

[REDACTED]  
[REDACTED]  
[REDACTED]  
Tel: (0118) 954-6632  
Email: [ciaran\\_mchale@yahoo.co.uk](mailto:ciaran_mchale@yahoo.co.uk)

---

Wednesday, 2 December 2009

Mr. David Smith  
Information Commissioner's Office  
Wycliffe House, Water Lane  
Wilmslow  
Cheshire SK9 5AF

Dear David Smith,

On 17 July 2009, Andrew Partridge in the DCSF wrote you a letter in which he made two claims.<sup>1</sup>

1. Some home educators were engaged in a campaign to vilify Mr. Graham Badman, who earlier this year wrote a government review document<sup>2</sup> that expressed concerns about home education.
2. Some home educators were engaged in a campaign to deliberately swamp the DCSF with freedom of information (FOI) requests.

In his letter, Andrew Partridge provided evidence of the first claim. His letter did not provide evidence of the second claim but he has since provided that evidence elsewhere.

I am writing to explain that both claims made by Andrew Partridge are false. In this letter I examine in detail the evidence he used to support his claims and I point out how the evidence is fundamentally flawed.

Unfortunately, the DCSF has been using both claims as grounds to deny FOI requests regarding home education. Since both claims are without any merit whatsoever, I feel that the DCSF has been acting unlawfully in denying those FOI requests. Thus I am writing to ask you to use your authority to make the DCSF comply with their duties to respond to FOI requests.

## **1 Flaws in the evidence of a campaign to vilify Graham Badman**

In his letter to you, Mr. Partridge talked of home educators engaging in "harassment and a display of hostility towards" Mr. Badman. In letters denying FOI requests, Mr. Partridge has been more explicit about the problem: he claims that

---

<sup>1</sup>You may have discarded the letter in question. If so, you can find a copy of it online at [www.whatdotheyknow.com/request/17150/response/44226/attach/3/Document.pdf](http://www.whatdotheyknow.com/request/17150/response/44226/attach/3/Document.pdf).

<sup>2</sup>[www.freedomforchildrentogrow.org/8318-DCSF-HomeEdReviewBMK.PDF](http://www.freedomforchildrentogrow.org/8318-DCSF-HomeEdReviewBMK.PDF)

some home educators are trying to *vilify* Mr. Badman, so I will use that more recent term. His letter to you provided four examples of this vilification campaign, which I reproduce below for ease of reference.

- <http://www.facebook.com/wall.php?id=45453211491&page=2&hash=0f2a77932b0633fb20f23cc27b7a0b09>  
The post of 13 June 23.45 suggests that Mr Badman will have a child's blood on his hands.
- <http://grahambadman.blogspot.com/search/label/home%20education>  
On this blog (only recently designated as a 'spooof' by its author), the entry for Saturday 13 June contains an image of Mr Badman manipulated to show him reading *Mein Kampf*. The profile suggests it is his favourite book.
- <http://irdial.com/blogdial/?p=1972>  
This accuses Mr Badman of being a liar.
- <http://www.youjotube.com/watch/t8df37BkKuk>  
This animation shows Mr Badman being crushed by a large foot, and contains a threat: '*Graham Badman step all over our rights and we'll step on you!*'

In the following subsections I will show that Mr. Partridge's interpretation of those examples is incorrect and it is inaccurate to describe any of them as vilification. I will start with the last example: the animated video.

## 1.1 The animated video

If you have not already done so then please view the video in question.

<http://www.youjotube.com/watch/t8df37BkKuk>

Above the video is the username (Momijifan13) of the person who uploaded the video. If you click on that username then you are taken to the person's profile page. On this page you can see that the person is "f" (female) and is 14 years old. Apparently, the threat to Mr. Badman is being made by a teenage girl. I now recommend that you click on the "Videos" link and view all six videos created and uploaded by Megan (her name is given in one of the videos).

One video is a slide show of images depicting Megan's favourite fairy tales. Two more videos show the results as she experiments with features of the animation software to create an image of a stick man waving his arms. Another video is an animation of a dream in which her brother and one of his friends are eaten by a monster. A fifth video is an animation of a surreal story, made up by her little sister, in which chickens rain down from the sky and then the world explodes. Then, of course, there is the video of a Monty Python-inspired foot stepping on Mr. Badman.

Taken together, the videos indicate some varied and healthy interests of a teenage girl: fairy tales, a desire to improve her animation skills, a dream, a silly story, and her response to somebody whom she perceives as threatening.

Mr. Partridge is disturbed by the visual image of Mr. Badman being “crushed” by a large foot. He interprets this as a threat, presumably of physical violence. I disagree with his interpretation. To understand why, we have to examine the wording used in the video.

The key to understanding the video is that Megan misused an English idiom slightly. The expression “to walk all over (someone)” means “to treat a person in an insulting or contemptuous manner”. To be idiomatically correct, the text in the animation should have been: “Graham Badman, if you *walk* all over our rights, we’ll step on you!” Presumably Megan—like many others—feels that Mr. Badman is “walking all over” the rights of people in the home education community, that is, treating their rights with contempt.<sup>3</sup>

Megan subtly changed the idiom “to *walk* all over (someone)” into “to *step* all over (someone)”. Why did she do this? Presumably so she could use repetition to emphasise a point. The change in the idiom’s wording enabled her to repeat “step” three times: twice in the text and a third time in the animation: the foot *steps* on Mr. Badman.<sup>4</sup> Put simply, the image of a foot *stepping* on Mr. Badman was simply a visual pun to emphasise what was written in the text. Because of this, we can regard the visual pun as an entertaining but redundant repetition of what is contained in the text. This means we can ignore the redundant visual image entirely and ascertain the meaning of the video solely from the text.

How should we interpret the “we’ll step on you!” part of the video’s statement? It is obviously intended as the home education community’s response to Mr. Badman “walking all over” their rights. But what is the nature of this response?

Mr. Partridge thinks this response is a threat. *Even if* I agreed with him, it is unreasonable of Mr. Partridge to hold the entire community of home educators accountable for a vague, unspecific (and probably hollow) threat made by one child. A suitable reaction of Mr. Partridge would have been to try to contact the parents of the child in question to express his concern. His decision to deny FOI requests of unrelated adults is *not* a suitable reaction.

I do not believe the video’s statement was intended as a threat. It is much more likely that Megan intended the statement as a *warning*. Consider the following statement.

Put down the knife and back off! I know karate and if you try to attack me then you will get hurt.

Clearly, such a statement is a warning rather than a threat. So too is an idiomatically corrected version of Megan’s statement.

---

<sup>3</sup>Later in this letter I will explain *why* many home educators think Mr. Badman has behaved in such a way.

<sup>4</sup>As an aside, the use of repetition to emphasise a point is a well known tactic that has been used in many famous texts. For example, Winston Churchill repeated the expression “We shall fight” seven times in as many sentences in a famous speech during the Second World War ([www.fiftiesweb.com/usa/winston-churchill-fight-beaches.htm](http://www.fiftiesweb.com/usa/winston-churchill-fight-beaches.htm)). Another example comes from Martin Luther King, Jr. He repeated the expression “I have a dream” eight times in close succession in his historic speech at the 1963 March on Washington event ([www.americanrhetoric.com/speeches/mlkhaveadream.htm](http://www.americanrhetoric.com/speeches/mlkhaveadream.htm)). So Megan’s use of repetition puts her in good company.

Graham Badman, if you walk all over our rights, we'll step on you!

The “we'll step on you!” part is simply a warning that the home education community will act in self-defence.

How might such an act of self-defence be carried out? Certainly not through any violent means. I am not aware of any threats of violence being made against Mr. Badman, and none of the other pieces of evidence provided by Mr. Partridge indicate such threats. How about libel regarding Mr. Badman's personal life? I am not aware of anybody in the home education community making claims that Mr. Badman is a closeted gay man, is cheating on his wife, is alcoholic, is addicted to drugs, or any such thing. Again, none of the other pieces of evidence provided by Mr. Partridge indicate such libel.

The self-defence tactic chosen by the home education community has been to document and publicise how Mr. Badman's attempts to “walk all over” their rights is built upon an extensive collection of what you might call “dirty tricks” (I will provide some examples of these in Section 1.2). So, the message of Megan's video is as follows.

Graham Badman, if you try to use dirty tricks to deny us our rights then we will expose your dirty tricks!

Mr. Partridge is wrong in claiming that the above message is a threat. Rather, the message is a warning.

