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**Ed Humpherson, Director General for Regulation**

Rt Hon Lucy Powell MP  
Chair, Modernisation Committee  
House of Commons  
London  
SW1A 0AA

16 December 2024

Dear Ms Powell,

As Director General of Regulation at the Office for Statistics Regulation (OSR), I am writing following the Modernisation Committee's call for evidence on the work of the Committee.

The OSR is the regulatory arm of the UK Statistics Authority and plays a key role in protecting public confidence in the trustworthiness, quality and value of statistics produced and used by government. We consider statistics to be the lifeblood of democratic debate and that misuse of statistics results in an erosion of trust in Government.

We are responsible for setting the standards that official statistics must meet in the Code of Practice for Statistics<sup>1</sup>. We also use our voice to stand up for statistics and represent the interests of the public by investigating concerns raised with us (referred to as casework) about the dissemination and use of statistics, reporting publicly where necessary.

We have two key areas that we would like to bring to the attention of the Modernisation Committee that we consider would contribute to the strategic aim of driving up standards and restoring public trust.

Intelligent Transparency

*Why this topic would benefit from the attention of the Modernisation Committee*

Intelligent transparency ensures public understanding of, and confidence in, numbers used by governments. It involves proactively taking an open, clear, and accessible approach to the release and use of data and statistics so that they can be easily accessed, scrutinised and used appropriately.

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<sup>1</sup> <https://code.statisticsauthority.gov.uk/>

Our principles for intelligent transparency are:

- Equality of access – Data used by government in the public domain should be made available to all in an accessible and timely way. Our expectation is that figures used by MPs in a public forum should already be publicly available. This ensures that any claims made are evidenced, verifiable and able to be scrutinised.
- Ease of understanding – Sources for figures should be cited and appropriate explanation of context, including strengths and limitations, communicated clearly alongside figures. Our expectation is that MPs use statistics in a fair and accurate way that supports understanding and is not misleading.
- Independent decision making and leadership – Decisions about the publication of statistics and data, such as content and timing, should be independent of political influence and policy processes. Our expectation is that MPs will not interfere with the independent process of publishing statistics.

We have worked closely with the Heads of Profession for Statistics network across government departments to deliver training and raise awareness of intelligent transparency. We have had considerable successful engaging with civil servants including statisticians, analysts, communication professions, policy teams and Permanent Secretaries. However, to date, we have had limited direct contact with MPs and Ministers. Given that the full success of intelligent transparency is dependent on all across government and parliament, we would encourage parliamentary committees and individual MPs to be aware of the principles of intelligent transparency in their work.

It is our view that the Modernisation Committee could play a key role in ensuring that the principles of intelligent transparency are fully embraced and embedded across parliament as the default approach for communicating statistics. This will ensure that statistics are used by MPs in a way that supports public trust.

#### *Existing work relevant to this topic*

We have a range of publicly available materials including guidance, FAQs, and several blogs<sup>2,3</sup>.

Our most recent blog comments on a claim made by the Prime Minister at the Labour Party Conference, specifically that there had been “a 23 per cent increase in returns of people who have no right to be here, compared with last summer.”<sup>4</sup> This claim was based on unpublished Home Office data and resulted in us requesting that the Home Office publish

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<sup>2</sup> <https://osr.statisticsauthority.gov.uk/publication/regulatory-guidance-on-intelligent-transparency/pages/1/>

<sup>3</sup> <https://osr.statisticsauthority.gov.uk/publication/intelligent-transparency-faqs/>

<sup>4</sup> <https://osr.statisticsauthority.gov.uk/blog/embedding-the-habit-of-intelligent-transparency/>

an ad hoc release containing the underlying data in advance of the official statistics publication. Cases such as these can result in confusion over the source of the claim, negative media coverage and a disruption to the orderly release of official statistics.

