Introduction and Executive Summary

1. Thank you for this opportunity to give evidence to the Committee. This document sets out the role and remit of the Residents’ Commissioner. It also describes the actions I have taken to make sure communities affected by HS2 are communicated and engaged with openly, effectively and fairly.

2. The Residents’ Charter sets out HS2 Ltd’s key commitments to communities and residents affected by the development and delivery of the project. It also describes the role of the Residents’ Commissioner, specifically making clear that the Commissioner “does not investigate individual cases, act as an arbitrator for individual resident concerns, or deal with complaints”. As Residents’ Commissioner I operate independently of HS2 and am not employed by it, and I hold the organisation accountable for how it delivers on the commitments it has made under the Charter, for example to make sure communities are made aware in advance of any activities in their area.

3. Since my appointment in January 2015 I have examined many aspects of HS2 Ltd’s land and property schemes as well as how it engages with residents and communities and published a series of reports setting out my comments and recommendations for the future. HS2 responds in writing to these reports, and those responses are also published. In addition, I raise issues directly with the Chairman, CEO and senior staff in HS2, as well as Ministers and officials in the Department for Transport. Both approaches have led to significant improvements in the administration of property schemes and in the community engagement activity of HS2, as I describe below.

4. Moreover, although individual complaints raised by residents are not in my remit and are properly addressed through a number of other channels, I of course do not ignore them if I become aware of them. I give guidance on the best course of action, and where necessary I pass on any correspondence of this nature that I receive to the appropriate person within HS2. In most cases this has led to a satisfactory resolution of the concern raised.

5. In short, the existence of a Residents’ Commissioner has had a demonstrably beneficial impact on the way HS2 communicates and engages with communities along the route of the project. I am grateful for the opportunity to explain that to the Committee and also to learn what improvements might be made for the future.

---


The role of the Residents’ Commissioner

5. In April 2014, HS2 Ltd announced initial details of a package of discretionary property measures and, at the same time, announced both a Residents’ Charter and the appointment of a Residents’ Commissioner, charged with holding HS2 Ltd to account for its performance against the commitments laid out in the Charter. The discretionary property schemes and the Charter were launched in January 2015. I was appointed and took up my role in the same month.

6. The 2015 Residents’ Charter described the standards the company was expected to meet in dealing with anyone whose property was potentially or definitely affected by the project. In particular it focused on:

- Communication in plain English;
- A commitment to promote awareness of the property schemes; and
- A commitment that HS2 will deal fairly with residents in a timely manner.

7. These commitments set out principles which have underpinned my role ever since. The fact that they were limited in scope reflected the then-status of HS2: a relatively new organisation focussed on the Hybrid Bill for Phase 1. The project’s community engagement resource was primarily centred on Phase 1; despite the announcement in January 2013 about Phases 2a and 2b the route had not been confirmed and there had been very limited community engagement since mid-2013. At the same time HS2 was introducing new property schemes which had no similar precedent in the UK. So there was a clear and urgent need for HS2 to change its way of working.

8. Alongside the commitments the Charter also described the remit of the Residents’ Commissioner, which was to:

- Oversee and monitor communication standards with regards to property schemes;
- Report to the Chairman and the Board on the company’s performance in relation to its commitments in the Charter;
- Respond to homeowners on communication issues that relate to HS2 Ltd property schemes;
- Hold regular meetings with the Chairman about emerging trends and concerns regarding the property schemes; and
- Act impartially and be independent of HS2 Ltd at all times.

9. The Charter was also clear about the areas that did not fall within my remit. This included investigating individual cases or acting as arbiter for individual residents regarding the scope of property measures, eligibility or the amount of compensation to which they may be entitled; advising on disputes about the validity of any blight notice counter-notice; or advising on matters relating to petitioning. I was also not to replace the formal complaints procedure to be followed by anyone who wanted to complain about the service or treatment they have received from HS2 Ltd. There were already well-established channels for dealing with any of these issues.
10. Since then, my scope has broadened to encompass HS2’s communications more widely as well as its community engagement function, in addition to ensuring a better oversight of complaints relating to property matters and community engagement.

11. My role is part time, initially 8 days per month, increased to 9 days per month with effect from December 2016 to reflect the additional time required.

12. My contact details are included on all appropriate HS2 literature, for the Property schemes and on all Community Engagement material.

Checks, balances and challenges

13. The correspondence I have received since I started in the role has consistently focussed on the twin issues of community engagement and often personal issues relating to the property schemes.

