

Regulatory activity: our decision making and toolkit explained

Summary

We publish an annual [Regulatory Work Programme](#) which sets out proposed projects for the coming year. This document complements the work programme and our wider [Business Plan](#), giving more detail on how we make decisions on our priorities, including how we decide if and when we will intervene, and how we decided which of our regulatory tools – assessment, compliance checks, systemic reviews, casework – we chose to use (see **Figure 1** for a summary of our regulatory tools).

In most circumstances, the decision on the most appropriate regulatory tool is clear. For example, issues that require our immediate attention through casework or topics that cut across the statistics landscape and so lend themselves to a systemic review generally self-identify.

Whether to undertake an assessment or compliance check is often less clear. We use assessments and compliance checks across a spectrum to judge compliance with the [Code of Practice for Statistics](#) (the Code) for individual sets of statistics or small groups of related statistics and data (for example, covering the same topics across the UK). Whether we use an assessment or compliance check will often be determined by balancing the value of investigating a specific issue (through a compliance check) versus the need to cover the full scope of the Code (though an assessment). There is no ‘typical’ assessment or compliance check – each project is scoped and designed to reflect its needs. An assessment will always be used when it concerns a new National Statistics designation and will also be used to undertake in-depth reviews of the highest profile, highest value statistics, especially where potentially critical issues have been identified.

Compliance checks can lead to assessments. Casework and systemic reviews can also highlight issues that lead to recommendations for assessments and compliance checks. Conversely, common sets of issues can be identified from assessments and compliance checks that point to the need for a systemic review.

What this all adds up to is that our use of our regulatory tools is fluid and responsive to specific circumstances, rather than being one size fits all.

We hope that you will find this a useful guide in understanding the factors we consider in making our decisions. If you would like further information or to provide feedback on this document please do get in touch by email: regulation@statistics.gov.uk or speak to any of [our team](#).

You may find it helpful to read this guide together with related UK Statistics Authority and Office for Statistics Regulation policies:

- [The Authority’s role in making public interventions on the use of statistics](#)
- [Our regulatory approach: how we apply the Code of Practice for Statistics](#)

Figure 1: What are the regulatory tools we have at our disposal and what type of scenarios and outcomes are they best suited to?

Our tools	Purpose	Description	Can be initiated by	Producer input	Output/ Outcome
Compliance check	Review compliance with the Code of Practice for Statistics – often focused on specific principles. Make a judgement on whether National Statistics status should continue.	This is a flexible tool which allows OSR to respond to specific issues quickly and extends our view across the statistical system. It can focus on specific principles or act as a preliminary investigation to consider whether a full assessment is needed.	<ul style="list-style-type: none"> - OSR: regular planning and stakeholder consultation cycle or emerging intelligence in-year - Request by Head of Profession for Statistics 	No preparation from the producer is expected and the review is intended to be undertaken with minimal disruption to the producer organisation. Experience suggests that there are likely to be recommendations for the producer to consider after the compliance check.	<p>OSR will write to producers setting out the outcome and highlighting strengths and weaknesses of the statistics. There are four possible outcomes:</p> <ul style="list-style-type: none"> - removal of National Statistics status (de-designation); - follow up with full assessment; - recommendations to producer; or - no follow-up necessary. <p>Compliance checks do not lead to new National Statistics designations.</p>
Assessment	Determine whether statistics meet the criteria to become (or remain) National Statistics.	We assess (or re-assess) statistics against the Code of Practice for Statistics. Phase 1 is the assessment and publication of the Assessment Report. Phase 2 is the follow up on any Requirements with the producers of the statistics.	<ul style="list-style-type: none"> - OSR: regular planning and stakeholder consultation cycle or emerging intelligence in-year - Request by Head of Profession for Statistics 	Where possible producers are involved in agreeing the assessment timetable and will have input throughout the assessment. OSR works with producers to agree an action plan to address any requirements.	Designation (or de-designation) as National Statistics. Usually accompanied by a set of requirements to ensure statistics meet NS standards. OSR will produce an Assessment Report and write a letter to the producer. There will also be a follow up letter once all requirements have been met, and National Statistics status has been confirmed by the Regulation Committee.
Systemic review	Address issues that span across different producers to ensure statistics have high public value and meet user needs.	These will always cover multiple outputs or products, and can be specific to a domain or cut across domains. Projects will involve considerable engagement with users and often include events to support change.	<ul style="list-style-type: none"> - OSR: regular planning and stakeholder consultation cycle or emerging intelligence in-year - We invite proposals via our website 	Producers will be consulted as part of any review process and we often bring together statistics producers and users to support improvement. This could be small expert round tables or large summits.	We will always report publicly on the findings of systemic reviews (Phase 1) and will usually include broad recommendations targeted at the statistics system and write letters to producers. We may produce a standard report, but might also report in other ways e.g. through meeting notes or blogs. Phase 2 follows up on recommendations.
Casework	Reduce misuse of statistics and support code compliance.	We investigate and form a judgement on the use of official statistics, and issues raised with us around Code compliance on a case by case basis.	<ul style="list-style-type: none"> - Concerns raised with us by the public, media, parliament etc. - OSR: through our horizon scanning 	Producers may be asked questions about their statistics to support OSR reach our judgement.	Public comment on the use of statistics or views on code compliance, most commonly through letters to relevant organisations or individuals, some of which are published on the Authority's website.

