

14 March 2008

The Permanent Secretary
Department for Children, Schools and Families

Dear David

I received your emailed letter at 4.45pm today when I turned on my private email. Since you ask for a speedy response, I am responding by email.

I confess I was somewhat surprised at the letter. If I may, I will respond on a paragraph by paragraph basis.

Paragraph 2 says you take your responsibilities to publishing information very seriously. I do not doubt that and the Commission has not said anything to the contrary.

Paragraph 3 sets out how you published two separate Ministerial Statements to Parliament on 11 March. I note that the statistical report is published under the statistics section on your web site at <http://www.dcsf.gov.uk/rsgateway/DB/STA/t000778/index.shtml>. To that extent, this constitutes a statistical release although it does not have the usual headings and does not indicate its status.

The Statistics Commission has always argued strongly that it was in the interests of fostering public trust that there should be a clear separation between statistical releases and Ministerial statements (most recently this appears in our 39th report published yesterday (see <http://www.statscom.org.uk/uploads/files/reports/Releasing%20Official%20Statistics%20final.pdf>)). Government has, during the course of the parliamentary debate on what became the Statistics and Registration Services Act, accepted that principle. We understand that both the release of the statistics and the announcement of the research on compliance with the admissions code were handled in a single Ministerial press conference and that it was this conjunction of the two announcements that prompted hostile reaction from the media and Opposition.

Paragraph 4 deals with the discussion between the Press Association and the Commission. The Association's representative asked about the issue of principle of separating out statistical releases and Ministerial statements plus the specific case of the Schools Admission data. We promptly communicated this approach to the Department. When we were pressed for some response, at least on the issue of principle, we issued a holding response (attached below) which seems to me to be supportive of the department; we made it clear that we were awaiting a response from the Department and would communicate again when we had it. I do not see that we triggered adverse comment about your Ministers' integrity: the issue had already been running for two days in the newspapers. Our response drew attention to matters that the Commission has repeatedly raised with government departments. In these circumstances, I believe that our holding reply was considered and reasonable.

I completely accept the reasons why it was important to publish these reports, as set out in your penultimate paragraph.

I am of course delighted that, along with other departments, you are considering the implications of the new Act for the release of DCSF's statistics.

Since this pertains to official statistics I am copying my letter and yours to the National Statistician.

Yours sincerely

David Rhind
Chairman, Statistics Commission

Email from Richard Alldritt, chief executive of the Statistics Commission to Press Agency and subsequently copied to Malcolm Britton, Head of Profession for Statistics in DCSF

"We have approached DCSF for clarification of the status of the statistical release and they will be getting back to us. When they do, I'll let you know what they say.

However, here are a few observations - I'm sorry they are a bit tortuous:

We regard the statistics in question as official statistics (the term has a formal definition under the Statistics and Registration Service Act) but they appear not to be National Statistics (again defined in the new Act).

The Statistics Commission view is that the principles of the Code of Practice should be seen as applying to all statistical releases whether or not National Statistics. At present there is nothing in the Code of Practice which explicitly bans departments from using the release of statistics as a platform for another announcement. However the Statistics Commission report on the need for revision of the Code of Practice

<http://www.statscom.org.uk/uploads/files/reports/Report%2035%20Proposals%20for%20a%20Code%20of%20Practice.pdf>

indicates, at 1.15, that we would be concerned if ministerial statements, issued at the same time, distracted attention from new statistics. In the case of the school admission statistics, we have come to the view that, despite the comments made in the press and by opposition politicians, the statement about non-compliance with the admissions code did not in fact distract much from the coverage of the statistics themselves. The figures seem to us to have had quite a lot of press coverage although I can see that the other story got even more.

Having said that, it is clearly in the interests of public trust that statistics be released in a way that is seen to be independent from policy comment. We will pursue with DCSF whether the arrangements for releasing these new statistics could be developed so that the statistical release is more clearly seen to be an independent statistical statement and is not associated with other statements issued at the same time."