



Bord Measúnaithe
Díobhála Pearsanta
Personal Injuries
Assessment Board

PIAB Personal Injuries Award Values

April 24th – 31st December 2021

Who we are:

The Personal Injuries Assessment Board (PIAB), is a self-funded public body established in 2004 to support the fair, prompt, and transparent resolution of personal injuries claims without the need for unnecessary litigation.

Through PIAB, certain types of personal injuries claims, where liability is uncontested, can be settled without the need for many of the costs associated with litigation, which can contribute to the high cost of settling such claims.

We are a key pillar in contributing to reform of the insurance sector and the personal injuries environment, and generate millions of euro in savings which would otherwise be spent on processing claims, leading to higher costs for policy-holders.

What we do:

- ▶ PIAB independently assesses claims for compensation arising from personal injuries sustained as a result of:
 - ▶ **motor,**
 - ▶ **workplace,** or
 - ▶ **public liability accidents**
- ▶ All personal injuries claims, with certain exceptions, such as medical negligence cases, must be submitted to PIAB unless they are settled by the parties involved at an early stage.
- ▶ Assessments of compensation are fair, independent and non-adversarial.
- ▶ This leads to a quicker, consistent and cheaper resolution of claims thereby benefiting parties and society.
- ▶ PIAB also collects and analyses data on personal injuries claims and awards.

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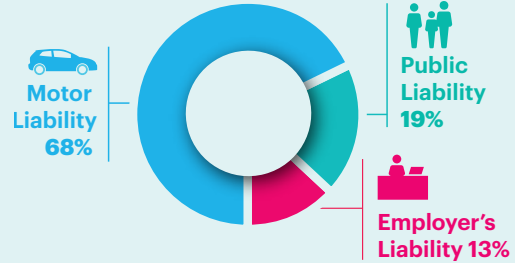
Average award to date under Guidelines



42%

Lower than average 2020 award under Book of Quantum

Awards by Category



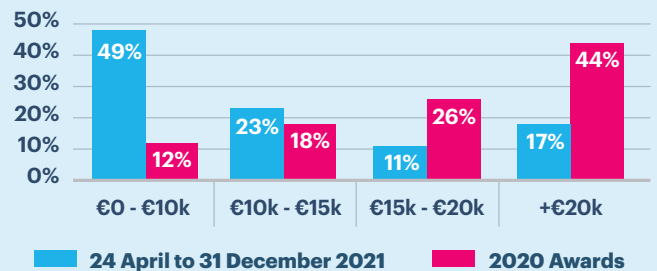
27 April - December 2021 Awards VS 2020 Awards



20% of cases are under €5,000.

Value of Average Award		% drop in value
Motor Liability	€12,747	42%
Public Liability	€15,121	42%
Employers Liability	€17,644	42%
Overall	€13,825	42%

Range of Awards



20% of cases are under €5,000.

General Damages Award Levels

(Award levels excluding loss of earnings and vouched expenditure)

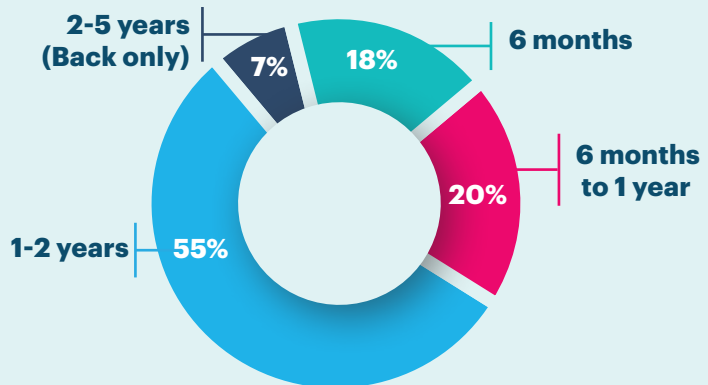


-47%



An analysis of minor neck and back Injuries

Substantial Recovery within:



Neck and back - Severity Minor (total cases) 2,255

About this Report

This is the second publication of the Personal Injuries Assessment Board (PIAB) on average award levels since the introduction of the Personal Injuries Guidelines. The purpose of this report is to present data to the end of 2021¹ on the three areas of liability covered by PIAB: motor, public and employer liability, giving an insight into the impact of the new Guidelines on award levels but also providing new and additional information relating to injury types particularly the most frequently occurring ones.

