

Official statistics serving the public good

Consultation on the code of practice

July 2008



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About the UK Statistics Authority

The UK Statistics Authority is an independent body operating at arm's length from government as a non-ministerial department, directly accountable to Parliament. It was established on 1 April 2008 by the Statistics and Registration Service Act 2007.

The UK Statistics Authority's overall objective is to promote and safeguard the production and publication of official statistics that serve the public good. The Statistics Authority is also required to promote and safeguard the quality and comprehensiveness of official statistics; and good practice in relation to official statistics

The Statistics Authority has three main functions:

- oversight of the Office for National Statistics (ONS) – the executive office of the Authority
- monitoring and reporting on all official statistics, wherever produced, and
- independent assessment of official statistics

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Foreword

Sir Michael Scholar, Chair of the UK Statistics Authority

Official statistics are a vital resource for government and society. They influence many decisions in government, in the management of public services and in the private sector; and these decisions affect all our lives. They also provide the citizen with a window on the work and performance of government and in this way play a central role in the processes of democracy.

The *Statistics and Registration Service Act 2007* established new arrangements under which the production and publication of these statistics are now governed. It created the UK Statistics Authority and it gave us, among other powers, the authority to determine a Code of Practice and specific powers to assess the compliance of official statistics against that Code.

The Code of Practice and the assessment of compliance will be among the most crucial tools in enabling us to pursue our statutory objective of promoting and safeguarding the production and publication of official statistics that serve the public good – and thus rebuilding trust in statistics. The Code will also be fundamental to defining the common principles that we expect to be observed by all the different bodies that produce official statistics.

The draft Code in Part 1 of this consultation document is broad in its coverage and is designed to apply not just to those involved in statistical work but to all who work within organisations that produce official statistics, including those who advise government ministers and press offices. This broad coverage reflects the pattern of international codes such as the United Nations Fundamental Principles of Official Statistics and the European Statistics Code of Practice, and the draft is consistent with these. It is also consistent with the existing National Statistics Code of Practice which it will replace – there is no change in the essential values.

I believe our proposals are well thought-out and coherent. The Statistics Authority will, however, be happy to consider further changes or additions to the proposals if the response to the consultation suggests that this would help to promote confidence in the statistical service. Please let us know what you think.

Michael Scholar

Introduction

The UK Statistics Authority has the objective of ‘promoting and safeguarding the production and publication of official statistics that serve the public good’ (*Statistics and Registration Service Act 2007*, section 7(1)).

1. A consultation document published in 1998, *Statistics: A Matter of Trust*, described the Government’s aims for statistics in the following way: “Quality needs to be assured. Official statistics must be sufficiently accurate and reliable for the purposes for which they are required ... the production and presentation of official statistics needs to be free from political interference, and to be seen as such, so that the objectivity and impartiality of statistics is assured”.

2. A Government consultation document *Independence for Statistics: A Consultation Document*, published in March 2006, set out plans for legislation, reiterating that the objectives set out in 1998 remained the Government’s aim. The UK Statistics Authority endorses the aims but notes that the statistical service is more than just the numbers themselves. Of course, statistics must be as accurate and reliable as they reasonably can be, and free from any political interference, but they must also be planned to meet the future needs of society and communicated in ways that are as helpful as possible to those who rely on them to inform their decisions – and in some respects that is all of us. The draft Code of Practice in this consultation document reflects this broad interpretation of the aims.

3. The Office for National Statistics (ONS) is the United Kingdom’s central statistics office. However, ONS is just one part of the statistical system and, in practice, statistical production occurs across a wide range of government departments, the devolved administrations and other public bodies, covering all areas of activity (including the economy, employment, population, crime, education and health). This decentralised approach to the statistical system offers real benefits in terms of support to policy work in government, but it also creates challenges in organisation and management that are different from those faced by more centralised national statistical offices around the world. The draft Code of Practice has been developed with the UK’s decentralised system in mind.

4. *The Statistics and Registration Service Act 2007* requires that the UK Statistics Authority (referred to as the ‘Statistics Board’ in the Act) must consult on the content of a Code of Practice for Statistics and on the principles and procedures that it will adopt in exercising its duty to assess compliance against the Code.

