



Our Reference:

BY EMAIL ONLY

8 July 2015

Dear

**Request for Information**

Thank you for your email dated 25 May 2015 requesting information on Abbeyfield Kent Society's funding under the 2015-18 Affordable Housing Programme. For ease of reference your request is below:

*I write in the hope that you can assist me in gathering further information on the above. I recently found an article on the Kent Housing Group website which describes the Abbeyfield Kent Society's successful bid to secure funds for their three new extra care schemes.*

*I am particularly interested in establishing the date that the funding was granted to Abbeyfield and equally important when the funding application was submitted. Any other information relating to the funding awarded to Abbeyfield will also be of interest with reference to relevant documentation such as meeting minutes, decision making, details of the Abbeyfield extra care scheme submission etc.*

We have now had an opportunity to investigate your request and are writing to communicate our response. Abbeyfield Kent was allocated £4,474,650 in the 15 -18 AHP bid round to fund 127 units. The announcement of the funding was made on 22 July 2014 and details are on the website [here](#). The deadline for submissions for this programme was 30 April 2014, and we can confirm that Abbeyfield Kent submitted their bid on 18 April 2014.

In response the second part of your request, concerning information the Homes and Communities Agency (HCA) holds regarding the decision making, we can confirm we hold a large number of documents that fall within the scope of your request, however some of these documents have been withheld or redacted. Attached alongside this letter are the following documents:

1. 15/18 AHP Bid Assessment/moderation clinics meeting minutes dated 28/5/14.
2. Email from Jane Iley (Abbeyfield Kent) to Heather Stoner (HCA) dated 17/4/15 regarding supplementary information documents.

3. Zip file containing the attachments referred to in the email at point 2

The redactions made to the meeting minutes document (referred to in point 1 above) are where the information relates to schemes other than Abbeyfield Kent's, and so fall outside of the scope of your request. The redactions made in the email at point 2 are of personal names / email addresses. These redactions are made under Section 40(2) Freedom of Information Act 2000.

**Section 40(2) – Personal Data of a third party**

Section 40(2) of the Act permits a public authority to withhold information where disclosure would be in breach of any of the Principles of the Data Protection Act. Disclosure of certain information within the documents would be likely to breach the First Data Protection Principle, as it would exceed the Data Subjects' expectations as to how their information would be processed. This exemption is absolute and therefore no public interest test needs to be carried out to apply the exemption.

We can confirm that we also hold other information that falls within the scope of your request. These are spreadsheets detailing the bid analysis by the HCA of Abbeyfield Kent's bid along with bids from other organisations, and emails related to Abbeyfield Kent's bid. However the withheld information has been removed as disclosure would cause harm to the commercial interest of the HCA and Abbeyfield Kent and has therefore been redacted in line with Section 43(2) of the Freedom of Information Act 2000 (FOIA).

**Section 43(2) – Commercial Interests**

Section 43(2) of the Act permits a public authority to withhold information where disclosure "would, or would be likely to, prejudice the commercial interests of any party," including the public authority holding the information.

The HCA determines that harm would arise from disclosure of this information as it would compromise our commercial interests and those of Abbeyfield Kent. It would impact upon our ability to operate effectively and competitively within the marketplace as disclosure would reveal the bidding strategy of Abbeyfield Kent for this programme and also reveal the HCA's averages which would undermine our ability to assess bids accurately and in line with policy.

Section 43 of FOIA requires a Public Interest Test to be carried in order to see where the weight of arguments lies in relation to disclosure of the information. The arguments both for and against disclosure are set out below.

**Public Interest Test – Factors in favour of disclosure**

Disclosing the information requested promotes the accountability transparency of the HCA as well as providing increased information about the application of public funds. This in turn provides a basis for a more informed public debate about the value of money being obtained by the HCA.

Disclosure would also assist the public in understanding the HCA's position and gain an understanding as to why certain decisions have been made or actions considered. This again helps to assist the public in informed debate around the future of projects, sites and developments.

### **Public Interest Test – Factors in favour of non-disclosure**

Whilst the HCA recognises the need to be transparent, there are strong arguments for maintaining the engaged exception.

Release of this information would reveal to the world at large the bidding strategy of Abbeyfield Kent on this programme. This would put them at a disadvantage in the commercial market place as it would reveal key information to their competitors about their business practises and could use this information to gain valuable business over Abbeyfield Kent.

Similarly, release of these details of the Abbeyfield Kent bid (along with other bids, both successful and unsuccessful) would reveal the assessment criteria used by the HCA which would in turn undermine the bidding process for future programmes of a similar nature as any potential bidder would be able to ascertain the thresholds required by the HCA in order to be approved for funding. This would not be in the public interest as it would compromise the HCA's ability to achieve best value for the public purse when running applications for funding in the future. Disclosure may also discourage potential bidders for future funding applications as organisations may be less inclined to submit detailed applications if they knew their sensitive bidding information might be disclosed as part of a Freedom of Information request, and weakening the HCA's ability to achieve best value for money would not be in the public interest.

### **Conclusion**

Whilst we recognise that there is a legitimate public interest in the disclosure of any official information, such disclosure needs to be considered in line with the potential harm which may be caused by its release. We have therefore determined in this case that the public interest in favour of withholding the specified information falls in line of non-disclosure at this time. We would stress that the public interest is continually changing and that whilst we are unable to release this information at this time, we may be able to reconsider its disclosure in the future.

If you have any questions regarding this response or any further queries you can contact us at the following addresses and quote your unique reference number found at the top of this letter:

**Email:** [mail@homesandcommunities.co.uk](mailto:mail@homesandcommunities.co.uk)

**Mail:** Information Access Officer  
Homes and Communities Agency  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

If you are unhappy with the way Homes and Communities Agency has handled your request you may ask for an internal review. You should contact

Head of Legal Services  
Homes and Communities Agency

Homes and Communities Agency  
Fry Building, 2 Marsham Street, London, SW1P 4DF

0300 1234 500  
[homesandcommunities.co.uk](http://homesandcommunities.co.uk)

Fry Building  
2 Marsham Street  
London  
SW1P 4DF

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely

Naomi McMaster  
Information Access Officer  
Homes and Communities Agency