



CabinetOffice

Review of pre- release access to official statistics

Executive Summary

The UK Government recently considered its policy on pre-release access to official statistics, which came into force on 1 December 2008. After careful consideration, Government has decided to maintain the existing practice. The findings of the review, carried out by the Cabinet Office, informed that decision. The review, announced by the previous Government, was to assess the new arrangements 12 months after they had been in force. The UK Statistics Authority published their report on the current pre-release access arrangements earlier this year and their views were taken into account in Government making its decision.

Official statistics make a crucial contribution to effective government in a modern democracy, assisting in the formulation and evaluation of policies. It is not necessarily the case that further tightening the rules on pre-release access would strengthen the public's perception of the independence of official statistics. Providing a Government response to an official statistic at the time it is released, however, does allow the public to more thoroughly hold Government to account.

This Government is going further in improving accountability and transparency. The Coalition Programme for Government sets out a commitment to a new 'right to data', so that datasets held by Government can be requested and made regularly available. As well as enabling the public to hold Government more fully to account, setting government data free will bring significant economic benefits by enabling businesses and non-profit organisations to build innovative applications and websites.

The findings of the Cabinet Office review are clear. The new rules, introduced on 1 December 2008, have had an impact. They have led to a 22 per cent decrease in the average number of ministers and officials having sight of official statistics before they are released and the number of releases that are not seen before they are released has increased by 17 per cent. Although the reduction to 24 hours has created some pressure in departments to produce briefing in time for publication and in some cases the comprehensiveness of briefing is not as thorough, the information gathered shows the current arrangements are working.

The rest of this report provides further detail of the review and its findings. The review does not cover the practice in relation to statistics that are wholly devolved. They are covered by separate orders, which are the responsibility of the devolved administrations.

1 Introduction

The rules governing who may have access to non wholly devolved official statistics in their final form before they are published are set out in the *Pre-Release Access to Official Statistics Order 2008*¹. The rules came into force on 1 December 2008, following a 12 week consultation² and Parliamentary approval, and reduced the amount of pre-release access to official statistics (that are not wholly devolved) from up to five days to a maximum of 24 hours.

The previous Government committed to reviewing the rules 12 months after they had been in operation. The Cabinet Office has carried out the review and this report details the findings.

1.1 Independence for Statistics

Official statistics make a crucial contribution to effective government in a modern democracy, assisting in the formulation and evaluation of policies and in the management of the services for which the Government is responsible; encouraging and informing debate; and in holding the Government to account. However, the use of official statistics goes wider than government – they are a public good, providing a rich and vital source of information for a range of users, in business, in academia and in the wider community. Official statistics must therefore be, and be seen to be, of the highest professional quality and integrity.

The independence of the statistical system in the UK was put on a statutory footing when the *Statistics and Registration Service Act 2007* received Royal Assent on 26 July 2007. The Act created a new non-ministerial department, the UK Statistics Authority – legally known as the Statistics Board – to promote and safeguard the production and publication of official statistics that serve the public good. The Authority's remit extends across all official statistics, wherever they are produced: whether in the Office for National Statistics (ONS) (the executive office of the Authority), in departments of the UK Government, arms length bodies, or in the devolved administrations in Scotland, Wales and Northern Ireland. The Authority started its work formally on 1 April 2008.

The Authority promotes good practice for official statistics, through its *Code of Practice for Official Statistics*³, published in January 2009. The Code sets out the best practice to be followed in producing and publishing official statistics. Adherence to the Code is mandatory for National Statistics. The Code is intended to ensure that the range of official statistics meets the needs of

¹ <http://www.opsi.gov.uk/si/si200829>

² The consultation document, responses received and Government response are available at http://webarchive.nationalarchives.gov.uk/20080804124019/http://www.cabinetoffice.gov.uk/consultations/prerelease_access.aspx

³ <http://www.statisticsauthority.gov.uk/assessment/code-of-practice/index.html>

users, that the statistics are produced, managed and disseminated to high standards and that the statistics are well explained.

1.2 The legislative framework

The Act states that responsibility for setting the rules on pre-release access to official statistics rests with Government. In accordance with Section 11(1) of the Act, it is the *Pre-Release Access to Official Statistics Order 2008* that provides the rules and principles for granting pre-release access and the Authority's Code applies as if it includes the order. The order only relates to statistics that are not 'wholly devolved' (in other words, the order does not apply to devolved statistics produced by the devolved administrations in Scotland, Wales and Northern Ireland). The devolved administrations have each made their own orders – see section 1.4 below.

Although government is responsible for setting the rules on pre-release access, the Statistics Authority may report any concerns it has in relation to official statistics, including pre-release practices applied to those statistics and publish its findings.

1.3 Main features of the pre-release order

Pre-release access to official statistics is a privilege and not a right. In accordance with the Statistics Act it is the person responsible that determines pre-release access to an official statistic. In the case of statistics produced by the UK Statistics Authority that responsibility rests with the National Statistician. In the case of a department, it is the Minister in charge of that department. However, given the need for professional integrity in the production and publication of official statistics, the responsibility for implementing and carrying out the Order has been delegated to the Head of Profession for Statistics (HoP) in the department, with support from Ministers and Permanent Secretaries. The rules for pre-release access, as set out in the Order, are as follows:

- Pre-release may only be granted to ensure that Ministers and others with similar responsibilities are able to respond or take action at the time of release;
- Pre-release may only be granted where to deny such access would significantly impede the response;
- Pre-release should be minimised, both in terms of the number of statistics and the people given access to them;
- Pre-release must not be granted unless the public benefit likely to result outweighs the detriment to public trust likely to result from the granting of pre-release itself;
- Pre-release must not exceed the maximum of 24 hours;
- Anyone with pre-release access must not disclose its value, or indicate its size or trend. Nor can they use it for personal gain or political

- advantage (apart from the preparation of responses or actions that is the reason for granting such access in the first place);
- A person receiving access to market sensitive statistics must sign a declaration to comply with these rules before they can be granted access;
 - Special provisions are included in the Order so that:
 - Pre-release access may be granted to certain members of the Bank of England and HM Treasury for longer than 24 hours to facilitate the effective coordination of fiscal and monetary policy;
 - Pre-release access may be granted to permit the UK to comply with its obligations to provide data to international statistical organisations for longer than 24 hours if necessary;
 - Journalists can be allowed embargoed pre-release access for up to 24 hours if the person responsible thinks it likely to facilitate well informed debate. Conditions can be imposed, for example the use of a 'lock-in';
 - Access may be granted for more than 24 hours to enable the inclusion of the statistic in a third party publication which is published at the same time or shortly after.
 - The 24 hour pre-release period may otherwise be exceeded only in exceptional circumstances. The Statistics Authority must be informed and the person responsible must publish the reasons;
 - The Head of Profession may also only in exceptional circumstances decide that someone who is not an 'eligible person' as defined in the Order may be given pre-release access. The UK Statistics Authority must be informed and the person responsible must publish the reasons.

The Cabinet Office produced and issued guidance to departments to assist with implementing the new rules on pre-release access. The Cabinet Secretary and the National Statistician wrote to Permanent Secretaries to inform them of the new rules and emphasise they applied to all civil servants and ministers, not just statistical staff.

1.4 Devolved administrations

The devolved administrations have set their own pre-release arrangements, in separate Orders, in accordance with Section 11(6) of the *Statistics and Registration Act 2007*. Devolved statistics are defined in Section 66 of the Act. The Order for Scotland came into force on 1 December 2008⁴. The Order for Northern Ireland⁵ came into force on the 1 April 2009 and the Order for Wales came into force on 21 October 2009⁶. Although the UK Order does not apply to wholly devolved Scottish, Welsh or Northern Ireland statistics, it does apply when sharing UK wide statistics with the devolved administrations.

⁴ http://www.opsi.gov.uk/legislation/scotland/ssi2008/pdf/ssi_20080399_en.pdf

⁵ http://www.opsi.gov.uk/sr/sr2009/pdf/nisr_20090071_en.pdf

⁶ http://www.opsi.gov.uk/legislation/wales/wsi2009/wsi_20092818_en_1

There are various differences between the four Orders, in particular on the amount of time given for pre-release access. For statistics produced by the UK Government or the Government in Northern Ireland, the maximum time given to pre-release access is 24 hours. In Scotland and Wales it is 24 hours for market sensitive statistics and up to five days for non-market sensitive statistics, although more pre-release time can be granted if it is thought appropriate to do so. In the UK and Northern Ireland, the 24 hour rule can also be extended, but only in exceptional circumstances.

