

## Season's Greetings from The Chartered Institute of Loss Adjusters



Merry Christmas and a Happy New Year from everyone at The Chartered Institute of Loss Adjusters.

The Institute will remain open over the Christmas period this year (apart from bank holidays).



*Celebrating 50 years of our Royal Charter*

### Save the Date

#### Junior Conference 2012

Saturday 28th April 2012  
Prospero House  
241 Borough High Street  
London  
SE1 1GA

#### CILA Annual Luncheon 2012

Friday 12<sup>th</sup> October 2012  
InterContinental Hotel  
One Hamilton Place  
Hyde Park Corner  
London W1J 7QY

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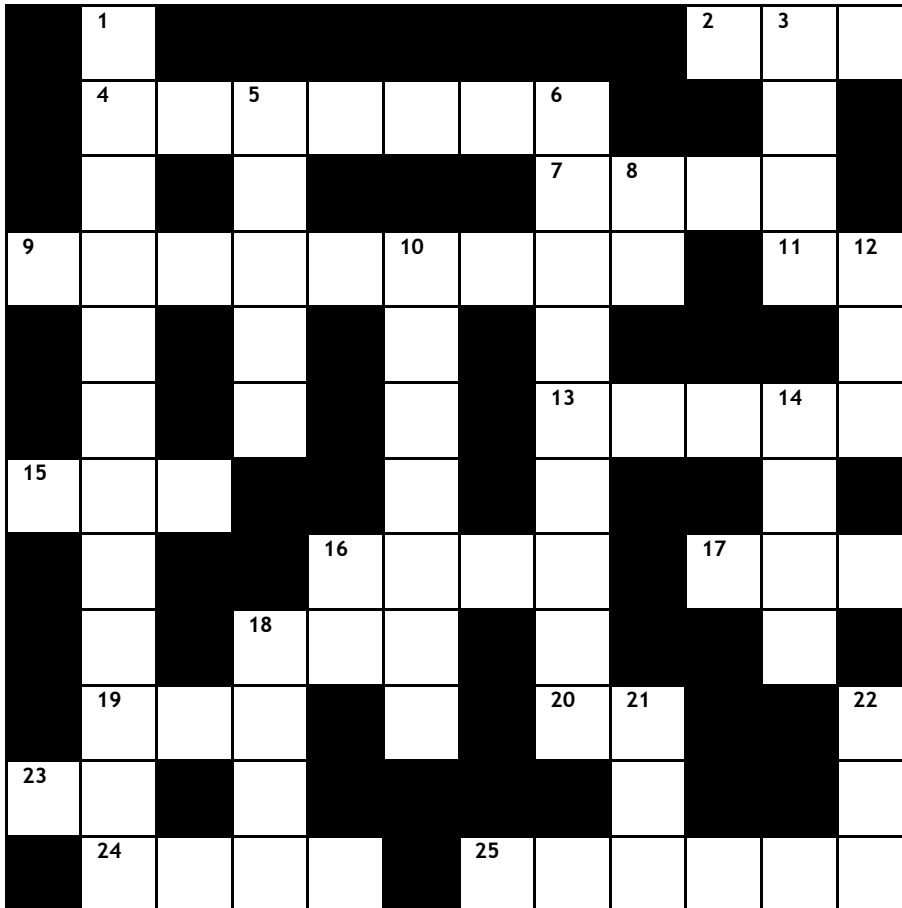
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# CILA CHRISTMAS CROSSWORD



## Across

- 2 Reduce Business Interruption loss by paying this (3)
- 4 Not Imply (7)
- 7 European mountain range (4)
- 9 The closest thing to cause (9)
- 11 First part of the infinitive (2)
- 13 Sphere or domain (5)
- 15 And water don't mix (3)
- 16 Prudent underwriter requires material (4)
- 17 Expensive non ferrous metal (3)
- 18 Statute in three (3)
- 19 FOS outdated (3)
- 20 Abbreviated non retained (2)
- 23 Liability cover without & (2)
- 24 French Christmas (4)
- 25 Former coffee shop (6)

## Down

- 1 Debatable saving under a Business Interruption policy (12)
- 3 Arm in plaster or actors in film (4)
- 5 Numbers improve picture definition (5)
- 6 When property is this it is time to call disaster restoration firm (9)
- 8 The French masculine (2)
- 10 Get this signed to pay another (7)
- 12 Standard unit for the measure of electrical resistance (3)
- 14 Lay for a while (4)
- 16 Santa's Initials
- 18 Seaman but not yet the captain (4)
- 21 "A Start" (3)
- 22 dot dot dot dash dash dash dot dot dot (3)

## Future Focus

The Institute is delighted to announce the formation of a new Institute focus group "Future Focus". Andrew Considine was elected Chairman of the group by attendees of the first meeting. Their objectives included ensuring their younger opinions are voiced to Council. The Institute President has immediately responded by inviting Chairman Andrew Considine to join Council Meetings. Other aims are to ensure younger members' needs are addressed. The group will review the content of the Junior Conference, our promotional film and have their own section on the website.

