

today, tomorrow, together



**RTE**

Journalism Guidelines | Revised September 2014

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## INTRODUCTION AND CONTEXT

**This is a reprint of the first revision of the RTÉ Journalism Guidelines that were originally published in 2012.**

It seeks to address issues of regular concern for those involved in news and current affairs programmes. But it is also directly relevant to other journalistic activity and content in factual and other programmes, on all platforms. Journalism refers to content; it does not refer only to the work or output of our staff or contributing journalists.

Separate considerations which apply to more general programming are addressed in the RTÉ Programme Content Standards (2013). These two shorter documents, taken together, replace RTÉ's Programme Standards and Guidelines (2008).

Programme-makers should also take account of requirements found in the BAI Code on Fairness, Objectivity & Impartiality in News and Current Affairs, noting here also that content of a current affairs type may occur in many programme genres.

A number of changes have been made for this edition. Some arise in response to queries from editorial areas where day-to-day working experience indicated that the existing text was unclear or incomplete in places. In some cases fresh issues have arisen requiring guidance.

These guidelines will continue to be subject to regular review. Please ensure that it is always the most recent edition that is consulted. The date on which the guidelines were last reviewed can be found on the cover of the printed edition and on the first page of the online version. If in doubt on any point, consult your editorial line manager.

RTÉ wishes to acknowledge with gratitude the assistance it received from fellow public service broadcasters, BBC and ABC, in drafting these guidelines.

**Noel Curran**

Director-General RTÉ

# RTÉ'S EDITORIAL VALUES

RTÉ's vision is to enrich Irish life; to inform, entertain and challenge; to connect with the lives of all the people.

RTÉ's **editorial values** include a commitment to:

- Operate in the public interest, providing news and current affairs that is fair and impartial, accurate and challenging
- Be honest and transparent in all of our activities
- Take personal responsibility for pursuing the organisation's goals

These editorial guidelines set out RTÉ's approach to embedding those values in all our journalistic activity no matter how it is created and however it is received by our audiences. Our guidelines are to be applied in a way which maintains independence and deserves trust without constraining legitimate journalistic enquiry.

From time to time our journalism may be so challenging that it offends or shocks; that is a sign of strength, not weakness. However the freedom to publish carries the responsibility to act with integrity and maintain the highest standards of professional responsibility. These guidelines set out the standards expected of everyone making or presenting RTÉ's output. They are intended to provide clear advice to anyone, in-house or commissioned, on how to deal with difficult editorial issues, meet the expectations of our audience and produce distinctive and challenging content to the highest ethical and professional standards. Any proposal to step outside them for reasons of overriding public interest must be discussed and agreed in advance with the relevant Managing Director.

While the guidelines contain many imperatives, they should not be regarded as a substitute for the personal qualities and responsibility expected of RTÉ staff (and independent programme-makers): integrity, fairness, open-mindedness, self-criticism and an appreciation of the potentially significant consequences of broadcast journalism, especially for vulnerable individuals or groups in society.

As well as representing the values and standards of RTÉ, the editorial guidelines reflect the relevant provisions of Section 39 of the Broadcasting Act 2009. They also reflect the provisions of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs of the Broadcasting Authority of Ireland (referred to as the BAI in these guidelines), which has the responsibility of drawing up codes which govern standards and practices to be observed by all broadcasters licensed in the Republic of Ireland. The BAI Code can be found on the BAI website ([www.bai.ie](http://www.bai.ie)).

### Mandatory Obligations

Some obligations and referrals are mandatory and are identified in aqua boxes. Timely referrals are essential to allow proper consideration of any relevant issues that might arise. Late referrals close to planned broadcast will only be considered in exceptional circumstances.

From time to time our journalism may be so challenging that it offends or shocks; that is a sign of strength, not weakness.



## THE BROADCASTING ACT 2009



As well as representing the values and standards of RTÉ, the editorial guidelines reflect the relevant provisions of Section 39 of the Broadcasting Act 2009.

Section 39 of the 2009 Act lays down the duties and obligations for public service broadcasting (RTÉ and TG4) and for all licensed commercial and community broadcasters. The key duties are to ensure that:

1. 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.
2. 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 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.
3. Anything which may reasonably be regarded as causing harm or offence, or as being likely to promote, or incite to, crime or as intending to undermine the authority of the State, is not broadcast by the broadcaster.
4. In programmes broadcast by the broadcaster, and in the means employed to make such programmes, the privacy of any individual is not unreasonably encroached upon.



## EDITORIAL PRINCIPLES

### 4.1 Trust

Trust is the cornerstone of RTÉ: we seek to be honest, reliable, authoritative, impartial and independent of vested interests.

### 4.2 Accuracy

We strive for accuracy in all our output. Our reporting is well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We are honest about what we do not know and avoid unfounded speculation.

### 4.3 Impartiality

We provide impartial news, current affairs and factual programmes. We aim to present content that addresses a broad range of subjects and issues. We seek to:

- maintain a balance of opinion that reflects the weight of evidence
- ensure fair treatment
- be open-minded
- provide opportunities over time so that no significant strand of thought is ignored or under-represented

### 4.4 Editorial Integrity and Independence

We must maintain our independence and integrity if we are to win the trust and respect of the community. RTÉ's audiences should be confident that our editorial decisions are not influenced by outside interests, political or commercial pressures, or by any personal interests.

### 4.5 Serving the Public Interest

We report stories of significance to our audiences. We are rigorous in establishing the truth of a story and we are well informed when explaining it. We ask searching questions of those who hold public office and others who are accountable, and we provide a comprehensive forum for public debate. The concept of the public interest is treated in Section 10.

### 4.6 Fairness

We respect our contributors and our audiences. We deal with them and the issues we report fairly. Our output is based on honesty and straight dealing.

### 4.7 Privacy

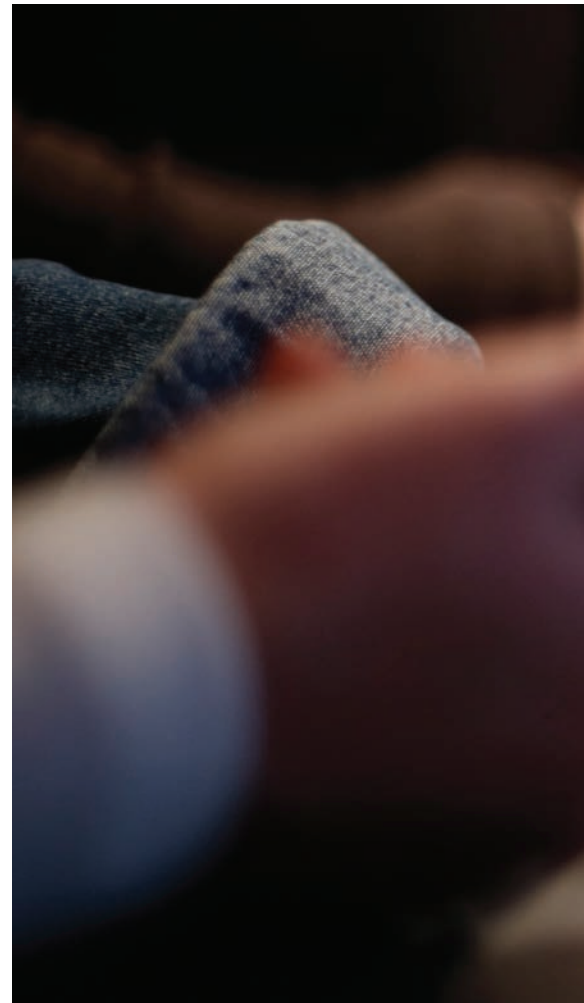
We respect privacy and do not infringe it without good reason, wherever we are operating. Intrusion into a person's private life without consent must be justified in the public interest and the extent of the intrusion must be limited to what is proportionate in the circumstances.

### 4.8 Accountability

We hold ourselves to the same standards of accountability we expect of others. We are open in correcting mistakes when they are made and encourage a culture of willingness to learn from them.

We comply with our legal and regulatory obligations set out in the Broadcasting Act and deal with the BAI in an open, timely and co-operative manner.

We strive for accuracy in all our output. Our reporting is well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language.



## ROLES AND RESPONSIBILITIES

### 5.1 Editorial Responsibility

Editorial responsibility within RTÉ rests with the editorial chain of management from reporter and producer to editor, whether in-house or commissioned, through to the relevant Managing Director and the Director-General, who is the editor-in-chief. The number of links in the editorial chain depends on the duration and complexity of the report. All those involved in the creation of RTÉ content including researchers, reporters, producers and editors are required to exercise editorial responsibility for it. When in doubt about an editorial matter, refer it up the editorial management chain for advice or decision. When any editorial matter (including an editorial matter not being referred up for advice or decision) is likely to cause controversy or have an extraordinary impact, programme-makers are obliged to give proper notice of it to the most appropriate senior manager. It is the role and responsibility of editorial managers to provide guidance, support and oversight of the editorial process and ensure it is robust.

Independent production companies should refer to the relevant genre head. Whenever significant legal issues may be involved this must be communicated at an early stage to Legal Affairs.

#### *Mandatory Obligation 1*

Knowledge of these guidelines is the personal responsibility of all production staff and an essential professional requirement and a matter of contractual obligation.

### 5.2 RTÉ Director-General as Editor-in-Chief

In accordance with the Broadcasting Act 2009, the RTÉ Director-General acts as editor-in-chief in respect of all content broadcast or published by RTÉ. However, it is not possible or practical for the Director-General to be involved in routine day to day editorial decision making across all of RTÉ's output. The Director-General's editorial role is therefore primarily a strategic one, where he/she sets overall editorial standards, priorities and direction for the organisation.

#### *Mandatory Obligation 2*

Any proposal to proceed with a programme despite legal advice of a significant or serious risk must be referred to the relevant Managing Director. If the Managing Director proposes to broadcast the programme he/she must bring the matter to the attention of the Director-General in accordance with procedures in section 17 Legal Liabilities and the Relationship with Legal Affairs.