No doubt, Mr. Partridge would use the term *vilification* to describe the claim that Mr. Badman has been using dirty tricks. However, *to vilify* simply means *to slander* or *to libel*, that is, to make a false, baseless accusation. Accusations are *not* slanderous or libellous if there is evidence that they are true. There *is* such evidence. In fact, Mr. Partridge unwittingly pointed you towards one such piece of evidence, which I shall now discuss.

## 1.2 The accusation of lying

For convenience, I repeat one of Mr. Partridge's pieces of evidence below.

<http://irdial.com/blogdial/?p=1972>

This accuses Mr Badman of being a liar.

Mr. Partridge offers the blog article as evidence of vilification, so he is implying that the blog article in question *falsely* accuses Mr. Badman of lying. However, when I read the blog article, I could see nothing to suggest that the accusation of lying was unjustified. Indeed, the compelling evidence provided in the blog entry combined with the clear and logical arguments of the blog author seem to *prove* that Mr. Badman lied. Since the accusation of lying is proven, it is incorrect of Mr. Partridge to characterise it as vilification.

You may not have time to read the blog article, so let me summarise its thesis. A *lie of omission* is where a person omits an important fact, deliberately leaving another person with a misconception. This can be done by the use of *selective quotation*. The following example (not taken from the blog) illustrates the concept. Consider the following statement.

I was convinced Mary stole the necklace. But later, I realised the necklace had simply fallen off the table into the bin underneath.

If somebody *selectively quoted* only the first sentence of the above statement then that would be a *lie of omission*, since it would be leaving people with a misconception about Mary.

The blog article starts by defining the term *lie of omission*. It then goes on to explain how Mr. Badman had *selectively quoted* from a document written by the Church of England in a way that misrepresented its views.

People in the home education movement have spotted at least five other places in the Badman report where its author has used selective quoting to distort the message of those he was quoting. I provide examples of two of these in the following subsections.

### **1.2.1 A second lie of omission: selective quoting of a home educating parent**

Paragraph 4.3 of the Badman report quotes a supposedly enraged home-educating parent.

... no one from the LA [local authority] would in my opinion be on my child's intellectual level or they wouldn't be working for the LA.

I can think of only one way to interpret that quote: it is an insulting remark about the lack of intelligence of staff who work in local authorities. However, when that quote was reproduced in *The Guardian*, a reader posted a comment on the newspaper's website to indicate the non-insulting meaning behind the words.<sup>5</sup>

This quote in the review was taken out of context btw. I know because I have the original letter sent to Mr Badman.

It was in response to a question about whether a scientifically gifted child would benefit from having a science teacher from the LA come and give them tuition. It was to point out that scientists at the top of their profession are rarely working for the LA, so anyone sent out would not be on the same intellectual level as the scientifically gifted child.

Mr. Badman's selective quoting transformed a very reasonable comment into an insulting remark. In the terminology of the blog author, the use of selective quoting to distort its message is a "lie of omission". As such, we can consider this to be a second proof that Mr. Badman lied in his report.

By the way, an FOI request<sup>6</sup> was issued to obtain the original letter. After a three-month delay, the DCSF finally responded to the request, so you can now see the original letter online and verify for yourself that Mr. Badman's quotation from it was entirely out of context.<sup>7</sup>

<sup>5</sup>[www.guardian.co.uk/education/2009/jun/11/home-education-parents-face-tighter-regulation](http://www.guardian.co.uk/education/2009/jun/11/home-education-parents-face-tighter-regulation)

<sup>6</sup>[www.whatdotheyknow.com/request/badman\\_report\\_home\\_educators\\_quo](http://www.whatdotheyknow.com/request/badman_report_home_educators_quo)

<sup>7</sup>[www.whatdotheyknow.com/request/16655/response/55120/attach/3/Email%201.pdf](http://www.whatdotheyknow.com/request/16655/response/55120/attach/3/Email%201.pdf)

### 1.2.2 A third lie of omission: selective quoting of a judge

Another example of selective quoting concerns *autonomous education*, so I need to first explain that term. Instead of an adult deciding what topics a child should study and in which order, autonomous education is where a child decides what he or she wants to learn and an adult (usually a parent) facilitates that choice. For example, a child might suddenly become interested in rockets after having watched a television program about space travel. If so, the parent helps the child learn about this subject for several minutes, hours, days, weeks or months until the child's interest changes and then they move onto whatever new topic interests the child. For many people whose only experience of education has been a traditional school, autonomous learning might seem bizarre and doomed to fail. However, many home educating parents have found it to be very effective, in part because it takes advantage of a child's interests and natural curiosity. Although a child's interest in, say, rockets might not seem relevant to a traditional school curriculum, the process of a child learning about rockets is likely to involve some practice of subjects in a traditional school curriculum, such as reading, mathematics and physics.

In Paragraph 10.1 of the Badman report, the author states: "I come to no conclusion [whether autonomous education is good or bad] but believe further research into the efficacy of autonomous learning is essential." He then contradicts his claim of not having come to any conclusion by providing the following quote from a court case because it "offers some insight".

... in our judgment "education" demands at least an element of supervision; merely to allow a child to follow its own devices in the hope that it will acquire knowledge by imitation, experiment or experience in its own way and in its own good time is neither systematic nor instructive. . . such a course would not be education but, at best, child-minding.

That quote appears to condemn autonomous education as being nothing more than childminding under a different name. However, Mr. Badman neglected to quote the judge's conclusion, which painted an entirely different picture.

The appellants' children are, and have been, allowed to follow their own interests and to investigate subjects largely of their own choice without restriction. They have not, however—so we think—been simply left to their own devices. The overwhelming impression left by the evidence is that the children are always engaged in concentrated and creative activity or study, and that idleness or ineffectiveness would simply not be tolerated.

On the evidence, we conclude that, despite the lack of formulation or structure, these children have received and are receiving education capable of informed description as the autonomous method, which can properly be described as systematic and which is certainly "full-time".

### 1.2.3 Another dirty trick: ignoring relevant research

Lying by omission is not the only dirty trick that Mr. Badman has used. He has also ignored relevant research in his report. An example of this can be seen in Paragraph 10.1 of his report (which I have already criticised in Section 1.2.2). That is the only place in the report that mentions autonomous education. Recall that the author states: “I come to no conclusion [whether autonomous education is good or bad] but believe **further research** into the efficacy of autonomous learning **is essential**” (the emphasis is mine).

Saying further research is essential implies that insufficient research has been done into autonomous education to date. Yet Mr. Badman neglects to cite *any* research into autonomous education, which is surprising because he *was aware* of such research. For example, in their memorandum to the Select Committee, Dr. Alan Thomas and Harriet Pattison mention that Dr. Thomas spent one hour discussing their research with Mr. Badman. In addition, Section IV of the memorandum submitted by Autonomous Education UK lists several other researchers who had been brought to the attention of Mr. Badman.

### 1.2.4 Flaws in statistical analysis

Mr. Badman’s statistical analysis has been proven to be seriously flawed in two cases so far.

#### Rates of children at risk of abuse

When trying to measure the number of children at risk of abuse, Mr. Badman compared the rates of child protection plans (CPPs) among home educated children and the general population. Unfortunately, he neglected to consider that some children at risk do not have a CPP, but instead are taken into care under a care order. Thus, the true rates for children at risk should be based on both CPPs *and* care orders. By neglecting to consider care orders, Mr. Badman claimed that the rate of home educated children at risk was 0.4%, which is twice the national average rate of 0.2%.

The national rate for the *combination* of CPPs and care orders is 0.6%.<sup>8</sup> What is the corresponding rate for home educated children? When home educators later gathered data from numerous FOI requests and analysed it, they discovered that the rate of substantiated abuse or neglect amongst home-educated children was 0.31% which is almost half the national average. This figure includes both CPPs and children taken into care.

Put simply, Mr. Badman’s flawed statistical analysis resulted in him claiming that home educated children were *twice as likely* to be at risk of abuse compared to the national population, when in fact they are almost *half as likely* to be at such risk.

---

<sup>8</sup> <http://publications.everychildmatters.gov.uk/eOrderingDownload/HC-330.pdf>

## **Rates of concerns about a child's education**

Mr. Badman's flawed statistical analysis also resulted in him claiming that the local authorities had concerns about the education being received by 20% of home educated children.

