

Evolution of the United Kingdom statistical system

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Abstract. This paper identifies key events in the history of the UK statistical system, and the organisations and stakeholders which make it up. It discusses five distinctive features and their influence on the current and future evolution of the system.

The statistical system is decentralised and devolved, reflecting the structure and evolution of government in the UK – and perhaps also reflecting an historical assumption that official statistics existed mainly to meet the needs of government. That view has since been overtaken by a wide acceptance that statistics must serve society as a whole. Statistical co-ordination is managed by the Office for National Statistics but is dependent on institutional and organisational co-operation. Until now there has not been a statutory framework to support the role of the National Statistician, but this is about to change.

Despite the introduction of non-statutory ‘National Statistics’ arrangements in 2000, intended to strengthen the quality and integrity of UK statistics, public confidence in the statistical system is low. New legislation – the Statistics and Registration Service Bill – currently before Parliament will address issues of public confidence and central oversight by establishing a non-executive Statistics Board that will monitor the quality and comprehensiveness of UK statistics and report to Parliament. At the same time a range of further non-statutory developments are being planned with the aim of improving the statistical system further and building confidence in it.

The five distinctive features identified in Part 2 of this paper are:

- Decentralised system – for reasons of history, some 80% of the statistical system is the responsibility of organisations – the devolved administrations and government departments – other than the Office for National Statistics. This will continue in the future so the challenge the system faces is one of creating a coherent and efficient system that respects the autonomy of the parts that make it up (see 2.1, 3.1).
- Co-ordination and management – throughout its existence, central co-ordination and management of the statistical system has been dependent on the co-operation of a large number of government organisations and, more recently, the devolved administrations. However, the creation of the Office for National Statistics (ONS) in 1996 established a central body of sufficient size and authority to make central management a realistic possibility and the new legislation, will take that process a big step forward (see 2.2, 3.2).
- Low levels of public trust – the UK has a sceptical public and an aggressive press. This environment has fostered widespread distrust of government generally, and statistical outputs have been no exception. The absence of centralised arrangements or over-arching statistical legislation has compounded the challenge of addressing this. Plans are now being made for a range of non-statutory activities to improve public confidence, building upon the new legislation. But it is likely to take several years (2.3, 3.3).
- Code of Practice – a very detailed Code of Practice was introduced in 2002, presented in some 13 separate published volumes. Under the new legislation, the role of the Code of Practice will be more formally recognised and a revised draft Code is currently the subject of consultation (2.4 and 3.4).
- Inadequate access to register data for statistical purposes – within the UK, the emphasis of public policy has been on protection of personal privacy rather than the exploitation of administrative records for statistical purposes. The new legislation may start to change this but it is not yet clear whether the arguments in favour of statistical use of register (administrative) information have been fully accepted by Parliament (2.5, 3.5).

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1. Introduction: A short history

UK official statistics have a long history but for the purposes of this paper we are concentrating on the last 70 years – Annex A sets out some landmarks over the longer term.

Until the Second World War, the statistical system had no central office or management, with each major government department maintaining its own statistical unit. In 1941, the Central Statistical Office (CSO) was created as part of the Cabinet Office, primarily to ensure greater coherence in the collection and production of official economic statistics. Also in 1941, the Government Social Survey was established – originally as part of the Ministry of Information – again as part of the war effort. Following a Parliamentary committee review of Government Statistical Services in 1966, the government created the Business Statistics Office (established in 1969) and merge the General Register Office and the Government Social Survey to form the Office for Population Censuses and Surveys (OPCS – established in 1970); OPCS being responsible for the Census, social surveys, population statistics and vital statistics.

Together with the CSO, the BSO and OPCS formed the core of the Government Statistical Service whose modern-day role is to manage official statistics and develop “a cadre of professional statisticians across government” [1].

Early in the 1980s, a review was undertaken by Derek Rayner, (a leading retail sector manager) at the request of the then Prime Minister Margaret Thatcher. It resulted in a reduction of statistical activities and staff; and weakened an already small Central Statistical Office. “The Rayner Doctrine”, as it became known, stated that the objective of the Government’s statistical service should be that information should not be collected primarily for publication – it should be collected primarily because the Government needed it for its own business [2]. This doctrine was at odds with professional advice and international opinion and was progressively abandoned over the following ten years – but its influence can be seen to the current day. More recently, there has been wide acceptance that statistics play a vital role across society – a view influenced by, and echoing, Principle 1 of the UN Fundamental Principles.

