



Specialist Interest Group Conference, 23rd & 24th September 2008, Crowne Plaza Birmingham City, Central Square, Holliday Street, Birmingham B1 1HH

It gives me enormous pleasure to introduce our 2nd Specialist Interest Group Conference which is taking place in Birmingham. Last year's conference was a resounding success with a universal acknowledgement of the quality and content of the various sessions.

You will see from the programme that, whatever your involvement in claims, there will be something for you of real benefit. Our speakers are some of the very best in their class and we are grateful to them and our sponsors for their input and enthusiasm in what we hope will become the recognised specialist claims event of the year.

One of the major benefits is that on the day you can choose whichever of the sessions is of most interest to you, or join other groups to learn about totally new topics. Our sponsors are also on hand so you can get up-to-date information and advice from them.

This is an event for everyone in the claims profession. It is an opportunity to learn to debate and, most importantly, to meet with your colleagues, clients and guests. I look forward to seeing you in Birmingham.

For further information and registration go to www.cila.co.uk



*Malcolm Edwards
President*

NOTICES

Congratulations to Gerry Loughney on winning the Achievement Award at the British Insurance Awards 2008 that took place at the Royal Albert Hall on 9th July. The award is in recognition of Gerry's services to the Loss Adjusting Sector.

Retired Members' Register

We have established a CILA Retired Members' register.

This is on the CILA website at www.cila.co.uk and will enable members to keep in contact with their friends and former professional colleagues

If you would like your details to be available to other CILA members only, please e-mail: info@cila.co.uk. In order to comply with the Data Protection legislation we do have to have your written authority.

Annual Lunch

This year's CILA Annual Lunch will take place at the Hilton Park Lane Hotel, London W1 on Friday 17th October

Tickets are available @ £97.50 to include a 3-course lunch Don't delay as tables are already booked & places are going fast

Please contact Jackie.Chadwick@cila.co.uk to reserve your table NOW!

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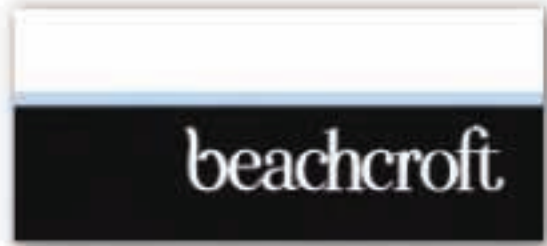
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NEW PRESIDENT FOR FUEDI

Kieran Rigby, representing the UK and the Irish Republic, was appointed President of FUEDI for 2008/9 at its recent Annual General Assembly in Vienna. He will pursue its ongoing objectives of full representation within the European Community as well as its continuing educational programme, the latter being supported by FUEDI's involvement in the EU's Leonardo da Vinci Lifelong Learning project. Kieran succeeds Thomas Kabler, President of the Austrian Association, AFILA.



PROPERTY - "Stability in a climate of change" conference

Victoria Park Plaza, London April 23rd 2008

The conference was hosted by POST magazine to over 100 delegates with representatives from Insurers, Brokers, Adjusters, Repairers and Disaster restoration companies.

Ant Gould, chairman of POST magazine opened the conference, reminding delegates of a range of issues faced by the £3billion flood event of 2007. While the major focus of the conference was on the issue of flooding, attention was also given to Storm events and Fire damage.

The first speaker of the day was Gregor Elrik, Head of Property, AXA. Gregor's presentation was entitled "An overview and insight: an Insurers perspective of the issues arising from the summer flooding 2007". Gregor covered in his presentation modern methods of construction, understanding the new risks presented to underwriters, the market cycle and a large loss review. One of the key messages was the level of learning and understanding which underwriters needed to achieve in understanding the likely cost of repairing modular buildings together with evolving new risks including recycling plants, biomass energy plants, bioethanal plants and the like.

The second and third presentations covered the 2007 floods: Learning from the front line experiences. Paul Hendy, Director of the National flood forum gave a passionate presentation outlining the floods from the customer's perspective. A key message was that the insurance industry needed to recognise the trauma caused to customers who had suffered in an event such as the flooding in summer 2007. Experience had shown that consumers in general were very familiar with the process of making a motor insurance claim and their expectations were generally met but had a very limited if any knowledge of how their home would be restored following a major event such as a flood.

The National flood forum championed the efforts of Adjusting firms who, in the aftermath of the flooding had held community briefings and to Insurers who had visited the communities and held workshops etc. This was felt to have provided an excellent way of communicating to the affected community at large whilst allowing customers to share experiences.

