

Memorandum to the
Public Administration
Select Committee
Post-legislative scrutiny
of the Statistics and
Registration Service
Act 2007



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Post-legislative scrutiny of the Statistics and Registration Service Act 2007

Presented to Parliament by
the Minister of State for the Cabinet Office and Paymaster General
by Command of Her Majesty
November 2011

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Executive Summary

In accordance with the government policy of reviewing primary legislation within three to five years of receiving Royal Assent, the Cabinet Office has carried out the post-legislative scrutiny of the Statistics and Registration Service Act 2007 to determine how far it has achieved its original aims and objectives. This Memorandum to the Public Administration Select Committee sets out the findings.

The Statistics and Registration Service Act 2007 received Royal Assent on 26 July 2007 and introduced substantial reforms to the official statistical system across the whole of the UK. It built upon earlier reforms and set the system in statute for the first time. Most of its provisions came into force on 1 April 2008. This included the creation of the UK Statistics Authority (the Statistics Board in the Act),¹ independent of Ministers, with responsibility for the statistics produced by the Office for National Statistics² and for ensuring the quality and comprehensiveness of all official statistics.

The major stakeholders were consulted on the effectiveness of the Act. Overall, they feel the Act is meeting its original aims and objectives. The new system has strengthened independence. Official statistics are considered to have greater integrity than under the previous system and there is greater clarity of roles and responsibilities. The system is considered to be more transparent.

The system is also considered to be less flexible than its predecessor and there have been costs

associated with it. The overall cost to date is likely to be slightly upwards of £12.1 million. This includes an estimated £4 million for the Publication Hub and just over £5 million for running the UK Statistics Authority. Costs associated with the Bill team, Cabinet Office officials and lawyers involved in drafting are also included but not Parliament's time as data are not readily available. Annex A provides further details.

There are some areas where stakeholders and users feel that further reforms could strengthen the aims of the Act. These include:

- considering the case for widening the data sharing powers in the Act, so that more organisations can share data for statistical purposes, including between government departments, and whether this can be done without the need for secondary legislation while continuing to provide complete protection of personal data;
- managing and where possible minimising the costs incurred by the producers of official statistics in complying with the Code of Practice, including as part of the assessment process, and ensuring that the code does not hinder meeting the requirements for new official statistics;
- whether more needs to be done to distinguish statistics that are official from those that are not to address the potential confusion in the two-tier system of National Statistics and other official statistics;

1 For more information on the UK Statistics Authority, see www.statisticsauthority.gov.uk

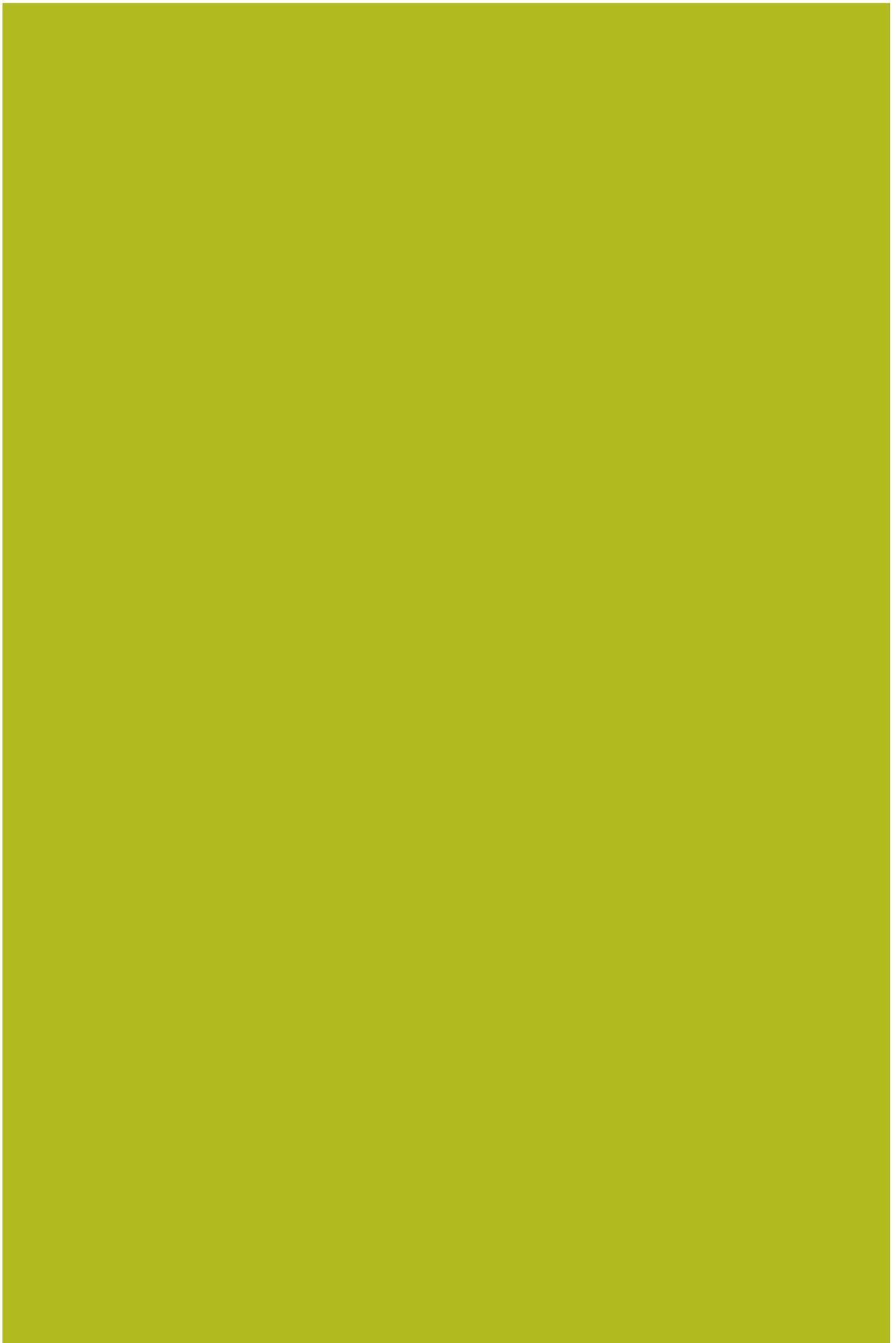
2 For more information on the Office for National Statistics, see www.ons.gov.uk

- whether more needs to be done to strengthen the internal separation between the producer and regulator roles of the Authority; and
- how to further raise the profile of the Authority among the wider public so that all users can have greater confidence in official statistics.

The responsibilities of the new Chair to the Authority include advising Parliament on how the reforms have worked in practice and supporting the implementation of any further changes to the system.

