



Bord Measúnaithe
Díobhálaícha Pearsanta
Personal Injuries
Assessment Board



*Making A Difference In
Personal Injuries Resolution*

Personal Injuries Assessment Board
Annual Report 2021

5 Step Claim Process

Application to Award

Step 1 Application

If you have had an accident and you want to submit a claim:

- Complete an application form (*Form A*)
- Submit your medical report (*from your treating practitioner*)
- Pay the application fee €45 (€90 if you submit via post)

Step 2 Formal Notice

PIAB issues a legal document called a 'Formal Notice' to the person you hold responsible for your accident (Respondent) and/or their insurer

- The Respondent has 90 days to reply indicating whether they wish PIAB to assess the claim or not
- If YES, Respondent pays fee of €1,050 and PIAB proceeds
- If NO, PIAB issues you with a legal document called an 'Authorisation' which enables you to take the matter to court if you wish

Step 3 Claim Process

As part of this process, you will be required to:

- Attend an independent medical examination/s (where relevant)
- Submit a completed Schedule of Special Damages and Loss of Earnings Certificate (forms for out-of-pocket expenses, loss of earnings etc.)

Step 5 Award or Authorisation

If **all parties** accept our assessment:

- PIAB issues an 'Order to Pay' (which has the same status as a Court Order) to the respondent or their insurers instructing them to pay the sum awarded to you by us

If **one or all parties do not accept** our assessment:

- PIAB will issue you with a legal document called an 'Authorisation' which enables you to take the matter to court if you wish

Step 4 Claim Assessment

Once all information is received by us, PIAB can proceed to assess your claim. This will involve:

- Assessment of your claim based on the Personal Injuries Guidelines
- PIAB will issue you and the respondent with a Notice of Award. All parties will have the opportunity to review the assessment and accept or reject the award (*Claimant has 28 days and Respondent has 21 days*)

Note: This is a simplified version of our process. Every application is considered on a case by case basis and exceptions may apply. For more details on our processes, please visit our website www.piab.ie

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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:

- PIAB independently assesses personal injury claims for compensation in the following categories:
 - **Motor liability**
 - **Employer liability (workplace accidents)**
 - **Public liability**
- 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.

Chairperson's Statement



2021 was a year which marked a transformational change in the Personal Injuries system in Ireland, and one where PIAB was a driving force.

The implementation by PIAB of the Personal Injuries Guidelines in 2021 is a hugely important step in insurance reform.

.....
"The implementation by PIAB of the Personal Injuries Guidelines in 2021 is a hugely important step in insurance reform."

In April of last year, the new Personal Injuries Guidelines were introduced, bringing significant changes to how assessment for compensation of personal injuries is carried out in Ireland. It is very important that people who have been injured through no fault of their own receive fair compensation. However, over the last number of years there has been much debate in Ireland about the level of awards in comparison to other jurisdictions and the impact of awards on the availability and affordability of insurance in Ireland. The new Guidelines bring new parameters for damages for various injuries that will result in Ireland being much more in line with other countries.

PIAB played key roles in the work of the Personal Injuries Commission and the Cost of Insurance Working Group that has driven reforms in this area and this year PIAB has been the key driver in implementing the new Guidelines. Progress during the year is already reducing the cost of resolving personal injuries claims substantially. The impact of this should be significant decreases in overall award values leading to more reductions in premiums and greater competition in the insurance sector.

This comes on the back of major reductions in the volumes of claims as a result of COVID-19. Claims fell further in 2021 and are now more than 30 per cent lower than in 2019. When looking at impacts on overall costs, the combined impacts of reduced claims plus the reduced value of awards has brought about major savings to the cost of personal injuries claims.

The PIAB service is designed to reduce unnecessary litigation, making it easier, quicker, and cheaper to resolve claims for everyone involved in the process while at the same time being completely impartial and fair in making award assessments. The result is that this should be of benefit to the person injured and the person or company the claim is against – and for society as a whole. As Ireland emerges from the economic disruption caused by the pandemic during 2022, it is clear that the benefits flowing from PIAB's work will be absolutely vital for businesses returning to normal levels of customer footfall, in particular in the sectors who experienced such difficult trading in the past two years. Likewise, as we face increases in the cost of living, the savings that PIAB creates through its service, by removing avoidable costs are critical for motor policyholders.

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“We estimate that use of PIAB services saved over €50 million in additional claim costs last year.”

We estimate that use of PIAB services saved over €50 million in additional claim costs last year. This is based on the avoided costs of going to litigation for all our accepted awards in 2021.

The Central Bank has shown the cost of litigation is over 16-times greater than the cost of settling a claim in PIAB. This clearly illustrates the potential further savings possible through use of the PIAB service. The benefits of our service matter for everyone who makes a claim, seeks cover or pays premiums. The type of savings PIAB brings – combined with other reform measures – are vital to the continued provision of essential services across Ireland. These include, for example helping keep childcare in place to support participation in the workforce, ensuring people can get to work in rural locations, and continuing to have leisure and hospitality facilities to make us attractive as a country to visit and live in, to name but a few areas.

.....
“The benefits of our service matter for everyone who makes a claim, seeks cover or pays premiums.”

We have worked hard during the year in partnership with Minister of State Robert Troy TD and his officials to progress the enhancement and reform of our services, so that we can add even more value, and that more claims can get resolved in PIAB. The Cabinet has approved the development of legislation to progress this, which will move PIAB from being not only able to offer an assessment of a claim, but to also being able to offer mediation services, which should unlock more claims for resolution at an earlier stage.

The Board in preparation for a period of significant change ahead, focussed during the year on ensuring that the organisation was financially stable and ready to deliver for the future. The operations and finances of PIAB were significantly impacted by the upheaval and uncertainty brought about as a consequence of COVID-19. PIAB is a self-funded organisation, and as our accounts show our income has decreased significantly in recent years, but I am pleased to report that with the support of the Minister we now have a financial model that not only will put PIAB back on a sustainable footing but also provides for the delivery of new services.

The economic and social disruptions caused by the COVID-19 pandemic continued during 2021, with significant public health restrictions impacting how we operated, yet despite this a huge amount was achieved.

With a significant number of businesses getting back to normal business levels in 2022, activity will increase, and more staff will be in their places of work, meaning that issues relating to liability and insurance costs will remain at the top of the agenda for all concerned. There is an opportunity for the current changes to make a long lasting and significant difference to insurance in Ireland.

I want to emphasise the need for stakeholders in the legal, insurance and other sectors to strongly and actively support the work of PIAB. The organisation cannot deliver all of the benefits of reform on its own. Claimants, and those a claim is made against, solicitors, insurers and everyone involved in settling and resolving claims must play their part. There is a need for those industry and sectoral stakeholders to actively help PIAB to deliver so that the full benefits of its service and of the reform process can be realised.

If the costly and drawn-out legal route is routinely chosen by any of the parties, or if inflated settlements are agreed privately, that is not in the interest of anyone and is not sustainable for society. Our 2021 figures already show what a substantial impact the Guidelines along with COVID-19 has had on Award values. There are reasons to be optimistic about the future, but the impacts can be far more substantive if we can increase transparency in this area and make more use of PIAB's service to reduce further the time and costs associated with litigation.

Our Chief Executive, leadership team and staff have implemented one of the most significant changes in this sector in many years with the implementation of the Guidelines, while at the same time continuing to deliver services and plan for the enhancement of our services for the future. I would like to take the opportunity to thank PIAB's staff for their outstanding commitment, resilience and agility which has enabled so much to be delivered in the face of the serious challenges in the external environment over the past two years. Their dedication and willingness to adapt and strive to improve customer services has been, and remains, crucial.

On my behalf and that of the Board of PIAB, I wish to express our deep gratitude for their strong ongoing support to the Tánaiste and Minister for Enterprise, Trade and Employment, Leo Varadkar TD, and to Minister of State Robert Troy TD. Minister Troy who has worked directly and tirelessly to support PIAB and to progress vital reform initiatives including the new legislation. We are also very grateful to the officials in the Department of Enterprise Trade and Employment for their continued high level of support and co-operation during the year, which meant the impetus of progress was maintained.

Finally, I wish to express my deep thanks to all of the members of the PIAB Board during the year, for their steadfast and continued work and commitment to the organisation and their duties as board members. I especially wish to thank Margot Slattery and Walter Cullen, whose terms on the Board concluded last year, and Colette Crowne whose term has also concluded recently. We were pleased to welcome as new Board members Jonathan Small and Marion O'Brien.

In conclusion, I wish to re-iterate PIAB's commitment to fairness in resolving claims and to delivering value for the people of Ireland. The last year has brought significant change. PIAB will continue to work to support all of our stakeholders in adapting to the new changes.



Dermot Divilly
Chairperson

2nd June 2022

Chief Executive's Review



2021 was an exceptional year for PIAB where the organisation implemented the most significant reform to the Personal Injuries environment since PIAB was first established. This was achieved against a backdrop where there continued to be disruptions both to our operations and how we work due to the COVID-19 pandemic, and whilst we also worked on recovery from disruptions to our service from the previous years.

“Since 2019 there has been a total reduction of 31% in claim applications to PIAB, this is hugely significant decrease and a good indicator of savings in claims costs across the sector.”

Notwithstanding the challenging environment and the level of change to be delivered, PIAB managed over 21,000 claims during the year and fully assessed over 8,000 claims for awards of damages with a value of over €157 million. We also saw a sizeable increase in the number of respondents (those who the claim is made against) consenting to PIAB assessing the claim. This increased from 55% of claim applications to 60%.

Decreasing Volumes of Claims and Award Values

While there has been significant focus and attention given to the impact of the new Personal Injuries Guidelines and their effect on the cost of claims in Ireland, the impact of COVID-19 on volumes must not be forgotten. The pandemic led to major reduction in road traffic, less open public places and less people working in offices, all of which contributed to a reduction in accidents and claims. In 2021, there was an 18% reduction in claims compared to 2020, and since 2019 there has been a total reduction of 31% in claim applications to PIAB. This is a hugely significant decrease and is a good indicator of the level of decreases and savings that will have been made from the pandemic to claim costs across the sector.

To put this in context, the total value of awards that PIAB assessed in 2021 was €118 million less than in 2019. This shows major savings that again will likely be mirrored outside of the PIAB system. The decrease in value in 2021 will not only be attributed to decrease in claims as a result of COVID-19 but is also attributable to the decrease in award values arising from implementation of the Personal Injuries Guidelines at the end of April 2021.

“The total value of awards that PIAB assessed in 2021 was €118 million less than in 2019. This shows major savings that again will likely be mirrored outside of the PIAB system.”

Delivering Change – Implementing the Guidelines

The introduction of the Personal Injuries Guidelines in April is the most important change to affect the personal injuries environment since PIAB was first established but was also the most substantial change that PIAB has ever had to implement. In just six weeks following the publication of the Personal Injuries Guidelines by the Judicial Council, PIAB was ready to commence the assessment and processing of claims under the Guidelines. We quickly adapted our systems and processes, and worked with our stakeholders to familiarise them with the changes, running webinars and updating our website to support our customers in understanding the changes. Against this backdrop, PIAB also handled very high levels of claim applications in the run up to the Guidelines becoming law.

The Personal Injuries Guidelines which came into effect in late April, set new guideline levels for personal injury compensation awards in Ireland to be used by both the Courts and PIAB. There has been considerable focus on the reduction in values of damages as a result of the Guidelines. However, the Guidelines do not just re-calibrate award levels; they are aimed at bringing greater consistency in the level of damages awarded across all those making awards or settling claims. The new system requires both PIAB and the courts to use the Guidelines, and where either depart from these, to provide reasons for doing so. This should lead in time to more cases being settled early or through the PIAB process, as parties to a claim should have certainty about what to expect in terms of awards. Therefore, there should be two impacts from the Guidelines: a reduction in average awards, but also in time a reduction in the time and costs associated with claims going to litigation.

We are starting to see the impact in terms of award values. PIAB has published two reports on average awards since the Guidelines came into effect. From April 24th to the end of 2021, using 2020 awards as a benchmark, average award values have dropped by 42% and the average award has gone from €24,000 to just over €14,000.

.....
“From April 24th to the end of 2021, using 2020 awards as a benchmark, average award values have dropped by 42% and the average award has gone from €24,000 to just over €14,000.”

These are very immediate impacts from the Guidelines, but the changes that were introduced were significant and there naturally follows that there is some uncertainty and time needed to adjust to the new system. There have been several legal cases brought against the State and PIAB regarding the legality of the Guidelines and the laws underpinning them. Two of these have now been heard by the courts with judgements to follow. These will bring more clarity and certainty to all those involved, and in the interim the number of awards being accepted by PIAB is incrementally growing each month. With every award accepted, the effect of the Guidelines is immediate and the ultimate impact that we expect to see from the new Guidelines is a reduction in the cost of insurance. In time the consistency and transparency gained from the Guidelines’ usage should increase the use of PIAB’s service reducing the cost and time involved in litigation and attracting more competition into the Irish Insurance market.

PIAB will continue to add to transparency in this area and will support all parties by publishing regular reports on award levels, the rate of consent from those a claim is against, and the rate of acceptance of PIAB awards.

Delivering Change – The Future

From a strategic perspective, it is clear PIAB brings significant benefits in terms of reducing the costs and time involved in processing claims, while also, importantly for those injured, being non-adversarial and fair, independent and impartial in assessing claims. However, the question for PIAB was; how can we contribute more to the claims environment in Ireland and how can we resolve more claims? How can we ensure that less cases end up in costly litigation adding unnecessarily to the cost of insurance in Ireland negatively affecting our society and economy? We worked during 2021 with Government and stakeholders to see how we could enhance and reform our services to enable real change in this area for the benefit of consumers and of society. This culminated in the Cabinet approving new legislation to be developed which will greatly enhance our services. A core pillar of this will be providing for the introduction of mediation as a new PIAB service to resolve personal injury claims. The introduction of mediation as a new function for PIAB is intended to facilitate an increase in the number of personal injury claims settled without recourse to litigation.

.....

“Over 30% of claims enter expensive and lengthy litigation, not only affecting the individuals but the overall insurance environment. Introducing mediation in PIAB will mark a significant addition to our services”

.....

Over 30% of claims enter expensive and lengthy litigation, not only affecting the individuals but the overall insurance environment. Introducing mediation in PIAB will mark a significant addition to our services, enabling us to engage directly with parties to facilitate confidential agreements. At present, PIAB’s services are limited to assessment only. This means all claims with any question on liability no matter how small will proceed to litigation. The introduction of mediation as an option offers a further opportunity to enhance the speedy non-adversarial approach of our existing model. In addition to this, the planned legislation will also provide more anti-fraud measures and support PIAB in making better use of its data for research

and policy purposes. One of the measures progressed in 2021, so that legislation is now progressing through the Houses, is legislation to give PIAB the remit for handling Garda compensation cases. These previously went to the High Court, and this is another great example of where PIAB can add value and deliver a fair, impartial service in line with the courts, but without the extensive time and costs which can add to the stress of the victim, and also add to the costs for the State.

Pandemic Impact During Year

Despite the pandemic, PIAB continued to deliver on its role of assessing personal injuries claims fairly, quickly and efficiently, and ensured that tens of millions of euros of costs were avoided. The COVID-19 pandemic has had an unprecedented effect on individuals and organisations in Ireland during the last 2 years. For PIAB, it had a significant impact on our operations and our income flow. We organise thousands of independent medical assessments every year and had to cancel and re-schedule a large number of these at the beginning of the year due to the wave of COVID-19 the country experienced at that time.

Against the background of the continued disruption caused to the economy and normal business by COVID-19, our staff have been agile and have shown real resilience to ensure that compensation claims continued to be processed, assessed and awarded during the year. I am proud to say that despite all of the challenges, the average time to assess a claim increased only slightly. At this point, nearly all COVID-19 public health restrictions have been removed and we are seeing a gradual reopening of the economy and society, but there are many positive changes brought about by COVID-19 which we will seek to leverage, retain, and develop further. We have seen a significant increase in use of our online platforms. The proportion of claims processed using our Solicitors’ Portal and online application system continued to be very high with 75% of all claims coming through these channels. We will build on this with a digital transformation project now commencing which will enable us to improve our services for our customers. We will also retain elements of remote working with blended working being introduced. This

will enhance wellness and a better work-life balance which is of benefit to both PIAB and our staff. We will also seek to harness some of the learnings from the pandemic which has shown how flexible we can be, and that change can be delivered quickly.

In Conclusion

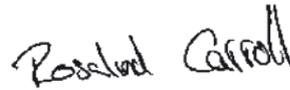
PIAB continues to generate major savings for the benefit of all, with far lower costs and time than that involved in litigation. Central Bank of Ireland research has consistently shown the costs in litigation to be many multiples higher than those in the PIAB service. In the area of personal injuries, there is so much focus on the impact of awards on insurance costs and business that the victims of accidents can sometimes be forgotten. Our work in PIAB is to award damages that hopefully help people move on and recover, and our fair, quick and non-adversarial process supports this.

