

Statement of compliance with the pre-release access to Official Statistics Order 2008

This document sets out Ofsted’s operational arrangements for giving officials pre-release access to official statistics before publication. The Order tightens the rules and principles governing this type of access.

The scope of the pre-release access to Official Statistics Order extends to all official statistics produced by Ofsted. Official statistics are broadly determined by four criteria. They:

- are important – for example, they provide information about government performance
- are produced systematically
- cover the whole country
- are disseminated.

National statistics are a subset of official statistics that have been assessed and comply with or are deemed to have been assessed and comply with the UK Statistics Authority Code of Practice for Official Statistics.

Version control

Version	Date	Details	Revision due
1.0	February 2015	First release	April 2016
2.0	February 2017	Second release. Changes to process for reporting a breach and change to Chief Statistician.	April 2018

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Introduction

The Pre-release Access to Official Statistics Order 2008 began on 1 December 2008 (see: www.legislation.gov.uk/uksi/2008/2998/contents/made). The order tightens the rules and principles governing pre-release access to official statistics before publication.

This statement sets out Ofsted's operational arrangements for giving officials access to official statistics once they are in their final form before publication. These arrangements are designed to ensure that this access is justified, limited, controlled, publicised and complies with statutory requirements. Their purpose is to maintain public confidence in the integrity of official statistics while allowing officials to account immediately for the implications of statistics that cover the policy or operational areas for which they are responsible.

Exclusion

Different arrangements apply to pre-release access to Ofsted's own management or administrative data where this data subsequently forms the basis for published official statistics. The administrative data underlying the official statistics produced by Ofsted is used within the organisation for operational reasons. In order for Ofsted to function effectively, a number of individuals need access to this administrative data before it is released to the public. These individuals are not included in pre-release access lists as they do not have access to the final published data set with commentary (the statistical release).

Individuals who require access to the statistical release are included in the pre-release access list. These individuals may include other government statisticians who need to consider coherence with the datasets held by the departments they work in and policy leads who may need to comment publicly on key findings. Pre-release access is approved if individuals satisfy the requirements laid out in The Pre-release Access to Official Statistics Order 2008.

Authority

These arrangements have been drawn up by Ofsted's Head of Profession for Statistics. The Head of Profession for Statistics is also responsible for ensuring that these arrangements are carried out on a day-to-day basis.

General principle

Ofsted operates under the general principle that pre-release access to official statistics must be:

- limited to the minimum number of people deemed necessary to allow Her Majesty's Chief Inspector and Ofsted directors to either

- respond to questions or make statements about the statistics at the time of publication or shortly after
- take action before, at the time of, or shortly after publication
- allowed only in circumstances where the public benefit likely to result from the access outweighs the detriment to public trust in official statistics likely to result from granting this access.

Grant of pre-release access

The arrangements set out in this statement are confined to those people who meet the eligibility criteria set out in Annex A (i). Access may also be provided to a small number of administrative staff of recipients even though those staff may not directly engage with the statistics. Pre-release access to official statistics in their final form is limited to statistics that meet the eligibility criteria set out in Annex A (ii).

Documentation and publication

In the interests of openness and transparency, Ofsted publishes the job titles of all the people who have been granted pre-release access and the organisations they belong to. This information is published alongside the statistical releases to which these arrangements apply.

Period of access

In line with legislation, pre-release access to Ofsted's official statistics is restricted to a maximum of 24 hours before they are published the following day. Ofsted's statistical releases are published at 9.30am.

In exceptional circumstances, the Head of Profession for Statistics, in consultation with others, may grant pre-release access more than 24 hours before public release if, in their opinion, the public benefit outweighs the detriment to public trust that is likely to result from the extended access. When this happens, the Head of Profession for Statistics will publish his reasons for granting extended access and will also inform the UK Statistics Authority's Chief Executive (the National Statistician).

Conditions of access

The people who are given pre-release access to the department's official statistics must keep the statistics secure and under embargo until their release and they must abide by certain conditions of access. They must avoid:

- disclosing the statistics or any part of a publication containing those statistics to any person not listed as a pre-release recipient
- providing any indication of the size or direction of any trend revealed by the statistics
- using their access for personal gain or taking any action for political advantage

- exploiting their access to change or compromise the content, presentation or timing of publication of official statistics.

Special circumstances

Aside from the circumstances described above, the Head of Profession for Statistics may also allow access ahead of their release to a limited number of people in a limited number of special circumstances, for more than 24 hours. For example:

- access may be given to the compilers of complementary reports due to be published at the same time as, or shortly after, the statistics so that they can incorporate the latest available figures – this access may be for longer than 24 hours
- international organisations may gain access to compile specific statistics
- journalists may be given access to complex or compendia releases to give them time to absorb and understand the significance of a given release – this access will never exceed 24 hours.

Breach of these conditions

In the event of a breach¹ of the principles and rules set out in the legislation and described in this statement, Ofsted's Head of Profession for Statistics will:

- notify the National Statistician and the Government Statistical Service Good Practice Team (GPT)
- take action to prevent a recurrence
- promptly respond to requests for additional information.

The National Statistician may then decide to conduct an inquiry on behalf of the Authority, the results of which will be posted on the Authority's website.

Sanctions against non-compliance

Ofsted's Head of Profession for Statistics may, for a period, withdraw pre-release access from any person judged to have breached the conditions of their access.

In addition, a heavier sanction can be imposed by the UK Statistics Authority, which has a statutory duty to assess the extent to which any organisation's national statistics comply with the Pre-release Access to Official Statistics Order 2008 and with the associated duties set out in this statement.

The Authority can, for instance, challenge an organisation where it considers that pre-release access is not justified or where an organisation is failing to conform to

¹ <https://gss.civilservice.gov.uk/about/code-of-practice/breaches/>

these arrangements. It can also withdraw, or threaten to withdraw, the title of 'national statistics' from the statistics in question.

In the event of any such challenge or any such withdrawal, Ofsted's Head of Profession for Statistics will publish Ofsted's response on [GOV.uk](https://www.gov.uk) along with plans for achieving conformance.

Notes

Pre-release access

In the context described above, the phrase 'pre-release access' covers privileged access to statistical releases in their final form before they become available in the public domain. It does not cover pre-release access available to the people:

- producing and disseminating the statistics in question (including those responsible for overseeing this process)
- requested by the producers to quality assure the statistics before their public release.

Helen Barugh
Chief Statistician
Ofsted
February 2017

Annex A: Criteria for granting pre-release access

A(i) Categories of people within government who Ofsted would normally grant pre-release access to its statistical releases to

- Chief executives who have operational responsibility for a particular activity covered by a release and who are accountable for their stewardship of that activity to Ministers and through them to Parliament.
- The officials with ultimate responsibility for formulating, developing, maintaining, monitoring or implementing that policy.
- Other officials who have been assigned the specific responsibility to brief Ministers or chief executives about the statistics in question, such as special advisers, policy advisers or analysts.
- Departmental press officers responsible for managing communications with the media about the policy or statistics in question (plus any immediate supporting staff).

A(ii) Categories of statistical release to which Ofsted would normally grant pre-release access

- Releases incorporating inspection and inspection outcome data.
- Releases incorporating provider and places data.
- Releases that cover matters of wide public interest, such as 'Unseen children: access and achievement 20 years on'.
- Supplementary data, such as ad hoc publications released alongside Ofsted's Annual Report.



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