

WLCR FM LTD

CODE OF PRACTICE ON DEALING WITH COMPLAINTS UNDER SECTION 47 OF THE 2009 BROADCASTING ACT

May 2011

WLCR FM Ltd aims to deliver the best possible service to our listeners and community – this includes being compliant with relevant legislation that governs our activities.

Section 47 of the Broadcasting Act 2009 requires that all broadcasters within the jurisdiction of the State prepare and follow a Code of Practice for dealing with certain types of complaints from the public. Your attention is drawn to the fact that general feedback and not all types of complaints are covered by this document.

This document is the Code of Practice on Dealing with Complaints under Section 47 of the 2009 Broadcasting Act for WLCR FM Ltd.

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This Code of Practice:

- Was written and agreed using the guidelines from the Broadcasting Authority of Ireland and after consultation with WLCR FM Ltd staff and management
- Will be reviewed at a minimum of one Board meeting per year with the Board making the necessary changes based on issues arising or relevant legislation. Both the annual reviews and any amendments will be recorded and the Code of Practice updated if necessary. The Board welcomes and will consider all feedback on this Code of Practice. Any changes to this Code of Practice will be communicated to the Broadcasting Authority of Ireland for approval
- Is available on our website or upon request by a member of the public
- Is available from the Broadcasting Authority of Ireland website

1. What you can complain about under Section 47 of the 2009 Broadcasting Act

- a) You can send in a complaint if you think that a broadcast or part of a broadcast on our radio does not comply with our obligations set out in the table below
- b) Complaints about alleged defamation are dealt with under the BAI Right to Reply Scheme (see www.bai.ie)
- c) Any other complaints, concerns or other feedback can be made on the standard complaint form that is in Appendix 1 (in line with our standard complaints process).

Types of complaints	Our obligations
1. Impartiality and objectivity in news	We will ensure that our news programming is objective and impartial without any expression of our own views
2. Impartiality, objectivity and fairness in current affairs programming	We will ensure that our current affairs programming: <ul style="list-style-type: none"> - is objective and impartial without any expression of our own views - treats the subject matter and all interests fairly <p>If we cannot achieve impartiality, objectivity and fairness in one current affairs programme, we will do so in related broadcasts that will be broadcast within a reasonable period of each other</p>
3. Harm or offence	We will ensure that our programming does not contain any content which may reasonably be regarded as: <ul style="list-style-type: none"> - causing harm or offence - tending to promote or incite crime - tending to undermine the authority of the State - unreasonably encroaching upon the privacy of an individual <p>We will ensure that programming is in compliance with the BAI <i>Code of Programme Standards</i>. This Code concerns programme material regarding harm or offence and is available at http://www.bai.ie/publications_codestandards.html</p>
4. Incitement to crime, or tending to undermine the State	
5. Privacy of the individual	
6. Advertising/commercial communications	All commercial communications broadcast by us will be in compliance with the: <ul style="list-style-type: none"> - BAI <i>General Commercial Communications Code</i>. This Code concerns commercial communications which include advertising, sponsorship and teleshopping and is available at http://www.bai.ie/publications_codestandards.html - BAI <i>Children's Commercial Communications Code</i>. This Code concerns commercial communications which include advertising, sponsorship and teleshopping that are for products or services of particular interest to children and/or those broadcasting during children's programming and is available at http://www.bai.ie/publications_codestandards.html

2. How you make a complaint either informally or formally

Informally:

- a. You may prefer to contact the station informally in person or by phone and have your concerns heard and addressed in an informal manner that is to your satisfaction

Formally:

- b. Contact the Complaints Committee by phone, email or letter and tell us your complaint
- c. A member of the Complaints Committee will contact you to talk about what concerned you and attempt to resolve the matter to your satisfaction
- d. If we cannot resolve your complaint to your satisfaction, and you are sure that your complaint is covered by this Code of Practice, please put the following information in writing (letter, fax or email)
 1. your name and address¹
 2. the type of complaint (see table above)
 3. the date and time of broadcast

¹ Personal details submitted are for use by WLCR FM only. The name of a complainant shall not be published without his/her prior consent.

4. the name of the programme, news item or advertisement/ commercial communication that you have heard and which is the subject of your complaint
 5. exact details of what in the broadcast concerned you
- e. If you wish, you can use the complaint form in Appendix 1 of this Code of Practice
 - f. If, by reason of disability or other good reason, you are unable to make a complaint in writing, please contact us and we will help you
 - g. We will not accept complaints which we deem to be of a frivolous or vexatious nature

WLCR FM is committed to protecting the rights and privacy of individuals in accordance with the Data Protection Acts 1988 – 2003.

