

Assessment of compliance with the Code of Practice for Official Statistics

Statistics on Criminal Proceedings and Reconviction Rates in Scotland

(produced by the Scottish Government)

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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 Authority's overall objective is to promote and safeguard the production and publication of official statistics that serve the public good. It 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 two main functions:

1. oversight of the Office for National Statistics (ONS) – the executive office of the Authority;
2. independent scrutiny (monitoring and assessment) of all official statistics produced in the UK.

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ASSESSMENT AND DESIGNATION

The *Statistics and Registration Service Act 2007* gives the UK Statistics Authority a statutory power to assess sets of statistics against the *Code of Practice for Official Statistics*.

Assessment will determine whether it is appropriate for the statistics to be designated as National Statistics.

Designation as National Statistics means that the statistics comply with the *Code of Practice*. The *Code* is wide-ranging. Designation can be interpreted to mean that the statistics: meet identified user needs; are produced, managed and disseminated to high standards; and are explained well.

Designation as National Statistics should not be interpreted to mean that the statistics are always correct. For example, whilst the *Code* requires statistics to be produced to a level of accuracy that meets users' needs, it also recognises that errors can occur – in which case it requires them to be corrected and publicised.

Assessment reports will not normally comment further on a set of statistics, for example on their validity as social or economic measures. However, reports may point to such questions if the Authority believes that further research would be desirable.

Assessment reports typically provide an overview of any noteworthy features of the methods used to produce the statistics, and will highlight substantial concerns about quality. Assessment reports also describe aspects of the ways in which the producer addresses the 'sound methods and assured quality' principle of the *Code*, but do not themselves constitute a review of the methods used to produce the statistics. However the *Code* requires producers to "seek to achieve continuous improvement in statistical processes by, for example, undertaking regular reviews".

The Authority may grant designation on condition that the producer body takes steps, within a stated timeframe, to fully meet the *Code's* requirements. This is to avoid public confusion and does not reduce the obligation to comply with the *Code*.

The Authority grants designation on the basis of three main sources of information:

- i. factual evidence and assurances by senior statisticians in the producer body;
- ii. the views of users who we contact, or who contact us, and;
- iii. our own review activity.

Should further information come to light subsequently which changes the Authority's analysis, it may withdraw the Assessment report and revise it as necessary.

It is a statutory requirement on the producer body to ensure that it continues to produce the set of statistics designated as National Statistics in compliance with the *Code of Practice*.

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1 Summary of findings

1.1 Introduction

1.1.1 This is one of a series of reports¹ prepared under the provisions of the *Statistics and Registration Service Act 2007*². The Act requires all statistics currently designated as National Statistics to be assessed against the *Code of Practice for Official Statistics*³. The report covers the set of statistics reported in the following products produced by the Scottish Government:

- *Criminal Proceedings in Scotland*⁴ (*Criminal Proceedings*); and
- *Reconviction Rates in Scotland*⁵ (*Reconviction Rates*).

1.1.2 Section 3 of this report adopts an ‘exception reporting’ approach – it includes text only to support the Requirements made to strengthen compliance with the *Code* and Suggestions made to improve confidence in the production, management and dissemination of these statistics. This abbreviated style of report reflects the Head of Assessment’s consideration of aspects of risk and materiality⁶. The Assessment team nonetheless assessed compliance with all parts of the *Code of Practice* and has commented on all those in respect of which some remedial action is recommended.

1.1.3 This report was prepared by the Authority’s Assessment team, and approved by the Board of the Statistics Authority on the advice of the Head of Assessment.

1.2 Decision concerning designation as National Statistics

1.2.1 The Statistics Authority judges that the statistics covered by this report are readily accessible, produced according to sound methods and managed impartially and objectively in the public interest, subject to any points for action in this report. The Statistics Authority confirms that the statistics published in *Criminal Proceedings* and *Reconviction Rates* are designated as National Statistics, subject to the Scottish Government implementing the enhancements listed in section 1.5 and reporting them to the Authority by August 2012.