# STORMS

It was with some joy, it is perhaps sad to say, that my attention was drawn to an article concerning “storm and weather damage” in the Financial Ombudsman Service (FOS) News Number 98 published late November 2011. I could not overlook the opportunity of sharing this early Christmas present.

Unsurprisingly, and maybe reassuringly, the FOS expresses the view that “storm” will generally involve violent winds, usually accompanied by heavy rain, hail or snow. I am sure that J Veale would be delighted that his words from the well used case of *Oddy v Phoenix (1966)* still resonate with insurance professionals some 45 years later.

Interestingly the FOS have used the word “*predominantly*” where others might have used “*proximately*” when discussing the fact that decisions about complaints brought to them concerning “storm” claims usually centre on the following:

- a. What actually constitutes “storm”
- b. Whether the damage was caused by storm; and
- c. Whether damage that occurred *during* a storm was *predominantly* caused by the storm.

## ***Household contents stored in a marquee***

The FOS kindly provided a selection of cases to illustrate various points. The first concerned the use of a marquee to provide a temporary storage facility for household contents whilst internal house redecoration works were taking place. The sales brochure for the marquee stated that the marquee “should be taken down in high winds” and that “leakages” might occur. Despite this the FOS disagreed with the Insurer who had argued that by using such a marquee in the autumn to store £10,000 worth of contents breached the policyholder’s duty to take reasonable steps to prevent loss, damage or

accident. The FOS took the view that by using the marquee the policyholder had taken steps to protect their property and the Policyholder said that they had not expected such poor weather to occur.

However, the FOS was of the view that the Policyholder should have disclosed the change in the risk i.e. moving contents from the relative safety of the house to a temporary structure that might be vulnerable to sudden poor weather. On this basis the FOS did not uphold the complaint.

## ***Violent wind***

In another case the strength of the wind required to constitute storm was brought into question. Remember the FOS states that storm “generally involves *violent* winds”. Insurers said that as there were no reports of wind speeds meeting between 55 - 63 mph (Force 10 on the Beaufort scale) at the time and location, they could not consider the claim under the Storm peril.

The Policyholder argued that, irrespective of the actual speed of the wind, the wind had caused the damage and the claim should be paid either as storm or accidental damage. The FOS decided that the complaint should be upheld and the claim paid. The FOS referred to the fact that localised gusts may well have occurred. Whilst Insurers had pointed to an exclusion for “wear and tear” and “gradual deterioration” the FOS pointed out that these exclusions related to the Accidental Damage peril only. The FOS highlighted that, in their view, the Beaufort scale was not the deciding factor; damage could be caused by wind speeds which are lower than level 10 on the Beaufort scale.

The lesson we could, perhaps, draw from this is that the FOS would require evidence of strong wind but as we know considerable local variation

# STORMS (continued)

may arise and the benefit of the doubt *may* go to the Policyholder.

## *Damage over a period of time*

In one further case a complaint had been taken to the FOS where Insurers had declined a claim for damage which the Policyholders had said was the result of “the recent storm and the wet and stormy weather”. The Insurers appointed a building contractor who identified that new guttering had been installed and roof tiles had been cut back so that the guttering would fit. The roofing specialist was of the view that this had led to the ingress of water and subsequent damage. The claim was turned down. The FOS agreed that the damage was more likely to have occurred gradually over time as a result of the bad weather and perhaps also because of poor workmanship. Additionally the initial claim report from the Policyholders referred to “wet and stormy weather over the past few months”. The FOS did not uphold the claim.

## *Weight of snow and Christmas spirit*

Last winter there were a number of claims relating to the weight of snow on roofs, in this issue the FOS have not commented on these nor on the possibility of damage caused by the weight of Father Christmas on roofs. We will have to wait and see!

**Malcolm Hyde**  
**Executive Director**

## Twitter

Twitter is an online service that enables you to broadcast short messages to your friends or “followers.” It also lets you specify which Twitter users you want to follow so you can read their messages in one place.

