

## **Initial report – Gareth Epps, HS2 Construction Commissioner**

This is my first report as the interim HS2 Construction Commissioner. I have been asked to set out some initial findings on how HS2 Ltd can support me and on HS2's complaints handling more widely.

### **Activity to date**

Since taking up the post I have held numerous briefings and introductory meetings with personnel inside and outside HS2 at all levels. I have written introductory letters to route local authorities and Members of Parliament. I have also held an initial meeting with senior personnel at Network Rail, and have met EWA Ltd. (HS2's helpdesk provider) and also the DfT's Independent Complaints Assessors [ICAs] alongside the HS2 Residents' Commissioner, Deborah Fazan.

I am grateful that staff have been happy to brief me and provide me with information on request. At this point in the project, Parliament is still considering the Hybrid Bill; however, there is a strong focus on ensuring the necessary measures are in place for handling construction-related complaints. Particularly impressive is the understanding that health and safety on a construction project includes the well-being of those affected: this is a significant step forward from previous major projects. There is still much work to be done to finalise community relations processes; meanwhile advance works are proceeding, and lessons should be learned from issues as they arise. The timescale between the anticipated date of Royal Assent for the Hybrid Bill and the start of significant works is relatively short, with less than six months until the start of construction. Ian Bynoe's report into the handling of previous complaints sets a stark context and its recommendations are being implemented. HS2 Ltd could build confidence by demonstrating that this has been done.

### **The Commissioner's office setup**

My main focus has been on establishing systems for the Commissioner's office to function as best it can while the independent reporting body is set up. I have drafted a 'Ways of Working' document setting out processes for the Commissioner's office. I have set up a [website](#) and [email](#) and temporary correspondence addresses, and anticipate having a phone line very shortly. I will not have an office set up until a budget is established; this has already been remarked on by stakeholders as a suggestion that the post is insufficiently independent. This is not helped by the absence of a clear process for appointing the permanent Commissioner. The closer the start date for construction looms, the greater the risk to the Commissioner's perceived independence and the more their ability to function will be open to question. The office is required in order to:

- Publicise the role – a formal requirement;
- Provide the formal correspondence address - a legal requirement under Data Protection legislation;
- Appoint a member of staff;
- Formally set out the independence of the role (with clear reporting lines).

It is the most important support I need, and I hope HS2 Ltd is able to approve the detail in time.

On occasion HS2 Ltd staff have been under the impression that I am an employee of the company. There is a need to clarify across all HS2 Ltd staff that my post is independent. The degree of scrutiny to which the post is subject makes this vital for the integrity of the Commissioner's role.

### **Initial observations**

HS2 Ltd needs to build public confidence in how it handles complaints. Its complaints procedure is being significantly rewritten from a 'corporate complaints' process to one that acts in real time to deal with the urgency of construction complaints, incorporating my role. This needs to sit in parallel with an upgrade of the software systems required to handle construction complaints. I am not yet convinced that systems are sufficiently integrated to provide the information that might be requested, for example, by a local authority in handling a complaint that challenges a Section 61 consent; it may also not be able to produce the sort of information needed to analyse how sensitive construction issues are being handled. I hope to be able to work with the Public Response team to examine statistics on complaint- and enquiry handling; I would like to see concise summary data of complaints and enquiries [for Phase One] to enable trend monitoring. I have not yet seen a complaint's 'journey' from start to finish and need to consider whether this area needs further attention prior to the start of construction. Alignment of contractors with the Helpdesk for briefing purposes will also be critical to successful complaints handling.

Among the specific changes needed, HS2 needs to remove the unhelpful distinction between 'informal' and 'formal' complaints highlighted by Bynoe. I would also recommend that complaints handling and community engagement processes be tested by Equality, Diversity and Inclusion specialists, given the significant equality impacts of construction nearest the Euston terminus in particular. The current complaints procedure needs modification prior to construction to remove potential negative impacts. The new procedure will then need to be communicated.

We have clarified the separation of my role and the ICAs, and with the help of the Residents' Commissioner (who does not handle individual casework) we are putting into place a triage process if required. I have also met the Parliamentary & Health Service Ombudsman and clarified that the PHSO's role does not apply to complaints eligible to be examined by my office.

Since starting to publicise my role, I have received some enquiries which required a response not from myself but from HS2 Ltd. While the Engagement team has been diligent in responding, at times responses from other departments to enquiries appear slow. Ian Bynoe recommended that all parts of the business share the commitment to good community relations.

Relations with local authorities will be important for both residents and contractors – and essential for HS2 Ltd. I met the Planning Forums at the end of October, and started a programme of meeting key local authorities along the route. Once my office is set up, I will be promoting communication with town and parish councils, who can be very helpful in communicating the Commissioner's role and scope and in understanding any patterns of complaints and concerns – especially any which are not being relayed to HS2 Ltd directly. It is in the interests of HS2 and local authorities that a close and transparent relationship is formed with local councils, so information and local feedback [including complaints] are shared and timely action taken where necessary.

The Small Claims Scheme has not been set up. I have offered to assist in any way I can and to help transfer my understanding of previous Schemes. Again, time is pressing on this with the need to

tender for an Administrator to run the Scheme. On previous projects it has proved a low-cost, highly-efficient way to handle property damage claims in a constructive way.

Evidently much work is being done to ensure that work between the Community Engagement team and Construction Directorate is fully aligned. It is encouraging to hear that the requirements for contractors to engage with local communities are strategic and more detailed than on previous projects. There is evidently considerable appetite for information and pressure on HS2 Ltd to re-engage, as Bynoe said, with communities along the route in a sizeable public engagement exercise after a long period where too few events have taken place. There is also some work to be done to ensure public-facing staff understand how complaints will be dealt with by contractors. Close working will be important so that contractors are focused from the earliest stages of work on minimising sources of complaint and adverse feedback. It is too early for me to comment in detail on feedback from local meetings, but it is essential HS2 develops a reputation of being seen to do what it says it will do: noise insulation installation will be an early test of this. Events at Aylesbury where ground investigation works were disrupted set out the challenges; it is encouraging to see the peer-led internal investigation approach to examine events such as these and learn lessons. The events at Aylesbury did not give rise to complaints; and it is important to reflect on the degree of work required to ensure complaints are directed to the HS2 Ltd Helpdesk to ensure they are resolved speedily and avoid a significant risk to the project.

I look forward to meeting the new Community Engagement Director once they are in post, and hope to be able to report positively on the important round of engagement that will need to record concerns about how residents' way of life will be affected by construction: a significant milestone for the project.

Gareth Epps, 10/11/2016