



# PIAB Personal Injuries Award Values 2022

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**December 2023**

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Average Awards Report No. 4

## Who We Are

The Personal Injuries Assessment Board (PIAB) is Ireland's independent State Body which assesses personal injury claims. PIAB was established in 2004 to support the fair, prompt, and transparent resolution of personal injuries claims without the need for unnecessary litigation. PIAB is a self-funded public body and is a key pillar in contributing to reform of the insurance sector and the personal injuries environment. PIAB generates millions of euro in savings which would otherwise be spent on processing claims, leading to higher costs for policy-holders.

## What We Do

**The Personal Injuries Assessment Board independently assesses personal injury claims for compensation in the following categories:**

- **Motor Liability**
- **Employer Liability (workplace accidents)**
- **Public Liability**
- **Garda Compensation**

Our process leads to quicker, consistent and cheaper resolution of claims benefiting all parties and society. Our assessments of compensation are fair, independent and non-adversarial. We use the exact same Guidelines as the Courts to calculate levels of compensation. It is cheaper and faster to resolve a claim through PIAB vs litigation according to research by the Central Bank of Ireland. PIAB also collects and analyses data on personal injury claims and awards to help contribute to greater transparency in the sector.

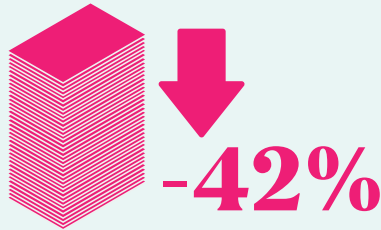
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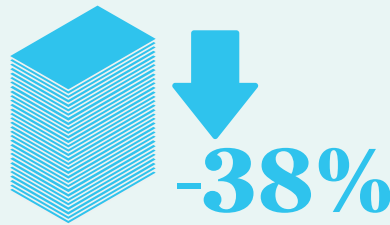
# Infographic Summary

## PIAB Personal Injuries Award Values January 1st - December 31st 2022

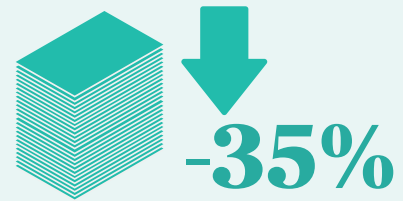
April-December 2021



January-June 2022



January-December 2022



Lower than the average award in 2020, assessed under the Book of Quantum

	Value of Average Award*	Drop in value
<b>Motor Liability</b>	€13,593	-39%
<b>Employer Liability</b>	€22,545	-26%
<b>Public Liability</b>	€16,833	-35%
<b>Overall Average</b>	<b>€15,544</b>	<b>-35%</b>

\* excluding fatal cases

### General Damages 2022 v 2020

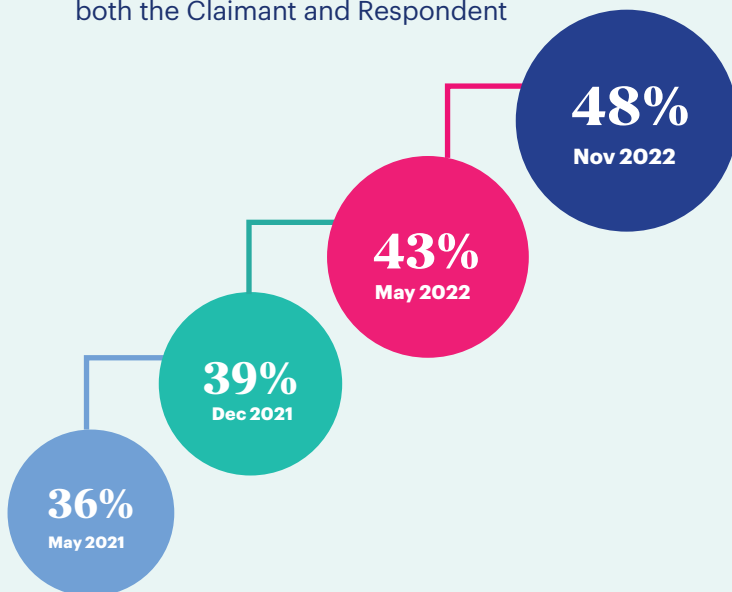
The award for pain and suffering experienced by the Claimant as a result of the accident.

**-41%** ↓

Lower than average General Damages Awards in 2020, assessed under the Book of Quantum

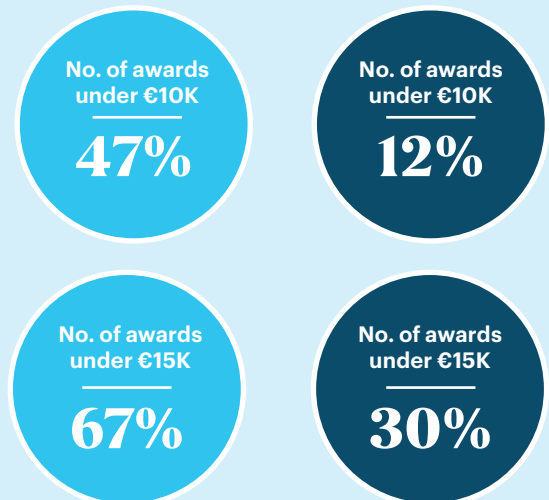
### Acceptance Rate

The percentage of monthly awards made by PIAB that were accepted by both the Claimant and Respondent

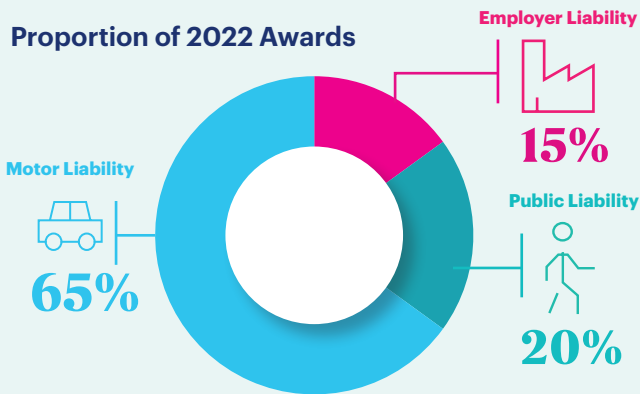


Note: This trend has since stabilised, with an award acceptance rate of 49% in June 2023.