I thank the Tánaiste, Ministers and officials in the Department of Enterprise, Trade and Employment for their continued support and engagement during the year, in particular, Robert Troy T.D., the Minister of State at the Department of Enterprise, Trade and Employment.

I am very grateful for the support and advice of our Chairperson, Dermot Divilly, and to the Board of PIAB for their strong support during a transformative year.

Finally, I wish to acknowledge and thank all the PIAB staff for their continuous dedication to deliver, and their commitment and adaptability in a year where we delivered so much change. I am very proud to have led the organisation through this period, and of the way in which PIAB has responded positively to the challenges it brought.

I believe there are bright times ahead for the organisation as it continues to deliver value for the citizens of Ireland.



Rosalind Carroll

Chief Executive

2nd June 2022

PIAB By Numbers 2021

Claim Volumes



€19,451

Overall Average Award Value

2020 average award was €24,026

Total Value of Awards



= €118m

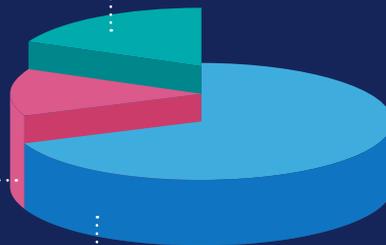
Reduction in Total Value of Awards

Category

Public Liability
18%

Employers Liability
13%

Motor Liability
69%



€50m+

The amount PIAB saved in 2021 due to avoided costs



197,132

incoming emails (compared to 177,156 in 2020)

Impact of the Guidelines



*Above figures exclude fatalities

Value of Average Awards by Category

	2020	Pre-Personal Injuries Guidelines January 1st to April 23rd 2021	Post-Personal Injuries Guidelines April 24th to December 31st 2021
Motor Liability	€22,357	€24,409	€13,241
Employers Liability	€30,558	€35,311	€18,915
Public Liability	€26,065	€29,767	€15,162

Average Processing Time

10.5 months

Consent to Assessment Rate

60%

of Respondents consented to PIAB assessing claims. Up from 55% in 2020

Acceptance Rate for Awards

44%

of PIAB Awards accepted by both parties down from 51% in 2020



The Personal Injuries Guidelines

Overview

The introduction of the new Personal Injuries Guidelines has been the most significant change to the Personal Injuries environment since PIAB’s establishment. The Guidelines fundamentally change the basis on which awards for injury compensation are made in Ireland. The Guidelines do two things they recalibrate the value of awards for certain categories of injuries and they also impact on how assessments of compensation are made.

One of the most significant aspects of the introduction of the Guidelines is that both PIAB and the Courts will use them in assessing compensation, and where they do not they must give reasons for not doing so. What is important about this, is that it should lead to greater consistency, certainty and transparency in awards in Ireland reducing the need for unnecessary litigation.

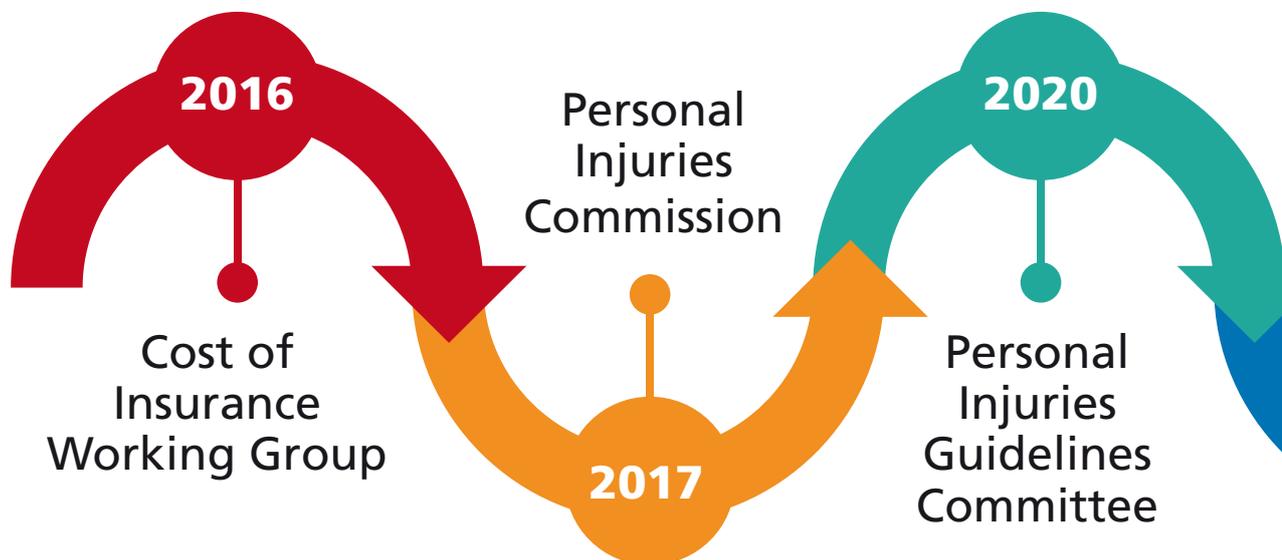
Therefore, not only will there be impacts in terms of reduction of cost of claims driven by award values, in time there should be a reduced need for litigation and further reduction in the cost of claims benefitting claimants and respondents but also those paying insurance premiums and Ireland as a whole.

Road to Reform

There has been focus on insurance reform in Ireland over many years, in particular a focus on the cost of claims, that ultimately resulted in the development of the Personal Injuries Guidelines.

The Cost of Insurance Working Group (CIWG) was established in 2016 to examine the rising cost of insurance and it began its work against the background of concern about the upward spiral of insurance costs. The CIWG published two reports: A report on the Cost of Motor Insurance and a report on the Cost of Employer and Public Liability Insurance.

Roadmap to Reform



One of the key recommendations was the establishment of the Personal Injuries Commission to gain a better understanding of how personal injuries are calculated.

The Personal Injuries Commission (PIC) was established in 2017 and was chaired by Justice Nicholas Kearns. PIAB was a key participant and had a major role in delivering its work. One of the recommendations of the PIC, was that the Judicial Council, when established, would be requested to develop guidelines for appropriate general damages for various types of personal injury. The Personal Injuries Guidelines Committee was established under the Judicial Council and was given responsibility for developing the Guidelines, which then would be adopted by the Judicial Council, which is made up of all the Judges in Ireland.

.....
“The Guidelines must be followed by the Courts and PIAB. If the Courts or PIAB depart from the Guidelines, they must provide reasons.”

The Personal Injuries Guidelines

The Guidelines matter because they introduce greater consistency, transparency, and certainty in relation to award levels, as well as recalibrating awards to be more in line with international levels. This is against the background of widespread concern about insurance costs affecting insurance consumers, businesses and community and sports organisations.

This is the first set of Guidelines to be adopted by the Council and brought into law. The Guidelines replace the previous Book of Quantum which

PIAB developed and published and was based on prevailing court awards and settlements. The new Guidelines are required under the Judicial Council Act to be reviewed every three years.

How are the Guidelines different?

The new guidelines re-set award levels for Ireland and must be used by both PIAB and the Courts. The most significant impact is for awards for minor injuries. The PIC referred to above, found that awards for soft tissue injuries (whiplash type cases) in Ireland were 4.4 times higher than that for similar injuries in England and Wales. In preparing the Guidelines the Personal Injuries Committee of the Council, amongst other things were to have regard to, the level of damages awarded for personal injuries by courts in the State; and the level of damages awarded by courts in such places outside the State as the Committee considered relevant, which resulted in a recalibration of many minor injury categories.

However, the changes in the Guidelines are much broader than award value.

The Guidelines set out a more detailed catalogue of injuries than was previously in place with severity levels of major to minor and a bracket or range within which an award of damages should ordinarily fall. They deal with ranges, rather than maximum amounts, and are more granular than the previous Book of Quantum. As examples, the Guidelines now include psychiatric injuries or wholly psychological injuries and lung disease among additional injuries.

They set a maximum award of €550,000 and the principle of a dominant and substantial injuries is introduced, as well as the capacity to provide uplifts in the case of multiple injuries.



Future Reform

Introduction of Mediation Service

Implementation

The Guidelines came into effect on Saturday April 24th, 2021.

Awards made up to that date were made under the Book of Quantum, and all awards made by PIAB after that date have been made with reference to the Personal Injuries Guidelines.

PIAB had an intensive period of project management to prepare for Guidelines ahead of their commencement and this ranged from training, adapting our systems, developing communications and working with our stakeholders. We are proud to say within six weeks from the announcement of the commencement to the new law going live, PIAB had ensured it was ready to implement the new system. This was at the same time as dealing with a very high volume of new applications that were made to PIAB in the first quarter of 2021 ahead of the Guidelines.

PIAB are the main implementer of the Guidelines, as the vast majority of claims will not be ruled on in the courts and are also the first to implement the Guidelines as the Guidelines apply to cases where proceedings have not been commenced or where PIAB has not made an assessment of damages.

Therefore, many of the cases before the courts will be cases where proceedings commenced prior to the 24th April, and it will take some time before we see rulings in any volume from the courts.

There was a significant increase in claim applications in the months before the Guidelines were introduced in April 2021. This appears to have been in anticipation of the introduction of the Guidelines.

.....
“PIAB are the main implementer of the Guidelines, as the vast majority of claims will not be ruled on in the courts...”

The Impact of the Guidelines So Far

A key theme identified through the various insurance reform working groups was the need to improve availability and transparency of claims and insurance costs in Ireland. This particularly important in terms of encouraging competition in the market. Therefore since the Guidelines were introduced PIAB have committed to making our data available, so that the initial impacts of the Guidelines on average awards, consent and acceptance rates and any differences in trends in claims could be identified early and be made available to all stakeholders and the public. This has enabled, policy makers, customers and stakeholders to see clearly changes across the various areas.

PIAB has published two reports on average award levels since the Guidelines have come into effect. The reports present up-to-date data on the three areas of liability covered by PIAB: motor, public and employer liability, and gives some insight into the impact of the new Guidelines on award levels.

The Report covering the period to the end of 2021 presented data on all awards made under the new Personal Injuries Guidelines from their introduction to the end of that year. The data showed an overall decrease in award levels of 42% compared to 2020. For General Damages, average award levels were €11,583 overall which showed a 47% reduction on 2020 levels.

The report also highlighted that the number of awards under €10,000 was 49% compared with just 12% in 2020, while 20% of claims are now under €5,000.

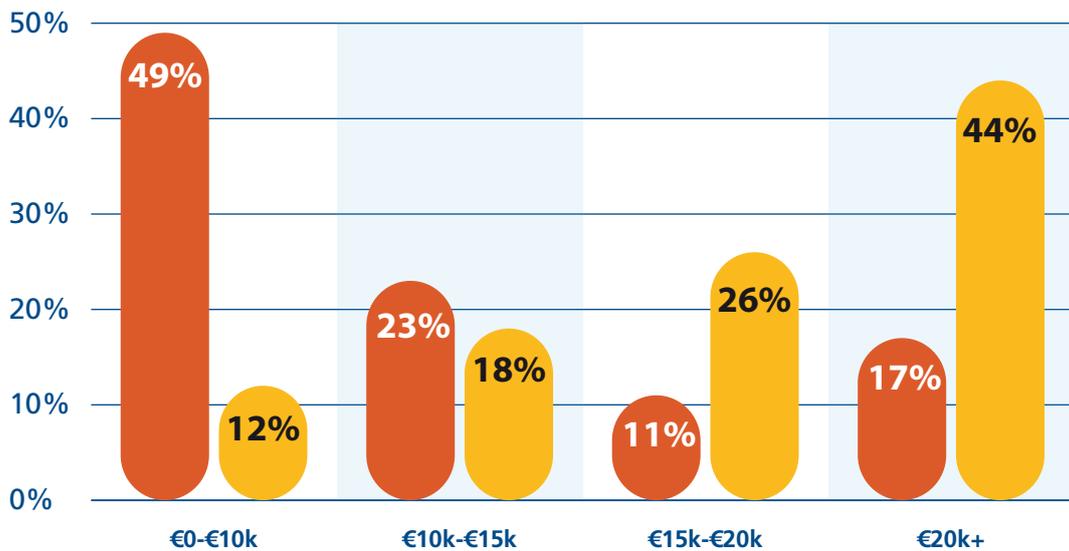
*Fatal cases not included in this analysis as these are not impacted by the Guidelines

The Guidelines have also impacted on acceptance and consent to assessments rates. As with any major change, it takes time for new systems to be bedded in, trusted and accepted. Since the introduction of the Guidelines the percentage of awards accepted by both respondents and claimants has reduced going from 51% in 2020 to 44% in 2021. This is to be expected and a number of legal challenges had been made against various elements of the Guidelines and their implementation causing further uncertainty effecting acceptance rates, consent rates and also the number of applications. However, at the time of writing, two lead cases have been heard resulting in positive judgments made, which will bring more certainty to the Guidelines.

This is important data and should help us understand further the nature of personal injury cases in Ireland. It is PIAB's intention to expand our analysis of data across the various categories of claims to facilitate a deeper and more transparent understanding of trends.

These reports can be found on our website www.piab.ie

Range of Award 2020 vs Guidelines



● 24 April to 31 December 2021 ● 2020 Awards

20% of cases are under €5,000.

-42%

42% reduction in overall average award values since the Guidelines were introduced.



Claims and Awards

Overview

Overall claim volumes received by PIAB declined from 26,009 in 2020 to 21,410 in 2021, a decrease of 18% on the previous year. 2020 volumes had previously dropped 16% from 31,072 in 2019 to 26,009 in 2020. The overall reduction in claim volumes in the two years since 2019 is now 31%, with Motor Liability down 34% and Public Liability and Employers Liability down 28% as per the overall claim application figures shown in the table below.

There were a number of factors affecting claim volumes. Due to the COVID-19 pandemic during 2020/2021, lower levels than normal of social and economic activity took place in the State. As injuries and accidents are linked to activity, this impacted claim numbers. In terms of the assessment of claims, this was also affected by the public health restriction guidelines in place during the year. At the beginning of the year COVID-19 resulted in the cancellation of almost 2,000 independent medical appointments.

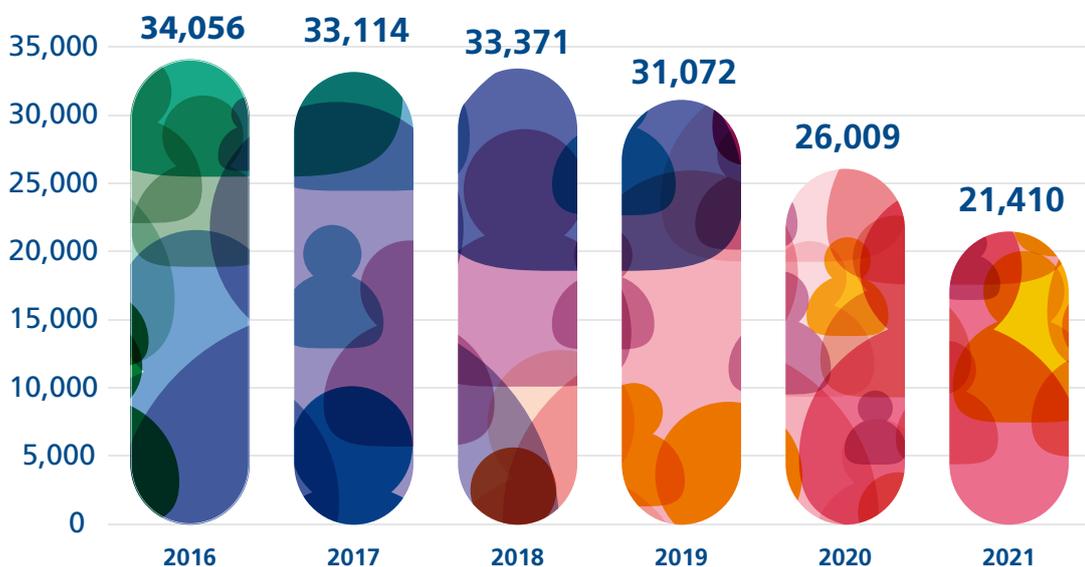
2021 was a year where PIAB assessments were made under two different methods. In the period January to 24th April, claims were assessed with reference to the Book of Quantum. After 24 April, the Personal Injuries Guidelines (The Guidelines) came into effect. The Guidelines were introduced in April following their adoption by the Judicial Council on the 6th of March.

In anticipation of the Guidelines coming into use, there was a significant number of applications received. From February to April 2021 approximately 9,000 were received.