The cost of personal injury claims has been reported as a key contributor to the cost and availability of insurance in Ireland affecting individuals, communities, and businesses and ultimately society where it can affect provision of services. The data provided in this report is therefore an important element of measuring the cost of claims which are assessed by PIAB, which are a subset of the overall volume of cases resolved through PIAB, through litigation/court, and through direct settlements. The report also provides transparency for claimants in terms of the typical nature and value of personal injury awards assessed by PIAB since the introduction of the new guidelines.

The Personal Injuries Guidelines were adopted by the Judicial Council on the 6th of March 2021 and brought into law with effect from the 24th of April and set out the level of General Damages that may be awarded in respect of varying types of personal injuries. Both PIAB and the Courts must have regard to the new Guidelines in determining awards, and where the Guidelines are not used to determine an award, they will need to give the reasons for doing so. Prior to the introduction of the Guidelines, the Book of Quantum was used by PIAB to determine awards.

The Guidelines, when they came into effect in April, applied to cases where proceedings had not been commenced or where PIAB has not made an assessment of damages. As a result, all awards made by the Personal Injuries Assessment Board after the 24th of April 2021 have been made in accordance with the new Personal Injuries Guidelines. PIAB are the main implementer of the Guidelines, as the vast majority of claims will not be ruled on in the courts. In addition, many of the cases before the courts will be cases where proceedings commenced prior to the 24th of April, therefore, it will take some time before we see rulings under the new guidelines in any volume from the courts.

The data provided relates only to PIAB awards and excludes claims related to fatalities as such claims are unaffected by the Personal Injuries Guidelines which only provides information in relation to recommended awards for certain types of injuries. It is important to note that average values may be affected by the particular cohort of cases that are assessed by PIAB in terms of the severity of associated injuries in any given period. Fluctuations in the proportion of cases assessed in the various categories (Motor, Employer and Public Liability) may also impact average award values as cases in some of these categories (i.e., Employer Liability) tend to be more serious on average.

This report relates to data in respect of claims assessed under the new guidelines from the effective date of the Guidelines up until the end of December 2021 and is based on a total of 4,731 cases. It is our intention to publish these reports on a regular basis to support transparency in this area and to monitor and measure the impact of the new guidelines on PIAB awards. This report has been prepared for general informational purposes only.

¹ The data in this report is subject to minor retrospective changes

Claim volumes

The total number of claim applications that PIAB received in 2021 was 21,410. This was a decrease of 18% on 2020 claim volumes. Claims volumes since the Covid pandemic arrived in Ireland have decreased significantly. 2020 volumes had previously dropped from a figure of 31,078 in 2019 to 26,024, a reduction of 16%. The overall reduction in claims volumes in the two years since 2019 is now a substantial 31%, with motor down 34% and PL and EL down 28%. See Table 1 below.

Table 1

Number of PIAB applications received			
	2021	2020	2019
Number of PIAB applications received	21,410	26,024	31,078

Claim volumes were severely impacted by Covid related restrictions which saw significant traffic reductions on the roads, particularly in the first half of 2020. Additionally, there were impacts on claims in the employer and public liability categories, with restrictions on many public areas/private businesses, restaurants, pubs, cinemas, gyms being impacted by restrictions and also impacts on employment in these areas, along with many office workers working from home. It is important to note, that typically claims made to PIAB on average are made some 12 months after an accident occurred, but the time taken can vary. Therefore, it can take time to identify or see trends in accidents and potential claims to become evident.

The claim volumes for Quarter 4 2021 were 3,861, this compares to 3,980 in the previous quarter.

Along with the impact of Covid, the introduction of the Personal Injuries Guidelines also had an impact on claim applications. A significant number of applications were received in the months leading up to the commencement of the guidelines. In the period February/March/April 2021 approximately 9,054 applications were received. Since then, applications have remained relatively steady. It is not evident at what point applications will increase as the country opens up again.

