

Assessment of compliance with the Code of Practice for Official Statistics

Statistics on Prisons and Probation

(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*³. The Act also allows departments 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 prisons and probation statistics produced by the Ministry of Justice (MoJ) and reported in:

- *Multi-Agency Public Protection Arrangements Annual Report*⁴ (MAPPA);
- *Offender Management Statistics*⁵ (quarterly bulletin and annual tables) (OMS); and
- *Safety in Custody*⁶ (SC).

1.1.2 This assessment was partly conducted by self assessment. This means that MoJ's Head of Profession for statistics has investigated the statistics covered by this report and has confirmed that they comply with those parts of the *Code of Practice* that are listed in annex 3 as having been self assessed, except where noted otherwise in this report. Compliance with the remaining practices has been assessed by the Assessment team.

1.1.3 Section 3 of this report adopts an 'exception reporting' approach – it includes text only to support the Requirements made to strengthen compliance with the *Code* and Suggestions made to improve confidence in the production, management and dissemination of these statistics. This abbreviated style of report reflects the Head of Assessment's consideration of aspects of risk and materiality⁷. The Assessment team nonetheless assessed compliance with those practices in the *Code* shown as outside the scope of self assessment in annex 3, and has commented on all those in respect of which some remedial action is recommended. Many of these issues were also identified by MoJ in its statement of compliance.

1.1.4 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 <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.statisticsauthority.gov.uk/assessment/code-of-practice/index.html>

⁴ <http://www.justice.gov.uk/statistics/prisons-and-probation/mappa>

⁵ <http://www.justice.gov.uk/statistics/prisons-and-probation/oms-quarterly>

⁶ <http://www.justice.gov.uk/statistics/prisons-and-probation/safety-in-custody>

⁷ <http://www.statisticsauthority.gov.uk/assessment/assessment/guidance-about-assessment/criteria-for-deciding-upon-the-format-of-an-assessment-report.pdf>

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 confirms that the products listed in paragraph 1.1.1 can be designated as new National Statistics products, subject to MoJ implementing the enhancements listed in section 1.5 and reporting them to the Authority by October 2012.
- 1.2.2 MoJ has informed the Assessment team that it has started to implement the Requirements listed in section 1.5. The Statistics Authority welcomes this.

1.3 Summary of strengths and weaknesses

- 1.3.1 MoJ regularly consults users on the development of its statistics, including those related to the prisons and probation statistics. It has incorporated the feedback from users in its redesign of the publications and the timing of the releases.
- 1.3.2 MoJ has undertaken a range of work to improve its statistical releases. *OMS* presents clear descriptions of the statistics and is well supported by contextual explanations of the factors affecting the statistics. MoJ has made some improvements to the presentation of *SC* and *MAPP*A but the commentary and explanatory information require further development to be clear to non-experts.

1.4 Detailed recommendations

- 1.4.1 The Assessment team identified some areas where it felt that MoJ could strengthen its compliance with the *Code*. Those which the Assessment team considers essential to enable designation as National Statistics are listed in section 1.5. Other suggestions, which would improve the statistics and the service provided to users but which are not formally required for their designation, are listed at annex 1.

1.5 Requirements for designation as National Statistics

Requirement 1	Take steps to develop a greater understanding of the use made of the statistics, publish the relevant information and assumptions and use them to better support the use of the statistics (para 3.1).
Requirement 2	Provide an explanation of the extent of revisions at the same time that they are released (para 3.2).
Requirement 3	Publish more information about the quality and reliability of the prisons and probation statistics, and make clear their strengths and limitations in relation to potential uses (para 3.3).

Requirement 4

Improve the commentary in *SC* and *MAPP*A so that it aids user interpretation of the statistics (para 3.6).

Requirement 5

Update the Statement of Administrative Sources (para 3.7).

