

Assessment of compliance with the Code of Practice for Official Statistics

Statistics on Re-offending in England and Wales

(produced by the Ministry of Justice)

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About the UK Statistics Authority

The UK Statistics Authority is an independent body operating at arm's length from government as a non-ministerial department, directly accountable to Parliament. It was established on 1 April 2008 by the *Statistics and Registration Service Act 2007*.

The Authority's overall objective is to promote and safeguard the production and publication of official statistics that serve the public good. It is also required to promote and safeguard the quality and comprehensiveness of official statistics, and good practice in relation to official statistics.

The Statistics Authority has two main functions:

1. oversight of the Office for National Statistics (ONS) – the executive office of the Authority;
2. independent scrutiny (monitoring and assessment) of all official statistics produced in the UK.

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ASSESSMENT AND DESIGNATION

The *Statistics and Registration Service Act 2007* gives the UK Statistics Authority a statutory power to assess sets of statistics against the *Code of Practice for Official Statistics*. Assessment will determine whether it is appropriate for the statistics to be designated as National Statistics.

Designation as National Statistics means that the statistics comply with the *Code of Practice*. The *Code* is wide-ranging. Designation can be interpreted to mean that the statistics: meet identified user needs; are produced, managed and disseminated to high standards; and are explained well.

Designation as National Statistics should not be interpreted to mean that the statistics are always correct. For example, whilst the *Code* requires statistics to be produced to a level of accuracy that meets users' needs, it also recognises that errors can occur – in which case it requires them to be corrected and publicised.

Assessment reports will not normally comment further on a set of statistics, for example on their validity as social or economic measures. However, reports may point to such questions if the Authority believes that further research would be desirable.

Assessment reports typically provide an overview of any noteworthy features of the methods used to produce the statistics, and will highlight substantial concerns about quality. Assessment reports also describe aspects of the ways in which the producer addresses the 'sound methods and assured quality' principle of the *Code*, but do not themselves constitute a review of the methods used to produce the statistics. However the *Code* requires producers to "seek to achieve continuous improvement in statistical processes by, for example, undertaking regular reviews".

The Authority may grant designation on condition that the producer body takes steps, within a stated timeframe, to fully meet the *Code's* requirements. This is to avoid public confusion and does not reduce the obligation to comply with the *Code*.

The Authority grants designation on the basis of three main sources of information:

- i. factual evidence and assurances by senior statisticians in the producer body;
- ii. the views of users who we contact, or who contact us, and;
- iii. our own review activity.

Should further information come to light subsequently which changes the Authority's analysis, it may withdraw the Assessment report and revise it as necessary.

It is a statutory requirement on the producer body to ensure that it continues to produce the set of statistics designated as National Statistics in compliance with the *Code of Practice*.

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1 Summary of findings

1.1 Introduction

1.1.1 This is one of a series of reports¹ prepared under the provisions of the *Statistics and Registration Service Act 2007*². The Act requires all statistics currently designated as National Statistics to be assessed against the *Code of Practice for Official Statistics*. The Act also allows Ministers to request an assessment of other official statistics in order for them to gain National Statistics status. This report is in response to such a request; it covers the set of statistics reported in *Compendium of Reoffending Statistics and Analysis*³ (*Compendium*) and *Proven Re-offending Statistics Quarterly Bulletin*⁴ (*PRSQ*), produced by the Ministry of Justice.

1.1.2 This report is shorter than normal; this abbreviated style of report reflects the Head of Assessment's consideration of aspects of risk and materiality⁵. The Assessment team nonetheless assessed compliance with all parts of the *Code of Practice*.

1.1.3 This report was prepared by the Authority's Assessment team, and approved by the Board of the Statistics Authority on the advice of the Head of Assessment.

1.2 Decision concerning designation as National Statistics

1.2.1 The Statistics Authority judges that the statistics covered by this report are readily accessible, produced according to sound methods and managed impartially and objectively in the public interest, subject to any points for action in this report. The Statistics Authority has determined that the statistics published in the products listed in paragraph 1.1.1 can be designated as new National Statistics products.

1.3 Summary of strengths and weaknesses

1.3.1 *PRSQ* and *Compendium* together provide a detailed overview of offences committed and proven following contact with the criminal justice system. MoJ has developed a new method for measuring proven re-offending that is consistent for adult and juvenile re-offenders, both nationally and locally. It also allows more detailed breakdowns, for example, by local authorities and types of offences.

