

Statistics Commission comments on selected clauses from the *Statistics and Registration Service Bill* (18 December 2006)

<p>3. Members</p> <p>(1) The Board is to consist of executive and non-executive members.</p> <p>(2) The non-executive members are to be—</p> <p>(a) the chairman, appointed by Her Majesty, and</p> <p>(b) at least five other persons appointed by the Treasury.</p> <p>(3) Before appointing any person under subsection (2)(b) the Treasury must consult the chairman.</p> <p>(4) The persons appointed under subsection (2)(b) must include—</p> <p>(a) one person who is appointed by the Treasury after consulting the Scottish Ministers,</p> <p>(b) one person who is appointed by the Treasury after consulting the Welsh Ministers, and</p> <p>(c) one person who is appointed by the Treasury after consulting the Department of Finance and Personnel for Northern Ireland.</p>	<p>If Treasury decides to appoint the minimum number of non-executive members (ie six), half of that number will be people selected by Ministers in the devolved administrations. This may not be a good balance.</p>
<p>5. Executive members and other staff</p> <p>(. . .)</p> <p>(6) The Board may only appoint persons under subsection (4) with the approval of the Minister for the Civil Service as to numbers and terms and conditions of employment.</p>	<p>Is it necessary for Ministers to control <u>staff numbers</u> as well as funding?</p>
<p>6. Official statistics</p> <p>(1) In this Part “official statistics” means—</p> <p>(a) statistics produced by—</p> <p>(i) the Board,</p> <p>(ii) a government department,</p> <p>(iii) the Scottish Administration,</p> <p>(iv) a Welsh ministerial authority,</p> <p>(v) a Northern Ireland department, or</p> <p>(vi) any other person acting on behalf of the Crown, and</p> <p>(b) such other statistics as may be specified by order by—</p> <p>(i) a Minister of the Crown,</p> <p>(ii) the Scottish Ministers,</p>	<p>This clause signals that the Board is to be seen as a ‘producer’ of statistics. Subsequent, non-statutory, delegations may not change that perception.</p>

<p>(iii) the Welsh Ministers, or (iv) a Northern Ireland department.</p> <p>(2) An order under subsection (1)(b) may in particular specify all, or a description of, the statistics produced or to be produced by a particular person or description of person.</p> <p>(3) Before making an order under subsection (1)(b) an authority referred to in that provision must consult the Board.</p> <p>(4) The Board must, at least once every financial year, publish a list of statistics which are at the time of publication official statistics by virtue of subsection (1)(b).</p>	<p>A <u>list</u> of official statistics will be largely meaningless. All statistics are aggregates of other statistics. How would we list statistics produced by the Census?</p>
<p>7. Objective</p> <p>(1) In the exercise of its functions under sections 8 to 19 the Board is to have the objective of promoting and safeguarding—</p> <p>(a) the quality of official statistics, (b) good practice in relation to official statistics, and (c) the comprehensiveness of official statistics.</p> <p>(2) In this Part references to the quality of any official statistics includes—</p> <p>(a) their impartiality, accuracy and relevance, and (b) their coherence with other official statistics.</p> <p>(3) In this Part references to good practice in relation to official statistics includes ensuring their accessibility.</p>	<p>It is not clear that, in the case of statistics produced outside ONS, the Board has the <u>authority</u> to <u>safeguard</u> quality, good practice and comprehensiveness.</p> <p>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.</p>
<p>8. Monitoring and reporting of official statistics</p> <p>(1) The Board is to monitor the production and publication of official statistics.</p> <p>(2) The Board may report any concerns it has about—</p> <p>(a) the quality of any official statistics, (b) good practice in relation to any official statistics, or (c) the comprehensiveness of any official statistics, to the person responsible for those statistics.</p> <p>(3) The Board may publish its findings or any</p>	<p>In practice, the Board cannot <u>monitor</u> 'production'. It would be more realistic to say 'monitor the statistical activities of bodies that produce official statistics'. The scope of the Code of Practice is an important consideration here.</p>