Paul Hendy presented some case studies which highlighted to the conference the extreme levels of personal stress suffered by those customers affected by the flooding with a clear message that in his view the trauma of the initial event was in many cases less than the trauma of repairing the property and dealing with the claim.

In response, the Adjuster's perspective was presented by Roy Shevlin, Flood Response Director of Cunningham Lindsey. Roy's presentation focused on the challenges faced by Loss adjusters in the wake of events of the magnitude of the two 1 in 50 year floods suffered last

year and what could be done to ensure preparedness in the future. Roy drew on his practical experiences from the Carlisle floods of 2005 and also the experience gained in leading the UK wide flood response within Cunningham Lindsey to the 2007 summer flood event.

Roy praised the efforts of Insurers and loss adjusting companies who despite dealing with 2 events of a 1 in 50 year magnitude had done a good job, with 74% of property claims concluded and 91% of damaged properties repaired.

It was argued that in the UK, Adjusters and Insurers are the only agencies who stay involved with the customer from start to finish. As a result, Loss Adjusters were called upon to deal with far more issues than simply handling the claim. Handling the personal trauma faced by the flood victims on this scale placed Adjusting staff under enormous pressure. A number of examples were provided where in the early stages of the flood event, such as the scale of personal trauma that many policy holders called loss adjusters on a daily basis just for simple reassurance of the progress of their case.

Roy demonstrated the sheer scale of the event handled by loss adjusters. Delegates were asked to imagine owning a restaurant able to handle 20 covers

Continued on Page 4



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per evening and being visited without notice one evening by 5,000 customers, none of whom wanted to order from the specials menu. Adjusters and Insurers had turned no customers away where a restaurateur may have closed the shutters.

The conference continued with Ian Wainwright, group chief surveyor of Ecclesiastical Insurance speaking about the understanding of implications of climate change on your business. This dealt with how climate change expected to manifest itself in the future, how climate change was going to affect the way property Insurers underwrite business in the future, specific risks climate change pose to heritage properties and what Insurers should now be doing to mitigate risks.

Ian reminded delegates that 11 of the past 12 years rank upon the warmest on record. Average temperatures have increased by 0.75 Degrees Celsius with global sea levels rising 3.1mm annually. The impact for Insurers was that more properties are at risk with greater widespread and intense disasters. Conventional responses were no longer effective with increased pressures on Insurers and the environment. The challenge was to develop and share long term strategies, closer and better identification of vulnerable properties and to increase the pressure for funding from the government and local authorities in addition to influencing planning decisions on construction of properties in the future.

The next presentation was provided by Steve Gray, senior account manager of FM Global. This dealt with the challenges of underwriting flood risks for the future. Steve's presentation dealt with the control of flood risks and the action to take now to mitigate the impact.

The conference heard from Kevin Skillin, Managing director of Imperial Consultants. He discussed the lessons learned from the events of 2007 and the importance of keeping a focus on all building claims, the cost of claims during event periods offset against the constant spend for non event related claims and how Insurers can utilise their supply chain to its maximum potential and deliver best possible service and avoid leakage.

The conference then heard from Dr James Glockling, Technical Director of the Fire protection association. Dr Glockling's session tackled some of the potential reasons for the increase in fire insurance claims including changes to building techniques, design principles and how the fire and rescue services may respond in the future. The efforts afforded by Insurers to understand, monitor and address these issues was also discussed.

In the afternoon, 3 workshops were provided allowing delegates the choice of session. The first was provided by Philip Carney, Business development manager of the Building Research Establishment. This dealt with the insurance challenges posed by modern method of construction. A workshop was also provided by Andy Lucas, Commercial director of Munters on the understanding the benefits of property damage prevention and pre loss mitigation for Insurers, Brokers, Loss Adjusters and customers. The third workshop was

provided by Nick Ormon, Principal consultant of Waste Water Networks, water research centre. This handled managing the flood risk posed by inadequate drainage systems.

The penultimate session was provided by Nick Starling, Director of General Insurance, ABI on Customer attitude to property insurance. This covered the types of people not having any property insurance, what are the reasons for the lack of cover, and should property insurance go the way of motor and be made compulsory.

Finally, James Grant, UK sales manager of Xactware spoke about the reducing life cycle and improving supply chain effectiveness. This illustrated the variety of suppliers used by Insurers, competencies and the problems arising when a number of suppliers are assigned to attend one claim. The presentation dealt with why supply chains collapse and what can be done to stop it and is having one party overseeing the whole claim a viable option and also are there any other solutions which allow the supply chain to be seamlessly linked together.

