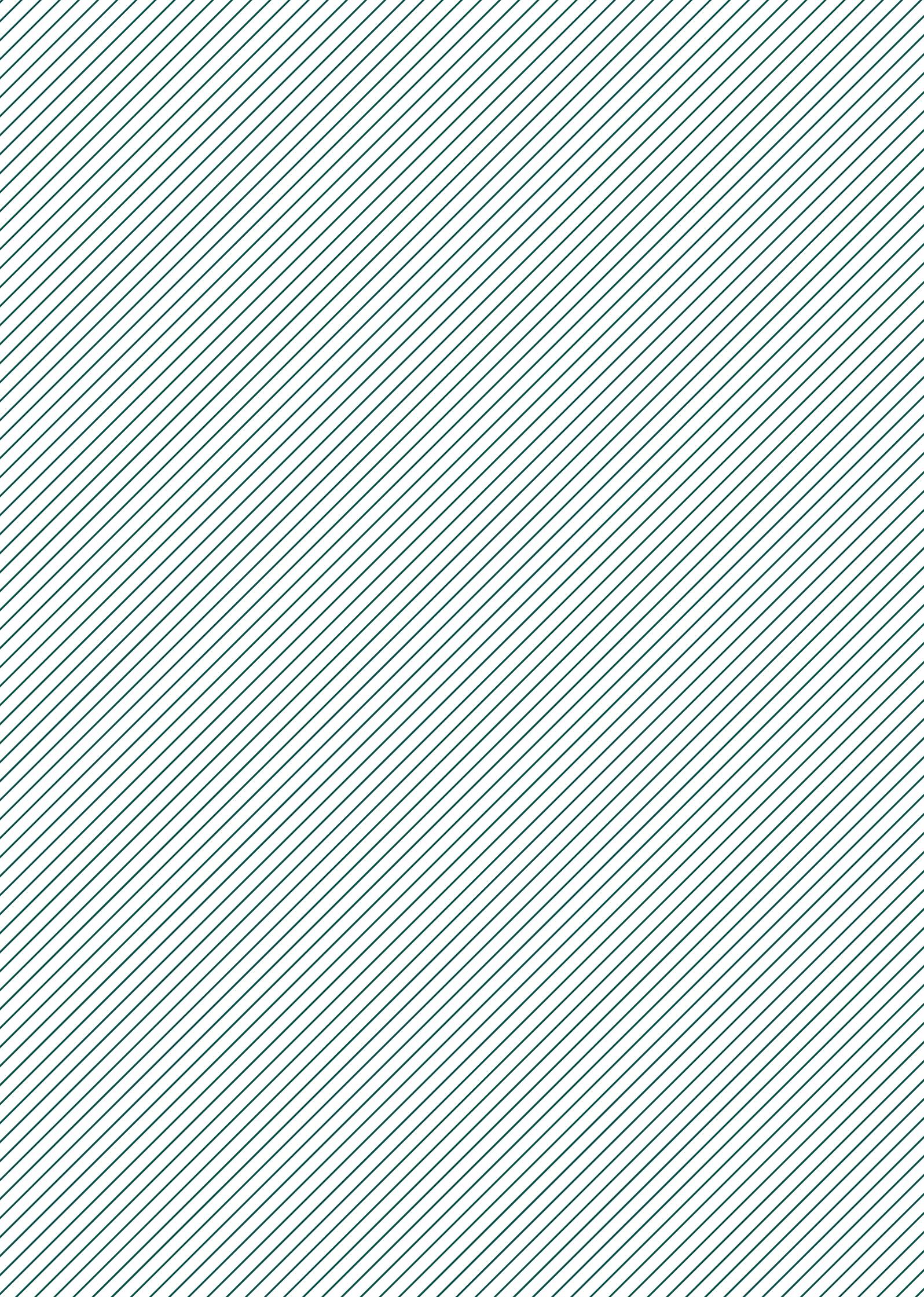


# MISSING EVIDENCE:

An inquiry into the delayed  
publication of government-  
commissioned research

The Right Honourable Sir Stephen Sedley  
June 2016



# FOREWORD

by Nick Ross

One way or another we hand over to the government about a third of everything we earn. That's almost three-quarters of a trillion pounds a year. We should expect Whitehall to spend it wisely on our behalf. Yet while a lot of energy is spent scrutinising the private lives of individual politicians we know little about how

*Missing or buried research represents a democratic deficit. It feeds cynicism and has no place in any honest and well-conducted administration.*

much public policy is based on assertion, how much rests on dogma and how much is grounded on rigorous testing and analysis.

I regard this as one of the most important challenges facing our society. If we don't know what works we are left with assumption — and, as we all know, assumption is the mother of a lot of mistakes, some of them very serious.

Whether the issue is safety of vaccines or the right way to teach children or the best approach to drug abuse or crime, policies based on guesswork, half-truth or belief are not just potentially very wasteful but dangerous.

There are two overriding problems: that good evidence is often scarce and that adversarial debate does not always encourage objectivity. But even when important evidence exists we don't always get to see it.

This is why Sir Stephen Sedley has done such a public service with his report. Sir Stephen is one of the UK's foremost experts on administrative law with experience in the High Court and Court of Appeal. We asked him to review how much government research gets published, how much is hidden from us, and if so why.

His report breaks new ground.

I am pleased to see he is not critical of politicians, and nor does he quarrel with the political nature of policymaking. Subjectivity is inevitable. We are all tempted to cherry-pick evidence — what psychologists call cognitive bias. Nobel-winner Daniel Kahnemann calls it 'thinking fast' rather than giving equal weight to facts that undermine our preconceptions. But it is especially hard for politicians to face inconvenient facts. It is not just that people attracted to party politics tend to be rooted to a narrative, but that even open-

minded politicians are expected to follow a party line, to have policies for each occasion and trenchant views for every Question Time appearance. They are buffeted by the news cycle and by distractions and crises famously described as, "events dear boy, events." Yet they face ridicule if they make U-turns, even when they change their minds in the light of better evidence.

So we all play a part in persuading policymakers to nail their colours to the mast. Little wonder that some political advisers are sceptical about research since they fear it might come up with the wrong answers. On the other hand, some who favour research think unbridled publication is a step too far since if embarrassing answers must go on the public record there is a risk that less research will be commissioned.

Sir Stephen reveals how things go adrift but also how some policymakers resolve these tensions much better than others.

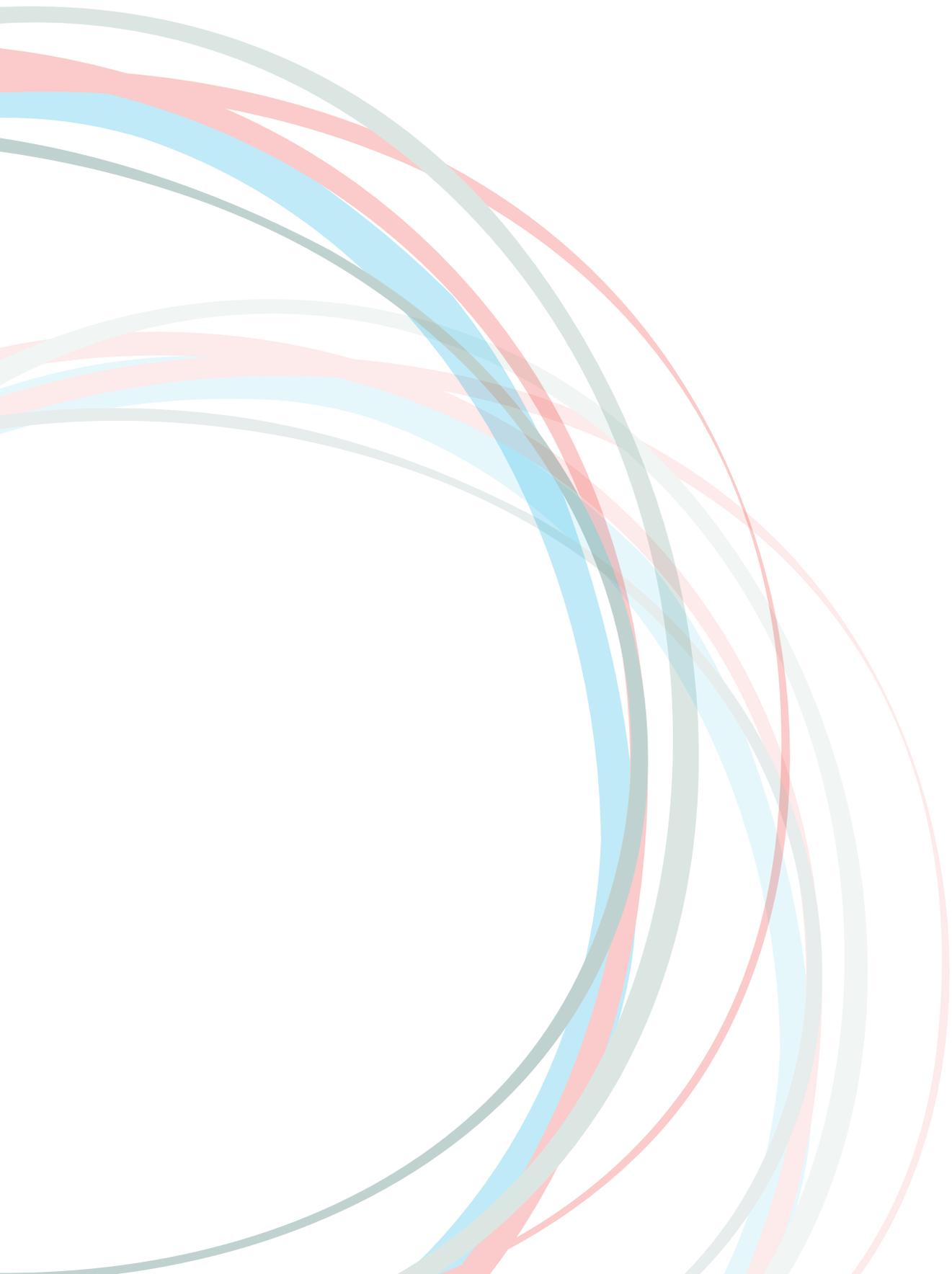
No one knows how much the government spends on research. In fact one of the problems Sir Stephen addresses is how little coordination there is across policy research. But estimates suggest about £2.5 billion a year goes to providing an evidence base for public policy. And for one reason or another, as his report makes clear, some of this fails to see the light of day.

Occasionally this is because of deliberate suppression but Sir Stephen points to deeper, systemic problems.

The UK government has a creditable reputation for openness — it was recently ranked as one of the most transparent in the world. Missing or buried research represents a democratic deficit. It feeds cynicism and has no place in any honest and well-conducted administration.

So his report is a wake-up call. Sir Stephen Sedley poses important questions at the heart of which is this: how can we create a level playing field where policymakers can follow facts more easily than skew them to fit preconceived positions, and where reliable evidence counts for more than persuasive sound bites? He has begun a conversation that should now take place widely, thoughtfully, without point-scoring and without defensiveness.

**Nick Ross** is a journalist, broadcaster and trustee of Sense about Science



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# INTRODUCTION

The United Kingdom government spends about £2.5 billion<sup>1</sup> a year on research intended to guide, develop, modify and monitor policy on a wide variety of issues. Some of this policy research is done in-house. Some of it is conducted by outside individuals and bodies who are paid to do it.

This report is concerned with the publication of research which government has *commissioned* from external researchers. The reasons for this are both practical and legal. The volume of research done within departments, and the variety of forms it takes, are huge and (apart from the estimated global cost) unquantified. The routine announcement and publication of all such research would not only create a considerable administrative burden; it would require the segregation of research findings from policy advice to ministers which at present, whether rightly or wrongly, enjoys immunity from disclosure even in litigation. The case for transparency about intra-departmental inputs into policy formation is therefore different from the case, which this report examines, for invariable publication of expert research and findings externally commissioned by government.

Government, which readily recognises that the public is entitled to see the product of external research paid for with its money, has set guidelines and protocols that require prompt publication. All departments reflect this requirement in their research strategies.

Nonetheless government research is not always published in sufficient time for informed public discussion. There have been instances of publication being held back when the findings were politically awkward. Such cases have included research on food banks, immigration, choice of GP and drugs policy.

These instances have led to concern about:

- Failure to make publicly-funded research available to the public.
- A lack of transparency about the basis of government decisions and the role that evidence played in reaching them.
- A reduced willingness of researchers to assist in policymaking.

In response to these public concerns, Sense about Science initiated this inquiry into the delayed publication of government research, and into possible remedies. Details of the authorship of the report are set out in Appendix I.

Its aims were to:

- Understand what has happened in known cases of delay in research publication.
- See how problematic research can be handled well.
- Identify poor practice in the commissioning and dissemination of government research.
- Draw attention to good practice that could and should be replicated.

This is an opportune moment to consider the visibility of the evidence base for public policy. Government and civil society are developing the UK's third National Action Plan on Open Government, which will propose ways to make government more open and accountable. The Independent Commission on Freedom of Information has reinforced the principle of openness. Introducing its report to parliament in March 2016, Lord Bridges said, "We are committed to being the most transparent government in the world." In 2015 the World Wide Web Foundation ranked the UK as the most transparent government in the world. Yet, as this report demonstrates, the withholding of external research from public scrutiny remains a problem.

At a time of public spending constraints, it is also to be expected that government will seek opportunities to increase the value derived from research, reduce waste and identify ineffective or mistaken policy decisions.