1.2.2 The Scottish Government has informed the Assessment team that it has started to implement the Requirements listed in section 1.5. The Statistics Authority welcomes this.

¹ <http://www.statisticsauthority.gov.uk/assessment/assessment-reports/index.html>

² http://www.opsi.gov.uk/Acts/acts2007/pdf/ukpga_20070018_en.pdf

³ <http://www.statisticsauthority.gov.uk/assessment/code-of-practice/index.html>

⁴ <http://www.scotland.gov.uk/Publications/2011/12/12131605/0>

⁵ <http://www.scotland.gov.uk/Publications/2011/08/29151240/0>

⁶ <http://www.statisticsauthority.gov.uk/assessment/assessment/guidance-about-assessment/criteria-for-deciding-upon-the-format-of-an-assessment-report.pdf>

1.3 Summary of strengths and weaknesses

- 1.3.1 In March 2012, the Scottish Government organised an event to engage with the users of its crime and justice statistics. We were told that the event was well-attended and that users made valuable contributions that informed the future development of the criminal proceedings and reconviction rate statistics. The Scottish Government has published the agenda and presentations⁷ for the user day on its website.
- 1.3.2 The data used to produce these statistics are provided automatically from an administrative data source, which minimises the burden on suppliers. The Scottish Government told us that this allows it to respond to additional requests for information more efficiently.
- 1.3.3 *Criminal Proceedings* contain some useful commentary about the wider context of the judicial system. The commentary is well written and easy to understand; however the position of it does not help aid user interpretation of the statistics.

1.4 Detailed recommendations

- 1.4.1 The Assessment team identified some areas where it felt that the Scottish Government could strengthen its compliance with the *Code*. Those which the Assessment team considers essential to enable designation as National Statistics are listed in section 1.5. Other suggestions, which would improve the statistics and the service provided to users but which are not formally required for their designation, are listed at annex 1.

1.5 Requirements for designation as National Statistics

Requirement 1	Provide more information about the quality of the criminal proceedings and reconviction rates statistics, particularly in relation to the range of potential uses (para 3.2).
Requirement 2	Publish more information, and notify users, about the forthcoming changes to the measures used in <i>Reconviction Rates</i> (para 3.3).
Requirement 3	Provide users with links, or other appropriate signposting, to equivalent statistics for other countries of the UK, and publish information about the comparability of these statistics (para 3.4).
Requirement 4	Review the commentary in the releases so that it aids user interpretation of the statistics (para 3.5).

⁷ <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/scotstatcrime/JASstatsuserday>

2 Subject of the assessment

- 2.1 *Criminal Proceedings* presents statistics on the outcomes of criminal court cases and non-court disposals, such as fines and formal warnings, in Scotland. It also contains information about the number of people granted bail and those where undertakings⁸ were granted. The statistics are derived from monthly data extracts from the Scottish Criminal History System⁹ (CHS). Only the details of completed cases are provided in the monthly extracts; for example, no information is provided about the number of crimes that are not detected or criminal trials that are still ongoing. The Scottish Government publishes *Criminal Proceedings* around December each year.
- 2.2 *Reconviction Rates* provides statistics for the one-year and two-year reconviction rates for two different groups of offenders. It also presents additional information about the reconviction frequency rate¹⁰. The most recent bulletin includes an analysis of the 2007-08 and 2008-09 offender cohorts. The statistics are based on analyses of the Scottish Offenders Index (SOI), which is derived from the Scottish Government's criminal proceedings datasets. The SOI contains records of convictions against individuals in Scottish courts since 1989, and information about non-court disposals since 2007. The statistics are broken down by Criminal Justice Authority (CJA) and local authority (LA). The Scottish Government publishes *Reconviction Rates* around August each year.
- 2.3 The data used to produce these statistics are provided automatically from an administrative data source. The Scottish Government told us that automated delivery allows it to process the information efficiently and eliminates the burden on suppliers. The data are formatted during their collection to facilitate the extraction of data subsets to help meet users' needs.
- 2.4 The statistics are mainly used to help inform and develop policy in areas relating to criminal justice, for example:
- Criminal proceedings statistics are used by the Scottish Government to monitor the number of Community Payback Orders¹¹ (CPOs) that are issued; these are intended to be used instead of custodial sentences of three months or less.
 - The Scottish Government uses the statistics on reconviction rates to help develop policies to reduce reoffending, such as those it has published in its 'Reducing Reoffending Programme'¹².