In this chapter we will deal with the figures for the whole year but will also separately provide information up to April 24th before the introduction of the Guidelines and the subsequent period up to the end of December.

PIAB continued to provide a consistent and effective assessment service throughout 2021 making over 8,000 awards during the year and it adapted its process flexibly to continue to provide its service to customers.

Table 1.1 Claim Applications



21,410

The number of claims applications received in 2021.
(18% reduction in applications compared to 2020).

Categories of Claims

Table 1.2 Types of Awards

CATEGORY	2020 %	2021 %	NO. OF AWARDS	NO. OF AWARDS
			2021	2020
ML	70%	69%	5,606	6,058
EL	13%	13%	1,051	1,103
PL	17%	18%	1,436	1,426
Total			8,093	8,587

Table 1.3 No. of Awards Pre and Post Guidelines (including fatalities)

AWARDS	PRE-GUIDELINES	POST-GUIDELINES	TOTAL
Motor	2,361	3,245	5,606
Employers	438	613	1,051
Public	547	886	1,436
Total	3,346	4,747	8,093

Table 1.4 Overall Consent Rates

	MOTOR LIABILITY	EMPLOYERS LIABILITY	PUBLIC LIABILITY	COMBINED RATE
2016	66%	49%	45%	58%
2017	65%	49%	43%	57%
2018	65%	50%	44%	57%
2019	64%	48%	42%	55%
2020	62%	49%	43%	55%
*2021	67%	56%	49%	60%

* The 2021 overall consent figures in the table above are an aggregate of two figures (pre and post Guidelines)

As you will see from Table 1.2, Motor Liability claims continue to be the largest grouping of awards making up 69% of all awards. Public Liability claims make up 18% of awards and Employers Liability make up 13%. There was a slight decrease of 1% in Motor Liability awards on 2020 and an increase of 1% in Public Liability awards compared with 2020.

Table 1.3 shows the number of awards per category issued prior to the introduction of the Guidelines and after the Guidelines came into effect on April 24th.

Consent to Assessment

When PIAB issues notice to the Respondent notifying them of the claim being made against them, the Respondent is given 90 days within which to consent or decline PIAB assessing the claim. If a Respondent gives their consent, PIAB proceeds with the assessment process. If a Respondent declines, PIAB issues a legal document called an 'Authorisation' to the Claimant enabling the Claimant to bring the matter to Court if they so wish.

Table 1.4 looks at the consent rate from 2016 to 2021. We can see that the **consent rate has increased by 5% to 60% from 55% in 2020**. While an increase in the consent rate is welcome, some of this increase will be driven by the new Guidelines and an environment where there has been less early settlements. However, PIAB do believe there are many more cases we can support and contribute to their resolution and we will going forward to have more parties use our valuable service.

The reason the consent rate is an important metric for PIAB is that it indicated the number of cases where Respondents agreed to use to PIAB system in resolving a claim. PIAB's processing costs are far lower than litigation and this is a key factor in Respondents consenting to PIAB assessing claims.

There were consistent increases across all categories of claims with an overall 5% increase in the consent rate for 2021 compared to the 2020 figure. The current consent rate for 2022 is 64%.

“PIAB offers a quick and cost-effective claims resolution service that benefits all parties and society.”

PIAB offers a quick and cost-effective claims resolution service that benefits all parties and society. PIAB operates in an independent, non-adversarial and administrative way without the requirement of legal representation.

Research published by the Central Bank during the year based on its National Claims Information Database (NCID) showed that the time taken to resolve personal injury claims by PIAB and the costs involved are far lower than those resolved through litigation.

There are many advantages for all parties and society as a whole in the increased use of PIAB's service. These include the very low legal costs in comparison with litigation and the speed at which claims are resolved.

Table 1.5 Overall Acceptance Rates

	MOTOR LIABILITY	EMPLOYERS LIABILITY	PUBLIC LIABILITY	COMBINED RATE
2016	54%	56%	59%	55%
2017	52%	56%	56%	53%
2018	51%	54%	54%	52%
2019	51%	58%	56%	52%
2020	49%	57%	53%	51%
2021	43%	46%	49%	44%

Award Acceptance Rates

Awards can be accepted or rejected by Claimants and Respondents. When an assessment of damages (award) is made by PIAB, the Claimant has 28 days to either accept or reject the award and the Respondent has 21 days. If the assessment is accepted by both parties, an 'Order to Pay' issues to the Respondent or their insurers instructing them to pay the sum PIAB awarded to the Claimant. An 'Order to Pay' has similar status to a court order. If an award is rejected by one or both parties, PIAB issues an Authorisation which enables the Claimant to take the matter to Court if they so wish.

Prior to the Guidelines, respondents/insurers accepted about 90% of awards and claimants accepted over 50%. Post the Guidelines the figure was lower but stable as seen in the table below. The reason Award acceptances are so important is because they translate into claims being fully resolved by the PIAB service thus maximising savings for all parties involved as well as for the wider society.

Acceptance Levels Pre-Guidelines

The percentage of awards accepted in PIAB prior to the introduction of the Guidelines was higher than the previous year of 51% showing a combined rate of acceptance at 55%.

As Table 1.5 demonstrates, the percentage of claims being accepted has reduced somewhat over the years. However, it is significant that

the level of acceptances was stable while at a reduced level during the 8 months from 24 April 2021 to 31 December 2021. It is expected that acceptances will increase over time, as everybody gets used to the new Guidelines and more cases are dealt with across PIAB and the Courts.

Acceptance Levels Post-Guidelines

There were 4,580 cases assessed under the Personal Injuries Guidelines. The overall combined acceptance rate is 37%, with motor at the lowest rate of 34% and public liability at the highest rate of 45%. The respondent acceptance rate is much higher than the claimant rate, as is traditionally the case, ranging from 85% in public liability cases to a high of 96% in motor cases. The acceptance rate by claimants was 40% overall. While a significant proportion, over 37% of awards were accepted, the data does show a decline in overall acceptance rates compared to awards issued in 2020. The 2020 acceptance rate was 51% overall, broken down to 49% for motor, 56% for employer liability, and 54% for public liability. The total value of accepted awards was €78 million. The acceptance rate fell after the introduction of the Guidelines in April 2021. This was to be expected considering the significant change which the Guidelines constitute. We saw the acceptance rate stabilise and increase later in 2021 and the overall acceptance rate for the year was 44%.

.....
“the overall acceptance rate for the year was 44%.”

Acceptance Rates Pre-Guidelines

1 January to 24 April 2021	MOTOR	PL	EL	OVERALL
Combined Acceptance Rate	55%	56%	55%	55%

Acceptance Rates Post-Guidelines

24 April to 31 December 2021	MOTOR	PL	EL	OVERALL
Combined Acceptance Rate	34%	45%	39%	37%

Award Volumes and Values

Table 1.6 Award Volumes and Values by Year

YEAR	AWARD VOLUMES
2016	12,966
2017	12,663
2018	12,112
2019	11,527
2020	8,587
2021	8,093

YEAR	VALUE OF AWARDS (€ MILLIONS)
2016	€315
2017	€315
2018	€299
2019	€275
2020	€206
2021	€157

Table 1.7 Total full year Value of Average Awards by Category

Motor Liability	€17,945
Employers Liability	€25,748
Public Liability	€20,725
Overall Average	€19,451

Table 1.8 Award Levels by Pre and Post Guidelines

AVERAGE AWARD PRE-GUIDELINES:	
Motor Liability	€24,409
Employers Liability	€35,311
Public Liability	€29,767
Overall Average	€26,712

AVERAGE AWARD POST-GUIDELINES:	
Motor Liability	€13,241
Employers Liability	€18,915
Public Liability	€15,162
Overall Average	€14,333

The tables above reflect all awards including fatal cases.

Table 1.9 shows the distribution of award amounts by value band in respect of awards made from the first assessments under the Guidelines in April to the 31st of December this year. The table shows that the percentage of awards in the lower bands increased during the period. 20% of awards are now under €5,000, and 29% are between €5,000 and €10,000 meaning nearly half **(49%) of awards are now under €10,000**. This compares to just 12% in 2020. 72% of awards are now €15,000 or less compared to just 30% of PIAB awards in 2020.

The percentage of high value cases, (cases of over €50k) has remained stable at 4%. The figures reflect the difference of award levels in the three liability categories (ML, EL and PL). This also has an impact on the jurisdiction where future litigation may take place (District Court, Circuit Court and High Court etc.) potentially reducing legal costs for these cases also.

... **nearly half (49%) of awards are now under €10,000. This compares to just 12% in 2020.**

Table 1.9 Range of Award 2021 vs Pre-Guidelines 2020

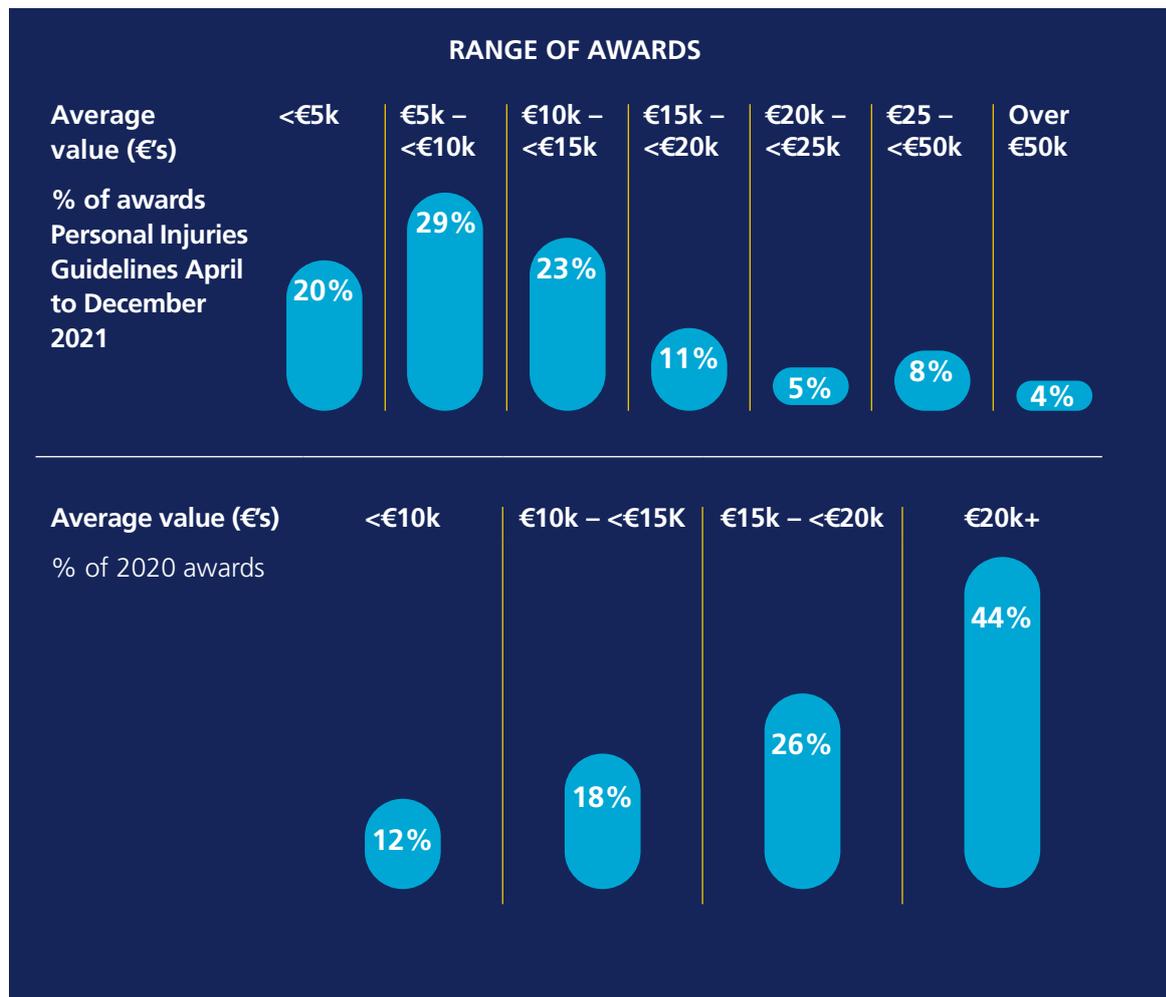


Table 1.10 Highest/Lowest Awards

	All	Pre-Guidelines	Post-Guidelines
Highest Award 2021	€360,522	€360,522	€209,110
Lowest Award 2021	€500	€750	€500

* Figures above exclude fatalities

Timeline to Assess

Health measures relating to the pandemic continued to affect service at the beginning of the year. PIAB had to reschedule almost 2,000 medical appointments at the beginning 2021 due to the pandemic and it's effect on the health care system. In addition the disruption which had taken place in 2020 continued to impact on timelines for assessing claims in 2021. The time to assess a claim from the date of consent to date of award was 10.5 months last year, an increase

of 1.5 months on the previous year. We made major progress in the year in restoring assessment timelines. We are working very hard with our medical community to bring timelines back to 9 months and we believe this will be accomplished.

Fatal Claims

Fatal accidents are especially tragic for the loved ones of those lost in those accidents. We in PIAB extend our deep sympathy to all those who have lost loved ones in an accident.

Fatal applications are not assessed in the same way as other applications for personal injury compensation. These cases are omitted from the wider analysis as the assessment of damages where there was a fatality involved has not been impacted by the introduction of the new Personal Injuries Guidelines.

During the period 1 January 2021, to 31 December 2021, PIAB received 84 cases involving a fatality, 41 of which related to motor accidents, 14 related to workplace accidents (EL), and 29 relating to public liability accidents as per the table below.

Motor Liability

Of the 41 motor cases involving fatal injuries, 13 involved pedestrians, 11 involved passengers, 8 involved drivers, 4 involved motorcyclists, 5 involved a cyclist.

28 of those fatally injured were male and 13 were female.

Employers Liability

There were 14 Employer Liability fatal applications received by PIAB in 2021.

12 of those fatally injured were male and 2 were female.

Below we look closer at the cause, activity and occurrence of these fatalities.

External Cause EL	Number
Caught, crushed, jammed or pinched in or between objects	3
Struck by thrown, projected or falling object	2
Exposure to asbestos	2
Other	2
Contact with agricultural machinery	1
Pedestrian injured in collision with railway train or railway vehicle	1
Exposure to unspecified electric current	1
Fall from one level to another	1
Person outside of forklift injured in non-traffic accident in industrial area	1
Total	14

Activity EL	Number
Construction	5
Cafe/childcare/financial/education/utilities	2
Transport and storage	2
Agriculture/forestry/fishing	1
Government administration and defence	1
Manufacturing	1
While working for income, unspecified	1
Wholesale and retail trade – food/hardware/fuel/motor/household	1
Total	14

Place of Occurrence EL	Number
Industrial and construction area, factory and plant	7
Trade and service area – airport/bus station/tv/radio	2
Café, hotel and restaurant	1
Industrial and construction area	1
Institution and public administrative area-church/hall/cinema/club/court/venue	1
Shop and store	1
Sport and athletics area	1
Total	14

Public Liability

There were 29 Public Liability fatal applications received by PIAB in 2021. 18 of those fatally injured were male and 11 were female. Below we look closer at the cause, activity and occurrence of these fatalities.

External Cause PL	Number
Medical negligence	9
Fall from one level to another	6
Other	4
Attacked by a bull	2
Fall on same level from slipping, tripping and stumbling	2
Foreign body entering into or through eye or natural orifice	2
Assault by bodily force	1
Car occupant (driver) injured in non-collision transport accident	1
Fatal injuries due to gun shot	1
Nosocomial condition*	1
Total	29

*of a disease originating in a hospital

Activity PL	Number
Health services	13
While resting, sleeping, eating or engaging in other vital activities	5
Unspecified activity	4
Agriculture/forestry/fishing	2
Construction	2
Other specified activity	1
Recreation/hobby/leisure	1
Sport/exercise	1
Total	29

Place of Occurrence PL	Number
Health service area	15
Residential institution	4
Farm	2
Home	2
Industrial and construction area	2
Café, hotel and restaurant	1
Sport and athletics area	1
Street and highway, roadway	1
Unspecified place of occurrence	1
Total	29



A Closer Look

In this next chapter we will look closer at Motor Liability, Employers Liability and Public Liability claims in more detail with a particular focus on the injuries which led to these claims. In total, 76,044 pieces of data from 21,410 claims were analysed to provide the figures below. The findings remain very consistent year on year. Neck and back injuries are by far the most common injury resulting in claims to PIAB and make up 50% of injuries, of which 90% are minor soft tissue injuries. You will find some key data on ML, EL and PL claims below:

Neck and back injuries are by far the most common injury resulting in claims to PIAB and make up 50% of injuries, of which 90% are minor soft tissue injuries

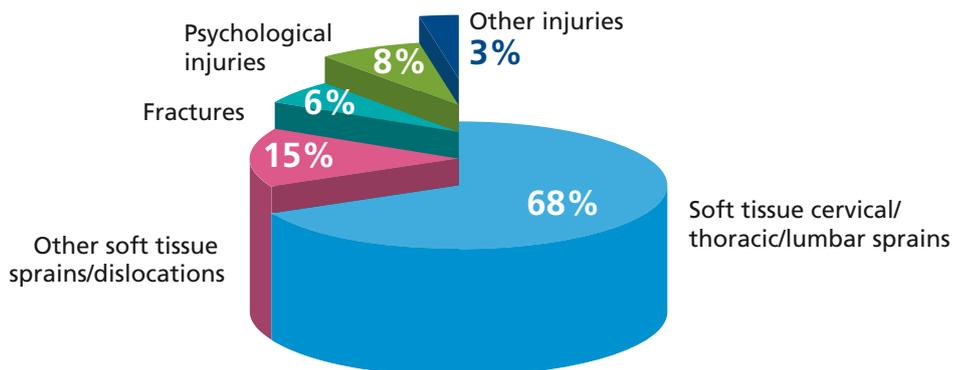
Motor Liability:

Motor liability claims are still the largest category of claims in Ireland.

