



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

October 2022



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BAI Complaints Handling Process

Viewers and listeners to Irish television and radio can complain about broadcasting content which they believe is not in keeping with the standards provided for in relevant provisions of the Broadcasting Act 2009 and/or the Broadcasting Authority of Ireland's Codes. Complaints are required to identify the relevant programme or commercial communication and the related date and time of broadcast. The complainant is asked to explain what it is about the broadcast that has led them to make a complaint and why the programme material or commercial content does not comply with the relevant legislation or BAI Codes. 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 general, the viewer or listener should direct their complaint to the broadcaster in the first instance and in the manner set out in the broadcaster's Code of Practice for Handling Complaints, a document which each broadcaster is required to have available on its website. If a complainant 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), the complaint may be referred to the BAI for consideration.

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

This document contains copies of the most recent complaints decisions made by the Compliance Committee and the Executive Complaints Forum. The decisions concern whether a programme or a commercial communication did or did not comply with the relevant legal requirements and/or Codes. The decisions do not constitute endorsement or support for the views of any party to a complaint nor do they address every aspect of a complaint submission. The BAI does not carry out a separate or independent assessment outside of the matters raised in the complaint.

During the period from May to August 2022, the Compliance Committee considered and rejected one (1) complaint. The Executive Complaints Forum considered and rejected seven (7) complaints.

The decision of the Compliance Committee was reached at a meeting held on 27th June 2022. The decisions of the Executive Complaints Forum were reached at meetings held on 20th June, 13th July and 16th August 2022.



Rejected by Compliance Committee

Complaint Reference Number	C5678, C5679, C5680 and C5681
Complainant	John Hogan
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	3 rd , 4 th , 7 th and 8 th February 2022
Broadcast Time	13:45
Programme Description	Weekday caller driven programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.7, 4.8, 4.17, 4.18 and 4.22; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 7.

Complaint Summary

The complaint concerns four episodes of Liveline covering the topic of business awards given by The Public Sector Magazine. The context for the topic was a well-known company announcing it had won an Excellence in Customer Services Management award from this magazine, which prompted callers to the programme to question how this company had merited such an award. Other callers to the programme then provided personal accounts of dealing with the magazine in question, alleging that its awards were linked to advertising spend with the magazine.

The complainant, who is the owner of the magazine, alleges the broadcasts:

- did not ensure fairness to all interests concerned;
- were not presented in an objective and impartial manner;
- contained expressions of the broadcaster's own views;
- contained content that could reasonably be regarded as causing harm and has already caused harm to the company owning the magazine, including its directors, employees, servants or agents;
- unreasonably encroached upon the privacy of individuals;
- contained incorrect or misleading information that has impugned the reputation of the magazine and individuals, and,
- defamed the magazine and individuals associated with it.

In support of the above allegations, the complainant contends that:

- The presenter expressed his own views “as he rang gongs like a game show host” while mocking the magazine;
- The presenter incorrectly asserted that the magazine did not respond to requests for information, with the exception of a statement from a PR company;



- No time was afforded to the magazine or its directors to consider an appropriate response to the matters raised;
- The programme, unreasonably and unfairly, sought confidential and commercially sensitive information of the business, with a view to broadcasting it;
- Comments by the presenter about the business premises of the magazine incorrectly implied that it does not operate legitimately and/or is a sham and no opportunity was given to explain this;
- Comments by the presenter that linked the business premises being empty to 'children's allowance day' were clearly intended to cause damage to the magazine;
- The presenter did not invite similar award schemes to participate in the broadcast for "balance";
- The presenter stated he could not get a hard copy of the magazine, wrongfully implying that the magazine was not published in hard copy, and there were no positive comments about the publication;
- Programme makers contacted clients of the magazine with the intention of causing reputational damage;
- Contributors to the programme were selected to suit the programme's agenda and did not include a client, contacted by the programme makers, who had a positive experience with the magazine;
- The presenter only partly reported and was misleading in how he covered RTÉ's business relationship with the magazine;
- The presenter wrongfully conveyed that the magazine was engaged in defrauding charities or wrongfully seeking money from charitable organisations and it was conveyed that the magazine preyed on vulnerable charities;
- One of the programme makers contacted staff of the magazine and a family member in a manner that constituted harassment, failed to outline all the matters that would be covered in the broadcasts and did not allow time for a considered response to the issues; and,
- The magazine has been irreparably damaged by the broadcasts and the broadcasts caused distress and harm to its directors, employees and freelance workers.

The complainant believes the presenter did not conduct the broadcasts in an impartial manner and expressed his personal views. The complaint contends that the broadcaster did not accurately or fairly reflect the views of those who chose not to participate in the broadcasts.