5. More specifically, section 10 of the Act requires the Authority to ‘prepare, adopt and publish a Code of Practice for Statistics’. In preparing the Code, the Authority must consult Ministers in each of the devolved administrations and ‘such other persons as it thinks fit’.

6. Section 12 of the Act requires the Authority, at the request of Ministers in the Cabinet Office and the devolved administrations, to assess and determine whether the Code of Practice has been complied with in relation to any official statistics. Where the Authority determines that the Code has been complied with, it is required to designate the statistics as ‘National Statistics’. Otherwise it must decline to designate them.

7. Once statistics have been designated as ‘National Statistics’, the body responsible for their production is under a statutory duty to continue to comply with the Code. The Authority must re-assess from time to time whether those statistics continue to be Code-compliant. The Act states that the duty to comply with the Code rests with the ‘person producing the statistics’. In practice we interpret this to mean the producer organisation as a whole. The Code does not distinguish between statistics according to which officials are involved in their production.

8. The Code will play a central role in the fulfilment of the Authority’s statutory objective to ensure that official statistics serve the ‘public good’. Once the Code has been adopted, the Authority will keep its operation under review and propose amendments as necessary. Any material amendments to the Code will be subject to further consultation.

Principles and procedures

9. The Act requires the Authority, in carrying out the functions of assessment and designation, to prepare and publish a statement of:

- the principles to which it will have regard, and
- the procedures which it will adopt.

The Authority is further required in preparing this statement to consult Ministers in the devolved administrations and such other persons as it thinks fit.

10. This consultation document is in two parts:

Part 1 explains the background to the Authority’s proposals for the Code of Practice and sets out the draft text.

Part 2 sets out the draft Statement of Principles and Procedures relating to the assessment and designation functions.

11. The Annexes contain background information on the existing National Statistics Code of Practice and relevant international codes and on the Authority itself.

Open consultation

12. The UK Statistics Authority welcomes views on both the draft Code of Practice (Part 1) and on the principles and procedures for assessment (Part 2). You may wish to consider the following questions:

- i. Does the draft Code achieve the right balance between being concise and offering sufficient clarity in what is expected of bodies that produce official statistics?
- ii. Are the 10 main principles in the Code the right principles to emphasise and do the associated 'practices' support them adequately?
- iii. Are there any further aspects of good practice that should be considered for inclusion in the Code?
- iv. With reference to the discussion of departmental policy statements issued alongside statistical releases, at paragraph 33 below, should the Code include requirements on the lines of those suggested?
- v. Is the treatment, in Protocol 1 to the Code, of access to official statistics before their publication satisfactory, given the requirement that pre-release access to official statistics *in their final form* is specifically excluded from the coverage of the Code (see paragraph 37)?
- vi. Should Protocol 3 to the Code, concerning the use of administrative sources for statistical purposes be expanded to cover a wider range of issues (see paragraph 40)?

13. The consultation period begins with the publication of this document and will run for 12 weeks. Please ensure that your response reaches us by **30 September 2008**.

14. Responses to the consultation should be sent to:

Code of Practice Consultation
UK Statistics Authority
Statistics House
Myddelton Street
London
EC1R 1UW

Alternatively, responses can be sent by email to:
authority.consultations@statistics.gsi.gov.uk

15. This document can also be found on the UK Statistics Authority website at <http://www.statisticsauthority.gov.uk>. The consultation is conducted in line with the Better Regulation Executive's *Code of Practice on Consultation*, which contains six key criteria governing written consultation. Further information about this is available online at <http://www.berr.gov.uk/bre/>

16. When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make clear who the organisation represents and, where applicable, how the views of members were assembled.

17. All written responses will be made public on the Statistics Authority's website unless the author specifically requests otherwise. In the case of electronic responses, general confidentiality disclaimers that often appear at the bottom of e-mails will be disregarded for the purpose of publishing responses unless an explicit request for confidentiality is made in the body of the response.