This inquiry was initiated in September 2015. Its scope was determined by initial consultation with researchers, civil servants and politicians. The individuals in the scientific, policy and political sectors who provided written submissions, and those with whom we conducted interviews, are listed in Appendix II. Some are quoted below,<sup>1</sup> but this report has benefited greatly from contact with all of them. Its content, though, remains the author's responsibility.

The inquiry and the production of this report were supported by a grant from the JRSST Charitable Trust (Registered Charity No: 247498) and by Nick Ross. Details of the inquiry's methods and the call for evidence are in Appendix I.

# SUMMARY

No comprehensive account exists of how much government research is commissioned, nor of how much of it is published and when. This in itself is a significant problem, and it is why this report recommends that there should be a single publicly searchable database of all external government research.

The most prominent issue is delay in the publication of research findings to accommodate political concerns about policy announcements. If government policy is formulated and announced before the media and the public know what expert evidence ministers have received, public discussion (including parliamentary scrutiny) may be handicapped or stifled. Delay designed simply to avoid political embarrassment is not ethically acceptable, and this report puts forward proposals to ensure timely public access to research even – indeed especially – where it conflicts with policy. It will be suggested that research should ordinarily be published as soon as it is ready, and ahead of policy announcements unless this is genuinely impracticable. Deferral beyond the time of policy promulgation should require very strong justification.

By publication we mean online access to the report of the research. It appears currently that uncertainties over format and any review process can delay publication, and some witnesses have described concerns that this uncertainty can be used intentionally. The practice should be to agree the type and format of the research report as part of the commission. Any review process and timing of that should also be agreed in advance. Plans for a journal publication are not a reason for delaying publication where a report

has already been submitted for use by government. Similarly, a journal's print schedule should not affect the timeliness of research for public discussion of policy; reviewed preprints should be used where necessary.

Analysis of the reasons for delayed publication, and of practices that allow difficult research to be handled well, points to the following recommendations:

- I a standardised central register of all externally commissioned government research.
- II clarity on what constitutes externally commissioned government research.
- III a clear commitment to prompt publication in research contracts.
- IV routine publication of research government has considered in policy formulation with, if appropriate, reasons for rejecting it.
- V a clear statement of the current requirements for prompt publication and adherence to them.
- VI training in research for policy communicators.

These recommendations are set out in more detail at the end of the report.

<sup>i</sup> The most recent year for which Office for National Statistics (ONS) figures are available is 2013. The 2013 ONS bulletin on UK Government Expenditure on Science, Engineering and Technology also shows that government spent £5 billion on in-house R&D, purchased R&D and on funding external organisations to run R&D, both in the UK and overseas. It is difficult to tell how much of this was spent on commissioned research. Government separately spent £5.9 billion on funding research councils. The research done by these institutional bodies is not within the scope of this inquiry.

<sup>1</sup> Quotations, unless otherwise stated in the text or footnotes, are from submissions to the inquiry.

Section 1

# IS THERE A PROBLEM?

- 1.1** It might have been thought that any problem of delayed publication of government research could be readily identified and quantified. Each department of state and executive agency must know what research contracts it has issued in, say, the last three years, and be able to say whether the researchers have reported and, if they have, when their report was made public.
- 1.2** It has been disturbing to find that this is not how things are. **The extent of reporting and record keeping varies enormously between government departments.** Using Freedom of Information (Fol) requests, it has emerged that some departments — eg the Department for Environment, Food and Rural Affairs, the Department for Transport and the Department of Health — give online access to databases that set out what research has been commissioned and what stage it has reached. Others — eg the Department for Communities and Local Government (DCLG) — only list published studies without indicating whether the lists contain all research that has been commissioned. See Appendix III for full details of the Fol requests.
- 1.3** Some departments responded to Fol requests by supplementing their public lists with more complete information. DCLG provided a comprehensive list of studies commissioned, completed and published between 2013 and 2015. By contrast, the Department of Energy and Climate Change and the Foreign Office did not know what had been commissioned because that information was dispersed within the department and not held centrally. Adding to the difficulty of finding out about government research, **it has been suggested to us that incoming administrations may sometimes consign directly to the National Archives research bespoken by their predecessors.**
- 1.4** In the absence of the comprehensive information that ought to be available, it has been necessary to examine what has happened in cases where the failure to publish government research had been reported in the media or elsewhere.
- 1.5** We know from a Supreme Court judgment that in 2007 the home secretary withheld publication of research that failed to support a proposed policy of denying visas to spouses where one of the couple was under 21. But concerns over the independence of government research reach further back: Professor Roger Tarling, former head of the Home Office Research and Planning Unit, wrote in 2011 about strained relations between government and social researchers during the 1980s and 90s, and in 1988 the Association of Social Research Organisations reviewed conditions about publication in research contracts because their members viewed them as becoming “increasingly onerous and restrictive.”
- 1.6** There is no recent evidence of the indefinite suppression of research. However, there is good evidence that research publication does get delayed. The reasons, in addition to political concerns about the timing of publication, may include uncertainty about peer review, about what counts as government research, and about what should be published in relation to policy announcements. **Yet delayed publication can be as damaging as indefinite suppression** because it deprives parliamentarians, the media, NGOs and others of the timely access they need in order to be able to engage with policy formation in the light of contemporaneous evidence.
- 1.7** There will always be cases in which government is doubtful about or dissatisfied with the quality of the research. This does not ordinarily justify delay in publication: the more appropriate course is for openly stated grounds of doubt or disagreement to accompany publication.
- As **Professor Sir Nigel Shadbolt** told us:
- “A significant reason to publish openly is that ‘many eyes’ on the material is one way to quickly highlight shortcomings in the work itself — open publication tends to improve the quality of data and analysis.”*
- 1.8** The impossibility of assembling a full picture of government research has ineluctably become an aspect of this inquiry. This report includes some remedies. First, however, it is necessary to describe what counts as government research and to sketch the rules presently governing it (Section 2). Section 3 describes features of the problem of delayed publication from evidence in the public domain or obtained in the course of the inquiry. Section 4 describes some encouraging examples of government bodies publishing research despite challenges or contradictions with current policy. The report concludes with recommendations for making decisions about publication more consistent, fair and open, bearing in mind that protocol and practice should not be such as to inhibit ministers and civil servants from commissioning research on politically difficult questions.

# THE SYSTEM OF CONDUCTING, COMMISSIONING AND PUBLISHING GOVERNMENT RESEARCH



## What constitutes government research?

**2.1** Research in its broadest sense signifies any attempt to obtain or gather information. A civil servant or policy adviser who is asked to canvass opinion among colleagues, to undertake a horizon scan, or simply to Google some information, is doing governmental research. But research of this kind is not the subject of this report. **This report is about discrete high-level studies designed to elicit or establish information by means of measurement, testing, evaluation and analysis.** This in turn implies that both methods and results should be objective and neutral, permitting interrogation of claims and policies to which they relate. While individual products of research may fall short of these standards, there is a general expectation that research will increase the sum of knowledge.

**2.2** Government commissions such research in a variety of ways. Broadly speaking, in addition to research undertaken within departments of state and 'arm's length' agencies, research may be carried out by private agencies of a quasi-governmental character or independent external bodies such as universities. It is with the publication of research undertaken by these external bodies that this report is concerned.

**2.3** The foregoing is far from exhaustive: for instance, external agencies or consultants or individual academics may be drafted in to assist with departmental research.

As **Patricia Hewitt, former secretary of state for health**, told us:

*"For many years now, government departments have been outsourcing a considerable amount of what used to be core Whitehall functions. So, a consultancy may be asked to review the literature and/or international experience on a particular issue; to undertake statistical analysis or economic modelling of policy options; to run a public consultation; to analyse the results of a public consultation; or to provide policy advice. Sometimes, the external consultancy uses proprietary expertise and IP."*

All of this undoubtedly creates difficulties of taxonomy for a comprehensive register of government research, and it is why this report focuses on independent external research, where the boundaries are reasonably clear and the case for routine early disclosure is strong. But much of the report's reasoning and much of what it recommends in relation to independent research will be relevant to how a government committed to openness decides to deal with the disclosure of internal research. Asking the public to rely on information they cannot see is objectionable in principle whatever the source or nature of the information.

**2.4** Given the complexity of the system and the lack of robust data emerging from the initial scoping exercise, the following remit was adopted in the call for evidence: "The inquiry will consider the publication of research, including analyses of official statistics, initiated by Whitehall departments and the arm's length bodies that report to them. We also welcome submissions relating to devolved administrations, but not to local authorities."

**2.5** **Although the Office for National Statistics' Science, Engineering and Technology figures tell us that approximately £5bn is spent annually on government research,<sup>2</sup> there is no reliable breakdown of what that money is spent on or what happens to the studies.** Government does not collect this information centrally. To do so it would have to rely on departmental data, but many departments and arm's length bodies do not collect information centrally about what research they have commissioned. Teams within departments and arm's length bodies can conduct or commission their own research without the rest of the organisation knowing about it.

*Asking the public to rely on information they cannot see is objectionable in principle whatever the source or nature of the information.*

<sup>2</sup> Department for Business, Innovation & Skills (2013)

- 2.6** At the start of this inquiry it was assumed that departmental chief scientific advisers (CSAs) would concern themselves with all research in their department and have an overview of what happens to it. It appears this is not always the case. The Government Office for Science's document *Chief Scientific Advisers and their officials: an introduction* (2015) sets out how CSAs provide scientific advice to ministers and help prepare their department's research strategies that set broad objectives. They also oversee research in the natural sciences. But we found that the way CSAs carry out their role, their seniority and their access to ministers and permanent secretaries varies between departments. CSAs have a minimal role in overseeing social scientific research, which forms a significant proportion of research in many departments and is governed by the separate government social research (GSR) profession.

## Government research

- 2.7** **The system of government research is vast, complicated and fragmented.** The 24 ministerial departments in Whitehall, and the hundreds of public bodies and agencies that report to them, take very different approaches to conducting, commissioning and publishing research. So do the devolved administrations of Scotland, Northern Ireland and Wales. This section summarises the system, the recognition in existing guidance and protocols that findings should be published promptly, and whether this requirement is well-understood and followed.
- 2.8** Government funds research in two ways: through the science budget (administered by the Department for Business, Innovation and Skills and mainly distributed through research councils and universities), and through research conducted or commissioned by departments of state, executive agencies and arm's length bodies in their own policy areas.
- 2.9** A range of researchers carries out government research: civil servants working within Whitehall departments; those in arm's length bodies and executive agencies including public sector research bodies; independent researchers in universities and research institutes; and consultancies.
- 2.10** Government conducts research for objectives running from assessing the extent of natural and social problems to informing the development of policy and evaluating its impact.
- 2.11** The Government Office for Science explained to us: "As with research in any other context, there is a spectrum of increasing formality, ranging from basic 'desk research,' through more formally managed projects, to research which is subject to formal peer review."
- 2.12** Research conducted for government is governed by a variety of rules, principles, guidance and protocols, which use their own definitions of what counts as research and when and how it should be published. These are discussed in paragraphs 2.20-2.23. Section 3 addresses whether these definitions create uncertainty over what should be published and when, and makes recommendations for greater clarity.

## Reasons for publishing government research

- 2.13** Publishing government research facilitates scrutiny of what is being done or proposed on behalf of the public. This matters more in an era when government frequently points to evidence to justify policy.
- 2.14** The rules and statements that cover government research acknowledge that research funded by taxpayers should be made publicly available.
- 2.15** Publication of government-commissioned studies is among other things a mechanism for ensuring that departments know what research they have done themselves in the past, and enables them to avoid duplicating their own research. Although one cannot estimate the extent of such duplication because of the lack of data about research, civil servants say that **departments spend significant time trying to find past studies that they conducted or paid for**. Publishing government research also enables departments to learn from each other's findings.

- 2.16** An important value of external research is that it reduces the risk that government research will be slanted, or perceived to be so.
- 2.17** Full publication can also help to ensure that the evidence from government research informs wider scientific knowledge by giving researchers access to a larger body of findings.
- 2.18** **Researchers who have experienced delays in their research being published told this inquiry that it has affected their willingness to put themselves forward to run government-commissioned research in the future.** The bad publicity associated with the cases described in Section 3 may have influenced others in this regard. It is clearly not in government’s interest, or in the public interest, if there is a narrowing pool of people who are willing to work on government contracts.
- 2.19** Little or no dissent from these broad propositions was encountered in the course of this inquiry. There is a general expectation that the results of government research should be made publicly and promptly available.
- For example, **Andrew Miller, former MP and chair of the House of Commons science and technology select committee**, said:
- “The goal should be a culture where government aims to ‘suck in’ as much good quality advice and data [as] it can, putting as much as possible in the public domain — with the default question being ‘why shouldn’t we publish all of this?’”*
- Sir Venki Ramakrishnan, president of the Royal Society**, said:
- “It is important that government is transparent about how policy decisions have been made. To enable policymaking to be properly scrutinised, the evidence on which it is made should be available. This includes data held by the government and the findings of commissioned research.”*
- Dr Sarah Wollaston MP, chair of the House of Commons health select committee**, said:
- “If research is withheld, how can the public judge whether it reflects scientific consensus, whether it’s correct, and how it links if at all to policy decisions? Of course those decisions take account of other considerations, but the evidence base for them should be open to scrutiny.”*

## Rules require the prompt and full publication of government research

- 2.20** Government recognises the public expectation of publication, codifying it in rules requiring prompt and complete publication of research conducted or commissioned by Whitehall departments. However these rules are not clearly defined; in some areas they are strongly stated and in others weakly implied.
- 2.21** Government research in the natural sciences is governed by the high-level principles set out in *Principles of scientific advice to government* (Government Office for Science, 2010a). Further guidelines set out how these principles should be applied by scientific advisory committees and departments. These include: *The Government Chief Scientific Adviser’s Guidelines on the Use of Scientific and Engineering Advice in Policy Making* (Government Office for Science, 2010b), which set out “how scientific and engineering advice should be sought and applied,” and *Chief Scientific Advisers and their officials: an introduction*, which “sets out broad guidelines for the work of chief scientific advisers in departments.” In addition, each department sets a research strategy reaffirming the commitment to publishing its research in full.
- 2.22** The publication of government social science research is covered by the GSR profession’s publication protocol (Government Economic & Social Research Team, 2015).

