

## REPORTING A BREACH OF THE CODE OF PRACTICE FOR OFFICIAL STATISTICS

### 1. Core Information [\[guidance\]](#)

<b>Title and link to statistical output</b>	Tribunals and Gender Recognition Certificate Statistics Quarterly  <a href="https://www.gov.uk/government/statistics/tribunals-and-gender-recognition-certificate-statistics-quarterly-july-to-september-2017">https://www.gov.uk/government/statistics/tribunals-and-gender-recognition-certificate-statistics-quarterly-july-to-september-2017</a>
<b>Name of statistical producer</b>	<b>Ministry of Justice</b>
<b>Name and contact details of person dealing with report</b>	<b>Steve Ellerd-Elliott</b> Chief Statistician and Deputy Director Justice Statistics Analytical Services Mobile: 07973 725841  <a href="mailto:statistics.enquiries@justice.qsi.gov.uk">statistics.enquiries@justice.qsi.gov.uk</a>
<b>Link to published statement about the breach (if relevant)</b>	<b>Not applicable</b>
<b>Date of report</b>	<b>18/01/2018</b>

### 2. Circumstances of breach [\[guidance\]](#)

<b>Relevant principle/protocol and practice</b>	<b>Accidental or wrongful early release</b>  <b>Principle 2:</b> Impartiality and objectivity, <b>Practice 1:</b> Publish statistical reports in an orderly manner, in accordance with Protocol 2.  And within <b>Protocol 2, Practice 8:</b> Ensure that no indication of the substances of a statistical report is made public, or given to the media or any other party not recorded as eligible for access before publication.
<b>Date of occurrence of breach</b>	<b>19/12/2017</b>
<ul style="list-style-type: none"> <li>• The breach relates to provisional management information reported to a Justice Select Committee (JSC) hearing.</li> <li>• The management information related to the Employment Tribunal (ET) fee refund scheme, introduced in October 2017 following the abolition of ET fees on 26 July 2017.</li> <li>• It provided initial information on the number of applications received, processed and refunds made as at 18 December 2017.</li> <li>• The information provided at the JSC will form part of the Official Statistics which are scheduled to be published on 8 March 2018 and cover the period to 31 December 2017.</li> <li>• Intention to publish these data was stated in the Tribunals and Gender Recognition Statistics quarterly bulletin published on 14 December 2017.</li> <li>• The information was provided to the JSC on 19 December 2017. The early release of this information was identified by an internal team on 9 January 2018.</li> <li>• An internal review identified that the Ministerial JSC briefing document had contained the management information relating to ET fee refunds.</li> <li>• The inclusion of this unpublished management information was not identified during the clearance process and there was no discussion on the requirement to publish an ad-hoc release to put the information in the public domain prior to use at the JSC.</li> </ul>	

### 3. Impact of the breach [\[guidance\]](#)

*Provide details of the impact of the breach both inside the producer body and externally*

We are not aware of any actions taken in response to the evidence provided at the JSC and the view is that the potential impact of the breach has been contained.

### 4. Corrective actions (taken or planned) to prevent re-occurrence[\[guidance\]](#)

*Describe the short-term actions made to redress the situation and the longer term changes to procedures etc*

The immediate action taken was to release an ad-hoc statistical notice on 18 January providing provisional management information on the number of applications received, processed and refunds made to date as reported to the Justice Select Committee hearing on 19 December 2017. A copy of the ad-hoc notice can be found here:

<https://www.gov.uk/government/statistics/employment-tribunal-fee-refunds-applications-received-processed-and-refunds-made-to-date>

All those involved in preparing the data and briefing for the JSC have been reminded of the process for handling management information and the need to use published information for briefing purposes.

This has highlighted the on-going need to make sure people are aware of the correct process to follow and the newly launched Statistical Licence to Operate initiative within the Ministry of Justice should help with this. This has been developed to strengthen understanding of the processes and ensure our statistics remain high quality and are used responsibly.

There are specific sections on the appropriate uses of management information and statistics with the key message that only published statistics should be used in the public domain.

This initiative has the full support of our Permanent Secretary and the Executive Committee and is a prerequisite for all those involved with Official Statistics; from producers of statistics to lead officials and all individuals on the pre-release list including Ministers and the Senior Leadership Group.