

# Statistics Legislation Steering Group

## Consultation Feedback Report

### Vision Paper: A new legislative framework for statistics in Jersey

#### 1. Background to the Consultation

- 1.1 The aim of the consultation was to seek islanders' views on proposals to amend the Statistics and Census (Jersey) Law 2018 (the "2018 Law") to bring Jersey's statistical system in line with international best practice. The Statistics Legislation Steering Group ("the Group") published these proposals in its Vision Paper. The Group also published a policy report to accompany the Vision Paper which provided an overview of the policy rationale for the proposals.
- 1.2 The Vision Paper presented proposals which the Group found are required in order to maintain the public's trust and confidence in the Island's statistical system in the long term. It developed initial proposals for legislative changes in the following five areas:
  - a) the governance of Statistics Jersey;
  - b) the identification and protection of Jersey's official statistics;
  - c) the coordination of the National Statistical System (NSS);
  - d) the role of a Statistical Advisory Council (SAC)<sup>1</sup>; and
  - e) data sharing.
- 1.3 Produced below are a summary of the feedback provided in the consultation, alongside the Group's formal response to that feedback.

#### 2. Consultation Process

- 2.1 The consultation ran from 25 October to 6 December 2021. Public feedback was invited on all aspects of the proposals either by post or via email to a dedicated email address. Specific feedback was also requested on the following matters:
  - Should the Chief Statistician be appointed to the role permanently, like the Chief of Police, or be appointed for a fixed term, like the Children's Commissioner who can serve no longer than 8 years?
  - The UN define the main users of official statistics as the general public, the media, researchers and students, businesses, public authorities, non-governmental organizations, international organizations and authorities of other countries who receive or access official statistics.

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<sup>1</sup> N.B. The Group now proposes that the Statistical Advisory Council (proposed new name for SUG) should be called the Statistics Council. This change will be adopted under the Law and in future references. Under Article 5(1) of the 2018 Law, the Statistics Users Group (SUG) "is independent of government and has the primary function of overseeing the quality, relevance and integrity of statistics compiled by or on behalf of a public authority." The Group confirms that the role which the Statistics Council takes on shall not be diluted from that currently undertaken by the SUG in any proposed law changes.

- i. should any of these types of users be excluded from participating in the Statistical Advisory Council?
- ii. if so, should people who used to undertake these activities in the past (for example, former journalists or Assembly Members) be able to participate in the Council?

2.2 In total, 14 responses were received – all were provided via email. There were 3 responses to the consultation from organisations and 11 responses were provided by private individuals.

**Note: Limits on the consultation process**

The feedback from the consultation process provides valuable insight into respondents' views about the proposals to amend the 2018 Law.

In reviewing the feedback received, it is important to note that this reflects the views of people and organisations who responded to the consultation. The feedback is not statistically sound and does not necessarily represent the views of islanders as a whole.

- 2.3 The questions posed in the consultation were answered in full by 6 respondents. Partial responses to the questions were provided by a further 2 respondents. Detailed responses across several of the Vision Paper's proposals were provided by 4 respondents, while particular issues were raised by a further 2 respondents.
- 2.4 The Group was pleased with the range of comments which were broadly consistent and largely supportive of the Group's proposals. One organisation would have welcomed longer to respond.
- 2.5 The general feedback provided has been consolidated and summarised in [section 4](#), below, alongside the Group's responses. The full responses received can be found in the [Appendix](#), below. Please note that, in line with the consultation's privacy notice, responses provided by private individuals have been anonymised. Responses provided on behalf of organisations have been attributed.

### 3. Consultation Feedback: Responses to Questions

- 3.1 There were 7 responses to the question posed as to whether the appointment of the Chief Statistician should be permanent or for a fixed term. Of those responses 6 were in favour of a fixed-term appointment and 1 respondent stated that the Chief Statistician should be a permanent civil service appointment.
- 3.2 **Response:** The Group accepts that the Chief Statistician should be appointed on a fixed-term basis and that this should be for a maximum period of 9 years. This is appropriate given that the Chief Statistician will become a corporation sole and hold significant responsibility under the Law. This is in line with the Jersey Appointments Commission's guidelines which set out that members of independent bodies should not normally be appointed for terms in excess of 9 years. Consideration must be given to providing the Chief Statistician with sufficiently lengthy notice period (perhaps of 1 year) under their contract of employment to ensure that transitions between office holders are as ordered as possible.