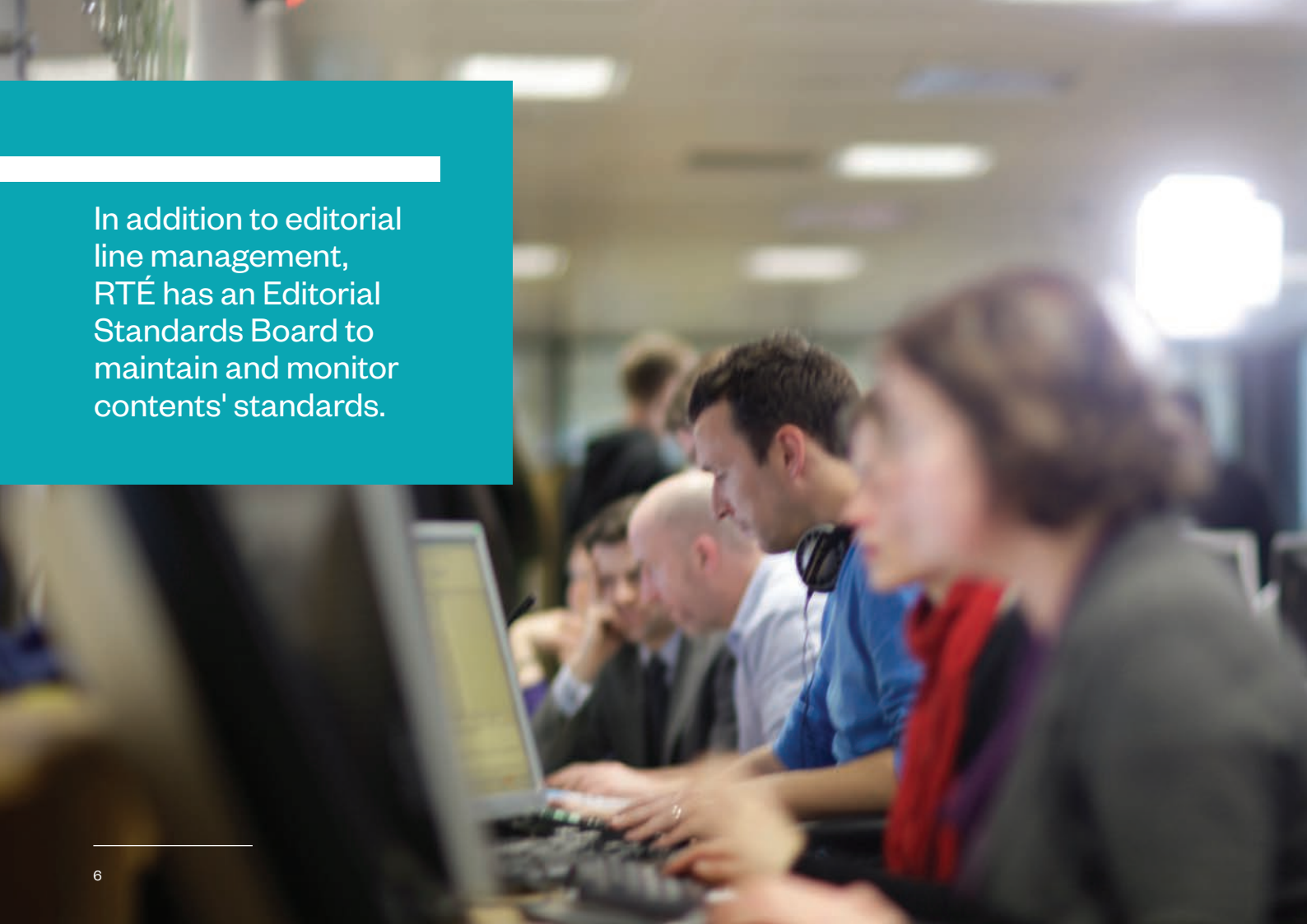


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## RTÉ EDITORIAL STANDARDS BOARD

In addition to editorial line management, RTÉ has an Editorial Standards Board to maintain and monitor contents' standards. The Editorial Standards Board is independent of existing editorial lines within output divisions. Its core functions include:

1. Pre-broadcast assessment: where a significant investigative programme is planned, the relevant editor shall present a detailed report to the board at least 7 days in advance of scheduled transmission to enable an assessment of the quality of the report, of the reliability of the evidence that supports the claims being made and to determine the public interest justification of the report.
2. To provide an independent assessment of the merits of formal and substantive complaints lodged against RTÉ programmes and output in order to determine RTÉ's response to such complaints. (See Accountability).
3. To carry out reviews of RTÉ programmes and output, selected posttransmission, to ensure consistency with RTÉ's Programme Content Standards. The outcome of these reviews will be reported to the relevant Managing Directors.



In addition to editorial line management, RTÉ has an Editorial Standards Board to maintain and monitor contents' standards.



## TRUST AND ACCURACY

Trust requires confidence that RTÉ's journalists, programme-makers and content creators are straightforward and honest in all that we do.

### 7.1 Trust

Trust requires confidence that RTÉ's journalists, programme-makers and content creators are straightforward and honest in all that we do. RTÉ exists to serve all the people of Ireland. Their expectation is that we will treat their interests, views and beliefs accurately and fairly; that we make our best effort to be truthful; that we do not favour one side or another of a contested issue; that we don't represent vested interests; and that we have no personal interest in what we broadcast.

### 7.2 Our Standards on Accuracy

- Take all reasonable efforts to ensure that material facts are accurate and presented in context
- Do not present factual content in a way that will materially mislead the audience. (In some cases, this may require appropriate labels or other explanatory information)
- Acknowledge significant factual errors and correct them quickly, clearly and appropriately in consultation with the relevant editorial manager

We should try to witness events and gather information wherever possible at first hand. Where this is not possible, we should talk to first-hand sources and, where necessary, corroborate their evidence.

We should be reluctant to rely on a single source especially if the information from that source has been given on condition of anonymity. If we do rely on a single source, a named on-the-record source is always preferable.

### 7.3 Accuracy

Accuracy is not simply a matter of getting facts right. If an issue is controversial, relevant opinions as well as facts may need to be considered. All relevant facts and available information should be weighed to get at the truth.

Where appropriate to the output, we should:

- gather material using first-hand sources wherever possible
- check and cross check facts validate the authenticity of documentary evidence and material
- wherever possible corroborate claims and allegations made by contributors and ensure that contentious statements or opinions are not cloaked by anonymity

In news and current affairs content, achieving accuracy is more important than speed.

A commitment to accuracy includes a willingness to correct significant errors and clarify ambiguous or otherwise misleading information in as timely and appropriate a manner as possible. Swift and prominent correction can reduce harmful reliance on inaccurate information, especially given that content can be quickly, widely and permanently disseminated.



## TRUST AND ACCURACY

### 7.4 Sources of Information

We normally identify sources of information and significant contributors, and provide their credentials, so that our audiences can judge their status.

We normally require two sources before we broadcast something as a fact. If we have to rely on a single source we must be very confident that the information is accurate and the source reliable. If we have been unable to verify material sufficiently, we should say so and attribute the information.

Protecting the identity of confidential sources is an important journalistic principle. However, when relying on an anonymous source, we should satisfy ourselves that extending the protection of anonymity is essential to the telling of the story. In such cases we should also give our audience whatever information we can about the source in a form that provides some evidence of their credibility but that does not materially mislead about the source's status, and does not put their anonymity at risk. It is always important to ask: how does this person know, and why are they telling us this now?

In a story originated by RTÉ, the relevant editor has the right to ask for the identity of the key source. In cases involving serious allegations we should resist any attempt by an anonymous source to prevent their identity being revealed to a senior editor. If this happens, the reporter should make it clear that the information obtained confidentially may not be broadcast.

We should record our research interviews with sources wherever possible and where consent for recording has been obtained from those being interviewed. In circumstances where recording might inhibit the source, full notes should be made, preferably at the time or, if not, as soon as possible afterwards, and preserved by the staff member concerned.

We should take accurate, reliable and, wherever possible, contemporaneous notes of all significant research and other relevant information. We must keep records of research including written and electronic correspondence, background notes and documents. They should be kept in a way that allows for double-checking, particularly at the scripting stage, and if necessary by another member of the team.

There are separate considerations for reporting social media such as Twitter or Facebook and other user generated content. We should not automatically assume that the material is accurate and should take reasonable steps, depending on how it is to be used, to seek verification both of its accuracy and origin. We must take special care over how we use any material that we suspect has been supplied by a member of a lobby group or organisation with a vested interest in the story, rather than by a disinterested bystander. See also Guidance on Reporting from the Internet and Social Media sources at Appendix 2.

### 7.5 Use of Reconstructions of Current Events

News programmes should not normally stage reconstructions of current events because of the risk of confusing the audience. Where current affairs or factual programme use reconstructions they should be accurate and neither mislead nor sensationalise. They should also be identifiable as reconstructions, for example, by using verbal or visual labelling or visual or audio cues, such as slow motion or grading. It should also be obvious to the audience where a reconstruction begins and ends. The label "Reconstruction" should only be used where what is represented is in fact a reconstruction; where the representation does not attempt to reconstruct events but merely uses a visual or audio device to illustrate them this should be made clear to the audience.

We should record our research interviews with sources wherever possible and where consent for recording has been obtained from those being interviewed.

## IMPARTIALITY

### 8.1 RTÉ's Role Pursuant to the Broadcasting Act 2009

RTÉ, a broadcaster operating under statute with public funds, is the major provider of space for public debate and is therefore expected to be different from other media. On our airwaves and platforms, the listening, viewing and reading public should be able to see and hear all sides of the debate. They should be able to regard RTÉ and the presenters of its programmes to be neutral on issues of public controversy as required by section 39 of the Broadcasting Act 2009.