2 Subject of the assessment

- 2.1 MoJ is responsible for publishing a range of statistics on prisons and probation services in England and Wales, including: *Offender Management Statistics (OMS)*; *Safety in Custody (SC)*, and *Multi-Agency Public Protection Arrangements Annual Report (MAPPA)*. It also publishes *Prison Population Projections*⁸ which was the subject of a previous assessment⁹. MoJ took over responsibility for publishing statistics on prisons and probation in England and Wales from the Home Office when the Ministry was established in 2007. It was formed from parts of the Home Office (including the National Offender Management Service (NOMS) and the Youth Justice Board) and the Department for Constitutional Affairs.
- 2.2 *OMS* describes the offenders who are in prison or are under the supervision of the Probation Service. Until 2009 MoJ published the prisons and probation statistics in a range of separate releases, including:
- *Prison Statistics*¹⁰ (monthly);
 - *Probation Statistics*¹¹ (quarterly);
 - *Licence Recalls and Return to Custody*¹² (quarterly);
 - *Offender Management Caseload Statistics*¹³ (an annual National Statistics release presenting the above prisons and probation statistics); and
 - *Statistics of Mentally Disorder Offenders*¹⁴ (a separate annual National Statistics release).
- 2.3 IT problems in mid-2009 led MoJ to suspend the publication of the statistics for around eight months and to conduct a complete review of its statistics. Following a user consultation¹⁵, the offender management statistics were overhauled and merged into a single, coherent publication (*OMS*) on a quarterly basis, with detailed annual tables presented with the October-December release. MoJ publishes the *OMS* statistics as Official rather than National Statistics.
- 2.4 *Offender Management Caseload Statistics* included statistics on deaths in custody and serious further offences committed while under probation supervision. MoJ published the deaths in custody statistics separately in *SC* from 2009 and the serious further offences statistics in its re-offending statistics (subject of previous assessment¹⁶). A subset of the total serious offending statistics was published in *MAPPA* from 2010.

⁸ <http://www.justice.gov.uk/statistics/prisons-and-probation/prison-population-projections-ns>

⁹ Assessment report 7: <http://www.statisticsauthority.gov.uk/assessment/assessment/assessment-reports/index.html>

¹⁰ <http://www.justice.gov.uk/statistics/prisons-and-probation/population-in-custody>

¹¹ <http://www.justice.gov.uk/statistics/previous-stats/probation-statistics-brief>

¹² <http://www.justice.gov.uk/statistics/previous-stats/licence-recalls-and-returns-to-custody>

¹³ <http://www.justice.gov.uk/statistics/prisons-and-probation/omcs-annual>

¹⁴ <http://www.justice.gov.uk/statistics/previous-stats/mentally-disordered-offenders>

¹⁵ www.justice.gov.uk/downloads/statistics/mojstats/offender-management-consultation.pdf

¹⁶ Assessment report 141: <http://www.statisticsauthority.gov.uk/assessment/assessment/assessment-reports/index.html>

- 2.5 SC presents statistics on deaths, self-harm and assaults incidents in prison in England and Wales. The statistics on deaths in custody are available from 2001 (aggregate figures from 1978) while the statistics on self-harm and assault are available from 2004. The statistical release is prepared jointly by statisticians in MoJ and in NOMS¹⁷, the agency responsible for commissioning and delivering adult offender management services, in custody and in the community, in England and Wales. The statistics are taken from a dedicated death in custody database managed by NOMS, as well as from the prisons and probation services case management information systems.
- 2.6 Under the *Criminal Justice Act 2003*¹⁸ multi-agency public protection arrangements bring together the police, probation and prison services, with other organisations such as Children’s Services, Adult Social Services, Youth Offending Teams, and the UK Border Agency, to develop a coordinated risk management plan to support the supervision of serious offenders. *MAPPA* presents the number of offenders by category type and the ‘levels’ at which they are managed. It also shows the numbers of MAPPA offenders that commit serious further offences while under probation supervision.
- 2.7 The statistics are used by MoJ, and HM Inspectorates of Prisons and the Probation Service in their oversight of the prisons and probation services; uses include monitoring reoffending by dangerous offenders and the performance of individual prisons. The statistics are used to inform Government policy such as on reforming the probation service¹⁹, and on specific types of offenders, such as women prisoners²⁰. The prisons and probation statistics are also used by practitioners for benchmarking the performance in individual areas, comparing with other areas and nationally. The voluntary sector uses the statistics in its lobbying of government, such as by the Prison Reform Trust²¹; the Howard League for Penal Reform²²; the campaign group, Women in Prison²³, and the Mental Health Foundation²⁴.
- 2.8 The cost to MoJ and NOMS of producing the prisons and probation statistics is estimated to be: *OMS* – 3.1 full-time equivalents (FTE); *MAPPA* – 0.45 FTE, and *SC* – 0.75 FTE.