Roy Shevlin, FCILA



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FLOODING

FRIAR

Those adjusters thinking that flooding is mainly a UK phenomenon will have had their eyes opened at the international FRIAR event, held at the Institution of Civil Engineers on 2nd/3rd July 2008.

FRIAR - 'Flood Recovery Innovation and Response' - reminded the international audience of the widespread geographic nature of flooding, from Hull, across Eastern and Western Europe, and to Asia. Introduced by Nick Starling of the ABI, he drew the link between climate change and the increased frequency and severity of weather events. Nick also commented on the fact that despite ABI issuing a report in 2005, there was still a degree of unreadiness about the industry response.

Whilst flood risk management comprised a fair proportion of the event, this also provided evidence for the fact that there is no certainty when and where a flood event might happen. Nevertheless there was increasingly an ability to carry out high quality, high accuracy scenario modelling. As a result it is possible for insurers and service providers to better understand what is likely to be the call on resources and develop a proactive rather than reactive approach.

The event had considerable depth and breadth in its content and relevance to the loss adjusting profession both locally and at an international level. Papers presented dealt with the vulnerability of flood victims, the link with socio-cultural conditions, and the effect on communities. Other topics covered the usefulness of sustainable repairs, the issue of evacuation (and therefore by default, the provision of alternative accommodation), and the impact of flooding in specific locations, for example Canvey Island on the Thames Estuary.

The international dimension was represented through papers presented on international flood topics relevant to the Netherlands, France, Germany, Japan, and others.

A paper was presented about the roll of the

loss adjuster as part of the claims process, and how it is important to link the claims process to the needs of the victims. The victim, insured or not, may be a victim of the flood but need not be a victim of poor processes.

This wasn't a conference which would suit everyone's tastes, but with the next FRIAR event unlikely to occur for another two years, there was enough in this meeting to provide considerable food for thought for everyone concerned with international flooding.

Tony Boobier, FCILA

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INTERNATIONAL



AGM

The International Federation of Adjusting Associations (IFAA), now a company limited by guarantee, was formed in 1998 by like-minded international loss adjusting associations. The membership currently comprises Australasia (AICLA), Canada (CIAA), FUEDI (European Federation of Loss Adjusting Experts - 13 countries), Japan (LAAJ), Malaysia (AMLA), Nigeria (ILAN), South Africa (ILASA), Sri Lanka (SLALA), United Kingdom (CILA), United States of America (NAIIA) and the IILA (International Institute of Loss Adjusters). New member associations are being sought in the South American continent, India and the Far East.

IFAA President, John Lugt, representing the South African association (ILASA) hosted the 2008 AGM in April in Johannesburg. At the 2009 AGM in London the presidency will be taken over by the CILA, represented by CILA Past President Paul May.

The principal objectives of the IFAA are to pro-

mote the role of loss adjusting associations and their members by creating a positive business environment, informing and influencing public policy, supporting members by disseminating best practice and increasing the awareness of the profession globally.

The IFAA has established an international benchmark (FIFAA) for core competency, education and professional qualification, and encourages comparative ethical and disciplinary standards between the various countries in which loss adjusting is practiced. It also facilitates the provision and exchange of technical and other information, and encourages research projects and study groups on global issues affecting the profession.

On 30th April, 2009, the IFAA will be holding its first global conference in the City of London on a variety of key subjects delivered by high profile speakers representing related professions and associations. Details will soon be announced on the IFAA website at www.adjustersworldwide.org

NEWS FROM AICLA

The Australasian Institute of Chartered Loss Adjusters
by Stephen Thorpe, President

Work for loss adjusters in Australia remains very busy with a substantial number of weather events maintaining pressure on loss adjusting resources. As we move into autumn, it is expected that there will be a reduction in these weather related events. However, with the continuing La Nina influence above average rainfall is expected in Eastern States.



I am pleased that the programme for the Claims Convention CC08 is almost finalised. The theme for the convention will be "Setting Melbourne on Fire" and will be held at the Sofitel Hotel, Melbourne on 20 -22 August 2008.

The convention will be centred around a hypothetical major explosion at Melbourne docks and the myriad of claims resulting from such an event. The convention will feature a wide range of leading experts including loss adjusters, re-insurers, brokers, TPA's, forensic and marine experts. We plan to have as the keynote speaker a senior executive from the United Kingdom who will set the scene by detailing the impact of a similar major explosion that took place at the Buncefield fuel depot in England in December 2005, which was Europe's largest peacetime fire.