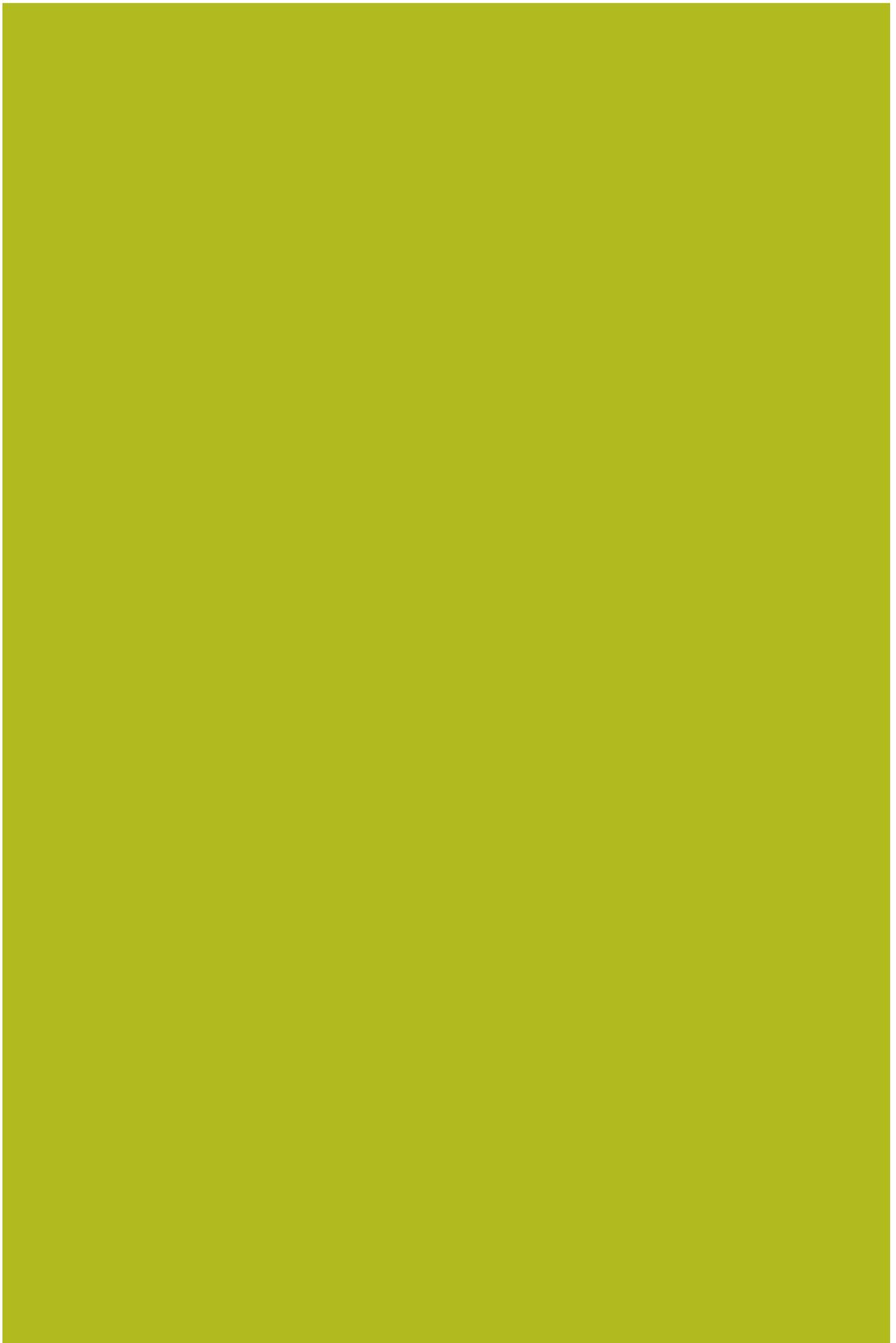
Some respondents felt that the legislation should have recognised the Government Statistical Service and Heads of Profession for Statistics within government departments. Others felt the Act had successfully promoted the independence of official statistics within departments and raised the profile of the Heads of Profession. The National Statistician has issued guidance on the roles and responsibilities of Heads of Profession. A primary responsibility is to safeguard the professional integrity of the National Statistics and other official statistics produced by their department and associated bodies.

The Authority and others said that the role of the Authority should be strengthened so that it is consulted on decisions about statistical priorities, work programmes and staffing across departments.



Introduction

1. This Memorandum provides a preliminary assessment of the Statistics and Registration Service Act 2007 (Chapter 18), which received Royal Assent on 26 July 2007, and has been prepared by the Cabinet Office for the Public Administration Select Committee. It is published as part of the process set out by the previous Government in *Post-legislative Scrutiny – The Government's Approach* (Cm 7320). The purpose of this scrutiny is to assess how far primary legislation has achieved its original aims and objectives within three to five years of coming into force. This Government has confirmed its intention to continue with this approach.
2. Statistics make a crucial contribution to good government in a modern democracy. They assist in the formulation and evaluation of policy; in the management of the services for which the Government is responsible; in encouraging and informing debate; and in allowing people to judge whether the Government is delivering on its promises. High-quality statistics are also an important resource for business, academia and the wider community. Statistics must therefore be, and be seen to be, of the highest professional quality and integrity.
3. Historically, the statistical system in the UK has been decentralised. The Office for National Statistics (ONS) has been the central producer of statistics but government departments and agencies have always produced a significant amount of statistics. Official statistical work covers a wide range of tasks including the collection, analysis and publication of statistics, statistical support for departmental and agency functions, and policy-related work for Ministers, and providing data on all areas of national life.
4. Prior to the Act, the ONS was an Executive Agency accountable to the Chancellor of the Exchequer. It was headed by the National Statistician who was concurrently the Registrar General for England and Wales. The General Register Office, which administers the system for the registration of births, deaths, marriages and civil partnerships in England and Wales, was part of the ONS. The ONS was also responsible for the creation and maintenance of the National Health Service Central Register for England and Wales.
5. Despite the operational independence of the ONS and the professionalism of statisticians across government, perceptions implied a deep scepticism of the statistical system with only one in six people surveyed in 2004 agreeing that 'official statistics are produced without political interference'.



Summary of the reforms brought about by the Act

6. The Statistics and Registration Service Act 2007 introduced substantial reforms to the statistical system and for the first time set the statistical system in statute. The Act's provisions were brought into force through two Commencement Orders, in November 2007 and March 2008.