### 2022 Awards V 2020 Awards



## Trends in Average Award Values 2022

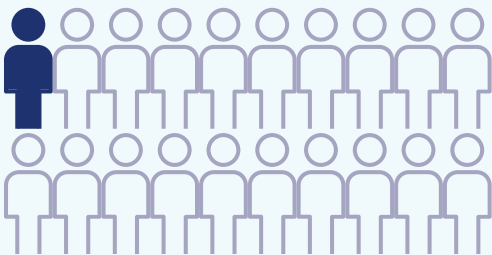


2022 V April-Dec 2021

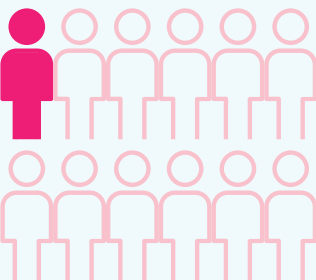


### Injury Profile

In Apr-Dec 2021, 1 in 20 awards related to Psychiatric Damage



In 2022, 1 in 12 awards related to Psychiatric Damage

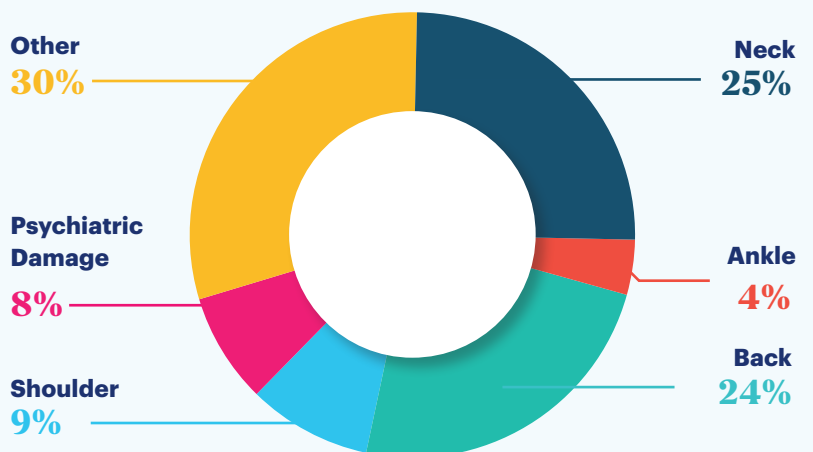


### Average Special Damages Awards

The compensation for financial loss/ vouched expenditure



### Dominant/ Most Significant Injuries in 2022



# About this Report

This report provides the first full-year overview of average award values for personal injury claims, since the implementation of the new Personal Injuries Guidelines. This report covers all categories of claims: Motor Liability, Employer Liability and Public Liability, between January to December 2022, inclusive.

The findings provide further evidence highlighting the impact of the Guidelines on award levels, while also providing information relating to common injury types, including an in-depth analysis of minor neck and back injuries and awards relating to psychiatric damage in 2022. Throughout this report, average award values for 2022, including half-yearly figures, are compared to 2020, the last full-year reporting period prior to the introduction of the Guidelines, and with figures from April-December 2021, the period following the implementation of the Guidelines.

Taking effect from the 24th of April 2021, the Personal Injuries Guidelines aim to promote consistency and transparency in the assessment of personal injury claims. Their introduction represented a key milestone in wider insurance reform in Ireland, acknowledging the impact of personal injury accidents on individuals, businesses, communities and wider society.

In addition to the introduction of the Guidelines, personal injury claims volumes have been influenced by external factors such as the impact of the Covid-19 pandemic. This report aims to provide an overview of claim volumes, average award values, range of award values, General and Special Damages, award acceptance rates and types of injuries sustained by accident victims. It is hoped that the findings will support greater transparency around the assessment of personal injury claims. The findings of this report will help to inform policy in personal injuries and the wider insurance sector.

This report relates to claims assessed under the Guidelines for the period January to December 2022. The data excludes fatal cases, as such claims are unaffected by the Personal Injuries Guidelines. Previous average awards reports compiled by PIAB have shown that the average value of awards made between April-December 2021 decreased by 42% when compared to 2020, when claims were assessed with reference to the Book of Quantum. Similarly, between January-June 2022 a 38% reduction in average award values was noted in comparison to 2020 levels.

Average award values are influenced by the type and severity of injuries assessed. Similarly, average award values are affected by the frequency of claim categories. For example, Employer Liability awards are typically associated with higher award values, which may be due in part, to an increased likelihood of severe injury in an occupational setting, while Motor Liability claims are commonly lower value awards in comparison to other claim categories. These factors should be taken into account when considering trends in average awards and provide important context when examining the impact of the Personal Injuries Guidelines. This report provides an overview of 8,844 awards made by PIAB in 2022, excluding fatalities, with a general description of these cases provided throughout. In reading this report it is important that we do not lose sight of the fact that behind every statistic is an individual who has suffered an injury as a result of an accident, in some cases serious and life changing. It is intended that this report will support greater transparency and clarity around assessments of compensation for personal injuries and will promote further trust in the PIAB process.

# 1. Claim Volumes

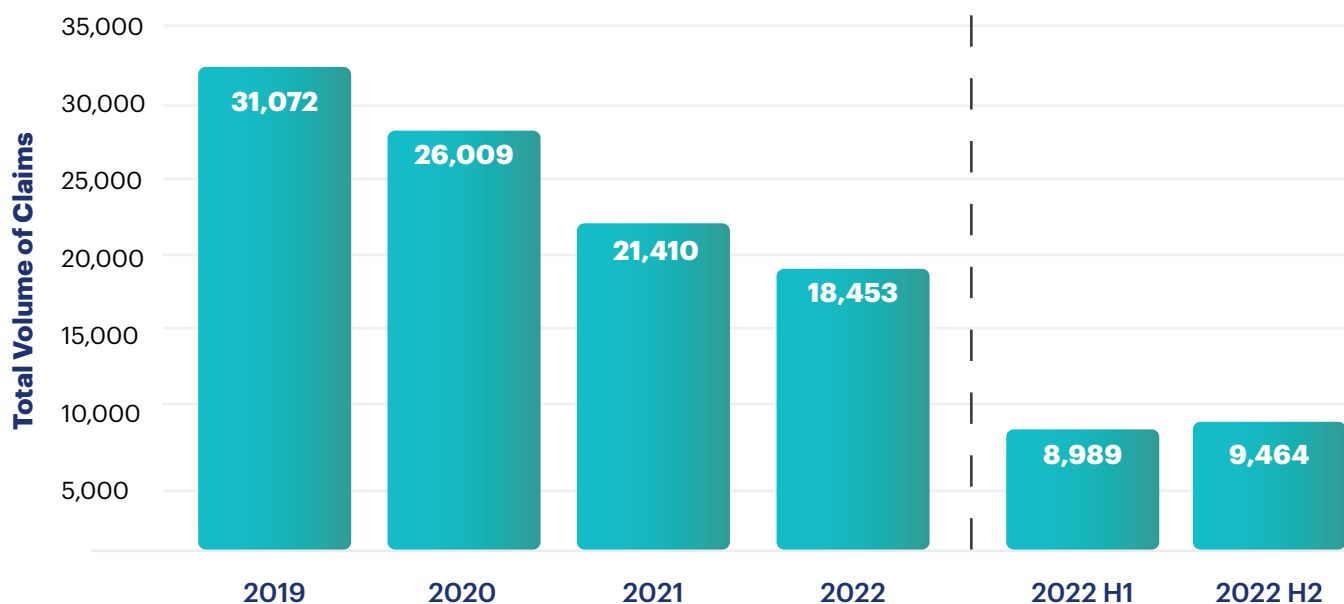
The total number of claim applications submitted to PIAB in 2022 was 18,453. This comprised of 8,989 applications between January-June 2022 and a further 9,464 applications between July-December 2022. This figure represents a 14% decrease when compared to the total number of applications submitted in 2021, consistent with trends observed across previous years. As seen in **Figure 1**, which provides an overview of the volume of claims submitted to PIAB since 2019, a significant reduction in total claims volumes (-41%) has been observed since the beginning of the Covid-19 pandemic and the introduction of the new Personal Injuries Guidelines.

The restrictions caused by Covid impacted traffic levels and numbers attending the workplace and public places, which in turn caused a reduction in accidents and a knock-on impact on personal injury claim volumes. While the public-health related restrictions have been lifted, accident levels remain below pre-Covid levels but there are indications of some recent level of increase.

The introduction of the new Personal Injuries Guidelines in April 2021 has contributed to a reduction in the number of claim applications submitted to PIAB. The new Guidelines represented major reform within the personal injuries landscape in Ireland and the impact of this will take some time to stabilise.

Consistent with this, a slight increase in the volume of claim applications received by PIAB was observed in the latter half of 2022, July-December inclusively, when compared to January-June 2022 (+5%). Additionally, provisional data from January-June 2023 shows the number of applications submitted to PIAB has increased by 16%, when compared to the same period in 2022, but remains significantly below pre-Covid levels.

**Figure 1:** Number of claim applications submitted to PIAB between 2019-2022



## 2. Main Findings on Award Values in 2022

The following section provides a breakdown of the category of awards assessed by PIAB in 2022 and the average and range of award values in respect of the 8,844 cases assessed between January-December 2022.

