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Freedom of information: towards a code of ethics for performance indicators

by

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Introduction

League tables, in education, health, local authority services, policing and many other areas, have become a prominent feature of the social and political scene. Their effects are clear and they generate considerable debate. For schools, the annual rankings on the basis of examination results have attracted such criticism that even the government which introduced them has conceded that they can be misleading (DFE, 1995). Yet they continue to be published with support from politicians of most persuasions. While there appears to be something of a consensus that properly contextualised, or 'value added', comparisons are desirable, they are rare and there are considerable practical difficulties in implementing them.

Any public ranking of institutions identifies winners and losers. Those at the bottom invariably attract attention as low achievers or 'failures'. No matter whether the ranking is in terms of crude, uncontextualized, outcomes or whether attempts are made to provide contextualisation as in 'value added' scores, all rankings are fallible. Current research (Goldstein and Spiegelhalter, 1996) shows that the best available procedures give rankings such that most classes or schools cannot be separated for purposes of comparison. There are several reasons for this.

First, the judgements are always made about a prior group of students or prior state of the institution and the current state may be different. Thus, for example, exam results for 16 year old secondary school children are based on a cohort who will have started at the school some five years previously and any inferences may well not apply to a new cohort. Secondly, the statistical procedure whereby 'adjustments' are made for background factors and prior attainment will only produce estimates within a margin of error so that a great deal of uncertainty about the position of any institution will remain. Finally, there may well be external factors not taken into account, such as household income, whose absence will distort comparisons.

As the ability to process and present statistics and the results of statistical analyses grows, we are subject to an increasing amount of information, often presented with the implicit assumption that *any* information must be useful. For example, those who would argue against the publication of unadjusted or even value added (adjusted) examination results on the grounds that they convey a spurious accuracy, are typically labelled as being against 'freedom of information', and hence reactionary.

The purpose of this article is to look at some of the problems associated with the release of information. In particular we wish to open up a debate about the implications of releasing information about institutions, and what safeguards can be taken against misinterpretation, false labelling or generally what we may refer to as 'information abuse'.

Public accountability and information abuse.

In many industrialised societies there is a strong popular belief that the publication of information about the functioning of public bodies is an overwhelming social good. In some societies, such as the US, it may also be enshrined in public disclosure legislation. In the context of school 'failure' or 'success' the role of published performance information is crucial. It provides the data to make judgements, or in market terms, it introduces a common currency by which the 'worth' of institutions can be measured. Indeed, this appears to be the primary purpose of such information and the discourse of most politicians implicitly acknowledges this when it refers to such matters as parental 'choice' or raising 'standards'.

Freedom of information vs abuse of information

The following extracts summarise the conventional view about freedom of information. They are taken from a report produced by the former Inner London Education Authority.

"Within the context of demands for greater accountability and increased pressure for freedom of information, unless the ILEA agrees to publish centrally a table of examination results it will be deemed to be secret and evasive."

"The requirement to publish examination results inevitably involves the risk of institutional damage. However, if such data are not made available it is possible that schools will not be aware of their current performance in relation to other schools, and therefore there will be less pressure for improvement of current practices We conclude that the determining factor should be the right of parents to have the most useful information." (ILEA, 1987)

One of the basic principles set out by the ILEA was

The presumption should be that consumers should have the right of access to all the information necessary for them to make informed choices.

It is clear from these extracts that a fear of being criticised as secretive was a strong motive behind the ILEA's policy of publishing examination results. The ILEA did not feel that publication of certain kinds of data might justifiably be suppressed because they lacked validity and were likely to be misleading or misused. In the ten years since this policy was enunciated there seems to have been little change in general attitudes and little questioning of such views.

As a reaction to unreasonable secrecy the belief in open access to information seems wholly healthy and has led undoubtedly to many benefits. Yet the public disclosure of information cannot be held to be an *absolute* principle. This is recognised by governments, for example, who normally reserve the right to withhold information they deem to threaten the 'security' of a nation. Likewise, if publication of information

potentially could harm individuals, or be seriously misleading, then there is an argument for refusing to publish it. It is our contention that much of what might be described as performance indicators - statements about schools or other institutions - falls into this category. Its ability to reflect objective reality may be extremely limited and its publication may therefore cause incorrect inferences about institutions to be drawn.

In such circumstances, we would argue, there is a strong case for withholding publication. If, for whatever reason, publication cannot be prevented then the information should have attached such warnings about its interpretation that few would wish then to take it seriously. By this we do not mean simply a warning such as appears on tobacco advertisements, but a proper and prominent *explanation* of why the information is suspect and a reassurance that the publishers of the information fully accept its limitations.

This view leads us to be critical of much of the activity under the heading of educational performance indicators. A great deal of this information is produced simply because the data happen to be available (see, for example Bottani, 1994). Some of it, such as the achievement scores produced by the international studies of Maths and Science (Rotberg, 1990), have been taken, even usurped, by governments and by international agencies such as OECD in order to rank countries in a supposed order of merit. Even where appropriate caveats are entered in official reports they tend to have little effect, and the overall message is that the information presented is useful and informative.