Again, home educators used FOI requests to obtain the relevant data—in this case, questionnaires filled in by local authorities—and analysed it themselves to check Mr. Badman's figures. The home educators found that Mr. Badman's 20% figure is made up *not only* of genuine concerns about the quality of education being provided, *but also* of: (1) children who are new on the system and not yet processed; and (2) families exercising their legal right not to accept visits from local authorities. It makes sense to include (1) and (2) in the calculations *only if* you believe in the concept of “guilty until proven innocent”.

Unfortunately, some local authorities have been following the example set by the DCSF, and have been refusing to respond to FOI requests. This has meant that home educators have been able to analyse data from only 60 out of the 74 local authorities from which Mr. Badman obtained his data. Nevertheless, the analysis of the data available shows that, once issues (1) and (2) are ignored, there is only a 2.3% rate for children where the LA considers the education to be lacking or unsuitable. This is considerably lower than the “failure” rates for schoolchildren.

### **1.2.5 Exposing the dirty tricks and flaws in statistical analysis**

Let's return to my paraphrase of the message in Megan's video.

Graham Badman, if you try to use dirty tricks to deny us our rights  
then we will expose your dirty tricks!

The home education community is exposing Mr. Badman's dirty tricks and flawed statistical analysis because it is an entirely proper and justified way to defend itself from the baseless accusations that Mr. Badman has made against the community (and, to date, has not yet recanted).

Much of the evidence regarding dirty tricks and flawed statistical analysis has been submitted to the Select Committee for Children, Schools and Families. The Select Committee examines the work and policies of the DCSF, which commissioned the Badman report. The Select Committee has not yet published the results of its investigations into the Badman report, but individuals and organisations submitted to the Select Committee a total of 190 memoranda, most of which are critical of the report. These are available online.

[www.publications.parliament.uk/pa/cm200809/cmselect/cmchilsch/  
memo/elehomed/contents.htm](http://www.publications.parliament.uk/pa/cm200809/cmselect/cmchilsch/memo/elehomed/contents.htm)

If you wish to see a collection of evidence that dirty tricks and flawed statistical analysis were commonplace in the Badman review then I recommend reading the memoranda submitted by: Dr. Paula Rothermel, Jeremy Yallop, Dr. Alan Thomas and Harriet Pattison, Bristol Home Educators' Forum, Tania Berlow, Oxon Home Educators, Dani Ahrens, Andrew and Janet Shrimpton, Linda Fullock and Garry Humphreys, and Rachel Simpson.



That list is not intended to be exhaustive, but rather to provide a sample of problems associated with the report.

### 1.3 The “blood on his hands” statement

For convenience, I repeat another of Mr. Partridge’s pieces of evidence below.

[http://www.facebook.com/wall.php?id=45453211491&page=2  
&hash=0f2a77932b0633fb20f23cc27b7a0b09](http://www.facebook.com/wall.php?id=45453211491&page=2&hash=0f2a77932b0633fb20f23cc27b7a0b09)

The post of 13 June 23.45 suggests that Mr Badman will have a child’s blood on his hands.

Unfortunately, the link provided by Mr. Partridge does not take you directly to the comment in question. You will need to press the “next” button at the bottom of the web page several times to scroll back far enough in the thread of discussion to get to the comment. Keeping looking for the time and date (23:45 on 13 June 2009) as each new page of comments appears.

There is a slight inaccuracy in Mr. Partridge’s comment. The post was originally made two days earlier (at 5:46am on 11 June, 2009). Somebody asked for clarification of what Denise (the author of the comment) meant, and then Denise posted the requested clarification at 11:45pm on 13 June (the date and time quoted by Mr. Partridge). Below is the entire text of the clarification post, which includes the original comment plus the request for clarification.<sup>9</sup>

Mr Badman, there will be a child’s blood on your hands, hope you’re big enough to accept it’s your fault when it happens. Thanks for ruining what we had built up with North Yorkshire LA over the last 3 years, I will not now voluntarily engage with a Local Authority. Don’t you dare thank me for speaking to you

why do you say this?

Which part?

A child’s blood - a child being forced to stay in school, parent’s plans don’t satisfy the LA or they are not considered suitable because they can’t articulate, increased suicide rate. A child already being home educated, damaged from school, under constant pressure to perform or be returned, there will be an increase in suicides in home educated children. Families trying to escape from the nanny state, there will be unassisted births, non registration with any services, no access to GP or hospitals without the risk of being discovered.

Many people in the home education community would instinctively understand Denise’s clarification and feel that her “blood on your hands” claim was justified. However, it seems that Mr. Partridge did not understand the clarification, so I will attempt to explain it in greater detail.

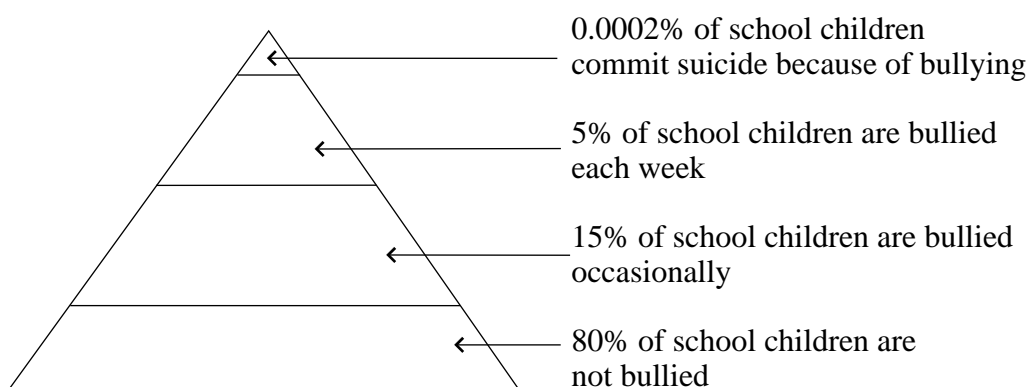
---

<sup>9</sup>To aid readability I fixed some minor typos in the comment. In particular I replaced *childs* with *child’s*, *parents* with *parent’s*, and *been* with *being*.

There are approximately 9.5 million schoolchildren in the UK.<sup>10</sup> Here are some statistics on bullying.<sup>11</sup>

- Each year, at least 16 schoolchildren (0.0002% of 9.5 million) commit suicide because of bullying.
- 20% of schoolchildren are bullied. However, included in that figure is 5% (450,000 out of 9.5 million) who are bullied weekly. So that means the other 15% are bullied less often.
- Therefore, about 80% of schoolchildren do not suffer any bullying.

We can picture the school population as a (not drawn to scale) pyramid.



Research shows that for about 25% of home educating parents, the decision to remove their child from school was made partly or wholly because of bullying.<sup>12</sup> If 25% of home educated children had been bullied when they were in school, but the national rate for bullying is only 20%, then that indicates home educated children who used to be in school had been at a higher than average risk of being bullied.

I do not know how frequently those home educated children had been bullied at school. However, because home education requires a significant, long-term commitment, I cannot imagine parents deciding to home educate children as a knee-jerk reaction to minor, occasional bullying. Rather, for parents to cite bullying in their decision to home educate, their children must have been suffering significant stress from being bullied on an ongoing basis.

This means that when parents decide to home educate because of bullying, their child must have been relatively high up the pyramid of stress while in school. Thus, being able to home educate—as a way to end the bullying—provides a safety net. If the parents were not able to provide the safety net of home education, then the bullying of their children would continue, which would result in their children growing ever more stressed and, in some cases, committing suicide. Put

<sup>10</sup>Disclaimer: <http://pippaking.blogspot.com/2007/08/how-many-children.html> shows the number of school children to be approximately 9.5 million. The figure is several years old but is “good enough” for the simple analysis I am doing.

<sup>11</sup>See [www.ahed.pbworks.com/Anomaly+Figures](http://www.ahed.pbworks.com/Anomaly+Figures). I have rounded off the numbers slightly.

<sup>12</sup>[www.education-otherwise.org/HE/Research.pdf](http://www.education-otherwise.org/HE/Research.pdf)

simply, without the option to home educate, the suicide rate due to bullying would be even higher than 16 per year.

The point Denise was making in her posting on Facebook was that if the recommendations contained in Badman's report are implemented then several things will happen.