3. How soon after a broadcast you can make a complaint

- a. The Broadcasting Act 2009 requires that you make your complaint not more than 30 days after the date of the broadcast you have concerns about
- b. If your complaint relates to one broadcast: 30 days after the date of that broadcast
- c. If your complaint relates to two or more unrelated broadcasts: 30 days after the date of the earlier or earliest of those broadcasts
- d. If your complaint relates to two or more related broadcasts of which at least two are made on different dates: 30 days after the date of the later or latest of those broadcasts

4. Who and where to send your complaint

Complaints Committee,
 c/o Chairperson, West Limerick Community Radio
 WLCR FM Ltd,
 Unit 5, Shannon Development Enterprise Centre, Sheehan's Road, Newcastle West, Co. Limerick
 Phone: 069 66200 Fax: 069 78333
 Email: reception102@gmail.com

5. What happens to your complaint

Informal complaint:

- a) If you contact us informally, we will aim to resolve the issue(s) as soon as possible if all parties agree to how this may be done

Formal complaint:

- b) Once we receive your complaint we will work to resolve the issue(s) as soon as possible with the relevant people in the station
- c) We will write to acknowledge receipt of your formal complaint within 7 working days
- d) We will consider the issues raised in your complaint
- e) We will listen to the programme/broadcast item identified in your complaint
- f) Where appropriate, we will consult with any party to which your complaint relates (for example, the advertiser, presenter or programme-maker) to give that party an opportunity to provide observations or comments about the issue(s) you have raised
- g) We will provide a written response to your complaint that will as far as possible address all of the concerns/issues you have raised. We will set out the reasons for our decision on your complaint
- h) This response will be sent to you within 30 days² from receipt of your complaint

² Due to the fact that the majority of staff and management are volunteers, enough time is needed to include the most appropriate parties in the process

6. What the possible outcomes of your complaint are

- a) We may uphold the complaint and will therefore aim to resolve it to your satisfaction in an agreed manner – this may include an apology, correction, clarification and/or offer of a rebuttal
- b) We may reject the complaint. This means we believe that our programming was in compliance with our obligations

7. The role of the Broadcasting Authority of Ireland

- a) If we have not have not responded to your complaint within 30 days or if you are not satisfied with our response, you can refer your complaint to the Broadcasting Authority of Ireland
- b) The Broadcasting Authority of Ireland's Compliance Committee will consider your complaint and may carry out an independent review of the complaint and our response
- c) Information on how to refer a complaint to the Broadcasting Authority of Ireland is available on the their website at www.bai.ie or from the following address:

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

8. Recording of all complaints

- a) We are required under the Broadcasting Act 2009 to keep for a period of 2 years a record of
 - 1. all complaints submitted
 - 2. our responses to complaints
- b) We are also required to make these records available to the Broadcasting Authority of Ireland's Compliance Committee
- c) We are required to maintain the audio material and written documentation relating to complaints including:
 - 1. complete recording of the broadcast to which the complaint relates in the format specified by the BAI
 - 2. a copy of the original complaint
 - 3. a copy of our response
 - 4. copies of any subsequent correspondence/documentation by either party to the complaint relating to the complaint and/or manner of resolution

Appendix 1: Formal Complaint Form

FORMAL COMPLAINT FORM WLCR FM LTD

The staff and management of WLCR FM Ltd welcome all feedback from members of the public. The station has procedures in place for receiving and responding to formal complaints. To start the formal complaint process, you are invited to complete Section 1 of this form and sign and date it. Feel free to ask for help to make your formal complaint from a member of the station's staff or management.

If you are unsure about any aspect of this form, please ask a member of staff or management at WLCR FM Ltd for clarification. Send the form to the Complaints Committee, c/o Chairperson, West Limerick Community Radio, WLCR FM Ltd, Unit 5, Shannon Development Enterprise Centre, Sheehan's Road, Newcastle West, Co. Limerick

SECTION 1

A.

Name of person making the complaint: _____

Address: _____

Phone: _____

Email: _____

B.

Type of complaint (tick one of the two options):

a) Under Section 47 of 2009 Broadcasting Act _____ (go to box C)

b) Other complaint _____ (go to box D)

C.

If you are making a complaint under Section 47 of the 2009 Broadcasting Act, please give details of:

a) the date and time of broadcast _____

b) the name of the programme, news item or advertisement/ commercial communication that you have heard and which is the subject of your complaint

c) exact details of what in the broadcast concerned you (please continue on a separate sheet if you want)

D.

If you are making a complaint of a general nature, please give details of your complaint here (continue on a separate sheet if you want):

Signed: _____ **Date:** _____

Person making complaint

Signed: _____ **Date received:** _____

Person receiving complaint

SECTION 2 (office use only)

Date acknowledgement of complaint sent (copy of this should be attached to this form)

Details of what investigation/consideration was taken:

Signed: _____ **Date:** _____

Date written response sent to complainant (copy should be attached to this form): _____

Was the complaint upheld or rejected? _____

Why?

Signed: _____ **Date:** _____

Details of corrective action was taken – this is where the complaint was upheld:

Signed: _____ **Date:** _____