18. Even where confidentiality is requested, if a request for disclosure of the consultation response is made in accordance with the *Freedom of Information Act 2000*, and the response is not covered by one of the exemptions in the legislation, the UK Statistics Authority may be obliged to disclose the response in whole or in part.

Part 1

Code of Practice for Official Statistics

19. There has been a formal code of practice for UK official statistics for more than ten years but it has evolved over that time. The most recent version, *the National Statistics Code of Practice*, was published in stages from 2002. That code took the form of a set of broad principles and 12 associated protocols. More information about it can be found at **Annex 1**.

20. In October 2007, the former Statistics Commission published a report, *Proposals for a Code of Practice of Official Statistics*.¹ This argued for a shorter and simpler Code more suited to supporting the assessment function provided for in the Act. The report built on proposals which the Commission had issued for consultation in December 2006, and which received some 16 substantive responses from national and international experts and organisations.

21. Respondents to the Commission's proposals were mostly positive. For example:

- 'We support the Code's central aim to strengthen public confidence in UK official statistics. We also strongly agree that longstanding public trust needs to be fostered through ... a statutory code which is seen to be respected.' (*Committee on Standards in Public Life*)
- 'The ESRC fully supports explaining the principles and practices of the Code in lay terms and recognises the extended usability of the Code that will ensue'. (*Economic and Social Research Council*)

1 http://www.statscom.org.uk/C_1213.aspx

22. A full account of the responses and the subsequent amendments made in response to them is given in the Statistics Commission's report *Proposals for a Code of Practice of Official Statistics*.

European statistical system

23. In 2005 the European Statistical System (ESS) – the partnership of Eurostat and the National Statistical Institutes (NSIs) of the Member States – endorsed a new European Statistics Code of Practice. This is reproduced at **Annex 2**. At the same time the European Commission member states outlined a strategy to implement and monitor compliance with that Code. This strategy, supported by the Statistical Programme Committee, is characterised by self-assessment (of compliance against the European Code) and NSI reporting, reinforced by peer reviews to help identify areas in which NSIs and Eurostat should take steps to improve their compliance. Economic and Finance Ministers of EU Member States endorsed the ESS's approach to improving the independence, integrity and accountability of the national and Community statistical authorities.

24. The first round of peer reviews is now complete, and all reports have been published by Eurostat. Further steps, possibly including a strengthening of the European Code of Practice, will be outlined in an implementation report from Eurostat to be presented to the European Parliament and to the Council of Ministers in November 2008.

25. This consultation document, a *Code of Practice for Official Statistics*, has been informed by, and is consistent with, the European Statistics Code of Practice. The UK Statistics Authority has adopted a structure broadly similar to the European Code, which sets out a number of high level principles, each of which is further amplified by a series of more detailed indicators. In the European context this approach has served the peer review process well, and the Authority believes that it will lend itself equally to the Authority's assessment function.

26. In developing the Code on behalf of the Authority, officials have held high level discussions with Eurostat experts, and we have taken into account the broad areas in which the European Code is likely to evolve.

The nature of the draft Code

27. The UK Statistics Authority agrees with the view expressed by the former Statistics Commission in its October 2007 report that the new statutory framework would require a code that, while covering much the same ground as the existing National Statistics Code of Practice, should be different in some respects. The Code should:

- Be shorter, simpler and more imperative in style – both so that individuals might find it easier to understand and remember, and also so that bodies that produce statistics are more readily able to establish whether their practices are Code-compliant.
- As far as possible, provide an unambiguous and structured basis for independent assessment.
- Benefit from being closer in style, structure and content to the European Statistics Code of Practice, compliance with which is expected of all producers of European statistics.
- Be drafted to apply to all bodies that produce official statistics, not just to statistical staff or to the statistics themselves.
- Not set out exceptions and exemptions in the text of the Code. Instead, another mechanism should be adopted for agreeing and documenting necessary exceptions and special cases. This change has the effect of substantially shortening the Code.