<p>report under this section.</p>	
<p>9. Definitions etc for official statistics (1) The Board is to—</p> <p>(a) develop and maintain definitions, methodologies, classifications and standards for official statistics, and (b) promote their use in relation to official statistics.</p> <p>(2) The Board may in particular for the purposes of this section give guidance and advice to persons responsible for official statistics.</p> <p>(3) The Board may publish guidance and advice given under this section.</p>	<p>This is a role for the National Statistician, not the Board</p> <p>There is no matching obligation on recipients of this guidance to observe it.</p>
<p>10. Code of Practice for National Statistics (1) The Board is to prepare, adopt and publish a Code of Practice for National Statistics.</p> <p>(2) The Board may at any time revise the Code and, if it decides to do so, must publish the Code as revised.</p> <p>(3) In preparing or revising the Code the Board must consult—</p> <p>(a) the Scottish Ministers, (b) the Welsh Ministers, (c) the Department of Finance and Personnel for Northern Ireland, and (d) such other persons as it thinks fit.</p>	<p>This clause requires only the Board itself to ‘adopt’ the Code. It should be a statutory requirement on all bodies that produce official statistics.</p> <p>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.</p>
<p>11. Pre-release access (1) The Code of Practice for National Statistics under section 10 may not deal with any matter relating to the granting of pre-release access to official statistics.</p> <p>(2) The appropriate authority may for the purposes of the Code by order provide for rules and principles relating to the granting of pre-release access to official statistics.</p> <p>(3) The Code shall apply in relation to any official statistics as if it included any rules and principles provided for in relation to those statistics under subsection (2).</p> <p>(4) The rules and principles which may be provided for under subsection (2) include rules and principles as to—</p>	<p>This is not logical. The Code has to deal with the issue, regardless of whether it is Ministers that set the rules.</p> <p>The Bill as presently drafted gives Ministers rather than the Board the power to determine the period of their pre-release access to official statistics. The Statistics Commission would wish to see the Bill give this power to the Board, in consultation with Ministers.</p>

<p>(a) the circumstances in which, or descriptions of statistics in relation to which, pre-release access may or may not be granted;</p> <p>(b) the persons or descriptions of person to whom pre-release access may be granted;</p> <p>(c) the period, or maximum period, during which pre-release access may be so granted;</p> <p>(d) the conditions subject to which pre-release access may be so granted.</p> <p>(5) Those rules and principles may—</p> <p>(a) make different provision for different cases, and</p> <p>(b) allow for the exercise of discretion by persons responsible for official statistics.</p> <p>(6) In this section “appropriate authority” means—</p> <p>(a) the Treasury, except in a case falling within paragraphs (b) to (d);</p> <p>(b) the Scottish Ministers, in relation to official statistics that are wholly Scottish devolved statistics;</p> <p>(c) the Welsh Ministers, in relation to official statistics that are wholly Welsh devolved statistics;</p> <p>(d) the Department of Finance and Personnel for Northern Ireland, in relation to official statistics that are wholly Northern Ireland devolved statistics.</p> <p>(7) Before making an order under subsection (2) the appropriate authority must consult the other persons referred to in subsection (6)(a) to (d).</p> <p>(8) In this section “pre-release access”, in relation to official statistics, means access to the statistics in their final form prior to publication.</p>	<p>This concept of ‘devolved statistics’ is new and is likely to prove problematic. Until now statistics have been regarded as neither ‘devolved’ nor ‘reserved’. The devolution legislation does not address this issue, so this the first time, to our knowledge, that legislation will promote the idea of ‘devolved statistics’.</p> <p>This refers to statistics in ‘final form’. Who sets the rules for statistics in ‘near-final’ form? And what about the text of the statistical release?</p>
<p>12. Assessment</p> <p>(1) At the request of the appropriate authority the Board must, in accordance with this Part, assess and determine whether the Code of Practice for National Statistics under section 10 has been complied with in relation to any official statistics.</p> <p>(2) If under subsection (1) the Board</p>	<p>Having established the Code, the Board should be free to monitor its application, with or without being <u>requested</u> to do so. It is not statistics per se that comply with a Code but organisations.</p>

