A Brief Guide to the new Statistics and Registration Service Act 2007

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Introduction

After six months of scrutiny by Parliament, the Statistics and Registration Service Bill received Royal Assent on 26th July 2007. A link to an electronic copy of the Statistics and Registration Service Act 2007 (the Act) and its Explanatory Note is available on the following website (http://www.opsi.gov.uk/acts/acts2007a.htm). Parliament has yet to formally decide when the Act will come into force, but it is expected that most provisions will take effect from April 2008.

Overall effect of the Act

The Act is mainly concerned with the structure of the organisations that will deliver the statistics and registration services in future. It extends to the devolved administrations in Scotland, Wales and Northern Ireland and creates an independent Statistics Board, as a Non-Ministerial Department (NMD) accountable to Parliament, whose objective is to promote and safeguard:

- the production and publication of official statistics that serve the public good;
- the quality, good practice and comprehensiveness of official statistics.

This new organisation replaces the current Statistics Commission and Office for National Statistics.

The legislation does not alter the basic structure for statistical production in the UK, where ONS (as an integral part of the new Statistics Board) will retain its position as the UK’s National Statistics Institute (NSI), and the devolved administrations and policy departments will retain responsibility for all those statistical outputs which cover their own areas of responsibility.

The Board’s main functions are:

- **Monitoring and reporting on all official statistics.** The Board is required to monitor, and may report on, all official statistics (wherever produced), whether or not they are National Statistics.

- **Independent assessment of key statistics.** The Board will be required to prepare and publish a Code of Practice against which it will be required to independently assess the quality and integrity of key statistics.
statistics (both produced in ONS and across government departments) for formal approval as National Statistics.

- **Oversight of the Office for National Statistics (ONS).** The Board will provide the top level of governance for what is currently ONS, replacing the oversight role that Treasury Ministers now perform. Consequently, the Board has a statutory power to produce statistics, as the ONS does now.

A more complete list of the duties and discretionary powers of the Board can be found in Annex A and Annex B of this Guide. The functions of the National Statistician are listed in Annex C.

Continuation of existing functions of the ONS or the Chancellor

- Existing functions carried out on behalf of the Chancellor, such as conducting Statistics of Trade Act surveys, are intended to be re-delegated to the Statistics Board by Order and become a duty or a function of the Board.

The key posts established by the legislation are:

- **The Board’s membership** – the Chair, at least five other non-executive members (some appointed after consultation with the devolved administrations), the National Statistician and two other executive members.

- **The National Statistician** – who, as the Board’s Chief Executive, will be a full member of the Board; will be directly responsible for the work of the current ONS, reporting to the Board not Ministers; and will be the Board’s chief professional statistical adviser.

- **The Head of Assessment** – who will be the Board’s principal adviser on assessment.

Other issues covered by the Act include:

- **Pre-release access arrangements.** Details of pre-release arrangements will be set out in secondary legislation, and the Board will assess departmental adherence to them.

- **Confidentiality** - the Act sets out that information that relates to, or identifies, a particular person or business and that is held by the Board or disclosed by the Board to others, is confidential. It should not be disclosed by anyone and any unlawful disclosure is a criminal offence punishable by a fine or imprisonment.
• **Data Sharing** – the Act contains powers to allow information sharing between public authorities and the Board where this is for statistical purposes only. All proposals to allow such sharing will be agreed by Ministers, enacted through secondary legislation and be subject to further scrutiny and approval by Parliament. In addition, the Act ensures that current data flows can continue.

• **Registration Service.** The registration functions currently undertaken by ONS (given the National Statistician’s role as Registrar General for England and Wales) will not be part of the responsibilities of the new Board, and will be retained under Ministerial responsibility.

• **Employment Status of Staff.** The Act states that all employees of the Board will be civil servants. It also includes provisions to establish proper employment status and rights for Registrars in England and Wales as local authority employees, giving them access to employment tribunals for the first time.

• ‘**Sponsor Department**’. The Cabinet Office will take over HM Treasury’s responsibilities in those circumstances where the Board still needs a route in to Parliament, e.g. for progressing secondary legislation and answering PQs.

**Other parts of ONS not covered by the new Act**

The General Register Office (GRO) and the National Health Service Central Register (NHSCR), which are currently based in ONS, all have functions that are distinct from those envisaged for the Statistics Board. Also, the work of GRO requires Ministerial input which does not sit well with the status of the Statistics Board as a non-Ministerial department.

It has been agreed that NHSCR will transfer to the NHS Information Centre for Health and Social Care (IC) and a project board has been set up to oversee the transfer. The GRO will transfer to the Identity and Passport Service (IPS) which is an Executive Agency of the Home Office.

