

Response to the OSR's Call for Evidence on the Code of Practice for Statistics

CFPD, December 2023

How well does the Code support official statistics to serve the public?	1
How can the Code be strengthened?	3

This is a response from the Centre for Public Data (CFPD) to the Office for Statistics Regulation's [Call for Evidence](#) on the UK [Code of Practice for Statistics](#).

How well does the Code support official statistics to serve the public?

Question 1a: It is important that statistics serve the public and in doing so answer society's important questions. In what ways do you see the Code achieving or not achieving these ambitions?

Our response focuses on whether official statistics answer society's important questions, and the Code's requirements on value.

Do official statistics answer society's important questions?

We aim to support statistics and data users outside government, including businesses, MPs, journalists, campaigners and researchers. We often find that questions that are important for these users are not well answered by official statistics and data.

For example, in 2022 we researched statistics and data gaps in the UK's criminal justice system. We studied hundreds of reports published by Select Committees, advocacy groups and researchers for mentions of missing data, and interviewed numerous groups and individuals.

Our [research](#) found many examples of unmet needs for official statistics and data. For example, MPs, campaigners and journalists have unsuccessfully requested data many times on how many people appear in the magistrates' courts without legal representation. This is a basic measure of access to justice, yet no official data or statistics are available about it, despite clear expressions of need in the form of repeated Parliamentary questions; Select Committee and research recommendations; and high-profile media coverage.

Other important gaps identified by stakeholders and experts included reliable data on the use of out-of-court disposals and anti-social behaviour powers; sentencing outcomes; and the number and experiences of people held on remand (i.e. imprisoned without having yet been convicted of a crime). The latter is another crucial measure of access to justice; one of the UN's Sustainable Development Goal indicators is "[Unsentenced detainees as a proportion of overall prison population](#)", for which (amazingly) the UN is unable to access official data from the UK.

The limitations of the Code

Since the report was published, we have tried to discuss these gaps with Ministry of Justice (MoJ) statistics producers, but with so far limited success. We requested a meeting to discuss the overall findings of the report, but did not receive a reply.

We have also engaged with individual teams, but with limited success; replies are often slow and vague. On the legal representation question, we have been told that magistrates' case management systems do not record representation consistently, so it will be hard to produce reliable statistics; but the MoJ has not yet clarified precisely how the information is recorded, whether it intends to tackle this, or how it can be that data is recorded consistently enough to auto-generate letters to legal representatives, but not to generate statistics.

In theory, the 'value' section of the Code should ensure that major gaps like this do not exist, and that if they do, statistics producers work with users to address them. However in practice, the current Code is too vague to require producers to act, and specifically to:

- **Understand users' needs:** Producers are only required to “maintain and refresh” their understanding of the use of statistics. This could mean almost anything. Producers are not required to conduct active research on needs, of the kind we did.
- **Engage with users:** Producers are required to “engage publicly through a variety of means” and “listen to the views” of contacts. In practice, no stakeholder we spoke to had ever been approached by a statistics producer, no stakeholders knew about the official channels for engagement (user forums etc), and none of them would have had the resources to engage in this way.
- **Fill gaps:** The Code says producers should “[address] the views received from users, potential users and other stakeholders... where practicable” and “consider whether to produce new statistics to meet identified information gaps. Feedback should be provided... about how [user] needs can and cannot be met, being transparent about reasons for the decisions made and any constraints.” But we typically struggled to persuade producers to address these problems, and have to date received only vague, non-actionable feedback, with unclear information on constraints in particular.

We think the value section of the Code needs to be clearer, as other sections of the Code mostly are.

A shared concern

The Public Administration and Constitutional Affairs Committee (PACAC) warned of a similar issues in its [inquiry into UK statistics](#) in 2019. It wrote then that the UK Statistics Authority (UKSA) was failing to deliver public good as required under legislation, because it did not “understand all of today’s users and potential users of statistics and how statistics are used”. PACAC recommended the UKSA should lead research on how statistics are used, taking into account a broader range of stakeholders than just the users of statistics, and encourage statistics teams across government to engage actively with users “so that the user perspective is central”. No such research has been done, to our knowledge, nor any active engagement.