In 1989, concerns about the reliability of UK economic statistics led to a formal review, which brought about the transfer of the Business Statistics Office to the CSO and the establishment in 1991 of the CSO as a distinct government department accountable to the Treasury. At the same time, responsibility for the Retail Prices Index and the Family Expenditure Survey transferred to the CSO from the Department of Employment. Residual responsibility for the production of labour market statistics was transferred from the Department of Employment to the CSO in 1995. The Office for National Statistics was created in 1996 through the merger of the CSO and OPCS. By 1996, ONS was some 20 times larger than the CSO of the 1980s and had begun to emerge as an authoritative central office.

Debate about the quality and integrity of official statistics intensified during the 1990s. In 1995 a leading Opposition politician, Jack Straw MP, now Secretary of State for Justice, made a speech to the Royal Statistical Society in which he outlined the Labour Party’s vision for a future independent national statistical service (Annex B). The Labour Party’s 1997 election manifesto, on which it won power from the Conservative Party, pledged to establish an “independent national statistical service” [3]. In 1998, the new Labour Government launched a consultation exercise on the future of the UK’s statistical system [4]. The Government’s proposals were set out in a White Paper *Building Trust in Statistics*, published in 1999, which recommended the development of a new but non-statutory framework [5].

In 2000, the UK Government launched a new set of arrangements, called the ‘Framework for National Statistics’. This was intended to safeguard the professional independence of official statisticians by introducing a more authoritative Code of Practice and establishing an independent Statistics Commission with an oversight role. Further details of the National Statistics framework are at Annex C.

Three key features of the UK statistical system remained unchanged:

- The existence of the Office for National Statistics as a department reporting to the Treasury continued, with ONS operating both as a producer of statistics and playing a co-ordinating role.
- The roles and responsibilities of Heads of Profession for statistics in government departments and agencies remained largely unchanged but were more clearly articulated.
- The professional grouping of statisticians in the Government Statistical Service continued to produce both statistics and policy advice across the decentralised system.

In organisational terms, the main new feature of the statistical system was the establishment of the Statistics Commission. Annex D provides a summary of the various bodies that might be seen as comprising the UK statistical system.

In 2001, following the creation of Devolved Administrations in Scotland, Wales and Northern Ireland, a *Concordat on Statistics* was agreed, forming part of the formal *Memorandum of Understanding* between the UK Government and the Devolved Administrations. The Concordat sets out mechanisms for co-operation on matters in relation to statistics [6].

In November 2005, the Government announced plans to introduce legislation to make the statistical service more independent and to enhance confidence in it. The Government stated that it remained “determined to ensure high standards of public trust in the integrity of official statistics” and that “strengthening the existing arrangements by entrenching independence in legislation” would help to do so [7].

In November 2006 the Government published the Statistics and Registration Service Bill. The Bill will create a Statistics Board with a statutory duty to oversee all official statistics. It will subsume the role of the non-statutory Statistics Commission and be responsible for preparing and publishing a revised Code of Practice which all bodies that produce official statistics will be expected to observe – and against which the Board will audit compliance. The Board will assess, for approval as *National Statistics*, all statistics that Ministers refer to it for approval. It will delegate to the National Statistician authority to produce and publish statistics and co-ordinate statistical work across government.

UK statistical production will continue to be decentralised and undertaken by a large number of government departments. All of the ONS’ current responsibilities, with the exception of functions undertaken by the General Register Office (such as the registration of births, marriages and deaths), will transfer to the new Statistics Board – in practice they will be located in a new office that reports to the Board. The Bill also includes a number of provisions which will make it easier for government departments to share administrative records with the Board whilst continuing to safeguard the confidentiality of personal information.

The term ‘Statistics Board’ is used in the legislation to mean both the entire new statutory structure, including the current ONS, and the Board which will oversee the statistical service across government and be responsible for ONS. In the latter sense, the Statistics Board will comprise a non-executive Chair and a majority of non-executive members. The Board will also include three executive members, of which one will be the National Statistician who will continue to be the head of ONS and head of the Government Statistical Service.

2. Distinctive features of the UK system

Whilst the objectives of the UK’s statistical system are similar to those of most countries, there are several distinctive features. This section summarises five of these.