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FUEDI 40th ANNIVERSARY

FUEDI, the European Federation of Loss Adjusting Experts, celebrated its 40th Anniversary at its annual General Assembly in Vienna on Friday, 16th May, 2008. Originally established by senior Loss Adjusting Experts from Belgium, France, Germany and Italy it now represents Loss Adjusting Member Associations from thirteen EU countries as well as five observer countries.

At the beginning of June Graham Cave visited Berlin where he presented FUEDI's role within the European insurance market to members of BIPAR, the European Federation of Insurance Intermediaries of which BIBA (British Insurance Brokers' Association) is a member.

More recently in Brussels, Kieran Rigby and Graham have made a further FUEDI presentation to EIOPC, the European Insurance and Occupational Pensions Committee which represents the twenty seven Member States and the three Accession countries.



FUEDI Delegates attending the General Assembly



Thomas Kabler (left) and Kieran Rigby (right)



Jane & Tony Clack with Rui de Almeida

Leonardo da Vinci

Our Portuguese partner, CNPR, kindly hosted our recent partners' meetings in Porto when 5 of our member association partners joined Tony Clack of the CILA and Richard Taylor our Leonardo da Vinci consultant. Rui de Almeida had organised the meeting to coincide with Porto's Festival of Sao Joao, which celebrates the longest day of the year. The Partners were entertained that evening with a fabulous firework display that took place over the River Douro.



Leonardo Partners



Fireworks over the River

PROFILE

For the second in a series of Senior Adjuster profiles, we profile incoming CILA President Angus Tucker, looking at his life, career, and views on the profession.

Like most people who have become successful in adjusting, Angus Tucker did not set out at first to become a loss adjuster. "I expect there are very few people who, when they're at school say 'I want to be a loss adjuster' most would be more likely to say 'what is a loss adjuster?'" he chuckled when I spoke to him recently at the CILA offices in London.

Born into a farming family in Maidstone, Kent, Angus considered continuing this tradition and went as far as applying to The Royal Agricultural College, although he admits he had no strong convictions about what he wanted to do when he left school. At his interview, sensing that he was not 100% committed to farming, his interviewer suggested a course in Estate Management, and it was this that led him indirectly into loss adjusting. "On graduating, I required 15 months of practical work, before taking my final practical exam for my RICS (Royal Institute of Chartered Surveyors) qualification" he explains. Needing a job and unable to find one in Estate Management, Angus searched elsewhere.

The advert in a small local paper that he answered, which he describes as "very cryptic", did not even mention loss adjusting, instead listing, amongst other things, surveying, accountancy, law and insurance. "I had everything but insurance from the estate management course, but I thought anybody could learn about insurance". The company turned out to be Robins, Davis and Little, and, successful in his interview, he started work for them in 1975, and thus began a career in adjusting which continues to this day. He remained there for over 25 years. "It was at least 25 years, as at Robins in those days, when you were there for 25 years you got a very nice carriage clock, which I have. I got mine the year after Graham Burgess got his, so we're about to have a President and a Deputy President who've both got Robins carriage clocks, which is probably fairly unique". He describes moving on after 25 years as daunting - "even going for the interview was daunting because I'd only had one interview in my life... although I had got the job, so I had a 100% success rate!".

Now a director at Grant Thornton, Angus sits within the forensic department, and assisted by forensic accountants, works on "claims quantification, calculation, that sort of thing".

Loss adjusting is work that he finds very appealing, citing the practical nature of the job, involving a lot of time out of the office dealing with people in the real world, as a major part of the appeal. He paints a picture of work that is a far cry from the dull monotony of some desk jobs: "the one thing you never are is bored... sometimes you're buzzing, sometimes you're frustrated and tearing your hair out but you're never bored, and I think that's very important in a job. I've never woken up in the morning and thought 'this job is so boring, I don't want to go to work today'".

However, the excitement of the job can also lead to a heavy workload, especially in the wake of a major disaster. He recalls how, after Hurricane Ivan devastated the Cayman Islands in September 2004, he was called out there at 12 hours notice to assist "for a few days". He was there until Christmas, working 3 week stints before flying home to have Sunday with his family, and then flying back out again on the Monday. He recalls the experience as being "a real adrenaline type thing", even if it did place a strain on his family life. On a lighter note, like most in the profession he has some amusing tales to tell from his work out in the field. He recalls with amusement the time he encountered a land drainage system that had been installed in Greenwich. The design used perforated plastic pipes which absorbed the water before carrying it away. "well, to prevent damage in transit, the whole of the pipe was shrink wrapped... and they hadn't taken the shrink wrapping off before they put it in, so they had a complete land drainage system that was impervious to water!".