28. The draft Code presented below is based directly on an edited version of the existing National Statistics Code of Practice, so it is not fundamentally different in concept. There are, however, some additional principles and practices now included, mostly based on concepts in the European Statistics Code of Practice. Among the aspects which differ from the existing Code are:

- The requirement on producer bodies, under Principle 2 of the draft Code, to investigate and document the use made of official statistics and the types of decisions they inform, and the key areas of emerging demand and unmet need. Investigation of these issues serves as an important contribution to planning and quality assurance of statistics.

- The inclusion of a principle on resources (Principle 10). This follows the model of the European Code and is appropriate where the Code will apply to a number of largely autonomous organisations.
- The requirement that exceptions and exemptions to the application of the Code will be made only by agreement with the UK Statistics Authority.
- The inclusion of three new Protocols containing fuller guidance on (i) release practices, (ii) consultation, and (iii) the use of administrative sources for statistical purposes. The protocol on the use of administrative sources addresses an aspect of statistical work that is of growing importance, and it is desirable that the Code should set out how the UK Statistics Authority will seek to ensure that the use of such sources is being managed in the public interest.
- The removal of the 12 protocols to the existing Code which, other than where they are adequately covered in the revised Code, will be further developed and treated as supplementary guidance notes, but not as integral parts of the Code.

Structure and future revision

29. The draft Code consists of a preamble addressing the context within which the Code will apply, ten Principles, and the three Protocols referred to above. Each principle is in turn supported by a statement of related practices but where a practice supports several principles, it is not normally repeated.

30. The principles are expected to remain stable over time but the statements of practices and protocols may be revised from time to time. The UK Statistics Authority will consult publicly on any material revisions to the Code in the future. To indicate that the Code is subject to revision, it will carry an edition identifier when it is published.

31. The assessment process will not involve 'scoring' the work of producers of statistics against each part of the Code. Assessment will rather look at the work in the round and use the Code as a guide to what is expected. So there is no implicit order of precedence or priority among the elements of the Code and none should be inferred from the order of the principles or the number of associated practices.

32. The principles and practices of the Code are mostly not specific about what level of compliance will be regarded as sufficient. For example, the Code states that producers of statistics shall ‘investigate and document the needs of users’ (Principle 2, Practice 3), but is not specific about how this should be done. Further guidance about steps that would constitute satisfactory compliance will be prepared as the Assessment function develops experience of current practice. Initially, a measure of latitude will be allowed in matters of interpretation. Where Assessment identifies scope for improvement in such cases this will normally be reported as a recommendation for action rather than as a failure to comply.

Government statements issued alongside statistics

33. The draft Code requires that ministerial or policy statements – of the kind which government departments commonly issue separately from, but at the same time as, the release of statistics – should not precede the release of statistics to which they refer (Principle 1, Practice 1). The intention here is that the Code should preclude any such statement, including background verbal statements to journalists or embargoed press releases, before the statistics are in the public domain. This would apply whether the statement contained the actual figures or just speculative comment about what they might show.

34. However, the Statistics Commission suggested in its 2007 report *Proposals for a Code of Practice of Official Statistics* that consideration should be given to including in the Code some basic standards for departmental statements issued in parallel to the release of statistics.

35. **We are therefore inviting views** on whether the Code should include a requirement that government statements relating directly to statistics (and issued at or about the time of first release of those statistics) should:

1. Contain a prominent link to the statistical release.
2. Be clearly labelled as a policy statement (or ministerial statement) and be readily distinguished from a statistical release.
3. Should meet basic professional standards in the use of statistics within the policy statement (for example, statistics should be cited accurately, charts should be drawn in an accurate and impartial way).

Publication hub

36. The Office for National Statistics, working with colleagues from across the GSS, have developed a new website called the Publication Hub.² Protocol 1 to the Code requires (Practice 3) that all National Statistics should be released via the Publication Hub. The Hub has been developed as a portal to all releases of National Statistics, and serves both to improve accessibility – helping users find statistical releases from a single, central location – and to reinforce the separation of policy comment by government from statistical releases.

Pre-release access

37. Pre-release access is defined in the Act as ‘access to the statistics in their final form prior to publication’. Section 11 of the Act specifically prevents the Code of Practice from dealing with ‘any matter relating to the granting of pre-release access to official statistics’, which will instead be determined by Orders (secondary legislation) made under the Act. With this exception, there are no specific constraints on the content of the Code.

