires the broadcaster to avoid bias and the appearance of bias. The complainant states that it is unacceptable for the broadcaster to allow a political lobby group (the AA) to select and present broadcast material in a manner that allows it to pursue its political agenda.

The complainant argues that the broadcaster does not have sufficient procedures in place to ensure that the AA is prevented from exerting undue influence over the content of AA Roadwatch and considers that such influence is exerted to pursue a political agenda. In this regard, the complainant emphasises that the segments are produced and presented by AA staff from its studios. The complainant is of the view that AA Roadwatch enhances AA’s credibility and provides it with an advantage in the ongoing debate about transport issues.

The complainant states that a wide range of transport issues are discussed regularly on RTÉ. However, the complainant believes that broadcasting 700 Roadwatch segments per month skews



the debate by making motoring issues such as traffic congestion seem more important than public transport or urban planning. The complainant believes that AA Roadwatch frames the discussion in a manner which unfairly favours the motor industry and is therefore unbalancing the public debate regarding transport and allows the AA to exert undue influence in this debate.

BAI GCCC - Sponsorship rules

The complainant considers that the AA's role in the broadcasts mean it is a sponsor as defined in the General Commercial Communications Code. Firstly, the complainant considers that the AA is making a contribution in kind by providing the staff and facilities required to produce the segments. Secondly, the complainant states that the AA is mentioned by RTÉ and AA presenters in the context of each segment. Further, the complainant states that listeners are encouraged in the segments to visit the AA Roadwatch website and Twitter account, which links to the AA website.

The complainant is of the view that campaigning to influence government policy on transport is a core activity of the AA. Therefore, the complainant considers that the AA is a political lobby group and, as such, should not be permitted to sponsor these segments as commercial communications that are directed toward a political end are prohibited. Further, as the content is presented by AA staff, the broadcaster does not have oversight of the content. The complainant is of the view that this arrangement results in the broadcaster not retaining editorial independence over the item. The complainant also states that the company has an interest in influencing the content of the traffic updates in the context of its lobbying activity.

The complainant considers that the existence of AA Roadwatch gives the AA credibility which, in turn provides the AA with a promotional opportunity that is unavailable to competing businesses. The complainant states that the presenters encourage listeners to visit the website for further information and to call with traffic updates. The complainant notes that both the website and the phone line offer options to buy AA membership. The complainant notes that the presenters often promote their Twitter handle, which link directly to the AA website. The complainant is of the view that AA competitors are not treated fairly by the broadcaster and considers that the AA uses the Roadwatch Segments to advertise its sales channels, while denying that opportunity to competitors.

Broadcaster Response Summary

The broadcaster rejects the claim by the complainant that the AA Roadwatch segment in RTÉ radio programmes constitutes sponsorship by the AA. The broadcaster states that AA Roadwatch is a commercial agreement to provide a factual traffic and travel update service.

The broadcaster cites the definition of sponsorship in the General Commercial Communications Code and states that the definition does not include those engaged in providing radio or television services or those in the production of sound broadcasting or audiovisual works. The broadcaster states that AA Roadwatch is engaged in the production of such a service. It provides traffic and travel updates from its own studios for a range of broadcasters. Therefore, the broadcaster claims the arrangement is not covered by the definition of sponsorship in the Code. Further, the broadcaster



states that the segments are sponsored by Hyundai. The sponsorship message is broadcast separate from the programme segment.

The broadcaster emphasises that the agreement with AA Roadwatch contains a provision allowing RTÉ to accept sponsorship for this segment, including from those that compete with AA Ireland. The commercial agreement is fully compliant with all the relevant regulatory and statutory provisions.

With regard to RTÉ's editorial independence, the broadcaster states that the arrangement with AA Roadwatch does not have any influence over any aspects of RTÉ editorial content. The broadcaster notes that the complainant has not cited any specific broadcast item to justify his claims that editorial independence or impartiality has been compromised. The broadcaster contends that the complainant makes general, vague allegations without citing a specific broadcast item to support his claims.

The broadcaster also denies that it has been influenced by AA lobbying or that RTÉ promotes any agenda. Further, the broadcaster states that there is no evidence to support the complainant's assertion that content of AA Roadwatch supports lobbying or political goals.

The broadcaster believes that there is no basis to uphold this complaint on any of the grounds cited or under any provision of broadcasting legislation or regulatory codes.

Decision of Compliance Committee

The Committee noted that the complaint was made under Section 48(1)(a) of the Broadcasting Act, which relates to complaints that broadcast news did not comply with the requirements set out in Section 39(1)(a), which requires that all news broadcast by the broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views. The complaint was also made under the General Commercial Communications Code (the "GCCC"), The Code sets out the requirements for commercial communications, including rules surrounding sponsorship.

