

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)

Diagnostics Waiting Times, May 2011 (Official Statistic)
Referral to Treatment Waiting Times, May 2011 (National Statistic)
Direct Access Audiology Waiting Times, May 2011 (Official Statistic)
<http://www.dh.gov.uk/en/Publicationsandstatistics/Statistics/Performancedataandstatistics/HospitalWaitingTimesandListStatistics/Diagnostics/index.htm>
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsStatistics/DH_128102
<http://www.dh.gov.uk/en/Publicationsandstatistics/Statistics/Performancedataandstatistics/Directaccessaudiology/index.htm>

Name of Producer Organisation

Dept of Health (DH)

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

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On behalf of and cleared by DH Head of Profession Gill Eastabrook

2 Circumstances of Breach

Relevant Principle/Protocol and Practice

Protocol 2 Release Practices – Practice 8. Ensure that no indication of the substance of a statistical report is made public, or given to the media or any other party not recorded as eligible for access before publication.

Dates of occurrence

5 July 2011 and 13 July 2011

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

Statistical press releases for all three of these monthly statistical releases were mistakenly uploaded to the embargoed version of the Central Office of Information

(COI) News Distribution Service (NDS) website the day before pre-announced publication. The Diagnostic Waiting release due on 6 July appeared on 5 July, while the Referral to Treatment Waiting and Direct Access Audiology Waiting releases due on 14 July appeared on 13 July. These breaches were spotted on 14 July when checks were made by statistical staff that the 14 July statistical press releases had been correctly issued. (The earlier breach on 5 July had been missed and was only later detected by a check of all DH statistical press notices issued in 2011). This meant people with registered access to this embargoed site were theoretically able to access pre-publication statistics despite not being eligible for access before publication. DH worked with COI staff on 14 and 15 July to investigate whether in fact premature access was gained to the two 14 July series. Investigations showed no premature access of the statistics.

Operationally, it is normal and in line with the Code to provide statistical documents in advance of release to a) DH staff who update the DH website, b) DH staff who update the COI NDS website so an orderly and timely release of 09.30 am can be secured.

Reasons for breach

Operational mistakes by staff in DH Communications Directorate. It should be noted that these mistakes have all occurred this month, and no similar mistakes were made between January and June 2011.

3 Reactions and Impact

Investigations show no evidence of media reporting or public comment on the 14 July statistics before release. No queries on the 14 July statistics were received by DH press office before 09.30 publication time. No impact therefore on trust in statistics or on the reputation of DH or GSS.

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

- (i) Short-term. DH Communications team have assured DH statistical staff that their processes will be immediately amended to avoid the possibility of a premature release on the COI NDS site. This will be achieved by aligning 'processing date' and 'release date' on NDS.
- (ii) Medium-term. DH Statistics HoP will consider the relative advantages and risks created by having two separate routes of disseminating DH statistics (ie the main DH website and the COI NDS site), while remaining mindful of the need to ensure effective access to new statistics by both media and public.

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