

Oral evidence

Taken before the Public Administration Committee on Thursday 5 February 2009

Members present

Dr Tony Wright, in the Chair

Paul Flynn
David Heyes
Kelvin Hopkins
Mr Ian Liddell-Grainger

Julie Morgan
Mr Gordon Prentice
Mr Charles Walker

Witnesses: **Sir Michael Scholar** KCB, Chairman, UK Statistics Authority and **Ms Karen Dunnell**, National Statistician and Chief Executive of the Office for National Statistics, gave evidence.

Q1 Chairman: It is a great pleasure to welcome Sir Michael Scholar, Chairman of the UK Statistics Authority, and Karen Dunnell, National Statistician and Chief Executive of the Office for National Statistics. Because of our relationship in receiving reports from the Statistics Authority, we have become interested in this incident in December when we had the publication of figures from the Home Office which you challenge the propriety of producing. Our sense is we have still not got to the bottom of what happened and we would like to do that, and then we would like, in so far as the time allows, to discuss some of the wider lessons for where we are at and where we are going. Would you like to say anything by way of introduction?

Sir Michael Scholar: I do not have any introductory remarks to make particularly. I am ready to answer any questions you would like to put to me.

Q2 Chairman: Let us try to unravel this incident or series of events if we can. This was triggered initially by you writing to Jeremy Heywood at Number 10 flagging up the fact that some of the figures in the Home Office release you said were not properly done according to the Code. Then subsequently the Authority issued its Assessment and Monitoring Report which did say that it was not simply one set of figures which were at issue, because that is what was talked about at the time; the hospital admission figures for knife incidents, but in fact it had been broadened into a general indictment of the whole way in which this Home Office exercise had been conducted; indeed, you go through and it takes apart many of the figures. Tell us why you went for that narrow ground initially if it really was the case that it was the whole exercise that you were having trouble with?

Sir Michael Scholar: On the 11 December I was alerted by the Monitoring and Assessment team in the Statistics Authority, a small group of people who work there, of their concerns about an announcement which had been made earlier that day by the Home Office. I inquired into it and it appeared to me that the statement, which had been made by the Home Office, was deficient or mistaken or worrying in a number of ways. One thing that was

perfectly clear to me was that the hospital admissions element in the press release had been published against the advice of the Chief Statistician in the National Health Service Information Centre in Leeds. He had expressed very considerable concerns about the figures and had expressed them quite forcibly but his concerns had been overridden by, as it was reported to me, Number 10 Downing Street. I inquired into this and I saw evidence that that indeed was the case. I felt that was a clear breach of the Code of Practice, absolutely clear. When I wrote to Number 10 criticising the press release I confined myself to grounds upon which I knew I was absolutely unassailable. I had doubts at the time about the remainder of the Home Office press release but it seemed to me that there might be two views about whether the figures which were contained in the Home Office press release about knife crime and arrests could and should be published. I did not in my letter cover that matter. The board of the Statistics Authority reviewed the whole incident later that week. We had our monthly board meeting and on the basis of a note which you have just referred to, a note by the Monitoring and Assessment team which had wide-ranging criticism of the Home Office fact sheet, we decided at that board meeting that we would publish our assessment. We do, as a matter of course, publish all the papers which we consider at our board meetings and we did indeed publish that on the 6 January.

Q3 Chairman: I think it is the case that although you said in your letter that Karen Dunnell, as National Statistician, made representations before release that turns out not to be the case and it was after it that you made the representation.

Ms Dunnell: No. I was alerted at 9.15 pm in the evening of the 10 December that the Chief Statistician in the Information Centre of the Health Service had emailed ONS expressing his concerns which he had expressed to Number 10. First thing in the morning of the 11th, I telephoned my colleagues in Number 10 to try to say I really think that you must pay attention and not publish them but at that point I think the fact sheet had been released to the press.

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Q4 Chairman: In terms of who decided this, I am told there is an email trail which does show what happened. Do you know about that?

Sir Michael Scholar: Yes. There is an email trail and it was partly that trail which led me to be sure that the ground upon which I was standing was, as I said before, unassailable.

Q5 Chairman: Perhaps we could explore it and find out who decided to not follow the statistical code in this matter and who took it upon themselves to decide they could do that.

Sir Michael Scholar: That is not clear from what I saw. What I saw simply was what is referred to in the Cabinet Secretary's letter to you, that a special adviser at Number 10 had said that Number 10 wished to publish these numbers. Then I saw evidence of what the Chief Statistician said about that. I saw that Number 10 was reported as being adamant that the figures should be published and of course the figures were published. That is all I saw.

Q6 Chairman: My understanding, and tell me if I am wrong, is that the Special Adviser in the Department of Health was told by the NHS statisticians that this could not be published under the Code. The Special Adviser went to a Number 10 special adviser to take advice on this and the Number 10 special adviser said to go ahead and it went ahead.

Sir Michael Scholar: You have obviously had information which I have not. That is consistent with I saw, but there is something there you have seen which I have not seen.

Q7 Chairman: You will not know the answer to this but I will ask you any way. Do you think that was an appropriate decision for a special adviser to take?

Sir Michael Scholar: No, it could not possibly be because the Code of Practice, which had been in existence since the year 2000 and had been accepted by the Government, specifically bans political influence upon the production of statistics. It is quite unequivocal in the Code which was already in force and of course it is equally unequivocal in the Code which we published on January 6.

Q8 Chairman: This question you will not know the answer to but I will ask it again to the Minister who is coming shortly. Do you think it is plausible that a special adviser would have taken a decision to overrule statisticians and release information without taking political advice?

Sir Michael Scholar: I really could not comment on that. I do not know what went on in Number 10 or in the Home Office. I could not comment on that.

Q9 Chairman: What do you think are the wider lessons from all this?

Sir Michael Scholar: The really important lesson is that the Code of Practice sets out a number of ways in which official statistics should be produced, handled and published. It is a regime, as you know because we discussed it at our last occasion when I was here, a Code, upon which we consulted widely and which received widespread support on all sides.

The Code of Practice says that the publication of statistics should take place independently and separately from any political comment on those statistics. It is all part of the action of the Authority to try to rebuild trust in public statistics. I think that this incident has had a considerable impact in Whitehall in showing people, not just statisticians but also the Civil Service at large, special advisers and perhaps ministers, that this Code is now in force and that if it is infringed there will be considerable difficulty. The letter which the Cabinet Secretary has just written to you puts that point very clearly.

Q10 Chairman: You have been cited in this episode and you probably know more about it than anybody else. Can you tell us what you think actually happened? What was the sequence of events as you understand it?

Ms Dunnell: I am not fully aware of what the sequence of events was because it involved several government departments. What I am concerned about, and the way I got involved with it, was because concerns were raised by the Chief Statistician in the Information Centre and apart from the emails Michael and I have both seen that is what I know. The whole process of the creation of the fact sheet I have no information about at the moment. What I am trying to do is to work with colleagues in departments so we can learn the lessons from this and get everybody in departments to understand their responsibilities under the Code. I am looking forward really.

Q11 Chairman: We know the Department of Health statisticians were livid about this and said you should not do it. We understand, and this is reported by Mark Easton from the BBC in his blog, that the statisticians in the Home Office are incandescent about what happened. Do you know that to be the case?

Ms Dunnell: I am not sure they are incandescent. They are concerned, and one of the concerns, which is again addressed in Gus O'Donnell's letter, is that there is some uncertainty about the status of administrative data, what people think of as management information, and how that actually relates to official statistics. That is something I have a working party looking at because that is really the area where we have to concentrate and get some clear guidelines for everybody.

Q12 Chairman: We have the statisticians in the Department of Health cross about this. We have the statisticians in the Home Office cross about this, yet seemingly we have a special adviser deciding that it is all right. This seems to be the story, does it not?

Ms Dunnell: It seems to be but I have not had that conversation with anybody.

Chairman: It does seem, to an innocent like me, rather incredible that could happen.

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Q13 Mr Liddell-Grainger: When this came about Mark Easton, if you follow what he said through this—and I think he has been quite a good barometer of what has gone on—he said you were, to say the least, furious. Were you furious?

Sir Michael Scholar: No, I was not furious. I was just very clear about it. If you are going to have trust in official statistics you cannot have statisticians being leaned upon by politicians, by ministers, by advisers or by policy civil servants who are working for them. They have to be allowed to produce the numbers in a professional, objective and impartial way without interference and then they should hand those numbers over to ministers, to Parliament, to the media and then the political debate can start. I do not think the political debate should start before a handover takes place.

Q14 Mr Liddell-Grainger: This came out in two ways: one was you discovered there was a problem; the second was a shadow minister had, under the Freedom of Information, asked questions and released a press release saying the opposite thing and the two things came together almost at the same time. Did you feel initially that you had been undermined in your role by the Home Office and by the National Health statisticians? When did you actually find out there was a problem?

Sir Michael Scholar: I found out the problem on that Thursday afternoon, 11 December. Yes, I certainly felt that the actions that were being taken were undermining the objectives of the Act of Parliament which set my Authority up under which I have been appointed as Chairman. Of course it was the Government who found Parliamentary time for the Bill to be introduced, it was the Government's idea, although it was subsequently, as you know, supported by all parties in this House. I did feel that it was undermining the intentions of the Statistics and Registration Service Act.

