

## **CROSSRAIL COMPLAINTS COMMISSIONER**

### **FINAL REPORT TO ELIZABETH LINE COMMITTEE - JULY 2022**

#### **Introduction**

This is the final report of the Crossrail Complaints Commissioner and its publication coincides with the closure of the role.

Contents:

1. A review of activities since the last report was submitted to the July 2021 Elizabeth Line Committee
2. Summarised complaint handling statistics
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#### **Review of the last year, May 2021 - June 2022**

Meetings have been held with complainants at Abbey Wood, Whitechapel and Bond Street Western Ticket Hall (WTH) areas, together with a meeting with Network Rail about outstanding matters at Abbey Wood. Virtual Community Liaison Panel (CLP) meetings have been attended at Whitechapel, held every few months. There have been recent complaints about noise nuisance during the removal of the temporary ticket hall.

An in-person CLP meeting with Bond Street residents was attended earlier in 2022 along with the Chief Executive Officer Mark Wild and a ward councillor. The CEO updated the audience on progress. Their summary view in reply though was that Crossrail had played hardball all the way through, the construction process, starting with the original property surveys over ten years ago.

There have been new complaints over who was responsible for further worksite impacts and about light nuisance.

#### **Statistical summary**

**Active complaints.** Previously recorded open complaints, now regarded as closed were located near Red Lion Square, Spitalfields and Abbey Wood. Complainants either have moved, or the Commissioner judged it best not to further trouble them.

Active complaints (not closed) are located at Bond St WTH; Abbey Wood and Whitechapel. The Commissioner will be meeting these complainants to discuss who will continue to independently oversee any remaining problems they have with Crossrail Ltd, TfL and Network Rail.

**Alerts.** Crossrail, local authority officers, and individuals have alerted the Commissioner to complaints which could have been referred, had they not been satisfactorily resolved by Crossrail. Since April 2012 there have been 282 Alerts.

**Referred cases.** A further 190 Cases have not been accepted by the Commissioner since 2012 and sent to the Crossrail or TfL Helpdesks, to be registered as new complaints.

**Cases accepted and resolved.** A total of 51 complaints were accepted and have now been resolved. Approximately half were multi-issue and/or formed part of a long-term series of linked problems.

**Helpdesk(s) operations.** A total of 6,284 complaints have been recorded from the start of the Financial Year 2009/10 up to end Financial Year 2020/21, by Crossrail Ltd and later TfL Helpdesk teams.

A full breakdown by location and category were published on a four-weekly/13 periods a year basis by the project. Network Rail collated complaints using its own complaints centre in Hull. It might be assumed the total above includes those surface complaints but the Commissioner cannot verify this.

### **Things that went well:**

#### **For the Commissioner's function**

1. Crossrail accepted the need for a Commissioner
2. Management and control of the Commissioner's office by the High Level Forum Sub Group, including on-going oversight, until abolished. The independent appointment process also went well.
3. The Secretary of State's Reporting and Accounting Directions published in 2009 were clear and comprehensive.
4. Supportive involvement of most local authorities, particularly at a technical and or planning officer level.
5. Availability of local authority officers to advise on individual and area issues saved the time and cost of creating research functions within the Commissioner's office.
6. Attendance at the Crossrail Planning Forum ensured the Commissioner was kept up to date with a range of issues.
7. The standing invitation to observe the Crossrail local authority officers' liaison meetings ('Interboroughs' meetings) which have provided valuable information about recent/current issues.
8. Suitable level of independence from the promoter was maintained by occupying a separate office.

9. Commissioner's independence was understood and appreciated by complainants and partner organisations.
10. Commissioner's willingness to consider separate issues within one recorded complaint was helpful to complainants, even where parts of the complaint were not subsequently upheld.
11. With a few exceptions, even apparently very angry complainants were able to relate well to the Commissioner once he had begun to look into their case.
12. The freedom to flex working arrangements: the Commissioner halving and halving again office space and rental costs pro rata, as well as switching to part-time working by 2016, making further savings.
13. Ad hoc but only occasional briefings by Crossrail staff.
14. Including the Commissioner and assistant in Crossrail community relations team awaydays up to 2016 was beneficial.
15. Case notes for cases referred to the Commissioner from the Crossrail Helpdesk were high quality and detailed and were provided in a timely fashion.
16. TfL Helpdesk team engaged with Crossrail-specific complaints within the terms of their London-wide operations and were able to identify and make available historic case notes when asked.