The 2022 figures represent the first full year of operation of the Guidelines and are compared to PIAB figures from 2020, with the Book of Quantum used as the basis of assessment for those awards. Additionally, year-on-year trends are explored through comparison with figures from the post-implementation period for the new Guidelines, April-December 2021.

Of the 8,844 assessments of compensation in 2022, a majority related to Motor Liability claims (65%), followed by Public Liability (20%) and Employer Liability claims (15%).

**Table 1** provides an overview of the category of awards, with a 3% decrease noted in the proportion of Motor Liability awards assessed by PIAB in 2022 compared to 2021, and a 2% increase in the proportion of Employer Liability awards compared to 2021.

This impacts the overall average value of awards as Employer Liability values tend to exceed values for Motor Liability cases due to the severity of the injuries sustained in workplace accidents as compared to motor accidents.




**Table 1.**

**Breakdown of 2022 award categories compared to April-Dec 2021 and 2020 figures**

	Motor Liability	Public Liability	Employer Liability
Number of Awards in 2022	<b>5,785</b>	<b>1,774</b>	<b>1,285</b>
% of 2022 awards	<b>65%</b>	<b>20%</b>	<b>15%</b>
% of Apr-Dec 2021 awards	68%	19%	13%
% of 2020 awards	70%	17%	13%

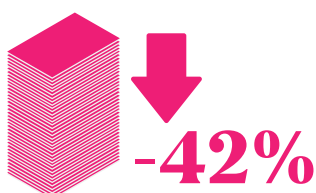
**Table 2.**

**Breakdown of average award values in 2022 compared to April-Dec 2021 and 2020 figures**

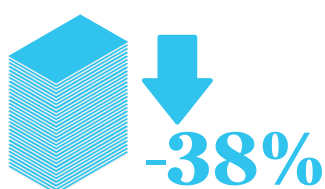
	2022 Average	2020 Average	2022 v 2020 Change (%)	Apr-Dec 2021 Average	2022 v 2021 Change (%)
 <b>Motor Liability</b>	€13,593	€22,158	-39%	€12,747	+7%
 <b>Public Liability</b>	€16,833	€26,000	-35%	€15,121	+11%
 <b>Employer Liability</b>	€22,545	€30,576	-26%	€17,644	+28%
<b>Overall</b>	<b>€15,544</b>	<b>€23,877</b>	<b>-35%</b>	<b>€13,825</b>	<b>+12%</b>

### Trends in Average Award Values

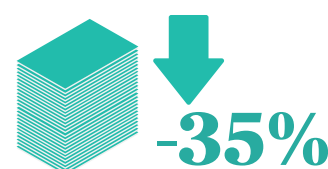
April-December 2021



January-June 2022



January-December 2022





## Comparison to previous periods

As shown in **Table 2**, overall, average award values remained significantly lower in 2022 at €15,544 when compared to the pre-Guideline average award of €23,877 in 2020, equating to a 35% decrease. However, average award values, both overall and across all three claim categories, have observed increases in 2022 when compared to April-December 2021 award levels. This percentage increase ranged from +28% for Employer Liability claims to +7% for Motor Liability claims. Overall, award values in 2022 are on average, 12% higher than 2021 figures, however both figures are lower than the pre-Guideline average of €23,877.

As shown in **Table 3**, the increase in average award values was most pronounced in H2 2022. When compared to January-June 2022 (H1), Public Liability awards increased on average by 14% and Employer Liability average awards were 38% higher in the latter half of 2022, while Motor Liability

awards remained stable (-1%). It is important to note that in the latter half of 2022, PIAB made an assessment of compensation valued at €484,998, which inflated the average award value for Employer Liability claims for this period. The influence of these high-value cases on average award values will be discussed in greater detail later in the report.

It is important to note that average values are influenced by the nature and severity of the injuries sustained and this will also be explored later in this report. Finally, average award values are comprised of two components: General Damages, the compensation for pain and suffering, and the Special Damages element, the compensation for financial/wage loss, treatment costs etc.; the latter having been impacted by inflation in recent times. The following sections of this report will explore potential drivers of average award values in 2022.

**Table 3.**

### Average award values in January-June 2022 (H1), compared to July-December 2022 (H2)

Award category	Motor Liability	Public Liability	Employer Liability	Overall
Average award in H1 2022	€13,648	€15,813	€18,699	€14,786
Average award in H2 2022	€13,569	€18,047	€25,809	€16,328
<b>% Change</b>	<b>-1%</b>	<b>+14%</b>	<b>+38%</b>	<b>+10%</b>

“Overall, average award values remained significantly lower in 2022 at €15,544 when compared to the pre-Guideline average award of €23,877 in 2020”

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

It is important to understand the factors that may influence average award values. One factor which has the potential to inflate the average award value is the proportion of high value cases i.e. those valued at over €100,000, that PIAB assesses within a given period.

Average awards of more than €100K, excluding fatal cases, totalled 70 cases in 2022. This included 32 Motor Liability awards, 24 Employer Liability awards and 14 Public Liability awards. Of note, the number of high-value cases was higher in the latter half of 2022 (42 cases) compared to H1 2022 (28 cases).

On average, high-value awards were €176,464 in 2022, including an average award of €110,786 for General Damages and €65,678 for Special Damages. Although high-value cases account for a relatively small proportion of total awards, they may skew the overall average award figure.

**Table 4** details average award values when high value cases (>€100K) are excluded. It is clear from this data that the increase in overall average award values for 2022 when compared to April-December 2021 (+12%) is reduced when claims valued at €100K or

higher are excluded (+6%). Similarly, as shown in **Table 5**, the relative increase in average award values in H2 2022 compared to the first half of the year is reduced to +7% when high-value cases are removed. The average increase in Employer Liability awards in 2022 however, remains high, with a 15% increase observed in 2022, when compared to April-December 2021.

As explored later in this report, the average Special Damages amount has increased for Employer Liability awards in 2022, due to a combination of factors including trends in inflation impacting vehicle repair costs, treatment costs and wage levels, all of which may influence the value of financial losses incurred as a result of an Employer Liability (workplace) accident.

Overall, there has been a shift in the proportion of Employer Liability cases as a percentage of total awards and accordingly the increase in the average Employer Liability award affects the figure of the average award for all cases. Motor Liability awards, which accounted for 65% of all assessments of compensation made by PIAB in 2022, increased by just 3% when cases valued over €100k were excluded.

**Table 4.**

Average award values, excluding high value cases (>€100k)				
Cases under €100K	Motor Liability	Public Liability	Employer Liability	Overall
Average award in Apr-Dec 2021	€12,319	€14,777	€17,144	€13,403
Average award in 2022	€12,646	€15,617	€19,729	€14,260
<b>% Change</b>	<b>+3%</b>	<b>+6%</b>	<b>+15%</b>	<b>+6%</b>

**Table 5.**

Average award values in January-June 2022 (H1), compared to July-December 2022 (H2), excluding high value cases (>€100k)				
Cases under €100K	Motor Liability	Public Liability	Employer Liability	Overall
Average award in H1 2022	€12,440	€14,984	€18,138	€13,747
Average award in H2 2022	€12,881	€16,383	€21,114	€14,801
<b>% Change</b>	<b>+4%</b>	<b>+9%</b>	<b>+16%</b>	<b>+7%</b>

## Range of Awards

**Table 6** provides a summary of the distribution of award values, categorised based on award bands, made in 2022 and compared with figures from the post-guideline implementation period April-December 2021 and pre-Guideline figures in 2020.

The proportion of awards valued at less than €5,000 was 23% in 2022, compared to 20% between April-December 2021. When compared to the award bands applied in 2020, the proportion of claims now assessed at less than €10,000 equates to just under half of all awards (47%) in 2022, compared to just 12% of awards in 2020, before the Guidelines were introduced. Similarly, in 2020, 44% of all awards made by PIAB were assessed at €20,000 or greater compared to just 20% of awards made in 2022.

