

# Statement

19 May 2011

**Breach of the Code of Practice for Official Statistics:  
*Scottish Perinatal and Infant Mortality and Morbidity Report 2009*  
(Information Services Division (ISD) of NHS National Services Scotland)**

Information Services Division (ISD) of NHS National Services Scotland has reported to the National Statistician a breach of the Code of Practice for Official Statistics and a breach of The Pre-Release Access to Official Statistics (Scotland) Order 2008. The breach related to a report entitled *Scottish Perinatal and Infant Mortality and Morbidity Report 2009* which is jointly produced by ISD and NHS Quality Improvement Scotland (NHS QIS). A copy of the breach report submitted by ISD is provided below.

The breach occurred on 24 January 2011, when a Communications Officer from NHS QIS shared the final report's contents with a journalist from *The Scotsman* newspaper prior to the report's pre-announced release time of 9.30am on 25 January. Subsequently, content from the report appeared in *The Scotsman* on 25 January, along with selected quotes elicited by the journalist from external commentators.

The UK Statistics Authority notes that the disclosure of the report's contents to "promote the profile of the report in the media" was intentional and attributable to ISD, who did not alert NHS QIS to the pre-release access restrictions or communicate to NHS QIS its obligations under the Code. Consequently, this incident is considered to be a breach of Principle 2, practice 3; Principle 3, practice 1 and Protocol 2, practices 7 and 8 of the Code and the *Pre-release Access to Official Statistics (Scotland) Order 2008*.

The UK Statistics Authority acknowledges that following the official release of this report, ISD released a statement on its website advising that a breach had occurred and that the published breach report had been submitted to the National Statistician. It is also noted that ISD will take corrective action and actively engage with NHS QIS to alert its staff to the Code and its obligations to abide by it.

Following this incident the National Statistician's Office will be contacting ISD to offer assistance and guidance on complying with the Code and to discuss what needs to be done to avoid similar incidents occurring in the future.

## BREACH OF THE CODE OF PRACTICE FOR OFFICIAL STATISTICS

A breach of the Code of Practice for Official Statistics occurs where one or more provisions of the Code were not followed in situations where an exemption or exception had not been approved by the UK Statistics Authority's Head of Assessment, as required in paragraph (xii) of the Code's preamble. Rules on pre-release access to statistics are covered in the relevant Pre-Release Access to Official Statistics Orders; the Code applies as if it includes these orders.

### 1 Background Information

Name of Statistical Output (including web link if relevant)

Scottish Perinatal and Infant Mortality and Morbidity Report 2009

<http://www.isdscotland.org/isd/3112.html>

Name of Producer Organisation

Information Services Division (ISD), NHS National Services Scotland is the official statistics producer organisation. However the publication is produced jointly by ISD and NHS Quality Improvement Scotland (NHS QIS) who commission the report. Authorship is shared across the Scottish Perinatal Mortality and Morbidity Review Advisory Group (SPIMMRAG) whose members are drawn from Scottish Government, Royal Colleges and academia in addition to ISD and NHS QIS.

Name and contact details of person submitting this report, and date of report

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### 2 Circumstances of Breach

Relevant Principle/Protocol and Practice

Principle 2: Impartiality and objectivity; Practice 3: Make official statistics equally available to all, subject to statutory provisions for pre-release access

Principle 3: Integrity; Practice 1: Issue statistical reports separately from any other statement or comment about the figures and ensure that no statement or comment – based on prior knowledge – is issued to the press or published ahead of the publication of the statistics

Protocol 2: Release Practices; Practice 7: Subject to compliance with the rules and principles on pre-release access set out in legislation, limit access before public release to those people essential for production and publication, and for quality assurance and operational purposes. Publish records of those who have access prior to release.

Protocol 2: Release Practices; Practice 8: Ensure that no indication of the substance of a statistical report is made public, or given to the media or any other party not recorded as eligible for access before publication. Report to the National Statistician immediately any accidental or wrongful release, and investigate the circumstances.

