

BREACH OF THE CODE OF PRACTICE FOR OFFICIAL STATISTICS

This document reports a breach of the Code of Practice for Official Statistics, or the relevant Pre-release Access to Official Statistics Orders, to which the Code applies as if it included these orders.

1. Background information

Name of Statistical Output (including weblink to the relevant output or 'landing page')

Court Statistics Quarterly - a National Statistics publication
<https://www.gov.uk/government/organisations/ministry-of-justice/series/courts-and-sentencing-statistics>

Name of Producer Organisation

Ministry of Justice (MoJ)

Name and contact details of the statistical Head of Profession (Lead Official in an Arm's Length Body) submitting this report, and date of report

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This report was submitted on 11 July 2013

2. Circumstances of breach

Relevant Principle/Protocol and Practice

Protocol 2, Practice 8

"Ensure that no indication of the substances of a statistical report is made public, or given to the media or any other party not recorded as eligible for access before publication. Report to the National Statistician immediately any accidental or wrongful release, and investigate the circumstances."

Protocol 3, Practice 4

"Ensure that no action is taken within the producer body, or public statement made, that might undermine confidence in the independence of the statistics when released."

Date of occurrence

9 July 2013

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

National Statistics covering the number of cracked, effective and ineffective trials are published in MoJ's Court Statistics Quarterly. Data covering the period April to June 2013 is due to be published in September 2013. Her Majesty's Courts and Tribunal Service (HMCTS¹) produces management information on a month by month basis as MoJ and its partners need this information in order to manage its business and provide timely information for operational purposes.

London Criminal Justice Partnership (LCJP) published this management information for April 2013 and May 2013 as part of their London Criminal Justice Performance Report June 2013 on their website. As information covering the period April to June 2013 has not yet been published as National Statistics this was deemed by the MoJ Chief Statistician to be a breach of the two protocols highlighted above.

Reasons for breach

LCJP released restricted management information into the public domain which are based on the same data used to produce National Statistics that have not yet been published.

3. Reactions and impact (both within the producer body and outside)

No complaints have been received as of 11 July.

4. Corrective actions taken to prevent reoccurrence of such a breach (include short-term actions, and long-term changes made to procedures)

As soon as the MoJ Chief Statistician had seen the data he alerted HMCTS who spoke to LCJP who took down the data immediately. HMCTS then e-mailed all LCJP members informing them of the breach.

The MoJ Chief Statistician sent an e-mail to the Chair of the London Criminal Justice Partnership Board on 10 July, informing him officially that the Chief Statistician has reported a breach by his organisation.

The MoJ Chief Statistician is considering what additional action should be taken to prevent further breaches including:

- Whether the benefits from sharing this information to these organisation outweighs the risk of further breaches;
- Whether we need to introduce a more formal arrangement e.g. a Memorandum of Understanding for sharing this restricted data;

¹ HMCTS is an agency within MOJ

- What education we need to provide to organisations to prevent any further breaches.

An update on any corrective actions will be provided when decided.

5. Links to published statements about this breach

On 10 July MoJ published a statistical notice to alert users to the breach and that we would provide further updates as they become available. This is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211740/breach-report-court-stats-quarterly.pdf