In addition to his regular work as an adjuster Angus has been involved in Institute work since the late 1970s, starting out in the Chartered Insurance Institute (CII) in Maidstone, where he became President. He then became involved with the CILA in the late 1980s, eventually becoming London and Home Counties Representative on the CILA Council. While acknowledging that it's not the sort of work for everyone, he says it's something he enjoys. "I think you've got to enjoy that sort of work to do it. And I do, I enjoy working with my colleagues on council, working with other people in the profession. I really enjoy working with the ABI, working with people like AIRMIC, on various government committees that we sit on with the flooding and other things, and I just find that really challenging and very exciting work".

One of his major roles in recent years has been rewriting the CILA Charter, a job that has been going on for nearly two and a half years. Whilst doing this he suggested that Council should be abolished and replaced with the President as benign dictator in order to make decision making quicker and easier. "funnily enough that wasn't accepted" he smiles. Asked about the challenges facing the profession, he identifies succession planning as the major issue he will need to focus on as President. "There are still a lot of very, very good technical loss adjusters around... [but] they're more people coming toward the end of their careers than the beginning... and I think insurers are starting to realize that the question is

Continued on Page 10

who is going to be dealing with the really complex major technical claims in 15 or 20 years time?" "We have to identify how we can appeal to people and get new recruits coming into the profession, and give them a good, well rewarding profession."

Outside of adjusting, Angus lists his main interests as cars (both racing and classic cars), music and swimming. "I've always been a petrolhead. Having grown up on a farm, I started on very basic motorbikes, belting round the farm when I was 10, and by 12 I was driving tractors and lorries around the farm... I was also involved in the workshop, stripping them down, rebuilding, so I just grew up around that and had an interest". For many years he was involved in British Championship Kart Racing, taking part in gruelling 3-6 hour endurance races, with his team winning a number of races, including his last. Now that he has "retired", as he puts it, the racing tradition is being carried on by his son Alexander, 11, who has been kart racing for the last two years. Also a classic car enthusiast, he has owned a totally rebuilt E-Type Jaguar and a replica C-Type Jaguar, the car that won the 1953 Le Mans 24 hours race. Spare time however, is at a premium: "as a loss adjuster you tend to not have much time for a lot of outside interests". Fortunately, with a career that he finds both interesting and rewarding, this is not a problem.

Rob Didcock, CILA Web Editor



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OBITUARIES

Maurice Spencer Hempzel

Maurice Spencer Hempzell died on 6th June 2008 at the age of 87. A private family funeral has already taken place but there will be a Memorial Service at St. Mary the Virgin Church, Guilden Morden at 12 noon on Friday 18th July, 2008.

Maurice Spencer Hempzell was born on 20th July 1920 in Peterborough though the family later moved to Luton. Maurice always wanted to be a teacher and he retained an interest in education throughout his life. After one year's teacher training War intervened and Maurice was called up into the Army. He served in the Royal Artillery attaining the rank of Lieutenant. On demob in 1946, a fellow officer Brigadier Krohn, who was a director of Ellis and Buckle Ltd., Fire Loss Adjusters and Surveyors, persuaded Maurice to join the firm and he remained there until his retirement in 1980, becoming a Main Board Director in 1956. He was regarded as the technical expert in many subjects including Business Interruption. Maurice passed the relevant examinations and became a Fellow of the Chartered Insurance Institute and a Fellow of the Chartered Institute of Loss Adjusters.



Maurice devoted much time and effort to the affairs of the CII. He was Joint Examinations Secretary from 1964 to 1975, subsequently Chairman of the Examinations Committee and Vice-President. He was long associated with the Luton and St. Albans Insurance Institute, being President on two occasions. He was a founder member of the Worshipful Company of Insurers.

Maurice was also a stalwart supporter of the CILA. He was Honorary Treasurer from 1974 to 1977. Deputy President 1978-9 and President 1979-80. When George James, the Director, became seriously ill, Maurice stepped in and served as Director for a year or so 1984-85.

In private life Maurice was very much a family man and much involved with his local church: in Hatfield where the family lived for many years and at Guilden Morden.

Maurice married Margaret, a vicar's daughter, in 1952. He leaves her, two sons, two daughters and six grandchildren. We offer our condolences to Margaret and the family.

