

Department for Education

STATEMENT OF COMPLIANCE WITH THE PRE-RELEASE ACCESS TO OFFICIAL STATISTICS ORDER 2008

The Department's Statement of Compliance with the Pre-release Access to Official Statistics Order 2008, attached below, sets out the Department's operational arrangements for giving Ministers and officials pre-release access to official statistics prior to publication. The Order tightens the rules and principles governing pre-release access to official statistics prior to publication.

The scope of the Pre-release Access to Official Statistics Order extends to all official statistics produced by the Department and its Public Bodies. Broadly, the scope of official statistics is determined by four criteria, they are: important e.g. they provide information about the government's performance; and, produced systematically; and, cover the whole country; and, are disseminated. National Statistics are a subset of official statistics that have been assessed and comply with or are deemed to have been assessed and comply with the UK Statistics Authority Code of Practice for Official Statistics.

The Pre-release Access to Official Statistics Order 2008 commenced on 1 December 2008.

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STATEMENT OF COMPLIANCE WITH THE PRE-RELEASE ACCESS TO OFFICIAL STATISTICS ORDER 2008

Version 1: Commences 1 December 2008.

Introduction

1. This statement sets out the Department's operational arrangements for giving Ministers and officials pre-release access to their own official statistics once they are in their final form prior to publication. These arrangements are designed to ensure that such access is justified, limited, controlled, and publicised and complies with statutory requirements. Their purpose is to maintain public confidence in the integrity of official statistics while allowing Ministers to account immediately for the implications of statistics covering policy or operational areas for which they are democratically responsible.

Exclusion

2. Different arrangements apply to pre-release access to the Department's own management or administrative data where these data subsequently form the basis for published official statistics. These arrangements will be set out separately.

Authority

3. These arrangements have been drawn up by the Department's Head of Profession for Statistics in consultation with the responsible Minister and the Department's Permanent Secretary. The Head of Profession for Statistics is also responsible for ensuring the day-to-day implementation of these arrangements.

General Principle

4. The Department operates under the general principle that pre-release access to official statistics must be:

- limited to the minimum number of persons deemed necessary to allow the Minister to either:
 - (i) respond to questions, or make statements about the statistics at, or shortly after the time of publication of those statistics, or
 - (ii) take action before, at the time of, or shortly after publication of those statistics.
- allowed only in circumstances where the public benefit likely to result from such access outweighs the detriment to public trust in official statistics likely to result from so doing.

Grant of pre-release access

5. The arrangements set out in this statement are confined to those persons who meet the eligibility criteria set out in Annex A(i), attached. Recipients can, in addition, share their access with their administrative support staff even though those staff may not directly engage with the statistics in question. Pre-release access to official statistics prior to publication in their final form is limited to statistics which meet the eligibility criteria set out in Annex A(ii), attached.

Documentation and Publication

6. In the interests of openness and transparency, the Department maintains a public record on its Research and Statistics Gateway website listing the titles of all the statistical releases to which these arrangements apply, as well as the job titles of all those persons to whom pre-release access has been granted, and the organisations to which they belong. The justification for giving advance access to each listed recipient is available on request.

Period of access

7. In line with legislation, pre-release access to the Department's official statistics is restricted to a maximum of 24 hours before their public release on the following day. The Department's statistical releases will normally be published at 0930.

8. In exceptional circumstances, the Head of Profession for Statistics, in consultation with others, may grant pre-release access in excess of 24 hours if, in their opinion, the public benefit outweighs the detriment to public trust which is likely to result from such extended access. When this happens, the Head of Profession for Statistics will publish his or her reasons for granting extended access, and will also inform the UK Statistics Authority's Chief Executive (the National Statistician).

Conditions of access

9. Those persons who are given pre-release access to the Department's official statistics must keep the statistics secure and under embargo until their release, and they must abide by certain conditions of access. They must avoid:

- disclosing the statistics or any part of a publication containing those statistics to any person not listed as a pre-release recipient;
- providing any indication of the size or direction of any trend revealed by the statistics;
- using such access for personal gain, or taking any action for political advantage;
- exploiting such access to change or compromise the content, presentation, or timing of publication of official statistics.

Special circumstances

10. Aside from the circumstances described above, the Head of Profession for Statistics may also allow access to statistics ahead of their release to a limited number of persons in a limited number of special circumstances, for more than 24 hours. For example:

- access may be given to the compilers of complementary reports due to be published at the same time as, or shortly after the statistics so that they can incorporate the latest available figures. Such access may be for longer than 24 hours.
- international organisations may gain access to compile supra-national statistics.
- journalists may be given access to complex or compendia releases to give them time to absorb and understand the significance of a given release. Such access, however, will never exceed 24 hours.