How do we develop our work programme?

An important part of our role is to be vigilant and to keep pace with the current landscape for statistics, and potential emerging issues and opportunities. We organise our regulatory function by [domain](#), for example, with a focus on the economy or on crime and justice. Our domain leads build their expertise around their domain, and they:

- identify and engage widely with those with an interest in the domain through conferences, user groups, meetings, and social media
- monitor statistics being published
- follow related media and public debate

The intelligence gathered by our domain leads informs all aspects of our work programme, both strategically, through our planning process, and by self-generating work to respond to issues as they emerge. Where issues emerge that cut across or are common across domains, our domain leads work closely together to address these.

We also gather intelligence through the more strategic engagement of our Director General for Regulation and Senior Leadership Team with key stakeholders, including in the devolved administrations. The Senior Leadership Team also looks at the balance of the overall work programme and considers if there are any gaps.

All proposals are worked up and their priority is considered against two core criteria – do they help us deliver on our strategic drivers and do they represent value in respect of the proposed resource investment versus the intended benefits. We also ask the team to take a view on what the risk would be of not carrying out the project.

Our strategic drivers help us to translate our purpose into specific priorities and to choose between different projects. Our strategic drivers are to continue to:

- Improve the value provided by statistics
- Enhance compliance with the highest standards of Trustworthiness, Quality and Value:
 - Trustworthy – they have been prepared by professionally-independent statisticians, free from political pressure
 - High quality – they are produced using sound methods and based on reliable sources
 - Valuable – they provide insight, support decision-making and inform debate
- Use our voice to stand up for statistics
- Adapt our regulatory model to a data-rich world

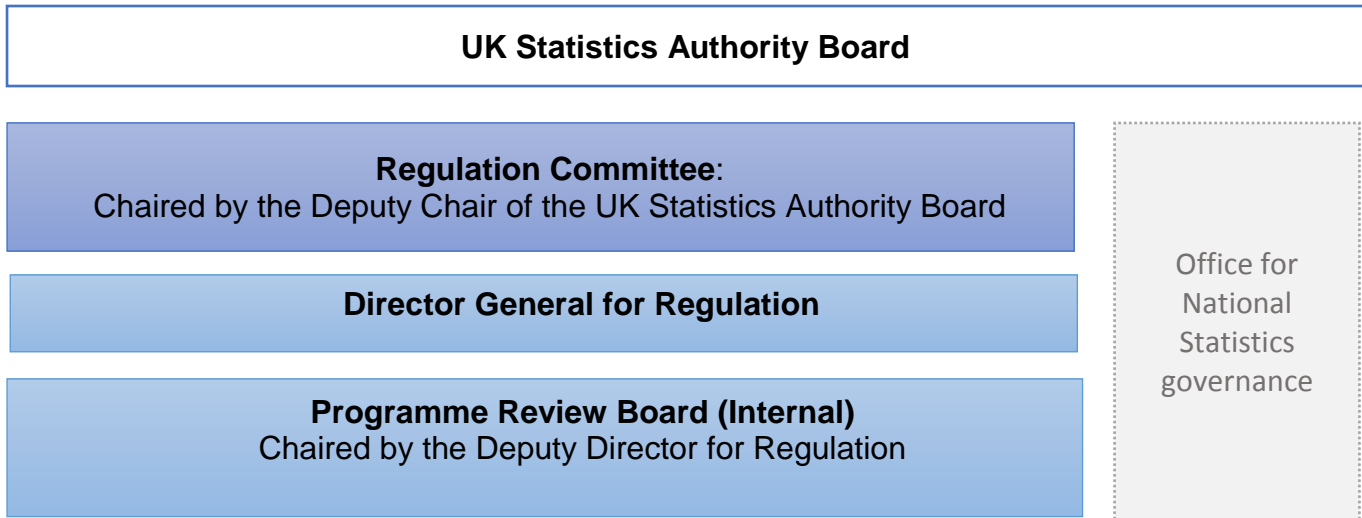
We consult annually on our proposed work programme. We welcome comments on our proposals and suggestions for projects. These can be provided via the consultation or at any time during the year. We apply the same decision criteria to projects under consideration no matter when in the year they are considered.