Lionel Durston Birch Procter: 1918-2008

Born in the North of England and educated at Blackburn Grammar School in Giggleswick in Settle, Leo, as he was known to all, commenced his career with the Alliance Assurance Company in Preston and Manchester.

After serving in the T.A. in WW2, Leo was very soon persuaded to join the well respected firm of adjusters, William Penney & Co. who had offices in Manchester and Bradford. Thereafter, Leo operated in the latter branch of Penney & Co., becoming a partner in that firm and an expert in all aspects of the woollen industries. What Leo did not know about the raw processing of wool and its associated fabrics was not worth knowing! In 1970, his firm merged with the Thomas Howell Group where he became a senior Director, remaining in Bradford until near his retirement when he was invited to take charge of Howell's Plymouth and Exeter offices.

Upon full retirement he moved to Falmouth where he spent his final 24 years with his wife Molly who he leaves alongside their daughter Jennifer and son Richard.

He will be fondly remembered by the many friends he made during his long stint as a highly respected professional.

Where East Meets West

A Report on the World Insurance Forum in Dubai - March 2008

It was an insight to attend the World Insurance Forum in Dubai this Spring. The event, held for the first time outside Bermuda, featured board level attendees from the world's top insurance organisations - primary carriers, re-insurers, and international brokers. Local representation was there in abundance with over 350 attendees. Over 33 countries were represented, with 52 of the world leading insurance speakers commenting on key industry issues with opportunity for debate and discussion both during the event and afterwards.

The key message from the hosts, Dubai Financial Services, was that holding the event in UAE [United Arab Emirates] reflected the rapid progress of the sector in that region to date, and the determination of the hosts to promote the development of the insurance industry across the Middle East.

Whilst the hosts were keen to showcase Dubai as the ideal hub for the international insurance industry, sweltering heat in the venue itself and a distinctly dodgy sound system did little (in the opinion of many attendees) to showcase Dubai as a premier conference site as well as it might have done.

UAE is the largest insurance market in the Middle East, growing by 27 percent in nominal terms in 2006, with total premium volumes reaching \$2.7 billion. In addition, the region's market for Islamic insurance, Takaful, has "experienced unprecedented growth" according to industry leaders and looks set to continue this growth in line with global demand. The global Takaful market is expected to grow by some 15-20 percent per annum to reach \$7.4 billion in annual contributions by 2015.

'Takaful' is principally a form of insurance which has its historical basis somewhat before the coffee houses of London, and well before the formation of Lloyds. It is said to be over 1400 years old, and can be best described as a form of 'cooperative' insurance scheme. It has strongly based ethical principals and is non-profit making.

Whilst based in the Muslim region, it came as some surprise to discover that many non-Muslims also purchase Takaful insurance, and that Takaful insurers are already springing up in the UK. London-based Capita have recently signed a deal for distribution of Takaful insurance, estimated to provide profit of £80m over the next

8 years. Takaful is a topic which will inevitably feature more strongly on the UK agenda in the future, especially as there is also a relevance to claims handling. Major organisations such as HSBC are already rolling out 'Takaful' solutions in the UK.

The agenda of the World Insurance Forum comprised a combination of macro and micro issues. Insurance is one of the true global industries, and key organisations continually think about global issues. Naturally (no pun intended) there was discussion about global warming. Not of course about the causes, but rather about the impact of major weather events on capital adequacy and solvency ratios. Also, the adjusting profession fail sometimes to appreciate that life and pension cover forms a major part of the insurance industry, and there were presentations about life expectancy and more dramatically the impact of global pandemics which also feature highly in the mind of industry strategists.

Micro level discussions covered issues such as regulation and distribution, and the challenges/opportunities arising from global supply chain management.

There were no adjusting firms present, although I'm sure that adjusters have attended this event in the past. Arguably it's difficult to readily make the link between the 'day to day' handling of claims, and what is happening at a macro level within the industry that we all work in. But a link does surely exist. Better understanding of the bigger picture improves how we create a roadmap for the future of the adjusting industry not just in the UK but worldwide.

Tony Boobier, FCILA

WHY NOT JOIN IN THE WEBSITE FORUM ON Defective design exclusion on conservatories

It appears that most domestic policies have defective design exclusions and there appears varied interpretation on the application of the exclusion particularly as conservatories are not normally subject to building regulations approval. Is there other guidance that we should be using which is accepted design for such structures?

