



Bord Measúnaithe  
Díobhála Pearsanta  
*Personal Injuries*  
Assessment Board

# PIAB Personal Injuries Award Values

January 1st – 30th June 2022

## 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 under Guidelines**



**38%**

Lower than average 2020 award under Book of Quantum

**Value of Average Award**

**% drop in value**

Motor Liability	€13,648	38%
Public Liability	€15,813	39%
Employer's Liability	€18,699	39%
<b>Overall average</b>	<b>€14,786</b>	<b>38%</b>

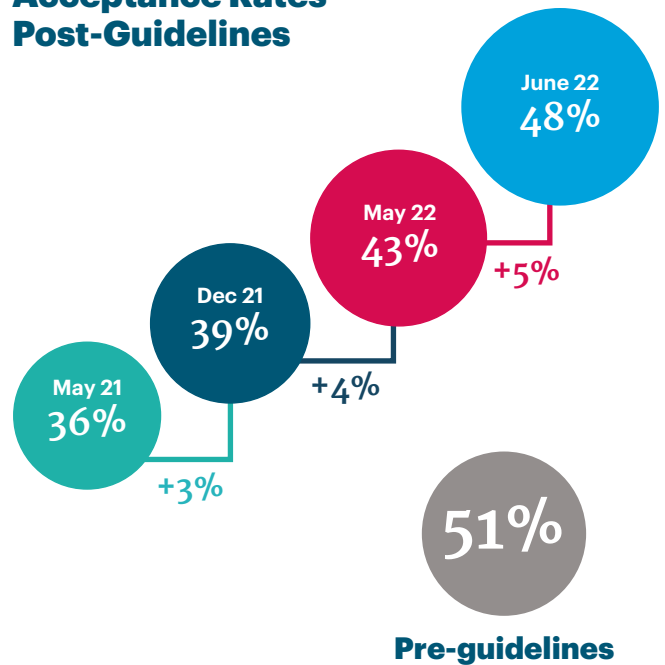
**1st Jan - 30th June 2022 Awards VS 2020 Awards**

**2020 Awards**



26% of cases are under €5,000.

**Acceptance Rates Post-Guidelines**



**General Damages Award Levels**

(Award levels excluding loss of earnings and vouched expenditure)

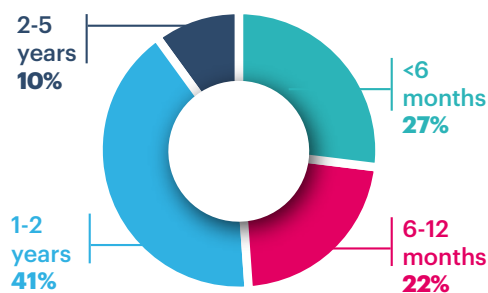


**-44%**



**An analysis of minor neck and back injuries**

Substantial Recovery within:



Neck and back injuries are by far the most common injury and make up 48% of injuries, of which 89 per cent are minor injuries and relate to soft tissue, with an average award of €9,423.

# About this Report

This is the third publication of the Personal Injuries Assessment Board (PIAB) on average award levels since the introduction of the Personal Injuries Guidelines. The report covers all categories of claims for the first half of 2022, from the start of January to the end of June 2022, and gives an insight into the impact of the Personal Injuries Guidelines on award levels while also providing information relating to common injury types. It compares current trends to the period after the introduction of the guidelines to the end of 2021, as well as the baseline year of 2020 which was the last full year prior to the introduction of the guidelines.

As well as providing information on average awards, the report includes data on award acceptance rates, ranges of awards and on injuries, for the first six months of 2022 and for previous years.<sup>1</sup>

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 in 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 provides continuing transparency for claimants in terms of the typical nature and value of personal injury awards assessed by PIAB since the introduction of the guidelines.

The Personal Injuries Guidelines took effect from the 24<sup>th</sup> of April 2021 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. The Guidelines, when they came into effect, 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 24<sup>th</sup> 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 decided on in the courts. In addition, many of the cases before the courts will be cases where proceedings commenced prior to the 24<sup>th</sup> of April, therefore, it will take some time before we see decisions under the new guidelines in any volume from the courts.

The data excludes claims related to fatalities as such claims are unaffected by the Personal Injuries Guidelines which only provides guidance in relation to awards for certain types of injuries. It should also be noted that the introduction of the Guidelines had a greater impact on minor injuries and therefore changes in overall award values are not just driven by the Guidelines but also the types of cases presented in a particular period. Average award values are 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 of (Motor, Employer and Public Liability) also impact average award values as cases in some of these categories (i.e., Employer Liability) tend to be more serious.

This report relates to claims assessed under the new Guidelines for the period January to end June 2022. To the end of June, a total of 9,161 cases (excluding fatal cases) have been assessed under the Guidelines since they were introduced in April 2021, with a total of **4,430** cases assessed in the period January 1<sup>st</sup> to 30<sup>th</sup> June 2022.

