



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

February 2021



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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 Executive Complaints Forum of the BAI. The decisions of the Executive Complaints Forum were reached at meetings held on 20th October, 3rd November and 15th December 2020.



Rejected by Executive Complaints Forum

Complaint Reference Number	C5361
Complainant	Philip Chambers
Station	RTÉ One
Programme Name	Liveline
Broadcast Date	4 th June 2020
Broadcast Time	13.45 – 15:00
Programme Description	Daily phone-in programme featuring a variety of subject topics
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 refers to an interview with former US Ambassador to the UN, and member of the US Democratic Party, Samantha Power.

The complainant claims that the interview amounted to a party-political broadcast on behalf of the Democratic Party, which lasted for 45 minutes without interruption. The complainant also claims that the presenter criticised and denigrated President Trump by showing his obvious dislike of the President, bordering on hatred. The complainant states that he would not expect the presenter of Liveline to reveal his biased opinion during an interview. The complainant believes the only way to balance this interview is to invite a supporter of the Republican Party in the US onto the programme and provide them with the same timeframe to put forward their support for President Trump.

Broadcaster Response Summary

The broadcaster maintains that this was not a party-political broadcast but an interview with a well-established academic and former UN Ambassador. The interview was in the context of the programme's ongoing coverage of events occurring in the US at the time of broadcast, particularly with regard to the US President. The programme included Irish and American contributors and callers both in support of, and against, the President, being featured on the programme. The broadcaster rejects the assertion that the presenter was biased in their handling of the interview and states that regular listeners to the show are familiar with the presenter's robust and challenging style of interview.

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 in News and Current Affairs – Rules 4.1 and 4.2. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy or the



subject of current public debate, is fair to all interests concerned and that audiences have access to a wide variety of views on the subject.

The Forum found that this was an interview with a former US Ambassador to the UN who also happens to be a member of the US Democratic Party. Having listened to the broadcast, the Forum found that this was a wide-ranging interview which covered recent events in the US, referring in particular to the death of George Floyd, the subsequent protests and how these were handled by the US Administration. The Forum noted that one contributor, Samantha Power, is a member of the Democratic Party in the US. However, the Forum was of the view that the interview itself did not constitute a party-political broadcast.

The Forum was of a view that a range of matters regarding President Trump were discussed, sometimes robustly, however, this is in keeping with the presenter's style and regular listeners would be familiar with the type of approach adopted in discussing the topic.

The Forum did not find evidence in the broadcast to support the view of the complainant that the presenter displayed bias or that the programme was unfair, unobjective or partial.



Complaint Reference Number	C5366
Complainant	Rachel Drury
Station	Today FM
Programme Name	Dermot and Dave
Broadcast Date	4 th September 2020
Broadcast Time	11:00
Programme Description	Light entertainment show featuring a broad range of topics
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint refers to the words of an on-air jingle which the complainant found to be sexist.

The complainant states that there is a weekly segment in which one of the show's female producers provides an overview of upcoming shows on TV. A jingle is played before and after this segment which, in the view of the complainant, contains offensive, discriminatory and sexist remarks. The complainant particularly takes issue with the lyrics "you are fired" and "put on the kettle". The complainant found both remarks derogatory and offensive and is of the view that the jingle sends the wrong message to female listeners. The complainant further notes that the show does not include similar references aimed towards men.

Broadcaster Response Summary

The producer in question provided a response to this complaint as she co-wrote the jingle. The producer states that the jingle is not designed to cause offence, rather it is a play on the producer-presenter relationship. The jingle is a joke which plays on the fact that the producer is the presenters' manager and, as such, could not be fired by the presenters. In addition, the kettle reference is a cheeky play on the presenters asking their boss to make them a cup of tea. The broadcaster states that gender has no relevance to the content of the jingle.

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 Programme Standards – Principle 5. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity.

The Forum acknowledged that the complainant found the jingle to be offensive and was of the view that the lyrics of the jingle were derogatory and sexist towards females. Having listened to the broadcast, the Forum considered that the jingle was light-hearted and would be understood by listeners to be intended as a joke. The Forum noted that the Code states that broadcast material



shall not stigmatise, support or condone discrimination or incite hatred against a person or group in society. In addition, broadcast material should only emphasise gender when justified. The Forum had regard to the concerns raised by the complainant. However, the Forum did not find evidence in the jingle to support the views of the complainant. In reaching this decision, the Forum had regard to the response from the broadcaster, in which the producer stated that the jingle was a play on the relationship between the presenters and the producer. The Forum also had regard to the importance of context. The Forum noted that listeners would be familiar with the style of the programme and the content of the jingle was likely to align with audience expectations. Further, the Forum did not consider that the content emphasised gender or discriminated against women. In this regard, the Forum did not consider that the jingle was likely to cause undue offence.

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



Complaint Reference Number	C5373
Complainant	Robin Faughnan
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	7 th September 2020
Broadcast Time	10:00
Programme Description	Mid-Morning Show featuring Stories of the Day
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, 4.17 and 4.19.

Complaint Summary

The complaint refers to an interview with the Washington Correspondent for the Irish Times. The complainant is of the view that the interview was one-sided and failed to include the facts known at the time of broadcast. The complainant specifically takes issue with the discussion regarding an article published in 'The Atlantic' magazine in the USA.