Broadcaster Response Summary

The broadcaster does not accept that the broadcasts were in breach of relevant standards in the Broadcasting Act 2009 or BAI Codes.

The broadcaster notes the topic became a discussion item when people called the programme to draw attention to a social media post by a well-known company announcing it had won an award for excellence in customer services. The broadcaster states the broadcasts featured numerous callers recounting their poor experience of customer service with this company and questioning how the company had won such an award. The presenter asked who, and in what circumstances, was this company nominated for the award and how the award was adjudicated upon and by whom. The broadcaster notes that, following the first broadcast, more callers then came forward to speak of their



experience with the magazine and of being told that awards were only given on condition of paid advertising.

The broadcaster maintains that the programme makers made repeated efforts by phone and email to have the complainant and/or a representative of the magazine on the programme to discuss the issues that had arisen or to issue a detailed statement in response to specific questions.

The broadcaster states that specific questions were put to the complainant, his colleagues and the publication and that no one addressed the central questions around the basis for the awards, such as the audited circulation of the magazine, the process for nomination, the criteria to be applied, the make-up and remit of the judging panel or whether the granting of an award was conditional on payment for advertising. The broadcaster believes these questions were reasonable and fair and demonstrably in the public interest.

The broadcaster is satisfied that every reasonable effort was made to give the complainant the opportunity over several days to address the issues raised in the broadcasts by statement or by interview. This included contacting the spouse of the Editor of the magazine when no response was received from the Editor. The broadcaster believes the contacts made were in the public interest.

The broadcaster notes that a statement on behalf of the magazine was read out on air. The broadcaster believes that the broadcasts were fair, in the context of the magazine having provided only “limited” responses, which did not address its specific questions.

The broadcaster further notes that Liveline is caller-driven and reflects the views of people calling into the programme. The broadcaster believes the presenter was fair to the magazine and noted the presenter challenged a view expressed by one caller that the magazine was “taking advantage” of people. The broadcaster disputes the complainant’s contention that one of the magazine’s clients was willing to speak on the programme to say that he had not paid for an award; the broadcaster states that it was notified by the complainant in writing that this person did not want to be contacted by the programme makers.

The broadcaster believes the four broadcasts were fully compliant with all the broadcasting statutory and regulatory provisions.

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 Compliance Committee decided to reject the complaint. The reasons for the Committee’s decision are set out below.

The broadcasts were four episodes of Liveline with caller-driven discussions about an award for customer service given by a magazine to a well-known company. The discussions initially focused on caller views about whether the company merited the award and then shifted to a discussion about the award scheme itself and the magazine running it. The complaint was submitted by a representative of the magazine.



Fairness, Objectivity and Impartiality

The complaint was submitted under rules 4.1, 4.2, 4.7, 4.8, 4.17, 4.18 and 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which may be summarised as follows:

- Current affairs broadcasts must be fair to all interests concerned and presented in an objective and impartial manner, without any expression of the broadcaster's own views.
- In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.
- Broadcasts are required to clearly report where a person or organisation refuses to contribute to the programme and to reasonably report their explanation for that if it could be deemed unfair not to.
- Broadcasts are required, in so far as is practicable, to reflect the views of a person or organisation who is not participating in the programme, and to do so fairly.
- News and current affairs must be presented with due accuracy, having regard to the circumstances and facts known at the time.
- Current affairs presenters shall not express their own views such that a partisan position is advocated. Presenters are required to ensure there are a wide variety of views on a subject, facilitate the expression of contributor's opinions and reflect the views of those who cannot or choose not to participate in the programme.
- The Code allows for two or more related broadcasts to be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

The Committee is satisfied the broadcasts were related broadcasts by the manner in which the topic was presented to the audience across the broadcasts.

The Committee is not certain whether the change in editorial line had been planned but is satisfied that there is a clear public interest in discussing the business model of these award schemes and in airing the views of people who have engaged in or been approached to participate in such schemes.

The Committee noted the range of contributions, and the tone of the broadcasts was largely critical of this award scheme and such schemes, generally. This is not unusual in broadcasts where the discussion of a topic is driven by callers, however, the broadcaster is obliged by statutory and regulatory standards to be fair to all interests concerned. Meeting the obligations of fairness does not necessarily mean that all viewpoints on an issue must be broadcast, but it does require that the views of absent parties are fairly reflected. In this regard, the Committee noted the repeated and concerted efforts of the broadcaster to contact the magazine at the centre of this story to respond to questions in writing, to participate in the broadcasts and to make a statement on the issues raised in the story. Representatives of the magazine declined to participate in the broadcasts, as they are entitled to, and the Committee acknowledged that contributing to a programme of this nature can be challenging. However, the magazine did provide a written statement, which was read out in the broadcast. Considering the broadcasts as a whole and the treatment of the topic and of the



contributors overall, the Committee is satisfied the statutory and regulatory requirements of fairness were met in the broadcasts.

