

Annex R

Independent Review process

In certain circumstances, advertisers or complainants can request a review of the ASA Council's adjudication, including a Council decision not to investigate a complaint after its deliberation.

Both sides have 21 days to ask the Independent Reviewer of ASA Adjudications, Sir Hayden Phillips, to review the case. But they must be able to establish that a substantial flaw of process or adjudication is apparent, or show that additional relevant evidence is available.

If the Independent Reviewer decides not to accept the request (in whole or in part) because he considers that it does not meet either of the two grounds set out above he will inform the person making the request accordingly.

If the Reviewer accepts a request, he will inform the other parties to the case that a request for review has been accepted and invite their comments on the submission made by the party requesting the review. At the conclusion of his investigation, he will make a recommendation to the ASA Council which may ask for the Council to reconsider its ruling.

Advertisers, complainants or broadcasters contemplating a request for review should study the relevant terms of reference carefully, ensure that they are signed by the appropriate person and submitted in time and in writing to:

Independent Reviewer of ASA Adjudications
7th Floor North
Artillery House
11-19 Artillery Row
London
SW1P 1RT
e-mail: indrev@asbof.co.uk

Requests should come only from the complainant, the advertiser or the broadcaster. Those from the advertiser or broadcaster or from a corporate complainant must be signed by the Chairman, Chief Executive or equivalent office holder; requests made only by their solicitor, agency or clearance centre will not be accepted. All dealings with the Independent Reviewer must be in writing.

Full terms of reference of the Independent Review procedure for non-broadcast adjudications are set out in the CAP Code and in the ASA Procedures for Investigating Complaints under the BCAP Code for broadcast adjudications.

The Council's adjudication on reviewed cases is final. Adjudications that are revised following a review will be republished on our website.

The Independent Reviewer's report of his activities is included in our Annual Report.