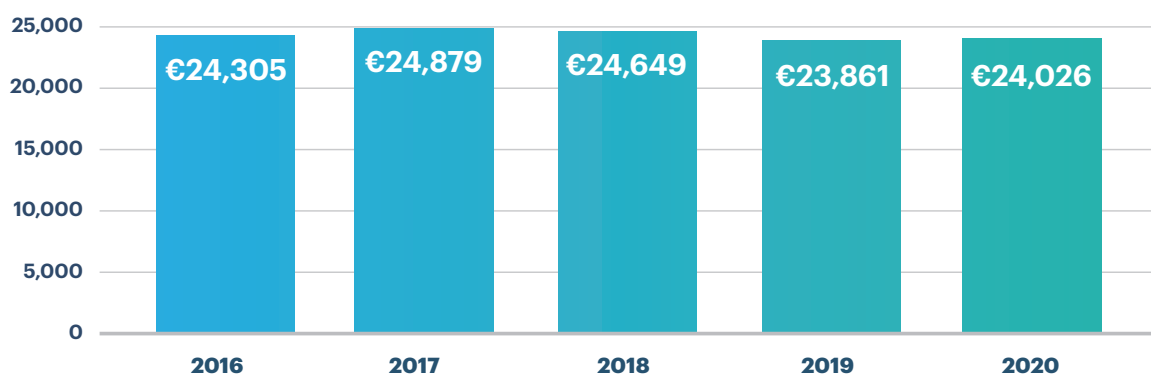
“The overall reduction in claims volumes in the two years since 2019 is now a substantial **31%**, with motor down **34%** and PL and EL down **28%**”

Main Findings on Award Values

The following section provides a breakdown of the category of awards that have been assessed and the average and range of awards in respect of the 4,731 cases assessed to the end of December 2021. PIAB's 2020 figures are used as a basis of comparison as the Book of Quantum was used as the basis of assessment for those awards. It should be noted up until the new guidelines came into effect that there has been very little change in average awards over the last number of years. The average awards for the last five years can be found in Table 2 below:

Table 2

PIAB Average Awards 2016 - 2020



Categories of Claims

Table 3 below shows the breakdown of all awards made between motor liability (Motor), public liability (PL), and employer liability (EL) cases. This shows that the breakdown of awards since the new guidelines were brought in is broadly in line with categories of awards from previous years, in that motor liability makes up the majority of awards.

Table 3

Breakdown of awards by category

	Motor	PL	EL	Overall
Number of awards 24th April – 31st December 2021	3,232	888	611	4,731
% of awards 24th April – 31st December 2021	68%	19%	13%	100%
Number of awards - Q4 2021	1,437	384	263	2,084
% of awards - Q4 2021	69%	18%	13%	100%
% of 2020 awards	70%	17%	13%	100%

Compared to the 2020 baseline, in the period 24th of April to end of December 2021 there were marginally fewer motor cases (68% v 70%) with marginally higher public liability cases (19% v 17%). Employer liability cases remain unchanged at 13%. Looking at Quarter 4 2021 on its own there are very minor deviations as per the table above but in general the percentage of cases in each category is very stable.

Average Award using Guidelines

Table 4 below shows the average award made in respect of all awards excluding fatal claims, made under the new Personal Injuries Guidelines up until the end of December 2021, and the comparable average award in respect of all awards made in 2020 by PIAB. The relevant figures are shown for Motor, PL, EL and Overall awards. As can be seen in Table 4 below, the reduction in the overall average award is 42% with the same drop recorded across all three categories of claims.

The reduction of 42% compares to an average reduction of 40% in respect of our first report covering the period to the end of September 2021. The current figures are based on a more significant cohort of claims. The average award value is affected by the types of injuries claimed for in the specific period and will always have slight variations as claims will differ from quarter to quarter.

The average award over the period since the Guidelines were introduced now stands at €13,825 compared to €14,223 in the last period, this shows average awards are relatively consistent between the periods.