- Local authorities will have the power to *force* a home-educated child to return to school. In many cases where this happens, a child who had previously been bullied in school will return to face more bullying. As a result, the child will suffer from increasing levels of stress and may commit suicide.
- Even if a local authority allows a family to continue home educating their children, the family may face significant stress due to: (1) dealing with bureaucracy introduced by the new laws; (2) invasions of privacy due to monitoring visits introduced by the new laws; and (3) worrying about the possibility that a local authority may, at any time and for any reason, decide that the child must return to school. The level of stress imposed will vary from one family to another, but it is possible that some families will be stressed sufficiently for their children to become suicidal.
- Some couples who plan on home educating their future children may become very distressed at the possibility of their children being forced to attend school even if it were to drive them to suicide. This distress might result in some couples deciding, in desperation, that the only way to avoid such a possibility is to ensure that the government does not have *any* record of their children's existence. Couples who take this course of action may have unassisted childbirth, never get their children vaccinated, never take their children to a doctor or hospital when sick and so on. The lack of such medical care will increase the fatality rate of such children.

Denise's comment is a prediction of future events and therefore cannot be "proven" in the present. Nevertheless, her comment is an insightful statement of unintended consequences that *might* arise. If such deaths do occur, then Denise will be right in pointing the finger of blame at Mr. Badman, because it will have been his dirty tricks and flawed statistical analysis that provided the justification for bringing in laws that (albeit, unintentionally) cause such deaths.

I can think of one other unintended consequence that might arise. The *Action for Home Education* web page containing the bullying statistics indicates that bullying rates of gay, lesbian and bisexual school children (50%) is far higher than that of heterosexual school children (20%). Because of this, if changes in the law force some home educated children back into school to face a resumption of bullying, then this will impact gay, lesbian and bisexual students significantly more than heterosexual students. Because of that, it can be argued that the recommendations in the Badman Review are unintentionally homophobic.

Whether or not you consider Denise's "blood on your hands" to be justified or libellous really depends on what you perceive is the likelihood of her predictions

coming true. I am confident that a great many people in the home education community agree that her comment is justified. On the other hand, I am equally confident that some individuals and government departments who wish to introduce laws based on recommendations in Mr. Badman's report will consider Denise's prediction to be without merit. So which of these opposing viewpoints is more likely to be correct?

I will answer that question with the aid of an analogy. The Archbishop of Canterbury is presumably an expert on Christianity, but that does *not* automatically make him an expert on other religions, such as Buddhism, Confucianism, Taoism, Islam or Hinduism. In the same way, Mr. Badman has spent several decades working in the state school system and so is presumably an expert in that form of education, but that does *not* make him an expert on other quite different forms of education, such as home education. Indeed, it is very common for a person who is an expert in one field to be quite ignorant of another, "competing" field. For example, most people with an expert knowledge of, say, Christianity are ignorant of—and may have prejudices against—other religions. Likewise, people who have decades of experience working exclusively in the state school system tend to be ignorant of—and may have prejudices against—other "competing" educational systems, such as home education.

If you accept the premise of the preceding paragraph, then it logically follows that neither Mr. Badman nor Mr. Partridge are knowledgeable enough of home education to judge whether Denise's "blood on your hands" claim is justified or libellous. So then, *who is* qualified to make such a judgement on Denise's claim? The answer is people who have had experience of home education. I am *extremely* confident that if you ask home educators about Denise's claim, most will agree it is justified. If you do not trust the view of practising home educators, then you could ask the academics who have conducted significant research into home education for their opinion on Denise's claim. You won't find many such researchers quoted in Mr. Badman's report, because one of his dirty tricks has been to suppress evidence from such researchers. However, you will find the names of some academic researchers on page 8 of this letter (near the end of Section 1.2.5) because they are listed among those who have submitted memoranda to the select committee.

## 1.4 The *Mein Kampf* blog article

For convenience, here is a repeat of the last piece of Mr. Partridge's evidence regarding his accusation of a campaign of vilification.

<http://grahambadman.blogspot.com/search/label/home%20education>  
On this blog (only recently designated as a 'spoof' by its author), the entry for Saturday 13 June contains an image of Mr Badman manipulated to show him reading *Mein Kampf*. The profile suggests it is his favourite book.

The link provided by Mr. Partridge is not valid. Here is a corrected link.

<http://grahambadman.blogspot.com/2009/06/blog-post.html>

If you visit that page, you will notice that the (obviously modified) photograph has been changed from one showing Mr. Badman reading *Mein Kampf* to one showing him reading *How the Grinch Stole Christmas* (a children’s book by Dr. Seuss).

I will discuss the change in the photograph later. But first, I suggest you read the blog article underneath the photograph. You will probably quickly come to the conclusion that the article is satirical in nature. You may recognise two themes in the satire because they have already been touched upon in this letter: (1) Mr. Badman’s expertise in school-based education does *not* qualify him as an expert in home education; and (2) laws that implement the review’s recommendations will walk all over (“trample on” in the article’s terminology) the rights of people. A third theme in the satirical article—a belief that the government is using the Badman Review as a “whitewash” for an already-decided-upon change in law—is also one that is widely believed in the home education community.

I am not asking you to *agree* with the sentiments expressed in the blog article. I am only asking you to *accept* that the blog article is a satire.

#### 1.4.1 Does a work of satire need an explicit disclaimer?

Satire has been an acceptable part of society for a long time. In fact, satire existed at least as far back as 4000 years ago, in ancient Egypt.<sup>13</sup> Within the UK, satirical television shows have included *That Was The Week That Was*,<sup>14</sup> *Spitting Image*<sup>15</sup> and *Have I Got News For You*.<sup>16</sup> There have been satirical radio shows, such as *The News Quiz*.<sup>17</sup> There have also been satirical magazines such as *Punch*<sup>18</sup> and *Private Eye*.<sup>19</sup> Television, radio and print have been the three main forms of mass communication for many decades (centuries in the case of print media), and satire exists in all three of them. It is unsurprising that satire should also appear in the newer mass communication medium of the Internet.

I mention those examples of satire in history and UK society to show that satire is not *just* socially acceptable, it is also considered to be *respectable*. Therefore the mere fact that a website satirises Mr. Badman and the government should *not* be counted as vilification. Of course, Mr. Partridge did not claim that satire was vilification. Rather he implied that the satire on the website was *not* clearly indicated as such, and therefore some people might mistake the satire as fact.

I do not recall *Spitting Image* or *Have I Got News For You* needing to display a “WARNING: THIS PROGRAM IS SATIRE RATHER THAN FACT” disclaimer at the start of each program. Therefore I am surprised that Mr. Partridge apparently thinks the blog needs to have such a disclaimer.

The owner of the blog is *also* mystified at the suggestion that a disclaimer is necessary. When Mr. Partridge’s letter to you was made publicly available (via an FOI request), the author of the blog became aware that the DCSF was using

---

<sup>13</sup><http://en.wikipedia.org/wiki/Satire>

<sup>14</sup>[http://en.wikipedia.org/wiki/That\\_Was\\_The\\_Week\\_That\\_Was](http://en.wikipedia.org/wiki/That_Was_The_Week_That_Was)

<sup>15</sup>[http://en.wikipedia.org/wiki/Spitting\\_Image](http://en.wikipedia.org/wiki/Spitting_Image)

<sup>16</sup>[http://en.wikipedia.org/wiki/Have\\_I\\_Got\\_News\\_for\\_You](http://en.wikipedia.org/wiki/Have_I_Got_News_for_You)

<sup>17</sup>[http://en.wikipedia.org/wiki/The\\_News\\_Quiz](http://en.wikipedia.org/wiki/The_News_Quiz)

<sup>18</sup>[http://en.wikipedia.org/wiki/Punch\\_magazine](http://en.wikipedia.org/wiki/Punch_magazine)

<sup>19</sup>[http://en.wikipedia.org/wiki/Private\\_Eye\\_%28magazine%29](http://en.wikipedia.org/wiki/Private_Eye_%28magazine%29)

his satirical blog as “evidence” of a campaign to vilify Mr. Badman and, in turn, using the claimed existence of that vilification campaign to deny FOI requests. His response was to immediately remove the *Mein Kampf* photograph and respond to his DCSF critic with some hilariously sarcastic comments in the *changes to blog* and *disclaimer* sections in the right-hand column of the blog. When writing this letter I contacted the blog author to check that my interpretation of events was correct. He replied by email to say that, aside from Mr. Partridge in the DCSF, “No-one has ever expressed the opinion that they believe the blog or any of its content to be anything other than satire”.