Who takes the decisions on our work programme priorities and whether we take on a piece of work/intervene?

Our Business Plan and Regulatory Work Programme are developed by the whole team, led by the Director General for Regulation and his Senior Leadership Team. The Business Plan and

Regulatory Work Programme, and associated budget, are signed off by the Regulation Committee and presented to the UK Statistics Authority Board (see **Figure 2**).

Figure 2: Our broad governance structure



We manage in-year changes to the work programme through our internal Programme Review Board, chaired by the Deputy Director for Regulation with an update provided at each Regulation Committee meeting (held every 2-3 months).

The scope of all systemic reviews is also discussed by the Regulation Committee prior to being published.

The Director General for Regulation takes the day-to-day decisions about if and how we intervene on casework, liaising with the Chair of the Authority as required. Summary reports on casework interventions are presented to the Regulation Committee.

How and why do we decide to take on a piece of work/intervene, and what are the common routes in?

Casework

One of our key roles is to use our voice to stand up for statistics and to represent the public, monitoring and reporting publicly where we have concerns about the dissemination and use of statistics, and highlighting good practice. Casework is the tool that best allows us to be responsive and investigate issues quickly as they arise. [‘The Authority’s role in making public interventions on the use of statistics’](#) explains how cases are brought to our attention and the factors we consider in determining if and how to intervene. The topics covered by casework can be varied, for example, around misuse of statistics, or questions may be posed about an aspect of the quality or presentation of statistics. Casework with a focus on quality is the most likely to lead on to a compliance check or Assessment.

Assessment

Under [legislation](#), assessment is the only tool that allows us to confer National Statistics status on [official statistics](#). National Statistics status tells users that the statistics comply with the Code of Practice for Statistics and meet the highest standards of Trustworthiness, Quality and Value.

We must assess compliance with the Code in response to requests made by a [producer](#) in relation to any official statistic. Formal requests are made by those with appropriate authority, such as the National Statistician or responsible Ministers, but the Head of Profession for Statistics usually starts the conversation with us, and we welcome the early informal dialogue. Where no such request has been made, and our Board considers assessment against the Code would be in the public interest, we can seek a request from the appropriate authority, or a written explanation of why such a request is not forthcoming (though we have not needed to do this in recent times).

Once statistics have been assessed once, we can re-assess them at any time, and we can reconfirm designation through a compliance check. We have no set schedule for re-assessment, e.g. every two years. From late Autumn 2018, Heads of Profession will be asked to include a statement in all National Statistics publications covering: information about the date that the statistics last had their designation confirmed; and a narrative that explains how the statistics embody the Code and improvements made to Trustworthiness, Quality and Value since designation.

