
Chair of the UK Statistics Authority, Sir Michael Scholar KCB

Mr Jim Mather MSP
Minister for Enterprise, Energy & Tourism
Meridian Court
5 Cadogan Street
Glasgow
G2 6AT

16 January 2009

Dear Jim

PRE-RELEASE ACCESS TO OFFICIAL STATISTICS (SCOTLAND) ORDER 2008

Thank you for your letter of 19 November. In the light of the points you raised, the secretariat of the Statistics Authority has had further discussions with the Cabinet Office about how the Authority should best discharge its reporting obligations to the UK Parliament and to the devolved legislatures.

You asked specifically about the mechanism under which the Statistics Authority will report to the Scottish Parliament on devolved matters, in particular with regard to matters relating to the Code of Practice for Official Statistics and the Pre-Release Access to Statistics (Scotland) Order 2008. In your letter you note that the Finance Committee of the Scottish Parliament had asked you about this matter. I am therefore sending a copy of this letter to the Clerk to that Committee.

Under the Statistics and Registration Service Act 2007, the Authority is required to lay its Annual Report (containing a statement of activities during the reporting year, what it has found during that year, planned work for the forthcoming year, and a statement of accounts) before the UK Parliament and the devolved legislatures. This will thus serve as an annual summary of our work and we will ensure that our activities in relation to Scottish devolved matters are set out clearly there.

On the question of alerting the Scottish Parliament, other than through the annual report, to cases where the requirements of the Code or Order have not been met – or indeed to cases where we conclude that the Code or Order have been met – the proposed arrangements are that the Chief Statistician in the Scottish Government will in the first instance provide a report to the National Statistician who will then consider that report and make her own report to the Authority. The Authority will, in turn, consider the National Statistician's conclusions and decide whether or not the requirements of the Code, or Order, have been met. The conclusions of the Authority will then be communicated to the Chief Statistician by the National Statistician and will be made public via our website.

Under the Act, the Statistics Authority reports to both the UK Parliament and the devolved legislatures. Where the Authority considers there to have been non-compliance with the Code or the relevant Pre-Release Order, we will draw our conclusions to the attention of the

appropriate legislature at, or shortly ahead of, the time of publication. We will pursue further with the Clerk to the Scottish Parliament as to who we should contact in such cases and what the procedures are in relation to the Parliament. As you say in your letter, it is important that the Scottish Parliament has the information to enable it to carry out its own scrutiny function.

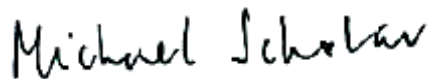
We will also ensure that relevant Authority monitoring reports and assessment reports, in particular those that consider Scottish devolved statistical matters, are brought to the attention of the Scottish Parliament in the same way.

I and colleagues on the Statistics Authority will also be available to provide Members of the Scottish Parliament with further information on the work of the Authority, either in writing or through oral evidence to parliamentary committees.

Your letter also touches on our respective views on the desirability of the pre-release access rules in Scotland being different from those introduced in Whitehall. I will ask the Authority's senior officials to maintain the ongoing dialogue with the Cabinet Office, with the Chief Statistician and other officials in the Scottish Government, and with the other Devolved Administrations, about the possibility of eventually establishing a common approach in all the UK administrations. From the perspective of the user of statistics, the differences in practice may be hard to justify and we will be looking further at this matter when we conduct our review of the arrangements towards the end of the 2009-10 financial year.

I am copying this letter to the Clerk to the Scottish Parliament, the Clerk to the Finance Committee, to Karen Dunnell, the National Statistician, and to Rob Wishart, the Chief Statistician in the Scottish Government.

Yours sincerely

A handwritten signature in black ink that reads "Michael Scholar". The signature is written in a cursive, slightly slanted style.

Sir Michael Scholar KCB