¹⁷ <http://www.justice.gov.uk/about/noms>

¹⁸ <http://www.legislation.gov.uk/ukpga/2003/44/contents>

¹⁹ <https://consult.justice.gov.uk/digital-communications/effective-probation-services>

²⁰ <http://www.justice.gov.uk/offenders/types-of-offender/women>

²¹ <http://www.prisonreformtrust.org.uk/>

²² <http://www.howardleague.org/key-issues/>

²³ <http://www.womeninprison.org.uk/statistics.php>

²⁴ <http://www.mentalhealth.org.uk/help-information/mental-health-statistics/prisons/>

3 Assessment findings

- 3.1 MoJ has published a user engagement strategy²⁵. Each year it consults users about its work programme and publishes its response document²⁶. In its most recent review of its work plan it sought feedback on proposed changes to SC. It also consulted users about proposed changes to OMS. MoJ responded to users' feedback by changing the frequency of publication of SC to quarterly and by publishing a consolidated dataset of local MAPPA statistics. MoJ told us that it has not prepared detailed documentation of the needs of users or any clear indication of how the offender management statistics are used. MAPPA and SC also contain little information about the use of the statistics. As part of the designation as National Statistics, MoJ should take steps to develop a greater understanding of the use made of the statistics, publish the relevant information and assumptions and use them to better support the use of the statistics²⁷ (Requirement 1). We suggest that MoJ refer to the types of use put forward in the Statistics Authority's Monitoring Brief, *The Use Made of Official Statistics*²⁸ when documenting use.
- 3.2 The prisons and probation statistical releases each include statistics that have been subject to revision. For example, Table 6 of MAPPA notes that a figure for one area is revised as the data had been incorrectly recorded, but the explanation does not give the extent of the revision. SC and OMS outline the revisions policy and the reason for revisions; however, the releases do not give an indication of the scale of any changes. As part of the designation as National Statistics, MoJ should provide an explanation of the extent of revisions at the same time that they are released²⁹ (Requirement 2).
- 3.3 The statistical releases include explanations of the main terms used and highlight some key issues affecting the recording of the data, for example, the impact of the new Prison management information system in 2009/10 in OMS. Other issues, however, are not sufficiently explained, such as quality issues regarding the receptions statistics which led MoJ to publish the statistics as provisional 'pending the outcome of data quality work'. SC refers to changes in the recording of safety in custody incidents improving after 2003/04 but without further explanation of how the recording has changed and its impact. MAPPA does not provide sufficient explanation of the operational and recording changes, such as in relation to changes following *Probation Circular 22/2008*. As part of the designation as National Statistics, MoJ should publish more information about the quality and reliability of the prisons and probation statistics, and make clear their strengths and limitations in relation to potential uses³⁰ (Requirement 3).
- 3.4 MoJ told us that OMS used to present international comparisons of prison population statistics and that it intends instead to provide links to equivalent statistics for other relevant countries, where appropriate. During the course of

²⁵ <http://www.justice.gov.uk/statistics/statistics-policy-procedures>

²⁶ <http://www.justice.gov.uk/downloads/consultations/improvements-MoJ-statistics-consultation-response.pdf>

²⁷ In relation to Principle 1, Practices 2 and 5 of the *Code of Practice*

²⁸ <http://www.statisticsauthority.gov.uk/assessment/monitoring/monitoring-briefs/index.html>

²⁹ In relation to Principle 2, Practice 6 of the *Code of Practice*

³⁰ In relation to Principle 4, Practice 2 and Principle 8, Practice 1 of the *Code of Practice*