2.1. *Decentralised system*

The UK statistical system is largely decentralised. Whilst there is no single metric to summarise this, the degree of decentralisation is indicated by:

- 225 (18%) professional statistical staff in ONS; almost 1000 outside ONS.
- 250 (19%) National Statistics produced by ONS; over 900 outside ONS.
- 60% of data sets required by the European Commission are supplied by ONS.

So ONS accounts for about one fifth of the UK statistical system's activity, though it is responsible for many of the key economic and social/demographic statistics and has an important co-ordinating role across the UK.

The Devolved Administrations (Scottish Executive, National Assembly for Wales and Northern Ireland administration) each have a distinct statistical organisation. In practice each of these statistical organisations is further decentralised between local policy ministries and produces a wide range of statistics.

2.2. *Co-ordination and management*

Whilst laws do govern some statistical activities in the UK, there is no over-arching statistical law of the kind that many countries have adopted. This will change when the Statistics and Registration Service Bill becomes law later in 2007. Currently in the UK, there are laws relating to the collection and processing of statistics from businesses about the Population Census and about the use of vital events registration data for statistical purposes. And of course statistical activities are governed by broader information law, such as in relation to Data Protection, Freedom of Information, and Human Rights. Annex E provides a summary of the UK's current statistical legal basis.

The absence of an overall legal framework and the high measure of practical autonomy afforded to UK government departments and devolved administrations means that, until now, the scope for central co-ordination and management of the statistical service has been limited. Whilst many technical matters have been successfully co-ordinated, broader issues of planning, user engagement, priority setting and management of specialist statistical expertise have been more problematic. This has been exacerbated by a history of decentralisation and the absence, until 1996, of a strong central office.

2.3. *Low levels of public trust*

A survey carried out by the Office for National Statistics in February 2005 identified that less than one in five (17%) of those surveyed thought that official statistics were produced without any interference by government, 59% perceived that the government used statistics dishonestly, and only one-third (34%) felt that government figures were accurate [8].

These survey findings probably reflect, at least in part, the views expressed in the UK's news media, considered by many to be unusually challenging in its treatment of official institutions. In the context of UK official statistics this has led to public questioning of statisticians' integrity and competence, and in a number of cases the quality of the products [9]. Nevertheless, the perceptions themselves are real, whether or not they are justified, and the challenge for the Government and for the UK statistical community has been to find ways to improve public confidence.

2.4. *Code of practice*

As noted above, the concept of National Statistics was predicated on the introduction of a new, and detailed, Code of Practice (incorporating twelve protocols). This was intended to define and communicate a series of statistical principles which represented best practice at the time; the Protocols fleshed out the Code's high level principles and provided guidance for statisticians faced with particular situations.

Statistics produced by an organisation operating under the terms of the NS Framework Document, and which complied with the Code of Practice, could be badged as 'National Statistics'. The scope of National Statistics was set, in 2002, by government departments and subject to the agreement of Ministers. All ONS products were classed as NS from the first; both additions to, and removals from, scope were subsequently suggested by government departments, for consideration by the National Statistician.

2.5. *Inadequate access to register data for statistical purposes*

The UK does not have a tradition of publicly accessible registers of information about citizens or businesses. The main exceptions to this are the registers of Births, Marriages and Deaths (which are used as the basis for demographic statistics in the UK). Instead, a number of administrative databases have grown up in piecemeal fashion. These focus on service provision rather than citizen identity; they are not publicly accessible and are located in different government departments. They neither offer complete coverage of the population nor consistency – so adapting them for statistical use presents a major challenge.

Historically there has been considerable resistance in the UK to the concept of population registers, and these have only operated during the two World Wars; the 1939 national registration scheme was wound up in the early 1950s in the face of widespread criticism about its continued value and implementation. Nonetheless, two recent initiatives have explored the case for a population register. The first looked at the options for creating a register of the population containing up-to-date citizens' contact details to improve the delivery of public services, including building such a register up through extensive data matching between databases. Secondly, separate proposals were made for the creation of a National Identity Register (NIR) – in practice the statistical case from the first tranche of activity has informed the second. Legislation was passed in 2006 creating the powers to establish such a register and to provide for identity cards to be issued. Although there is scope for access to be granted to the NIR for statistical purposes, the necessary legal powers for this have yet to be secured.

