

Ms Meg Hillier MP

Chair, Public Accounts Committee
House of Commons
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BY EMAIL ONLY

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28 May 2021

Dear Ms Hillier,

Parliamentary and Health Service Ombudsman Report, May 2021

The Parliamentary and Health Service Ombudsman (PHSO) has published their report of an investigation into HS2 Ltd's failure to communicate with a family about acquiring their home. The report can be found on the Ombudsman's [website](#). This is the PHSO's second investigation in relation to HS2 Ltd's engagement with the claimants. The outcomes of the first investigation were published in November 2015.

HS2 Ltd has never intended to cause distress, frustration or upset to the claimants and we remain committed to working together towards a more sustainable long-term engagement.

While HS2 Ltd accepts the recommendations of the report and will implement them in the timeframe requested by the PHSO, we do not accept the report's findings.

This report was started in 2017 and fails to acknowledge the progress that HS2 Ltd has made since that time, along with the improvements made to address the shortcomings that the investigation highlighted. Also, the report does not acknowledge HS2 Ltd's evidence that the implementation of these initiatives has delivered a demonstrable improvement in how the company and its contractors interact with affected individuals and handle complaints.

The report poses three areas of concern which I have raised (in writing) directly with the Ombudsman today: the findings on the 'health and emotional impact' on the claimants - in our view these are not based on evidence and they are not consistent with findings made by the Ombudsman elsewhere in the final report; the investigation approach and the inequality in how the PHSO treated HS2 Ltd and the complainants, and the incorrect use of language particularly around 'maladministration'.

I set out the report's recommendations below along with the actions we are taking:

1. **HS2 should apologise in an appropriate manner to the complainants for the delay, frustration, inconvenience and distress their serious maladministration (paragraph 236) caused the complainants over a four-year period**

Actions: Where we have acknowledged we haven't got things right previously, HS2 Ltd has apologised. In response to this report, I will be personally writing to apologise to the complainants for any distress or inconvenience which they have been subject to as a result of their property acquisition and engagement with HS2 Ltd.

2. **To promote transparency and fairness, HS2 should review and publish the learning from this case. This is so that in circumstances such as the complainants faced, where a unique contract is signed outside routine processes, steps are taken to agree new and relevant processes at an early stage**

Action: HS2 Ltd sought clarity from the PHSO in respect of this recommendation. The PHSO clarified that this recommendation is about ensuring transparency in communicating the process rather than creating a 'one-size fits all' process that all unique contracts must follow. HS2 Ltd will update the guidance available at <https://www.hs2.org.uk/> to explain how we will improve communications for cases involving special circumstances and atypical properties, with a view to providing a clear point of contact and keeping applicants updated throughout the process to ensure transparency.

3. **HS2 should review and report on whether this learning has wider implications for how they can improve their approach to handling complaints. HS2 should share their learning with the Chairs of the Public Administration and Constitutional Affairs Select Committee and the Transport Select Committee, as well as with the Secretary of State for Transport**

Actions: We recognise that the Ombudsman's review has taken place over four years, beginning in 2017. Over that time there has been significant change to the organisation, its responsiveness and complaints handling approach, of which the report does not take account although this had been shared with the PHSO.

The actions and improvements that have already been taken since 2016:

- A review of HS2 Ltd's complaints handling and community engagement was undertaken by former Independent Police Complaints Commissioner, Ian Bynoe, in 2016.
- The wide range of initiatives which HS2 Ltd has implemented to address both the general and specific concerns raised in the 'Bynoe report' which were closed out in 2018, as well our continuous improvement programme around engagement and Public Response, include:
 - The recruitment of a fully operational Community Engagement and Stakeholder Team comprising over 100 staff, including a Director of Community and Stakeholder Engagement.
 - The publication of the Community Engagement Strategy in 2017.
 - The appointment of an experienced Public Response Team.
 - The introduction of an improved corporate complaints procedure (launched in April 2018) including complaint exemptions where alternative methods of redress exist. The complaints procedure has been recognised as 'gold standard' by the DfT's Independent Complaint Assessors.
 - The establishment of a new Helpdesk Team, available all day, every day of the year to answer enquiries and complaints from members of the public.
 - The publication of a Plain English Crystal Mark accredited complaints booklet, along with Plain English updates to the HS2 website.
 - The development and implementation of a bespoke Microsoft 365 dynamics complaint management system.
 - The improvement in the production of reporting and management information in respect of complaint receipt and handling.
 - The development of an unreasonable and persistent complaints policy; and
 - The development of a corporate respect framework which has been praised by the PHSO, DfT and DfT bodies, with the PHSO expressing an interest in including this within their own parliamentary standards.
- Within our Community Engagement Strategy, we have made a public commitment that every complaint would be acknowledged within 48 hours, and where possible, a full response would be provided within 20 working days. We commit to responding sooner if we are able to do so. Whenever faced with complaints regarding risks to safety or of any other sensitive nature, we will always prioritise such cases. In our Corporate KPIs for 2021/22, we have committed to resolve 70% of construction queries and complaints within 2 working days of them being reported to the HS2 Ltd Helpdesk.
- Our Public Response Team assist every complainant at every step, treating each complainant as an individual. A dedicated member of the Public Response Team

becomes the single point of contact for the complainant and will determine with the complainant the best way to handle each individual case.

- The HS2 Complaints processes and procedures were assessed by the Lloyds Register group in November 2019 who found the complaint management processes to be well developed and easily capable of supporting the community engagement commitments, with no areas requiring attention at that time.
- HS2 Ltd continually learn from complaints in order to make improvements to the service provided. Acting on the learning and independent recommendations from the past two years, we are making additional enhancements to the complaints procedure this year to further improve engagement and experience.
- HS2 Minister Andrew Stephenson's Spring 2021 HS2 update to Parliament referenced complaint handling and the measures HS2 are deploying to strengthen its approach. These measures include a refresh of our Community Engagement Strategy.
- A further HS2 internal audit in January 2020 found effective risk management and controls, with no concerns identified.
- As part of our continuous improvement, the Government Internal Audit Agency will be auditing the HS2 complaints process in the third quarter of 2021/2022.

Given the scale and ambition for HS2 and the unavoidable situation of the residents who did not choose to live along the full line of route of the new railway, it is likely we and the Ombudsman will encounter other challenging and complex complaints. I have offered to meet with the Ombudsman to share lessons we have both learned during the course of this investigation.

I hope this letter demonstrates the seriousness with which HS2 Ltd accepts the Ombudsman's recommendations and our commitment to continually improving how we engage with individuals and handle complaints.

My office is finalising arrangements to host your Committee on a fact finding visit at our South Portal site in West Hyde on 15 June. As part of that visit I welcome the opportunity to discuss our response to the Ombudsman's report. If you would like further information in the meantime, please do contact me.

Yours sincerely,



Mark Thurston

Chief Executive Officer

High Speed Two (HS2) Ltd