Does it have any impact on whether it is the current owner or previous owner that commissioned the erection of the structure? Also does it matter if the conservatory has stood for a certain number of years without any apparent damage?

SUBSIDENCE

Subsidence and the Joint Mitigation Protocol



Tree root liability claims did not feature much until the early 1970's with the introduction of subsidence cover by buildings insurers.

With a drought year in 1976 leading to many properties exhibiting cracks combined with a change in arboricultural practice, particularly by local authority tree officers, meant that previously regularly pollarded trees were allowed to grow to their natural height.

Because buildings insurance was in place, as time passed by people did not tolerate the cracks as they had largely done in the past. In addition the economic value of a property, particularly in London and the South East, made them sensitive to any sign of damage that would reduce its selling price. They now had an insurance policy and therefore made a claim under it, with a consequential increase in tree root liability claims.

These claims can, in drought years, account for a significant number of liability claims made against some Councils. As result of all of these claims there have been several cases which have reached court and decisions have been made that are largely not helpful to local authority tree owners. Some of the leading cases being:

- Solloway v Hampshire CC 1981
- Paterson v Humberside CC 1993
- Delaware Mansions v Westminster City Council 2001
- LE Jones (Insurance Brokers) Ltd v Portsmouth City Council 2002
- Lofthouse-Brigham v LB Ealing 2003

In 2007 there was a report from the London Assembly London's entitled 'The Chainsaw Massacre' This advised that 40,000 London street trees have been felled in the past five years with 5% as a result of subsidence claims.

It also highlighted the need for action from local authorities, landlords, developers and residents to increase the number of street trees as part of the battle against climate change. This is of course in conflict with the mitigation required on a subsidence claim.

One key aspect that was highlighted was the need for Insurance companies and their loss adjusters to provide better quality investigations with nationally recognised guidance to avoid unnecessary subsidence claims.

Well work on this has been happening over the last four years with several groups being brought together by the subsidence forum. www.subsidenceforum.org.uk. The groups involved have included Alarm (The local Authority Risk Managers), The London Tree Officers Association (LTOA), Property Claims Forum and the London Woodland Framework Manager. Views and input have also been sought from engineers, surveyors, chartered loss adjusters, insurance risk managers and arboricultural

consultants.

The Alarm Protocol in 2004 was the first step in collaboration and was designed to assist local authorities in responding quickly to claims and stressed the necessity for the authority to maintain a dialogue with the resident or his/her representatives. It promotes a proactive approach.

The guidelines follow the projected progress of an example claim, detailing all potential issues and covering all possible eventualities in the form of a series of complaint letters and recommended responses. They explain what action the council should take and include examples of the necessary forms to be completed by the arboriculture officer.

The Mayor of London, the Greater London Authority and the Forestry Commission are firmly committed to maintaining and enhancing London's trees and woodland as a vital part of the environment of Greater London. Trees and woodlands are considered an essential part of London's character and identity. It is considered that they help to breathe life into the capital, providing a welcome respite from the hustle and bustle of everyday life. The overall goal of the Framework is to provide a strategic approach to trees and woodlands that delivers the Mayor's vision for London and the relevant Mayoral Strategies within the context of the England Forestry Strategy.

A local authority is deemed to have knowledge, but there has to be a balance between removal and retention albeit with appropriate management. The authorities will know that a house built on shrinkable soil with a tree rooted within the zone of influence, could cause damage to that building. However this does not mean that the mere presence of a Council tree will be the cause of the damage as many factors including defective drainage and other vegetation could be the cause.

The local authorities therefore need to put in place a risk strategy to minimise claims. The latest version of the London Tree Officers Association (LTOA) A Risk Limitation Strategy for Tree Root Claims 3rd Edition - Revised May 2008 recommends that:

- Local authorities instigate a regime of cyclical pruning of council tree stock in areas predisposed to building movement where this is appropriate.
- Local authorities provide dedicated resources for dealing with subsidence generated claims directed at council owned trees.
- Local authorities instigate a regime of selective removal and replacement of street tree stock in areas predisposed to building movement where this is appropriate.
- Local authorities challenge unwarranted claims based on poorly investigated or inaccurate evidence.

Have you got that sinking feeling?

High levels of rainfall, flooding etc. can cause ground subsidence, often in chalk soils by triggering the opening up of dissolution features or in mining areas the opening up of poorly capped shafts.

Solution features that have lain dormant and undetected over many years may suddenly manifest themselves as ground depressions or deep cavities often with disastrous consequences.