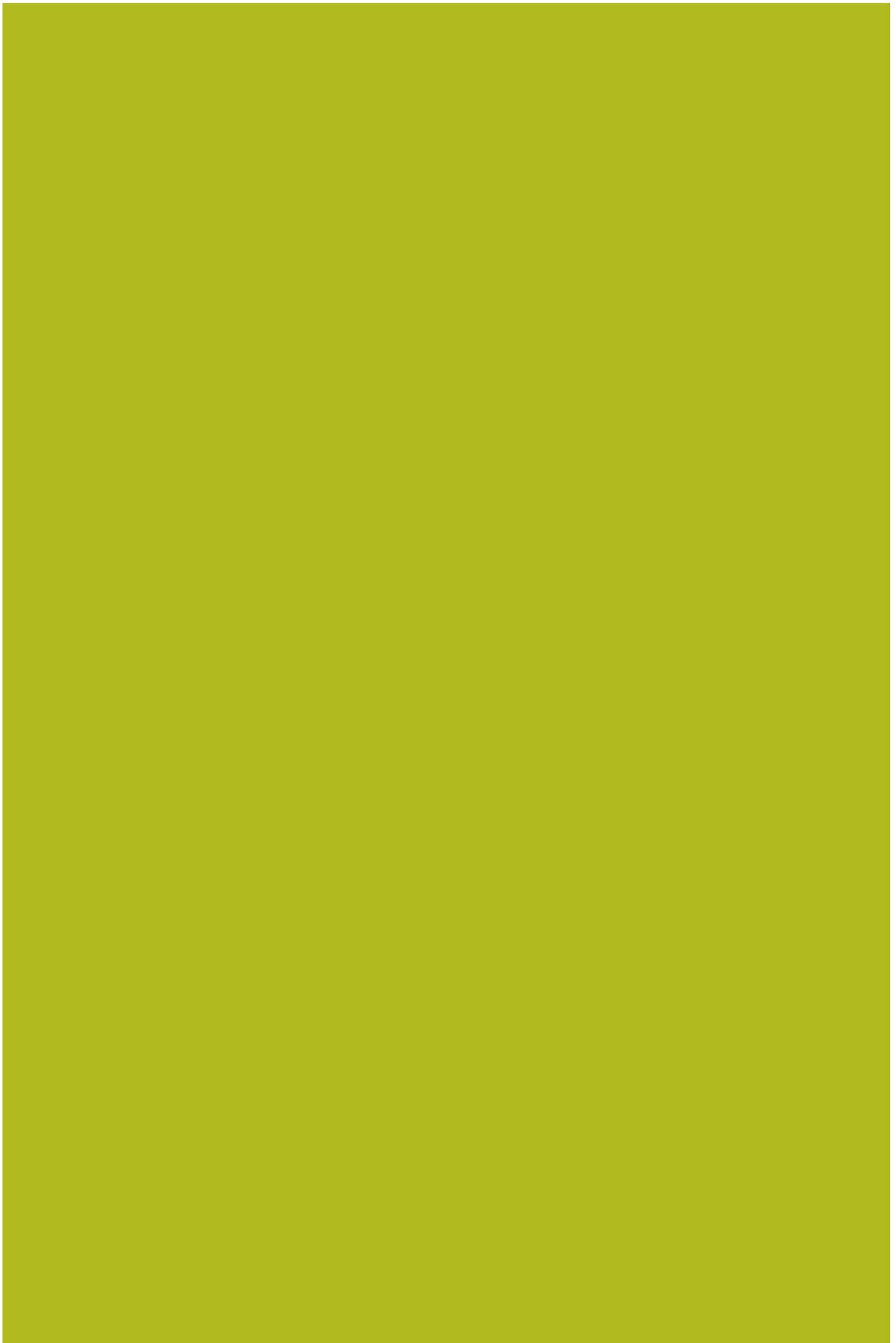
7. The previous Government's reforming and strengthening of the statistical system was guided by the following principles:

- statistics should be of high quality, that is, produced to the highest professional standards and fit for purpose;
 - statistics should have high integrity, that is, be free from political interference;
 - roles and responsibilities should be clearly defined, and mechanisms should be in place to hold the system to account;
 - the laws, regulations, codes and practices under which the system operates should be transparent;
 - the system should have the flexibility to respond to changing needs, without harming the trust of users; and
 - the system should carry out its functions in the most efficient way possible, ensuring value for money, and seeking to minimise the burden on business.
8. Following public consultation on policy options in 2006, the Government introduced primary legislation that enabled:
- the creation of a new independent non-ministerial department (the Statistics Board in legislation), constituted by a majority of external, non-executive, members selected through open competition, with a statutory responsibility for ensuring the quality and comprehensiveness of official statistics;
 - the Board to monitor and report on areas of concern about the quality and comprehensiveness of all official statistics;
 - the Board to prepare, adopt and publish professional standards in a Code of Practice;
 - the Board to assess, for approval as National Statistics, existing National Statistics against the code. The Board will also – at the request of the Minister responsible – assess additional official statistics for approval as National Statistics;
 - the National Statistician to run the ONS, reporting directly to the Board rather than to Ministers. The National Statistician will be a member of the Board, act as its chief professional adviser, and will continue as Head of the Government Statistical Service;
 - the continuation of existing data sharing arrangements between the constituent parts of the ONS and between the ONS and other government departments;

- provision for regulations allowing for an extension of the arrangements for data access to or from the Board for statistical purposes, along with confidentiality provisions that impose criminal sanctions for the unauthorised sharing of information about businesses or individuals which is held by the Board;
- a UK-wide system, covering Scotland, Wales, Northern Ireland and England;
- the winding up of the Statistics Commission, whose responsibilities will be subsumed within the Board; and
- the establishment of proper employment status and rights for registration officers (as local authority employees) in England and Wales.

9. The Act left unchanged some aspects of the statistical system, including:

- the Government Statistical Service, a professional grouping of civil servants who collect, analyse and disseminate statistics, working in the Board, government departments and agencies and the devolved administrations; and
- the existence of departmental Heads of Profession for Statistics within government departments or agencies that produce official statistics.



Post-legislative scrutiny of the Act

Overview of implementation

10. The Statistics and Registration Service Act 2007 contains 76 sections and 4 Schedules. The majority of the powers in the Act have been used and a broad assessment is provided on how the provisions in each section have been brought into operation.

11. The provision in section 29 (which gives Ministers powers to direct the Statistics Board in exceptional circumstances) has not been used. Nor have some of the provisions in sections 48, 49, 51, 52 and 53 which through regulations enable the sharing of data for statistical purposes between the UK Statistics Authority and other public bodies, and vice versa.

12. **Sections 1–5.** The Chair of the Board was appointed as Chair designate from 1 September 2007 until 31 August 2011. Following the appointment of the Chair in 2007, seven non-executive directors were appointed and in post from 1 April 2008 when the Board formally assumed its responsibilities. Two of the non-executives are also deputy Chairs. There are two executive posts required by the Act: the Head of Assessment (appointed in May 2008) and the National Statistician (already in post when the Board was established and who became its chief executive).

13. The Board decided to operate under the name of the UK Statistics Authority rather than the Statistics Board and is referred to as such throughout the rest of this document. When the current National Statistician was appointed in September 2009, responsibility for the day-to-day management of the ONS transferred to a new

Director General appointed in November 2009. The Director General reports to the National Statistician, and to the Authority through the ONS Board.

14. **Section 6.** The UK Parliament has approved three Orders covering those bodies not automatically covered by the Act as producers of official statistics. The Cabinet Office coordinated work on behalf of departments so that each department did not need to lay separate Orders. The Scottish Parliament has approved its own Order that covers non-Crown Scottish bodies that produce wholly devolved Scottish statistics.

15. **Section 7.** The Authority has extensively pursued its objective of promoting and safeguarding the production and publication of official statistics that serve the public good.

16. **Sections 8–10.** The Chair of the Authority has written to Ministers and others where the Authority believes there has been a breach in good statistical practice as identified in legislation or the Code of Practice. Correspondence is published on the Authority's website, together with responses. The Authority has also carried out investigations on a number of statistical issues and published the findings on its website.

17. The most prominent intervention by the Authority took place in December 2008, when the Home Office published a fact sheet showing the impact of its Tackling Knives Action Programme, which showed a 27% drop in admissions to hospitals due to stabbing. The NHS Information Centre provided the figure to the Home Office to help assess the impact of its programme but did not want it to be published as it was provisional

and unvalidated. The Authority intervened and concluded that the information should not have been published. The then Home Secretary apologised in Parliament for how the Home Office had used and published the data.