The devolved administrations have also committed to reviewing their pre-release arrangements one year after they have been in force. Scotland has completed its review and published it in July 2010⁷.

1.5 UK Statistics Authority review

The UK Statistics Authority, independently from the Cabinet Office, carried out a review of the new pre-release access arrangements and published its report on 18 March⁸. In preparing their review the Authority collected information on release practices from statisticians from a selected number of departments, via a short questionnaire⁹. The Government took account of the Authority's views in forming its decision to maintain the current practice.

1.6 Outline of this report

Chapter 2 discusses the key issues for the review to consider and the summary findings.

Chapter 3 details how the review was conducted and Chapters 4 and 5 describe and analyse in more detail the evidence collected.

⁷ <http://www.scotland.gov.uk/Resource/Doc/933/0101392.doc>

⁸ <http://www.statisticsauthority.gov.uk/reports---correspondence/reports/pre--release-access-to-official-statistics--a-review-of-the-statutory-arrangements.pdf>

⁹ The analysis presented in this reports differs to that in the Authority's report. The Authority only collected information on three statistics from each of eight departments. The Cabinet Office review was more extensive and collected information on all National Statistics published on the Publication Hub.

2 Key issues for the review and the findings

This chapter looks at the key issues the review were to consider and what the review found in relation to these issues. Chapters 4 and 5 provide more detail on the findings of the review.

2.1 Key issues the review wanted to address

The review was carried out to examine how pre-release access to official statistics has worked since the 2008 Order came into operation. In particular the review sought to:

- 1 Discover if the rules have been followed: assessing evidence of breaches of the rules and asking if statisticians had encountered resistance in trying to implement the rules;
- 2 Assess the impact of the new rules on the workings of government. This included enquiring about the ability of Ministers and press offices to respond to questions at the time of publication, changes in working practices, and changes in the quality of briefing prepared, and
- 3 Identify what impact the rules have had on who receives pre-release access and on the numbers of statistics for which pre-release access was granted.

The review also sought views on the likely impact of reducing further the amount of time given to pre-release access.

In addition, the review sought to identify examples of good practice that should be shared, while recognising the diversity of institutional arrangements around statistics and ways in which the guidance might helpfully be amended.

2.2 Discover if the rules have been followed

The new rules have been implemented and followed successfully

The evidence collected shows that departments have applied the rules in good faith and where breaches of the rules have occurred they have generally been the result either of errors or lack of awareness of the rules rather than deliberate attempts to break them. HoPs were pro-active in preparing departmental colleagues for the new rules, and a number of different strategies were employed. They have policed the rules well, clamping down on attempts to bend the rules in the early days of the review period. Non-statisticians have responded well to explanations of the reasons given by

HoPs. There is no evidence that pre-release access has been abused by recipients (for instance briefing the media in advance of publication). It is worthwhile noting that HoPs have not been overruled or ignored, even when departments have said they are unhappy with decisions made (although there have been some instances of HoPs being persuaded to change their original decision). Most departments have complied with the requirement to minimise the numbers of people receiving pre-release access, with the two exceptions expecting to achieve further cuts during 2010. All HoPs plan to keep their lists under review so that the requirement to keep lists lengths to a minimum can be met.

2.3 Assess the impact of the new rules on the workings of Government

The new rules have not had a significant detrimental effect on the ability of Government to do its work (including making itself accountable to the public and to the media)

The collected evidence shows that on the whole the 24 hour period is workable. For most officials affected in Government the impact of the rules has been to make life harder, but departments have adapted effectively to the new rules. There have been more problems when dealing with large, complex publications and statistics produced by another department. Briefing has remained of good quality, but of reduced comprehensiveness or depth.

Departments feel in some cases that they have not been able to use statistics as effectively as they did in the past to inform or advise Ministers at the time of release. Government no longer tries to announce new policies to coincide with the release of statistics. Press offices sometimes feel that they cannot deal with the full range of questions that are asked soon after the release of statistics, but there is no evidence that the Government's official, considered response to questions raised by statistics is not covered by the media in its coverage.

Some officials are working longer hours during the 24 hour period, and for many officials the 24 hour period actually translates to a specific window of two or three hours within which there is intense pressure to complete their specific task. Some policy officials and statisticians do feel that in comparison with the week-long briefing period the current arrangements are more focussed. (This was only stated by departments which routinely gave the full week for pre-release access under the old arrangements, and not by departments which routinely used to give 48 hours or 72 hours.) Ministers are receiving briefing later than they used to (except for market-sensitive statistics) and in some cases their officials worry that they are less well prepared than would be ideal, but to date there have been no incidents of Ministers saying the wrong thing or making inaccurate statements.

2.4 Identify what impact the rules have had on who gets pre-release access

The mean number of recipients per statistic has been reduced by 22%

It has been noted above that pre-release lists for National Statistics have been shortened by about a fifth, and that there has been good progress in tightening the arrangements for pre-release access to other official statistics. Departments have reduced the number of statistics to which pre-release access is granted by about 7%. Most departments do not expect further to reduce the lengths of their pre-release lists significantly although they will keep this under constant review. There is a wide variety between departments in the length of pre-release lists and the proportion of statistics to which pre-release is granted; to a certain extent this might be due to differences in the length/size/complexity of the publications, but also due to the variety of policy areas to which statistics relate as well as, perhaps, the media interest in some statistics. Departments have become more rigorous in recording the recipients of pre-release access.

Taking account of the reduction in the length of time that pre-release is awarded, from up to five working days to a maximum of 24 hours, the total amount of pre-release access (in people-hours) for National Statistics subject to the UK order has been reduced to a sixth of its level as a result of the rule changes. The mean number of recipients per statistic, pre-release has been reduced by 22%.

3 Conduct of the review

There were two phases to the review, to try to address the issues identified in Chapter 2. The first phase was quantitative and gathered information on the number of people who had pre-release access to official statistics, with the intention of measuring the impact of the new rules on the lengths of the pre-release access lists. The second phase was qualitative and collected evidence on the experiences of people working under the rules and the opinions of some users of official statistics.

Phase 1 – numbers of people having pre-release access

For the analysis of pre-release access lists, departments were asked to count the number of people on lists for National Statistics published during the 12 months after the new arrangements had begun. Only the latest publication during this period was considered in the case of monthly and quarterly statistics. Departments were also asked for the numbers of people on pre-release lists, and the amount of time that each had advance access, for these statistics when they were published before the *Statistics and Registration Service Act 2007* came into force. Wholly devolved statistics are not included.

Phase 2 – views of people having pre-release access

This phase was concerned with collecting information from five groups of people on their experiences of working under the new rules. The groups were: private secretaries of Ministers; press officers; senior officials who are on pre-release lists primarily to receive briefing; officials who are on the lists in order to produce briefs for colleagues; and Heads of profession (HoPs).

The review team conducted interviews with members of private offices, press offices and senior officials from six departments (all of which are significant users of pre-release access). In many of these interviews statisticians from the same department were present to help clarify misunderstandings (such as whether a particular example was indeed an official statistic and not, say, a piece of research not subject to the pre-release rules). Thirteen interviews were conducted in total by the Cabinet Office review team in early 2010.

For other departments, and for those groups of people in the six departments that were not interviewed, HoPs coordinated the collection of the other information within their departments. In the case of private secretaries and press officers, individuals were generally asked to gather the views of their colleagues in other private offices or the press office so that they could represent the views of these offices fairly in their responses. Senior officials and producers of briefing were generally asked to describe their personal experiences only. HoPs were asked to ensure that a range of people from each group were given the opportunity to contribute. Information was provided confidentially to encourage frank and honest responses. Where departments are identified in this report this is where it is felt the specific

example is difficult to describe without disclosing the department involved, and is done with their permission.

Throughout this report, for simplicity, 'departments' are referred to, but there are other public bodies which have statistical Heads of Profession and which are part of the Government Statistical Service (GSS), the head of which is the National Statistician. These include, for example, bodies such as the NHS Information Centre and the Health and Safety Executive. There are a few bodies which produce National Statistics or official statistics but have no HoP. These bodies have contributed to the review by providing information about their pre-release lists for National Statistics, and some contributed to the questionnaires where the HoP of a 'sponsoring' department contacted them. The public bodies that contributed to the review are listed below. (There are a few others whose responses were collated by their sponsoring department and which were anonymised.)

