Public Liability Accidents
2019-2023

Who we are:

The Injuries Resolution Board is an independent State Body established in 2004 to support the fair, prompt, and transparent resolution of personal injuries claims without the need for unnecessary litigation.

Through the Injuries Resolution Board, personal injuries claims, can be resolved impartially without the need for many of the costs and time associated with litigation.

The Injuries Resolution Board is a self-funded public body and is a key pillar in contributing to reform of the insurance sector and the personal injuries environment. The Injuries Resolution Board generates millions of euros in savings which would otherwise be spent on pursuing claims through litigation leading to higher costs for parties to claims and ultimately to policy holders, communities and businesses.

What we do:

The Injuries Resolution Board independently facilitates the resolution of personal injury claims through neutral, impartial mediation and/or assessment for compensation for injuries sustained as a result of:

- Motor
- Employer/ workplace, or
- Public Liability accidents or incidents
- Garda Compensation Scheme

Our assessment and mediation services are fair, independent and non-adversarial and we use the same Guidelines as the Courts to calculate levels of compensation. Our services leads to quicker, consistent and lower cost resolution of claims benefiting all parties and society.

The Injuries Resolution Board also collects and analyses data on personal injury claims and awards to help contribute to greater transparency and inform policy and decision making in this area.

Contents

Executive Summary

This report aimed to explore the incidence and risk factors of Public Liability accidents between 2019-2023, using data obtained from the Injuries Resolution Board's claims management system. The data showed that Public Liability accidents resulted in over 30,000 claim applications submitted to the Injuries Resolution Board from 2019 to 2023, with nearly €130 million in compensation awarded during this period.

Key Findings:

- In 2023, Public Liability claim volumes decreased by 40% compared to the volume submitted in 2019 (4,795 claims vs. 8,003 claims, respectively).

- During this period, more than half of all claim applications were attributed to three accident locations: roadways/footpaths (7,839 claims), shops and stores (5,118 claims), and cafés, hotels, and restaurants (3,564 claims).

- From 2019 to 2023, claim volumes significantly decreased across most accident locations. For example, the number of public liability claims submitted for Cafés, Hotels, and Restaurants in 2023 was less than half of that in 2019. Similarly, claim volumes among shops and stores decreased by 44%.

- Public Liability accidents occurring in residential institutions contradicted this trend, with claim volumes increasing by 22% in 2023 compared to 2019. An in-depth analysis of the related files attributed this increase in claim volumes to fatalities in long-term care settings during the Covid-19 pandemic.

- An analysis of Public Liability Claimant demographics found that while adults aged over 65 years old account for 15% of the population according to the 2022 Irish Census, this age group represented 21% of all Public Liability claims from 2019 to 2023.

- While females accounted for a majority of all Public Liability claims during the period, gender-based differences in the causes of accidents were identified, with males accounting for three out of four assault claims submitted to the Injuries Resolution Board.

- Other notable trends include a 10% increase in assault claims in 2023 compared to 2022.

The analysis showed that the most common cause of Public Liability accidents was falls on the same level, accounting for nearly 15,000 claims and just under €90 million in compensation from 2019 to 2023. Other noteworthy trends relating to the high prevalence of falls-related claims include:

- The analysis highlights the significant personal and economic cost of unsafe walking environments, with our research finding that pedestrian injuries due to unsafe walking environments, over 6,000 claims between 2019-2023, outnumber those from collisions with motor vehicles (3,412 claims) in Ireland.