Q15 Mr Liddell-Grainger: One of the things I find interesting is the letter from Gus O'Donnell of 16 January to Tony Wright, our Chairman, in which he actually says there are key lessons to be learned on this and he lays out what they should be. You have obviously seen the letter and you have read it. Do you agree with what he says? Do you accept that is what should happen and how would you enforce that so it happens in the future?

Sir Michael Scholar: I was very pleased to see three points that he makes, the three lessons which he sets out in the letter: first of all, that all officials, as I just said in answer to the Chairman, and advisers have to treat this Code seriously. It is not just for statisticians but for people right across the Government. Secondly, that when we think about what is a statistic he mentions the work which the National Statistician has just referred to, the working party, but he gives a broad hint that he thinks we should construe the word "statistic" widely. We should not allow people to get away with using numbers carelessly and defending that by saying they are not really statistics but something else. The third lesson he indicates in the letter is that professional

statisticians should be consulted, and should be consulted early, before departments put out numbers.

Q16 Mr Liddell-Grainger: Can I ask one question on the second one? He basically says: "With information derived from management records liable to be made available in response to queries from policy advisers and officials, and to journalists and MPs on all sides of the House through PQs and FoI requests." That is the danger, the FoI request. How do you think that should be managed? Part of this came out through an FoI request from an Opposition Member of Parliament trying to ascertain figures. How do you square the circle on that one?

Sir Michael Scholar: I understand there is under the Freedom of Information Act a specific exemption allowed for a statistic which is not yet ready for release. It is possible for departments to decline to publish a figure if it is not yet ready for release. The second point I would make is if departments, police forces and hospitals are releasing numbers under Freedom of Information that is fine. If they are ready for release under Freedom of Information, they are ready for release as statistics. The Authority will want to pursue this question: should we be looking for ways of expediting the publication of official statistics so as to regulate this kind of practice you have referred to.

Q17 Mr Liddell-Grainger: I quite understand what you are saying. The problem you have is one set of statistics came from the NHS and the other came from the police—that is where the Opposition got it from—therefore you have two completely different bodies actually giving out statistics. How do you monitor that? I still find it inconceivable that ministers did not know about this. I cannot believe they did not. That is their job and, I am sorry, I do not believe it. I come back to the point you cannot control FoI on both sides because they were questions from two different departments. How do you do that?

Sir Michael Scholar: We cannot, and we would not try to control the flow of information. I think that would be quite wrong. One of the things that we have to always remember is the importance of ministers having up-to-date numerical information about the areas for which they are responsible and that information is passed to the public where it is in the public interest that it should be published. That is a clear and important principle which the Statistics Authority respects.

Q18 Mr Liddell-Grainger: If you read part of the transcript of another Select Committee when Jacqui Smith, the Home Secretary, was before it, it was really rather grovelling to say the least. The Home Secretary had to apologise for failures. She says she did not know. Fair enough, you have to take it on face value but surely the buck has to stop somewhere. You are the boss of this Authority, where does the buck stop, with the Minister, the Permanent Secretary or both?

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Sir Michael Scholar: The responsibility, you rightly say, is with the Home Office because these are Home Office statistics. One half of the fact sheet was Home Office statistics. The Home Secretary is ultimately responsible for the actions of the Home Office and under her all her officials have their responsibility and their accountability.

Q19 Chairman: When the Home Secretary said in her statement to the Commons in making the apology that she had “been too quick off the mark with the publication of one number”, does that adequately describe the nature of what went wrong in this case?

Sir Michael Scholar: It is an answer to the criticism in my letter to Jeremy Heywood as we have already discussed. If you review the fact sheet which we published on January 6 and compare that with the apology offered both by the Home Secretary and by the Permanent Secretary at Number 10, there is a big gap between the two, there is no doubt about it. I have to say that there is room for different views about whether a number is an official statistic or not. It is clear to me that the Home Office have a different view from the view which the authority has taken about what is an official statistic.

Chairman: When the Home Secretary said that, she was saying it in the middle of December when she thought, at that point, she was simply responding to what you had said about the hospital figures. It was only in January that your assessment report came in which, as it were, opened up a wider front.

Q20 Paul Flynn: Can we thank and congratulate you for your swift action on this. I believe you acted entirely in the spirit of the new Act that went through Parliament. To their great credit this Government who put this Act through described it as one of the most important Acts to go through Parliament. It established, for the first time, your Authority to bring back credibility to statistics. I notice that Mr Paul Wiles, the Chief Scientific Adviser of the Home Office, had warned his staff a few months before that your Authority was likely to make an example of someone when they abused statistics in the old way. Is that your view on this, that what happened in this case is the Home Office were careful about their statistics and that it was someone acting in the old political opportunist way to use statistics as propaganda and that a stand must be taken?

Sir Michael Scholar: I do not like the expression that I made an example of them. I rather say that I came upon what was clear to me was an infringement of the Code of Practice which the Act of Parliament had created and it was a very clear infringement. I had said from the day I was appointed that if I came across such a case I would be very firm about it and so I tried in December to be very firm about it. That is the way I would prefer to describe my action.

Q21 Paul Flynn: We have had evidence of other Committees from a man with the memorable name of Alfred Hitchcock, the chief policeman who was the real expert on knife crime. He has given evidence, and Mark Easton would agree with it and many

others serious commentators, that the whole of this story about a knife crime epidemic is a media invention and there is no factual basis in it. That is a fairly widespread view. Suddenly the Home Office get not just one figure but a whole clutch of figures which seemed to prove this point because the knife epidemic was perceived to be politically damaging. How are we going to get over the position where people, possibly junior people somewhere, cannot resist trying to gain a political advantage out of a clutch of figures like this even if they are unreliable? Have we not to go back to the time which we have discussed often before, that either the public or the press understand what has happened with the passage of the Statistics Act and the establishment of the Authority, that they do not see any difference between a figure that is introduced in a press release and a figure that has got the imprimatur of your Authority? Is there not a question of branding to be done, of getting across the fact that these figures are ones that come from professional statisticians, they are as reliable and as objective as they can be and there is someone else trying to make a point by fiddling the statistics?

Sir Michael Scholar: I do not think we are ever going to stop people from using statistics selectively and mounting particular political arguments using these statistics. I do not think we should try to stop it; it is the natural democratic process. What we should stop is the manipulation of numbers before they are ready to be produced by statisticians. They should be produced by professionals without political interference of any kind. Here was an occasion where it was clear there was political interference and I felt it was very important to give it a full public airing.

Q22 Paul Flynn: What is your response to the letter from Gus O'Donnell? Do you think there is an air of *mea culpa* in it? Has the lesson been learnt?

Sir Michael Scholar: I was pleased to see the letter and these three lessons set out by the Cabinet Secretary. Whether these lessons are heeded within government is another matter and only time will show but I very much hope they will be.

Q23 Paul Flynn: Do you think the fact that what was really a very good news set of statistics, if you take all the ones that were in the press release for government, the effect of them has been damaged? The person who produced that has fouled his or her whole nest in this. The good story has been turned into an anti-government story and the result has been, from the general press coverage, very damaging indeed. Do you think this is true and does Sir Gus O'Donnell's letter confirm that?

Sir Michael Scholar: Gus O'Donnell and the Home Secretary agreed that these figures were not handled properly, I was very pleased when that was acknowledged. I thought the first step is that the Government recognises that this has not been done properly. The next thing was to see what is going to be done about it. Gus O'Donnell's letter sets out a course of action for the Government which seems to me covers the important bases. He has invited me to

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go to the meeting of Permanent Secretaries next Wednesday on the 11 February to discuss his letter with all the Permanent Secretaries in Whitehall. I think that should be a useful occasion and I very much hope that we will see a change of practice. I agree with what you are saying in your question that a considerable change of practice is required.

Q24 Paul Flynn: You have done a great deal as an Authority to establish your identity, the fact you are here and that everything has changed on this, but it has not got through to the official who was responsible for this publication. Is there anything else you think you can do to get it across to the press and public that the whole world of statistics and the publication of statistics has changed?

Sir Michael Scholar: I think your hearing today is part of it. If another such case arises we will have the same kind of response. My hope is that there will not be another such case.

Q25 David Heyes: This whole incident has been quite helpful to you in establishing the new Authority, demonstrating that you have clout and that you are prepared to take these sorts of issues on. Is that fair?

Sir Michael Scholar: I think more people know we exist now than before December 11. That is certainly the case.

Q26 David Heyes: Was that a deliberate tactic?

Sir Michael Scholar: No, not in the slightest.

Q27 David Heyes: It just presented itself as a good opportunity.

Sir Michael Scholar: I would say it was a consequence of an action which I thought it right to take.

Q28 David Heyes: I have been looking at quite a good article in *Public Finance* magazine this week about this episode and I would like to quote from it and get your reaction. It says: "Communication and presentation of statistics has been a weak point in the UK statistical system. Symptoms of this have included the much criticised ONS website, turgid non-helpful press notices and at times a failure to communicate adequately with others. Producers of official statistics need to become more outward looking and to engage with society in general." Is that not the other side of the coin? Should the Authority not have been focusing on getting those things right in order to legitimise and establish itself rather than going for the headline grabbing event which some people might see this as?