- Bank of England
- Department for Business, Innovation and Skills
- Department for Communities and Local Government
- Department for Culture, Media and Sport
- Department for Children, Schools and Families
- Department of Energy and Climate Change
- Department for the Environment, Food and Rural Affairs
- Department for Transport
- Department of Health
- Department for Work and Pensions
- Food Standards Agency
- Forestry Commission
- Health and Safety Executive
- Her Majesty's Revenue and Customs
- Her Majesty's Treasury
- Home Office
- Information Centre for Health and Social Care / NHS Information Centre
- Ministry of Defence
- Ministry of Justice
- Northern Ireland Office
- Prime Minister's Office
- Office for National Statistics
- Police Service of Northern Ireland
- Scottish Executive

4 Number of people having pre-release access – Phase 1

Summary of findings

- For National Statistics the number of people receiving pre-release access went down by 22%.
- There was a 17% increase in the number of National Statistics to which no pre-release access is given.
- Taking account of the reduced time for pre-release access as well as the reduced number of people, total pre-release (in people-hours) is about one sixth the level it was previously.

4.1 Data collection

What was collected

The review collected evidence on the numbers of people receiving pre-release access by examining the lists that are maintained by those responsible for producing statistics. The analysis is focussed on the lists for all National Statistics published during the 12 months from 1 December 2008 (the *review period*), which were subject to the UK's Pre-Release Access to Official Statistics Order 2008. This means that wholly devolved National Statistics were excluded.

Time periods for comparison

In order to assess what effect the new rules have had on the amount of pre-release access being granted, the pre-release lists for these statistics were compared with the lists for the same statistics prior to the Order coming into force. This *baseline period* was taken to the year up to 31 March 2008. This is a better period for comparison than including statistics released between April and November 2008 because during this later period (which is the time between the commencement of the main provisions of the *Statistics and Registration Service Act 2007* and the coming in to force of the *Pre-Release Access to Official Statistics Order 2008*) some departments already began the process of reducing their pre-release lists in anticipation of the Order.

National Statistics included

For statistics that had several releases during 2009 (regular monthly products for example), the latest publication in these time periods was considered. So for a monthly release, the pre-release list for the publication in November 2009 is the one that was analysed. This means that if the pre-release list was being steadily cut down over the course of the year, the analysis would only

record the length of the list at the end of the review period. Departments were asked to indicate statistics where there were dramatic changes over the course of the year, to identify where the results might be misleading in this respect.

The analysis of list lengths now includes statistics which were published for the first time since the Order came into force. As there is no baseline comparison for them, these statistics are therefore excluded when looking at changes to list lengths before and after the rules came into force.

Although the baseline period ended on 31 March 2008, there were some statistics for which pre-release lists could not be found before this date. In these cases the earliest lists that could be found after March 2008 were used, but not from the review period. If no such list could be found then this statistic was excluded from the analysis of comparisons over time.

Official statistics

Departments were asked to provide details for all National Statistics that appeared on the Statistics Authority's website (the 'publication hub'), but had discretion on whether to provide details about other official statistics. Examples of several official statistics were provided which showed a reduction in list length, as well as many examples of official statistics which were operating under a pre-release regime for the first time. Information about official statistics was not obtained from a wide range of departments so these results cannot be generalised. The NHS Information Centre is an example of good practice, as it could identify many official statistics which have reduced their lists: the mean list length reduced by 16%. MoJ and MoD gave examples of official statistics which are now operating under a pre-release access regime. The Forestry Commission, which did not award pre-release access to any of its National Statistics, also stated it gave no pre-release access to 10 other official statistics.

Handling the pre-release access lists

When in early 2009 pre-release lists were examined, it was clear that there was a wide variety of ways of presenting who had pre-release access. Some departments listed Ministers and their private secretaries, some listed Ministers and not their private secretaries, and some listed private secretaries and not Ministers. People's names were not usually listed – the guidance from the Cabinet Office is that job titles are listed instead (this makes it clearer why pre-release access has been granted). For some releases, in particular large, complex publications, access to more than one policy adviser or press officer (for example) is granted. Some departments' lists made it explicit how many press officers received access, while other departments merely listed 'press officers'. Some departments maintain a specific page on their website which effectively provides the latest pre-release access lists for its statistics (so old lists get overwritten), while others put all their lists on a page, and others provide links to the list from the statistics' specific 'home pages'. A few departments included in their list people who had advance access to the

incomplete statistics for quality assurance purposes. As this is not part of pre-release access (which relates to statistics in their final form) these people are not included in this review's analysis.

Departments were asked to let the Cabinet Office know, for each statistic, how many people were on the published pre-release list (or the list that would be provided to the public on request), and how much time each person had before publication. Some assumptions were made where the number of people that had pre-release access was unclear. For example, where job titles were listed as plurals (e.g. 'special advisers') this was to count as two people (except in the case of 'Ministers' where the correct number of Ministers was to be counted). Where the number of people behind a plural job title is made explicit in the published list then that number was to be used. Because of the widely differing listing conventions between departments, the comparisons made between statistics in the review period are compromised slightly. Comparisons over time are more robust because departments tended to keep their conventions from the baseline period to the review period. Some departments used their email distribution lists to determine the number of recipients of pre-release access.

So there are a number of reasons why the figures used in this report may not correspond precisely with the length of published pre-release access lists: people on the list may be from devolved administrations, people may be legitimately in receipt of advance access but not under the terms of the pre-release order, the precise number of recipients behind a job title might be used.

Structural changes taking place

Between the baseline period and the review period there were machinery of government changes which means that certain individual statistics that were published in both periods will have been published by different departments. The most significant changes were the creation of the Department for Business, Innovation and Skills and the Department for Energy and Climate Change, and the abolition of the Department for Business Enterprise and Regulatory Reform and the Department for Innovation, Universities and Skills. In this report the producers of statistics are referred to as they were at the end of the review period (November 2009). This means that changes that have taken place since the General Election in May 2010 are not reflected in this report (so that, for example, the Department for Children, Schools and Families is referred to and not the Department for Education).

Similarly, the National Statistics themes which are used to classify National Statistics changed during the review period. The thematic classification that stood at the end of the review period has been used as the one to classify statistics in this review. However the review team combined the themes 'Economy' and 'Labour Market' into one after initial analysis of the data collected showed there had been some errors in classifying statistics to these themes.

Many statistical products naturally evolve over time in response to user demand or availability of new data, or separate publications may be combined, and this means that comparisons over time may not be valid (in effect, comparing two different products). The statistical Heads of Profession in departments were asked to apply their professional judgement in determining which comparisons could validly be made over time.

Some statistics on the same subjects are published at different frequencies (e.g. quarterly and annually). These are treated as different products, even if they have identical pre-release access lists.

The size of publications

It should be noted that there is a huge variety in the 'size' of these statistics. In some cases a statistical release on the Publication Hub is a single online table that is updated regularly with no commentary; at the other extreme it could be a complex annual release containing hundreds of tables and extensive commentary explaining trends and regional differences. This report's unit of analysis is the publication, and no attempt has been made to weight the figures to account for the amount of information published. To a certain extent, the 'weighty' publications are more likely to be annual publications and the simpler products more likely to be published more frequently, so analyses by frequency are included in this report.

