

Explanatory Memorandum to the Draft Official Statistics (Wales) Order 2017

This Explanatory Memorandum has been prepared by Knowledge and Analytical Services and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Official Statistics (Wales) Order 2017 “(the Order)”.

Mark Drakeford
Cabinet Secretary for Finance and Local Government
3 October 2017

1. Description

This Order designates the statistics produced, or to be produced, by bodies listed in the Schedule to the Order as “official statistics” for the purposes of the Statistics and Registration Services Act 2007 (“the 2007 Act”). The effect of designation as official statistics is set out in section 4 below.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

It is considered that the Order does not raise any matters of special interest to the Committee which are not referred to elsewhere in the Memorandum.

3. Legislative background

Under section 6(1)(a) of the 2007 Act, all statistics produced by government departments, the Scottish Administration, a Welsh Ministerial authority, a Northern Ireland department or any other person acting on behalf of the Crown are official statistics. “Official statistics” is defined in section 6(1) of the 2007 Act. The power of the Welsh Ministers to make this Order is contained in section 6(1)(b) and (2) of the 2007 Act, which allows orders to be made to specify other persons as producers of official statistics. This Order designates the statistics produced, or to be produced, by the bodies listed in the Schedule as official statistics.

The Order is subject to approval by the Assembly (the affirmative resolution procedure).

4. Purpose & intended effect of the legislation

The 2007 Act created a new non-ministerial department, the Statistics Board (which operates under the name ‘UK Statistics Authority’) (“the Board”). The 2007 Act conferred a number of functions on the Board to promote and safeguard the quality and comprehensiveness of official statistics. The Board is required to monitor the production and publication of official statistics and to report relevant concerns to the person responsible for those statistics (section 8 of the 2007 Act). The Board may publish its findings or report under that section. At the request of the appropriate authority (defined in section 12(7) of the 2007 Act), the Board must assess and determine whether the Code of Practice for Official Statistics (“the Code”) has been complied with in relation to any official statistics and, if so, to designate those statistics as “National Statistics” (section 12 of the 2007 Act).

The impact of designation as official statistics on the producers of such statistics is that:

- a) the production and publication of official statistics is subject to monitoring and reporting by the Board (section 8 of the 2007 Act);

- b) the persons producing official statistics designated as “National Statistics” are required to fully comply with the Code, in order to maintain that designation. For official statistics that are not designated as “National Statistics” compliance with the Code is not a formal requirement but is best practice to be observed (para iii of the preamble to V1.0 of the Code);
- c) the persons producing official statistics must comply with the relevant rules and principles relating to the granting of pre-release access to official statistics to the extent applicable to them and, in relation to official statistics designated as “National Statistics”, must do so as if these rules and principles are part of the Code. These rules are outlined in the Pre-release Access to Official Statistics (Wales) Order 2009;
- d) the person responsible for any official statistics in respect of which an assessment is being made under section 12 of the Act must provide the Board with such information about the statistics as it may reasonably require.

This is the second time that this order-making power has been exercised by the Welsh Ministers, the first time being in 2013 when five bodies were listed: the Arts Council of Wales, Natural Resources Wales, Public Health Wales, Sports Council for Wales and the Welsh Language Commissioner. As in 2013, the 2017 Order applies to wholly Welsh devolved statistics. Welsh devolved statistics are defined under section 66(3) of the 2007 Act. The Order designates the statistics produced, or to be produced by the additional 14 bodies listed in the Schedule as official statistics. These are the Children’s Commissioner for Wales, the Commissioner for Older People in Wales, Data Unit ~ Wales, the Emergency Ambulance Services Committee, Finance Wales, the Future Generations Commissioner, Meat Promotion Wales, the National Centre for Learning Welsh, Qualifications Wales, Social Care Wales, Transport Wales, Velindre NHS Trust (Shared Services Partnership), Welsh Ambulance Services NHS Trust and the Welsh Revenue Authority. Each of the bodies that are listed in the Schedule produce, or have the potential to produce, important statistics but over which the Board has no control, or power to make assessments against its Code. Therefore, by listing these bodies in the Schedule to the Order, the Board is able to fulfil its duty to promote and safeguard the quality and comprehensiveness of official statistics.

5. Consultation

Bodies that have been included in the Order have agreed to be included, following direct discussions with the statistical Head of Profession and/or his colleagues.

As required by the 2007 Act, the Board has been consulted on this Order. No comments were received on the Order and as a result no amendments were necessary.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been prepared in respect of this Order. The Order impacts only on those bodies listed in the Schedule. . All of these bodies may be considered as arm-length bodies and therefore no impact on businesses, individuals and the voluntary sector is foreseen. The impact on the public sector is expected to be negligible.

The Order has no impact on the Welsh Ministers statutory duties set out under sections 77- 79 of the Government of Wales Act 2006 or the local government, voluntary sector and business schemes made under sections 73, 74 and 75 of the Government of Wales Act 2006 respectively.