PIAB received 11,409 motor claim applications in 2021 and we issued 5,606 awards. The average award in this category was €17,945 versus €22,357 in 2020.

Most injuries in this category continue to relate to soft tissue injuries, mainly to the neck and back, from which most claimants recover.

ICD10 Injury 1 ML



Below is a closer look at Motor Liability claims based on the number of claims received from Claimants in 2021. You will note that 54.5% of motor liability accidents involved the driver of a vehicle (this is down 2.5% on the 2020 figures); 33% involved passengers in a vehicle (this is up 1.5% on the 2020 figure); 5.5% involved pedestrians; 5% involved cyclists; and 2% involved motorcyclists.

Most Common Injuries

We looked again this year at the most common injuries sustained by people involved in road traffic accidents. Soft tissue injuries are shown to constitute over 80% of injuries sustained by Claimants involved in motor claims. According to our analysis, 50% of injuries relate to a sprain and strain of the cervical spine; 14% relate to a sprain and strain of the lumbar spine (lower back); 7.5% relate to a sprain and strain of the shoulder joint; and 3.5% relate to a sprain and strain of the thoracic spine (mid back region).

2021 ICD-10 Analysis of Motor Liability Injuries in Claims made to PIAB

The ICD-10 system is used by the World Health Organisation for categorising injuries. PIAB codes injuries for statistical purposes in line with it.

“Soft tissue injuries are shown to constitute over 80% of injuries involved in motor claims.”

Motor Liability Accidents 2021



54.5% (-2.5%)
of Claimants
involved were
drivers of a vehicle



33% (+1.5%)
of Claimants
involved were
passenger of a
vehicle



5.5% (+0.5%)
of Claimants
involved were
pedestrians



5% (+0.5%) of
Claimants involved
were cyclists



2% (N/C) of
Claimants involved
were motorcyclists

* Figures in brackets are the corresponding 2020 figures

4 Most Common Motor Liability Injuries 2021



50% (-1%) of
injuries sustained
in Motor Liability
accidents involved
sprain and strain
of the cervical spine



14% (-2%) of
injuries sustained
in Motor Liability
accidents involved
sprain and strain
of the lumbar spine



7.5% (-0.5%)
of injuries sustained
in Motor Liability
accidents involved
sprain and strain
of the shoulder joint



3.5% (n/c) of
injuries sustained
in Motor Liability
accidents involved
sprain and strain
of the thoracic spine

Employers Liability

Employers liability claims are the smallest claim category accounting for 13% of all awards made in 2021.

PIAB received 4,227 Employers Liability applications in 2021 and issued 1,051 awards in that category. The average EL award was €25,748.

Cause

When we consider the cause of workplace accidents, we can see that 24% of accidents were caused by a fall on the same level from a slip, trip and/or stumble. This is up 2% on last year's figures. Furthermore, 20.5% were caused by an overexertion or strenuous or repetitive movements; 16% were caused by being struck by a thrown, projected or falling object; and 9.5% were caused by a fall from one level to another.

Occurrence

Nearly a third (30%) of all Employer Liability accidents occurred at a factory or plant. This is up 4% from 2020. 13% of Employers Liability accidents occurred at a shop or store. This is up 1.5% on last year. 12% of accidents occurred at an industrial and/or construction area and 10.5% occurred at a health service facility.

Occurrence of Employers Liability Accidents 2021



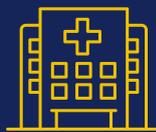
30% (+4%) of employers liability accidents occurred at a factory or plant



12% (-0.5%) of employers liability accidents occurred at an industrial and/or construction area



13% (+1.5%) of employers liability accidents in 2020 occurred at a shop or store



10.5% (+0.5%) of employers liability accidents in 2020 occurred at a health service area

External Cause of Employers Liability Accidents 2021



24% (+2%) of employers liability accidents were caused by a fall on same level from slipping, tripping and/or stumbling



16% (+0.5%) of employers liability accidents were caused by being struck by a thrown, projected or falling object

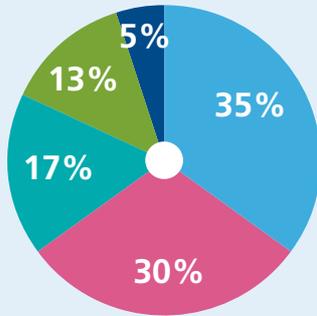


20.5% (+0.5%) of employers liability accidents were caused by an overexertion, strenuous and/or repetitive movements



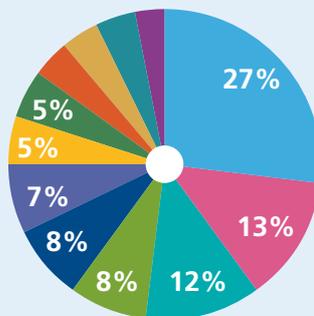
9.5% (+0.5%) of employers liability accidents were caused by a fall from one level to another

ICD10 Injury 1 EL



- Soft tissue cervical/thoracic/lumbar sprains
- Other soft tissue sprains/dislocations
- Fractures
- Psychological injuries
- Other injuries

Most Common injuries EL



- Sprain and strain of lumbar spine
- Sprain and strain of cervical spine
- Sprain and strain of shoulder joint
- Anxiety disorder, unspecified
- Sprain and strain of other and unspecified parts of knee
- Post traumatic stress disorder
- Sprain and strain of ankle
- Concussion
- Sprain and strain of wrist (4%)
- Fracture of other metacarpal bone (4%)
- Sprain and strain of elbow (4%)
- Fracture of lower radius (wrist) (3%)

Public Liability

Public Liability claims arise from accidents that occur in public places.

The number of public liability claims received by PIAB in 2021 was 5,774 and the number of PL awards made was 1,436. The average award in this category was €20,725.

External Causes of Public Liability Accidents 2021



65% (+1%) of public liability accidents were caused by a slip, trip or stumble on the same level



7.5% (N/C) of public liability accidents involved being struck by a thrown, projected or falling object



7.5% (+0.5%) of public liability accidents were caused by assault by bodily force



7.5% (-0.5%) of public liability accidents were caused by a fall from one level to another

Occurrence of Public Liability Accidents 2021



20% (+1%) of public liability accidents occurred at a shop and/or store



18% (N/C) of public liability accidents occurred on a roadway



12% (+2.5%) of public liability accidents in 2020 occurred on a footpath



10% (-5%) of public liability accidents occurred at a hotel, restaurant or public house

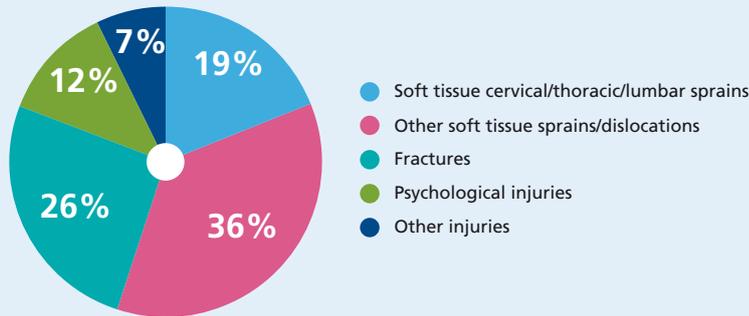
Cause

Almost two thirds (65%) of public liability accidents were caused by a slip, trip or fall on the same level. 7.5% of public liability accidents involved being struck by a thrown, projected or falling object; 7.5% were caused by assault by bodily force; and 7.5% were caused by a fall from one level to another.

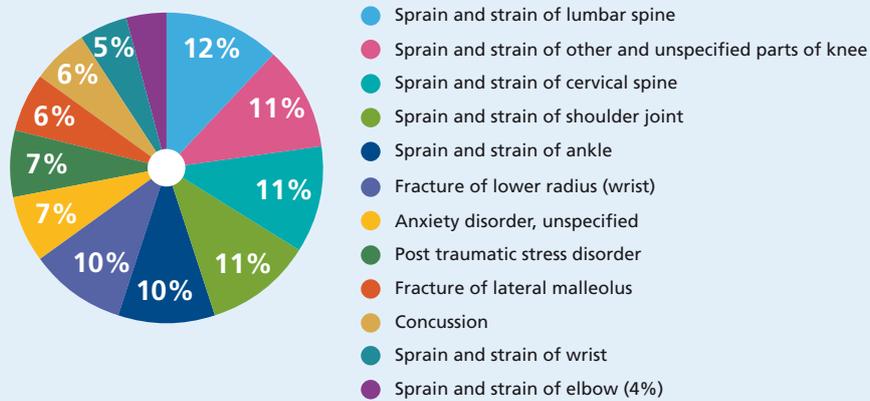
Accident

One fifth (20%) of Public Liability accidents occurred at a shop and/or store; 18% occurred on a roadway; 12% occurred on a footpath, an increase of 2.5% on last years figures; 10% occurred at a hotel, restaurant or public house which is a decrease of 5% on last year's figures.

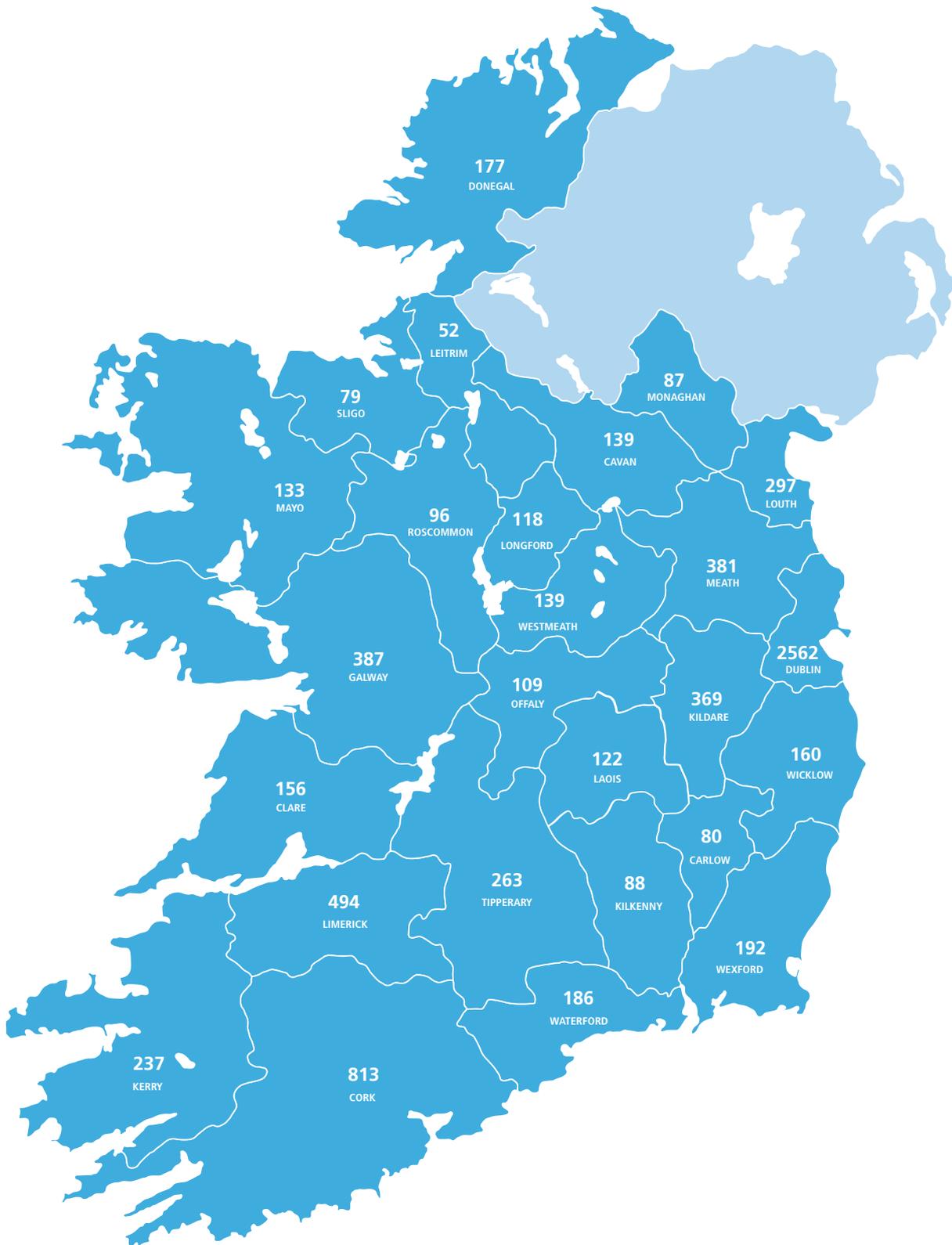
ICD10 Injury 1 PL



10 Most Common Injuries PL



Map showing regional spread of awards





Personal Injuries: An Evolving Landscape

Since its establishment in 2004, PIAB has delivered its services under a fair and independent model of personal injury compensation that benefits all parties and the whole of society. In addition, PIAB has been a strong supporter and driver of change, through publishing data and through making proposals for extending and enhancing its services, as well as through championing other reforms. 2021 was a year where reforms planned in recent years were put into action. Key work areas were:

- The implementation of the Personal Injuries Guidelines by PIAB (discussed in the earlier chapter)
- Publication by PIAB of its own research as well as active co-operation with Central Bank research
- Continued commitment by Government to this area as shown by the work of the Cabinet Committee on Insurance Reform,
- PIAB's active participation in, and support for, the drafting of new PIAB legislation to enhance and expand the powers of the organisation

Central Bank (NCID)

In 2021 the Central Bank under the National Claims Information Database (NCID) published two insurance reports. The first, published in July 2021, was the Employers Liability, Public Liability and Commercial Property Insurance Report 1. The second was the Private Motor Insurance Report 3 published in November 2021. Both reports show that the PIAB service is considerably cheaper and faster than litigation.

The first report showed that the average legal costs for claims resolved through PIAB were in the region of €1,000 compared to legal costs of €21,000 through litigation. The report also

showed that a claim (from the time an accident was reported) was resolved through PIAB in 1.8 years as compared to 4.5 years when resolved through litigation. When we consider the average compensation amount for claims under €150,000, the report showed that a claimant received only marginally more compensation through the litigation process: €35,642 versus €31,250.

We can see similar results in the *Private Motor Report*. Compensation amounts were broadly comparable but there was a significant difference in legal costs and the time taken to resolve claims. On average, the report found that the legal costs associated with settling these claims through litigation were €16,064. This compares to legal costs through the PIAB process of only €841, a difference of over €15,000 per claim. The time taken to resolve claims differed significantly with claims in 2020 under the litigation model taking on average 4.2 years to settle while claims settled via the PIAB model took 2.3 years to resolve.

Action Plan for Insurance Reform

The start of 2021 saw a Cabinet Committee officially established to oversee the Programme for Government Commitments on Insurance Reform. The group is chaired by the Tánaiste with the Department of Finance leading on the work. In support of the key action of the government's Action Plan to Enhance and Reform PIAB, we have had on-going engagement with the Department of Enterprise, Trade and Employment (DETE) throughout 2021. The focus of our work in support of our parent department in this area has been on mitigating the volume of cases being released by PIAB into the litigation system as well as preparing for mediation by PIAB as a new function. This has involved work with DETE in terms of the public consultation process, engagement and workshops with several

other agencies offering a mediation service, cost modelling work in terms of mediation as a service by PIAB and development by DETE of a general scheme of a *PIAB Reform Bill*.