<p>determines that the Code has been complied with, it must designate the statistics as “National Statistics”; but otherwise it must decline so to designate them.</p> <p>(3) A request under subsection (1) may not be withdrawn.</p> <p>(4) The person responsible for any official statistics in relation to which an assessment is being made under subsection (1) must provide the Board with such information about the statistics as it may reasonably require.</p> <p>(5) The Board must publish the results of any assessment under subsection (1).</p> <p>(6) The Board may in exercising its functions under subsection (1) take into account information or advice received from any person.</p> <p>(7) In subsection (1) the “appropriate authority” in relation to any official statistics is a Minister of the Crown, subject to the following—</p> <p>(a) the National Statistician is the appropriate authority in relation to statistics produced by the Board;</p> <p>(b) the Scottish Ministers are the appropriate authority in relation to official statistics not produced by the Board which are Scottish devolved statistics;</p> <p>(c) the Welsh Ministers are the appropriate authority in relation to official statistics not produced by the Board which are Welsh devolved statistics;</p> <p>(d) any Northern Ireland department is the appropriate authority in relation to official statistics not produced by the Board which are Northern Ireland devolved statistics.</p> <p>(8) For the purposes of this Part, any official statistics designated as National Statistics before the commencement of this section shall be regarded as having been so designated under this section.</p>	<p>Clause 12 (8) reduces the impact of sub-clauses 1-7</p>
<p>13. Re-assessment</p> <p>(1) The Board must, in accordance with this Part, assess and determine whether the Code of Practice for National Statistics under section 10 continues to be complied with in relation to statistics already designated as National Statistics under section 12.</p>	

<p>(2) If under subsection (1) the Board determines that the Code continues to be complied with in relation to any statistics already designated as National Statistics under section 12, it must confirm their designation as National Statistics; but otherwise it must cancel their designation.</p> <p>(3) The person responsible for any official statistics in respect of which an assessment is being made under subsection (1) must provide the Board with such information about the statistics as it may reasonably require.</p> <p>(4) The Board may in exercising its functions under subsection (1) take into account information or advice received from any person.</p> <p>(5) The Board must publish the results of any assessment under subsection (1).</p> <p>(6) The designation of any statistics as National Statistics may not be cancelled except pursuant to a determination under subsection (1).</p>	<p>It would be better if the Board could direct the producer body to comply with the Code, rather than remove a label that few will understand.</p>
<p>14. Programme of assessment</p> <p>(1) The Board must prepare and publish a programme for the assessment and reassessment of statistics under sections 12(1) and 13(1).</p> <p>(2) The Board may at any time revise the programme and, if it decides to do so, must publish the programme as revised.</p>	<p>It is the statistical activities of producer bodies that must be assessed, not the statistics.</p>
<p>18. Production of statistics</p> <p>(1) The Board may itself produce and publish statistics relating to any matter relating to the United Kingdom or any part of it.</p> <p>(2) The Board may at any time publish information or give advice on statistics produced under subsection (1).</p> <p>(...)</p>	<p>This gives the Board an executive role in producing statistics. Delegation of this role may still leave a perception that the Board itself is the ‘producer’.</p> <p>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.</p>
<p>27. Directions</p> <p>(1) If the Chancellor of the Exchequer considers that there has been a serious failure by the Board—</p> <p>(a) to comply with its objective, or</p>	<p>As long as these are understood strictly to be provisions of last resort they are acceptable. But they send out an unfortunate message about where authority lies.</p>

