

## 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)

General Practice Patient Survey (GPPS)  
(Note: First published in 2007 by DH, 2008 survey published by the NHS Information Centre, 2009 survey pre-announced for publication by DH for 30 June 2009)  
[http://www.statistics.gov.uk/hub/release-calendar/index.html?newquery=\\*&lday=30&lmonth=6&lyear=2009&uday=30&umont h=6&uyear=2009&theme=Health+and+Social+Care&source-agency=Health&pagetype=calendar-entry](http://www.statistics.gov.uk/hub/release-calendar/index.html?newquery=*&lday=30&lmonth=6&lyear=2009&uday=30&umont h=6&uyear=2009&theme=Health+and+Social+Care&source-agency=Health&pagetype=calendar-entry)

Name of Producer Organisation

Department of Health

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

David Canham

Checked and approved by  
Gill Eastabrook, Statistics Head of Profession.

25 June 2009

### 2 Circumstances of Breach

Relevant Principle/Protocol and Practice

Code of Practice Protocol 2: Release Practices – Practice 8  
“Ensure that no indication of the substance of a statistical report is made public, or given to the media or any other party not recorded as eligible for access before publication.”

Date of occurrence

29 May 2009 is date we became aware of breach, 3 June 2009 is when the breach first resulted in public comment based on access to the substance of official statistics by ineligible people

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

We became aware on 29 May 2009 that some practices were sharing their Quality and Outcomes Framework (QOF) achievement scores with their Local Medical Councils (LMCs). These scores are derived from a subset of responses to GPPS patient experience questions. The data were not in their final form prior to publication as the subset results will not form part of the final GPPS publication, so there is no breach of the Pre-Release Order. QOF scores had been legitimately shared in advance with Primary Care Trusts and general practices (for the purpose of making payments to practices as part of the negotiated QOF process). At this point we began to draft guidance for PCTs (formally issued on 3 June).

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_100171](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_100171)

Subsequently two articles appeared in 'Pulse' magazine dated 3 June 2009

<http://www.pulsetoday.co.uk/story.asp?sectioncode=35&storycode=4122887&c=2>

and

<http://www.pulsetoday.co.uk/story.asp?storycode=4122881>

The 1<sup>st</sup> article in Pulse (highlighted box 'Justice on Patient Surveys') encourages practices to forward their results to Pulse. The 2<sup>nd</sup> article quotes a patient satisfaction level based on 'results in so far'.

The next issue of Pulse, dated 10 June 2009 contained further coverage

<http://www.pulsetoday.co.uk/story.asp?sectioncode=23&storycode=4122958&c=1>

Coverage in this issue mainly focuses on response rates, and therefore how robust figures are for the purposes of making payments – 'results revealed so far' are discussed for this purpose in terms of confidence intervals.

The next issue of Pulse, dated 17 June 2009, has further coverage, along similar lines to 10 June issue.

<http://www.pulsetoday.co.uk/story.asp?sectioncode=23&storycode=4123010&c=2>

Reasons for breach

- A subset of results derived from patient experience questions 7 and 10 on the GPPS were sent by DH to Primary Care Trusts (each PCT only received its individual data) for purposes of making payments to general practices as part of the Quality and Outcomes Framework (QOF) against measures PE7 and PE8. These data were provided in advance of publication in order not to delay payments. The data were sent accompanied with restricted markings – see Annex A.
- PCTs authorised to share practice level data with practices (own data only) with a template containing restricted markings – see Annex B.
- Information emerged that some practices had not obeyed the conditions of

use and had passed data to the GP Local Medical Committee (LMC) – the local arm of the General Practice Committee (GPC) of the British Medical Association (BMA).

- Some information was subsequently used in Pulse magazine. The assumption is that information had been passed to Pulse deliberately.

### **3 Reactions and Impact**

- Focus in Pulse magazine was on how scores from 2 survey questions would be used to assess patient satisfaction and thus contribute to QOF payments. The medical profession is concerned that most practices could suffer financial losses due to how scores are assessed – based on ‘low’ response rates.
- In terms of trust in statistics, clear that the breach was not deliberately engineered by government (given the criticisms of government) but government could be accused of unwisely disseminating data ahead of final publication. The issue of response rates could also be used to discredit the official statistics and the uses to which the statistics are put.

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

#### Immediate Action Taken

- Guidance has been issued through DH website to inform PCTs to contact their GPs advising them not to share their data.  
[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_100171](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_100171) – see 3<sup>rd</sup> June further guidance, paragraphs 12-14.

#### Possible Future Action

- The Statistics Head of Profession will work with analytical and policy staff in DH to take action that will significantly limit the risks of such future breaches. This work will require some engagement with the medical profession. The intention is that actions will be put in place before any data sharing or publication of 2009/10 quarters 1 and 2 GPPS which is expected in January 2010 (survey will be carried out quarterly from 2009/10)]

### **5 Any other relevant supporting material (including link to published statements about this breach)**

Relevant supporting material is available from links contained in the text.