



Homes  
England

Making homes happen

Date: 30 March 2022

Our Ref: RFI3775

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

██████████  
By Email Only

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

Dear ██████████

**RE: Request for Information – RFI3775**

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA).

You requested the following information:

*what checks you carried out to see if the builder was reputable and capable of building houses to the correct standard*

**Response**

**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.

Whilst we can confirm that we undertake a thorough and compliant due diligence process, the detail of these checks 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 effective operation of the Help to Buy (HTB) scheme.

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.

**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.

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Arguments in favour of withholding:

- Responses issued under FOIA are considered 'to the world at large'. If the wider public were aware of the process and detail of checks that Homes England undertakes on developers who apply to the HTB scheme there is a real and significant risk that this information could be used by potential fraudsters or those with criminal intent to make false representations or bogus applications. This would put Homes England at risk of fraud and result in misuse of public money; and
- The information would reveal Homes England's decision-making and assessment process in relation to applications that will determine allocation of a large amount of public money. To release this information would not be in the public interest as it would undermine the necessity for public authorities to have a 'safe space' in which to assess and deliberate decisions in relation to the scheme. If the information were in the public domain third parties could distort or mis-represent information in order to secure successful applications. This would mean that decision makers would not be able to make decisions based on an accurate or complete picture, and there is a high likelihood that release would result in the mis-allocation of public funds which would greatly impact the delivery of homes. This would undermine the funding which has been entrusted to Homes England by the government.

Whilst we acknowledge that individual customers of the HTB scheme may be interested in the due diligence undertaken on developers, the significant risk to the scheme as a whole is outweighed by any individual interest. Therefore, we have concluded that the balance of the public interest favours non-disclosure of the information.

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

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

**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 – 6<sup>th</sup> Floor  
Windsor House  
50 Victoria Street  
London  
SW1H 0TL

Or by email to [infogov@homesengland.gov.uk](mailto: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/>



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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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