The Committee considered the manner and style in which the topic was presented was, at times, very robust and challenging. The Committee noted some of the presenter's comments, for example, in relation to the business premises of the magazine appearing vacant, the suggestion that the magazine preyed on vulnerable charities, and that it did not have a printed copy of the magazine, were bordering on unfair. However, the Committee did not believe the audience would have been misled on the topic under discussion and the Committee also acknowledged that this was in keeping with the presenter's and the programme's usual style, which is well-established and in keeping with audience expectations. The Committee did not find that the presenter expressed a view such that a partisan position was advocated.

Programme Standards

The complaint was submitted under a provision of the Broadcasting Act 2009 which requires broadcasters to ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence. The complaint was also submitted under Principle 7 of the Code of Programme Standards. This Principle provides that broadcaster shall respect the privacy of the individual and ensure that it is not unreasonably encroached upon either in the means employed to make the programme or in the programme material broadcast.

The Committee noted that the complaint under privacy and harm and offence chiefly relates to the manner in which the broadcaster contacted various representatives of the magazine and the impact of broadcasting this story on people connected to the business. As noted above, the Committee is satisfied that the broadcasts met the requirements of fairness, objectivity and impartiality in how the topic was treated and is of the opinion the audience would not have been misled on the topic. While the Committee acknowledges the possible negative impact coverage of this story may have had on the magazine and those connected to it, the Committee also recognises a clear public interest in this story being covered. The Committee also noted that it is an essential element of journalism to contact people relevant to a story to offer them the opportunity to give their views and respond to any questions in relation to the story. The Committee is satisfied that the measures taken by the broadcaster, in this instance, were appropriate in the context of it carrying out this journalistic role and did not unreasonably encroach on the privacy of the individuals concerned.

The Committee concluded the broadcasts had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. Accordingly, the Committee rejected the complaint.



Rejected by Executive Complaints Forum

Complaint Reference Number	C5689
Complainant	Donnachadh O'hEarcáin
Station	RTÉ News Now
Programme Name	Prime Time
Broadcast Date	6 th March 2022
Broadcast Time	21.30
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1.

Complaint Summary

The complaint concerns a discussion on a Prime Time programme broadcast on the RTÉ News Now station regarding the war in Ukraine.

The complainant believes the broadcast portrayed only one side of the story of the war in Ukraine. The complainant maintains the presenter made little effort to allow the audience to understand how the conflict could easily have been avoided, why it finally began or how it might easily end. The complainant claims that the presenter positively nudged one of the “biased” guests towards implying NATO should become involved in the conflict.

Broadcaster Response Summary

The broadcaster states that the complainant was vague and very general in his submission of this complaint stating the presenter “positively nudged one of her guests towards implying NATO should become involved in the conflict”.

The broadcaster states that it considered the two studio interviews in the broadcast in the context of this complaint, which were with a columnist from the Moscow Times and a Professor of Politics in DCU.

The broadcaster found no NATO-related questions in the first interview. In the second interview, the presenter asked four questions of the Professor. The first sought his assessment of where events stood at that time; the second asked about Ukrainian calls for a ‘no-fly’ zone; the third asked if diplomacy had failed and the fourth question asked how President Putin might react if he felt cornered.

The broadcaster refutes the claim that the presenter “positively nudged one of her guests towards implying NATO should become involved the conflict”, noting that the presenter made no mention of NATO.



The broadcaster maintains the presenter mentioned calls from Ukraine for a 'no-fly' zone and referenced people saying that such zones could not be provided and asked one of the interviewees for his view.

The broadcaster states that the complainant declined to provide any specific details to assist in identifying which interviewee he was referring to and distorted and misrepresented the question that was asked. The broadcaster claims the question was entirely neutral and it was up to the guest to respond. The broadcaster believes it is not acceptable for the complainant to make vague, unspecified assertions and leave it to the broadcaster to decipher what he is referring to.

The broadcaster believes there was no infringement of the Act or the BAI Code in the broadcast.

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 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, 4.1. The Code requires current affairs items be presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum first considered whether the broadcast did not meet the requirements of fairness, objectivity and impartiality in the range of contributors and perspectives included on the subject matter. The Forum noted that the Code does not require programmes to feature all viewpoints on an issue to be fair, objective and impartial in its treatment of a subject. However, there is an expectation that the presenter will ensure that discussions on current affairs issues are balanced and that alternative perspectives are presented. In this case, the Forum had regard to the complainant's concerns regarding the portrayal of the war in Ukraine and the presenter's line of questioning about Ukraine joining NATO.

