

How to Respond to a Claim



Bord Measúnaithe
Diobháilacha Pearsanta
Personal Injuries
Assessment Board

The Personal Injuries Assessment Board (PIAB), is an independent statutory body, established in 2004 with the following aims:

- to assess how much compensation is due to an injured party;
- to reduce costs and fees involved in the administration of personal injury claims, and
- to reduce the amount of time it takes to finalise a claim for compensation.

We operate a non-adversarial model and are independent of all parties. PIAB awards the same level of compensation as the Courts but within a faster timeframe and without associated litigation costs. These costs are a major factor in the cost of insurance premiums.

Under the Personal Injuries Assessment Board Act 2003 anyone seeking compensation for a personal injury must apply to PIAB. If someone makes a claim against you, the information contained in this leaflet outlines our process and your role, from responding to a claim, to agreeing and accepting the assessment.



What is a Respondent?

A Respondent is the term we use to describe the person or entity against whom a claim is made.



What happens if someone makes a claim against me? (the Respondent)

If we receive a completed Application from a Claimant initiating a claim against you, we will write to you with details of this claim. This correspondence is referred to as a Formal Notice.

We recommend that you advise your Insurance Company of this claim immediately. If your insurance company have agreed to handle the claim they will deal with us on your behalf.



What happens next?

You, or your insurance company, have 90 days from the date of the Formal Notice to confirm in writing to PIAB whether or not you consent to us assessing the claim. It is very important that you tell us your decision in writing.

- If you consent to the assessment of the claim you must advise us in writing within the **90 days**. On consenting to the assessment of the claim a statutory fee for dealing with the Claimant's Application is payable. If you have passed the claim to your insurance company, and they have agreed to handle the claim on your behalf, they will pay this fee.
- If however you do not consent to a PIAB assessment, you must advise us in writing **within 90 days**. We will then issue the Claimant with an Authorisation which allows them pursue their claim through the Court system if they so wish. In that case you do not pay the fee.
- If we do not receive a reply in writing within the **90 days**, you will be deemed by default to have consented to the assessment of the claim and become liable for payment of the statutory fee for dealing with the Claimant's Application.
- Where you consent to the assessment of the claim we will assess the amount of compensation due to the Claimant, and will formally notify you (or your insurer) and the Claimant of the assessment.



How is an assessment made?

PIAB assesses Damages on the same basis and by reference to the same principles as Damages measured by the Courts. We base our assessment on the medical report(s) submitted by the Claimant's treating doctor and the report(s) of the independent medical examiner(s), when sought by PIAB, having regard to the Book of Quantum.



Evaluation of medical information

When the Claimant submits an application they must also provide a copy of their treating doctor's medical assessment form (Form B) in relation to the injury sustained. A copy of this medical assessment form is sent to you, the Respondent, with the Formal Notice.

When necessary, we arrange an independent medical examination for the Claimant, the cost of which is borne by the Respondent, or their insurance company.

We then assess the claim based on the medical evidence provided and having regard to the Book of Quantum.

Normally an assessment comprises General Damages and Special Damages.



What are General Damages?

General Damages cover compensation for pain and suffering resulting from injuries which were sustained by the Claimant in the accident. The Book of Quantum (available on our website www.piab.ie) will provide you with a guide to the Damages a Claimant may receive.



What are Special Damages?

Special Damages cover areas such as loss of earnings, medical expenses, out of pocket expenses and vehicle damage costs. In serious cases there may also be future loss of earnings, future expenses, etc.



What is the Book of Quantum?

The Book of Quantum is a general guide as to the amounts that may be awarded or assessed in respect of specified types of injury.



What happens when PIAB completes the assessment?

On completion of the assessment we will issue to you (or your insurer) and the Claimant a Notice of Assessment confirming the amount of the assessment i.e. level of compensation being awarded. You (or your insurer) have **21 days** from the date of receipt of the Notice of Assessment to confirm whether you accept or reject the assessment.

- If you accept the assessment, you must acknowledge this in writing to PIAB within **21 days** of receipt of the Notice of Assessment.
- If the Claimant also accepts the assessment we will issue an 'Order to Pay'. This has the same status as an award of Court.
- If we do not receive your reply in writing within the **21 days, you will be deemed to have accepted** the assessment. In the event that the Claimant has accepted the assessment you will be liable to pay the Claimant the amount of the assessment.
- If either of the parties reject the assessment then we will issue an Authorisation which allows the Claimant to pursue their claim through the Court system, if they so wish.

You should be aware that if you do not consent to an assessment being made by PIAB, or if you reject the assessment when made and legal proceedings issue, there may be cost implications for you and/or the Claimant.



What happens if assessment is accepted by both parties?

PIAB will issue you or your insurance company with an Order to Pay. This Order is legally binding and has the same effect as an award of Court. If you or your insurance company fail to pay any or all of the assessment, as indicated in the Order to Pay, it is open to the Claimant to enforce payment through the Courts.



What is an Authorisation?

An Authorisation is issued to the Claimant in order that they can pursue their claim through the Court system, if they so wish.

An Authorisation is issued if:

- you have declined to let the claim proceed to assessment from the outset
- **or**
- the assessment has been rejected by either you or the Claimant.

An Authorisation may also be issued in exceptional cases and PIAB will advise both you and the Claimant if the claim falls within this category. Both parties should be aware that if legal proceedings issue, there may be cost implications for both parties.



Fees

You must pay the processing fee as detailed in the Formal Notice if you have consented or are deemed to have consented to PIAB assessing the claim against you. If you have passed the claim to your insurance company and they have agreed to handle the claim on your behalf, they will pay this fee.

The fee payable is as detailed on the Formal Notice and this fee is due on the date of consent or deemed consent (if you have failed to reply in writing within the 90 days).

IMPORTANT: There are two occasions during the process when Respondents must contact PIAB in writing.

1. The first is prior to the expiry of the 90 days allowed to consent or not consent to the making of an assessment by PIAB.
2. The second is prior to the expiry of the 21 days allowed to accept or reject the assessment when made.

Please Note: If either or both of these time limits are missed there can be financial consequences for respondents. At all times, it is open to the parties involved to agree settlement of the claim and you should advise PIAB if this occurs.

At a Glance...



How PIAB works*

1. Claim submitted to PIAB either online at www.piab.ie or by post to PIAB, P.O. Box 8, Clonakilty, Co. Cork.
2. PIAB sends Formal Notice of Claim to Respondent (a Respondent is the term we use to describe the person or entity against whom a claim is made).
3. Respondent consents to an PIAB assessment.
4. Assessment is made and Claimant and Respondent are notified of assessment i.e. level of compensation being awarded.
5. Both parties accept the assessment and PIAB issues an Order to Pay.

*Where respondent consents to assessment / both parties accept agreement award.

Disclaimer: This document is intended as a guide for respondents and does not purport to be a legal interpretation of the Personal Injuries Assessment Board Acts 2003 and 2007, or any secondary legislation made pursuant to the Acts.

Personal Injuries Assessment Board (PIAB)



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