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Management information, research data, and the use of statistics in policy documents

SUMMARY

1. The Code of Practice for Official Statistics relates, almost entirely, to the production, management and dissemination of official statistics.¹ Some issues on which the Statistics Authority may wish to comment fall outside the requirements of the Code. This Statement sets out the Authority's position in two such areas – commenting on statistical information that is not currently treated as official statistics by the producer organisation and commenting on the use of official statistics in policy documents. This Statement serves as guidance both to the staff of the Authority and to producers of official statistics and will be reviewed and revised as necessary.

Comment on statistical information that is not currently treated as official statistics

2. Government departments and other bodies that produce official statistics sometimes make substantive public reference, in documents and statements, to numerical data that they do not regard as being official statistics. The producer may, instead, regard these as management information or research findings.

3. Such numerical data are not covered by the Code of Practice for Official Statistics. In particular, two important requirements of the Code do not apply:

- the requirement to publish the statistics separately from political comment, and;
- the requirement to publish in the form of a statistical release before any political or other public use is made of the statistics.

4. The National Statistician has issued guidance to departments on the principles to which producer organisations should have regard in deciding whether or not data should be treated as official statistics.² This acknowledges that not all cases will be clear-cut. In some circumstances, the Statistics Authority may decide that data that have not been published as official statistics should nonetheless in future be treated as such and that the requirements of the Code should be observed.

5. The Statistics Authority will have particular regard to two criteria in deciding whether to propose that data should in future be treated as official statistics and therefore handled in accordance with the Code of Practice:

- the data are used publicly by the department in support of major decisions on policy, resource allocation or other topics of public interest, or;

¹ <http://www.statisticsauthority.gov.uk/assessment/code-of-practice/code-of-practice-for-official-statistics.pdf>

² <http://www.statisticsauthority.gov.uk/national-statistician/guidance/official-statistics-guidance.pdf>

- the data attract public controversy when published and the Authority takes the view that public debate would be better informed if the figures were, in future, handled as official statistics.
6. An exception would be made to the first point above where the Authority accepted that, despite the public use, the data were of a kind that was unlikely to be thought of as official statistics by Parliament or the public.
 7. Where the Authority concludes that the data should be published as official statistics, it will write to the producer body to explain its view. Depending on the circumstances, the Authority may further comment on the manner in which the figures have previously been published and indicate respects in which the requirements of the Code of Practice appear not to have been met. All such correspondence will be published by the Authority.
 8. However, the decision on whether to publish data as official statistics remains a matter for the producer body. The Statistics Authority does not, except in the case of the Office for National Statistics, have statutory authority to direct public bodies on this matter.

Comment on the use of official statistics

9. The Authority may, in some circumstances, also comment on the use of official statistics in policy documents and statements. In the case where a policy document (usually a Ministerial statement) is issued alongside the release of official statistics, there are specific requirements in the Code of Practice, Protocol 2.
10. Also, the *Pre-release Access to Official Statistics Orders* prohibit the inclusion of official statistics in any policy document before the release of the statistics.³
11. In other circumstances where the Statistics Authority's attention is drawn to the presentation, description or technical interpretation of official statistics in a policy document or statement, it will have regard to the following criteria in determining whether or not to comment publicly:
 - the presentation, description or technical interpretation of the official statistics is such that the Authority concludes that the document is likely to mislead (beyond what could reasonably be defended on the grounds of accepted practice in public debate), and;
 - the Authority believes that the public interest would be best served by challenging the use of statistics in the document or statement.
12. The Authority expects policy documents and statements to observe the following principles:
 - the document must not leak official statistics ahead of formal publication;
 - the document must not mislead through the use or presentation of the statistics, and;
 - the authors of the document must respect any professional advice that may have been given by government statisticians.

These three principles are not requirements of the Code of Practice but may be seen as complementary to it.

³ http://www.opsi.gov.uk/si/si2008/uksi_20082998_en_1
http://www.opsi.gov.uk/legislation/scotland/ssi2008/pdf/ssi_20080399_en.pdf
http://www.opsi.gov.uk/sr/sr2009/pdf/nisr_20090071_en.pdf

BACKGROUND AND SPECIAL CASES

13. The Code of Practice for Official Statistics relates, almost entirely, to the production, management and dissemination of official statistics. In relation to 'dissemination' the Code applies up to and including release in statistical reports (including websites etc.) but does not make any specific reference to the subsequent quoting or use of official statistics in other official documents or verbal statements.
14. There is one special case in which the Code extends to government statements published alongside the release of statistics (at Protocol 2, Practice 9), but for the most part the Code, as such, does not apply to official documents or statements except as above.
15. There is however one other requirement of the Code that is not about the production, management and dissemination of statistics – Principle 3, Practice 7 says 'Promote a culture within which statistical experts in government can comment publicly on statistical issues, including the misuse of statistics'. That requirement applies to the Statistics Authority as well as to other bodies; and it signals the intention, which is also to be found in international statistical codes, that the statistical community should not remain silent on the misuse of statistics.
16. Most of the Statistics Authority's role, as defined in the *Statistics and Registration Service Act 2007*, can be mapped directly on to the requirements of the Code that relate to production, management and dissemination. But there are certain cases where the Authority may need – in pursuance of the broad role that the Act confers on it - to comment publicly on matters that are not explicitly dealt with in the Code. The following paragraphs set out in more detail some of these circumstances and indicate the criteria to which the Authority will have regard in such cases.