- 3.3 There were a further 7 responses to the question posed as to whether any statistics users should be excluded from membership of the Statistical Advisory Council (SAC). Of those responses 6 stated that no individuals should be excluded from membership of the SAC and 1 respondent stated that active States Members should be excluded from membership of the SAC.
- 3.4 One respondent actively supported the SAC having a broad membership, stating that “the value of the Council would be enhanced by including in its membership representation from frequent users of official statistics across government, arms-length organisations, industry and the general public. This will help ensure the NSS and Chief Statistician respond to the concerns and demand for data as it is used on island and help ensure efforts are best directed in this exercise.”
- 3.5 **Response:** The Group does not accept that current States members should be permitted to join the SAC. This is because there would be an actual and perceived conflict of interest, given that States members have the role of making policy. The Group accepts that no other users of statistics should be legally excluded from membership of the SAC.<sup>2</sup>

## 4. Consultation Feedback: General Feedback

### Section 2: Governance of Statistics Jersey

4.1 In summary, the consultation responses:

- Supported the proposals to provide additional legal safeguards to guarantee the independence of Statistics Jersey and the statistical system as a whole.
- Suggested that principles of general application for the governance and accountability of bodies and officers where independence from government is required should be developed.
- Questioned the suitability of the corporation sole model legal structure for the Chief Statistician and of primarily vesting independence in an individual rather than the statistical system as a whole.
- Expressed concerns about the Chief Minister having powers to suspend and dismiss the Chief Statistician.
- Supported the introduction of a statutory requirement for Statistics Jersey to produce an annual report but noted that the Vision Paper did not propose to require Statistics Jersey’s annual report to include financial statements which would be subject to independent audit by an auditor appointed by the Comptroller and Auditor General (C&AG).

4.2 **Response:** The Group’s terms of reference are to develop proposals for improvements to Jersey’s statistical legislation, including the governance of Statistics Jersey and the

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<sup>2</sup> N.B. Standard process to assess all other candidates for actual and/or perceived conflicts of interest would still apply.

statistical system as a whole, and it is, therefore, not within the Group's remit to explore the governance of ALBs more broadly.

- 4.3 **Response:** The Group does not accept that it is unsuitable to enhance the independence of the Chief Statistician by making the role a corporation sole. The Group considered several potential models for the governance of Statistics Jersey and the Chief Statistician under the Law, as set out in the policy report. It concluded that the corporation sole model upheld the independence of the Chief Statistician. The Group's proposals would also enhance the independence of Statistics Jersey, the SAC, and of statistics producers in public authorities.
- 4.4 **Response.** There must be powers to suspend and to dismiss all those appointed to public offices. The Group does not accept that it is inappropriate for the Chief Minister to exercise these powers under the Law, providing that, as the Group proposes, these powers are constrained appropriately. These constraints include the requirement that the SAC must be provided with prior notice of the dismissal.
- 4.5 **Response:** The Group accepts that the Law must require a statement of financial information to be included in the annual report of Statistics Jersey to enhance disclosure and strengthen independence. The Group proposes that a requirement for Statistics Jersey's accounts to be audited either as part of the Government's accounts or separately by an auditor appointed by the C&AG will be included under amendments to the Law.

### Section 3: Official Statistics

- 4.6 In summary, the consultation responses:
- Supported the proposed establishment of a framework for all public authorities to be able to produce key official statistics (tier 1 statistics), as this could help facilitate the wider use of administrative data collected by government departments and unlock the potential for this data to be used to help inform policy development across government.
  - Questioned the proposals for designating the most important public statistics as tier 1 statistics and the power provided to the Chief Statistician to make these decisions.
  - Stated that the production of statistics should ultimately be a function of the Chief Statistician and all government departments should be able to make the case for production of statistics relevant to their area of interest.
  - Stated that statistical outputs require funding before they can be considered as tier 1 statistics. Highlighted that adequateness of quality is a subjective matter and questioned what the mechanism would be to determine what is deemed adequate in Jersey.
- 4.7 **Response:** The Group maintains that the Chief Statistician should have control over designating tier 1 statistics. This accords with the United Nations Guidance on Modernising Statistical Legislation (UNECE Guidance) which makes it clear that "the Chief Statistician should have full authority to decide on the content of the draft multi-year and annual statistical programmes."<sup>3</sup> The Group accepts that further guidance will be required to set out

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<sup>3</sup> UNECE Guidance, paragraph 53, p.16.

the process for designating tier 1 statistics. The Law establishes the overarching framework for this process, only. It should be noted that, as noted at paragraph 23 of the Vision Paper, the endorsement of SAC and of the relevant ministers or public authority involved in the production of the statistics (which shall not be unreasonably withheld) would be required before the Chief Statistician could designate them as tier 1 statistics, to ensure alignment with the requirements of the Public Finance Law and the principles of democratic accountability.