The following factors would point towards initiating an assessment:

- We have previously de-designated the National Statistics and the producer considers the statistics are now of a standard to be reconsidered for National Statistics status
- We consider the National Statistics are of very high public value and it has been some time since they were last assessed in any depth
- There has been a change of approach to producing the statistics or to the responsible producer body (though equally this may be managed by a compliance check)
- Casework or a compliance check has alerted us to a set of concerns with the Trustworthiness, Quality and/or Value that we consider a fuller assessment against the Code would be timely
- We have not reassessed any statistics in the portfolio of a statistics producer for some time, or we have identified an organisation-level issue, and we consider an assessment would bring benefits not just for the statistics being assessed, but also in the wider lessons the Head of Profession for Statistics may gain value from and apply more widely

Compliance checks

The [portfolio of National Statistics](#) is large. Compliance checks allow us to cover a wider range of statistical outputs by enabling us to confirm continued compliance with the Code, and therefore continuation of National Statistics status for a particular output or outputs without the need for a full reassessment. Compliance checks also enable us to:

- pick up on key issues
- help support learning for producers
- determine whether a full assessment is required

We identify potential candidates for compliance checks and get requests from producer bodies to carry out checks. Possible outcomes of a compliance check include:

- confirmation of continued designation as National Statistics
- a set of recommendations to be acted on swiftly to maintain compliance with the Code

- potential de-designation of the statistics and/or a decision to undertake a full assessment against the Code.

Factors that would point towards initiating compliance checks:

- Statistics are usually an existing National Statistic, though compliance checks may be used for Official Statistics on occasion, for example: if there is strong public interest and no formal request for assessment is forthcoming; or if reviewing statistics on a topic for the four UK nations, and for one nation the statistics are OS
- A concern is brought to our attention through media or casework or a systemic review and we want to investigate a specific issue quickly to inform our thinking
- Domain work, casework or a systemic review indicates that there is a weakness in a single set or group of statistics where a compliance check can provide a focus for improvement and we are confident we can achieve this with the cooperation of the statistics producer, without the formal requirement of an assessment
- There is no immediate concern about the statistics but it has been some time since compliance with the Code has been tested or the statistics have changed since they were last assessed
- We need to cover the ground – there is a large portfolio of National Statistics. We can use small series of compliance checks to quickly get a sense of continued compliance with the Code, or specific pillars or principles of the Code, for a particular department or topic area. This is especially useful where standards have evolved since statistics were last assessed – for example, the focus now on quality assurance of administrative data has moved on significantly compared with five years ago
- To lift a temporary suspension of National Statistics status

Pragmatic decisions about resource availability (for us and the producer body) may lead us to cut back or reschedule compliance checks, more often than for other types of project as we have greater flexibility and the risk of not completing the compliance check is likely to be lower risk.

Systemic reviews

Our key driver is to improve the value provided by statistics. Our ability to examine issues across the statistics landscape allows us to influence how the statistics system responds collectively to maximise quality and public value. When we want to improve public value of statistics or examine a cross-cutting statistical issue (for example, data linkage or classifications) rather than one particular series, we will use a systemic review.

We have undertaken such reviews where an accumulation of evidence indicates there might be issues around gaps, overlaps, coherence, accessibility and other system-level issues. Systemic reviews often prove to be at their most useful when barriers to improvement and maximizing value exist around clarity of leadership, lack of collaboration or skills gaps. We can also use systemic reviews to highlight good practice and innovation in elements of public value with a view to sharing lessons across the system.

To date, topics for [our systemic review programme](#) have been identified internally by our team, drawing on evidence from other aspects of our work that suggest there is a value in looking beyond specific sets of statistics. We test our proposals and seek ideas for new topics through our

annual public consultation, and we expect as we continue to strengthen our dialogue and broaden the reach of our engagement, our interactions will play a growing role in setting our priorities.

Once we have decided to undertake a review, we establish a project scope taking into account such factors as the nature of the issue, the timelines and the need for resources.

There are some circumstances where we may decide to maintain a watching brief rather than immediately initiate a review. These are:

- Others are already carrying out a review on the same/similar issue – for example, a National Statistics Quality Review. In that circumstance we are likely to engage with the review
- We already have a systemic review running in the same thematic area – we would seek to avoid overloading the statisticians – though through our phased approach we may be initiating a review when another is close to completion
- We can see early signs of improvements starting to take effect around an issue and we can identify that clear leadership is in place – we would only consider intervening if we saw a loss of momentum
- We consider that we could not get traction for change at a point in time and so we could not justify a major resource commitment; if we consider we can ultimately deliver some value, we would be likely in the first instance to focus on building relationships to facilitate future work
- We consider there is insufficient public interest to prioritise an issue