



Homes
England

Date: 19 June 2020

Our Ref: RFI3014

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

██████████
By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear ██████████

RE: Request for Information – RFI3014

Thank you for your request for information, which was processed under the Freedom of Information Act 2000 (FOIA). For clarification, you requested the following information:

Under the Freedom of Information Act 2000, please provide me with copies of the following:

Tender name - Redditch Landscape Maintenance & Cleansing Contract 2019 - 2022

<https://www.contractsfinder.service.gov.uk/Notice/431cf264-7ceb-422a-9852-b0fabcd7397f>

Details:

- *idverde Limited's current performance against contract requirements/KPIs*

Response

We can confirm that we do hold the requested information.

Section 43 - Commercial interests

Under section 43(2) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the commercial interests of any party.

The information requested relating to Idverde's KPIs and performance engages section 43(2) of the FOIA as it is commercial in nature and its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the information.

Homes England has identified that the information requested, if released, would be likely to prejudice the successful operation of the contract and the relationship between the parties.

Section 43 is a qualified exemption. This means that once we have decided that the exemption is engaged, Homes England must carry out a public interest test to assess whether or not it is in the wider public interest for the information to be disclosed.

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Arguments in favour of disclosure:

- Homes England acknowledges there is a general public interest in promoting accountability, transparency, public understanding and involvement in how Homes England undertakes its work and how it spends public money;
- Homes England acknowledges that there is an interest in the performance of suppliers we have procured.

Arguments in favour of withholding:

- The term of the contract is 1 February 2020 to 31 January 2023. Whilst Homes England and Idverde Limited are still in contract and the obligations of the contract ongoing, it would be detrimental to release information relating to performance. There is a high risk that disclosing the information would be likely to prejudice the commercial interests of the third party. Release of the operational and commercial procedures of the third party and their performance against these could result in the contractual obligations being unable to be fulfilled. This would not be in the public interest as public funds could be at risk if a contractor is unable to fulfil their requirements;
- To disclose information of the KPIs and performance would be likely to affect our ongoing and future relationship with the third party. There is a high risk that this would damage the obligations of the procurement if the relationship between Homes England and a supplier were prejudiced. To release a third party's current performance (either positive or negative) would cause mis-trust between Homes England and our suppliers. This would not be in the public interest as Homes England may be unable to fulfil our requirements as set out in our strategic plan;
- Homes England believe that if the information were released there would be a high risk that future contracts with third parties would be put at risk. If the wider public has access to performance regarding ongoing contracts it could be used to exploit the general procurement/contracting process for profit or other gain. This would not be in the public interest as public funds could be allocated in a way that would not represent good value for money; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

Having considered the arguments for and against disclosure of the information, we have concluded that at this time, the balance of the public interest favours non-disclosure.

However, if the information were to be requested at a later date (once the contract has been concluded and a reasonable period of time elapsed), our response may be different.

The full text of in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>



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Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled you may request an internal review by writing to;

The Information Governance Team
Homes England – 6th Floor
Windsor House
50 Victoria Street
London
SW1H 0TL

Or by email to infogov@homesengland.gov.uk

You may also complain to the Information Commissioner however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

The Information Governance Team
For Homes England

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