4.8 **Response:** The Group accepts that the Chief Statistician and Statistics Jersey should retain responsibility for producing key statistics (which will be termed tier 1 statistics) as they have the appropriate skills and experience to do so. However, it must be recognised that other public authorities produce a wide range of important statistics and should, therefore, not be precluded from producing tier 1 statistics in future. The Group's proposals aim to work in support of improving Jersey's existing decentralised statistical system.

4.9 **Response:** The Group accepts that funding is required to develop statistics prior to them being capable of being considered tier 1 statistics. Funding may be required for Statistics Jersey, or it may be required for other public authorities to enable them to improve the quality/range of their statistics to attain the standards of tier 1 statistics. The Group recognises that there is a need to balance resources and the adequacy of statistics. This balancing is addressed in a process and not in the Law. The process is that the Chief Statistician must explain and report on the decisions which they make. The SAC also has the power to review and to report on the Chief Statistician's decisions. It should be noted that the Law would not preclude the Chief Statistician from establishing other tiers of statistics (e.g. tier 2 and tier 3) in guidance, in consultation with the Statistical Advisory Council.

#### **Section 4: Coordination of the Statistical System**

4.10 In summary, the consultation responses:

- Supported the establishment of a system of official statistics produced by a number of public authorities under the guidance of the Chief Statistician.
- Questioned the coherence of the Chief Statistician being the professional head of all government statisticians, given that the NSS is likely to be small as there are unlikely to be many producers of tier 1 statistics.

4.11 **Response:** The Group proposes that the Chief Statistician would be the professional head of all statisticians and analysts across the Government of Jersey and all public authorities – this is not limited to those statisticians/analysts who produce tier 1 statistics. The Group acknowledges that, initially, there are likely to be few producers of tier 1 statistics aside from Statistics Jersey. The proposed changes to the statistical system are designed to gradually increase the number of producers over time.

#### **Section 5: Statistical Advisory Council**

4.12 In summary, the consultation responses:

- Supported the SAC as a valuable forum to scrutinise the production of official statistics.
- Advocated for enhancing the value of the SAC by including in its membership representation from frequent users of official statistics across government, ALBs, industry and the general public.
- Questioned what the SAC's size and membership would be, including the process for appointing and dismissing members.

4.13 **Response:** The Group accepts that the SAC should have a membership that broadly reflects statistics users as defined by the UN<sup>4</sup>. It accepts that the Law must establish a process that demonstrates independence from government for appointing and dismissing both the Chair and members of the SAC.

## Section 6: Data Access and Sharing

4.14 In summary, the consultation responses:

- Supported the proposal to allow outside researchers to access more detailed data collected by Statistics Jersey, seeing this as a way of potentially unlocking the value in the data collected.
- Suggested consideration be given to whether this provision should be widened to enable public authorities to request data for the public good.
- Raised concerns that enabling approved researchers to access anonymised microdata would, in practice, be challenging in Jersey as there are heightened risks of that data being leaked or attributable.
- Stated that legislation currently allows Statistics Jersey to request data for statistical and research purposes from public authorities, and it imposes a duty to maintain the security and confidentiality of data.

4.15 **Response.** The Group does not propose to widen the access to anonymised microdata beyond approved researchers. Public authorities currently have powers to access data under legislation for purposes which are relevant to their functions. The Group would, however, encourage the Government to introduce policy for widening the availability of open datasets.

4.16 **Response.** The Group accepts that this area of policy requires further development, but that it would be of value to provide such a Scheme in Jersey which is available in other jurisdictions. The proposed powers to establish an approved researcher Scheme require careful consideration – the Group acknowledges that this must not be capable of abuse. The Group notes that respondents did not question the value in enabling approved researchers to access anonymised microdata. Concerns surround the feasibility of doing so in a small jurisdiction.

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<sup>4</sup> See Section 2.1 above.

4.17 It must be clarified that, under the Group's proposals in its Vision Paper, any analyses carried out by approved researchers in the microdata lab would be checked by an officer of Statistics Jersey before the analysis could be released.

## **5. Next steps**

5.1 The Group recommends that the development of legislative amendments continues in accordance with both its Vision Paper and this consultation report.

5.2 The Group recommends that the Chief Minister bring forward amendments to the 2018 Law, which are based upon its proposals, as soon as possible.

## Appendix: Consultation Responses

These responses are presented by organisation in order of submission and by individuals in order of submission.

### Response 1: Jersey Competition Regulatory Authority



## Proposed amendments to the Statistics and Census (Jersey) Law 2018: Consultation response

The Jersey Competition Regulatory Authority (**the Authority**) welcomes the opportunity to comment on the Vision Paper for statistics in Jersey. Independent statistics are essential for the functioning of modern economies and users of official statistics should be ensured the information provided is accurate, high quality and free from political or other influence. Reflecting this, the Authority strongly supports the objective set out to bring the 2018 Law in line with international best practice. This will help maintain the public's trust and confidence in the Island's statistical system.

