

Fourth report from Gareth Epps, interim independent HS2 Construction Commissioner

This is the fourth report of the interim HS2 Construction Commissioner. It covers issues raised from September-December 2017.

Key findings and recommendations

- 2018/01. 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
- 2018/02. 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
- 2018/03. 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
- 2018/04. As a result of a potential complaint, the Commissioner had cause to make 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'
- 2018/05. A previous recommendation, relating to the timely supply of presentation and information material for community meetings, has not been acceptably addressed to date. [See below]

Summary of activities

Since my last report the interim Construction Commissioner has attended meetings with community representatives in Staffordshire, Warwickshire, Buckinghamshire, Hillingdon and Euston. He continues to meet representatives of communities along the route and remains available to do so, to better understand the impacts and form a rounded view of how HS2 Ltd and its contractors is addressing them. He has also attended meetings with local authorities through the Planning Forum and its Environmental Health Sub-group.

The Commissioner's [initial leaflet](#) has been distributed to route local authorities and Members of Parliament along the route, and to some parish councils and Citizens' Advice Bureaux. A limited number of copies remain available on request.

HS2 community engagement staff from the project and contractors meet on a quarterly basis and the interim Construction Commissioner attends these meetings, along with other colleagues independent of HS2, including the chair of the grants awarding panel for the Community and Environment and the Business and Local Economy Funds. The Commissioner has had numerous meetings with staff from HS2 Ltd, principally covering complaints processes and ensuring the widest possible understanding of how complaints escalated to the Commissioner's office can be handled

efficiently and in line with data protection legislation. The Commissioner continues to meet the Residents' Commissioner on a monthly basis and they have jointly met the Department for Transport Independent Complaints Assessors.

The Commissioner's office has received 6 enquiries and potential complaints from members of the public between September-December 2017. Two related to issues outside his scope. One complaint had not been investigated by HS2 Ltd and was referred to its Helpdesk; it has subsequently been escalated to the Commissioner after it exhausted the normal HS2 Ltd complaints process. In all these cases, where a member of the public agrees the Commissioner's office will ensure their concern or complaint is addressed by HS2 Ltd. The office is monitoring the time it takes HS2 Ltd to respond. A summary of this information is set out below.

	Enquiries/potential complaints	Valid complaints	Outside scope
This quarter	3	1	2
To date	15	1	4

The interim Commissioner continues, too, to monitor how HS2 Ltd responds to complaints. At this stage, the number of construction-related complaints remains small [12 during the period covered by this report], with little clear pattern by location or type. HS2 Ltd is improving how it summarises complaints information, and it is intended that future reports will be able to present comparable data in table form. With HS2's agreement the Commissioner has added [existing information](#) about the project and his role in Easy Read format to the Construction Commissioner website.

In December the Department for Transport took a number of decisions relating to the role of the Construction Commissioner. Actions necessary from these decisions will be taken by the independent Construction Commissioner Steering Group [CCSG].

Recommendations from previous reports

The interim Commissioner has reviewed progress against the recommendations made in previous reports:-

- Work continues on the standalone HS2 Ltd website. While public expectation for this key interface is understandably high, the complexity of HS2 coupled with statutory obligations regarding those phases for which Royal Assent is still sought means that it may take longer to produce than people might like. As an interim step and anticipating this, HS2 Ltd has committed to bring forward the use of the Commonplace localised web portal as a stopgap to provide localised information about construction works. The Commonplace portal is currently operational for the Euston area [where it has been in place for some time]; Hillingdon and Old Oak Common [brought into being since my last report] and, at the time of publication, Birmingham. A further six sites are anticipated to be launched in the next three months, and residents in all locations can sign up now for project updates by email. [Recommendation accepted and being addressed]
- Pleasingly, there is progress on how HS2 Ltd is handling complaints. Four new senior staff have been taken on with significant experience of complaints handling, directly addressing a

previous recommendation. They will work to handle those complaints that cannot be addressed at source by contractors. It has been agreed that for construction complaints, the current three stages of the HS2 Ltd complaints process will become two stages: complaints that would otherwise have been escalated to the Chief Executive being sent to the Construction Commissioner's Office instead. The project is also setting out systems for capturing points for improvement as a result of complaints. HS2 Ltd will now start to publicly communicate those changes, together with details of the Commissioner's role. [Recommendation accepted, although timetable has partly slipped with regard to informing communities of the new complaints handling arrangements]

- Less positively, a previous recommendation regarding the timely supply of background papers to community meetings has not been implemented, even though it is recognised as one of HS2's Community Commitments. This continues to cause significant annoyance; submission of material on the day of meetings or not at all is impolite and has the potential to exacerbate construction complaints in some cases. [Advice is sought from HS2 Ltd on this particular point]
- The Commissioner has previously commented on the need for HS2 Ltd and its contractors to continue to build confidence that the project will be managed sensitively and considerately. This point is addressed elsewhere in this report, as greater focus is needed on this point. [Recommendation partially accepted and being monitored]
- Work to address behaviours throughout the HS2 project is taking place and should become part of the continuous process of construction management. Recent events involving construction workers at Hillingdon and the tone of some HS2 Ltd engagement activity confirm that the project needs to treat this as work still in progress. [Consideration ongoing]
- Arrangements for HS2's Small Claims Scheme have now been progressed and has received three claims in the last quarter. This scheme is designed to provide speedy redress for any claims of damage to property of a value under £10,000. Experience from previous major projects suggests that this is an effective method of rectifying damage. The Complaints Commissioner has a formal role as the adjudicator in the event of a dispute under the terms of the Scheme and will monitor the operation of the Scheme in its initial stages, and develop an understanding of the guidance notes underpinning the Scheme.

