

Review of 2019 Independent Reviews

1. Executive summary

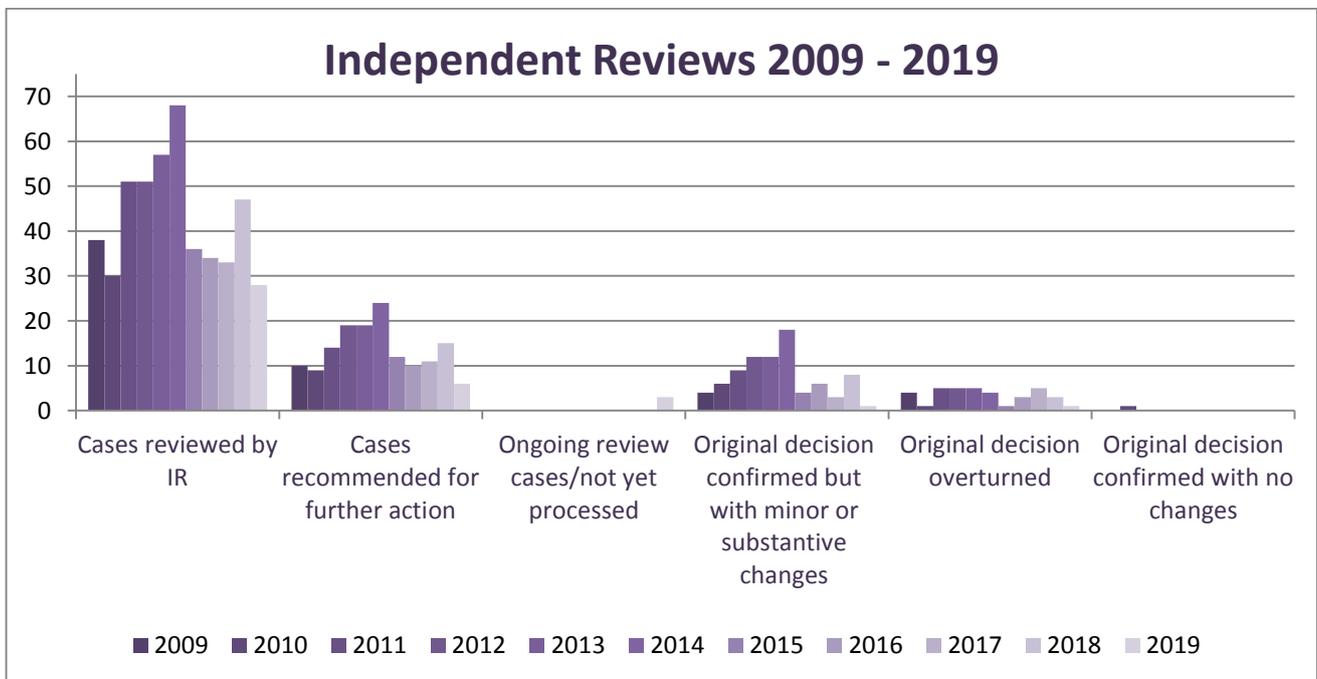
This review found that the number of review requests has declined in line with the smaller number of Rulings published in 2019. The proportion of cases where corrective action was considered necessary remains very low and well within our quality target expectation of having no more than 3% of Formally Investigated cases where a corrective action is identified. Cases where corrective action is required are a small fraction of all Formal Investigation and Not Investigated after Council Decision (NAICD) cases completed. A small number of cases where corrective action was identified highlight some learning that will help to improve quality standards.

2. Objective

The ASA undertakes an annual exercise to assess all Independent Review cases. The review is an important element in meeting our on-going [Commitment to Good Regulation](#) and has been carried out with the aim of identifying any thematic quality concerns in our casework, and how we might go about addressing that.

3. Quantitative analysis

There were 40% fewer requests for review in 2019 than the year before (29 vs 48 in 2018). This decrease was broadly in line with the 34% reduction in the number of Formal Rulings in 2019 compared to 2018, which we achieved as a result of our greater focus on prioritisation and partnership working. The number of review cases which resulted in decisions being overturned (one case) was broadly in line with 2018 (three cases).



(On-going review cases in the table above represent those being processed by the executive under a re-investigation or by the Independent Reviewer himself).

3.1. Detailed quantitative analysis

We published 328 rulings in 2019 (500 in 2018). A further 271 cases were NAICD (343 in 2018). The following table puts Independent Review requests accepted by the IR into the context of all the cases eligible for review.

All review cases received by IR in 2019:

Eligible Independent Review requests received by IR Of which: 21 were of Formal Rulings (6.4% of all formal rulings in 2019; 7.6% in 2018) 8 were of NAICD cases (3% of all NAICD cases in 2019; 2.9% in 2018)	29
- Number of Formal Investigation review requests IR recommended for corrective action (this included one case where the ASA independently reviewed its own decision when a substantial flaw came to our attention following the closure of the case.) (1.5 % of all Formal Rulings in 2019; down from 2.4% in 2018)	5
- Number of NAICD case review requests IR recommended for corrective action (0.4% of all NAICD cases in 2019, down from 0.6 % in 2018)	1

The following table provides more detail on the outcome or status of cases recommended for corrective action in 2019:

Outcomes and status:	
- Decision reversed	1
- Decision not reversed but minor wording changes made to the ruling	1
- Decision deleted	1
- Decision left unchanged following review or re-investigation	0
- Currently on-going (re-opened investigation or due to be re-presented by IR)	3

We commit to deliver against a target of there being no more than 3% of our Formal Rulings that are considered by the Independent Reviewer to require any form of corrective action. We met this target with just 1.5% of cases referred for any form of corrective action required, as noted above.

Six cases recommended for corrective action out of 29 reviewed in total means that the Independent Reviewer recommended some form of corrective action in 21% of all review requests. He recommended corrective action in 24% of all review requests of Formally Investigated cases seen in 2019.

4. Qualitative analysis

We have analysed the six cases recommended for corrective action to establish whether there are any patterns or learning points that will help us make improvements.

In one case, additional relevant information was only brought to our attention after the case had closed which led us to re-open the case for further work. This could not have been avoided by us.

Some learnings in the remaining five cases can be categorised as follows:

- Relevant issues missed in the case investigation in two cases (in relation to our understanding of car sales market and statistics used to underpin substantiation data)

- The Executive in two cases did not refer Council to a contemporaneous similar case that was being progressed to a decision and which had been decided shortly before their own case was presented to Council
- The Assessment rationale in one case suggested a “strong” emphasis on knowledge and skill in gambling success when the ad only “implied” a link.

Corrective actions to address issues

Some of the learning is clearly case specific or relevant as learning for individuals to take forward and as team case studies. Some of the examples highlight the importance of the Executive being mindful of other similar cases that are being worked on at any given time to ensure that the Council is making consistent decisions and has sufficient information to make consistent decisions. This is feedback that we'll pick up as part of our on-going discussions with the teams on quality.