## Are rules requiring prompt publication well-understood and followed?

**2.23** Over the past few years this group of rules has evolved from guidance into codes of practice and ultimately into civil service and ministerial protocols, making them progressively more systematic, although they remain unevenly applied across different areas of research. It is understood that the GSR profession upgraded its publication guidance to civil service protocol (which means that it can be more formally enforced), following concerns that the expectation of open publication was breaking down in some departments.

**2.24** As these rules ultimately acknowledge, **what matters for democratic accountability is timely access to research** to facilitate public interaction with policy. If the rules were followed in every case, would they prevent the delays and withholding that are discussed in the following sections?

**2.25** Evidence submitted to this inquiry by researchers, civil servants and parliamentarians suggests that the system of guidelines and rules leaves room for uncertainties over:

- a) whether a particular research project is subject to publication;
- b) if so, when; and
- c) which rules take precedence

The pressure on policymakers to align the publication of evidence with policy agendas sharpens the question of when studies should be published in relation to the policy they are intended to inform. Different views on how and why this matters, and recommendations to resolve the tension, are set out in the following sections.

**2.26** First, however, it may be helpful to look at some prominent cases in which publication of research has been held back, in an attempt to gauge the significance of the problem.

## Rules governing the publication of government research

*Principles of scientific advice to government* (2010):

“*Scientific advisers are free to communicate publicly their advice to government, subject to normal confidentiality restrictions, including when it appears to be inconsistent with government policy; scientific advisers have the right to engage with the media and public independently of the government and should seek independent media advice on substantive pieces of work; scientific advice to government should be made publicly available unless there are over-riding reasons, such as national security or the facilitation of a crime, for not doing so; government should publicly explain the reasons for policy decisions, particularly when the decision is not consistent with scientific advice and in doing so, should accurately represent the evidence.*”

*The Government Chief Scientific Adviser’s Guidelines on the Use of Scientific and Engineering Advice in Policy Making* (2010). Departments and policymakers within them should:

“*...adopt an open and transparent approach to the scientific advisory process and publish the evidence and analysis as soon as possible, and explain publicly the reasons for policy decisions, particularly when the decision appears to be inconsistent with scientific advice.*”

*Chief Scientific Advisers and their officials: an introduction* (2015):

“*Departments and policymakers should... adopt an open and transparent approach to the scientific advisory process and publish the evidence and analysis as soon as possible.*”

*Publishing research and analysis in government: GSR Publication Protocol* (2015):

“*There will be prompt release of all government research and analysis. Government social research and analysis must be released in a way that promotes public trust.*”

# REASONS FOR THE DELAYED PUBLICATION OR WITHHOLDING OF GOVERNMENT RESEARCH



## What are the scale and significance of the problem?

- 3.1** Many government departments do not know, and could not tell us, how many research studies they have commissioned or which of them have been published. Below are the results of attempts to fill the gaps.
- 3.2** Four out of 24 departments and the two executive agencies that were asked (the Environment Agency and Public Health England) provided full lists of studies they had carried out themselves or commissioned from outside experts. Ten departments replied that it would be too time-consuming and costly to find this information, so that under Section 12 of the Freedom of Information Act<sup>3</sup> they were not required to reply. See Table 1 on page 14 for details of the departments.
- 3.3** The Defence Science and Technology Laboratory, the Ministry of Defence's research arm, responded that it could take up to 160 working days to find the relevant details, since it has roughly 1,000 research studies running in any one financial year. Several other departments directed the inquiry to publicly accessible lists or databases of research studies, but were not prepared (again by virtue of Section 12) to say whether these included all studies they had commissioned.
- 3.4** That many government departments do not know, or cannot tell us, what research they have commissioned is frustrating for the public and for parliamentarians. Submissions to this inquiry also raised concerns about effects on the efficiency of government. **For example some departments, unsure about work that has been done in the past, have to spend significant time and money investigating their own research history before undertaking new projects.** There is also little opportunity for departments to learn from each other's research because there are no standardised records of what has taken place.

## The hunt for research

In addition to the lack of standardised and comprehensive record keeping, it seems that government employees encounter significant problems with finding such material as may be available through government's own website and electronic records. This inquiry did not find any positive reference to the information available on gov.uk. We asked current and former civil servants as well as researchers who carried out government-commissioned research how easy it is to find research government has commissioned in the past.

*“To be honest, it would never occur to me to try [to find research on gov.uk] — I would always ask someone I knew in the relevant area.” And if you didn't know someone in the area? “In my case I would either ring someone in that department who I know, or assume it does not exist.”*

*“If you want to find out what government is doing, Google it.”*

*“Officials find it hard to find work their own department did previously, as happened with research on biofuels.”*

*“Reports can be hidden on obscure servers, making findings more readily available on, for instance, RAND website than on gov.uk. This leaves civil servants unable to find their own work.”*

These comments were recorded non-attributably in the course of the inquiry.

<sup>3</sup> Section 12 of the Freedom of Information Act 2000 exempts authorities from providing information if the cost of doing so exceeds an appropriate limit. For ministerial departments this limit is generally set at £600.

### 3.5 The creation of ghost research

In those departments where there is no mechanism to find or track research, there is a risk that officials will not be able to find research at all. It may be that only the officials who commissioned the research know about it. Once officials leave their post the knowledge is lost and, if the research has not been published in an accessible body of literature, it leaves no record and its results will never be used. It becomes ghost research.

3.6 The lack of a full account of what happens to government research makes it difficult to assess, from the known cases of delay, how much the system and procedure contribute.

As **David Walker, head of policy at the Academy of Social Sciences**, said:

*“Evidence has to be more than anecdotal for the problem [of research being withheld] to be considered systemic.”*

3.7 The need for rules and guidelines prioritising early publication may in fact indicate recognition of pressures within the system to do the opposite. We note that procedures for the publication of government social research were recently upgraded from guidance to protocol.

**Professor Dame Sally Davies, chief medical officer for England**, told the inquiry that the systems in place now support publication:

*“Although a decade or more ago there may have been more of a problem with research being delayed, clearer guidance and publication frameworks in place today mean there isn’t a major problem anymore.”*

3.8 This report looks at some prominent examples of delayed publication that have come to light chiefly through media reports. But evidence submitted to the inquiry, including that on the publication of policy trials and statistical analysis, suggests that delays may be more frequent.

**Ed Humpherson, head of assessment, UK Statistics Authority**, said:

*“UKSA find it unacceptable for [public] claims to be made without everyone having access to the analysis behind them, so we press for publication. That we have to do this repeatedly means that the principles of prompt publication found in codes governing research might not be that strongly embedded.”*

3.9 The level of disorganisation described above may well be contributing to speculation that publication of research is routinely delayed for political reasons. If so, this is both unnecessary and harmful to government, since it is likely that the majority of external research studies are published without undue delay.

3.10 Although systematic appraisal of publication patterns is currently impossible, it is possible to assess the circumstances in which known delays have occurred. Cases of delayed publication and evidence submitted to this inquiry suggest that government research may be held back for reasons including:

- the desire to align publication with the announcement of policy, resulting in delayed publication of findings that are politically inconvenient;
- uncertainty over how peer review and discussions about research quality and validity should be handled; and
- uncertainty over what counts as government research, and differences in the interpretation of the rules.

3.11 The thorniest problem is the adjustment of the timing of publication for political reasons.

Table 1: Details of responses to Freedom of Information requests

Attorney General's Office	Does not hold the information requested
Cabinet Office	Too costly to provide the information, as it is held in many different files and locations
Department for Business, Innovation and Skills	Too costly to provide the information, as it is held in many different files and locations
Department for Communities and Local Government	Provided a list of all commissioned research
Department for Culture, Media and Sport	Provided a list of all commissioned research
Department for Education	Linked to an existing list of all published reports
Department of Energy and Climate Change	Too costly to provide the information, as it is held in many different files and locations
Department for International Development	Linked to publicly accessible database of all commissioned research
Department for Transport	Has a publicly accessible database of all commissioned research; too costly to provide information about completeness, as it is held in many different files and locations
Department for Work and Pensions	Linked to an existing list of all published reports; too costly to provide information about completeness, as it is held in many different files and locations
Department for Environment, Food and Rural Affairs	Linked to publicly accessible database of all commissioned research
Department of Health	Linked to publicly accessible database of all commissioned research
Environment Agency	Provided a list of all commissioned research
Foreign Office	Too costly to provide the information, as it is held in many different files and locations
Home Office	Too costly to provide the information, as it is held in many different files and locations
Ministry of Defence	Too costly to provide the information, as it is held in many different files and locations
Ministry of Justice	Provided a list of all commissioned research
Northern Ireland Office	Does not hold the information requested
Office of the Advocate General for Scotland	Did not carry out or commission research in the period inquired about
Office of the Leader of the House of Commons	Does not hold the information requested
Office of the Leader of the House of Lords	Does not hold the information requested
Public Health England	Provided a list of all commissioned research
Scotland Office	Did not carry out or commission research in the period inquired about
Treasury	Too costly to provide the information, as it is held in many different files and locations
UK Export Finance	Provided a list of all commissioned research
Wales Office	Did not carry out or commission research in the period inquired about

## The politics of publication

### The desire to align publication with the announcement of policy

3.12

There is good evidence of pressures to align publication of research both with government's broad policy agendas and with particular policies relating to the evidence itself.

**Fiona Fox, chief executive of the Science Media Centre**, spoke of the role of The Grid, a system whereby special advisers in Number 10 can manage weekly government announcements across all parts of government:

*"No report or publication can be released without a 'slot' on the Grid... There are multiple delays and the timing is often politicised: we were told that one report on animal research was delayed because Number 10 special advisers felt it was unfortunate timing because it clashed with the prime minister's 'Alzheimer's Week'. Another 200 page report on mental health was delayed because it contained two pages on links between the recession and depression which clashed with a major speech on the economy."*

3.13

There are at least two views on how the timing of publication should relate to the announcement of particular government policies. One view is that research should be published when it is complete, and in advance of the related policy, so that Parliament, experts and the public can consider the evidence before the policy is announced.

**Professor Dame Sally Davies**, said:

*"There's a difference between externally commissioned research, and that done directly by civil servants. With the latter, it's right that departments can align the timing of publication to within weeks of a policy announcement; but if the policy announcement is to take a lot longer, they should publish research as soon as possible even if that's in advance of the policy. [As far as the Department of Health is concerned, the] timing of externally commissioned research is almost wholly a matter for the researchers."*

3.14

An alternative view is that it is justifiable to hold back publication of research and release it together with the policy.

**Nicola Blackwood MP, chair of the House of Commons science and technology select committee**, told us:

*"Often there's value to releasing research at the same time as policy. Releasing findings that criticise government policy, without details of how government is dealing with the criticism, could damage confidence where the research has immediate implications for public safety. This makes it more important that delays are explained and clarified: is government preparing its response to complex findings, were the findings themselves disliked, and where does the research sit in relation to other policy announcements in the government's communications 'grid'?"*

3.15

It seems reasonable that unless public safety is endangered, research should be published when it is complete. Where delays occur, they should be satisfactorily explained. This is no more than the rules governing departmental research require. The importance of timely access to evidence is acknowledged by the frequent mention of prompt publication in these rules.

*Where delays occur, they should be satisfactorily explained.*

**3.16** Implicit in attempts to control the timing of research publication is the idea that this is to the benefit of the policy. However, instances of delayed publication, including research into minimum alcohol pricing (Case Study 1) and ways to tackle sugar consumption (Case Study 2), in fact illustrate the harm that can be done by delaying publication to align with the announcement of policy.

**3.17** In both these cases, publication of research was delayed to coincide with the announcement of government policy.

Dr Sarah Wollaston MP told us:

*“Delay [in publishing research into sugar consumption] is clearly in effect as bad as non-publication, as the scientific community don’t get to analyse the evidence base on which government is basing its strategy [to reduce childhood obesity].”*

**3.18** There are a number of other reasons why publication of research may be delayed. A report into how the food supply became contaminated with horsemeat (Case Study 3) appears to have been delayed partly because of fear of how the public might react to the findings, and partly in order to accommodate changes in cabinet which required more time for ministers to prepare a response.

## Delayed publication of findings that are politically inconvenient

**3.19** The Department for Environment, Food and Rural Affairs (Defra) explained delay in the publication of food banks research in 2013 (Case Study 6) as resulting from the peer review process. However, the authors of the study said that the initial peer review was positive and that concerns were raised subsequently about how the findings would impact on policy. In the case of research into immigration and the labour market (Case Study 4), it appears that government was happy to publish previous research that supported what ministers had been saying, but held back analysis that challenged it. In the case of a study into drugs policy in other countries (Case Study 5), this inquiry was unable to find any reasons other than political ones for why publication was delayed.

**3.20** In all of these instances, the delays in publication appear to have been caused to varying degrees by political concerns about the implications of the research. This is not commensurate with principles either of independent research or of democratic debate. It should also be noted that none of the guidance on publication of research recognises this as a valid reason for delay.

