

BREACH OF THE CODE OF PRACTICE FOR OFFICIAL STATISTICS

A breach of the Code of Practice for Official Statistics occurs where one or more provisions of the Code were not followed in situations where an exemption or exception had not been approved by the UK Statistics Authority's Head of Assessment, as required in paragraph (xii) of the Code's preamble. Rules on pre-release access to statistics are covered in the relevant Pre-Release Access to Official Statistics Orders; the Code applies as if it includes these orders.

1 Background Information

Name of Statistical Output (including web link if relevant)

National Rail Trends

Name of Producer Organisation

Office of Rail Regulation

Name and contact details of person submitting this report, and date of report

Jay Lindop,
Information and Outputs manager (Head of Profession)
One Kemble Street,
London,
WC2B 4AN
020 7282 3978

2 Circumstances of Breach

Relevant Principle/Protocol and Practice

Protocol 2, release practices; practice 2 – timetable publication and practice 7 & 8 – limit pre-release access

Date of occurrence

28/07/2010

Nature of breach (including links with previous breaches, if any)

The breach falls into two areas:

1. Designation of "Official statistics"

The office failed to designate the Annual Safety report as an official statistic. As such it was not included on our website under "Rail statistics publication dates". This data will be published in *National Rail Trends* on 31 July 2010, therefore the earlier publication of the

Annual Health and safety Report again breached pre-release rules.

2. Pre-release.

Some data from the ORR *Annual Health and Safety report* was released in an interview the Director of Rail Safety gave to *Rail* magazine. The data concerned the number of fatalities and injuries to Network Rail and London Underground employees. Rail magazine published this data in an article on 25 July 2010. In addition an embargoed copy of the report was issued on 27 July, ahead of the publication date of 28 July.

Reasons for breach

It appears that the individuals producing the Annual health and safety report were unaware that the code of practice applied in this instance and consequently the report was not designated as an official statistic. Therefore there was no pre-release list and ORR staff released the data to the press prior to publication as they were unaware this breached the code.

3 Reactions and Impact

To date, there has been no adverse publicity or complaints about the early release of safety data. We reviewed the options, however since the data was already in the public domain we concluded that there was no benefit in releasing this section of the national rail trends data ahead of the scheduled 29th July publication date.

4 Corrective Actions Taken (include short-term actions, and long-term changes made to procedures)

Our initial review has identified that the internal data was appropriately marked "Protected ORR statistics: these are unpublished data for internal use only". It would appear that the individuals producing the report were unaware of the implications of this marking.

Following this incident, ORR directors and staff have been reminded about ORR classifications, the role of the HoP, the code of practice for official statistics and their obligations to abide by it.

5 Any other relevant supporting material (including link to published statements about this breach)

<http://www.rail-reg.gov.uk/server/show/nav.1863> - link to the NRT page