The evident shift in the proportion of awards towards the lower value award bands in 2022 and 2021, highlights the impact of the Guidelines on personal injuries claims. It is noteworthy that while only 30% of awards were under €15k in 2020 that figure increased to 72% in 2021 but has dropped back to 67% in 2022 – this indicates a shift in the severity of cases that were assessed by PIAB in 2022 compared to 2021. Similarly, there has been an increase in the proportion of over €25k cases – 12% in 2021 to 15% in 2022. Again, this indicates a shift in the severity of cases assessed by PIAB and contributes to the higher average awards value in 2022 as against 2021.

**Table 6.**

Range of Award Values in 2022, compared to Apr-Dec 2021 and 2020 figures							
Award Value Category	<€5k	≤€5k-10k	≤€10k-15k	≤€15-20k	≤€20k-25k	≤€25k-50k	≤€50k
<b>% of 2022 Awards</b>	<b>23%</b>	<b>24%</b>	<b>20%</b>	<b>12%</b>	<b>6%</b>	<b>10%</b>	<b>5%</b>
<b>% of Apr-Dec 2021 Awards</b>	20%	29%	23%	11%	5%	8%	4%
Award value category	<€10k		≤€10k-15k	≤€15k-20k	≤€20k		
<b>% of 2020 Awards</b>	12%		18%	26%	44%		

“The proportion of claims now assessed at less than €10,000 equates to just under half of all awards in 2022 (47%), compared to just 12% of awards in 2020.”

## Highest and Lowest Award Values

The highest and lowest overall awards made in respect of each of the three claim categories are described below in **Table 7**. Highest and lowest award values for 2022 are compared to figures from April-December 2021.

The highest award in 2022 was valued at €655,678 and relates to a Motor Liability award with a high value Special Damages element included in the overall compensation amount. This assessment of compensation relates to a person who sustained severe injuries in a serious Road Traffic Accident which had a life-changing impact on the individual concerned. An amount was included in the compensation to cater for future medical and care needs required by the individual as a result of the accident. Similarly, the highest value Public Liability award of €364,100

relates to a person who suffered severe injuries and was awarded compensation for both pain and suffering and to cater for future medical and care needs. The highest value Employer Liability award of €484,998 included over €300,000 in compensation for loss of earnings. In this case the severity of the injuries sustained meant the individual was out of work for a long period following the accident.

The overall lowest award of €0 indicates that a nil award was given in line with an assessment of injuries sustained relative to the Guidelines. Similar to previous periods, a small number of €0 awards were noted (<1%).

**Table 7.**

Highest and Lowest Awards in 2022 and compared to April-December 2021				
Awards Category	Motor Liability	Public Liability	Employer Liability	Overall
<b>Highest award 2022</b>	€655,678	€364,100	€484,998	€655,678
<b>Highest award April-December 2021</b>	€360,552	€175,321	€125,706	€360,552
<b>Lowest award 2022</b>	€0	€0	€725	€0
<b>Lowest award April-December 2021</b>	€0	€500	€750	€0

# 3. General Damages & Special Damages

Personal injuries awards are comprised of two distinct components: General Damages providing compensation for pain and suffering, and Special Damages which provide compensation for financial loss, such as loss of earnings, treatment costs etc. The introduction of the new Personal Injuries Guidelines relates solely to the award levels for General Damages. Special Damages are assessed based on vouched expenditure and reflect direct costs to claimants, this can include loss of earnings, which is dependent on income

levels and other expenditure related to the personal injury claim such as treatment costs or vehicle repair costs. Tables 8-12, included below, provide a breakdown of both General and Special Damages awards for 2022. The average award values for 2022 are compared to pre-Guideline levels (2020) and to figures from April-December 2021, following the implementation of the Guidelines. The average award value data, presented in this section, excludes fatal cases which were not impacted by the introduction of the new Guidelines.

## General Damages

**Table 8.**

**Breakdown of General Damages**

Awards Category	Motor Liability	Public Liability	Employer Liability	Overall
<b>Average General Damages 2022</b>	€11,291	€14,849	€16,788	€12,804
<b>Average General Damages 2020</b>	€20,249	€24,625	€27,051	€21,850
<b>% change in value</b>	<b>-44%</b>	<b>-40%</b>	<b>-38%</b>	<b>-41%</b>

As shown in **Table 8**, the average General Damages award for 2022 was €12,804, representing a 41% reduction on pre-guideline awards for General Damages in 2020. Consistent with this, a reduction in average General Damages was observed for each category of claims, including Motor Liability awards (-44%), Public Liability

awards (-40%) and Employer Liability awards (-38%). The highest average General Damages amount for 2022 was observed for Employer Liability award values at €16,788, followed by Public Liability award values at €14,849 and Motor Liability claims at €11,291.

**Table 9.**

Breakdown of General Damages in 2022 v April-December 2021				
	Motor Liability	Public Liability	Employer Liability	Overall
<b>Average General Damages 2022</b>	€11,291	€14,849	€16,788	€12,804
<b>Average General Damages Apr-Dec 2021</b>	€10,559	€13,597	€14,072	€11,583
<b>% change in value</b>	<b>+7%</b>	<b>+9%</b>	<b>+19%</b>	<b>+11%</b>

**Table 10.**

Breakdown of General Damages in 2022 v April-December 2021 (Excluding high-value cases >€100k)				
	Motor Liability	Public Liability	Employer Liability	Overall
<b>Average General Damages 2022</b>	€10,631	€14,123	€15,434	€12,022
<b>Average General Damages Apr-Dec 2021</b>	€10,304	€13,476	€13,644	€11,333
<b>% change in value</b>	<b>+3%</b>	<b>+5%</b>	<b>+13%</b>	<b>+6%</b>

While 2022 figures show a reduction on pre-Guideline award levels, average General Damages were higher both overall, and for each category of claim when compared to figures from April-December 2021 (**Table 9**). This increase in average General Damages amounts however, may be explained in part, by the influence of high value awards (i.e. award values of >€100k) on average values. When high-value cases are excluded (**Table 10**), the percentage increase in average General Damages awards is slightly

attenuated, with an overall increase of 6% observed for 2022, when compared to April-December 2021 figures. This increase is likely a result of the severity of cases in the overall group of awards assessed. The impact is greatest in the Employer Liability category where the injuries typically sustained are more severe than in motor cases and where the overall average is more susceptible to the impact of a small number of very severe and correspondingly high value cases.

## Special Damages

**Table 11.**

Breakdown of Special Damages in 2022 vs 2020				
	Motor Liability	Public Liability	Employer Liability	Overall
<b>Average Special Damages 2022</b>	€2,302	€1,984	€5,757	€2,740
<b>Average Special Damages 2020</b>	€1,909	€1,375	€3,524	€2,027
<b>% change in value</b>	<b>+21%</b>	<b>+44%</b>	<b>+63%</b>	<b>+35%</b>

**Table 12.**

Breakdown of Special Damages in 2022 v April-December 2021				
	Motor Liability	Public Liability	Employer Liability	Overall
<b>Average Special Damages 2022</b>	€2,302	€1,984	€5,757	€2,740
<b>Average Special Damages Apr-Dec 2021</b>	€2,189	€1,523	€3,573	€2,243
<b>% change in value</b>	<b>+5%</b>	<b>+30%</b>	<b>+61%</b>	<b>+22%</b>

As shown in **Tables 11 and 12**, significant increases in Special Damages award values were observed in 2022. When compared to 2020 award figures, an overall average increase of 35% was observed for Special Damages. Similarly, on average, Special Damages were 22% higher in 2022 when compared to the post-guideline implementation period in 2021.