The Forum noted that the item comprised coverage of the war in Ukraine with reports on various aspects, including how it was being reported in the Russian media and the plight of refugees. In addition, it included expert interviews with a Moscow Times columnist and an academic who has lectured in Ukraine. The Forum noted that the selection of contributors is an editorial decision for the broadcaster and that there was no evidence in the broadcast content that the selection resulted in a programme that breached the Act or Codes as asserted by the complainant. Several questions were put to the interviewees, including how the war is viewed in Russia and requests for a no-fly zone. It was noted that the only reference to NATO was in the academic's response to this question. The Forum found there was no evidence of the presenter attempting to "nudge" guests into stating that NATO should become involved in the conflict. The Forum also found that there was no evidence in the broadcast content to support the complainant's view that the presenter's questions or body language breached the Codes.



The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5691
Complainant	Anthony Abbott King
Station	RTÉ Radio 1
Programme Name	The Brendan O'Connor Show
Broadcast Date	13 th March 2022
Broadcast Time	11:00
Programme Description	Mix of news, interviews, reports and discussion
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.17, 4.19, 4.20 and 4.22.

Complaint Summary
<p>The complaint concerns a discussion on the war in Ukraine and the contribution of a panelists on the programme.</p> <p>The complainant believes the content and presentation of the broadcast infringed the requirements of fairness, objectivity and impartiality by omitting explanatory context and clarification of assumed statements of fact and opinions by panellists.</p> <p>The complainant states that it is critical in advocating impartiality in broadcasting that there is fact checking of statements made on subjects broadcast and that there is full disclosure of that fact checking. The complainant claims one of the panellists on the programme, a lecturer in International Relations and EU Politics, made a significant number of 'statements of fact' and opinions without context or challenge by the presenter. The complainant cites the following examples:</p> <ul style="list-style-type: none">• That the Russian language was or is banned in Ukraine;• That East or Central Ukraine is ethnically and linguistically Russian; and,• That NATO or the West is responsible for the invasion of Ukraine, citing the 2008 NATO enlargement arrangements. <p>The complainant challenges these statements and questions the methodology in the selection and composition of the panel. The complainant believes there was bias and misinformation in the broadcast.</p>



Broadcaster Response Summary

The broadcaster does not believe the broadcast infringed the relevant statutory provisions in relation to fairness, objectivity and impartiality.

The broadcaster points out that the newspaper panel on the programme has a long and well-established expectation that the discussion is driven by the contributors setting out their views on the stories that are under consideration. The panellists are invited to offer their opinions on the issues and to discuss and debate these, while the presenter also intervenes to provide alternative views.

The broadcaster claims the panellists on this broadcast offered varying perspectives on the Russian invasion of Ukraine and the presenter offered different points of view on a number of occasions during the programme. The broadcaster notes that, at one point, the presenter put a tweet by a fellow academic in EU Politics to the panellist, directly countering her point of view.

The broadcaster believes the broadcast featured a wide range of views on the subject and was fully compliant with all the statutory and regulatory provisions.

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 reasons for the decision are set out below.

The broadcast refers to the views expressed by one of the panel members, a lecturer in International Relations and EU Politics in Dublin City University, which the complainant believes were statements of fact and opinions that were provided without context.

The complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.17, 4.19, 4.20 and 4.22. The Code requires current affairs items be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code requires that current affairs content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time. The Code requires that views and facts shall not be misrepresented or presented in such a way as to render them to be misleading. The Code also requires that a significant mistake should be acknowledged and rectified speedily. The Code further provides that current affairs presenters shall ensure the audience has access to a wide variety of views on a subject and shall not express their own views such that a partisan position is advocated.

The Forum first considered whether the broadcast did not meet the requirements of fairness, objectivity and impartiality in the range of contributors and perspectives included on the subject matter. The Forum noted that the Code does not require programmes to feature all viewpoints on an issue to be fair, objective and impartial in its treatment of a subject. However, there is an expectation the presenter will ensure that discussions of current affairs issues are not one-sided and that alternative perspectives are presented. The Forum had regard to the complainant's concerns



regarding 'statements of fact' and opinions by one of the panellists and the concerns expressed regarding the selection and composition of the panel.

