

Third report from Gareth Epps, interim independent HS2 Construction Commissioner

This is my third report as interim HS2 Construction Commissioner. It covers the period since my last report in April 2017.

Key findings and recommendations:-

1. The relatively quiet period before the start of construction is important for HS2 Ltd and its contractors to continue to build confidence that the project will be managed sensitively and considerately.
2. HS2 Ltd needs to devote sufficient resources to ensure its new complaints process is implemented and publicised in good time for the start of major construction, and at the very latest by the end of 2017
3. HS2 Ltd needs to continue to address the behavioural aspects of how it consistently appears focused on meeting a community's needs, in line with the commitments made in the Residents' Charter; for example, it should make clear to staff the need to respond promptly to questions or requests made in community meetings, and not wait until the eve of the following meeting
4. Arrangements for HS2's Small Claims Scheme need to be confirmed once they are agreed
5. Summary complaints information is now being provided, and the information is of increasing quality allowing me to start to be able to understand complaint trends.

Summary of activities

The period from April until June was relatively quiet, due to the calling of a General Election when purdah required some HS2 community meetings to be postponed.

I have continued to attend the Planning Forum and its subgroup of Environmental Health professionals. I have attended meetings of the Euston Community Representatives Group [ECRG] and continue to be available for meetings elsewhere along the route. My thanks go to Warwickshire County Council who arranged a seminar about my role for county councillors and also parish councils along the route following the local elections. It was particularly helpful to be able to engage with parish representatives in this way who will be important channels of information during the construction period.

I have also met for the first time with the Construction Commissioner's Steering Group [CCSG], the independent governance panel set up to oversee the Construction Commissioner's role. I am grateful to the members of the Panel for volunteering their services. I have encouraged the panel to prioritise ensuring an independent budget and office is set up, to underpin the independence of the role. The membership of the panel is as follows:-

- Gareth Epps Interim HS2 Independent Construction Commissioner
- Mike Lyons Programme Director, HS2 Ltd

- Sara-Louise Lee HS2 Programme Manager, Warwickshire County Council
- Gavin Gaunt Director Group Assurance and Digital Services, DfT
- Alasdair Reisner Chief Executive at Civil Engineering Contractors Association
- David Reidy Town Planner, Urban Regeneration, London Borough of Camden
- Martin Dickman Director of Environmental Services, Buckinghamshire County Council.

There are currently vacancies for representatives of communities and specifically of agricultural communities impacted by HS2 Phase One works. Anyone interested in these roles can contact HS2 Ltd's Helpline or myself in the first instance.

I also continue to meet HS2 Ltd's staff on a regular basis. I have held an introductory meeting with David Gloster, HS2's new Head of Public Response with responsibility for complaints handling, who joined the project in August. The Residents' Commissioner, Deborah Fazan, and I now have the opportunity on a regular monthly basis to raise issues at a round table meeting with Directors including the Chief Executive. Deborah and I have also joined an initial workshop with HS2's senior community engagement staff and representatives of contractors, where it was helpful to hear what preparations the latter are making in engaging with communities they will affect.

The Government's expectations for HS2 are considerable; [it wants](#) 'HS2 to set a benchmark for excellence in community relations'. While the project is still forming partnerships with its contractors and overhauling ways of working that have in the past been subject to considerable criticism, I have been able to point out examples to illustrate the type of change needed.

My previous reports have now been published on the .gov.uk website. HS2 Ltd has issued a response to my second report.

In order to publicise the role, I will shortly be publishing a leaflet explaining the Construction Commissioner's role and when I will be able to help those affected by construction. This will be sent to organisations such as parish councils along the route, and I am happy to send copies to any organisations who might find the information useful.

I hope to continue to have further meetings with HS2 Ltd's contractor staff in the coming months, which will also see work to ensure a permanent Commissioner's office is established as soon as practically possible.

Recommendations from previous reports

I have reviewed progress against the recommendations made in previous reports:-

- I am delighted that steps are in place to move the Internet presence for HS2 Phase One away from the cumbersome .gov.uk system. This is a significant undertaking given the scale of the project (and cannot be accomplished overnight), but should be a significant step forward in communications for the construction phase. (Recommendation accepted and in progress)
- Steady but slow progress is being made in implementing the recommendations from Ian Bynoe's report in Spring 2016. A year has now elapsed since the report was published, and it is of concern that some of the more significant recommendations relating to complaints are only being implemented now. The project has made clear the importance it has

attached to ensuring these recommendations are implemented, and together with the Residents' Commissioner I will continue to hold them to account for that. HS2 Ltd has committed to implementing the remaining recommendations by Christmas 2017; it needs to ensure adequate resources are devoted to ensuring this is in place. (Recommendations accepted in and progress)