However, there remains considerable public scepticism about these powers and the benefits of the NIR as well as its purpose, the financial costs, and the implications for individual privacy. At present it is envisaged that identity cards will not be compulsory when they are introduced (possibly 2009) – so it will take many years for the full statistical benefits to be realised.

Allied to this is public concern about personal information that is provided to one part of Government, being available to another – even for a use in which the identity of the individual is not relevant (such as statistical use). The UK is exploring the scope that better sharing of data between different parts of Government offers for improved efficiency. For example, Ministers accept that delivering targets for reducing the burden on businesses is dependent on having greater access to administrative data already held in government.

The situation for business statistics is similar. There is no comprehensive business directory in the UK, but there are registers of businesses compiled for different purposes. A business must register for payment of Value Added Tax, and must also, separately, register if it employs people whose tax is deducted from salary at source. All companies are registered at Companies House. The difference for

business registers compared to population registers is that ONS plays an essential role in bringing them together, using them as a sample frame for business surveys, thereby verifying at the reporting level the links between the sources. The result is the Inter-Departmental Business Register (IDBR), which ONS makes available to government departments for statistical purposes. This is all made possible by a variety of statistical and non-statistical laws that provide for the sharing of individual business register data between the tax office and ONS, and subsequently for sharing individual statistical data between ONS and the rest of Government.

3. Changes flowing from the statistics and registration service bill

The main provisions of the Statistics and Registration Service Bill are set out in Part 1. This section considers the interaction between the current system – in terms of the ‘distinctive features’ identified in Part 2 – and the new Bill.

3.1. Decentralised system

The Bill leaves unchanged the decentralised nature of the UK Statistical System. Statistics will continue to be produced by analysts embedded in departments across government.

However, the Government has challenged the Government Statistical Service (GSS) – the cadre of professionals across departments who produce statistics – to consider ways to revitalise itself and increase its profile and awareness of its role. There is also an expectation that the National Statistician, as the head of the GSS, will implement improved procedures to ensure better career development and training.

A major issue that arose during consultation on the Bill was the coherence of statistics across the UK. The 1998 devolution legislation created separate governance arrangements for Scotland, Wales and Northern Ireland. Each has identified its own statistical needs to inform its own policy developments, and these have to be balanced against the needs for UK statistics to meet international obligations and to allow comparison for analytical purposes.

To ensure that the importance of coherence and comparability was recognised, a Concordat on Statistics was signed in 2001 between the four administrations (the three ‘devolved administrations’ and the UK Government) aimed at ensuring that all four would work together to meet UK and devolved needs.

The Concordat is not a legal document. It relies on the good-will of the different parties. In practice it remains difficult to produce a UK picture on particular topics, when each administration has its own collections and classifications geared to its own needs – though, in the context of the Census, the UK’s three Registrar Generals (for England & Wales; Scotland; and Northern Ireland) have agreed a set of principles intended to facilitate harmonisation where that is in the interests of users.

The Bill does not directly address this issue although the new Statistics Board will have an oversight role in all four countries. Discussions are ongoing and one possibility is for the four administrations to redraft the Concordat, with a view to making it more rigorous in this regard.

3.2. Co-ordination and management

The new Statistics Board will be well placed to support the National Statistician in strengthening central co-ordination and planning. However, this will remain a challenging area for the UK system since government departments will still control the resources and priorities of their statisticians. Under

the new arrangements, the Statistics Board will be expected to highlight any weaknesses in co-ordination and refer such matters to Parliamentary committees if they cannot be resolved.

In contrast to the position of more centralised statistical systems in some other countries, the goal of the UK system is to balance the value of local statistical units in government departments against the value of central management to ensure a coherent and responsive service to a broad base of users of statistics. This is not an easy balance to strike but real progress has been made and the new legislation should establish a stronger framework for the future.

3.3. *Low levels of public trust*

Extensive research in the UK has found that the levels of public confidence in statistics are low. The Bill will be important in improving the public perception of UK Statistics by providing legitimacy to the governance arrangements (the separation of the political and statistical processes in particular) and the roles and responsibilities of the key players. However, legislation by itself is not sufficient. Trust and credibility in the system need to be earned over time.