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.

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<sup>1</sup> Figures in this report may be subject to minor revision as a small number of claims for the period may not yet be concluded.

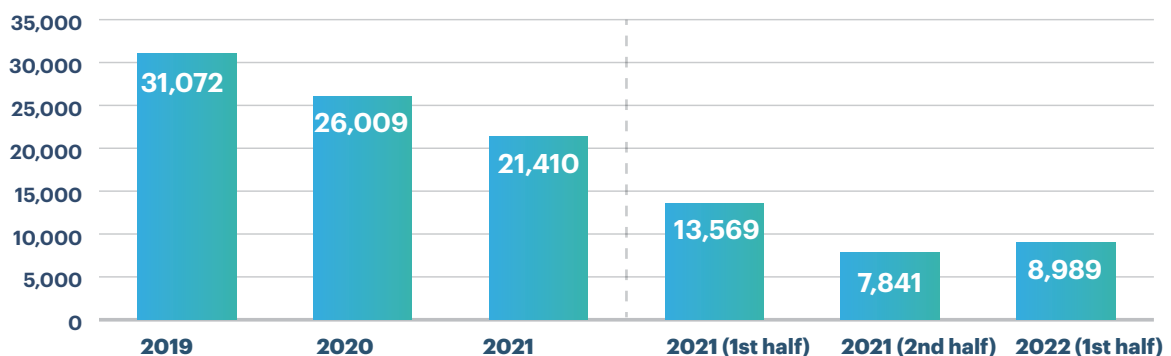
# Claim Volumes

The total number of claim applications that PIAB received in the first half of 2022 was 8,989. This is a decrease on the number of applications for the first half of 2021 which stood at 13,569. The 2021 figures were impacted by a significant increase in claims in the months preceding the introduction of the Guidelines. The claim volumes for Quarter 4 2021 were 3,861, this compares to 3,980 in Quarter 3 2021. Since then, applications have increased somewhat averaging approximately 4,500 per quarter over the first 6 months of 2022 but if this rate continues 2022 volumes will be down on 2021 volumes.

Since Covid, claim volumes have decreased significantly, with the reduction in claims volumes over the period 2019-2021 down by 31%, with Motor down 34% and Public Liability (PL) and Employer Liability (EL) claims down 28%.

Table 1 below gives details of the annual claim volumes for the last 3 years.

**Table 1 – Number of PIAB applications received**



While claim volumes in 2020 and 2021 were severely impacted by Covid 19 related restrictions which saw significant traffic reductions on the roads, less public places open, and less people at work, the continuing volatility in claim numbers is being impacted by a number of factors. Firstly, traffic volumes have not fully recovered to pre-Covid levels, as some people continue to work remotely rather than in the office and there may be other behavioural changes since Covid 19 which change how people use cars.

Another significant factor has been the introduction of the Personal Injuries Guidelines. Ahead of the Guidelines being introduced there was a significant increase in the number of claims being made to PIAB. In the 3-month period leading up to the commencement of the Guidelines approximately 9,000 applications were received out of a total of just under 21,500

for the entire year. Since then, claim volumes have remained relatively low when compared to pre-Covid 19.

The significance of the changes along with some uncertainty created by legal challenges to the guidelines is likely to have slowed claim applications to PIAB. However, these are likely to resolve over time and there has now been decisions made in relation to two test cases. There may also be other behavioural changes which may take some time to see.

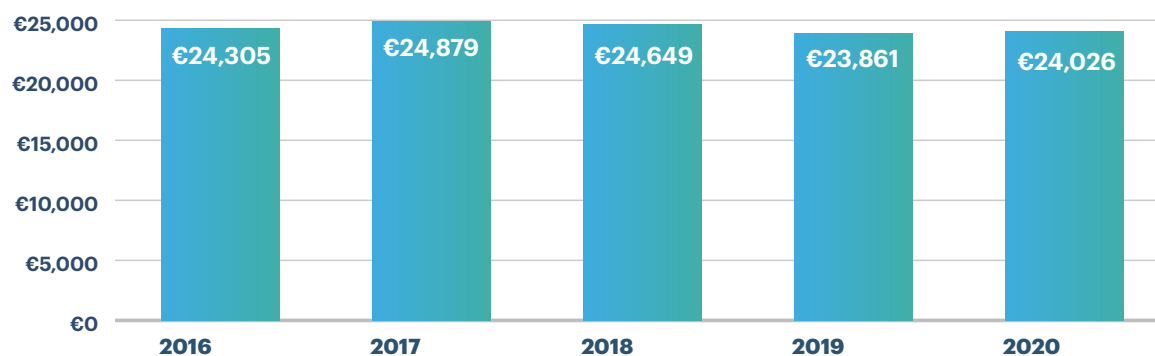
It is important to note, that typically claims made to PIAB on average are made 12-24 months after an accident occurred. Therefore, it can take time to identify or see trends in accidents and potential claims to become evident.