- An analysis of falls occurring on roadways/footpaths, based on 437 assessments of compensation made by the Injuries Resolution Board in 2023, found that the leading cause of injury in this setting was uneven footpaths, accounting for over €4 million in total compensation in 2023. This was followed by potholes (€1.08 million), broken footpaths (€0.86 million), defective manhole covers (€0.72 million), and drains (€0.51 million).
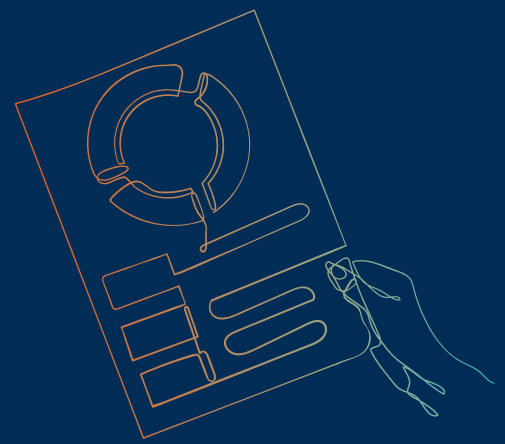
- The data highlighted that Public Liability accidents related to falls are not experienced equally by all groups, with older age groups more likely to sustain injuries of greater severity.

- An analysis identified 256 personal injury claims in early learning care and school-aged childcare services, indicating a relatively low number of claims given the nearly 170,000 children enrolled in such services in Ireland for 2020/2021 (Pobal, 2022).

In 2023, the Injuries Resolution Board made 1,629 assessments of compensation for Public Liability accidents, totalling €33 million in compensation.

- The average Public Liability award value in 2023, excluding fatalities, was €20,396, representing a 22% decrease from the pre-Guidelines 2020 figure of €26,000.

- The median Public Liability award value in 2023, excluding fatalities, was €12,414, representing a 40% decrease from the 2020 median Public Liability award of €20,645.

- An analysis of the most common injury types based on severity classification identified an increase in the complexity of injuries being assessed by the Injuries Resolution Board, with serious and/or severe injuries accounting for 5% of Public Liability awards in 2022, compared to 8% of awards in 2023.

In conclusion, this analysis of over 30,000 claims and over 8,000 assessments of compensation provides valuable insights into the trends and patterns of Public Liability accidents from 2019 to 2023. This report aims to assist policymakers through the identification of groups at high-risk of sustaining injuries, supporting the development of targeted accident prevention strategies and ultimately, the creation of safer public environments.

Infographic Summary

Trends in Public Liability Claims & Awards

1st January 2019 - 31st December 2023

2019-2023

30,024

Public Liability Claim Applications

Public Liability claim volumes remain -40% lower in 2023 than 2019 volumes

-40%
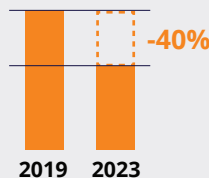
2019 2023

Volume of Claims 2023 v 2019

-52%
Café, Hotel, & Restaurants

-44%
Shops & Stores

-38%
Sports & Athletic Areas

+22%
Residential Institutions

Adults aged 65+ years

15%
% 2022 Census Pop.

21%
% PL Claims 2019-2023
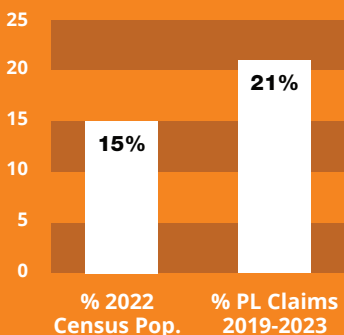
Dublin

28% of population (2022 Census)