Whilst much of the regulatory work we do is behind the scenes, we have written publicly on several cases relating to intelligent transparency. Key examples include:

- A statement by OSR in June 2024 relating to the claim made by the Conservative Party that “*a Labour government would mean £2,000 of tax rises per working household.*”<sup>5</sup> The statement concludes that without reading the full Conservative Party costing document, someone hearing the claim would have no way of knowing that this is an estimate summed together over four years<sup>6</sup>.
- A letter from Sir Robert Chote, Chair of the UK Statistics Authority, to Rt Hon Richard Holden, Chairman of the Conservative Party, in June 2024 relating to the claim by the Labour Party that the Conservative Party would “*raise people’s mortgages by £4,800.*”<sup>7</sup> The letter states that “*When distilling these claims into a single number, there should be enough context to allow the average person to understand what it means and how significant it is. Omitting this information can damage trust in the data and the claims that these data inform.*”
- A letter from Ed Humpherson to Matthew Rycroft transparency of home office statistics in November 2022, which sets out the OSR’s concerns regarding the use of unpublished Home Office data and statistics by then-Home Secretary Priti Patel MP, Prime Minister Rishi Sunak MP, and Robert Jenrick MP, Minister for Immigration at the time<sup>8</sup>.

It is important to note that there have been several high-profile endorsements of intelligent transparency including:

- A report from the Public Administration and Constitutional Affairs Committee (PACAC) on transforming the UK’s evidence base in May 2024, which commended our work on intelligent transparency and recommended that OSR publish an annual report card of departments’ compliance with this guidance so that “*Parliament and external bodies might support OSR in holding departments to account and making the case for well-informed policy.*”<sup>9</sup> We are currently exploring options for what

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<sup>5</sup> <https://osr.statisticsauthority.gov.uk/news/osr-highlights-the-importance-of-transparency-in-election-claims/>

<sup>6</sup> <https://public.conservatives.com/publicweb/Labour-tax-rises.pdf>

<sup>7</sup> <https://uksa.statisticsauthority.gov.uk/correspondence/letter-from-sir-robert-chote-to-rt-hon-richard-holden-party-spending-claims/>

<sup>8</sup> <https://osr.statisticsauthority.gov.uk/correspondence/ed-humpherson-to-matthew-rycroft-transparency-of-home-office-statistics/>

<sup>9</sup> <https://committees.parliament.uk/publications/44964/documents/223187/default/>

annual reporting could look like in this space.

- An October 2024 private letter from Sir Robert Chote, Chair of the UK Statistics Authority, to new Secretaries of State on ‘Support for ensuring statistics serve the public good’. We have received positive replies to this letter from several Secretaries of State demonstrating their support for these principles.
- A public letter from Sir Robert Chote, Chair of the UK Statistics Authority, in June 2024 to political party leaders ahead of the general election<sup>10</sup>.
- A private letter from Alex Chisholm, then Civil Service Chief Operating Officer and Cabinet Office Permanent Secretary, to Permanent Secretaries on the transparency in use of statistics in April 2022.
- Full Fact Report 2023 summarises our involvement in several key cases that relate to the principles of intelligent transparency and notes that *‘In 2022 alone the Office for Statistics Regulation (OSR) had to write to Government departments at least ten times about the lack of transparency in their use of statistics.’*<sup>11</sup>
- A March 2021 PACAC report on ‘Government transparency and accountability during Covid 19: The data underpinning decisions’, which states that *‘statistics quoted by Ministers have not always been underpinned by published data, which goes against the UKSA Code of Practice’*<sup>12</sup>. *Publishing the underlying data is key to transparency and building trust. When the underlying data is not published, numbers may be used to make politicised points and members of the public, journalists and Parliamentarians have no way of verifying the information shared. This means constructive debate cannot happen. When Ministers or senior officials quote statistics, the underlying data must be published.’*

### Strengthening the Ministerial Code

*Why this topic would benefit from the attention of the Modernisation Committee*

The current version of the Ministerial Code states that *‘Ministers need to be mindful of the UK Statistics Authority’s Code of Practice which defines good practice in relation to official statistics, observance of which is a statutory requirement on all organisations that produce National Statistics in accordance with the provisions of the Statistics and Registration Service Act 2007.’*

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<sup>10</sup> <https://uksa.statisticsauthority.gov.uk/correspondence/letter-to-party-leaders-2024-election/>

<sup>11</sup> <https://fullfact.org/media/uploads/full-fact-report-2023.pdf>

<sup>12</sup> <https://committees.parliament.uk/publications/5076/documents/50285/default/>

In his October letter to Secretaries of State, Sir Robert Chote asked that *'[Secretaries of State] consider going beyond the letter of the Ministerial Code, from merely being mindful to complying with the Code of Practice for Statistics'*.