¹ <http://www.statisticsauthority.gov.uk/assessment/assessment-reports/index.html>

² http://www.opsi.gov.uk/Acts/acts2007/pdf/ukpga_20070018_en.pdf

³ <http://www.justice.gov.uk/publications/statistics-and-data/reoffending/compendium-of-reoffending-statistics-and-analysis.htm>

⁴ A new publication to be published for the first time on 25 October 2011
<http://www.justice.gov.uk/consultations/565.htm>

⁵ <http://www.statisticsauthority.gov.uk/assessment/assessment/guidance-about-assessment/criteria-for-deciding-upon-the-format-of-an-assessment-report.pdf>

- 1.3.2 MoJ published the previous statistics annually, based on re-offending in the first quarter of each year. Under the new method the statistics will be published quarterly for a rolling 12 month period.
- 1.3.3 MoJ has been proactive in consulting and alerting users to the proposed changes to statistics on re-offending. MoJ carried out a comprehensive consultation with a wide range of users prior to introducing the new measure of re-offending. MoJ published the results of the consultation and the 2010 *Compendium* included an article with details of the changes in methodology.

1.4 Detailed recommendations

- 1.4.1 The Assessment team identified areas where it felt that MoJ could strengthen its compliance with the *Code*. MoJ addressed these issues through the course of assessment in discussion with the Assessment team.

2 Subject of the assessment

2.1 Until March 2011, MoJ and the Home Office published re-offending and re-conviction statistics for England and Wales in several quarterly bulletins. MoJ published annual statistics in two releases:

- Adult re-convictions⁶ – one year re-conviction statistics⁷ covering adults discharged from custody or commencing a court order under probation supervision.
- Juvenile re-offending⁸ – one year re-offending statistics⁹ covering juveniles discharged from custody or commencing a non-custodial court disposal or given a reprimand or warning.

These were accompanied by two annual statistical releases¹⁰ from the Home Office:

- Prolific and other priority offenders – further offending information on offenders who are included on the Prolific and Priority Offender scheme.
- Drug misusing offenders – further offending information on offenders who are identified as drug misusing.

2.2 These publications presented six different measures of re-offending, each produced using different methods. These measures are: national adult re-convictions, local adult re-offending, national youth re-offending, local youth re-offending, Priority and other Prolific Offending and drug-misusing offending.

2.3 Following a consultation in 2010, MoJ changed the basis of its measurement of re-offending. The new method uses a single measure¹¹ for proven re-offending for both adult and juveniles, on a consistent basis both nationally and locally. It also allows comparisons by types of offender and examines how results for different groups compare with the overall picture of re-offending. As a consequence, MoJ has replaced the four previous bulletins (with it taking over responsibility for publishing the Prolific Offender and drug-misuse re-offending information) with the new quarterly re-offending quarterly release, *PRSQ*, which uses the single re-offending measure. The new quarterly release will be published for the first time in October 2011.

2.4 The new method creates a cohort of re-offenders for the analysis. The cohort comprises all offenders aged 10 and over who commit a further offence within twelve months of the end of their initial sentence and who receive a caution/reprimand or final warning, are convicted at court, discharged from custody, or who tested positive for a class A drug. MoJ matches the offenders

⁶ <http://www.justice.gov.uk/publications/statistics-and-data/reoffending/adults.htm>

⁷ Proven re-offences which result in a court conviction

⁸ <http://www.justice.gov.uk/publications/statistics-and-data/reoffending/juveniles.htm>

⁹ Proven re-offences which result in a court conviction or a reprimand or warning

¹⁰

<http://webarchive.nationalarchives.gov.uk/20110218135832/http://rds.homeoffice.gov.uk/rds/pubsstatistical.html>

¹¹ Proven re-offending is where an offender is convicted at court or receives a caution for an offence committed within the follow up period (12 months) and then disposed of within either the follow up period or waiting period (further 6 month period)

on the Police National Computer, to collate their criminal history and track their criminal behaviour over the following year, allowing a further six months waiting period for sentencing.

- 2.5 *Compendium* is published annually and provides more detailed analysis of re-offending than *PRSQ* through ad hoc research, tailored to addressing a range of issues raised by media and practitioners. These cover, for example, the relative effectiveness of different sentences, re-offending figures by individual prisons, and international comparisons.
- 2.6 The Government has replaced specific performance targets with impact indicators, to enable the public to hold services to account and assess whether they are receiving value for money. The MoJ re-offending impact indicators¹², which will be monitored from October 2011 in *PRSQ*, are:
- Adult and juvenile re-offending – the percentage of adult and juvenile offenders who re-offend, measured quarterly, by local authority.
 - The percentage of adults released from custody who re-offend, measured annually, by prison.
- 2.7 MoJ uses re-offending statistics to develop, monitor and evaluate its policies, including those on Payment by Results¹³, Legal Aid¹⁴, and Sentencing¹⁵. Other users of the statistics include offender management agencies, such as the National Offender Management Service and Youth Justice Board; private, public and voluntary sector providers of prison and probation services; local authorities, and interest groups such as the Prison Reform Trust¹⁶.
- 2.8 Payment by Results is a new approach that MoJ is introducing in which providers from the private, public and voluntary sectors work in partnership and are paid by the results they deliver. *PRSQ* will publish the annual information on re-offending by prison that will be used to assess providers' performance.
- 2.9 The annual staff cost of producing the re-offending quarterly release is 1.3 FTE. *Compendium* requires around 4 weeks full time equivalent staff time to produce. These costs do not include the collection of data.
- 2.10 The National Audit Office (NAO)¹⁷ reviewed the measurement of serious re-offending (indicator 6) under the previous Government's Public Service Agreement 23¹⁸ and classified it as 'Red (system): The data system does not permit reliable measurement and reporting of performance against the indicator'. The judgment largely revolved around the selection of the indicator – serious re-offending in the first year following release from prison or

