

Statement

16 March 2009

**Code of Practice breach – pre-release access:
Insolvency Statistics, Q4 2008 (The Insolvency Service – Department for
Business Enterprise & Regulatory Reform)**

The Insolvency Service of the Department for Business Enterprise & Regulatory Reform (BERR) 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). The statistical release *Insolvency Statistics, Q4 2008* was inadvertently made available under embargo to the press ahead of its pre-announced release time.

The Authority notes that this breach did not result in data prematurely reaching the public domain, and also notes the steps that BERR has taken to prevent a recurrence.

The Authority reiterates its stance that it considers it appropriate for any official body responsible for a breach of the Code of Practice to issue an initial public statement explaining the breach on both its own website and the National Statistics Publication Hub, as soon as it is aware of the facts, and ideally no later than the time of the publication of the relevant statistics.

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.

1 Background Information

Name of Statistical Output (including web link if relevant)

Insolvency Statistics, Q4 2008

<http://www.insolvency.gov.uk/otherinformation/statistics/200902/index.htm>

Name of Producer Organisation

Department for Business Enterprise & Regulatory Reform (BERR) : Insolvency Service

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

Tim Andrews. Statistical Head of Profession, 11 February 2009

2 Circumstances of Breach

Relevant Principle/Protocol and Practice

Protocol 2: Release Practices, paragraph 8 (accidental and wrongful release).

Date of occurrence

5 February 2009

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

The Central Office of Information (COI)'s form used as an interface to the News Distribution Service (NDS) website was completed incorrectly and submitted by the Insolvency Service' press office at 17:40hrs, before the 09:30hrs scheduled publication the following day (6 February).

Reasons for breach

Use of the NDS online form is standard practice, not only at the Insolvency Service, but also at BERR and other government press offices. The form enables a press officer to select the press release and add a 'deferral'/embargo' time if required. Normally, for this press release announcing national statistics, the box indicating a 'deferred' release time is selected. This means that contacts receive the information at the time of release. However, on this occasion, the press officer mistakenly *also*

completed the box for the release to go out under 'embargo'. The system defaults such that any embargo date/time set by the user over-rides the delay date/time, the implication of this being that the press release was disseminated (under embargo) to media contacts who normally receive it at the point of release the evening before.

It should be emphasised that this was an entirely accidental breach arising from a desire on the part of the press officer to be well organised for the release. In this instance, the press release itself also explicitly stated that the information was under embargo.

A further contributory factor was the lack of clear guidance built into the NDS online form. While NDS do bring such issues to the attention of those trained to use the system, the system itself does not offer any warning message or explanation of the implications of selecting 'embargo' rather than 'deferred'.

3 Reactions and Impact

To the best of our knowledge there was **no** external reaction, **nor** any impact on reputation, as a result of this accidental breach.

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

The error was spotted shortly after the press release had been issued. It was not possible to recall the release because the system is set-up to automatically disseminate embargoed information to journalists on our tailored media distribution list. Both the BERR press office and ministers' offices were immediately informed of the breach in case they were contacted by the media as a consequence. The Chief Executive of the Insolvency Service and other senior officials were also informed.

To the best of our knowledge, no individual working in a media organisation breached the embargo, in that news items quoting, or based on, the official statistics did not appear on their websites or via their other media outlets until after 09:30hrs, 6 February. Where there was discussion of insolvency statistics prior to release (for example on early morning radio programmes on the 6th), this was *not* based on the National Statistics in their final form for publication, but on related, externally compiled estimates and on expectations of experts in the field – this is not unusual, and is not an issue for National Statistics integrity.

The quarterly statistics release goes to some 800 media outlets in addition to around 150 key organisations with a particular interest in the subject area. It is therefore testimony to the Insolvency Service press office's excellent working relationships with these individuals and organisations that the embargo was respected.

The following actions to prevent a similar occurrence in the future are being put in place:

- The Insolvency Service press office has been reminded of the need to ensure that the Insolvency Service Quarterly Statistical releases are to be deferred.
- The COI will provide additional training to the Insolvency Service press team on the use of the NDS form. They have also agreed to report any deviation from a 'deferred' release time to the Insolvency Service press office.

- At-the-desk training will be provided when there are personnel changes within the press office.
- COI will be made aware of the Insolvency Service' concerns that, while this was undoubtedly human error on the part of the press officer, the design of the online form could be improved to clearly explain the differences between 'deferred' and 'embargoed' release.
- We will look into whether the information should only be uploaded via the NDS form on the *day* of release with a short deferred delay of, say 30 minutes, rather than with a longer delay the evening before publication. It should be noted that the Insolvency Service is not the only part of government to upload statistical releases to the NDS the day before release- and further guidance on best practice from COI on procedures/timings would be welcomed.

An accidental breach of the quarterly insolvency statistics previously occurred in May 2008 when the Q1 figures were released. An assessment has been conducted into whether any proposed corrective action arising from that breach should have prevented the breach this time around. It has been concluded that the circumstances leading to the breach were completely different and that the changes to procedures as a result of the earlier breach (which *have now* been implemented) could not have prevented this breach.

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

<http://www.insolvency.gov.uk/otherinformation/statistics/200902/uksa/index.htm>