Others share these concerns. The Royal Statistical Society’s [evidence](#) to this inquiry said it remained concerned with the question of how the statistical system responds to needs of

users outside government, and that this “needs a significant change in both culture and processes”.

How can the Code be strengthened?

Question 1b: The Code provides producers of official statistics with the detailed pillars and practice they must commit to when producing and releasing official statistics. How do you think the Code could be strengthened and improved?

We recommend the Code should be strengthened as follows:

1. **Define “users” clearly:** Neither the Code nor the current GSS [user engagement strategy](#) define “statistics users”. We sensed confusion among producers about whether we actually counted as a user they were required to engage with, or whether the groups we worked with did. But civil society groups, researchers, Parliamentarians, journalists and citizens are all important users of statistics, and should be formally recognised as such. ***The Code should open with a formal but inclusive definition of “statistics users”, which should include citizens, businesses, researchers, civil society groups, Parliamentarians and the media, as well as government.***
2. **Require modern, active user research:** Despite PACAC’s recommendation that “active” user research should be carried out, neither the Code nor the strategy requires this. (Indeed such research seems to be regressing - the Office for Statistics Regulation (OSR) used to carry out [systemic reviews](#) of the public value of statistics, but currently only one such review is under way.) This is not especially time-consuming; as a non-profit organisation on a limited budget, we were able to do a reasonable survey of user needs expressed across the criminal justice system in a few months. ***The Code should require producers across government to conduct modern, proactive user research across the full range of statistical users, which should include:***
 - a. ***Actively tracking signals of need*** for additional statistics, in publications and online - these could include Parliamentary Questions; major research reports; media articles; or public disputes over the reliability of data
 - o ***Actively seeking out and interviewing*** a diverse representative set of stakeholders about how they use statistics in their work, where they feel any gaps are, and any important questions they cannot answer from current statistics.
3. **Require public work programmes that act on the findings:** The Code guides producers to publish work programmes, but in practice few do. ***The Code should be strengthened to make publishing work programmes compulsory, and should require producers to show how needs identified in user research are being addressed in the programme.***
4. **Introduce penalties for producers:** There are few incentives for producers to engage with users - this takes money and time, and there are no sanctions for not doing so. The lack of carrot and stick in the Code means that producers are not incentivised to talk to users. Producers are likely only to hear from well-connected

existing users, rather than the broader range of stakeholders mentioned by PACAC. ***The Code should be strengthened to ensure that producers who do not actively meet user needs will be sanctioned.*** Sanctions could include e.g. removing National Statistics certification, issuing reprimands or even cutting budgets.

This may seem radical, but it is a model that has already been proven to work for another agency based out of the Cabinet Office (the GDS), and supports departmental producers who want to do the right thing by users, but do not have the resources or incentives to do so at present.

In 2010, there was a concern that UK government digital services (such as applying for a passport online, or finding information on government websites) were not designed around the needs of citizens. In response, the Government Digital Service (GDS) was established, and is widely understood to have succeeded in its aims.

One of the crucial factors for this success was the establishment of a mandatory code of practice for departmental digital teams (the GDS [Service Standard](#)). The Service Standard required departments to carry out active user research, and included detailed requirements on the type of research to be done and its use. An expert central team was set up which had the powers to [refuse budget](#), and publication on GOV.UK, to digital services that did not follow the Service Standard.

We do not blame statistics producers for struggling to prioritise gaps that affect civil society: with limited resources and limited incentives to work with more distant users, producers understandably focus on the local needs of government. But the consequence is that questions of significant public interest (even international comparative indicators) go unanswered. Our fear is that in the empty space left by these gaps, misinformation can flourish.