

REPORTING A BREACH OF THE CODE OF PRACTICE FOR OFFICIAL STATISTICS

1. Core Information

Title and link to statistical output	Second report on statistics being collected under the exit checks programme [<i>Experimental Statistics</i>] https://www.gov.uk/government/statistics/second-report-on-statistics-being-collected-under-the-exit-checks-programme
Name of statistical producer	Home Office
Name and contact details of person dealing with report	Jon Simmons Head of Unit, Migration and Border Analysis Home Office Analysis and Insight 1st floor, Peel, 2 Marsham Street, London SW1
Link to published statement about the breach (if relevant)	N/A
Date of report	24 th August 2017

2. Circumstances of breach

Relevant principle/protocol and practice	Protocol 2 (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 of breach	23rd August 2017
<p>At 09:30 on Wednesday 23rd August, the Home Office circulated the new report on “experimental statistics collected under the exit checks programme”, along with the latest quarterly “Immigration Statistics”, under pre-release access (PRA) to 23 named individuals inside the Home Office (outside the production team) and a further 28 individuals in other Government departments (No.10, DFE, BEIS, FCO, HMCTS, CO). This is the same list of people who would normally receive PRA to the Immigration statistics each quarter under arrangements agreed by the Head of Profession, in line with the Code of Practice.</p> <p>The exit checks report publishes statistics derived from newly developed operational information. Publication in this report followed a range of internal checks, updates of operational information on data quality, and clarification of details relating to policy and operational context surrounding the analysis.</p> <p>The proposed publication date of 9.30am on Thursday 24th was designed to coincide with other migration-related releases, as previously agreed across government and with ONS, in particular ONS research on international student migration based on collaborative work with Home Office statisticians, using exit checks data supplied by the Home Office, and the ONS and Home Office publications were mutually cross-referenced in each other’s report.</p> <p>As normal, the statistics shared under PRA were clearly marked in the covering email as sensitive, with clear instructions that they should not be forwarded to anyone else. Additionally, they had the following label in bold-red:</p> <p>“Under National Statistics protocols the figures are strictly embargoed until publication at 09:30 a.m. on Thursday 24 August 2017 and must not be used, released or passed onto anyone else before this time. In addition they can only be discussed with those on the attached copy list.”</p> <p>Separately, announcing the Home Secretary’s intention to commission the Migration</p>	

Advisory Committee (MAC) to look at the value and impact of international students, the department's press office issued a press notice to national media to this effect at around lunchtime on Wednesday 23rd. They also issued a proposed opinion piece for use by the Times newspaper. The references made to exit checks were cleared with the Home Office lead statistician and did not refer to the findings in the report, correctly pointing only to the previously pre-announced statistical publications:

In the press notice: "Alongside the commission, the UK's first publication of exit checks data will provide a comprehensive account of the compliance of international students."

In the op-ed: "The work we are already doing on exit checks, will also give us a more complete picture of the movement of students following their studies. The first data from these checks will be published today."

The letter to the MAC itself was published at 09:30 on the 24th (at which point it was sent to the Chair of the MAC and put on the Gov.uk website).

In spite of these careful arrangements, at 21:30 on 23rd August, the evening before publication, the Daily Telegraph published an article which referred to a new statistic contained within the Home Office report due to be published the following day. The article can be found here <http://www.telegraph.co.uk/news/2017/08/23/immigration-figures-review-new-checks-suggest-numbers-far-lower/>

The findings reported by the Telegraph ("The Government will reveal on Thursday that new border checks introduced last year found 97 percent of international students - one of the biggest groups of immigrants - left after finishing their studies.") were subsequently picked up and repeated by the Guardian, Times, Daily Mail and the Sun.

It is not known how the Telegraph obtained the statistic they quoted. However, we believe it can only have come from sight of the final Home Office report.

We have checked with our website managers and can confirm that the link to the exit checks report went live at 09:30 on the 24th as planned. Detailed consideration was not given to bringing forward publication of the exit checks report because the breach only became apparent late the evening before and part of the purpose of a 09:30 publication was to ensure that this report was not released in isolation but was presented alongside the ONS report on students published at the same time, and thereby ensure more coherent reporting of their related findings.

3. Impact of the breach

The Telegraph's story led the news agenda that morning, prior to the release of the new statistics and full report at 09:30.

In quoting a single selective statistic on students, the article arguably misrepresents the detail in the report by not including caveats around these estimates and in suggesting an impact on the credibility of the net migration statistics which was subsequently contradicted by the ONS publication released at 09:30. Specifically, the reports fail to explain that the 97% compliance figure for students related only to the most recent cohorts of students, not those prior to the introduction of the changes in the regulation of student migration beginning in 2010-11 which the report documents as having had a clear impact in the composition of the sector, specifically by reducing the number of visas issued to study at FE colleges where there were particular concerns over compliance at that time. The key message of the Home Office report, i.e. that the large majority of students now appear to be compliant, does nevertheless appear to have been reflected in the coverage.

The 97% figure from the Home Office report that was quoted by the Telegraph relates to the percentage of those with a study visa whose leave had expired and who were identified as having left the UK. It covers those with both leave conferred by a visa or an in-country extension which expired in 2016/17. The Home Office analysis (unlike the related ONS

study) excludes cases where further leave is granted in order to assess appropriately the compliance of those expected to leave. It does not therefore imply that “97% of international students left after finishing their studies in the UK”, however this misunderstanding reported in the Telegraph’s article appears to be a more general misunderstanding as it was subsequently repeated in other media reports. The ONS report is clear on the correct interpretation here.

The article also erroneously implied that the Home Office had ordered a review of the Immigration statistics. This is a serious misrepresentation and, to be clear, the Home Office has done no such thing. Rather the Home Secretary has written to the Migration Advisory Committee requesting that they review the social and economic impact of international students in the UK. The Home Secretary’s letter is available here

<https://www.gov.uk/government/news/government-to-commission-assessment-of-international-students> (as published at 09:30am on 24th August). The Home Office is concerned at the impact the Telegraph’s reporting might have had on its reputation for propriety, given that it is well understood that it is for the UK Statistics Authority to oversee and direct the work of the ONS, not Ministers. However, the other media reports appear to have reported the commissioning of the MAC correctly.

The Home Office does of course share ONS’s desire to understand the migration statistics more deeply, and as it has previously done, agrees to continue to share data and collaborate with ONS and others to help improve the national understanding of the data, as described by Deputy National Statistician in his summary of the ONS report on student migration published on 24th August.

4. Corrective actions (taken or planned) to prevent re-occurrence

As soon as we were made aware of the breach (the same evening) we spoke to Home Office press office who made clear to journalists who contacted them following the appearance of the Telegraph’s article that the department had no intention of commenting prior to the release of the report and to clarify that the Home Office had not ordered ONS to review the statistics.

We have also contacted the Department’s Chief Security Officer and asked them to investigate the pre-release email chain. We have written to all of those who received the exit checks report under PRA within the Home Office and in the other departments to let them know about the breach and that we are investigating it.

The head of Migration and Border Analysis (Jon Simmons) who is responsible for production and publication of the Home Office exit checks report is discussing further action with the Head of Profession for Statistics (David Blunt), including whether current Home Office pre-release practices should be altered.