To capitalise on this opportunity afforded by the new legislation, we intend to take forward a number of major initiatives:

- Improve our communication – not just our website, but also the quality and coherence of our outputs and our interaction with users of statistics.
- Build effective relationships with opinion formers – the UK media is quick to criticise government, and the statistical system has suffered as a result. We need to engage with them more effectively and also with politicians, teachers and academics, to help people understand statistics and their limitations.
- To reassess and improve our product range. This is about more than quality. We have a long history of innovation in the UK and we need to rejuvenate our range, and develop new and improved products.

Taken as a complementary package, we expect legislation and these non-legislative initiatives to improve levels of public trust.

3.4. *Code of practice*

The Statistics and Registration Service Bill proposes to continue with the current ‘National Statistics’ concept and gives the Code of Practice statutory backing. It will be the responsibility of the Statistics Board to develop this statutory Code of Practice but it is expected that in developing this code the Board will have regard to the existing National Statistics Code of Practice and similar standards in other countries and internationally.

The Statistics Commission has prepared a report which will inform the development of this Code. The report concludes that the proposed statutory arrangements would require a Code that, whilst covering much the same ground as the existing one, would be different in some significant respects:

- It should be shorter, simpler and more directive in style.
- It should provide an unambiguous and structured basis for independent assessment and audit.
- It would benefit from being closer in style and structure to the European Statistics Code of Practice,
- It should be reconciled explicitly with the revised UK Civil Service Code.

- It should be drafted to apply to the whole of departments and other bodies that produce official statistics – including their ministers and senior managers – not just to statistical staff or to the statistics themselves.
- It should contain a statement indicating that the Code assumes that “within those government bodies that produce National Statistics there will be sufficient managerial separation, between those staff engaged in the production and publication of statistics and those who use the statistics for policy and management purposes, to ensure transparency of the statistical process and clear professional accountability”.
- It should not set out exceptions and exemptions to the Code in the text itself. Instead, another mechanism should be adopted for agreeing and documenting necessary exceptions and special cases.
- It should be drafted so that its principles are applicable to all official statistics whether branded as ‘National Statistics’ or not.

The main principles of the draft Code are at Annex F.

3.5. *Inadequate access to register data for statistical purposes*

The Statistics and Registration Service Bill contains information sharing powers that fall into two categories:

- Those that allow existing information flows to continue under the new statutory arrangements for and,
- Supplementary powers that allow for the making of regulations (secondary legislation) that will permit information to be shared between a public authority and the Statistics Board.

The Bill specifically allows existing information flows to continue between the Statistics Board, as the legal successor body to ONS, and specified persons and bodies including the General Register Office, HM Revenue and Customs (HMRC), and other Government Departments. The sole aim of these provisions is to preserve current information flows. Some of these flows are two-way. For example, HMRC register data is provided to ONS. At ONS it is used as a sample frame for a survey, the information is verified in the survey and is linked to another source. It is then returned to HMRC for that department’s statistical purposes.

The supplementary powers allow HM Treasury to make regulations to allow information to be shared where this would not normally be allowed. Information shared under the regulations could only be used for statistical purposes. These powers provide a framework under which Parliament will be asked to approve specific information flows.

Limits may be placed on the use of information obtained under these data sharing powers. These appropriate safeguards ensure that The Statistics Board can only use data obtained under the supplementary powers for the purposes specified in them.

Annex A

Landmarks in the development of the UK Statistical System

1086 Domesday Book – earliest survey of England’s population still in existence.

- 1661** Published studies of life expectancy in London (William Petty).
- 1801** First Population Census in Britain.
- 1810** First series of national crime statistics.
- 1816** Survey on children employed in factories.
- 1834** Establishment of the Royal Statistical Society (RSS).
- 1836** Appointment of the first Registrar General for England & Wales (Thomas Lister), to head the new General Register Office.
- 1837** Civil registration (births, marriages and deaths) introduced.
- 1840** Survey on children employed in mines.
- 1906** First Annual Production Inquiry.
- 1920** Census Act.
- 1929** First official estimates of National Accounts (though not published until 1977 – the first published official estimates were in 1941).
- 1938** Population Statistics Act.
- 1938** First use of sampling in a UK government enquiry (for the Cost of Living index).
- 1941** Creation of Central Statistical Office.
- 1941** Creation of Government Social Survey.
- 1947** Statistics of Trade Act.
- 1966** Parliamentary Estimates Committee report on official statistics – recommended institutional changes to the production of statistics, as well as the development of the Government Statistical Service.
- 1969** Creation of Business Statistics Office.
- 1970** Creation of the Office for Population Censuses and Surveys (OPCS).
- 1990** RSS report ‘Counting with Confidence’.
- 1996** Creation of the Office for National Statistics.
- 2000** Framework for National Statistics – a government paper signed by all four administrations which redefined roles and responsibilities, introduced a new Code of Practice, and established the Statistics Commission.
- 2006** Statistics and Registration Services Bill.