Sir Michael Scholar: The Authority has been going about its business since it was created in April last year doing precisely the kind of thing you have referred to. We have a whole succession of reports about to come out on a range of topics and one of them will be the need to consult with users of statistics so that we are sure that the Government Statistical Service is collecting the right statistics, the statistics that matter for the future as well as the present. We have instigated a considerable

programme to improve the presentation of statistics. We have already made one change to the website of the Authority. That change came into effect on the 1 April. We have another raft of improvements about to be put in place on the website so that people can find their way around, they can find the statistics, and so that they are intelligible and well related to one another.

Q29 David Heyes: I will put the same point again a bit more strongly. It seems to me that there might have been more merit in concentrating on getting that right, putting your house in order, rather than going for the headline grabbing events that we have had recently. It leaves you amenable to criticism that you have to always go before it is valid for you to make these criticisms.

Sir Michael Scholar: I recognise we have a long way to go to improve government official statistics. There is a great deal of room for improvement and we are very much hoping to achieve that. I make no apology for the action which I felt obliged to take in December. I think that if one sees so clear a breach as occurred then it is necessary to speak clearly about it.

Q30 Julie Morgan: Looking back at the whole incident are you saying that you do not feel you should have done anything different at all? Looking back, are you satisfied with everything you did?

Sir Michael Scholar: Yes. It is always risky to say you cannot think of anything you should have done, that you did not do, but I feel that the action I took was timely and measured.

Q31 Julie Morgan: Do you think anything could have been done to have stopped the announcement or the press release being put out at an earlier stage?

Sir Michael Scholar: Looking back on it, if communication had been more rapid within the Government then you are right. I would have been alerted to it perhaps some hours earlier and might have been able to intervene with Number 10 or with the Home Office and prevent it from happening. Of course the National Statistician did try to do that but it turned out to be too late in one respect and it seems that the press notices must have been released by then. It had been shadowed on the Today programme at seven o'clock that morning, so it looks as though the press notices were out, although they were not in the public domain until about eleven o'clock in the morning. It was one of those occasions when some people had the information and some people did not. I feel that this too is an infringement of good statistical practice.

Q32 Julie Morgan: Just listening to Karen Dunnell's evidence earlier on about receiving a phone call at 9.15 pm and then phoning up in the morning but it was already too late, felt a bit like on the brink that it might almost have been stopped. You are saying you think this press release may have been prepared some time before and was already winging its way around the media.

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Sir Michael Scholar: We did not know that. The National Statistician did not know that and I did not know it. All she knew on the day before—I think it was nine o'clock the evening before—was that there was a proposal to publish some health figures, some hospital admission figures. She did not know when it was proposed to publish them and she did know there would be a whole lot of other material relating to knife crime. In fact, by the time I was alerted to it on Thursday, the press notice had been published so it was possible to see the whole thing by then. I think you are right, if the whole thing had worked better we might have been able to stop it.

Q33 Chairman: I see you are shaking your head. Do you want to add something?

Ms Dunnell: Michael has just re-emphasised what I said when you asked me the question before. Basically, one of the lessons to be learned from this is that statisticians and others in departments have to be very alert to where this kind of thing is going on and be more assertive about letting me and my office know. We did not actually get an email about this until very late in the working day on the Wednesday, which did not come to my attention until nine o'clock in the evening. That is something with which I have hopefully now dealt with all the Chief Statisticians across government by writing to them about how important it is that they raise this to me or the senior members of my team the minute that they have doubts. If that had happened, I might have been successful.

Q34 Julie Morgan: Had you known in time you feel you could have stopped it.

Ms Dunnell: I might have done.

Q35 Chairman: You would have given it a go.

Ms Dunnell: I would go to the top. That is what you do and that is what I am encouraging the Chief Statisticians to do, to phone me. They have my mobile phone number now and I can get hold of anybody, permanent secretaries, et cetera. That is what I was trying to do but I was too late. I do not think anybody in the statistical system understood how this was all coming together.

Q36 Mr Prentice: We know there was a special adviser in Number 10 who made a decision. There were other people who made decisions unknown to us. What are the penalties for breaching the Code of statistics?

Sir Michael Scholar: It must be a matter for the Permanent Secretary in each department because the Permanent Secretary is responsible for the conduct of the civil servants, both permanent and temporary civil servants, who work in the department.

Q37 Mr Prentice: It is an internal disciplinary matter. The Permanent Secretary in any given department would decide whether to reprimand someone or perhaps dismiss them.

Sir Michael Scholar: That is my understanding, yes.

Q38 Mr Prentice: Jacqui Smith, when she came before the Home Affairs Select Committee, described the UK Statistics Authority correctly as a regulator and that the Statistics Authority could not be expected to sign-off everything that comes out of the Government machine containing statistics. Are there any other ways of bringing the Government to heel? I am thinking, for example, if you publicly admonish or criticise a government department then the Minister should come to the House—and this is a matter for the practices of the House of Commons—make a statement and apologise for misleading people. Would you like to see that happen?

Sir Michael Scholar: It is not really a matter for me because it is a political matter.

Q39 Mr Prentice: It is a way of ensuring that the Government does what it should do and does not go through the motions.

Sir Michael Scholar: That is what happened in this case I think, is it not? The Home Secretary was required to make a statement to the House or rather she was asked about this in the House and responded. It seems to me that is a matter for Parliament not for the Authority.

Q40 Mr Prentice: When Jacqui Smith came to the House of Commons—I do not have the exact quote in front of me—she said it was just one number and the Government was too quick off the mark. Then subsequently, and Tony referred to this, we had the Monitoring and Assessment team report from the Statistics Authority, which is absolutely damning. It is not just one little statistic; it is talking about the Home Office fact sheet as unclear description, no information given about the source or quality of the statistics, selective or otherwise inappropriate comparisons, lack of contextual information. It goes on about using a term “Halloween week” which is not recognised by statisticians—what is Halloween week—drawing inappropriate conclusions and then unsubstantiated claims. Yet the Home Secretary said it was just one little statistic and the Government was just too quick off the mark. It is more than that, is it not?

Sir Michael Scholar: I thought it was important that we should publish this Monitoring and Assessment report. We thought it was important to publish it on the same day that we published the Code because the two reinforce one another.

Q41 Mr Prentice: I do not know if this was the first Home Office fact sheet and maybe there are lots of them. I confess my ignorance. Do you think fact sheets, snappy little one side of A4s, are going to be a thing of the past because the Statistic Authority is going to insist on so many footnotes and caveats and little asterisks, it will be impossible to put out something on one side of A4.

Sir Michael Scholar: We get back to this point, which I think is very important, about what is an official statistic. The National Statistician's working group will come to whatever conclusions it comes to, but as

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I think about this in advance, it seems to me we have to be very wary of a conclusion that if you call something a fact sheet or you say it is work in progress or it is preliminary results of research, you can publish anything you like and you are outwith the reach of the Authority and the Statistics and Registration Service Act. If that were the conclusion of this working party I would be pretty surprised. Indeed, Sir Gus O'Donnell's letter points us in the direction which I am going in. He begins to construe the word "statistic" and the notion of the statistical release quite widely. I feel that it will have to be construed quite widely otherwise a coach and horses will be driven through the Act.

Q42 Mr Prentice: I understand all that. Is this knife crime fact sheet one of a series or was it a one-off? Have you looked at others?

Sir Michael Scholar: I do not know the answer to that question.

Q43 Mr Walker: Trust in the political classes is at an all time low; no-one trusts government. Do you think government of any shade will get more sophisticated at navigating around the rules and procedures that you have laid down? Are you concerned about that prospect?

Sir Michael Scholar: No, I am a bigger optimist than that. The Government found parliamentary time to produce this Act of Parliament. It set up the Authority, it gave the Authority a job, and we are going about that job. I hope we may be able to improve both the quality of the statistics and the way in which they are presented and handled.

Q44 Mr Walker: This Committee has looked at how civil servants escalate complaints up through their department. What are you going to do to support statisticians in departments who are getting undue pressure placed on them by permanent secretaries or special advisers, or their line managers potentially?

Sir Michael Scholar: The National Statistician has just referred to one element. She has given all the Chief Statisticians her mobile phone number and if they feel they are being leaned upon in the way in which the statisticians in Leeds were being leaned upon on December 10th she will take it up. If her representations do not work, I will take it up. If my representations do not work, I hope the Committee will take it up. I do not know if we can do any better than that.

Q45 Mr Walker: Who is responsible for their promotion prospects within these various departments? Who has responsibility for promoting people up through the statistical department? Is it you or is it their department?

Ms Dunnell: The departments are responsible for their own statisticians in our current system and for their promotions. What normally happens is when there are senior appointments for example either myself or another senior member of the Statistical Service will be part of the promotion board. That is the standard practice.

Q46 Mr Walker: Therein lies the problem perhaps. If your promotion is dependent on your department head, there could be some reluctance on behalf of a statistician being pressured to actually bring his or her concerns to your attention in case that may impact on their future promotion. We know these concerns are out there because this Committee has looked into them. Is there not an argument perhaps for having statisticians placed in departments, but actually their promotion prospects and their management is done, to some degree, externally by an independent body so they cannot be pressured like this?