**3.21** There clearly are, and always will be, political pressures to control timing and information. Some fear that attempts to reduce this pressure could lead to less research being commissioned.

For instance, **Jonathan Portes, National Institute of Economic and Social Research**, said:

*“There is an absolutely insuperable dilemma with the present system. The more the rules are changed to avoid the obvious current problems (politically motivated delays, endless redrafting, etc) the more the incentives on ministers will be simply not to commission independent research.”*

Others raised similar questions. The possibility of this unintended consequence is considered in discussion of the recommendations in Section 4, where it is noted that departments with research registers are among the most research active.

**3.22** Whatever the case, subjecting research publication to political pressures is not a suitable response. It not only challenges principles and protocols but frequently causes political difficulties of its own. While matters of timing must occasionally be negotiated – including for some practical reasons discussed further on – it would be better for government to improve its communication of complex or challenging findings to the public and where necessary publish notes explaining why policy and research have not reached the same conclusions.

*There clearly are, and always will be, political pressures to control timing and information.*

## Uncertainty over how peer review and discussions about research quality and validity should be handled

- 3.23** This report notes three cases where the peer review process was cited as part of the reason for delayed publication. When publication of research on the rising use of food banks (Case Study 6), and on evaluating changes to GP practice boundaries (Case Study 7), was delayed, government spokespersons said that the reports were awaiting peer review.
- 3.24** Case Study 8 shows the difficulties that can arise if government withholds research, even if this is because of doubts over the quality of research, without explaining its reasons.

### Case Studies

<b>1</b>	The effects of minimum alcohol pricing	Page 23
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## Case study 1

# THE EFFECTS OF MINIMUM ALCOHOL PRICING

### The allegation

According to Dr Sarah Wollaston MP, the Department of Health (DH) delayed the publication of a study of the effects on alcohol abuse of a minimum price compared with a ban on below cost sales, until the day of a government policy announcement.<sup>4</sup>

### Timeline

- Mar 2012 Government published its alcohol strategy, undertaking to introduce a minimum price per unit of alcohol.<sup>5</sup>
- Nov 2012 - Jul 2013 The government launched a consultation on delivering this strategy<sup>6</sup> and asked researchers at University of Sheffield to model the impact of a minimum unit price.
- Mar 2013 Researchers provided a draft report to the Home Office, DH and the Treasury. Asked to model the effect of a 45p minimum price, they estimated it would “reduce alcohol consumption by 1.6%, leading to approximately 625 fewer deaths per year due to alcohol, 23,700 fewer hospital admissions and 34,200 fewer crimes” after ten years. They compared this with the effects of banning the sale of alcohol below cost price, which their model shows would be far less effective at reducing problem drinking: it was estimated to “reduce consumption by just 0.04%, leading to around 15 fewer deaths, 500 fewer hospital admissions and 900 fewer crimes related to alcohol per year.”<sup>7</sup>
- Jul 2013 On the same day as the Sheffield study was released, the government rejected a minimum price. The crime prevention minister announced that government opted instead for a ban on below cost sales.
- Jan 2014 The authors of the research released a statement, saying, “The government did not bar [us] from releasing the reports – we had agreed from the outset that we would align our publication with the government’s response to the alcohol strategy consultation to ensure we provided their impact assessment of minimum unit pricing with the most up-to-date evidence possible. Having produced additional analyses on below cost selling in June, a further consideration was that if these were published directly before the government’s announcement that could be considered a de facto announcement of government policy.”
- Sep 2014 Sheffield researchers published their comparative study in the *BMJ*.<sup>8</sup>

### How were government policy and public debate affected?

The government’s 2012 strategy said that a minimum price of 40p per unit “could mean 50,000 fewer crimes each year and 900 fewer alcohol-related deaths a year by the end of the decade.” In the interim it changed its mind. Responding to the Sheffield study and to other evidence submitted to the consultation on that strategy, the government said the consultation had “not provided evidence that conclusively demonstrates that minimum unit pricing will actually do what it is meant to: reduce problem drinking without penalising all those who drink responsibly.” Citing an “absence of that empirical evidence,” they said a minimum price was being delayed “until we have conclusive evidence that it will be effective.”<sup>9</sup> Failing to publish the Sheffield study ahead of announcing a change of government policy prevented the public from judging whether this change was justifiable.

<sup>4</sup> Wollaston, S (2014)

<sup>5</sup> HM Government (2012)

<sup>6</sup> Home Office (2012)

<sup>7</sup> Holmes, J (2014)

<sup>8</sup> Brennan, A et al (2014)

<sup>9</sup> Home Office (2013)

## Case study 2

# REDUCING SUGAR CONSUMPTION

### The allegation

According to Dr Sarah Wollaston MP, the Department of Health (DH) delayed the publication of an evidence review by Public Health England (PHE) looking at ways to reduce sugar consumption.<sup>10</sup>

### Timeline

- Mar 2015 Public Health Minister Jane Ellison MP wrote to PHE asking them to complete research that would “provide draft recommendations to inform the government’s future thinking on sugar in the diet.” PHE had made a commitment to reviewing this evidence in its 2014 report *Sugar reduction: responding to the challenge*.<sup>11</sup>
- Sep - Oct 2015 House of Commons health select committee chair Dr Wollaston asked DH to publish the report. DH refused on the ground that the evidence is “currently informing future government policy” (sic). Dr Wollaston then called on PHE to publish it independently or at least make it available to her committee’s inquiry on tackling childhood obesity. PHE declined, saying that “it is appropriate that the government has time to consider the report in the usual way” so it will be published alongside the government’s obesity strategy.<sup>12</sup>
- 22<sup>nd</sup> Oct 2015 PHE published its report.<sup>13</sup>
- Nov 2015 House of Commons health select committee published the report on its inquiry into action on childhood obesity.<sup>14</sup>

At the time of writing the present report, the government is yet to publish its obesity strategy.

### How were government policy and public debate affected?

A high-profile campaign led by TV chef Jamie Oliver had called for a tax on sugary drinks to reduce obesity. The health select committee inquiry into tackling obesity, and the public debate on the merits of a sugar tax, were better-informed once the PHE research was published. By then the delay had caused a very public disagreement over how research should inform policy and public scrutiny.

<sup>10</sup> Wollaston, S (2015)

<sup>11</sup> Public Health England (2014)

<sup>12</sup> House of Commons health select committee (2015a)

<sup>13</sup> Public Health England (2015)

<sup>14</sup> House of Commons health select committee (2015b)

## Case study 3

# THE HORSEMEAT SCANDAL

### The allegation

According to the *Guardian*, the Department for Environment, Food and Rural Affairs (Defra) delayed the publication of an independent report into the contamination of supermarket meat products with horsemeat.<sup>15</sup>

### Timeline

- Jan 2013 Frozen meat processed at plants in Ireland and England tested positive for horse DNA. Supermarkets withdrew dozens of products.<sup>16</sup>
- Jun 2013 Defra asked Chris Elliott, professor of food safety at Queen's University Belfast, to conduct an inquiry into the integrity of the food supply network.
- Aug 2014 The *Guardian* reported that publication of the inquiry's final report was delayed.<sup>17</sup>
- Sep 2014 The inquiry's final report was published.<sup>18</sup>

### How were government policy and public debate affected?

The inquiry's interim report had raised a concern that cuts to local authority services had reduced the number of staff with food law enforcement skills and could undermine enforcement against crime in the meat industry. Delayed publication of the final report prevented scrutiny of these claims, and gave rise to speculation that the report was likely to be embarrassing for the government. It prevented the public from getting a full picture of the causes of a serious contamination event, and while it is understandable that ministers wanted to be well organised to respond, the delayed publication ended up creating a more challenging environment in which to make that response.

<sup>15</sup> Lawrence, F (2014)

<sup>16</sup> BBC News (2013)

<sup>17</sup> Lawrence, F (2014)

<sup>18</sup> Department for Environment, Food and Rural Affairs and Food Standards Agency (2014)

## Case study 4

# THE EFFECT OF IMMIGRATION ON UNEMPLOYMENT

### The allegation

According to a BBC Newsnight investigation, Downing Street withheld research into the number of UK workers unemployed as a consequence of immigration.<sup>19</sup>

### Timeline

- Dec 2012 Home secretary Theresa May delivered a speech claiming that “for every additional one hundred immigrants, they [the independent Migration Advisory Committee] estimated that 23 British workers would not be employed.”<sup>20</sup> The report May cited<sup>21</sup> was criticised by Jonathan Portes of the National Institute of Economic and Social Research for cherry-picking one result from many that overall showed no statistically significant effect.<sup>22</sup>
- 4<sup>th</sup> Mar 2014 Newsnight investigation alleged that civil service analysis of the same data was prevented from being published by the prime minister’s office, although “Downing Street sources told the BBC the report had not yet been completed and was not ready to be released.”<sup>19</sup>
- 6<sup>th</sup> Mar 2014 The Home Office’s analysis is published. It notes that the Migration Advisory Committee report found “there is relatively little evidence that migration has caused statistically significant displacement of UK natives ... when the economy has been strong”, and that displacement “dissipates over time.”<sup>23</sup> It also reported other research “failed to identify any statistically significant impacts of net migration on claimant count rates.”

### How were government policy and public debate affected?

Reducing net migration to the tens of thousands per year is a long-standing government policy. It appears that ministers pointed selectively to supportive research to justify this policy, and suppressed the publication of a more comprehensive analysis that suggested that the “displacement effect” of immigration is not a significant problem. Economists and journalists were left poorly-placed to scrutinise the impact of a migration cap because this study was not published on time, and ministers and spokespersons continued to use dubious statistics in support of their policy.

<sup>19</sup> Cook, C (2014)

<sup>20</sup> May, T (2012)

<sup>21</sup> Migration Advisory Committee (2012)

<sup>22</sup> Portes, J (2012)

<sup>23</sup> Devlin, C et al (2014)

## Case study 5

# INTERNATIONAL COMPARISON OF DRUG LAWS

### The allegation

According to Liberal Democrats, Conservative members of the coalition government delayed the publication of a Home Office review of drug laws in thirteen countries.<sup>24</sup>

### Timeline

- Dec 2010 Coalition government published its drug strategy, including a commitment to “review new evidence on what works in other countries and what we can learn from it.”<sup>25</sup>
- Mar 2013 - summer 2014 Home secretary Theresa May ordered an international study of drugs laws in March 2013.<sup>26</sup> In May 2013, ministers began a review of drug laws in thirteen countries, including Portugal, Denmark and various states in the USA that have decriminalised possession of some drugs.<sup>27</sup>
- Oct 2014 Home Office minister Norman Baker accused the government of “suppressing” the report, claiming it had been ready for publication since July.<sup>28</sup>
- Oct 2014 Home Office published its review, concluding there is no clear correlation between the severity of punishment under drug laws and the prevalence of drug use.<sup>29</sup>
- Nov 2014 Norman Baker resigns as Home Office minister.<sup>30</sup>

### How were government policy and public debate affected?

The government made a commitment to reviewing drug laws in other countries, and appears to have delayed the publication of that review because the findings were politically challenging for the dominant coalition partner. It is unlikely that timely publication would have prompted a change in legislation or even a more formal review of UK drugs policy (both had already been ruled out by the Conservatives). However, it would have allowed fuller public scrutiny of the home secretary’s claims that the UK’s approach to drug regulation is working, and a better-informed public debate on how the UK can learn from the way drugs are regulated elsewhere.

<sup>24</sup> Wintour, P and Travis, A (2014)

<sup>25</sup> HM Government (2010)

<sup>26</sup> Travis, A (2013a)

<sup>27</sup> Travis, A (2013b)

<sup>28</sup> Morris, N (2014)

<sup>29</sup> Home Office (2014)

<sup>30</sup> Watt, N (2014)

## Case study 6

# THE INCREASING USE OF FOOD BANKS

### The allegation

According to its authors, the Department for Environment, Food and Rural Affairs (Defra) delayed the publication of a study looking at the growing use of emergency food aid for eight months.<sup>31</sup>

### Timeline

- Feb - Mar 2013 Defra asked a team of researchers led by the University of Warwick to conduct a Rapid Evidence Assessment of the research literature on emergency food aid. They looked at published literature, and issued a call for evidence that prompted providers of food aid and other agencies to contribute their experience.
- Jun 2013 A steering committee including Defra, the Department for Work and Pensions and the Department of Health approved the report.
- Nov 2013 The media reported allegations that the study was being “hidden”<sup>32</sup> and “suppressed.”<sup>33</sup> Asked by a *Guardian* journalist to explain the delay, a Defra spokesperson said: “Government funded research projects are required to go through the necessary review and quality assurance process prior to publication. Once this process is complete, the report will be published on the government’s website.”
- Feb 2014 Defra published final report.<sup>34</sup>
- Mar 2014 A study published in the *BMJ* found that the rise in the use of food banks “is associated with cuts to local authority spending and central welfare spending,” and that the “highest levels of food bank use have occurred where there have been the highest rates of sanctioning, unemployment, and cuts in central welfare spending.”<sup>35</sup>

### How were government policy and public debate affected?

Welfare Minister Lord Freud had argued in July 2013 that more people were using food banks because more of them existed and awareness of them had increased – in other words that increased supply had caused greater use, not increased demand. He rejected a link between the government’s benefit reforms and an increased use of food banks.<sup>36</sup> The minister’s claim could not be evaluated in the absence of evidence from the delayed report. The report contradicted the minister: it cited immediate financial crisis, often related to changes to benefits, as an important driver of food bank use.

