

Review of 2017 Independent Reviews

1. Executive summary

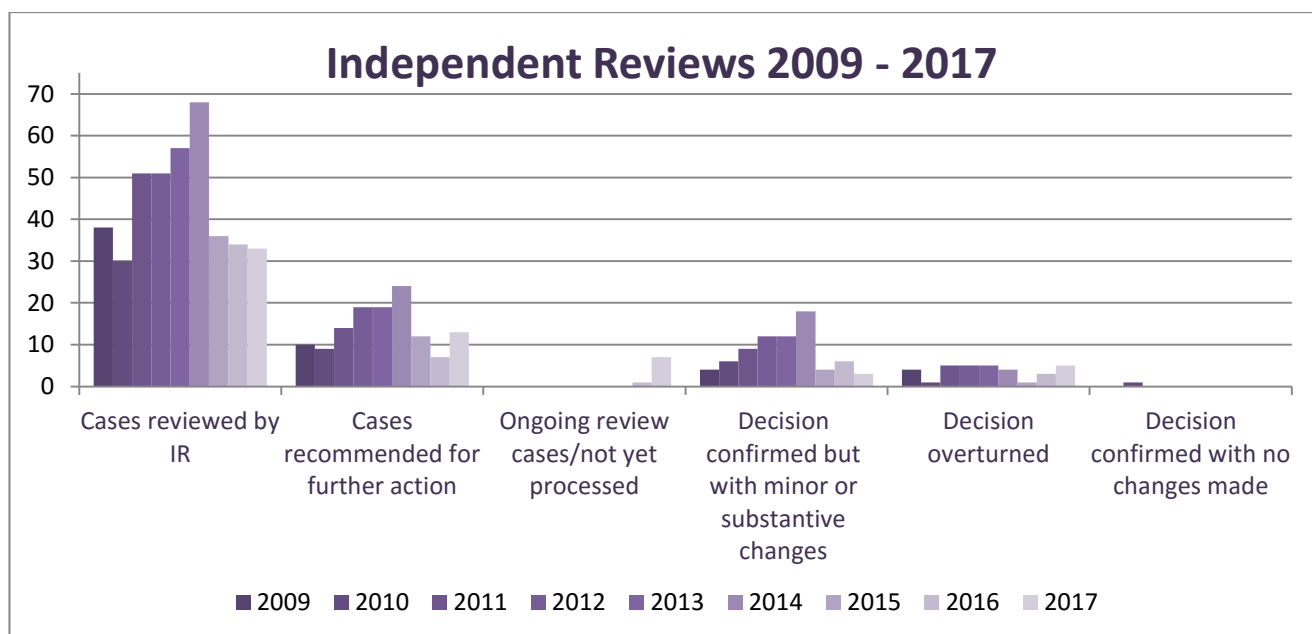
This review found that the numbers of cases being seen by the Independent Reviewer and the number of those cases where corrective action was considered necessary remains low and is a fraction of the proportion of formal investigation and Not Investigated after Council Decision (NAICD) cases completed. Our review identified a small number of cases where quality learnings will help to improve standards.

2. Objective

The ASA undertakes an annual exercise to assess all Independent Review cases which are referred to Council. 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

The number of cases which result in decisions overturned or with amendments to the original ruling remain in line with trends seen in previous years. There were slightly more cases recommended for further action in 2017 than was the case in 2016:



(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. When they have been concluded they are then removed from the on-going case numbers column and included in the decision re-confirmed with revisions, the decision overturned or the decision not changed column).

3.1. Detailed quantitative analysis

We published 495 rulings in 2017. A further 220 cases were NAICD. 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 2017:

Eligible Independent Review requests received by IR Of which: 25 were of formal rulings (5% of all formal rulings published in 2017) and 7 were of NAICD cases (3.2% of all NAICD decisions made in 2017)	33
- Number of formal ruling review requests IR recommended for corrective action (2.2% of all formal rulings in 2017)	11
- Number of NAICD case review requests IR recommended for corrective action (0.5% of all NAICD cases in 2017)	1

12 cases recommended for corrective action out of 33 reviewed in total means that the Independent Reviewer recommended some form of corrective action in 36% of all of the cases and 44% of all the formal rulings he accepted for review in 2017.

Review cases that were the subject of further work in 2017

The following table contextualises the current status of all cases reviewed in 2017. This includes those cases where corrective work was *commenced in 2016 but concluded in 2017* together with those that have been *commenced and concluded within 2017* and those *commenced in 2017 and which are still being processed*.

Review cases received in 2017 recommended for corrective action	12
Review cases received in 2016 recommended for corrective action that were concluded in 2017	2
= Total	14
Outcomes and status:	
- Decision reversed	5
- Decision not reversed but wording changed	3
- Decision unchanged following review or re-investigation	0
- Currently on-going (re-opened investigation or due to be re-presented by IR)	5
- Deleted because review disclosed that the ruling should not have been published	1

It's worth noting that 2 of the 14 cases were reviews initiated by the ASA Executive itself in circumstances where we rather than a party to a complaint, recognised that a ruling might be substantially flawed. This facility to review ourselves continues to be a very useful tool in correcting mistakes.

4. Qualitative analysis

We have analysed the above mentioned 14 cases recommended for corrective action to establish whether there are any patterns or learning points that will help us make improvements.

a. Cases that raise no concerns over quality or do not provide organisational learning

Six out of the total of **14 cases** did not present any wider quality issue or learning points for the organisation to consider. Whilst these cases required some further work, this work was often minor in nature, was due to issues outside our reasonable control and/or related to matters of subjective interpretation and judgment and which are part and parcel of the challenge that comes with the work we do. In one instance the review was caused by important correspondence not reaching us because it was held up in a spam folder, with the result that the ruling was deleted from the record once it was reviewed.

b. Cases that raise concerns over quality and which provide organisational learning

The remaining **eight cases** did raise some quality learning points.

These can be categorised as follows:

- Relevant issues were missed during the investigation (three cases).
- Rationale for the assessment was not as watertight as it should have been (four cases).
- An important similar case was not picked up due to different Code rules being used in our database search (one case).

5. Corrective actions to address issues

Those issues, although important to address, have been tackled through existing channels of quality control and feedback to the teams. In 2017 we improved the timeliness of our approach to giving “in the moment” feedback and insights on quality issues to the whole team as they were encountered. We will continue to find opportunities to give such feedback on independent review cases in 2018 as and when the opportunity presents itself.