37% of Public Liability Claims 2019-2023

3 in 4 assault-related Claims affected males

10% increase assault-related Claims 2023 v 2022

Total compensation value: €130M

€52.7M — 2019
€33.6M — 2020
€29.1M — 2021
€29.9M — 2022
€33.2M — 2023

-37%

-40% Median Public Liability Award Value 2023 v 2020

57% Public Liability Acceptance Rate in 2023

-22% Average Public Liability Award Value 2023 v 2020

54% Public Liability Consent Rate in 2023
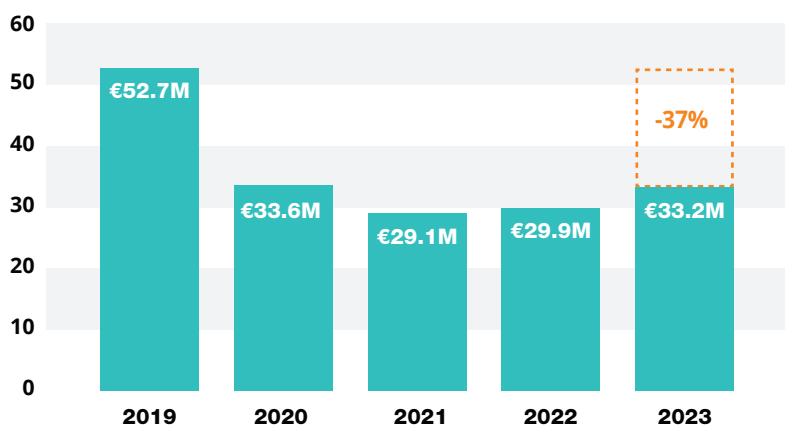
A Closer Look: Public Liability Accidents

1st January 2019 - 31st December 2023

€89M

in compenasation for falls on same level 2019-2023

14,800

claims related to falls on the same level 2019-2023

Close to half of all trip, slip and fall accidents occur on roads and footpaths

Compensation values in 2023 for injuries sustained due to:

- **€4M** Uneven Footpaths
- **€1M** Potholes
- **€0.7M** Manhole Covers
- **€0.5M** Drains

€9M in compensation was awarded for falls on roadways/ footpaths in 2023

Between 2019 and 2023, more pedestrians were injured due to unsafe walking environments than by motor vehicle collisions. However, injuries sustained in motor vehicle collisions tend to be more severe.

Differences in fall-related injury patterns

Older adults were more likely to sustain upper-limb injuries than younger age groups, likely due to the use of arms and hands to break a fall.

% of age group sustaining moderate/ serious severity injuries in outdoor falls

Age group	Percentage
<29 yrs	20%
30-49 yrs	28%
50-64 yrs	35%
65+ yrs	60%
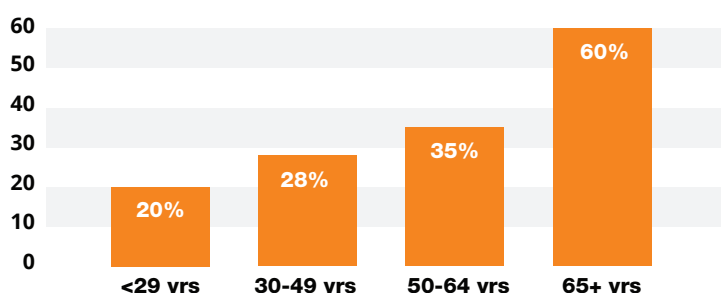
Adults aged 65+ years account for 15% of the population (Census 2022) and 31% of claims related to falls on roads/footpaths 2019-2023

Low volume of personal injury claims related to childcare settings

256

Personal injury claims identified as occuring in childcare settings between 2019-2023

170,000

Children enrolled in early learing care or school-aged childcare services (2020/2021 annual early years sector profile)

Introduction

According to the Global Burden of Disease 2019 study, injuries remain a significant public health concern, accounting for 8% of all deaths globally[1].

Most injuries-research conducted to date, has utilised health data obtained from medical records or has focussed on specific injury types, providing an understanding of the impact of injuries on particular demographic groups of healthcare service users. The use of other real-world datasets to promote a more comprehensive understanding of the impact of injuries at a population level remains underutilised.

This report analyses data collected and maintained by the Injuries Resolution Board, Ireland's independent State Body responsible for the resolution of personal injury claims. Importantly, all injured parties who pursue personal injury compensation following an accident must submit their claim to the Injuries Resolution Board.

This report, prepared in collaboration with EY Economic Advisory, presents an in-depth analysis of over 30,000 personal injury claims and more than 8,000 assessments of compensation made by the Injuries Resolution Board for injuries sustained as a result of Public Liability accidents between 2019 and 2023. Public Liability claims encompass accidents which have occurred in public spaces such as footpaths, roads and parks, or injuries sustained by visitors and customers to private premises or businesses. This category of claim covers a wide range of accidents, with some examples including falls, crushing injuries, lacerations by sharp objects, dog bites and assaults.

