
Director General for Regulation

Helen Buckingham
Chief of Staff, Monitor
Wellington House
133 – 155 Waterloo Road
London
SE1 8UG

11 November 2015

Dear Helen,

Thank you for making time in your busy schedule to speak to my colleague, Iain Russell, about Monitor's practices in respect to the release of your quarterly performance and finance reports. This conversation helped us to clarify the concerns that were raised with us. During your discussion you mentioned the following:

1. It is Monitor's usual practice to publish board papers including the latest performance and finance report before its board meetings. To your knowledge, the Quarter 1 2015 report was the first time that this did not happen.
2. It is unusual for the report to be considered in private session; although given the sensitivities of Trust finances the Board may choose to discuss such matters in private so as to have a free and frank discussion. Sometimes there are no public attendees at a board meeting, so it may not be necessary to determine whether discussion takes place in the open or closed parts of the board meeting. In respect to the September board meeting, there were particular sensitivities about the financial position of Foundation Trusts and it was for this reason that the item was placed on the agenda for the 'private' part of the board meeting.
3. Changes involving the relationship between Trust Development Authority (TDA) and Monitor, where there is now a joint chair and the two bodies work in close partnership resulted in discussion between the two about the timing of their respective financial reports for Quarter 1. These discussions also involved the Department of Health since the TDA is within DH's ambit. You told us that there had been no discussions with Ministers about the timing of the publication of these reports, only with Department of Health officials.

It struck us that to help emphasise Monitor's independence as a regulator, and given the scale of public interest in these statistics, there may be value in Monitor voluntarily committing to meet elements of the Code of Practice for Official Statistics ([here is a link: http://www.statisticsauthority.gov.uk/assessment/code-of-practice/index.html](http://www.statisticsauthority.gov.uk/assessment/code-of-practice/index.html)) with respect to the publication of the Quarterly Performance and Finance report, specifically those noted in the annex.

The two key principles relate to the benefits of publishing a timetable of releases in advance (and explaining publicly any reasons for changes to that timetable); and to the integrity of the publications.

Protocol 2 Release Practices

Practice 2 Publish a timetable of statistical releases for 12 months ahead.

Practice 5 Draw public attention to any change to a pre-announced release date and explain fully the reasons for the change at the same time. The relevant statistical Head of Profession [for Monitor this would be your designated Lead Official for statistics] has the final decision and should not be influenced by non-statistical matters.

Principle 3 Integrity

Practice 2 -Ensure that those producing statistical reports are protected from any political pressures that might influence the production or presentation of the statistics.

From my discussions with Ed Smith, Chair of Monitor, I understand that Monitor could voluntarily commit to elements of the Code of Practice for official statistics. We would be delighted to help Monitor in any way to meet any such commitment and to publicly acknowledge any commitment from Monitor made in this respect. If you would find it helpful, we would be very happy to hold a workshop with your teams to discuss the Code of Practice and how you could look to comply with elements of it on a voluntary basis.

I am copying this letter to Ed Smith, Chair of Monitor, and John Pullinger, National Statistician.

I look forward to hearing more in due course.

Yours sincerely,



Ed Humpherson