

## Fifth report

This is the fifth report of the interim independent HS2 Construction Commissioner. It covers the period from January-March 2018.

### Key findings and recommendations

- **2018/006:** Standard information should be prepared in order to be supplied to anyone who thinks they have suffered property damage. This should set out the processes of the HS2 Helpdesk as the first point of contact, including timescales, and the provisions of the Small Claims Scheme.

### Activity

The interim Commissioner continues to attend a wide range of meetings with HS2 Ltd, its contractors and external parties. Fewer external meetings took place during this report period. Gratitude is expressed for briefings and updates provided by HS2 Ltd.

This period saw the first formal investigation of a complaint falling within the Construction Commissioner's remit that had exhausted all HS2 Ltd's complaints processes.

The Commissioner has also commenced preparation for compliance with the General Data Protection Regulations [GDPR] which come into force on 25 May 2018.

### Progress on recommendations from previous reports

The Construction Commissioner's office monitors recommendations from previous reports. The table below summarises progress on the recommendations from the most recent report.

Identification code	Detail	Current status
2018/001	HS2 Ltd needs to provide assurance and greater certainty regarding construction programmes; with contractors now in place and able to listen to local concerns, community engagement should focus on increasing public-facing activity that addresses communities' concerns and questions about construction, as part of the final design	In progress. This remains a challenge for HS2's main works contractors as they progress their detailed designs. HS2 Ltd understands the need to focus on addressing this point in all its community engagement for Phase One for the remainder of 2018. Contractors are gradually playing a greater part in community engagement
2018/002	Most Phase 1 ground investigation work is complete, but feedback suggests that more could be done to notify residents and brief the Helpdesk about the timing of works: a learning point for future phases of the project	Noted by HS2 Ltd: it is understood this will be addressed for future project phases
2018/003	The HS2 project needs to outline what support will be available to vulnerable people along the route, prior to taking steps to identify individuals and understand their needs	In progress. The interim Construction Commissioner has been engaged on work that will directly address this point
2018/004	As a result of a potential complaint, the Commissioner had cause to make	The interim Commissioner continues to monitor this closely.

	recommendations regarding noise insulation communications in Euston. The project needs to provide a degree of clarity and reassurance about the timing and impact of works and mitigation that is currently not forthcoming. The need for information remains regarding discretionary provision for people who may qualify as 'special cases'	There are signs that some progress will be made on communicating the impact of works as detailed design progresses. Further recommendations were made following the detailed investigation of a complaint
2018/005	A previous recommendation, relating to the timely supply of presentation and information material for community meetings, has not been acceptably addressed to date.	This will need to be monitored but there are signs that this is now being addressed. The interim Commissioner will continue to monitor this.

## Complaints

The Commissioner's office received the following cases during the period covered by this report:-

	Enquiries/potential complaints	Valid complaints	Outside scope
This quarter	6	0	0
To date	21	1	4

HS2 Ltd's complaints statistics are as follows:-

	January 2018	February 2018	March 2018
Total complaints	24	23	19
Construction complaints	9	13	11
Phase One construction	8	13	11

The proportion of complaints relating to construction on Phase One of HS2 is beginning to rise, although the numbers of complaints remain relatively small.

No claims were received under the Small Claims Scheme.

Five invalid complaints (and one enquiry) were received by the interim Commissioner between January-March 2018. One was a request to provide information on an aspect of scheme design, which was resolved by HS2 Ltd. Two concerned property and access matters which are outside the Commissioner's scope. One related to construction, which was investigated by HS2 Ltd and was found to relate to non-HS2 work.

The above figures indicate a steady (and expected) rise in the numbers of complaints relating to construction as activity begins to increase. Concern is expressed from time to time whether complaints relating to Network Rail early works for HS2 are recorded as part of this total. The Commissioner continues to monitor this.

While reports will not go into the detail of complaint investigations for data protection reasons, it may be of interest to highlight the complaint investigated was handled. The investigation involved a meeting with the complainant at their residence, meetings with HS2 Ltd's project managers, and further discussion with HS2 Ltd's contractors and (in this case) the local authority in order to determine the facts of the case and identify possible recommendations. As a result, the interim Commissioner was able in this instance to provide some reassurance to the resident about his concerns and make a number of minor recommendations to HS2 Ltd and its contractors in order to help residents in the wider area. Where there are recommendations which have wider application, these will be recorded through subsequent editions of this report.

A decision letter was issued within 22 days, narrowly outside the 20-day target for the Commissioner's process due to a slight delay in HS2 Ltd producing the initial information relating to the complaint. Some helpful discussions with HS2 Ltd have taken place regarding the detailed ways of working necessary to investigate complaints efficiently.

### **General observations**

HS2 Ltd has taken a number of significant steps forward in terms of how it responds to complaints and engages with the public. It has a new streamlined complaints process; key features include the streamlining of the process to handle construction complaints with more timely involvement of the Construction Commissioner's office. The 'definition of a complaint' has been revised in line with previous feedback from the interim Commissioner and others. The [new HS2 website](#) represents a quantum leap in providing members of the public more easily accessible information about the project. It is still subject to testing and the project [welcomes feedback](#).

Additional progress is being made in developing policy for compensating prolonged disturbance and in supporting vulnerable people. The Commissioner has been engaged as these policies are being developed. It is to be hoped that progress on these continues apace to provide affected communities with additional means of support.

The interim Construction Commissioner continues to play an advisory role in improving community engagement in the Euston area. After some setbacks, progress noted during this period included a swift response to Drummond Street businesses' concerns about construction signage through the provision of high-quality community hoardings in a matter of weeks. The introduction of walkabouts for community representatives should form part of a set of measures aimed at rebuilding trust. As designs for the main works are developed, HS2 Ltd needs to continue to increase community engagement and provide reassurance that construction impacts previously predicted will continue to be reduced.

The Commissioner continues to receive a number of complaints or enquiries that relate to non-HS2 construction work, or to HS2-related issues outwith his remit. This is in line with the experience of previous projects, although publicity materials will be reviewed to see if additional clarity can be given. Some complainants have brought issues to the Commissioner's attention because of perceived delay, or because they feel they have reached an impasse, and in these cases the Commissioner seeks to provide guidance on how best to seek a resolution without becoming directly involved.

Some feedback from complainants and members of the public suggests an element of dissatisfaction with the length of time taken by HS2 in handling complaints. This is something HS2 Ltd is starting to track in greater detail, and will in future be recorded in summary information. The experience of the Construction Commissioner's office so far is that construction complaints are being handled in a timely manner.