¹² <http://www.justice.gov.uk/publications/corporate-reports/moj/ministry-of-justice-business-plan-2011-15/index.htm>

¹³ <http://www.justice.gov.uk/guidance/prison-probation-and-rehabilitation/payment-by-results/index.htm>

¹⁴ <http://www.justice.gov.uk/consultations/633.htm>

¹⁵ <http://www.justice.gov.uk/consultations/consultation-040311.htm>

¹⁶ <http://www.prisonreformtrust.org.uk/>

¹⁷ PSA 23 (pp26-27): http://www.nao.org.uk/publications/0809/measuring_up_psa_validation.aspx

¹⁸ http://webarchive.nationalarchives.gov.uk/+http://www.hm-treasury.gov.uk/pbr_csr07_psa_communities.htm

commencement of a community sentence. The NAO said that the sample was too small to assess statistically significant small changes, but that the fundamental methodology was sound and that it was satisfied that the validation and quality control checks were thorough.

- 2.11 The Assessment team conducted this assessment mainly during the period that MoJ was preparing the new quarterly bulletin. We were shown draft versions of the release and we provided feedback to the producers on issues relating to compliance with the *Code*, so that the producers were able to address them in the published release.

3 Assessment findings

- 3.1 In the development of the new re-offending bulletin, MoJ carried out an extensive consultation¹⁹ with users in November 2010. MoJ received over 100 responses to the consultation and the majority of responses supported the move to a single framework for measuring re-offending. MoJ published a report²⁰ in March 2011 summarising the results of the consultation which included details of the 2011-12 statistical work plan.
- 3.2 The new quarterly bulletin introduces a measure of proven re-offending which produces substantially lower re-offending rates than given in previous publications. MoJ announced the changes in method before the publication of the new statistics, and provides a comprehensive account of the differences between the new and old methods in a document to be published alongside *PRSQ*.
- 3.3 MoJ has prepared a 'definitions and measurement' document to be published alongside *PRSQ*. This includes useful information on the re-offending measures, a glossary with a clear description of the main terms, details of the underlying data sources and measures of the completeness and quality of the statistics. MoJ provides the cohort matching rates for the different data sources but it has not carried out any further analysis of the biases which may exist as a result of not matching all records. *PRSQ* contains a glossary of definitions and signposts users to the technical report for information on quality.
- 3.4 *PRSQ* presents a wide range of useful statistics on proven re-offending, with clear commentary supported by summary charts, tables and maps. *Compendium* provides useful further analysis about certain aspects of re-offending. However, the reoffending statistical releases don't relate the findings to the underpinning policy context, for example by discussing their use in relation to the Payment by Results scheme. We suggest that MoJ consider the points detailed in Annex 2 for ways of further improving the presentation of the statistics.
- 3.5 MoJ, and others, will use the statistics to monitor the delivery of Payment by Results. Since it is widely accepted that performance regimes can introduce unintended incentives and consequences, MoJ has told us that it will undertake quality audits of the underlying data to ensure the validity of the statistics.
- 3.6 MoJ carried out a review of the pre-release access list for the *PRSQ* in March 2011 and the size of the list was reduced. MoJ told us that it would review the list again prior to the publication of *PRSQ* in October. Pre-release access to the last adult reconvictions release²¹ was granted to 23 people.

¹⁹ http://www.justice.gov.uk/downloads/consultations/voj-stats_consultation-a.pdf

²⁰ <http://www.justice.gov.uk/downloads/consultations/improvements-voj-statistics-consultation-response.pdf>

²¹ <http://www.justice.gov.uk/publications/statistics-and-data/reoffending/adults.htm>

Annex 1: Suggestions for improvement

A1.1 This annex includes some suggestions for improvement to MoJ's re-offending statistics, in the interest of the public good. These are not formally required for designation, but the Assessment team considers that their implementation will improve public confidence in the production, management and dissemination of official statistics.

Suggestion 1

Consider the points detailed in Annex 2 for ways of further improving the presentation of the statistics (para 3.4).