Annex B

Jack Straw’s comments to the RSS . . .

. . . the [unemployment] claimant count . . . is now simply not trusted as a proxy for a proper measure of unemployment, and for good reason . . . The lack of data on key aspects of the NHS is wholly unacceptable. No figures, for example, are available of the number of hospitals closed . . . If ever there were a case made for a National Statistical Service independent of Ministers, it is the NHS as much as the current reputation of the claimant count . . . Democracy is about conceding power to those with whom you disagree, not those with whom you agree; and about ensuring that every citizen has a similar access to the information on which decisions are made, and governments are judged. In a modern democracy, the system of official statistics should be a dignified part of the constitution. I believe that your Society’s proposals, and ours, will help secure that end [10].

Annex C

Details of national statistics

The non-statutory *Framework for National Statistics* was introduced in 2000, resulting in:

- the creation of the post of **National Statistician** as the Government’s chief statistical adviser (and head of the Government Statistical Service). Under the Framework, the post holder is granted operational independence from Ministers, and is both the professional Head of National Statistics and the Director of the ONS. The National Statistician has responsibility for the professional statistical quality of all outputs comprising National Statistics [11] and for ensuring that all outputs are produced in accordance with the standards set out in the National Statistics Code of Practice. The National Statistician is appointed by, and is accountable to, the Chancellor of the Exchequer (as Minister for National Statistics [12]) for the performance of National Statistics and, with departmental Heads of Profession for Statistics, for the discharge of annual work programmes approved by Ministers;
- the creation of an independent **Statistics Commission**, to advise on quality assurance and integrity – including in areas of widespread concern – and priority setting for National Statistics [13]. Independent of both Ministers and producers of National Statistics, the Commission has its own budget and is able to determine its own activities. The Commission normally comprises eight Commissioners, supported by a Chief Executive and a secretariat of around ten staff. On the Framework’s introduction, the Commission was explicitly tasked to “review the need for statistical legislation after two years and . . . keep the legislative framework under review thereafter”; and
- the introduction of the concept of ‘**National Statistics**’, aimed at providing an accurate, up-to-date, comprehensive and meaningful description of the UK economy and society, underpinned by professional standards as set out in a new Code of Practice. The Code – which draws on the United Nations’ Fundamental Principles for Official Statistics [14] – is a guide for all public sector statistical work, and applies not only to outputs from the ONS, but also to all those National Statistics produced elsewhere. Ministers are responsible for deciding the scope of National Statistics within their departments, and for ensuring that departmental Heads of Profession for statistics have the authority to maintain and demonstrate the integrity of such statistics in accordance with the Code. The National Statistician is responsible for the maintenance of the Code and its interpretation. The Code is supported by 12 protocols, which set out the specific responsibilities of data producers in a range of areas, for example in relation to Release Practices and Data Access and Confidentiality [15, 16].

Annex D

Key organisations and stakeholders comprising the UK statistical system

PRODUCERS OF STATISTICS	COMMENTATORS	DECISION-MAKERS WHO NEED STATISTICS
Office for National Statistics (co-ordinates others and produces around 20% of statistics)		Parliament

PRODUCERS OF STATISTICS	COMMENTATORS	DECISION-MAKERS WHO NEED STATISTICS
		Central government Departments Devolved
Department of Health		
Health and Social Care Information Centre		
Department for Children Schools and Families	Statistics	Administrations
Department for Innovation, Universities and Skills		
Department for Environment, Food & Rural Affairs	Commission	
Department for Transport		UK public services
Department Busines, Enterprise and Regulatory Reform		
Department for Work and Pensions		police, life etc.
HM Revenue and Customs		
Home Office	Royal Statistical	Local and regional
Department of Communities and Local Government	Society	government bodies
Cabinet Office	Media	Utilities
Defence Analytical Services Agency		Commercial services
Ministry of Justice		e.g. insurance, transport
Department for Culture, Media and Sport		Businesses
Department for International Development		Voluntary sector
Forestry Commission		
Government Actuary's Department		Special interest
Health and Safety Executive		groups
HM Treasury		
Office for Standards in Education		Academics
Office of Manpower Economics		
Devolved		Citizens
Northern Ireland Statistics and Research Agency		
Local Government Data Unit Wales		
National Assembly for Wales		
Scottish Executive		
General Register Office for Scotland		