18. The Cabinet Office fully investigated the incident. This identified an inconsistency between departments over the status and use of administrative and management information with respect to the then Code of Practice. In response, the Cabinet Secretary issued guidance on dealing with statistics in accordance with the Code of Practice to all officials, including private offices, press offices and special advisers. The National Statistician had established a working party before the incident to look at how to deal with publishing information from administrative records in response to requests for information. The work concluded in the National Statistician's issuing guidance, which took into account the issues that emerged during the knife crime investigation.

19. The National Statistician has issued definitions and guidance to assist producers and users of official statistics. The Authority published its *Code of Practice for Official Statistics* in January 2009,³ following a 12-week public consultation which included the devolved administrations as required under the Act. Until the code was published by the Authority, the previous code, which was non-statutory and maintained by the National Statistician, continued to apply during the interim period.

20. **Section 11.** The Pre-release Access to Official Statistics Order 2008 came into force on 1 December 2008⁴ following a 12-week

public consultation. This reduced the length of time that Ministers and officials could see official statistics, that are not wholly devolved, in their final form ahead of publication from up to five days to a maximum of 24 hours. The Cabinet Office reviewed the new arrangements 12 months after they had come into force and published a report on the findings in October 2010.⁵ After considering the issue carefully, the Government decided to continue with the existing practice of 24 hours.

21. The devolved administrations have their own Orders on pre-release, as required under the Act, which set the rules and principles on pre-release access to official statistics that are wholly devolved.⁶ The maximum time allowed for pre-release access in Northern Ireland is 24 hours, whereas in Scotland and Wales up to five days' pre-release access may be granted. These arrangements were also subject to review one year after they had come into force. Scotland published its review in May 2010⁷ and the Scottish Parliament agreed with the review's conclusions that the current procedures worked well in practice and would be continued. The arrangements in Northern Ireland have been reviewed and published.⁸ It was decided that the existing arrangements would continue. The Authority reviewed the new arrangements in England and the devolved administrations and published its report in March 2010.⁹

22. **Sections 12–19.** These sections deal with the assessment of official statistics by the Authority to assess compliance with the Code of Practice. The Head of Assessment published (on the Authority's website) a programme for assessing those statistics that were designated as National Statistics at the

3 www.statisticsauthority.gov.uk/assessment/code-of-practice/index.html

4 www.opsi.gov.uk/si/si200829

5 www.cabinetoffice.gov.uk/sites/default/files/resources/pre-release-stats.pdf

6 www.opsi.gov.uk/legislation/scotland/ssi2008/pdf/ssi_20080399_en.pdf; www.opsi.gov.uk/sr/sr2009/pdf/nisr_20090071_en.pdf; www.opsi.gov.uk/legislation/wales/wsi2009/wsi_20092818_en_1

7 www.scotland.gov.uk/Resource/Doc/933/0101392.doc

8 www.nisra.gov.uk/aboutus/FINAL%20REPORT%20on%20PRE-RELEASE%20ORDER%20REVIEW.pdf

9 www.statisticsauthority.gov.uk/reports---correspondence/reports/pre--release-access-to-official-statistics--a-review-of-the-statutory-arrangements.pdf

time Act came into force. Section 17(1) of the Act requires the Authority to prepare and publish a statement¹⁰ of: '(a) the principles to which it will have regard, and (b) the procedures which it will adopt' when carrying out its functions of assessment and re-assessment of statistics against the Code of Practice.

23. The Authority publishes the findings of each assessment on its website and has so far published over 140 reports covering around 580 of the 1,059 National Statistics. The level of compliance with the code has been varied. In all assessments some improvement has been required to the production or publication process to retain the National Statistics status and departments have looked to address the recommendations within the assessment reports. The Authority has so far removed National Statistics designation in its assessment of two sets of statistics. Assessment Report 67, on Scottish Child Protection Statistics, judged that some of the statistics – in particular, the number of child protection referrals – were not appropriate for their intended use. Because it was unlikely that the issues would be addressed within a reasonable length of time, the Authority removed the National Statistics status for those statistics. The other statistics in Report 67 retained their status. Assessment Report 95, on Construction Price and Cost Indices, judged that substantial further work was required by the Department for Business, Innovation and Skills for the statistics to be fully compliant with the code.

24. **Sections 20–24.** These sections set out the Authority's responsibility in relation to the production of statistics, including the monthly retail prices index, and carrying out additional statistical functions, which are carried out by the ONS.

25. **Section 25.** The Authority carried out a census in England and Wales on 27 March 2011 and has taken up the other responsibilities as stated in this section.

26. **Sections 26–28.** The Authority has produced and published three annual reports since it was established (2008/09, 2009/10 and 2010/11).

27. **Sections 30–37.** The executive office referred to in section 32 of the Act, established from 1 April 2008, was given the name Office for National Statistics, the same name as its predecessor (see section 55), for practical reasons. Two committees have been established by the Authority to exercise its two functions. Each is chaired by one of the deputy Chairs. One committee is responsible for the running of the ONS and the other is responsible for the official statistics system. Users have welcomed the committees as they demonstrate the separation of the Authority's role as a producer from its role as the regulator of official statistics, which include those it produces through the ONS.

28. **Sections 38–41.** Section 39 prohibits the Authority from releasing personal information it holds. Unlawful release of such information carries a maximum two-year prison sentence and/or a fine. Subsection 4 provides for some exceptional circumstances when personal information can be released by the Authority.

29. **Sections 42–54.** These sections make provision for the sharing of personal data for statistical purposes. Sections 42–46 make provision for data sharing arrangements between ONS and other organisations that were already in place at the time of the Bill. Currently the Health and Social Care Bill seeks to amend section 42 to reflect the proposed changes to the health and care structure within England and Wales as set out in that Bill.

30. Sections 47–53 in the Act provide new powers that, through affirmative regulations, enable the sharing of personal data between the Authority and other public bodies for statistical purposes, where the disclosure is prohibited by a rule of law or an Act passed before the Statistics and Registration Service Act 2007. These powers, therefore, cannot be used to access data that have been collected through an Act passed after the Statistics and Registration Service Act 2007 (excluding the Data Protection Act 1998 and the Human Rights Act 1998 as stated in section 54). This has not caused any difficulties to date. Sections 47–49 enable a public authority to share

¹⁰ www.statisticsauthority.gov.uk/assessment/assessment/guidance-about-assessment/extract-from-code-of-practice.html

personal data with the Authority and sections 51–53 enable the Authority to share personal data with a public authority in England, Wales, Scotland and Northern Ireland. Section 50 relates to the Authority being able to use personal information it receives from a public authority.

31. Using the powers in section 47, regulations¹¹ were made in February 2009 which enable the Authority to access personal data from the School Census collected and held by the Department for Education. Further regulations¹² were made in November 2009 which enable the Authority to access data on students collected by the Higher Education Funding Council for England and the Higher Education Funding Council for Wales. Access to these datasets will help improve the annual population estimates as part of the Improving Migration and Population Statistics Programme led by the National Statistician. There are further regulations in various stages of development, two of which have been laid before Parliament and will be debated in both Houses in November.

