

BREACH OF THE CODE OF PRACTICE FOR OFFICIAL STATISTICS

A breach of the Code of Practice for Official Statistics occurs where one or more provisions of the Code were not followed in situations where an exemption or exception had not been approved by the UK Statistics Authority's Head of Assessment, as required in paragraph (xii) of the Code's preamble. Rules on pre-release access to statistics are covered in the relevant Pre-Release Access to Official Statistics Orders; the Code applies as if it includes these orders.

1 Background Information

Name of Statistical Output (including web link if relevant)

Data on written complaints in the NHS - 2011-12

Link: <http://www.ic.nhs.uk/statistics-and-data-collections/audits-and-performance/complaints/data-on-written-complaints-in-the-nhs-2011-12>

Name of Producer Organisation

Health and Social Care Information Centre (HSCIC)

Name and contact details of person submitting this report, and date of report

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2 Circumstances of Breach

Relevant Principle/Protocol and Practice

1. Protocol 2 'Release practices', Practice 7:

"Subject to compliance with the rules and principles on pre-release access set out in legislation, limit access before public release to those people essential for production and publication, and for quality assurance and operational purposes. Publish records of those who have access prior to release."

2. Paragraphs 2 and 6(1) of the Schedule to *The Pre-Release Access to Official Statistics Order 2008*, the Code of Practice applying as if it included this Order by virtue of s. 11(3) of the *Statistics and Registration Service Act 2007*.

Date of occurrence

28 August 2012

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

1. The HSCIC published "*Data on written complaints in the NHS - 2011-12*" at 09:30 on 29 August 2012.
2. 24-hour pre-release access to the Statistical Output had been previously granted to a list of ministers and officials at the Department of Health (DH). Such access was granted by or on behalf of the HSCIC's HoP pursuant to paragraph 3 of the Schedule to *The Pre-Release Access to Official Statistics Order 2008*.
3. Shortly before publication of the Statistical Output, HSCIC were made aware that the statistical output had been forwarded to a person to whom pre-release access had not been granted.
4. The Statistical Governance team were copied into the submission sent to the minister at 19:34 on 28 August 2012, recognising the Private Secretary not to be on the approved pre-release access list. We were not formally made aware of this addition.
5. The unauthorised recipient of the Statistical Output was a minister's private secretary who had been passed a copy in order to brief the minister. The private secretary who had already been approved for access had left for the day. When the additional private secretary received the briefing submission they were not provided with the Pre-release access list previously agreed.
6. The unauthorised private secretary also copied in the duty press officer to the submission as the press officers on the approved pre-release access list (the press officer dealing was detailed within the submission) had also left for the day.
7. The HSCIC's HoP would probably have granted pre-release access to these people had a request been made in advance.

Reasons for breach

The DH provided a pre-release access list request which was approved; the pre-release material was forwarded to the briefing co-ordinator at 09:30 on pre-release day (28 August 2012).

Due to delays within DH in the operational provision of the submission for the minister, this was sent across to the appropriate private secretary late in the day. The approved pre-release access private secretary had left for the day, so the duty private secretary dealt with the submission.

The private secretary was not provided with the approved pre-release access list and therefore included a different press officer (the duty press officer, as everyone had left for the day) in the submission to the minister.

3 Reactions and Impact

Although, two additional individuals received pre-release access to an official statistic without having been granted access in advance, it is considered that the risks to the integrity of the Statistical Output, to its orderly release and to the public trust in official statistics were negligible.

4 Corrective Actions Taken (include short-term actions, and long-term changes made to procedures)

The short term corrective action was to ensure the published pre-release access list was updated and checked to ensure its correctness. A footnote has been included to inform users that the list was updated from that originally published at 09:30 on 29 August 2012.

Briefing co-ordinators (at the DH) have been reminded that they need to ensure pre-release briefing material is sent / copied only to those on the agreed pre-release access list, and ensure the pre-release access list is forwarded to all recipients with briefing materials. Where a late change / or late submission that may lead to a change is required, the briefing co-ordinators have been reminded to discuss this request with the HoP (or delegated authority) at the HSCIC first.

In this instance, the HSCIC HoP has discussed the breach with his counterpart at the DH; and they have confirmed the relevant individuals involved in this breach have been reminded of their obligations to ensure compliance with *The Pre-Release Access to Official Statistics Order 2008* and the *Code of Practice for Statistics*.