Ms Dunnell: Of course the decentralised nature of our statistical system has been discussed quite a lot over the years. The answer at the moment is that the benefits of having a decentralised system are regarded as outweighing the disbenefit. That is where we are. I think there are pros and cons to all of this. I would be very surprised if this kind of thing did lead to trouble in somebody's career history because the basic principles of what the Code is about is supported by Permanent Secretaries across government. Michael and I have visited nearly all of them now and there is very, very general support for the principles. Our challenge now is to get them deeply embedded in every department.

Q47 Kelvin Hopkins: I used to teach statistics at a modest level and I confess to being a statistics junkie. I must say I admire the work you are doing, and I say more power to your elbow. There are problems that go rather wider than just this issue. I say, quite frankly, when my Party sends me information through the post to try to convince me that everything is wonderful, I tend to put it in the bin without reading it. I look at the official statistics coming out but even there, are there not problems? The budget Red Book, which I look at every year, always has a rosy glow about it, not just because it is red but because it makes things sound better than they really are. I trust much more the Institute of Fiscal Studies Green Budget Book which is more objective. Are you looking at the way government presents its statistics in those terms as well to make sure it is more objective and more truthful?

Sir Michael Scholar: As you know, under the Act the Authority is responsible for the governance of the Office for National Statistics so a whole chunk of important economic statistics are produced under our authority. We report to you and to Parliament but not through ministers. So as far as those statistics are concerned, I would be very sorry if you detected a rosy hue to those.

Q48 Kelvin Hopkins: I draw a contrast in that the government statistical Series which are produced covering all sorts of things and they are absolutely trustworthy. We can see and compare real terms increases and money increases, and you can see moving averages and all the things one should see. It is Government reports on current developments which tend to be a little bit less convincing to me. I think British statistics, which I have looked at for 30 or 40 years, are splendid and I trace them back over

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many, many years. Did you look at the publications about current events, in education and the Treasury in particular?

Sir Michael Scholar: Yes. We are not the producers of those statistics. They are produced by the different departments you have referred to and we have the job to monitor and assess those statistics. That is what we are now engaged in doing and we will very soon be producing our first group of assessments. Certainly one of the things we would look for in carrying out an assessment is any suspicion, either by users or by commentators or by the producers themselves, that the presentation is being given a bias in one direction or the other. That would be a definite red light, as far as we are concerned, if we looked at a particular statistical series. We will be going through all the national statistics, 1300 or so series of statistics, over the coming years to assure ourselves and the public and Parliament that the worries that you have about them are not well based; or are well based; or whatever we find.

Q49 Kelvin Hopkins: Lord Moser produced a report on numeracy and literacy a few years ago and he identified that British people in general, even when they are quite highly educated, have a serious difficulty with numbers. One of the things he suggested was that 50 % of the population do not understand what 50 % means. I have used that many times and it is true I believe. Do ministers, and indeed their spin meisters and special advisers, have some elementary tutoring in statistics when they take on their jobs? I think you could do a job for them there, help them not to shoot themselves in the foot and to know when they are actually distorting statistics and misrepresenting a situation.

Sir Michael Scholar: The Authority has an awful lot to do and I am not sure that we can take on the task of trying to educate the British public on numeracy. I think somebody else has to do that.

Q50 Chairman: Is it just the case, so we are clear, that as far as you know from this incident no Permanent Secretary and no minister knew anything about this issue until after the event?

Sir Michael Scholar: I can only give a negative reply. I have no evidence that any Permanent Secretary or minister knew about it. I have seen no such evidence.

Ms Dunnell: Me too.

Q51 Chairman: I can quite see how it happened. It is a classic case: the Government has a big initiative on knife crime, they are running some event, the Prime Minister is coming, they are bringing celebrities in and they want to back it with something. They are getting this data which starts to look favourable and they want to get it out and pump up the initiative and

all that is understandable and good. If they had simply said there is emerging data which seems to suggest that we are making some progress here, presumably that would have been OK?

Sir Michael Scholar: I think that would have been fine. It is producing numbers which look like official statistics and people reasonably thinking they are official statistics which have not been quality assured or checked.

Q52 Chairman: If they had flagged up some figures in the system that seemed to be going in the right direction and said that the figures will be produced in the official way at a certain time.

Ms Dunnell: I am not so sure because even indicating the direction of a trend is problematic if you take the Code very seriously.

Q53 Chairman: The problem is that everything is problematic for a statistician.

Ms Dunnell: No, we try to get around problems. If you know, for example, the unemployment figures in advance by saying they have gone down or up, you are still showing that you have prior access and unequal access to statistics and so on. It is part of a key series and everybody knows which day it comes out.

Q54 Chairman: When you have your conversations around departments, those are the issues you need to go into.

Ms Dunnell: Exactly, and that is what my working party is working on: how you make that transition from management information into statistics.

Q55 Chairman: Are there other issues or cases around that you have anxieties about or was this very much a one-off thing?

Sir Michael Scholar: You mean current cases? Not of this kind. There are a number of issues on which I have written to various people. My letters are on the website but they have not excited the same interest because the inconsistency with the Code has not been so flagrant.

Q56 Chairman: The Home Office has been a serial offender, has it not?

Sir Michael Scholar: They have excited our attention on a number of occasions, yes.

Chairman: Thank you so much and I expect to do business in the future, although I hope not too often. Thank you very much for all you have done for the reasons that you have explained in answers to the questions. If we are to get more trust into the system, then even if it causes difficulty at the time there is a greater good being served by it. Thank you very much indeed.

Witness: Kevin Brennan MP, Parliamentary Secretary, Cabinet Office, gave evidence.

Q57 Chairman: We are delighted to have Kevin Brennan, Parliamentary Secretary at the Cabinet Office, and, more important than that, a former member of this Committee.

Kevin Brennan: It was a lot easier on that side of the fence.

Q58 Chairman: We are delighted that you are able to come and deal with this from the Government end. I know you were listening to what was going on. Is there anything you want to say by way of introduction?

Kevin Brennan: No. If you fire away, I will do my best.

Q59 Chairman: We will try and do what we did with the previous witnesses to try and find out about this case and then talk about some of the wider lessons. You have obviously been finding out about it in order to come here. Can you take us through and tell us what happened?

Kevin Brennan: There is not a lot I can add to what was in the letter from the Cabinet Secretary and in the evidence given by the Home Secretary to the Home Affairs Select Committee around the sequence of events. The Home Office wanted to produce some information for the public around this issue of knife crime having had a special project in place in a number of areas to try to reduce knife crime and were looking to produce a fact sheet with information on it, including some statistics produced by the Home Office and some by the Health Service. When it came to the point of producing that fact sheet objections were raised, not from within the Home Office as I understand it. I know you referred earlier to some concerns about the Home Office statisticians but, as I understand it, the statisticians in the Home Office were happy with the information that was being produced from the Home Office itself but there were objections from statisticians in the Health Service to the use of the figures relating to hospital admissions. Those objections were passed on. As the account that is given in Sir Gus O'Donnell's letter indicates and Jacqui Smith's evidence, wrongly as it turned out, those objections were not taken into account and the information was published.

Q60 Chairman: Let us try to be a little more concrete. Who decided to disregard the objections of the statisticians?

Kevin Brennan: The account given in Sir Gus's letter makes it clear that there was consultation with a special adviser in Number 10 Downing Street.

Q61 Chairman: Who was that?

Kevin Brennan: I do not know the name of the Special Adviser because it is not featured in the letter from Sir Gus O'Donnell but there was consultation with the Special Adviser in Number 10 Downing Street and following those consultations it was decided to proceed with the publication. In answer to your earlier question to Sir Michael, is it conceivable that could have happened without their being ministerial involvement, it is one of those

difficult questions because I understand the consequences of answering either way but, to the best of my knowledge, yes it is possible that that could have happened without ministerial involvement.

Q62 Chairman: You have heard the conversation. There is a suggestion that a special adviser in the Department of Health, told by statisticians that these figures could not go in this form, consulted a special adviser in Number 10 who said to go ahead, therefore the Home Office were told to go ahead. Is that your understanding of what happened?

Kevin Brennan: Broadly speaking, yes.

Q63 Chairman: You do not know who these people were.

Kevin Brennan: I do not know the name of the Special Advisers and I was not involved in the proceedings that happened. I think the account that is given by Sir Gus and Jacqui Smith is the extent to which I have information on the subject.

Q64 Chairman: Given the fact that these special advisers took a decision which it was not for them to take, and they took it, as we see, in contravention of the Code under the Act that makes the law passed by this Government for all the reasons we have been exploring, what has happened to these people?

Kevin Brennan: I am sure there have been discussions and I am sure they would have been told that they did not follow the Code and they should have followed the Code. To the best of my knowledge that has happened. Following this particular incident, a guidance note has been prepared by the statistical reform team, which is now in the Cabinet Office following the Statistics Act, which will be sent around to Number 10, to all Special Advisers and private offices and at the same time hopefully at the meeting next week between the Cabinet Secretary, Permanent Secretaries and the Chair of the UK Statistics Authority, to make it absolutely clear that the Code must be followed in these circumstances. I am sure they have been spoken to although I do not have knowledge of the exact detail of what those conversations were.