The UK government does not collect data on food aid. In the absence of systematic evidence on the use of food banks in the UK the researchers relied on studies from the USA, Canada and other countries, and on case studies from providers of food banks. Timely publication would have highlighted the gaps in the evidence base. It would also have allowed better-informed scrutiny of ministers’ claims and have required government to address the data.

<sup>31</sup> Dugan, E (2014)

<sup>32</sup> Oakeshott, I (2013)

<sup>33</sup> Buttlar, P (2013)

<sup>34</sup> Lambie-Mumford, H et al (2014)

<sup>35</sup> Loopstra, R et al (2015)

<sup>36</sup> Morris, N (2013)

## Case study 7

# CHOOSING A GP AWAY FROM WHERE YOU LIVE

### The allegation

According to the general practitioners' (GP) magazine *Pulse*, the government failed to publish an evaluation of a pilot scheme allowing people to register with GPs outside their local area until after a decision was taken to roll out the scheme nationwide.<sup>37</sup>

### Timeline

- Apr 2012 Government announced a pilot scheme to allow patients to register with a GP outside the locality in which they live.<sup>38</sup>
- Jul 2013 Researchers at the London School of Hygiene and Tropical Medicine provided an interim report on the pilot scheme, at the request of the Department of Health. The lead researcher said that the report was incomplete because they were still analysing the data.
- Mar 2014 Final report published in the same week as new GP contract, which included an entitlement to choose a different GP.<sup>39</sup>

### How were government policy and public debate affected?

Researchers evaluating the GP choice pilot scheme say they were asked to provide an interim report to the Department of Health in order to inform a re-negotiation of the GP contract – before robust economic data could be collected. The final report was then released in the same week as a new GP contract, which included the entitlement of patients to choose out-of-area GPs. The final report showed low take-up of the scheme: only 43 out of a total of 345 eligible practices took part in the pilot, and 15 of these did not register any patients from outside their boundary. The contract negotiations might well have taken a different course if the pilot results had been available. At the time, Nigel Praities, deputy editor of *Pulse* magazine, said, “GP practice boundaries will be abolished from next month [April 2014] in England and the government still has yet to publish an evaluation of its pilots into this scheme. This is a huge national policy change and the evidence for it has not yet been published.”

It remains unclear whether publication of the final report was caused by overlong peer review, consequent revision, ministerial pressure to modify findings, or departmental inertia.

<sup>37</sup> Lind, S (2013)

<sup>38</sup> Department of Health (2012)

<sup>39</sup> Price, C (2014)

## Case study 8

### THE MINIMUM AGE FOR A MARRIAGE ENTRY VISA

#### The allegation

The home secretary withheld publication of research that failed to support her proposed policy of denying entry to spouses where one of the couple was under 21. The history emerged in the judgment of the Supreme Court in *R (Quila) v Secretary of State for the Home Department*.<sup>40</sup>

#### Timeline

- 2006 The home secretary commissioned Professor Marianne Hester of the University of Bristol to report on the desirability of raising the minimum age for a marriage visa from 18 to 21 in order to deter forced marriages.
- Feb 2007 The Bristol report suggested that any such change would be unjustifiably detrimental to voluntary marriages and discriminatory on racial and ethnic grounds in relation to arranged marriages. The report was not published by the Home Office. The home secretary later explained non-publication on the ground that she and two external peer-reviewers, while uncritical of the methodology, were dissatisfied with the use of unsubstantiated statements, unclear terminology and sampling bias in the first draft of the report. The researchers revised the report in response to the comments from peer reviewers.
- Aug 2007 The Bristol report was published independently.<sup>41</sup>
- Dec 2007 The home secretary issued a consultation paper asking whether raising the marriage visa age to 21 will help to reduce forced marriages.
- 13<sup>th</sup> Jun 2008 The House of Commons home affairs select committee found insufficient evidence that it would do so. In view of the risks, it urged further research and asked for conclusive evidence that changes would not inadvertently discriminate.<sup>42</sup>
- Jul 2008 The home secretary asserted that the conclusive evidence sought by the select committee now existed in the form of figures showing that forced marriages peak between ages 18 and 21. The Supreme Court later pointed out that the evidence the select committee asked for was not the typical age of victims of forced marriage but whether raising the visa age would deter the practice.
- 27<sup>th</sup> Nov 2008 The home secretary amended the immigration rules to raise the age for a marriage visa from 18 to 21.<sup>43</sup>
- 12<sup>th</sup> Oct 2011 The Supreme Court held that in amending the rules without “robust evidence of any substantial deterrent effect ... upon *forced* marriages”, the home secretary had failed to establish a proportionate response to a pressing social need, thereby invalidating her rule change.

#### How were government policy and public debate affected?

By going ahead with a rule change that had a serious impact on the human rights of young people, and doing so without an adequate evidence base, government contravened the law and was obliged to retreat. Publication of the Bristol report in 2007 by the Home Office, together with its own critique, would have been an open and productive way of developing policy.

<sup>40</sup> [2011] UKSC 45

<sup>41</sup> Hester, M et al (2007)

<sup>42</sup> House of Commons home affairs select committee (2008)

<sup>43</sup> UK Border Agency (2008)

## Case study 9

# THE EFFECT OF FRACKING ON HOUSE PRICES

### The allegation

According to MPs Barbara Keeley (Labour) and Caroline Lucas (the Green party), and anti-fracking campaigners, the Department for Environment, Food and Rural Affairs (Defra) censored a study examining the effect of shale gas drilling on the rural economy, to remove evidence suggesting that house prices would fall.<sup>44</sup>

### Timeline

- Dec 2013 Defra received a request to release information on the economics of shale gas under Environmental Information Regulations 2004.<sup>51</sup>
- Jun 2014 Request was resubmitted.
- Jul 2014 Defra responded to the request by publishing 'Shale Gas Rural Economy Impacts report,' with large sections redacted.
- Aug 2014 The *Guardian*,<sup>44</sup> *Daily Mail*<sup>45</sup> and *Telegraph*<sup>46</sup> ran stories criticising the redaction.
- 8<sup>th</sup> Jun 2015 Following a contested Freedom of Information request, the Information Commissioner required Defra to publish an unredacted version of the report.<sup>47</sup>
- 1<sup>st</sup> Jul 2015 Defra published the unredacted report.<sup>48</sup>

### How were government policy and public debate affected?

The present government is committed to expanding fracking for shale gas. It is unlikely that full publication would have altered policy, but it would have allowed greater scrutiny of the potential impacts of this policy.

The public debate about fracking has focused on the risks to health and the environment from the technique, and on the potential economic impacts. Much of the available evidence on risks to health and the environment is from the USA, which differs significantly from the UK geologically and in how fracking is regulated. Nonetheless a review of this evidence by the Royal Society and the Royal Academy of Engineering concluded that "the health, safety and environmental risks can be managed effectively in the UK" and that "seismic risks are low."<sup>49</sup> Despite this evidence being publicly available, media reporting of fracking frequently overstates the known risks and leaves the public ill-informed.<sup>50</sup>

In publishing a redacted version of this study, Defra acknowledged the public interest in the information being published. But it also stated: "there is a strong public interest in withholding the [redacted] information because it is important that officials can consider implications of potential impacts and scenarios around the development of the shale gas industry and to develop options without the risk that disclosure of early thinking, could close down discussion."<sup>51</sup>

Defra failed to acknowledge that the redaction created a void, which was filled by speculation and anecdote in place of evidence, and which made it harder for the public to judge the claims that fracking will benefit the country economically.

<sup>44</sup> Mason, R (2014)

<sup>45</sup> Spencer, B (2014)

<sup>46</sup> Lean, G (2014)

<sup>47</sup> Information Commissioner's Office (2015)

<sup>48</sup> Department for Environment, Food and Rural Affairs (2015)

<sup>49</sup> The Royal Society and the Royal Academy of Engineering (2012)

<sup>50</sup> Sense about Science (2014)

<sup>51</sup> Department for Environment, Food and Rural Affairs (2014b)

## Waiting for publication in peer-reviewed journals

**3.25** The desire to publish research in peer-reviewed journals can also be a source of difficulty. It has been suggested that researchers may hold reports back for fear that publication by government could compromise future publication by journals.

For instance, **Professor David Coggon from the University of Southampton**, who has chaired or contributed to scientific committees advising numerous departments, said:

*“Such situations have been handled on a case by case basis. Findings were reviewed in confidence by independent scientists, who advised on whether they indicated a need for urgent changes to policy or practice. Where it has been necessary to defer publication in this way, an assessment has been made to ensure that the results do not indicate a need for immediate action (eg to protect the health of the public). If there were such a need, steps would be taken to ensure rapid publication (usually journals will give priority in this situation). If this did not happen, the benefit of external peer-review would be lost and many researchers would be deterred from undertaking the research.”*

It is noted that over the past decade most research publishers have clarified that they accept manuscripts where there has been some prior publication of findings due to regulatory or other requirements.

**3.26** Peer review is often fundamentally important to the credibility and validity of the research.

**Dr Jonathan Mendel, lecturer at the University of Dundee**, said:

*“Currently, trials can have major policy impact and receive a lot of media publicity without any adequate publication. This increases the risk of trials with unrealised flaws having policy impact and means that the government can claim that trials indicate policy success (and enjoy media reports stating as much) while there have been inadequate opportunities to critically assess these trials.”*

**3.27** It is not achievable, or compatible with prompt publication of independent research, that all critical discussion be addressed privately first. However, it would clearly not serve the public interest if unreliable research results were rushed out before they were completed and checked. This requirement and the additional time it may take should be considered in the commissioning of research and in any policy planning related to it. This has not been how those discussions about quality and reliability have been handled in some of the cases reported to this inquiry. If there is an unavoidable delay caused by the peer review process or by discussion about research quality, then departments would do better to explain this and to take care not to ask the public to rely on any results they cannot see.

**3.28** A number of respondents suggested human reasons for delays in publication of government research, ranging from turnover of staff to lack of confidence. The civil servants charged with receiving and publishing research are not necessarily those who are confident and sufficiently versed in the commission of the research to be able to comment on its validity or to what extent it addresses the policy question.

**3.29** Civil servants overseeing research often move on from their posts during projects. Their replacements are, naturally, less confident in communicating the findings of research which they were not involved in commissioning. Continuity between staff might be easier if there was a central directory of research, which would at the least provide information about what had been commissioned and at best stimulate a proper handing over of the research contract and relationship.

*Civil servants overseeing research often move on from their posts during projects.*

- 3.30** It has also been suggested that where civil servants are unfamiliar with research methods, this leads to frustrated communications and tensions with researchers, and ultimately to delay in publishing results. There is a great deal of research expertise across government; some of this was exhibited in the insightful responses to this inquiry. But, research is commissioned, overseen, received and communicated by a wide range of personnel.
- 3.31** The government social research competency framework (an addendum to the civil service code) defines the professional competency for members of the social research profession within government and devolved governments. On reaching grade 5, chief research officer level, a civil servant is expected to have a thorough and detailed knowledge of research methodology and the evidence base in the field of policy they work in and to take responsibility for research publication.
- 3.32** Government sometimes changes what it wants from the research in the course of the project. For instance, Dr Christian van Stolk of RAND explained that in evaluating a policy impact, departments may change the outcome measures because of changes in government policy moving or staff turnover (mainly in the civil service team directing the research), which can lead to shifting priorities. It can also happen that at the point of publication government changes the format it wants to publish results in, although according to van Stolk it is more usually the case that there has been little thought or discussion about that format until publication is imminent. Such changes to the research protocol can cause tension and delay, which could be avoided if commissioners of research and researchers worked closely at the outset not only to set the research question but to agree publication plans.

## Uncertainty over what counts as research and differences in the interpretation of rules

- 3.33** This inquiry has considered how research, defined as the collection and evaluation of data, is published. It is necessary to bear in mind the distinction between strategic advice, which carries no expectation of publication, and the data and analysis that underpin it and ought ordinarily to come from or be put in the public domain.

Jonathan Portes, said:

*"[NIESR does] research on the expectation it will be published. There might be an exemption for strategic advice, but all policy research and programme evaluations should be published."*

Dr Sarah Wollaston MP, said:

*"Ministers need to ask for strategic advice, but the principle is that public funds pay for research that informs that advice, so should be publicly available."*

- 3.34** It is evident from what the inquiry was told both by members of the research community and by civil servants that there is uncertainty about how evidence supplied by private consultancies is to be handled. Consultants may provide strategic advice but may also conduct research. There is no reason why this should create confusion between research and consultancy, even if there is some room for overlap. Where this might be applicable, civil servants should establish in advance that research findings and strategic advice will be provided in separate reports.

- 3.35** There is further uncertainty over how other types of research, such as internal fact-finding or evaluation studies, fit into the publication rules. Case Study 9 shows that research into the effect of fracking on house prices was not published because Defra considered it to be an internal report. When it was released in response to an Environmental Information Request it was heavily redacted.