While road traffic accident statistics often dominate health and safety research and media reports, accidents occurring in other public spaces deserve equal attention. Public liability accidents, accounting for approximately 5,000 accidents reported to the Injuries Resolution Board each year, can lead to severe and life-changing injuries. This impact is often reflected in the components of personal injury compensation, which not only compensates individuals for the pain and suffering they experienced, but also supports their recovery journey, including compensation for future treatments and in some cases, enabling individuals to remain living in their communities through the adaption of their home environment.

The Survey of Lifestyle, Attitudes and Nutrition in Ireland Report, published in 2007, called for "more injury-specific research that will inform policymakers about the priorities for intervention."[2] In the decades since, little research has been conducted which provides an overarching view of the cost and consequences of Public Liability accidents. For the first time, this report provides a 5-year analysis of the impact of Public Liability accidents in Ireland, utilising data on over 30,000 accidents, and focusses on the primary locations and mechanisms which lead to injuries.

This report aims to assist policymakers through the identification of groups at high-risk of sustaining injuries, supporting the development of targeted accident prevention strategies and ultimately, the creation of safer public environments.

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1   GBD 2019 Diseases and Injuries Collaborators. Global burden of 369 diseases and injuries in 204 countries and territories, 1990-2019: a systematic analysis for the Global Burden of Disease Study 2019. Lancet. 2020 Oct 17;396(10258):1204-1222.

2   Molcho, M., Barry, M., Van Lente, E., McGee, H., Morgan, K., Conroy, R., Watson, D., Perry, I. and Harrington, J. (2009) SLÁN 2007: Survey of Lifestyle, Attitudes and Nutrition in Ireland. Injuries in Ireland: Findings from national population surveys, Department of Health and Children. Dublin: The Stationery Office.

Research Methodology

This section describes the methodology of the research and data analysis in this report. Most analyses of Public Liability accidents in Ireland to date, have primarily focused on falls-related injuries, with many studies utilising data obtained from health service records such as in-patient hospital data. In contrast, the data analysed in this report was extracted from personal injury claim records, with a description of the data provided below.

Data utilised in this Report

The data analysed in this report comprises data related to personal injury claims and assessments of personal injury compensation. This dataset includes 30,024 Public Liability claims submitted to the Injuries Resolution Board between January 1st, 2019, and December 31st, 2023, and over 8,000 assessments of compensation made during this period. The Injuries Resolution Board, as Ireland's statutory body responsible for the assessment and mediation of personal injury claims, collects data on over 20,000 accidents each year. This data encompasses road traffic accidents, workplace accidents, Garda compensation scheme claims, and Public Liability accidents, the latter of which is the focus of this report. Public Liability claims cover accidents occurring in public spaces such as footpaths and roads, or injuries sustained by visitors to private premises or businesses. This category of claim includes a wide range of accidents, such as falls, burns from hot liquids/foods, dog bites, and assaults.

The data utilised in this report includes several variables related to the injured party including the age at accident date, gender and a description of the injuries sustained. The county in which the accident occurred was not available for each claim, however, the county in which the Claimant resides was available and a breakdown of claims based on this information is provided. Data relating to the accident includes common locations and mechanisms (e.g. fall on the same level).

It is important to note that while the Injuries Resolution Board's data is coded in line with the ICD-10 medical coding system, as recommended by the World Health Organisation, only the most common codes are applied, with less frequent accident locations with relatively fewer claims classified as 'other'. This limits the scope of this research report to the most common accident locations and necessitates the manual identification of accidents occurring in less frequent, but equally important sectors.