32. These regulations enable the Authority to access personal data which it otherwise could not access, leading to improvements in the quality of the ONS population estimates. It took eight months from starting the work for ONS to finally access the pupil data and around ten months to access the student information. The legislation permits the making of regulations when the data cannot be shared due to legal or other barriers, are required by the Authority to carry out its functions and are in the public interest.

33. The current legislation makes it difficult for ONS to assess whether a potential dataset, that it cannot access through other means, may be useful for statistical purposes. This is because regulations will be required for that assessment, which may show that the data are not suitable.

34. **Sections 55–64.** Section 55 brought an end to the former ONS on 1 April 2008. The executive office of the Authority (made possible

by section 25) is known as the ONS and was given the same name for practical reasons. The other sections enabled property, rights and liabilities to be transferred to the new Authority, also on 1 April 2008, apart from the property, rights and liabilities that transferred to the Registrar General or Minister on behalf of the Registrar General.

35. **Sections 65–67.** Section 65 sets out the procedure for secondary legislation arising from the Act. Section 66 sets out what is meant by devolved statistics and section 67 provides a general interpretation of terms used in Part 1 of the Act.

36. **Sections 68–72.** These sections deal with the responsibilities of the Registrar General for England and Wales and make minor amendments to the Registration Service Act 1953. The responsibility for the registration of births, deaths and marriages, and more generally the functions of the General Register Office, have moved from ONS to the Identity and Passport Service within the Home Office.

37. Sections 69–72 are about the employment status of registrars, superintendent registrars and deputies who, prior to the Act, were independent statutory post holders but who are now employees of the relevant local authority. Implementation of the changes to employment status was managed jointly by the General Register Office, the Local Government Employers Organisation, Unison and the Society of Registration Officers. This comprised the issue of guidance to local authority chief executives, circulars from the deputy Registrar General to registrars, and jointly delivered regional seminars to registration managers.

38. **Sections 73–76.** These are general sections, including the territorial extent of the Act (in general the whole of the UK, although Part 2 does not extend to Scotland and Northern Ireland) and how the provisions in the Act will be brought into force.

11 www.legislation.gov.uk/uksi/2009/277/contents/made

12 www.legislation.gov.uk/uksi/2009/3201/contents/made

39. **Schedules.** There are four Schedules to the Act which deal with transferring responsibilities from various organisations to the Authority and amending and repealing parts of other primary legislation.

Overview of secondary legislation and guidance documents

40. Table 1 provides a brief description of the delegated legislation that has arisen from the Act. The National Statistician has also issued a range of guidance to help the Government Statistical Service and other producers of official statistics in implementing the Code of Practice.¹³

Table 1: Secondary legislation arising from the Act

Name of secondary legislation	Date legislation came into force	Enabling part of the Act	Responsible Minister	Purpose of legislation
The Statistics and Registration Service Act 2007 (Delegation of Functions) (Economic Statistics) Order 2008	21 March 2008	Section 24(1) and (4)	Chancellor of the Exchequer	Delegates certain functions of the Chancellor to the UK Statistics Authority
The Official Statistics Order 2008	1 April 2008	Section 6(1)(b) and (2)	Minister for the Cabinet Office	Identifies those bodies that are producers of official statistics that are not wholly devolved statistics or that are not producers by virtue of section 6(1)(a) of the Act
The Official Statistics Order 2009	1 April 2009	Section 6(1)(b) and (2)	Minister for the Cabinet Office	
The Official Statistics Order 2010	3 December 2010	Section 6(1)(b) and (2)	Minister for the Cabinet Office	
The Official Statistics (Scotland) Order 2008	19 March 2008	Section 6(1)(b)(ii) and (2)	Scottish Ministers	
The Official Statistics (Scotland) Amendment Order 2010	14 December 2010	Section 6(1)(b) and (2)	Scottish Ministers	

¹³ A range of the guidance can be found at: www.statisticsauthority.gov.uk/national-statistician/ns-reports--reviews-and-guidance/national-statistician-s-guidance/index.html

Table 1: Secondary legislation arising from the Act (continued)

Name of secondary legislation	Date legislation came into force	Enabling part of the Act	Responsible Minister	Purpose of legislation
The Pre-release Access to Official Statistics Order 2008	1 December 2008	Section 11(2), (4), (5) and (6)	Minister for the Cabinet Office	These Orders relate to the rules and principles of the granting of pre-release access to official statistics in their final form ahead of publication. The rules vary across the four countries. The UK and NI Orders allow a maximum of 24 hours whereas Wales and Scotland allow a maximum of five days. The non-UK Orders deal with official statistics that are wholly devolved
The Pre-release Access to Official Statistics (Scotland) Order 2008	1 December 2008	Section 11(2), (4) and (5)	Scottish Ministers	
The Pre-release Access to Official Statistics (Wales) Order 2009	21 October 2009	Section 11(2), (4), (5) and (6)	Welsh Ministers	
The Pre-release Access to Official Statistics (Northern Ireland) Order 2009	31 March 2009	Section 11(2), (4), (5) and (6)	Department of Finance and Personnel for Northern Ireland	
The Statistics and Registration Service Act 2007 (Disclosure of Pupil Information) (England) Regulations 2009	11 February 2009	Section 47 (8)(c)	Minister for the Cabinet Office	Enables the Department for Education to share personal data from the Schools Census in England with the UK Statistics Authority for the purpose of improving population statistics
The Statistics and Registration Service Act 2007 (Disclosure of Higher Education Student Information) Regulations 2009	25 November 2009	Section 47(1) (b), (6)(b) and (7)(b)	Minister for the Cabinet Office	Enables the Higher Education Funding Councils in England and Wales to share personal information on students, collected as part of the registration process, with the UK Statistics Authority to improve population statistics

Table 1: Secondary legislation arising from the Act (continued)

Name of secondary legislation	Date legislation came into force	Enabling part of the Act	Responsible Minister	Purpose of legislation
The Statistics and Registration Service Act 2007 (Disclosure of Pupil Information by Welsh Ministers) Draft Regulations 2011	Will be debated in Parliament in November	Section 47	Minister for the Cabinet Office	Will enable the Department for Education to share personal data from the Schools Census in Wales with the UK Statistics Authority for the purpose of improving population statistics
The Statistics and Registration Service Act 2007 (Disclosure of Value Added Tax Information) Draft Regulations 2011	Will be debated in Parliament in November	Section 47	Minister for the Cabinet Office	Will enable HM Revenue and Customs to share VAT data from businesses for the purposes of improving economic statistics and reducing burden on businesses as ONS no longer needs to collect the data directly from business

Legal issues

41. The Cabinet Office consulted Parliamentary Counsel who is not aware of any drafting or legal issues that caused public concern during the drafting of the Bill. Since the Act came into effect, the Cabinet Office is aware that section 6, which defines official statistics, has raised some issues, as discussed in paragraph 54.

Other review

42. No other reviews of the Act have been carried out by government.

43. There has been considerable scrutiny of official statistics by the UK Parliament. The Public Administration Select Committee has carried out a number of inquiries into official statistics (e.g. two general inquiries into official statistics; an inquiry into workforce and migration statistics;

two inquiries into the 2011 census and an inquiry into the knife crime issue). Other inquiries have been carried out by MPs and the House of Lords (e.g. the debate on official statistics in the House of Lords on 1 June 2009 and the adjournment debate in the House of Commons on 21 December 2010 that covered questions on the 2011 census). The Committee took evidence from the current Chair, the National Statistician and the Head of Assessment on 10 May 2011.