The largest increase in Special Damages awards can be attributed to Employer Liability claims, which observed a 63% and 61% increase in 2022 when compared to 2020 and 2021, respectively. More detailed analysis is required to fully understand the reasons behind this increase, but some of the factors likely include wage inflation, increasing loss of earnings claims, which are more prevalent in Employer Liability claims. Future research by PIAB will explore trends in Employer

Liability awards, providing greater insight into the profile of awards assessed in 2022. It is important to note that the new Personal Injuries Guidelines do not apply to Special Damages, which includes the award for vouched expenditure including treatment costs, loss of earnings, etc.

The increase in Special Damages observed in 2022 is a multifaceted issue, with the proportion of high-value cases (i.e. cases valued >€100k) impacting average Special Damages awards. When high-value cases are removed from analyses of awards in 2022 and between April-December 2021, the increase in Special Damages in 2022 is +8%. Additionally, some of the observed increase could be attributed to current levels of inflation, as increased costs for medical and therapeutic treatment, vehicle repairs and documented wage growth will influence the value of losses incurred by an individual as a result of an accident.

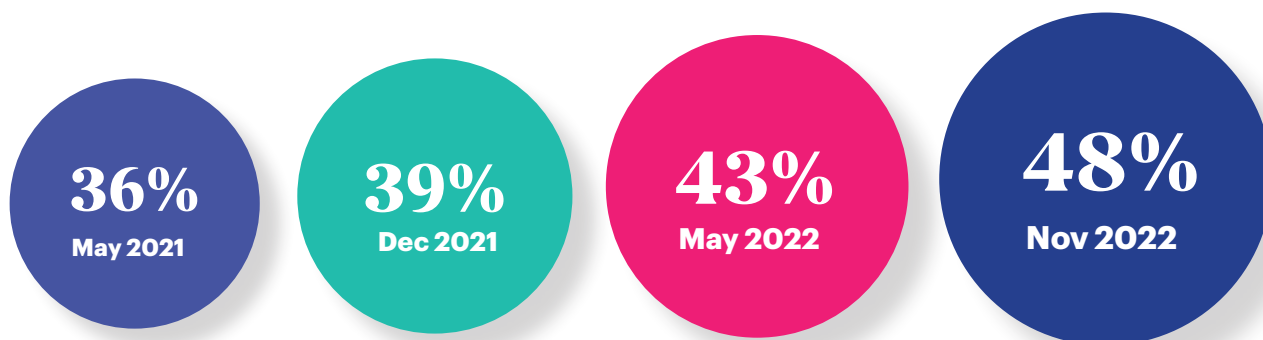
## 4. Acceptance Rate

When a PIAB assessment of compensation (award) issues to each party, the Claimant has 28 days to indicate whether they accept or reject the award and the respondent/insurer has 21 days to do likewise. Where the award is accepted by both parties, PIAB issues an Order to Pay instructing one party to pay the other the amount of the award. If the 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 approximately 90% of awards and claimants accepted over 50%, giving an overall acceptance rate of just over 50%. Following the

implementation of the new Guidelines, the acceptance rate dropped to a low of 33% in July 2021. This figure steadily increased over subsequent periods, rising to 43% in May 2022 and reaching 48% in November 2022.

While the exact reasons for the increase in the acceptance rate cannot be fully established the rise in the rate coincided somewhat with the decisions in the High Court which rejected some challenges to the constitutionality of the Guidelines and how PIAB operates them.



As shown below in **Table 13**, the Claimant acceptance rate was significantly affected by the introduction of the new Guidelines in 2021, however, data from 2022 shows that this effect has stabilised (Table 13). Just under half of all claims assessed in 2022 were accepted by

claimants (47%), representing a 7% increase on 2021 figures (40%). Similarly, the combined acceptance rate increased from 37% in 2021 to 44% in 2022, while the overall respondent acceptance rate remained high (93%).



**Table 13.**

**Breakdown of award acceptance rates in 2022 v April-December 2021**

Award category	Motor Liability	Employer Liability	Public Liability	Overall
<b>2022 Award Acceptance Rates</b>				
<b>Claimant acceptance rate</b>	43%	51%	59%	47%
<b>Respondent acceptance rate</b>	96%	93%	84%	93%
<b>Combined acceptance rate</b>	40%	46%	49%	44%
<b>April-December 2021 Award Acceptance Rates</b>				
<b>Claimant acceptance rate</b>	36%	43%	54%	40%
<b>Respondent acceptance rate</b>	96%	93%	85%	94%
<b>Combined acceptance rate</b>	34%	39%	45%	37%

When compared to April-December 2021 figures, an increase in the Claimant acceptance rate for Motor Liability claims was noted (43% v 36%, respectively). This is important, as Motor Liability claims account for a majority of all claim awards issued by PIAB (65%). Likewise, the Claimant acceptance rate for Public Liability claims increased from 54% in April-December 2021 to 59% in 2022, indicating that a majority of these claims are accepted by Claimants. Similarly, the Claimant acceptance rate for Employer Liability claims

increased from 43% in April-December 2021 to over half of awards in 2022 (51%). Consistent with figures from previous periods, the Respondent acceptance rate has remained high for Motor Liability (96%), Employer Liability (93%) and Public Liability claims (85%).

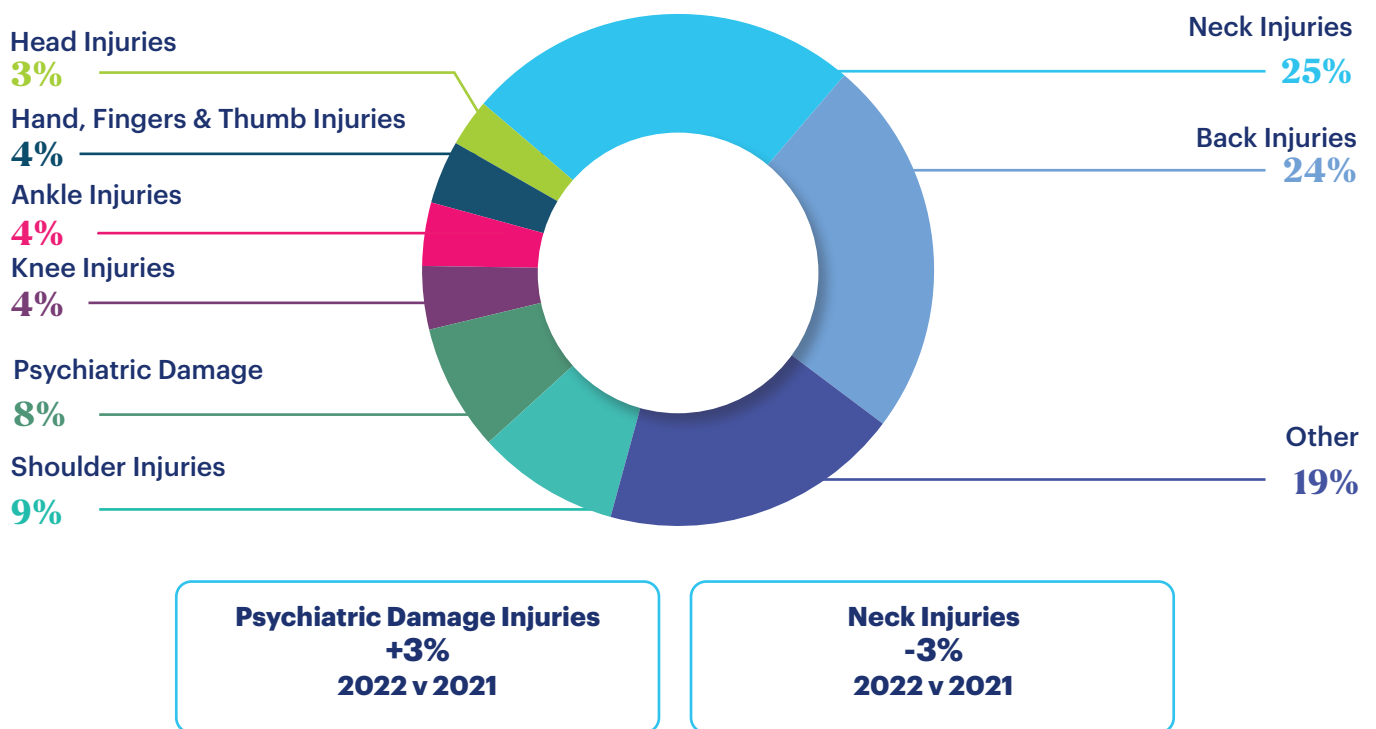
As the Guidelines continue to embed within the personal injuries landscape, there is an expectation that the acceptance rate will increase further.