In considering this complaint, the Committee had regard as to the type of programming. The Committee noted that the AA Roadwatch programme segments are a long-running series which provide factual updates about traffic and travel. The broadcasts do not contain content which are characteristic of news programming. Further, the Committee noted that while Rule 9.7 of the GCCC prohibits news programmes on radio being sponsored, the rule does not prohibit the sponsorship of current affairs, weather, entertainment, traffic items or religious programmes. The Committee had regard to the Act and relevant broadcasting Codes and determined that the broadcasts do not constitute news or current affairs.

The Committee had regard to the complainant's view that the AA Roadwatch is sponsored by the AA. The Committee noted that AA Roadwatch is produced by an in-house AA Roadwatch production team and supplied to various broadcasters. The Committee noted that sponsorship arrangements are in place for AA Roadwatch and acknowledged that this is permitted under the Code. The Committee noted that RTÉ retains control over any sponsorship arrangement and that AA Roadwatch is sponsored by a range of companies, none of which are AA Ireland. The Committee



noted that although the broadcasts contain references to the AA Roadwatch website and social media, these are related to an online element of the service which also provides information regarding traffic and travel. In view of the above, the Committee did not consider that the AA is a sponsor of the programme segment. Having reviewed the sponsorship arrangements in place for the segments, the Committee did not consider that the sponsorship of this segment influenced content or scheduling in a manner which affected the responsibility and editorial independence of the broadcaster. Further, it was the view of the Committee that listeners were clearly informed of the sponsorship arrangement by way of the sponsorship stings.

The Committee acknowledged that political lobbying is one of the functions carried out by the AA, however, there was no evidence in the broadcasts to support the view that the broadcasts are skewing public debate, or that the broadcasts are unfair to rival businesses or campaigners in a manner which infringes any Codes or Rules. The Committee further noted that while the complainant stated that AA Roadwatch has the potential for bias, the Committee did not find any evidence in the broadcasts to support this view. The Committee did not consider that the arrangements with AA Roadwatch for the production of this segment influenced content or scheduling in a manner which affected the responsibility or editorial independence of the broadcaster, as argued by the complainant.

The Committee did not consider that the broadcasts infringed the Codes in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5193	
Complainant	Mr. Patrick J. Cusack	
Station	RTÉ Radio 1	
Programme Name	The Ryan Tubridy Show	
Broadcast Date	20 th February 2019	22 nd February 2019
Broadcast Time	09:00	
Programme Description	A lifestyle and entertainment programme broadcast weekdays	
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs; the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.1, 4.2, 4.3. Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards, Principles 1, 2, 3, 4 and 5.	

Complaint Summary

The complaint concerns two related broadcasts of The Ryan Tubridy Show. The first broadcast on the 20th February featured a segment in which a listener phoned-in and gave details of an incident her daughter had been involved in at a teenage disco in Dublin city centre. The second broadcast on the 22nd February, featured an apology in which it was stated that there were errors in the information given by the caller in the first broadcast.

The complainant believes that the earlier broadcast was one-sided and misleading to listeners. The complainant also considers the content to be unfair and damaging to the venue in question.

In relation to the later broadcast, the complainant is of the view that the apology was presented as a clarification and believes that this is not sufficient. Further, the complainant maintains that this clarification placed the responsibility on the caller for the error in the broadcast.

Broadcaster Response Summary

The broadcaster states that the primary focus of the complaint is the apology aired on 22nd February and not the initial broadcast.

The broadcaster rejects the complainant's assertion that the apology was presented as a clarification and states that it was a genuine and unequivocal apology. The broadcaster aired the apology 48 hours after the initial broadcast and considers this to be in keeping with the requirements for broadcasters to respond in a timely and appropriate manner to remedy an error.

In relation to the requirements set out in Sections 4.1, 4.2 and 4.3 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, the broadcaster states that it issued a public apology with regard to broadcasting inaccurate information. However, the broadcaster does not consider the programme to be news or current affairs and, as such, does not consider this a valid complaint under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs.



The broadcaster states that the complainant did not provide any basis to demonstrate how the programme infringed Principles 1, 2, 4 and 5 of the Code of Programme Standards. With regard to Principle 3, the broadcaster notes that the complainant did not provide evidence of harm being caused to him personally. The broadcaster acknowledges and regrets the error made but considers that it was dealt with sufficiently by way of the apology. The broadcaster believes that this is supported by the fact that the concerned parties did not make a complaint.

The broadcaster states that there were clear failings in the original broadcast, however, these were dealt with publicly and in a manner in keeping with the requirements of the BAI.

Decision of Compliance Committee

Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings and reasons for the decision are set out below.

