

News release

PIAB PUBLISHES ROAD ACCIDENT WHIPLASH INJURY DATA

Monday, 5 November, 2018 - The Personal Injuries Assessment Board (PIAB) has today published data on whiplash-related injury compensation awards resulting from road traffic accidents in Ireland. The publication of this data by PIAB delivers on a recommendation from the first report of the Personal Injuries Commission (PIC), and involved analysis of approximately 4,500 awards made in the first six months of 2018.

The statistics show that in this period 70.8% of all personal injury motor cases assessed by PIAB were whiplash-related. The figure for drivers with whiplash-related injuries was 79% of all motor cases, and for passengers the figure was 69% of motor cases.

PIAB is the independent State body which assesses personal injury claims in Ireland. It assesses personal injuries compensation in a timely and cost-efficient manner.

The analysis published today was compiled based on the respected World Health Organisation system for categorising injuries (known as ICD-10), which PIAB uses to code its data. For the purposes of the analysis, cases where the predominant injury is a soft tissue one to the neck or upper back are categorised as whiplash-related. This includes cases where the primary ICD-10 code is a strain/sprain of the cervical or thoracic spine. It also includes cases with a combination of soft tissue injuries to the neck, shoulder and back. Cases where the predominant injuries are fractures or soft tissue injuries to the lower body or limbs are excluded.

The data published by PIAB provides information on the categories of road user (driver or passenger) and also gender data for people who made personal injury whiplash-related claims, as well as the amounts awarded in compensation in relation to cases it finalised. PIAB regularly publishes detailed data on personal injuries compensation in Ireland. However, PIAB does not have information on private settlements between insurance companies and claimants, and encourages the publication of more data by the industry and other relevant bodies as recommended by the Personal Injuries Commission.

FINDINGS:

- **The average PIAB award for a whiplash case was €18,581 in general damages (pain and suffering) plus €1,456 in special damages (payments for medical expenses, loss of earnings etc).**

- **The average whiplash award for a male was €18,126 in general damages plus €1,460 in special damages and for a female it was €19,016 in general damages plus €1,456 in special damages. The average whiplash award for a driver was €19,066 in general damages and €1,734 in special damages and for a passenger was €17,026 in general damages and €857 in special damages.**
- **Overall motor awards in numbers are split almost 50/50 between males and females.**
- **Claimants in 55% of whiplash cases received a total award of between €10,000 and €20,000 in total damages. In 88% of whiplash cases the claimant received a total award of under €30,000.**
- **The average total award for other injuries which did not involve whiplash was higher than the whiplash average. Awards for injuries not classified as whiplash were an average of €27,386 in total. This was made up of €25,060 in general damages and €2,326 in special damages. This is likely to be because those injuries involved fractures or other more serious injuries.**
- **The average total award for all motor cases in this study was €20,472 in general damages and €2,326 in special damages.**

One of the Personal Injuries Commission recommendations was the publication of information going forward relating to the incidence of whiplash-related injuries, and PIAB is pleased to do so today, using the widely respected ICD-10 system of classification. PIAB very much hopes that the positive momentum towards achieving a sustainable and predictable personal injury compensation system in Ireland will continue. PIAB has welcomed the recommendations of the Personal Injuries Commission, and believes they represent an opportunity for a step-change in improving the personal injuries compensation system in Ireland. PIAB supports the recommendations made by the PIC which should if implemented ultimately lead to judicial guidelines replacing the current Book of Quantum.

ENDS

Editors' notes:

- The first PIC report recommended that PIAB “produce information going forward relating to the incidence of ‘whiplash’ soft-tissue injuries.”
- PIAB makes its awards in line with current levels of personal injuries compensation in Ireland.
- The second PIC report found that on average the amount paid out in Ireland for whiplash type cases was 4.4 times higher than that for similar injuries in England & Wales. The PIC recommended that the Judicial Council, when established, would produce guidelines on appropriate levels of damages in Ireland similar to what exists in England, Wales, and Northern Ireland. This approach according to the PIC, ‘will achieve in early course a greater level of consistency in Ireland in the assessment of General Damages’.

- PIAB assesses personal injuries compensation in a timely and cost-efficient manner in respect of personal injuries suffered by people in motor accidents, workplace accidents and public liability accidents. All personal injury claims must come through PIAB, unless settled early between claimants and insurers/respondents. PIAB removes avoidable costs and delays from the personal injuries system, resulting in benefits to all parties and to society.
- PIAB has assessed more than 130,000 cases since it was set up in 2004 and over 60 per cent of claimants have accepted its awards. The average time to assess a case in 2017 was 7.3 months, and the average delivery cost was 6.2% of awards.