

# THE IMPORTANCE OF **Mental Health** and Well-being



How the mental health of professionals and others is affected by involvement in the process of land taking in the UK

**BY MEYRIC LEWIS KC** *on behalf of the UK Compulsory Purchase Association (CPA)*

*Meyric spoke on the issues arising at the 70th Annual International Education Conference in Long Beach in June earlier this year. This article is based on research that was presented by CPA Chair David Holland at CPA's annual conference in July 2022.*

One in four people in the U.K. will have experienced a mental health issue at some point in their lives. While mental health problems are common, most are mild, tend to be short-term and can be successfully treated by a healthcare professional. Mental health is about how we think, feel and behave. Anxiety and depression are the most prevalent mental health issues. They are often a reaction to a difficult life event, such as bereavement, but can also be caused by work-related issues.

Work-related stress can also aggravate preexisting conditions, and problems at work can bring on symptoms or make their effects worse.

According to the U.K. Health and Safety Executive (HSE), the U.K. has one of the lowest rates of fatal and nonfatal work-related injuries across Europe. But the picture isn't the same for work-related health and current trends show that poor health is increasing. This affects all sectors of employment.

The HSE defines stress as "the adverse reaction people have to excessive pressures or other types of demand placed on them."



### The U.K. “Compulsory Purchase” Profession

The often-stressful work we do in our professional lives, whether we call what we do right of way, compulsory purchase or expropriation, also affects the people whose properties we may wish to acquire in bringing public projects to fruition. As Colin Smith of CBRE U.K. (and former chair of the CPA) has memorably said, “When you are taking someone’s property, you are messing with their lives.”

Against this background, there has been a growing concern amongst compulsory purchase professionals in the U.K. about the direct impact that the threat, use and implementation of land-taking powers can have on the health and well-being of affected parties. As a result, the CPA set up an Affected Parties Working Group, a cross-professional group focused on considering the impact of compulsory purchase on those affected to consider suitable recommendations for reforms and best practice for practitioners.

Their first step was to undertake comprehensive survey of CPA and other professional member organizations to gain a deeper insight. This was the first time such a survey focused exclusively on assessing health and wellbeing outcomes in relation to the compulsory purchase process has been conducted in the U.K.

### The CPA Survey on Health and Well-being — Key Statistics

The survey was open from March to May 2022. The survey was sent to all CPA members and circulated by other member organizations, including the Royal Institution of Chartered Surveyors, Planning and Environment Bar Association, National Infrastructure Planning Association and the Central Association of Agricultural Valuers.





A total of 124 people completed the survey. The overwhelming majority of responses were submitted by surveyors (76.19%).

Respondents were split fairly evenly:

- 42.86% employed by the acquiring authority (the body or organisation exercising land-taking powers)
- 31.97% employed by claimants/landowners
- 26.53% employed by both equally.

## Summary of Responses

When claimants were asked whether they suffer high levels of anxiety and stress during a compulsory purchase order (CPO) process, 60.69% strongly agree; 36.55% tended to agree; and 2.76% tended to disagree.

Participants were then asked what principal contributors added to a claimant's anxiety or stress. The following is a summary of the responses received:

- **Uncertainty in the process** — in relation to the scheme timetable, quantum of compensation and why the taking is required.
- **Inconsistency in implementation of compulsory purchase proposals** (i.e., statutory order made with formal procedures for objection before final confirmation) — too many approval stages created long winded processes and a lack of compassion. Complex matrix organizations can lead to a claimant dealing with lots different people.
- **Quality of advice** — poor advice from agents who are often insufficiently experienced and do not properly outline the process.

- **Lack of control** — feeling of loss of control and powerlessness by the claimants.
- **Confidence in the system** — lack of information and approach of surveyors and a lack of trust. Lack of confidence in the compensation system.
- **Lack of communication** — delay in settling compensation claims, timescales generally and uncertainty created, too much of a “money” focus as the only way of settling loss.
- **Lack of empathy with claimants' situation** — acquiring authority agents who do not fully understand the impact and specialise in compulsory purchase without having a rounded knowledge of rural industry.
- **Adversarial approach** — unreasonable and irrational approaches to negotiations by either party. Discussions and negotiations between surveyors are often unnecessarily adversarial. The hostile approach taken by many in the industry undoubtedly contributes to the difficulty in attracting and retaining talent in the compulsory purchase industry.
- **Claimant expectations** — managing clients' stress levels and managing their expectations. When stress arises, it is invariably caused by ill-informed and/or poorly advised claimants who have usually been given unrealistic expectations.
- **Limited dispute resolution options** — having no recourse other than the Upper Tribunal (the specialist U.K. court for resolving land compensation disputes) — acquirers using the Tribunal as a negotiating tactic knowing claimants can't afford it.





The survey also asked whether there were any other contributors that added to their anxiety or stress:

- **Challenges of delivering clear advice to claimants** — residential, small business and farming businesses cannot cope with lack of detailed information on basic points such as access, services, timing, which can be crippling.
- **Claimant behaviour** — claimants asking the same questions in a different format to try to find fault. Experiences of threatening behaviour towards acquiring authority advisers due to stress.
- **Uncertainty with process and timescales** — the lack of certain timescale in most CPOs where you can be certain that the program provided at the outset will not be delivered. Everyone involved in the project is frustrated by the delays.
- **Clarity of instructions** — changing or late instructions by acquiring authorities can lead to mixed messages for claimants. Acquiring authorities often have limited control over their contractors which can significantly exacerbate issues.

The survey also asked participants if they saw any positive aspects of the compulsory purchase/compensation assessment regime.

- **Public benefits** — the most positive aspect is that significant public benefits can be delivered whilst compensating claimants fairly.
- **Proactive engagement** — "I acted on behalf of a private acquiring authority in the past who were much more proactive and informative in helping/working with claimants"
- **Quality of practitioners** — the majority of surveyors are very knowledgeable and experienced. Legal support from either in-house resources, external legal companies and barristers is usually of a high quality.
- **Effective communication** — positive outcomes have been achieved when there is good communication and plans available from the acquiring authority and their agents.

Lastly, the survey asked participants what changes they'd like to see in the process, with the specific goal of reducing levels of anxiety experienced by claimants and others.

- **Improved training** — for both claimant and acquiring authority, there should be advisers to better understand the CPO process and best practice, including mental health issues.
- **Claimant engagement strategies** — require acquiring authorities to produce a strategy with their compulsory purchase order to engage with owners and occupiers and to present positive protections for those being displaced. Introduce a protocol for acquiring authorities at an early stage to give periodic reports to potentially affected parties.
- **Minimum compensation commitments** — government guidance should encourage acquiring authorities to provide minimum compensation commitments.
- **Better public information on compulsory purchase orders and procedures** — clearer public information about the process available to claimants, possibly on gov.uk or RICS website.
- **Regulation** — introduction of an overarching Compulsory Purchase Regulator.

## Conclusion

The importance of wellbeing and the impact of stress caused by working in and impacting on members of the public is something which professionals involved in land acquisition should always have firmly in mind. The CPA has drawn on the lessons learned from the survey work to understand and address the pressures on professionals and those affected by the work we are engaged in with the ultimate objective of establishing and maintaining principles of good practice in the profession for the benefit of all concerned. 🌟



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