*if this rate continues 2022 volumes will be down on 2021 volumes.*

# 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 4,430 cases assessed in the first half of 2022. To the end of June 9,161 awards have been assessed in total since the Guidelines were introduced, PIAB's 2020 figures are used as a base year for comparison as this was the last full year the Book of Quantum was used as the basis of assessment for those awards. It should be noted that up until the Guidelines came into effect there has been very little change in average awards in the preceding years. The average awards for the last 5 years are set out 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 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. There has, however, been a small drop in the proportion of motor cases and a small rise in the proportion of public liability cases.

Looking at the figures for the first half of 2022, compared to both the 2020 baseline, and the period 24th of April to end of December 2021, there are a decreasing proportion of motor cases (now 65%), a similar proportion of employer liability cases (13%) and an increasing proportion of public liability cases (now 22%). The reduction in the proportion of motor cases impacts the overall average award – as will be explained later in this section.

**Table 3**




Breakdown of awards by category				
	Motor	PL	EL	Overall
% of 2020 awards	70%	17%	13%	100%
% of awards 24th April – 31st December 2021	68%	19%	13%	100%
% of awards 1st Jan – 30th June 2022	65%	22%	13%	100%

## ...the reduction in overall average award is 38% for the January-June 2022 period

### Average Award

Table 4 below shows the average award made in respect of all awards excluding fatal claims, made under the Personal Injuries Guidelines in the first 6 months of 2022, compared to the period April to the end of December 2021, and the 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, the reduction in the overall average award is 38% for the January-June 2022 period. Similar decreases are recorded across all three categories of claims. The current figures are based on a similar volume of claims assessed in the first 6 months of 2022 as compared to the period from 24th of April to end of December 2021.

**Table 4 – Average Awards Compared to 2020**

	2020 Average	Cumulative Average 24 April – 31 December 2021	% Change on 2020	Cumulative Average 1 January – 30 June 2022	% Change on 2020
 <b>Motor Liability</b>	<b>€22,158</b>	<b>€12,747</b>	<b>42%</b>	<b>€13,648</b>	<b>38%</b>
 <b>Public Liability</b>	<b>€26,000</b>	<b>€15,121</b>	<b>42%</b>	<b>€15,813</b>	<b>39%</b>
 <b>Employer's Liability</b>	<b>€30,576</b>	<b>€17,644</b>	<b>42%</b>	<b>€18,699</b>	<b>39%</b>
<b>Overall average</b>	<b>€23,877</b>	<b>€13,825</b>	<b>42%</b>	<b>€14,786</b>	<b>38%</b>

### Comparison to previous periods

The average award value is affected by the types of injuries claimed for in the specific period and will always have variations as claims will differ between reporting periods. The 38% reduction on 2020 values compares to 42% for the April-December 2021 period and 40% for the April to September 2021 period. Table 5 shows the average award value for awards made in the first 6 months of 2022 compared to the previous periods reported on. It can be seen from this table that the 2022 average awards for all categories of cases are slightly higher than the corresponding figures compared to the previous period. The average award for the first 6 months of this year is €14,786 compared to €13,825 for the period April – December 2021 (7% higher) with both figures significantly lower than the average award figure of €23,877 for 2020.

Overall, award reductions have been relatively consistent since the Guidelines were introduced ranging from reductions of 38% to 42% on awards prior to the Guidelines. It is still important to understand the factors in changes in average awards. The variation in award values in this period, where there has been a slight increase in the average award in the first 6 months of the year is driven by 3 main factors.

Firstly, during the first 6 months of this year there have been more very severe injury cases with awards of €100k or more. To analyse the impact of these cases, at Table 6 below the average award has been calculated excluding all cases over €100k. The results of this show the difference in the average award between H1 2022 and the previous 2021 period is significantly reduced. The table shows that more than half of the increase in the average award between the two periods is attributed to a small number of very severe injury cases. When the claims over €100k are removed from the analysis, the actual increase in the average award is only 3%.



*Overall, award reductions have been relatively consistent since the Guidelines were introduced ranging from reductions of 38% to 42% on awards prior to the Guidelines.*

Secondly there has been a drop in the proportion of motor cases and this in turn leads to an increase in average awards as motor cases, as can be seen below, typically have the lowest average value of the three categories of claims PIAB handles.

Finally, there has been an increase in special damages, perhaps due to inflation and this is shown in Table 9 later in this report.