### **For the community**

1. Operation of the Community Liaison Panel system where CLP meetings were held (130-plus meetings to date, at eight longer-term venues). Provided many opportunities but only for those invited, to share and air concerns but they were not full public meetings, with exceptions. These meetings helped the Commissioner and local authority officers and the project to determine issues and strength of community feelings.
2. Professional-standard chairing of CLP meetings by local authority officers or elected Members.
3. The standard of visual presentations (PowerPoint) at CLP meetings was generally very good and availability of minutes and the presentations were timely.
4. Day and evening drop-in sessions were held, mainly on the surface sections although impacts were often more intense on the tunnelled section worksites. As observed, there were ample numbers of subject matter experts on hand to engage with all visitors.
5. Where London Underground engineers were responsible or involved in aspects of project delivery and construction interfaces, as at Paddington

Bakerloo line link, Bond St, north of Oxford Street; Tottenham Court Road interchange station and Whitechapel temporary ticket hall demolition, the approach taken in dealings with the community were notably efficient and the works well-communicated.

6. Efficient record-keeping of complainants' issues as and when first recorded by the Crossrail Helpdesk team.
7. Individual managers assigned to specific worksite neighbourhood communities while a full team was extant and fully staffed prior to 2018.
8. Useful central meeting and exhibition space at Tottenham Court Road, until closed circa 2016.
9. Some mental health awareness training was provided for relevant staff to better anticipate and recognise some complainants' particular concerns.
10. Some referred complaint cases where mental health issues may have been present were co-managed between the community relations team manager and the Commissioner working together.
11. The Commissioner's offer to keep complaint cases open and under periodic review was welcomed, contrary to the original intention to reach a requirement about referred complaint cases within 28 days.
12. Putting an emphasis on investigating, as opposed to mainly explaining the cause for a complaint, was appreciated by complainants.

### **Things that did not go as well:**

#### **For the Commissioner's function**

1. Five individuals have been responsible for community relations and complaint handling. Above these five managers, there have been several changes of director-level communications bosses.
2. Organisation charts were not shared with the commissioner and local authorities.
3. Challenges of the Commissioner's views and recommendations by Crossrail managers is not something normally found in a situation where a Commissioner, Ombudsman or similarly-titled role, has been deliberately put in place to resolve the public's alleged problems.
4. Lack of publicly-effective sanctions such as fines, suggested charitable donations by the contractor, or stopping specific localised works, once it became clear Crossrail was unwilling to agree with some of the Commissioner's views.

## For the community

1. Many complaints could have been avoided by a clearer focus on worksite activities' potential impacts; less reliance on system-wide standards; better-focussed relationships with industry partners and contractors on what was happening, rather than relying on narrow pre-conditions, never revised in the light of experience.
2. The 2004 Environmental Statement was at a suitably high-level, appropriate for its time and purpose. Then, the Environmental Minimum Requirements including the Code of Construction Practice set a somewhat too rigid set of definitions, particularly concerning noise and vibration, compared to what was experienced and how all of that was communicated.
3. An honest and open appreciation of significant impacts, continuing for many years longer than previously promised, would have helped close the gulf between expectation and experience. Residents at several sites have had to live with construction impacts for ten years-plus, longer than was planned and promised.
4. Incoming complaints were passed to the relevant contractor to investigate and respond to, although Crossrail managers were emphatic that staff retained a role in overseeing the response. This did not feel right, akin to a complaint about an airline's cabin crew member being responded to by the crew member, with management not taking the lead.
5. Repetition has been a prominent feature of Crossrail works complaints: the number of times communities and individuals have found it necessary to complain about essentially the same thing.
6. A failure to recognise that 'sympathetic complainers' existed on a significant scale at several worksites. One recorded complaint may have represented the views of ten other parties. Crossrail never had any mechanisms to recognise or record this category.
7. Having Network Rail carrying out works without a legal and binding relationship (and not being a Nominated Undertaker named in the Crossrail Act), meant that residents were often unsure, confused and indeed angry, because they were uncertain who was actually responsible for remedying complaints (as at Abbey Wood, for example).
8. Observed evidence of 'Groupspeak,' corporate attitudes, when responding to those outside of the project's office structure, such as complainants who could be seen as critics, rather than as victims of disturbances. An over-confident belief that the Crossrail team was always right.
9. A frequent absence of a sense of any kindness being shown towards affected communities.

