

TEMPLATE FOR REPORTING BREACHES OF THE PRINCIPLES IN THE CODE OF PRACTICE OR PROTOCOLS:

Definition: A Breach of one or more provisions within the Code or Protocols occurs in situations where a non-observance of the Code was not approved by the National Statistician or Head of Profession (Chief Statisticians in the devolved administrations) in advance of its happening. An example would be either a deliberate or an inadvertent ‘leak’ to the press.

Report submitted by: Andy Sutherland, HoP
Date of initial Report: 17 February 2009
Reporting Organisation: The NHS Information Centre for health and social care
Producer Organisation: The NHS Information Centre for health and social care

RELEVANT DOCUMENT: Code of Practice for Official Statistics (Protocol 2: release practices)

Publication: Hospital Outpatient Activity 2007/08 :
<http://www.ic.nhs.uk/statistics-and-data-collections/hospital-care/outpatients/hospital-outpatient-activity-2007-08>

Note: These statistics are classified as National Statistics. The NHS IC complies with the Code of Practice for Official Statistics for our National Statistics.

Relevant Principle or Protocol / Practice	Protocol 2 (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. Report to the National Statistician immediately any accidental or wrongful release, and investigate the circumstances.
Circumstances of Breach e.g. Date of occurrence, nature of breach, reasons (where known) for breach	<ol style="list-style-type: none"> 1. The Hospital Outpatient Activity 2007/08 report was preannounced for release on 27th February 2009. 2. Provisional ‘Quarter 4’ outpatient data was shared with a private company prior to publication, 3. It was expected that this was for NHS Management Purposes but the information was supplied without any restriction as to its use. 4. The Health Service Journal included an article which appears to refer to key findings from these statistics (although not based on final figures), on Thursday 12th February 2009 which was written by an employee of the company.
Public/Commission reaction / Impact on reputation (if any)	We are not aware of any adverse public comment.

<p>Corrective action taken</p>	<ol style="list-style-type: none"> 1. We wrote to the National Statistician on 17 February 2009. 2. The source of the leak was identified on 12th February 2009.
<p>Immediate Outcome</p>	<ol style="list-style-type: none"> 1. We made a change to the extract services so that future production of HES extracts for management purposes which include data ahead of release is clearly identified as to be used for Management Information purposes only and not for release. 2. The HES protocol, signed by recipients of such data, will be reviewed and further tightened. Meanwhile we will continue to remind recipients of the arrangements under which NHS management information is provided.
<p>Final Outcome (e.g. any resulting change in procedure)</p> <p>N.B. This section may need to be completed later in the cycle</p>	<p>As above.</p>