The Committee noted that the complaint was made under Sections 4.1, 4.2 and 4.3 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that relevant content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The complaint is also made under Principles 1-5 of the Code of Programme Standards. This Code aims to protect viewers and listeners from content which may reasonably be regarded as causing harm or undue offence.

The Compliance Committee noted that the broadcasts were related. In relation to the earlier broadcast, the item was a human-interest piece which focused on the experience shared by a person who called into the show. The programme did not constitute current affairs, therefore, the requirements set out in the Code of Fairness, Objectivity and Impartiality in News and Current Affairs do not apply to this programme. As such, this element of the complaint was rejected.

The Committee considered the complainant's view that the initial broadcast was harmful and that the content and the timing of the apology failed to address the issue. The Committee considered the content of the apology and noted that it was made by the presenter in a manner which was in keeping with the tone and pace of the programme. Further, the Committee considered that the apology was aired in a timely manner. The Committee was of the view that the broadcaster took sufficient steps to address the errors contained in the initial broadcast and did not consider that the broadcasts infringed the Code of Programme Standards in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5256
Complainant	Ms. Maria Bailey
Station	RTÉ Radio 1
Programme Name	Today with Sean O'Rourke
Broadcast Date	15 th November 2019
Broadcast Time	10:00 – 12:00
Programme Description	A mid-morning current affairs magazine-style programme.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.1, 4.2, 4.10, 4.19, 4.20 and 4.28.

Complaint Summary

The complaint concerns an item in which a panel discuss a variety of current and topical events.

The complainant takes issue with one aspect of that discussion, in which the panel discussed the deselection of Maria Bailey as a Fine Gael candidate.

The complainant states that untrue and damaging comments were made about her during the discussion; one of the panellists referred to defrauding insurance, while another panellist discussed exaggerated insurance claims. The complainant acknowledges that one of the panellists defended her by highlighting that although panellists were using the word "fraud", the complainant was not found to have made a fraudulent claim. The presenter interrupted the panellist to state that they did not say fraud, however, the complainant believes that the two panellists were clearly speaking about fraud.

Further, the complainant takes issue with the presenter's comments in relation to a past matter related to her expenses. The complainant stated that this was a separate matter and was not under review. The complainant notes that the broadcast contains references to a press statement issued by Fine Gael but does not believe that the broadcaster adequately assessed the accuracy of the information, further, the complainant notes that there was no reference to her own press release.

The complainant is of the view that the inaccurate comments made throughout the broadcast were presented as fact and were not challenged by the presenter. The complainant does not consider that the programme was fair, objective and impartial.

Broadcaster Response Summary

The broadcaster states that this segment of the programme is a weekly robust review of current and topical events with a variety of panellists. The panel discussed the complainant's deselection as a Fine Gael candidate; however, the broadcaster is of the view that this matter has involved a wider debate regarding insurance claims. The broadcaster states that it was in the context of this wider debate that the comment was made.



The broadcaster notes that one panellist represented the complainant's position and states that the presenter twice emphasized that the complainant was not being accused of fraud. Further, the broadcaster stands over the references to a statement issued by the Taoiseach. However, the broadcaster states that the complainant was invited to be interviewed on the programme, following the broadcast of 15th November, in order to address her concerns regarding that broadcast.

The broadcaster does not accept that the complainant was defamed by the programme.

Decision of Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings and reasons for the decision are set out below.

The Compliance Committee noted that the complaint was made under Sections 4.1, 4.2, 4.10, 4.19, 4.20 and 4.28 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Committee noted that the complaint relates to a panel discussion about current events. During the discussion the panel talked about the deselection of the complainant as a Fine Gael candidate. The Committee had regard to the complainant's view that the panellists made untrue and damaging comments about her. The Committee also noted the complainant's view that inaccurate information was used by the broadcaster and that the presenter did not challenge the comments made by the panel.

The Committee noted that although the presenter did not offer her own views, more clarity may have been provided regarding the panel's comments on fraud. However, when taken as a whole, the Committee determined that the subject matter was treated fairly and presented in an objective manner. The programme did not infringe the Code and, as such, the complaint was rejected.



Complaint Reference Number	C5274
Complainant	X
Station	RTÉ One
Programme Name	Survivors
Broadcast Date	15 th October 2019
Broadcast Time	23:15
Programme Description	Series featuring interviews with survivors of trauma about their experiences.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards - Principles 2, 3 and 7.

Complaint Summary

The complaint relates to the third episode in a four-part series about individuals who have experienced trauma. The episode featured an interview with an individual who, following the death of their son, founded Hugh's House, which provides accommodation for families of children needing intensive care in Dublin hospitals.