“The reduction in the overall average award is 42% with the same drop recorded across all three categories of claims”

Table 5

Average Award Quarter 4 compared to previous period




	Motor	PL	EL	Overall
Average Q4 2021	€12,166	€14,440	€18,360	€13,367
Average 24th April – 30th September 2021	€13,230	€15,697	€17,203	€14,223

Table 5 above shows the average award value for awards made in Q4 2021 compared to the previous period reported on. It can be seen from this table that the Q4 average awards for Motor and Public Liability cases are lower than the corresponding figures compared to the previous period, but the Q4 average award for Employer Liability is actually higher than the average award for the previous period. Average awards are impacted by the nature and severity of cases in a particular time period, and it is expected that there will be some deviations in average values across time periods. The overall average award in Q4 was €13,367 as against €13,825 for the entire period, as shown in Table 4 - a small deviation.

As the proportion of claims with serious injuries in a given cohort of cases can affect the average value for that period it is particularly important not just to focus on the average award but to consider the range of awards also.

Table 4

Average Awards Compared to 2020

	2020 Average	Cumulative Average 24th April – 31st Dec 2021	% Change on 2020	Cumulative Average 24th April – 30th Sept 2021	% Change on 2020
 Motor	€22,158	€12,747	42%	€13,230	40%
 Public Liability	€26,000	€15,121	42%	€15,697	40%
 Employers Liability	€30,576	€17,644	42%	€17,203	44%
Overall	€23,877	€13,825	42%	€14,223	40%

Range of awards

Table 6 below shows the distribution of award amounts by value band in respect of awards made from the first assessments in April to the 31st of December this year.

20% of awards are now under €5,000, and 29% are between €5,000 and €10,000 meaning nearly half (49%) of awards are now under €10,000. This compares to just 12% in 2020. 72% of awards are now €15,000 or less compared to just 30% of PIAB awards in 2020.

Since the last report published in October 2021 there has been a marginal shift in the range of awards when 18% were under €5k (now 20%), 71% were under €15k (now 72%), and 13% were over €25k (now 12%). These are marginal movements only and reflect the relative stability in award levels since the guidelines were introduced.

The percentage of high value cases, cases of over €50k has remained stable at 4%.

The figures continue to show a significant shift in overall award levels. This not only impacts the actual awards made, but where awards by PIAB proceed to litigation could influence in time the jurisdiction of the courts where they are heard potentially reducing legal costs for these cases also.

“20% of awards are now under €5,000”

Table 6

Range of awards

Average value category (€'s)	< €5k	€5k - < €10k	€10k - < €15k	€15k - < €20k	€20k - < €25k	€25 - < €50k	Over €50k
% of awards 24th April to 31st Dec 2021	20%	29%	23%	11%	5%	8%	4%

Average value category (€'s)	<€10k	€10k - < €15K	€15k - < €20k	€20k+
% of 2020 awards	12%	18%	26%	44%

Highest/lowest general damages and overall awards

The highest and lowest damages awarded in respect of each of the three categories of damages is listed below in Table 7. While the overall highest award of damages is €360,000 many of these high value claims are predominantly impacted by special damages (financial loss, treatment costs etc.). The €0 award indicates that no award was given in line with an assessment of the injuries sustained relative to the Guidelines.

The highest motor award in Q4 2021 was €196,162, the highest Employer Liability award in Q4 was €125,706, and the highest Public Liability award in Q4 was €97,332. The average award excluding cases over €100k was €13,403.



“The average award excluding cases over €100k was **€13,403**”

Table 7

Highest/lowest awards				
	Motor	PL	EL	Overall
Highest award: 24th April – 31st December	€360,552	€175,321	€125,706	€360,552
Lowest award: 24th April – 31st December	€0	€500	€750	€0

Average Award for claims valued at over €100k

Awards of more than €100k (excluding fatal cases) accounted for 14 cases in the period – 9 Motor, 2, Public Liability and 3 Employer Liability cases, but they can because of their high value influence the overall average. The average award for these cases was €156,460 made up of €95,893 in General Damages and €60,568 in Special Damages which is significantly higher than the average for all cases.