4.2 Results

Reductions in numbers of recipients

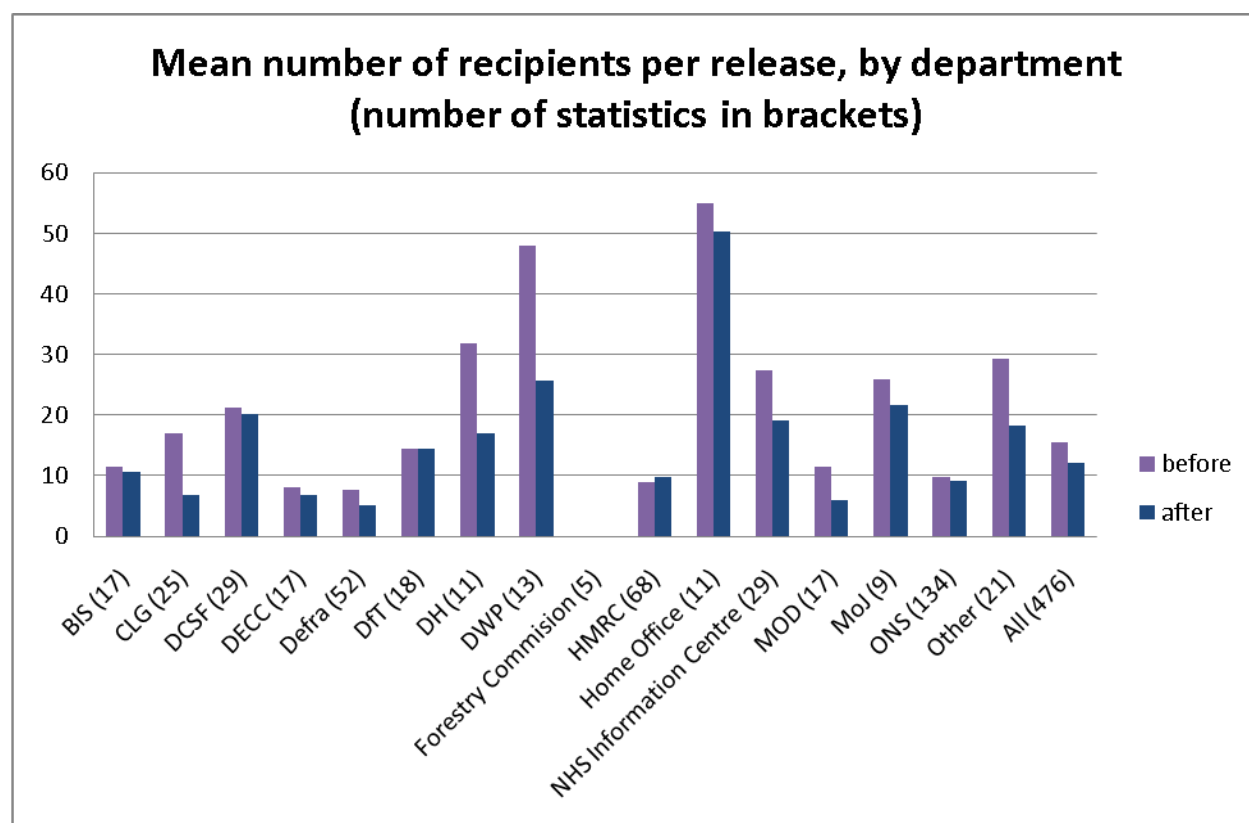
The average number of recipients who received pre-release access, due to the new rules, went down by 22%, for the 476 National Statistics analysed. Overall the average number of recipients of pre-release access reduced from 15.5 to 12.1.

Although 476 National Statistics were analysed to assess the impact of the new rules, 596 National Statistics were published during the review period. Table 2 presents the analysis of the 476 National Statistics, broken down by department and by National Statistics theme. Table 3 gives the results for the 596 National Statistics.

Reductions by department

Chart 1 shows the average number of recipients of pre-release access by department, for the 476 National Statistics analysed. Of the 24 departments and agencies, the Department for Communities and Local Government achieved the biggest reduction in mean list length, cutting down from 16.9 to 6.7, a 60% reduction. This is based on 25 statistics published during the baseline and review periods. 11 bodies were able to reduce their mean list lengths by at least 30%.

Chart 1 – pre-release access for the comparison group (departmental breakdown)



Two departments (HMRC and Transport) both had slight increases in their mean lists lengths (from 14.3 to 14.4 in the case of Transport and 8.9 to 9.7 to HMRC). In both these cases the departments had already made efforts to minimise their pre-release lists even before the *Statistics and Registration Services Act* had been through Parliament – neither department plans to cut its lists significantly in the future. Similarly, the Home Office considerably reduced the list for their annual crime statistics after the July 2007 publication but before baseline period. This reduction does not therefore feature in the analysis.

There were examples of statistics in many departments where the pre-release list had increased, even if the overall figures show a decrease. One HoP said that this was sometimes a consequence of the tighter regime and the efforts to be more transparent about pre-release: “where numbers have increased, this might be due to the identification of individuals who have had pre-release access but not been recorded previously”. One department which grants access to a number of departments said that its first effort to review its lists

“had the perverse effect of increasing rather than decreasing the number of pre-release recipients (i) because [we] have been more 'honest' and rigorous in the recording and (ii) because recipient Departments have, equally, been more 'honest' i.e. notifying [us] of the

number of people in their organisation to whom pre-releases are subsequently cascaded”.

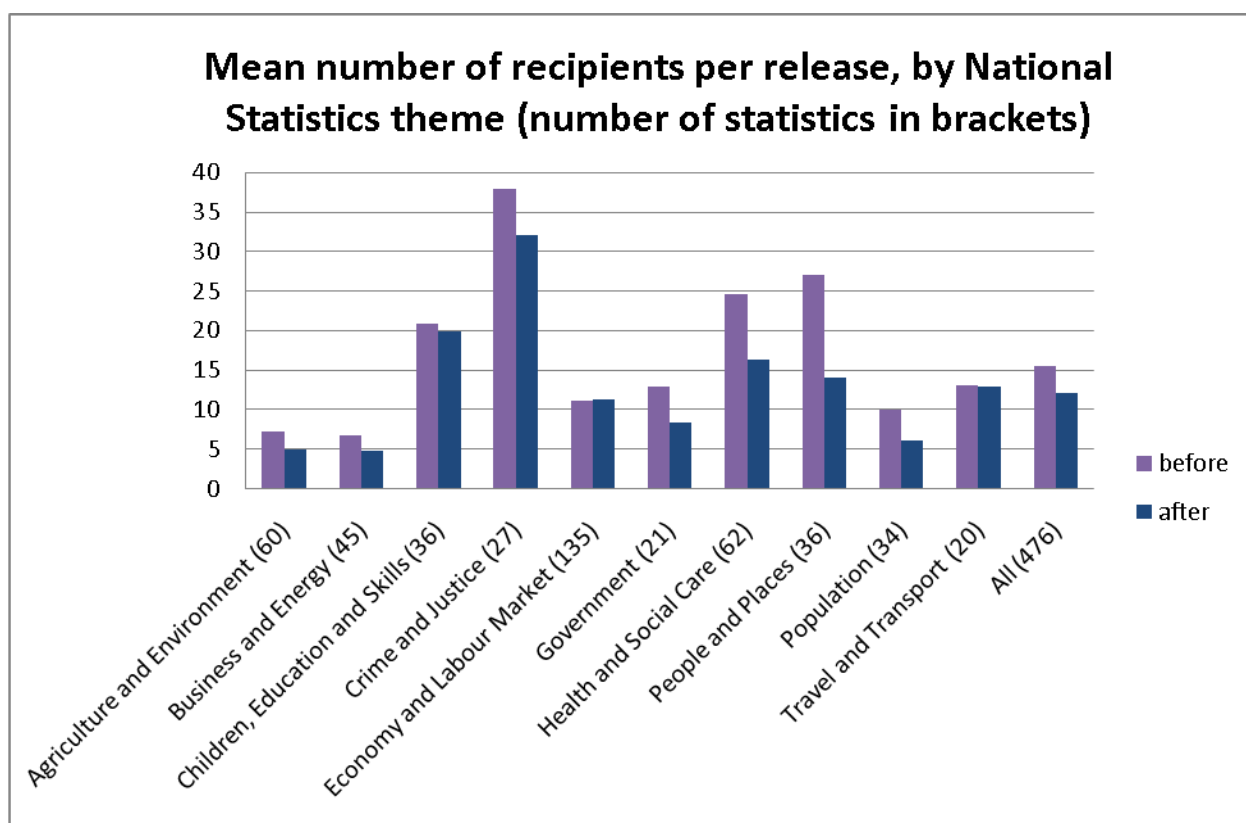
It is worth noting the difference between ONS statistics and non-ONS. ONS statistics account for 134 of the 476 comparison statistics. The mean list length fell by 6% for these statistics, compared with a 25% reduction for non-ONS statistics. But the mean list length in the review period is just 9.2 for ONS statistics, compared to 13.3 for the others, so ONS lists are shorter on average than for other departments. Because ONS provides pre-release access to a large number of other bodies, it had still not completed its exercise of fully minimising its pre-release access lists by the time of the review’s data collection exercise – so it expects to be able to cut its lists still further.