14. Although my remit is to look at the performance of HS2’s property schemes and community engagement overall I regularly interact with individuals on specific issues they raise or complaints they have made. All correspondence I receive is acknowledged and where I cannot respond directly, for example by providing an electronic link to a relevant publication, I pass the matter on to HS2 Ltd to ensure that the right people are made aware and respond appropriately. As a final check I make sure I am copied in so that I can see how issues are being dealt with. I often receive positive feedback from individuals about the support and advice I have given them.

15. It may interest the Committee to be aware of trends over time. The issues raised with me in 2015 and 2016 tended to stem from a sense that HS2 Ltd was not engaging properly, especially on Phase 2, and the effect of that particularly on communities which did not know the location of the line of route. Since 2017 queries have generally been more targeted – for example, relating to engagement at Ruislip over utility works.

16. Where I receive a number of queries about the same topic, as happened last year about the extended closure of Breakspear Road South in Ruislip, I raise and discuss the issue with senior management in HS2. In that case, both the Construction Commissioner and I visited representatives of the community to understand both the issues on Breakspear Road and other concerns they had about community engagement in Ruislip. This has shone a spotlight on this particular area and ensured that their concerns have been raised with and considered by HS2 Executives.

17. HS2 provides the funding for my role, but I operate independently of the company and I am not an employee. I am not part of the HS2 Enquiries team or its complaints function, and I do not speak on behalf of the project, so it would be incorrect for me to try and explain the reasons behind, say, the Breakspear Road closure. What I do, however, is to understand the issue from the viewpoint of the community, the reasons behind it, and then discuss with HS2 actions that can be taken to prevent a repeat occurrence. I also follow up to ensure that these actions have been implemented.
18. When I receive individual queries regarding property matters my response will very much depend on the nature of the query. A number of people write to me concerning the progress of their particular application to one of the property schemes. As a generality, my response would be to contact the appropriate member of the HS2 property team to advise that an issue had been raised with me, set out the concerns raised and, where appropriate, give my view. Sometimes, my role is to make someone within HS2 better aware of an individual’s circumstances; sometimes it is to discuss the situation and offer an alternative viewpoint for HS2 Ltd to consider. Every case is of course unique and hence there are no blanket responses in these individual cases, however I will always try to assist any individual who writes to me.

19. Members of the public do write to me to ask for advice in particular circumstances, such as when they feel that none of the property schemes fit their case. For example, one lady wrote to me recently concerned that she would be impacted by construction rather than by the operation of the railway. After talking with HS2, I advised her to submit a Need to Sell application based on her circumstances.

20. However, if it becomes clear that a particular issue has been raised by more than one person then I would typically escalate it within HS2, usually raising it with the Land and Property Director, the CEO or Chairman. This might relate to the conduct of a third-party agent acting on behalf of HS2 Ltd; it might relate to policies adopted by the company, such as what constitutes ‘fixture and fittings’ within a property; or it might relate to repeated stories of delays in concluding an acquisition or a sale.

21. These situations may arise as a result of feedback given at engagement events. As an example, at a recent meeting held for the consultation on the draft Environmental Statement for Phase 2b I had separate discussions with 3 property owners who all advised that they had received letters from a local property company, suggesting that their properties could be at threat of compulsory purchase as a result of HS2. In one case the property was some 300m from the proposed line of route. That lady was elderly and vulnerable, and the letter had caused her a good deal of concern. I raised this with the HS2 Land and Property Director, with the DfT, and with the HS2 CEO as a concern for them to act upon, and I am aware that discussions have subsequently taken place with the company involved to resolve the situation.

Impact of Residents’ Commissioner

22. The area in which I was able to have the biggest impact early on was in the use of valuers in the HS2 property schemes. A number of people raised with me that they felt it unfair that they were obliged to use a valuer from a panel managed by HS2 when it came to valuations under the Need to Sell (NTS) and Rural Support Zone (RSZ) schemes. I raised this with the Chairman and others, which led to a report being commissioned by HS2 from CBRE, and eventually to agreement that applicants to NTS and RSZ could appoint their own valuer provided that they were a member of the Royal Institution of Chartered Surveyors and could act accordingly. That change came in during mid-2016 and almost entirely ended criticism about this issue.
23. I was also instrumental in shifting the initial focus of HS2’s community engagement activity from petitioning of the Phase 1 hybrid Bill process to a wider perspective, and to prompt the introduction of an identifiable community engagement team for each area. This led to the recruitment of 11 additional staff members in 2016 to join the original team of 5, and the team has continued to grow strongly since then. The Director of Community Engagement now has a team of more than 100 people supporting the line of route, with engagement managers based in the communities.