General Damages Versus Special Damages

Only certain elements of a personal injury award are affected by the Personal Injuries Guidelines. When considering the average values, the average award value is made up of two components: general damages which is the award for pain and suffering, and special damages which is the award for financial loss – loss of earnings, treatment costs etc. The Personal Injuries Guidelines relate solely to general damages. Special damages are assessed by vouched expenses and reflect direct costs to the claimants which in many cases is dependent on their salary costs, and therefore vary according to household circumstances.

Tables 8 and 9 below give the breakdown of both general and special damages. For the purposes of assessing the impact of the Guidelines, it is the general damages figure that is relevant.



The overall average general damages amount is

€11,583

This compares to average general damages of **€21,850** in 2020, a reduction of **47%**



Table 8

Breakdown of General Damages

	Motor	PL	EL	Overall
Cumulative Average general damages – 24th April to 31st December	€10,559	€13,597	€14,072	€11,583
Cumulative Average general damages – 24th April to 30th September	€10,832	€13,925	€13,763	€11,808
Average general damages 2020	€20,249	€24,625	€27,051	€21,850
% Change in value to end of Dec	-48%	-45%	-48%	-47%

Table 9

Breakdown of Special Damages

	Motor	PL	EL	Overall
Average special damages – 24th April to 31st December	€ 2,189	€ 1,523	€ 3,573	€ 2,243
Average special damages – 24th April to 30th September	€2,397	€1,772	€3,440	€2,415
Average special damages 2020	€1,909	€1,375	€3,524	€2,027
% Change in value to end of Dec	+13%	+10%	+1%	+10%

As can be seen from the tables above, the overall average general damages amount for the period to the end of December is €11,583. This compares to average general damages of €21,850 in 2020, a reduction of 47% on average awards in 2020 pre-guidelines. This compares to an average reduction of 46% in the last period (April to September 2021). The numbers show that if you take out the special damages which is affected by items such as loss of earnings, and therefore can vary significantly depending on what income a person had at the time of an accident, average awards are very consistent between the two periods. There is only a difference of just over €200 in awards since PIAB last reported on its awards. When assessing the overall impact of the Guidelines on award levels, while it is still early and not based on a full year's data, it is indicating that awards for general damages are consistently down by 46-47%.

The highest average general damages are in respect of EL cases at €14,072 and the lowest average damages are for Motor cases at €10,559. The comparative 2020 figures can be seen in the table above with reductions of 48% in EL claims, 48% in ML and 45% in PL. The table also shows the consistency across all categories of general damages with only minor differences between awards across the periods.

Average special damages figure is tracking higher than 2020, across both periods with the average for the cumulative period up to end of December €2,243, compared to €2,415 in September and to €2,027 in 2020 pre-Guidelines. This is an increase of about 10% and could potentially be impacted by increases in the cost of living.

This figure can also be impacted by high value cases. As outlined above a number of high value cases were assessed since 24th April, including one case of over €360,000 primarily made up of special damages which will impact on the overall average for special damages. Given the impact such high value cases can have it is useful to monitor the general damages average and the highest and lowest general damages.

Table 10 below shows the highest general damages award for the period which is €160,000 compared to the €360,000 in the combined damages rate which gives an indication of how special damages which are individual to the claimants' circumstances can affect average awards. The highest general damages in each of the categories listed in Table 10 all occurred in the last quarter of 2021 reflecting the nature and severity of the particular cases involved.

