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**Director General for Regulation**

Sir Peter Housden KCB  
Permanent Secretary  
The Scottish Government  
St Andrew's House  
Regent Road  
EDINBURGH  
EH1 3DG

30 January 2015

Dear Sir Peter,

**ACCIDENT AND EMERGENCY WAITING TIMES IN SCOTLAND**

Following our telephone conversation earlier this week, I am writing to you about the breach report sent to the UK Statistics Authority by NHS Scotland Public Health and Intelligence (PHI). The breach report related to the release of Accident and Emergency Statistics by the Scottish Government on Friday 9th January. I have attached the breach report as an annex to this letter.

I will not comment in detail on the issues raised in the breach report. However, I would like to emphasise a broader point. The Code of Practice for Official Statistics aims to enhance public trust in official statistics, in particular by emphasising the importance of the independent judgement of statisticians, and by requiring the orderly release of official statistics into the public domain. I am concerned that, in this case, these aims of the Code have not been met and that public confidence in official statistics in Scotland could suffer as a result.

It is of course appropriate that, in the course of taking operational decisions and judging the performance of public services, Ministers and officials will receive access to unpublished operational information. The system of official statistics, through compliance with the Code of Practice, ensures that this operational information, which has utility for day-to-day decision-making, is presented in a consistent way which allows comparison over time both inside and outside Scotland. The Code also ensures that such management information is released into the public domain fairly and in an orderly way and this did not happen in this case.

More broadly, this position has arisen in part because Accident and Emergency statistics are produced on differing timescales in different parts of the United Kingdom – for example, weekly figures are published for England. It would be sensible for the Scottish Government and PHI to consider whether more frequent release of these data as official statistics may be more appropriate, in order to meet users' needs.

The Authority recognises the work of the Scottish Government to maintain very high standards of statistical practice. I hope this letter helps to reiterate the Authority's support for the work of your statisticians.

I am copying this letter to Shona Robison MSP, Cabinet Secretary for Health, Wellbeing and Sport; John Pullinger, National Statistician, Roger Halliday, Chief Statistician and Head of

Performance in the Scottish Government; and Scott Heald, Head of Profession for statistics in PHI.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ed Humpherson', written in a cursive style.

**Ed Humpherson**  
**Director General for Regulation**

## 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')

NHS Scotland A&E Activity & Waiting Times Statistics  
<http://www.isdscotland.org/Health-Topics/Emergency-Care/>

Name of Producer Organisation

Information Services Division (ISD) of NHS National Services Scotland

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

Scott Heald, tel. 0131 275 6370, email [scott.heald@nhs.net](mailto:scott.heald@nhs.net)

### 2. Circumstances of breach

Relevant Principle/Protocol and Practice

Principle 3 – Integrity

- Ensure that those producing statistical reports are protected from any political pressures that might influence the production or presentation of the statistics.
- Ensure that the relevant statistical Head of Profession has the sole responsibility for..... the content and timing of statistical releases.

Protocol 2 – Release Practices

- Statistical reports should be released into the public domain in an orderly manner.

Protocol 3 – Use of administrative sources

- 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

Friday 9<sup>th</sup> January 2015, 3.50pm

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

On 9 January 2015 at 15:35, the Scottish Government released a press statement which contained management information to report on performance of A&E waiting times across NHSScotland during the Christmas & New Year period. The information contained in this report was collected by the Scottish Government, independent of ISD, and included comparisons with NHS England.

<http://news.scotland.gov.uk/News/Christmas-and-New-Year-A-E-figures-1455.aspx>

NSS's Head of Profession, Scott Heald, was first made aware of intention to release figures at approx 13.50 on 9 January 2015 and asked for his opinion. Scott advised that these figures could not be released as this would be a breach of the Code of Practice (as per section 2 of this document). Further discussion (approx 14.50) led to agreement that the Scottish Government could acknowledge (without explicitly stating) unofficial figures released individually by NHS Boards (who were responding to individual enquiries from various media outlets), and note that these were not official figures with the official figures due to be released by ISD on 3<sup>rd</sup> February. At the time, not all NHS Boards had released their figures into the public domain. It was ISD's understanding that no official press release would be issued so no further action was taken. Press release issued at 15.35, detailing

figures for Scotland, NHS Boards, and included a comparison with NHS England.

#### Reasons for breach

Publication of management information collected by another body (ISD publish the official A&E waiting times statistics; Scottish Government collect management information)

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

The Scottish Government press statement followed a week of intense media interest in A&E performance across the UK following release of figures by NHS England. The release of the Scottish figures was not planned in advance and included comparisons with NHS England.

No immediate reaction – Further consideration will be given regarding user need and the release of management information on A&E waiting times performance in future to enable orderly, planned release of these statistics.

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

Raised with the Chief Statistician at Scottish Government, who had also separately given advice to policy directorate in line with the requirements of the Code. Further discussions will take place with the appropriate policy directorate to prevent unplanned releases taking place in future.

### **5. Links to published statements about this breach**

<http://www.isdscotland.org/Health-Topics/Emergency-Care/>  
(listed under January 2015)

### **6. Any other relevant supporting material**

ISD recently completed a user consultation on A&E waiting times statistics, including frequency of publication. The results of this consultation were published in December 2014 at:

<http://www.isdscotland.org/Health-Topics/Emergency-Care/>

Consultation has concluded that monthly reporting meets the needs of users and monthly publication of A&E waiting times statistics will begin in February 2015. This publication has been pre-announced and will be released on Tuesday 3<sup>rd</sup> February 2015.