The complainant states that during the interview, there was a discussion about a report in The Atlantic magazine which claimed that President Trump made disparaging remarks about American military personnel, both dead and alive, during a visit to France in 2018. The complainant claims that the presenter did not challenge the correspondent with regard to the veracity of claims made in the report. The complainant maintains that the article is being challenged and believes that RTÉ failed to reflect this in the broadcast. As such, the complainant considers that the broadcaster did not report the full facts which were available at the time of broadcast. The complainant acknowledges that the broadcast includes reference to the fact that the President denied the accusations made in the article, however, the complainant is of the view that the broadcast failed to include reference to the facts the President gave in support of this denial. In addition, the complainant states that the White House press office debunked many of the claims contained in the article but notes that these were excluded from the broadcast.

The complainant believes that the topic was treated in a manner which was designed to portray only one side of the story, regardless of the fact that the accusations had been denied by President Trump. The complainant also contends that the article was based on opinion, rather than the available facts.

Broadcaster Response Summary

The broadcaster states that the Irish Times correspondent reported objectively and accurately with regard to the claims made in the article in 'The Atlantic', as well as the reaction to the article. The broadcaster maintains that during the interview, it was reiterated that there were issues with credibility. The interviewee stated that the journalist responsible for the article is well-respected and stated that he is standing by the article. The broadcast also included a clip of an interview with President Trump, in which he strongly denied the allegations included in the article.



The broadcaster maintains that the claims were reported objectively and impartially, with repeated reference to the questions surrounding the story as well as the denials in response to it.

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 in News and Current Affairs – Rules 4.1, 4.2, 4.17 and 4.19. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned. Section 4.17 requires that news and current affairs are presented with due accuracy having regard to the facts known at the time. Section 4.19 also requires that view and facts are not misrepresented or presented in such a way as to render them misleading.

Having listened to the footage, the Forum found that the report in 'The Atlantic' magazine referred to the allegation that, during his trip to France, President Trump made derogatory remarks about military veterans. The Forum noted that the interview with the Irish Times correspondent began with her stating "...there are issues about credibility and sources ...nobody is quoted directly in this article...". Shortly afterwards, the broadcaster played a clip which featured President Trump denying claims made in the magazine article.

The Forum was of the view that the disclaimer at the beginning of the interview and the inclusion of a clip of President Trump denying the content of the report in the magazine, clearly demonstrated that the accuracy of the article was disputed. The topic was presented and discussed in an objective and impartial manner. A range of viewpoints were represented and there was no evidence in the broadcast to support the contention that the item was one-sided or that facts were omitted or presented in a manner which would mislead audiences.

The Forum found no evidence in the broadcast to support the matters raised by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5376
Complainant	Aidan McGrath
Station	RTÉ One
Programme Name	Six One News
Broadcast Date	9 th November 2020
Broadcast Time	18:00
Programme Description	Evening news programme broadcast each evening at 6.01pm covering news, current affairs and sports results.
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 4.17

Complaint Summary

The complaint refers to a news report regarding the 2020 Presidential Election in America.

The complainant takes exception to the use of the term 'President Elect' when referring to Joe Biden. The complainant maintains that when an election outcome is unclear or disputed nobody should refer to any of the candidates as the 'President Elect'. The complainant maintains that, at the time of broadcast, the incumbent president, Donald Trump, had not conceded the election. Further, the complainant maintains that there are on-going reports of voter irregularities.

The complainant is of the view that RTÉ showed bias in using the term 'President Elect'. Additionally, the complainant believes that the broadcaster displays bias in its limited reporting regarding voting irregularities. The complainant takes particular issue with a comment made by RTÉ's Washington Correspondent, in which he stated that allegations of voter irregularities are "without evidence".

Broadcaster Response Summary

The broadcaster states that the term 'President Elect' is appropriate and valid and was used widely in America and globally. The broadcaster states that many world leaders and international organisations have acknowledged that Mr. Biden is the President Elect. The broadcaster further states that various Republican representatives have stated that there is no evidence of widespread voter fraud or electoral irregularities.

The broadcaster maintains that it reported that President Trump had not conceded the election and that his lawyers were issuing legal challenges. The broadcaster also reported on the reactions of supporters for both the President and the President Elect.

The broadcaster maintains that the report was factually accurate, fair and impartial.



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 in News and Current Affairs – Rules 4.1 and 4.17. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that it is presented with due accuracy having regard to the facts known at the time.

The Forum noted that the complainant takes exception to the use of the term 'President-Elect' when the broadcaster referred to Joe Biden. The Forum had regard to the view of the complainant that if the outcome of an election is unclear or disputed, neither candidate should be referred to as the President-Elect. The complainant was also of the view that the use of the words "without evidence" by the reporter when referring to allegations of irregularities in voting in the Election, displays bias on the part of the broadcaster.

The Forum noted that the term 'President-Elect' is a commonly used term, which has often been used to describe incoming Presidents. The Forum noted that the complainant took issue with the use of this term. However, the forum did not agree that its use to describe Joe Biden was evidence of non-compliance with the Act or Rules on the part of the broadcaster. Additionally, the Forum did not consider that the use of the term 'President-elect', rendered the report partial or inaccurate.

The Forum noted that the complaint also concerned an element of the report during which the broadcaster's Washington Correspondent stated that allegations of voter irregularities were without evidence. 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 correspondent stated that the allegations were "without evidence yet". However, there is no evidence in the broadcast to support the view that this statement, or any element of the report, was presented without due accuracy.

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