The complainant is a relative of the interviewee, and states that an image of her as a young child was featured in the programme. The complainant was not asked for permission to include her image and she considers that this was unnecessary and upsetting.

The complainant also believes that the programme contained inaccurate information regarding their mother; firstly, the interviewee states that their mother was a nun prior to marriage which, the complainant states, is incorrect. Secondly, the presenter refers to the cause of their mother's death as suicide and asked the interviewee about how the family handled her mother's death. The complainant states that their mother's death certificate does not list suicide as the cause of death. Therefore, the complainant considers it inappropriate to discuss the death of their mother when it was not properly framed. Further, the complainant considers that it was inappropriate to discuss the family's response to their mother's death as the interviewee was not representing the family.

The complainant states that the broadcaster did not advise her that the death of her mother would be discussed, nor did she consent to the verbal or visual references to her being included in the programme. The complainant states that the programme has caused a lot of upset.

Broadcaster Response Summary

The broadcaster states that it regrets any upset the programme may have inadvertently caused to the complainant. In response to this complaint, the broadcaster removed the episode from the RTÉ Player immediately.

The broadcaster states that the photograph was supplied by the interviewee and that permission was given by her. However, the broadcaster acknowledges that permission was not sought from the complainant and apologises for this.



The broadcaster maintains that the interviewee attempted not to name individual family members as she was aware that her views may not be shared by all family members. Regardless, the interviewee informed the broadcaster that the programme has received positive feedback, some of which came from family members.

Notwithstanding the officially recorded open verdict about her mother's cause of death, the broadcaster states that it is the view of the interviewee that her death was suicide and that the inclusion of this viewpoint was justified in the context of the discussion.

With regard to the interviewee describing her mother as a former nun, the broadcaster states that the interviewee provided photographs of her mother in a habit and although she did not make her final profession, she spent several years in religious life. The broadcaster states that, in this context, the interviewee did not consider it inaccurate to state that her mother had been a nun.

The broadcaster believes that the audience would have understood that the series featured individuals speaking about trauma and that the individuals were providing subjective points of view.

Decision of Compliance Committee

Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings and reasons for the decision are set out below.

The Committee noted that the complaint was made under Principles 2, 3 and 7 of the Code of Programme Standards. The Code aims to protect viewers and listeners from content which may reasonably be regarded as causing harm or undue offence. The Code also recognises that individuals have a right to privacy and broadcasters are required to respect the privacy of the individual and ensure it is not unreasonably encroached upon.

The Committee noted that the complaint relates to an episode in a series about the personal lives of people who have experienced trauma. The episode in question featured the complainant's family member speaking of her experiences with trauma, which included a discussion on her childhood and the death of her mother.

The Committee was cognisant of the complainant's view that certain information regarding her mother was inaccurate and that her privacy was infringed, both by the content of the interview, which contained references to their mother, and also by the inclusion of a photograph which featured the complainant as a child. The Committee had regard to an individual's right to privacy but noted that this right is not absolute. Broadcasters should respect the privacy of individuals and ensure that a person's privacy is not unreasonably encroached upon when balanced against other considerations, such as a person's right to freedom of expression and the public interest. The Committee noted that elements of the interview were personal to the complainant by virtue of the relationship between the complainant and the interviewee. The Committee noted that there is a disparity regarding elements of the interview, specifically details relating to the complainant's mother, and that the complainant has been upset by the broadcast. However, the interviewee was expressing personal views on her own experiences and the Committee did not consider that the content of the interview contravened



public interest or caused harm in a manner which infringed the Code. Further, the Committee did not consider that the content of the discussion or the views put forward by the interviewee unreasonably encroached upon the complainant's privacy.

With regard to the inclusion of a photograph featuring the complainant as a child, the Committee observed that the broadcaster failed to notify the complainant with regard to the inclusion of the photograph in the programme. It further noted that prior notification might have minimised the effect of the programme on the complainant, particularly given the content of the programme. The Committee noted that broadcasters should have editorial controls in place to ensure that an individual's right to privacy is not unreasonably encroached upon, either in the means employed to make the programme or in the programme material broadcast. However, the Committee had regard to the programme content and noted that the complainant was not named, further, the reference to the photograph was brief. It was the view of the Committee that it was unlikely that the complainant was easily identifiable based on the inclusion of the photograph in the programme given that she was not identified by name during the programme in reference to the photograph and because the photograph was of her as a child and not an adult. On balance, the Committee did not consider that the inclusion of the photograph unreasonably encroached upon the complainant's privacy. As such, the complaint was rejected.