Specific observations and remarks on the Vision Paper by section are set out below.

### Section 2. Governance of Statistics Jersey

The Authority supports the proposed legislative amendments to the Governance of Statistics Jersey. In particular, consistent with international best practice the Authority welcomes the additional steps taken to guarantee the independence of Statistics Jersey.

### Section 3. Official Statistics

The proposal to establish a framework for all public authorities to produce official statistics can help ensure the same quality assurance is undertaken for a broader range of data and that these serve the island better. This, for example, could help facilitate the wider use of administrative data collected by government departments, and unlock the potential for this data to be used to help inform policy development across government. Introducing more formal governance arrangements would also encourage a higher, consistent standard is held across government and should also help guide organisations less familiar with best practice towards producing improved data.

The Authority notes, while it collects data as part of its functions, its main statistical output is the annual Telecommunications Statistics and Market Report. The Report is a joint project with the Guernsey Competition and Regulatory Authority (**GCRA**), with a service level agreement with Statistics Jersey to produce the pan-Channel Islands Report. Though scrutiny and suggestions for



improvement on this report are welcome, the Authority's initial assessment is that this does not satisfy the criteria required to be considered "tier 1" statistics.

#### Section 4. Coordination of the National Statistical System

As outlined above, the Authority supports the establishment of a system of official statistics produced by a number of public authorities under the guidance of the Chief Statistician. As such it welcomes the proposal for a National Statistical System (**NSS**).

#### Section 5. Statistical Advisory Council

The Authority notes the Statistical Advisory Council would be a valuable forum to scrutinise the production of official statistics. The value of the Council would be enhanced by including in its membership representation from frequent users of official statistics across government, arms-length organisations, industry and the general public. This will help ensure the NSS and Chief Statistician respond to the concerns and demand for data as it is used on island and help ensure efforts are best directed in this exercise.

#### Section 6. Data access and sharing

The Authority welcomes the proposal to allow outside researchers to access more detailed data collected by Statistics Jersey and see this is a way of potentially unlocking the value in the data collected. The Authority believes consideration should be given as to whether this provision should be widened to enable a public authority to also request data for the public good. For example, this could allow disclosure in a controlled manner for the purpose of enabling or assisting a person to exercise that person's statutory functions; or for a purpose approved by the relevant Minister.

## Response 2: Comptroller & Auditor General



6 December 2021

Statistics Law Consultation  
SPPP  
Government of Jersey  
19-21 Broad Street  
St Helier  
Jersey JE2 3RR

Via email to: [statisticslaw@gov.je](mailto:statisticslaw@gov.je)

Dear Sir or Madam

### **Proposed amendments to the Statistics and Census (Jersey) Law 2018**

I welcome the opportunity to respond to the consultation on proposed amendments to the Statistics and Census (Jersey) Law 2018.

### **About the Comptroller and Auditor General**

The Comptroller and Auditor General (C&AG) is the supreme audit institution for Jersey. Under the Comptroller and Auditor General (Jersey) Law 2014 the remit of the C&AG includes:

- the appointment of auditors of the financial statements of the States of Jersey; and
- reporting to the States Assembly on internal control, value for money and corporate governance.

I discharge my responsibilities via the Jersey Audit Office. Further information about the Office and its work may be found at: <https://www.jerseyauditoffice.je>.

### **Scope of this consultation response**

The C&AG issues reports to the States Assembly providing assurance about the use of public funds and making recommendations for improvement.

In preparing this response I have not sought to address all the issues raised in the consultation document. Instead, I have focussed on the elements of the consultation that relate directly to areas identified in previous reports issued by the C&AG and the recommendations made in those reports.

My focus has therefore been on:

- my predecessor's 2019 report entitled *Governance – A Thinkpiece*; and
- my 2021 report entitled *Public Audit in Jersey: A Thinkpiece*.

## **Governance of Statistics Jersey**

In her 2019 report my predecessor identified areas for consideration, including:

**A18** *Adoption of clear principles for the governance and accountability of bodies and officers responsible for activities where an element of independence from Government is required.*

**A19** *A systematic review of arrangements for the governance and accountability of such bodies in light of those principles.*

The consultation document sets out in Section 2 consideration of the appropriate governance arrangements for Statistics Jersey, including in light of UNECE Guidance. In particular, it evaluates different options. But that evaluation is undertaken in the absence of articulated principles of general application for the governance and accountability of bodies and officers where an element of independence from Government is required.

