

Media Statement

Judgment from Court of Appeal in Tara Wolfe v's PIAB

9th October 2023

The Court of Appeal has issued its decision in a case concerning the information provided by PIAB in its Notifications of Assessments of compensation to personal injuries claimants following the introduction of the Personal Injuries Guidelines.

Today's decision follows an appeal of a judgement in favour of PIAB in the High Court, where the High Court had found that the information supplied by PIAB was sufficient.

The Court of Appeal judgment finds that more information in relation to how an award is arrived at by PIAB should be provided when it writes to claimants after it assesses their injuries and makes an assessment of compensation.

PIAB welcomes the clarity which the Court of Appeal's decision brings. Increasing the transparency of how PIAB assesses claims and how we communicate this to all parties to a claim is an area we have been actively working on. Since the Guidelines have been introduced, PIAB has been developing the information provided to parties when a compensation assessment is made, and the judgment today is very helpful in this regard.

Commenting on the judgement, PIAB's CEO **Rosalind Carroll** said:

"The judgment from the Court of Appeal brings additional clarity to the application of the Personal Injuries Guidelines. It is useful to have cases involving the Guidelines ruled in the higher courts and this will bring more clarity to the significant changes in the personal injuries environment.

The Guidelines are a key part of the insurance reform process which is very important for all parties and for society. PIAB are keen to implement changes to the information provided to claimants as we endeavour to provide greater transparency to all parties, and we welcome the clarity the judgement provides".

PIAB is an independent and impartial state body and provides a non-adversarial , fair assessment of compensation for personal injuries claims and has been operating for over 19 years. In this time, PIAB has successfully assessed over €1.5 billion in personal injury awards, relating to 160,000 cases up to the introduction of the Guidelines and 20,000 since the Guidelines were introduced in April 2021. We are committed to continuing to develop our services to the highest standards in order to provide fair, impartial services for the benefit of all. In 2022, the savings directly attributed to the acceptance of awards in PIAB cases are estimated to exceed €40 million, removing costs that would otherwise be ultimately borne by insurance policy holders.

ABOUT THE CASE

Ms Wolfe had contended that PIAB had not provided sufficient reason as to the assessment of compensation and accordingly she was not in a position to make an informed decision as to whether to accept or reject the PIAB assessment of compensation.

The High Court had deemed the information we currently provide to be sufficient, but this judgment now overturns their decision.

The Court of Appeal accepted the appeal by the claimant that she had not been provided with sufficient information for her to decide whether to accept a compensation assessment by PIAB. The judgment requires PIAB to provide more information in relation to how lesser injuries are compensated where a dominant or significant injury has been identified, in order that the claimant can determine the amount given for the lesser injury or the amount that is applied to an 'uplift.'

PIAB will apply this to Assessments of Compensation going forward.

The Court has directed that in respect of this particular claim, that the PIAB Assessment be quashed and be reassessed by PIAB with further information to be provided to the claimant as to how damages were assessed in relation to the multiple injuries involved.

Ends