*26% of claims are now under €5,000 compared to 20% in 2021*

**Table 5**

<b>Average Award Jan – Jun 2022 compared to previous period</b>				
	<b>Motor</b>	<b>PL</b>	<b>EL</b>	<b>Overall</b>
Average 1st January – 30th June 2022	€13,648	€15,813	€18,699	€14,786
Average 24th April – 31st December 2021	€12,747	€15,121	€17,644	€13,825

**Table 6**

<b>Average award all cases v under €100K cases</b>				
<b>All cases (excluding fatalities)</b>	<b>Motor</b>	<b>PL</b>	<b>EL</b>	<b>Overall</b>
Average award 24th April – 31st December 2021	€12,747	€15,121	€17,644	€13,825
Average award 1st January – 30th June 2022	€13,648	€15,813	€18,699	€14,786
<b>% Increase</b>	<b>7%</b>	<b>5%</b>	<b>6%</b>	<b>7%</b>

<b>Cases under €100k (excluding fatalities)</b>	<b>Motor</b>	<b>PL</b>	<b>EL</b>	<b>Overall</b>
Average award 24th April – 31st December 2021	€12,319	€14,777	€17,144	€13,403
Average award 1st January – 30th June 2022	€12,440	€14,984	€18,138	€13,747
<b>% Increase</b>	<b>1%</b>	<b>1%</b>	<b>6%</b>	<b>3%</b>

## Range of awards

Table 7 below shows the distribution of award amounts by value band in respect of awards made in the first 6 months of 2022, as compared to the period April – December 2021 and compares both periods against 2020.

26% of claims are now under €5,000, this compares to 20% in the April to December 2021 period.

27% of claims are now between €5,000 and €10,000 meaning over half (53%) of claims are now under €10,000. This compares to just 12% in 2020 and 49% in respect of April – December 2021 awards. 75% of awards are now €15,000 or less compared to just 30% of PIAB awards in 2020 and 72% in respect of April – December 2021 awards.

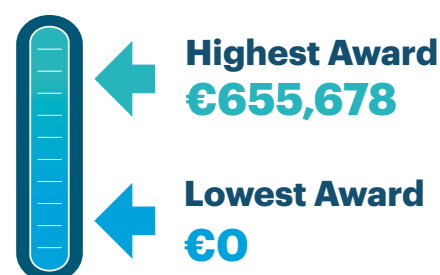
Since the last report, which showed the range of awards from April to December 2021, there have only been slight movements in the proportion of cases in each value band reflecting the relative stability in award levels since the guidelines were introduced.

**Table 7**

Range of Awards							
Average value category (€'s)	< €5k	€5k – < €10k	€10k – < €15k	€15k – < €20k	€20k – < €25k	€25 – < €50k	Over €50k
% of awards made from 1st January to 30th June 2022	26%	27%	22%	10%	5%	7%	3%
% 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 & overall awards

The highest and lowest overall awards made in respect of each of the three categories of damages are listed below in Table 8. The figures are shown in respect of the periods April – December 2021 as well as Quarter 1 2022, and Quarter 2 2022. While the overall highest award is now over €655,000 many 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. In any given period, there are usually a small number of €0 awards.



**Table 8**

Highest/lowest awards				
Average value category (€'s)	Motor	PL	EL	Overall
Highest award: 24th April – 31st December	€360,552	€175,321	€125,706	€360,552
Highest award: Q1 2022	€655,678	€192,724	€132,582	€655,678
Highest award: Q2 2022	€275,358	€155,517	€142,530	€275,358
Lowest award: 24th April – 31st December	€0	€500	€750	€0
Lowest award: Q1 2022	€0	€500	€750	€0
Lowest award: Q2 2022	€0	€500	€725	€0

The highest Motor award in 2022 so far is €655,678, the highest Public Liability award is €192,724, and the highest Employer Liability award is €142,530. Each of these figures are higher than the respective values in the period April to December 2021 after the guidelines were introduced. This however reflects the individual nature of claims and is affected by the severity of injury along with special damages, which can be affected by loss of earnings which varies significantly dependent on the job someone has at the time of accident.

### Average Award for claims valued at over €100k

Awards of more than €100k (excluding fatal cases) accounted for 28 cases in the period – 19 Motor, 6 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 €178,222 made up of €117,857 in General Damages and €60,365 in Special Damages which is significantly higher than the average for all cases. Table 6 as referred to earlier gives an indication of the impact of these claims on the overall average award value.

## 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 9 to 11 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.

**Table 9**

<b>Breakdown of General Damages</b>				
	<b>Motor</b>	<b>PL</b>	<b>EL</b>	<b>Overall</b>
Average General Damages 2020	€20,249	€24,625	€27,051	€21,850
Average General Damages – 24th April to end 2021	€10,559	€13,597	€14,072	€11,583
% change in value	-48%	-45%	-48%	-47%
Average General Damages – January – June 2022	€11,177	€14,050	€14,771	€12,273
% change in value	-45%	-43%	-45%	-44%

**Table 10**

<b>Breakdown of Special Damages</b>				
	<b>Motor</b>	<b>PL</b>	<b>EL</b>	<b>Overall</b>
Average Special Damages 2020	€1,909	€1,375	€3,524	€2,027
Average Special Damages – 24th April to end 2021	€ 2,189	€ 1,523	€ 3,573	€2,243
% change in value	+13%	+10%	+1%	+10%
Average Special Damages – January – June 2022	€2,471	€1,763	€3,929	€2,513
% change in value	+23%	+22%	+10%	+19%