⁸ Undertakings are granted when people have been released by the police and have been given an 'undertaking' to attend court at a later date.

⁹ CHS is an administrative data source, maintained by the Scottish Police Services Authority (SPSA) on behalf of the eight police forces in Scotland. The forces provide most of the data on the system, with additional updates provided by the Crown Office and Procurator Fiscal Service (COPFS) and the Scottish Court Service.

¹⁰ The reconviction frequency rate is presented as the average number of reconvictions per 100 offenders. For example, a frequency rate of 57.9 means that there were, on average, 57.9 reconvictions for every 100 offenders.

¹¹ <http://scotland.gov.uk/Topics/Justice/public-safety/offender-management/CPO>

¹² <http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management>

- The Scottish Government also uses the statistics to monitor performance against National Indicators¹³ relating to crime and justice.
- CJAs use the reconviction statistics to help monitor and develop strategies to tackle reoffending in their areas.
- Criminal justice service providers use the statistics to help monitor the effectiveness of their work.

2.5 The Scottish Government told us that around 2.5 FTE statisticians are involved in the production of these statistics each year. The data are provided free of charge from the CHS; the annual publication cost of both bulletins is around £1,000.

¹³ <http://www.scotland.gov.uk/About/scotPerforms/indicator/reconviction>

3 Assessment findings

- 3.1 The Scottish Government engages with users of its criminal proceedings and reconviction rates statistics through the Crime and Justice Committee¹⁴, which is part of the ScotStat¹⁵ network. The Scottish Government has published information about the remit, membership and the meetings of the group¹⁶ on its website. In March 2012, the Scottish Government organised a ‘user day’ covering the range of crime and justice statistics it produces. The Scottish Government told us that the event was well-attended and that workshop sessions were held on both criminal proceedings and reconvictions. The Scottish Government has published the presentations and workshop notes¹⁷ from the day on its website, and plans to publish a summary of the findings in summer 2012.
- 3.2 The publications include high-level information about the quality of the data used to produce the statistics; SG has published more detailed information in separate documents¹⁸ accompanying each release. These documents provide a short summary of the main quality issues, such as the timeliness and data sources; however, they do not provide much information about the quality assurance processes, accuracy of the data and the uses of the statistics produced. As part of the designation as National Statistics, the Scottish Government should provide more information about the quality of the criminal proceedings and reconviction rate statistics, particularly in relation to the range of potential uses¹⁹ (Requirement 1).
- 3.3 In August 2011, *Reconviction Rates* included analysis of the reconviction frequency rate, in addition to the usual reconviction measure. The Scottish Government told us that in future, the frequency rate will become the main measure, with the reconviction rate used as secondary measure. The release also included, for the first time, a one-year reconviction cohort measure that is likely to replace the two-year cohort analysis. The Scottish Government told us that this is more useful in practice as it better reflects the current patterns of reconviction, and provides an earlier indication of change in reconviction patterns. Scottish Government statisticians have engaged with the users of these statistics by presenting a summary of these changes to officials responsible for criminal justice policy, as well as to the crime and justice user group. *Reconviction Rates* includes helpful information about the inclusion of the measure; however, it does not make it clear that further changes are being considered (for example, the removal of the two-year cohort analysis). As part of the designation as National Statistics, the Scottish Government should publish more information, and notify users, about the forthcoming changes to the measures used in *Reconviction Rates*²⁰ (Requirement 2).
- 3.4 The Scottish Government told us that the legislative and judicial structure in Scotland makes it difficult to provide statistics that are comparable with the other countries of the UK. However, little information about these differences is