Table 10

Highest/lowest general damages				
	Motor	PL	EL	Overall
Highest general damages	€160,000	€90,000	€120,000	€160,000
Lowest general damages	€0	€500	€750	€0

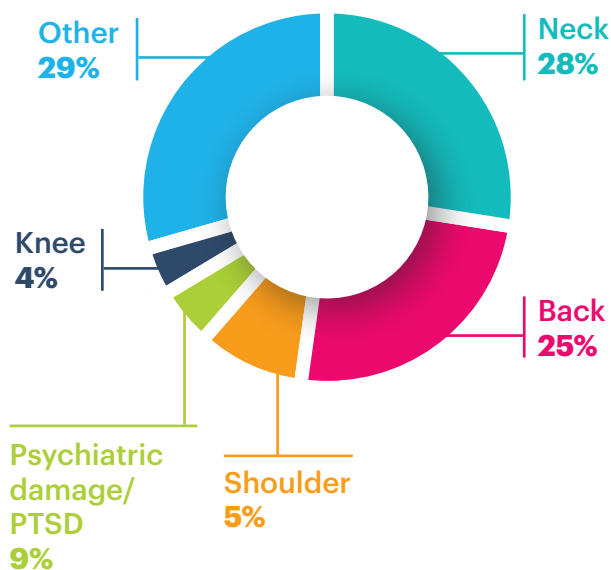
“When assessing the overall impact of the Guidelines on award levels, while it is still early and not based on a full year's data, it is indicating that awards for general damages are consistently down by **46-47%**”

Injury Analysis

This report for the first time contains further analysis of the injuries involved in the cases which PIAB have assessed under the new Guidelines. Over time we will provide more extensive analysis in this area. The table below shows the top 5 most common injury categories for the most significant or dominant injury of each claim made. This gives some insight into the areas of injury but not the severity of injury. As can be seen from figure 1 below, neck and back injuries are by far the most common injury and make up 53% of injuries presented to PIAB from 24th April to end of 2021 and may be attributed to injuries involving whiplash as well as handling and lifting activities. By way of contrast the most common type of injuries involved in the higher value claims over €100k referred to earlier in this report were: shoulder, leg/knee, elbow/arm, scarring, eye, foot, and chest. The top 5 injuries accounted for 71% of cases.

Figure 1

The 5 most common injuries recorded as Dominant/Most significant



“Neck and back injuries are by far the most common injury and make up **53%** of injuries”

The injury data can also be explored further by looking at the severity of injuries within the particular area. PIAB have analysed the data using the categories relating to the severity of injuries within the Personal Injuries Guidelines. As neck and back make up by far the most common injury area (2,476 cases) as per the table above, the severity grading of these injuries in particular has been examined.

Of the 2,476 cases identified, the predominant severity grading of these injuries was classified as minor (2,255) cases. This shows us that of neck and back injuries some 91% were categorised as having a minor injury in accordance with the Guidelines.

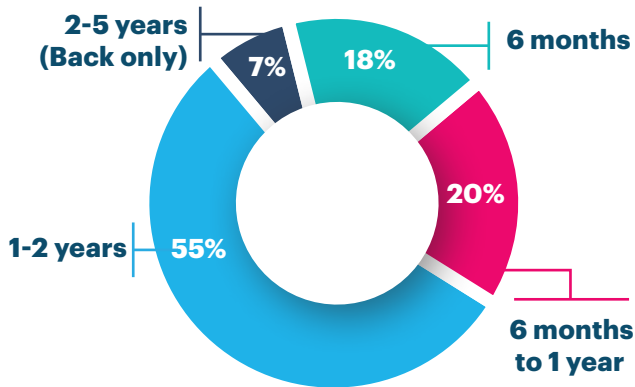
“Of neck and back injuries some **91%** were categorised as having a minor injury in accordance with the Guidelines”

A breakdown of the recovery period of these minor neck and back injuries is detailed in figure 2. As can be seen from the chart, 55% of minor neck and back injury claims had a recovery period of 1-2 years, 38% have a recovery period of less than 1 year, and 7% have a recovery period of more than 2 years.

Figure 2

An analysis of minor neck and back Injuries

Substantial Recovery within:



Neck and back - Severity Minor (total cases) 2,255

Table 11 provides further analysis of these Neck and Back injury claims that were classified as minor. Typically, these cases involve soft-tissue injuries i.e., sprains and strains. The average total award for claims with minor neck or back as the most significant or dominant injury was €9,423 and the average general damages was €7,785 for these cases.