**What does independence mean for the GSS**

The new arrangements will generate some fundamental changes but many other aspects of life within the current UK statistical system will continue unchanged. The following sections describe some key changes and continuities.
What will change?

(Note: Under some headings, the details may differ for the Devolved Administrations)

1. The Board will replace Ministers as the top layer of governance for the ONS. In other words, everyone in ONS will be ultimately accountable to the Board, and to its Chair, Sir Michael Scholar.

2. ONS will become the Board’s Executive Office, managed by Karen Dunnell, who will be the Board’s Chief Executive and who will report to the Board rather than, as now, to Ministers.

3. The General Register Office (GRO), the National Health Service Central Register (NHSCR) and the position of Registrar-General will be transferred to other Government departments. All other ONS staff will become employees of the Board.

4. The Board will develop and publish a new Code of Practice against which all of ONS’s products, and all of the ‘National Statistics’ released by other Government Departments will be assessed for compliance. The Board’s assessment function will be managed by an employee of the Board known as ‘The Head of Assessment’. Sooner or later, therefore, the work of virtually everyone in the GSS will be the subject of a formal Compliance Assessment.

5. The National Statistician is proposing to launch a new and complementary Code of Conduct with which the majority of those holding GSS posts will be required to comply.

6. The Act allows for increased sharing of data between ONS and other Departments, subject to agreement by Parliament on a case-by-case basis. At the same time the Act also outlines measures designed to protect the confidentiality of personal information. Anyone guilty of contravening the Act will be liable to a fine, a prison sentence of up to two years, or both.

7. The Board will set up its own web presence distinct from those which cover the ONS and ‘National Statistics’ products more widely. Furthermore, from April 2009, all ONS releases and all of the National Statistics produced by other UK Government Departments will be released through a new website known as the ‘Central Publication Hub’. The aim is to emphasise the separation of statistical releases from
political or policy comment. Both projects will be taken forward under an ONS-managed workstream known as the ‘i-Dissemination’ programme.

8. Secondary legislation will set out new principles and rules governing privileged access to statistics before they are published. Fewer people will be granted access, and the period of access will be shortened to 24 hours for all UK Government National Statistics - in line with the Prime Minister’s recent commitment to Parliament. Pre-release practices across the GSS will have to change accordingly. Each of the devolved administrations will determine their own pre-release access arrangements, to be contained in separate secondary legislation.

9. The ONS and GSS committee systems are likely to be adapted to reflect the new arrangements and help the Board achieve its goal of increasing trust in all official statistics.

10. The Cabinet Office will replace HM Treasury as ONS’s sponsor Department.

And what will remain the same?

(Note: Under some headings, the details may differ for the Devolved Administrations)

1. All ONS staff will retain their status as Civil Servants and enjoy the same terms and conditions as now.

2. ONS will remain bound by all existing corporate targets and commitments covering such matters as efficiency, relocation and modernisation.

3. As the Board’s Chief Executive, Karen Dunnell will continue to have primary responsibility for the management of the Executive Office (ONS) and all ONS employees will continue to be accountable to Karen as their professional and operational ‘boss’.

4. Karen Dunnell will continue to be the Head of the Government Statistical Service (GSS), and the Heads of Profession for statistics in other UK Government departments will continue to be accountable to her for the professional quality of the statistics which they manage.

5. Official statistics will continue to be decentralised with four fifths of GSS statistics produced outside the Executive Office (ONS-as-is). The ONS will continue to be part of a much larger picture.

6. The Devolved Administrations in Northern Ireland, Scotland and Wales
will play a full part in the new arrangements - perhaps introducing their own modifications, and perhaps working to a new Statistics Concordat. It will be important to maintain and enhance inter-administration links.

7. Although independent of ministers, the Statistics Board and its executive office (ONS) will not wish to be isolated from Government. On the contrary, maintaining and enhancing cross-government links will be more important than ever.

8. The Executive Office (ONS) will retain the Registrar General’s current statistical responsibilities and will continue to be responsible for the decennial Census.

9. As with all Government entities, funding for the new organisation will continue to be determined by HM Treasury, even though allocation will move to a five-year cycle outside of the Comprehensive Spending Review process. Parliament will hold the Board to account for the way in which it allocates and controls its resources.