#### **1.4.2 The *Mein Kampf* photograph was *not* malicious**

Let’s now consider the controversial photograph. The photograph is no longer on the website so, unfortunately, we cannot judge it on its merits, or lack thereof. I assume the photograph was similar to its replacement one, except that the title on the visible cover of the book read *Mein Kampf* instead of *How the Grinch Stole Christmas*.

The photograph is clearly doctored (or “manipulated” in the words of Mr. Partridge). I say this for several reasons. First, the title appears on the *back cover* of the book rather than the front cover (where it would not be visible in the photograph). Second, the color of the book cover is far too bright and glossy for the lighting conditions in the photograph’s location. Third, the hand holding the book does not look quite right; actually, it is a woman’s hand. Finally, the top, side and bottom edges of the book cover are unrealistically straight. I assume that similarly clear signs of manipulation were visible in the *Mein Kampf* version of the photograph.

If we accept that viewers of the web page could easily recognise that the photograph was doctored, then we are left to wonder what their reaction might be to seeing such a clearly doctored photograph. If such viewers look at the photograph but do not read the accompanying satirical blog article then I *can* imagine them being offended. However, I suggest it is their fault for looking at the photograph *out of context*. Viewers who look at the photograph and *also* read the blog article are likely to realise that the photograph is supposed to be part of the satire. Some of them may not understand the joke intended in the photograph, but at least they are likely to realise that it is supposed to be a joke rather than a serious accusation of Mr. Badman being a Nazi.

Recall that when the blog author became aware that *one person*—Mr. Partridge from the DCSF—was offended by the photographic joke, the author of the blog *did the right thing* by removing the controversial image and profile text. If the blog author’s intent had been malicious, then surely he would have ignored the complaint and left the photograph in place. But he didn’t. He removed the photograph, which suggests that his intent was *not* malicious.

#### **1.4.3 The joke intended by the *Mein Kampf* photograph**

To understand the photograph, you need to realise that some jokes gain their humour from listeners recognising an aspect of reality reflected in the joke. For

example, much of the humour in the *Bridget Jones* series of books and movies arises from the audience seeing the lead character in embarrassing scenarios and thinking “Oh my God! Something like that once happened to me!” In the case of the *Mein Kampf* photograph, the humour is based on recognising some (decidedly non-funny) similarities between the tactics used by the current British government against home educators and tactics used by the Nazi Government from the time it came to power in 1933 to the outbreak of the Second World War.<sup>20</sup> Similarities that come to my mind are as follows.

- Hitler repeatedly launched smear campaigns against Jews. Mr. Badman and others in the UK government have repeatedly smeared the home education community. Examples of these smears include unfounded accusations of forced marriage, child labour, child abuse and substandard education.
- Hitler did not outlaw Jews in one fell swoop. Instead, he introduced more than a dozen laws that *incrementally* curtailed the rights of Jews. The British government has tried repeatedly (albeit not always successfully) to bring in laws to *incrementally* curtail the rights of home educators. The Badman Review is just the latest of four consultations in as many years and there are *already* two more planned for next year.

Of course, such tactics were not confined to the Nazis. Similar tactics have been used within other oppressive systems, such as racial segregation in the USA and Apartheid in South Africa.

In my opinion, the purpose of the *Mein Kampf* photograph was *not* to claim that Mr. Badman is a Nazi. Rather, the purpose was to help people in the home education community recognise similarities in the *tactics used* by the current UK government and those used in oppressive regimes. In doing so, the author was trying to use satire to communicate a warning to the home education community: “when your government uses such tactics then, as history has shown repeatedly, you would be foolish to believe the government’s claims that they are acting with your best intentions at heart”.

Perhaps you think it is unlikely that the intended audience of the blog would be able to read such a message into the *Mein Kampf* photograph. However, I disagree. In Paragraph 11.4 of his report, Mr. Badman writes: “Legislation from the 1930s banning elective home education still persists in Germany”. It does not take a genius to deduce from Mr. Badman’s statement that home education was banned by the Nazi party (which came to power in 1933).<sup>21</sup> Hence, people in the blog’s intended audience—that is, those who have read Mr. Badman’s report and wish to prevent its recommendations being passed into law—could *easily* see the blog author’s intended message.

---

<sup>20</sup>For details of Nazi Germany, I recommend reading *The Rise and Fall of the Third Reich: A History of Nazi Germany* by William L. Shirer.

<sup>21</sup>Hitler wanted to impose a revised, racist curriculum on the entire German population so he could teach theories about a hierarchy of races, in which Germans were at the top and Jews were at the very bottom. To impose this new curriculum on the *entire* population, he had to ban home education.

## 2 Flaws in evidence of a campaign swamp the DCSF with FOI requests

Mr. Partridge's letter to you did not provide any evidence regarding a group of home educators who were trying to deliberately inundate the DCSF with FOI requests. However, he provided what he claimed was evidence in a letter to Maire Stafford when he denied five of her FOI requests. You can view that letter online.

[www.whatdotheyknow.com/request/13928/response/55608/attach/2/Document.pdf](http://www.whatdotheyknow.com/request/13928/response/55608/attach/2/Document.pdf)

That letter offers several flawed justifications for denying Maire Stafford's FOI requests. In this section I focus on the flaws in the letter's claim that "a small group of nine FOI requesters" were engaged in a campaign to deliberately inundate the DCSF with FOI requests. (I will address the other flawed justifications in Section 3.) That claim and the evidence to support it are contained in the third bullet point of Paragraph 16 in the letter. For ease of wording through the remainder of this section, I will use the term "DCSF 9" to refer to the accused people.

### 2.1 The core evidence

The core evidence of Mr. Partridge against the DCSF 9 can be summarised as follows. The DCSF 9 sent 74 FOI requests to the DCSF during the period of 11 June to 27 October 2009 (131 days). Those 74 requests represent 69% of the 107 home education-related FOI requests received by the DCSF during that period. For nine people out of a population of 20,000 home educators<sup>22</sup> to account for 69% of that population's FOI requests to the DCSF obviously means that those nine people are sending a disproportionately large number of FOI requests.

Therefore, in the opinion of Mr. Partridge, those nine people must be guilty of trying to inundate the DCSF with FOI requests.

Mr. Partridge also provides some secondary evidence to support the main evidence. I will discuss that secondary evidence in Section 3.1.

### 2.2 The DCSF 9 sent a *normal* amount of FOI Requests

Mr. Partridge seems to be unfamiliar with that Pareto Principle<sup>23</sup> which is named after an Italian economist who observed in 1906 that 80% of the land in Italy was owned by 20% of the population. The Pareto Principle is more commonly known as the *80/20 Principle*. There is even a book (which I recommend) written about it.<sup>24</sup> The principle applies to a great many phenomena. The numbers do not have

<sup>22</sup> Actually, Mr. Partridge's use of the number 20,000 referred to home educated children rather than the parents who educate them. If we assume that an average family contains two children and two parents then we can use 20,000 as an estimate of the number of home educators. There are some incorrect assumptions contained in that estimate but the estimate is "good enough" for the argument I will make in Section 2.2.

<sup>23</sup>[http://en.wikipedia.org/wiki/Pareto\\_principle](http://en.wikipedia.org/wiki/Pareto_principle)

<sup>24</sup>*The 80/20 Principle: The Secret of Achieving More with Less* by Richard Koch.



to be 80% and 20%, and they do not have to add up to 100%. For example, a company may get 90% of its business from 5% of its customers.

According to the Pareto Principle, it is to be *expected* that a small percentage of the population will submit the majority of FOI requests. That this happens can be verified with government statistics from the document mentioned in Section 2.2. That document states that all monitored central government bodies, between them, received 34,950 FOI requests in 2008. Unfortunately, the document does not specify how many people were involved in sending those 34,950 FOI requests. Let's assume that each person involved submitted only one FOI request. Obviously, this is an unrealistic assumption but it gives us an upper limit on the number of people who sent FOI requests. 69% of 34,950 is 24,115, so we can say that (no more than) 24,115 people out of the entire UK population<sup>25</sup> of 61.4 million accounted for 69% of the FOI requests submitted to government departments in 2008. How does that compare to 9 people out of 20,000 home educators sending 69% of home education-related FOI requests to the DCSF? If you do the calculations then you will discover the following.

- 0.039% of the UK population accounted for 69% of the FOI requests submitted to all monitored government organisations.
- 0.045% of the home education population accounted for 69% of the home education-related FOI requests submitted to the DCSF in the 131 days from 11 June to 27 October 2009.