¹⁴ <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/scotstatcrime>

¹⁵ <http://www.scotland.gov.uk/Topics/Statistics/scotstat>

¹⁶ See footnote 13

¹⁷ See footnote 7

¹⁸ <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/DataSource>

¹⁹ In relation to Principle 4, Practice 2 and Principle 8, Practice 1 of the *Code of Practice*

²⁰ In relation to Principle 4, Practice 1 and Protocol 1, Practice 7 of the *Code of Practice*

provided in *Criminal Proceedings* and *Reconviction Rates*. As part of the designation as National Statistics, the Scottish Government should provide users with links, or other appropriate signposting, to equivalent statistics for other countries of the UK and publish information about the comparability of these statistics²¹ (Requirement 3).

- 3.5 The publications contain a lot of detailed information and are generally clear and well-structured. In 2011, the Scottish Government presented a range of funnel plots in *Reconviction Rates* to help users better understand the variability of the statistics; this analysis is clearly presented and well-explained. The Assessment Team considers this way of presenting statistical uncertainty good practice. *Criminal Proceedings* contains a 'commentary' section that provides useful information about the wider context in which the statistics are produced; however, the position of this section, after the main analysis, could make it difficult for users to interpret the commentary alongside the statistics. *Reconviction Rates* includes some contextual information about the 26 week target for Summary Court²² cases and the National Indicator²³ for reconviction, but *Reconviction Rates* does not include any information about how these statistics are used to monitor these targets. As part of the designation as National Statistics, the Scottish Government should review the commentary in *Criminal Proceedings* and *Reconviction Rates* so that it aids user interpretation of the statistics²⁴ (Requirement 4). We suggest that in meeting this requirement the Scottish Government should consider the points detailed in annex 2.
- 3.6 The *Pre-release Access to Official Statistics (Scotland) Order*²⁵ does not require the publication of a list of people who have access to official statistics in their final form, but it does say that a record must be kept, and made available on request. The Scottish Government provided us with a list of those individuals. We suggest that it publish records of those who have pre-release access to the statistics in their final form.

²¹ In relation to Principle 4, Practice 6 of the *Code of Practice*

²² Summary Court cases are part of the Summary Criminal Justice system where there is no jury present. Solemn Court cases are those where 15 jurors are present.

²³ <http://www.scotland.gov.uk/About/scotPerforms/indicator/reconviction>

²⁴ In relation to Principle 8, Practice 2 of the *Code of Practice*

²⁵ <http://www.legislation.gov.uk/ssi/2008/399/contents/made>

Annex 1: Suggestions for improvement

A1.1 This annex includes some suggestions for improvement to the Scottish Government's Criminal Proceedings and Reconviction Rates statistics, in the interest of the public good. These are not formally required for designation, but the Assessment team considers that their implementation will improve public confidence in the production, management and dissemination of official statistics.

Suggestion 1 Consider the points detailed in annex 2, in seeking to improve the statistical releases (para 3.5).

Suggestion 2 Publish records of those who have pre-release access to the statistics in their final form (para 3.6).

Annex 2: Compliance with Standards for Statistical Releases

- A2.1 In October 2010, the Statistics Authority issued a statement on *Standards for Statistical Releases*²⁶. While this is not part of the *Code of Practice for Official Statistics*, the Authority regards it as advice that will promote both understanding and compliance with the *Code*. In relation to the statistical releases associated with Criminal Proceeding and Reconviction Rate statistics, this annex comments on compliance with the statement on standards.
- A2.2 In implementing any Requirements of this report (at paragraph 1.5) which relate to the content of statistical releases, we encourage the producer body to apply the standards as fully as possible.