Rejected by Executive Complaints Forum

Complaint Reference Number	C5279
Complainant	S. Purcell
Station	RTÉ Radio One
Programme Name	Liveline
Broadcast Date	23 rd December 2019
Broadcast Time	13:45 – 15:00
Programme Description	A light entertainment phone-in show broadcast each weekday afternoon.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 6.

Complaint Summary

The complaint relates to a segment in the programme in which listeners vote for the highs and lows of 2019. The segment takes place annually, as the broadcast which is the subject of the complaint was aired at the end of 2019, it also reviewed the highs and lows of the decade 2010 – 2019.

The complainant states that the presenter read out the highs and lows for 2019, as voted by the listeners. Following this, the presenter and a panel discussed the highs and lows associated with each year during the decade before informing listeners that they could cast their votes on the high and low of the decade.

The complainant states that Liveline listeners voted the vandalization of the Haunted Soldier, a World War One memorial sculpture, as the lowest point in 2018, with climate change being voted in second place. The complainant claims that this was confirmed on the RTÉ website.

The complainant states that the destruction of the sculpture was not included in the vote for the decade and believes that it should have been included as it was voted as the lowest point in 2018. Instead, the complainant states that climate change was included, even though it was voted in second place in 2018. The complainant believes that this was incorrect and that the listeners' votes were not respected.

Broadcaster Response Summary

The broadcaster is of the view that Liveline is a light entertainment phone-in and chat show. The broadcaster states that, given that the programme aired the day before Christmas Eve, the programme team aimed to avoid the subject of death and disasters. The broadcaster states that the programme is aimed to stimulate chat and to reflect over the past year and, in this programme, the past decade.

The list of high and low points of the decade was compiled by the production team from previous lists, however, the team did not necessarily choose the event which was voted top high or top



low each year. The production team considered the decade in its entirety and deemed which should be included in the list in the context of the past decade. The broadcaster states that this is a reasonable approach as a point of reflection and strongly rejects the allegation that it changed or disrespected listener votes.

The broadcaster states that the list was not purported or intended to be an official list of highs and lows. Further, the broadcaster does not consider that the content could be considered as being unfair or misleading to the audience.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Programme Standards – Principle 6: Protection of the Public Interest. The Code requires that broadcasters ensure competitions and voting are conducted fairly under rules made known to the audience so as not to mislead the audience.

The Forum noted that the complaint relates to a panel discussion during which the presenter listed the highs and lows of the decade. The Forum had regard to the complainant's view that, by not including the vandalization of the Haunted Soldier in the discussion of the lows of the decade, the broadcaster ignored and disrespected the views of listeners as this act had been voted as one of the lowest points by listeners in 2018.

In considering this complaint, the Forum had regard to the context and format of the programme. The Forum noted that each year, the programme holds a panel discussion about the highs and lows of the year, as voted by listeners. However, as the programme in question was broadcast at the end of the decade, the programme also included a discussion on the highs and lows of the decade. The Forum considered that this was a legitimate editorial approach to the discussion.

The Forum noted that the complainant is correct in her assertion that the vandalization of the statue was voted as the number one low in 2018. However, at the outset of the programme, the presenter set out the parameters for the discussion; the presenter stated that the panel would discuss the various highs and lows as voted by the public, but individual panellists would also discuss their choice of highs and lows. The broadcaster did not state that the final top ten list would reflect the number one choice from the preceding ten years.

The Forum noted that during the discussion the presenter reflected the fact that the vandalization of the statue was voted number one in 2018. In this context, the result of the 2018 vote was accurately reflected in the discussion. The Forum had regard for the fact that this act was omitted from the top ten lows for the decade, however, it did not consider that this omission misled audiences or infringed the requirements of the Code. In reaching this determination, the Forum had regard to the editorial independence of the broadcaster, which allows it to choose the topics



for discussion. Further, the Forum noted that the broadcaster clearly established the parameters of the discussion and was transparent with regard to the approach it adopted.

The Forum was of the view that the broadcast did not infringe the Code of Programme Standards in the manner outlined by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5282
Complainant	Mr. Shay Duffy
Station	Virgin Media One
Programme Name	News at 5.30
Broadcast Date	6 th January 2020
Broadcast Time	17:30
Programme Description	News programme broadcast each evening at 17:30
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rule 4.17

Complaint Summary

The complaint refers to an item on the news regarding a report on the death of Qasem Soleimani, an Iranian general.

The complainant claims that the report stated that President Trump had identified 52 Iranian cultural sites as potential targets. The complainant states the report was inaccurate and states that it would have been correct to state that President Trump had identified 52 targets, some of which were cultural. It is the view of the complainant that this report was inaccurate and misleading.

Broadcaster Response Summary

The broadcaster maintains that their report covered the day of mourning in Iran after the killing of Qasem Soleimani, the tensions between Iran and the US and President Trump's tweet about possible targets selected in the event of an Iranian military response to the killing of Soleimani.

