



Date: 30 March 2022

Our Ref: RFI3757

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

By Email Only

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

Dear [REDACTED]

RE: Request for Information – RFI3757

Thank you for your recent email, which was processed under the Environmental Information Regulations 2004 (EIR).

You requested the following information:

The request requires information about Homes England's Help to Buy programme and cladding affected blocks. I am requesting the following information.

- 1) *Can you provide me with the number of times Homes England has agreed on a RICS valuer for a building affected by novel issues. Can you split these between:*
 - *The period between July 2018 and the 4 August 2021 when this change in approach (see link) was published by the government (<https://www.gov.uk/government/publications/request-to-appoint-a-valuer-for-a-property-with-external-cladding>)*
 - *The period from when that new guidance was published on 4 August 2021, up until now (as of the 23 January 2022)*

- 2) *Can you provide me with the number of times Homes England has agreed on a RICS valuer for a building affected by novel issues, specifically cladding. Can you split these between:*
 - *The period between July 2018 and the 4 August 2021 when this change in approach (see link) was published by the government (<https://www.gov.uk/government/publications/request-to-appoint-a-valuer-for-a-property-with-external-cladding>)*
 - *The period from when that new guidance was published on 4 August 2021, up until now (as of the 23 January 2022)*

- 3) *Could you please provide me with*
 - 1) *An up to date figure/estimate (as of 15 January 2022) for the number of Help to Buy homes affected by dangerous ACM cladding in buildings over 18m*
 - 2) *a figure for the number of homes with live accounts that are affected, and across how many buildings?*
 - 3) *The number of homes affected that have now redeemed their loans?*
 - 4) *How many of the redeemed loans did Homes England receive less than the equity loan originally lent?*



Date: 30 March 2022

Our Ref: RFI3757

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

5) Total figure for the amount of money Homes England lost for all of the redeemed loans where it received less than the original equity loan when added together?

4) On 4 August 2021, Homes England changed its guidance regarding redemptions for Help to Buy leaseholders in flats, to the following <https://www.gov.uk/government/publications/request-to-appoint-a-valuer-for-a-property-with-external-cladding>

Could you provide me with any documentation or correspondence between the Homes England chief executive and senior members of the Help to Buy team) regarding the decision to change this guidance? Could this be between 15 May 2021 and August 15 2021?

5) In May 2018, the then Homes and communities Agency changed the wording on its Help to Buy customer redemption information pack (originally published in November 2016). In the updated version in May, a section was added, which stated Homes England now "reserved the right, in accordance with the equity loan, reserved the right to agree the RICS valuer before customer instructed them".

Could you provide me with any documentation or correspondence between the Homes and Communities Agency chief executive and the Help to Buy team? Could this be for communication between 1 March 2018 and the 30 May 2018?

Response

We can confirm that we do hold some of the requested information. However, certain information in the scope of your request is not held by Homes England and where this is the case we have clarified below.

1) Can you provide me with the number of times Homes England has agreed on a RICS valuer for a building affected by novel issues. Can you split these between:

- The period between July 2018 and the 4 August 2021 when this change in approach (see link) was published by the government (<https://www.gov.uk/government/publications/request-to-appoint-a-valuer-for-a-property-with-external-cladding>)
- The period from when that new guidance was published on 4 August 2021, up until now (as of the 23 January 2022)

and

2) Can you provide me with the number of times Homes England has agreed on a RICS valuer for a building affected by novel issues, specifically cladding. Can you split these between:

- The period between July 2018 and the 4 August 2021 when this change in approach (see link) was published by the government (<https://www.gov.uk/government/publications/request-to-appoint-a-valuer-for-a-property-with-external-cladding>)
- The period from when that new guidance was published on 4 August 2021, up until now (as of the 23 January 2022)

and

3) Could you please provide me with:

- 1) An up to date figure/estimate (as of 15 January 2022) for the number of Help to Buy homes affected by dangerous ACM cladding in buildings over 18m
- 2) a figure for the number of homes with live accounts that are affected, and across how many buildings?



Date: 30 March 2022

Our Ref: RFI3757

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

In relation to your above questions numbered 1,2,3.1, and 3.2 we can confirm that Homes England does not hold this information and therefore the EIR exception Reg 12(4)(a) applies to these parts of your request.

Regulation 12(4)(a) – Information not Held

Under regulation 12(4)(a) of the EIR, Homes England may refuse to disclose information if the requested information is not held by that public authority.

Regulation 9(1) provides that an authority must provide advice and assistance to applicants and in accordance with this we can advise that Homes England's systems do not report or collate information on novel issues or cladding. This information is not a recorded field in any system used by Homes England or our mortgage administrator (Target). The system only allows for reporting on a concluded transaction and it would not be able to provide data on valuations or redemptions received against any account or whether any account had been identified as having novel issues or cladding.

We can further advise that the information you have requested is an up to date figure of information previously published in the National Audit Office (NAO) report - [Investigation into remediating dangerous cladding on high-rise buildings \(nao.org.uk\)](https://www.nao.org.uk/publications/202006/investigation-into-remediating-dangerous-cladding-on-high-rise-buildings) (page 42) on 19 June 2020.

Updated versions of these figures will form part of the next NAO report to be published regarding the scheme. The information will be collected and provided to the NAO by our sponsor department, the Department for Levelling up, Housing & Communities (DLUHC).