Breach of these conditions

11. In the event of a breach of the principles and rules set out in the legislation and described in this Statement, the Department's Head of Profession for Statistics will notify the UK Statistics Authority's Chief Executive (the National Statistician) as well as the Authority's Head of Assessment; take action to prevent a recurrence; and provide the Authority with a written explanation. The National Statistician may decide to conduct an inquiry on behalf of the Authority, the results of which will be posted on the Authority's website.

Sanctions against non-compliance

12. The Department's Head of Profession for Statistics may, for a period, withdraw pre-release access from any person judged to have breached the conditions of their access.

13. In addition, a heavier sanction can be imposed by the UK Statistics Authority which has a statutory duty to assess the extent to which any organisation's 'National Statistics' comply with the *Pre-release Access to Official Statistics Order 2008* and with the associated obligations set out in this Statement. The Authority can, for instance, challenge an organisation where it considers that pre-release access is not justified or where an organisation is failing to conform to these arrangements. It can also withdraw, or threaten to withdraw, 'National Statistics' designation from the statistics in question.

14. In the event of any such challenge or any such withdrawal the Department's Head of Profession for Statistics will publish the Department's response on the Department's website along with the Department's plans for achieving conformance.

NOTES:

Pre-release access

15. In the context described above, the phrase 'pre-release access' covers privileged access to statistical releases in their final form prior to being placed in the public domain. It does not cover pre-release access available to:

- those persons engaged in the process of producing and disseminating the statistics in question (including those responsible for overseeing this process);
- those persons requested by the producers to quality assure the statistics before their public release.

Heads of Profession for Statistics

16. Organisations which employ a large number of official statisticians, or produce a large number of official statistics will normally appoint a Head of Profession for Statistics in consultation with the National Statistician. As well as being accountable to their own Ministers and departmental line-managers, Heads of Profession for Statistics are responsible to the National Statistician for the professional integrity of the statisticians whom they manage, and for the quality of the statistics which those statisticians produce. In particular they are responsible for observing the UK Statistics Authority's Code of Practice for Statistics as well as any professional standards set by the National Statistician.

ANNEX A CRITERIA FOR GRANTING PRE-RELEASE ACCESS

A(i) Categories of persons within government to whom the Head of Profession for Statistics on behalf of the Department would normally grant pre-release access to the Department's statistical releases

- Those Ministers who have policy or operational responsibility for a particular subject-matter covered by a statistical release; who are accountable to Parliament and the electorate for their stewardship of that policy; and who may need to respond to questions about the statistics, or take appropriate action, at the time of release of those statistics;
- Those Chief Executives who have operational responsibility for a particular activity covered by a release, and who are accountable for their stewardship of that activity to Ministers, and through them to Parliament; and who are in a similar position to those Ministers described above;
- The top Departmental or Agency officials with ultimate responsibility for formulating, developing, maintaining, monitoring or implementing that policy;
- Other Departmental or Agency officials who have been assigned the specific responsibility to brief Ministers or Chief Executives about the statistics in question (e.g. Special Advisers, Policy Advisers, Analysts)
- Departmental Press Officers responsible for managing Ministers' interface with the media with respect to the policy or statistics in question.

A(ii) Categories of statistical release to which the Departmental Head of Profession for Statistics on behalf of the Department would normally grant pre-release access

- Releases which incorporate statistics which are used to monitor or measure the government's performance (either generally, or against formal targets);
- Releases which have the potential to impinge substantially on the formulation, implementation, or monitoring of government policy;
- Releases which have the potential to inform, or impact on, decisions about the allocation of public funds;
- Releases which have, demonstrably and historically, had a high public profile (i.e. regularly generate column inches in the print media or regularly attract the attention of the broadcast media) and on which Ministers or Chief Executives with responsibility for the subject-matter might reasonably be expected to comment at the time of release;
- Releases which incorporate statistics derived from other departments' or agencies' administrative or management systems, and for which Ministers or Chief Executives in those other departments have ownership and operational responsibility.
- Compendia publications (e.g. Social Trends, Regional Trends, etc which often include data which has already been released) or complex publications – both of

which are, often, made available to the media in advance of their public release, and under embargo, in order to give journalists time to absorb and understand their contents.

- Releases which cover matters of wide public interest.