*There is uncertainty about how evidence supplied by private consultancies is to be handled.*

- 3.36** Department of Health only considers studies that meet internationally recognised standards as research. This means that consultancy and other forms of external work are excluded from publication rules.
- 3.37** This dichotomy is reflected in research contracts. It appears that restrictions on what can be published generally only apply to commercially sensitive or personal information, which cannot in principle be objectionable. Witnesses stated that the usual form of words is that permission to publish “shall not be unreasonably withheld”.
- 3.38** Some contracts also restrict the timing of researchers’ ability to publish, for instance by asking for a month’s prior notice. If a reasonably short time to receive and read commissioned research is specified in advance and does not result in the public being asked to trust a policy based on results it cannot see, this would not, and should not, usually be considered a delay in publication. The acceptability of this short reading time within the definition of prompt publication might address some of the concerns in submissions raised here and in Section 4 about transparency discouraging the commissioning of research in the first place.
- 3.39** Attention has been drawn to contracts, such as the one in place for the food banks research in Case Study 6, which suggest that departments own the results and can prevent publication without giving reasons. It is unclear whether this is widespread practice and it needs to be clarified that research contracts are subject to overriding principles and protocols regarding publication.
- 3.40** While pilots and randomised controlled trials are increasingly being used to test policies, some departments and agencies appear reluctant to publish the methods and results. This has created tension, where those inside and outside government who are committed to standards of full and prompt publication face a choice of conducting trials knowing that they may not get published, or insisting on publication with the risk that departments withdraw support for the trials. Researchers wishing to scrutinise the trials sometimes request the data under the Freedom of Information Act as a last resort, but these do not always result in full disclosure and are not a substitute for publication. However, witnesses in this inquiry also said that the ‘What Works’ collaborations, such as in education, have shown that trial results can be published and handled well.

Section 4

# REMEDIES AND RECOMMENDATIONS

## Awkward research does get published

- 4.1** Contrary to the impression created by the behaviour in cases where publication has been delayed, many researchers and civil servants are familiar with strategies that can help government to commission and publish controversial research without fear of how the public or the media might respond. Some examples are described below. These include publishing more information about departmental research, appointing ad hoc committees to oversee research, commissioners and researchers working closely together to set questions and agree on publication timing and process, and allowing the reanalysis of sensitive data. These examples inform the recommendations at the end of this section to improve the visibility and utility of government research.

## Publishing more information about government research

- 4.2** The Department for Environment, Food and Rural Affairs (Defra), Department for International Development, Department for Transport (DfT) and Department of Health have public databases where research is registered and progress to publication is tracked. **There should be a single, publicly searchable database used by all departments** that builds on the most useful features of these departmental systems (Recommendation I). This would enable people to obtain information about planned research as well as to locate and use the reports of completed work.
- 4.3** Departments might also consider arrangements, such as those used by the Welsh government in its Emerging Findings Reports, to make early research findings or interim findings available, with the necessary caveats about peer review, in certain cases where there is a pressing need for research to contribute to current policy discussions.
- 4.4** **Publicly searchable research databases**  
Defra's Science Search website has a publicly searchable database of all research commissioned from third parties. This is based on what Defra staff, who are civil servants, enter into Omnicom, their internal database for managing all information related to research. Internal quality assurance and audit is undertaken by the Omnicom support team to ensure that Defra research managers and procurement staff are using the database and completing information appropriately. Omnicom is also used as a document repository to help the department track pre-project ideas, procurement documents such as contracts, meeting notes during the live stage of the project, and reports.
- 4.5** Omnicom allows the department to review its whole research landscape. Intended publication date is, however, not a field in the system, although start and finish dates are – all deliverables are to be finalised by finish date, after which peer review and other quality assurance activities start.
- 4.6** **Mapping research on to government policy**  
It was formerly the practice that government departments would publish a projection that showed what research was planned over the coming year, along the lines of the Home Office's research programme. This practice appears to have largely ended following uncertainty over departmental research budgets in 2010. Publishing a forward look would enable other sectors and departments, the research community, parliament and the public to see planned research alongside the government's policy priorities. The Welsh government's Forthcoming Publications web page continues to fulfill this function.
- 4.7** **Although policy often moves faster than research, this does not mean that the public cannot scrutinise the extant evidence base.** The Welsh government has developed Emerging Findings Reports, which they ask researchers and departments to prepare when an urgent policy announcement needs to be made before full research findings are available.

## Ensuring the independent commissioning and publication of government research

**4.8** A number of individuals giving evidence to this inquiry warned that a blanket call for all government-commissioned research to be openly published might chill policymakers' willingness to commission research. This does not appear to have been the case where a research register is in operation, eg at Defra, and all research is tracked in public view.

**4.9** It has been suggested that one way to alleviate the pressures on the commissioning and publication of government research would be to separate the analytical and policymaking functions of every department.

**Jonathan Portes, National Institute of Economic and Social Research, said:**

*"If you tell ministers that research will automatically be published on a fixed timetable with no scope for delays or interference, then (with honourable exceptions) they will commission much less of it or none. And in current budgetary circumstances there will be no particular penalty for this. This tradeoff simply cannot be resolved, except by making the commissioning of research independent... it's generally recognised internationally, and is the reason that the IMF and World Bank, say, have strong, constitutionally independent evaluation offices. The UK needs the same, for each major department (there could be some grouping) with independent heads, not from government, some protection of budgets (at least three or five year budgets), the freedom to evaluate what they see fit and publish the results, and a direct reporting line to Commons departmental committees (à la NAO [National Audit Office]). There is nothing particularly radical, complicated, or difficult about any of this, except that ministers wouldn't like it."*

**4.10** There is some support for the principle of separating research from policymaking amongst members of the research community, civil servants and politicians, but these proposals raise the question of who would then commission the research. Such a separation might also bring into question the relationship between policymakers who commission research and academics carrying it out and indeed it might itself have the effect of reducing politicians' interest in commissioning and paying for research.

**4.11** Another suggestion made to this inquiry was that researchers could report directly to parliament. It is understood that the former head of what was then the Home Office Research Unit concluded in the 1950s that this should be the norm, so as to preserve the independence of research. While both of the suggestions above are worthy of consideration, they imply an unlikely major overhaul of a system that could meet publication requirements much more simply.

## Appointing ad hoc committees

**4.12** Appointing ad hoc committees to oversee potentially difficult research can be especially useful, because it allows government to point to independent evidence and to set out its policy response separately. Here are some examples:

### **4.13** Biofuels and food crops

In April 2008, the government's Renewable Transport Fuel Obligation committed the UK to ensuring that biofuels make up 2.5% by volume of road transport fuel sales, increasing by 1.25% a year to 5% by 2010/11. This was a result of an EU Directive in 2003 promoting the use of biofuels.

- 4.14** Evidence had emerged that raised “concern about the role of biofuels in rising food prices, accelerating deforestation and doubts about the climate benefits.” In February 2008, a paper by Searchinger et al in *Science* suggested that in the US, biofuels caused land use changes that led to increased net emissions of greenhouse gases.<sup>52</sup> This prompted the chief scientists of Defra and DfT to commission a review of the evidence behind the policy of increasing biofuel use and its indirect effects, and whether there should be a moratorium.
- 4.15** The review was chaired by Professor Ed Gallagher, chair of the Renewable Fuels Agency (the independent agency created to implement the policy). It concluded that while there was no need for a moratorium and that “there is a future for a sustainable biofuels industry,” the rate of increase in the use of biofuels should be reduced to avoid agricultural land being displaced.
- 4.16** Because the UK was committed to a rapid increase in the use of biofuels, and because the impact on food crops was controversial, the research and recommendations could have been awkward for the government. It appears that, because of a collaborative effort between researchers and civil servants to ensure that counter-evidence and uncertainty were properly addressed during the research, it was possible to publish the final report within six months of the research being commissioned.
- 4.17** **The effect of mobile phones on health**  
Media stories and campaign groups claimed that mobile phones and transmitter masts were causing cancer, despite a balance of scientific evidence to the contrary. An independent expert group on mobile phones had concluded in 2000 that although mobile phones and transmitters are unlikely to cause disease, further research was required to address possible biological effects of low-level radiofrequency radiation. The Mobile Telecommunications and Health Research (MTHR) programme was set up in 2001 to commission and oversee this research, jointly funded by government and the mobile phone industry.
- 4.18** The MTHR’s research spanned 11 years, and concluded that there was no association between mobile phone use and cancer. The MTHR’s committee was effective in commissioning controversial and complex research and communicating it to the public. The interposing of an independent committee helped government to publish reliable research in a framework that was recognised by commentators as independent.
- 4.19** **The Depleted Uranium Oversight Board**  
The Ministry of Defence set up this independent board to oversee the development of a laboratory test to check for exposure to depleted uranium (DU) amongst veterans of the Gulf War and other conflicts in the early 1990s. The board included established scientists, veterans’ groups and campaigners, to ensure that a broad range of views was considered. It concluded that there was no detectable exposure to DU. The research was published without delay, alongside a minority review that questioned the validity of the test.

## Research commissioners and researchers working together to set questions and agree on publication

- 4.20** **Organisational preparedness for unconventional terrorist attacks**  
Research into how prepared public and private organisations are to respond to chemical, biological, radiological or nuclear terrorist incidents has been published promptly and in full, notwithstanding concerns that the findings or even the questions could be seen as identifying weaknesses in national security. Researchers, civil servants and other stakeholders met to discuss the questions to be asked, research methods and ways to communicate findings to the public. Such events appear to help build trust between academics and those commissioning research.

<sup>52</sup> Searchinger, T et al (2008)

## Allowing reanalysis of sensitive data

- 4.21** HM Revenue & Customs' Data Lab and the Department for Education's National Pupil Database give approved researchers access to sensitive data, which the researchers can then analyse and publish. The Education Endowment Foundation publishes in a way that allows researchers to reanalyse the results from their trials. Such systems ensure that personally sensitive data can be used.

## Principles and recommendations

- 4.22** In the light of the material summarised in this report, the following broad principles are commended:
1. Prompt and full publication of government research is a matter not of contract but of public duty. While research contracts will necessarily vary in their provisions, all contracts should spell out this obligation of principle, which reflects the departmental rules governing external research.
  2. No redactions should be made in published research except for verifiable legal or security reasons such as data protection or national security.
  3. Save in wholly exceptional circumstances, publication of external research should precede or, at latest, accompany promulgation of any policy initiative which is presented as dependent on it, or which clearly is intended to be.
  4. Conflict with current or impending policy initiatives is not an acceptable reason for delaying or withholding publication of external research. In such situations government should be prepared to publish its reasons for disagreement and let any debate be aired in public.
  5. Government and researchers should adopt more of the practices described in the preceding paragraphs in commissioning, conducting and communicating problematical research.
- 4.23** The recommendations that follow seek to avoid any measures that would inhibit ministers and civil servants from commissioning in the first place research into politically sensitive issues or research that might generate awkward findings. Even so, it is recognised that there will be occasional research that cannot be published (or cannot be published in full), for example for reasons of national security.

### Recommendation I A standardised central register of all externally commissioned government research

Building on existing departmental research databases, the government should institute a system in which:

- (a) A searchable list of commissioned external research is published and maintained, including: who is commissioning and conducting the research, what is being measured, what methods are being used and what outcomes are expected; and a timetable for completion, peer review and publication of the research.
- (b) Each study has a unique identifier that conforms to open data standards, so that any amendments to these fields during the course of the research can be tracked and will be accompanied by an explanation, is linked to associated data sets and is associated with comprehensive meta data. Consideration should be given to these issues in future discussions about detail of a register of research.

*Prompt and full publication of government research is a matter not of contract but of public duty.*

In addition:

- (c) Such a register would enable departments to announce what they plan to publish in the coming months.
- (d) Ministers should arrange for parliament to be told, for example by placing the information in the libraries of the House of Commons and the House of Lords, what research has been commissioned in each quarter and what research has been received and published.

**Consultation suggests that the function of maintaining a central register would be most appropriately undertaken by, or under the auspices of, the Cabinet Office.**

From the perspective of this inquiry, the benefits of a register would be:

- Public clarity on policy issues and accountability for public funds;
- Improvements in the tracking and prompt publication of research;
- Availability of research to the overall research base; and
- Confidence in the system of undertaking research for government among independent research organisations.

A register should therefore include all research conducted by independent organisations, and any research that is conducted by arm's length bodies and other directly employed agencies, which government might wish the public to view as objective and independent.

The submissions to this inquiry, and indeed the frustration expressed by people in government departments who struggled to provide us with information about the extent to which research is published promptly, show that a register of commissioned research would provide a range of benefits to government itself, and to those who work with government, including:

- Cost saving by avoiding repetition;
- Cost saving through increased use of existing resources for policymaking;
- Cost effectiveness through improved and combined use of research findings;
- Organisational memory;
- Improving the methods and data of the existing knowledge base when undertaking new research;
- Cross-departmental coordination and sharing of resources.

A more comprehensive register would ensure that government obtains these benefits too.

## **Recommendation II      Clarity on what constitutes externally commissioned government research**

To give practical effect to the distinction spelled out in paragraph 2.3 joint guidance should be issued by government's heads of analysis. This would explain for the benefit of all departments how to separate research from advice, especially when both feature in the same document, in order to ensure the prompt publication of the former.

## **Recommendation III      A clear commitment to prompt publication in research contracts**

While contracts will necessarily vary in their provisions, all research contracts need to acknowledge that, as rules and protocols recognise, prompt and full publication of government research is the norm.

## Recommendation IV Routine publication of research the government has considered in policy formulation, with, if appropriate, reasons for rejecting it

When publishing policy, government departments should provide a reference and relevant links to research evidence that has been considered, and, if the policy conflicts with the evidence, a note explaining why the evidence was rejected.

Where research is considered to be substandard, publication may be delayed for long enough to have it independently assessed. If poor quality is confirmed, the default position should be publication with a critique.

Where policy runs ahead of research, interim research findings should where practicable be published.

External research, when submitted, should be promptly made accessible online by the department or agency commissioning it. This should be noted on any register. Future publication in, for example, specialist journals should not be regarded as a substitute for prompt online access where a final report has been made to the government.