10. ONS will continue to lead the task of developing and supporting the nation’s statistical infrastructure and co-ordinating the work of the GSS, and will continue to be the main producer of key UK-wide statistics, and the pre-eminent survey house in the UK.
ANNEX A - Duties of the Statistics Board

This is a list of the duties of the Statistics Board, broadly in the order they appear in the Act. The Board has a duty to:

- Once a year publish a list of the statistics that are made official statistics by a Minister of the Crown (or the devolved administrations) through secondary legislation.
- Promote and safeguard the quality and comprehensiveness of official statistics, and good practice in relation to official statistics.
- Monitor the production and publication of official statistics.
- Develop, maintain and promote definitions, methodologies, classifications and standards for official statistics.
- Prepare, adopt and publish a Code of Practice for Statistics, after consulting the devolved administrations. Until this is published the Board must maintain the existing Code.
- Assess (and reassess) existing National Statistics and candidate official statistics against the Code, and designate them National Statistics (or otherwise) accordingly, publishing the results of any such assessment.
- Publish a programme of assessment and re-assessment for National Statistics.
- Notify whoever is responsible for an official statistics of the Board’s judgement that that statistic should be a National Statistic, and where the person responsible is a Minister of the Crown, lay a copy of the notification before Parliament.
- Prepare and publish a statement of principles and procedures for assessment, having consulted with the devolved administrations.
- Publish a list of National Statistics, at least once a year.
- Compile and maintain the retail prices index, which is to be published monthly, consulting the Bank of England on any material change to the methodology, and only making changes to the methodology where the Bank does not consider it a fundamental change or with the Chancellor’s consent.
- Once a year lay a report before Parliament and the devolved legislatures (the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly) on its activities.
• Lay any report it produces before at least one of Parliament and the
delegated legislatures and publish that report.

• Exercise its functions efficiently, cost-effectively, and to minimise
burdens on other persons.

• Comply with any directions of the Cabinet Office Minister or where he
consents to a direction from Scottish or Welsh Ministers or the
Department for Finance or Personnel for Northern Ireland to remedy
serious failure by the Board or for the purpose of implementing any
Community obligations.

• Have regard to the advice of the National Statistician on the quality and
comprehensiveness of official statistics and good practice in relation to
official statistics.

• Publish and lay before Parliament a statement giving reasons for rejecting
the advice of the National Statistician on certain specified statistical
matters.

• Have regard to the advice of the Head of Assessment on the exercise of
its assessment functions.

• Seek to secure that employees who take part in the production of
statistics should not be engaged in advising the Board on the
assessment of those statistics.

• Not to disclose personal information unless it has the power to do so
and the confidentiality obligation in the Act does not apply.

• Publish criteria for determining when to grant access to personal
information to researchers.

• Have approved researchers sign a declaration that they understand
confidentiality obligation on them before granting access to personal
information.

• Where information has been provided to the Board through the use of
the powers in the Board to extend data sharing, only to use that
information for the purposes for which it was disclosed.

• Carry out a Census of the population according to the requirements of
census legislation.

• Carry out other duties as found in other legislation as listed in the
Schedule to the Act.
ANNEX B - Discretionary powers of the Statistics Board

The Board has the discretionary power to:

- Report and publish concerns about the quality, comprehensiveness of official statistics and good practice in relation to official statistics,
- Give and publish guidance on definitions, methodologies, classifications and standards for official statistics.
- Revise the Code, the programme of assessment, and the principles and procedures for assessment.
- Take advice from any person in assessing (or reassessing) statistics
- Produce statistics on any matter relating to the United Kingdom (with consent from the devolved administrations on devolved matters) and publish information and give advice on these statistics.
- Provide statistical services to any person.
- Promote and assist statistical research, including providing access to data.
- Do anything necessary or expedient for its functions.
- Publish anything required to be published in the manner that it sees fit.
- Produce a report about any matter relating to its functions.
- Direct the National Statistician how to exercise, or not to exercise, a particular function.
- Establish committees to carry out its functions, or to provide advice.
- Delegate its functions, apart from deciding whether to adopt or revise the Code of Practice and deciding whether official statistics comply with the Code.
- Use information collected for one function for any other function (within some specific limitations)
- Disclose information to a person providing a service to the Board.
- Providing certain registration information (for example relating to births and deaths) to the Secretary of State for Health or the Welsh Ministers to assist them in their functions in relation to the health service.
- Provide information to other public authorities under the terms of any secondary legislation made to extend data sharing through the powers in the statistics legislation.
• Provide services and facilities to the Registrar General, the Boundary Commission, or to enable efficient registration for primary medical services.

• Pay members of the Board and its committees, and its employees, with the approval of the Cabinet Office.

NB. Certain powers are expressed as discretionary in the Act although there is no question that the Statistics Board (or its executive office) will carry them out.

ANNEX C - Functions of the National Statistician

Under the Statistics Act, the National Statistician, like the Chair of the Board, will be appointed by Her Majesty the Queen. The postholder will be a civil servant, an employee of the Statistics Board, and one of the three executive members of the Statistics Board.