Q65 Chairman: Could you find out who they were and drop me a note?

Kevin Brennan: I will endeavour to have a look at that. I am not sure I can but I will certainly endeavour to do that.

Q66 Chairman: Given what has happened, and the significance of what has happened, these are political appointees and I think we are entitled to know who they are and if you can tell us what has happened to them.

Kevin Brennan: As you know, the advice is covered under the Ministerial Code and the Civil Service Code but within the bounds of what can be done within those Codes I will try to give as much information as possible.

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Q67 Chairman: The facts you have accepted so we are not talking about advice. You told us what the facts are, who decided what, and we just want to know who they were and what has happened to them.

Kevin Brennan: I shall endeavour to look at that for you.

Q68 Mr Prentice: You told us just a few minutes ago that as far as you understood it there were no objections to the Home Office fact sheet from the Home Office statisticians. Is that really credible given what the UK Statistics Authority has now told us as a result of the work of their Monitoring and Assessment team? You heard me say to Michael Scholar that there are five specific criticisms. How is it possible for professional statisticians in the Home Office to waive through this fact sheet? I do not understand that.

Kevin Brennan: This is where we are exploring this boundary, which is the interesting boundary around what are and what are not official statistics. That is why the National Statistician set up the working party you were discussing earlier on. It was interesting at the end of the evidence that was given just now that there was a slight disagreement between Sir Michael and Karen over the extent to which, for example, you could use work in progress statistics, if you want to put it that way, to illustrate a point providing you flag that up. In relation to official statistics, there is no clear defined definition as to what constitutes managerial information within the Civil Service and what actually is an official statistic. I think this whole episode has highlighted the need for the work that the National Statistician is undertaking to make it absolutely clear where the Code is definitely applicable. We have heard Sir Michael's view that should be drawn fairly widely.

Q69 Mr Prentice: Whether it is national statistics, official statistics or just bog standards statistics, some of the criticisms in the Monitoring and Assessment Team report here are simply damning because you are not comparing like with like. It is nothing sophisticated; it is very basic stuff. You are inviting people to draw comparisons and it has to be credible to have two sets of statistics that people can compare.

Kevin Brennan: There is ambiguity in what sense the Code applies around some of these numbers, which is why the National Statistician set up of the working group. It is clear, as I understand it, that the statisticians at the Home Office were content for the numbers produced within the Home Office to be published in the fact sheet, although there was this disagreement from the Health Service statisticians about the numbers being provided from the Health Service. Clearly there is, as I think Sir Michael admitted, a debate to be had around whether or not the strict interpretation in that subsequent analysis by the Statistics Authority applies in these cases. The work that the National Statistician is undertaking is exactly designed to try and clear up that ambiguity so that sort of problem does not arise again.

Q70 Chairman: Karen Dunnell did not confirm in her evidence what you have just said. She objected to the fact that I said they were incandescent in the Home Office but she did not say they did not have problems in the Home Office with this. I do not think you should claim that Home Office statisticians were quite happy about it.

Kevin Brennan: I can only tell you what I understand from the information I have been given, which is that the statistics produced within the Home Office on that fact sheet were approved by statisticians in the Home Office for publication. That is the information I have. If that is incorrect, I will correct the record.

Q71 Mr Prentice: I am positively not going to labour the point but I have to say this. On the Monitoring and Assessment Team, they talk about inappropriate conclusions drawn from very, very small numbers. On the fact sheet itself they talk about 70% fewer serious knife crimes against young people: 98 offences down to 81. People who know about statistics say the numbers are far too small to be statistically significant. Again, how is it possible for professional statisticians in the Home Office not to say to the Minister or the person who took the decision to publish the fact sheets you cannot use these figures without a huge caveat because the numbers are too small to be statistically significant?

Kevin Brennan: Obviously that is a matter for Home Office statisticians to determine and, as I understand it, they were content for them to be published. I think we should also set all of this in the context of what the Home Office were trying to do, which was to bring useful information to the public, albeit it was done in the wrong way and the duty of care was not shown that should have been shown in the publication of the statistics in this case. The Home Secretary has apologised and the Permanent Secretary has obviously written to this Committee but the context was of the Government over a very serious issue wanting to provide information about knife crime that could bring some sort of light to the subject, a subject which was generating a lot of headlines. We do need to take a step back sometimes. It is quite right the Code must be followed. It is quite right that what the Government has introduced will and should raise standards for the use of statistics but I would also say that applies to all of us and we all have to remember the political context in which we work. Over Christmas, a Conservative Member of Parliament, a shadow spokesperson, issued statistics that he collected through Freedom of Information requests by writing to every police force in the country for information about crime. He used that information in order to claim that there was a great significant rise in crime. Information that was obtained in that way could not have been used by the Home Secretary because the Home Secretary would have to wait for the publication of the official statistics. I think there is a case to be made for all of us, if we want to built trust in official statistics, to start looking at the way in which we use them, and I would include the Opposition. I think there is a case to be made, perhaps on a voluntary basis, for opposition parties to agree to their own code of

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conduct about how they use statistics, and possibly the media as well to develop their own code of conduct about how they use statistics too. We do live in a political context and we need to remember that. The Government has its responsibility and this should not have happened, but all of us have a responsibility to try to build trust in the use of statistics.

Q72 Mr Prentice: Let us come on to that for a moment, the issue of James Brokenshire, the Shadow Home Office Minister.

Kevin Brennan: That was the case I was referring to.

Q73 Mr Prentice: He said that knife crime under Labour had soared. He based that conclusion on material that he got from the police forces using Freedom of Information requests. Mark Easton, the BBC man who has been covering this issue extensively, makes a number of points here. He says that homicides by sharp instruments may not be knife crimes, someone could get a glass bottle in the neck. You have to wait until it has gone through the Judicial process before you can get the really accurate figures. He also reminds us that the figures he got from Freedom of Information perhaps were not ready for publication because the statisticians had not given them their imprimatur. Where does that lead us? Should the National Statistics Authority comment if it believes that improper or inappropriate conclusions are being drawn by a political party represented in the House of Commons using statistics that have been got through Freedom of Information requests? How do you police it?

Kevin Brennan: I can understand why they would be reluctant to do so because that is not part of their responsibilities under the Act. What I would say is that if opposition parties quite rightly want to hold the Government to account, as do government Members of Parliament, over its use of statistics because it wishes to build public trust in our statistics in this country, which is what we are all about here, then they have a duty themselves to adhere to a code of practice which they may want to develop voluntarily themselves, which cannot be policed by the Statistics Authority under of the current legislation, in the way that they use statistics. This particular instance does show that politicians becoming a bit holier than thou about these statistics is not always sensible. I would not expect politicians to act like statisticians. It is a bit like asking Sir Alex Ferguson to accept statistics that show Manchester United get their fair share of free kicks; it is never going to happen. Politicians are always going to have their own view of the world. Politicians will be politicians and statisticians will be statisticians and I do not think anyone around this table would think they would be very good at running the country.

Q74 Mr Prentice: I understand all that but the figures we have, the homicides 258 going up to 277, Mark Easton from the BBC says this does not seem to amount to a new epidemic to him but if James

Brokenshire and the Conservatives want to describe those figures as crime having soared how can people stop them?

Kevin Brennan: Sir Michael made the right point. The issue is we want the statistics that are produced to be clearly caveated when they are produced and to be separated from the pronouncements that are made about them so that people can check what the statistics actually say. I do not think we want to try and gag politicians from using colourful language in describing what they conclude the statistics show, but we need to be absolutely clear that abuses have taken place in the use of statistics garnered in this way and that is a very good example of it.

Q75 Mr Walker: I think the problem with the suggestion you are making about how opposition parties use statistics, and it is a fair observation, is they do not have access to the machinery of government or armies of statisticians. They have access to the Freedom of Information Act, and so on and so forth. I am not quite sure how it would work in reality unless the Government was going to provide more funding for opposition parties to fund their own statisticians. How would you see this happening?

Kevin Brennan: Of course there is very significant funding for opposition parties through Short Money which they are free to use as they wish. If they want to use it to employ statisticians for the appropriate purpose of acting as Her Majesty's Opposition of course they are free to do so. What I would say is in some ways ministers are more restrained and are in a more difficult position than members of the opposition although I accept they have the Civil Service working for them. In this instance, for example, the opposition spokesperson was able to collect the information through the Freedom of Information Act, this untreated raw data, and put it out there in the way that we have just described without any fear of being admonished by the UK Statistics Authority, whereas the Home Secretary in a similar position talking about crime figures would have to wait for the official publication date and could not choose when to publish those statistics and then would only have access to having a look at those statistics because of the reduction in pre-release 24 hours before those statistics were put out. When I say she would only have access, I mean her officials who could advise her would only have access 24 hours in advance. In some ways we are in a crazy situation where the only person who is not allowed to comment on statistics is the Government Minister in that instance. That is a strange world that we are in. There is an issue and that is why it is right there should be some consideration given by the Opposition because there is a shared desire to improve trust in statistics. There is a case to consider that. That is also why what Karen Dunnell is doing with regard to deciding which sets of numbers come under the Code, because there are a myriad of numbers produced in the process of government, actually needs to be strictly monitored by the Code before they can be used so we are clear where we stand.