Personal Injuries Resolution Board Bill 2022

In March of 2021, the Department launched a public consultation process inviting stakeholders to submit their views regarding enhancing and reforming PIAB. The consultation received active participation and support for measures to expand PIAB's role and services. Work on draft legislation followed and drafting of potential new legislation took place with publication of the Heads of the General Scheme of the Personal Injuries Resolution Board Bill in February of 2022. It is proposed under the General Scheme that PIAB's remit will be extended and PIAB will have new statutory functions to resolve Personal Injury Claims. The most obvious change will be to our name. It is proposed that we will change from the Personal Injuries Assessment Board to the Personal Injuries Resolution Board.

There are several key aspects to this Bill:

- A mediation service to aid claims resolution aimed at resolving personal injury claims that are currently resolved through a more costly and lengthy litigation route.
- PIAB will retain cases that are wholly psychological in nature.
- Where an injury is yet to resolve, PIAB will have additional time to assess these claims.
- New fraud prevention measures will be introduced. PIAB will have the right to seek proof of identity and disclose information to An Garda Síochána to help reduce fraud.
- Measures relating to the discretion of the Courts regarding legal costs if a Court award does not exceed PIAB's original assessment.

We look forward to this next chapter in the reform process and to continuing to deliver fast, efficient and fair claims resolution that benefits all.



Innovation and Customer Excellence

We are an organisation that is fully committed to achieving and maintaining excellence in customer service. We strive for an empathic, responsive, and efficient service for all our customers and we also prioritise flexibility and innovation.

This was shown by how rapidly PIAB was able to transform its processes to be ready for the implementation of the Personal Injury Guidelines in six weeks from the announcement of the change to the Guidelines becoming operative.

Providing an excellent service to our customers is of the highest importance to PIAB. The organisation has a dedicated Service Centre that is open from 8am to 6pm Monday to Friday. It also offers a webchat function on its website.

Customer Service 2021

“PIAB arranged 16,788 medical appointments for Claimants.”

PIAB provides services to its customers both in its Assessment Centre and Service Centre. Below are figures showing our service volumes throughout 2021:

- During the year the organisation handled 25,506 incoming telephone calls (compared to 32,195 in 2020) and 453 webchats (compared to 695 in 2020)
- Correspondence relating to 183,365 existing claims and 21,410 new claims was scanned and processed
- Our Service Centre dealt with 197,132 and 922 incoming faxes (compared to 1,648 in 2020)
- PIAB arranged 16,788 medical appointments for Claimants as part of it’s assessment process



197,132

incoming emails
(compared to
177,156 in 2020)



25,506

incoming
telephone calls
(compared to
32,195 in 2020)



453

webchats
(compared
to 695 in 2020)



16,788

medical
appointments for
Claimants as part
of it’s assessment
process

Website

The number of visits to PIAB's website decreased from 329,494 in 2020 to 254,336 in 2021. This may be due to the reduction in personal injury claims as a result of the decrease in economic activity.

PIAB's website has information on a range of options and ways people can use our service, including the Solicitor's Portal and a facility to upload an online application directly.

Trained and experienced personnel provide information over the phone and through the web chat service, as well as through email responses.

Digitalisation of PIAB Services

PIAB continues to develop its digital infrastructure with more customers engaging via enhanced online service offerings. The focus of work in this area throughout 2021 has been around preparation and progression of a competitive dialogue procurement procedure for a new claims management platform. At the start of the year, we put in place a service provider multi operator framework agreement. The first drawdown requirement from this framework was completed with appointment mid-year of a Programme Manager for the project. Since then, work has continued in the areas of steering committee implementation, engagement work and planning for a programme of workshops and further procurements.

Customer Complaints

PIAB is a public service organisation and we pride ourselves on providing dedicated customer service. To maintain a high level of customer service, it is vital that we ensure customers can provide feedback on our services or the services of providers associated with our process. PIAB has a formal complaints procedure, details of which can be found on our website.

In 2021 PIAB received a total of 85 complaints. As in previous years, complaints relating to medical examinations were the most common.

Other areas where complaints were received were in relation to administrative issues and the changes brought about by the Personal Injuries Guidelines.

Complaints corresponded to 0.4% of all applications made in 2021.

Communications and Awareness

Advertising Campaign

In November 2021 we launched an extensive consumer advertising campaign covering national press and national, local and urban radio as well as digital advertising. Our principal objective was to increase awareness of the low cost and speedy PIAB service and to provide information on how claimants can utilise the PIAB service. The advertisements used impactful visuals and memorable taglines around the theme of 'Get Better Soon'. The additional information provided showed listeners and readers that they could get similar compensation faster and cheaper using PIAB compared to litigation. The campaign drove increased activity to the PIAB website.

Webinars

During 2021 we hosted a number of webinar events for our stakeholders and customers on the Personal Injuries Guidelines. The first of these provided a useful update on the new Personal Injuries Guidelines, how they would operate and what the main changes were. We also held a very well attended webinar for medical professionals aimed at members of the PIAB medical panel which provided information on how the Guidelines would operate from the point of view of medical-legal reporting. Further, we participated in webinars organised by the Alliance for Insurance Reform, the Institute for Insurers and the Health and Safety Review annual conference.

Working Groups

PIAB is represented and actively participates on a number of industry committees and working groups including:

- The Health and Safety Authority's Work-Related Vehicle Safety Consultative Panel
- The Garda Compensation Bill Working Group
- The Criminal Injuries Compensation Scheme Working Group
- Central Bank's National Claims Information Database (NCID) – Data sub-group
- Law Society User Forum



Our People

In the Personal Injuries Assessment Board, our people are our greatest asset. We pride ourselves on being an inclusive and equal opportunities employer and we embrace and celebrate diversity. As a public service organisation, we understand the importance and value of diversity and we strive to have that reflected in the people we employ and through the work that we do.

Our employee's health, safety and well-being are of the utmost importance. We continued to heed government guidelines throughout 2021 in the context of the Covid-19 pandemic and only essential staff were rostered for office attendance throughout most of the year.

Due to the legislative nature of PIAB's operational process, we maintained a presence of small numbers of staff attending the office throughout the various lockdowns in 2021, though all staff continued to have access to remote working. The reason for office attendance during the stay-at-home order was to continue our business operations in terms of carrying out essential tasks such as printing, posting and scanning. PIAB has a legal requirement to serve certain Statutory Notices and other correspondence by post, where this correspondence cannot be served electronically. Based on the Government guidelines and public health situation/health guidelines in place in September 2021, staff of PIAB returned to the office on a phased basis from October. All staff received Return to Office training to ensure that they were aware of our protocols, what measures we had put in place to protect staff and what their responsibilities were under PIAB's Return to Office plan.

During 2021 we developed Blended Working Guidelines which will become operational in 2022 subject to any public health advice during the year PIAB have been proactive in developing these guidelines to ensure their expeditious roll out and in support of the National Remote Work Strategy PIAB want to retain the creativity and innovation that flourishes from people meeting each other PIAB also understand that working in a remote environment is new to all of us and all staff were offered training to enhance their existing skills in working in a Blended Working environment. In addition given the new environment we work we have had an enhanced focus on Cyber Security.

Essential Work During Pandemic/ Return to Office/Working Through COVID-19

As stated above, we developed a Return to Office Plan in 2021. This was our wireframe for how to safely manage a return to the office and was overseen by our RTO management Group and our lead worker representative was heavily involved as well as providing us with vital feedback during the year. A successful audit of PIAB's COVID-19 resilience, is a testament to the work of all the individuals involved in this and we would like to thank and acknowledge their work during the course of the year.

Training and Wellbeing

As mentioned earlier in this Report the Personal Injury Guidelines came into effect from 24th April 2021. PIAB are the main implementer of the Guidelines adopted by the Judicial Council. The new Guidelines mark a major change in the personal injuries environment and will bring more consistency and transparency in the claim environment to ensure greater acceptance of PIAB awards. PIAB staff received extensive

training on the practical application of these guidelines to ensure they have the knowledge to competently assess claims under the new guidelines. Staff also received training in specialist areas such as Fatal Claims and areas relevant to their specific technical needs. All staff were also invited to attend training on common cognitive biases – to support us all in our decision making processes.

.....
“Data Protection briefings were provided to all staff.”

As staff returned to the office during the year PIAB increased the number of Lead Worker Representative Assistants and training was provided for these roles in addition to Return to Office Training for all staff to ensure staff knew the precautions, preventative measures, and procedures in place to mitigate the spread of COVID-19.

Due to the sensitive and confidential nature of the information PIAB have access to staff are regularly trained on the processing of personal data to safeguard the rights of anyone providing their personal information. In 2021 Data Protection briefings were provided to all staff. Mandatory Cyber Security training was also provided to all staff during the year.

PIAB also engaged with a health and performance coach to deliver virtual workshops on re-energising and re-focusing mind, body and spirit to empower participants to make sustainable and tangible improvements to their mental, physical and emotional well-being.

Pensions

In 2021 PIAB were onboarded to Central Government’s Single Scheme Databank in 2021. Approximately 25% of current staff are members of the Single Public Service Pension Scheme.

Equality, Diversity and Inclusion

PIAB continued to promote Disability Awareness, Equality, and Inclusion in 2021, delivering on its commitment to build awareness among all our staff of the challenges facing people with a disability. Staff of the Board attended several days’ training on Disability Awareness and Biases in Decision Making including a session delivered on December 3rd to mark International Day of Persons with Disabilities. PIAB also arranged suitable training for our newly-appointed Disability Liaison Officer and Access Officer to ensure they felt competent in carrying out the responsibility of their roles. These initiatives are critical because PIAB can only deliver to the high standards expected of it if everyone working in the organisation feels included and that their contribution is valued and that we embrace and celebrate what makes people different. In 2021 PIAB exceeded the Government’s 6% disability employment target for 2024. We are committed to increasing disability awareness throughout our organisation in 2022.

PIAB Gender Pay Profile

Grade	Female	Male
Clerical Officer	66%	33%
Executive Officer	75%	25%
Higher Executive Officer	66%	33%
Assistant Principal	40%	60%
Principal Officer Grade and Higher	50%	50%

7 out of 12 of PIAB’s Board Members are female (2021 figures) and we have equal numbers of male and female employees at Principal Officer Grade and above.



Governance and Financial Statements

Governance Statement and Board Members Report

Governance

The Personal Injuries Assessment Board (PIAB) is a non-commercial State body. Its functions and duties are set out in the Personal Injuries Assessment Board Acts 2003, 2007, and 2019. The Board is accountable to the Minister for Enterprise, Trade and Employment and is responsible for the good governance of the PIAB. The Board performs this task by setting strategic objectives and targets for the organisation and taking strategic decisions on all key business matters and the execution of other fiduciary duties.

The regular day-to-day management, control and direction of PIAB are the responsibility of the Chief Executive (CE) and the Executive Management Team. The CE and the management team follow the broad strategic direction set by the Board and must ensure that all Board members have a clear understanding of the key activities and decisions related to the entity, and of any significant risks likely to arise. The CE acts as a direct liaison between the Board and management of PIAB.

How the Board Operates – Role and Responsibilities of the Board

The work and responsibilities of the Board are set out in the Terms of Reference of the Board, which also contain the matters specifically reserved for Board decision. Standing items by the Board include:

- Declaration of interests
- Reports from Audit and Risk Committee
- Performance reports from CE and Executive Management team, and
- Financial reports/management accounts

The Board also considers matters specially reserved for it, including:

- Ensuring that the Board operates within the limits of its statutory authority and/or any delegated authority agreed with the Minister
- Monitoring the effectiveness of the Board's risk management processes and systems to ensure the effective identification, monitoring and control of risks
- Undertaking an annual assessment of the effectiveness of internal control and risk management processes
- Agreement of the purchasing procedures of the Board, including the delegated levels of authority
- Approval of major purchases/contracts
- Approval of any significant changes in accounting policies or practices
- Approval of Annual Reports
- Approval and monitoring of the Annual Budget

Section 77 of the Personal Injuries Assessment Board Act, 2003, requires the Board to prepare annual financial statements in the format and manner specified by the Minister for Enterprise, Trade and Employment.

In preparing these financial statements, the Board is required to:

- Select suitable accounting policies and apply them consistently
- Make judgements and estimates that are reasonable and prudent
- Prepare the financial statements on a going concern basis unless it is inappropriate to presume the Board will continue in operation

- State whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements

The Board is responsible for keeping adequate accounting records which disclose, with reasonable accuracy at any time, the financial position of the Board and which enable it to ensure that the financial statements comply with Section 77 of the Act. The Board is also responsible for safeguarding the assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

The Board considers that the financial statements of PIAB give a true and fair view of the financial performance and the financial position of PIAB at 31 December 2021.

As outlined in the Statement on Internal Control contained within the Financial Statements which form part of this Annual Report, the Board carried out a review of the effectiveness of internal controls within the organisation in respect of the year. This review was informed by the work of the internal auditor, the Audit and Risk Committee which oversees the work of the internal auditor, and the organisation's Executive which has responsibility for the development and maintenance of the control framework.

The Board concluded that they are satisfied as to the effectiveness of the system of internal controls in place in the organisation.

During the year, the Board carried out an assessment of the organisation's principal risks, including a description of the risk and associated measures or strategies to control and mitigate these risks. Board Members concluded that they were satisfied as to the risk management framework and associated processes in place.

Board Structure

The Board consists of a Chairperson, nine ordinary (non-executive) members, and the Chief Executive. The Members of the Board are appointed by the Minister for Enterprise, Trade & Employment for a defined period in accordance with the terms of the Personal Injuries Assessment Board Act 2003. The Board met nine times during 2021. The CE and Executive Management Team attend at Board meetings for the purposes of discussing relevant matters. During 2021 the Board also met on occasion, without Executive Members present, to discuss any matters that were deemed relevant. The table below lists all Board Members who served in 2021 and their attendance record at Board meetings.

Full List of Board Members and Attendance Record During 2021

Names		Attendance Record
Dermot Divilly	Non-Executive Chairperson	9 out of 9
Margot Slattery	Vice Chairperson and Irish Business and Employers Confederation (IBEC) nominee	4 out of 4
Rosalind Carroll	Chief Executive	9 out of 9
Colette Crowne	Competition and Consumer Protection Commission nominee	8 out of 9
Walter Cullen	Irish Congress of Trade Unions (ICTU) nominee	4 out of 4
Aengus Cummins	Insurance Ireland nominee	9 out of 9
Karen Furlong	Non-executive director	7 out of 9
Nuala E. Jackson	Senior Counsel	9 out of 9
Cathal Lafferty	Central Bank of Ireland nominee	8 out of 9
Marion O'Brien	Director of Corporate Services SEAI	3 out of 3
Dr Jean O'Sullivan	Consultant in Emergency Medicine	8 out of 9
John Shine	Department of Enterprise, Trade & Employment	9 out of 9
Stephen Watkins	Secretary to the Board	9 out of 9

Board Changes

Marion O'Brien was appointed from 8th August 2021. On 29th April 2021 the tenure of appointment of Margot Slattery and Walter Cullen ceased. At the end of the year there was one vacancy on the Board.

Board Committees

The Board has also established an Audit and Risk Committee comprising of a number of Board Members. The role of this committee is to support the Board in relation to its responsibilities for issues of risk, control and governance, and associated assurance. The Committee is independent from the financial management of the organisation. In particular, the Committee ensures that the internal control systems including audit activities are monitored actively and independently. The Committee reports to the Board after each meeting, and formally in writing annually. The Committee met five times during 2021. Details of Committee membership during the year follow:

Audit and Risk Committee Members 2021

Member	Tenure	
Cathal Lafferty (Chairperson)	Full year	5 out of 5
Walter Cullen	Until 29 th April 2021	1 out of 2
Aengus Cummins	Full year	5 out of 5
Karen Furlong	From 28 th Jan 2021	3 out of 4
John Shine	From 28 th Jan 2021	3 out of 4
Margot Slattery	Until 29 th April 2021	2 out of 2

Secretary: Stephen Watkins

Board Fees and Expenses

Detail of fees to Board members are set out below. As in previous years, no expenses were paid to Board members.

	2021 €	2020 €
Dermot Divilly – Chairperson	20,520	20,520
Walter Cullen	3,990	11,970
Aengus Cummins	11,970	11,970
Karen Furlong	11,970	11,970
Nuala E. Jackson	11,970	11,970
Margot Slattery	3,990	11,970
Total	64,410	80,370

The following Board Members were paid no fees during 2021 due to the application of One Person One Salary principle: Cathal Lafferty, Dr Jean O'Sullivan, Colette Crowne, John Shine, Marion O'Brien and Rosalind Carroll.

Disclosure Required by the Code of Practice for the Governance of State Bodies (2016)

The Board is responsible for ensuring that PIAB has complied with the requirements of the Code of Practice for the Governance of State Bodies (the Code) as published by the Department of Public Expenditure and Reform (DPER) in August 2016. The following disclosures are required by the Code:

- Employee Short-Term Benefits Breakdown (The disclosure in relation to this is contained in Note 3 in the Financial Statements in this Annual Report).
- Consultancy Costs (The disclosure in relation to this is contained in Note 6 in the Financial Statements in this Annual Report).
- Legal Costs and Settlements (The disclosure in relation to general legal advices is contained in Note 6 in the Financial Statements in this Annual Report).