Preliminary assessment of the Act

44. The reforms in the Act were guided by six underlying principles as mentioned previously. To help determine how far these principles are being met by the statistical system established by the Act, the views of users and producers of official statistics were sought. A proforma (Annex B) was sent to key stakeholders to obtain their views.

45. Responses were received from 29 organisations (Annex D), including government departments, the devolved administrations and external users of official statistics. Within departments both producers and users were consulted. Table 2 shows the extent to which, overall, respondents think that the six principles are being met by the current system.

Table 2: Extent to which the principles of the Act are being met (%)

Principle	Not met or slightly met	Partially met	Nearly fully or fully met	Total
Statistics should be of high quality	0	6	94	100
Statistics should have high integrity	0	3	97	100
Roles and responsibilities should be clearly defined	6	8	86	100
System should be transparent	3	19	78	100
System should be flexible to changing needs	14	56	31	100
System should be efficient, representing value for money	6	31	63	100
Simple overall average	5	20	75	100

46. Overall, three-quarters of respondents felt that the six principles are nearly fully met or fully met by the system established by the Act, although there is variation across the principles. Nearly all respondents said that the statistics produced are of high quality and have high integrity. Most concern was expressed about the flexibility of the current system to meet changing needs, where only 31% of respondents thought this principle was nearly fully met or fully met by the current system.

47. Table 3 shows the extent to which respondents thought the principles are being more closely followed now when compared with the previous system. Overall, around 60% of respondents agreed that the current system is fulfilling the principles more than the previous system. It should be noted that for some principles, especially quality, respondents said that under the previous system these were already being followed to a high degree and therefore disagreed with the statement.

Table 3: Whether the principles of the Act are being followed more closely in the current system compared with the previous system (%)

Principles	Agree	Disagree	Total
Statistics are produced to a higher quality	56	44	100
Statistics are produced with greater integrity	69	31	100
Roles and responsibilities are more clearly defined	73	27	100
System is more transparent	90	10	100
System is more flexible to changing needs	32	68	100
System is more efficient, representing greater value for money	36	64	100
Simple overall average	61	39	100

48. Over two-thirds agreed that statistics produced under the new system had greater integrity than those produced under the previous system. This is likely to be due to roles and responsibilities being more clearly defined now (73%) and the system being more transparent (90%). Just over half agreed that statistics produced under the current system are of higher quality now than previously. Around two-thirds disagreed that the current system is more flexible or represented greater value for money than the previous system. This was reflected in comments provided alongside the responses on the proforma.

49. Compliance with the Code of Practice is mandatory for National Statistics whereas for other official statistics compliance is considered good practice. Some respondents felt that this created a two-tiered system which can confuse users, particularly those not familiar with the statistical system.

50. Some respondents felt that the new system is not particularly flexible as the code places a requirement on producers to fully consult all users before making any changes to statistical outputs. This can result in a long lead-in time to making changes.

51. Nearly two-thirds felt that the new system did not represent value for money compared with the previous system, mainly because producers felt the assessment of National Statistics was resource intensive. Some also felt that the assessment process focused on where the existing statistical process was not complying with the code and did not sufficiently recognise existing good practice. Some respondents felt that the assessment programme lacked traction because even when an assessment identified statistics that required improvement, their status as National Statistics remained unchanged. Although it was recognised that, in general, assessments have helped to improve quality and particularly integrity, some felt they should be lighter touch in nature and less resource intensive.

52. Respondents were also asked for their views on a range of issues which had been raised by stakeholders. A summary of the responses is presented in Table 4.

Table 4: Views on specific issues identified by the Cabinet Office (%)

Statement	Agree	Disagree	Total
There is a conflict in the UK Statistics Authority regulating the official statistics it produces	32	68	100
The Act should have clearly identified what is and what is not an official statistic	58	42	100
Ministers are now less able to be accountable to Parliament, due to the Code of Practice placing restrictions on them being able to access and use the latest data	6	94	100
The Code of Practice impedes the timely release of government information in a world where the expectation is that data flow freely in real time, 24/7	17	83	100

53. While a third of respondents felt that there was a conflict in the Authority regulating the statistics it produces (through the ONS), the majority felt that the apparent conflict between the producer and regulator role was being effectively managed by the separate subcommittees for each of these functions. Some commented that the Authority had clearly demonstrated its regulator role in the way it dealt with the knife crime issue in December 2008 and January 2009. Despite this, a few respondents felt that the Authority needed to do more to raise its public profile.

54. Although official statistics are defined in section 6 of the Act, nearly 60% agreed with the statement that the Act should have clearly identified which statistics are official statistics. The Act identified the producers of official statistics, rather than which statistics are official, which has led to some confusion. However, 40% felt that it was not possible, or appropriate, to do this in the legislation as it needs to be determined on a case-by-case basis. The National Statistician has issued guidance in association with the Chief Social Researcher to help identify which information produced by government should be classified as official statistics.

55. A few respondents said that there was potential tension between releasing management information into the public domain as quickly as possible as part of the UK Government's

transparency agenda and releasing information as official statistics when the Code of Practice should be followed. The National Statistician has issued supplementary guidance to help producers release management information while not compromising official statistics and the Code of Practice.

56. The proforma invited comments on other aspects of the statistical system. The following provides a summary of the areas of most common interest.

57. A considerable number of comments were received on the data sharing powers made available through the Act. The powers were particularly welcomed and have been used to improve statistics, but a number of respondents also said that these could go further. They wanted the powers to be extended to allow government departments to share data with other departments for statistical purposes. This was not permitted under the legislation. Furthermore, some respondents also commented that the need for affirmative regulations, which are required to enable the sharing of personal data, was bureaucratic and time consuming. Respondents would welcome more freedom for sharing data across the whole of the UK statistical system.

58. A few respondents said the Act should have formally recognised the role of the Government Statistical Service and the Heads of Profession for Statistics within government departments. Others

felt, however, that the system had sufficiently raised the profile of Heads of Profession within departments and the importance of complying with the Code of Practice so no further changes were required. For the first time the Ministerial Code, published in 2010, set out the responsibility for Ministers to comply with the Act and the relevant pre-release Order.

59. There was some concern expressed by one major user about the quality of the economic statistics produced by the ONS – in particular, the need to improve the National Accounts – although there was praise for how the ONS managed the move of National Accounts from London to Newport. One respondent said that the ONS should draw more upon the expertise of the private sector in helping to deliver its outputs and services. They also said the Authority should be more involved in determining how the ONS delivers its services.

60. A number of respondents commented on the pre-release arrangements in England and Northern Ireland. On the whole, producers were against further reducing the 24-hour limit. They felt that it would leave Ministers less accountable to the public. Some also commented that going from up to five days to 24 hours had made it difficult to provide the full briefing required by press and private offices. However, some producers believed the reduction had helped to improve public trust. A number of users called for pre-release access to be abolished, as any amount of time has the potential to reduce trust, and that it should be the Authority which determines the rules in all four countries. These views were very similar to those collected as part of the one-year review, which informed the Government's decision to continue with the existing arrangements.