The Forum found that this was a wide-ranging discussion which consisted of two journalists, one of whom was a university lecturer and the other a director of the ESRI. The discussion centred on articles from newspapers regarding the war in Ukraine and its impact in Europe and Ireland. The Forum found that the presenter ensured the panel members were given time to put forward their views on the various aspects of the war. The DCU lecturer referenced recent history when describing how the conflict had been building up, going back to 2008. The presenter followed the format of the show by reading out text messages comprising listeners' comments on the conflict. The Forum was of the view that the discussion in general was managed appropriately by the presenter who put forward suggestions and counter arguments to elicit responses from the panel and that the audience was not misled on the subject under discussion.

The Forum noted that the make-up of panels and contributors is an editorial decision for the broadcaster. The Forum did not consider that the composition or contributions from the panel resulted in any lack of fairness, objectivity or impartiality in the broadcast. The Forum also noted the relevance of contextual factors related to the broadcast, including the type of programme and audience expectations in reaching this decision.

The Forum decided the programme, when taken in whole and in context, did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5694
Complainant	Aodhán Ó Deá
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	17 th February 2022
Broadcast Time	13.45
Programme Description	Daily phone-in programme, covering a variety of topics
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.3, 4.19, 4.20, 4.22 and 4.23.

Complaint Summary

The complaint concerns a discussion on the amendment to the Official Languages Act which would require 20% of all new recruits to the public service to be reserved for people competent in the Irish language. The complainant was a caller to the programme.

The complainant states that the on-air conversation left him feeling hurt, angry and disappointed. The complainant says he was not given the opportunity to speak, he was repeatedly interrupted and he was accused of things that were not true.

The complainant states that he was shocked and disappointed when the presenter used his full name on air because he did not give permission to use his full name and he believes that it is not common practice on the programme to refer to people's full names.

The complainant was not happy with how the presenter challenged him about a fact he presented on the percentage of Department of Education staff who are able to provide services in Irish. The complainant, in his complaint, cites a report on RTÉ's website referencing RTÉ's own use of this fact.

The complainant believes the presenter attributed views to him that he had not expressed, citing an example of the presenter suggesting he was discriminating against kitchen staff or working class people.

The complainant believes he was not treated in a fair manner and he believes the broadcast was not presented in an objective and impartial manner, without the expression of the broadcasters' own views.

Broadcaster Response Summary

The broadcaster expresses regret that the on-air conversation was a source of anger and disappointment for the complainant but believes that the presenter treated the complainant fairly and with respect. The broadcaster notes the complainant was given an opportunity to participate in the debate and was given the majority of time in the Irish language segment. The broadcaster contends



that the programme is known for its challenging and strong debate and is of the opinion that participants to the programme would expect their opinions to be examined and questioned.

The broadcaster states that a researcher on the programme called the complainant after the complainant had texted the programme. The broadcaster states that the researcher took a detailed summary along with the complainant's name and address and that the complainant did not advise the researcher that he did not consent to his surname being used in the broadcast. The broadcaster states that it is normal practice to use full names on the programme.

The broadcaster refutes the claim by the complainant that the presenter interrupted him every time he spoke, contending that the presenter asked questions in response to points raised by the complainant and opposed arguments with alternative views, which is an appropriate method for teasing out the points. The broadcaster believes listeners to the programme expect this approach from the programme and that it corresponds with the presenter's style.

The broadcaster claims it is clear from the transcript of the programme that the complainant received time and opportunity to make his points, in a respectful and courteous way.

The broadcaster defends the presenter's right to refer to the ESRI research on the Irish language. It was used to inform the debate and the figures quoted helped to illustrate the socio-economic differences between Irish speakers and those without Irish.

The broadcaster states that fact checking a participant's claim on the programme is an integral part of the programme. When the complainant made a claim regarding a report on the percentage of staff in the Department of Education who use the Irish language, the presenter made it clear that he wished to have that checked out by stating "we'll try and double check that".

The broadcaster also refutes the claim by the complainant that the presenter tried to put words in his mouth at any stage during the discussion, noting that the complainant was given time to respond to the point raised by the presenter in relation to working class people being disadvantaged by the proposed legislative change.

The broadcaster believes the complainant was treated in a fair and respectful manner.

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 reasons for the decision are set out below.

The Forum noted that the complaint related to a broadcast where the complainant was a contributor. The complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.3, 4.19, 4.20, 4.22 and 4.23. The Code requires current affairs items be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and



transparency and accountability. The Code requires the broadcaster to deal fairly with contributors to current affairs content or with persons or organisations referred to in that content. The Code requires that views and facts shall not be misrepresented or presented in such a way as to render them to be misleading. The Code requires that a significant mistake should be acknowledged and rectified speedily. The Code provides that current affairs presenters shall ensure the audience has access to a wide variety of views on a subject and shall not express their own views such that a partisan position is advocated. The Code further provides that 'personal view' or 'authored' current affairs segments or programmes can be appropriate, subject to normal editorial controls.