Put simply, the actions of the DCSF 9 are *less* “disproportionately high” than the members of the general public who submitted FOI requests last year.

If Mr. Partridge thinks that the DCSF 9 are guilty of coordinating their actions to deliberately inundate the DCSF with FOI requests, then he must also think that (no more than) 24,115 people last year were guilty of coordinating their actions to inundate the entire government with FOI requests. The idea is clearly ridiculous.

### **2.3 The rate of FOI requests was insufficient for it to be a conspiracy**

The following document provides statistics on FOI requests to all government departments during 2008.

[www.justice.gov.uk/publications/docs/foi-statistics-report-2008.pdf](http://www.justice.gov.uk/publications/docs/foi-statistics-report-2008.pdf)

According to that document, the DCSF received 554 requests during 2008. It is probably reasonable for the DCSF to have expected to receive 6% more requests during 2009 because there was a 6% increase in FOI requests (across all government organisations) from 2007 to 2008, so I will assume that the DCSF expected to receive approximately 587 FOI requests during all of 2009. The period of 11 June to 27 October consists of 131 days so the DCSF could reasonably have expected to receive 210 FOI requests during that time period.<sup>26</sup>

<sup>25</sup>[www.statistics.gov.uk/cci/nugget.asp?ID=6](http://www.statistics.gov.uk/cci/nugget.asp?ID=6)

<sup>26</sup>587 \* 131/365 = 210.

During that period, the DCSF received 107 home education-related FOI requests. If we assume those requests were *in addition to* the expected 210 FOI requests, then the 107 home-ed-related requests represented a 51% increase in volume of requests. It is not surprising that Mr. Partridge noticed a 51% increase in the number of FOI requests. But that does not imply a group of people was conspiring to inundate the DCSF with FOI requests. It is important to realise although there was a 51% increase in FOI requests, only 35.2% (that is, 74 out of the 210 expected requests) came from the DCSF 9.

If a *competent* group of conspirators was planning to inundate the DCSF with FOI requests then I would expect them to first determine the current rate of FOI requests, which is trivially done from the previously mentioned, FOI statistics document. Then the group would devise a plan that would enable them to increase the rate of FOI requests by *at least* a factor of 10—that is, 1000%—to ensure that the target of the attack is overwhelmed. Such a plan would have been remarkably easy to implement.<sup>27</sup> For a group of conspirators to manage *only* a 35.2% increase in the rate of FOI requests would be, quite frankly, pathetic.

## 2.4 The DCSF 9 are the world's laziest conspirators

The DCSF 9, between them, sent 74 FOI requests over 131 days. Nine people times 131 days is 1179 days. Yet they managed to send just 74 requests during those 1179 days available to them. That's an average of one request every 15.9 days for each of the nine people. Or to put it another way, each of the accused conspirators sent, on average, (slightly less than) *one request every two weeks*.

To put this in perspective, let's imagine that *one* person sends one FOI request per day, five days per week. That is certainly feasible, since an FOI request could be sent during a lunch break or coffee break at work. Such a person would send 93 FOI requests during the 131 day period from 11 June to 27 October 2009. And that's assuming the person did *not* send an FOI request on the August bank holiday Monday.

In other words: just one person, sending one request per day, on workdays only, during the same time period, would have sent *25% more* FOI requests than the DCSF 9.

## 2.5 There *are* legitimate reasons to send lots of FOI requests

In Paragraph 5 in Mr. Partridge's letter to Maire Stafford, he points out that not only did she send 15 FOI requests to the DCSF during the period of 131 days, but she sent *another* 15 requests to other public authorities. His letter suggests that he considers this to be further evidence that Maire Stafford was up to no good. Thus, according to Mr. Partridge, sending multiple FOI requests is evidence of wrongdoing, *regardless* of whether you send the FOI requests to the *same* organization

---

<sup>27</sup>To increase the number of FOI requests by a factor of 10 would have required the conspirators to send 1890 requests ( $9 * 210 = 1890$ ) during the 131 days in the specified time period. That is a rate of 14.42 requests per day for the entire group, or an average rate of 1.6 requests per day for each individual within the group. Achieving such a goal would have been easy.

or to *different* organisations.

I can only conclude that Mr. Partridge must be horrified with the actions of Tania Berlow. She sent 100 FOI requests (one to each of 100 different government organisations) in a period spanning just two days. Actually, she had hoped to send 152 FOI requests, but she found this to be too high a workload for one person, so she delegated the sending of the other 52 FOI requests to some friends (“co-conspirators” as Mr. Partridge might prefer to call them). One hundred FOI requests in two days is a rate of fifty per day, which is a whopping 795 times higher than the “one every 15.9 days” rate achieved by the DCSF 9. According to Mr. Partridge’s logic in evaluating evidence, there must be something *seriously wrong* with Tania Berlow. Perhaps he thinks she is a terrorist.

Actually, there is a very legitimate reason why Tania Berlow sent so many FOI requests. Mr. Badman had sent questionnaires to 152 local authorities, seeking data about home educated children. He used the data he received for doing statistical analysis. His report stated the *results* of his statistical analysis—such as the rate of abuse among home educated children being twice as high as among children nationally—but his report neglected to provide an appendix containing either the raw data or a description of the methodology used to carry out the statistical analysis. This was one of the many dirty tricks carried out by Mr. Badman because it made it difficult, if not impossible, for a reader of his report to check the validity of Mr. Badman’s claims.

The only way for Tania Berlow to check the validity of Mr. Badman’s statistical claims was for her to submit FOI requests to all 152 local authorities to get the raw data and do her own statistical analysis. It was through doing this that flaws in Mr. Badman’s statistical analysis were discovered.

I think you will agree that Tania Berlow had a very legitimate reason for submitting so many FOI requests. Other people in the home education community, *including* the DCSF 9, likewise had legitimate reasons for submitting FOI requests. The home education community did not want to have to issue FOI requests. Rather, they were *forced* to do so as it was the *only* way they could check the accuracy of every single claim made in the Badman report. In several cases, the claims made by Mr. Badman have been *proven* to be false. All this work is clearly in the public interest. Unless, of course, you believe it is in the public interest to introduce new laws based on flawed statistical analysis.

## **2.6 The DCSF are to blame for the high rate of FOI Requests**

It is misguided of Mr. Partridge to blame home educators for the 51% increase in the number of FOI requests received by the DCSF. The blame lies with Mr. Badman for writing a report in which he neglected to provide appendices containing the raw data upon which he based his analysis. And since the report was commissioned—and unquestioningly accepted—by the DCSF, the blame also lies with Mr. Partridge’s employer.

The lack of easy access to the report’s data is what has caused the hundreds of FOI requests, because many people want to check the accuracy of the report’s analysis. The inability of the DCSF to respond to these FOI requests in a timely

manner—if at all—has caused some people to say that trying to get information from the DCSF is like pulling teeth. And, of course, the experience has imposed a burden on the resources of the DCSF.

At any time, the DCSF could have ended this unpleasant situation by releasing all the information that they should have released in the first place. Simply put, that is all the raw data upon which the analysis and recommendations of the Badman report are based.

## **2.7 Preventing similar problems in the future**

I will make the constructive suggestion that, to discourage such bad report-writing in the future, there should be a penalty clause written into contracts for people or organisations who are paid to write such reports. The penalty clause should require the author of a report to pay the costs for every FOI request, received by *any* government organisation, that is received due to the lack of raw data being provided in the report's appendix.

It would not surprise me if Mr. Badman's report had resulted in more than 500 FOI requests being submitted to government organisations; Tania Berlow alone has submitted 178 FOI requests so far. At least one government organisation, the DCSF, cannot cope with the burden being imposed by the FOI requests. Thus, it makes sense for a penalty clause to impose a significant fine on future authors of badly referenced reports. In Paragraph 6 of his letter to Maire Stafford, Mr. Partridge says that the average cost of processing Maire Stafford's FOI requests was £330 each. If that cost is representative for my guesstimate of the 500 or more FOI requests caused by Mr. Badman's report, then that would amount to at least £165,000 of taxpayers' money wasted through Mr. Badman's dirty tricks and flawed statistical analysis.