Table 11

Range of awards

	Average Award	Average General Damages
Neck and Back Minor		
All	€9,423	€7,785
Substantial Recovery within 6 months	€2,987	€2,382
Substantial Recovery within 6 months - 1 year	€6,297	€5,234
Substantial Recovery within 1-2 years	€11,430	€9,499
Substantial Recovery within 2 - 5 years (back only)	€18,940	€15,354

“The average total award for claims with minor neck or back as the most significant or dominant injury was **€9,423** and the average general damages was **€7,785** for these cases”

Acceptance Rate

When a PIAB assessment of damages (award) issues to each party the claimant has 28 days to indicate whether they accept the award or not and the respondent/insurer has 21 days to do likewise. In the event of an accepted assessment/award, PIAB issues an Order to Pay instructing one party to pay the other the amount of the award. In the event of the assessment/award being rejected PIAB releases the case, and the claimant is authorised to pursue the case through litigation if they so wish.

Prior to the Guidelines respondents/insurers accepted about 90% of awards and claimants accepted over 50%, giving an overall acceptance rate of just over 50% of awards.

This report provides data in relation to the acceptance rate thus far of PIAB awards made under the new Guidelines. It is based on awards which were assessed under the new guidelines and issued by the end of December 2021. Some of the cases do not have an outcome yet due to the time period allowed for a claimant and a respondent to indicate whether they accept the award or not, hence they are not included in this analysis

Overall, there are 4,580 cases in the analysis, representing nearly 97% of the total number of cases assessed in 2021 under the Guidelines and hence this is a provisional analysis of the year's assessments.

Table 12

Acceptance/rejection rates of awards				
awards issued to end of December 2021, excluding pending cases)	Motor	PL	EL	Overall
Claimant acceptance rate	36%	54%	43%	40%
Respondent acceptance rate	96%	85%	93%	94%
Combined acceptance rate	34%	45%	39%	37%

Table 12 shows the acceptance rates of awards assessed by PIAB under the Guidelines and issued up until the end of December 2021 and excluding the pending cases referred to above. The overall combined acceptance rate is 37%, with motor at the lowest rate of 34% and public liability at the highest rate of 45%. The respondent acceptance rate is much higher than the claimant rate, as is traditionally the case, ranging from 85% in public liability cases to a high of 96% in motor cases. The acceptance rate by claimants was 40% overall.

While a significant proportion, over 37% of awards were accepted, the data does show a decline in overall acceptance rates compared to awards issued in 2020. The 2020 acceptance rate was 51% overall, broken down by 49% for motor, 56% for employer liability, and 54% for public liability.

It is too early to determine long term trends from this data as the Guidelines are still bedding in. It is predominantly the claimant acceptance rate that has decreased since the Guidelines were introduced. However, the most recent quarter's data indicates that the overall combined acceptance rate has marginally increased to 38%.

As can be seen from the data in relation to average awards, there has been a significant shift in award values in accordance with the Guidelines. This may impact acceptance rates in the short term, where the reduction in award levels may differ from what a party might have expected. In addition, determinations have yet to start emerging from the Courts, which may also impact on the claimant acceptance rate. There has also been a number of legal challenges to the Guidelines, which may also be impacting decisions in relation to acceptance of awards. Given the significant change and the overall context the acceptance rate at nearly 40% of cases is relatively positive, but as legal challenges are settled, and courts start to make determinations you would expect significant growth in this figure.

Award Patterns and Further Data

The data presented in this report shows that there has been a significant decrease in average awards made by PIAB since the Guidelines were introduced. The data also shows that while there may be some levels of fluctuations in average awards depending on the severity of the cases assessed in a particular time period, the average overall decrease in award levels since the Guidelines have been introduced is relatively consistent at just over 40%, with our first report showing a 40% decrease and this report showing a 42% decrease. This consistency can be seen even more, when you exclude special damages (damages for loss of income and other expenses) and look only at the General Damages element which the Guidelines apply to, the average decrease in General damages from when the Guidelines came in until the end of 2021 was 47%, and this compares to 46% in the period to the end of September, showing a high level of consistency in the overall decrease. There will always be some deviations depending on the severity of cases handled, and over a longer period there may be changes in accident types which could affect averages.