**Table 11**

<b>Average General Damages all cases v under €100K cases</b>				
<b>All cases (excluding fatalities)</b>	<b>Motor</b>	<b>PL</b>	<b>EL</b>	<b>Overall</b>
Average General Damages 24th April – 31st December 2021	€10,559	€13,597	€14,072	€11,583
Average General Damages 1st January – 30th June 2022	€11,177	€14,050	€14,771	€12,273
% Increase	6%	3%	5%	6%
<b>Cases under €100k (excluding fatalities)</b>	<b>Motor</b>	<b>PL</b>	<b>EL</b>	<b>Overall</b>
Average General Damages 24th April – 31st December 2021	€10,304	€13,476	€13,664	€11,333
Average General Damages 1st January – 30th June 2022	€10,376	€13,579	€14,403	€11,602
% Increase	1%	1%	5%	2%

## ...the overall average general damages amount for the first half of 2022 is €12,273... a reduction of 44% on the average in 2020

As can be seen from the tables above, the overall average General Damages amount for the first half of 2022 is €12,273. This compares to average General Damages of €21,850 in 2020, a reduction of 44% on average amounts in 2020 pre-guidelines. This compares to an average reduction of 47% in the last period (April to December 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 quite consistent between the two periods.

The highest average General Damages are in respect of Employer Liability cases at €14,771 and the lowest average General Damages are for Motor cases at €11,177. The comparative 2020 figures can be seen in the table above with reductions of 45% in Employer Liability claims, 45% in Motor and 43% in Public Liability. The table also shows consistency across all categories of General Damages with only minor differences between awards across the periods. Table 9 above shows that average General Damages have increased by just under €700 compared to the 2021 period. This represents a 6% increase. However as shown in Table 11 above if you exclude the very severe high value cases the increase is only 2% and under €300 which indicates a very high level of consistency.

The average special damages figure is tracking higher than 2020, across both periods with the average for the first half of 2022 at €2,513 compared to €2,243 at December 2021 and €2,027 in 2020 pre-Guidelines. This is an increase of nearly 20% and is likely to increase further as the impacts of inflation are felt more in terms of amounts claimed in respect of wage loss and treatment costs. Unlike General Damages the introduction of the personal injuries guidelines had no impact on Special Damages.

Average awards are also impacted by high value cases. As outlined above a number of high value cases were assessed during the first half of the year, including one case of over €655,000 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 12 below shows the highest General Damages award for the period which is €250,000 compared to the €655,000 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 12 reflect the nature and severity of the particular cases involved.

**Table 12**

<b>Highest/lowest General Damages</b>				
	<b>Motor</b>	<b>PL</b>	<b>EL</b>	<b>Overall</b>
Highest General Damages Apr/Dec 2021	€160,000	€90,000	€120,000	€160,000
Highest General Damages Q1 2022	€250,000	€80,000	€85,000	€250,000
Highest General Damages Q2 2022	€160,000	€150,000	€110,000	€160,000
Lowest General Damages Apr/Dec 2021	€0	€500	€750	€0
Lowest General Damages Q1 2022	€0	€500	€750	€0
Lowest General Damages Q2 2022	€0	€500	€500	€0

# 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. If the assessment/award is 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%.

PIAB's previous report provided data in relation to the acceptance rate of PIAB awards from the commencement of the guidelines to the end of December 2021. When reporting on acceptance rates we may not have the outcome in respect of all cases assessed. This report provides information in relation to awards issued from January to end June 2022 of which 4,222 cases of a total 4,393 cases i.e. 96% have an outcome.

