

STATISTICS COMMISSION - BRIEFING

STATISTICS AND REGISTRATION SERVICE BILL [HC]

Part 1 – The Statistics Board: Second Reading

The Statistics Commission strongly welcomes the intent of this Bill, to create an independent board to enhance confidence in government statistics. The Bill will establish a new Statistics Board which will subsume the Office for National Statistics (ONS) and become a non-ministerial department in its own right whilst remaining within the overall responsibility of the Treasury, in much the same way as Her Majesty's Revenue and Customs. In effect the new Board will replace:

- the statistical functions of the Office for National Statistics
- the oversight role of Treasury Ministers in relation to ONS functions
- the independent Statistics Commission.

Done right, this should provide genuinely independent oversight of the production and publication of official statistics and thus give the public good reason to trust the statistical service. Among the welcome provisions of the Bill is the non-executive majority on, and chair of, the Board and the broad scope of its responsibility for statistical governance. That Board will bring increased authority to the dealings ONS has with the rest of government and we believe this is a necessary and important step forward. We welcome also the 'non-ministerial' status of the new body; the authority of the Board to approve and maintain a Code of Practice; and the moves towards improving access to, and use of, administrative data held across government to enhance statistics and minimise the compliance burden.

We are however concerned that the Bill as presently drafted:

- does not secure a sufficiently clear separation of executive and scrutiny roles;
- gives the Board responsibility for, but not authority over, official statistics in government bodies other than ONS;
- does not place government bodies under an explicit obligation to observe the Code of Practice;
- continues to let Ministers - rather than the Board on behalf of Parliament - determine the rules for access to statistics before they are published.

The independence of the Board

The Bill as presently drafted gives the Board both a scrutiny role¹ over all government statistics and an executive role² in producing some statistics.

The Statistics Commission believes that it will be essential for the Board to focus primarily on its role of 'defining the rules', monitoring compliance with them and assuring Parliament on these matters. We understand that government expects the Board to delegate³ all responsibilities for the production of statistics to a new 'executive office' under the National Statistician (to replace ONS). We agree that the National Statistician must not be involved directly in the scrutiny function. She must however be given formal responsibility for the overall planning, production and quality of statistical products.

In order to achieve this, we believe that the Bill should explicitly provide for a demonstrable separation of the governance and scrutiny functions of the Board from the production functions of the executive office. This separation must be beyond question. If it remains

¹ Clauses 7 and 8

² Clauses 6, 18 and 53

³ Clause 33

unclear where responsibility lies, neither the Board nor National Statistician will be able to function effectively or command the confidence of Parliament.

The authority of the Board

The Bill as presently drafted confers the **responsibility** to safeguard the quality of all official statistics⁴ without commensurate **authority** over those statistics produced by government departments other than ONS.

The Board, in the form the Bill proposes, will only have sufficient authority to resolve shortcomings in statistical practice, outside ONS, if strongly supported by Government and Parliament. We note that the Government expects authority in practice to derive from the active engagement of Parliamentary select committees in matters raised by the Board⁵. Whilst the regular involvement of Parliament would be a powerful mechanism, we believe that more could still be done, both within the Bill itself and through the explicit commitment of Ministers to non-statutory arrangements, to strengthen the Board's authority.

Code of Practice

The Bill requires the Board to develop a Code of Practice for National Statistics. The Code must be broadly drawn and cover matters such as resources, commentary and dissemination. If it is narrowly focused on statistical methods, even full compliance will not buttress public confidence. We therefore assume the Code will have coverage akin to the proposals that the Statistics Commission has now published for consultation⁶. The Bill should clearly state that the Code will be binding on all government bodies producing official statistics. It must also empower the Board to assess compliance as it sees fit. The Code must apply to the government body as a whole and to all the statistical work of that body.

Pre-release access

The Bill as presently drafted gives Ministers rather than the Board the power to determine the period of their pre-release access to official statistics⁷. The Statistics Commission would wish to see the Bill give this power to the Board, in consultation with Ministers. We believe that this is the only way of giving sufficient public assurance that official statistics are free from government "spin".

Non-statutory arrangements

Those measures more suited to **non-statutory** arrangements would include a strong concordat between the four UK administrations on how they will work together on statistics; explicit recognition by all four administrations that government departments are expected to follow the advice of the Board on the interpretation of the Code; and arrangements for direct access to the Prime Minister for the chair of the Board on matters of national importance.

⁴ Clause 7

⁵ See *Independence for Statistics, The Government Response*, November 2006, paragraph 2.27

⁶ A 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>

⁷ Clause 11

The Statistics Commission was set up in June 2000 to advise on the quality, quality assurance and priority setting for official statistics, and on the procedures designed to deliver statistical integrity, and to help ensure official statistics are trustworthy and responsive to public needs. It is independent of Ministers and of the producers of official statistics. More information about the Commission's role and work is at www.statscom.org.uk.

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