24. My recommendations also led to the introduction of documentation for the Blight and Express Purchase discretionary schemes. In the past people involved in these schemes received no published guidance from HS2 as to what would happen once their blight notice had been accepted. I recommended that this be remedied and HS2 subsequently produced a booklet entitled ‘Selling your home or small business using the Statutory Blight or Express Purchase process’, made available to anyone using these schemes.

25. Similarly, my intervention prompted the introduction of guidance for those making use of the Alternative Dispute Resolution Scheme (ADR). ADR was occasionally offered by HS2 as a means of resolving significant disputes on the Express Purchase and Statutory Blight schemes. However, there was no easily accessible information about the options available, so I recommended that guidance be published so that all applicants had the information they needed to make better informed choices.

26. The latter two recommendations and subsequent actions taken by HS2 resulted from extended correspondence I was in with applicants undertaking the Express Purchase scheme. I could not help them on an individual basis, but I learned from them the issues that they were facing and was able to propose solutions that have helped all those going through those schemes. This sums up the important role played by the Commissioner.

27. I have set out in the Appendix an overview of the recommendations I have made over the years and the actions taken by HS2 and others in response to them.

Looking to the future

28. I am continuing to work with HS2 Ltd and the DfT on matters which affect residents, for example the Prolonged Disturbance Scheme and Settlement Deeds. In such cases my interest lies in making sure that whatever policy is agreed can be translated into a workable, practicable scheme which is easy to understand by all communities, straightforward to apply for and accessible to all those who qualify.

29. Making sure that all of these elements are joined up, and also providing an independent challenge to HS2, the proposals it makes and the actions it takes, lies at the heart of the purpose of the HS2 Residents’ Commissioner. I believe that this is a vitally important role as far as the people affected by HS2 are concerned, and I am proud of my achievements and how I have been able to influence the organisation over the years.
Appendix: The history of the Residents’ Commissioner

2015

- Where residents were concerned, the focus of the organisation was largely turned towards the petitioning process, and those who were not petitioning were not receiving sufficient focus;
- Residents were finding the application process for the new property schemes daunting, the guidance unclear, and the requirement to use a valuer from an HS2 list unfair;
- The Community Engagement team for the whole of Phase 1 comprised five people;
- There had been little or no direct community engagement during 2014 with nine Community Information Events planned for Autumn 2015;
- There was no active Community engagement on Phase 2a or 2b; and
- HS2 Ltd did not have a clear picture of the demographics of those they were affecting.

My first reports sought to address these issues and I made several recommendations to HS2. In the main these have been acted upon, although as with most large organisations it took some time before implementation.

Recommendations included:

- Each community area should have an identifiable community engagement team;
- HS2 should increase the number of information events to better share information with affected communities;
- HS2 should better understand the demographics of the people on the line of route to ensure effective communication with them; and
- HS2 should balance a reliance on the internet as a source of information with print media such as newsletters for those without access to the internet.

2016

- As the property schemes had been operational for 12 months, these were the main focus, together with increased community engagement;
- The announcement on the route of Phase 2a provided relief for some communities and crystallised concerns for others. There were however a series of engagement events to support the launch, and a new property consultation on the discretionary schemes for Phase 2a, supported by Land and Property and the DfT; and
- Residents continued to be very concerned about delays to the announcement of the Phase 2b route.

Recommendations made and actions taken included:

- Early in 2016 I recommended that applicants be able to appoint their own RICS valuer rather than using an HS2 panel valuer. This was acted upon and came into force in mid-2016 helping all those eligible for Rural Support Zone or Need to Sell;
Following the 2015 recommendations for additional community engagement to take place, 11 new community engagement staff were taken on and the appointment of a Director of Community Engagement also took place in December. Four separate community engagement areas were set up, each with their own team, so that engagement could be tailored locally;

- A property awareness campaign targeting more than 100,000 properties was launched after pressure from me;
- A mobile community engagement unit was trialled, following another recommendation; and
- It was agreed that the Express Purchase and NTS schemes would be introduced as soon as the Phase 2b route was confirmed rather than waiting for the property consultation to conclude.

2017

- The announcement of the majority of the Phase 2b line of route at the end of 2016 led to considerable activity in both property and community engagement terms;
- HS2 started to bring proper focus on to community engagement and to fulfil the requirements of the Bynoe Report of 2016, including the introduction of the Community Engagement Strategy;
- As the property schemes were bedded in, gaps in the schemes and information available were apparent and I pressurised the DfT to undertake a full review of all schemes (which has recently been completed); and
- I also highlighted and continued to raise issues and commitments made by HS2 and the DfT which remained to be fulfilled, including Urban Compensation (the Prolonged Disturbance Scheme) and Settlement Deeds.