In its programming, RTÉ must reflect the main trends of thought and the major currents of opinion, but without over-simplifying complex issues or arbitrarily excluding relevant minority viewpoints. These minority viewpoints will often be critical viewpoints and RTÉ recognises that those who hold such positions stand counter to the main trends of thought and the major current of opinion. It means that programme-makers accept an obligation to present fairly the weight of the evidence, and to report and interpret events in a manner that respects the context as well as the highlights of news and current affairs.

RTÉ News must be a key purveyor of impartial information to the Irish people. Whatever licence may exist for opinion and expression of personal views in general programming, there is a strict obligation within news to observe due impartiality.

### 8.2 Our Standards on Impartiality

- Gather and present news and information with due impartiality. Present a diversity of perspectives so that, over time, no significant strand of thought or belief is either knowingly excluded or disproportionately under or over represented.
- Do not state or imply that any perspective is the editorial opinion of RTÉ. RTÉ takes no editorial stance other than its commitment to fundamental democratic principles including the rule of law, freedom of expression and religion, parliamentary democracy and equality of opportunity. Do not misrepresent any perspective. Do not unduly favour one perspective over another.

News in whatever form must be treated with due impartiality, giving due weight to events, opinion and main strands of argument. This may require packages to be balanced internally and not rely on a subsequent interview.

### 8.3 Diversity of Programming

RTÉ is obliged to provide a service which is available to all the people of Ireland. Its output should reflect their experiences and interests. As Irish society changes, RTÉ must be sensitive to those changes.

RTÉ's output must reflect fairly the mosaic that is Ireland today with its religious and spiritual beliefs, its ethnic mix, its age and sex profile, its equality and inequalities, its educational attainments, its political views, its geographical spread, its economic positions, its linguistic mix, its diverse interests in arts and sports, and its cultural diversity. Programme contributors and the values found in programming need to reflect that diversity.

Programming should address a broad range of subjects from a diversity of perspectives in a diversity of ways and from a diversity of sources. That includes content created by RTÉ staff, that generated by audiences and that commissioned or acquired from independent programme-makers. We seek to maintain a balance of opinion that reflects the weight of the evidence. Impartiality does not require that every perspective receives equal time, or that every facet of every argument is presented. It cannot always be achieved within a single broadcast but must be achieved within a reasonable period by a balancing contribution which is clearly signposted as such.

Reflection of a range of views does not allow for the incitement of hatred towards any group on the basis of their ethnic origin, nationality, religion, race, gender, sexual orientation, marital status, disability, illness, age or membership of the travelling community.

### 8.4 Personal Views of Presenters, Reporters and Correspondents

Presenters, reporters and correspondents are the public face and voice of RTÉ – they can have a significant impact on perceptions of whether due impartiality has been achieved. Our audiences should not be able to tell from our output the personal views of our journalists or news and current affairs presenters on matters of public policy, political or industrial controversy, or on 'controversial subjects' in any other area. They may question vigorously or provide professional judgements, rooted in evidence, but may not express personal views in RTÉ output, online or elsewhere, and must be careful in their use of social media to avoid any perception of partiality.

Personal view programmes or 'authored' items are acceptable, subject to normal editorial control, but their inclusion does not exempt the programme (or a series of related programmes) from the obligation to be impartial, objective and fair to all interests concerned. Such programmes or items must be clearly signalled to the audience at the outset, or in the case of a series of programmes, at the start of each programme.

We should not automatically assume that contributors from other organisations (such as academics, journalists, researchers and representatives of charities) are unbiased and we may need to make it clear to the audience when contributors are associated with a particular viewpoint or special interest, if it is not apparent from their contribution or from the context in which their contribution is made.

## IMPARTIALITY

### 8.5 Presenters and Programme-Makers and Potential Conflict of Interest

Any person directly involved in content production who may have a conflict of interest in respect of an item or items, or potential for such a conflict, must bring this to the notice of their editorial line manager.

Any line manager becoming aware of such a risk in the content production area must discuss the matter with the person concerned and should also notify it upwards.

Note that 'conflict' is defined as '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' (BAI Code on Fairness, Objectivity Impartiality etc. p. 26.)

### 8.6 Presenters and Gifts

RTÉ presenters and other production staff must not accept any offers which might compromise RTÉ's independence and integrity. In particular the acceptance of gifts beyond those of a nominal value is not permitted. Promotional work on behalf of any commercial organisation is not permitted. All requests for speaking engagements, chairing of meetings, etc. must be referred to appropriate managers for approval in advance.

Presenters are not permitted to accept offers of the use of cars from suppliers, even if there is no promotional commitment involved. Freelance contractors employed as presenters by RTÉ are obliged to disclose any commercial activity they are involved in which might compromise RTÉ.

Presenters and commercial activity  
RTÉ presenters must not promote in their programmes commercial ventures that they are associated with or that they stand to gain from financially.

Editorial personnel must not accept private work, for example in the media training sector, which is in conflict with their role or with RTÉ's broader function on the public's behalf. This includes, for example, training individuals in dealing with broadcast news or current affairs interviews. Presenters should give particular attention to this requirement.

### 8.7 RTÉ Personnel and Social Media

All RTÉ staff and contributors should be aware of and should abide by the RTÉ Social Media Guidelines. Journalists and other editorial personnel should take care to preserve RTÉ's editorial integrity in any comments or postings made by them on social media sites, even if these are of a personal or hybrid type. Comments or criticisms on public events, issues or personalities, whether originated or copied/shared, or whether explicit or implied, which may appear to compromise the editorial independence and impartiality of an RTÉ editorial professional or RTÉ itself are damaging to RTÉ's interest and public responsibility and should not be engaged in.

RTÉ Social Media Guidelines are available on the Hub.



RTÉ presenters and other production staff must not accept any offers which might compromise RTÉ's independence and integrity.



## EDITORIAL INTEGRITY AND INDEPENDENCE



RTÉ must be editorially independent of government, business interests, political parties, trades unions and pressure groups.

### 9.1 Public Service and Integrity and Independence

RTÉ exists to serve the public. The public must have confidence in the integrity and independence of what they hear and see on RTÉ's services. We have an obligation to be independent of all vested interests and not to compromise ourselves for any reason.

RTÉ must be editorially independent of government, business interests, political parties, trades unions and pressure groups. There is no room for any perception that presenters, reporters or producers personally benefit from their decisions as to who participates in programmes, what products are featured and what issues are discussed.

Equally importantly, there must be no grounds for the perception that editorial decisions in some way reflect the personal views of production teams. As citizens, all programme-makers have rights to their own private views about topics of current debate. These views must not be seen to determine agendas, lines of questioning or editorial decisions in programming.

### 9.2 Our Standards on Editorial Independence and Integrity

- Maintain the independence and integrity of RTÉ
- Exercise RTÉ editorial control over the content RTÉ broadcasts or publishes
- Ensure that editorial decisions are not improperly influenced by political, sectional, commercial or personal interests
- External activities of individuals undertaking work for RTÉ must not undermine the independence and integrity of editorial content

### Mandatory Obligation 3

Any personal, professional, business or financial interest which could call into question the perceived fairness, objectivity or impartiality of a presenter or staff member should be declared to the appropriate editorial manager.

If the editorial manager deems that the conflict of interest might be perceived as significant, the presenter or reporter may be asked to resolve the conflict by not working on the project or by declaring the interest on-air.

## EDITORIAL INTEGRITY AND INDEPENDENCE

### 9.3 Financial Journalism

To ensure that our audiences can be confident that RTÉ's output is not undermined by the outside activities or financial interests of any of our people, journalists and presenters covering financial news should register all their shareholdings, financial and business interests or dealings in securities.

RTÉ presenters and journalists must not engage in insider dealing by using for their own profit, or for the profit of a third party, any financial information they receive in advance of its general publication. In considering whether information is insider information journalists should have regard to whether it is information which is precise and on which an investor would be likely to base an investment decision.

RTÉ journalists must not engage in market manipulation. In particular, journalists must not give false or misleading signals as to the supply of, demand for or price of financial instruments.

Any journalists engaged in financial journalism or any form of reporting on financial markets must have regard to the legal definitions of insider dealing or market manipulation, which can be obtained from Legal Affairs. Insider dealing and market manipulation are criminal offences and can potentially attract a fine not exceeding €10,000,000 and a prison sentence of up to 10 years.

#### *Mandatory Obligation 4*

Financial journalists must not promote, or give the impression of promoting, any business or financial service in our output.

The law imposes particular rules to the production and distribution of investment recommendations. In this context, a recommendation has a precise statutory meaning, that is 'research or other information recommending or suggesting an investment strategy, explicitly or implicitly, concerning one or several financial instruments or the issuers of financial instruments including any opinion as to the present or future value or price of such instruments, intended for distribution channels or for the public'.

Any such recommendations must be clear and not misleading and the source should be disclosed. If an RTÉ journalist is to make a recommendation she/he must disclose all of the circumstances that may reasonably be expected to impair the objectivity of the recommendation. This includes disclosure of any interest in the financial instruments which are the subject of the recommendation held by that journalist or a member of their close family.

### 9.4 Acceptance of Gifts

RTÉ presenters and other production staff, including freelance contractors and sole traders, must not accept any offers which might compromise RTÉ's independence and integrity. In particular the acceptance of gifts beyond those of a nominal value is not permitted.

#### *Mandatory Obligation 5*

All requests for speaking engagements, chairing of meetings, including of a charitable/not-for-profit nature, must be referred to the appropriate editorial manager for approval in advance.

The law imposes particular rules to the production and distribution of investment recommendations.

### 9.5 Involvement in Commercial Activity and Investments

Freelance or independent contractors employed as presenters by RTÉ are obliged to disclose any commercial activity or investments they are involved in which might compromise RTÉ to the appropriate editorial manager.

#### *Mandatory Obligation 6*

RTÉ presenters must not promote in their programmes commercial ventures that they are associated with or from which they stand to gain financially.

### 9.6 Wearing of Religious or Political Badges or Symbols

RTÉ does not permit presenters to wear religious or political badges or symbols on screen which could be perceived to undermine editorial independence.