In my view, priority should be given to the development of such principles. Subsequent to the development of those principles, the governance arrangements for Statistics Jersey should be reviewed once more in light of the principles adopted.

## **Accounts and audit**

In my 2021 report I made a number of recommendations and identified a number of areas for consideration in relation to annual reporting and audit including:

**R2** *Amend legislation to give the C&AG a power to appoint auditors of financial statements of all entities established or controlled by the States (other than companies).*

**R7** *Introduce a requirement for Statistics Jersey to produce an annual report.*

**A4** *For entities established or controlled by the States with expenditure not exceeding a defined threshold based on expenditure per year, introduce a requirement for an independent examination to be undertaken in accordance with Directions made by the C&AG. This will replace the requirement for an external audit where such a requirement currently exists.*

**A5** *Where applicable, give power to the C&AG to appoint independent examiners to States established and States controlled entities with expenditure not exceeding a defined threshold per year.*

**A6** *For entities established or controlled by the States with expenditure in excess of a defined threshold per year, introduce the requirement for an audit by an auditor appointed by the C&AG once a requirement for the production of financial statements has been introduced.*

I therefore welcome the proposal at paragraph 31 to introduce a statutory duty on Statistics Jersey to prepare an Annual Report. However, the consultation does not propose:

- a requirement for the Annual Report to include financial statements
- a requirement that the financial statements are subject to independent audit or independent examination; or
- a requirement that the independent auditor or independent examiner is appointed by the C&AG.

Consistent with the principles in my 2021 report, I believe that these matters should be addressed in updated legislation, whether specific to Statistics Jersey or of wider application.

I trust that these observations are helpful. Please contact Stephen Warren, Deputy Comptroller and Auditor General, should you require further information.

Yours sincerely

Lynn Pamment  
Comptroller and Auditor General

### **Response 3: Jersey Chamber of Commerce**

Chamber of Commerce, as the largest independent business organisation in the Channel Islands wishes to make broad principled comment on the Statistics Unit and also on the Consultation.

With regard to the broader principles, Chamber is a strong supporter of a Jersey Statistics Unit that is as independent as possible of the Government of Jersey, in order that it can freely offer detailed stats as a service to the island and indeed to businesses and organisations such as ourselves. This independence is paramount to the level of trust and regard we can all take from the relevancy of workstreams undertaken and the delivery of the much needed relevant data needed, so that Government, the States Assembly, business leaders and the public of the island have clarity on all areas of interest and clear evidence of where we are and where we require further steering. This importance should also be reflective in the reporting structure of this unit, which we see as being to the Chief Executive of the States.

With regard to the Consultation, we would urge this consultation to be extended, to give Chamber members time to consider any response in detail. We were asked for comment on the evening of Tuesday 29<sup>th</sup> of November for a consultation closing on Dec 6<sup>th</sup>, giving just four working days to respond. As an organisation with 600 businesses as members, representing half of the working population, it is not possible to give any opinion within this timeframe.

## Response 4: Private Individual A

### **'Power' and accountability balance of the Chief Statistician role**

The current vision paper sets out that the Chief Statistician has ultimate decision making over which statistics are 'tier 1' statistics (anyone can nominate). Presumably the role would also have decision making over their frequency and methodology – both of which will significantly impact on funding requirements. All tier 1 statistics must be funded by law under this new legislation. The CS also has control over removing tier 1 statistics (if I've understood correctly, until it is approved by CS and SAC, it cannot be put before the assembly).

Whilst the principles approach to assessing whether a statistic should be regarded as Tier 1 is provided in the vision paper and appears sensible, in reality it is a subjective decision as to where on each dimension particular statistics sit, and therefore whether they meet the criteria to be Tier 1. Rationale could no doubt be provided both for or against a number of official statistics as to whether they should be regarded as 'Tier 1'.

This feels like a lot of 'power' with perhaps not sufficient balancing checks over a single person's decision making with significant financial implications. How would the accountability work to ensure that there is balance to this and to ensure an ability to limit the number and funding requirements of Tier 1 statistics (and that they are the 'right' ones)?

This is especially relevant if the CS role is not fixed term.

### **Reviews**

17. f provide the Statistical Advisory Council with powers to request that the Chief Statistician or Chief Minister undertake reviews of particular tier 1 statistics.

How would this be controlled and funded – for example to avoid unreasonable (or unfunded) demands in terms of timescales and resources for undertaking reviews (and especially a balanced quantity and depth of review relative to the work involved in producing the statistics themselves).

Has the additional funding / resource requirement of systematic reviewing of tier 1 statistics been acknowledged?