There are other reasons why some lists have increased. In some cases releases by several departments on similar themes have been organised to be published simultaneously. This increased the demand for access to each statistic from officials external to each department, to ensure consistent lines and understanding, as is appropriate for Ministers who are bound by collective responsibility. In other cases pre-release has increased with the approval of the relevant statistician because Ministers from another department are judged to have a legitimate interest in the statistics. A stark example of this is the NHS Information Centre’s ‘Hospital Episodes Statistics: Admitted Patient Care’. Between the latest publication during the baseline period (December 2007) and the latest release in the review period (October 2009) a greater public interest and awareness in these statistics (which are very detailed) led to seven more Ministers from two departments being included, along with their private secretaries and a number of officials in the Department of Health and the Home Office. This resulted in the number of people having pre-release access rising from 22 to 87, although it had risen to 101 when the statistics were released in February 2009. Some departments

Reductions by National Statistics theme

Chart 2 below illustrates the changes in mean list length for each National Statistics theme, from the baseline period (‘before’) to the end of the review period (‘after’). There were reductions in the mean number of recipients in all but one theme. For five themes the reduction was between 30% and 40%. In all but four themes there were increased numbers of statistics with no pre-release access granted, although these increases were generally small (between one and five extra statistics).

Chart 2 – pre-release access for the comparison group (thematic breakdown)

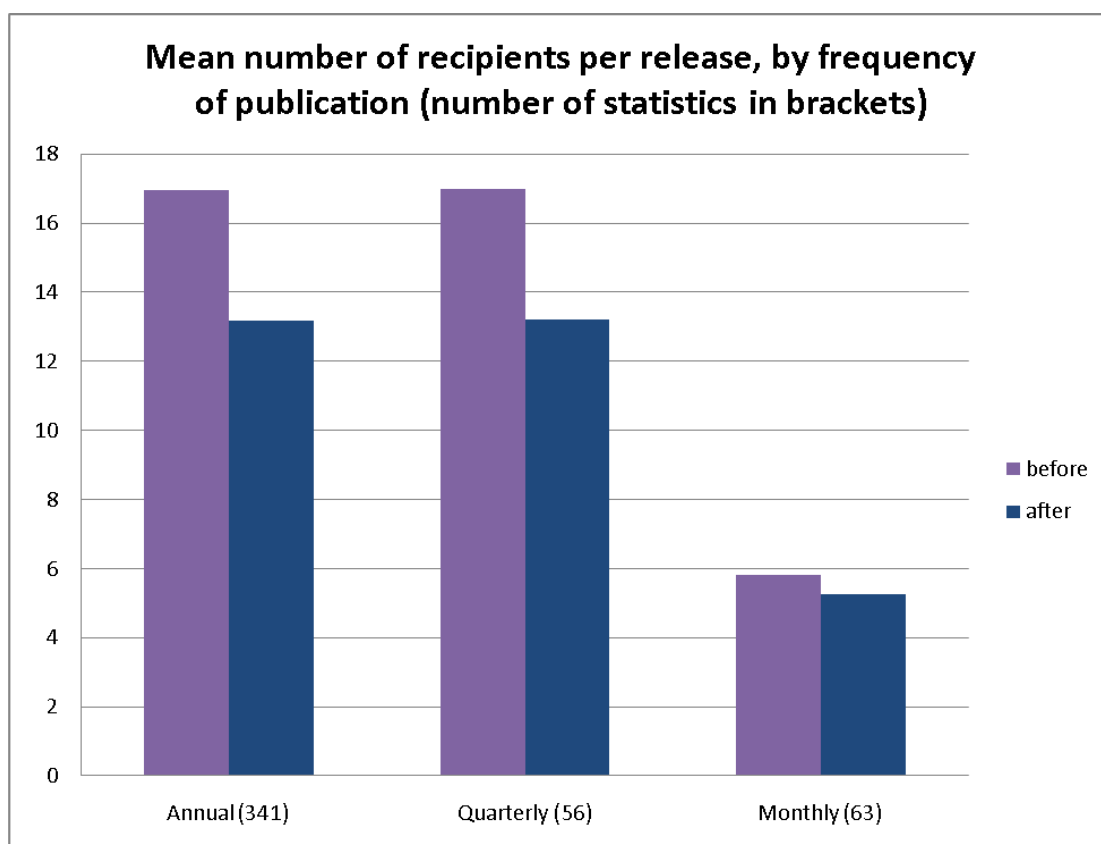


Reductions by statistics of different frequencies

As discussed earlier in this chapter these statistics have also been analysed by frequency, as shown in Chart 3, partly as a proxy for the ‘size’ of a statistic: one would expect the large, complex releases generally to be published on an annual basis, and the smaller updates of single tables to perhaps be published more frequently.

For the 341 identified annual publications that appeared in both the review and baseline periods the reduction was 22%, the same reduction as was seen for the 56 quarterly publications. The reduction in the number of people on lists for the 63 monthly statistics was smaller at just 9%. (There are a few statistics that appear at other frequencies – such as biannually – and are excluded from this breakdown.) This decrease in the monthly releases’ lists was driven by Defra, who cut the number of recipients by more than a half for the one release to which it granted pre-release access.

Chart 3 – pre-release access for the comparison group (breakdown by frequency of publication)



Statistics with no recipients of pre-release access

The analysis of looking at list lengths before and after the new rules came into force included releases that had no pre-release access. Table 1 provides the required information to analyse the change in list lengths for those releases where there is at least one recipient of pre-release access.

Of the 476 National Statistics analysed, 28% had no recipients of pre-release access in the baseline period. This increased to 32% during the review period and represents a 17% decrease in the number of releases that had some form of pre-release access. There is considerable variation between departments in the number of releases to which pre-release access is granted (see Tables 1 and 2).

A high proportion of monthly releases have no pre-release access at all (75%). This has increased from 71% in the baseline period. Just over a quarter of statistics published quarterly (27%) had no pre-release access, up from 18%. Twenty five per cent of annual statistics had no pre-release access, compared with 21% in the baseline period.

Taking account of reduction in time as well as in number of people

One reason that might have been used to explain any increases to pre-release lists is departments deciding to have more people working in parallel (instead of having one person working for five days, have five people working for one day). The review did not ask specifically about this when obtaining information from departments, and there was no mention of such pressure to add people to lists. Looking at the total people-hours of pre-release granted, the reduction is large. Given that mean lists lengths have gone down and so has the maximum time this is hardly surprising. The estimated reduction in people-hours for the 476 statistics in the comparison group, weighted by frequency¹⁰, is 82%, so it could be said that total pre-release has shrunk to about a sixth of what it was.

Comparing numbers of recipients now

Although the focus of this review is on the change to the amount of pre-release as a result of the new rules, it is possible to compare the amount of pre-release at the end of the review period for different departments or themes. See table 3 for more analysis. For this analysis the wider group of 596 National Statistics published during the review period has been used rather than the comparison group of 476 statistics. Looking at pre-release at the end of 2009 it can be seen that there is considerable variation between different themes, and between different departments. (Recall, though, the discussion near the start of this chapter which explains why comparisons between different themes and departments need to be made with care.)

The mean list length of Agriculture and Environment statistics is 4.5, although this low number is partly a consequence of the fact that the majority of statistics in this theme have no pre-release at all. The Forestry Commission is the only department that doesn't grant pre-release access to its National Statistics. Of the bodies that produce at least 10 National Statistics the shortest lists are for CLG statistics (8.4) and the longest are for Home Office (57.4). One reason for the longer lists in the Home Office is that some of the statistics include Chief Constables and one supporting analyst for each of the 43 police forces in England and Wales, in order that they are able to respond fully to questions about their force data compared to the National picture at the time of publication. As such the relevant crime statistics provide a level of local accountability which is well beyond the national level. Similarly, other statistics cover a wide range of policy areas within or even across departments and need to be seen by many officials and ministers. An

¹⁰ So that monthly releases are multiplied by 12, quarterly by 4 etc. This method assumes that the pre-release list for, say, a monthly release at the end of the review period was the same length throughout the review period. Where a pre-release list has been steadily cut over the year this method overestimates the reduction. However, HoPs were asked to report if the length of pre-release lists for each statistic changed considerably during the review period and no-one reported that they had except for one annual statistic. The review team did not obtain very reliable information for the amount of time of pre-release access granted for different people in the baseline period in the case of some ONS statistics, and so this estimate should be treated with some caution.

example is the Households Below Average Income and the Quarterly Statistical Summary produced by DWP. Another example is the labour market statistics, produced by ONS, which go to DWP, HMT, BIS, the Bank of England and No 10. In such cases the lengths of lists probably reflect the level of media interest in particular policy area.

