

## 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')

HE Business and Community Interaction Survey

[http://www.hesa.ac.uk/index.php?option=com\\_pubs&task=show\\_pub\\_detail&pubid=1718&Itemid=286](http://www.hesa.ac.uk/index.php?option=com_pubs&task=show_pub_detail&pubid=1718&Itemid=286)

Name of Producer Organisation

Higher Education Statistics Agency (HESA) – Arm's Length Body of Business Innovation and Skills (BIS)

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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22 May 2013

### 2. Circumstances of breach

Relevant Principle/Protocol and Practice

Principle 2 Practice 3: Make official statistics equally available to all, subject to statutory provisions for pre-release access

Date of occurrence

20 May 2013

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

The Higher Education Business and Community Interaction Survey” (HE-BCI) includes complete data from a data collection of the same name conducted annually by HESA. This is collected on behalf of UK Higher Education funding bodies, including the Higher Education Funding Council for England (HEFCE) and is fundamental to their operational activities and constitutes management information /administrative data. As the data is not collected purely for statistical purposes it is transmitted to HEFCE as an administrative dataset.

The aggregate statistics of this year’s data collection round (2011/12 academic year) were due to be published by HESA at 09:30 on Thursday 23 May. It has been the practice for HEFCE to issue a press release about the aggregate data in the period following the publication by HESA rather than simultaneously.

This year HEFCE sought advice from HESA’s Press Office on 16<sup>th</sup> May as to whether HEFCE could issue their own press release (including extracts of HE-BCI data) to members of the Press under embargo timed to the HESA release, prior to the HESA release date.

The HESA Press Officer was unsure of the position on this and incorrectly advised that this data collected for HEFCE were unlikely to be covered by access restrictions in the Code of Practice for Official Statistics. The lead official for Official Statistics at HESA was away from the office at the time so could not be consulted.

In the absence of clear guidance from HESA to the contrary, HEFCE shared their press release under embargo to a specialist publication at 15:26 on 21 May (this organisation did not feature on HESA’s PRA list) and at the same time to the press office at BIS. BIS press office forwarded it to the pre-release access list for the HESA publication (22 people). This meant that those on the pre release list received the HEFCE press release before the 24hr pre release period for the HESA release had commenced. This was subsequently withdrawn once the mistake had been identified later that afternoon on 21 May and recipients advised of their obligations.

Reasons for breach

The breach was caused by:

1. The HESA Press Officer was not fully aware of the scope of the Code of Practice, in particular that HEFCE were covered by the Code, and that data collected for operational purposes was also in scope, and advised HEFCE incorrectly.
2. The Lead Official for statistics at HESA was away from the office and was not available to correct the advice given.
3. BIS press officer forwarded it to pre release list (22 people) before the 24 hr pre release period.

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

We are not aware of any external impact. The contents of the release are not market sensitive and have not been released into the public domain. The publication concerned gave a specific verbal assurance further to realisation of this as a breach of protocols that they would not publish any of the information in advance of the HESA publication date

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

On the return to the office of the Lead Official at HESA on May 21<sup>st</sup> the breach was identified and HEFCE were instructed not to make any further releases of their press notice and to ensure that existing recipients would not place any of the content into the public domain or forward to anyone else. Colleagues within BIS including the Head of Profession for Statistics (HoP) were also consulted.

To prevent recurrence of this type of situation HESA plans to implement the following actions:

1. HESA Lead Official to meet with the BIS HoP to obtain clarity on their obligations under the Code of Practice for Official Statistics and requirements in relation to administrative data that are collected for and shared with a number of other bodies, many of which are not themselves Official Statistics producers.
2. HESA to refresh all those involved with official statistics on their obligation relating to the Code of Practice for Official Statistics.
3. HESA to seek assurances from those bodies that HE-BCI data will not be shared in advance of the pre-release access period in future.
4. HESA to review the publication schedule with a view to bringing forward the publication date of the HE-BCI survey, to reduce the risk and requirement for earlier releases by other bodies in receipt of the data.
5. HESA will inform all staff that, in the absence of their Lead Official, statistical advice could and should be sought from the Head of Profession at BIS.
6. During late afternoon on 21 May HEFCE were telephoned and asked not to circulate the press release any further and to ask them to withdraw it from the specialist publication. They then obtained a verbal assurance that it had not been circulated further and that they would not publish any information from it in advance of the official date of HESA publication.

BIS will remind staff in all their Arm's Length Bodies that in the absence of their Lead Official, statistical advice can be sought from the Head of Profession at BIS.