### **Official statistics**

Does the legislation need to define the term official statistics (which are already defined internationally by the GLOS definition), if there are no protections or special treatment provided to official statistics in this new legislation – unless they are Tier 1. Wouldn't Jersey just need to have a definition of Tier 1 Official Statistics in the law (using any appropriate label – the use of 'tier 1' suggests that there will be other tiers – is this appropriate, or would it be better to use another label?).

### **New Tier 1 statistics**

As per the vision paper, Tier 1 statistics by definition need to meet statistical quality standards. However, until a methodology has been developed, implemented, and evaluated, this cannot be met – all of this would require funding and resource. And statistics cannot be guaranteed funding until they have met the criteria for Tier 1, and been approved by the Chief Statistician. This process currently seems unhelpfully circular and perhaps needs refining. Otherwise a straightforward way of political or other influence on the professional evolution / expansion / improvement of Tier 1

statistics would be by constraining the budget to develop new statistics – but also in general this circularity could dramatically restrict the evolution and development of Tier 1 or other official statistics. The process should recognise the time and resource required (and funding protection) for the development phase of new not-yet Tier 1 statistics – either developing a new methodology, or simply assuring a current methodology meets the quality standards of Tier 1 statistics. This would presumably be relevant in the transition to this new legislation (if not, then transition arrangements for which statistics would be classed as Tier 1 statistics should be outlined).

If a review takes place and deems a particular Tier 1 statistic is no longer of adequate quality, would having ‘quality’ as part of the definition of a Tier 1 render the statistic and its methodology no longer Tier 1 and no longer protected?

Adequateness of quality is in itself subjective – quality includes accuracy, regularity, relevance, lag – there will be a huge funding discrepancy between what is felt to be needed to achieve ‘adequate’ quality by one person and that by another person. A useful example is the regularity of the resource intensive Household Income and Spending survey – a continuous rolling survey provides much more timely and frequent data on income, income inequality and spending, but at much higher operational cost than a 4 yearly survey. What will the mechanism be for agreeing the level of quality that is ‘good enough’ for Jersey – who is involved, what are the protections, both to ensure quality is not limited by insufficient funding, or to ensure an unnecessary prioritisation of funds to gaining small improvements in quality?

## **NSS**

(33) The NSS is now defined by those PAs who produce Tier 1 statistics (not the wider GLOS ‘official statistics’ definition). However, presumably Tier 1 would be a very narrow list of official statistics (because the funding is guaranteed by legislation, and there are set principles to follow – it seems likely to be quite a narrow list). However (35) also mentions that the CS will be professional head of all statisticians and analysts across government. Is this coherent? The NSS would be very small under this definition – perhaps now excluding eg CYPES, HCS, etc, if they don’t publish Tier 1 statistics, even though more broadly defined ‘official statistics’ are published by these departments.

This also does not appear to be consistent with the diagram on page 2.

## **Statistics Jersey / CS functions**

*(12) The Chief Statistician would have responsibility for performing all the key statistical functions listed under the Law. Statistics Jersey would be the office of and managed by the Chief Statistician and its role would be to support the Chief Statistician to fulfil his or her statutory functions.*

What will these be? This seems a key area to be explicit in during this consultation, given the controversial and unconsulted-on changes to the functions of the role fulfilling the Chief Statistician role following the departure of [the former Chief Statistician].

## **SAC**

*36a establish a Statistical Advisory Council to gather and present the views of the public and statistics users;*

Would it perhaps be worth defining the scope of what the SAC should be gathering and reporting on the views of the public and users about – Tier 1 statistics, official statistics, any public authority statistics, Statistics Jersey, GoJ? And consulting with the public on what about them – quality, frequency, relevance, perception, trust?

39a defines the power relating to the scope of official statistics. 40 then suggest the scope is 'also' statistics which are not currently Tier 1 statistics. Was 39a meant to mean 'Tier 1' perhaps? If not, then 40 doesn't quite make sense. 41 refers back to 'official statistics'.

The Vision paper describes adequate funding for SAC, but not its size, membership, process for applications and dismissals etc.

### **Data sharing**

**47 a** is already enabled through the current legislation, this is not an enhancement. DP legislation already ensures 47 b.

**47c** is very challenging in a small jurisdiction. Simply removing names from a dataset does not make it non identifiable.

This will be in direct conflict to the current legislation which allows absolutely no sharing of data which identifies households, businesses or people, and creates solid trust in Statistics Jersey.

47c would effectively allow profits of businesses to be shared to approved researchers, anonymously but no doubt easily identifiable as size and industry type would be key variables for the research. Also this would involve sharing of personal data (just because it is anonymous, it will still be identifiable).

On a small island the risk of leakage through allowing sharing of microdata, even in controlled settings, is high. And the impact of any leakage on trust in official statistics and implications on individuals and businesses willing to share their data with Statistics Jersey would be enormous. Even without actual leakage, the perception of potential leakage would have significant implications on trust.