Annex E

Summary of the UK's Current Legal Statistical Basis

Legal basis for the National Statistical Institute and the National Statistical Authorities

The Office for National Statistics was not created by statute, but by a constitutional, administrative process within Government. The existence, functions, funding, competence, etc. of ONS are therefore determined by the executive – Government Ministers. Similarly most National Statistical Authorities in the UK, being the function of other government departments, are not established by legislation but owe their existence and functions to decisions of Government Ministers. Exceptionally, a few NSAs are functions of authorities created by statute (for example, the tax office, HMRC) and therefore may have their authority to produce statistics set out in legislation.

Authority to conduct statistical inquiries and disseminate results

The authority to conduct a **census of production** and prepare trade statistics is found in the Statistics of Trade Act (1947). This legislation authorises the Chancellor of the Exchequer to obtain, under compulsion, information from UK enterprises for the purpose of appreciating economic trends. The Office for National Statistics conducts most of these surveys on behalf of the Chancellor. The authority to collect and publish certain **census and population** statistics is found in the Census Act (1920) and the Population Statistics Act (1938). The duties in these Acts are carried out by the Registrar(s) General. In

England and Wales these functions are carried out for the RG by staff drawn from ONS. **Agricultural** statistics are collected under legislation by the Department for Environment, Food, and Rural Affairs. Some of these laws specify how the results should be published or reported, and all require that statistical confidentiality is maintained.

Government departments with Ministers have an implied authority (derived from the Crown, and unwritten) to produce any statistics that relate to their functions in Government. They do not need legislation for these statistics, and decisions about publishing them in whatever form are entirely matters for those Ministers. **Health, crime, education, and environment** statistics fall into this category. ONS has the implied authority of the Chancellor to produce the **National Accounts** and analyses of the economy. These departments may be able to share data for their administrative functions, thereby obtaining valuable data for statistical analysis and production.

Authority for certain inquiries may come from EU Regulations. According to the topic and regulation, ONS or other NSAs will carry out the necessary individual actions.

All statistical inquiries are subject to the Data Protection Act, Human Rights Act, and the duty of confidentiality found in Common Law. Exemptions for statistics in UK Information Laws are very few, and there is no general provision for data sharing.

Annex F

Revision of the UK National Statistics Code of Practice

In December 2006, the Statistics Commission published an interim report on a revised Code¹ for consultation. The draft Code contained in that report is consistent with the requirements of the Statistics and Registration Service Bill and thus relates to National Statistics rather than the broader concept of official statistics.

The Commission's draft Code consists of nine principles, as set out below, each of which has associated with it a set of 'practices' that producer bodies would be expected to follow. Assessment of compliance against this Code would take account of the public interest in ensuring compliance. So obscure statistics produced as a by-product of departmental administrative processes that are of little public consequence would still be expected to comply with the principles but less so with the more specific 'practices'. Statistics of national importance, on the other hand, would be examined closely against every 'practice'.

The Code principles (from the Commission's draft)

- 1) Integrity: At all stages in the production and dissemination of National Statistics, the public interest should prevail over organisational, political or personal interests.
- 2) Relevance: The production of National Statistics should be planned so as to inform decisions in government, public services, business and the wider community. As far as possible National Statistics should be internally consistent, consistent over time, and compatible between producers.
- 3) Sound methodology and assured quality: The methods for the collection, processing, storage and presentation of National Statistics should accord with scientific principles and internationally recognised best practice and agreements. Quality should be monitored and assured independently following centrally determined procedures.

¹A Code of Practice for National Statistics: Interim Report for Consultation, Statistics Commission, Dec 2006, <http://www.statscom.org.uk/uploads/files/reports/Report%2031%20Code%20Consultation%20Dec%202006.pdf>.