However, for now, it is expected that the overall impact to general damages will be somewhere in the region of between 46-47% decline on Book of Quantum awards, but caution that average levels, particularly in short time periods such as a month can be impacted by more infrequent but very severe cases.

The report also shows that while the overall acceptance rate has dropped since the introduction of the Guidelines, the decrease has been relatively stable over the period and is not continuing to drop. In fact, there has been a marginal increase in the rate over the past quarter. It is too early to determine where acceptance rates will land in the medium term. However, it is positive that 40% of claimants are accepting awards against a background of such significant change.

One of the objectives of introducing the Guidelines as recommended by the Personal Injuries Commission was to bring more certainty and consistency to the award of Personal Injuries compensation in Ireland and that this would help parties avoid unnecessary litigation. In this regard there are a number of important elements needed to complement this objective.

It is likely that the acceptance rate of PIAB cases is being impacted by a lack of comparable data through the other settlement channels, as it is not yet evident that comparable awards through the courts and settlements with insurers will be the same.

It is expected that the overall impact to general damages will be somewhere in the region of between

46-47%

decline on Book of Quantum awards



While only a very small percentage of overall cases are resolved through the courts, they will be using the same Guidelines as PIAB and as of, yet cases are not being assessed by the courts in any number and could take some time for cases to be heard. It is not unreasonable to expect award levels to be similar particularly given the granular nature of the Guidelines. It is still critical, given the objectives of consistency and certainty, that cases are heard and not only that but that the data in relation to them is made available so that parties to claims can see the type of awards being made with respect to the relevant injuries.

Another important element to consider is the situation in relation to post PIAB settlements that are not settled through the courts. While they are likely over time to be influenced by court awards, it is important to also understand the outcome of settlements in this area.

The data in this report is only in respect of PIAB awards and to understand the full impact of the Guidelines it will be important to have timely and regular data in respect of settlements that occur directly with insurers, both pre and post PIAB, and of awards that may be made by the courts. Data in this area is critical in terms of providing information to stakeholders in terms of decision making, but it is also important in terms of creating further transparency in this area and encouraging competition.

There has been a direct impact on award values as result of the Guidelines as evidenced by this report however, in the medium term the certainty and consistency created by the Guidelines should lead to more systemic savings in that it would be expected that less cases would enter into lengthy and costly litigation and either settle directly or through PIAB, as it becomes evident that there is little difference between the settlement channels. This though is dependent on consistency across all settlement channels with transparent data to evidence this and will take time to achieve. Legal and other associated costs in litigation can add 60% to the overall cost of a claim and add considerable time to resolving same.

In terms of future patterns, it is important to monitor awards in the long term for any change in settlement behaviour or the nature and type of injuries presenting. We may see more cases being settled directly with insurers, particularly claims in respect of minor injuries. This is positive from a costs perspective, but we will need to ensure we can measure impacts on average awards. If lower value claims are increasingly settled directly with an insurer, then this will impact on the cohort of cases/ proportion of cases in a particular severity bracket that PIAB assesses and consequentially this will be reflected in the average award reported for this new cohort of more severe claims.

“It is still critical, given the objectives of consistency and certainty, that cases are heard and not only that but that the data in relation to them is made available so that parties to claims can see the type of awards being made with respect to the relevant injuries”

For this reason, it is very important that data from other sources such as the insurance industry and the courts is ultimately available to gauge the full impact of the new guidelines on all cases resolved whether by direct settlement, through PIAB, or through litigation including in the courts. We may also see other changes in behaviour over time as an indirect effect of the lowering of personal injury awards generally. While it is difficult to speculate as to other changes that might arise the important factor here is that there is transparency in what's happening throughout the entire personal injury/settlement environment.

Finally, this report, for the first time, gives some insight into the nature of the cases assessed by PIAB. 53% of the claims assessed related to either back or neck injuries, and over 90% of these were for minor injuries. This is important data and should help us understand further the nature of personal injury cases in Ireland. It is PIAB's intention to expand our analysis of data across the various categories of claims to facilitate a deeper and more transparent understanding of trends.

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