



Complaint Decision

Complaint Reference Number	C5492 and C5493
Complainant	Brendan Burgess
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	27 th & 28 th January 2021
Broadcast Time	13:45
Programme Description	Daily phone-in chat show
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity & impartiality in news & current affairs); the BAI Code of Fairness, Objectivity & Impartiality in News and Current Affairs – Rules 4.1, 4.2, 4.19, 4.20, 4.21 and 4.22.

Complaint Summary

The complaint refers to two broadcasts covering the topic of Life Loans from Bank of Ireland.

The complainant claims that the programme broadcast multiple significant mistakes and inaccurate claims about Lifetime Loan products, which were not challenged by the presenter but were repeated by him as if they were factual and accurate. The complainant believes the presenter ought to have corrected the mistakes and challenged the claims as they were made because the presenter and researchers were familiar with Lifetime Loan products from an episode of Liveline on the topic in January 2016. The complainant also contends that, having made significant mistakes in the broadcast, it was incumbent on the programme to correct them after the complainant contacted the programme makers requesting a statement be read out to correct the errors.

The complainant maintains that, over the two programmes, there were seventeen callers critical of Lifetime Loan products and he was the only caller to correct mistakes and challenge claims made about the products. The complainant states he received abuse from callers to the programme when he was trying to set out the facts. The complainant believes that the programme makers should have done more to ensure a balanced debate on the issue and, if unable to do so, the presenter ought to have provided that balance.

The complainant believes the presenter's views on Lifetime Loan products were clear from his language and tone and the lack of robust challenges to the callers. The complainant is of the view the presenter's comments and tone, overall, were prejudiced and biased against life loans.

Broadcaster Response Summary

The broadcaster does not believe the caller-driven discussion on Liveline about buyer's remorse in relation to bank loans constitutes current affairs *per se*. Notwithstanding this, the broadcaster defends the content against the claims made by the complainant.



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The broadcaster notes that the first programme focussed on the large number of calls from people who had had negative experiences with Lifetime Loan products and the testimony broadcast was based on their personal experiences. The broadcaster states that the second programme included the complainant as one of the callers and he was given fair treatment and ample time to explain and defend Lifetime Loan products. The broadcaster also states that adequate right of reply was given to Bank of Ireland and Spry Finance.

The broadcaster refutes the allegation that the programme allowed significant mistakes and inaccurate claims to be broadcast without challenge. The broadcaster states that callers outlined their personal experiences of Lifetime Loan products and, in cases where specific figures may have been misused, the key point of the discussion over the two programmes remained valid, that is, whether Lifetime Loans helped or harmed the customer.

The broadcaster rejects the complainant's view that it was clear from the presenter's tone and language and lack of challenge to callers what his views on Lifetime Loan products were. The broadcaster states that the presenter's style is well established and is in keeping with the recognised tone of the programme and that he acted properly and fairly at all times, including making comments in defence of the products.

Decision of Executive Complaints Forum

Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1, 4.2, 4.19, 4.20, 4.21 and 4.22. The Code requires that the broadcast treatment of current affairs is fair to all interests concerned and is presented in an objective and impartial manner. Broadcasters are required to comply with principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Views and facts shall not be misrepresented or presented in such a way as to render them misleading and significant mistakes shall be acknowledged and rectified as speedily as possible. The Code recognises that current affairs presenters have a role in facilitating the expression of contributors' opinions and ensuring audiences have access to a wide variety of views.

The complaint concerns discussions about Life Loans and these are financial products that are currently available in Ireland. The Forum was satisfied the content constituted current affairs and that the Code of Fairness, Objectivity and Impartiality in News and Current Affairs was applicable. The Forum noted the programmes complained of were not news programmes and, therefore, rule 4.21 does not apply.

The Forum noted the complainant's view that the programme contained significant mistakes and inaccurate claims about Life Loans and that these were not sufficiently challenged but were, at times, repeated by the presenter. The Forum noted that callers to the programme discussed the topic of Life



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Loans from their personal experience, or the experience of a family member, of having taken out such a loan. The discussion on the programme largely focused on individual stories and personal experiences as a way to explore the broader topic of whether Life Loans are helpful or harmful to people. This approach to a matter of current debate is in keeping with the regular format of this caller-driven programme and is in keeping with audience expectations of the programme. During this programme, callers made many claims about their experience or their family members' experience with these loans and it would be impractical for the broadcaster to attempt to verify all of them. The Forum is satisfied that listeners to the programme understand that claims made by individual callers are their views or opinions or experiences and they are not akin to statements on a topic made by political, industry or civil society representatives as may be found in other current affairs programmes. Considering this context, the Forum was of the view that the content was not misleading on the topic under discussion.

The Forum considered the complainant's view that the programme did not meet the requirements of fairness in the Code by having just one person out of all the callers speak in defence of Life Loans. The Forum noted that appropriate implementation of the fairness principle should not be taken to mean that an 'artificial balance' is required in order to comply with the Code, nor should it be taken to imply that equal allocation of airtime is always necessary to achieve fairness. The Forum was satisfied that callers were facilitated in telling their personal stories and a financial advisor, the complainant, was given ample time to express his views in defence of Life Loans.

The Forum noted the complainant's claims that the programme presenter's views on Life Loans were clear and his comments and tone, overall, were prejudiced and biased. The Code recognises that some current affairs programmes are synonymous with personalities, where the manner in which the presenter presents or interviews contributors can be keenly anticipated by audiences. Often the nature and style of the presenter is a key factor in what engages audiences and draws them into consideration and debate on matters of public controversy and current public debate. The Code seeks to prevent a partisan position being advocated by the presenter and to guard against a presenter using the programme to pursue an agenda. The Forum noted that this presenter's style is well known and is often sympathetic to callers to elicit their stories. The presenter did, at times, repeat some of the claims made by callers, but also made comments in defence of some aspects of Life Loans and facilitated one caller in giving their views in defence of Life Loans. While sympathetic to the callers who had had bad experiences with Life Loans, the Forum found no evidence in the content of the presenter advocating a partisan position or pursuing an agenda.

Overall, the Forum decided the content did not infringe the relevant provisions of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Broadcasting Act 2009. Accordingly, the complaint was rejected.