

BREACH OF THE CODE OF PRACTICE FOR OFFICIAL STATISTICS

This document reports a breach of the Code of Practice for Official Statistics, or the relevant Pre-release Access to Official Statistics Orders, to which the Code applies as if it included these orders.

1. Background information

Name of Statistical Output (including weblink to the relevant output or 'landing page')

Secondary School and College Performance Tables, published on the 29th January 2015 at 9.30am: <http://www.education.gov.uk/schools/performance/index.html>

Name of Producer Organisation

Department for Education

Name and contact details of the statistical Head of Profession (Lead Official in an Arm's Length Body) submitting this report, and date of report

Iain Bell, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT
10/03/2015

2. Circumstances of breach

Relevant Principle/Protocol and Practice

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

29/01/2015

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

Breach of the embargo on publishing data related to the performance tables before 9.30 am by a small number of local news organisations: Bury Times, Blackpool Gazette, Shropshire Star.

Reasons for breach

Data was provided under embargo to a list of named news organisations that requested pre-release access and agreed to abide by the terms and conditions of such access. The embargo was clearly stated within the op note sent to news organisations (see below), setting out the process for pre-release access to the performance tables.

Three of the local news organisations that were granted access (Bury Times, Blackpool Gazette, Shropshire Star) published parts of the data mainly relating to their local authority figures on the 29th January but before 9.30. They have informed the department that the reasons for these breaches were due to failures in their organisational or technical processes, rather than a deliberate attempt to break a story early.

3. Reactions and impact (both within the producer body and outside)

The department has received no external complaints due to the early release of this data. The breach of embargo was first reported by a member of Department for Education staff who identified that these media organisations had published embargoed statistics prior to 9:30 via earlier news alerts.

4. Corrective actions taken to prevent reoccurrence of such a breach (include short-term actions, and long-term changes made to procedures)

As the publication went live at 9.30, there was not time to contact the news organisations to remove the data in advance.

The news organisations that published stories before 9.30 were quickly contacted by the Department for Education's press office, reminding them of their responsibilities when receiving pre-release access material and informing them that the department was now considering the corrective action it would take, as set out in the agreement by which they were granted access.

The department has strengthened its response to breaches this year following a review of the pre-release process in November 2014; introducing a 1-5 year ban for any organisations that breach the embargo and committing to publishing a related statement on the performance tables website. This is therefore the first incident following which the department has banned future pre-release access for the organisations involved. After consideration of these cases the Head of Profession has decided to impose a 3 year ban on each of the organisations who breached pre-release access this year.

The statement on the performance tables website will cover which organisations were responsible for the breach and the banning action we have taken to prevent reoccurrence.

5. Links to published statements about this breach

The statement will be made available here:

http://www.education.gov.uk/schools/performance/secondary_14/prerelease-access.html

6. Any other relevant supporting material

OP NOTE - NOT FOR PUBLICATION OR BROADCAST

SECONDARY SCHOOL & 16-18 PERFORMANCE TABLES

We will be publishing the annual performance tables data for secondary and post-16 education at **09:30 on Thursday 29 January 2015**.

The data can be accessed early under strict pre-release arrangements from **09:30 on Wednesday 28 January 2015**.

We have attached sample files that describe the pre-release data. These sample files are in the same format as the pre-release data files but contain dummy data for a small selection of schools and LAs. **The attached sample files do not contain real data and are for information only.**

Conditions of pre-release access:

Members of the press can be granted Pre-Release Access (PRA) to the performance tables under the provisions and restrictive conditions of the Pre-Release Access to Official Statistics Order 2008, including the embargo which prevents disclosure of the statistics prior to publication.

These statistics are strictly embargoed until 09.30 on 29 January 2015. They must not be printed or used publicly before then.

You must not pass the data to other members of the press except persons directly involved in the production of news stories or releases within your own news organisation, which is also bound by the conditions, including the embargo.

Sanctions for breach of pre-release access:

Any breach of the embargo is a serious infringement of the agreement under which you have been granted pre-release access. If you are found to be in intentional breach of the embargo, the Department for Education will remove pre-release access for your organisation for a period of one to five years.

Any breaches will also be reported to the National Statistician and a statement will be published on both the UK Statistics Authority website and the Performance Tables, covering the names of the organisations that breached the embargo, the nature of the breach and the corrective action taken.

Action required:

If you wish to receive PRA to the secondary school and 16-18 performance tables data, please email the DfE press office **by 23 January** confirming:

- a) The contact details of the individual(s) who will be leading on accessing the data for your organisation.
- b) That you agree to abide by the conditions of PRA outlined above.

Once you have confirmed agreement with these conditions, we will then provide you with the details needed to access the data via the Key to Success website.

If in doubt or unsure about PRA, please call the DfE press office on 020 7783 8300.