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Q76 Mr Walker: I am sure there are some Labour backbenchers who are not constrained by the rules who would be happy to take the fight to the Conservatives.

Kevin Brennan: Some of them are on this Committee.

Q77 Mr Walker: Your points are relevant and interesting. There might be an argument for beefing up the statistical part of the House of the Commons Library, for example, so opposition parties would have greater access to House of Commons statisticians who could do a check of their statistics, a kind of sanity check.

Kevin Brennan: That is not a matter for me. The House of Commons Library Service I have always found to be incredibly useful in producing this sort of information.

Mr Walker: It could become even more useful.

Q78 Chairman: The answer to the point that you raise is an interesting point because it opens up the wider territory and you are perhaps happier to be on the specific territory. All the Government has to say is what Sir Michael Scholar has said in this case to the Government, which is that the figures you use are unreliable and untreated. Surely that is the proper thing for a government to say and to be the guardian of proper official information.

Kevin Brennan: I think there is a broader point, and forgive me for going back to it. The broader point is the purpose of these reforms is not to put handcuffs on ministers or gags around MPs in terms of free speech but to build public trust in statistics and the way they are used in the public realm. That is just as relevant in the way they are used by opposition parties as it is when it is used by government.

Q79 Chairman: Surely the point here is that the effect of what happens when something like this does happen is all the good intentions of the Government in getting out what it thinks are positive figures about knife crime are simply shot down because nobody believes the figures. Their credibility is shot through because people say none of this stacks up statistically. The very reverse of what government wants to achieve by passing the Statistics Act is undermined. Is that not what really happens?

Kevin Brennan: Yes. In fact the last thing that any government wants is for a story of this kind, which is a story about the Government taking action to try to do something about a real problem which people are very concerned about and where their perceptions might be inaccurate, becoming undermined by a process story about whether or not the statistics were ready to be released and should have been released and who said what to whom, when, how and where. It completely undermines the importance of the issue which is a very, very important issue. What I am trying to say to you is the idea that there might be within government some conspiracy to circumvent its own rules around statistics is daft because the Government would be daft to do that. It knows the consequence of doing that would be to generate the kerfuffle and argument

that has come around this which completely undermined the purpose of the release in the first place. It is cock-up rather than conspiracy. The Home Secretary herself has said that this should not have happened. I am trying to set it in the context of the political world that we live in as to how these things could happen and to say something about what needs to happen to ensure it does not happen again, one of which is a very short one-page guidance sheet on official statistics which is going to be issued to all private offices and all special advisers and sent around to departments as a result of all of this so that there is a very quick and easy guide which people can refer to in order to make sure this sort of thing does not happen again.

Q80 Chairman: Gus O'Donnell's letter is very good in this respect. The lesson is that statistics are not just for statisticians, that the Code applies to government and the effect of not getting this right is to undermine the very purpose of having this new regime. Instead of saying it shows there are grey areas surely the lesson of this is that everybody inside government needs to know the absolute importance of getting this right and that government will get it right from now on.

Kevin Brennan: I completely agree with that and I think the Cabinet Secretary's letter is very good in that regard. I also think the very short guidance, the one page—which I will be happy to supply to the Committee—which is going to be sent around to departments encapsulates that in eight bullet points in a way that could not be clearer and which really means there are no excuses for not following these practices.

Q81 Kelvin Hopkins: The theme is that government ought to be above suspicion. You can expect opposition politicians, even backbench Labour MPs, and the media to use all sorts of dirty tricks in statistics, but the Government ought to be above suspicion and not get down in the mire with these other political activists if you like. Would that not restore trust if the Government said we are not going to get into that, that we are going to rely properly upon published official statistics? For example, on knife crime it should be a proper Time Series of numbers of deaths from knife crime. It might be quite out of date but from say a three-month moving average over a long period, one could see whether it is either gradually declining or gradually increasing. It would be not picking a month and picking another month and saying look it has gone up or down. Would that not be sensible, if government were to be more cautious and conservative?

Kevin Brennan: I have never been in favour of conservative government and I do not think Kelvin is either. I accept that government should be above suspicion although I would not accept that the opposite should not be true. I do think there is a shared responsibility on all of us involved in politics to try and build trust in statistics. What you are calling for, which is the purpose of the Act, to try to separate the production of the statistics from the political comment and political use of those

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statistics, is the principle that we should be aiming to achieve in practice. It is a relatively new regime which was introduced through the Act last year. The Statistics Authority has been in place for less than a year and this new culture around what the Act means has to permeate to every part of the Government. It is clear, as the earlier discussion indicated, that this particular incident has helped to focus people on the need to take on board what is required by the new Act, which is exactly as you described. Statistics have to be produced separately from the political process.

Q82 Kelvin Hopkins: Many of us expected a serious change when Gordon Brown took over from Blair. The Blair/Campbell regime was obsessed with the media, obsessed with winning battles with *The Daily Mail* and all of that. Gordon Brown came in and was portrayed as a Roundhead as opposed to a Cavalier, a Puritan who would be absolutely driven by moral rectitude and so on. Has this not been very damaging to that? Does this not hark back to the bad old days of Campbell and his jousts with the editor of *The Daily Mail*?

Kevin Brennan: No. The Prime Minister was a big driver behind this in moving statistics out of the Treasury and into the Cabinet Office as people had called for. In passing the Statistics Act, in creating the Statistics Authority with its new Code of Conduct, what that has actually done has brought more transparency, and is bringing more transparency, into the system. We are seeing some of the birth pains of that system through the argument we have now. It is one of the paradoxes of politics that we all know that the greater the transparency in some cases the greater the suspicion that is created by it but it is still the right thing to do. What the Government has done in creating the Statistics Authority and passing the Act is actually living up to those principles of trying to make sure that kind of political spin is more difficult and should not be happening around the production of statistics.

Q83 Kelvin Hopkins: Would it not also be politically more acceptable and more popular if Government said "Yes, we have a problem. We are trying to deal with it but it is a serious problem. We do not have any magic answers at the moment but we are working on it. We are not going to pretend there is not a problem. We are not going to dress it up as though we are winning the battle and everything is going to be OK", not the kind of frenetic driving approach we have had under New Labour for too long. Would it not be better to say there are serious problems and we are going to deal with them as best we can? We cannot solve them immediately and we are not miracle workers. It is like when you go to a doctor, you want to hear from the doctor not "Well, I think you are all right" but "No, you have a terminal illness." It is better to be told the truth. I am not saying that things are terminal but it is better to be told the truth than constantly to be spun a comfortable illusion.

Kevin Brennan: Politics is a debate around the interpretation of that truth. All governments will want to present their case. I suspect that in today's modern media if a government did not present its case then that vacuum would be fairly quickly filled with something else.

Kelvin Hopkins: The truth will out.

Chairman: It is separating the putting of the case from the basis for that. That is the heart of what we are talking about.

Q84 David Heyes: Going back to the Special Advisers at Number 10, we know the number of special advisers is capped. I have forgotten how many special advisers there are.

Kevin Brennan: I do not know but I can find out.

Q85 David Heyes: It has to be a very small number I guess given that overall right across government there is a fairly tight cap on the number of special advisers.

Kevin Brennan: I think that information is in the public domain.

Q86 David Heyes: I am sure it must be. It would follow from that that it should not be too difficult a task that the Chairman set for you in identifying which special adviser it was who was involved on these events.

Kevin Brennan: But there are protocols, as you know, around the extent to which individual officials, whether they are special advisers or civil servants, and the advice they give is identified. There are exemptions around Freedom of Information with regard to that so I would not want to go into that except to say I do not know.

Q87 David Heyes: The method of working of the Special Advisers, I guess it is a tiny handful of special advisers in Number 10, are they generic or do they relate to specific ministers in the way they go about their work? How does it work?

Kevin Brennan: Again, it is not within my ambit to manage the Special Advisers at Number 10.

Q88 David Heyes: You are working with them.

Kevin Brennan: I do not work in Number 10. I work in the Cabinet Office at number 71 next door.

Q89 Chairman: What seems to have happened in this case is the Special Adviser network inside government seems to have taken this decision. The Special Adviser in the Department of Health, the Special Adviser in the Home Office and the Special Adviser in Number 10, it is at that level that this seems to have been decided. I think you are telling us, and tell me if I am wrong, as far as you know there was no Permanent Secretary or ministerial involvement of any kind in making this decision.

Kevin Brennan: The information I have, which does not really go beyond the evidence given by the Home Secretary and the letter from the Permanent Secretary, does not indicate any ministerial

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involvement as you were asking about earlier on at that stage. To the best of my knowledge that is the case. I will correct the record if that is wrong.

Q90 Chairman: When you write to us with this information, which we look forward to, you can tell us these things. Ministers are responsible for special advisers, are they not?

Kevin Brennan: They appoint them and in the same way they are responsible for other members of their team, yes, they are. Special advisers are civil servants, albeit of a particular variety, so ultimately they are accountable to the Permanent Secretary.

