

## 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')

Diagnostics Waiting Times and Referral to Treatment Waiting Times, July 2016, publication date 8 September

<https://www.england.nhs.uk/statistics/statistical-work-areas/>

Name of Producer Organisation

NHS England

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

Mark Svenson, Lead Official for Statistics in NHS England.

### 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. Report to the National Statistician any accidental or wrongful release, and investigate the circumstances.

Date of occurrence

Two incidences of incorrect circulation of reports

**6/9/2016** - release of Diagnostics Waiting Times report in advance of 24 hr pre-release period to working group member in DH who did not have pre-release access to the data

**7/9/2016** release of RTT waiting times report during 24 hour pre release period to working group members in NHS England who did not have pre-release access to the data.

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

**6/9/2016** A report on Diagnostics Waiting Times data was sent to Department for Health (DH) Government Statistical Service (GSS) analyst on Tuesday evening. This member of DH staff had previously worked in NHS England and subsequently had been part of a working group helping to develop the content of the diagnostic report to add value and insight to the published data. DH member of staff reported the breach to NHS England lead official at earliest opportunity.

**7/9/2016** A report on Referral To Treatment Waiting Times data was distributed within NHS England on Wednesday 7<sup>th</sup> September, within the 24 hour pre-release period.

Reasons for breach

NHS England are in the process of developing a suite of reports to 'add value' to the published data and to aid policy makers and operational managers in carrying out their responsibilities. The intention is to have the reports available at the time of publication and for the use of those on the pre-release access list during the pre-release period. It was during implementation of these new processes that the breaches occurred.

There are three main factors which contributed to the breaches.

- The failure to separate report development from report circulation.
- The failure to maintain up to date distribution lists
- Insufficient training given to those involved in the report development programme as to the Code of Practice for official statistics and its implications for data handling.

All three factors were involved in both instances of incorrect circulation of reports.

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

The impact was minimal due to the prompt reporting of the breach to the lead official. No information entered the public domain ahead of publication..

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

Code of practice training, previously delivered to NHS England analysts, to be extended to cover systems and technical colleagues involved in the process of report development. This training to be delivered in next 6 weeks.

Report development work to be separated from mainstream report circulation work and developments to be tested using published data only.

Pre-release access lists are reviewed prior to each publication. Processes to be put in place to ensure systems team are in receipt of latest PRA list and understand that reports

containing pre-release data can only be shared with those on the PRA list prior to publication.

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

Not applicable.

**6. Any other relevant supporting material**

None.