Dear Mr Duddridge,

We received the attached email from HS2 Ltd on Friday. It is concerning that HS2 Ltd have chosen to respond to our petition one month after our hearing date and immediately before the parliamentary recess.

**Need for “Check and Balance” to Regulate how HS2 Ltd Treats Those Affected by HS2**

We will first respond to the central issue of the need for a check and balance to regulate how HS2 Ltd deals with residents:

We have already written to you to set out the essential criteria of any solution that might make the outcome most effective:

1. The solution needs to be completely independent of the DfT and HS2 Ltd. To be an effective check and balance the solution needs to deal with the root cause of the “conflict of interest” and “imbalance of power”.
2. The solution needs to have “teeth” and powers to enforce action.
3. Issues are handled quicker. (It takes 2 years to get the PHSO) It should be possible to get through the HS2 Ltd complaints process to an alternative solution in 40 days.
4. The solution will be dealt with by a “specialist”. (The PHSO are not specialist and have little experience in infrastructure projects).
5. Any solution should be able to offer a far wider range of remedies than the PHSO. The PHSO are only allowed to offer compensation in retrospect for maladministration. They cannot order HS2 Ltd “to put things right” or ask HS2 Ltd to “engage” or deal with other practical issues at the appropriate time.
6. Any solution should have a role in policing and upholding assurances given by the Promotor. We understand that there is no legal remedy available to affected parties to ensure assurances are upheld.

It is a question of fact that items the PHSO cannot and will not achieve items 3 -6 above. We note the Committee’s comments about an Ombudsman being an additional level of bureaucracy. It has occurred to us that an “infrastructure” Ombudsman may be beneficial for all national infrastructure projects (Heathrow, HS3, Northern Link). This is particularly so where Government (perhaps for good reasons) chooses to carry infrastructure projects through commercial entities. It may be appropriate for this matter to be passed to the PACAC for consideration. If viewed in terms of the governments overall infrastructure program some sort of regulator would not be overkill.
HS2 Ltd’s Response to the Select Committee to our Hearing on 13 June.
We understand that Tim Mould QC told the Committee that the Promoter would privately provide them with a response to the issues raised during our hearing, as well as the points raised by our survey.
We have just received HS2 Ltd’s response and it raises many concerns and contains inaccuracies. We have listed some (but not all) of the main issues below:

Engagement and Survey
We note that HS2 Ltd say the results of the survey are not recognised by HS2 Ltd. The Committee will be well aware from what they have heard from petitioners about the appalling state of HS2 Ltd’s engagement. The survey will correlate entirely with what many other petitioners have said to the committee.
It is very concerning (and perhaps speaks volumes) that HS2 Ltd are seeking to dismiss and ignore the results of this damming survey.
The complaints process is not an accurate or sensible way to assess HS2 Ltd engagement. Most residents are put off by HS2 Ltd labyrinthine and time-consuming complaints process. As we stated in our submission, we act for many farmers (as accountants and business advisors) and we are well aware of the issues farmers are facing. (Our farming clients are properly represented by qualified Chartered Surveyors on specific HS2 matters).

Bullying
We note that in its response to the phase 2a Select Committee HS2 Ltd stated:
“HS2 Ltd take any accusation of bullying very seriously indeed and, if details are provided, are committed to investigating the circumstances thoroughly”
The dictionary definition of bullying is:
“use superior strength or influence to intimidate (someone), typically to force them to do something.”
We have repeatedly raised the issue of the bullying behaviours of HS2 Ltd staff and their agent with HS2 Ltd. We gave Mr Thurston detailed information of specific instances. We will not recite them here. HS2 Ltd have not investigated these bullying instances. Mr Thurston has merely written back to us and stated:
“I have every confidence that my team will continue to engage closely with Mr and Mrs Loescher in regards to their concerns expressed and would encourage Mr and Mrs Loescher to maintain their contact with Mr Lord and Mr Smith, along with the Public Response Case Manager, in order to best progress with these.”
This response by Mr Thurston to instances of bullying is clearly not adequate.

Health and Safety – Mental Health and Well-being
We note that in its response to the phase 2a Select Committee HS2 Ltd stated:
The correspondence regarding Mr Loescher’s health has not been ignored by HS2 Ltd and has been referenced in correspondence with Mr & Mrs Loescher.
We are unsure what correspondence HS2 Ltd are referring to.
Our MP wrote to Alison Munro in 2013 regarding our own and other’s health and has never received a response.
In a letter dated 15 December 2015 to our MP Mr Thurston wrote:

“For us to be able to explore and understand if reasonable adjustments may be appropriate for Mr and Mrs Loescher it would be helpful to have further detail on the health issues they have raised. I assure you that this information would be handled both sensitively and confidentially.”

We have taken the trouble to make our medical records available to HS2 Ltd through our solicitor but HS2 Ltd have chosen not to access them.

Mr Thurston then stated:

your contact for compensation issues should, in the first instance, be with your agent. As an expert it is their role to negotiate with HS2 Ltd on your behalf and explain the process. I would urge you to allow them to act on your behalf. This will enable you to take a step back from the process.”

Far from decreasing our stress, HS2 Ltd agent is now bullying us with threats not to pay our agents fees. HS2 Ltd have refused to clarify the situation despite having been asked for the last 3 months.

Finally, Mr Thurston has stated in his letter of 21 May 2018:

I am sorry to hear of the issues you raised about the general health and wellbeing of you and your family. I can assure you that it is not the intention of anyone at HS2 Ltd to cause anyone undue distress and we work very hard to minimise any disruption to individuals and communities. It is that I’m keen we ‘draw a line’ under as many of the issues between us as possible.

HS2 Ltd legal duty for the health and safety for those affected by the scheme goes way beyond “it is not the intention of anyone at HS2 Ltd to cause anyone undue distress and we work very hard to minimise any disruption to individuals and communities.”

Unfortunately, nothing that Mr Thurston has said and done in practice has done anything remotely near “’draw a line’ under as many of the issues between us as possible”.

Compliance with Undertakings & Assurances

We note HS2 Ltd confirmation that there is no mechanism to enforce HS2 Ltd’s compliance with assurances

We are happy for this response to be made public and if necessary passed to the Promotor. Hopefully the committee will find these comments helpful in their deliberations.

Yours sincerely

[Signature]

Jonathan and Elaine Loescher

[Signature]

Mr C Pincher MP
Dear Mr Loescher

During your hearing before the House of Commons Select Committee on 13 June the Promoter said that they would respond formally to the Committee on the issue of an HS2 specific Ombudsman and send you a copy of the response. We have now responded to the Committee and a copy of the response is attached.

In addition, Tim Mould QC told the Committee that the Promoter would privately provide them with a response to the issues raised during your hearing, as well as the points raised by your survey. This is also attached.

Kind regards

Simon Knight

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