Twitter is useful to the Institute and its members because it can help us to communicate quickly relevant information, such as announcing upcoming events, new material on the website and informing of deadlines or other important information. It provides a quicker and more streamlined way of keeping members up-to-date than the traditional route of sending out a large number of emails, which can be onerous to read.

You can see some of our tweets below, and sign up by clicking the button at the bottom of the page.



**The CILA** CILA

Take a look at the FSP site and the great career of Loss Adjusting. Includes a video starring our President @deltasimon [directions.org.uk/profiles/loss-...](https://directions.org.uk/profiles/loss-...)

1 hour ago



**The CILA** CILA

We are delighted that 100 of our Cert Level papers have already been passed a growing success [#rewardingsuccess](#) [#certcila](#) [#professionalism](#)

14 Dec



**The CILA** CILA

Congratulations Andrew Considine elected Chair of CILA young members forum [#thefuture](#)

7 Dec



**The CILA** CILA

Cert, Associate and ACS training seminar for CILA members in Belfast next Thursday contact Warwick House for details [www.cila.co.uk](http://www.cila.co.uk)

5 Dec

FOLLOW US ON 

# INTERVIEW - CANDY HOLLAND

For our latest interview we spoke to Candy Holland, who is a CILA Council Member and sits on the Examinations and Media & Web Committees.

**Who has been your mentor and what is the best advice & guidance they have offered you?**

I haven't really had a single mentor but have taken good counsel from various people throughout my career. The best advice has been to:

- be my own person
- look after my clients
- abide by the highest standards of integrity and professionalism
- not forget the importance of maintaining relationships with peers and clients (this is particularly important when day to day life is so hectic and it can be a matter of 'out of sight, out of mind') as you never know when you may need those relationships for a whole range of reasons
- recognise that managing senior people in your organisation is vital and not to be ignored or overlooked!

**Who do you most admire in the business/insurance world and why?**

Richard Branson. Behind his deceptively quiet and reserved exterior (and woolly jumpers!) lies a man with amazing creativity, passion, determination, tenacity and entrepreneurial spirit. These are all qualities I admire and wish I had more of! When he started his airline, no one believed it would work and look at it now! I wonder what the impact would be if he were to enter loss adjusting.....

**What do you remember about your first job/first claim in insurance?**

Like almost everyone I know who works in insurance, I didn't set out to join the industry! My first job was with a major international broker in their provincial office where I spent the first 6 months being office bound and mainly completing an incomprehensible range of paper forms without knowing remotely why or what they were for! I decided to leave before I died of boredom but things then turned around dramatically when I was transferred to London and started claims broking in Lloyd's. It was a fabulous experience and I loved every minute of the 4 years I worked there. It had a tremendous buzz about the place and was a very sociable work environment - my role involved broking international claims to the claims underwriters at Lloyd's. Sometimes I would see up to 10 or 15 underwriters a day and there were some really quirky characters I had to deal with! Some had reputations for



being extremely difficult - others were very charming - no different to the people we deal with today, I suppose. In those days, claims broking was often perceived as a stepping stone to the more prestigious placing broking so many of the claims brokers didn't really understand the claims they had to deal with. They paid the price when broking to the more demanding underwriters who quickly sussed out their ignorance and frequently told them to "go away and come back when you have bothered to read the file"!

I loved the variety, autonomy and sociability of the job. Furthermore I was in an enviable position as a woman in Lloyd's - at that time (late 1970s) there were only a handful of us and I quickly became known by the underwriters I met and developed good relationships with them, which definitely helped get my claims settled! Some of those relationships I still have today. I only left when loss adjusting called and I certainly have extremely fond memories of my days at Lloyd's!

**What was the first career that you thought about and do you regret not pursuing that route?**

Well, from an early age I wanted to be an international ice skater and competed quite well in my early teens! But when the real world beckoned and I obtained my degree in History of Art, I decided I wanted to work in the art world and be an exhibition organiser. But I found myself in insurance instead! Art history is still a major passion and hobby for me and perhaps it's best that way as it's a very difficult employment environment.

# INTERVIEW - CANDY HOLLAND

## How did you originally get into adjusting?

As a broker I always thought that loss adjusting seemed really interesting and rather glamorous! One day when broking a claim to RJ Wallace syndicate (now evolved into QBE after various iterations!) I mentioned this and to my surprise (and pleasure) the underwriter said "I know one of the Thomas Howell Selfe directors pretty well. Would you like me to introduce you to him?" And so he did and so I was interviewed and got my first job in adjusting. I worked for Thomas Howell Selfe in Watford and was the first female adjuster ever to be employed by THS!