In considering the complainant's view that he was continually interrupted by the presenter and accused of untruths, the Forum found that the complainant was given ample time to express his views before the presenter put various questions to him, along with providing statistics to challenge some of the statements made by the complainant. The Forum noted it is part of the presenter's job to challenge the views and assertions of contributors. The Forum considered contextual factors related to the broadcast, including the type of programme and audience expectations of same. The Forum noted that this is a caller-driven programme that explores the issues of the day through individual stories, experiences and opinion. The programme format is well-established and audiences expect to hear robust and, sometimes, controversial opinions from callers to the programme. In relation to the complainant's full name being mentioned on air, the Forum was of the view that it was not unusual for Liveline to provide a contributor's full name during a broadcast and the complainant did not challenge this during the broadcast.

In respect of rule 4.23, the Members agreed that no case had been made that this rule was breached during the programme.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5695
Complainant	Anthony Halpin
Station	Newstalk 106 -108fm
Programme Name	The Pat Kenny Show
Broadcast Date	16 th March 2022
Broadcast Time	09:00
Programme Description	General current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.28.

Complaint Summary

The complaint concerns comments made by the presenter when referring to the war in Ukraine.

The complainant claims that during the broadcast, the presenter referred with contempt several times to “The Russians”, “Russians” and “The Russian war”.

The complainant claims that the presenter described an anti-war protest by a woman on Russian TV as a “straw in the wind” and generally downplayed anything Russian.

The complainant believes the broadcast was not impartial and that the presenter’s line of questioning was indicative of racism toward Russian people, for example, when asking what life is like on the ground in Russia and talking about Russian people possibly feeling uncomfortable if they knew what was going on in Ukraine.

The complainant believes the broadcast did not feature the views or perspective of Russians.

Broadcaster Response Summary

The broadcaster believes the broadcast was fair, balanced and objective.

The broadcaster states that an American journalist based in Odessa was interviewed and provided an update on the war in Ukraine. The broadcaster says that this contributor was not selected because of his nationality but because of his location, which would be the norm when seeking an update from the scene of a major international event.

The broadcaster believes the presenter’s questions were neutral and fair and that the questioning and language used in the broadcast were appropriate and impartial and there was no contempt displayed.



The broadcaster states that the second guest interviewed in the broadcast has expertise and personal knowledge of Russia and was an appropriate person to discuss the approach by the Russian government and army.

The broadcaster rejects any claim of racism. The broadcaster states that all coverage of the war has been fair and all language used to describe Russia and its population has been appropriate and accurate.

The broadcaster notes that the presenter's "straw in the wind" comment about a woman's anti-war protest was in reference to the way in which information about the war in Russia has been controlled and managed by the Russian government, as has been widely and independently reported.

The broadcaster also notes that, at the end of the segment, the presenter commented on possibly discussing in a future broadcast what the West could have done to avoid conflict with Russia. The broadcaster states that this comment provided another facet and viewpoint which posed a probing question of the West and could not be deemed anti-Russian.

The broadcaster believes fairness and balance was achieved in this broadcast and that it did not infringe the Broadcasting Act or BAI Codes.

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 reasons for the decision are set out below.

The broadcast concerns comments aired by interviewees on the ongoing conflict in Ukraine from two contributors, a journalist based in Odessa and the other with personal knowledge of Russia. The complainant believed that the terminology used by the presenter displayed a lack of fairness towards the Russians.

The complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1 and 4.28. The Code requires current affairs items be presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code further requires broadcasters to adhere to all legislative requirements when sourcing, compiling, producing and presenting news and current affairs.

In considering the complainant's view that the presenter referred with contempt several times to "The Russians", "Russians" and "The Russian War" the Forum found that the use of these words are the normal collective terms used when referring to the war in Ukraine. The Forum noted that contributors to the programme also referred to "The Russians" in the normal course of reporting. There was no evidence of any contempt in the presenter's voice and the broadcast content did not support the complainant's view that the broadcast could be described as racist. The Forum was of the view that the presenter posed appropriate questions to elicit informative views from his contributors about the impact of the war on the Ukrainian people.



The Forum also noted that the complaint is made under rule 4.28 and believe no case was made by the complainant that the legal requirements under this rule were breached.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5704
Complainant	Colm Ó Cinnseala
Station	RTÉ One
Programme Name	Six One News
Broadcast Date	17 th May 2022
Broadcast Time	18.01
Programme Description	Evening news
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2

Complaint Summary

The complaint concerns a report on the intention by the British Government to provide an amnesty for those accused of unlawful killings, including the British army, during the Troubles in Northern Ireland.