The report begins by providing an overview of Public Liability claims based on the year the claim was submitted to the Injuries Resolution Board. It's important to consider that many claims submitted in the current year often relate to accidents which occurred in a previous year. Generally, injured parties have two years to submit a claim to the Injuries Resolution Board following an accident. The total claim totals presented in this report may differ slightly from totals provided in previous reports (less than 1% change). This is due to the 'live' repository data utilised in this report being subject to retrospective keying.

Personal Injury Claims Data – Strengths and Limitations

To identify potential risk factors for Public Liability accidents, it is necessary to explore trends over time using a large volume of accident-related data. Most studies on Public Liability accidents to date have primarily used health service records, such as in-patient hospital data or emergency department presentations.

Analyses based on data from a single healthcare setting or a specific type of healthcare service, however, may underestimate the total burden of Public Liability accidents and potentially exclude certain demographic groups.

Following an accident, injured parties may seek medical attention from various formal healthcare settings, including accident and emergency departments, general practitioners, urgent care centres, private clinics, and pharmacies. The choice of treatment setting is likely influenced by factors such as the type and severity of injuries, as well as regional availability. In the absence of e-health records in Ireland, analyses based on data from a single setting may not be representative of all accident types or demographic groups. Therefore, while healthcare-related data is vital for understanding the impact of accidents on individuals, including injury treatment and prognosis, it's necessary to explore other forms of real-world data to gain a more comprehensive understanding of the total burden of accidents on individuals and society.

While the personal injury claims data presented in this report reflects real-world data used in the assessment of personal injury claims, information which is collected for administrative or legal purposes rather than as a part of a pre-designed research study carries inherent limitations. Claims-related data may be subject to underreporting bias, as many individuals injured in accidents choose not to pursue compensation. It remains unclear whether there are regional, demographic, or injury severity-related differences in the incidence of claim submissions, which could potentially affect the generalisability of the findings detailed in this report.

Despite the limitations of using claims-related data in research, the large volume of data analysed in this report (over 30,000 claims) provides a robust sample for statistical analysis. This analysis, conducted over a 5-year period, allows for the identification of long-term trends and patterns in accident types, causes, and locations. The data presented in this report encompasses a wide range of information, including both claims-related and medical data, facilitating the identification of key risk factors among different population groups.

Personal Injury Compensation Data

This report includes an analysis of all assessments of compensation made by the Injuries Resolution Board in respect of Public Liability claims between the 1st of January 2019 and the 31st of December 2023. Assessments of compensation made prior to the 24th of April 2021, were made with reference to the Book of Quantum, while awards made from the 24th of April 2021 were made with respect to the Personal Injuries Guidelines. The Personal Injuries Guidelines, introduced in April 2021, aimed to promote consistency in personal injury compensation for similar injury types with the average personal injury award value reducing by 42% between April-December 2021 in comparison to 2020. This report includes a description of average and median Public Liability award values between 2019 and 2023 to monitor trends across the period. Simply put, the average award value describes the common value of awards made in 2023, if the total value of awards was shared equally among each claim, while the median award value describes the amount of compensation that a typical Claimant was awarded in 2023. Both metrics are equally important in identifying changes over time.

Public Liability Claims Analysis 2019-2023

This section provides an overview of trends in Public Liability claims submitted to the Injuries Resolution Board between January 1st 2019 and December 31st 2023. This analysis includes data extracted from a total of 30,024 claim applications related to Public Liability accidents.

Research Highlights

- In 2023, **4,795** Public Liability claims were submitted to the Injuries Resolution Board, a decrease of 40% on 2019 volumes.

- In 2023, claim volumes attributed to Cafés, Hotels and Restaurant halved in comparison to 2019 figures, while claims attributed to Shops and Stores reduced by **44%**.

- In contrast to other settings, claim volumes in residential institutions increased by **22%** in 2023 v 2019, with a deep-dive analysis attributing this increase to claims related to fatalities in long-term care settings during the Covid-19 pandemic.

- Fall-related accidents accounted for **62%** of all Public Liability accidents between 2019 and 2023.