The broadcaster considers that its report conveyed the central message that President Trump said cultural targets had been selected for attack in the event of Iranian military action. The broadcaster maintains that there is no substantive difference between its broadcast that "he had earmarked 52 Iranian cultural sites as potential targets" and President Trump's originating tweet, which stated "targeted 52 Iranian sites (representing 52 American hostages taken by Iran many years ago), some at a very high level and important to Iran and the Iranian culture, and those targets and Iran itself, will be hit very fast and hard...".

The broadcaster states that any discrepancy between President Trump's tweet and its report was so minor as to be insignificant and did not affect the overall accuracy of the report.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rule 4.17. The Code requires that news and current affairs



content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time of preparing and broadcasting the content.

The Forum noted that the complaint related to a news report on a day of mourning following the death in of General Qasem Soleimani. The focus of the complaint was the reference to President Trump's tweet regarding possible targets selected in the event of an Iranian military response.

The Forum had regard for the complainant's view that the news report was inaccurate as President Trump had tweeted that 52 possible targets had been identified, some of which were cultural, whereas the reporter stated that the President had announced the possibility of attacking 52 cultural targets. In the view of the complainant, this led to the report being inaccurate.

The Forum was of the view that the focus of the report was the death of the General. The Forum noted that the report did not reflect the exact meaning of the tweet, however, it did not consider that the reference to '52 cultural targets' had a material effect on the accuracy of the report. The Forum considered the report in whole and in context and was of the view that the report was presented in a manner which was objective and impartial. On this basis, the Forum did not consider that the broadcast infringed the Code in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5285
Complainant	Mr. Philip Donnelly
Station	RTÉ Radio 1
Programme Name	Morning Ireland
Broadcast Date	16 th January 2020
Broadcast Time	07:00 – 09:00
Programme Description	Breakfast news and current affairs programme broadcast on weekday mornings.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.17 and 4.19 and 4.20.

Complaint Summary

The complaint refers to a news item on Morning Ireland about the suspended deportation of a family from their home in Cork. The complainant considers that the item was factually inaccurate.

The complainant states that while referring to a family having their deportation order suspended, the report stated that the family had come to Ireland from Saudi Arabia. The complainant claims that this is incorrect and states that the family came to Ireland from the United Kingdom and that deportation would have seen the family returned to the UK and not to Saudi Arabia.

Broadcaster Response Summary

The broadcaster states that as the period spent by the family in the UK was extremely short and is of the view that the family was effectively in transit through that jurisdiction. The broadcaster maintains that it is therefore accurate to report that the family had come to Ireland from Saudi Arabia.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for this decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.17, 4.19 and 4.20. The Code requires that news and current affairs content should be presented with due accuracy; that views and fact must not be presented in a manner which is misleading. The Code also requires that a significant mistake should be acknowledged and rectified speedily.

The Forum noted that the complaint referred to a news item regarding the suspended deportation order of a family of asylum seekers. The report stated that the family had come to Ireland from Saudi Arabia. However, the complainant claims this was an error as the family came to Ireland from the United Kingdom and not from Saudi Arabia.



The Forum was of the view that the focus of the item was that the deportation order of the family was postponed following a last-minute intervention by the Minister for Justice. The Forum found that although Saudi Arabia was named as their last country of residency, this was supplementary to the overall information being imparted in the brief news report. The Forum did not consider that the reference to Saudi Arabia constituted a significant mistake, or that it rendered the item misleading.

The Forum did not consider that the broadcast infringed the Code in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5287
Complainant	Mr. Richard Mitchell
Station	Newstalk 106 -108FM
Programme Name	Moncrieff
Broadcast Date	20 January 2020
Broadcast Time	14:00 – 16:00
Programme Description	A light entertainment programme covering a variety of topics broadcast each weekday afternoon.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1 and 4.2. Broadcasting Act 2009 – Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 3.

Complaint Summary

The complaint relates to an interview with a representative from Transform Drugs Policy Foundation about the abuse of nitrous oxide.

The complainant claims that the interview was presented in a manner which would result in listeners believing that the views of the interviewee were those of an independent expert, rather than those of a representative of a lobby group. The complainant maintains that the stated aim of the Transform Drugs Policy Foundation includes the legalisation of amphetamines, powder cocaine and MDMA. The complainant claims that the interview resembled more of a promotional piece for drug use rather than an informational item, with the emphasis on the popularity and pleasure resulting from drug use, without mention of the negative effects.

The complainant claims that the presenter failed to challenge the interviewee and is of the view that no alternative views were offered. The complainant states that the HSE had issued a warning regarding the recreational use of nitrous oxide but that this was not read out.