## What is your best business decision/worst business decision?

I have recruited many very good people over the years but made one terrible appointment where the person turned out to be very unsuitable for the role. The person involved damaged several good relationships that had taken time to establish. It took time and effort to persuade the person to resign. I strongly believe that having the right people in place in the right roles is definitely one of the most important keys to success.

## What do you do to relax?

Go to the coast. Just the sound and look of the sea does it for me! That's why I'd like to run a cafe by the sea.

## What would you say to a school leaver/graduate wanting to join the profession?

If you would like an enjoyable, varied and rewarding job where no two days or weeks are exactly the same, which involves working in a team, the opportunity to meet a wide range of interesting people in different sectors and walks of life and where you can obtain a respected professional qualification - then loss adjusting is for you!

## Sign up for a SIG

We are committed to a drive to increase the number of members signed up to at least one of our Special Interest Groups (SIGs).

There are eleven different SIGs to choose from and there is something for everyone.

Joining a SIG simply means that you will be kept up to date with technical matters in the area in which you work. You can join as many SIGs as you wish and an ever increasing number of members are signing up. So join a

## Which of the following do you prefer:

### Cats or dogs?

Cats as they are lower maintenance! I have a 13 year old named George who thinks he's human and behaves more like a dog!

### Coke or Pepsi?

Pepsi (light, of course)

### PC or Mac?

Mac every time, it's a no brainer, their graphics are amazing

### Tea or coffee?

I have to have Earl Grey tea first thing in the morning, then it's coffee until 2pm - after that it's Earl Grey for the rest of the day!

### Beat-up ugly car that runs like a dream, or beautiful dream car that breaks down every other day?

I am totally hopeless with anything mechanical or practical - and very impatient when things go wrong - so it would have to be the car that runs like a dream!

### What are your pet hates?

Any form of injustice, form filling and being late.

### And your loves?

My very good friends who I would be lost without!

### And finally, what is your biggest challenge?

Managing my time effectively and not being late!

Interview by Rob Didcock, CILA Web Editor

SIG today and broaden your knowledge, and should you wish you can attend SIG events where you will gain valuable CPD points.

Joining a SIG is FREE and can be done very easily by following this link:

<http://www.cila.co.uk/node/1768>

# OBITUARY - John Durbin

John Durbin, President of the Institute in 1982, died on the 22<sup>nd</sup> November aged 81 after a long illness.

John was born in London and started work with Legal & General. He quickly realised that claims was the place to be and that loss adjusting was far more interesting than shuffling claim forms around a desk. So it was that he went to McLaren Dick & Co in Leicester as a trainee. After a spell at Thomas Howell in London he moved to Leeds to join Jack Fletcher and John Pollard, also former McLarens men, who had recently gone into partnership in a new practice. He duly became a partner and quickly gained a reputation for technical excellence and especially for the speed of his response, for his inviolate rule was to clear his desk each and every day. The firm of Fletcher & Co expanded rapidly, in no small part as a result of John's exemplary service and his formidable capacity for work.

On Jack Fletcher's retirement John became Senior Partner, and was instrumental in the sale of the business to Robins Davies & Little, later GAB Robins, where he joined the main board. He retired in 1988.

John gave years of service to the Institute, as Area Representative for the North Eastern Area before his election to the Presidency.

He also served the Insurance Institute of Leeds in various capacities, culminating with the Presidency in 1978.

## Forthcoming SIG Events

Liability SIG - The Animals Act (1971) and Tree root related subsidence

London	26 January 2012
Leeds	19 March 2012
Birmingham	23 April 2012
Bristol	21 May 2012
Glasgow	Date TBC

High Net Worth & Specie SIG - Practical Subrogation issues – avoiding Lord Napier and recovering the 'right amount'

Wednesday, 8th February, 2012

RPC, Tower Bridge House, St. Katharine's Way, London, E1W 1AA



He leaves his wife of 55 years, Teresa, his son Peter and two grandchildren. His funeral took place on December 5<sup>th</sup> at St. Joseph's Catholic Church, Wetherby, attended by many of his former colleagues from far and wide.

## London Junior Conference

Saturday 28 April 2012

The Institute will be holding a one day conference next year for junior members. This will be motivating, dynamic, engaging and will cover subjects such as: water damage, Principles of Insurance and BI. We will have lawyer, a Chartered Surveyor and other experts to guide you. This is highly recommended for those embarking on Certificate or Associate level examinations and all other non qualified members. Please see the website to register in January.

# Special thanks to all our sponsors