- An analysis identified **256** personal injury claims in early learning care and school-aged childcare services, indicating a relatively low number of claims given the nearly 170,000 children enrolled in such services in Ireland for 2020/2021 (Pobal, 2022).

- Older age groups account for a significantly greater proportion of claim applications for Public Liability accidents relative to their population proportion. While the 55–64-year age cohort account for **11%** of the population, this group accounted for **17%** of claims. Similarly, while those aged over 65 years comprise **15%** of the population, this group accounts for **21%** of claims.

- Despite females accounting for **59%** of all Public Liability claims between 2019 and 2023, males account for 3 in 4 assault related claims. Of note, the number of assault-related Public Liability claims increased by 10% in 2023, in comparison to 2022.

- While Dublin accounted for **28%** of the total population in the 2022 Census, a significantly higher proportion of Public Liability Claimants resided in this county (37%).
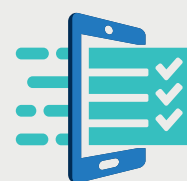
4,795 Public Liability claims were made to the Injuries Resolution Board in 2023, a decrease of 40% on the volume submitted in 2019.

Public Liability Claims Analysis

Between 2019 and 2023, a total of 30,024 Public Liability claims were submitted to the Injuries Resolution Board. The year 2019 recorded the highest annual volume of claims within this period, totalling over 8,000 applications. As shown in **Figure 1**, there was a consistent annual decrease in the number of claims from 2019 to 2022, marking a 42% decline over these years. However, there was a slight increase in claims in 2023, in which Public Liability claim volumes increased by 3% on 2022 figures.

Despite this increase, the total volume of claims in 2023 was still 40% lower than that of 2019. In our previous reports, we attributed some of this reduction in Public Liability claim volumes to the impact of the Covid-19 pandemic. Yet, even in 2023, claim volumes have not recovered to the levels observed prior to the pandemic. This suggests that other environmental factors, such as the implementation of the Personal Injuries Guidelines in April 2021 may have had a significant influence on claim volumes during this period.

Between 2019 and 2020, there was a 15% reduction in the number of Public Liability claims submitted to the Injuries Resolution Board, this was followed by a further 15% decrease between 2020 and 2021 and a 20% reduction between 2021 and 2022. The downward trend ended in 2023 with total claims increasing by 3%.

The decline in claim volumes from 2019 to 2022 can likely be attributed to the public health measures enacted in response to the Covid-19 pandemic, with these measures significantly limiting access to businesses and public spaces throughout this period.

This decrease however, cannot be solely attributed to the pandemic's impact. As shown in **Figure 2**, claim volumes significantly reduced between June-December 2021, immediately following the implementation of the Guidelines in April 2021.

Figure 1

Volume of Annual Public Liability Claims, 2019 - 2023[3]
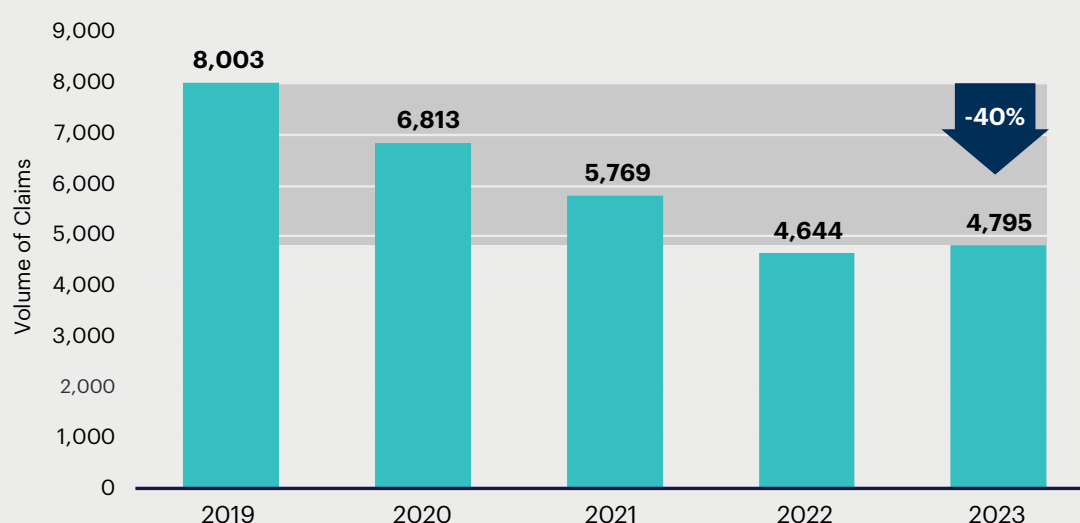
3   Note: Retrospective keying may influence minor differences with previously reported figures for 2019-2023.