## SERVING THE PUBLIC INTEREST

### 10.1 Public Interest Requirements Pursuant to the Broadcasting Act 2009

RTÉ is required by section 114 (2) of the Broadcasting Act 2009 to be:

- Responsive to the interests and concerns of the whole community, be mindful of the need for understanding and peace within the whole island of Ireland, ensure that the programmes reflect the varied elements which make up the culture of the people of the whole island of Ireland, and have special regard for the elements which distinguish that culture and in particular for the Irish language
- Uphold the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression
- Have regard to the need for formation of public awareness and understanding of the values and traditions of countries other than the State, including in particular those of other Member States of the European Union

We commit to investigate stories of significance and to hold to account those who hold public office or who are in other ways responsible to the public.

Our approach to serving the public interest is by reporting on such matters and providing a forum for national debate on related and other significant issues.

### 10.2 Our Standards on Serving the Public Interest

RTÉ's investigations and reporting will be proportionate to what is being investigated and clearly targeted. That implies:

- a clear sense of what the public interest justification might be
- that projects will not be pursued as 'fishing expeditions'. There should be a public interest justification for commencing basic research and inquiry, and some justifying evidence if a subject is to be elevated to substantive research or active production and may encroach on privacy. When using the public interest to justify an intrusion, consideration has to be given to proportionality: the greater the intrusion the greater the public interest required to justify it
- the avoidance of subterfuge except in clearly defined and authorised circumstances

- very clear rules whenever secret recording is involved
- a clear set of authorisations from within the editorial line management chain
- a clear rationale for what is eventually put into the public domain, and how

### 10.3 Our Approach to Serving the Public Interest

We base our approach on the following assumptions:

Citizens in a democratic state have an interest in information about the workings of the state, its institutions and officials, both elected and appointed. This interest, however, is not confined to the state's institutions, but also to private corporations and individuals and to voluntary organisations which require the public's trust.

When an individual holds an office, whether in a public institution or a private company or voluntary organisation which seeks the public's trust, it is in the public interest individual's actions in pursuit of these goals be open for inspection, analysis and investigation by the news media.

Such an individual is to be judged for his/her public acts, not private ones. In this case, 'private' should be taken to mean issues to do with personal relations, personal communications, beliefs and past affiliations unless these can be shown to be directly and significantly relevant to the performance of their public duties. The test is always the impact on public actions or duties.

The division between private and public is rarely absolute: if, in an investigation, links are shown to exist between the public and the private, then the latter becomes a legitimate area of inquiry.

We report and show the consequences of violence, tragedy, trauma or criminal exploitation with sensitivity and care. We do not flinch from revealing reality but avoid causing gratuitous distress to victims, witnesses or bereaved relatives.

Investigations are obviously an important way of uncovering matters of public interest ranging from maladministration, crime and corruption, the misuse of public funds, the abuse of those in the care of the State, the state of anti-social behaviour to the questionable activities of individuals or groups of professionals.

Any public interest justification will include:

- disclosing information that allows people to make a significantly more informed decision about matters of public importance
- preventing people from being misled by some statement or action of an individual or organisation
- informing debate on key issues
- promoting accountability and transparency for decisions and public spending
- revealing crime or significantly anti-social behaviour
- exposing fraud and corruption
- helping people understand and challenge decisions affecting them

### 10.4 Investigations and Public Interest Mandatory Obligation 7

Any proposal beyond preliminary research to undertake an investigation into serious crime or significant anti-social behaviour or another issue in the public interest must be referred to the relevant senior editorial figure or, for commissioned programmes, to the genre head.

Accurate and reliable note-taking is an essential and prime journalistic craft; it can also be crucial to protecting the reputation of an investigative programme, its production team and RTÉ. When filmed evidence is later disputed by those under investigation, records and notes documenting the rationale for the investigation and why it was considered to be in the public interest, what has been captured, how it was recorded and any relevant surrounding events are an important tool for validating the recording and the programme.

## SERVING THE PUBLIC INTEREST

It is important to think through possible scenarios and dilemmas that may be faced in advance and draw up protocols on how to proceed. We should ensure that the public interest in our journalism is not outweighed by public concern about any harm that may have been caused by our methods.

If the parameters of the investigation shift significantly during production, this should be confirmed and agreed with the senior editorial figure responsible. It may be necessary to go through some of the initial procedures again to ensure the refocused investigation still has the necessary prima facie evidence and public interest.

When making use of evidence from whistleblowers or other anonymous sources, first take the appropriate steps to protect their anonymity. It is important to interrogate their motivation, particularly if in the case of whistleblowers they no longer work for the organisation or company concerned and their claims could be discredited by the manner of their dismissal. Whistleblowers should not normally receive any payment or other inducement for their involvement.

Throughout the editing process, it is important to ensure the finished programme reflects the evidence fairly and accurately, taking account of the context in which any secretly recorded incidents took place.

An independent editorial figure appointed by the Editorial Standards Board is required to test the public-interest thesis of the programme and the fairness of its presentation.

When the allegations to be made have been clarified, they should normally be put to the individual, organisation or company concerned in time for a response.

### *Mandatory Obligation 8*

Sensitive documents, recorded material and other information must be kept securely and any distribution of such material kept to the minimum. Confidentiality of records and information is an obligation that applies to all journalism. Local protocols will be put in place to ensure safety and security.

Broadcasting legislation also imposes the obligation on all programme-makers not to broadcast anything 'likely to promote or incite to crime'.

When investigating criminal activity we may, on rare occasions, want to record a specific crime. When that might raise questions about our relationship with the criminal or the crime, it must be referred to a senior editorial figure or, for commissioned programming, to the genre head, and to Legal Affairs. A decision will need to be made about informing the Gardaí.

Approval to be present at or record serious illegal activity will be given only if it is clearly in the public interest. Even then we must avoid:

- condoning, aiding or abetting criminal behaviour
- encouraging or provoking behaviour which would not otherwise have occurred
- directing the activity in any way

Anyone admitting to or carrying out an illegal act could be prosecuted. Our research notes, diaries, emails and other paperwork as well as untransmitted rushes may be obtained by court order. This material may also have to be disclosed as evidence to a court, tribunal or inquest.

### *Mandatory Obligation 9*

We do not normally pay individuals or their intermediaries to talk about their crimes. Any proposal to make such a payment must be referred to the relevant Managing Director and would only be approved if justifiable in the public interest and unobtainable without such a payment.

Care should be taken to ensure that the identities of any confidential sources are protected and do not appear in any notes that might become the subject of a court order.

It is important to think through possible scenarios and dilemmas that may be faced in advance and draw up protocols on how to proceed.



## FAIRNESS

### 11.1 Broadcasting Act 2009 Requirements on Fairness

Section 39(1) of the Broadcasting Act 2009 requires objectivity and impartiality in news. In addition, there is a requirement for fairness in current affairs (defined as the broadcast treatment of matters which are either of public controversy or the subject of current public debate).

Fair and honest dealing is essential to maintaining trust with audiences and with those who participate in or are otherwise directly affected by our content. We must be open and straightforward in our dealings with contributors and audiences unless there is a clear public interest in doing otherwise, or we need to consider important issues such as legal matters, safety or confidentiality.

### 11.2 Our Standards on Fairness

- Participants in RTÉ content should normally be informed of the general nature of their participation and give their consent to take part
- We treat our contributors and potential contributors with respect. We do not threaten, humiliate, or behave aggressively or intrusively to contributors, either to obtain their consent or during their participation in our output
- Changes to the focus or structure of the programme or item will be notified to the contributor where not to do so could be deemed unfair or partial
- Their contribution will be edited in a way that does not distort either the context or the meaning of the original interview
- Where allegations are made about a person or organisation, we make reasonable efforts in the circumstances to provide a fair opportunity to respond
- We aim to attribute information to its source. Where a source seeks anonymity, do not agree without first interrogating the source's motive and the possibility of identifying any alternative attributable sources
- Assurances given in relation to conditions of participation, use of content, confidentiality or anonymity must be honoured except in rare cases where justified in the public interest
- Where a person or organisation refuses to contribute or chooses to make no comment, the programme should make this clear to the audience and report the reason given accurately where not to do so could be deemed unfair

- The refusal of a person or organisation to participate should not prevent broadcast of the item. However, we must attempt to reflect fairly the views of the absent party both in what is said and how
- When we make allegations of wrongdoing, iniquity or incompetence or a strong and damaging critique of an individual or institution, the presumption is that those criticised should be given a reasonable opportunity to respond to the allegations
- We must ensure we have a record of any request for a response including dates, times, the name of the person approached and the key elements of the exchange. We should normally describe the allegations in sufficient detail to enable an informed response, and set a fair and appropriate deadline by which to respond
- Any parts of the response relevant to the allegations broadcast should be reflected fairly and accurately and should normally be broadcast in the same programme, or published at the same time, as the allegation

#### Mandatory Obligation 10

Any proposal to rely on a single unnamed source making a serious allegation or to grant anonymity to a significant contributor must be referred to the relevant Managing Director and Legal Affairs.

The Managing Director and Legal Affairs will consider:

- whether the story is of significant public interest
- whether the source is of proven credibility and reliability and in a position to have sufficient knowledge of the events featured and whether, if this is a single source, there is any corroborative evidence and any legal issues
- safety concerns, for example, for whistleblowers whether a response to serious allegations has been sought from the people or organisations concerned
- sensitive and personal issues
- whether the serious allegation was made or substantiated 'off the record'.

In reporting the allegation, care must be taken to explain:

- the nature of the allegation
- that the allegation is clearly attributed to the anonymous source and not RTÉ
- the degree to which it has been possible to verify the allegation

#### Mandatory Obligation 11

The relevant Managing Director must approve in advance any proposal to broadcast or publish material obtained by subterfuge or not to honour an assurance given in relation to conditions of participation, use of content, confidentiality or anonymity.

