

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')

College Statistics Report 2016-17.

Link to current version <http://www.sfc.ac.uk/publications-statistics/statistical-publications/statistical-publications-2017/SFCST032017.aspx>

Name of Producer Organisation

Scottish Funding Council (SFC)

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

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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

22 November 2017 (first induction session for members of the Strategic Board)

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

The Scottish Funding Council (SFC) provided an overview of progress, key developments and risks to members of a new Government body – the Strategic Board for Enterprise and Skills – on 22/11/17 (St. Andrews House, Edinburgh), 27/11/17 (The Hub, Glasgow) and 11/12/17 (Optima Building, Glasgow). As this was a new body, attendees were given an induction/briefing information pack. Within the information provided, the latest college performance (amount of credits delivered) against the national target was included. This information was derived from administrative data that SFC collects on an ongoing basis. The final figure was due to be published on 30 January 2018. Although it was not the final figure that was included– information on the latest projection of FTEs was provided, compared to the annual target. This was information that would not have been available to the public at that time. No comment was made about whether or not the target would be achieved. In total, 26 people had access to this information ahead of publication of the final statistics. There are no related previous breaches.

Reasons for breach

This was accidental. The latest performance against target is reported throughout the year to SFC's board to support required monitoring and management of performance, but this is in a confidential performance report which is not for wider circulation. The information was taken from this report and passed to members of the Strategic Board for Enterprise and Skills through the briefing pack. Four agencies (SFC, Skills Development Scotland, Scottish Enterprise and Highland and Islands Enterprise) report into the Strategic Board and the briefing pack was circulated further to Senior members of the agencies and some Scottish Government officials. As mentioned above, a total of 26 people had access to the briefing pack.

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

There was a limited circulation of this information and the actual figure that will appear in the College Statistics report was not released. There is no evidence to suggest that this information reached the public domain; there were no media reports on this information prior to the official release.

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

On 18 December 2017, in relation to a Freedom of Information request, the SFC identified that the data should not be released to the requestor under the exemption relating to future publication. On 19 December 2017, the Scottish Government asked SFC to consider whether a breach had taken place in relation to the provision of the relevant material with members of the Strategic Board. The Chief Statistician at the Scottish Government was alerted to the potential breach and informed that SFC had been asked to investigate this. In the short-term SFC took corrective action to alert those who had received the papers that there was confidential information which was not for further circulation.

An email was sent on 22 December 2017 advising that some of the information included in the slide pack issued as part of the induction sessions for the Strategic Board contained data which is potentially subject to restrictions under official statistics arrangements. The email also included the following statement: *"I realise that you will already be aware that most of the information you receive in your capacity as a member of the Strategic Board is confidential and should therefore not be shared with others. However, I would be grateful if you could observe that confidentiality in particular in relation to the slide pack issued to*

you as part of the induction sessions.” As stated above there is no evidence that the information was circulated more widely.

Regarding longer-term action, we will add a clear statement to ensure that the SFC performance report highlights any content that is covered by the Code of Practice for Official Statistics, and further reminds Board members that the information is confidential and should not be disclosed to others.

We have already taken steps to ensure that staff in the organisation and our Board members who receive performance information are reminded of their obligations under the Code of Practice and are not to release information prior to publication. We are planning a further communication to all staff raising awareness of the Code and where they are not sure about any aspects of the Code that they should check with the Chief Funding and Information Officer before releasing any information.