The National Statistician is required to carry out the following functions:

• act as the board’s Chief Executive
• establish an ‘executive office’ of the Board.
• advise the Board on the quality, good practice and comprehensiveness of official statistics
• exercise any functions delegated by the Board

In order to maintain public trust in the integrity of the Board’s assessment process, the National Statistician may not take part in the Board’s assessment of official statistics.

Although not mentioned in the Act, the National Statistician will continue to be the Head of the Government Statistical Service (GSS), and with respect to the other Heads of Profession for Statistics in the GSS, will continue to act in the capacity of ‘primus inter pares’ (first amongst equals).
Sir Michael Scholar – Chair of the Statistics Board

Sir Michael Scholar was appointed Chair-designate of the Statistics Board in August 2007 and took up his post in a shadow capacity on 3 September. His appointment and that of the rest of the Board will become formal on 1 April 2008.

Sir Michael, aged 65, has strong links with South Wales, his place of birth and where he currently has a home. Sir Michael also holds an Honorary Fellowship at Cardiff University and was for a time Permanent Secretary to the Welsh Office (1993 -1996). Other highlights of Sir Michael’s distinguished career include Permanent Secretary to the Department of Trade and Industry (1996 - 2001), and Private Secretary in the early 1980s to the, then, Prime Minister, Margaret Thatcher. Sir Michael was awarded a CB in 1991 and a KCB in 1999.

Sir Michael has been President of St John’s College, Oxford University, since 2001 and will remain so. During Oxford term-time Sir Michael will spend Wednesdays of each week at St John’s. As Chair of the Statistics Board Sir Michael will work for three days each week and will have dedicated office space in both London and Newport.

Sir Michael is married with three children. His personal interests include music, opera, ballet, theatre, literature and the arts. Sir Michael plays the organ and piano and holds an Associateship of the Royal College of Organists. He also enjoys long distance walking, cricket, swimming and gardening.
Karen Dunnell - The National Statistician, Chief Executive of the Board, and Head of the Government Statistical Service

Karen began her professional career first as a researcher and subsequently as a lecturer in medical and social studies. She joined the Civil Service and the Office for Population Censuses and Surveys (OPCS) in 1974, and during her time there, helped to lead the OPCS through a period of tremendous technological change, culminating in the merger of the OPCS with the Central Statistical Office (CSO) to form the Office for National Statistics (ONS) in 1996.

At ONS, Karen was first a Divisional Director and subsequently rose to Group Director of the Social Directorate. Prior to being appointed as the National Statistician in 2005, Karen was the Executive Director with responsibility for Surveys and Administrative Sources, including the Statistical Modernisation Programme.

Besides her work at ONS, Karen has published widely on statistical topics, including three books on health and demographics. She is active in professional as well as academic life. She is a Fellow of the Royal Statistical Society and has been chair of the Society for Social Medicine, visiting professor at the London School of Hygiene and research associate at the London School of Economics.

The seven Non-Executive members of the Statistics Board are:

Partha Dasgupta, currently Chief Executive of the Pension Protection Fund and a former Managing Director at Barclays Global Investors.

Moira Gibb CBE, Chief Executive Officer of Camden Borough Council with a distinguished career in local government.

Sir Alan Langlands FRSE, Principal and Vice-Chancellor of the University of Dundee. He was Chief Executive of the National Health Service in England 1994-2000.

Professor Stephen Nickell CBE FBA, Warden of Nuffield College, Oxford. He was a member of the Bank of England’s Monetary Policy Committee from June 2000 to May 2006.

Professor David Rhind CBE FRS FBA, Chairman of the Statistics Commission and was Vice-Chancellor and Principal of the City University in London until July 2007. He is a non-executive director of the Bank of England’s Court of Directors, and until 1998 was Director-General of the Ordnance Survey.
Lord Rowe-Beddoe, Chairman of the Wales Millennium Centre and a former Chairman of the Welsh Development Agency, with a distinguished international business career.

Professor Adrian Smith FRS, Principal of Queen Mary, London, and a former President of the Royal Statistical Society.

Deputy Chair posts:

Lord Rowe-Beddoe will occupy the Deputy Chair post with responsibility for the governance of the Office for National Statistics.

Professor Adrian Smith will occupy the Deputy Chair post with responsibility for promoting and safeguarding the production and publication of all official statistics across the UK.
UK Statistics Authority Members

Sir Michael Scholar
(Chair)

Lord Rowe-Beddoe of Kilgetty
(Deputy Chair)

Professor Adrian Smith FRS
(Deputy Chair)

Sir Alan Langlands FRSE

Karen Dunnell
(Chief Executive & National Statistician)

Professor Steve Nickell FBA

Moira Gibb CBE

Professor David Rhind CBE FRS FBA

Partha Dasgupta