



Homes
England

Date: 14 September 2020

Our Ref: RFI3093

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 – RFI3093

Thank you for your recent email, which was processed under the Freedom of Information Act 2000 (FOIA). You requested the following information:

- 1) Please provide a record of your central register of
- a) losses
 - b) special payments

As defined in HM Treasury's "Managing public money" [guidelines](#).

Please provide information for the period April 2017 to date, for payments or losses of the value of £50,000 or more.

For each special payment or loss, please provide:

- i) The category of loss or special payment incurred, such as whether the cost was due to bad debt, a fruitless payment, a compensation payment made under legal obligation or a severance payment.
- ii) The nature, gross amount (or estimate where an accurate value is unavailable), and cause of each loss or special payment
- iii) The financial year in which the loss or payment was formally written off and/or recorded as a loss or special payment.
- iv) Any action taken as a result of the loss or payment that is centrally held or retrievable within cost.

If responding to iv) risks breaching the cost limit, please disregard. and provide a response to the remaining questions.

- 2) Please provide a copy of your organisation's loss and special payment policy.

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Response

We can confirm that we do hold some of the requested information. We will address each of your points in turn.

1) Please provide a record of your central register of

a) losses

b) special payments

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iv) Any action taken as a result of the loss or payment that is centrally held or retrievable within cost.

If responding to iv) risks breaching the cost limit, please disregard. and provide a response to the remaining questions.

Information April 2017 – 31 March 2019

We are able to inform you that we do hold the information that you have requested. However, we rely on section 21, exemption where information is available to the applicant elsewhere.

The full text of the legislation can be found on the following link and we have quoted section 21 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>

21 - Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available



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in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. As such we can advise that losses and special payments information is published in our Annual Report. The annual reports for the time period specified above can be found on the following links:

1 April 2017- 31 March 2018: <https://www.gov.uk/government/publications/homes-england-annual-report-and-financial-statements>

1 April 2018 – 31 March 2019: <https://www.gov.uk/government/publications/homes-england-annual-report-financial-statements-201819>

Information 31 March 2019 to date

We are able to inform you that we do hold the information that you have requested. However, we rely on section 22, exemption where information is intended for future publication under the FOIA.

The full text of the legislation can be found on the following link and we have quoted section 22 below for ease. <https://www.legislation.gov.uk/ukpga/2000/36/section/22>

Section 22 - Information intended for future publication.

(1) Information is exempt information if:

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).

Section 22 is a qualified exemption. This means that in order to withhold information under this exemption, we must consider the public interest in disclosure.

Public Interest Test – Factors in favour of disclosure

- Homes England is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work.

Public Interest Test – Factors in favour of non-disclosure

- The requested information will be published in our annual report.



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- Our annual report is published and verified in consultation with our sponsor department, the Ministry of Housing Communities and Local Government (MHCLG) and is presented to Parliament pursuant to paragraphs 11 and 12 of Schedule 1 of the Housing and Regeneration Act 2008 by the Secretary of State.

The full text of Schedule 1 in the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2008/17/schedule/1>.

- The annual report is subject to approval and verification before presentation to parliament and subsequent official publication. Releasing the requested information before it has been collated and prepared for release in the annual report would be likely to result in inaccurate or misleading information being in the public domain. Without proper collation and verification of the data we would be unable to provide the relevant context to ensure that it is not misunderstood. This would not be in the public interest as it could result in public mistrust of government departments and the general transparency of government.
- Though we acknowledge the public interest in the information requested, we cannot identify a wider public interest in publishing the information ahead of the official publication.

Therefore after careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure.

Advice and Assistance

In compliance with the Section 45 Code of Practice (Paragraph 14) and to offer advice and assistance under section 16 of the Freedom of Information Act 2000 we can advise that the anticipated publication of the annual report for the financial year 2019-2020 is November 2020. The annual report will be published on the Homes England website:

<https://www.gov.uk/government/organisations/homes-england>.

2) Please provide a copy of your organisation's loss and special payment policy.

I am able to confirm that Homes England does not hold the information detailed in your request.

In order to conclude that the information is not held, we have searched with our Financial Reporting and Accounts team who would have the requested information if held.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.

The full text of section 1 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To comply with this duty we are able to confirm that Homes England, in line with other government organisations follows the Managing Public Money requirements (<https://www.gov.uk/government/publications/managing-public-money>) for Losses and Special Payments and therefore we do not have a separate organisational policy.



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In addition, we are required to follow HM Treasury Financial Reporting Manual (FRM) requirements for reporting activity in our Annual Report & Accounts. The FRM includes provisions in relation to reporting on Losses & Special Payments as defined in MPM.

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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