Annex 2: Compliance with Standards for Statistical Releases

- A2.1 In October 2010, the Statistics Authority issued a statement on *Standards for Statistical Releases*²². Whilst this is not part of the *Code of Practice for Official Statistics*, the Authority regards it as advice that will promote both understanding and compliance with the Code. In relation to re-offending statistics, this annex comments on compliance with the statement on standards.
- A2.2 In implementing Suggestion 1 (at annex 1), we encourage the producer body to apply the standards as fully as possible

Appropriate identification of the statistics being released

- A2.3 *PRSQ* has a clear title that includes the coverage (England and Wales), the frequency of release, the reference period of the statistics and publication date. The background information explains about the nature of the new release and makes clear which data are new. It refers to the earlier consultation. The release has a contents list. *Compendium* gives the coverage information in its Overview section but doesn't state the countries covered within the title.
- A2.4 *PRSQ* has the name of the originating department. It also gives the name and contact details of the responsible statistician at the rear of the report. Contact information is given in the front section of the release. *Compendium* gives only general contact information at the rear of the report – not the details for the responsible statistician.
- A2.5 The *PRSQ* introduction includes a statement about the contents of the release, setting out the main variables given. It also defines re-offending and the related measures. The executive summary of *Compendium* outlines the range of information given in the report.

Include commentary that is helpful to the non-expert and presents the main messages in plain English

- A2.6 The two releases both include an executive summary presenting an overview of the main findings. For *PRSQ*, this includes a summary table of the main statistics for the adult and juvenile re-offenders and comparisons over time.
- A2.7 The text in *PRSQ* attempts to explain the reasons for the changes in terms of the groups accounting for the greatest increases or decreases, such as prolific offenders, and comparisons by type of offence and type of sentence. It also gives results for individual prisons and probation trusts but it doesn't include the results for drug misusing re-offenders in the executive summary or contents list. Some technical terms are included and not explained eg 'standalone work requirement' and 'first tier penalties'.
- A2.8 The text is supported by summary tables, charts and maps. Figure 1 could be misleading in that it presents a bar chart with data for three years – 2000, 2007 and 2008 but with no gap between the bars for 2000 and 2007; this might be taken to be the change over the last three years.

²² <http://www.statisticsauthority.gov.uk/news/standards-for-statistical-releases.html>

A2.9 *Compendium* gives detailed analysis of selected re-offending topics and, while technical, presents the commentary in a straightforward way.

Use language that is impartial, objective and professionally sound

A2.10 The text in both releases is impartial and factually correct. *PRSQ* gives a clear explanation of the modelled estimates of re-offending, adjusting for differences in the composition of the offender group. MoJ also gives a clear account of differences between the new and old measures.

Include information about the context and likely uses

A2.11 *PRSQ* and *Compendium* both have introductory paragraphs which give a statement of why the statistics will be useful and for which types of users. *PRSQ* doesn't refer to 'Payment by Results' or other relevant policies to either explain how the statistics might be used or to suggest how re-offending levels may be affected by policy interventions. *PRSQ* does say that the results can't be used to examine the effectiveness of the sentence types. *Compendium* presents the results of detailed comparisons examining differences in re-offending between sentencing types but doesn't clearly relate the findings to the policy context.

Include, or link to, appropriate metadata

A2.12 *PRSQ* says that there are no international standards on measuring re-offending. The release refers to the consultation and to a technical report. *Compendium* gives background information about the methods and quality within the respective chapters.

Annex 3: Summary of assessment process and users' views

A3.1 This assessment was conducted from May to September 2011.

A3.2 The Assessment team – Catherine Barham and Penny Babb – agreed the scope of and timetable for this assessment with representatives of MoJ in May. The Written Evidence for Assessment was provided on 20 June 2011. The Assessment team subsequently reviewed compliance with the *Code of Practice* in discussions with MoJ in August, taking account of the written evidence provided and other relevant sources of evidence.

Summary of users contacted, and issues raised

A3.3 Part of the assessment process involves our consideration of the views of users. We approach some known and potential users of the set of statistics, and we invite comments via an open note on the Authority's website. This process is not a statistical survey, but it enables us to gain some insights about the extent to which the statistics meet users' needs and the extent to which users feel that the producers of those statistics engage with them. We are aware that responses from users may not be representative of wider views, and we take account of this in the way that we prepare assessment reports.

A3.4 Since MoJ had recently conducted a formal consultation of the proposed changes to re-offending statistics and circulated a draft statistical bulletin, the Assessment team restricted its user consultation to a key policy customer within MoJ and to the main academic user group associated with the statistics. Responses were received from these users.

A3.5 Points raised included:

- The users were generally happy with their contact with MoJ statisticians.
- The recent changes to the statistics were seen as improvements.
- Access to the underlying data would support further academic research.

Key documents/links provided

Written Evidence for Assessment document