Other solutions for ensuring research is possible should be explored here, which better limit the number and range of people and organisations which can access microdata obtained for official statistics purposes.

*"Any outputs from microdata labs would be checked for confidentiality by an officer of Statistics Jersey before being released to researchers."* Is confusing. Are Statistics Jersey releasing microdata or outputs to researchers? Microdata will nearly always be non-confidential in the small population setting, if it has usefulness.



## Response 5: Private Individual B

In 2009/10 I... worked closely with... [the former Chief Statistician] who I had the highest respect for. He always conducted himself to the highest standards independent of Government and I was very concerned in the way he left the department in unexplained circumstances. I was also very concerned about the concerns expressed by a number of people about proposed changes which could effect the independence of the department. It is ABSOLUTELY ESSENTIAL that this independence is maintained both from the department's integrity and credibility locally as well as externally.

## Response 6: Private Individual C

The chief Statistician should be appointed on a fixed term Basis (perhaps of 5 to 8 years) but capable of being renewed for further periods of say 3 years a time after the first appointment

*The UN define the main users of official statistics as the general public, the media, researchers and students, businesses, public authorities, non-governmental organizations, international organizations and authorities of other countries who receive or access official statistics.*

- i. *should any of these types of users be excluded from participating in the Statistical Advisory Council?*

None of these user groups should be excluded from sitting on the Statistics Advisory Council BUT no one group should be over represented on the Council so as to have a blocking vote

- ii. *if so, should people who used to undertake these activities in the past (for example, former journalists or Assembly Members) be able to participate in the Council?*

NO STATES ASSEMBLY MEMBERS should sit on the Council.

ANOTHER IMPORTANT POINT

The power of the Chief Minister to suspend or dismiss or otherwise control the Chief Statistician is obviously a problem area which MUST be addressed. We have experienced problems in the past with the Chief Minister exercising his discretion.

## Response 7: Private Individual D

[M]y thoughts are simply thus:

The Chief Minister would welcome comments on any aspect of the Vision Paper, including on the following matters:

- Should the Chief Statistician be appointed to the role permanently, like the Chief of Police, or be appointed for a fixed term, like the Children's Commissioner who can serve no longer

than 8 years?

No, as this role should be a standard civil service position. If the person however is deemed to be not cutting the mustard then HR procedures should be invoked.

- The UN define the main users of official statistics as the general public, the media, researchers and students, businesses, public authorities, non-governmental organizations, international organizations and authorities of other countries who receive or access official statistics.
  - i. should any of these types of users be excluded from participating in the Statistical Advisory Council?

No one should be excluded

### **Response 8: Private Individual E**

To briefly respond to your survey. In the first instance I'll state that I don't have in depth knowledge in regard to this issue however I think that there are some more general points that I can communicate.

Firstly my preference would be for the role of Chief Statistician to be fixed term. Whilst an individual can become more adept at the role over time this could lead to complacency and just becoming too cosy in the job. A fixed term can lend itself better to structural, goal focused improvements within particular timeframes. It is also important that this role has the opportunity for fresh input and can attract the right talent to be able to constantly improve the service.

It is hard to state who should or should not participate in the Advisory Council. No doubt that there are a number of people who can bring helpful skills and experience. There will also be those with vested interests for whom the presentation of statistics in certain manner would be beneficial.

It is essential that this body works to a very high degree of competency, with impartiality and that the appropriate checks and balances are in place.

Thank you for the opportunity to submit my opinions.

### **Response 9: Private Individual F**

My opinion on the two questions posed by the Chief Minister are as follows:

In respect of the length of service for the Chief Statistician my opinion is that it should be a fixed term appointment in line with best practice for public officials.

On the second point, I see no reason to exclude anyone with statistical knowledge who is prepared to volunteer for a role on the Statistical Advisory Council provided that any other interests they have are declared and potential for conflict of interest on individual projects is considered transparently.

## **Response 10: Private Individual G**

I would like to put forward my views on this document.

I can see no good reason to exclude any of the users listed from participating in the Statistical Advisory Council. Why is this even being considered?

I think that the role of Chief Statistician should definitely be for a fixed term, and not to be employed as a permanent role.

## **Response 11: Private Individual H**

I have three areas of concern

### **The process for the appointment of Chief Statistician**

In the Vision Paper Section 2. 10a, the Chief Minister must consult the Statistics Advisory Council and take their views into account. What power would the Statistics Advisory Council have if CM decides against their view.

### **What if the Chief Statistician abuses his independence?**

Unlike the Children's Commissioner who accounts to nobody, perhaps

the Chief Statistician could be accountable to either the Statistics Advisory Board or direct to the Assembly but not through the Chief Minister.