Travel and Subsistence Expenditure (The disclosure in relation to this is contained in Note 6 in the Financial Statements in this Annual Report).

Hospitality Expenditure (The disclosure in relation to this is contained in Note 6 in the Financial Statements in this Annual Report).

Statement of Compliance

The Board has adopted the Code of Practice for the Governance of State Bodies (2016) and has put procedures in place to ensure compliance with the Code.

Instances of non-compliant procurement are outlined in the Statement on Internal Control contained in the Financial Statements appended to this Annual Report. The Board postponed its own internal review of its performance.

Otherwise PIAB was in full compliance with the Code of Practice during 2021.

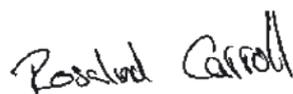
Signed



Dermot Divilly

Chairperson

2nd June 2022



Rosalind Carroll

Chief Executive

2nd June 2022

Corporate Governance – Compliance

PIAB operates in accordance with the provisions of its 2003 Act, as amended in 2007 and 2019. PIAB operates under the aegis of the Minister for Enterprise Trade and Employment. In addition to the terms of our governing legislation, we are also required to comply with a wide range of other statutory (National and EU) and administrative requirements. In particular, we have put in place procedures to ensure compliance with the following specific requirements:

Risk

The Code of conduct for State Agencies details the standards to which PIAB must operate to in the area of Corporate Governance, Compliance and Risk. Two new Members were appointed to PIAB's Audit and Risk Committee (ARC) at the start of the year: Ms. Karen Furlong and Mr. John Shine. ARC met formally five times during 2021. Throughout the year the Executive formally reviewed Risk to include the organisational Risk Register and presented to ARC. A review of PIAB's Risk Management Framework policy was commenced at year end.

Code Of Practice for the Governance of State Bodies

PIAB has developed and implemented procedures to ensure that it fully complies with the new Code which was introduced in August 2016 and formally adopted by the Board. Annually, the Board's Chairperson formally confirms to the Minister for Enterprise Trade and Employment PIAB's compliance with the Code. This includes confirmation of compliance with and adherence to the Public Spending Code. As part of the requirements of the Code, an agreed Service Level Agreement has been developed with our parent Department.

Ethics in Public Office Act, 1995

PIAB comes within the scope of the Ethics in Public Office Act, 1995 and has adopted procedures to comply with the Act. Accordingly, where required, Board Members and staff holding designated positions have completed statements of interest in compliance with the provisions of the Act. Furthermore, procedures are in place for the on-going disclosure of interests by Board Members which is a question asked at the outset of every Board meeting. Staff at management level are also subject to this legislation.

Safety, Health and Welfare at Work Act 2005

In accordance with the Safety, Health and Welfare at Work Act 2005, PIAB has implemented procedures to comply with the provisions of the Act. We have adopted a safety statement that encompasses all of the aspects of staff welfare. In addition, we adopted specific procedures relating to health and safety around the pandemic and the Return to Office.

Employment Equality

PIAB embraces diversity and equal opportunity. We are committed to building a team that represents a variety of backgrounds, perspectives, and skills. We are committed to living up to our core values of Collaboration, Respect, Openness and Integrity. In this regard, we are committed to providing an environment of mutual respect where equal employment opportunities are available to all applicants and teammates without regard to gender, civil status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller Community. PIAB will not tolerate any discrimination or harassment including that based on any of these characteristics. During 2021, we appointed a Disability Liaison Officer and an Access Officer and we provided training in disability and equality issues to all staff. We are actively working to increase and improve our accessibility for our employees, customers, and stakeholders and we will progress this further in 2022.

Human Rights

PIAB's Customer Charter commits the organisation to the following: Treating customers equally, fairly and with respect. PIAB is aware of the categories of people protected by equality law and does not discriminate on any of the grounds set down in relation to provision of the goods and services in the Equal Status Acts 2000-2015 (ESA). PIAB does not discriminate on grounds of gender; civil status; parental status; maternity status; family status; sexual orientation; religion; age; race, nationality, or ethnic background; membership of the Traveller community; or disability. PIAB provides services to all claimants or respondents, relating to claims which have occurred in the Republic of Ireland, and it takes decisions based on its role and responsibilities under legislation including the Personal Injuries Assessment Acts, as amended, and other relevant laws. PIAB's commitment to fair, efficient and transparent assessment of claims is clearly set out on its website. The updated PIAB website has been developed to provide improved access to people with visual disabilities and is written in a simple and clear manner.

Energy Efficiency

PIAB is committed to actively working to reduce its energy use and to increase the sustainability of its operations. The organisation promotes recycling and does not use single use plastics and during the year PIAB ensured that where disposable items had to be used for public health reasons, that those items were recyclable and compostable. PIAB also has a number of energy efficient features in the building including motion detection lights that switch off when a room is not in use. Heating and cooling settings are set to switch off in the evenings and weekends, and we provide access to the cycling scheme. We encourage the use of public transport for events. Up to the end of 2020, PIAB made 75% reduction in energy savings since Energy Efficiency Baseline as reported to SEAI. Due to pandemic restrictions, it was not possible to do a full energy audit in 2021 but it is intended to conduct an audit in 2022.

Data Protection

PIAB is committed to maintaining high standards of data protection in relation to personal and sensitive personal data it holds and processes. PIAB has a Data Protection Code of Practice published on its website and has comprehensive policies and processes in place to protect data and the rights of data subjects. Regular training and briefing of staff take place and data protection is incorporated into claims management procedures used by staff. As result of the move to remote working, PIAB compiled a number of Data Protection Impact Assessments during 2021 assessing the risk of various types of processing, and the potential impact on data subjects, and whether such processing could proceed with recommended controls. PIAB uses technical and operational measures to safeguard its data including a firewall, anti-virus software, intrusion testing, password protection and encryption. On an annual basis, PIAB's own Quality Assurance programme reviews data protection processes in the organisation. During 2021 PIAB processed 314 personal data requests and 15 Freedom of Information requests.

Freedom of Information Legislation

PIAB was brought under the remit of Freedom of Information (FOI) legislation during 2015. The organisation responded to a number of requests both case-related and more general in 2021. Under its FOI Publication Scheme, PIAB publishes information on its services, financial information, and procurement on its website.

Official Languages Act 2003

PIAB comes under the remit of the Official Languages Act 2003 which provides a statutory framework for the delivery of services through the Irish Language. In accordance with Section 10 of the Act, this Annual Report is published simultaneously in Irish and English. Our Strategy Document is also published in Irish and English and information for claimants and respondents is on our website in Irish and English.

Protected Disclosures

PIAB has a Protected Disclosures Policy which provides a framework where staff can raise concerns regarding potential wrongdoings that have come to their attention while working in the organisation in the knowledge that they can avail of significant employment protections. During 2021, no protected disclosures were made.

Prompt Payment of Accounts

PIAB acknowledges its responsibility for ensuring compliance in all material respects with the provisions of the European Communities (Late Payment in Commercial Transactions) Regulations, 2012 (SI.580 of 2012), which provides that penalty interest will become payable if payments for commercial transactions are not met within 30 days, unless otherwise specified in a contract or agreement. It is our policy to ensure that all invoices are tracked and paid promptly before their due date for interest and charges purposes. Procedures are in place to provide reasonable assurances against non-compliance with the Act and Regulations. Due to pandemic there were some changes and disruption to our business services resulting in some invoices not being paid promptly.

Taxation

PIAB confirms compliance with tax laws. Procedures are in place to ensure that PIAB is exemplary in its compliance with its obligation under taxation laws and that all tax liabilities are paid on or before the relevant due dates.

Personal Injuries Assessment Board Financial Statements





Ard-Reachtair Cuntas agus Ciste
Comptroller and Auditor General

Report for presentation to the Houses of the Oireachtas

Personal Injuries Assessment Board

Opinion on the financial statements

I have audited the financial statements of the Personal Injuries Assessment Board for the year ended 31 December 2021 as required under the provisions of section 77 of the Personal Injuries Assessment Board Act 2003. The financial statements comprise

- the statement of income and expenditure and retained revenue reserves
- the statement of comprehensive income
- the statement of financial position
- the statement of cash flows, and
- the related notes, including a summary of significant accounting policies.

In my opinion, the financial statements give a true and fair view of the assets, liabilities and financial position of the Personal Injuries Assessment Board at 31 December 2021 and of its income and expenditure for 2021 in accordance with Financial Reporting Standard (FRS) 102 — The Financial Reporting Standard applicable in the UK and the Republic of Ireland.

Basis of opinion

I conducted my audit of the financial statements in accordance with the International Standards on Auditing (ISAs) as promulgated by the International Organisation of Supreme Audit Institutions. My responsibilities under those standards are described in the appendix to this report. I am independent of the Personal Injuries Assessment Board and have fulfilled my other ethical responsibilities in accordance with the standards.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Report on information other than the financial statements, and on other matters

The Personal Injuries Assessment Board has presented certain other information together with the financial statements. This comprises the annual report including the governance statement and Board members' report, and the statement on internal control. My responsibilities to report in relation to such information, and on certain other matters upon which I report by exception, are described in the appendix to this report.

I have nothing to report in that regard.

Mark Brady

*For and on behalf of the
Comptroller and Auditor General*

8 June 2022

Responsibilities of Board members

As detailed in the governance statement and Board members' report, the Board members are responsible for

- the preparation of annual financial statements in the form prescribed under section 77 of the Personal Injuries Assessment Board Act 2003
- ensuring that the financial statements give a true and fair view in accordance with FRS 102
- ensuring the regularity of transactions
- assessing whether the use of the going concern basis of accounting is appropriate, and
- such internal control as they determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Responsibilities of the Comptroller and Auditor General

I am required under section 77 of the Personal Injuries Assessment Board Act 2003 to audit the financial statements of the Personal Injuries Assessment Board and to report thereon to the Houses of the Oireachtas.

My objective in carrying out the audit is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement due to fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with the ISAs, I exercise professional judgment and maintain professional scepticism throughout the audit. In doing so,

- I identify and assess the risks of material misstatement of the financial statements whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- I obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal controls.
- I evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures.
- I conclude on the appropriateness of the use of the going concern basis of accounting and, based on the audit evidence obtained, on whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Personal Injuries Assessment Board's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my report. However, future events or conditions may cause the Personal Injuries Assessment Board to cease to continue as a going concern.
- I evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

I report by exception if, in my opinion,

- I have not received all the information and explanations I required for my audit, or
- the accounting records were not sufficient to permit the financial statements to be readily and properly audited, or
- the financial statements are not in agreement with the accounting records.

Information other than the financial statements

My opinion on the financial statements does not cover the other information presented with those statements, and I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, I am required under the ISAs to read the other information presented and, in doing so, consider whether the other information is materially inconsistent with the financial statements or with knowledge obtained during the audit, or if it otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

Reporting on other matters

My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operation. I report if I identify material matters relating to the manner in which public business has been conducted.

I seek to obtain evidence about the regularity of financial transactions in the course of audit. I report if I identify any material instance where public money has not been applied for the purposes intended or where transactions did not conform to the authorities governing them.

Statement on Internal Control

Responsibility for System of Internal Control

On behalf of the PIAB (Personal Injuries Assessment Board), I acknowledge the Board's responsibility for ensuring that an effective system of internal control is maintained and operated. This responsibility takes account of the requirements of the Code of Practice for the Governance of State Bodies (2016).

Purpose of the System of Internal Control

The system of internal control is designed to manage risk to a tolerable level rather than eliminate it. The system can therefore only provide reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely manner.

The system of internal control, which accords with guidance issued by the Department of Public Expenditure and Reform, has been in place in PIAB for the year ended 31 December 2021 and up to the date of approval of the financial statements.

Control Environment

PIAB has an Audit and Risk Committee (ARC) which is comprised of non-executive Board members, includes persons possessing recent and relevant financial experience including competency in accounting, audit and risk management. The ARC met five times in 2021.

PIAB has also established an internal audit function which is adequately resourced and conducts a programme of work agreed with the ARC. The internal Audit function operates in accordance with an approved Internal Audit Charter, which is consistent with the provisions set out in the Code and conducts a programme of work agreed with the ARC, and the Board. The plan takes account of areas of potential risk identified by the Organisation having regard to

its strategic objectives and risk management framework. The internal auditor provides the Audit and Risk Committee with regular reports on assignments carried out. These reports highlight deficiencies or weaknesses, if any, in the system of internal control and the recommended corrective measures to be taken where necessary.

PIAB has developed a risk management framework, approved by the Board, which sets out its risk appetite, the risk management processes in place and details the roles and responsibilities of staff in relation to risk. The policy and contents have been brought to the attention of all staff who are expected to work within PIAB's risk management policies, to alert management on emerging risks and control weaknesses and assume responsibility for risks and controls within their own area of work.

Risk and Control Framework

PIAB has implemented a risk management system which identifies and reports key risks and the management actions being taken to address and, to the fullest extent possible, to mitigate those risks.

A risk register is in place which identifies the key risks facing PIAB and these have been identified, evaluated and graded according to their significance. The register is reviewed and updated by the ARC regularly throughout the year and during 2021 it was reviewed at all meetings. The outcome of these assessments is used to plan and allocate resources to ensure risks are managed to an acceptable level.

The risk register details the controls and actions in place to mitigate risks and where responsibility for the operation of these controls and implementation of associated actions is, i.e., specific business units/managers.

The Board has taken steps to ensure an appropriate control environment is in place with the following elements:

- a Chief Risk Officer has been appointed to oversee the implementation of the risk management framework,
- procedures for all key business processes have been documented,
- there is an appropriate budgeting system with an annual budget, which is reviewed and approved by the Board,
- the annual budget is kept under review by senior management and the Board,
- a comprehensive monthly reporting system including financial and operational reporting, which is kept under review by senior management,
- financial and operational responsibilities have been assigned at management level with corresponding accountability,
- regular internal audit reviews on financial, operational and compliance controls and procedures,
- there are systems aimed at ensuring the security of the information and communication technology systems,
- there are systems in place to safeguard the assets.

Ongoing Monitoring and Review

Formal procedures have been established for monitoring control processes and control deficiencies are communicated to those responsible for taking corrective action and to management and the Board, where relevant, in a timely manner.

The system of internal control is based on a framework of regular management reporting, administrative procedures including segregation of duties and a system of delegation and accountability. In particular it includes:

- Key risks and related controls have been identified and processes have been put in place to monitor the operation of those key controls and report any identified deficiencies,
- reporting arrangements have been established at all levels where responsibility for financial management has been assigned,
- there are regular reviews by senior management of periodic and annual performance and financial reports which indicate performance against budgets/ forecasts,
- a review of risk at each Board meeting,
- a three-year internal audit plan is agreed. The audit plan is reviewed and agreed annually. The internal audit programme provides an independent and objective opinion on the control environment.

Procurement

I confirm that PIAB has policies and procedures in place to ensure compliance with current procurement rules and guidelines. To ensure best practice in this area, training is provided to key staff and management on a regular basis. PIAB have a contract register and procurement plan in place to enable proper planning for procurement of contracts. During the year, expenditure of €9,482,629 was incurred on goods and services.

Matters arising regarding controls over procurement are highlighted under Internal Control Issues below

COVID-19

COVID-19 continued to have a significant impact on PIAB from an operational and financial perspective causing disruption to normal business processes and activity during the year. From an operational perspective one of the most significant impacts has been on our ability to meet our statutory timelines for the assessments of claims, as medical appointments had to be cancelled due to the restrictions. A detailed recovery plan was put in place to minimise the impact. From a financial perspective, a reduction in the volume of personal injury claim applications received has significantly impacted PIAB's financial position, our reserves position has enabled us to continue with operations.

PIAB continued to review the impact of COVID-19 on our control environment during the year and put in place plans for mitigating risks identified. This review considered the guidance document issued by the OCAG in September 2020 – “The impact of COVID-19 on your control environment”. The risk register was also updated with the adequacy of existing controls reviewed, new controls were identified, and specific actions were taken to address and to the best extent possible to mitigate those risks.

Internal Control Issues

Non Compliant Procurement

During 2021 expenditure of €58,456 was incurred in relation to two service contracts where the procedures employed were not fully compliant with procurement guidelines. The reasons were as follows:

- i) €25,402 – due to the rollover of an existing contract for cleaning services pending finalization of a new tender. The new tender competition was issued in October 2021 using eTenders and was finalized early 2022.
- ii) €33,054 – was incurred during 2021 in relation to a contract where the procedures employed were not fully compliant with procurement guidelines. PIAB rolled over an existing contract for data leased lines, where there was not provision in the contract for such rollover. A new tender competition will be issued in 2022.

