

Code of Practice on Complaints Handling

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.

If you have a general complaint that does not fall under the categories set out below please email details to complaints@98fm.com

If your complaint concerns alleged defamation, you should consider a right of reply request. Coimisiún na Meán has published a guide and this can be found [here](#).

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 fails to comply with specific sections of the Online Safety and Media Regulation Act 2022 or specific codes published by Coimisiún na Meán.

The range of matters and relevant sections of the legislation which complaints must relate to are as follows;

- Harm, offence, incitement, and authority of State (section 46J)
- Privacy (section 46K)
- News and Current Affairs (section 46L)
- Advertising (sections 46M(2) or (3), 106(3) and 127(6))
- Retention of copies of programme material (section 46P(1) or (2))
- Media service codes and rules Complaint referrals

Full details of the sections and the Online Safety and Media Regulation Act 2022 can be found [here](#)

How do I make a complaint?

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

Information required;

- Your name, postal address and email address
- The category of complaint including the relevant section of the OSMR Act or Coimisiún na Meán codes you feel the broadcast does not comply with
- Detail exactly what concerned you and why they feel the broadcast does not comply
- The date and time of broadcast
- The name of the programme, news item or advertisement/commercial communication

Send complaints by email to complaints@98fm.com or by post to 98FM Complaints, Marconi House, Digges Lane, Dublin 2, D02TD60

How soon should I make my complaint after the broadcast?

The OSMR Act requires you to make your complaint not more than 30 days after the date of broadcast:

If your complaint relates to one broadcast, 30 days after the date of that broadcast;

If your complaint relates to two or more unrelated broadcasts; 30 days after the date of the earlier or earliest of those broadcasts

If your complaints 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.

Complaints submitted outside of these time periods cannot be considered.

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 Programme Controller /Station Editor/ or 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 and we will listen the 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 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 21 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 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 Coimisiún na Meán. This referral to Coimisiún na Meán must be done within 14 days.

Complainants can refer complaints to Coimisiún na Meán using the existing online portal at <https://bai.service-now.com/complaints> or they can contact complaints@cnam.ie or (01) 6441 200 or write to: 2-5 Warrington Place, Dublin 02 XP29.