



Homes
England

Date: 10 June 2021
Our Ref: RFI3318
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 – RFI3318

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

This is a request under the Freedom of Information Act 2000 (FOIA). Please provide any information that you hold answering to any of the following descriptions:

- 1. Any application you made in 2019 or 2020 to be a “Stonewall Diversity Champion” or to be included on Stonewall’s “Workplace Equality Index,” including any attachments or appendices to those applications. Please redact personal details if necessary.*
- 2. Any feedback you received in 2019 or 2020 from Stonewall in relation to either application or programme.*
- 3. Any other communication you have received from Stonewall in 2019 or 2020 unless privileged or otherwise exempt from disclosure (but if you claim privilege or exemption in relation to any material, please say in broad terms what the material is and the basis on which you claim to be entitled to withhold it).*
- 4. Full details of any equality impact assessment you carried out connected with any of these applications (including any equality impact assessment carried out prior to an earlier application of the same kind, if no further assessment was done).*
- 5. Details of the total amount of money you paid to Stonewall (i) in 2019; (ii) in 2020, whether or not as payment for goods or services.*
- 6. Whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.*

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Response

We have considered your request and have concluded that a response is refused under section 14(1) of the FOIA. Section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.

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

<https://www.legislation.gov.uk/ukpga/2000/36/section/14>

There is no obligation in FOIA on Homes England to detail the tests applied to determine that Section 14(1) applies to your requests. However as part of our duty under section 16 FOIA to provide advice and assistance, we can confirm that we have considered the Information Commissioner's Office (ICO) [guidance](#) for public authorities on the test to be applied when considering if a request is vexatious.

Homes England recognises the importance of public access to information, however section 14(1) allows us to also consider the context, wider purpose and value and impact on staff when assessing the proportionate impact of disruption on the organisation.

When considering the context of this request, which has been submitted as part of a wider campaign against hundreds of public authorities, we consider and have evidenced that the motivation for the request is not a genuine attempt to make public information that promotes understanding or transparency of public decision making and spending of public money. Rather it has been submitted in order to put pressure/lobby against Homes England regarding our membership of Stonewall schemes, with the intention to criticise and undermine their role as a charitable organisation. We do not consider that your request is an appropriate or justified use of FOIA and that the request is a 'fishing' exercise where the actual content of the information requested is not the true purpose of the request. We do not consider that there would not be a public value in release of the information.

We also believe that releasing the information in your request would cause distress to our staff and that complying with your request could lead to harassment of Homes England staff. We are aware that the campaign in which this request has been submitted has advised that requestors should request an internal review of any response no matter the public interest arguments made to withhold information from disclosure. Public authorities who have released information in response to this request have subsequently faced increased lobbying against their memberships of Stonewall schemes and their responses posted/deliberated on social media with the sole purpose of disrupting the organisation's involvement with Stonewall and as an employer supportive of LGBTQ+ issues.

Therefore we believe that the true motive of the request is not access to information and have determined that your request for information is weighed towards a 'personal' rather than 'public' interest and that FOIA is not the appropriate route for pursuing this matter. We consider the impact and disruption on resources is not proportionate to the purpose and wider public value in release of the requested information.

Under section 14(1) there is no requirement to carry out a public interest test or to confirm or deny whether the requested information is held.

Once the first section 14(1) refusal notice has been issued we will not continue to acknowledge or respond to further requests of the same nature. Please take this as the first refusal notice. However, should a reasonable interval



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elapse before a new request is received from you that is substantially different in nature, we will process said request under the FOIA.

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

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. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk

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

Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) 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/>

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