The complainant states that the report included an interview with two people who had civilian relatives killed by the IRA. Given the context of the news item, the complainant believes that an interview with a relative of a person killed by the British army was required to meet the fairness and objectivity requirements of the Act and the Code.

Broadcaster Response Summary

The broadcaster notes that there is no requirement for balance in a news report. The broadcaster notes that the context for the report was a proposed amnesty in relation to unsolved killings during the Troubles in Northern Ireland. The broadcaster contends that the inclusion of two interviewees potentially impacted by such a decision was appropriate. The broadcaster maintains there was no infringement of the Broadcasting Act or the BAI Code as cited by the complainant.

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 reasons for the decision are set out below.

The broadcast is a news report about the British government intending to introduce legislation which would offer amnesty from prosecution for people accused of unlawful killings during the Troubles.

The Forum noted the complaint was submitted under rules 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires news to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.



The Forum noted the requirement to be fair to all interests concerned applies to current affairs but not to news. As this broadcast was a news report, the Forum did not consider whether the broadcast had been fair to all interests concerned.

The Forum considered whether the broadcast had failed to meet the above-mentioned requirements by including contributions from two people who had relatives killed by the IRA and no contribution from a person who had had a relative killed by the British army. The Forum noted that the broadcast identified one contributor as being a relative of someone who had been killed by the IRA; another contributor may have been a relative of a person killed by the IRA, but that was not made explicit in the broadcast. The Forum was of the opinion that the relatively short report was clear that the proposed amnesty would apply to members of the British army accused of unlawful killings, as well as IRA members. In this regard, the Forum noted the visuals and voiceover at the end of the report featured imagery of the British army and referenced the opinion of some that the proposed legislation was delivering on a promise by the UK Government to army veterans to ward off prosecutions being brought against them. Taken in whole and in context, the Forum found no evidence of a lack of objectivity or impartiality in the broadcast.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5708
Complainant	Brendan O'Regan
Station	Newstalk 106–108FM
Programme Name	The Hard Shoulder
Broadcast Date	27 th May 2022
Broadcast Time	16:00
Programme Description	Current affairs programme broadcast daily
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2 and 4.22.

Complaint Summary

The complaint is about a programme item on the topic of gun control, which arose in the context of a mass shooting incident in the USA.

The complainant states that during an interview with a representative from Republicans Overseas UK, the presenter declared that he was not going to be impartial and was going to abandon all pretence of impartiality. Following the interview, the presenter further stated that this was not the week for pretending to be unbiased in an interview.

The complainant also believes that the presenter was discourteous and unfair to the interviewee when he said to her “don’t be daft”.

The complainant believes the presenter expressed his own partisan views on the subject regarding the desired approach and remedy for mass shootings and was dismissive of the interviewee’s opinions.

Broadcaster Response Summary

The broadcaster does not believe the broadcast breached the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The broadcaster is of the view the presenter treated the interviewee in a fair, impartial and objective manner.

The broadcaster states that this was a robust discussion on gun control and recent mass shootings in America. During the discussion the interviewee put forward scenarios and statistics in support of her view that gun controls were not the problem but lay elsewhere, for example with mental health or opioid use. The presenter challenged these views vigorously to convey a different point of view. The broadcaster states that an important part of the role of presenter is to ensure the audience has access to a wide variety of views and sometimes this includes conveying a critical point of view.

The broadcaster accepts that the presenter stated that it was time to abandon all pretences of impartiality and that it “was not the week for pretending to be unbiased in an interview like that”. The



broadcaster contends that the statements were not made in the literal sense suggested by the complainant, but in light of the deaths of innocent children, which neither the presenter nor the interviewee were impartial on.

The broadcaster claims that the presenter did not put forward his own partisan views with regard to a solution to the mass shooting phenomenon as suggested, but rather engaged in a challenging and robust debate with the interviewee in respect of mass shootings and gun control.

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 reasons for the decision are set out below.

The broadcast concerns the topic of gun control, which arose in the context of a mass shooting incident in the USA.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, 4.1, 4.2 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code further requires that a presenter and/or reporter on a current affairs programme shall not express his or her own views on matters of public controversy or current public debate such that a partisan position is advocated.

