

Statement

11 May 2009

Code of Practice breach – pre-release access

Achievement and Attainment Tables for National Curriculum Assessments at Key Stage 2 in England 2007/08 **(Department for Children, Schools and Families)**

The Department for Children, Schools and Families (DCSF) has reported to the UK Statistics Authority a breach of the *Pre-release Access to Official Statistics Order 2008* (and therefore the Code of Practice for Official Statistics). *Achievement and Attainment Tables for National Curriculum Assessments at Key Stage 2 in England 2007/08* were made available for 24 hours under embargo to certain accredited press organisations. Some media organisations broke this embargo by releasing news stories containing selected data ahead of the formal publication of the data by DCSF.

The Authority notes that the *Pre-release Access to Official Statistics Order 2008* permits *bona fide* media contacts to have pre-release access to official statistics, at the discretion of the statistical Head of Profession, if such access “is necessary...to understand the statistic” and “is likely to facilitate well-informed debate.” We note that such access, through subscription, is available to tens of thousands of media representatives. We think that, whilst allowed, this is inconsistent with the intention behind the Parliamentary Order and the Government's policy on pre-release access.

The Authority notes that with wider access comes an increased risk of a breach. Such risk has been recognised by the department's own warning to media contacts about the potential impact on pre-release access of breaking the embargo. And the risks on this occasion were realised in practice through several media organisations breaking the embargo.

The Authority's plans include reviewing arrangements for pre-release access to official statistics later in 2009, taking due account of the circumstances of this breach. The Authority's view is that the pre-release access period should be eliminated. Sir Michael Scholar in giving evidence to the Public Administration Select Committee in November 2008 said “if there is any departure from that principle people naturally assume that somebody has been up to mischief.”

The Authority stresses the importance of any official body responsible for a breach of the Code of Practice issuing a public statement explaining the breach on both its own website (and the National Statistics Publication Hub in the case of National Statistics) as soon as it is aware of the facts, and ideally no later than the time of the publication of the relevant statistics. It is grateful to DCSF for complying with this practice.

The Authority's breach report is provided overleaf.

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)

DCSF: Achievement and Attainment Tables for National Curriculum Assessments at Key Stage 2 in England 2007/08 (not National Statistics)
<http://www.dcsf.gov.uk/rsgateway/DB/PER/p000837/index.shtml>

Name of Producer Organisation

Department for Children, Schools and Families

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

Adam Hatton, DCSF, 1st April 2009

2 Circumstances of Breach

Relevant Principle/Protocol and Practice

Protocol 2 (8) Ensure that no indication of the substance public, or given to the media or any other party not publication. Report to the National Statistician immediately release, and investigate the circumstances.

Date of occurrence

Prior to 09.30am on the morning of 1st April 2009

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

Accredited media organisations were provided 24 hours pre-release access to the Achievement and Attainment Tables as the key output is a large data file of school performance measures that media organisations use to report school performance to the public. This pre-release access was granted by the Department's Head of Profession in accordance with his authority delegated by the Pre-Release Access legislation.

Accredited media organisations were granted pre-release access from 09.30am on 31st March 2009 and reminded that they were being given privileged access and of when the embargo would be lifted. They were made aware of the implications that breaking the embargo may have on future media pre-release access for this, and other Departmental

publications.

A number of media organisations broke the embargo by publishing embargoed data on their websites, in the early hours of 1st April 2009 prior to 09.30am. These included:

- The Independent (national data for all schools)
- The Halifax Courier (local area school data)
- This is Lancashire (local area school data)
- This is Gloucestershire (local area school data)
- Yorkshire Evening Post (local area school data)
- This is Plymouth (local area school data)
- Manchester Evening News (local area school data)
- Scarborough Evening News (local area school data)

Reasons for breach

In the case of The Independent; the reporter was aware of the embargo, but the web site team adding articles to the site were not made aware of the embargo.

In the case of local news organisations it is likely that they were supplied information from the Press Association who were fully informed of the embargo.

We have contacted the media organisations who breached the embargo who have themselves been horrified by the breach and have supplied apologies. The process they followed involved reporters writing their copy and leaving it in overnight "news baskets" that web teams have used to put stories straight up onto the website without being aware of the embargo.

3 Reactions and Impact

No adverse reactions as yet, breaches took place in the earlier hours prior to publication of the official figures.

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

The Independent were contacted when the breach was identified and removed the news article in breach from their website, but failed to remove the link to the data.

The other media organisations were also contacted to inform them that they had broken the embargo on their websites.

In order for the Department to allow releases to be supplied under embargo in the future we will seek a way to ensure that all representatives of a media organisation who will deal with anything related to the release of embargoed official statistics are fully aware of the conditions of the embargo. It will be re-enforced that pre-release access is granted by the Head of Profession for Statistics and can also be withdrawn.

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

None as yet.