### 11.3 Live Programming and Fairness

In live programming, such as phone-in shows, there may be particular difficulties in following the exact procedures and protocols set down in these guidelines. However, the same standards apply to such programmes. Programme-makers in phone-in shows must do their utmost to ensure that fairness, objectivity and impartiality, as well as a respect for privacy, remain paramount.

In live programming dealing with rolling or breaking news issues, every effort should be made to contact relevant potential contributors as early as possible. Be aware that the notice may be too short to enable contributors to be sufficiently informed or to have determined their responses. The audience may need to be informed that insufficient notice was given to interests where participation in a programme could be expected.

# PRIVACY

### 12.1 Broadcasting Act 2009 Requirements

RTÉ's approach to the public interest governs our approach to privacy. We are also required by Section 39 of the Broadcasting Act 2009 not 'to encroach unreasonably on the privacy of an individual' in the making of programmes.

An individual's legitimate expectation of privacy is related to location and the nature of the information and behaviour, and the extent to which information about an individual is already in the public domain.

People's legitimate expectation of privacy in their own homes or other sensitive locations such as a hospital or medical centre are evidently greater than when they are in public or semi-public places. The reporting of, or the attempt to report, medical treatment or conditions (including psychiatric) can also encroach on privacy as can the reporting of suicide attempts.

Consideration also needs to be given where people can also reasonably expect privacy even in a public or semi-public space, particularly when the activity or information being revealed is inherently private or its broadcast or publication could be regarded as unnecessarily intrusive, for example, the aftermath of a car crash.

There may also be occasions when someone in a location not usually open to the public is engaged in an activity where they have a low expectation of privacy, for example a sales pitch or giving public information.

There is no simple rule which can be applied in all situations.

But there is clearly less of an expectation of privacy where an individual's behaviour is criminal or seriously anti-social.

### 12.2 Our Standards on Privacy

- RTÉ will not intrude into a person's private life without consent unless it is justified in the public interest
- The extent of the intrusion must be limited to what is proportionate in the circumstances
- We must be able to explain why an infringement of privacy is justified from the outset, as well as what is broadcast or disseminated

*See also item 10.2 above on 'fishing expeditions' and intrusion.*

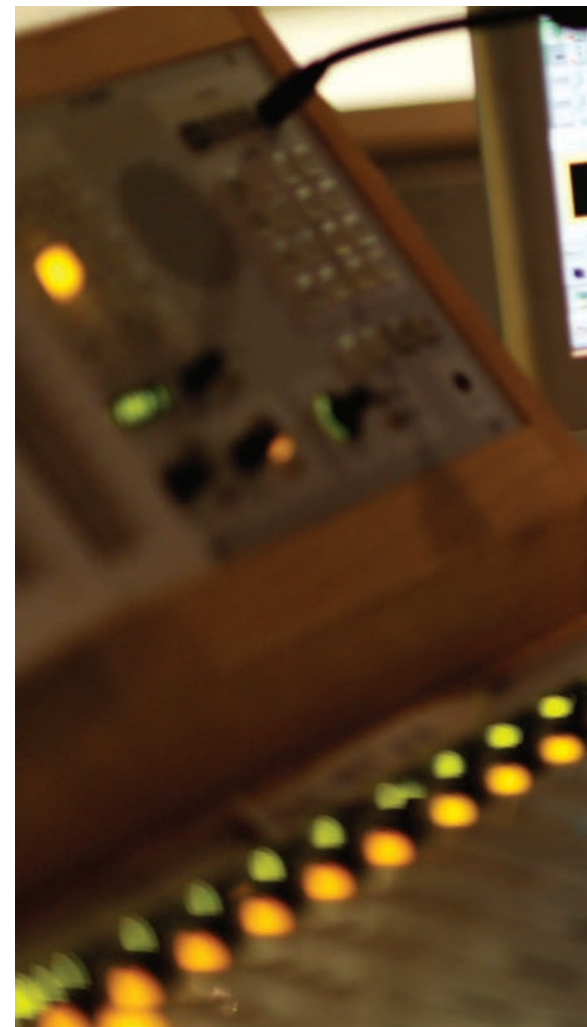
We do not normally reveal information which discloses the precise location of a person's home or family without their consent, unless it is editorially justified.

We normally operate openly. When filming openly in public and semi-public places, we do not normally obtain express consent from individuals who are incidentally caught on camera as part of the general scene, unless they are engaged in an activity where they have a legitimate expectation of privacy that is not outweighed by a public interest in showing them. Where it might not be obvious that we are recording for broadcast, we seek to provide appropriate signs or other indications and whenever practicable seek the consent of those we record.

However, if an individual or organisation asks us to stop filming or recording (whether live or recorded) because of a concern about privacy, we should normally do so, unless it is editorially justified to continue.

Where people have been killed, injured or are missing, it is important that, as far as is reasonably practicable, families or next of kin do not find out from RTÉ output. We normally await confirmation from the relevant authority that they have been informed.

We do not normally reveal information which discloses the precise location of a person's home or family without their consent, unless it is editorially justified.



## PRIVACY

### 12.3 Suicide, Attempted Suicide, Self-Harm and Eating Disorders

#### Summary

Suicide, attempted suicide and self-harm should be portrayed with great sensitivity, whether in drama or in factual programmes. Care must be taken to avoid describing or showing suicide or self-harming methods in explicit detail, unless there is a clear editorial justification. Factual reporting and fictional portrayal of suicide, attempted suicide and self-harm have the potential to make such actions appear possible, and even appropriate, to the vulnerable.

The reporting of a suicide should be approached with as much care and attention as possible. Sensitive reporting can help to prevent suicide.

These guidelines have been compiled in consultation with suicide prevention agencies. Their aim is to advise on the risks associated with suicide coverage and to suggest simple ways of avoiding unnecessary harm.

Not all suicides are newsworthy. When deaths occur in which the fact of suicide is itself relevant and newsworthy, it is less likely that others will attempt to take their own lives if media professionals handle the stories responsibly.

Sensitive reporting includes:

- avoiding detailed descriptions of suicide methods
- consideration for the feelings of bereaved relatives
- acknowledging the complexities of suicidal behaviour
- providing information, wherever appropriate, about where help and advice can be found
- acknowledging that sudden death creates problems for family and friends

Avoid sensational headlines, images and language. In the aftermath of a suicide, relatives are especially vulnerable. They may feel anger, despair, guilt, incomprehension or shame. Publicity makes the situation worse, particularly for children. Consult with immediate family before publishing material that may not have been in the public domain. Some may welcome sympathetic media interest, especially if a suicide occurs in unusual circumstances, but avoid unnecessary intrusion into grief and family privacy.

Publicising details of suicide methods can encourage imitation. It may be relevant to indicate how a person has died, but providing too much detail may encourage others to try these methods. Before giving information concerning suicide methods or other explicit information, consult an editorial line manager. Explicit descriptions can also cause additional distress to relatives and friends of the deceased, especially children.

The reporting of a suicide should be approached with as much care and attention as possible. Sensitive reporting can help to prevent suicide.

## PRIVACY

Avoid speculation, especially about 'celebrity' suicides. Prominent figures are entitled to privacy, even if they kill themselves. Beware of gossip and rumours.

Always check your sources and in all possible instances consult with relatives before publishing speculative comment that may be unfounded, untrue or hurtful to survivors.

Suicide is a complex issue, often linked to mental illness. It is neither helpful nor accurate to suggest that suicide occurs as a result of a single factor.

Often there will be personal history of forms of mental illness like depression, and this should be acknowledged if appropriate. Avoid giving the impression that suicide is a simple 'solution'.

Consider context – suicides in institutions deserve investigation. When people kill themselves while in the care of the authorities – in hospital, in police custody, in prison or in other institutions, their deaths may raise important questions about levels of supervision and care.

The public interest is best served if suspicions are investigated and lessons learned that may prevent recurrences. Bear in mind once again that the method of suicide should not be detailed.

Avoid perpetuating popular misconceptions – like 'those who threaten suicide are unlikely to do it' or 'if someone wants to kill themselves, nothing will stop them'.

Our job is to report the facts and to try to explain the phenomenon, the circumstances and the wider issues and, where appropriate, to encourage help-seeking behaviour. Censorship or misinformation about suicide is unhelpful. Attitudes towards suicide vary from culture to culture, but media professionals should not seek to hide the facts. It is more important for the public to be aware of the phenomenon than to be ignorant of the warning signs or where to go for help to prevent suicide.

The term 'commit suicide' should be avoided. Suicide has been decriminalised and the verb commit implies a criminal act. Remember it is only an inquest or a court to which the inquest verdict has been appealed which can decide if a suicide has taken place.

Put people in touch with suicide prevention agencies. If a suicide story merits coverage there should be space or time to let people know where they can get help if the issues affect them.

In cases where a parent/guardian is found dead with a child/children, Gardaí may say that 'foul play is not suspected.' Do not use this term. If the Gardaí mean that they are not looking for anyone else in connection with the deaths, use this phrasing instead.

### Optional:

Guidance on the reporting of suicide is also available from [www.hse.ie](http://www.hse.ie) and [www.irishhealth.com](http://www.irishhealth.com)

Additional information on the factors affecting vulnerable people can be found in the Samaritans' Media Guidelines on the Samaritans website: <http://www.samaritans.org/>

### 12.4 Secret Recording

The following techniques are considered to be secret recording:

- the use of hidden cameras or microphones
- the general use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones, when people are unaware they are being recorded for broadcast
- the deliberate use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones, either to conceal the equipment from targeted individuals or to give the impression of recording for purposes other than broadcasting, for example, a holiday video
- recording telephone calls for broadcast without indicating to the other participants on the telephone call that it is being recorded

- deliberately continuing a recording when the other party thinks that it has come to an end, or starting it before the other party thinks it has begun.