Date of occurrence

24 January 2011

Nature of breach (including links with previous breaches, if any)

The preparation of the report is shared, with ISD providing most of the data and analysis and NHS QIS contributing most of the text and interpretation. As part of the preparation and quality assurance cycle of the report, staff in NHS QIS who work on the Reproductive Health programme, including communications staff, contribute to the drafts.

An employee of NHS Quality Improvement Scotland (NHS QIS) shared the results of the report with the Scotsman newspaper on 24 January prior to formal release, which was pre-announced for 09.30 on 25 January 2011.

The intention was to promote the profile of the report in the media and public and details of figures contained in the publication were shared with The Scotsman journalist and an article appeared in the Scotsman on the morning of the 25<sup>th</sup> January quoting some of the figures contained in the report.

Reasons for breach

ISD were responsible for this breach because they did not make clear the pre-release restrictions to all members of staff in QIS involved in the publication.

ISD co-ordinated quality assurance for this publication. Copies of the report were provided, for quality assurance, to members of SPIMMRAG. The NHS QIS representative on SPIMMRAG shared copies of the report, for quality assurance, with colleagues in NHS QIS. A NHS QIS communications officer received a quality assurance copy of the report and shared details of the findings of the final report with a journalist on The Scotsman newspaper while it was still under embargo.

The NHS QIS communications officer was not fully aware of the official statistics obligations on early access that apply to publications such as this one that are co-

produced with ISD. These types of publications are a small proportion of the published output of an organisation such as NHS QIS most of which does not fall under the banner of official statistics.

ISD staff did not provide adequate marking on drafts of the report to alert staff in other organisations to the National Statistics status of the report and the obligations that this inferred.

### **3 Reactions and Impact**

The Scotsman used the early access to the statistics as a basis for the main news story in their web and print versions of their 25 January 2011 edition, with a headline of 'Record low for Scottish infants' deaths'.

The article quoted a number of statistics from the report and reproduced a table of summary figures and a chart of trends in stillbirth and perinatal death rates. The article also included quotes from a stillbirth charity including a call for further research into stillbirths. Other quotes were provided by the programme coordinator at NHS QIS and a paediatric pathologist. These quotes were obtained by the journalist who had been given pre-release access to the report.

There was no adverse reaction that we are aware of and no further press interest in the story. The article itself did not misrepresent the figures in what it published and focussed on the key points of the release. The media coverage gave the release more of a prominence in the media than it had had previously and would have been likely to receive given a number of other health related official statistics were planned for release on the same morning.

### **4 Corrective Actions Taken (include short-term actions, and long-term changes made to procedures)**

A short statement was published on the ISD website explaining the breach just after publication on the morning of 25<sup>th</sup> January. A copy of this template was also published later the same day.

Contact was made with NHS QIS and the reasons for the breach discussed. The communications officer involved was not fully aware of the official statistics obligations placed on ISD as the body commissioned to support production of the report in partnership with QIS. NHS QIS is itself not a named as a producer of official statistics.

The Head of Profession for ISD will write to the Chief Executive of NHS QIS outlining the corrective actions that need to be taken by both organisations to avoid repetition of this breach. This includes raising awareness of the Code of Practice among QIS staff involved in official statistics reports that are jointly prepared and published by ISD and NHS QIS. Also, agreeing a protocol for pre-release access and early access

between the two organisations.

In addition ISD will write to the chair of SPIMMRAG, whose members oversee the publication, to agree protocol and obligations around pre-release access and early access.

The internal ISD publication protocol will be updated to clarify the need for all staff within ISD to ensure that publications co-produced with other organisations are clearly marked as under embargo in the drafting stage as well as during formal pre-release access and that colleagues in these organisations are clear of the implications of this.

ISD does not provide access to pre-release statistics to the media under embargo, in line with the Code of Practice, and is committed to ensuring this for all official statistics publications that it is responsible for including those co-produced with other organisations.

## **5 Any other relevant supporting material (including link to published statements about this breach)**

A statement has been included on the ISD website here:

<http://www.isdscotland.org/isd/6525.html>

This breach report will also be published on the ISD website here:

<http://www.isdscotland.org/isd/6156.html>