As the Ministerial Code provides the foundation for setting standards across parliament, we consider that strengthening the Code in relation to the Code of Practice for Statistics will protect against the misuse of statistics. Strengthening the Ministerial Code will also signal that MPs are fully committed to upholding the standards of Trustworthiness, thus supporting confidence.

Recently there have been several calls in favour of strengthening the Ministerial Code in relation to the Code of Practice for Statistics (see below). It was our hope that this would have been incorporated in the most recent update to the Ministerial Code which took place in November however this was not the case.

### **Existing work relevant to this topic**

Over the past few years, there have been several calls in favour of strengthening the Ministerial Code including:

- Feedback in OSR's review of the Code of Practice for Statistics in 2023 highlighted how helpful producers and users find OSR's regulatory guidance on Intelligent Transparency and requested that it be incorporated into the Code<sup>13,14</sup>. OSR is now consulting on a proposed third edition of the Code of Practice which includes Standards for Intelligent Transparency that those in public bodies should meet when using statistics to support statements in the public domain<sup>15</sup>.
- The independent review of the UK Statistics Authority by Professor Denise Lievesley CBE in March 2024 stated that *'As the current and former Chairs of the UKSA and PACAC have noted, there is scope to strengthen the Ministerial Code to mandate adherence to the UKSA Code of Practice for Statistics. This Review concurs.'*<sup>16</sup> The review goes on to state that *'bolstering the Code in this way will send a clear signal to the country that Ministers are holding themselves to the highest account.'*
- A letter from the Royal Statistical Society to Secretaries of State (July 2024) which calls for Secretaries of State to *'pledge to abide by the Code of Practice of Statistics'*

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<sup>13</sup> <https://osr.statisticsauthority.gov.uk/refreshing-the-code-of-practice-for-statistics-have-your-say/>

<sup>14</sup> <https://osr.statisticsauthority.gov.uk/publication/regulatory-guidance-on-intelligent-transparency/>

<sup>15</sup> <https://osr.statisticsauthority.gov.uk/consultation-on-proposed-changes-to-the-code-of-practice-for-statistics/>

<sup>16</sup> <https://www.gov.uk/government/publications/independent-review-of-the-uk-statistics-authority-uksa-2023/independent-review-of-the-uk-statistics-authority-by-professor-denise-lievesley-cbe-html>

– rather than merely being mindful of it as the current Ministerial Code requires.<sup>17</sup>

- A letter from Full Fact to the Prime Minister (July 2024) which asked that the PM ‘*Make the Ministerial Code statutory and incorporate compulsory adherence to the Code of Practice for Statistics.*’<sup>18</sup>
- A PACAC report from March 2020 on ‘Government transparency and accountability during Covid 19: The data underpinning decisions’ which stated that ‘*The Ministerial Code needs to be strengthened so it is clear that Ministers are required to abide by the UKSA Code of Practice in their presentation of data. The UKSA Code includes the principle of trustworthiness that builds ‘confidence in the people and organisations that produce statistics and data’. Abiding by the UKSA Code of Practice is a statutory requirement for Government Departments. It is simply not enough to ask Ministers to be “mindful” of the UKSA code.*’<sup>19</sup>

I hope this evidence is useful to the Committee. Please let us know if you have any questions or if the OSR can support the Committee further in its inquiry.

Yours sincerely,



**Ed Humpherson**  
Director General for Regulation

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<sup>17</sup> <https://rss.org.uk/RSS/media/File-library/Policy/2024/RSS-to-new-ministers-110724.pdf>

<sup>18</sup> <https://fullfact.org/policy/letters/new-pm/>

<sup>19</sup> <https://committees.parliament.uk/publications/5076/documents/50285/default/>