# 5. Injury Analysis

This section provides an overview of assessments of compensation based on injury type in 2022, with comparisons to April-December 2021. It is important to note that PIAB made 4,731 assessments of compensation under the Guidelines in 2021, whereas in the full year 2022 there were just under 9,000 assessments of compensation made. Consequently, in respect of 2021 for

some injury types, average award figures are based on a small sample of cases leading to greater variability in the figures presented. PIAB makes an assessment of both General and Special Damages in respect of Personal Injury claims. The award of General Damages is determined with reference to the Personal Injuries Guidelines, focusing on the Dominant/ Most Significant injury sustained.

## Dominant/Most Significant Injuries in 2022



**Figure 2.** Breakdown of 2022 and 2021 awards based on dominant/most significant injury types.

As shown in **Figure 2**, neck and back injuries accounted for just under half of all assessments of compensation made by PIAB in 2022 (49%). This was followed by shoulder injuries (9%), psychiatric damage (8%), injuries to hand, fingers and thumb (4%), knee injuries (4%), ankle injuries (4%) and head injuries (3%). Reflecting the diverse range of injuries sustained in accidents and assessed by PIAB each year, other injuries accounted for 19% of all awards.

In 2022, the proportion of awards made for psychiatric damage increased to 8% from 5% of awards in April-December 2021. The proportion of awards for neck injuries decreased by 3%. This is noteworthy in the context of increasing General Damages awards in 2022 and this trend will be explored in detail later in this report. Neck injuries tend to be mostly minor in nature and attract lower average awards, whereas psychiatric damage injuries can attract higher than average award values.

“Neck and back injuries accounted for just under half of all assessments of compensation made by PIAB in 2022”

**Table 14.**

Most Common Dominant/ Most Significant Injury Types based on Claim Categories in 2022		
Motor Liability	Employer Liability	Public Liability
Neck (36%)	Back (17%)	Ankle (12%)
Back (29%)	Injuries to hand, fingers and thumb (17%)	Back (10%)
Psychiatric damage (10%)	Shoulder (9%)	Shoulder (10%)
Shoulder (9%)	Knee (7%)	Knee (9%)
Knee (2%)	Neck (5%)	Wrist (7%)

As shown in **Table 14**, the most common Dominant/Most Significant injury types differed based on claim category. Among Motor Liability awards, neck injury accounted for 36% of Dominant/Most Significant injuries in 2022. For motor claims, this injury type was followed by back injuries (29%), psychiatric damage (10%) and shoulder injuries (9%). For Employer Liability awards, back injury (17%) and injuries related to hand, fingers and thumbs

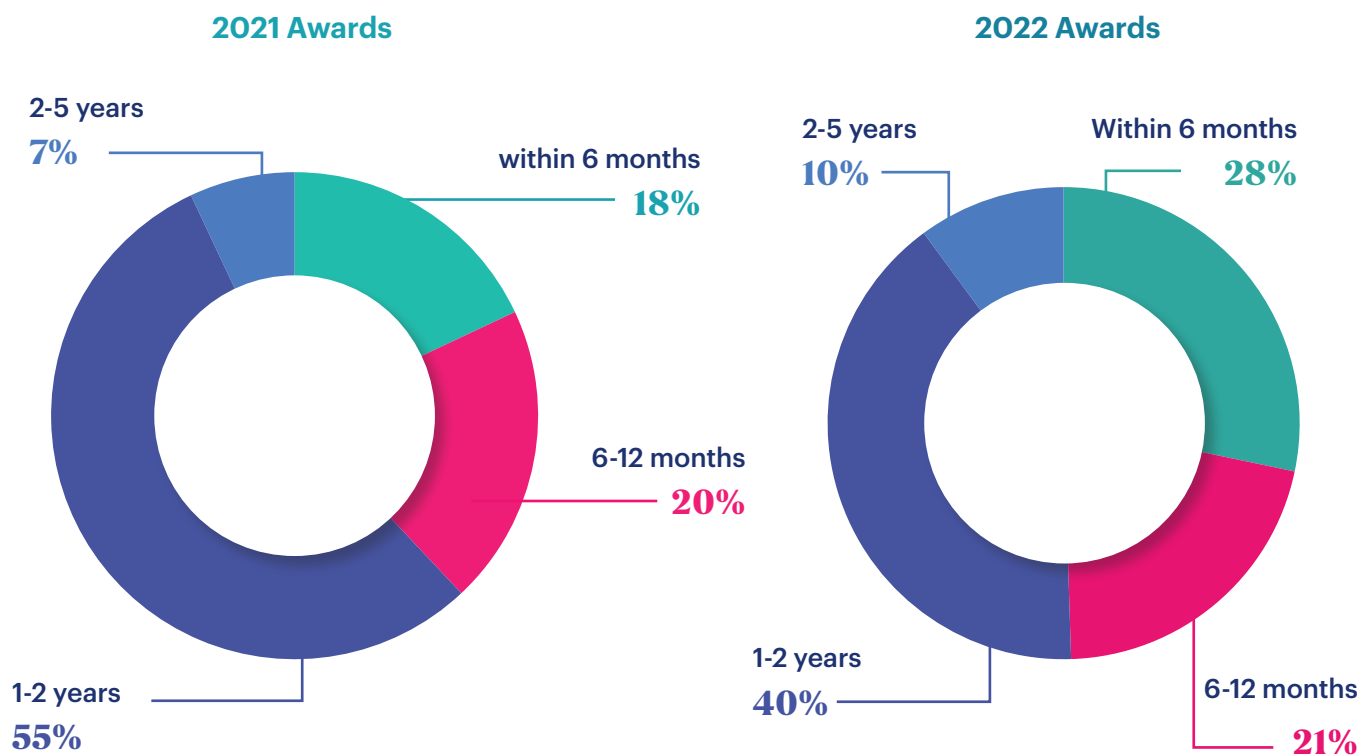
(17%) featured most frequently, while among Public Liability awards, ankle injury (12%) was the most common Dominant/Most Significant injury. These injuries are consequences of the most frequently occurring accidents in the relevant category, e.g. in motor cases the most common type of accidents are collisions which tend to cause neck, back and shoulder injuries.

## A Closer Look – Minor Neck and Back Injuries

Minor neck and back injuries awards are assessed as per the Personal Injuries Guidelines, which provides guidance on the appropriate award range corresponding to the severity and substantial recovery period associated with the dominant/most significant injury. The Guidelines outline a number of considerations which should be taken into account when determining the award for neck and back injuries. This includes the age of the Claimant, the nature, severity and duration of the injury and consequential symptoms, the presence or risk of degenerative changes, extent of required medical intervention and treatment, impact on employment, quality of life, leisure activities, and personal relationships and the injury prognosis. It is important to note that PIAB assesses claims on a case-by-case basis, with consideration given to individual-level factors, therefore any fluctuations in awards values between periods should be viewed within this context.

