



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

Code of Fairness, Objectivity & Impartiality in News and Current Affairs



**BAI Code of Fairness, Objectivity & Impartiality
in
News and Current Affairs**

April 2013

Contents

Introduction	3
Jurisdiction	4
Guidance Notes	4
Complaints	4
Code Objectives	5
Code Principles	5
Compliance and assessment	7
Rules	
<i>Statutory Duties of Broadcasters</i>	8
<i>Fairness Rules</i>	9
<i>Objectivity & Impartiality Rules</i>	11
<i>Election & Referendum Coverage</i>	13
<i>Legal Requirements & Guidance</i>	13

Introduction

This Code deals with matters of fairness, objectivity and impartiality in news and current affairs content. It is prepared by the Broadcasting Authority of Ireland (BAI) in accordance with sections 42(1), 42(2)(a) and 42(2)(b) & (e) of the Broadcasting Act 2009 ('the Act').

Section 42 of the Act provides that:

- (1) The Authority shall prepare, and from time to time as occasion requires, revise, in accordance with this section, a code or codes governing standards and practice ("broadcasting code") to be observed by broadcasters.
- (2) Broadcasting codes shall provide –
 - (a) that all news broadcast by a broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views,
 - (b) that the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views,
 - (e) that a broadcaster does not, in the allocation of time for transmitting party political broadcasts, give an unfair preference to any political party.

In developing the Code of Fairness, Objectivity and Impartiality in News and Current Affairs the BAI had regard to a range of matters set out in section 42(3) of the Act. It also had regard to its own statutory objectives, set out in section 25, in particular that, in performing its functions the BAI shall:

- Endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld,
- Provide a regulatory environment that will sustain independent and impartial journalism,
- Seek to ensure that any measures it takes are proportionate and will produce regulatory arrangements that are stable and predictable.

In devising the rules, the BAI has also taken into account the European Convention on Human Rights and in particular the provisions relating to freedom of expression, the right to privacy and the securing of rights without any discrimination on any ground.¹

Jurisdiction

The Code applies to broadcasters within the jurisdiction of Ireland. It does not apply to other services commonly received in this State, but licensed in the United Kingdom or other jurisdictions.

The term 'broadcaster' is understood in the context of the definition provided in the Broadcasting Act 2009, which is as follows:

“Broadcaster means a person who supplies a compilation of programme material for the purpose of its being transmitted, relayed or distributed as a broadcasting service (whether that person transmits, relays or distributes that material as such a service or not).”

Guidance Notes

It is not intended that this Code will set out each and every rule in relation to the preparation, treatment and broadcast of news and current affairs content. In this regard, broadcasters, programme makers and citizens should have regard to the Guidance Notes which have been developed in conjunction with this Code. These notes are provided as an aid to understanding the intent of the principles and rules and the manner of their application in a broadcast context. The BAI will update the Guidance Notes from time to time.

Complaints

If a viewer or listener has a complaint or is dissatisfied with the manner in which a broadcaster is complying with this Code, the matter should, in the first instance, be referred directly to the relevant broadcaster. Further information on the complaints process is available on www.bai.ie or by phoning 01 6441200.

The effective date of this Code is 1st July 2013.

¹To access a copy of the ECHR [click here](#) or go to www.ehcr.coe.int

1. Code Objectives

The objectives of the Code are:

- To set out clearly the minimum standards and practices that are expected of broadcasters in their treatment and broadcast of news and current affairs content;
- To provide general guidance to broadcasters to assist in their decision-making processes, as they pertain to news and current affairs content;
- To promote independent and impartial journalism in the provision of news and current affairs content;
- To inform and generate awareness among citizens with regard to standards they may expect in relation to news and current affairs content;
- To protect the interests of citizens, in their right to access fair, objective and impartial, news and current affairs content.

2. Principles Underpinning the Fairness, Objectivity and Impartiality Rules

This section outlines the principles which underpin this Code. In addition to the specific rules outlined in Section 4, the principles provide direction as to the general standards expected in order to achieve fairness, objectivity and impartiality in the treatment of news and current affairs content. Thus, a broadcaster is expected not only to comply with the rules, but also to apply these general principles to its news and current affairs content.

The principles which shall be applied in this Code, together with a brief narrative, are set out below:

Fairness: The BAI is committed to ensuring that, through the implementation of this Code, individuals and organisations that are the subject of news and current affairs content, or persons who contribute to news and current affairs programmes or items, are treated fairly and honestly. Viewers and listeners have a legitimate expectation that a broadcaster will demonstrate an even-handed approach to how news and current affairs content is presented and interrogated and how contributors are treated. The principle of fairness does not necessarily require that all possible opinions on a subject are addressed or that they should receive equal air-time.

The approach to covering issues, including those of public controversy or current public debate, should be guided by ensuring equitable, proportionate coverage.