Although claim volumes have increased slightly in subsequent periods, they have not recovered to the volumes observed prior to the introduction of the Guidelines. Further evidence that the reduction is not solely due to the pandemic is the lower volume of claims submitted in the second half of 2023 compared to the same period in 2022.

Figure 2 shows the trend in total Public Liability claims on a half-yearly basis. Two distinct periods are evident: a period of higher claim volume from the first half of 2019 to the first half of 2021 (18,408 claims), and a period of lower claim volume from the second half of 2021 to the second half of 2023 (11,616 claims). Despite the higher claim volume from the first half of 2019 to the first half of 2021, there was a downward trend across this period, which was followed by a significant increase in the first half of 2021. Following this increase, total claims declined sharply in 2021 H2 (a 39% decline on 2021 H1).

The increase in claim volumes in the first half of 2021 coincides with the introduction of the new Personal Injuries Guidelines in April 2021. This increase may reflect claimants' efforts to have their claims assessed under the Book of Quantum, where the compensation values for General Damages were higher for certain types of injuries than the compensation values specified in the Guidelines. This factor may have contributed to the significant decrease in claim volumes in the period directly following the implementation of the Guidelines. While there has been a slight increase in claim volumes in subsequent periods, the volume of claims submitted in the second half of 2023 remains lower than the second half of any year, with the exception of H2 2021, the period which directly followed the implementation of the Guidelines.

Figure 2

Volume of Public Liability Claims on a Half-Yearly Basis, 2019-2023
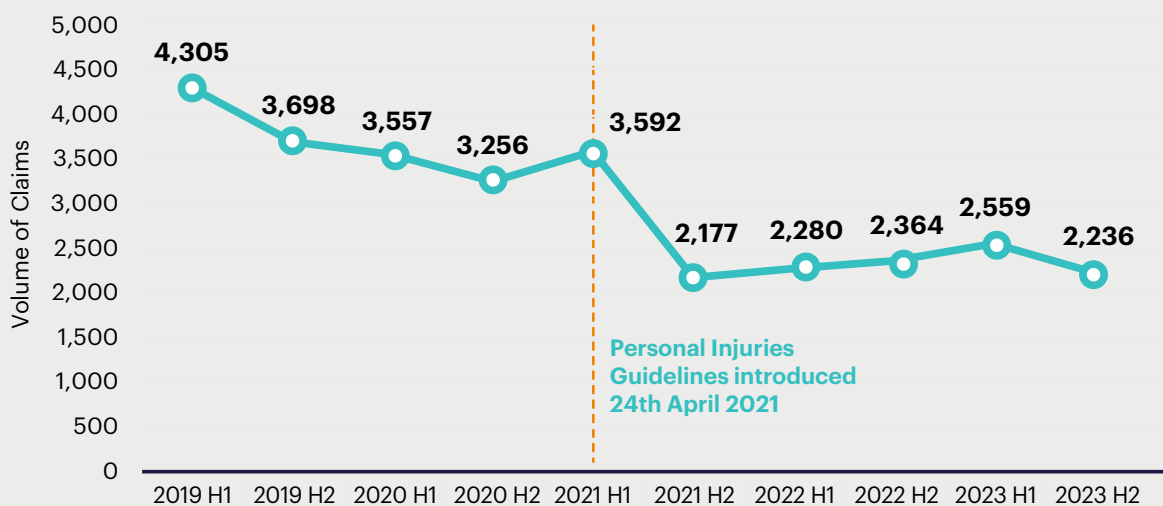
Claim Volumes By Accident Location