Q91 Chairman: The relationship is not just the same.

Kevin Brennan: There is a difference because of the activities they are allowed to carry out.

Q92 Chairman: Indeed, and they are appointed by the Minister so in that sense ministers are directly responsible for these people. What I am getting at is people acting in the name of ministers, because that is what special advisers do, decide things. They decided in this case to overrule the objections of statisticians and to release statistical information. That is what happened and that is why it is important and that is why we need to know who it was and on whose authority it was done.

Kevin Brennan: I can just refer you back to the letter from the Cabinet Secretary because that is the extent of my knowledge.

Chairman: You will write another letter which tells us more.

Q93 Paul Flynn: Constituents of yours, and certainly constituents of mine, work in the Statistics Office producing these statistics and they have been concerned over a long period. I can remember in 1988 their concern about the move of the Statistics Office from the Cabinet Office to a department that, in their view, had the greatest interest in fiddling the statistics. Are we going to get this brave new world where there will not be any government statistics? I can recall vividly about 13 years ago accusing the then Employment Minister, Alan Clark, of running the most shameless and disreputable massage parlour in London in the way he was producing these statistics on employment and unemployment. That has been the constant theme by statisticians that their work is being distorted and misused by politicians, in which case what is the point of producing statistics that are as objective as they can be? Has it got through? Certain people in government just have not understood the whole force of the Statistics Act.

Kevin Brennan: I think that is the point of the row there has been had around this. It is clear that more does need to be done to ensure that departments, private offices, special advisers, civil servants and ministers all understand the implications of the Act. What is quite clear is they can also now see the consequences, in terms of what happens, if they do not follow the procedures that are necessary. No minister would want the kind of row there has been over this to overshadow the work they are

undertaking. It shows the new system working, if I may say so, in the sense that quite clearly this happened. I also know there are other instances where departments are discovering that they have made a mistake and should not have released a particular statistic and are now beginning the process of self-reporting when that happens. I think the Act is starting to work and this is a sign that it is going to work.

Q94 Paul Flynn: One of the few areas of disagreement when the Act was going through Parliament was about the pre-access of information to ministers. The opposition parties jumped on this suggesting there would not be a period at all. Do you think the Government should possibly agree with this and say we should get rid of pre-access to ministers altogether?

Kevin Brennan: I am not sure what their exact position is at the moment because when I took the Order through last year at that point certainly the Conservative party were still in favour of some pre-release albeit there was a disagreement about who should control the extent of that pre-release and whether that should be the Government or the UK Statistics Authority. My own view is that we should review this, and that is what we are going to do in a year's time, to see how the new system is working. It has significantly reduced, in a way that has never been done before, ministers' access to any information on pre-release down from five days to 24 hours. As I said, that includes the first time that the civil servants charged with advising ministers will see it. That is not the point at which the Minister gets the full interpretation but the point at which the statistics become available to any civil servants who are going to advise the Minister prior to the release of the statistics. There is an expectation that ministers will be able to give some sort of coherent comment immediately that statistics are released in an expectation that is greater than the expectation placed upon others. We do allow some release, as you know, to the media under these circumstances. It is interesting to note that when recent GCSE statistics were released there were complaints from the media that they only got them 24 hours in advance and could not produce their league tables in time for publication as a result of it. It shows that it is quite a tight deadline when we have reduced it to 24 hours, however we are committed to reviewing it after a year to see how it is working.

Q95 Paul Flynn: The shadow Home Secretary has been quoted as saying "We will also abolish pre-release access to ministers, officials and special advisers and define statistics." Can we look forward to the future and if we can establish the fact that there are differences between the almost always false statistics produced in campaigns of this kind by the media. The whole myth of an epidemic of knife crime was based on a statistical atrocity. There was no truth in it but that has not been attacked or criticised. We see the way that opposition MPs are also under very little criticism for this. Do you think we can get to a stage where the statistics produced by

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the Statistics Authority with their approval can be presented in a way, if they are seen as very different from government propaganda and what goes on among politicians, as something that deserves greater respect and can be used as the raw material for political argument and not as being shaped by the persuasion of politicians or the need for propaganda by politicians? How do we do it?

Kevin Brennan: That is the aim of the Act and the aim of the whole process: to try to put statistics in a place where people can at least agree that the statistics are accurate and there is no difference of opinion about whether or not the statistics presented are accurate. There will also be interpretation placed on those statistics—and in a free society I do not know what you can do about that or whether you should do anything—whether it be in the outer reaches of the internet or whether it be through our national newspapers and media or in parliament and indeed by politicians, including government ministers. There will always be interpretation placed on statistics and that interpretation will vary perhaps from seeing it through the prism of your political views sometimes to wild speculation that is very, very inaccurate. We are not going to be able to completely change that but if we get the agreement that the statistics being produced can be trusted then we will have succeeded in this process.

Q96 Julie Morgan: If we go back to the Special Advisers, it seems as if this was the product of an over-enthusiastic special adviser. How likely do you think it is to happen again?

Kevin Brennan: As I said earlier, I think that no department or minister would want the kind of argument about the process of something like this to dominate the issue that they were trying to deal with, in this case a very serious issue around knife crime and the difference between the public perception and the reality of what was happening and also trying to show that an effort that had been made was having some impact. I think it is highly unlikely that what happened in this case could happen again. Having said that, knowing human nature mistakes can be made from time to time, I certainly would hope that the guidance we are sending around to everybody, including special advisers, which is very simple, very straightforward and I hope they pin it up on the wall in their offices, will make them stop for a moment on each occasion where something like this is happening and just check that they have made sure that the statisticians who own the statistics are happy with the use they are going to put them to.

Q97 Julie Morgan: It does seem that the Special Advisers' desire to sell any good news sometimes overtakes any barriers that are put there. Do you think anything else can be done to stop that happening?

Kevin Brennan: The Statistics Authority's reaction to this has made it clear that it is not a pain-free option if you decide to use statistics in a way that is not compliant with the Code. I would have thought that was sufficient as a deterrent to going down this path again. I hope that the guidance, which is very

straight forward and simple and not complicated, will make people stop and ask the question before they release anything of this kind.

Q98 Chairman: You have been a special adviser.

Kevin Brennan: I have, yes.

Q99 Chairman: If you were in this position of being told by the statisticians that if we release this information we shall be in breach of the Code, what would you have done?

Kevin Brennan: In the four months I was a special adviser in the Welsh Assembly to the First Minister, Rhodri Morgan, who was also on this Committee and chaired it at one point—and I was the Special Adviser for the entire Welsh Assembly Government at that time—I think I probably would have been overwhelmed by all the requests that I had during that period. Clearly my own view, and I have made it clear here, what happened in this instance should not have happened. Someone should have taken stock and said “Hang on a minute. There is an objection here. What does the new Code say about how should we be handling this.” That is what should have happened and that is what the Home Secretary has made clear and the Cabinet Secretary.

Q100 Chairman: You would have taken advice.

Kevin Brennan: I would have.

Q101 Chairman: Who would you have taken advice from?

Kevin Brennan: From the statisticians and the civil servants in the department concerned.

Q102 Kelvin Hopkins: Kevin is going to write to us again with more information as you requested. There is one sentence in Gus O'Donnell's letter which I find puzzling. It is the last paragraph on the first page and I shall read it out: “Although the head of statistics profession for the NHS Information Centre, supported by Department of Health officials, refused to sanction the publication of hospital admissions figures, the Home Office used the figure in the fact sheet following consultation with a special adviser in No 10, in the belief that concerns of NHS statisticians had been addressed.” Was it the Special Adviser who told them that their concerns have been addressed or did someone else tell them they had been addressed or did they not know in the first place that the NHS statisticians had objected? It is a bit puzzling that sentence.

Kevin Brennan: That may have to be the subject of further clarity.

Q103 Chairman: You need to write what you think is a pretty definitive account of what happened in this case including these email trails that we have talked about. We would like to know exactly what sequence of events with what species of individuals were taking actions that produced this result. You said you were going to do it so we look forward to that.

Kevin Brennan: I will do what I can do, and what I said I would do is on the record.

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Chairman: I am sure it will be full enough to prevent us from calling you back to ask further questions about it. I am looking forward to a comprehensive letter finding out what happened. With that, can I say we miss you greatly on this Committee. You are right: it is much easier to ask the questions than to answer them but you have done very well. Thank you very much indeed.

Written evidence

Letter from Sir Gus O'Donnell KCB to Chairman of the Committee, 16 January 2009

I wrote to you in December¹ following our conversation regarding the publication of statistics. I am now writing to let you know what progress we have made.

The background to these events is the importance the Government attaches to tackling knife crime. It launched an initiative in June 2008, the Tackling Knives Action Programme (TKAP), working with 10 police force areas to reduce the number of teenagers killed or seriously wounded by knives. A monitoring programme was set up which gathered data from a number of sources to assess the progress of the initiative. Ministers and officials in the Home Office (the lead department for the TKAP) were keen to use this data to inform the public about the true prevalence of knife crime as soon as it was reasonable and appropriate to do so. The Government believes that the public perception of the prevalence of knife crime is self-reinforcing, especially among young people: in other words, if more young people think other young people are carrying knives, then more will carry knives (out of a misplaced belief that this will protect them). It was therefore decided in December to issue a fact sheet using that monitoring data. Most figures in the fact sheet were the output of administrative records held by police authorities and not under the control of government statisticians; a few came from the Ministry of Justice. One piece of information planned for the fact sheet, hospital admissions for assault by sharp object, came from NHS Information Centre.

