

**TABLE 1**  
**Arboriculturists**

**SESSION 1**

**Priorities**

Early decision on mitigation  
Appropriate evidence (6 weeks monitoring)  
Consistent requirements for evidence  
Communication  
Full mitigation

**Barriers**

Technical competence  
  
Lack of ownership  
  
Failure to provide technical evidence  
  
Entrenchment  
  
Excuses eg drains

**SESSION 2**

**Knowledge /skills required**

Awareness of LA policies & procedures  
  
Further research into the efficacy of pruning  
  
Wishful thinking - prediction model for subsidence

**Knowledge/skills to offer**

Giles Biddle's book at reduced rate!  
  
Arb Assoc offer subsidence training & TCPA & other disciplines offer training  
  
Desirable - FREE training - eg Subs Forum event at Islington

**MIXED TABLE 1**

**SESSION 3**

**Mitigation protocols**

**Benefits**

Consistency of evidence and information  
Acknowledged timescales

**Barriers**

Lack of understanding of external pressure  
Early admittance of liability

**Recovery protocols  
Benefits**

Agreed settlement rate

**Barriers**

Case by case basis - too general

**Needed/wanted?**

We need something to work to to achieve a resolution

**SESSION 4  
Peer referral**

**Advantages/worthwhile?**

On balance the table considered that there were other bodies to provide this function.

It may be possible for the Subs Forum to 'peer review' general opinion on matters pertaining to tree driven subsidence which may provide information papers

for access to members/ all.

Such review maybe via group meetings or an appointed panel

**Disadvantages**

**How would it work?**

**TABLE 2**  
**Engineers**

Prompt mitigation- agreement on scope & timing  
Good engineering response from LA at early stage  
Adequate financial return  
Satisfactory engineering outcome (non recurrence)  
Prefer tree removal for engineering certainty

LA delays mitigation, no one person takes responsibility  
Tick box approach focuses on elements of evidence rather than whole picture

Lack of clarity with engineers analysis  
Delays in appointment of engineering expert by LA to liaise with insurer's engineer

No rules for timing of LA response

More knowledge of trees influence on subsoil & effects of mitigation

More legal knowledge to understand how to present evidence

Keeping abreast of innovation & embracing change

Offer to provide LA with engineering understanding of geotechnical/diagnostic evidence

Offer to provide Insurers with training to assist with avoiding fee structure that drives 'inappropriate' investigation

**MIXED TABLE 2**

Clarity of process  
Consistency

Fixed/improved response time  
Less adversarial  
Facilitates management of all expectations  
Improved communication  
Can inform LA tree strategy

No 'one size fits all' solution  
Potential to be inflexible  
Inconsistent application  
Scope for interpretation  
Political entrenchment re signing up to protocol

Cost control  
Lifecycle control  
Avoid solicitor involvement/litigation  
Improved communication

Uninsured losses

Extent of uptake  
LA insurer control  
Agreeing level of evidence for successful recovery  
Mechanism for agreeing quantum  
Vested interest in present process

Yes to both

Shared expertise  
Credible  
Internal or external peer review? Site visit  
Avoid legal costs

It if works - yes worthwhile but needs to be credible

Only balance of probability

Who is liable if wrong decision made by peer review?

Cost - who pays?

Points of referral

Possible time delay

Depends on who pays

Consider internal peer review

One size does not fit all

### **TABLE 3**

#### **Insurers**

What is appropriate solution - customer, cost, social responsibility

Cost effective

Timely resolution of complete claim

Build relationship with LA

Meet customer expectations - whole experience

Communication with correct person

Misalignment of priorities ie local interest groups, planning etc

Multi cause defence - expectation of evidence, drain test, site investigations

Corporate diversity/complexity - different departments, insurance, tree officer etc

Legacy issues - historic approach, partial mitigation, defence approach

What protocols do LA's use ie database?

Who does what?

Greater understanding of different routes to recovery/mitigation

Explain claims, mitigation, recovery, process ie use of solicitors

Facilitate technical training as appropriate - ie why all evidence not always available, benefits of early mitigation

Fact sheet about claims - % repudiations etc

#### **MIXED TABLE 3**

Clearly defined evidential levels & timings for all to follow

Too restrictive because no recovery aspect

Keeping legal costs to a minimum (set fee scale?)

Speed up process

If set %age of recovery insurer may still feel they could get better through courts

If LA insisted on recovery free band then insurer may not sign up

Claim specific sensitive

If possible seems sensible. Majority would like joint but perhaps interlinked separate parts.

Could assist in decision making process

Sharing knowledge & expertise

Who would provide advice? Who would pay?

Is it binding/is there liability?

Confidentiality

Would conflicting advice prejudice recovery?

Online forum? - Subs forum promotion & seminars?

Online lists of interested parties willing to help?

