



# HS2 RESIDENTS' COMMISSIONER

## Report 6 – March 2017

### Summary

The year 2017 has already been busy for HS2 Ltd, with property and communication activities on Phases One and Two of the route.

This report will focus on some of the areas I have been involved in.

I will also be looking in detail at the current state of HS2 Ltd's complaint handling and community engagement actions, with reference to the organisation's response to Ian Bynoe's report into these areas last year.

My recent actions include:

- Meeting residents, MPs and their constituents at HS2 information events for Phase One, Phase 2a and Phase 2b - including at Ickenham, Old Oak Common, Stafford, Thurcroft, Mexborough and Leeds.
- Meeting Andrew Jones, Parliamentary Under Secretary of State Department for Transport at the DfT, to discuss community engagement and the property schemes; and meeting other MPs along the line of route.
- Visiting the HS2 Enquiries team, to understand its operation and suggest areas where HS2 Ltd could provide better support to improve the customer experience.



## The property schemes

I have continued to monitor the various property schemes, as well as being involved in ongoing discussions with the Government about improving them.

I am encouraging the DfT to review all the HS2 discretionary property schemes this year and to consider, as part of that review, other discretionary blight schemes currently operating in the UK. This will help to develop best practice for discretionary blight schemes so that other infrastructure projects can learn from HS2's experience, lessen the need for other acquiring authorities and scheme operators to 'reinvent the wheel', and make sure communities that may be affected in the future have a benchmark to measure against.

### *Phase One, Phase 2a and Phase 2b Express Purchase*

The Express Purchase scheme applies to some properties in the surface safeguarded area. All those affected who may be eligible should already be aware of their entitlement. People who live in this area and satisfy residency requirements can serve a blight notice on the Government.

As of 31 January 2017, 337 blight notices had been accepted and a further 69 are being assessed.

With Royal Assent, Phase One properties will incrementally move to the compulsory purchase phase.

Express Purchase will continue to operate until the HS2 programme requires properties to be acquired.

### *Phase One and Phase 2a Rural Support Zone*

The Rural Support Zone (RSZ) is the area outside the surface safeguarded area and up to 120m from the centreline of the new railway in rural areas and where the route is not in a deep tunnel.



As of 31 January 2017, 107 applications had been received, of which 90 have been accepted and four are being assessed.

### *Phase One, Phase 2a and Phase 2b Need to Sell*

The Need to Sell (NTS) scheme is open to owner-occupiers who can show that they have a compelling reason to sell their property, but have not been able to do so – other than at a substantially reduced price – as a direct result of the announcement of the HS2 route.

As of 31 January, 297 applications had been received. Of these, 125 have been accepted and a further 54 are waiting for a decision. These numbers are slightly distorted as outstanding applications to the Phase 2b Exceptional Hardship Scheme (EHS) were transferred to the NTS scheme in November 2016 and not all of these have yet been determined.

Following comments during the House of Lords Select Committee hearing, the guidance is being reviewed to make sure that more examples of compelling reasons to sell are included, for the benefit of new applicants.

### *Phase Two Exceptional Hardship Scheme*

This scheme has now closed. It was replaced by the NTS scheme when the Phase 2b route was announced on 16 November 2016.

All outstanding applications under this scheme were automatically transferred to be considered under the NTS criteria. The applicants involved have been advised accordingly.



At the EHS scheme closure date, 274 applications had been received.

### **Property schemes - general**

A consultation is under way for the Phase 2b discretionary schemes. This is an opportunity for those affected by HS2 and those interested in the property schemes to have their say. You can find details at: <https://www.gov.uk/government/consultations/hs2-crewe-to-manchester-west-midlands-to-leeds-property-consultation-2016>. The consultation closes on 9 March 2017.

The Homeowner Payments (HOP) scheme has recently been introduced for properties within 300m of the centreline for the Phase One route, following the grant of Royal Assent for Phase One.

I will be closely monitoring how the HOP scheme is implemented. I will continue to work with the DfT and HS2 Ltd to make sure that the process is as clear and accessible as possible for people who are eligible. I will look at the initial uptake of this scheme in my next report.