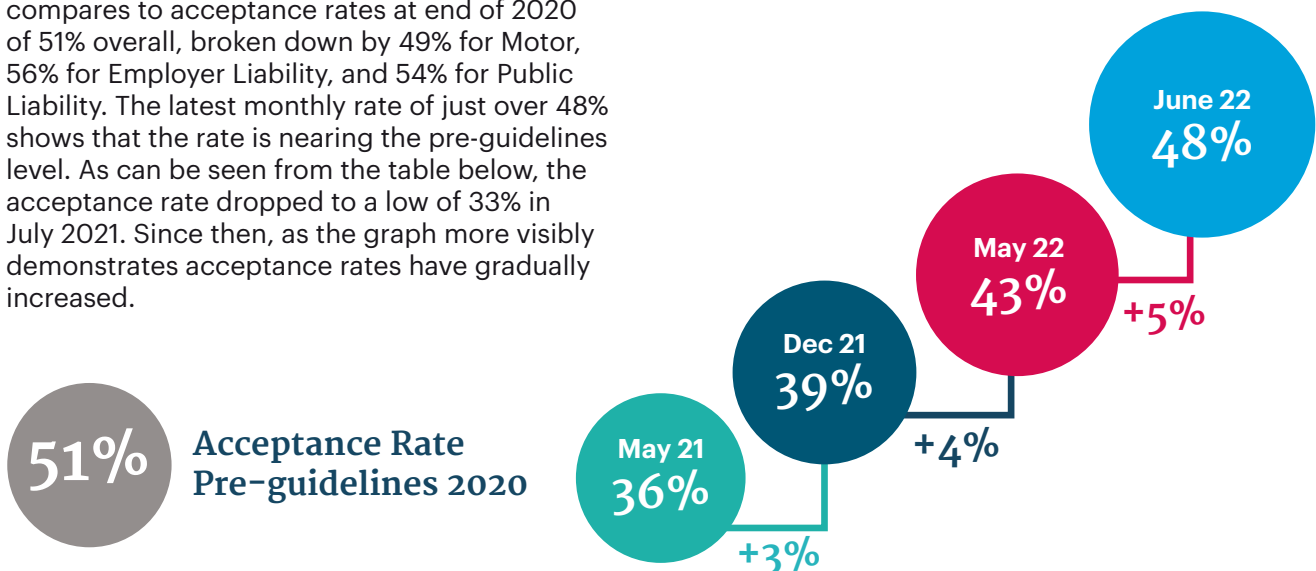
The data shows acceptance rates have improved significantly in the first 6 months of this year compared to the April-December 2021 period, with the monthly acceptance rate figure for the end of June standing at 48%. This compares to acceptance rates at end of 2020 of 51% overall, broken down by 49% for Motor, 56% for Employer Liability, and 54% for Public Liability. The latest monthly rate of just over 48% shows that the rate is nearing the pre-guidelines level. As can be seen from the table below, the acceptance rate dropped to a low of 33% in July 2021. Since then, as the graph more visibly demonstrates acceptance rates have gradually increased.

**Table 13**

## Monthly acceptance rate

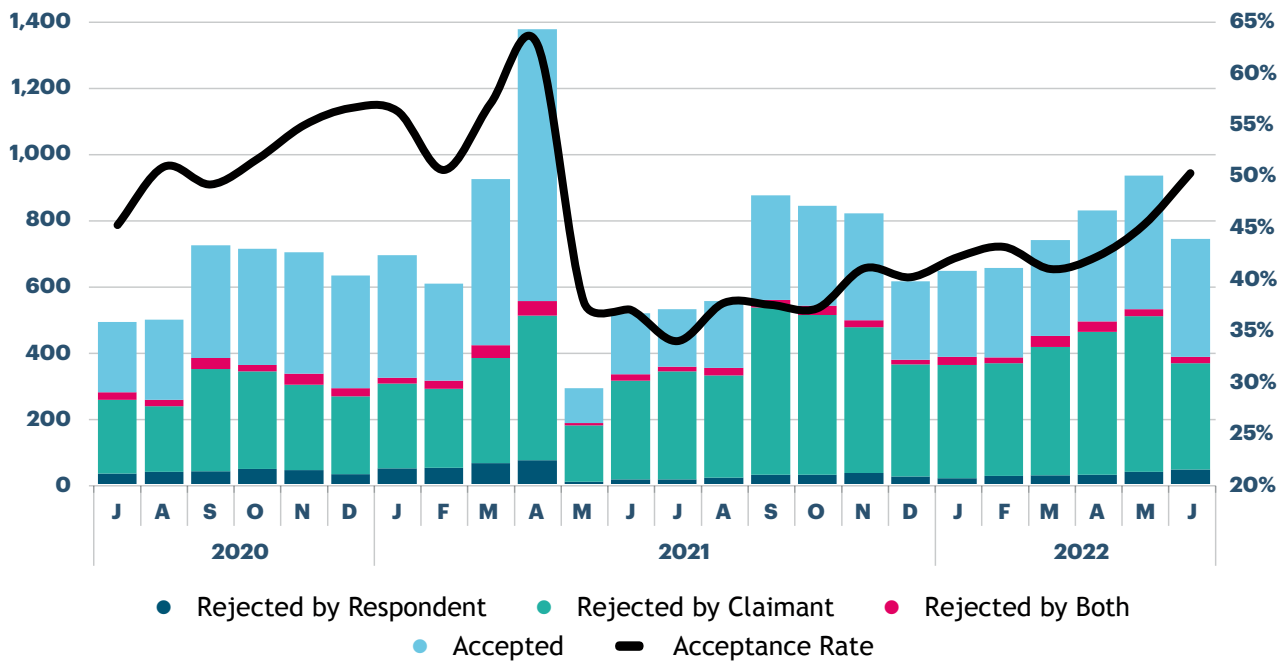
Month	Acceptance Rate	Month	Acceptance Rate
Apr-21	60%	Jan-22	41%
May-21	36%	Feb-22	41%
Jun-21	36%	Mar-22	39%
Jul-21	33%	Apr-22	41%
Aug-21	36%	May-22	43%
Sep-21	36%	Jun-22	48%
Oct-21	36%		
Nov-21	40%		
Dec-21	39%		

## Acceptance Rates Post-Guidelines



The graph shows monthly acceptance rates of PIAB awards since July 2020. The black line shows that the overall rate was typically around the 50% mark before the Guidelines were introduced with a brief spike upwards just before they were introduced. From May 2021 the rate declined significantly but is now trending upwards and stands at 48% for awards issued in June 2022.

