



Homes
England

The Housing and Regeneration Agency

Date: 3 April 2025

Our Ref: RFI5031

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI5031

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:

A list of all buildings for which FRAEWs for CSS applicants were carried out by Tri Fire Ltd. carried before its suspension from the fire assessor panel over the last 12 months

A list of all buildings including address for which FRAEWs were carried out by [REDACTED] over the last 12 months.

Response

We can inform you that we do hold the information that you have requested. However, we rely on section the S. 38 exemption in FOIA to withhold the information from disclosure.

Section 38 – Health and Safety

The information requested relating to the names and addresses of buildings that have undergone a Fire Risk Appraisal of External Walls (FRAEW) assessment by Tri Fire Ltd and a named assessor engages section 38(1)(b) of the FOIA as its release would be likely to endanger the safety of individuals.

Section 38 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.

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St James Boulevard
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Arguments in favour of disclosure:

- Homes England is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work and spends public money.
- Homes England acknowledges the recent media coverage relating to Tri Fire Ltd and the named assessor and the investigation conducted by the Institution of Fire Engineers.
- Homes England acknowledges there is a public interest in transparency in matters concerning public safety and submissions to the Building Safety Fund (BSF) and Cladding Safety Scheme (CSS).

Arguments in favour of non-disclosure

- Homes England believes that it should not disclose the names and addresses of assessed buildings as this would be likely to endanger the safety of the residents of the buildings. Releasing this information would confirm that applications had been submitted to the BSF or CSS and therefore, that the building had cladding that was deemed to be unsafe.
- Disclosure to the wider public of the names and addresses of buildings that have unsafe cladding could be used by malicious actors to endanger the safety of the residents. There is a real and substantial risk that a building with unsafe cladding could be subject to malicious attack from criminals, terrorists and other malicious actors. This would not be in the public interest as it would be likely to result in endangerment of residents of the buildings.
- Homes England have taken into consideration statistics relating to fire in tower blocks and residential buildings. Official statistics made available by the Home Office show that, as at September 2024 there have been 15,592 deliberate fires, 6,705 have been at dwellings and other buildings. Whilst we have established no link to those fires and the buildings that form the requested information, there is an overriding public interest in safeguarding the residents that occupy those buildings that would be exceptionally vulnerable in the event of a fire.
- Homes England is aware of the Information Commissioner's Decision Notice FS50759048 where the Information Commissioner notes that a list of properties identified by name and location, that are known to be vulnerable to the effects of a fire, would be useful intelligence and therefore likely to be of assistance to a terrorist group, or similar, should they be contemplating an attack on a residential building.

Homes England believes that to disclose this information to the wider public would undermine the BSF and CSS designed to protect the safety of individuals in buildings affected by unsafe cladding.

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Therefore, after careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure.

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

<https://www.legislation.gov.uk/ukpga/2000/36/section/38>

Advice and Assistance

In compliance with the Section 45 Code of Practice (Paragraph 14) and to offer advice and assistance under section 16 of the FOIA we can advise that Homes England are aware of the action taken against the named individual and we have reviewed all EWS1 assessments. All projects have, or will have, a fire safety engineer to ensure the assessment is valid. We have not had any negative report from the project teams using these assessments to date.

Right to Appeal

If you are not happy with 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

Information Governance Team
Homes England
The Lumen
2nd 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 these criteria may lead to your request for an internal review being refused.

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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

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