Appropriate identification of the statistics being released

- A2.3 The titles of the releases describe the time period to which the statistics relate. The National Statistics logo is clearly displayed and the releases include the name and contact details of the responsible statistician.
- A2.4 *Reconviction Rates* contains an analysis of two different offender cohorts. The term 'offender cohort', and the period that the reoffending covers, are not clearly explained in the release. More detailed information about the counting rules for the offender cohort is included in section 6.4.6 of the releases, but it is not prominent.

Include commentary that is helpful to the non-expert and presents the main messages in plain English

- A2.5 The releases contain short introductions that present a high-level summary of the main findings. However, these tend to outline only the changes in the statistics, without providing much context. Both *Criminal Proceedings* and *Reconviction Rates* contain a lot of detailed analysis in the main sections, which makes it difficult to interpret the key messages. Two users to our consultation mentioned that it would be useful if the releases could provide a summary of an offender's journey through the criminal justice system, perhaps in the form of a flowchart.
- A2.6 The commentary is well written and easy to understand in both releases, but the position of this commentary in *Criminal Proceedings* does not lend itself to the interpretation of the statistics. *Criminal Proceedings* also includes some jargon terms, such as 'bail orders' and 'undertakings', which are not clearly explained.
- A2.7 *Reconviction Rates* includes a useful analysis of the statistics across CJAs by using funnel plots to help explain the variability of the statistics. The release provides a clear explanation of the statistical technique, and the reasons for its inclusion.

²⁶ <http://www.statisticsauthority.gov.uk/news/standards-for-statistical-releases.html>

Use language that is impartial, objective and professionally sound

A2.8 The text is impartial, policy neutral and consistent with the evidence in the tables and charts.

Include information about the context and likely uses

A2.9 The releases do not include information about the uses of the statistics; however some summary information is available in a separate data sources document. The releases could be improved by including some details about the main uses of the statistics and how they are used to measure government targets (National Indicators).

Include, or link to, appropriate metadata

A2.10 The releases include useful information about the methods used to produce the statistics and describe recent changes to the legislative and judicial systems, including the reasons for the changes and the impact on the statistics.

Annex 3: Summary of assessment process and users' views

- A3.1 This assessment was conducted from March to May 2012.
- A3.2 The Assessment team – David Duncan-Fraser and Neil Wilson – agreed the scope of and timetable for this assessment with representatives of the Scottish Government in March. The Written Evidence for Assessment was provided on 16 March. The Assessment team subsequently met the Scottish Government during April to review compliance with the *Code of Practice*, taking account of the written evidence provided and other relevant sources of evidence.

Summary of users contacted, and issues raised

A3.3 Part of the assessment process involves our consideration of the views of users. We approach some known and potential users of the set of statistics, and we invite comments via an open note on the Authority's website. This process is not a statistical survey, but it enables us to gain some insights about the extent to which the statistics meet users' needs and the extent to which users feel that the producers of those statistics engage with them. We are aware that responses from users may not be representative of wider views, and we take account of this in the way that we prepare Assessment reports.

A3.4 The Assessment team received 9 responses from the user consultation. The respondents were grouped as follows:

Local authority	3
Scottish Police force	1
Scottish Prison Service	1
Scottish Government	1
Academia and research	2
Voluntary body	1

A3.5 Most of the users who responded to us were content with their level of engagement with the Scottish Government. Some local authority users were keen for the Scottish Government to explore the possibility of presenting more of the criminal proceedings data by local authority area to help measure performance against other areas. One researcher asked if it would be appropriate for the Scottish Government to make lower level data available for research and analysis, possibly through a secure terminal. The same user also noted that requests for detailed datasets can take some time to complete, and asked if more resource could be made available for dealing with these requests. Two users also mentioned that it would be helpful if the releases could provide a summary of an offender's journey through the criminal justice system.

Key documents/links provided

Written Evidence for Assessment document