Normally, RTÉ will use secret recording only for the following purposes:

- as an investigative tool where there is clear prima facie evidence of behaviour, or intention to carry out behaviour, that it is in the public interest to reveal, and the recording is necessary to prove the behaviour, and there is no viable, alternative means of gathering the evidence that proves the behaviour
- As a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question

Secret recording devices, misrepresentation or other types of subterfuge must not be used to obtain or seek information, audio, pictures or an agreement to participate except where justified in the public interest, and where the material cannot reasonably be obtained by any other means; or where consent is obtained from the subject; or identities are effectively obscured.

### Mandatory Obligation 12

There must be prima facie evidence of the behaviour to be revealed (or intention to carry out the behaviour) before secret recording is used as an investigative tool.

The relevant Managing Director must assess any proposal to use secret recording in the production of content commissioned, produced or co-produced by RTÉ, including any safety or security concerns, before passing to the Director-General for approval. A record must be kept of the decision to approve or not approve of the request to secretly record.

The relevant Managing Director must then give final approval to the use of such material in the programme before broadcast.



## DOORSTEPPING FOR NEWS, CURRENT AFFAIRS AND FACTUAL PROGRAMMES

### 13.1 Interpretation of Doorstepping

Doorstepping involves recording, or attempting to record, an interview with someone for broadcast, or announcing that a phone call is being recorded for broadcast, when that person is not expecting to be interviewed for broadcast because we have not made a prior approach. It may involve a potential infringement of privacy and should normally be a last resort. It must not be used simply for dramatic effect.

Doorstepping can be in person or on the phone or intercom, etc. It can take place on public or private property.

Doorstepping does not include vox pops.

The referrals on doorstepping that follow are not intended to prevent the legitimate gathering of material within the regular news agenda, such as interviewing politicians as they leave meetings or by pre-arrangement.

### 13.2 Doorstepping with Prior Approach *Mandatory Obligation 13*

Any proposal to doorstep in an RTÉ produced or commissioned programme, whether in person or on the phone, where we have unsuccessfully tried to make an appointment for an interview with the individual or organisation concerned, must be approved in advance by a senior editorial figure designated by the relevant Managing Director.

Approval will normally only be given when there is evidence of crime, significant wrongdoing or if the subject matter is of significant public interest and for at least one of the following reasons:

- the subject of a doorstep has failed to respond to requests for interview in connection with the wrongdoing alleged
- a request for an interview has been refused without good reason and substantial allegations of wrongdoing have been avoided
- there is a history of failure to respond to interview requests or refusal to be interviewed

Doorstepping should be timely and proportionate to any wrongdoing. Consideration should be given to the safety of production staff and the risk of infringing the privacy of third parties who are not responsible for any wrongdoing, such as family members or junior employees.

### 13.3 Doorstepping without Prior Approach *Mandatory Obligation 14*

Any proposal to doorstep an individual or organisation, whether in person or on the phone, where we have not previously tried to make an appointment for an interview, must be approved in writing by the relevant Managing Director.

Approval will normally only be given if:

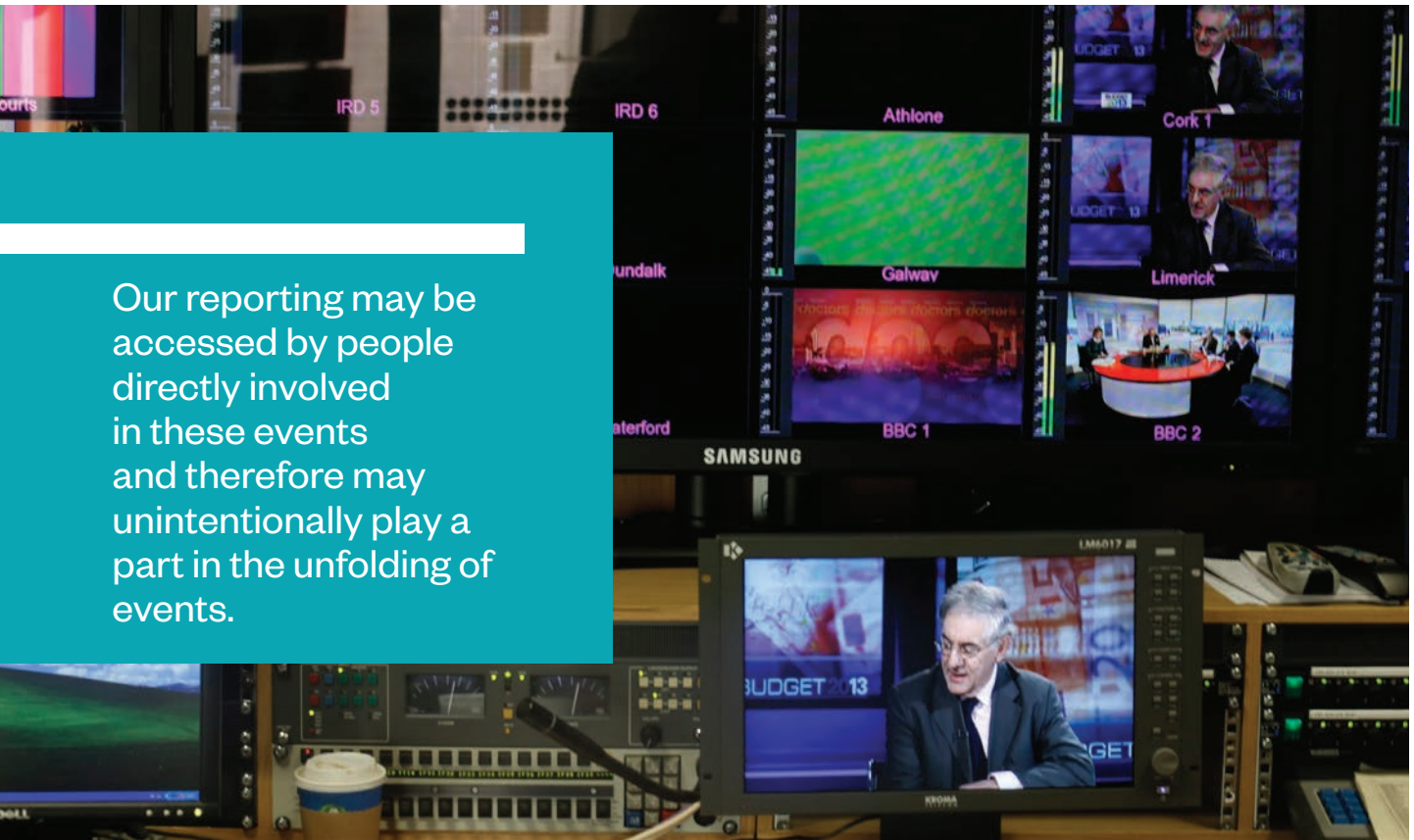
- there is clear evidence of significant wrongdoing, and
- it has not been possible to request an interview, or
- there is good reason to believe that an investigation will be frustrated or allegations avoided (for example, because those under investigation might go out of contact) if a prior approach is made

Consideration must be given to both the timing and the consequences of such doorsteps. It must always be possible to assess and evaluate any new information or legal intervention prior to transmission.

Doorstepping can be in person or on the phone or intercom, etc. It can take place on public or private property.

## REPORTING OF SIEGES, KIDNAPPINGS, HIJACKINGS, HOSTAGE TAKING

Our reporting may be accessed by people directly involved in these events and therefore may unintentionally play a part in the unfolding of events.



We need to be particularly sensitive to the impact our reporting may have on situations such as sieges, kidnappings, hijackings or hostage taking. Our reporting may be accessed by people directly involved in these events and therefore may unintentionally play a part in the unfolding of events.

### *Mandatory Obligation 15*

We do not broadcast live interviews with known perpetrators of sieges, kidnappings, hijackings, hostage taking or similar illegal actions while such events are in progress. Senior editorial consent is required before using pre-recorded material made by or with perpetrators.

Co-operation and communication between all programmes reporting and commenting on such events is essential to ensure consistency of approach and a strict adherence to whatever collective decisions have been taken as to the nature of RTÉ's coverage.

### *Mandatory Obligation 16*

RTÉ News and Current Affairs has the primary responsibility on occasions such as these and all reporting no matter its source (broadcast or online) must be agreed by the Newsdesk.

Normally we respect advice from the Gardaí about not revealing information which may either be of help to those involved in the events or which may interfere with the security forces' handling of the events.

### *Mandatory Obligation 17*

When the Gardaí ask that information be withheld it is the responsibility of the RTÉ journalist to inform his/her editorial line manager and any other colleagues reporting on the events. The information must be circulated throughout all relevant areas within RTÉ as quickly as possible.

However, we may on occasion consider the possibility of making public information which the Gardaí have requested be withheld. This should not happen without referral up the editorial chain. Such a decision can only be taken with the approval of the relevant Managing Director.

## CHILDREN AND VULNERABLE PEOPLE

### 15.1 General Principles in Dealing with Children and Vulnerable People

Children and vulnerable people are included in RTÉ News and Current Affairs programming rarely. However, when children or vulnerable people are included we consider carefully the impact of participation in the programme or news item on them (a child is normally someone under the age of 18). Children are often eager to help programme-makers but may lack judgement about their own immediate or long-term interests. Vulnerable adults may also require the informed consent of a responsible person such as a professional carer or counsellor. A child's own consent should always be sought about being interviewed and the consent of a responsible person (parent or guardian).

Interviewing children requires care. Children should not normally be questioned to elicit views of private family matters, or matters likely to be beyond their judgement, or matters more appropriate to adult discussion.

The content of the interview and the context should be explained clearly to the child in a language and terms they can understand. A child's refusal to take part should always be accepted. A child's ability to give consent depends on the stage of development and degree of understanding the child displays, as well as the child's age.

### 15.2 Consent and children and Vulnerable People

Consent must normally be obtained from both the child and a responsible person (parents, guardian and so on).

It is desirable to obtain the consent of both parents when interviewing children. In a situation where an interviewee's parents are separated and consent cannot be obtained from both parents, careful consideration must be given before proceeding. This should include noting any intention to proceed to a senior editorial line manager. If there is any parental refusal – from both parents, from a sole contactable parent or where one parent refuses even though the other may consent – the intention to proceed must be referred to MD.