- the assessment, MoJ included links in *OMS* to the equivalent crime and justice statistics in Scotland and Northern Ireland.
- 3.5 *OMS* provides detailed commentary in each quarterly report that is straightforward and clear; the Assessment team considers it to be a good example for other producers of official statistics to follow. It explains the main terms used in the text and outlines factors influencing the statistics related to legislative, operational and social issues, for example, the impact of the riots in summer 2011 on the statistics, and guidance on the length and nature of sentences. The factors affecting prison statistics over time have been described in a separate publication *Story of the Prison Population 1995-2009*³¹ which MoJ told us that it plans to extend to include the latest statistics. We suggest that MoJ update the *Story of the Prison Population*.
- 3.6 *SC* has a detailed introduction and provides explanations of the main terms and factors influencing the interpretation of the self-harm statistics. The commentary briefly highlights the main findings and is supported by summary charts and tables, but it does not outline the issues that might underpin the observed changes. *MAPPA* has very brief commentary. It does not use charts but the detailed tables are given in the release. The explanation at the beginning of the release helps users to understand the context but the commentary does not go beyond describing the latest changes in the figures, and the reason for the lack of time trends is not explained. As part of the designation as National Statistics, MoJ should improve the commentary in *SC* and *MAPPA* so that it aids user interpretation of the statistics³² (Requirement 4). We suggest that in meeting this requirement MoJ should consider the points detailed in annex 2.
- 3.7 The prisons and probation statistics are listed in MoJ's Statement of Administrative Sources but MoJ told us that it has yet to update the Statement to reflect the data linkage that has occurred since 2010. As part of the designation as National Statistics, MoJ should update its Statement of Administrative Sources³³ (Requirement 5).
- 3.8 MoJ publishes the pre-release access lists alongside each statistical release. It gave full pre-release access to *OMS* and *SC* to between 10 and 20 officials and ministers, and partial access to just the licence recall statistics in *OMS* to a further 20 people. The PRA list for *MAPPA* included over 50 recipients, as this includes the heads of the strategic management board for each of the 42 *MAPPA* areas. MoJ told us that the lists are reviewed and updated before each publication to ensure that they are kept to a minimum.

³¹ <http://www.justice.gov.uk/statistics/prisons-and-probation/prison-population-1995-2009>

³² In relation to Principle 8, Practice 2 of the *Code of Practice*

³³ In relation to Protocol 3, Practice 5 of the *Code of Practice*

Annex 1: Suggestions for improvement

A1.1 This annex includes some suggestions for improvement to MoJ's prisons and probation 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 Refer to the types of use put forward in the Statistics Authority's Monitoring Brief, *The Use Made of Official Statistics* when documenting use (para 3.1).

Suggestion 2 Update the *Story of the Prison Population* (para 3.5).

Suggestion 3 Consider the points detailed in annex 2, in seeking to improve the statistical releases (para 3.6).

Annex 2: Compliance with Standards for Statistical Releases

- A2.1 In October 2010, the Statistics Authority issued a statement on *Standards for Statistical Releases*³⁴. While 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 the statistical releases associated with MoJ's prisons and probation statistics, this annex comments on compliance with the statement on standards.
- A2.2 In implementing any Requirements of this report (at paragraph 1.5) which relate to the content of statistical releases, we encourage the producer body to apply the standards as fully as possible.

Appropriate identification of the statistics being released

- A2.3 The releases give the coverage, reference period and frequency of publication but *OMS* does not make it clear that the prison populations statistics are more current than the statistics on prison receptions/discharges and the probation statistics. The introduction to each release outlines what is included. The name of the originating department is given. The statistics are currently official statistics and so don't carry the National Statistics logo. *OMS* and *SC* give the name and contact details for the responsible statistician while *MAPP* doesn't.

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

- A2.4 *OMS* provides detailed commentary that is straightforward and clear. It explains the main terms in the text and outlines factors that impact the statistics, such as those related to legislative, operational and social issues, for example, the impact of the riots in summer 2011 on the statistics and guidance on the length and nature of sentences. The first table in *OMS* gives an overview of the key metrics – this is probably helpful for expert users but could be a bit overwhelming for non-experts. The factors affecting prison statistics over time have been described in a separate publication *Story of the Prison Population 1995-2009*³⁵ which is highlighted in the release. The section about court reports does not fully explain the differences between the types of reports so the relevance and meaning of the latest figures is not obvious.
- A2.5 *SC* includes a fuller introduction than *OMS*, in which MoJ gives explanations of the main terms used and factors that influence the interpretation of the self-harm statistics. It flags a helpful timeline in Appendix A that sets out the key events and developments since 2000 that have affected safety in custody. The structure of the report is straightforward – a summary of the main findings and then a section each for deaths in custody, self-harm and assaults. The commentary briefly highlights the main findings and is supported by summary charts and tables, but it doesn't outline the factors that influence the observed changes. The impact of recording improvements isn't sufficiently explained (*SC*,

³⁴ <http://www.statisticsauthority.gov.uk/news/standards-for-statistical-releases.html>

³⁵ <http://www.justice.gov.uk/statistics/prisons-and-probation/prison-population-1995-2009>

Pages10-11). Drug-related deaths are not separately identified as the release says that the numbers are small but these could be of general interest.

