



Homes  
England

The Housing and Regeneration Agency

Date: January 2024

Our Ref: RFI4972

Tel: 0300 1234 500

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

[REDACTED]  
By Email Only

Dear [REDACTED]

**RE: Request for Information – RFI4972**

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:

- **How many FRAEW assessments have been carried out by Tri Fire as part of the Medium Rise Scheme (now Cladding Safety Scheme) fire assessor panel**
- **How much Tri Fire has been paid from the scheme**
- **How much has been paid to all members of the fire assessor panel**

**Response**

We can inform you that we do hold some of the information that you have requested. We consider that the requested information is commercial in nature.

**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.

The information requested relating to FRAEW assessments 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 cladding safety scheme.

The Lumen  
2<sup>nd</sup> Floor  
St James Boulevard  
Newcastle upon Tyne  
NE4 5BZ

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





# Homes England

## The Housing and Regeneration Agency

Date: January 2024

Our Ref: RFI4972

Tel: 0300 1234 500

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

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.

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

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

### 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;
- Homes England acknowledges that there is a particular public interest in the work of the Cladding Safety Scheme and the remediation of buildings affected by unsafe cladding;
- Disclosure of the information would be likely to promote better understanding of how public authorities work to encourage transparency and engagement with the public and the desire to communicate openly regarding our activities; and
- Homes England acknowledges that there is a general public interest in the release of the information as it relates to a subject of public deliberation. Release of the information would help increase public confidence in how public authorities audit their activities. This would be likely to increase public confidence in our governance and decision making.

### Arguments in favour of withholding:

- Disclosure is likely to be prejudicial to the commercial interests of both Home England and third parties on the assessor panel as there is a reasonable expectation that such information provided to Homes England in this capacity would not be disclosed. To release the information could project an unfair and inaccurate picture that may allude to 'preferred' assessors. It is not the case that any fire safety assessor is favoured over any other panel member and to release the number of assessments conducted would be likely to affect the impartiality of the scheme. This may in turn deter future applicants from considering which assessor to use and they will be forced into direct competition which could jeopardise the safety of applicants as the data we hold does not fully reflect the number of assessments conducted outside the scheme;
- Disclosing details of a third party's assessment data not in the public domain may affect their relationship with other parties, including Homes England, and affect a party's reputation in the market. This would be likely to have a negative impact on the third party's ability to procure works;

The Lumen  
2<sup>nd</sup> Floor  
St James Boulevard  
Newcastle upon Tyne  
NE4 5BZ

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





Homes  
England

The Housing and Regeneration Agency

Date: January 2024

Our Ref: RFI4972

Tel: 0300 1234 500

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

- Releasing information in relation to a third party in a competitive market would be likely to distort competition, making it a less competitive process. This would not be in the public interest as it would be likely to lead to third parties being unable to secure works for market value or be successful in securing approvals for works and services. This would not be in the public interest as it would negatively affect Homes England's position as the government's housing accelerator and our ability to create successful and trusting relationships with partners; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

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 disclosure.

We will therefore address each of your questions in turn below.

**How many FRAEW assessments have been carried out by Tri Fire as part of the Medium Rise Scheme (now Cladding Safety Scheme) fire assessor panel**

We can confirm that 62 assessments have been carried out by Tri-fire as part of the Cladding Safety Scheme (CSS) fire assessor panel. We can advise that many of the Tri-fire reports predate our panel and the scheme and therefore all reports have been through a peer review process and additional reviews of our technical services team. We peer review all reports submitted to the CSS to ensure they are robust.

**How much Tri Fire has been paid from the scheme**

**How much has been paid to all members of the fire assessor panel**

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

To conclude that the information is not held, we have searched with our Cladding Safety 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>

The Lumen  
2<sup>nd</sup> Floor  
St James Boulevard  
Newcastle upon Tyne  
NE4 5BZ

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





Homes  
England

The Housing and Regeneration Agency

Date: January 2024

Our Ref: RFI4972

Tel: 0300 1234 500

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

### **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 Tri-fire has not been paid from the scheme and neither have any of the members of the fire assessor panel. We can advise that the panel is not a direct award from Homes England and therefore we would not hold information on how much Tri-fire, or any other panel member has been paid for their work in relation to the scheme. The panel is a collective of firms trained on the CSS who have agreed to summarise data in a consistent way and that has passed a participation threshold.

Applicants to the CSS are free to contact and get quotes from any panel member and then they pay the fees due and hold the commercial relationship. We also expect applicants do their own research to ensure the panel member they select is fit for purpose as for the instruction.

### **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)

Information Governance Team  
Homes England  
The Lumen  
2<sup>nd</sup> Floor  
St James Boulevard  
Newcastle Helix  
Newcastle upon Tyne  
NE4 5BZ  
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.

The Lumen  
2<sup>nd</sup> Floor  
St James Boulevard  
Newcastle upon Tyne  
NE4 5BZ

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





# Homes England

Date: January 2024

Our Ref: RFI4972

Tel: 0300 1234 500

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

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

The Lumen  
2<sup>nd</sup> Floor  
St James Boulevard  
Newcastle upon Tyne  
NE4 5BZ

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