### Mandatory Obligation 18

Where either parent has refused consent or - in cases where the parents are separated - the parent who is the child's primary carer cannot be contacted, then the permission of the relevant MD must be sought before taking any decision to go ahead.

This can normally be justified only if the item is of sufficient public importance and the child's appearance is absolutely necessary.

We consult where appropriate professionals and experts when dealing with children and vulnerable people and sensitive subjects and may put in place support systems to protect them before, during and after the programme process.

### 15.3 Limits of Parental Consent

Even where we have all relevant consents we must still consider if it is in the child's best interests to be featured before we decide to transmit the material.

### 15.4 Children and Investigative Journalism

#### Mandatory Obligation 19

When we come across situations where there are grounds for concern that the welfare of a child is being endangered by others, the child's interests and safety take priority. Programme-makers must, in consultation with the relevant Managing Director and Legal Affairs and with the RTÉ Designated Liaison Person, identify the appropriate response which may include reporting what they have found to the relevant authority.

### 15.5 Filming in Schools

When recording or making programmes in schools the consent of the principal is required. It is expected that the programme team will ensure that the parents of the children are informed that a programme or report is being made and will ensure that parental approval has been obtained.

### 15.6 Reporting on Children and Illegal or Anti-social Activity

When factual programmes or news reports feature children involved in illegal or anti-social activity, identification may raise difficult legal or ethical issues. There may be a public interest in identifying the children, but the longer-term interests of the child may argue for anonymity. Parental consent may not be a sufficient reason to identify a child, if the child's long-term future would be better served by anonymity. Programme-makers should refer such matters to their editorial managers.

When recording anti-social or criminal practices carried out by children with the intention of highlighting the practice rather than individuals, the general rule is that individual children will not be identified.

### Mandatory Obligation 20

As an absolute rule, RTÉ must not publish in any programme or news bulletin, the name, address, school attended, picture or other information which may lead to the identification of any child or young person (under 18 years) attending court in a criminal case whether that child is accused of a crime, is a witness in the case, is the victim of the crime or is involved in a family law related case, except where any judge may have requested the media to do so.

### 15.7 Informed Consent

During interviews or programme research an individual may disclose information or make an allegation concerning a reportable event such as past child abuse or sexual abuse. If this occurs, the individual must in good faith and in the interest of informed consent be told that RTÉ may be obliged to notify or report what has been disclosed or alleged.

## ACCOUNTABILITY

### 16.1 General Accountability

As a publicly funded, public service broadcaster, RTÉ is accountable for what we do and how we do it including the ways in which we spend our revenue. When called upon, we must be ready to explain and justify our editorial decisions and priorities. RTÉ is committed to responding meaningfully to all complaints we receive about programme standards and other aspects of our output. All programme-makers are obliged to participate in this process.

### 16.2 Handling Complaints

RTÉ will always receive a large volume of complaints regarding its programming. All programme-makers are obliged to take complaints seriously and respond in a professional and courteous manner.

RTÉ is committed to responding in a meaningful way to all complaints within four weeks. Responsibility for responding rests with the production team that has made the programme which resulted in a complaint being made.

All significant complaints made about RTÉ output are to be referred by production teams to relevant editorial managers and to the Head of Broadcasting Compliance, before any response is issued. The Head of Broadcasting Compliance as secretary of the Editorial Standards Board, is to identify any complaint which needs to be brought to the board's attention. In the event that a complaint needs to be assessed by the board, the production team shall ensure that all relevant information is provided directly to the board to enable it to properly and fully assess the complaint. In the event that the board's assessment is that the complaint should not be defended by RTÉ, this decision and the rationale why is to be outlined to the relevant Managing Director.

### 16.3 The Broadcast of Corrections, Clarifications and Apologies

No matter how carefully prepared programmes are, there will always be occasions when it will be necessary to return to a subject to clarify or correct what was broadcast. Responding quickly and on our own initiative to correct significant mistakes is usually preferable to subsequently having to deal with a complaint.

If a minor mistake is identified to RTÉ, the programme will not refer to the mistake on air. However every effort must be made to avoid repeating the mistake.

If the mistake is more significant and the view is taken that the public record needs amending, the programme or service responsible for the broadcast or publication of the inaccurate information will clarify matters as soon as is feasible.

If the clarification is sought by a third party and there is the possibility that the issue might compromise RTÉ's reputation, any proposed clarification must be scripted and cleared with editorial management in advance of broadcast.

#### *Mandatory Obligation 21*

**Clarifications:** If there is the possibility of any legal issues arising either from the original broadcast or the clarification, programme-makers must in the first instance consult their editorial managers. Legal advice must be sought before any agreement to broadcast. If it is decided to broadcast a clarification, it must be scripted in advance and approved. If the matter is sufficiently serious, the clarification should be recorded and not broadcast live.

#### *Mandatory Obligation 22*

**Apologies:** If the original broadcast requires a formal apology, the statement and the broadcast must be approved by editorial management and legal advice must be sought. The broadcast needs to take account of the tone and manner of the voice of the person reading the clarification or apology. Unless otherwise approved by senior editorial management, the apology must be recorded in advance of broadcast and normally by the relevant Presentation Department.

### 16.4 Accountability to the BAI

RTÉ is also publicly accountable to the BAI and is required to observe its Code on Fairness, Objectivity and Impartiality in News and Current Affairs (which is reflected in these Guidelines) and honour its Right of Reply scheme. We cooperate openly and honestly with the Authority and abide by its determinations.



## LEGAL LIABILITIES AND THE RELATIONSHIP WITH LEGAL AFFAIRS

The law has an increasing impact on the dissemination of all forms of content. In particular news, current affairs and factual type programmes run the inherent risk of claims in the civil courts for compensation and other remedies such as correction orders. There is also the risk of criminal liability which may arise in any contempt of court or breach of specific statutory reporting restrictions which may attach to a case and affecting its reporting.

Failure to take account of and deal with these inherent risks are potentially very damaging, exposing RTÉ and/or the individual programme-makers to both civil and criminality liability.

### *Mandatory Obligation 23*

Editors, journalists and factual programme-makers must seek the advice of Legal Affairs at the earliest moment where legal problems are encountered or suspected.

Legal Affairs are available to give advice to and assist programme-makers when problems or questions first present themselves. Context is everything. Requests for advice should be timely and should provide as much accurate and detailed information as is available.

Independent production companies must alert their genre head when legal issues are encountered.

### *Mandatory Obligation 24*

Any communications from lawyers acting on behalf of contributors or the subjects of a programme must be passed to Legal Affairs for consideration and advice. Any written communication from the legal representatives of any person or body proposed to be featured in a programme must be dealt with by Legal Affairs (in consultation with the programme-maker concerned and the appropriate editor).

Legal advisers also need adequate time to consider a programme in its rough cut form. As a general rule, in the case of long-form documentary type programmes running in excess of 30 minutes, a first roughcut and a draft (and corresponding) script must be supplied to Legal Affairs at least 3 days before any joint screening and discussion with the production team. In the case of pieces between 15 and 30 minutes in duration a script and rough cut (and as much information as possible) should be provided 2 days before joint screening. For items between 5 and 15 minutes, duration information should be provided to Legal Affairs on the piece as early as possible, and the first detailed legal engagement should occur before the date of proposed transmission. News pieces and other items involving exceptional circumstances will be dealt with on the day of transmission but must be flagged at the earliest possible opportunity as requiring legal advice. The critical issue is that legal advice is sought appropriately at each stage of the production process.

### *Mandatory Obligation 25*

Any proposal to proceed with a programme or report despite legal advice of a significant or serious risk must be referred to the relevant Managing Director.

If having considered the matter the Managing Director proposes to broadcast the programme or report, he/she must bring it to the attention of the Director-General and must present a written argument for the broadcast to take place. Legal Affairs shall make a written risk assessment to the Director-General. The decision to authorise transmission, however, remains with the relevant Managing Director.

There may also be occasions where providing accurate, impartial and fair coverage in the public interest raises issues of potential conflict with the law. Where such cases arise we must consider:

- the law's impact
- what effect breaking the law might have on RTÉ
- what the effect might be on the people concerned

### *Mandatory Obligation 26*

Any proposal which may involve a potential breach of the law in the public interest must be referred to the relevant Managing Director, who should consult with Legal Affairs.

General legal advice notes on Protection of Reputation/Defamation Law, Contempt of Court, Statutory Restrictions relevant to Reporting and Privacy Law are available on the Hub.

## RTÉ AND POLITICAL COVERAGE / STUDIO ELECTION DEBATES

### RTÉ's Role Pursuant to the Broadcasting Act 2009

RTÉ, a broadcaster operating under statute with public funds, is the major provider of space for public debate and is therefore expected to be different from other media. On our airwaves and platforms, the listening, viewing and reading public should be able to see and hear all sides of the debate. They should be able to regard RTÉ and the presenters of its programmes to be neutral on issues of public controversy as required by section 39 of the Broadcasting Act 2009.

In its programming, RTÉ must reflect the main trends of thought and the major currents of opinion, but without over-simplifying complex issues or arbitrarily excluding relevant minority viewpoints. These minority viewpoints will often be critical viewpoints and RTÉ recognises that those who hold such positions stand counter to the main trends of thought and the major current of opinion. It means that programme-makers accept an obligation to present fairly the weight of the evidence, and to report and interpret events in a manner that respects the context as well as the highlights of news and current affairs.

RTÉ News must be a key purveyor of impartial information to the Irish people. Whatever licence may exist for opinion and expression of personal views in general programming, there is a strict obligation within news to observe due impartiality.