A2.6 *MAPPA* includes very brief bullet-point commentary. It doesn't use charts but tables are given in the release. The explanation at the start helps users to understand the context to some degree but the commentary doesn't go beyond describing the latest changes in the figures. This is due to the relatively rare nature of these events and fluctuations that can occur in small numbers; this is not explained.

Use language that is impartial, objective and professionally sound

A2.7 The language in each release is impartial. The statistics are presented in appropriate ways. The standardised mortality ratio description is helpful and clear in *SC*. There are a few examples though where some descriptions could more accurately reflect the patterns; for example, *SC* refers to a peak in 2008 of assault incidents when the chart (Figure 2, of footnote 6) shows the rate was level between 2005 and 2008. Each of the releases is in the MoJ house style, showing numbers in the text to the unit level, even though they point out in the explanatory notes that the figures 'are not necessarily accurate to the last whole number'. Rounding the numbers in the text would help make the text more understandable, and avoid conveying an undue sense of accuracy.

Include information about the context and likely uses

A2.8 *OMS* and *SC* both include a general statement at the end of their introductions flagging that the statistics are useful for government policy makers and for the agencies responsible for offender management at a national and local level. Little information is given about how the statistics will be used and the types of decision they will inform, although *SC* includes a timeline of key events and developments that may have influenced the statistics. *MAPPA* explains about the legislation that underpins the statistics, but it isn't clear who uses these statistics or what decisions they inform.

Include, or link to, appropriate metadata

A2.9 Each release includes an explanatory annex with some information about data collection and quality issues. These tend to be definitional rather than covering detailed quality material. *OMS* and *SC* have the general statement about the statistics being affected by the inaccuracies inherent in any large scale recording system. *MAPPA* doesn't provide sufficient information about the impact of operational changes on the statistics. The release doesn't provide measures of the completeness and timeliness of recording on the new prison IT system and how the data quality has changed with the improvements in recording.

Annex 3: Summary of assessment process and users' views

A3.1 This assessment was conducted from April to July 2012.

A3.2 The Assessment team – Penny Babb and Rachel Beardsmore – agreed the scope of and timetable for this assessment with representatives of MoJ in April. The Head of Profession for statistics for MoJ then assessed the statistics against the practices as indicated in the table below and identified some areas for improvement. The Assessment team complemented this with its own independent research into compliance against the *Code*.

	Practices that have been self assessed by MoJ	Practices assessed by the Authority's Assessment team
Principle 1: Meeting User needs	1, 3, 4, 5	2
Principle 2: Impartiality and objectivity	1, 3 - 9	2
Principle 3: Integrity	1 - 7	-
Principle 4: Sound methods and assured quality	1 - 5, 7	6
Principle 5: Confidentiality	1 - 6	-
Principle 6: Proportionate burden	1 - 5	-
Principle 7: Resources	1 - 7	-
Principle 8: Frankness and accessibility	3, 4, 6, 7	1, 2, 5
Protocol 1: User Engagement	1 - 6	7
Protocol 2: Release Practices	1 - 9	-
Protocol 3: Use of administrative sources for statistical purposes	1 - 4, 5a, b, c, d, f	5e

A3.3 MoJ provided its compliance statement in May. The Assessment team held discussions with the MoJ producer teams during May, to review compliance with the *Code of Practice*, taking account of the written material provided and other relevant sources of evidence.

Summary of users contacted, and issues raised

A3.4 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.

A3.5 The Assessment team received 2 responses from the user consultation. The respondents were grouped as follows:

Department agency	1
Voluntary sector	1

A3.6 The two users were positive about their engagement with the statistical producers and said that the statistics largely meet their needs. Some areas were identified where further information would be helpful. These included: suicide in the SC statistics, individual offender characteristics (such as age, sex, and ethnicity) for *OM* and offenders registered for life (such as on the sex offender register) for *MAPPA*.

Key documents/links provided

Statement of compliance