10. Lack of accountability. For example, ownership and resolution of the water table issue at Abbey Wood since 2014 has passed from manager to manager: latest name-change is in June 2022.
11. After the Crossrail Helpdesk function closed, the TfL Helpdesk replacement, cover operations on a London-wide scale and was not focussed solely on Crossrail-specific construction issues. Sometimes this became a source of frustration for complainants, particularly during the night when timely and effective responses mattered most.
12. Lack of engagement with affected communities from the most senior project personalities (Chief Executive Officer and director level).
13. Having more than one main contractor on a worksite at the same time led to extensive additional issues for residents and council officers where noise complaints for example were difficult to assign to a particular party.
14. Crossrail's community relations effectiveness and therefore complaint handling effectiveness was greatly reduced by running down the team from approximately 25 to one person with project knowledge by 2018. Despite repeated criticism by Crossrail to do so, the team was not rebuilt. It is not held to be possible to run community relations for a project this size with one person.
15. By not consulting local authorities and the commissioner in the setting up of the project's 'Learning Legacy,' programme, the project's work has proceeded without some experience being captured and carried forward to help other projects. In particular, much could have been captured and shared of the experiences at sites such as Bond Street WTH, Whitechapel, North Woolwich Tunnel Portal and Abbey Wood areas. The worked example in the online Learning Legacy documentation is of the Barbican: there were no surface worksites within the Barbican estate.
16. Lack of attention paid by High Level Forum meetings to complaint issues raised there.
17. The Elizabeth Line Committee has not paid any particular attention to the community impacts and issues (other than once receiving the Commissioner's Interim report in 2021).
18. The manner in which TfL ended the Planning Forum, and the operation of the High Level Forum Sub-Group was peremptory and unnecessarily dismissive of those functions and of the effort put into the process by the local authorities.
19. The operation of the Small Claims process by the promoter was not robust, was delegated to contractors and was not transparent to the commissioner.
20. Provision by the promoter and contractors of timely relevant information (e-comms/handbills) to its neighbours was generally not adhered to as required

by the Crossrail Construction Code. Leaflets and e-information was often partial and did not provide a continuous narrative of events. Generally, published information did not record failures to deliver the various works on time as promised.

21. The lack of a single effective complaints handling centre added to a perceived and experienced situation that their concerns were not being taken seriously with operations proceeding regardless of legitimate concerns. Complaints about Network Rail's works for Crossrail sent to the Hull centre and complaints to Crossrail Ltd went to its Canary Wharf offices, latterly to TfL.
22. Local authority officers engaged less well to the west of London with both the commissioner and the Planning Forum, meaning a less clear picture of worksite impacts as a result.
23. Crossrail approached complaint-handling as if each complaint was a new event. It failed to address the plight of residents subjected to repeated negative impacts, such as experienced in Durward Street and Albion Yard flats, Whitechapel and at Bond Street WTH. In this later case the Commissioner started an unprecedented, 'super-complaint,' in 2020 looking into the circumstances of a couple living in Gilbert Street, supported by Westminster Council. He reviewed 123 authentic complaints. The Commissioner's Interim decision letter was seemingly ignored. The residents have made further complaints. They think they are being targeted as, complainers, and this led to a Freedom of Information Act request for all references to their names, responded to after a delay. Other projects may take note of what can happen if situations are not taken sufficiently seriously early on. This issue remains outstanding and the Crossrail works continue.
24. The smallness of certain worksites and tight access through narrow side streets has led to suggestions that the sites were not big enough. This feature of building Crossrail did not, 'go well' at several locations. There is a difficult trade-off between seeking early acquisition of bigger sites with displacement of larger numbers of residents and businesses and working in a more restricted space but with repetitious adverse effects on the close-by neighbours.
25. Crossrail made little progress in the way complaints and worksite impacts were handled over the last dozen years. Perhaps ways could have been evolved to make hopefully memorable, 'Apology moments,' to have identified some benefits, and ways found to be kinder to the those affected groups of residents? There was a Crossrail 'Community Investment Programme.' This dispensed largess around several Crossrail worksites. Some schools and other organisations benefitted, especially in the early years. However, none of these benefits were directed towards affected local residents comprising the CLP audiences.