### Our Standards on Impartiality

- Gather and present news and information with due impartiality
- Present a diversity of perspectives so that, over time, no significant strand of thought or belief is either knowingly excluded or disproportionately under or over represented
- Do not state or imply that any perspective is the editorial opinion of RTÉ. RTÉ takes no editorial stance other than its commitment to fundamental democratic principles including the rule of law, freedom of expression and religion, parliamentary democracy and equality of opportunity
- Do not misrepresent any perspective
- Do not unduly favour one perspective over another

### Our Approach to the Coverage of Elections and Referenda

Much of modern electioneering and campaigning takes place on the airwaves and RTÉ plays a central role in these processes. Research has shown that the public relies on radio and television to provide many of the facts which influence decision-making at election times. Fairness and impartiality, as well as providing opportunities for political debate, are essential parts of RTÉ's role at election time. The performance of presenters and reporters comes under intense scrutiny. RTÉ must be, and be seen to be, completely impartial in its handling of political debate.

The monitoring of output across radio and television is an important part of RTÉ's procedures at election and referenda times. RTÉ puts in place for all general elections, European elections, presidential elections and referenda a steering group which represents all output areas. This group is chaired by the Director-General and includes senior management from news and current affairs, radio, television and digital. This group co-ordinates RTÉ's coverage of the campaign and ensures that RTÉ's overall coverage is fair to all parties. Balance and fairness have to be maintained both within individual programme strands and across all output. A formal monitoring of output is put in place in the run up to elections to provide accurate information about election coverage on all RTÉ channels and to ensure that balance is achieved. Appearances by all candidates and their election teams are measured. Production teams should assist those monitoring and provide accurate information.

RTÉ News must be a key purveyor of impartial information to the Irish people.

## RTÉ AND POLITICAL COVERAGE / STUDIO ELECTION DEBATES

In the run-up to elections the appearance of politicians and candidates in non-news and current affairs programming may need to be restricted. Programme-makers must seek advice from editorial management and the steering group in advance of making commitments to politicians and candidates.

All programme-makers are obliged to achieve balanced coverage within their own programmes (either within individual programmes or within related programmes). Where unanticipated events occur which lead to balance not being achieved (e.g. a candidate not turning up for an interview or a link going down) the steering group must be informed at the earliest possible moment. Within News it is recognised that news values may over-ride considerations of apportioning of proportionate attention to candidates. At all times when this happens the steering group must be informed to allow full consideration of the consequences.

### Opinion Polls and Surveys

When we report the results of any research, especially when information is being summarised, the audience must be able to trust that the journalism behind what they see and hear is robust, the research is reliable and meaningful and the language used is both consistent and truthful. This accuracy, clarity and credibility is as important when we report on 'polls' and 'surveys' as it is in the rest of our journalism.

When we commission 'polls' or 'surveys' ourselves, we must take even more care to ensure we have made good judgements about their relative importance and the audience can trust what we are saying. We should also take care to ensure that a poll we commission is not used to suggest an RTÉ view on a particular policy or issue or to imply an intervention in a current controversy.

When reporting the findings of opinion polls (especially voting intention polls):

- We should not lead a news bulletin or programme simply with the results of an opinion poll
- We should not headline the results of an opinion poll unless it has prompted a story which itself deserves a headline and reference to the poll's findings is necessary to make sense of it

- We should normally report the findings of opinion polls in the context of trend and must always do so when reporting voting intention polls. The trend may consist of the results of all major polls over a period or may be limited to the change in a single pollster's findings. Poll results which defy trends without convincing explanation should be treated with particular care
- We should not use language which gives greater credibility to the polls than they deserve. For example, we can say polls 'suggest' and 'indicate', but never 'prove' or 'show'
- We should not normally rely on the interpretation given to a poll's results by the organisation or publication which carried it out or commissioned it
- We should report the organisation which carried out the poll and the organisation or publication which commissioned it, as well as the questions, results and sample size. This information too should always be shown in television and online graphics
- We should normally report the dates of the fieldwork, and include them in television and online graphics, and draw attention to events which may have had a significant effect on public opinion since it was done
- We should normally report whether the poll was carried out face to face, by telephone or over the internet
- We should report the expected margin of error in voting intention polls if the gap between the contenders is within the margin. Television and online graphics should always show the margin of error

### Political Activities of RTÉ Staff

Certain categories of RTÉ staff are not permitted to participate in political activities. This constraint is not imposed to limit individuals' freedom to vote, but rather to guarantee to the listening and viewing public that RTÉ is impartial and objective. There is clearly a balance to be maintained between individual rights and collective responsibility. The restricted categories who may not participate in political activity include:

- The Director-General and other members of the Executive Board, Executive Director of Orchestras, Quartet & Choirs, Head of External Relations, Head of Broadcast Compliance, Head of Statutory Compliance, Head of Editorial Standards, Strategic Advisor to the Director-General,

Head of Communications, Events and Brand Development.

- Television and radio: members of the radio and television Boards, members of the RTÉ Radio 1 Editorial Management Group, members of the RTÉ Raidió na Gaeltachta Editorial Management Group, Head of RTÉ lyric fm, genre heads, assistant genre heads, presenters, reporters, producers, researchers, directors, assistant producers, broadcasting co-ordinators, and broadcasting assistants.
- News and current affairs: members of the Editorial Management Group, all journalistic staff, both those who appear before the public and those involved in the production of news
- Digital and commercial: members of the Management Group, all journalists

The definition of political activity includes activity which does not involve a public dimension (for example, working as a backroom person in a political party).

Minor non-party political activity such as participation in residents' groups, environment lobby groups, etc. is permissible. But caution should be exercised not to compromise RTÉ in any way.

People who work in restricted categories must notify the Director-General through their Divisional Heads if they have any intention of standing as candidates in European Parliament, Dáil Éireann, Seanad Éireann or local elections.

It is incompatible with RTÉ's statutory obligations of impartiality to allow people standing as candidates to work for RTÉ in a position of editorial responsibility. Those wishing to stand as candidates have to seek leave of absence from their positions. If they wish to return to work after the elections RTÉ cannot guarantee that they will be able to return to their previous positions. People who work in restricted categories who wish to return to RTÉ after unsuccessfully contesting elections can expect a moratorium before they can return to their previous activities. Restricted categories apply to all broadcasters irrespective of contractual status. Programme-makers working for independent companies on RTÉ commissioned programmes may need to be restricted also. Decisions will be taken on a case-by-case basis.

## RTÉ AND POLITICAL COVERAGE / STUDIO ELECTION DEBATES

Staff who work in non-restricted categories must exercise their discretion in their political activity in order to avoid any conflicts with RTÉ's statutory obligations. It is a condition of service that no individual should do anything which would bring RTÉ into disrepute.

### Election Debates

The following are the full recommendations arising from RTÉ's commissioned report into *The Frontline* election debate of 24 October 2011 and relate to audience-based election debate programmes.

### Format

- A detailed breakdown of the programme format, covering audience and question selection, should be presented to and approved by the steering group
- The programme format should be founded on open applications to the programme from members of the public

### Audience Selection

- The format should specify how the audience members selected will represent a balance of gender, region and viewpoints, and how campaign workers will be identified and treated
- Third-party methods of sifting applications to achieve that balance should be considered but are not mandatory, nor are they replacements for sound editorial judgement
- Personal friends of the production team should not be selected as audience members for election programmes

### Questions

- The range of questions selected must cover all representatives in the debate, but editorial judgement can be used to ensure key issues in the election are properly addressed through use of additional questions and presenter supplementaries
- Potential questions should be submitted to the production team in writing. The team may discuss amendments with the potential questioner to ensure clarity or legal safety, but the final wording must be left to the questioner
- Questions devised by contributors must not be given to other audience members to read
- Questioners should not be connected to political parties or candidates' campaigns in an election programme

### Editorial Supervision

- A senior editorial figure must view the programme as broadcast with the sole function of ensuring editorial compliance with RTÉ policy and BAI Codes
- Clear lines of editorial responsibility for the broadcast must be established in the new management structures

### Staffing and Training

- One member of the production team should be dedicated to the production of the debate in the weeks preceding it
- Gaps in experience and training for existing staff in editorial, legal and compliance issues should be identified and addressed. Training sessions should be regularly updated with latest guidance and best practice
- All new staff, including those on short term contracts, should receive induction training in RTÉ policies and procedures



Staff who work in non-restricted categories must exercise their discretion in their political activity in order to avoid any conflicts with RTÉ's statutory obligations.



## GUIDANCE ON REPORTING FROM THE INTERNET AND SOCIAL MEDIA SOURCES



### **App. 2.1 General Guidance on Reporting from the Internet and Social Media Sources**

Great care should be taken when using online sources and material emanating from social media sites or streams. As always, be wary of reporting anything second hand and look out for the possible hidden agenda. Corroborate wherever possible and check the identity of any contributor you intend to use.

Where a site is running a story of potential public interest, seek to verify before running the story and attribute clearly so that our audiences can assess the information and its source. Remember too that websites do not necessarily produce content which meets the requirement of the law on defamation, contempt or intellectual property.

### **App. 2.2 Hoaxes and Spoofs**

Many websites and social media streams contain bogus information such as spoof news reports. Some campaign and activist sites mimic the domain name and design of an official source for reasons of satire or misinformation. You must take care to perform thorough provenance checks before using material from a website or a social media stream using, for example, 'about us' sections or 'WHO IS'.

### **App. 2.3 Biased Sources**

As with any medium, hidden commercial or political agendas can shape a website's content. You should check the links to and from a site as these can often reveal political or commercial affiliations.

### **App. 2.4 Out of Date Information**

Even trustworthy sources can contain pages that have not been updated in years. Contextual information can provide an idea

of the date it was authored, but always use recognised sources to corroborate any information found.

### **App. 2.5 Social Media Sites**

Individuals post material, including pictures, audio and video, which may reveal information about themselves, generally for the benefit of friends and acquaintances. A balance needs to be struck between appropriate use of material that an individual may have unthinkingly put in the public domain and fairness to that individual and respect for their privacy even if they have become part of a news story.

A proposal to use material featuring an individual taken from a social media site should normally be referred to a senior editor who may also consult with the Managing Director, News and Current Affairs.

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NOTES





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