

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

## 1. Core Information

<b>Title and link to statistical output</b>	<b>NHS performance statistics</b> <a href="https://www.england.nhs.uk/statistics/statistical-work-areas/combined-performance-summary/">https://www.england.nhs.uk/statistics/statistical-work-areas/combined-performance-summary/</a>
<b>Name of statistical producer</b>	<b>NHS England (NHSE)</b>
<b>Name and contact details of person dealing with report</b>	<b>Mark Svenson, Head of Profession in Department of Health and Social Care, and Lead Official in NHSE</b> <a href="mailto:mark.svenson@nhs.net">mark.svenson@nhs.net</a> , 011382 50551
<b>Link to published statement about the breach (if relevant)</b>	
<b>Date of report</b>	<b>16/02/2018</b>

## 2. Circumstances of breach

<b>Relevant principle/protocol and practice</b>	<b>Protocol 2, practice 7</b>
<b>Date of occurrence of breach</b>	<b>07/02/2018</b>
<p>This case relates to NHS Performance Statistics produced by NHS England, but for which Ministerial briefing is handled by the Department of Health and Social Care (DH).</p> <p>Publication of these monthly statistics was pre-announced for 8 February and the DH team responsible for briefing had properly agreed pre-release access for themselves, the relevant Minister, Private Secretary, and press officers. In accordance with standard practice, a face-to-face briefing session was arranged on the afternoon before publication to take the Minister through the statistics and media handling.</p> <p>The briefing meeting was arranged at the request of the minister. The meeting was to act as a verbal supplement to the formal written submission outlining the NHS performance statistics under normal 24-hour pre-release access arrangements. Given the wide coverage of the NHS performance statistics the pre-release access list is longer than would be expected from a single topic submission. The briefing team only realised there had been a breach after the meeting in the House of Commons had taken place, as it was confirmed that one of the attendees was the Minister's Parliamentary Private Secretary who had not been given pre-release access. I was informed of the breach a couple of working days after publication of the data.</p> <p>There are no indications that the Minister, the Parliamentary Private Secretary, or anyone else in the meeting shared results more widely before publication. However, this does represent a breach as results were shared with an individual who was not on the agreed pre-release access list.</p>	

## 3. Impact of the breach

<p>There is no indication that results were shared outside the briefing meeting or that figures were used in the public domain before publication. There was therefore no direct impact on public trust in official statistics. One individual, not on the pre-release access list, was aware of the results before they were published.</p>
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#### **4. Corrective actions (taken or planned) to prevent re-occurrence**

The matter was raised with me in my role as Departmental Head of Profession and also Lead Official for statistics in NHSE, the producer body for these statistics. I have discussed the matter with the Departmental Permanent Secretary.

The relevant Minister is relatively new in role and I have taken the opportunity to write to him to set out the broad principles of the Code of Practice and the benefits that accrue from building public trust in our statistics, as well as outlining the specific regulatory constraints that arise from the Pre-Release Access to Statistics Order, and the purpose behind those constraints.

I will subsequently write to a wider group of Private Office contacts to set out a more general briefing on these issues that will be helpful for incoming Ministers to understand the regulatory constraints and to understand how the rules can be helpful in supporting wider Departmental aims around transparency, openness and informed public debate.