

Claremorris Community Radio Code of Practice for Complaints Handling

Introduction

We aim to deliver the best possible service to our listeners/viewers. We also aim to ensure that our programming is compliant with the requirements set out in the Broadcasting Act 2009, and the Online Safety and Media Regulation (OSMR) Act 2022 which amends it, and broadcasting codes published by the Coimisiún na Meán (formerly the Broadcasting Authority of Ireland).

We welcome and will engage with all feedback, both negative and positive, from our listeners concerning any aspect of our service.

Claremorris Community Radio acknowledges the rights of our listeners, members and volunteers to make complaints in writing about alleged non-compliance with both the license conditions as set out in our contract with the Broadcasting Authority of Ireland (BAI) and the requirements outlined in broadcasting legislation.

We are obliged under the above legislation to have in place a code of practice for the handling complaints from our listeners. This code of practice sets out and explains our complaint process for listeners and ensures that we deal with complaints in an effective and efficient manner. It should be noted that the code of practice only relates to certain categories of complaints as detailed below.

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 our service has breached one or more of the following obligations (the relevant sections of the OSMR Act are given in brackets):

> News and Current Affairs (section 46L)

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

We will ensure that our current affairs programming is:

objective and impartial without any expression of our own views; and will treat the subject matter and all interests concerned fairly.

If we cannot achieve fairness, objectivity and impartiality in one current affairs programme, we will do so in related broadcasts that will be broadcast within a reasonable 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; or
- unreasonably encroach upon the privacy of an individual.

We also will ensure programming is in compliance with the BAI [Code of Programme Standards](#)

> Commercial Communications (Advertising) (sections 46M(2) or (3), 106(3) and 127(6))

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

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.

If you have a complaint that does not fall under the categories set out in (i) to (iv) above, we would invite you to avail of our feedback/complaints facility at www.ccr946.ie

If your complaint concerns alleged defamation, you should refer to the BAI Right of Reply Scheme. The BAI codes can be accessed at www.bai.ie or are available on request from the BAI offices.

> Harm, offence, incitement, and authority of State (section 46J)

> Privacy (section 46K)

> Retention of copies of programme material (section 46P(1) or (2))

> Media service codes and rules

Please note that Claremorris Community Radio is not obliged to send you a copy of any broadcast. You yourself should have heard/viewed the broadcast in question.

How do I make a complaint?

You can first contact us by telephone on 094-937-3737, or via email to manager@ccr946.ie, or by post (Unit 3 Chapel Court, Chapel Lane, Claremorris, Co Mayo, F12 D535, Ireland), and inform us of your complaint.

A member of our staff will contact you to discuss what concerned you and attempt to resolve the matter to your satisfaction.

If we cannot resolve your complaint 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 (letter, fax or email):

- your name and address;
- the category of complaint (please refer to the categories of complaints in ‘What I can complain about?’ above);
- the date, 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 complaint;
- 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, or an advertisement or other form of commercial communication, already broadcast on our service.

To assist complainants, a ‘Complaint Form’ is available to download from our website at <https://ccr946.ie/wp-content/uploads/2023/03/Broadcast-Complaint-Form.pdf>.

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 you to do so.

We will not accept complaints which we deem to be of a frivolous or vexatious nature.

How soon should I make my complaint after the broadcast?

The above mentioned legislation requires you to make your complaint not more than 30 days after the date of broadcast:

- If your complaint relates to one broadcast, not more than 30 days after the date of that broadcast;
- If your complaint relates to two or more unrelated broadcasts, not more than 30 days after the date of the earlier or earliest of those broadcasts;
- If your complaints relate to two or more related broadcasts of which at least two are made on different dates, not more than 30 days after the date of the later or latest of those broadcasts.

Complaints submitted outside of these time periods cannot be considered.

Where should I send my complaint?

You should submit your complaint to the following address:

The Manager
Claremorris Community Radio
Unit 3 Chapel Court, Chapel Lane
Claremorris, Co Mayo
F12 D535, Ireland.

Tel: 094 937 3737

Email: manager@ccr946.ie

What will happen to my complaint?

Once we have accepted your complaint, we will work to resolve the issue/s as soon as possible. Your complaint will be carefully considered, investigated if necessary, and responded to in writing by our manager or a senior member of our editorial 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 programme/broadcast item identified in your complaint.

Where appropriate, we will consult with any party to which your complaint relates, for example, the advertiser, the presenter or programme maker, to give that party 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 set out the reasons for our decision on your complaint.

This response will be sent to you within 20 working days from receipt of your complaint.

What are the potential outcomes for my complaint?

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.

The role of the Coimisiún na Meán

If we have not responded to your complaint within 20 working days, or if you are not satisfied with our response, you can refer your complaint to the Coimisiún na Meán. You must do this within 14 days.

A referral to Coimisiún na Meán can be made as follows

- Via email: usersupport@cnam.ie.
- Via Post:
Coimisiún na Meán
1 Shelbourne Buildings
Shelbourne Road, Dublin 4
D04 NP20, Ireland
- Further queries concerning complaint referrals may also be directed to the user support centre's telephone contact: (01) 963 7755.
- Further information concerning Coimisiún na Meán's role in broadcast regulation can be found on our website: <https://www.cnam.ie/broadcasting>

The Coimisiún na Meán 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 the Coimisiún na Meán is available on their website at www.cnam.ie or from the address above.

Record of Complaints

We are required under the above mentioned legislation to keep a record of all complaints submitted in accordance with this Code of Practice for two years. We are also obliged to provide these records to the Compliance Committee of the Coimisiún na Meán, if the Committee so directs.

Our records will include copies of your complaint, our response/s, and audio / audio-visual copies of the broadcast material.

Coimisiún a Mean was established further to the provisions of the Online Safety and Media Regulation Act 2022 ("OSMR Act 2022"), enacted on 10 December 2022. The OSMR Act 2022 amended the Broadcasting Act 2009 to establish Coimisiún na Mean and dissolve the Broadcasting Authority of Ireland ("BAI").

In addition to undertaking the functions of the BAI as the regulator for broadcasting in Ireland, Coimisiún na Meán is to establish a regulatory framework for online safety, update the regulation of television broadcasting and audiovisual on-demand services, and transpose the revised Audiovisual Media Services Directive into Irish law.

The name of the complainant will not be published without his/her prior consent, for example, where a complaint is upheld. The contact details are for use by Claremorris Community Radio only.

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