**Table 14 – Monthly acceptance rate of all PIAB awards since July 2020**



The significant changes arising from the introduction of the Guidelines most certainly impacted the initial acceptance rates. This was expected as it takes time for such changes to bed in and for many claimants the Guidelines will have resulted in a reduction in award levels and what they were offered as an award may have differed from what a party might have expected. In addition, there has also been a number of legal challenges to the Guidelines, which we imagine will have impacted decisions in relation to the acceptance of awards. The outcome of two recent legal challenge test cases in April and May, upheld that the Guidelines were legal and being appropriately applied. This is likely to have brought about more certainty to the Guidelines and positively impacted acceptance rates.

PIAB expects to see this trend upwards to continue as both claimants and respondents get used to the Guidelines. It is important to note that there are still only a small number of decisions using the Guidelines, and the more rulings that are made will bring more certainty to the Guidelines and how they are being applied. There also appears to be legal challenges to be heard. The conclusion of this process is also important.

**Table 15**

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

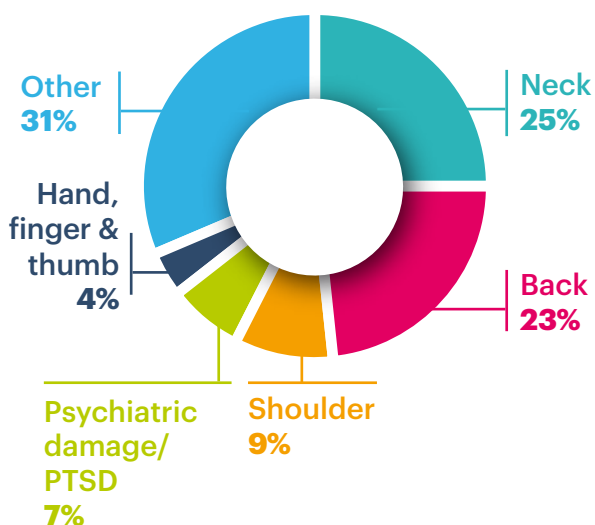
<b>Acceptance rate of awards (awards issued from January to end of June 2022, excluding pending cases)</b>				
	<b>Motor</b>	<b>PL</b>	<b>EL</b>	<b>Overall</b>
Claimant acceptance rate	41%	59%	50%	46%
Respondent acceptance rate	96%	84%	93%	93%
Combined acceptance rate	39%	49%	47%	42%

Table 15 above shows the year to date acceptance rates of awards assessed by PIAB under the Guidelines and issued up until the end of December 2021 and figures for the first 6 months of 2022. The overall combined acceptance rate is now 42% (increased from 37% at December 2021). Motor has the lowest rate of 39% (up from 34% at December 2021) and public liability has the highest rate of 49% (up from 45% at December 2021). The respondent acceptance rate ranges from 84% in public liability cases to a high of 96% in motor cases. The acceptance rate by claimants is 46% overall.

# Injury Analysis

This report contains an analysis of the injuries involved in the cases which PIAB have assessed in the first 6 months of 2022. The chart 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 48% of injuries (2,130 of 4,420 cases) presented to PIAB in the first half of 2022 and may be attributed to injuries involving whiplash as well as handling and lifting activities. This percentage has declined marginally compared to the last report and may be impacted by the decline in the proportion of Motor cases which typically have a very high level of such injuries. By way of contrast the most common type of injuries involved in the higher value claims over €100k cases referred to earlier in this report were: shoulder, leg/knee/ankle/foot, elbow/wrist, scarring/burns, eye, and brain damage, with some moderate/severe neck and back injuries. The top 5 injuries accounted for nearly 69% of cases.

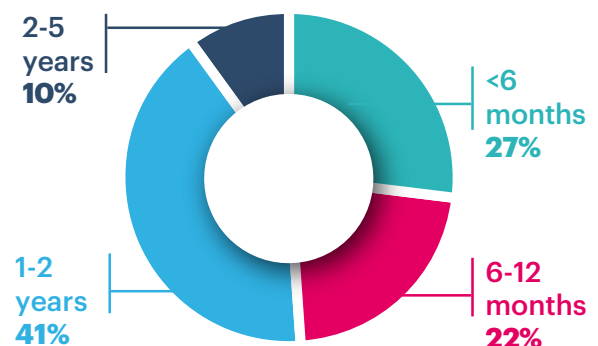
**Figure 1** – The 5 most common Injuries recorded as Dominant/Most significant



The injury data can also be explored further by looking at the severity of injuries by injury type. 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 (2,130 cases or 48%), the severity grading of these injuries in particular has been examined. Of the 2,130 cases identified, the predominant severity grading of these injuries was classified as minor (1,891) cases. This shows us that of neck and back injuries some 89% 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, 41% of minor neck and back injury claims had a recovery period of 1-2 years, 49% have a recovery period of less than 1 year and 10% have a recovery period of more than 2 years.