TABLE 1 - Pre-release access lists for statistics in the comparison group

National Statistics published in both the baseline period and review period

	number of releases	number of releases with no pre-release access given		total number of people getting pre-release access		mean length of pre-release lists per release		total people-hours of pre-release access		reduction in length of pre-release access lists	reduction in people-hours
		before	after	before	after	before	after	before	after		
		<i>Producing department</i>									
BIS	17	6	7	194	180	11.4	10.6	13228	4320	7%	67%
CLG	25	4	5	422	168	16.9	6.7	43680	4032	60%	91%
CMEC	1	0	0	35	19	35.0	19.0	1680	456	46%	73%
DCMS	3	0	0	103	64	34.3	21.3	2472	1536	38%	38%
DCSF	29	0	0	617	585	21.3	20.2	44424	14040	5%	68%
DECC	17	8	7	136	117	8.0	6.9	5508	2808	14%	49%
Defra	52	32	31	400	264	7.7	5.1	67200	6336	34%	91%
DfID	1	0	0	15	11	15.0	11.0	2520	264	27%	90%
DfT	18	1	2	258	259	14.3	14.4	43344	6216	0%	86%
DH	11	0	0	350	187	31.8	17.0	58800	4488	47%	92%
DWP	13	0	0	624	335	48.0	25.8	41160	8040	46%	80%
Forestry Commission	5	5	5	0	0	0.0	0.0	0	0	NA	NA
HMRC	68	16	20	608	659	8.9	9.7	48240	15816	-8%	67%
HMT	2	0	0	36	36	18.0	18.0	1458	864	0%	41%
HO	11	0	0	605	554	55.0	50.4	43008	13249	8%	69%
HSE	3	0	0	213	108	71.0	36.0	35784	2592	49%	93%
Information Centre for Health and Social Care	29	1	2	797	552	27.5	19.0	133896	13248	31%	90%
MoD	17	7	10	194	101	11.4	5.9	14952	2424	48%	84%

For a list of abbreviations see end of this report.

TABLE 1 - Pre-release access lists for statistics in the comparison group, cont'

National Statistics published in both the baseline period and review period

	number of releases	number of releases with no pre-release access given		total number of people getting pre-release access		mean length of pre-release lists per release		total people-hours of pre-release access		reduction in length of pre-release access lists	reduction in people-hours
		before	after	before	after	before	after	before	after		
<i>Producing department</i>											
MoJ	9	0	0	234	195	26.0	21.7	31152	4680	17%	85%
NIO	4	0	0	97	49	24.3	12.3	16296	1176	49%	93%
Northern Ireland Court Service	2	0	0	16	14	8.0	7.0	1152	336	13%	71%
NTA	2	1	1	10	10	10.0	10.0	720	240	0%	67%
PSNI	3	0	0	102	81	34.0	27.0	7344	1944	21%	74%
<i>total, excluding ONS</i>	342	81	90	6066	4548	17.7	13.3	658018	109105	25%	83%
ONS	134	51	64	1318	1236	9.8	9.2	108260	28644	6%	74%
Grand Total	476	132	154	7384	5784	15.5	12.1	766278	137749	22%	82%
<i>Theme</i>											
Agriculture and Environment	60	38	37	436	298	7.3	5.0	68658	7152	32%	90%
Business and Energy	45	23	26	303	215	6.7	4.8	19558	5160	29%	74%
Children, Education and Skills	36	0	0	751	716	20.9	19.9	54072	17184	5%	68%
Crime and Justice	27	0	0	1023	866	37.9	32.1	93744	20737	15%	78%
Economy and Labour Market	135	38	44	1495	1527	11.1	11.3	92911	36012	-2%	61%
Government	21	7	10	270	174	12.9	8.3	21013	4176	36%	80%
Health and Social Care	62	5	9	1532	1017	24.5	16.4	255293	24408	34%	91%
People and Places	36	6	7	972	505	27.0	14.0	76382	11952	48%	84%
Population	34	13	17	340	207	10.0	6.1	41141	4752	39%	88%
Travel and Transport	20	2	4	262	259	13.1	13.0	43506	6216	1%	86%
Grand Total	476	132	154	7384	5784	15.5	12.1	766278	137749	22%	82%

For a list of abbreviations see end of this report.

Table 2 – pre-release access lists for National Statistics published during the review period

	number of releases	number of releases with no pre-release access given	mean length of pre-release lists per release	
			including releases with no pre-release access given	excluding releases with no pre-release access given
<i>Producing department</i>				
BIS	17	7	10.6	18.0
CLG	25	5	6.7	8.4
CMEC	1	0	19.0	19.0
DCMS	5	0	21.0	21.0
DCSF	29	0	20.2	20.2
DECC	17	7	6.9	11.7
Defra	61	39	4.5	12.5
DfID	1	0	11.0	11.0
DfT	29	6	12.5	15.7
DH	12	0	17.3	17.3
DWP	13	0	25.8	25.8
Forestry Commission	5	5	0.0	0.0
HMRC	68	20	9.7	13.7
HMT	2	0	18.0	18.0
Home Office	15	0	57.4	57.4
HSE	5	0	40.4	40.4
NHS Information Centre	33	2	18.7	19.9
MoD	17	10	5.9	14.4
MoJ	11	0	21.6	21.6
NIO	4	0	12.3	12.3
Northern Ireland Court Service	2	0	7.0	7.0
NTA	3	1	6.7	10.0
PSNI	3	0	27.0	27.0
<i>total, excluding ONS</i>	<i>378</i>	<i>102</i>	<i>13.9</i>	<i>19.0</i>
ONS	218	119	7.9	17.4
Grand Total	596	221	11.7	18.6
<i>Theme</i>				
Agriculture and Environment	69	45	4.5	12.9
Business and Energy	46	27	4.7	11.3
Children, Education and Skills	36	0	19.9	19.9
Crime and Justice	33	0	36.8	36.8
Economy and Labour Market	183	80	9.2	16.3
Government	21	10	8.3	15.8
Health and Social Care	83	17	15.0	18.8
People and Places	43	12	12.7	17.6
Population	51	22	9.9	17.3
Travel and Transport	31	8	11.7	15.7
Grand Total	596	221	11.7	18.6

5 Views of people having pre-release access – Phase 2

Summary of findings

- The briefing period is now more pressurised, but departments are coping.
- Briefing is generally of good quality, but less comprehensive than it was before.
- Departments feel that cutting pre-release altogether, or to a maximum of a few hours, will mean that they will be unable to get a considered Government line ready for the media to use in its reporting of statistics and significantly increase the risk of a Minister being able accurately to answer questions asked and the risk of misreporting.

5.1 Applying the rules

Departments were asked about the impact of the new rules on their work. The vast majority said that the implementation had gone well with no or minor reservations. Heads of Profession commented that the new rules had been implemented “effectively and smoothly”. One department that commented positively said that this was after “hard preparatory work” and another pointed out that those statistics which had been piloted to run under the new rules during the summer of 2008 (that is, before the legislation had actually come into force) were ones for which the new arrangements went “particularly smoothly”. Of the HoPs that expressed minor reservations, some commented that it had taken a bit of time to cut lists, another said that “people are still getting used to this” and one department wanted to point out that there had been more difficulties in the case of official statistics not produced by statisticians.

Most HoPs reported that there had been at least a little resistance to their attempts to shorten lists, especially during the initial months. However no-one was placed under strong pressure to reverse their decisions. One central government department’s HoP said that people resisted being cut from lists “on occasions, but people react well when the rationale is explained”. Another department’s HoP said that “explaining the reasons for the change seemed to persuade people”. A few HoPs did say that the fact that the new rules were set out in statute rather than being part of the non-statutory framework for National Statistics helped to persuade people to accept the cuts. Unsurprisingly when there was resistance to reducing access this was more likely to be to the shortening of the pre-release access lists rather than to the reduction in time to 24 hours – the legislation is clear that in normal circumstances the time period cannot be longer than 24 hours, and this was of course an explicit commitment of the Prime Minister in 2007. One statistician

successfully cut his pre-release list by speaking to recipients on older lists and establishing that some officials actually only needed to see the statistics as soon as they were published. He arranged to email these people links to the relevant publications as soon as they were published; having received this reassurance the officials in question were content to be dropped from the pre-release lists. This is a good example of how the new arrangements, with their emphasis on minimising lists, regular review of lists and transparency, can serve to reduce pre-release access.

About 80% of HoPs said that they did not plan on making further cuts to their pre-release lists, indicating that they felt that they had followed the instructions in the legislation to restrict pre-release to the minimum number of people. Several HoPs did point out that they would keep the lists under regular review in order to keep them as short as possible.