### **Is there a conflict of interest of the Chief Statistician being director of statistics and analytics?**

The Vision Paper is detailed on the legal obligations and duties of the Chief Statistician in relation to statistics. There are few references to analytics. Is the Chief Statistician's role to merely cover the statistical application in analytical papers/reports? If such a report /paper were to support a political or commercial interest, there will be a possible conflict.

## **Response 12: Private Individual I**

1) a fixed term should be set

2) anyone with an interest and relevant experience should be on the Council.

## **Response 13: Private Individual J**

In answer to your questions:

- The Chief Statistician's term be fixed as it is with Jersey's Comptroller and Auditor General

- Anyone involved in the Statistical Advisory Council should preferably have some interest/knowledge. The important thing is that they are not conflicted at the time of participation.

In the intervening period, before structural conflicts have been remedied by legislative change, appointments and assessment of performance should be independent of SPPP and perhaps sit under the Chief Minister's department rather than the Chief Executive, as proposed by [the former Chief Executive].

Production of statistics should ultimately be a function of the Chief Statistician as per UN recommendations and all government departments should be able to make the case for production of statistics relevant to their area of interest.

## **Response 14: Private Individual K**

### **Comments on the Statistics Vision Paper - 06 December 21**

[The former Chief Statistician] described, in his 'one gov' submission in 2018, the SUG as Jersey equivalent of the United Kingdom Statistics Authority (UKSA). The UKSA oversees the Office for National Statistics (ONS) and the Office for Statistical Regulation (OSR), and has some responsibility for the Government Statistical Service (GSS), which in short covers government statisticians elsewhere. The UK system works, and my recollection is that Jersey's current interim CS said this to me as he was first arriving in Jersey.

The Chair and a majority of UKSA members are non-executive; this includes some distinguished academics, not all of them statisticians. The National Statistician (i.e. Chief Statistician) is the CEO. The DG of the OSR is also an executive member, along with an official (these two are appointed by the non-executive members). [The Board – UK Statistics Authority](#) The UKSA relationship with UK Government is described a 2020 MoU with the Cabinet office, which makes it clear (Para 2.2) that the UKSA is 'directly accountable to the UK Parliament', in practice a HoC committee, and to the devolved governments as appropriate.

This UK system ensures that the UN principles [Fundamental Principles of Official Statistics](#) that include independence are vested in the statistical system not in any one individual, notably the National Statistician (who has 'Strategic oversight of the Office of National Statistics' but not of the OSR). This system enables proper oversight of even statistics produced by the ONS. Indeed, recently the DG of the OSR has written an openly published letter to a Director in the ONS about improvement of some COVID statistics <https://osr.statisticsauthority.gov.uk/correspondence/ed-humpherson-to-emma-rourke-ons-deaths-involving-covid-19-by-vaccination-status-publication/>

Most importantly, Jersey must not end up on a position where the Chief Statistician (CS) is, or is perceived to be, independent of scrutiny for the quality and integrity of the CS's. This obviously includes any statistics produced by SJ Statistics or any other team of analysts that may work to the CS. The CS must not be able to object to, advise against, or obstruct scrutiny of the CS's own output, within reason. Secondly the CS's observations on any other public authority must not be exempt from scrutiny. Statistics is a very diverse trade. Academic statisticians vary hugely in skills. Official statisticians have a lot of skills in gathering data. Modelers are a breed alone. The current interim CS has spent years working largely on Censuses. Statistics is not a field in which any one individual has a monopoly of best practice or the truth.

Many people do not like being 'overseen,' but a system vesting independence in one person is unwise. A notable example might be that applied to the Jersey Children's Commissioner, who is not accountable to anyone, but merely has an advisory board. There is a slight danger of this being repeated.

This Vision errs in the direction of independence of the CS as an individual as opposed to independence of the Jersey statistical system. The SUG/SAC, whatever it is called, is part of the independent system. Jersey cannot micro-replicate the UK system; it would be far too expensive. However, the primary function of the CS ought to be to produce statistics and to function as Head of Profession. The primary function of the SUG/SAC ought to be to ensure the quality and integrity of statistics, with the user input. Some of this work can be carried out on behalf of the SUG/SAC by the CS (although [the former Chief Statistician] often said that SJ staff were almost too busy), or by external contractors occasionally £ permitting, or by the SUG/SAC itself when it has the time and appropriate skills.

In conclusion, this may not be a huge issue, and some safeguards are built into the Vision paper, but I do have some difficulty with the idea of independence being more vested in one individual rather than an independent system. These are entirely my own views. I am happy to discuss this further and to go into details.