## Recommendation V A clear statement of the current requirements for prompt publication and adherence to them

Discrepancies between the understanding and practices of different departments, and within departments, have recurred throughout the evidence heard and submitted to this inquiry. Ministers should be asked to confirm that their departments understand and adhere to the current rules, outlined in Section 2, regarding prompt publication of third party research. Ideally one set of rules and principles should be applicable across all of government, but at the very least departments should be directed to submit any additional guidelines they have produced to internal and external scrutiny and approval to ensure adherence to these rules and principles.

## Recommendation VI Training in research for policy communicators

A programme of training and briefing should be established as part of the induction of ministers, special advisers and communications officials to cover the rules regarding publication of commissioned research and, in some cases, training in how to handle research communication confidently and openly in a political context.

While there is considerable research experience in government, this is not necessarily deployed in the communication of research, which is often undertaken by those with a more political role or who are more concerned with communication and negative publicity. Furthermore, there seems to be little sharing or appreciation across government of those cases where departments have handled research publication well and engaged in a respectful and open discussion with the public, and how this has been achieved.

Greater cross-departmental sharing of research communication experiences should be established. This might be achieved through the existing departmental heads of analysis or another body.

# AFTERWORD

by Tracey Brown

The findings of Sir Stephen's inquiry may reassure some people: it seems there isn't evidence that research is frequently withheld from public discussion. There are rules that stipulate prompt publication and there are times when difficult (read politically awkward) research is published and handled well. Some positive points

that we can hang onto along the challenging road ahead.

*Sir Stephen set out to investigate suppression but found weak rules and chaotic systems.*

But we should not be reassured, we should be alarmed. Sir Stephen set out to investigate suppression but found weak rules and chaotic systems. It turns out that we don't know what has become of millions of pounds of government-commissioned research.

Government itself doesn't know: some departments have no idea how much research they have commissioned, whether it was published, or where it all is now.

Just as alarming is the alacrity with which some parts of government put up apparently insurmountable obstacles to doing things that their peers in others manage without a problem. The sky has not fallen in at departments that maintain a research register. They continue to commission research, with the advantage of then knowing whether it's been published — and where it is.

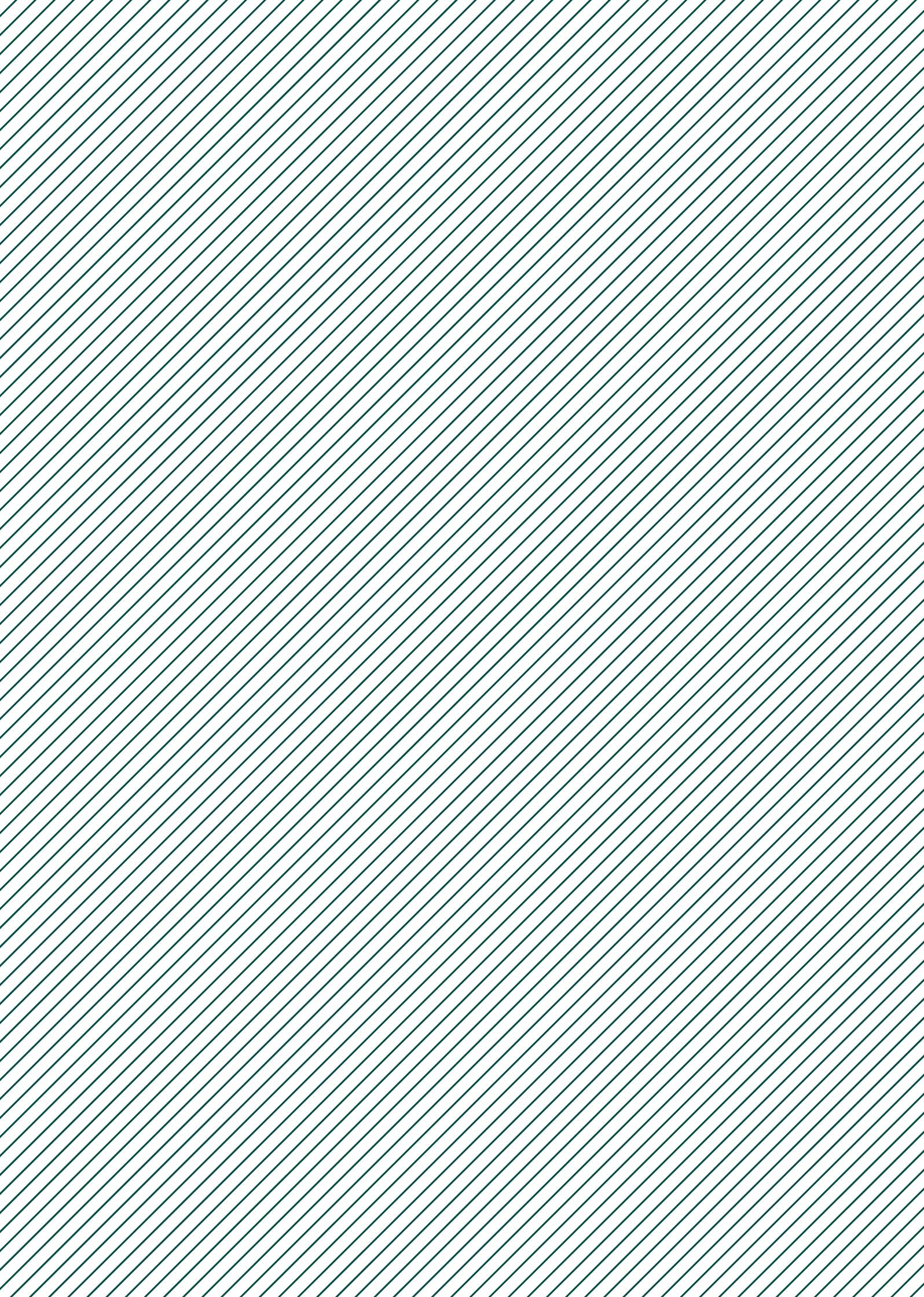
Sense about Science spoke with the Cabinet Office and others about including a register in transparency plans when Sir Stephen first explored it early in the inquiry. We will respond to his recommendations by pressing firmly and publicly for it.

A register, along with the recommended clearer contracts and rules about publication, will give the public confidence that information isn't being kept from them and give researchers confidence in working with government.

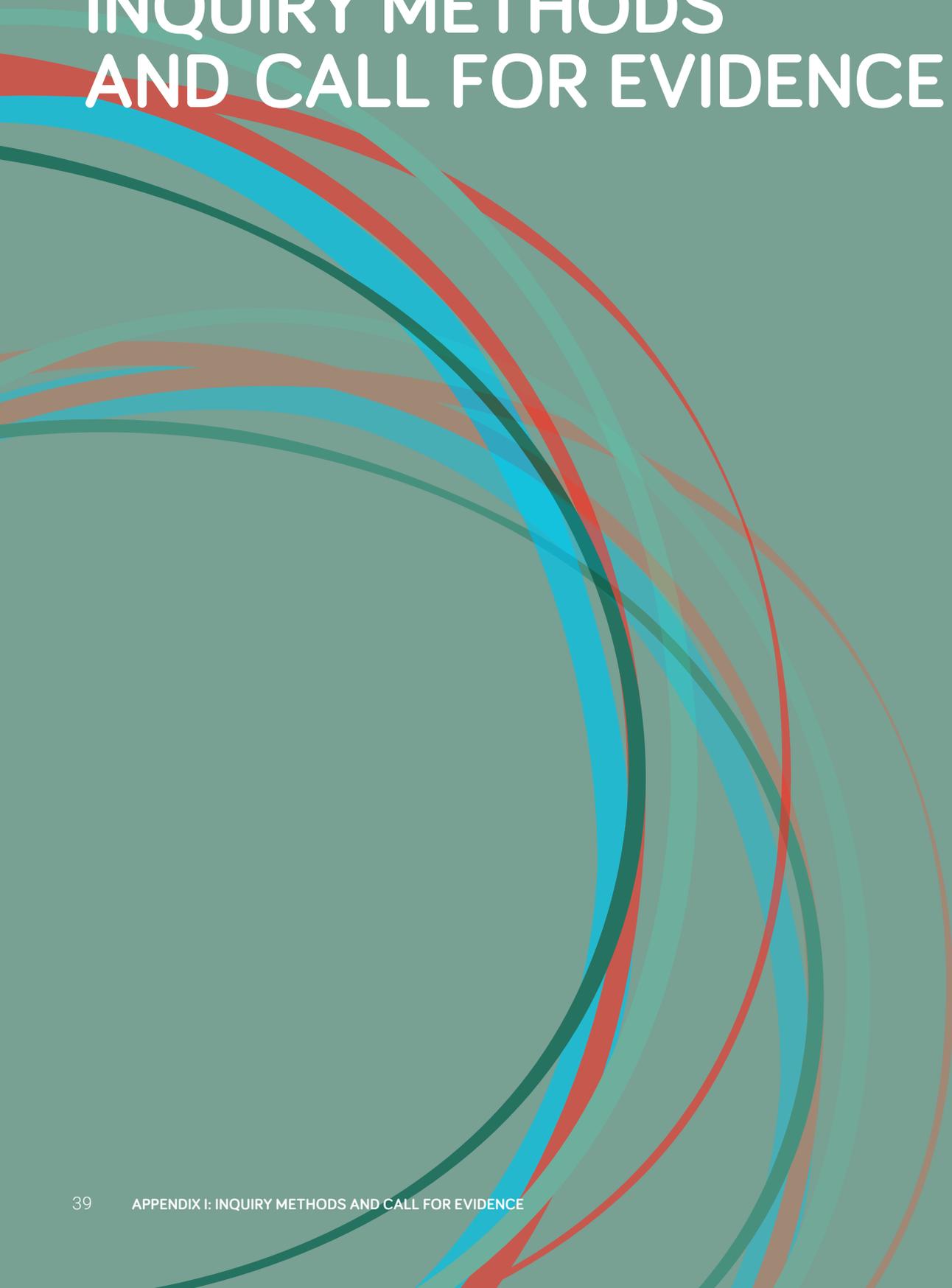
What of political manoeuvring? Sir Stephen says of course it influences publication of research, but he has cast it in a new light. When research isn't published, it is not the confidence of the special advisers and political communicators winning through, but rather their lack of confidence. So the report advocates a smarter approach to communicating research in a political context. I'm so glad about this. Sense about Science works with the widest range of public groups on the most difficult issues. We find it puzzling that policy makers go in search of public trust and confidence — which is often why they commission independent research in the first place — and yet won't trust the public with a discussion about the findings.

I'm sure they don't want to be in that position, and anyhow transparency is here to stay. This is an opportunity not only to recover millions of pounds of wasted research but to give politicians the out they need — publish or be damned.

Tracey Brown is the director of Sense about Science



# INQUIRY METHODS AND CALL FOR EVIDENCE

An abstract graphic consisting of several overlapping, curved lines in shades of teal, red, and blue, sweeping across the page from the left side towards the right.

## Inquiry methods

The Rt Hon Sir Stephen Sedley, who is leading the inquiry, is a privy counsellor and former Lord Justice of Appeal. He has served as an ad hoc judge of the European Court of Human Rights and has been a visiting professor at the University of Oxford. He is a trustee of Sense about Science.

The report has been researched and co-authored by Dr Prateek Buch, policy associate and Dr Síle Lane, director of campaigns and policy at Sense about Science.

Initial consultations with members of the research community, civil servants, and politicians helped us to frame the inquiry's call for evidence (see below), which we issued in November 2015. We invited written submissions and interviewed interested parties to gather evidence.

We have benefited greatly from the written submissions, oral contributions and advice from the people listed in Appendix II, but the content of this report is the responsibility of its authors.

The inquiry and the production of this report were supported by a grant from the JRSST Charitable Trust (Registered Charity No: 247498) and by Nick Ross.

## Call for evidence

### Tuesday 24th November 2015

Sense about Science is seeking information and views about how government commissions and publishes research from the academic community, professional bodies, the civil service, charities, the media and other interested parties.

Research conducted or commissioned by central government is an important part of guiding, developing, modifying and monitoring policy. Although departmental guidelines require prompt and complete publication of such research, there have been repeated allegations in recent years of publication being held back.

This has raised public concerns for a number of reasons:

- Failure to make publicly-funded research available to the public.
- A lack of transparency on the basis of government decisions and the role of evidence in reaching them.
- Potential effects on the willingness of researchers to assist in policymaking.

It is not known how significant or widespread the delayed publication or withholding of government research is, and there is little comparative evidence of how different departments or agencies behave. There will also be examples of good practice, for instance where potentially awkward research has been published promptly.

Sense about Science is conducting an inquiry, to be led by one of its trustees, the Rt Hon Sir Stephen Sedley, into the scale and sources of the problem, and into possible remedies. An initial scoping exercise was conducted between 18th September and 30th October 2015 to establish this call for evidence.

The inquiry will consider the publication of research, including analyses of official statistics, initiated by Whitehall departments and the arm's length bodies that report to them. We also welcome submissions relating to devolved administrations, but not to local authorities. The inquiry will consider what has happened in established instances of research being held back, and will suggest how controversial or inconclusive research can be handled.

We invite submissions about your experience of commissioning, conducting, publishing or accessing government research, particularly in the following contexts:

- 1 Contracts and rules:** do research contracts make publication principles clear? Are these principles ethically and legally appropriate? Who is responsible within departments for ensuring that research is published promptly and fully?
- 2 Expectations of publication:** these vary, especially as regards the timing of the announcement of policy and in relation to controversial topics. What justifications may there be for delaying or withholding publication of government-commissioned research?
- 3 Potential improvements:** what changes would improve the way government commissions, conducts and publishes research? How can good practice be spread?