HoPs were asked if they had any examples of officials trying to bend the rules in order to get access they weren't entitled to. One HoP said that there had been attempts in the early days of the new rules, but that these were easily dealt with once the reasons behind the rules were explained. Another HoP reached a compromise after some policy colleagues tried to argue for a large number of officials to be given access, but it is clear that a sensible conclusion was reached (and this particular case was discussed with the National Statistician).

HoPs were also asked if they had had any difficulties in applying the public benefit test that is at the heart of the new arrangements. HoPs award pre-release access if they judge that the public benefit from this access outweighs the likely detriment to public trust in official statistics caused by granting such access. About two thirds of HoPs said they had had no difficulties with applying this test, with a couple saying they had some difficulties. One HoP suggested that although she had no problems in applying this test, it does seem to be applied differently in different parts of the Government Statistical Service. This is to a certain extent borne out by the comment from another department which receives pre-release access to publications from several producers of statistics, that one department in particular seemed to adopt a stricter line regarding pre-release access to its statistics than others did.

5.2 Guidance

Some HoPs said there had been lots of work done in late 2008 to help prepare colleagues for the new rules. There were examples of booklets that had been circulated and PowerPoint presentations. In some departments statisticians met with senior officials to explain the new rules and the implications for the briefing process. A few departments ran pilots before the rules came into force to learn lessons on how best to operate under the new arrangements. The review also asked officials to say if they had received any training or guidance about the rules on pre-release access. There was a mixed response, with about two thirds of officials who produce briefing reporting they had received some training or guidance on the new rules. The form of training or guidance recalled by officials varied: some described

seeing presentations and written guidance, others simply said that they were able to contact statisticians for advice on the rules whenever needed and were happy with this level of support.

The Cabinet Office produced guidance on the pre-release rules for HoPs to use. This was circulated before the rules came into force. The guidance was written by a number of HoPs (and an official from the National Statistician's office) in collaboration with Cabinet Office officials, with several drafts being circulated and commented on. HoPs were asked if they had used the guidance much during the review period, and if there were aspects that could be changed. About 80% of HoPs said they had made at least some use of the guidance. One said:

“this is by far and away the most useful document I have seen on the Statistics and Registration Services Act. I refer to it at least weekly especially in helping NDPBs”

Others said they had found specific parts of it useful: two mentioned the section on which people are eligible for pre-release. A few departments said that they had developed their own written guidance that was tailored to their specific circumstances, using the Cabinet Office guidance as a starting point. One department said the document was useful but more set up for central government departments rather than smaller bodies. A number of HoPs made suggestions on things that could change in a revision to the guidance. These tended to be requests for more clarification, for example more guidance on dealing with management information, more on handling breaches, something on granting pre-release to Number 10 for statistics that are published on the same day as Prime Minister's Questions.

The Cabinet Office will consider making changes to the guidance based on the findings of the review.

5.3 Good practice

A number of strategies were employed to make the briefing period work successfully. One department showed not just the statistical publication but the statisticians' submission to policy colleagues at the start of the pre-release period. This was to help policy officials decide quickly what to focus their briefs on. Another department's statisticians agreed well in advance with their press office what format it would like to receive briefing, so that it could produce its lines quickly with minimal risk of transcription errors. One department's statisticians send email reminders to pre-release recipients well in advance of publication so that these recipients can clear their diaries. In some departments meetings are automatically set up during the day of pre-release between statisticians and Ministers or briefing officials (or both) to ensure that the statistics are not misunderstood. A couple of departments nominate someone as a briefing coordinator, who acts as a point of contact for the HoP (both in the same department and in other departments who grant pre-release access). One advantage of having a nominated briefing coordinator is that he or she can help to ensure consistency, so that for

example staff turnover is reflected in the distribution lists more quickly. This is especially useful for those departments which receive pre-release access to several statistics produced by other bodies.

5.4 Dealing with other departments

There were a number of problems reported (both by HoPs and by producers of briefing) around the arrangements when having access to a different department's statistics. Formally only the HoP in the 'producer' department has a role. Only a few – about a quarter – HoPs reported that they had experienced no problems (apart from those who do not receive releases from other departments anyway). Departments found problems with not getting enough notice of releases – this will be a real problem because for the 24 hour period to work successfully, significant planning ahead needs to take place (to clear diaries, set up meetings etc). One 'receiving' HoP complained that his department often only sees the pre-release list a short period of time before publication, making it hard to correct errors in the list. He said, "We still need to improve the partnership working on releases where many Departments are involved." Other problems are perhaps more mundane but still cause real difficulties. There were complaints that sometimes releases did not arrive at 9.30, perhaps because of IT systems treating external emails more slowly. Some ministerial private offices did say that although 24 hours was working satisfactorily when it came to statistics published by their own departments, it was not enough time to deal with other government departments' statistics. The difficulty came in when there had to be joined-up working to agree common lines to take. One department's private office also said that they needed to do extra work to be able to respond to the commentary in an ONS release.

5.5 Quality of briefing

One of the key justifications for pre-release access is to allow briefing to be prepared for Ministers to be able to respond accurately to questions about the statistics as soon as they are published. Ministers' private offices felt that the quality of briefing was generally very good, although many did feel that briefs were less comprehensive or less in-depth than they were under the old rules. There were comments such as "shorter", "more reliance on oral briefs" and "less likely to be the result of consolidated advice". There was no indication of any impact on the Ministers' ability to respond to questions as a result of these shorter briefs. One office did say that some briefs it was receiving were poor, and that long hours were involved in improving them. Another office said that briefings were often received too late, with the result that "half the time" the Minister did not even read them before the statistics were published.

When press offices were asked, they were also generally complimentary of the briefs they were receiving. About 40% of respondents to this question said that the quality of briefing was the same (one office reported that it felt that briefs were actually better because they were more focussed). Half the offices said that the reduced time meant that there was less use being made

of the briefing: offices said they were now more reactive, with less time to think through the best way to make an impact, and some offices commented that briefing at more detailed levels of geography was less likely to occur (in one case, briefs for a release of statistics at a UK level were ready by time of publication but briefs for the regional breakdown were only available from the afternoon).

When senior officials were asked to compare the quality of briefs with what they used to see they again commented on the fact that briefs were shorter. One official said his Minister was facing the press with briefing that was “more general, less useful”. Another official commented that the briefs contained less interpretation and that the statistics cannot be part of a major press release any more. About a third of respondents said that the quality of briefing was unchanged.

For the review a sample of officials who produce the briefing during the 24 hour period were asked how the change in rules affected them. No-one felt they had produced briefing that contained mistakes. About a third of departments that responded to this question specifically mentioned feeling more pressurised or not having enough time to do a thorough analysis of the statistics. Respondents from other departments also mentioned strategies they have adopted to adjust to the shorter timeframe: one official said more effort was made beforehand to anticipate the statistics by looking at trends, administrative data and anecdotal evidence, as well as trying to streamline the briefs; another official said their department effectively prepared two (in the case of another department, three) briefs, selecting the more appropriate one to use once they could see the statistics and building on it. Another department’s briefing officials’ comments were summarised:

“Comments reflect partly delays in the internal processes but a clear worry that the time to produce briefings was leading to incremental changes to briefings rather than a full assessment each time. Such incremental approaches often miss slow changing but regular changes to statistics and are a cause for concern.”

Respondents from two departments said that there was no change in the briefing they were producing, and in one department an official said that although the briefs were now shorter, this was sometimes a good thing, even though there was a risk of missing something out.

There were more difficulties in dealing with statistics from other departments, and a particular difficulty if several releases were being published simultaneously. Comments on briefing on other departments’ statistics are similar to those noted above by HoPs.

5.6 Breaches

An important feature of the rules is that breaches are publicised. This gives an indication to the public of general compliance with the rules on pre-release. Breaches are reported to the Statistics Authority and the National Statistician can investigate. Breach reports are published in a specific page on the Authority's website, and include reports on breaches of any parts of the Code of Practice.

The pattern of breaches of the pre-release rules during the review period shows that for the first few months of the review period there were occasional breaches reported to the Authority – typically one or two a month (nine in the first six months). During the second half of the review period just one breach was reported in June 2009 and two in October 2009, with none in the other months. Note that this does not include breaches of devolved statistics subject to the pre-release orders set by devolved administrations.