61. Finally, a few respondents called for a full evaluation of the Act to determine whether it was fulfilling its objectives and whether it represented value for money considering the extra burdens it has placed on producers of official statistics.

However, others did not think that this was necessary as the Act was meeting its objectives and to some extent the system was still evolving.

62. To inform the post-legislative scrutiny, the Cabinet Office obtained views from a range of known informed users but not from the general public. In 2009, the UK Statistics Authority carried out research to assess the current level of public trust in official statistics and produced analysis of how this had changed over time. The Cabinet Office has drawn upon this substantial evidence rather than commission new work.

63. The research carried out by the Authority was based on questions asked in a household survey and interviews with 60 opinion formers from a range of backgrounds. The Authority published the results of this work, *Strengthening User Engagement*, in June 2010.¹⁴

64. The research showed that at that time the trust in official statistics among the general public does not appear to have improved since the Authority's creation. Among informed users, however, official statistics are viewed positively. Despite the Act strengthening the independence of official statistics, public trust seems to be closely associated with trust in government. The research showed that knowledge of the Authority and its relationship with the ONS was limited, even among informed users. Some felt the Authority needed to be more visibly separate from the ONS. A further summary of the findings in the report can be found in Annex E.

65. The evidence suggests that it is important that the Authority continues to strengthen understanding of its role among a wide range of users and the wider public. This will help ensure that all users can have confidence in all official statistics not just those produced by the ONS. It should be noted, however, that the Authority had only been in operation for around 18 months when it carried out the research in 2009.



Annex A: Costs associated with the Statistics and Registration Service Act 2007

1. It is estimated that the costs associated with the Act and related secondary legislation are slightly above £12.1 million. This estimate excludes some costs but is probably sufficient to provide an indication of the total cost. It has been calculated to provide some context to the benefits that were identified by respondents as part of the post-legislative scrutiny. How this estimate has been arrived at is explained below.
2. Robust data are available on the costs of the Bill team, the legal drafting of the Bill and secondary legislation and of Cabinet Office officials working on statistical reform. The total is around £1.5 million to date. The cost of the UK Statistics Authority is around £3.3 million a year, but some of the work of the Authority was formerly carried out by the Statistics Commission (£1.6 million per year). Therefore, the net additional cost of the Authority is about £1.7 million per year (£5.1 million over the three years to 31 March 2011). The Publication Hub, which is the central depository for publishing all National Statistics, has costs of around £4 million. Although the Hub was not a requirement under the Act, it was a ministerial commitment made during the passage of the Bill. This suggests a total cost of around £10.6 million.
3. Reliable data on other costs, such as that to departments of assessing their National Statistics against and ensuring compliance with the Code of Practice, are not routinely collected. So far, 581 National Statistics have been assessed and, based on the known costs of assessing 90 National Statistics produced by the ONS, it is roughly estimated that the cost of carrying out the assessments for all departments so far and ensuring compliance is around £1.5 million. Costs to departments in complying with the pre-release access rules that came into force on 1 December 2008, which reduced pre-release access from up to five days to a maximum of 24 hours and required departments to maintain and publish a list of all individuals who have advance sight of official statistics, are likely to be fairly small and have not been estimated. There is also the cost of Parliament's time for the Bill and associated legislation but this would be very difficult to estimate.
4. Taking account of the areas where cost estimates have not been produced, the total cost associated with the Act will be at least £12.1 million. A more accurate figure could only be produced by commissioning a data collection exercise to produce estimates for these areas. This would take time and place an additional burden on departments and Parliament and is unlikely to considerably increase the estimate of £12.1 million.

Annex B: Proforma sent to stakeholders to gather views as part of the post-legislative scrutiny of the Statistics and Registration Service Act 2007

USERS OF OFFICIAL STATISTICS

Issue

1. The Cabinet Office has commenced the post-legislative scrutiny of the Statistics and Registration Service Act 2007. Your organisation responded to the initial consultation on the proposed statistical reform, which informed the content of the Act and your views are therefore invited to inform this work.

Background

2. The UK statistical system was substantially reformed through the Statistics and Registration Service Act 2007, which received Royal Assent on 26 July 2007. The Act brought about a number of changes. This includes the creation of the UK Statistics Authority from 1 April 2008, a non-Ministerial department that reports directly to Parliament. The Act established the Office for National Statistics (ONS) as an Executive Office of the Authority, which means that statistics they produced and published are done so independently from Ministers. Statistics produced by Government departments and agencies are the responsibility of Ministers, as before the Act, but the Authority may comment on any official statistics. The Act also established in statute the Code of Practice for Official Statistics, which is the responsibility of the Authority. The Authority issued the first version of its code in January 2009.

3. It is Government policy to review all primary legislation within 3–5 years of receiving Royal Assent, to provide a preliminary assessment of whether the Act has achieved its original aims and objectives. Annex A shows what the scrutiny should cover. Cabinet Office has policy responsibility for the Statistics and Registration Service Act 2007 and views of key users of official statistics are required to inform the initial assessment.

4. To inform part f) of the review in Annex A, your views are requested to provide an initial view on how far the Act has achieved its original aims and objectives.

What I am seeking from you

5. The questions I would like your views on are in the attached template. In summary:

- a. Question 1 seeks your views on the strength of the statistical system, as established by the Act, and (*where you in a position to contrast*) whether this is an improvement on the statistical system in place before the Act;
- b. Question 2 seeks your views on specific issues known to us that have arisen as a result of the new statistical system;
- c. Question 3 seeks your views on any other issues that have arisen – whether positive or negative;
- d. Question 4 is where you can record any other views.

6. I would be very grateful if you could provide a completed questionnaire to me at the email address below, by the **26 November**. As far as you are able please keep responses brief. Responses to the review will be collated to produce a report that will give a **preliminary assessment** of how far the Act has achieved its original aims and objectives. No individual responses will be cited.

7. In accordance with Cabinet Office policy for reviewing primary legislation, the report will be provided to the Public Administration Select Committee and published. It will be for the Committee to determine whether it wishes to carry out any further investigation.

8. Please may I thank you in advance for your comments. Please contact me if you have any queries.

Shaun Flanagan,
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PROFORMA – VIEWS ON STATISTICS AND REGISTRATION SERVICE ACT 2007 (Examples should be given where possible)

Organisation

1. **Aims and objectives:** The following key principles underpin a strong statistical system:

- statistics should be of **high quality**, that is, produced to the highest professional standards and fit for purpose;
- statistics should have **high integrity**, that is, be free from political interference;
- roles and responsibilities should be **clearly defined**, and mechanisms should be in place to hold the system to account;

- the laws, regulations, codes and practices under which the system operates should be **transparent**;
- the system should have the **flexibility** to respond to changing needs, without harming the trust of users; and
- the system should carry out its functions in the most efficient way possible, ensuring **value for money**, and seeking to minimise the burden on business.

a) To what extent do you think each of these principles is being met through the current statistical system?