Appendix II

# LIST OF CONTRIBUTORS

We have had the benefit of written submissions, oral discussions and advice from the following people. With the authors' permission, written submissions are published in full at [www.researchinquiry.org/submissions](http://www.researchinquiry.org/submissions)

Richard Bartholomew	Former joint head of government social research
Professor Sir John Beddington	Professor of applied population biology, Imperial College London; senior adviser, Oxford Martin School, University of Oxford; former government chief scientific adviser
Professor Virginia Berridge	Professor of history and director, Centre for History in Public Health, London School of Hygiene and Tropical Medicine (written submission)
Nicola Blackwood MP	Chair, House of Commons science and technology select committee
Sir Iain Chalmers	Coordinator, James Lind <b>Initiative</b> ; founding member of Cochrane Collaboration and Campbell Collaboration
Professor David Coggon	Professor of occupational and environmental medicine, University of Southampton
Tim Colbourne	Director of policy, Open Reason; former special adviser and deputy chief of staff to deputy prime minister Nick Clegg MP
Professor Brian S Collins	Professor of engineering policy and director, International Centre for Infrastructure Futures, UCL; former chief scientific adviser, Department of Business Innovation and Skills and Department for Transport
Professor Dame Sally Davies	Chief medical officer for England, Department of Health; emeritus professor, Imperial College London
Fiona Fox	Chief executive, Science Media Centre (written submission)
Dr Emma Gordon	Head of government economic and social research, Treasury
Dr Michael Hallsworth	Director, health & tax, Behavioural Insights Team
Deborah Hargreaves	Director, High Pay Centre; chaired High Pay Commission
Rod Harrison	Senior principal research officer, Scottish government
Professor Marianne Hester	Professor of gender, violence & international policy, University of Bristol
Rt Hon Patricia Hewitt	Former MP and secretary of state for health
Ed Humpherson	Head of assessment, UK Statistics Authority
Dr Julian Huppert	Former MP
Dr Eric Jensen	Associate professor, University of Warwick
Professor Lord Krebs	Emeritus professor of zoology and former principal, Jesus College, University of Oxford
Dr Daniel Lambauer	Director for value for money development, National Audit Office
Rt Hon David Laws	Former MP, minister of state for schools, minister of state for Cabinet Office and chief secretary to the Treasury; executive chairman, CentreForum

Dr Tim Leunig	Chief scientific adviser, Department for Education
Sofia Lind	Senior journalist, <i>Pulse</i>
Catherine Luckin	Head of international, Academy of Medical Sciences
Simon Luker	Department for Environment, Food and Rural Affairs
Dr Audrey MacDougall	Chief researcher and head of Education Analytical Services Division, Scottish government
Dr Steven Marshall	Chief social research officer, Welsh government
Dr Jonathan Mendel	Lecturer, University of Dundee (written submission)
Andrew Miller	Former MP and chair of the House of Commons science and technology select committee
Rachel Muckle	Social scientist and research programme manager, Department for Environment, Food and Rural Affairs
Dr Kathryn Oliver	Departmental lecturer in evidence-based social intervention and policy evaluation, University of Oxford
Nicola Perrin	Head of policy, Wellcome Trust
Vicky Petrie	Head of research, Department for Education
Jonathan Portes	Principal research fellow (former director), National Institute of Economic and Social Research; former chief economist, Cabinet Office & Number 10 Downing Street (written submission)
Nigel Praities	Editor, <i>Pulse</i>
Becky Purvis	Head of public affairs, Royal Society
Sir Venki Ramakrishnan	President of the Royal Society (written submission)
Dr Brooke Rogers	Reader in risk and terror, Kings College London
Steve Rolles	Senior policy analyst, Transform Drug Policy Foundation
Jill Rutter	Programme director, Institute for Government
Dr Michael Sanders	Chief scientist and head of research and evaluation, Behavioural Insights Team; post-doctoral research fellow, Harvard Kennedy School of Government; research associate, Centre for Market and Public Organisation, University of Bristol
Professor Sir Nigel Shadbolt	Principal of Jesus College, Oxford; professor of computer science, University of Oxford; chairman of the Open Data Institute
Dr Andrew Steele	Co-founder, Scienceogram; post-doctoral researcher, Francis Crick Institute
Dr Christian van Stolk	Director, RAND Europe
Professor Roger Tarling	University of Surrey; former head of the Home Office Research and Planning Unit

Dr Suzanne Taylor	Research fellow, London School of Hygiene and Tropical Medicine (written submission)
Jane Tinkler	Head of social science, Parliamentary Office of Science and Technology
Dr Arnaud Vaganay	Research associate, London School of Economics and Political Science
David Walker	Former head of policy, Academy of Social Sciences (written submission)
Professor Sir Mark Walport	Government chief scientific adviser, Government Office for Science (written submission); honorary distinguished professor of medicine, Imperial College London
Professor Jeremy Watson	Professor of engineering systems and vice-dean, Faculty of Engineering Sciences, UCL; chief scientist and engineer, Building Research Establishment; former chief scientific adviser, Department for Communities and Local Government
Naomi Weir	Assistant director, Campaign for Science and Engineering
Professor James Wilsdon	Professor of research policy, Department of Politics and director of impact and engagement, Faculty of Social Sciences, University of Sheffield
Dr Sarah Wollaston MP	Chair of the House of Commons health select committee

Appendix III

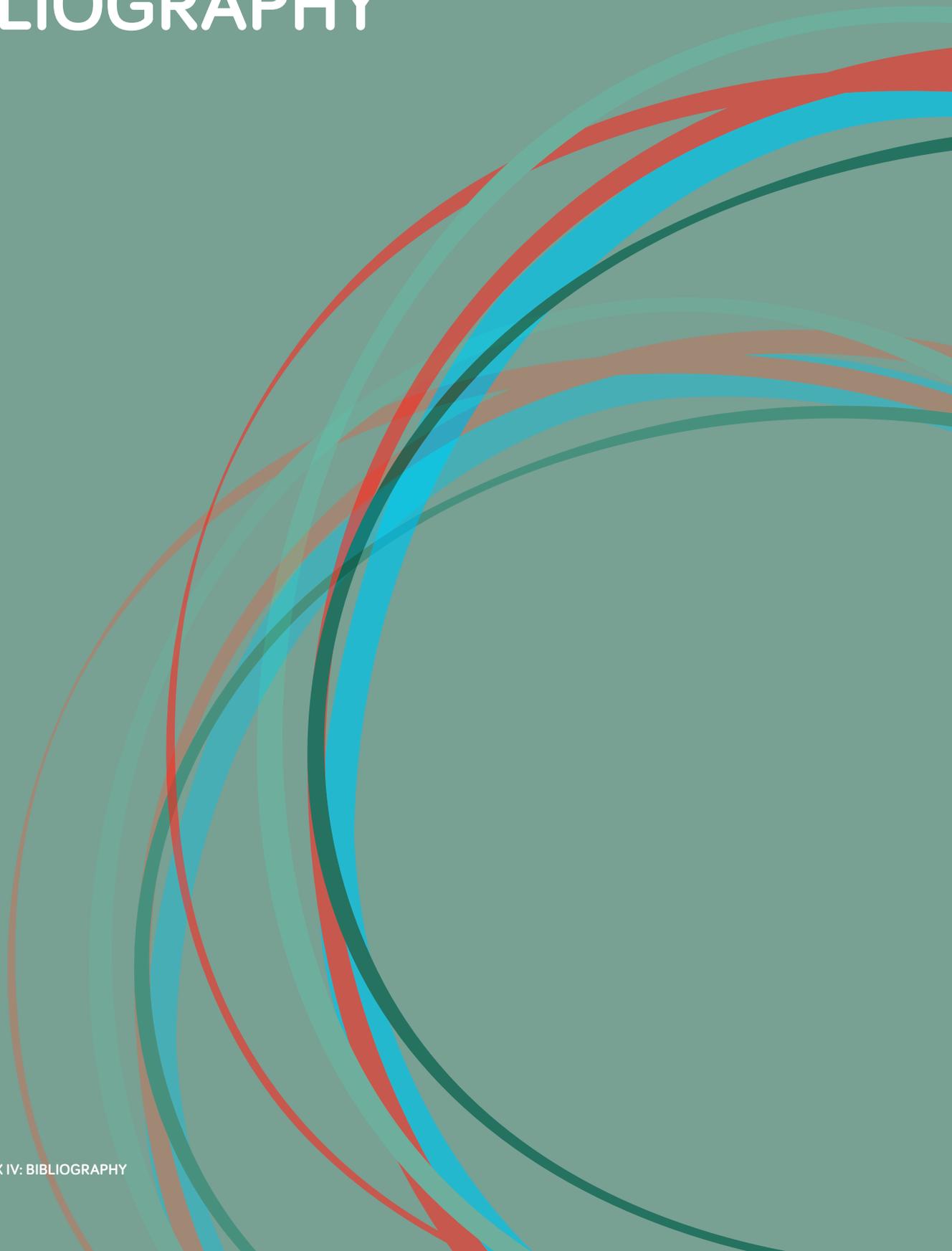
# FREEDOM OF INFORMATION REQUESTS

We requested the following information from 24 UK ministerial departments and from two executive agencies (Public Health England and the Environment Agency) under the Freedom of Information Act 2000:

- 1** Details of all research studies commissioned by [the department/agency] between July 2013 and July 2015, including title, date the study was commissioned, who was commissioned to carry out the study, and when and where the results were published.
- 2** A summary of how many research studies were carried out or commissioned by [the department/agency] between July 2013 and July 2015, and how many remain unpublished as of July 2015.
- 3** A statement of how complete [the department/agency]'s publicly available databases of research studies are, by summarizing the details of all research studies that have been commissioned but are not registered on the databases.

For details of departmental responses see Table 1, p 14.

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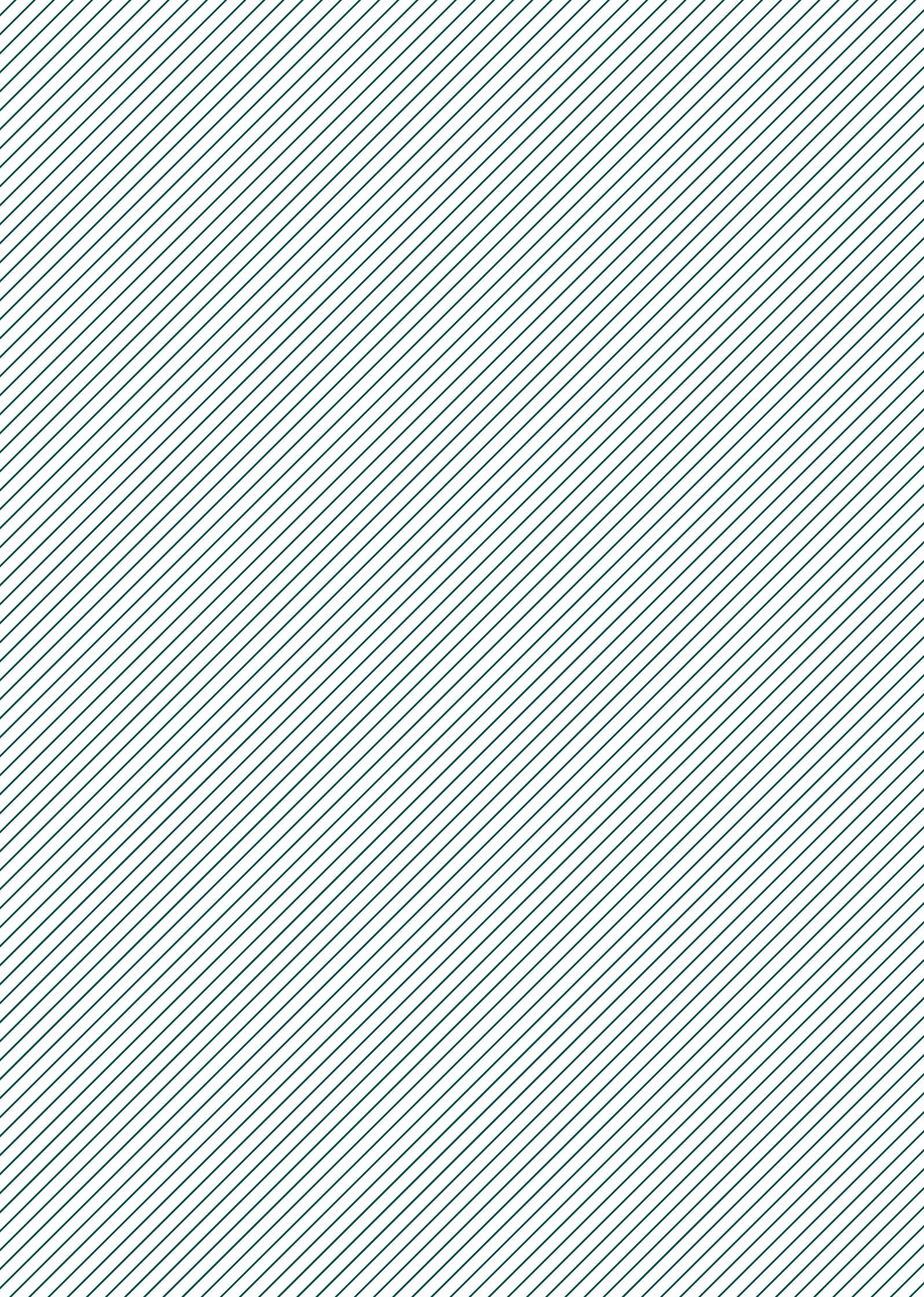
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