Broadcaster Response Summary

The broadcaster states that the interview in question concerned the HSE warning about the increased use of nitrous oxide recreationally in Ireland. The broadcaster invited the HSE to participate in the programme but states that no spokesperson was available. The broadcaster then invited a representative of Transform Drugs Policy Foundation to participate. The broadcaster states that the aim of the Foundation is to reduce the risks associated with drugs while, in certain cases, advocating for the legalisation of drugs. The broadcaster states that the interviewee has been widely published on drug policy and has advised governments across the world of policy reform.

The broadcaster maintains that the segment was an information piece designed to put the HSE warning in context for listeners. The prevalence, risks and everyday use of the nitrous oxide was discussed, and the interviewee stated at one stage that the best way to avoid risks is to avoid its use.



The broadcaster states that the interview was a factual piece which explored all the reality of using the drug in question. Further, the broadcaster states that the HSE warning was referenced during the segment.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was submitted under the Code of Fairness Objectivity and Impartiality Rules 4.1 and 4.2 and the Code of Programme Standards – Principle 3. The Code requires that broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum noted that the complainant considered that an interview with the representative from Transform Drugs Policy Foundation was presented in a manner which would lead listeners to believe that the interviewee was an independent expert, rather than a representative of a partisan lobby group.

The Forum was of the view that this was a factual piece intended to warn listeners about the dangers of the recreational use of this gas in Ireland. The presenter provided context for the interview, which related to a warning issued by the HSE regarding the increased use of nitrous oxide. The Forum found that the interview was an analytical look at the use of the drug and the interviewee did not encourage its use, rather the interviewee warned of the dangers of using this or any drug. The Forum found that the interview was carried out in a fair, impartial and objective manner and did not encourage the use of illegal drugs as stated by the complainant.



Complaint Reference Number	C5291
Complainant	Mr. Liam Doran
Station	RTÉ One
Programme Name	The Week in Politics
Broadcast Date	1 st March 2020
Broadcast Time	12:00
Programme Description	Current Affairs programme focused on politics.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1, 4.2, 4.28.

Complaint Summary

The complaint refers to the panel discussion on the Seanad elections which were upcoming at the time of broadcast.

The complainant believes that the programme failed to give Sinn Féin a fair hearing as there was no Sinn Féin representative on the panel. The complainant states that one Sinn Féin representative featured in the programme, however, they only appeared briefly twice, by way of one pre-recorded interview. The complainant claims that no one from Sinn Féin, therefore, had the chance to challenge the Fine Gael and Fianna Fail Seanad candidates featured in the programme.

The complainant believes that, given the fact that Sinn Féin won 37 seats in the General Election in February, they should have featured on the panel. A Fine Gael candidate, on the other hand, was on the panel despite that party having gained fewer seats in the election.

Broadcaster Response Summary

The broadcaster states that it is not possible to represent all parties on any one programme and therefore a Sinn Féin candidate for the Seanad election was featured in the report and was also featured in the headline at the beginning of the programme. Furthermore, the broadcaster points out that Sinn Féin did not issue the names of their candidates standing for the Seanad elections until after the programme was first broadcast at midday on Sunday 1st March. The broadcaster also notes that Sinn Féin has been represented on this programme panel in seven out of 10 programmes since the beginning of the year.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1, 4.2 and 4.28. The Code requires that news and current affairs content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time of preparing and broadcasting the content and that broadcasters and programme makers shall adhere to all legislative requirements when sourcing, compiling, producing and presenting news and current affairs content.



The Forum noted that the complaint related to the makeup of the panel on *The Week in Politics* in which a representative from Fianna Fáil and Fine Gael participated, while no representative of Sinn Féin was invited, even though Sinn Féin have more sitting TD's in the Dáil, following the result of the General Election.

The Forum had regard to the complainant's view but noted that there is no requirement to include every party in a panel discussion or to give equal airtime in each broadcast. The make-up of a panel is an editorial decision that lies with the broadcaster and the Forum did not consider that the make-up of the panel led to the programme being unfair or partial. In reaching this decision, the Forum had regard to the fact that, at the time of broadcast, Sinn Féin had not issued candidate names for the Seanad elections. Further, the Forum noted that a representative of Sinn Féin was included by way of a pre-recorded item at the introduction to the programme, and the views of the Sinn Féin president were also represented later in the programme.

On this basis, the Forum did not consider that the broadcast infringed the Code in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5293
Complainant	Mr. John Hughes
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	17 th February 2020
Broadcast Time	22:35
Programme Description	Current affairs programme broadcast each week.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1 and 4.2.