Recommendations made and actions taken included:

- I recommended that each Department within HS2 should be have a single point for contact for the helpdesk to ensure queries could be responded to swiftly. This has taken some time but is now being implemented, and where it has occurred, such as in Land and Property, it is significantly reducing the time taken to respond to queries and complaints;
- I had long pushed for the publication of the community engagement strategy and revised Residents’ Charter and this occurred in 2017. This review widened it towards considering both the immediate and longer-term impacts of the project on communities, whilst still reflecting the earlier charter’s commitments to publicising the property schemes and provide timely responses to issues and complaints which had been raised. The new Charter, like the old, encompasses those along all three phases of the line of route;
- No information was publicly available for applicants to either Express Purchase or the statutory blight process once their blight notice had been accepted. I urged HS2 to produce guidance for those affected which it later did;
- Accessibility to the property schemes for all affected had long been a theme for me, and HS2 produced new short YouTube videos to explain NTS and the application process, These provide an easier format than using the guidance alone;
A further review by the DfT of the property schemes commenced following prompting from and input by me; and

A number of affected individuals wrote to me on their particular issues with the Phase 2b announcement. Where an approach is made on a single subject then it is not within my remit to assist, other than with general guidance and advice, but where, as in the case of the issue on the valuer that applicants could use, it had been raised with me on a number of occasions, then it constituted a concern which I could raise.

2018

A number of changes were made in 2018 to the complaints process with the introduction of new members of staff to the Public Response team and the trial of new ways to better manage complaints. This in turn led new and better ways of working enabling the response time to complaints to be better managed with 92% of complaints resolved at the first stage during the year;

In the Community Engagement Strategy published in 2017, HS2 Ltd had undertaken to publish targets against each of the Community Commitments in the Residents’ Charter. These needed to be made measurable in such a way that the Company can be held to account for their achievements, and then made public in order to fulfil their promises;

The DfT and HS2 Ltd had also made commitments during 2017 to publish a review of the discretionary property schemes, which remained outstanding, and I was involved in this as it progressed;

On Phase 2b there were two tranches of community engagement events including those supporting the consultations on the Working Draft Environmental Statement and the Equalities Impact Assessment;

On Phase 1, consultations began on key design elements; and

My focus remained on encouraging HS2 Ltd to find different ways to communicate with those affected, which has been a recurrent theme since I started in the role.

Recommendations made and actions taken included:

Pressure continued for the publication of the Express Purchase guidance, and for a new guidance proposed on Alternative Dispute Resolution, a means of resolving disputes in the case of blight before recourse to the Lands Tribunal. I was involved in the early drafting of both materials to ensure that they would be as user-friendly as possible given their complex subject material;

Pressure continued for the Urban Compensation policy to be agreed and published. This remains outstanding and remains under pressure to be published before construction commences. Again, I have been involved in the early drafting of this, and whilst the policy decisions are not within my remit, the communication and practical operation of any scheme remain my key concern;

HS2 had said that it would set targets against each of these commitments and my focus was on ensuring that these were tangible real and measurable. The first progress report against the Community Commitments was published in Autumn 2018;
• I continue to be concerned about the degree to which HS2 Ltd and the DfT rely on the internet as the primary means of communication about the project; the rollout of the commonplace information sites for local communities is welcome, but HS2 has now adopted one of my first recommendations and published newsletters for each area; and
• I have been encouraging HS2 to ensure that resourcing of the Land and Property team is adequate and appropriate across all phases of the project. Focus naturally is sharpest on Phase 1 where Royal Assent has been granted and the compulsory purchase process is underway. However, the greatest source of concerns raised to me have been from residents on Phase 2b, regarding the length of time it takes for the blight process to be completed. There has been under resourcing in this area and pressure from me along with others has raised this key issue and additional staff are being recruited.

2019

• We are awaiting the outcome of the Phase 2b consultations meaning that a number of residents are waiting to find out if they are within the safeguarded area, along with the outcome of the first of the consultations on the key design elements on Phase 1; and
• Phase 2a Additional Provisions have been published changing the impacts for some of those affected.

Recommendations to be made and actions taken included:

• This paper is being submitted in advance of my next published report, however as mentioned in my 10th Report, I have been undertaking a survey of those homeowners who have already sold their properties to HS2 Ltd under the various property schemes. I have been capturing their learning points, and will be feeding these back to HS2 and the DfT, together with recommendations to make the schemes more accessible, and to improve the user experience of these schemes; and
• These recommendations will relate to:
  o the website,
  o opportunities which might exist using information technology better to support applicants to the schemes,
  o the scheme guidance literature
  o engagement opportunities for potential applicants, and
  o guidance on the conveyancing process.