Home Office officials identified the need to consult the Information Centre before publication. Although the head of statistics profession for the NHS Information Centre, supported by DH officials, refused to sanction the publication of hospital admissions figures, the Home Office used the figure in the fact sheet following consultation with a special advisor in No 10, in the belief that concerns of NHS statisticians had been addressed. One of the contributing factors to the decision was the fact that the HO numbers in the fact sheet appeared to be comparable to those being asked of DH and that the same objections were not being raised inside the HO. In fact the two departments had gathered their figures in different ways and took a different view on whether they should be governed by the code for official statistics. By the time the National Statistician intervened the fact sheet had already been released. On 15 December the Home Secretary apologised to the House of Commons for the premature release of the figure.

There are three key lessons we will take from these events. First, the need to impress upon all officials and advisers the importance the Government and permanent secretaries attach to the observance of the Statistics Code that has now been published by the UK Statistics Authority. It is not only a Code for statisticians applying to designated National Statistics but covers all officials and advisers who use and quote official statistics.

The second lesson relates to the issue of numerical information derived from administrative sources. We know we will not succeed in improving trust in official statistics if we confine our attention to the outputs of statistical surveys and other data under the control of members of the Government Statistical Service. With information derived from management records liable to be made available in response to queries from policy advisers and officials, and to journalists and MPs on all sides of the House through PQs and FoI requests, there is potential for people to quote statistics in the absence of specific advice on professional principles. This is already an issue which is being looked at by a working party reporting to the National Statistician, I look forward to seeing the results of this work.

Third, it is essential that statisticians are involved at an early stage in the production of any publications that contain official statistics and that they are able to and do raise any concerns as rapidly as possible, if necessary with the National Statistician, so that urgent action can be taken to prevent any inappropriate use of statistics.

I shall be discussing the above at a meeting with my permanent secretary colleagues, to which I will invite Michael Scholar, to re-enforce these messages and ensure we promulgate them. I will be asking for examples of good practice that we can share across departments.

Finally, we welcome the helpful new Code of Practice for Official Statistics published last week by the UK Statistics Authority.

I hope this is useful. I would like to reassure you that we regard building trust in official statistics as a high priority and I will personally do whatever I can to help achieve that.

I am copying this letter to Sir Michael Scholar, Jeremy Heywood, Sir David Normington, Hugh Taylor and Keith Vaz MP.

¹ Not printed

Letter from Kevin Brennan MP, Parliamentary Secretary, Cabinet Office to the Chairman of the Committee, 27 February 2009

I was pleased to give evidence to the Committee on 5 February. At that session I said I would write to you to provide so far as possible additional information in response points raised by you and other members of the Committee.

As I said to the Committee, the Government attaches great importance to tackling the problem of knife crime and was keen to use the data gathered to assess the progress of the Tackling Knives Action Programme (TKAP) to inform the public about the true prevalence of knife crime as soon as it was reasonable and appropriate to do so. As we discussed when I gave evidence, it would be odd if Members of Parliament and the public could secure the publication of information, however preliminary, using for example the Freedom of Information Act, whereas the Government was unable to provide relevant information pro-actively. The Government believes that the public perception of the prevalence of knife crime is self-reinforcing, especially among young people. Unfortunately, on this occasion a mistake was made in prematurely including NHS data in the fact sheet on the TKAP. We have acknowledged that and are determined to learn the lessons. The Government also attaches great importance to the reforms we introduced to the governance of official statistics, with the firm aim of enhancing public confidence in them. It welcomes the new Code of Practice for Official Statistics published by the UK Statistics Authority in January.

Sir Gus O'Donnell's letter of 16th January to you sets out what happened in this case.

In addition, you asked about who authorised the release of statistics in the fact sheet. I can confirm the fact sheet, which was a Home Office publication, was published under HO authority.

As Sir Gus's letter explains, the decision was taken to include numbers supplied by the NHS Information Centre alongside those supplied by police forces and others. It was the use of NHS data that the National Statistician raised with the Permanent Secretary in No10 on 12 December last.

While I appreciate the Committee's reasons for probing, it would not be right to identify the individuals involved for reasons set out in the section of the Cabinet Office's guidance on Departmental Evidence and Response to Select Committees (usually known as the "Osmotherley rules") dealing with the conduct of individual officials.

At the hearing I undertook to let you know about numbers of special advisers. The Government publishes names and numbers of special advisers to Parliament on an annual basis. This was last published on 22 July 2008 when there were 73 special advisers across government of whom 24 worked in No 10. Information for the current year will be published when it is ready at the end of the financial year. The Committee will know that, under the Code of Conduct for Special Advisors, special advisers cannot give instructions to permanent civil servants. You asked about the role of special advisers in the release of the fact sheet. I can confirm that special advisers in DH, and No10 were among those involved in the discussions about whether to release the fact sheet but that the Home Office, and not special advisers, took the final decision to do so. The involvement of the special adviser in No 10 and the circumstances leading up to the decision to publish are set out in Sir Gus O'Donnell's letter.

You asked about the role of Ministers. As stated in Sir Gus O'Donnell's letter, Ministers in the Home Office (the lead department for the TKAP) were keen to use the data gathered to assess the progress of the initiative to inform the public about the prevalence of knife crime as soon as it was reasonable and appropriate to do so. Home Office Ministers were not aware that there were outstanding concerns around the use of the NHS data until after the fact sheet had been published. As you know, the Home Secretary has apologised to the House for what happened.

You asked about targeted action, disciplinary or educational, being taken in respect of any of the individuals involved. For the reasons I set out above, I do not think it appropriate to discuss individuals, although I have no doubt the individuals involved, and others not directly involved, very much regret the damage that has been done and are now much more fully aware of the need for care in publishing data that relates to official statistics.

As I advised the Committee, a one-page summary of key do's and don'ts has been drafted. Sir Gus O'Donnell has sent the summary to permanent secretaries to circulate to private offices, special advisers, press offices, policy officials and others in the department likely to be involved in considering the publication of data. It draws their attention to the new Code of Practice for Official Statistics and to the key things they should consider as users of data. I am pleased to attach a copy of this one-page guidance. Sir Michael Scholar and Karen Dunnell spoke to a meeting of permanent secretaries on Wednesday 11 February where it was agreed that the way civil servants treated statistics was a key part of civil service integrity and that Sir Gus O'Donnell's letter set out the main lessons which departments would follow.

You asked whether statisticians in the Home Office were involved in the publication of the fact sheet. As Sir Gus O'Donnell's letter says the crime figures used for monitoring the TKAP were not under the control of Home Office statisticians. I understand they were collected quite separately from the Police Reported Crime Statistics and only from the police forces taking part in the programme in order to monitor its effects. The Home Office statisticians did not regard those figures as official statistics or falling within the remit of the Code of Practice for Official Statistics, and as I said in evidence, were therefore content for them to be published without the need to review those figures before publication.

You asked what reason HO had to believe the concerns of NHS statisticians had been addressed. As Sir Gus O'Donnell set out in his letter this situation arose due to a misunderstanding about the status of the NHS data compared to the Home Office data and the rules that applied.

You asked to be copied into the response to Mark Easton's questions of 9 February. As this letter addresses the points he raises, the Cabinet Office press office will respond by referring Mr Easton to it. I have also placed a copy of this letter in the House of Commons Library.

I am pleased to offer this further clarification of what happened, as reported to the Cabinet Office. The NHS data being used within Government for monitoring the TKAP was published inappropriately. This should not have happened.

APPENDIX

GOOD PRACTICE IN THE USE OF OFFICIAL STATISTICS: GUIDANCE FOR NON-STATISTICAL STAFF

BACKGROUND

The Statistics and Registration Service Act 2007 established the UK Statistics Authority and required it to draw up a Code of Practice for official statistics.

The Code of Practice was published in January 2009 and provides a statement of good practice to be applied to official statistics in the United Kingdom.

The key points to note are:

- When preparing any publication containing statistics, including those drawn from administrative or management information, you must involve statistical professionals at the earliest opportunity.
- You must not use unpublished statistics without the advice of a statistical professional.
- You must not selectively quote favourable data from any unpublished dataset.
- Decisions taken by statistical professionals are final.
- Any publication containing official statistics must provide information relating to their quality, reliability and usability.
- Pre-release access to official statistics is a privilege. You must not disclose any information, nor seek to alter it in any way.
- Ignoring any of the above may constitute a breach of the Code and result in an investigation by the UK Statistics Authority and a published report to Parliament.

FURTHER HELP

If you are unclear about what course of action to take, or with any of the advice provided above:

- Contact your departmental Head of Profession for Statistics who is [*Add Details for your department*].
- If you cannot reach them or a deputy you can contact the National Statistician through the Helpline on 020 7014 2350.
- The Code of Practice for Official Statistics is available at <http://www.statisticsauthority.gov.uk/assessment/code-of-practice/index.html>