

# REPORTING A BREACH OF THE CODE OF PRACTICE FOR OFFICIAL STATISTICS

## 1. Core Information [\[guidance\]](#)

<b>Title and link to statistical output</b>	<p>1. Reviews of marking and moderation for GCSE and A Level  <a href="https://www.gov.uk/government/statistics/reviews-of-marking-and-moderation-for-gcse-and-a-level-summer-2016-exam-series">https://www.gov.uk/government/statistics/reviews-of-marking-and-moderation-for-gcse-and-a-level-summer-2016-exam-series</a></p> <p>2. Vocational and other qualifications quarterly: July to September 2016  <a href="https://www.gov.uk/government/statistics/vocational-and-other-qualifications-quarterly-jul-to-sep-2016">https://www.gov.uk/government/statistics/vocational-and-other-qualifications-quarterly-jul-to-sep-2016</a></p>
<b>Name of statistical producer</b>	Ofqual
<b>Name and contact details of person dealing with report</b>	Vikas Dhawan <a href="mailto:Vikas.dhawan@ofqual.gov.uk">Vikas.dhawan@ofqual.gov.uk</a> 02476 716824
<b>Link to published statement about the breach (if relevant)</b>	
<b>Date of report</b>	15 December 2016 (same date for both the reports)

## 3. Circumstances of breach [\[guidance\]](#)

<b>Relevant principle/protocol and practice</b>	Protocol 2 – Practice 7
<b>Date of occurrence of breach</b>	14 December 2016
<p><i>Give an account of what has happened including roles of persons involved, dates, times etc</i></p> <p>The two statistical bulletins mentioned above, were sent to a few unintended recipients in Department for Education (DfE) who were not on the relevant pre-release list. The number of unintended recipients was eight in total (more detail given ahead). The two bulletins had the same pre-release date and time (14 December 2016, 9:30am) and the same public release date (15 December 2016, 9:30am).</p> <p>As a normal practice Ofqual asks its stakeholders, including DfE, to provide a list of those who would need pre-release access for every statistical release. DfE had provided us two lists of different set of individuals who needed pre-release access for the two bulletins. For each bulletin seven individuals from DfE who were not on the required pre-release list were given pre-release access in error. Most of the unintended recipients in the two lists were the same, resulting in eight unintended recipients in total.</p> <p>The unintended individuals were erroneously selected from our list of all those who had been given pre-release access in 2016. We have maintained a matrix (in Excel spreadsheet) to keep track of all individuals who were given pre-release access to different bulletins this year. The error that led to this breach happened due to incorrect 'sort' function being applied in the spreadsheet by one of our analysts. This resulted in eight unintended individuals in total from DfE being added to the pre-release lists for both the bulletins. These unintended recipients had received pre-release access at some point in 2016.</p> <p>The two bulletins relate to two different sets of qualifications – one for vocational and one for general qualifications (GCSE, A level). Having the same release date of two bulletins related to different sets of qualifications also did not help as it meant different group of individuals needed pre-release access for the two bulletins, thereby increasing the likelihood of such an error.</p>	

We were informed on 15 December (on the day of the public release but after the bulletins had been released publically) by our point in contact in DfE for pre-release access of this occurrence. It was only at that point that Ofqual realised the error in the pre-release distribution list.

DfE also informed us that DfE made sure that the unintended recipients deleted the emails containing pre-released statistical bulletins. We appreciate the step taken by DfE to mitigate the impact of this incidence. We have informed DfE of our intention to report this breach.

#### **4. Impact of the breach [\[guidance\]](#)**

*Provide details of the impact of the breach both inside the producer body and externally*

This incidence resulted in eight unintended recipients from DfE receiving pre-release access. However, as all of them had received pre-release access in the past, they were aware of the terms and conditions of confidentiality under pre-release access. The incidence did not affect the pre-release access list of any other organisation except DfE. We are not aware of any adverse impact due to this incidence and the two bulletins have since been released publically (on 15 December).

#### **5. Corrective actions (taken or planned) to prevent re-occurrence [\[guidance\]](#)**

*Describe the short-term actions made to redress the situation and the longer term changes to procedures etc*

Some of the steps that Ofqual has planned are:

- Making sure that those handling spreadsheets are well trained so as to avoid any inadvertent action (such as incorrect sorting of data in spreadsheets)
- Introducing a double check of the list of actual recipients against the source email sent by stakeholders (eg DfE) containing the list of intended recipients. This will allow us to confirm that the pre-released access was being given to the intended recipients.
- Avoiding releasing vocational qualifications bulletins on the same day as the general qualifications bulletins. This will help avoid the possibility of mixing up two different list of recipients. We have already incorporated this measure for the bulletins scheduled in 2017.
- Making sure those involved in pre-release understand their obligations under the Code of Practice. This will help reinforce the high level of diligence required while handling pre-release access lists.

