

FM104 Complaints Code Of Practice

FM104 Dublin's Hit Music Station's aim is to provide the best possible service to our listeners. We also aim to ensure that all of our programming is compliant with the requirements set out in the Broadcasting Act, 2009 as amended by the Online Safety and Media Regulation Act 2022 and all broadcasting codes published by An Coimisiun na Meán¹

We welcome and engage with all listener feedback regarding any aspect of our service.

FM104 is obliged under the Broadcasting Act 2009 to have in place a Code Of Practice for handling complaints from listeners. The code sets out and explains our complaint process and ensures that we deal with complaints in an effective and timely manner.

It should be noted that this Code of Practice relates only to certain categories of complaints as set out below.

Under Section 47(1) of the Broadcasting Act 2009, A Broadcaster shall give due and adequate consideration to a complaint on one or more of the grounds specified in section 48(1), made in writing by a person in respect of the broadcasting service provided by the Broadcaster which, in the opinion of the Broadcaster, has been made in good faith and is not of a frivolous or vexatious nature.

Section 47(3) deems that a Broadcaster shall prepare and implement a code of practice for the handling of complaints made under subsection (1). The code of practice shall make provision for the following matters—

- (a) an initial point of contact for complainants, including an electronic-mail address,
- (b) a time period within which the Broadcaster shall respond to complaints, and
- (c) the procedures to be followed by the Broadcaster in the resolution of complaints.

1 - What can I complain about?

You may submit a complaint to us if you are of the opinion that a broadcast or part of a broadcast on FM104 has breached one or more of the following obligations²:

News – We will ensure that our news programming is objective and impartial without any expression of our own views.

Current Affairs – We will ensure that our current affairs programming is objective and impartial without any expression of our own views. We will treat the subject matter and all interests concerned fairly. If we cannot achieve fairness, impartiality and objectivity in one current affairs programme, we will do so in related broadcasts that will be broadcast within a reasonable time period of each other.

Programmes – We will ensure that our programming does not contain any content which may reasonably be regarded as:

- Causing harm or offence
- Tending to promote, or incite crime
- Tending to undermine the authority of the State
- Unreasonably encroach upon the privacy of an individual

¹ The Broadcasting Authority of Ireland (BAI) was established on October 1st 2009, as an independent regulator for radio and

television broadcasters in Ireland. Its functions, roles and responsibilities are set out in the Broadcasting Act, 2009

² The categories of complaints are specified in the Broadcasting Act, 2009

We will also ensure programming is in compliance with the BAI Code of Programme Standards

Commercial Communications³ – All commercial communications broadcast by FM104 will be in compliance with the BAI General Communications Code and the BAI Children's Commercial Communications Code.

If you have a complaint that does not fall under the categories set out above, we would invite you to avail of our feedback facility – info@fm104.ie.

If your complaint concerns alleged defamation, you should refer to the BAI Right of Reply Scheme⁴

The BAI Codes and Right of Reply Scheme can be accessed at www.bai.ie.

2 – How do I make a complaint?

You can first contact us by telephone, email or letter and inform us of your complaint. A member of staff will contact you to discuss your concerns and attempt to resolve the matter to your satisfaction. If we cannot resolve the matter to your satisfaction, and you are satisfied that your complaint is covered by this Code Of Practice, you should submit the following details in writing:

- Your name and address⁵
- The category of your complaint (please refer to the categories outlined above in section 1)
- The Date and Time of broadcast
- The name of the programme, news item or advertisement/commercial communication that you have heard and which is the subject of your complaint⁶
- Detail exactly what, in the broadcast, concerned you.

In order for your complaint to be accepted and considered, it must include the above details and must refer to a programme, advertisement or other form of commercial communication already broadcast on FM104.

To assist complainants a “Complaint Form - Programming & Advertising” is available to download from our website at www.fm104.ie/complaints. If by reason of disability or other good reason, you are unable to submit the complaint in writing, please contact us and we will assist your submission.

FM104 are committed to protecting the rights and privacy of individuals in accordance with the Data Protection Acts 1988 – 2003. FM104 will not accept complaints which we deem to be of a frivolous or vexatious nature.

³ Commercial communications is defined in section 2 of the BAI General Commercial Communications Code and includes, inter alia, advertising, sponsorship, teleshopping and product placement. Members of the public are asked to refer to the BAI Code.

⁴ The Right of Reply Scheme was prepared by the BAI pursuant to section 49 of the Broadcasting Act, 2009

⁵ The contact details are for use by FM104 only. The name of the complainant will not be published unless without the prior consent of the complainant, for example where a complaint is upheld.

⁶ FM104 are not obliged to send you a copy of any broadcast. You yourself should have heard the broadcast in question.

3 – How soon should I make my complaint after the broadcast?

The Broadcasting Act 2009 requires you to make your complaint not more than 30 days after the date of the broadcast.

- A. If your complaint relates to one broadcast, 30 days after the date of that broadcast
- B. If your complaint relates to two or more unrelated broadcasts, 30 days after the date of the earlier or earliest of those broadcasts.
- C. 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
- D. Complaints made outside of these time periods cannot be considered.

4 – Where should I send my complaint?

You should submit your complaint to the following address:

Complaints Officer,
FM104,
Macken House,
Upper Mayor Street,
North Wall
Dublin 1.
Fax: 01 668 9545
Email: complaints@fm104.ie

5 – What will happen to my complaint?

Once we have received your complaint, we will work to resolve the issue/s as soon as is possible. Your complaint will be carefully considered, investigated if necessary, and responded to in writing by a senior member of our programming team.

- We will write to you to acknowledge receipt of your complaint within 7 working days
- We will consider the issues raised in your complaint
- We will listen to the broadcast item as identified in your complaint
- Where appropriate, we will consult with any party to which your complaint relates, including the presenter or programme maker, to give such parties an opportunity to provide observations and comments in relation to the issues raised by you.
- We will provide a response to your complaint which will, as far as possible, address all of the issues/concerns you have raised. We will also set out the reasons for our decision on your complaint.

The response will be sent to you within 21 days from the date of receipt of your complaint.

6 - Potential Outcomes for complaints:

We may uphold or reject a complaint. Upholding a complaint means that we believe that our programming did not comply with our obligations covered by this Code Of Practice. Rejecting a complaint means we believe that our programming was in compliance with our obligations.

If we uphold your complaint, we will seek to resolve it to your satisfaction in an agreed manner. The manner of resolution will be decided on a case by case basis but may include an apology, correction, clarification and/or the offer of a rebuttal.

7 – The role of the Broadcasting Authority of Ireland

If we have not responded to your complaint within 21 days or if you are not satisfied with our response, you can refer your complaint to Coimisiun na Meán. An Coimisiun will consider the complaint and may carry out an independent review of the complaint and our response. Information on how to refer a complaint to An Coimisiun is available on the BAI website at www.bai.ie or from:

Complaints Officer
Coimisiun na Meán,
2-5 Warrington Place,
Dublin 2
Ph 01 6441200
Fax 01 6441299
Email complaints@cnam.ie

8 – Record of Complaints

We are required under the Broadcasting Act, 2009 to keep a record of all complaints submitted in accordance with this Code of Practice for a period of two years. Our records will include copies of your complaint, our response/s and the audio copies of the broadcast material.