Ideally, a penalty clause would force the writers of bad reports to compensate not just inconvenienced government bodies, but also inconvenienced members of the public. For example, Tania Berlow noted in her memorandum to the Select Committee that she spent more than 500 hours (about three months of work) gathering data and doing statistical analysis. There are *many* people within the home education community who, like Tania, have spent hundreds of hours trying to check the accuracy of claims made by Mr. Badman for which he neglects to provide supporting evidence in his report. It might be a bureaucratic nightmare trying to work out how much compensation should be paid to each inconvenienced person. However, I would hope that a penalty clause would be so effective at discouraging bad report writing that there would never actually be a need for the penalties to be imposed and therefore any associated bureaucratic difficulties would never arise.

## **3 Other justifications for denying FOI requests**

In his letter to Maire Stafford, Mr. Partridge discusses some other reasons why he feels justified to deny FOI requests issues by home educators. Most, if not all, of his stated reasons are ridiculous, as I will show in the following subsections.

### 3.1 The DCSF 9 used WhatDoTheyKnow.com to coordinate their attack

The website [www.WhatDoTheyKnow.com](http://www.WhatDoTheyKnow.com) is “a service run by a charity. It helps ordinary members of the public make FOI requests, and easily track and share the responses”.<sup>28</sup> The website’s popularity is growing rapidly: the percentage of all FOI requests to Departments of State submitted through the website rose from 8.5% to 13.1% from the first quarter of 2009 to the second quarter.<sup>29</sup> The website is easy to find. For example, a moment ago I did a Google search for “freedom of information request” and the website is listed within the first three search results. This explains why individuals who wish to make FOI requests concerning a topic, such as home education, might do so through that website.

If members of the public did *not* use this website, then it is almost certain that the DCSF would have received even more FOI requests than it did. This is because similar requests would have been submitted by many individuals.

The website provides the ability to browse FOI requests by keyword or by name of a government organisation. It also enables users to add comments (“annotations” in the website’s terminology) on the FOI requests of other people. The website makes browsing and inter-user interactions easy, and those features of the website reduce the chances of duplicate FOI requests being submitted. Therefore, it is unsurprising that individuals might take advantage of such useful features on the website.

What *is* surprising is that Mr. Partridge views inter-user interactions on the website as evidence of membership of a group of conspirators. In the third bullet point of Paragraph 16, Mr. Partridge claims that the DCSF 9 had been “apparently acting in concert via the website [Whatdotheyknow.com](http://Whatdotheyknow.com), as evidenced at Annex C.” Annex C of his letter lists six examples of what Mr. Partridge apparently thinks are “incriminating” annotations.

- One annotation reminds a user that information provided in a reply to an FOI request appears to contradict information obtained in a previous FOI request from the same government organisation, and suggests that the user might wish to request clarification on the apparent contradiction.
- The other five annotations suggest to users that because their FOI requests have not been processed within the 20 working days set out by law, they have a legitimate right to complain.

I find it deeply disturbing that Mr. Partridge regards such legitimate and useful annotations as “evidence” of wrongdoing. I am reminded of the *Constable Savage* skit that appeared on *Not The Nine O’Clock News* many years ago, and which is available online.

[www.youtube.com/watch?v=BO8EpfyCG2Y](http://www.youtube.com/watch?v=BO8EpfyCG2Y)

The similarities between that skit and Mr. Partridge’s behaviour are quite striking.

<sup>28</sup>[www.whatdotheyknow.com/help/about#officers](http://www.whatdotheyknow.com/help/about#officers)

<sup>29</sup>[www.mysociety.org/2009/10/01/whatdotheyknow-foi-fraction-up/](http://www.mysociety.org/2009/10/01/whatdotheyknow-foi-fraction-up/)

## 3.2 Vexatious and harassing behavior

I characterise Mr. Partridge's evidence against Maire Stafford as follows: what it lacks in *quality*, he makes up for with *quantity*. As the old saying goes: "If you throw enough shit, some of it will stick." Perhaps you think I am being too unkind to Mr. Partridge, so let's look again at the *quality* of the evidence he has produced so far.

- He claimed there was a campaign to vilify Mr. Badman. As I have shown in Section 1, *not a single piece* of that evidence is even *remotely* credible. He went so far as to imply that a blog article *proving* Mr. Badman lied was an unfounded accusation. And, of course, he neglected to mention that a supposedly threatening video was produced by a child.
- He used numbers to "prove" the likelihood of a conspiracy to inundate the DCSF with FOI requests. In Sections 2.2, 2.3 and 2.4 I pointed out the mathematical flaws in his "proof". Put plainly, the people he accused of conspiracy had sent a *normal* amount of FOI requests.
- More "evidence" for the conspiracy to inundate the DCSF with FOI requests was the fact that Maire made use of the user-interaction facilities provided by WhatDoTheyKnow.com. As I showed in Section 3.1, *every single one* of the six "incriminating" annotations he offered as evidence are actually *helpful* comments to other users on the website.

Having had that little recap on the low quality of Mr. Partridge's evidence so far, let's now turn our attention to his final attempt to throw some shit, in his hope that some of it might stick.

In Annex B of his letter to Maire Stafford,<sup>30</sup> Mr. Partridge lists numerous examples of her supposedly "vexatious", "harassing" and "distressing" comments aimed at the DCSF. The comments fall into several categories, and I deal with each category separately.

### 3.2.1 The "evil man" comment

Maire Stafford posted a two-word comment, "Evil man", on the following page.

[www.whatdotheyknow.com/request/comparative\\_statistics\\_requested](http://www.whatdotheyknow.com/request/comparative_statistics_requested)

Apparently, Mr. Partridge thinks this comment was aimed at him. I do not see anything on the web page to suggest that.

Maire Stafford's previous comment in that thread was about Mr. Badman. That previous comment began "And Badman dismissed excellent research because of a small sample size",<sup>31</sup> and concluded "We need an answer to these questions because FOI responses to home educators [regarding] abuse are painting a very different picture." There is nothing on the web page that would suggest the "Evil man" comment was aimed at anyone but Mr. Badman, and the context is clearly

<sup>30</sup>[www.whatdotheyknow.com/request/13928/response/55608/attach/2/Document.pdf](http://www.whatdotheyknow.com/request/13928/response/55608/attach/2/Document.pdf)

<sup>31</sup> See Paragraphs 1 and 4 in [Dr. Paula Rothermel's memorandum](#) to the Select Committee.

his misuse of statistics to paint a libellous picture of the home education community.

Since there is nothing on the web page to suggest Maire Stafford's comment was aimed at anyone in the DCSF, there is no reason for anyone in the DCSF to have been distressed by it.

### **3.2.2 Frequency of requests and interventions**

Mr. Partridge complains of "the frequency of your requests and interventions, sometimes twice in the same day." As I explained in Section 2.2 on page 16, the number of requests submitted by Maire Stafford and others in the DCSF 9 is entirely normal. In that section I mentioned the Pareto Principle, also known as the 80/20 Principle. According to that principle, it is *entirely unsurprising* that an individual might *not* submit any FOI requests for a relatively long period of time and then suddenly submit two in the same day. As an analogy, consider that a person might *not* go to the cinema for several months and then suddenly see two movies in the same week.

### **3.2.3 Accusations of stonewalling and lying**

The remaining vexatious and harassing behaviour concerns Maire Stafford stating her belief that people in the DCSF have been stonewalling. I do not think it is useful to go, one at a time, through each of the 13 stonewalling-related comments that Mr. Partridge has listed in Annex B of his letter to Maire Stafford. Instead, I will deal with them in groups.

### **Not providing reference numbers**

Consider the following scenario. Maire Stafford submits an FOI request to the DCSF via WhatDoTheyKnow.com. She receives back a reference number. Four weeks later, the DCSF has not responded to the FOI, so Maire Stafford sends an email to request an internal review. Rather than quoting the reference number of her original FOI request that was provided by the DCSF, Maire Stafford provides a link to the web page on WhatDoTheyKnow.com that contains all the correspondence to date. She assumes it will be trivial for somebody to click on that link to retrieve the original reference number and, if they wish to do so, read the entire exchange of email between her and the DCSF to get some context of what has occurred.

Providing a link to the web page becomes even more useful if there has been a longer exchange of emails, which might include: (1) a "sorry for the delay" message from the DCSF, (2) a request for clarification, or (3) Maire Stafford requesting an explanation for the delay in conducting an internal review. Indeed, sometimes Maire Stafford has received *several* reference numbers for the *same* FOI request. Not knowing which reference number is the "correct" one, it certainly seems sensible for her to provide a link to a web page that contains *all* the reference numbers and any the information that might be required by the DCSF.