A key factor in this activity is the absence of an accepted set of publication standards. Just as educational test constructors have ethical guidelines and in most societies there are codes governing the publication of pornographic or derogatory items, so we believe there should be a code for the publication of comparative institutional information. In the next section we set out a first attempt at some guidelines. Our aim is to start a public discussion to see if some consensus can be reached about what a suitable code might contain and whether and how it might be enforced. We also believe strongly that, without adequate regulation, in the long term the poor and misleading quality of some of the information will become apparent with the danger that public distrust will arise. This would then detract from the value of *all* information, good and bad. Thus it is in the interests of those who wish to publish information to consider carefully the provision of proper guidelines.

In setting out these guidelines we have considered the various users of information. For example, policy makers are interested in broad questions of efficiency whereas parents and students tend to be more concerned with local details relevant to their particular needs. For all users, however, there is a shared interest in accuracy and general quality and it is these factors which motivate the following suggestions.

A code for performance indicators

We first set out briefly the essential principles we believe are necessary and then elaborate upon some of the implications. There are two basic principles from which we can derive others. These are:

- ***The avoidance of unwarranted harm:***

Innocents should be protected from misleading insinuations. For example when schools are ranked by examination or test scores it should be made clear that this is not a ranking by educational quality.

- ***The right to information:***

Given information believed to be accurate and relevant, there shall be a presumption that it be made public. There is, however, no *absolute* right of publication and this is reflected in the first principle

The remaining principles can be viewed as elaborations of these.

- ***The principle of contextualisation:***

Indicators should provide information which allows for fair comparisons. Indicators strongly affected by extrinsic factors should not be used unless adjustments have been made: for example, school rankings based solely on 'raw' examination and test score results should not be published. All adjustments/contextualisations should be carefully described and prominently displayed.

- ***The principle of uncertainty presentation:***

All indicators to be accompanied by prominent estimates of statistical uncertainty. These should reflect sampling variability, choice of measurements, models, etc.

- ***The principle of multiple indicators:***

Where possible, and where relevant, multiple indicators should be presented rather than a single or summary one. This is intended to avoid over-concentration on one aspect of performance.

- ***The principle of institutional rights:***

Any indicated institution shall have the right to question the accuracy of information about it. Compilers of indicators shall be obliged to make available data in a format which allows this, subject to confidentiality constraints.

- ***Agency responsibilities for public education:***

Agencies responsible for providing public performance indicators shall assume a responsibility for disseminating material about the underlying procedures used for compilation. They should make technical information accessible, for example about sampling or statistical analysis. There is also a responsibility for secondary providers, such as the press and television, to inform the public of the strengths and limitations of the indicators.

In setting out our principles for discussion we wish to challenge some of the conventional assumptions about the publication of information and to convey a sense of the complexity which surrounds these issues. As with any code of ethics, a primary function is to raise people's awareness of the problems, of the benefits and harms which can result from certain actions. In general, we believe, there will be room for debate about any particular piece of information. What is important is that people and institutions should have a means of redress if they believe they are being unfairly labelled, and those who see the information should be exposed to views about its limitations as well as its prima facie justification. Government, and authorities of all kinds have a special responsibility here. Despite a certain cynicism about officialdom, it is nevertheless the case that the mere fact of publishing information by an official body lends it credence. It is therefore important that the publication makes every attempt at honesty: it is after all the responsibility of those privileged with access to information and the means to process it, to attempt to present it fairly.

In this respect, of course, the media have a particular responsibility. Some of the issues can, with careful preparation, be presented straightforwardly. In other cases the complexity requires some effort on the part of the presenters, most especially in emphasising the importance and hence the effort that recipients should make towards understanding. A case in point, which involved one of us, was the attempt by the Guardian newspaper in November 1993 (Guardian, 1993) to present 'value added' or adjusted tables of A level examination results, including attempts to display the statistical uncertainty associated with these. This may well have been a key presentation in terms of raising public awareness but, unfortunately, the Guardian failed to follow the logic of this initiative and abandoned any serious subsequent attempt to pursue a debate about the limitations of examination league tables.

Finally, there is the difficult issue of enforcement. If we could obtain agreement about the usefulness of a code, who would police it? This clearly is a matter for careful debate, but a start might be made with the involvement of professional bodies such as the British Educational Research Association and the Royal Statistical Society. Both these bodies have shown concern about the issues, the latter also in the areas of health and social services. Eventually we could have an ombudsperson to whom institutions and people could turn, and who could also have a responsibility for public education. If we, as a society, do nothing then we run the grave risk of rejecting the good and useful information because it cannot be distinguished from the misleading and the bad. That, to put it mildly, would be a disaster.

We hope that this article will stimulate a debate both among educational researchers and more generally and we look forward to further contributions.

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