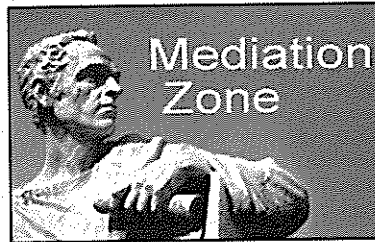


Welcome to the Mediation Zone



Marishal Thompson's Mediation Zone has been specifically designed to allow negotiation, mediation and ADR in relation to clay shrinkage subsidence claims between household insurers and Local Authorities.

The Courts are increasingly expecting parties to have attempted some sort of negotiation in subsidence matters prior to undertaking expensive and time consuming litigation. The Mediation Zone provides both parties with a forum on which to complete mediation, on a without prejudice basis if necessary, where early disclosure is simple and all discussions and comments from parties are permanently recorded.

## SUBSIDENCE DRY RUN

Technical development and process innovation is vital in order to analyse and halt subsidence. John Parvin looks at the Subsidence Forum.

Innovation is a commonly used word, so presumably we all know what it means. But do we? What images does it conjure up? This varies from person to person, depending on their background, line of work and role.

In subsidence there has been a tendency to connect it with new technology.

Certainly technical development is an important ingredient, but it's only part of the overall picture. Innovation is all about coming up with ideas and then harnessing them productively. This might involve a new piece of technical kit, but it might equally involve a process improvement, a better way of communicating or maybe a new strategic concept. There is really no limit.

A key area that affects the industry is that during hot dry summers the number of new notifications continue to rise as a result of the influence of trees. Very often the recommendation is to remove the trees to prevent the subsidence, but this needs to be balanced to maintain the trees for amenity value.

Over the past two years the Subsidence Forum has worked with the Property Claims Forum (PCF), which represents a large group of building insurers, and the ALARM special interest group (the Tree Forum) to produce a *Joint Mitigation Protocol* for dealing with tree root claims, approved by both bod-

ies. The Tree Forum includes local authority arboriculturalists, insurance officers and risk managers, local authority insurers, loss adjusters, as well as independent engineering and arboricultural expertise.

Essentially, the *Joint Mitigation Protocol* sets out a relatively basic framework and timescale for progressing and settling claims for tree root subsidence, including guidance as to the level of evidence that the building insurer might be expected to provide to the local authority on any claim.

The aim is to minimise the time and cost of settling tree root claims. To assist this the Forum encourages early exchange of information, to allow each party to consider the evidence and information within certain timescales, and undertake appropriate mitigation.

The *Protocol* is being trialled by three London boroughs – Southwark, Barnet and Islington – to see how it works in practice. If necessary, amendments can be made as teething problems emerge. If these trials are successful, then the aim will be to invite other local authorities to participate so that the *Protocol* becomes applied generally.

To compliment the *Protocol*, consultant Marishal Thomson, which specialises in ecological risk and asset management, has developed a web-based application called the Mediation Zone. This provides real-

time access for a local authority or its insurers to consider all the evidence and then creates a communication channel.

But what can contractors offer by way of innovation? Historically the companies engaged in underpinning and other forms of structural repair have been innovative in terms of method, process and in the development of specialist plant and equipment. This has generally been driven by the commercial needs of contractors and the requirement to maximise profitability.

Customers – the insurance companies – are always interested in innovation because that has largely been the method by which some of the costs associated with underpinning are reduced. This can apply to on-site methods as well as management processes.

Recently different drivers have appeared that are not motivated by maximising of profit or the desire to reduce costs, although, indirectly, one or other or both can be achieved as a by-product. Safety and the environment have become synonymous with today's innovation agendas.

Underpinning is an inherently dangerous and sometimes environmentally unfriendly activity. This has been recognized by the Association of Specialist Underpinning Contractors (ASUC), and many contractors within it, and it is doing something about it.

First and foremost the ASUC plus contractors are taking greater heed of the potential risks and attempting wherever possible to design them out. However, does this involve innovation? Indeed it does, either by developing brand new systems or doing something differently on a project-specific basis.

Risks they are considering include excavation collapses, slip trips and falls in restricted access working, fumes and gases in confined spaces, and injury to hands, feet and limbs from working with potentially dangerous equipment as well as vibration white finger from hand arm vibration (HAVS).

One example of innovative thinking is the move towards robotic breaking of concrete or masonry, or the remote drilling of hard material rather than the use of handheld pneumatic tools to reduce susceptibility to HAVS.

Another form of innovation is the contractor-designed use of drilled mini-piling methods to stabilize foundations, rather than the use of labour-intensive and potentially hazardous large-scale excavations.

Innovation is not just about technical research, although reviewing and reporting on technology, and research and development will obviously form a major part of the Subsidence Forum's group activity.

More importantly innovation is about the people who are involved in the day-to-day workings of an industry that manages over 50,000 claims per annum worth up to £450M.

Innovation touches every aspect of the claims process and brings with it changes that can have a direct impact on people's day-to-day working lives.

It is important to understand what drives change and what our people face in adapting and managing change.

*John Parvin is subsidence claims manager at Zurich Insurance.*