



# Homes England

Date: 17 April 2024

Our Ref: RFI4680

Tel: 0300 1234 500

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

[REDACTED]  
By Email Only

Dear [REDACTED]

## **RE: Request for Information – RFI4680**

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:

**In the last week senior managers have indicated that flexible working arrangements are being stopped by Peter Denton.**

**Please provide copies of minutes from any internal meeting in which the topic of flexible working was discussed and at which Peter Denton was present.**

**Please provide any correspondence provided to Peter Denton on the legality of his instruction.**

**Please provide any papers that propose changes to flexible working at Homes England.**

**Please provide a copy of any email including the phrase “flexible working” sent to or received by Peter Denton in the last two weeks.**

## **Response**

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





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**Please provide copies of minutes from any internal meeting in which the topic of flexible working was discussed and at which Peter Denton was present.**

Homes England's Executive Leadership Team discussed flexible working at its weekly Executive meeting on Tuesday 5 March. There was an agenda item on accommodation and working strategies. The minute of that discussion is below:

Para 28 03/24	ELT discussed flexible working practices and the limitations these presented. A question was asked about the number of staff working compressed hours and whether the HR Director could provide a paper on compressed hours to ELT at a future date.	JM
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**Please provide any correspondence provided to Peter Denton on the legality of his instruction. Please provide any papers that propose changes to flexible working at Homes England.**

We can confirm that Homes England does not hold the information detailed in your request.

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 there have been no papers proposing changes to flexible working in Homes England. The requested paper in relation to the above provided information has not yet been drafted.





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**Please provide a copy of any email including the phrase “flexible working” sent to or received by Peter Denton in the last two weeks.**

Please find enclosed with this response Annex A, a copy of an email received by the Senior Leadership team, of which Peter Denton is a member, on 15 March 2024 regarding flexible working.

## Section 40 – Personal information

We have redacted some information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

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

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

## 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](mailto:infogov@homesengland.gov.uk)





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

Information Governance Team

Homes England

Windsor House

6<sup>th</sup> Floor

42-50 Victoria Street

London

SW1H 0TL

United Kingdom

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/>

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

6<sup>th</sup> Floor  
Windsor House  
42 - 50 Victoria Street, Westminster  
London, SW1H 0TL

0300 1234 500  
@HomesEngland  
[www.gov.uk/homes-england](http://www.gov.uk/homes-england)



# Out of Scope

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**From:** Jackie Molloy  
**Sent:** 15 March 2024 4:17 PM  
**To:** Senior Leadership Team <SeniorLeadershipTeam@homesengland.gov.uk>  
**Cc:** S. 40(2) @homesengland.gov.uk>  
**Subject:** Flexible working requests - please read

Hi SLT colleagues

Some of you will have had direct messages from HRBP colleagues or indeed myself but we have been alerted me to some inadvertent messaging that has been going out stating that all flexible working requests have been put on hold.

I must be clear that no employer has the right to overrule statutory rights, we cannot therefore refuse to consider such requests. The right also applies on a basis of a simple obligation to consider whether we CAN accommodate, that is the driver, if we cannot we must refuse ONLY on the basis of permitted business reasons, these being:

Burden of additional costs

Detrimental effect on the business' ability to meet customer demand  
Detrimental impact on quality and performance  
Unable to reorganise work among existing staff  
Unable to recruit more staff  
Insufficient work during the periods the employee wishes to work  
Planned structural changes.

Ultimately it is our decision whether we can accommodate a request but this should not be based on a unilateral or universal view or it renders the consideration meaningless, each case should be considered on its own merits, you may hold in your mind principles of operation but to be clear these themselves are not reasons for refusal.

There are also defined timescales for the consideration, again set out, so we cannot simply place items on hold.

I'm sure you know all of this as experienced leaders but I lay it out explicitly so you can swiftly support any manager who may have relayed this, we in HR are also happy to support them.

To be clear no one is making you accept the request itself and if this is not something you can accommodate for one of the reasons above, we can support you, you should also know that from April, any refusal must follow consultation with the individual, it cannot simply be determined.

To avoid mass grievances at best I must ask that you ensure managers row back on this missive. Instead that any are considered in line with our own policy and statute, even if this results in refusal.

Happy to cover briefly on Monday although I suspect it will not be necessary for many, but emailing all for consistency.

Jackie

Jackie Molloy  
HR Director

Tel: s. 40(2)

EA s. 40(2)

### **The Housing and Regeneration Agency**

We believe that affordable, quality homes in well-designed places are key to improving people's lives. We make this happen by using our powers, expertise, land, capital, and influence to bring both investment to communities and to get more quality homes built.

Please forward any Freedom of Information Requests to: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