Neck and back injuries account for the Dominant/Most Significant injury in just under half of all awards made by PIAB in 2022. Neck and back injuries are most common among Motor Liability awards (64%), with whiplash-related soft tissue injuries frequently sustained as a result of road traffic accidents. In 2022, 90% of neck and back injuries were assessed as of minor severity, representing a slight reduction on 2021 figures (91%). When minor neck and back injuries were explored based on substantial recovery period (**Figure 3**), a greater proportion of injuries were assessed as having a substantial recovery period of within 6 months in 2022 as compared to April-December 2021 (28% v 18%). The proportion of injuries with a substantial recovery period of 2-5 years, only applicable to back injuries, increased from 7% in 2021 to 10% in 2022.

### Minor Neck/Back Injuries



**Figure 3.** An overview of substantial recovery periods for minor neck/back injuries in 2022 and April-December 2021

As shown in **Table 15**, while there was a 2-9% increase in the average General Damages award for minor neck and back injuries across substantial recovery period classifications in 2022 as compared to 2021, overall General Damages have decreased by 1%. This is due to a greater proportion of injuries meeting the criteria for substantial recovery within 6 months,

which corresponds to award value ranges of €500-€3,000. Despite the pronounced change in the profile of minor neck and back injuries in 2022, based on substantial recovery period, the average General Damages award has remained consistent overall. This highlights the importance of interpreting average award values with regard to the profile of injuries being assessed.

**Table 15.**

<b>Average General Damages Award for Minor Neck/Back Injuries 2022 v Apr-Dec 2021</b>					
<b>Average General Damages Award for Minor Neck/Back Injuries</b>					
<b>Year</b>	<b>Within 6 months</b>	<b>6-12 months</b>	<b>1-2 years</b>	<b>2-5 years</b>	<b>Overall</b>
<b>2022</b>	€2,551	€5,712	€10,325	€15,677	<b>€7,701</b>
<b>Apr-Dec 2021</b>	€2,382	€5,234	€9,499	€15,354	<b>€7,785</b>
<b>%Change</b>	+7%	+9%	+9%	+2%	<b>-1%</b>

“While there was a 2-9% increase in the average General Damages award for minor neck and back injuries across substantial recovery period classifications in 2022 as compared to 2021, overall General Damages have decreased by 1%.”

## A Closer Look – Psychiatric Damage

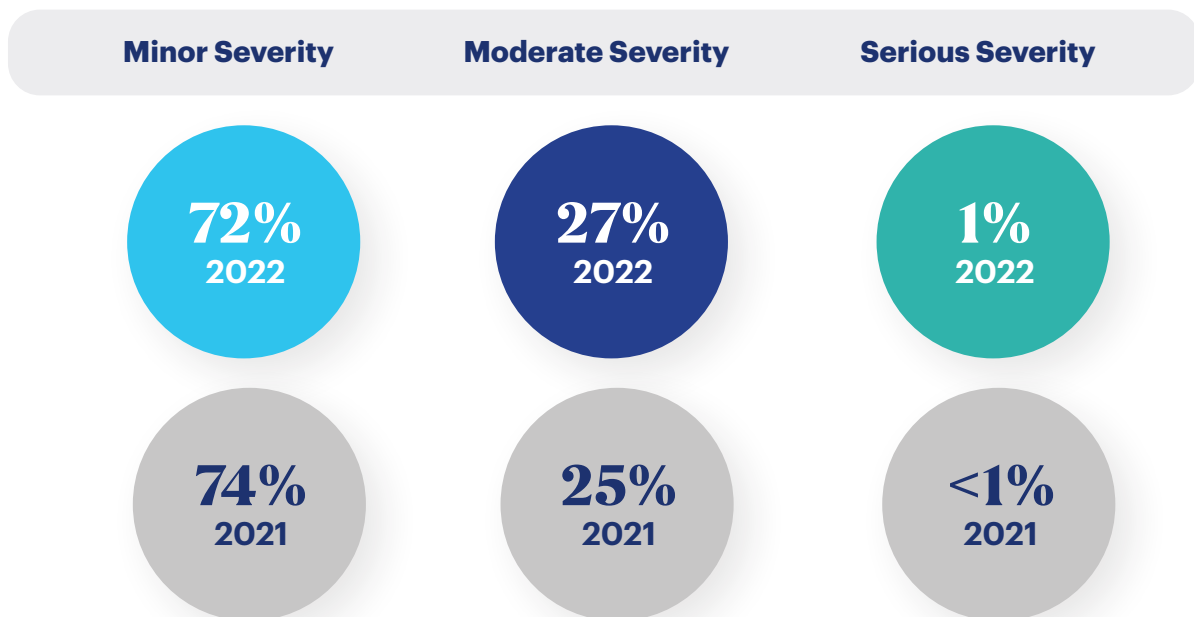
As per the Guidelines, Psychiatric Damage encompasses both general Psychiatric Damage and Post Traumatic Stress Disorder (PTSD). This injury type is assessed in respect to recognisable psychiatric injuries, while “upset, distress, grief, disappointment and humiliation, do not attract compensation” (Personal Injury Guidelines, Judicial Council). PIAB assesses cases of PTSD as a subcategory of psychiatric damage. As previously outlined, the proportion of awards for psychiatric damage has increased

from 5% of 2021 awards to 8% of awards in 2022. In real terms, this translates to PIAB assessing psychiatric damage in 1 in 20 assessments in 2021 compared to 1 in 12 assessments in 2022. While the number of psychiatric damage awards has increased, the severity of cases assessed has also increased. In 2022, 27% of awards for Psychiatric Damage were assessed as of moderate severity compared to 25% of 2021 awards (**Figure 4**).

### In [2023] IECA 223, delivering judgment for the Court of Appeal, Mr Justice Seamus Noonan commented:

“Part 4 of the Guidelines deals with psychiatric damage. This is divided into two parts, Part A psychiatric damage generally and Part B post-traumatic stress disorder (PTSD). As PTSD is a form of psychiatric injury, it seems appropriate to regard it as a subcategory of psychiatric damage generally, rather than a distinct and separate category.”

#### Psychiatric Damage Injuries - Severity Classification



**Figure 4.** Severity of psychiatric damage injuries in 2022 v April-December 2021

The increased proportion of awards relating to psychiatric damage, in addition to greater severity of psychiatric injuries, contributed to higher overall average award values in 2022, when compared to 2021. This is evidenced

by **Table 16**, which shows the average increase in General Damages awards for Psychiatric Damage in 2022 as compared to 2021, across severity categories.

**Table 16.**

Average General Damages Award for psychiatric damage in 2022 v April-December 2021				
Year	Minor	Moderate	Serious	Total
<b>2022</b>	€6,772	€17,489	€47,222	€12,590
<b>Apr-Dec 2021</b>	€6,036	€14,304	€37,500	€10,388
<b>%Change</b>	<b>+12%</b>	<b>+22%</b>	<b>+26%</b>	<b>+21%</b>

Overall, average General Damages awards for psychiatric damage have increased by 21% in 2022, as compared to April-December 2021. It is important to note however, that just over 200 psychiatric damage injuries were assessed under the Guidelines between April-December 2021, compared to over 700 awards assessed in 2022. This is particularly notable for psychiatric damage injuries assessed as serious, corresponding to just two awards in 2021 and 9 awards in 2022. As the Guidelines continue to embed across the personal injury landscape, and a larger sample of psychiatric damage injuries are assessed across settlement channels, further fluctuations in average award values are anticipated.

The profile of psychiatric damage injuries assessed within a given timeframe will influence the overall average award values for that period. In 2022, 74% of psychiatric damage injuries were assessed as meeting the criteria for Subcategory A. general psychiatric damage, compared to 71% of 2021 psychiatric damage awards. This is relevant as general psychiatric damage corresponds to higher award value ranges than the award ranges for Subcategory B. PTSD. Additionally, all psychiatric damage

injuries are assessed with consideration to case-specific factors such as age, interference with quality of life, education, employment, whether medical assistance has been sought, nature, extent and duration of treatment undertaken, likely success of treatment, prognosis and the extent and nature of any associated physical injuries, as per the Guidelines. Therefore, the average award values represent the nature and severity of injuries assessed within a given timeframe, in addition to individual-level factors which influence award values.