### **Holding HS2 Ltd accountable**

In November 2015, the Parliamentary and Health Service Ombudsman (PHSO) published a Report on an investigation into complaints about HS2 Ltd. This can be found at: [https://www.ombudsman.org.uk/sites/default/files/2016-08/Report\\_on\\_an\\_investigation\\_into\\_complaints\\_about\\_High\\_Speed\\_Two\\_Limited\\_report.pdf](https://www.ombudsman.org.uk/sites/default/files/2016-08/Report_on_an_investigation_into_complaints_about_High_Speed_Two_Limited_report.pdf).

Part of the PHSO's "Recommendations for remedy" was for HS2 Ltd to appoint an independent person to review its processes around engagement, communication and complaint handling.

In April 2016, HS2 Ltd appointed Ian Bynoe to produce the Report on HS2 Ltd's complaint handling and community engagement. The report and its recommendations for action can be found at: <https://www.gov.uk/government/>



[publications/ian-bynoe-report-on-hs2-ltds-complaints-handling-and-community-engagement.](#)

The PHSO also recommended that HS2 Ltd publish the results of implementing those recommendations (HS2 Response). This was published in May 2016, and is also available at the link above.

The remainder of this report will focus on what HS2 Ltd has done since that response to the Bynoe report was published.

For clarity, I have taken only the key point of each of the 14 recommendations, to consider it against HS2 Ltd's response and its resulting actions to date.

### **Recommendation 1: HS2 Ltd should issue senior staff's mobile phone numbers to members of the public who need to make urgent contact.**

*HS2 Ltd's response: Our helpdesk is still the first point of contact to make sure all enquiries, complaints or information requests are dealt with appropriately. The helpdesk team initiates contact between HS2 Ltd and members of the public.*

I visited the helpdesk in October 2016 to understand the issues. In the main, the set up works satisfactorily but not all HS2 Ltd staff respond quickly or proactively to the helpdesk to enable them, in turn, to respond to individuals.

All HS2 Ltd staff must prioritise helpdesk enquiries.

Viewpoint – Each directorate should have a 'central' email address and telephone number for all helpdesk-related enquiries, to facilitate a more punctual response. Otherwise,



particularly with staff turnover at HS2 Ltd, it can be a challenge for the helpdesk to identify the correct person to contact in each instance.

**Recommendation 2: HS2 Ltd should explicitly refer to its commitments to openness, customer focus and accountability in the terms of reference for community forums and bilateral meetings.**

*HS2 Ltd's response: We are finalising a new approach to community forums and will implement it once all nine community engagement managers are in place. These new groups will reflect the changed terms of reference.*

There appears to be only one community forum group operating at the moment, which is in Euston. From the feedback I receive, it is still difficult to get HS2 Ltd to engage directly with a community. Where engagement is through parish or county councils, it often lacks the intensity of focus that those living in the community bring to discussions.

Viewpoint – HS2 Ltd urgently needs to clarify **how** and to **what timescale** it will engage with local communities on construction, traffic impacts, utility works, etc. At the moment, in the majority of areas, there is no regular means by which communities and HS2 can update each other on local impacts.

**Recommendation 3: HS2 Ltd should review the wording of the Residents' Charter, and test proposals with members of the public before introducing changes.**

*HS2 Ltd's response: We will develop proposals, test them over the summer, and report progress in autumn 2016.*

Revised wording for the Residents' Charter was developed and tested with two focus groups, and fed back to HS2 Ltd in December. HS2 Ltd is now reviewing this feedback and revising the charter.

Viewpoint – HS2 Ltd needs to sharpen its focus on revising the charter to make sure it is completed in a timely manner as we approach spring 2017.



A revised Residents' Charter must be published before Easter 2017 to take into account the start of the construction programme.

**Recommendation 4: As soon as possible, HS2 Ltd should approve its strategy for community engagement; defining clear milestones for implementing it, clear mechanisms for measuring it, and methods for learning from any community engagement activities that do not go well and attract justified criticism.**

*HS2 Ltd's response: We need to make a quantum leap in 2016 in terms of community engagement. We will recruit a new Director of Community Engagement to review and implement the updated community engagement strategy across the HS2 programme. We will publish the strategy on the website once it's approved.*

*We have "developed a community engagement operations group including key leaders across HS2 Ltd, the DfT and Network Rail to further develop and refine HS2 Ltd's community engagement principles, ... [ ] ... define measurement mechanisms by which the quality and effectiveness of each community engagement activity can be monitored, such as attitudinal surveys, and implement a system for learning lessons from less effective community engagement."*

Julie King started in post as Director of Community Engagement in December 2016. She is currently undertaking a full review of the Community Engagement Directorate, including the Phase One Community Engagement team and the Public Response team.