- Key among the recommendations of the Bynoe report is to provide information to members of the public about how to complain, mentioning the roles of the Residents' Commissioner and Construction Commissioner. HS2 Ltd should progress this as a priority. (Recommendation accepted but not yet started)
- The revised Residents' Charter [see below] now sets out clearly to HS2 staff their commitments to good community relations, and what they need to achieve this. (Recommendation accepted and discharged)
- Decisions on funding for the Commissioner's office are now for CCSG to agree. I am meanwhile identifying suitable office facilities bearing in mind the need to use public money wisely (Recommendations in progress)
- The Small Claims Scheme is still being developed and details should be confirmed in advance of construction (Recommendation accepted and in progress)
- Special case processes for provision of noise mitigation continue to be developed, and there is some work to be done to ensure this system is sufficiently flexible to accommodate special requirements and is sufficiently accessible to those with particular needs. I am pleased to see progress being made in provision for vulnerable people who will be affected by construction, and clearer information about special cases is available on the HS2 in Euston website. Again, flexibility will be required to meet individual needs. (Recommendations accepted and in progress)
- Summary information for complaints handling is now being provided on a regular basis. The instances where construction-related complaints are described as 'informal complaints' or 'enquiries' have become less frequent. (Recommendations accepted and in progress)

General remarks on community relations

The HS2 Helpline has now switched to a Freephone number: 08081 434 434. This removes a potential barrier to the logging of construction impacts. A free Minicom number has also been provided for people who are deaf, hard of hearing or have a speech impairment: 08081 456 472. Calls will continue to be taken on the old number for the foreseeable future.

HS2 Ltd has outlined its Community Engagement Strategy (due to be published at the time of finalising this report) and updated its [Residents' Charter](#). The latter document makes a number of commitments to communicate respectfully with the communities HS2 Ltd affects. It also sets out the positive behaviours necessary to meet these commitments. The project still has considerable work to do to ensure that its behaviours projectwide meet this aspiration. It has been disappointing to learn at community meetings, therefore, that communities' questions or requests for particular ways of working made at meetings some weeks or months previously are not receiving responses until a matter of days or even hours before the next meeting. This has understandably generated

some resentment. HS2 Ltd needs to make clear to all its staff, especially those responsible for responding to communities in this way, that respectful communication should meet the timescales and behaviours set out in the Residents' Charter.

The Residents' Charter now contains greater emphasis on construction alongside communication with those affected by property impacts of the project. I continue to meet the Residents' Commissioner regularly; at this phase of the project my focus will remain on Phase One, while Deborah oversees property issues arising from the publication of the Hybrid Bill for Phase 2a and the Government's preferred route for Phase 2b.

I have commented above on the urgent need to confirm and publicise details of HS2 Ltd's revised complaints handling process. The latter is necessary to deliver the Residents' Charter commitment to publicise my contact details and that of the HS2 Residents' Commissioner. Confirming the refinements being made will go some way to building public confidence that the complaints system has been improved, ready for the complaints that will inevitably arise from construction on this scale. Conversely, the longer the delay in sharing this information, the less comfortable some communities will be.

It is helpful to see that the [context reports](#) for local planning authorities are now being published. These set out the extent of potential works in some considerable detail, give an indicative timetable for when submissions under Schedule 17 of the Act will be made to local authorities and more generally are helpful reference documents.

Local Engagement Delivery Plans are being produced to give greater substance to the project's plans for community engagement. These appear to be well received so far and I look forward to examining them as they are published.

I have reported previously about the potential for noise mitigation schemes to have a considerable impact - positive or negative - on the number of complaints about construction. HS2 Ltd has made progress in reviewing cases where individuals may have special circumstances or be vulnerable in a way that requires particular action. Details of how some aspects of these schemes will work remain to be clarified - not least how an individual's circumstances can be notified to the scheme and considered as a 'special case' with appropriate weight and discretion. I have continued to ask for further transparency on this process [in line with other major projects], conscious that appeals may involve my office. Work on the significant project to provide noise mitigation in the Euston area is making progress.

With the exception of the ECRG meetings, there have been relatively few community engagement meetings. When construction is under way, purdah rules will not be able to apply, and construction complaints will have to be handled as would normally be expected. Whilst a period of purdah would not stop communications altogether, the content of communications and engagement would need to be considered to ensure a focus on practical development and live construction issues. Feedback from these meetings remains mixed. I note that the .gov.uk website appears to have ceased to publicise community events, in favour of the Local Engagement Delivery Plans.

After some delay, I am now receiving regular weekly reports of complaints. As would be expected at this stage of the project, only a very small number of these relate to construction - the vast majority concern property issues on Phases 1, 2a and 2b. (Around 15% of the 92 complaints from March-August 2017 related to Phase 1 construction). It is difficult to provide more authoritative figures as some site complaints had still been classified as 'enquiries' by HS2 staff. Responses to construction

complaints are generally prompt, with the vast majority being resolved within 24 hours being received. It does seem that these complaints are being dealt with to the satisfaction of the complainant, and I have not received any new requests to become involved in a complaint. There have been instances in which construction complaints are recorded as 'enquiries', and I have asked for steps to ensure there is greater consistency in this respect.

Finally, I am still awaiting further details of the Small Claims Scheme. On previous major projects the scheme has proved an effective and flexible mechanism to handle issues of minor property damage. HS2 Ltd is taking the detailed processes for the Scheme through its internal governance procedures, and I hope to be able to comment on these in my next report.

Gareth Epps

27 September 2017