General remarks on community relations

HS2 construction works are currently of a relatively minor nature along much of the route except in the Euston area where demolition and utility works have commenced, and land acquisition has rapidly progressed in the area that will shortly become the HS2 Euston station worksite. From the perspective of residents and businesses there, the project and its impacts have rapidly physically manifested themselves.

In general, community engagement along the Phase One route is working well, although in some areas it has fallen short of the standards HS2 Ltd sets itself. HS2 Ltd has continued to develop its community engagement commitments and has produced a number of Community Commitments. These are not designed as a 'scorecard', although they develop other commitments made before and at Royal Assent. How they are transposed into contractual obligations is very important, and performance indicators have been developed to support this. The Construction Commissioner's role

includes a focus on this area, and the Commissioner as well as HS2 Ltd will monitor progress. The early involvement of contractors with the Construction Commissioner is welcome.

The interim Commissioner has commented above on the important changes HS2 is making to its complaints handling processes. It is important to ensure those answering telephone calls on the Helpline are given sufficient information to respond to queries from residents about works under way. There has been some concern that the timing of Ground Investigation works might have been better communicated, and a small number of complaints have been received as a result. As construction work of longer duration gets under way, residents and the Helpdesk alike should receive more thorough information, both in the form of a lookahead and advance notice; meanwhile Ground Investigation contractors for future HS2 project phases need to take full responsibility to inform potentially affected residents. The interim Commissioner has made a recommendation on this point, in order that the project may learn lessons for similar work on Phase 2.

Previous reports have commented on the positive step of HS2 Ltd working with the London Borough of Camden to take steps to support 'vulnerable' people impacted by works. It is hoped that the project will now identify and support the needs of vulnerable people elsewhere on the route before they are affected by construction. HS2 Ltd continues to examine how to do this, although progress has been somewhat slow. A more formal strategy would provide a degree of transparency and reassurance that would also help those who may qualify for Special Case status and receive additional noise mitigation. This is one of a number of areas in which local authorities play an important role in supporting the best possible community engagement.

HS2 Ltd is conducting a detailed investigation as a result of media coverage regarding the conduct of security workers in Hillingdon. At the time of publication, this has not been concluded. The incident should make personnel in any role on the HS2 project aware that if their behaviour is called into question by members of the public, they could find themselves under considerable scrutiny. It should also focus senior construction managers on ensuring that sites are operated to the very highest industry standards, and that personnel are constantly reminded of this. As a result of one enquiry not directly related to the incidents in question, the interim Commissioner asked HS2 Ltd to review signage indicating the nature of works on the sites in Hillingdon, as a result of which additional information was provided. Some observations were also made about cross-constructor co-ordination. This demonstrates the importance of lessons learned and the degree of scrutiny to which anyone working within the HS2 supply chain will come under.

The arrival of local Community Engagement Plans is eagerly anticipated as setting a template for more positive future engagement in parts of the route. One has been shared to date with the relevant local authority, and HS2 Ltd has confirmed that the majority will be complete by the end of March. These should provide additional reassurance for communities.

A vital part of HS2 Ltd's work to resolve construction issues with its local neighbours before they become sources of potential future complaints, is that of 'engagement fatigue': a weariness compounded by the sometimes adversarial Hybrid Bill process. Communities across the route have expressed a desire to meet and engage contractors. Where this is happening (through drop-in sessions around Euston, and more formally elsewhere), it is generally well received as a positive

step. In others, it is not yet clear how a community might go about engaging contractors in an organised and regular way. In many locations there remains a tremendous appetite for information, and in many cases the significant number of remaining questions and concerns about construction can best be answered by contractors.

The communities around Euston and HS2 Ltd have continued to review Community Engagement provision in that area under an independent facilitator: a process which has appeared to be proceeding smoothly. It is therefore unfortunate, to say the least, to find that some existing engagement activity is ineffective in improving levels of trust in the project in this location, particularly where requests for information relating to construction impacts are not adequately addressed. Given the significant local escalation of HS2's presence recently, the project should be aware of community concerns and respond positively to requests for information that could help to allay concerns; it should also demonstrate significantly increased transparency, adopt an inclusive tone in line with the behaviours the project has set out in its Community Engagement Strategy to meet and act on feedback from community representatives. All of these points need to be addressed, and the Commissioner has raised concerns and recommendations of what needs to take place if engagement efforts in the area, despite the best efforts of many project staff, are to improve, lest they be seen in some quarters as dysfunctional.

The interim Commissioner has continued to monitor the provision of noise insulation in that area, and had cause to recommend closer attention be paid to communication with recipients following feedback from local residents. The processes set up to confirm Special Case status now appear to be operational (although the information gap noted in previous reports remains), and it is hoped that there will not be delays to the programme due to heritage consents. The increasingly regular drop-in sessions involving a range of contractors appear to be successful in solving individual problems.

Gareth Epps
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