



# HIGH SPEED TWO PHASE ONE INFORMATION PAPER

## G<sub>3</sub>: CONSTRUCTION COMMISSIONER

This paper outlines proposals for the HS2 Construction Commissioner.

It will be of particular interest to those potentially affected by the Government's proposals for high speed rail.

This paper was prepared in relation to the promotion of the Bill for Phase One of the scheme which is now enacted. Although the contents were maintained and updated as considered appropriate during the passage of the Bill (including shortly prior to the enactment of the Bill in February 2017) the contents are now historic and are no longer maintained.

If you have any queries about this paper or about how it might apply to you, please contact the HS2 Helpdesk in the first instance.

**The Helpdesk can be reached at:**

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or by phone: 08081 434 434 (lines are open 24 hours a day)

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# G3: CONSTRUCTION COMMISSIONER

## 1. Introduction

- 1.1. High Speed Two (HS2) is the Government's proposal for a new, high speed north-south railway. The proposal is being taken forward in two phases: Phase One will connect London with Birmingham and the West Midlands and Phase Two will extend the route to Manchester, Leeds and beyond.
- 1.2. HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a Development Agreement made with the Secretary of State for Transport.
- 1.3. In November 2013, HS2 Ltd deposited a hybrid Bill<sup>1</sup> with Parliament to seek powers for the construction and operation of Phase One of HS2 (sometimes referred to as 'the Proposed Scheme'). The Bill is the culmination of nearly six years of work, including an Environmental Impact Assessment (EIA), the results of which were reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.4. The Bill is being promoted through Parliament by the Secretary of State for Transport (the 'Promoter'). The Secretary of State will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill.
- 1.5. This body is known as the 'nominated undertaker'. There may well be more than one nominated undertaker – for example, HS2 Ltd could become the nominated undertaker for the main railway works, while Network Rail could become the nominated undertaker for works to an existing station such as Euston. But whoever they are, all nominated undertakers will be bound by the obligations contained in the Bill and the policies established in the EMRs.

These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the project have been reached.

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<sup>1</sup>The High Speed Rail (London – West Midlands) Bill, hereafter 'the Bill'.

## 2. Overview

- 2.1. This paper outlines proposals for the HS2 Construction Commissioner.
- 2.2. The Secretary of State will ensure that a Construction Commissioner is appointed by the time construction begins. If people have a complaint during construction that cannot be resolved through the nominated undertaker's complaints process, they will have the option of referring their complaint to the Construction Commissioner. This Information Paper outlines proposals for this role.
- 2.3. The Construction Commissioner will provide independent, impartial decisions. This will be important in ensuring a fair and balanced approach to cases that cannot be resolved through the normal complaints process. The Construction Commissioner will also be able to provide advice to members of the public on how to complain.

## 3. Terms of reference

- 3.1. If someone is unhappy with any aspect of Phase One's construction, the first step would be to complain to the nominated undertaker. If the complainant feels that the complaint has not been satisfactorily addressed through the normal procedure, they can put their case to the Construction Commissioner.
- 3.2. He or she will investigate any grievance where it is alleged that the nominated undertaker has not satisfactorily addressed a matter raised by a complainant. The Construction Commissioner will be independent of the Secretary of State and any nominated undertaker appointed to construct the Proposed Scheme.
- 3.3. The precise terms of reference for the Construction Commissioner will be established by an independent body, which will be made up of a variety of project stakeholders. It is expected that the Construction Commissioner's main functions will be to:
  - ensure that people who are affected by HS2 works know who the Construction Commissioner is and what he or she does;
  - ensure that the role is well publicised, easily accessible and has clearly defined processes and timescales;
  - mediate in unresolved disputes between the project and individuals or bodies;
  - provide an annual report and other reports as required on the activities of the Construction Commissioner's office and statement of accounts to the independent body;
  - advise the nominated undertaker where action could be taken to reduce complaints;
  - monitor and report on the Small Claims Scheme; and
  - act as an arbitrator for the Small Claims Scheme in the event that a dispute cannot be resolved through the normal process.

3.4. The Construction Commissioner's role will not cover:

- complaints that have not first been considered by the nominated undertaker's helpdesk;
- complaints relating to works that are not part of, or associated with, the HS2 project;
- complaints relating to planning conditions and other matters that are subject to the approval of statutory authorities;
- matters considered by Parliament in approving the project;
- matters dealt with by the Office of Rail Regulation, and operational rail matters dealt with by train operating companies and passenger watchdogs;
- matters under investigation by the Health and Safety Executive;
- complaints relating to property compensation issues;
- claims for losses over £10,000;
- complaints relating to settlement deeds (see Information Paper C3: Ground Settlement & C10: Small Claims Scheme for further details);
- the operation of the HS2 railway or services; or
- matters relating to HS2 Safeguarding Directions.

## 4. Status of appointment

- 4.1. The Construction Commissioner will be appointed and monitored by an independent body.
- 4.2. The role will relate to the construction of the Proposed Scheme, not its operation. Once construction has been completed, the role will terminate. Complaints relating to the operation of the service will follow the same procedure as those about other passenger rail services: London TravelWatch or the Rail Passengers Council (Passenger Focus).
- 4.3. The Construction Commissioner is expected to be accessible to all who may reasonably require his or her services.

## 5. More information

- 5.1. More detail on the Bill and related documents can be found at: [www.gov.uk/HS2](http://www.gov.uk/HS2)