The Forum noted the complainant's view that the presenter's statement that he will "...abandon all pretence of impartiality" led the broadcast to lack fairness, objectivity and impartiality in its treatment of the topic. The Forum noted that this interview arose because of the human reaction to the recent mass shooting in Texas and were cognisant of emotions running high after such an incident. The presenter dismissing impartiality addressed his emotional side of the debate i.e. he could not be impartial regarding the deaths of children. The Forum noted that the discussion focused on gun control in the US, arising from this and other similar incidents over many years, and impartiality was not sidelined during the interview, when taking the interview in whole or in part. The Forum noted the interviewees' views that gun control does not prevent such mass shootings and was afforded ample time to express her views during this robust interview.

The Forum noted that the broadcaster should in future consider the wording used when approaching the coverage of current affairs items more carefully as the use of the wording "...abandon all pretence of impartiality" during the programme may have led listeners to believe the broadcast was not fair, objective or impartial. Having listened to the footage, the Forum believes this interview was fair and impartial.

The Forum noted the complainant's view that the presenter expressed his own views during the broadcast and that the treatment of the interviewee was unfair. The Forum did not consider that the presenter's own views were expressed such that a partisan position was advocated. The interviewee



was challenged in a robust manner to elicit her response to questions posed, which were in line with audience expectations for the programme.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5709
Complainant	Frank Sutcliffe
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	27 th June 2022
Broadcast Time	10.00am
Programme Description	Daily current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2 and 4.17.

Complaint Summary

The complaint concerns a discussion with a former Fine Gael TD on legal handgun ownership in Ireland.

The complainant states that the interviewee was allowed to misrepresent the facts of ownership and to portray handgun owners in a negative way and to misrepresent the process of handgun ownership such that it could be perceived as unmanaged and representing a danger to the public. The complainant claims that the presenter voiced her disapproval of this lawful activity and failed to facilitate an alternative view.

The complainant maintains that the interviewee made numerous unsubstantiated claims, including that handgun owners bought guns online. The complainant questions why the presenter did not appear to know the facts of the process of gun ownership and why the interviewee was allowed to refer to it as 'chaotic'.

The complaint states that the presenter did not point out facts, challenge claims or provide alternative viewpoints to various opinions expressed by the interviewee, including that access to firearms by members of the public was dangerous, that guns could be used to settle arguments and his reference to "a culture of gun ownership".

Broadcaster Response Summary

The broadcaster states the scope of the item was to explore why the law had been changed in 2009 to curtail legally held handguns and what has changed in the intervening period when there has been an increase in legally held handguns up to 2021. The former TD was interviewed in the context of his role in securing a change to the law in 2009 when he was an elected representative.

The focus of the interview with the former legislator was on his views that current members of the Oireachtas did not have sufficient information available to them on the breakdown of licences issued or the calibre of handguns involved. The programme outlined that, as a result of a Parliamentary question, it was established that there has been an increase in firearms licenced as of 2021. The



presenter also read out a statement to the programme from the Department of Justice, in which it outlined its commitment to undertake a review to modernise firearms and explosives legislation. The statement was issued prior to the programme airing and it demonstrates that some of the former TD's concerns were being addressed in the review.

The broadcaster states that the rules of fairness, impartiality and objectivity do not require that every viewpoint is explored or aired in an item. The broadcaster believes this broadcast sought and provided listeners with a statement from the Department responsible for law in this area and that the scope of the review of legislation is consistent with the views expressed by the interviewee.

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 reasons for the decision are set out below.

The broadcast concerns a discussion with a former Fine Gael TD on legal handgun ownership in Ireland.

The Forum noted the complaint was submitted under rules 4.1, 4.2 and 4.17 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code requires that news and current affairs is presented with due accuracy having regard to the circumstances and facts known at the time.

The Forum considered the complainant's view that facts regarding gun ownership and gun owners were misrepresented and that gun owners were portrayed negatively during the discussion. The Forum also considered the complainant's view that the presenter expressed her own views in relation to the topic.

The Forum noted that the focus of the discussion was separate to the focus of the complaint in that the discussion examined the law in relation to acquiring a gun licence in Ireland; how the law has changed since 2009; issues with data collection concerning gun ownership in Ireland; the increasing number of gun owners; the lack of public information and the response of the Department of Justice in relation to these matters. The Forum noted that the broadcaster is entitled to choose its approach to a current affairs topic and to make an editorial decision in this regard and noted that the interviewee, a former politician, had a keen interest in this area. The Forum also noted that a law was brought forward by this politician, which is now due for review and the discussion also covered the role of politicians going forward on next steps, the deficiencies in the current legislation and in data collection. The Forum also observed that there was nothing personal in the interview regarding individuals owning guns and the discussion focused on the issue as a societal concern. The Forum did not consider that the presenter's own views were expressed such that a partisan position was



advocated, when she elicited answers to questions posed by her which would be of interest to listeners.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.