There is a wide variety to the nature of the breaches. Some of them are relatively minor, such as the Mortgage and Landlord Possessions Statistics, which were forwarded to three officials in the producer department during the pre-release period. These breaches did not result in the premature release of statistics into the public domain. Other breaches are potentially more damaging, such as the accidental release of Labour Market Statistics in May 2009 which resulted in ONS deciding to publish the statistics on 2pm the day before the pre-announced release date, or the breaking of the embargoed statistics on Achievement and Attainment Tables for National Curriculum Assessments, which led to a number of newspapers (including one national newspaper) publishing school league tables on their websites a few hours before the official release of the statistics.

What is clear is that HoPs have been prepared to be open and transparent about breaches and the practice of publishing breach reports has given departments an opportunity to learn from the mistakes of others. It is tempting to say that the fall-off in the rate of reported breaches is a consequence of this openness and sharing of lessons learned but the low rates and wide variety in the severity of the breaches means that it is too early to say this with confidence. Nevertheless this aspect of the new arrangements appears to be working well.

5.7 Impact on work

Ministerial private offices had mixed views on the impact the new rules have had on them. Just over half of respondents could fairly be described as saying the overall impact has been negative but manageable. For these private offices the much reduced time to digest briefs, combined with briefs that are less comprehensive, means that they feel that their Ministers are less well prepared for handling questions about the statistics. There was mention of the pre-release day being more frenzied, and one private secretary said

simply, “Life is harder.” Nevertheless offices said that the 24 hour period was manageable, although a few requested that the pre-release period be extended to 48 hours.

Press offices seemed to find the 24 hour restriction a bit harder to deal with, compared with Ministers’ private offices. There was a common sentiment expressed that the 24 hour period only allowed for a simple brief to be prepared. One office said that strategic planning is harder to do now, and another felt that the press was getting a poorer service from the press office (although the review team has not seen any evidence that the media shares this view, and one journalist has contacted the review team to say “I have not had any issue with press officers complaining they had not had long enough to digest the figures”). A few offices said that because there was no slack in the timetable, on busy days some press officers had to put off working on the brief until past usual working hours. There was a common complaint that the rules were too restrictive with regards to which press officers could see the release. The reality of working life in press offices is such that people try to be flexible and help each other out, but the way pre-release lists were constructed there was little flexibility.

Senior officials were fairly equally divided between those who thought that the overall impact of the new rules was negative and those who thought that there was not much impact. Of the former, one department in particular had strong views: “time is too tight”, “life is needlessly more difficult”, “24 hours is barely enough time to digest the bigger releases”, “significant detrimental impact on the ability to produce meaningful, objective policy advice for Ministers” (these are all views expressed by different officials in this department). Senior officials in another department said there was more pressure, more risk, and less chance to influence Ministers. Some of the positive comments included fewer worries about leaks and an admission that there was plenty of slack in the old regime (from a department which used to grant five working days of pre-release access). One Permanent Secretary was pleased to be able to say that pre-release lists had been shortened as well as the time being cut to 24 hours. He thought this might have helped to reduce criticism of his department’s statistics by the media (although he did say that there had been other steps taken to increase trust).

In the questionnaires and interviews with Ministers’ officials, press officers and senior officials these people were asked if decisions had been made during the 24 hour period and if attempts had been made to change any aspects of the statistical publications. In the overwhelming majority of cases, respondents reported that no special action was taken during the 24 hours, nor bad decisions made, nor attempts made to change the statistical releases. One private office said that it was no longer possible to act quickly in their policy area during the 24 hour period anyway as time was too short, and also the briefing was not comprehensive enough to allow a decision to act to be made. A policy adviser in a different department said something similar, in that preparing a “policy response” during the pre-release access period, which used to be possible when they had a week, could no longer be done in time for the publication of the statistic. All that can be done is prepare briefing on lines to take under questioning.

5.8 Time constraints

Overall, on balance the majority of respondents – covering over 80% of respondents by department – said they felt that 24 hours was enough time to do their job. Many respondents pointed out that 24 hours actually translated to 2 to 4 hours for them to produce something which then fed into a wider briefing process. A number of officials said that the new system was manageable because the statistics that they were briefing on had not produced any major surprises, and expressed doubts that they could produce adequate briefs if the statistics threw up any major surprises. Officials who were used to briefing on market-sensitive statistics pointed out that there was little practical difference to them, since under the old rules they only received the statistics at 5pm two days before publication, compared to now receiving access from 9.30am the day before release. One official said that 24 hours was not enough time to produce a “considered and measured” briefing when there was a need to clear lines with two departments (“clearing lines with two press offices, two sets of policy, two Ministers took time”). Another department said that there was a special difficulty in getting briefing ready for a publication whose release was the same day as the department’s oral questions in Parliament. Ministers typically require briefing for oral PQs much earlier than a written brief for a statistical publication would be ready, and in this instance officials did have to meet the Minister before the statistics brief was completed.

It is worth noting that although Ministers tend to get 24 hours of pre-release access, most of the time they do not get their briefs during the day and instead these are in their overnight boxes. One respondent commented that if a Minister had any questions after reading his or her brief, an answer would have to wait for the morning of the release. There were some departments who said that briefs were often sent late to Ministers, and this led to private secretaries waiting longer for these briefs. There was no widespread reporting of briefs arriving late, though, and it seems that officials worked hard to ensure that their Ministers did have a chance to digest their briefs.

5.9 Reducing further or abolishing 24 hours

There was almost universal rejection of the idea of removing pre-release access altogether, and of reducing it to a maximum of three hours. Over 90% of ministerial private offices, over 80% of press offices, over 90% of senior officials and about three quarters of officials who produce briefs had strong objections to the idea of eliminating pre-release access altogether. There were stronger objections to the idea of restricting pre-release to a maximum of three hours – some respondents thought that this would be worse than no pre-release, as there would still be an expectation of briefing to be ready at the time of publication. Private offices argued that “releases would become politically charged”, “this would undermine trust in Ministers and statistics” and “Ministers would be unable to fulfil their responsibilities”. Press offices argued that “stories would run without the government point of view, Ministers [would be] more likely to rush into a knee-jerk reaction and over interpret a trend”. Other offices described this as “unacceptable”. One press officer did opine

that he could see a case for no pre-release – and that this would certainly be better than three hours – that complete abolition in pre-release access might result in greater benefit through increased trust in statistics that outweigh the public benefit of departments being in a position to respond instantly. But the vast majority insisted that the public and media expects a considered government line to be ready at the time of publication and if no line was ready then a story would run anyway: “It would be a disaster.... The media would simply have their stories without any proper, official comment.” Other press offices put this in terms of customer service, that journalists would not be receiving the service they expect. In just one department did someone comment that the press would probably be prepared to wait for an official line before running a story, but this senior official’s opinion was not shared by her own press office. Overwhelmingly policy officials who produce briefing were against cutting pre-release back. One official from a central government department said:

“The publication of [our] statistics is not made in a neutral space, but in a politically charged one where an inability to address questions immediately is seen as evasive... Having no pre-access and no time at all for policy officials to consider the new statistics first could result in inaccurate reporting and speculation in the press and no time to challenge inaccurate reporting in a timely way... Public trust [would be] damaged if [there were] more inaccurate reporting of statistics.”

There was virtually no support for a three hour period. For example: “Allowing for an hour to brief the Minister, this would give policy colleagues 2 hours to read, understand the report and prepare briefing for it. It would be almost impossible to provide anything robust and meaningful in this timescale.” Only one producer of briefing thought he could cope with three hours as his statistics were straightforward.

List of abbreviations used

Throughout the report, the following abbreviations have been used either in the main text or in the accompanying tables and charts.

BIS – Department for Business, Innovation and Skills
CLG – Department for Communities and Local Government
CMEC – Child Maintenance and Enforcement Commission
DCSF – Department for Children, Schools and Families
DECC – Department of Energy and Climate Change
Defra – Department for Environment, Food and Rural Affairs
DfID – Department for International Development
DfT – Department for Transport
DH – Department of Health
DWP – Department for Work and Pensions
GSS – Government Statistical Service
HMRC – Her Majesty’s Revenue and Customs
HMT – Her Majesty’s Treasury
HoP – Head of Profession (lead official for statistics within a department)
HSE – Health and Safety Executive
MoD – Ministry of Defence
MoJ – Ministry of Justice
NIO – Northern Ireland Office
NTA – National Treatment Agency
ONS – Office for National Statistics
PSNI – Police Service of Northern Ireland