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DIFFICULTIES IN COMPLYING WITH THE FOI ACT: Review of Elective Home Education

I am writing to let you know in advance of a campaign by some supporters of home education which is threatening to inundate the Department with FOI requests. This issue may at some stage reach your office in the form of complaints about our responses. I am aware that a few requesters wrote to the ICO a few months ago about delays, which we dealt with.

The matter has over the last few months taken an unpleasant turn in terms of harassment and a display of hostility towards Mr Graham Badman (a former director of children's services at Kent County Council) who recently completed a review of elective home education on behalf of the Department, and also others who have been involved in the review.

The Department of course recognises the right of requesters to seek information in relation to matters of public interest such as this, and the importance of meeting statutory deadlines. We have been endeavouring to respond as helpfully as we can and to meet the deadlines, but have not done as well as we would like. We are very much aware of the reputational damage that can be done to public authorities by untimely responses. So we shall continue to make every effort to comply with the Act.

This year the Department has received some 80 requests about the review, some 40 before its publication on 11 June and a similar number since. The rate of requests has been increasing in recent weeks, centred on the following site:

<http://www.whatdotheyknow.com/body/dcsf>

It may be helpful if I explain that one of the factors which led to the review has been the safeguarding of children. There have been a number of serious case reviews in which elective home education has been a circumstance taken into consideration, [REDACTED]

[Redacted under section 44 – prohibitions on disclosure]. Of course a few cases do not characterise all home educators, and the review made this absolutely clear. The review also addressed important educational issues. Ultimately the review is leading towards legislation to address the concerns it identified, and that in itself, it is anticipated, will lead to an increase in FOI requests.

A number of links have been drawn to our attention. The following small sample speaks for itself:

<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 '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.

<http://irdial.com/blogdial/?p=1972> This accuses Mr Badman of being a liar.

<http://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!*'

[REDACTED]
[redacted under section 38 (health and safety) and section 40 (personal information)]

It is the Department's view that, whilst dealing with each FOI request on its merits, this situation will have to be taken into account in dealing with any relevant requests. For example, we would consider whether the exemption at section 38 of the Act might be engaged, and in considering the public interest would anticipate the need to consider whether it was in the public interest to release information likely to intensify any such campaign, or to lead to harassment or distress to individuals. A number of individuals have participated in and responded to the review, often in an official capacity on behalf of local authorities, charities and other bodies.

The purpose of this letter is simply to inform you of these circumstances, and to assure you that the Department will always seek to meet the legitimate rights of requesters to information, but that under section 2 (2) (b) of the Act ("in all the circumstances of the case") it will also take into account the need for public servants and other individuals to be able to conduct legitimate business in the public interest safely and without harassment.

Yours sincerely

Andrew Partridge
Information Rights Manager