The one instance of non-compliant procurement outlined in the 2020 Financial Statements was not resolved during the year and is included at ii) above. There was a dependence on the completion of a tender for PIAB’s Business Processing Outsourced (BPO) service provider in advance of completing the tender for data leased lines as one of the leased lines will connect to the BPO provider. The BPO tender was completed during 2021 which will facilitate the completion of the tender for data leased lines during 2022.

Review of Effectiveness

I confirm that PIAB has procedures to monitor the effectiveness of its risk management and control procedures. PIAB’s monitoring and review of the effectiveness of the system of internal control is informed by the work of the Internal Auditor, the Office of the Comptroller and Auditor General, the Audit and Risk committee, which oversees their work, and the senior management within PIAB responsible for the development and maintenance of the internal control framework.

I confirm that the Board conducted an annual review of the effectiveness of the system of internal controls for 2021.

Signed on behalf of the Board;



Dermot Divilly
Chairperson

2nd June 2022

Statement of Income And Expenditure and Retained Revenue Reserves

For The Financial Year Ended 31 December 2021

	Notes	2021 €	2020 €
Income			
Fee Income – Claimant	2 (a)	1,172,675	1,501,534
Fee Income – Respondent	2 (a)	7,045,657	6,948,388
Other Income	2 (b)	86,517	54,953
Total Income		8,304,849	8,504,875
Expenditure			
Salaries, Pensions and Related Expenses	3	6,214,354	6,079,024
Outsourced Service Centre Costs	5	1,428,291	1,784,883
Claims Processing Expenses	5	145,539	38,223
Board Members' Fees	4	64,410	80,370
Accommodation & Building	5	358,982	348,548
Recruitment, Training & Education	5	64,608	47,290
Information, Research & Communication	5	334,496	196,186
Audit & Professional & Consultancy Costs	5	216,649	174,474
Legal Fees	5	1,414,636	(7,346)
IT & Telecommunication Costs	5	690,375	677,094
General Administration	5	320,364	306,214
Depreciation	6	318,833	345,810
Total Expenditure		11,571,537	10,070,771
DEFICIT FOR THE YEAR		(3,266,687)	(1,565,896)
Balance at 1 January		4,891,999	9,157,895
Transfer to Capital Reserve	15	0	(2,700,000)
BALANCE AT END OF YEAR		1,625,311	4,891,999

All income and expenditure for the year relates to continuing activities at the reporting date.

The Statement of Cash Flows and notes 1 to 19 form part of these financial statements.

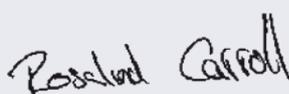
On Behalf of the Board

On Behalf of the Board



Dermot Divilly
Chairperson

2nd June 2022



Rosalind Carroll
Chief Executive

2nd June 2022

Statement of Comprehensive Income

For The Year Ended 31 December 2021

	Notes	2021 €	2020 €
(Deficit) for the year		(3,266,687)	(1,565,896)
Experience gains on retirement benefit obligations	14	(154,000)	(705,000)
Change in assumptions underlying the present value of retirement benefit obligations	14	(1,378,000)	(1,007,000)
Adjustment to Deferred retirement benefits funding		1,532,000	1,712,000
Comprehensive Income for the year		(3,266,687)	(1,565,896)

The Statement of Cash Flows and notes 1 to 19 form part of these financial statements.

On Behalf of the Board
the Board

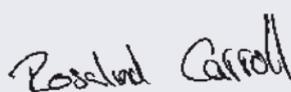


**Dermot Divilly
Carroll**

Chairperson

2nd June 2022

On Behalf of



Rosalind

Chief Executive

2nd June 2022

Statement of Financial Position

As At 31 December 2021

	Notes	2021 €	2021 €	2020 €	2020 €
Non Current Assets					
Fixed Assets	6		370,292		653,808
Current Assets					
Receivables	7 (a)	1,854,588		1,863,426	
Cash and Cash equivalents	7 (b)	8,208,822		9,305,869	
Total Current Assets		10,063,410		11,169,295	
Current Liabilities: amounts falling due within one year					
Payables	8	4,609,002		3,921,102	
Net Current Assets			5,454,408		7,248,193
Creditors: amounts falling due after one year					
Provisions	10		(1,555,002)		(310,002)
Retirement Benefits					
Retirement Benefit Obligations	14		(41,366,000)		(37,741,000)
Deferred Retirement Benefit Funding Asset	14		41,366,000		37,741,000
Total Net Assets			4,269,698		7,591,999
Financed By:					
Retained Revenue Reserves	15		1,625,311		4,891,999
Capital Reserve	15		2,644,388		2,700,000
Total Financed by:			4,269,699		7,591,999

The Statement of Cash Flows and notes 1 to 19 form part of these financial statements.

On Behalf of the Board

On Behalf of the Board



Dermot Divilly
Chairperson

2nd June 2022



Rosalind Carroll
Chief Executive

2nd June 2022

Statement of Cashflows

For The Year Ended 31 December 2021

	Notes	2021 €	2020 €
Cash Flow from Operating Activities			
(Deficit)/Surplus for the Financial Year		(3,266,687)	(1,565,896)
Adjustments for:			
Depreciation		318,833	345,810
Interest received	2 (b)	41	(638)
Decrease/(Increase) in Receivables		8,838	257
(Decrease)/Increase in Payables		687,899	(120,776)
(Decrease)/Increase in Provision for Liabilities		1,245,000	(307,866)
Cash from Operating activities		(1,006,076)	(1,649,109)
Cash flows from investing Activities			
Purchase of Tangible Fixed Assets	6	(35,317)	(101,653)
Disposal of Fixed Assets	6	0	0
Transfer from Capital Reserve	15	(55,612)	0
Net Cash outflow from Investing Activities		(90,930)	(101,653)
Cash Flows from Financing Activities			
Interest Received	2 (b)	(41)	638
Transfer to Department of Enterprise, Trade and Employment		0	0
Net Cash (outflow)/inflow from Financing Activities		(41)	638
Net (Decrease) in Cash and Cash Equivalents		(1,097,047)	(1,750,124)
Cash and Cash Equivalents at 1 January		9,305,868	11,055,992
Cash and Cash Equivalents at 31 December		8,208,821	9,305,868

Notes to the Financial Statements

for the Financial Year ended 31 December 2021

1. Statement of Accounting Policies

The basis of accounting and significant accounting policies adopted by the Personal Injuries Assessment Board are set out below. They have all been applied consistently throughout the year and for the preceding year.

General Information

The Personal Injuries Assessment Board (PIAB) was set up under the Personal Injuries Assessment Board, Act 2003 as amended with a head office at Grain House, Exchange Hall, Belgard Square North, Tallaght, Dublin 24.

The PIAB's primary functions are set out in Part 3 of the Personal Injuries Assessment Board Act 2003 as amended.

To assess fairly and accurately the amount of compensation entitlement in personal injury claims within the remit of Personal Injuries Assessment Board in a timely manner.

PIAB is a Public Benefit Entity.

Statement of Compliance

The financial statements of Personal Injuries Assessment Board for the year ended 31 December 2021 have been prepared in accordance with the Financial Reporting Standard applicable in the United Kingdom and Ireland (FRS 102) issued by the Financial Reporting Council as promulgated by Chartered Accountants Ireland.

Basis of Preparation

The financial statements have been prepared under the accrual method of accounting, the historical cost convention, in accordance with generally accepted accounting practice and are in the format agreed with the Minister for Enterprise, Trade and Employment. The unit of currency in which the financial statements are denominated is the Euro.

Going Concern

The financial statements have been prepared on a going concern basis (see Note 17).

Income

Claimant fees:

Claimant fees are recognised on a cash receipts basis on receipt of an application to register a claim with the PIAB.

Respondent fees:

Respondent fees are recognised on consent to the PIAB process in the year when the income is earned and the service provided.

In line with FRS102 section 23, rendering of services, Respondent fee income is recognised to the extent that it is probable that the economic benefits will flow to the PIAB and the revenue can be measured reliably. The following criteria is met before revenue is recognised.

Rendering of Services

Revenue from a contract to provide services is recognised in the period in which the services are provided in accordance with the stage of completion of the contract.

Respondent fee income is recognised in the period in which the income is earned and the service provided, based on the stage of completion method for rendering of services.

Fees paid in advance are treated as deferred income and are reported as a current liability. This income is released to the Statement of Income and Expenditure and Retained Revenue Reserves on delivery of the service.

Prepaid Costs

The PIAB incurs costs prior to receiving consent and at year-end makes an estimate of the proportion of those cases that will result in consent and treats these costs as prepayments.

Tangible Fixed Assets

Tangible Fixed Assets are stated at cost or valuation less accumulated depreciation. Depreciation is provided on a straight line basis at rates which are estimated to reduce the assets to their realisable values by the end of their expected useful lives as follows:

Leasehold Improvements	Remaining years of the lease	Straight Line
IT Hardware/Software	25.00%	Straight Line
Office Equipment	20.00%	Straight Line
Fixtures & Fittings	12.50%	Straight Line
Office Furniture	12.50%	Straight Line

Taxation

The PIAB is exempt from Income Tax and Corporation Tax under Section 220 of the Taxes Consolidation Act 1997. This exemption does not apply to deposit interest. Where interest receivable is subject to tax (e.g. DIRT) the net receivable amount is credited to the Statement of Income and Expenditure and Retained Revenue Reserves.

Operating Lease

Rental expenditure under operating leases is recognised in the Statement of Income and Expenditure and Retained Revenue Reserves over the life of the lease. Any lease incentives received are recognised over the life of the lease.

Receivables

Known bad debts are written off and specific provision is made for any amount the collection of which is considered doubtful.

Employee Benefits

Short-Term Benefits

Short term benefits such as holiday pay are recognised as an expense in the year, and benefits that are accrued at year-end are included in the Payables figure in the Statement of Financial Position.

Critical Accounting Judgements and Estimates

The preparation of the financial statements requires management to make judgements, estimates and assumptions that affect the amounts reported for assets and liabilities as at the reporting date and the amounts reported for revenues and expenses during the year. However, the nature of estimation means that actual outcomes could differ from those estimates. The following judgements have had the most significant effect on amounts recognised in the financial statements.

Impairment of Tangible Fixed Assets

Assets that are subject to amortisation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less cost to sell and value in use.

Depreciation and Residual Values

The PIAB have reviewed the asset lives and associated residual values of all fixed asset classes, and in particular, the useful economic life and residual values of IT Hardware/Software, and have concluded that asset lives and residual values are appropriate.

Provisions

The PIAB makes provisions for third party legal and constructive obligations, which it knows to be outstanding at the period end date. These provisions are generally made based on current challenges or other pertinent information, adjusted for recent trends where relevant. However, they are estimates of the financial costs of events that may not occur for some years. As a result of this and the level of uncertainty attaching to the final outcomes, the actual out-turn may differ significantly from that estimated.

Retirement Benefit Obligation

The assumptions underlying the actuarial valuations for which the amounts recognised in the financial statements are determined (including discount rates, rates of increase in future compensation levels, mortality rates and healthcare cost trend rates) are updated annually based on current economic conditions, and for any relevant changes to the terms and conditions of the pension and post-retirement plans.

The assumptions can be affected by:

- (i) the discount rate, changes in the rate of return on high-quality corporate bonds
- (ii) future compensation levels, future labour market conditions
- (iii) health care cost trend rates, the rate of medical cost inflation in the relevant regions.

Retirement Benefits

Nature of Schemes

The PIAB operates a defined benefit pension scheme for its employees. The scheme structure is based on the Public Service Model. The employee scheme was approved by the Minister of Enterprise, Trade and Employment and the Minister for Finance and Public Expenditure & Reform in 2008. The Spouses' and Children's' Contributory Pension scheme was approved in 2009.

The PIAB also operates the Single Public Service Pension Scheme (Single Scheme), which is the defined benefit scheme for pensionable public servants appointed on or after 1 January 2013.

Scheme Characteristics

The schemes have a number of specific characteristics:

Model Scheme:

- The PIAB makes an agreed contribution to the Department of Enterprise, Trade and Employment.
- The contribution comprises of an employee element along with an employer element. The employer contribution in 2021 was 25% of gross pay, 30% for staff on PRSI Class B and D.
- There is a commitment from the Department of Enterprise, Trade and Employment with the agreement of the Department of Finance, that the Exchequer will meet the cost of benefits as they fall due.

In substance, The PIAB considers that the obligation to pay retirement benefit remains with Personal Injuries Assessment Board (The PIAB), but that the Exchequer has committed to providing The PIAB with sufficient funds to settle any such obligations on the PIAB's behalf as they fall due, provided the PIAB pays over employees' and the employer's contributions at rates specified. Accordingly, the financial statements recognise both a Retirement Benefit Obligation and a Deferred Exchequer Retirement Benefit Funding receivable.

Single Public Service Pension scheme:

Single Public Service Pension scheme members' contributions are paid over to the Department of Public Expenditure and Reform (DPER). An employer contribution is also payable to DPER in accordance with DPER Circular 28/2016.

For the purposes of reporting in accordance with Financial Reporting Standard 102, an update of the actuarial review was completed as at 31st December 2021.

Scheme Liabilities

Model Scheme and Single Scheme liabilities represented by the present value of future payments earned by The PIAB Staff to date are measured on an actuarial basis using the projected unit method. Pension costs reflect benefits earned by the PIAB staff in the period and are shown net of employee pension contributions, which are retained by the Department. The amount to be included in the financial statements for the Deferred Exchequer Retirement Benefit Asset amount is estimated at an amount equal to the estimate of the obligation for the pension scheme liabilities.

Scheme Actuarial Gains or Losses

Actuarial gains or losses arising from changes in actuarial assumptions and from experience surpluses and deficits are recognised in the Statement of Comprehensive Income for the year in which they occur and a corresponding adjustment is recognised to the balance for Deferred Exchequer Retirement Benefit Asset.

Pension costs in the Statement of Income and Expenditure and Retained Revenue Reserves comprise the employer's contribution in respect of the year.

Capital Reserve

In accordance with the provisions of Section 74A(1) of the Personal Injuries Assessment Board Amendment Act 2019, the Minister of the Department of Enterprise, Trade and Employment authorised, with the consent of the Minister for Public Expenditure and Reform, the Personal Injuries Assessment Board (PIAB) to retain its current level of reserves for the purposes of expenditure by PIAB in the performance of its functions. In that regard PIAB established a capital reserve as set out in Note 15. PIAB commenced using the Capital Reserve to complete an agreed capital investment programme of work, to include a digital transformation project in line with PIAB's Strategic Plan 2019-2024.

An ICT Framework Agreement was put in place 2021 and a Programme Manager appointed.

2(a) Fee Income

	2021 €	2020 €
Claimant Fee Income	1,172,675	1,501,534
Respondent Fee Income	7,814,708	7,060,397
Deferred Income in the current year	(3,120,535)	(2,351,484)
Deferred Income – Amount released to income in the year	2,351,484	2,239,475
	8,218,332	8,449,922

Claimant Fee Income:

Claimant fees are recognised on a cash receipt basis on receipt of an application to register a claim with the PIAB. The fee for a paper application is €90 as per S.I. No. 363/2019 – Personal Injuries Assessment Board (Fees) (Amendment) Regulations 2019. The fee for an application in electronic form is €45.

Respondent Fee Income:

A respondent fee is applicable when a respondent (mostly insurers or self insured) consent to a claim being assessed by PIAB (as outlined in the PIAB Act). A respondent has 3 months from receipt of formal notice to consent to assessment, consent is defaulted thereafter unless a respondent instructs PIAB they do not want claim assessed. Respondent fee income is recognised on consent to the PIAB process in the year where the income is earned, service provided. The current fee is €600 as per S.I. No. 523/2012 – Personal Injuries Assessment Board (Fees) (Amendment) Regulations 2012.

Deferred Income:

Respondent fees are paid on consent to the assessment process. Respondent fee income is released to the Statement of Income & Expenditure and Retained Revenue Reserves on delivery of the service as the claim progresses through PIAB's process. Respondent fee income on work to be completed is treated as deferred income and reported as a current liability.

2(b) Other Income

	2021 €	2020 €
Interest Receivable	(41)	638
Miscellaneous income	86,558	54,314
	86,517	54,953

3. Salaries, Pensions and Related Expenses

	2021 €	2020 €
PIAB Staff Salaries	4,666,481	4,564,592
Employer Superannuation Contributions	1,095,156	1,066,963
Employer PRSI Contributions	452,717	447,469
	6,214,354	6,079,024

* €211,126 of Additional Superannuation Contribution (ASC) has been deducted and paid over to the Department of Enterprise, Trade and Employment in 2021, €194,727 of ASC was deducted and paid over in 2020.

