

HS2

How to report a possible non-compliance with an Undertaking or Assurance

January 2022



Department for Transport

High Speed Two (HS2) Limited has been tasked by the Department for Transport (DfT) with managing the delivery of a new national high speed rail network. It is a non-departmental public body wholly owned by the DfT.

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How to report a possible non-compliance with an Undertaking or Assurance

Commitments given by the Government during the passage of an HS2 Bill are included in a Register of Undertakings and Assurances held by the Department for Transport (DfT) and finalised at Royal Assent, the point where the Bill becomes law.

The purpose of the Register is to record the commitments which have been given to third parties that are to be honoured as the project is built and brought into operation. Each Phase has a separate Register, and they can be found at:

Phase 1: <https://www.gov.uk/government/publications/high-speed-rail-london-west-midlands-bill-register-of-undertakings-and-assurances>

Phase 2a: <https://www.gov.uk/government/publications/hs2-phase-2a-register-of-undertakings-and-assurances>

All commitments included on the Register are binding on the nominated undertaker and the Secretary of State as the project is taken forward. Undertakings and assurances are ultimately enforced either by recourse to the Courts or Parliament respectively.

HS2 Ltd recognises the importance of dealing with a non-compliance of an undertaking or assurance and will investigate on behalf of the beneficiary of the undertaking or assurance.

If you are a beneficiary of an undertaking or assurance on the Register and consider that undertaking or assurance has not been complied with this should be notified to the HS2 Ltd helpline together with your contact details, the undertaking or assurance number from the Register and a brief description of the matter you consider has occurred.

The HS2 Ltd helpline is available 24hrs on Freephone: 08081 434 434 / Minicom: 08081 456 472 or you can email us at HS2enquiries@hs2.org.uk

We will take immediate action to notify the person within HS2 Ltd who is responsible for the undertaking or assurance and whose action is likely to be most effective in remedying a non-compliance.

A member of HS2 Ltd staff will be assigned to maintain contact with you and will update as to the progress and the outcome of HS2 Ltd's investigation.

More information on Undertakings and Assurances can be found in Information Paper B4: Compliance with Undertakings and Assurances (Phase 1) at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672180/B4_-_Compliance_with_undertakings_and_assurances_v1.5.pdf

or in Information Paper B5: Compliance with Undertakings and Assurances (Phase 2a) at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/960602/B5_Compliance_with_Undertakings_and_Assurances_v1.1.pdf

Once notified HS2 Ltd will conduct enquiries to determine whether there has been a non-compliance.

If it is determined that there has been a non-compliance, HS2 Ltd will:

- implement the recommended steps identified to stop or mitigate the non-compliance and to prevent reoccurrences;
- inform the beneficiary of the undertaking or assurance that it believes a non-compliance has occurred and the recommended steps it will or has implemented.

If it is determined that there has not been a non-compliance, HS2 Ltd will:

- inform the beneficiary of the undertaking or assurance that it does not believe a non-compliance has occurred.

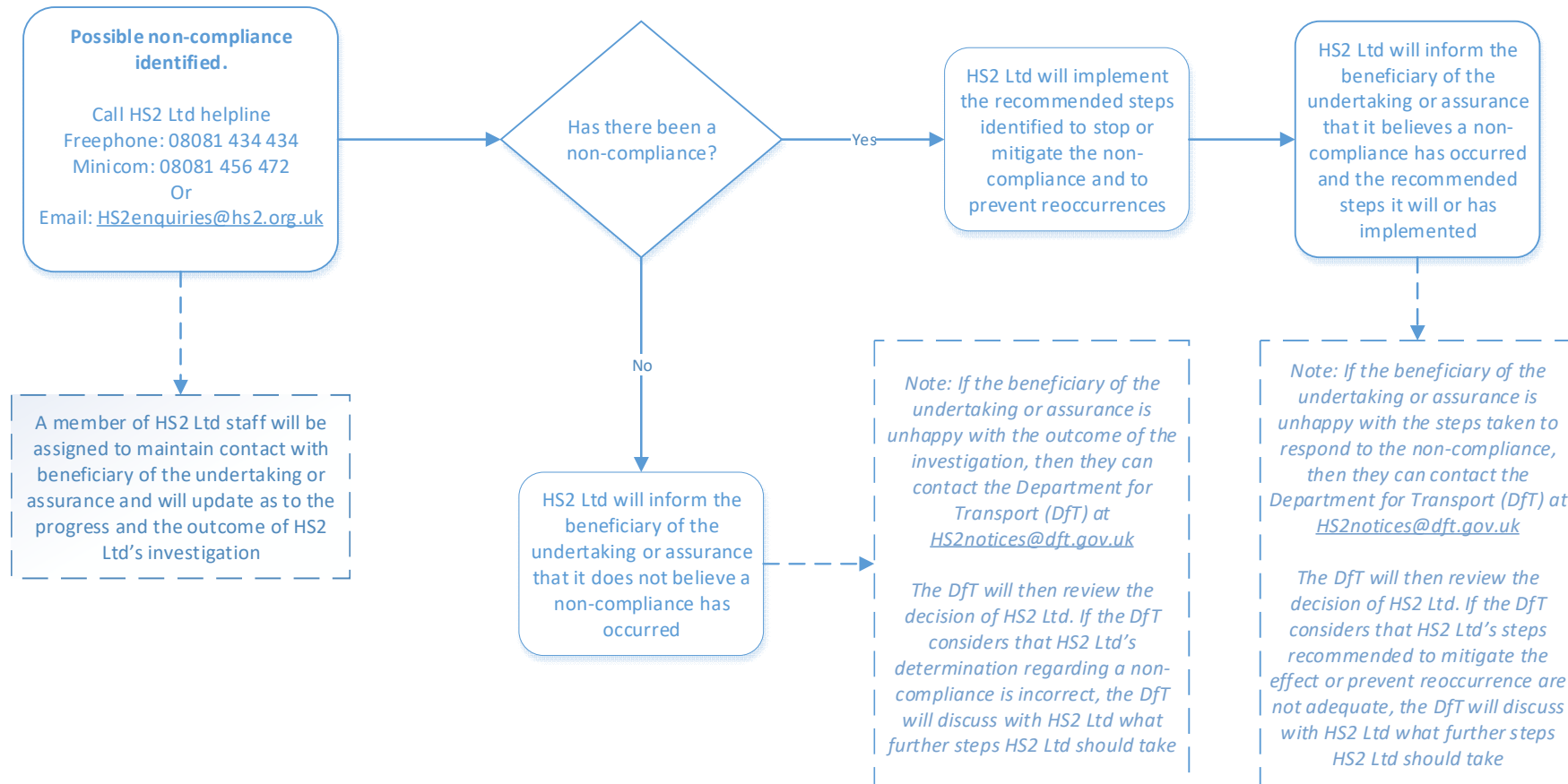
A full investigation may take up to 28 days and further action may be necessary as a result. HS2 Ltd will update the beneficiary of the undertaking or assurance as to the progress of the investigation.

If the beneficiary of the undertaking or assurance is unhappy with the outcome of the investigation, then they can contact the Department for Transport (DfT) at HS2notices@dft.gov.uk

The DfT will then review the decision of HS2 Ltd. If the DfT considers that HS2 Ltd's determination regarding a non-compliance is incorrect or the steps recommended to mitigate the effect or prevent reoccurrence are not adequate, the DfT will discuss with HS2 Ltd what further steps HS2 Ltd should take.

Figure 1: Flow chart

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