3.3) The number of homes affected that have now redeemed their loans?

We can confirm that we do hold information on redeemed loans affected by ACM cladding and can confirm that there have been 184 properties fully redeemed.

3.4) How many of the redeemed loans did Homes England receive less than the equity loan originally lent?

We can confirm that we do hold the of the 184 equity loans fully redeemed, there were 38 equity loans redeemed where less was received than the equity loan originally lent.

3.5) Total figure for the amount of money Homes England lost for all of the redeemed loans where it received less than the original equity loan when added together?

For the 38 equity loans redeemed where less was received than the equity loan originally lent, the total amount lost was £496,410.89.

4) On 4 August 2021, Homes England changed its guidance regarding redemptions for Help to Buy leaseholders in flats, to the following <https://www.gov.uk/government/publications/request-to-appoint-a-valuer-for-a-property-with-external-cladding>

Could you provide me with any documentation or correspondence between the Homes England chief executive and senior members of the Help to Buy team) regarding the decision to change this guidance? Could this be between 15 May 2021 and August 15 2021?

Regulation 12(4)(a) – Information not Held

Under regulation 12(4)(a) of the EIR, Homes England may refuse to disclose information if the requested information is not held by that public authority.



Date: 30 March 2022

Our Ref: RFI3757

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Regulation 9(1) provides that an authority must provide advice and assistance to applicants and in accordance with this we can advise that the guidance linked in your question was not changed on 4 August 2021. This was the date when Help to Buy (HTB) guidance moved from being hosted on a separate website to being hosted on the gov.uk domain.

Furthermore, we can confirm that there is no correspondence held between the Help to Buy team and the Chief Executive regarding any 'change in guidance' for HTB redemptions on cladding affected properties.

5) In May 2018, the then Homes and communities Agency changed the wording on its Help to Buy customer redemption information pack (originally published in November 2016). In the updated version in May, a section was added, which stated Homes England now "reserved the right, in accordance with the equity loan, reserved the right to agree the RICS valuer before customer instructed them".

Could you provide me with any documentation or correspondence between the Homes and Communities Agency chief executive and the Help to Buy team? Could this be for communication between 1 March 2018 and the 30 May 2018?

We can confirm that we do hold correspondence between the Help to Buy team and the Chief Executive that falls in scope of this question. However, we are withholding this from disclosure under the following exception:

Regulation 12(4)(e) – Internal Communications

Under regulation 12(4)(e) of the EIR, Homes England may refuse to disclose information to the extent the request involves the disclosure of internal communications.

In engaging the exception it is only necessary that the information fall into the defined category, not that disclosure would have an adverse effect. However, under regulation 12(1)(b), the public authority can only withhold the information if, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. Furthermore, under regulation 12(2), it must apply a presumption in favour of disclosure.

Public Interest Test

Regulation 12(4)(e) is subject to the public interest test. Once the exception has been engaged it is then necessary to consider the balance of the public interest in maintaining the exception or disclosing the information.

Factors in favour of disclosure

- Homes England acknowledge that there is a presumption in disclosure regarding environmental information as well as a public interest in promoting transparency in how we undertake our work and allocate public money; and
- Homes England acknowledge that there is an interest from the public in how Homes England makes decisions and that there is a level of transparency required from public servants making these decisions.

Factors in favour of withholding

- It is vital that Homes England have a 'safe space' to deliberate decisions in relation to the required process and requirements needed to administer the Help to Buy loan book. Homes England is responsible for ensuring that



Date: 30 March 2022

Our Ref: RFI3757

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

a significant amount of public money is borrowed and recovered effectively and in a way that best ensures value for public money. Disclosure would prejudice the ability of decision makers to balance the relevant legal and operational requirements of the scheme without fear of external scrutiny and undue pressure. This would not be in the public interest as it would be likely to prejudice our position in the market as the government's housing accelerator and effectively manage the public funds entrusted to us;

- The Information Tribunal has confirmed that the need for a safe space will be strongest when the information relates to a 'live' matter. In this case, the information relates to circumstances that affect current customers of the HTB scheme and a process that relates to ongoing redemptions. If the information were public it would be likely to detrimentally affect Homes England's ability to ensure a legally correct and fair process is followed for HTB customers redeeming their loans, which would not be in the public interest; and
- Disclosure would also have a 'chilling effect' on Homes England's ability to progress with both current and future decisions and discussions regarding the administration of the HTB scheme. As previously stated, the internal discussions are in relation to a live process. To disclose the information would result in a loss of frankness and candour in relation to continuing decision making about a large amount of public money and outcomes for members of the public and would damage the quality of these discussions. This could lead to poorer decision making which would directly impact a large number of HTB customers. It is vital that the quality of these decisions is as robust as possible to ensure these decisions are made effectively and in the public interest.

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 and there is not a wider public interest in disclosing the information requested.

The full text of Regulation 12(4)(e) in the legislation can be found via the following link: [The Environmental Information Regulations 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uk-legislation/regulations/2004/12/4/e).

Right to make Representations

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 a reconsideration of our response (Internal Review). You can make this representation 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 reconsideration must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response (Reg 11(2)). Failure to meet this criteria may lead to your request being refused.



Homes
England

Making homes happen

Date: 30 March 2022

Our Ref: RFI3757

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Upon receipt, your request for reconsideration 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/>

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

OFFICIAL