Complaint Summary

The complaint relates to a segment of the programme which featured a discussion on the results of the Irish General Election on 8th February.

The complainant is of the view that the segment failed to be fair or impartial as it included a person who had been a victim of IRA violence. The complainant states that there were many groups involved in the conflict in Northern Ireland, with many victims on all sides. The complainant believes that it was unfair to only invite a guest to represent one-side of the conflict, without inviting others to share their experiences.

Broadcaster Response Summary

The broadcaster states that the discussion related to the results of the 2020 Election which saw Sinn Féin win an unprecedented number of seats. The broadcaster states that Sinn Féin has a long-established connection with the provisional IRA and noted that a TD expressed support for the IRA during a victory celebration following the election.

The broadcaster states that it was in this context that they invited the sister of an IRA victim to participate in the programme. The broadcaster notes that neither loyalists nor the British government had any candidates in the election and, therefore, it was not as relevant to include other victims.

Decision of Executive Complaints Forum

Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for this decision is set out below.

The Forum noted the complaints were submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1 and 4.2. The Code requires that in their treatment of news and current affairs, broadcast matter is presented with fairness, objectivity, impartiality and with due accuracy.



The Forum noted that the programme discussed the results of the General Election on 8th February 2020 and that the complaint related to the inclusion of the sister of an IRA victim in the programme. The complainant is of the view that the programme failed to be fair or impartial as it did not include anyone who was victimised by other groups, such as loyalists.

The Forum was of the view that as the programme covered the topic of the General Election, it was relevant to discuss Sinn Féin as they received a substantial number of additional TDs following the election. The Forum noted that the programme discussed the fact that one of the successful Sinn Féin candidates had shown support for the IRA and it was in this context that the guest had been invited onto the programme. The Forum noted that the broadcaster retains editorial independence and may choose how to approach a topic. Further, there is no requirement for broadcasters to cover every possible viewpoint on a subject matter. The Forum considered that the programme was presented in a manner which was fair and impartial and did not consider that the content infringed the Code in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5299
Complainant	Mr. Michael Lenehan
Station	RTÉ Radio One
Programme Name	Drivetime
Broadcast Date	27 th February 2020
Broadcast Time	17:00
Programme Description	Current affairs programme broadcast on weekdays.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.17, 4.19 and 4.20.

Complaint Summary

The complaint refers to a report on a humanitarian crisis in the Syrian province of Idlib. The report related to the conflict in Idlib and the effects on civilians living there.

The complainant states that the presenter began the report by stating that “...conditions continue to worsen for the displaced civilians in this region who’ve been caught in a crossfire between the Syrian government forces and rebel groups”. The complainant is of the view that this statement was factually incorrect and misrepresents the actual situation. The complainant states that the civilian population in Idlib has been deliberately targeted by the Assad regime and considers that it is important for listeners to understand this.

The complainant believes that the use of the term “crossfire” is particularly problematic as its definition relates to firing in combat from two or more points so that the lines of fire cross. The complainant believes this is misleading as to the nature of the situation in Idlib.

Broadcaster Response Summary

The broadcaster states that the introduction to the report was factual and accurate. The broadcaster claims that when the item was broadcast, the Syrian government was conducting military strikes in the region. The broadcaster further states that Idlib is the last stronghold of the rebel fighters that tried to overthrow Assad and contends that this was widely reported internationally.

The broadcaster maintains that the discussion explored many different aspects of the story with two expert guests in a manner which was fair and objective. The broadcaster is of the view that the broadcast was fully compliant with all statutory and regulatory provisions.

Decision of Executive Complaints Forum

Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for this decision is set out below.



The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.17, 4.19 and 4.20. The Code requires that broadcast matters are presented with due accuracy, should not be misleading and any significant mistake be acknowledged and rectified in an appropriate and proportionate manner.

The Forum noted that the complaint refers to a report on a humanitarian crisis in the Syrian province of Idlib and the statement that "...conditions continue to worsen for the displaced civilians in this region who've been caught in a crossfire between the Syrian government forces and rebel groups". The Forum noted that the complainant believes that this statement and the use of the word 'crossfire' rendered it factually incorrect and misrepresented the actual situation.

The Forum found that the focus of the report was on the displacement of civilians and the impact of war on the civilians. The Forum considered this to be a factual discussion about the plight of the civilians, it was not a broader discussion about the conflict. The Forum noted that the report did not identify the people or groups responsible for the attacks as this was not the focus of the discussion.

The Forum considered the report in full and determined that the use of the term 'crossfire' did not render the item unfair or partial. Further, the Forum did not consider that the report contained a significant mistake as to render the item misleading. The broadcast did not infringe the Code in the manner described by the complainant. As such, the complaint was rejected.