Comment on statistical information that is not currently treated as official statistics

17. Government departments and other bodies that produce official statistics sometimes publish statistical information - in statements and policy documents - that they do not regard as being official statistics.
18. This distinction is important as such information (which we call management information here but may be called other things by the producer, e.g. research, or internal data) is not covered by the Code of Practice for Official Statistics. In particular, the requirements of the Code relating to publishing the statistics separately from political comment, and publishing in the form of a statistical release before any other use, do not apply except in some limited respects discussed below.
19. For the purposes of this Statement, we define management information here to include all numerical data produced, or publicly used, by official bodies but which that body does not regard as official statistics. This is the Statistics Authority's use of the phrase and other bodies may adopt different conventions. Management information thus includes the following:
 - data about departmental business that no-one would reasonably regard as official statistics;
 - the numerical results of any research project – for example a one-off sample survey - where the body responsible does not regard those results as being official statistics;
 - data that, whilst not themselves published as official statistics, are aggregated to produce official statistics (for example, local counts of hospital records). However, it is helpful to distinguish these as raw statistical data because they are covered by some aspects of the Code of Practice and there are therefore some particular considerations discussed further below, and;
 - special aggregations of raw statistical data, distinct from those aggregations that are published as official statistics (for example, figures relating to a particular area of the country when that area is not one of the standard areas used for the official statistics). Again there are particular considerations, discussed below.

20. The Statistics Authority will consider two main criteria in deciding whether it thinks that any management information should be treated as official statistics and therefore handled in accordance with the Code of Practice:
- the management information is used publicly in support of decision-making by government – including decisions on policy, resource allocation and any other major decisions of public interest, or;
 - the management information attracts public comment or controversy when published and the Statistics Authority takes the view that it would better inform public debate if the figures were to be handled as official statistics and a proper statistical release prepared.
21. However, an exception would be made to the first criterion where the Authority accepted that the management information was of a kind that was unlikely to be thought of as official statistics by Parliament or the public.
22. Where one of these criteria is met, the Authority will write to the relevant body drawing attention to its view that the information should, in its opinion, have been treated as official statistics. Depending on the circumstances the Authority may further comment on the manner in which the figures were published and indicate respects in which the requirements of the Code of Practice appear not to have been met. It may further recommend that the statistics be issued again, in accordance with the Code of Practice, to the extent that this is practicable.

Raw statistical data

23. Raw statistical data will usually be the local or low level statistics from which official statistics - in their published form - are compiled. Here the detailed data, whilst not regarded as official statistics themselves, are nonetheless subject to some of the requirements of the Code of Practice – for example the assurance of impartiality, quality standards and protection of confidentiality. The Statistics Authority regards the public release of such data as legitimate once the related official Statistics are published, but not before (and subject to any disclosure control constraints). There have been high profile cases of such raw data being obtained and released under the *Freedom of Information (FOI) Act* before they are due for publication. While rights under FOI must be respected, the Authority will want to consider all such cases on their merits and see what lessons might be drawn about good practice.
24. The Authority will investigate any release of, or public reference to, such raw statistical data prior to the release of the related official statistics. It will then consider with the responsible body the particular circumstances of such cases and any lessons that may need to be drawn. It may conclude, exceptionally, that the circumstances justify the public use of the raw statistical data ahead of the official statistics, or it may conclude that the public use was inappropriate and should be resolved by the responsible body either preventing such premature release or bringing forward the regular release of the official statistics so that the situation is less likely to occur.

Special aggregations

25. Bodies that produce official statistics sometimes issue special aggregations of raw statistical data, distinct from the official statistics that are normally produced from those data, in order to address a specific topic. The Statistics Authority will normally regard such special aggregations as being official statistics and will be unlikely to accept the argument that they are distinct from the normal official statistics and can therefore be released without reference to the Code of Practice. Should there be a case for treating special aggregations as other than official statistics, the Authority would expect the National Statistician to be consulted in advance of their publication.

Comment on the use of official statistics

26. In the context of this Statement, the term 'policy document' is defined as any document or statement, including verbal statement in Parliament, issued publicly by a public body, other than a statistical report or output. This includes such documents and statements issued by public bodies that do not themselves produce official statistics.
27. Policy documents sometimes contain substantial amounts of both management information and official statistics without necessarily distinguishing between the two. However, the circumstances in which the Statistics Authority might comment on the public use of management information are considered above. Here we consider the criteria that would determine whether the Authority would comment on the use of official statistics in such documents and statements.
28. In the special case where a policy document (usually a Ministerial statement) is issued alongside the release of official statistics, there are specific requirements in the Code of Practice, Protocol 2. The Authority will assess compliance with that aspect of the Code through the formal Assessment process.
29. The *Pre-release Access to Official Statistics Orders* prohibit the inclusion of official statistics in any policy document before the release of the statistics. So here we are only concerned with policy documents issued after the statistics are in the public domain.
30. Where the Statistics Authority's attention is drawn to the presentation, description or interpretation of official statistics in a policy document, it will have regard to the following criteria in determining whether to comment publicly:
 - the presentation, description or technical interpretation of the official statistics is such that the Authority concludes that the document is likely to mislead (beyond what could reasonably be defended on the grounds of accepted practice in public debate), and;
 - the Authority believes that the public interest would be best served by challenging the use of statistics in the document.
31. The Authority will also investigate and publish its findings if it becomes aware that the advice of the National Statistician or the relevant Head of Profession for Statistics has been offered, but not followed, on the use of statistics in a policy document.
32. The Authority expects policy documents and statements to observe the following principles:
 - the document must not leak official statistics ahead of formal publication;
 - the document must not mislead through the use or presentation of the statistics, and;
 - the authors of the document must respect any professional advice that may have been given by government statisticians.