## **Acknowledgements and thanks**

Tony Gregory established the Commissioner's role in 2009 but had to retire early in 2011. He returned in 2014 to cover for the present Commissioner's illness. Gratitude to him has been expressed before but is repeated here.

Graham King, formerly of Westminster City Council, long-time local authority leading officer for all matters relating to Crossrail, has provided the core of support from the local authorities. His involvement with the present and previous iterations of Crossrail reaches back 38 years. Graham's wise counsel and informed views have been of enormous help.

Ted Allett, Chair of the Crossrail Planning Forum, provided a great deal of support to help the Commissioner.

Thanks are due to many local authority officers who provided technical information and shared their local knowledge.

Caroline Pidgeon, a member of the London Assembly and Deputy Chair of the Assembly's Transport Committee, has interceded when requested by several complainants and has been publicly supportive of the commissioner's role.

Teresa Pearce, when MP for Erith & Thamesmead, became involved in the long-running water table and other issues at Abbey Wood; Westminster's Councillor Glanz, now retired, committed 12 years to helping Bond Street residents with their repetitive problems.

Thanks are due to Pree John who was a member of the HS1 complaint Commissioner's team from 2003. Her role, together with that of Tony Gregory, transitioned into the present Crossrail Commissioner's function. She has efficiently provided the clear accountability and management of the budgetary structure associated with the role. Her contributions of common sense, wisdom and experience of a lifetime of living in east London communities are worthy of being recorded here.

Stephen Jolly

Crossrail Complaints Commissioner

June 2022

## **Current Budgetary Position**

### **Contributions to the running of the Commissioner's office**

During the financial year 2021/2022 the total running cost was £124,650. Network Rail committed to pay 15 per cent of the annual cost of the running of the Commissioner's office. As with previous years, TfL paid Network Rail's contributions (£18,698). TfL will recoup the amount paid from Network Rail. The amounts will be shown on the 2021/22 audited Statements of Accounts attached to this report.



## **Statement of Accounts**

The Commissioner carries the responsibilities of an Accounting Officer for his office, for the propriety and regularity of finances, and for the keeping of proper records. In accordance with paragraph 18.2 of the Commissioner's Contract for Services with TfL, during this reporting period Transport for London carried out an internal review of the commissioner's statement of accounts by means of an Internal Audit. The objective of the Internal Audit is to provide independent assurance to the TfL Board and Audit Committee over the accuracy of the Crossrail Complaints Commissioner's accounts for the respective periods.

The accounts are prepared on a cash basis and present the receipts and payments for the financial year and the balances held at the year-end. The review does not fulfil the statutory requirements of an external audit.

### **Internal Audit relating to financial year 2021/22:**

During the financial year 2021/22 there was an under-spend of £19,394 (0.16 per cent) against the agreed budget for 2021/22, and surplus carried forward from the previous year. This excludes uncollected National Insurance Contributions and Tax deductions relating to the month of March which have not yet been cleared from the Commissioner's HSBC bank account; these will be deducted in April 2022.

Also, during this reporting period HSBC changed the Commissioner's Community Account to a Charity bank account, the reason for this is unknown; the change evidently applies to all previous Community Account holders.

### **Internal Audit relating to financial year 2022**

It is expected that the four-month internal audit for 2022 (April to July) will begin shortly. Therefore, the accounts are not attached to this report.

## **Financial arrangement**

The Commissioner's budget was submitted and agreed between the commissioner and TfL. The funding organisations have remained the same. The agreed formula for this continues as previously reported each year. The office continues to benefit from the Employers' Allowance against the employer's National Insurance Contribution liability (which came into effect in April 2014). The amount remained the same at £4,000.

## **Workplace Pension**

There was no change to the mandatory workplace statutory pension contribution. Therefore, the employer's statutory contribution remains at 3 per cent. The employer's voluntary contribution of 3.5 per cent also remains the same. The total employer's contribution increased from 5.5 per cent to 6.5 per cent.