Principle	Not met at all	Slightly met	Partially met	Nearly fully met	Fully met
Statistics should be of high quality					
Statistics should have high integrity					
Roles and responsibilities should be clearly defined					
System should be transparent					
System should be flexible to changing needs					
System should be efficient, representing VfM					

b) *If you were familiar with the statistical system in place before the Act*, please indicate whether you agree or disagree that the system, brought about

by the Act has led to a greater fulfilment of these principles, compared to the system before:

Aims/Objectives	Agree	Disagree
Statistics are produced to a higher quality		
Statistics are produced with greater integrity		
Roles and responsibilities are more clearly defined		
System is more transparent		
System is more flexible to changing needs		
System is more efficient, representing greater VfM		

Additional comments on principles

2. **Specific views:** Your views are sought on specific issues that have come to our attention following the Act and its implementation. Please

indicate whether you agree or disagree with the following statements. Please also provide additional comments on your response in the text box below.

Statement	Agree	Disagree
There is a conflict in UKSA regulating the official statistics it produces		
The Act should have clearly identified what is and what isn't an official statistic		
Ministers are now less able to be accountable to Parliament, due to the Code of Practice placing restrictions on them being able to access and use the latest data		
The Code of Practice impedes the timely release of Government information in a world where the expectation is that data flows freely in real time, 24/7		

Comments on the above statements

3. **Other views:** Please provide comments any other issues with the statistical system, established by the Act and its implementation, either positive

or negative. If negative, please state how the issue may be overcome.

a. Positive aspects

b. Negative aspects

4. **Other Comments:** Are there any further changes to the UK statistical system you think need to be made, not brought about by the

implementation of the Act, or any other comments you wish to make?

Annex C: What post-legislative scrutiny should cover

1. **Summary of the objectives of the Act** – from documentation and commitments made during the passage of the Bill.
2. **Implementation** – information on when and how different provisions of the Act have been brought into operation, highlighting any provisions which have not been brought into force, or enabling powers not used, and explaining why not.
3. **Secondary legislation** – a brief description or list of the associated delegated legislation, guidance documents or other relevant material prepared or issued in connection with the Act.
4. **Legal issues** – an indication of any specific legal or drafting difficulties which have been matters of public concern (e.g. issues which have been the subject of actual litigation or of comment from Parliamentary Committees) and have been addressed.
5. **Other reviews** – a summary of any other known post-legislative reviews or assessments of the Act conducted in government, by Parliament or elsewhere.
6. **Preliminary assessment of the Act** – a short preliminary assessment of how the Act has worked out in practice, relative to objectives and benchmarks referred to at paragraph 1 above, which should be sufficient for the Public Administration Select Committee to assess whether a full post-legislative scrutiny of the Act is needed.

Annex D: List of respondents to the Cabinet Office review exercise

Association of Research Observatories	Her Majesty's Revenue and Customs
Bank of England	Home Office
Department for Business, Innovation and Skills	Identity and Passport Service
Department for Communities and Local Government	Ministry of Defence
Department for Education	Ministry of Justice
Department for Environment, Food and Rural Affairs	National Centre for Social Research
Department for Transport	National Health Service Information Centre
Department for Work and Pensions	National Statistician
Department of Energy and Climate Change	Northern Ireland Statistics and Research Agency
Department of Health	Royal Statistical Society
Economic and Social Research Council	Royal Statistical Society – Demographic Users Group
European Central Bank	Royal Statistical Society – Statistics User Forum
General Register Office for Scotland	UK Statistics Authority
Greater London Authority	Welsh Assembly Government
	World Trade Statistics

Annex E: The public's views on official statistics

Background

1. In June 2010, the UK Statistics Authority published findings of quantitative and qualitative research that it carried out in 2009 into public trust in official statistics.¹⁵ The quantitative work was also carried out in previous years (2004, 2005 and 2007), although 2009 was the first time it had been carried out by the Authority. In earlier years it was carried out by the Statistics Commission, the forerunner of the Authority.

2. A household-based survey carried out in October and November 2009 formed the basis of the quantitative work and involved asking a series of questions to around 1,400 members of the public. This analysis was complemented by qualitative research on 60 opinion formers' views of official statistics and on the performance of the Authority to date. This work was carried out by IPSOS/MORI, who carried out similar work for the Statistics Commission in 2004.

3. Further details on the methodology employed for the research and the detailed findings can be found in the Authority's report. This annex presents a summary of the findings stated in the report.

Summary of findings

- Trust in official statistics among the general public is still low and does not appear to have improved since the Authority's creation.

Among those in the know, official statistics are viewed positively.

- Public trust in official statistics seems to be closely associated with trust in government, which showed a decline between 2007 and 2009 as did the perceived accuracy of official statistics over the same period.
- Statistics produced by the ONS are viewed more positively than those produced by government departments, although the level of trust varies across different statistics (some ONS statistics have seen a decline in trust, whereas hospital waiting lists have seen an increase).
- The public has little understanding of the Authority and even among those in the know there was some confusion over the role of the Authority and its relationship with the ONS. Some felt the Authority needed to disentangle itself from the ONS.

Further findings of research

4. The issues surrounding trust in official statistics are complex and interwoven and it is not possible to determine whether public trust in official statistics has increased or decreased since the creation of the Authority separately from the wider issues of trust in government and public institutions. In addition, the Authority had only been in existence for just over 18 months when the research was carried out.

Quantitative research

5. Despite the creation of the UK Statistics Authority, the 2009 survey revealed that public confidence in official statistics continues to be low, with the latest figures showing no improvement on those when measurement first began in 2004. On accuracy, they are significantly worse, with 40% disagreeing that official statistics are accurate (compared with 33% in 2007). The results of the survey noted, however, that age, understanding of official statistics and trust in the UK Government were all associated with perceptions of accuracy. Trust in the UK Government had been increasing gradually between 2004 and 2007, but this fell significantly in 2009. This is quite likely to have been the result of the MPs' expenses scandal. In 2009, of those who had a low level of trust in the UK Government, 60% disagreed that official statistics were accurate. By contrast, of those who had a high level of trust in government, 64% agreed that official statistics are accurate.
6. The percentage of people who agreed that official statistics are produced without political interference decreased from 20% in 2007 to 17% in 2009, to the same level as in 2004.
7. The 2009 survey revealed that 52% of people who disagreed that official statistics were accurate did so because they thought the figures were manipulated or adjusted for political purposes. This compares with 47% in 2007, a five percentage point increase. The survey did not ask about levels of public awareness of the Authority, which is likely to be low among the general population.

Qualitative research

8. To supplement the survey information, in-depth interviews were held with 60 opinion formers, which included those from business, the media, across Whitehall, think tanks and academia.
9. Official statistics were generally viewed positively among this group, although it was felt that the public views statistics with suspicion. This is possibly because of the increasing amount of data produced. They felt that this could be helped by clearly defining what is official statistics and what is not.
10. The statistics produced by the ONS were seen in a more favourable light than those produced by government departments. It was felt that statistics were produced to a high degree of accuracy, although for some there was too much emphasis on exactness.
11. Participants felt that politicians selectively report statistics to announce good news and were guilty of misrepresenting statistics.
12. There was consensus that 24 hours is the right length of time for pre-release access.
13. There was some confusion over the role of the Authority: what it stands for; how it is staffed; how it regulates; and how it relates to the ONS. Many felt the Authority should be more visible and continue with censure of politicians, although this should not be done too frequently for fear of the impact being diluted. There was a strong feeling that the Authority needed to disentangle itself from the ONS as ONS independence might be compromised by lack of distance from the Authority.



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