- 4) Value for money: The resources allocated to statistical work should be used optimally to deliver outputs that meet the needs of users inside and outside government.
- 5) Communication: Statistics and information about statistical processes should be published in a form convenient to users and in as much detail as practicable.
- 6) Accessibility: National Statistics should be equally accessible to all users
- 7) Confidentiality: Confidential data collected or used for statistical purposes should be strictly protected and should not subsequently be used for non-statistical purposes.
- 8) Proportionate burden: The reporting burden should be proportionate to the value of the statistics to users and should not be excessive for respondents.
- 9) Adequate resources: The resources made available for statistical functions should be sufficient to meet the requirements of this Code.

References

- [1] H.M. Treasury, *Independence for statistics: a consultation document*, 22 March 2006, p. 7.
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- [3] Labour Party *New Labour: Because Britain deserves better* (1997), <http://www.labour-party.org.uk/manifestos/1997/1997-labour-manifesto.shtml>.
- [4] H.M. Treasury, *Statistics: A Matter of Trust*, 1998 (Cm 3882), and Office for National Statistics *Statistics: A Matter of Trust: Report on the Consultation Exercise*, 1998 <http://www.archive.official-documents.co.uk/document/ons/govstat/report.htm> http://www.statistics.gov.uk/about/national_statistics/downloads/GreenPaperSummaryofResponses.pdf.
- [5] H.M. Treasury, *Building Trust in Statistics*, 1999 (Cm 4412), http://www.statistics.gov.uk/about/national_statistics/documentation.asp.
- [6] http://www.statistics.gov.uk/about/national_statistics/downloads/concordat_on_statistics.pdf.
- [7] H.M. Treasury, *Independence for statistics: a consultation document*, 22 March 2006, p. 10.
- [8] Office for National Statistics *Public Confidence in Official Statistics: An analysis based on data collected in the National Statistics Omnibus Survey* (February 2005) http://www.statistics.gov.uk/about/data/public_confidence/downloads/QuantitativeAnalysis.pdf Further information on the ONS/Statistics Commission project on measuring public confidence in official statistics is available on the ONS website: <http://www.statistics.gov.uk/StatBase/Product.asp?vlnk=13967&Pos=&Col Rank=1&Rank=272> Financial Times *Figuring out a way to regain public trust* (29 November 2005). (http://epp.eurostat.cec.eu.int/cache/ITY_OFFPUB/KS-EE-05-001/EN/KS-EE-05-001-EN.PDF, pp123-143).
- [9] Speech by Jack Straw MP, Shadow Home Secretary, to the Royal Statistical Society (25 April 1995) <http://www.rss.org.uk/pdf/Address%20to%20RSS%20by%20Jack%20Straw%201995.pdf>.
- [10] The governance arrangements for the Retail Prices Index (RPI) are an exception – the Chancellor of the Exchequer, as Minister for National Statistics, is formally responsible for scope and definition, with the National Statistician advising only on methodology.
- [11] Under devolution arrangements, Ministerial responsibility for the coordination of National Statistics is shared with the Minister for Finance in the Scottish Executive, the Finance Secretary in the National Assembly for Wales, and the Minister for the Department of Finance and Personnel in Northern Ireland.
- [12] The *Framework for National Statistics* (2000) requires the Statistics Commission to “comment on the application of the National Statistics Code of Practice”, “advise Ministers of areas of widespread concern about the quality of official statistics”, and empowers the Commission to “comment on the quality assurance processes of National Statistics, as well as being able to carry out spot checks on departmental or other audits of National Statistics, to advise the National Statistician of any areas of concern that merit review and if necessary to carry out or commission its own audits”.
- [13] The UN *Fundamental Principles for Official Statistics* were adopted in 1994 to inform the organisation, collection and promulgation of official statistics across all UN members. See United Nations Economic and Social Council *UN Fundamental Principles of Official Statistics: Report of the Special Session of the Statistical Commission* (New York, 11-15 April 1994) E/1994/29 <http://unstats.un.org/unsd/methods/statorg/FP-English.htm>.
- [14] The 12 protocols cover: Release Practices; Consultation Arrangements between the National Statistician and UK Government Ministers; Professional Competence; Customer Service and User Consultation; Data Presentation, Dissemination and Pricing; Statistical Integration; Data Management, Documentation and Presentation; Managing Respondent Load; Quality Management; Revisions; Data Access and Confidentiality; and Data Matching http://www.statistics.gov.uk/about/national_statistics/cop/protocols_published.asp.
- [15] HM Treasury *Independence for statistics: a consultation document*, 22 March 2006, pp. 8–9.