38. The Act states that ‘the Code shall apply in relation to any official statistic as if it included any rules and principles provided for in relation to those statistics’. What this means is that the Code has to be read as if the rules and principles relating to pre-release access were part of it – and thus the assessment process will take account of compliance with those rules regardless of the fact that they are not set out in the Code. This is explained further in Part 2 below.

39. Because pre-release access is defined in the Act to refer only to statistics in their final form prior to publication, the question of the treatment of statistics *before* they reach that final form remains a matter for the Code of Practice. Thus there are references in Protocol 1 to the Code to principles governing access to statistics before publication. These references do not apply to statistics in their final form.

² <http://www.statistics.gov.uk/index.asp>

Administrative sources

40. A large and growing proportion of official statistics are produced from data originally collected for administrative purposes, such as school records, hospital records and payment of benefits. The draft Code includes, for the first time, a set of requirements (Protocol 3) concerning practical issues that arise from using such sources. **We would welcome views** on whether the protocol should be expanded to cover a wider range of issues and, if so, what it should require producer bodies to do in addition to the points already included.

Draft Code of Practice for Official Statistics

Preamble

- i. Official statistics are fundamental to good government, the delivery of public services and decision-making in all sectors of society. They are also essential to democracy, providing Parliament and public with a window on society and the economy, and on the work and performance of government.³
- ii. Such statistics are produced by a large number of public bodies. Observance of a common Code of Practice by all such bodies is central to maintaining a unified statistical service that meets the needs of government and the wider community and is both trustworthy and trusted.
- iii. The *Statistics and Registration Service Act 2007* requires that the UK Statistics Authority (referred to as the 'Statistics Board' in the Act) prepares and publishes a Code of Practice and assesses compliance against the Code. Official statistics assessed as compliant with the Code are designated 'National Statistics'. The Act requires that bodies which produce National Statistics must ensure that the Code continues to be observed in relation to those statistics.

³ Official statistics are as defined in section 6 of the *Statistics and Registration Service Act 2007*

- iv. This Code is consistent with the United Nations Fundamental Principles of Official Statistics⁴ and the European Statistics Code of Practice.⁵
- v. The Code applies to all public bodies that produce official statistics, some of which are outside the Civil Service. The Code is, however, consistent with the Civil Service core values of integrity, honesty, objectivity and impartiality.⁶ In relation to statistical work, these should be interpreted as follows:
 - Integrity** – putting the public interest above organisational, political or personal interests
 - Honesty** – being truthful and open about the statistics and their interpretation
 - Objectivity** – using scientific method to collect statistics and basing statistical advice on rigorous analysis of the evidence
 - Impartiality** – acting solely according to the merits of the statistical evidence, serving equally well all aspects of the public interest.
- vi. The Code contains ten principles and, in relation to each, a statement of associated practices. It also contains three more detailed protocols – on practice in relation to the release of statistics, on consultation, and on the use of administrative data for statistical purposes. The Code has been framed to support the assessment of compliance both by the bodies that produce the statistics and independently by the UK Statistics Authority.

4 United Nations Statistics Division *Fundamental Principles of Official Statistics* (2006)

5 Eurostat *European Statistics Code of Practice: For national and community statistical authorities* (2005)

6 Cabinet Office *Civil Service Code* (2006)
http://www.cabinetoffice.gov.uk/propriety_and_ethics/civil_service/civil_service_code.aspx