The subsidence can occur virtually anywhere from the roadway outside the property or as frequently in driveways, gardens or under existing properties.

Dealing with this deep form of subsidence can be a technically difficult challenge particularly when it happens below an existing property.

Remedial options can involve piling to bypass the problem, however they tend to be highly disruptive and frequently involve construction of a new substructure.

A more positive, less disruptive approach offered by Keller Ground Engineering is provided by the use of compaction or compensation grouting systems to treat the soil insitu and thereby effectively remove the problem.

These specialist forms of grouting are ideal as they create the minimum amount of site disturbance and can be installed from the outside of a property as well as within.

The Compaction Grouting system uses the high pressure injection of a thick grout to compact the loosely in filled dissolution feature or disturbed soil to provide a permanent solution.

Grout injection is highly controlled and flows are limited by the nature of the 'mortar like' grout.

A further advantage of compaction and compensation grouting in particular, is the ability to reverse the settlement that has already occurred to the building, floor slab or roadway.



Case Histories

Whereas most buildings on disused landfills are piled to avoid future settlement problems less concern is given to the surrounding hard standings and garden areas.

Unfortunately these are the very areas that are used for service runs etc., and although covered by household insurance service failures can be expensive and highly disruptive to correct. On a recent case in question up to six houses were affected by excessive settlement to drains driveways etc. Underlain by an old landfill the ground conditions comprised up to 6 metres of very loose ash and rubble fill.

The solution proposed by Keller Ground Engineering was to compact the soils in the external areas insitu using Compaction Grouting to permit the reinstatement of the services on stabilised soil.

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In addition the subsidence Forum has worked with LTOA and members of CILA and the Property Claims Forum to produce a protocol on mitigation. This resulted in changes to the levels of evidence outlined in the risk limitation strategy so that both documents were consistent.

A pilot of the protocol has taken place with some London Authorities over the last two years and the latest version of the Joint Mitigation Protocol (JMP) was launched at the Old Town Hall, Southwark on Friday 16 May 2008.

Some 100 or so attended the launch including tree officers, risk managers and chartered loss adjusters to hear Jim Smith the London Woodland Framework Manager and others give their views on how the protocol will work.

Historically levels of evidence and timescales have not been set. Building Insurers firstly on the balance of probability have to show that local authority trees are causing clay shrinkage subsidence and secondly require local authorities to take action to abate the nuisance.

The protocol seeks to address this by establishing best practice in the processing and investigation of tree root induced building damage, benchmarking time scales for responses and standards of evidence. It has taken three years of negotiation and effort to reach the point of publication.

The principal aims are to speed up the process of claims handling, decision making and mitigation implementation leading to resolution, while at the same time recognising the value of trees in the built environment and providing local authorities with all the investigative evidence required at the beginning of the process.

Certain timescales are outlined, in particular there are 81 calendar days from the time of the first visit to enable the building insurer to collect the stipulated evidence. The level of evidence will vary dependent on the value of the tree which will be calculated using the CAVAT system (Capital Amenity Value for Amenity Trees). CAVAT is designed not only to be a

strategic tool but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms.

A full copy of the procedure is available on the LTOA web site www.ltoa.org.uk. The trees will be categorised as low (less than £5,300), medium (£5,300 to £17,500) and high (greater than £17,500). It is not intended that the value of the tree will be compared with the value of the works but it is a method for the local authority to place a value on the tree for the benefit of the community.

The local authority has 13 weeks from receipt of the evidence to undertake mitigation.

In certain incidences it will be appropriate to undertake tree reduction rather than removal.

There has been some debate as to whether the protocol should extend to recoveries as well as mitigation but it has been agreed with all stakeholders that it relates to mitigation only.

For the pilot to provide meaningful results more councils and insurers are required to take part and early indications are that this will be the case. A list of subscribing parties will be published shortly

A long term objective recognised by the LTOA is for councils to set up a data base of their pre valued trees and provide remote access to those data bases for Insurers and Adjusters. This would allow the Insurers to agree the level of site investigations at the outset of the claim.

The protocol is a significant step towards a new era of co-operation and partnership working between the building Insurers and Local Authorities so that claims will be processed quickly with resident's properties being repaired without unnecessary delay.

As far as recoveries are concerned then it will be the responsibility for individuals to pursue in the normal way or agree that by undertaking the appropriate mitigation then no claim will be pursued. However if a claim is consider with the adoption of the JMP it is hoped that this will speed matters up and reduce the number and cost of those claims that are pursued.

John Parvin, ACILA

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