

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)

Work Programme Job Outcomes, November 2012 first release

Name of Producer Organisation

Department for Work and Pensions (DWP)

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

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3 December 2012.

2 Circumstances of Breach

Relevant Principle/Protocol and Practice

Protocol 2, 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

27 November 2012

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

The day of publication, but over an hour before release, the BBC published an article claiming that

"[Work Programme providers] should get sustainable jobs for 5 in 100 job seekers..."

I am told that the figure - which will come out at 09:30 this morning - will, in fact, be around 3%.”

The findings from the front page of the statistics release state that from 1 June 2011 to 31 July 2012, there were 31 thousand job outcomes, from 878 thousand job referrals. Dividing these two figures does give a statistic of 3.5%, although this figure is not presented in the statistical release.

The key impact indicator announced in the DWP Business Plan for the Work Programme is the proportion of those who have achieved a job outcome payment up to 12 months after they were referred, calculated on a cohort basis.

Reasons for breach

DWP has investigated and found no evidence on which a clear conclusion about a breach can be drawn.

DWP has reviewed all the possible sources of Work Programme information and investigated the procedures in place to protect their access.

We have sought assurances that the Code of Practice and the National Statistician’s guidance on the use of Management Information have been adhered to within DWP and other departments that have been granted access.

Pre-Release Access to Official Statistics

DWP granted Pre Release Access to DWP’s Ministers and 24 departmental officials. In order for anyone to receive pre release access (PRA) they must submit a business case to the Head of Profession or Chief Statistician with a valid reason as to why they need access. Many business cases are rejected and the list has been minimised to only those who would be expected to either write briefing material for our Ministers to enable them to make public statements at the time of release, or advise them.

Early access was also granted to a small number of operational and policy officials for quality assurance purposes

When granting PRA or membership of the quality assurance (QA) group, DWP statisticians clearly set out the conditions of access, and include the following text in all PRA e-mails that contain statistics:

“You are reminded that these are Official Statistics to which you have privileged access in advance of release. Any accidental or wrongful release should be reported immediately and will lead to an inquiry. Wrongful release includes indications of the contents, including descriptions such as ‘favourable’ or ‘unfavourable’. Please prevent inappropriate use by treating this information as restricted and not for further circulation. If you have any questions regarding this please contact the Head of Profession for Statistics.

YOU MUST NOT FORWARD THIS E-MAIL OR ITS ATTACHMENTS TO ANY OTHER PERSON. IF YOU THINK THAT SOMEONE OTHER THAN THOSE ON THE PRE-RELEASE ACCESS LIST SHOULD SEE ITS CONTENTS YOU SHOULD CONTACT THE ORIGINATOR OF THIS EMAIL.”

DWP have contacted all individuals on the PRA list and they have all affirmed that they fully adhered to the conditions of access.

DWP Press Office did not brief the media during the pre-release access period.

Following discussion with the National Statistician's Office, a report containing DWP statistics on Job Outcomes from the Work Programme was made available to the Cabinet meeting on 27 November. The meeting was held to discuss the growth review. It started at 08:30 and the statistics were not seen by members of the Cabinet until then, but still one hour prior to the formal publication of the statistics. The meeting did not finish until 10:00.

This access was granted by the DWP Head of Profession for Statistics to enable a well-informed debate to be held within the Cabinet based on the latest set of official statistics. A note was placed on the DWP website to declare this.

The Cabinet Office has assured us that the report was only made available to members of the Cabinet at the start of the meeting, and was not removed from the Cabinet meeting room.

Internal Management Information

Official statistics on the Work Programme are produced from validated data feeds taken from the Work Programme IT-based management system. Initial reports from this system, available since June 2012 are treated as management information (MI) and used by DWP operations staff.

The Work Programme MI covers referrals, attachments, job outcomes (pre-validated and validated) and sustainment payments.

The MI (along with MI on other provision performance schemes) is controlled by the DWP Provider, Performance and Monitoring team and is used by contract and performance managers to assess the performance of Providers, and by Job Centre Plus staff.

Other Government Departments with access to the MI

DWP have also made some MI available to the Implementation Unit in the Cabinet Office and the Treasury, through a data sharing agreement established in September.

Access to this MI is to a very limited number of officials (one analyst each in the Treasury and Cabinet Office, plus two government ministers – the Chief Secretary to the Treasury, and the Minister for Government Policy). The MI is used for reports to support Ministerial discussions on progress and actions.

The National Statistician's Office was consulted over these arrangements, which were approved by DWP's Head of Profession, subject to certain conditions of access and assurances from the Heads of Profession in both departments that arrangements would be put in place to ensure that these conditions were complied with.

The Cabinet Office has assured DWP that procedures are in place to ensure that the data were not to be used publicly and that only a limited number of officials who needed access to the data for decision making purposes were granted access, in order to not pre-empt the forthcoming official statistics.

Cabinet Office statisticians have issued additional guidance on the use of the management information for those involved.

Providers' MI

DWP has shared the MI that we hold on each provider's performance with them, for contract performance management purposes (but not MI for any other provider). Naturally, each provider enrolled in the Work Programme may maintain their own internally-sourced management information similar to the information collected for the official statistics.

Providers are contractually prohibited from releasing MI that covers the same areas as DWP statistics (i.e. job referrals, attachments and outcomes) without discussing with DWP first.

The Employment Related Services Association (ERSA) have published some Work Programme statistics that they have independently collected from providers – but only for job starts, as DWP does not collect these data.

3 Reactions and Impact

DWP takes very seriously the possibility that the BBC were given access to some key Work Programme statistics before their official release. An investigation into all potential sources of the breach has been conducted and assurances have been sought that all conditions of access to Work Programme information before its official release were complied with.

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

DWP has checked and confirmed that the procedures that it and Cabinet Office have in place to protect the unauthorised use of MI and official statistics not in their final form are being applied as intended. DWP will also review the list of its internal users of the MI and reissue the guidance governing its use.

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

A copy of this breach report will be published in the relevant area of the UK Statistics Authority website and referenced from the DWP's website.