Volunteers via the Subs Forum from each fields of expertise

Possible rota for individuals giving a set amount of time

#### **TABLE 4**

##### **Tree officers**

Keeping good 'valued' trees  
Obtaining accurate & sufficient information  
Controlling costs to LA  
Speed of resolution  
Upholding transparency policy, accountability

Lack of timely information - drip fed  
Entrenched position on all sides - no allowance of  
pruning/automatic no felling on LA side

Public pressure from both sides

Early unnecessary involvement of solicitors  
Pressure from MPs & Councillors where policy isn't clearly  
defined

Greater understanding of all the causes & effects of all OTHER  
causes of building movement  
Greater understanding of all the tests involved & their  
limitations

Day out shadowing loss adjuster  
Close working with insurance/finance departments to have  
realistic view of costs

Explain CAVAT valuation

Explain LA tree officers position - bigger picture of our  
landscape long term

Offer day out with LA tree officer

##### **MIXED TABLE 4**

Getting evidence early  
Reduce settlement time

Appropriate monitoring = level monitoring  
Less adversarial

JMP based on tree value  
Wet summers - low uptake  
Evidential levels can be inflexible  
Sceptical parties on both sides  
Who has authority to sign?

Standardise the presentation of evidence  
Reduce overall cost

prejudice liability to defend

Yes - pre action protocol. Concern will it require a higher  
standard of proof then required at law

Speed  
Impartiality  
Expert review  
Save costs  
Worthwhile? 50% yes but local arrangement, 50% yes  
national

Binding or not?

Writing it?

Choice of 'expert'

Must be joint site visit (insurer & LA rep) before peer referral  
(may well avoid need for peer review)

Simple standardised instructionform that can be bespoke

Fee split 50/50? Or loser pays?

Expert in that field

## **TABLE 5**

### **Risk & Insurance officers**

Establishing causation/liability - cost implications

Improving relationships - internal & external

Lifecycle of claim

Managing reputational risks

Strategy - reduce cost of risk

Solicitors - unnecessary instruction & conduct

Evidence in a timely fashion - poor evidence

Communication - internal & external/Lack of insurers flexibility

Reputational risks

Lack of budget

Interpreting technical information (links with having sufficient information in entirety)

Industry defined applicable investigation/evidence

Understanding of insurers processes eg appointment of solicitors in terms of added value

Knowledge of case law

Keeping up to date with industry development & technical innovation

Share information on processes

Communicate more with tree officers at significant points in claim

### **MIXED TABLE 5**

Consistency

Save time

Appropriate evidence

Reduction in cost - if less adversarial approach

Difficulty agreeing detail

Needs flexibility

Should not drive focus on detail of evidence

Only works if leads to mitigation action

Difficulty agreeing levels of tree management

Need to drive timescales rather than detailed evidential requirements

Importance of tree should determine what is done with the tree not what evidence is needed

If have mitigation protocol need concurrent recovery protocol

Reduce litigation

Reduce arguments/disputes

Reduce lifecycle

Help promote use of JMP etc

Could be cheap

Difficult to find right people (can't represent both sides)

Need confidence in peers

Lack of experts etc - need both parties to agree to it

Are there enough cases to justify peer review?

Who pays?

Lack of trust

LA s, insurers, adjusters

Group of individuals in a 'peer pool' to form a 'peer panel' to deal with disputes. Could be regional.

Mediator?

**TABLE 6****Loss adjusters**

Prompt & appropriate mitigation

Prompt & appropriate repair

Maximise recovery of costs

Professional standards

Homeowner satisfaction

Unreasonable evidential requirements

Slow communication

Poor appreciation of evidence

Timing & mitigation - cost control

Politics within LA

Understanding of LA processes - eg evidence they require to manage public perception

Strategic direction of LA future tree management

Presentation of data in a standard format

Technical training - interpretation of site investigation results

Basic MI eg to show how prompt mitigation reduces costs & number of LA tree claims

Case surgeries

**MIXED TABLE 6**

Sets timescales

Sets level of evidence

Transparent

No recovery protocol

Political will

Sets framework

Reduced solicitor involvement

Reduced cost

Agreeing framework

Mitigation protocol - yes. Joint M&R protocol? Recovery protocol insurance concerns errr....on evidential level, not legally binding, arguments about quantum

Avoid conflict

Reduce costs

Reduce claim duration

Common sense

Binding - enforcement - agreement

Cost of peer group

Buy in

Composition of panel

Overuse

Worth exploring

Different skills panel?

Pre-referral meeting?

Time limits - referrals & decision

Monetary value?

ABI, mixed panel?

**TABLE 7**  
**Solicitors**

Mitigation - best solution for insurer, policyholder, LA  
Recovery - best reasonable outcome  
Managing policyholder expectation  
Lifecycle of claim  
Minimising cost

Adequacy of evidence - legal

Expectation of evidence by LA

Communication between parties

Lack of knowledge/understanding - all parties

LA restrictions on authority & funding

A better understanding of the technical evidence

A better understanding of the repair options

A better understanding of LA workings/processes

Training re. Legal aspects - causation (onus/standard of proof), foreseeability, measure of recoverable quantum, injunctions, case updates/interpretation

**MIXED TABLE 7**

Consistency  
Agreed framework

Decisions within a set time  
Reduces cost  
All parties know where they stand

One size fits all not always appropriate  
Lack of teeth with mutual protocol  
Poor sign up to protocol

Reduces overall costs  
Legal costs kept to minimum  
Minimise number of legal recovery

Actually agree on evidence required

Sign up to recovery protocol  
Enforceable

Needed - single protocol to cover mitigation & recovery.  
Wanted - Yes to avoid confrontation with layered or matrix  
approach

Saving of fees  
Avoids solicitors costs/litigation  
Can be applied to mitigation

Authority to make decision?

Not needed if protocols are in place

No added value

Via a panel of people

Issues about who would do it - have to be independent

Would be binding