We will be implementing the corrective measures needed by end of January 2017. The next pre-release is not scheduled till March 2017.

## Guidance on completing the template

If any further guidance is needed, please contact the Good Practice Team via email in the first instance: [goodpracticeteam@statistics.gov.uk](mailto:goodpracticeteam@statistics.gov.uk)

### 1. Core Information

Please provide the name and contact details of the person who would be best placed to deal with any correspondence relating to the breach.

Published statements about the breach may not be available at the time of reporting, in which case this box can be left blank.

### 2. Circumstances of breach

Please indicate which part of the Code of Practice the breach relates to e.g. 'Principle 2, practice 3' or 'Protocol 2, principle 4'. This will help us to monitor which parts of the Code the most common breaches relate to.

Provide details of the nature and circumstances of breach in a way that would be clear to a user of the statistics. This should clearly identify how and why the breach occurred, and include references to previous breaches in the same area (where relevant).

The level of detail needed is likely to depend on the exact circumstances, but for minor breaches (e.g. related to minor delays to publication) brief details will be sufficient.

### 3. Impact of the breach

Please give brief details of the impact of the breach, covering impacts both inside and outside the producer body.

The information supplied will depend on the type of breach, but for example where the breach relates to accidental or wrongful release useful information might include the number of people accessing the statistics, and whether any press reports were published before the official release.

### 4. Corrective actions

Please provide as much detail as possible to help users and the Authority to understand how the breach has been addressed.

Appropriate actions will depend on the circumstances and severity of the breach; as a guide, some examples of considerations and suitable actions for the most common types of breach are below

<b>Accidental or wrongful early release (Protocol 2, principle 8)</b>	
Things to consider: <ul style="list-style-type: none"><li>• How sensitive are the statistics and how long is it before the scheduled publication date?</li><li>• How many people are likely to have accessed the statistics?</li><li>• Has pre-release access to the statistics been restricted? Should you ask people with pre-release access not to disclose or discuss the statistics until further notice?</li></ul>	Possible corrective actions: <ul style="list-style-type: none"><li>• Withdraw the data as soon as possible.</li><li>• Bring forward the time of the general release.</li><li>• Issue a statement on your organisation's website alerting users to the problem.</li></ul>
<b>Pre-release data shared with someone not on the pre-release list (Protocol 2, principle 7)</b>	
Things to consider: <ul style="list-style-type: none"><li>• How many people received the statistics in error and who?</li><li>• Are the statistics high profile or market sensitive?</li><li>• How long have the recipients had access to</li></ul>	Possible corrective actions: <ul style="list-style-type: none"><li>• Recall the data.</li><li>• If the statistics have been forwarded by somebody that was eligible to receive pre-release access, consider removing their pre-release access.</li></ul>

<p>the data before the error was discovered?</p> <ul style="list-style-type: none"> <li>• Have the recipients shared or discussed the data with others?</li> <li>• Can the offending email or statistics be recalled or deleted?</li> <li>• Was the correct security marking applied to the pre-release access email?</li> </ul>	<ul style="list-style-type: none"> <li>• Remind staff about correct pre-release protocol.</li> <li>• Strengthen the wording of all text accompanying pre-release material.</li> <li>• Consider further training to educate staff on their obligations under the Code of Practice.</li> <li>• Increased management control of the processes.</li> <li>• Should stronger words be used in the text that is sent out with pre-release access?</li> </ul>
<p><b>Statistics published after the required time of 9.30am (Protocol 2, principle 4)</b></p>	
<p>Things to consider:</p> <ul style="list-style-type: none"> <li>• How sensitive are the statistics and how long is the delay likely to be?</li> <li>• Has pre-release access to the statistics been restricted? Should you ask people with pre-release access not to disclose or discuss the statistics until further notice?</li> <li>• Can social media channels be used to acknowledge or apologise for the delay?</li> </ul>	<p>Possible corrective actions:</p> <ul style="list-style-type: none"> <li>• Consider emailing key users a copy of the release.</li> <li>• Issue a statement on your organisation's website alerting users to the problem</li> <li>• Consider whether there is another way to publish the release.</li> </ul>