- vii. The requirements of the Code are specific but there will often be a need for interpretation and professional judgement. The National Statistician and the Head of Assessment⁷ will provide supplementary advice and guidance to assist producers of statistics.
- viii. Some practices set out in the Code are relevant to more than one principle. In the interests of conciseness, the practices are not normally repeated under different principles. That does not mean they are less relevant where not cited explicitly.
- ix. Under some circumstances it may be appropriate for the UK Statistics Authority to agree exemptions or exceptions to the practices, though not the principles. Bodies that produce National Statistics and are aware of a need for an exemption should make a case to the Head of Assessment. Details of all exceptions and exemptions that are agreed will be made public.
- x. The Code has the effect of placing different obligations on different groups of officials within bodies that produce official statistics: those with direct responsibility for statistical functions have obligations in relation to professional independence and for quality assurance; other officials need to ensure an environment in which statistical production and professional independence are supported.
- xi. It is implicit in the Code that, within those bodies that produce official statistics, there will be sufficient managerial separation between officials responsible for National Statistics and other staff of the organisation to ensure clear lines of accountability for observance of the Code.
- xii. The Code employs the phrase 'production, management and dissemination of official statistics' to refer to the entire statistical process from the decision to collect or compile data through to providing advice to the user.

⁷ The National Statistician and Head of Assessment are statutory office holders with responsibilities set out in sections 30 to 32, and section 33 of the *Statistics and Registration Service Act 2007* respectively.

Principle 1: Integrity

At all stages in the production, management and dissemination of official statistics, the public interest should prevail over organisational, political or personal interests.

Practices

1. Issue statistical reports separately from any other statement or comment about the figures and ensure that no statement or comment is issued to the press or published ahead of the statistics.
2. Ensure that those producing such reports are protected from any political pressures that might influence the presentation of the statistics.
3. Follow all statutory obligations and internationally endorsed guidelines governing the collection of data, confidentiality, privacy and release.
4. Release National Statistics in accordance with the Protocol on Release Practices (Protocol 1).
5. Produce, and make publicly available, assessments of user satisfaction in relation to key outputs and services.
6. Keep records of feedback from users, including complaints, and make these records available on request, together with what action was taken.
7. Inform the National Statistician and the Head of Assessment about complaints which relate to professional integrity, quality or standards, whether or not they can be resolved directly.

8. Implement controls to ensure that individuals do not abuse the trust placed in them for personal gain.
9. Enable statistical experts within each producer body to comment publicly on statistical issues.

Principle 2: Relevance

The planning, production and dissemination of official statistics should be managed so as to meet the requirements of informed decision-making by government, public services, business and the wider community. As far as possible, official statistics should be internally consistent, consistent over time, and comparable between producers.

Practices

1. Under the guidance of the UK Statistics Authority adopt systematic statistical planning arrangements, including transparent priority-setting, that reflect the obligation to serve the public good.
2. Report annually to the UK Statistics Authority on progress against statistical plans.
3. Investigate and document the needs of users of official statistics, the use made of existing statistics and the types of decision they inform, and the key areas of emerging demand and unmet need. Take these into account in the planning process and report the results.
4. When changes are being considered to official statistics, consult users effectively. Consultation should follow the Protocol on Consultation (Protocol 2).
5. Adopt common statistical sampling frames, questions, definitions, statistical units and classifications (including common geographic referencing and coding standards) to promote comparability across official statistics. Make the reasons for deviations from standard models publicly available.

6. Adopt international standards, concepts, definitions and classifications to promote international comparability wherever practicable and support the development of those standards through effective engagement with international organisations.
7. Where time series data are revised, or changes are made in methodology or coverage, consistent historical data should be produced wherever possible, taking into account user requirements.

Principle 3: Sound methodology and assured quality

Methods for the production, management and dissemination of official statistics should accord with scientific principles and internationally recognised best practice and be fully documented. Quality should be monitored and assured taking account of internationally agreed concepts of statistical quality.

Practices

1. Ensure that official statistics are produced according to scientific principles and to a level of quality that meets user needs. Make publicly available detail of the methodologies adopted, including explanation of why particular choices were made.
2. Adopt quality assurance procedures that assess each statistical product against user requirements, and in terms of how they harmonise with other products. In doing so, draw on all available sources of expertise.
3. Support centrally managed reviews of statistical products including reviews of standards and classifications.
4. Seek to achieve continuous improvement in the statistical and managerial processes underlying all statistical products.
5. Identify any potential sources of statistical bias in estimates and provide users with an evaluation of the extent and direction of bias wherever practicable.
6. Maintain back-up arrangements to minimise the risk of loss or corruption of statistical resources, proportionate to the importance of each resource.