Staff Numbers	2021 €	2020 €
Average Staff directly employed by PIAB	77.9	80.6
	€	€
Emoluments of Chief Executive		
Rosalind Carroll (appointed 2nd March 2020)	147,534	114,566
	147,534	114,566

The Chief Executive Rosalind Carroll is a member of the Public Service Model Pension Scheme (see Note 14) and her pension entitlements are in accordance with the terms of the scheme.

The value of retirement benefits earned in the period is not included above.

Key Management Personnel

Key management personnel in the Personal Injuries Assessment Board consist of the Chief Executive and the Executive Management Team who are the Director of Operations, Director of Business Support Services, Director of Corporate Services and Director of Finance. The total value of employee benefits for key management personnel is set out below:

	2021 €	2020 €
The total aggregate salary & short term benefits	617,355	563,371

The pension entitlements of key management personnel are in accordance with the terms of the Public Service Model Pension Scheme (see Note 14). The value of retirement benefits earned in the period is not included above.

Employee Short-Term Benefits Breakdown

Employees' short-term benefits in excess of €60,000 are categorised into the following bands:

Salary Range From – To €	Number of employees	
	2021	2020
60,000-69,999	4	5
70,000-79,999	4	6
80,000-89,999	12	10
90,000-99,999	6	6
100,000-109,999	1	3
110,000-119,999	3	1
120,000-129,999	2	2
130,000-139,999	0	0
140,000-149,999	1	0
150,000-159,999	0	0
	33	33

Note: For the purposes of this disclosure, short-term employee benefits in relation to services rendered during the reporting period include salary, but exclude employer's PRSI.

	2021 €	2020 €
Employer Pension Contribution		
Single Public Service Pension Scheme	87,697	99,240
Model Scheme	1,007,458	960,459
	1,095,156	1,059,699

4. Board Fees and Expenses

	2021 €	2020 €
Board Fees	64,410	80,370
By Board Member		
Dermot Divilly – Chairperson	20,520	20,520
Walter Cullen	3,990	11,970
Margot Slattery	3,990	11,970
Nuala Jackson	11,970	11,970
Aengus Cummins	11,970	11,970
Karen Furlong	11,970	11,970
	64,410	80,370

The following Board Members were paid no fees during 2021: Dr. Jean O’Sullivan, Colette Crowne, Cathal Lafferty, John Shine, Marion O’Brien and Rosalind Carroll due to the application of the one person one salary principle.

There were no Board related expenses paid during the year.

5. Outsourced Service Centre Costs

	2021 €	2020 €
Expenditure and Outsourced Service Centre Costs	1,428,291	1,784,883
	1,428,291	1,784,883
Claims Processing Expenses		
Claim-related Medical Fees	5,742,371	4,503,592
Claim-related Other Costs	128,777	108,151
Claim related Costs Reimbursed/to be reimbursed	(5,797,353)	(4,611,743)
Prepaid Claim Processing Costs in the current year	(96,640)	(168,384)
Prepaid Claim Processing Costs – released in the year	168,384	206,607
	145,539	38,223

As part of the PIAB’s process it retains the services of a range of professional practitioners primarily medical practitioners. The level of medical claim processing costs varies per claim. Due to the average timeline of the process there will be claim processing costs incurred in 2022 relating to consents received in 2021, these costs are not provided for in the financial statements. Claim processing costs incurred include a portion of pre-consent costs which are prepaid into 2022. The prepayment is released when the respondent fee is received. Claim processing expenses are reimbursed to PIAB by the respondent (See Note 7 (a)) Fees Receivable – Claim Related Fees – €778,061).

	2021 €	2020 €
Accommodation & Building Costs		
Rent, Rates and Service Charges	278,953	268,138
Cleaning & Security	41,428	42,449
Light & Heat, Maintenance and Other	38,601	37,961
	358,982	348,548

	2021 €	2020 €
Recruitment, Training & Education Costs		
Training, Education and other costs	49,189	36,924
HR Pension	14,156	11,109
Advertising, Interviews and other recruitment costs	1,263	(743)
	64,608	47,290

	2021 €	2020 €
Information, Research & Communication Costs		
Public Awareness	235,112	91,425
PR and Communications	50,681	47,251
Publications	19,781	32,046
Advertising – Other	28,921	25,465
	334,496	196,186

	2021 €	2020 €
Audit & Professional & Consultancy Costs		
Professional Fees	83,720	149,471
Procurement Support	27,164	9,686
Internal Audit	32,023	25,179
External Audit	17,000	17,000
Finance Consultancy	4,405	3,994
	164,312	205,329

	2021 €	2020 €
Consultancy Costs		
IT Consultancy	5,720	4,428
HR Consultancy	28,782	0
Other Consultancy	17,835	0
Digitalisation Transformation Programme	0	(35,283)
	52,337	(30,855)

Total	216,649	174,474
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Consultancy costs include the cost of external advice to management and exclude outsourced 'business-as-usual' functions.

Legal Fees	2021 €	2020 €
General Legal Advices	169,636	111,295
Legal Provision (Note 11)	1,245,000	(118,641)
	1,414,636	(7,346)

IT Costs & Telecommunications	2021 €	2020 €
IT Support & Maintenance	233,911	250,930
IT Licence Fees	221,274	202,408
Hosting Costs	86,273	86,273
Telecom Costs	61,718	68,759
Managed Print Service	4,310	5,929
IT Security	56,249	9,196
IT Equipment – Staff Work Remotely	22,249	40,410
Other IT Costs	4,394	13,190
	690,375	677,094

General Administration Costs	2021 €	2020 €
Postage	130,798	185,646
Insurances	49,693	41,465
Bank Interest & Charges	17,971	25,152
Claim Related Fee Bad Debts	37,137	18,948
Office Stationery	5,130	7,645
Prompt Payment Interest	22,908	4,966
Entertainment/Hospitality – Staff	6,105	4,373
Travel & Subsistence Staff – National	230	1,354
Sundry Costs	1,538	165
Respondent Fee Bad Debts	26,400	31,800
Provision for Doubtful Debts	22,453	(15,302)
	320,364	306,214

6. Fixed Assets

Cost/Valuation	Leasehold Improvements €	IT Hardware/ Software €	Office Equipment €	Office Furniture €	Total €
As at 1 January	634,221	1,342,827	49,084	63,052	2,089,184
Additions	0	35,317	0	0	35,317
Disposals	0	(39,455)	0	0	(39,455)
As at 31 December	634,221	1,338,689	49,084	63,052	2,085,046

Accumulated Depreciation

As at 1 January	348,822	1,015,209	42,138	29,206	1,435,376
Charge	95,133	213,148	2,917	7,635	318,833
Disposals	0	(39,455)	0	0	(39,455)
As at 31 December	443,955	1,188,902	45,056	36,841	1,714,754

Net Book Value

As at 31 December 2021	190,265	149,787	4,028	26,211	370,292
As at 31 December 2020	285,398	327,618	6,946	33,846	653,808

7(a) Receivables

Amounts falling due within one year	2021 €	2020 €
Fees Receivable:		
Respondent Fees	852,600	887,400
Claim-Related Fees	778,061	763,373
Provision for Doubtful Debts	(150,612)	(128,159)
Interest Receivable	0	55
Prepayments	326,807	291,224
Other Debtors	47,733	49,533
	1,854,588	1,863,426

7(b) Cash & Cash Equivalents

	2021 €	2020 €
Cash at bank and in hand	663,793	996,671
Short-Term Deposits	7,545,029	8,309,198
	8,208,822	9,305,869

8. Payables

Amounts falling due within one year	2021 €	2020 €
Payables	191,924	160,219
Accruals	736,053	819,919
Taxes & Social Welfare	210,377	215,207
Pension Liability *	118,857	134,118
Other Creditors	111,651	122,071
Solicitors Portal – Payments on Account	119,604	118,085
Deferred Income (Note 9)	3,120,535	2,351,484
	4,609,002	3,921,102

* Employer and Employee Pension and ASC contributions

9. Deferred Income

	2021 €	2020 €
Opening Balance	2,351,484	2,239,475
Deferred Income provided in the year (Note 2)	3,120,535	2,351,484
Amount released to income in the year	(2,351,484)	(2,239,475)
Closing Balance	3,120,535	2,351,484

Respondent fees are paid on consent to the assessment process. Respondent fee income is released to the Statement of Income & Expenditure and Retained Revenue Reserves on delivery of the service as the claim progresses through PIAB's process. Respondent fee income on work to be completed is treated as deferred income and reported as a current liability.

10. Provisions

	2021 €	2020 €
Opening Balance	310,002	617,868
Additional Provision (Note 5)	1,840,000	230,000
Utilised In Year	0	(189,226)
Decrease in Provision (Note 5)	(595,000)	(348,641)
Closing Balance	1,555,002	310,002

Provisions represent a prudent estimate of liabilities that may arise to third parties in respect of legal actions notified to PIAB prior to year-end. PIAB is involved in various legal challenges under sections of the Personal Injuries Assessment Board Act 2003 and in relation to the newly introduced Personal Injuries Guidelines which were effective from the 24th of April 2021. Following on from this date a number of Judicial Reviews relating to the Personal Injuries Guidelines were received.

The provisions above are based upon an assessment of the probable costs of defending known actions/claims, to the extent that such costs can be reliably estimated. The provisions are reviewed on a monthly basis and as more information becomes available, following which any increase or decrease in the provision required is processed. PIAB is satisfied that it has made a prudent estimate of the appropriate provision in the financial statements.

11. Contingent Liability

Legal Actions

As stated in Note 10 PIAB is, from time to time, party to various legal actions. PIAB makes full provision for expected third party legal costs associated with cases notified to it (Note 10). It is probable that a number of additional cases will be notified to PIAB in the future in relation to decisions made prior to 31 December 2021. It is not possible to estimate the potential financial effect of such claims.

12. Financial Commitments

Operating leases

The PIAB occupies two floors at Grain House, Exchange Hall, Belgard Square North, Tallaght, Dublin 24. The premises are leased by the Office of Public Works (OPW) and the lease costs of €188,554 per annum are under a twenty-year lease term which commenced April 2004.

At 31 December 2021 PIAB had the following future lease payments under non-cancellable operating leases for each of the following periods:

	2021 €	2020 €
Payable within one year	188,554	188,554
Payable within two to five years	235,692	424,246
Payable after five years	0	0
	424,246	612,800

Operating lease payments recognised as an expense were €188,554 (2020: €188,555)

13. Capital Commitments

	2021 €	2020 €
Contracted for (Contract Signed)	156,600	0
	156,600	0

14. Accounting Treatment for Retirement Benefits

The PIAB operates a defined benefit pension scheme for its employees. The scheme structure is based on the Public Service Model. The employee scheme was approved by the Minister of Enterprise, Trade and Employment and the Minister for Finance and Public Expenditure & Reform in 2008. The Spouses' and Children's' Contributory Pension Scheme was approved in 2009.

Under the Public Service Pensions (Single Scheme and other provisions) Act 2012, new entrants to the public service on or after 1 January 2013 become members of the Single Public Service Pension Scheme ("Single Scheme").

The model scheme has a number of specific characteristics (see note 1 Statement of Accounting Policies).

Actuarial Valuation

The PIAB commissioned an actuarial valuation of accrued liabilities at the reporting date, and the cost of benefits (service cost) accrued during the year. This valuation, which was based on the Projected Unit method, is premised on the following assumptions:

Assumed Annual Rate	2021	2020
Discount rate	1.70%	1.15%
Inflation assumption (Consumer Price Index)	2.20%	1.50%
Salary increases	3.45%	2.75%
State pension increases	2.70%	2.00%
Pensions in payment increases – Model Scheme	2.95%	2.25%
Pensions in payment increases – Single Scheme	2.20%	1.50%

In addition, the following demographic assumptions have been made as at 31 December 2021.

Life expectancy at age 65

Male currently aged 45	25.3 years	25.2 years
Male currently aged 65	22.9 years	22.8 years
Female currently aged 45	26.2 years	26.2 years
Female currently aged 65	24.3 years	24.3 years

Based on the above, the present value of liabilities at the reporting date is €41,365,000 [2020: €37,740,000], and the service cost (calculated on the foregoing assumptions) for the year is €1,956,000 [2020: €1,747,000].

Analysis of total pension costs charged to expenditure

	2021 €	2020 €
Total employer contribution	1,095,156	1,059,699
Current service cost	1,956,000	1,747,000
Interest cost	431,000	423,000
Past service cost	0	0
Adjustment to Deferred Exchequer Pension Funding	(2,387,000)	(2,170,000)
Total charged to Statement of Income and Expenditure and Retained Revenue Reserves	1,095,156	1,059,699

* The Current Service Cost includes employee contributions totalling €262,238 in 2021 and €226,844 in 2020.

Movement in net pension liability

	2021 €	2020 €
Net Pension Liability at 1 January	37,741,000	34,003,000
Current Service Cost	1,956,000	1,747,000
Interest Cost	431,000	423,000
Past service cost	0	0
Experience losses/(gains) on scheme liabilities	154,000	705,000
Change in assumptions	1,378,000	1,007,000
Benefits paid during the year	(294,000)	(144,000)
Net Pension Liability at 31 December	41,366,000	37,741,000

History of scheme liabilities and experience (gains)/losses

	2021	2020
Change in assumptions underlying the present value of the pension scheme liabilities	1,378,000	1,007,000
% of liabilities at year end	(3.3%)	(2.7%)
Experience (gains)/losses on scheme liabilities	154,000	705,000
% of liabilities at year end	(0.4%)	(1.9%)
Scheme liability	41,366,000	37,741,000

15. Reserves

	Retained Revenue Reserves	Capital Reserve	Total
Opening Balance	4,891,999	2,700,000	7,591,999
Deficit for the year	(3,266,687)	0	(3,266,687)
Transfer from Capital Reserve *	0	(55,612)	(55,612)
Closing Balance	1,625,312	2,644,388	4,269,699

16. Related Party Disclosures

Please refer to Note 3 for a breakdown of the remuneration and benefits paid to key management. In accordance with the Revised 2016 Code of Practice for the Governance of State Bodies, the Board has in place Codes of Business Conduct for Board Members and employees. These codes include guidance in relation to the disclosure of interests by Board members and these procedures have been adhered to by the Board during the year covered by these financial statements.

17. Going Concern

COVID-19 continued to have a significant impact on PIAB from an operational and financial perspective causing disruption to normal business processes and activity during the year. From a financial perspective, a reduction in the volume of personal injury claim applications received has significantly impacted our financial position with a year-end deficit of €3.3m in 2021. Our reserves position has enabled us to continue with operations.

PIAB expect to received a similar level of personal injury claim applications in 2022. This will impact on income and will result in PIAB continuing to operate at a deficit in 2022.

PIAB's management have completed an assessment of the current financial situation in relation to COVID-19 and its potential impact on PIAB from a going concern basis. This assessment is based on some key assumptions including those relating to future income which are subject to change and will be kept under continual review in the current uncertain and challenging times.

On the basis of the current assessment, PIAB's management are of the view that its current operating reserves, cash balances and exchequer funding will meet the operating deficit in 2022 and on this basis PIAB's operations will continue as a going concern covering the twelve month period from April 2022 to March 2023.

18. Comparative figures

Certain prior year amounts have been reclassified for consistency with the current year presentation.

These reclassifications had no effect on the reported results.

19. Approval of Financial Statements

The Financial Statements were approved by the Board on 2nd June 2022.

General Information

Members of the Board	Dermot Divilly	<i>(Chairperson)</i>	
	Rosalind Carroll	<i>(CEO)</i>	
	Walter Cullen	<i>Membership ceased 29 April 2021</i>	
	Colette Crowne		
	Margot Slattery	<i>Membership ceased 29 April 2021</i>	
	Nuala Jackson		
	Dr. Jean O'Sullivan		
	Aengus Cummins		
	Karen Furlong		
	Cathal Lafferty		
	John Shine		
Marion O'Brien	<i>Membership commenced 8 August 2021</i>		
Office	Grain House		
	Exchange Hall		
	Belgard Square North		
	Tallaght		
	Dublin 24		
	D24 PXW0		
Auditor	Comptroller and Auditor General		
	3A Mayor Street Upper		
	North Wall		
	Dublin 1		
	D01 PF72		
Bankers	Bank of Ireland	KBC Bank Ireland plc	Ulster Bank Group
	4 – 6 Priorsgate	Sandwith Street Upper	George's Quay
	Main Street, Tallaght	Dublin 2	Dublin 2
	Dublin 24	D02 X489	D02 VR98
	D24 XY66		
Solicitors	Eversheds Sutherland		
	One Earlsfort Centre		
	Earlsfort Terrace		
	Dublin 2		
	D02 X668		
Website	www.piab.ie		



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