Unfortunately, on several occasions, people within the DCSF decided to *not* click on the supplied link and look for the reference number. I cannot imagine it would have taken more than 10 seconds to do this.<sup>32</sup> Instead of doing that, the following sequence of events will take place.

- An individual in the DCSF will send an email to Maire Stafford to request the reference number. It will take the person more time to write such an email than it would have taken them to click on the provided link and scroll down to the second message to get the reference number.
- There will be an additional delay of probably a few hours before Maire Stafford next checks her email. Maire Stafford will reply by email. In her reply she will provide the requested reference number.
- It will take several days for the DCSF to send a reply. Not necessarily a reply containing useful information. Probably just a reply acknowledging they have received the reference number. And, on occasion, to provide a *new* reference number.<sup>33</sup>

So rather than invest (at most) 10 seconds to obtain a reference number from a web page (and, in doing so, gain access to the entire exchange of correspondence), people in the DCSF have *repeatedly* decided to take a course of action that: (1) introduces delays of many days, and (2) increases the chances for future confusion by needlessly creating new references numbers.

The above sequence of events—which have occurred *time and time again*—is a complete farce. If you think I am exaggerating about it being a farce then please read the following web page. It is one of those quoted by Mr. Partridge as evidence against Maire Stafford.

[www.whatdotheyknow.com/request/evidence\\_in\\_support\\_of\\_badmans\\_r](http://www.whatdotheyknow.com/request/evidence_in_support_of_badmans_r)

In case you do not have time to read the above web page, let me summarise it for you. To obtain information from the DCSF *should have* required the following.

- One reference number.
- Three emails: the initial FOI request, an acknowledgement, and the information requested.
- Less than twenty days.

---

<sup>32</sup> I tried it and am being generous in saying that it might take as much as 10 seconds.

<sup>33</sup> That is what happened to C. Blades. It took 6 days for the DCSF to reply and provide yet another reference number in doing so. For proof of this, see C. Blade's emails dated 10 September and the DCSF's response on 16 September on the following web page.

[www.whatdotheyknow.com/request/local\\_authority\\_responses\\_to\\_the](http://www.whatdotheyknow.com/request/local_authority_responses_to_the)

It is fair of me to reference that web page since it is one of the web pages that Mr. Partridge has cited as evidence against Maire Stafford.



Instead, the sequence of events indicated on the web page involved two reference numbers, 13 emails, and 80 days to receive a partial and ambiguously worded answer. Then Maire Stafford sent three emails to: (1) request the missing information, (2) seek clarification of the ambiguous wording, and (3) point out some contradictions in the information obtained. She promptly received back acknowledgements of those emails, along with two new reference numbers. Then she heard nothing more from the DCSF about that FOI request for another 60 days, at which point she was informed by Mr. Partridge that all of her outstanding FOI requests were being denied.

The above *farfical* sequence of events appears on a web page that Mr. Partridge cites as part of his “evidence” of Maire Stafford behaving in a vexatious and harassing manner.

Of course, *if* people actually look at Mr. Partridge’s “evidence”, then it becomes clear to them that none of it is credible. I stress *if* because it is actually *quite difficult* for people to look at the evidence. This is because, it is not possible for readers to click on any of the 18 evidence links contained in his letter to Maire Stafford. Nor is it possible for readers to copy-and-paste the links into another application, such as a web browser. Instead, interested readers must re-type each of the letter’s 18 links into a web browser. This task is especially tricky because all those links contain underscores, which, in his letter’s formatting, are difficult to distinguish from spaces. The same problem occurs in the letter he sent to you on 17 July. In the version of the letter released under an FOI, a reader cannot click on links or copy-and-paste links into a web browser, and therefore it is difficult for a reader to see the evidence of a campaign to vilify Mr. Badman. I am not suggesting that Mr. Partridge *deliberately* made it difficult for people to take a close look at his evidence. Rather, my point is that if it had been easy for interested readers to follow links to the evidence then its flaws would have been exposed much sooner. Unfortunately, the difficulty of following supplied links to the evidence has meant that only the most determined of interested readers of his letters have been able to examine the evidence. For less determined readers, it has been easier to just mistakenly *assume* his evidence is valid.

### **Vexatious, harassing and derogatory comments**

If you visit the web pages that Mr. Partridge cites as evidence of Maire Stafford not providing reference numbers and making “derogatory remarks” to DCSF staff, you will find that *only one* of her emails quoted in evidence was in any way impolite.

Dear Sir or Madam,

Please accept my heartiest commiserations for your inability to click on a link like the rest of the population, it must be most disabling.

This is the first number given 2009/0074943.

Yours faithfully,

M Stafford

Maire Stafford sent that email on 30 September, when her patience was exhausted due to the repeated inability or unwillingness of DCSF staff to use their common sense. Her earlier emails to the DCSF—*also* listed by Mr. Partridge as evidence of her “derogatory remarks”—avoided sarcasm and instead *politely* pointed out that the unwillingness of DCSF staff to click on a link to obtain an existing reference number (and instead take actions that result in the creation of new reference numbers) had all the appearance of being a stonewalling tactic.

Consider this email, dated 11 September, which Mr. Partridge provides in evidence as a second example of “derogatory remarks”.<sup>34</sup>

Dear Josephine Bell

The correspondence no is 2009/0076600 as is readily available if you click the link in the request for internal review. No other organisation where I have requested an internal review has found this difficult.

I would like the internal review to consider whether this request for an easily accessible number is a delaying tactic and another unreasonable attempt to block my access to this information. Please pass this request on to them.

Yours faithfully,

M Stafford

That email is perfectly polite. Unless, of course, you consider a request for an internal review to be inherently derogatory. The first paragraph of the email makes the interesting observation that people in *other* government organisations do not have difficulty clicking on a link to obtain a reference number.

Mr. Partridge provides other evidence of what he claims are derogatory or distressing comments. All those other pieces of evidence are annotations on What-DoTheyKnow.com in which Maire Stafford shares her belief that the DCSF are engaging in stonewalling tactics. It is important to note that those comments were *not* emailed to DCSF staff. Instead, they appeared only as annotations on What-DoTheyKnow.com. I find it quite ironic that DCSF staff are *not* willing to click on a link to that website to spend (at most) 10 seconds retrieving a reference number, but they *are* willing to visit the same website to read annotations that they find “distressing”.

### **3.3 The rate of FOI requests imposes a burden on the DCSF**

Mr. Partridge’s last justification for denying Maire Stafford’s FOI requests is that the higher than expected rate of FOI requests regarding home education has placed a strain on the limited resources of the DCSF.

I might have some sympathy for that argument were it not for the fact that, as I have discussed in Section 2.6 on page 19, the DCSF are themselves to blame for the high rate of FOI requests that they received.

But now that we are in this unpleasant situation, the moral and ethical responsibility lies with the DCSF to resolve this situation by releasing all the information

---

<sup>34</sup>[www.whatdotheyknow.com/request/a\\_summary\\_of\\_the\\_answers\\_to\\_ques#outgoing-33668](http://www.whatdotheyknow.com/request/a_summary_of_the_answers_to_ques#outgoing-33668)

that they should have provided when the Badman report was published. That is, all the raw data upon which the conclusions and recommendations of the report are based.

## 4 Conclusions

In this letter I have examined in great detail the “justifications” that the DCSF has been using to deny FOI requests.

- In Section 1, I have shown that the evidence to support the claim of a conspiracy theory to vilify Mr. Badman is completely without merit.
- In Section 2, I have shown that the evidence of there being a conspiracy to inundate the DCSF with FOI requests is also completely without merit.
- In Section 3, I have shown other miscellaneous “justifications” to also be without merit. These include the idea that people using the user-interaction features of WhatDoTheyKnow.com is evidence of those people being involved in wrongdoings; and the idea that a person who *correctly* identifies, and objects to, the DCSF’s blatant stonewalling tactics is guilty of harassment and vexatious behaviour.

I am making a copy of this letter available on my website,<sup>35</sup> because I believe the issues I raise are of interest to the general public.

I look forward to hearing your comments upon this matter.

Yours sincerely,

---

Ciaran McHale

---

<sup>35</sup>[www.ciaranmchale.com/download/home-ed/info-commissioners-office-and-dcsf.pdf](http://www.ciaranmchale.com/download/home-ed/info-commissioners-office-and-dcsf.pdf)