<p>(b) to perform any of its functions, he may give the Board such directions as he considers appropriate to remedy the failure.</p> <p>(2) If the Scottish Ministers consider that there has been a serious failure by the Board—</p> <p>(a) to comply with its objective, or (b) to perform any of its functions so far as relating to Scottish devolved statistics, they may, with the consent of the Chancellor of the Exchequer, give the Board such directions as they consider appropriate to remedy the failure.</p> <p>(3) If the Welsh Ministers consider that there has been a serious failure by the Board—</p> <p>(a) to comply with its objective, or (b) to perform any of its functions so far as relating to Welsh devolved statistics, they may, with the consent of the Chancellor of the Exchequer, give the Board such directions as they consider appropriate to remedy the failure.</p> <p>(4) If the Department of Finance and Personnel for Northern Ireland considers that there has been a serious failure by the Board—</p> <p>(a) to comply with its objective, or (b) to perform any of its functions so far as relating to Northern Ireland devolved statistics, it may, with the consent of the Chancellor of the Exchequer, give the Board such directions as it considers appropriate to remedy the failure.</p> <p>(5) The Chancellor of the Exchequer may give the Board such directions as he considers appropriate for the purpose of implementing any Community obligation.</p>	
<p>29. National Statistician: executive functions</p> <p>(1) The National Statistician is also to be the chief executive of the Board.</p> <p>(2) The National Statistician may, subject as follows, exercise any of the functions of the Board (including functions of establishing committees under section 32 and delegating functions to such committees).</p> <p>(3) The National Statistician may not exercise</p>	<p>This clause should perhaps refer to 'chief executive of the executive office', not chief executive of the Board.</p>

<p>the functions of—</p> <p>(a) determining under section 10 whether to adopt a code as the Code of Practice for National Statistics or to revise the Code, or</p> <p>(b) determining under section 12(1) or 13(1) whether any official statistics comply with the Code.</p> <p>(4) The Board may direct the National Statistician—</p> <p>(a) not to exercise a particular function, or</p> <p>(b) as to how he should exercise a particular function.</p> <p>(5) The National Statistician must establish an executive office of the Board.</p> <p>(6) The executive office is to consist of—</p> <p>(a) the National Statistician (who is to be its head),</p> <p>(b) the other executive members of the Board (subject as follows), and</p> <p>(c) such other employees of the Board as the National Statistician may assign to it.</p> <p>(7) The National Statistician may delegate any function which he may exercise under subsection (2) to any other member of the executive office.</p> <p>(8) The delegation of a function by the National Statistician under subsection (7) does not prevent him from exercising the function himself.</p> <p>(9) In the event of a vacancy in the office of National Statistician, his functions under this section may be exercised by such one of the other executive members of the Board as the Board may direct.</p> <p>(10) If the Head of Assessment is an executive member of the Board—</p> <p>(a) he is not under subsection (6)(b) to be a member of the executive office, and</p> <p>(b) he may not exercise functions of the National Statistician under subsection (9).</p>	<p>We assume that in legal terms, the executive office will be part of the Board rather than a separate organisation. The Bill should explicitly provide for a demonstrable separation of the governance and scrutiny functions of the Board from the production function of the executive office.</p>
<p>33. Delegation</p> <p>(1) Subject as follows, the Board may delegate any of its functions (generally or specifically) to—</p>	<p>We understand that government expects the Board to delegate all responsibilities for the production of statistics to a new 'executive office' under the National Statistician</p>

<p>(a) a member of the Board (b) an employee of the Board not assigned to the executive office of the Board, or (c) a committee established under section 32 (1) (a).</p> <p>(2) The Board may not under this section delegate the functions of –</p> <p>(a) determining under section 10 whether to adopt or revise the Code of Practice for National Statistics, or (b) determining under section 12 (1) or 13 (1) whether any official statistics comply with the Code.</p> <p>(3) Any committee of the Board established under section 32 (1) (a) may delegate any function exercisable by it to any of its sub-committees.</p> <p>(4) The delegation of a function by the Board or a committee of the Board under this section does not prevent the Board or committee from exercising the function.</p>	<p>(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.</p>
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