It is not clear as to why the prevalence of psychiatric damage claims is increasing – whether it reflects a movement across all claims in the system, or whether it reflects an increase in the volume of cases that PIAB assesses. It is worth noting, that until recently, PIAB was precluded in assessing claims that were wholly psychological in nature and these cases tended to be resolved through litigation, it is only since the Personal Injuries Guidelines were introduced that PIAB has commenced assessing wholly psychological cases, this may account for the increasing proportion of cases being assessed by PIAB.

“It is only since the Personal Injuries Guidelines were introduced that PIAB has commenced assessing wholly psychological cases”

# Conclusion – Claim Volumes, Award Patterns and Personal Injury Types

This report provides an overview of the total applications, number of assessments of compensation made and average award values for personal injuries claims assessed by PIAB between January-December 2022.

## Claim volumes

In 2022, a total of 18,453 claim applications were submitted to PIAB, representing a 14% decrease on application volumes in 2021 and a 41% drop on the number of claims received pre-Covid in 2019. This reduction is due in part to the impact of the Covid-19 pandemic but also the impact of the introduction of the new Personal Injuries Guidelines on application volumes. There is some indication that this effect is beginning to abate however, with a 16% increase in the number of applications submitted to PIAB between January-June 2023, when compared to the same period in 2022. While some growth in claims is expected from 2023 onwards to reflect population increases in Ireland it is unlikely that the levels of claims pre-Covid will be reached. Anecdotal evidence suggests that the Guidelines will also have a lasting impact on claims volumes with some people not pursuing very minor claims. This trend has the potential to impact average award values as the proportion of low-value cases decline.

## Average Award Values – Personal Injury Types

The introduction of the Guidelines in 2021, aimed to promote consistency and transparency in the assessment of compensation for General Damages (the award for pain and suffering) for personal injuries claims. In 2022, average General Damages awards were 41% lower than pre-Guideline figures in 2020. While General Damages awards increased in 2022 when compared to April-December

2021 figures, it is important to note that award values are influenced by the nature and severity of injuries assessed.

This report provides evidence of the significant impact of the Personal Injuries Guidelines, with a 35% reduction in average award values noted for 2022 when compared to 2020 figures. Average award values were higher than in the previous year, with a 12% increase noted for 2022. The reported increase in average award values was more pronounced for Employer Liability awards at +28%, than Motor Liability (+7%) or Public Liability awards (+11%).

The increase in average award values over the previous year is influenced by a combination of factors. Firstly, 2022 had a greater proportion of Employer Liability awards made by PIAB accounting for 15% of 2022 awards compared to 13% of 2021 awards, this is important as these cases are by their nature more severe and attract higher award values. There was also a decline in the percentage of Motor Liability claims from 68% of 2021 awards to 65% of 2022 awards, which based on the nature of the injuries sustained, generally have lower average values.

Secondly, the significant increase in Special Damages as a result of inflation etc. has impacted average award values. The Guidelines do not apply to Special Damages, which is the compensation for financial loss/vouched expenditure, and as such, the impact of the Guidelines is best considered based on General Damages solely. On average, Special Damages awards were 22% higher in 2022 than in the immediate post Guidelines period of April to December 2021. While some of this increase is impacted by very large Special Damage awards in a small number of cases with severe injuries, the underlying



upward trend is affected by high inflation impacting vehicle repair costs, treatment costs and wage growth, which influences the compensation for loss of earnings.

Thirdly, the nature and severity of the cases presenting for assessment has an impact on the average award. By removing the high value cases (>€100K awards) from the analysis we can see that average General Damages has increased by just 6% in 2022 v April-December 2021. Similarly, examining the proportion of awards in each value range, shows a greater proportion of cases in the over €25k band and a lower proportion in the under €15k band in 2022, compared to 2021.

Finally, changes in the profile of injuries being assessed by PIAB are a factor influencing average award values. In 2022, a greater proportion of awards related to psychiatric damage (8%), compared to 5% of awards in April-December 2021. Similarly, the proportion of neck and back injuries has decreased from 53% of 2021 awards, to 49% of 2022 awards. This is important, as based on PIAB's data, psychiatric damage injuries attract higher average award values than those relating to back and neck injuries, of which 90% are minor in severity.

Overall, data from 2022 suggests that the Guidelines are continuing to embed within the personal injuries landscape. The consistent application of the Guidelines, both within PIAB and across other settlement channels, is expected to promote further positive impacts. This report further highlights the considerable impact of the Guidelines on personal injuries awards. Prior to the introduction of the Guidelines, in 2020, just 12% of awards issued by PIAB were valued at €10,000 or less, compared to almost half of all awards made in 2022. This provides evidence of a downward shift in personal injuries award value ranges, however, monitoring of outcomes for other settlement channels is required to confirm this trend applies across all the channels.

## Acceptance rate

Following the introduction of the Guidelines, an immediate impact was noted in the overall acceptance rate for awards, which dropped to 36% in May 2021. This report shows that the overall acceptance rate in 2022 was 44% and had reached 48% by November 2022, approaching pre-Guideline prevailing rates. Encouragingly, provisional data shows that the acceptance rate level has stabilised in 2023. This gradual increase and subsequent stabilisation in the overall acceptance rate is a positive indicator of the successful implementation of the Guidelines to date.

## From assessment to resolution

It is envisaged that as the remit of PIAB continues to expand, more claims will be successfully resolved through the PIAB process. This includes the introduction of a Mediation service within PIAB, which will provide the opportunity for parties, who may otherwise not have their case successfully concluded by way of an accepted PIAB award, to reach a resolution. This should ultimately support greater engagement with PIAB, including higher acceptance rates and in turn, a higher proportion of successfully resolved claims. Mediation is due to be introduced towards the end of 2023. The close monitoring of data, both within PIAB's expanding services and emerging from other settlement channels will be central to ongoing reforms within the personal injuries landscape. PIAB endeavours to promote greater transparency around award levels and to monitor consistency in the application of the Guidelines through formal data analysis and research functions.

## Conclusion

In conclusion, this report, analysing data in respect of assessments of compensation made by PIAB in 2022 highlights a reduction in average award values and provides the first full-year overview of awards since the introduction of the Personal Injuries Guidelines. Average award values for General Damages are affected by the nature and severity of injuries presenting for assessment. Average award levels have increased in 2022, when compared to 2021 figures, influenced in part by an increase in Special Damages (which is unaffected by the Guidelines) and other elements, such as the profile of the cases assessed.

Taking all these factors into account, since the introduction of the Guidelines, there has been a high degree of stability and consistency in PIAB award levels based on particular injury types, although it's important to note that no two cases are the same and similar injuries can have differing impacts on people. General Damages, the compensation for pain and suffering, has reduced by a considerable percentage since the Guidelines were introduced.

While there has been a significant reduction in award values since the introduction of the Guidelines, it is encouraging that the overall acceptance rate for awards is now approaching the prevailing rate prior to the implementation of the Guidelines.

Coupled with the declining number of applications made since 2019 the overall cost of claims is reducing significantly based on PIAB's data. This is good from a societal point of view as less people are suffering injuries as a result of an accident and the overall reduction of costs should impact insurance premium levels for the benefits of consumers, business and society as a whole.

To promote transparency in the personal injuries environment PIAB will continue to produce reports, such as this one, which will provide valuable information about the volume and nature of injuries suffered as well as the cost of associated claims. PIAB will also publish data relating to the causes of accidents which we believe will assist policymakers and inform the development of accident prevention strategies.





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