

**Sir Michael Scholar KCB**  
**Chair-designate of the UK Statistics Authority**

Statistical Reform Team  
Cabinet Office  
70 Whitehall  
London  
SW1A 2AS

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## **LIMITING PRE-RELEASE ACCESS TO STATISTICS: A CONSULTATION DOCUMENT**

1. I am writing on behalf of the UK Statistics Authority (UKSA), in response to the Consultation document issued in December 2007.
2. Although not formally established until 1 April 2008, the UKSA has discussed this topic at each of its first two 'shadow' meetings. The Authority considers pre-release access to be of major importance because of its central relevance to our task of improving public trust in Official Statistics. The Authority believes that its task is made more difficult by the provision in the Statistics Act which gives the Government the right to determine the details of the pre-release regime. Observers at home and in other countries are likely to regard this as the retention of an inappropriate political influence in a key part of the statistical production and dissemination process, whose rules ought to be determined independently. For this reason we feel strongly that the Authority, and not Ministers, should be responsible for decisions about pre-release. We think that it would be possible to achieve such an outcome within the provisions of the Act if the Government were to announce that it will henceforward implement the Authority's recommendations on this issue in full, and we think that such a statement would be widely welcomed both in the UK and overseas.
3. We accept that there is a principled case for allowing relevant Ministers and their officials to have some limited privileged pre-release access to statistics in their final form. We are persuaded that in the current political environment it is necessary for Ministers to be able to comment upon statistics, once they have been released.
4. However, we feel that the proposals made in the consultation document - themselves a great improvement on previous practice - are simply not strong enough to combat the public's misgivings about politicians' involvement with Official Statistics - the perception that there is political interference in the production and presentation of statistical outputs, and that the Government does not use official figures honestly.



5. The recently published report of a review of ONS' compliance with the European Statistics Code of Practice considered the issue of pre-release. It described the current situation as only 'partly' meeting the Code, whilst the Government's proposals would 'largely' meet it. However, it is probable that the Authority's proposals, as set out in this letter, would fully meet the requirements of the Code. The Authority believes that it would be very desirable for the UK fully to meet the European Code.

6. In terms of public trust, the Authority is not inheriting a balanced or neutral position. On the contrary, all the evidence suggests that levels of trust are worryingly low. It will take time and effort to improve the position. This is why we are convinced that the UK should meet international best practice on pre-release.

7. In particular we consider that:

(a) the range of outputs to which pre-release access might be granted should be reduced considerably, to a core of the most significant economic releases only - those releases currently categorised as "market sensitive" National Statistics (see footnote 1). If Ministers want pre-release access to other statistical products then they should be obliged to apply to the Authority, which would publish its reasoned decision.

(b) the period of pre-release access should be reduced considerably more than the Government has proposed - to a maximum of 3 hours, as proposed by the Treasury Select Committee - noting that this will necessitate some operational changes to the day and time of publication of the affected statistics. This is still looser than in some countries, but we believe that it is sufficient to allow officials to work with Ministers to identify the key messages for them, so that they can respond to questions once the figures are released. It also provides Ministers with protection to the extent that it reduces considerably the risk that they inadvertently comment about statistics which have not at the time been published.

(c) only relevant Ministers and, at most, one or two briefing officials should receive privileged pre-release access. We note that in other countries, very few people see the figures before they are released and we consider that reducing this privilege to a small handful of people with a well-defined need to see the figures in advance would be welcomed by Parliament and the public.

(d) whilst there should be scope for consideration of special circumstances, these should be far more stringent than those proposed. In particular, it should be for the Authority to decide whether others should receive pre-release access, and under what circumstances.

(e) it is widely accepted that where pre-release access is allowed, the arrangements should be transparent. This includes publishing details showing who has early access to particular statistics, when, and for what purpose. We firmly endorse this approach. Furthermore, we believe it would be appropriate to reflect the requirements on Ministers (not to seek, or allow others to seek, to make political capital by virtue of their privileged pre-release access) in the Ministerial Code. We consider this would be of both practical and symbolic importance.

(f) there is an important issue over pre-release access to statistics not yet in their final form. The Consultation paper suggests this be dealt with in the UKSA's Code of Practice. We agree. In doing so we will work closely with the departments of the UK Government and the Devolved Administrations. Our objective will be to balance the interests of good administration with those of statistical integrity to produce proposals that will improve public confidence.

8. We also have a principled preference for common UK standards for pre-release. It is a concern to us that if different Administrations were to operate different release practices, critical comparisons between these practices would be made, and the reputation of all Official Statistics and their producers might suffer in consequence. There may be occasion when a different approach is appropriate but we consider this would be exceptional and would expect a very strong justification in order to be able to support it.

9. The Authority has considered the Statistics Commission's response to this consultation exercise, and fully endorses the detailed comment set out in it. In particular:

(a) we too welcome the proposal in the consultation document (paragraph 3.16) to give a formal role in applying pre-release principles and rules to departmental Heads of Profession. The footnote to 3.17 adds that it is intended that Heads of Profession will play the central role in practice. This needs to be reflected in the Order itself, either directly or indirectly, perhaps by means of a requirement on 'the person responsible' to draw up arrangements which give the departmental Head of Profession for Statistics, or other appropriate official, the central role.

(b) we too note that the drafting of the Order treats pre-release access as if it relates only to sets of figures. But in reality it will often be the words that accompany the statistics that are most sensitive. It is thus particularly important that the only document to which pre-release access can be granted is the *actual text of the statistical release*, not selected items from it or any other comment or statement about the statistics.

10. It has been suggested that the Authority's officials might work with Cabinet Office on measures to assess how well the first year of operation of the pre-release rules has gone. We are content with this, but should note that we expect to produce our own review of the new pre-release arrangements. Indeed, we consider that this should be a task for the Authority rather than the Government.

11. In summary, the Authority regards the current consideration of pre-release access to be a major opportunity to raise standards, and build trust. Expectations and optimism are running high, and we urge the Government to seize the opportunity to make the proposals outlined above, and so to continue the successful reform of UK statistics.

Yours sincerely

Michael Scholar

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Chair-designate of the UK Statistics Authority

<sup>1</sup> Index of Production, Index of Services, Producer Prices, Consumer Price Indices, Labour Market Statistics, Retail Sales, Public Sector Finances, Motor Vehicle Production, UK trade, National Accounts, Balance of Payments