**Figure 2** – An analysis of minor neck and back injuries by recovery period





## ...of neck and back injuries some 89% were categorised as having a minor injury

Table 16 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 in the period April to December 2021 was €9,423

and the average General Damages was €7,785 for these cases. The corresponding figures for the period Q1 2022 are €9,598 and €7,824, and for Q2 2022 are €8,997 and €7,408 – showing a great deal of stability in these average levels over time. The table below also shows the average General Damages figures over time for these cases based on recovery periods.

**Table 16**

Range of awards for minor neck and back injuries by recovery period						
Injuries Data	Average Total Award Apr-Dec 2021	Average General Damages Apr-Dec 2021	Average Total Award Q1 2022	Average General Damages Q1 2022	Average Total Award Q2 2022	Average General Damages Q2 2022
<b>Neck and Back Minor</b>						
All	€ 9,423	€ 7,785	€9,598	€7,824	€8,997	€7,408
Substantial Recovery within 6 months	€ 2,987	€ 2,382		€2,433		€2,419
Substantial Recovery within 6 months to 1 year	€ 6,297	€ 5,234		€5,621		€5,552
Substantial Recovery within 1-2 years	€ 11,430	€ 9,499		€9,809		€10,394
Substantial Recovery within 2-5 years (Back only)	€ 18,940	€ 15,354		€15,385		€15,527

# Conclusion – Claims Volumes, Award Patterns and Further Data

## Claims volumes

This report shows the continuing year-on-year reduction in the volumes of claims coming to PIAB. While there has been an increase in volumes in the last quarter the total number of cases received in 2022 is likely to be below the numbers received in 2021. While Covid 19 clearly had a very significant impact on volumes initially, there are likely to be other factors involved now. To what extent the introduction of the Guidelines has had an impact on volumes is not yet clear but it would appear to have had some impact due to some uncertainty surrounding the Guidelines and the various legal challenges to them.

## Average awards

This report once again shows that there has been a significant decrease in average awards made by PIAB since the Guidelines were introduced. Our earlier report to end 2021 showed a 42% decrease in average award values as compared to 2020 levels, whereas this report for the first 6 months of 2022 shows a 38% decrease in respect of that period. Average awards fluctuate depending on the severity of the cases assessed in a particular time period and taking this into account since the Guidelines have been introduced the decline in average values has been relatively consistent. As stated earlier the reason for the fluctuation in average awards compared to last year is down to the increase in the proportion of very severe injuries assessed this year, the reduction in the proportion of motor cases assessed, and the increase in special damages due to inflation etc. When you focus on 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 for the first 6 months of 2022 this was 44%, showing a high level of consistency, albeit impacted by the proportion of more severe cases dealt with during the period. There will always be some deviations depending on the severity of cases

handled, and over the longer period there may be changes in accident types which could affect averages. However, since the guidelines came in the overall impact to General Damages has been a decline on Book of Quantum awards of close to 50%. Average levels, in 2022 to date v 2021 have been impacted by more infrequent but very severe cases and it is noteworthy that in Q1 2022 the highest award in each of the categories exceeded those made in 2021 since the introduction of the Guidelines.

## Acceptance rate and the need for settlement data

The report also shows that while the overall acceptance rate dropped since the introduction of the Guidelines, the rate has increased and continues to do so. The overall rate is up 5% points for the first 6 months of the year compared to April – December 2021 and the latest monthly rate is 48% which is approaching the pre-guidelines prevailing rate. It is too early to determine where acceptance rates will land in the medium term, however, the latest trends are positive 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 still 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. 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. However, it is still critical given the objective 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 injuries.

Another important element to consider is 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 a 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. It would be expected that less cases would enter into lengthy and costly litigation and either settle claims 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.

The impact of the Guidelines has been felt to some extent to date but close monitoring of outcomes across the various settlement channels needs to take place. The Guidelines may impact further on many aspects of the personal injuries landscape such as claim volumes, settlement behaviour, the nature of injuries presenting, the treatment of cases in the courts etc.

It is very important that there is transparency in what's happening throughout the entire personal injury/settlement environment. This report is encouraging in that it shows that PIAB's awards are consistent over time, albeit subject to some fluctuation depending on the nature of the injuries assessed. It also shows a positive upturn in the acceptance rate. It is hoped that over time as the guidelines bed in more and more people will accept the PIAB award and the benefits of PIAB to society in general are further realised.



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