Objectivity & Impartiality: The principles of objectivity and impartiality are concerned with ensuring that news and current affairs content is compiled, produced and presented in a manner which is and can be seen as independent, unbiased, and without prejudgement. The rules set out in this Code with regard to objectivity and impartiality should not be taken to imply that a presenter or a reporter cannot convey critical views or pursue vigorous lines of questioning. Indeed, this is often required in order to achieve fairness, objectivity and impartiality. What is necessary, however, is that production, reporting and questioning on any news or current affairs item is credible, trustworthy and editorially independent.

Accuracy & Responsiveness: Audiences are entitled to, and do, trust that the news and current affairs content they access from the broadcast media is accurate. Accurate information enables citizens to participate more fully in a democratic society. Accuracy is therefore a fundamental principle associated with the broadcast of news and current affairs content and should always take priority over the speed with which content can be delivered. It is also acknowledged that despite best efforts, inaccurate information can sometimes be conveyed, whether explicitly or implicitly. The principle of responsiveness is designed to ensure that broadcasters adopt fair, timely and appropriate remedies in handling the broadcast of inaccurate information.

Transparency & Accountability: the principles of transparency and accountability are concerned with ensuring that practices and procedures adopted by broadcasters in sourcing, compiling, producing and presenting news and current affairs are visible, open to scrutiny, robust and accessible. This is particularly the case where a decision to broadcast may impact on an individual's privacy.

3. Compliance & Assessment

- In the treatment of news and current affairs content, broadcasters shall comply with the principles and rules specified in this Code. Broadcasters should be mindful of all the provisions of this Code as programme material may be required to comply with one or more applicable provision.
- News and current affairs content shall be assessed in whole and in context and with reference to:-
 - The provisions of the Broadcasting Act 2009 (as amended);
 - The principles of the Code;
 - The rules of the Code;
 - Contextual factors including, but not limited to, the type of programme concerned and audience expectations;
 - The procedures, practices and policies of the BAI.
- Broadcasters shall comply with the spirit as well as the letter of the Code.

4. Rules

The following rules shall apply to the treatment of all news and/or current affairs content.

Fairness, Objectivity and Impartiality - Statutory Duties of Broadcasters

1. In their treatment of news and current affairs content broadcasters shall comply with section 39 (1) (a) & (b), section 39 (2) and section 39 (5) & (6) of the Broadcasting Act 2009.

39.—

(1) *Every broadcaster shall ensure that—*

- (a) *all news broadcast by the broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views,*
 - (b) *the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of his or her own views, except that should it prove impracticable in relation to a single broadcast to apply this paragraph, two or more related broadcasts may be considered as a whole, if the broadcasts are transmitted within a reasonable period of each other,*
- (2) *Nothing in subsection (1)(a) or (b) prevents a broadcaster from transmitting party political broadcasts provided that a broadcaster does not, in the allocation of time for such broadcasts, give an unfair preference to any political party.*
- (5) *A broadcaster shall ensure that the broadcast treatment of any proposal, being a proposal concerning policy as regards broadcasting, which is of public controversy or the subject of current public debate, which is being considered by the Government or the Minister, shall be reported and presented in an objective and impartial manner.*
- (6) *Paragraphs (a) and (b) of subsection (1), in so far as they require the broadcaster not to express his or her own views, do not apply to any broadcast made under subsection (5).*

2. In their treatment of news and current affairs content broadcasters shall comply with the following principles as articulated in this Code:
 - Fairness;
 - Objectivity & Impartiality;
 - Accuracy & Responsiveness;
 - Transparency & Accountability.

Fairness Rules

3. A broadcaster shall deal fairly with contributors to current affairs content or with persons or organisations referred to in that content.
4. In the normal course of events, interviewees for news and current affairs content shall be made generally aware of the subject matter and the nature and format of their contribution, so that their agreement to participate constitutes informed consent.
5. A broadcaster shall not generally broadcast any news or current affairs interview with any person without the consent of that person. The broadcast of any news or current affairs content in the absence of consent must be editorially justified. Requests for withdrawal of consent shall be given due consideration by the broadcaster, having regard to the public interest, natural justice and the principles of fairness, objectivity and impartiality.
6. Care shall always be taken with the inclusion of interviews with children or vulnerable people in news or current affairs content. In all cases, the overriding principle must be to avoid the broadcast of material that may be unfair or detrimental to their interest.

The consent of a parent, guardian or legal representative shall generally be obtained prior to the broadcast of any interview with a child less than 16 years of age or a vulnerable person, where the subject matter is of a sensitive or serious matter or where not to do so could be deemed unfair. A decision to broadcast an interview in the absence of such consent must be justified in the public interest.