The 'community engagement operations group' is up and running, although its focus is on consistency of communications and complaint handling across the different



agencies, which also includes Highways England, rather than the role HS2 Ltd attributed to it in its response to the Bynoe report.

Viewpoint – The new Community Engagement Director has considerable experience in working on high-profile and challenging projects. She needs to be given time to develop the strategy before it can be published, although it should be available within six months of her appointment.

The strategy should be incremental and measurable and must ensure that there is a mechanism for lessons to be learned from all community engagement activities so that future phases of HS2 can benefit.

**Recommendation 5: The DfT should require HS2 Ltd to have a strategy for community engagement, and should make sure that ministers hold HS2 Ltd to account for delivering it effectively.**

*HS2 Ltd's response: The DfT is considering how our existing community engagement requirements can be strengthened.*

The Minister for Transport holds regular meetings with members of the Community Engagement team. He is taking a keen and personal interest in this aspect of the project. The DfT has been actively engaged in recent information events, particularly the property scheme events.

Viewpoint – HS2 Ltd needs to make sure that community engagement stays front-of-mind for everyone working on the new railway.

Community engagement must be embedded in every employee's, contractor's and third party agent's role.





It would be appropriate to give community engagement considerations greater prominence in the induction process for new starters.

**Recommendation 6: HS2 Ltd should revise and republish its Information Paper on Community Engagement once Recommendation 4 is implemented.**

*HS2 Ltd's response: We will do this.*

As recommendation 4 has not yet been done, there is no published community engagement strategy.

There is an HS2 Ltd 'G2 Community Relations Information Paper' version 1.2 on the website, which refers to the community relations strategy during construction. It was last updated on 1 June 2015. The Residents' Charter proposal that was published in April 2014 is in Appendix A.

There is also the HS2 Ltd 'G1 on Consultation and Engagement Information Paper,' which references events up to December 2013 but no further. This does not appear to have been reviewed for some time.

Viewpoint – In the absence of the new community engagement strategy, HS2 Ltd must revise and update these two information papers as soon as possible. Members of the public cannot be expected to refer to information that



is so out of date. These information papers (and all other HS2 Ltd information papers) should be reviewed and updated at least annually.

**Recommendation 7: HS2 Ltd's CEO should commission a project to make sure that the organisation's agreed corporate values have greater prominence - in the work environment as well as where HS2 Ltd interacts with the public, e.g. on its website, at information events, and in leaflets.**

*HS2 Ltd's response: We will review how our values are embedded in our organisation, and will review the channels and products used to interact with the public. We will report back by the end of 2016.*

The organisation's values of integrity, leadership, respect and safety are shown prominently on literature and in the company offices. I have also attended one meeting with external property agents where the values were explicitly discussed and all agents acknowledged being aware of them.

Viewpoint – HS2 Ltd must make sure that all new employees, contractors and agents are aware of these values and, in addition, that they and all existing staff embed these values within any work they carry out for HS2 Ltd. I would like to see the HS2 Ltd report that details how this has been achieved.

**Recommendation 8: The helpdesk's ways of working and HS2 Ltd's use of the gov.uk website should be independently examined to see if concerns were justified and, if so, to recommend changes.**

*HS2 Ltd's response: We have made changes to the helpdesk. The helpdesk will be carrying out regular customer satisfaction surveys.*

As our presence on [www.gov.uk/hs2](http://www.gov.uk/hs2) is a government requirement, we can't change this, but we will supplement it with local digital channels to provide more opportunities for interaction, and we will carry out research to understand the requirements of our customers in detail.



I have asked for copies of the customer satisfaction surveys that have been carried out by the helpdesk to date. HS2 Ltd advises me that none have been done so far.

In the recent Residents' Charter focus groups, one of the main issues was the inaccessibility of the gov.uk website. This has also been the source of a number of criticisms made to me by residents along Phases One and Two of the route.

HS2 Ltd has got the <https://hs2ineuston.commonplace.is/> website up and running, and is procuring digital platforms for other areas although it will be some months before these are functional. HS2 Ltd has also carried out a number of equality impact assessments along the line of route to make sure that it better understands the communication needs of people in the areas affected.

Viewpoint – From recent emails I have received, a customer satisfaction survey for the helpdesk is overdue and would help to inform thinking, to the benefit of members of the public and the helpdesk team. It would also act as a benchmark, if undertaken at least twice a year, to indicate how well HS2 Ltd is managing its enquiries process.

As with a number of other areas, HS2 Ltd's undertaking to provide digital platforms for areas outside Euston is taking considerably longer to implement.

### **Recommendation 9: HS2 Ltd should amend its complaints procedure to record all informal and formal complaints centrally.**

*HS2 Ltd's response: All our staff are instructed to inform the Public Response Manager of all complaints so that details can be recorded on a central log.*

We have mandatory training on complaint handling for all new starters and training is being developed for wider areas of the business.

So far as I am aware, the Public Response Manager is dealing with all complaints to HS2 Ltd. All new starters get complaint



handling training, and this training is being made available in some other areas of the business, particularly where roles are customer facing.

Viewpoint – It can be difficult to tell the difference between a query and a complaint at times, and to identify at what point a query becomes a complaint. All identified complaints and any possible complaints should be sent to the Public Response Manager. As HS2 Ltd moves into the construction phase, this will become even more relevant so that queries do not become complaints, and any complaints are addressed punctually.

**Recommendation 10: HS2 Ltd’s complaints procedure should be printed and made available at all HS2 events and forums.**

*HS2 Ltd response: We have done this and the leaflet is available.*

I confirm that these leaflets are available at the information events that I have attended.

**Recommendation 11: HS2 Ltd’s complaints procedure should be publicised at all future public information events.**

*HS2 Ltd response: We will put up posters detailing our complaints procedure at all events.*

I confirm that these posters are up at the information events that I have attended.

**Recommendation 12: The Residents’ Commissioner and Independent Complaints Assessor (ICA) should meet to understand their respective roles and responsibilities.**

*Residents’ Commissioner’s response: This meeting was scheduled for July 2016.*



I confirm that the meeting took place, together with the interim Construction Commissioner. We had a follow up meeting in January 2017.

**Recommendation 13: The Residents' Commissioner should receive a monthly report on all complaints relating to her responsibilities (communications, community engagement and property).**

*HS2 Ltd's response: We will provide the Residents' Commissioner with a complaints report backdated to January 2016, and for every month going forward.*

I have received regular monthly updates since this, and have access to all complaints relating to my areas of responsibility. I regularly review these to make sure the Residents' Charter is being upheld.

Viewpoint – A small number of residents would still like me to become involved in their individual cases, seeking to demonstrate a failing in HS2 Ltd's engagement and communication process that requires my input.

I cannot become involved in individual cases.

Where people make complaints, I thoroughly review them to check that the charter is being upheld. In general, where more than one complaint has been made on an issue, it bears investigation. Where it is a single complaint, I have not generally found it to indicate a trend.

**Bynoe suggestion: HS2 Ltd should convene a Best Practice Community Engagement Advisory Panel to provide a sounding board for new thinking, and for communication and engagement planning.**

*HS2 Ltd's response: We will set up this group, learn from it and improve the way we work as a result.*

The first meeting took place in December 2016. It was an extremely helpful session, representing infrastructure groups at different stages: in planning, under construction, and in

operation. Attendees included Crossrail and Crossrail 2, Gatwick Airport, Cuadrilla, the Francis Crick Institute and the Lower Thames Crossing team. The panel will now meet quarterly.

## Outcome

In February 2016, I was asked to score HS2 Ltd's community engagement performance out of ten. I gave it a six. If I were asked the same question today, I would give it seven out of ten.

To quote from Mr Bynoe in his report, "Hope is not a plan." Progress is too slow on a number of these key issues. While the number of staff in the community engagement team has increased substantially, there has not been the quantum leap that HS2 Ltd acknowledged it needed to make in terms of quality and quantity of community engagement on the ground.

With Royal Assent recently granted, HS2 Ltd must match its actions to its words, and deliver what it says it will in support of better community engagement.

## Next steps

I will be attending a number of engagement events in the next quarter, across all three phases of the route.

I will be closely following the Home Owner Payment scheme following its recent launch, and will maintain the pressure on HS2 Ltd to complete its review of the Residents' Charter.