7. Where a person or organisation refuses to contribute to news and current affairs content or chooses to make no comment, the broadcast shall make this fact clear and shall report in a reasonable manner the person/organisation's explanation for declining to participate, where not to do so could be deemed unfair.
8. The refusal of a person or organisation to participate will not preclude the broadcast of news and current affairs content. However, the broadcaster has a responsibility to reflect, as far as practicable, the views of the absent party and to do so fairly.
9. The editing process shall not distort the context or meaning of the original interview.
10. A broadcaster shall ensure that the re-use of any material in a news and current affairs context, including the use of archive material, does not create unfairness or result in inaccuracies.
11. The re-construction or re-enactment of an event in news or current affairs content shall be clearly identified as such and should be authentic in its depiction of the event(s) in question.
12. The use of secret or undisclosed recording or filming in current affairs content shall only be used in exceptional circumstances. It must be warranted and a broadcaster shall have appropriate procedures in place for the authorisation of such recordings at the most senior editorial level. Such authorisation shall be in writing.

The following considerations are essential elements in determining if secret or undisclosed recording or filming is warranted:

- The item being covered is demonstrably in the public interest and the broadcaster has evidence of matter that merits coverage;
 - The co-operation of the subject is unlikely to be forthcoming;
 - There is reason to believe that coverage of the subject matter will be frustrated as the content cannot reasonably be obtained by other means.
13. Any person secretly filmed or recorded shall be afforded the opportunity to participate in the news and current affairs content that will include the recording if, in the opinion of the broadcaster, not affording the opportunity to participate would be unfair to that person.

14. By its nature, a direct unarranged approach (“door-stepping”) to an interviewee may contravene fairness. However, in appropriate circumstances it may be justifiable to dispense with the normal practice of making arrangements for an interview directly with an interviewee, or with a representative, and with suitable notice. “Door-stepping”, may be appropriate in circumstances where:
 - The item being covered is demonstrably in the public interest;
 - The interviewee is unlikely to co-operate if approached in the normal way, and;
 - The approach to the individual(s) is necessary to the authenticity and credibility of the content in question.
15. Broadcasters shall have in place appropriate policies and procedures for handling contributions via social media.
16. Any undertaking given to a contributor relating to confidentiality or anonymity shall be clear and be honoured. Any associated audio-visual techniques utilised in both filming and editing shall be carefully applied to ensure complete confidentiality is achieved and commitments given are fully honoured.

Objectivity & Impartiality Rules

17. News and current affairs content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time of preparing and broadcasting the content.
18. Two, or more, related broadcasts may be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.
19. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. Presenters should be sensitive to the impact of their language and tone in reporting news and current affairs so as to avoid misunderstanding of the matters covered.
20. A significant mistake shall be acknowledged and rectified as speedily as possible, in an appropriate and proportionate manner. A broadcast correction or clarification shall have regard to the time and circumstances of the original broadcast.

- 21.** A news presenter and/or a reporter in a news programme may not express his or her own view on matters that are either of public controversy or the subject of current public debate.
- 22.** It is an important part of the role of a presenter of a current affairs programme to ensure that the audience has access to a wide variety of views on the subject of the programme or item; to facilitate the expression of contributors' opinions – sometimes by forceful questioning; and to reflect the views of those who cannot, or choose not to, participate in content. This being so, a presenter and/or a reporter on a current affairs programme shall not express his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.
- 23.** 'Personal view' or 'authored' current affairs segments or programmes can be appropriate, subject to normal editorial controls. This does not exempt the segment or programme – or a series of related segments/programmes – from the statutory obligations to be impartial, objective and fair to all interests concerned. Similarly, an "authored" item or programme may be permitted if part of a series of related segments/programmes which, taken together, will discharge the statutory obligations.
- 24.** A 'personal view' or 'authored' programme or segment shall be clearly signalled to the audience at the outset, or in the case of a series of segments or programmes, at the start of each one.
- 25.** Each broadcaster shall have and implement appropriate policies and procedures to address any conflicts of interests that may exist or arise in respect of anyone with an editorial involvement in any news or current affairs content, whether such person works on-air or off-air.
- 26.** Any personal, professional, business or financial interest of anyone with an editorial involvement in news or current affairs content that calls into question (or that might reasonably be perceived as calling into question) the fairness, objectivity or impartiality of a programme or item, shall be brought to the attention of the audience. To this end broadcasters shall satisfy themselves that they are in a position to be aware of the relevant interests of the personnel concerned, and to determine whether the interest concerned is of such extent as would warrant the withdrawal of any person from further involvement in the item or programme.

Election & Referendum Coverage

27. Coverage of an election or a referendum shall comply with guidelines and codes of practice issued from time to time by the BAI.

Legal Requirements and Guidance

28. Broadcasters and programme makers shall adhere to all legislative requirements when sourcing, compiling, producing and presenting news and current affairs content.
29. Broadcasters shall have due regard to guidance issued in respect of this Code.