Volume of Public Liability Claims submitted between 2019-2023, based on common accident locations[4]
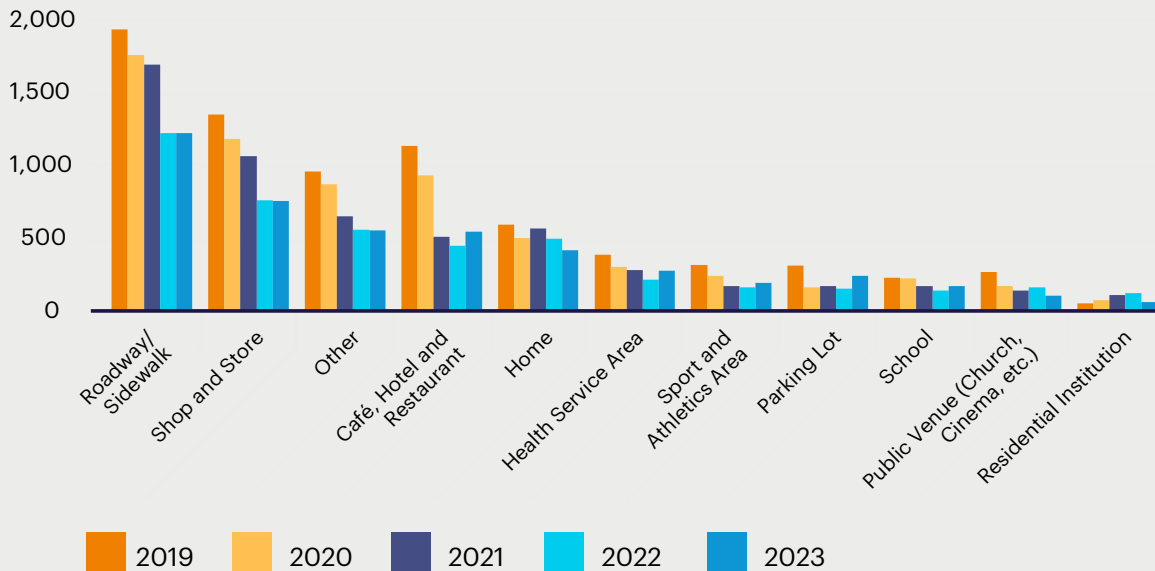
Figure 3 shows the trend in Public Liability claims from 2019 to 2023, broken down by accident location. During this period, roadways and sidewalks were the most common public liability accident location, accounting for just under 8,000 claims during this period. This was followed by shops and stores, which saw over 5,000 claims, and cafés, hotels, and restaurants, which accounted for over 3,500 claims.

In 2023, the volume of claims across most accident locations remained significantly lower than in 2019. The most substantial reduction in claim volumes was observed for accidents occurring in public venues such as churches and cinemas, with a decrease of 61%. This was followed by cafés, hotels, and restaurants, where claim volumes more than halved. Similarly, claim volumes for shops and stores saw a significant reduction, with 44% fewer public liability claims submitted in 2023 compared to 2019.

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4   The 'Other' category represents accidents in less frequent locations such as trade and service areas, cycleways, or farms.

Accident Location	Percentage change in claim volumes
Public Venue (e.g. Church, Cinema etc.)	-61%
Café, Hotel and Restaurants	-52%
Shop and Store	-44%
Sport and Athletics Area	-38%
Roadway/ Sidewalk	-37%
Health Service Area	-29%
Home	-27%
School	-24%
Parking Lot	-22%
Residential Institution	+22%

While claim volumes decreased across most accident locations, claims related to residential institutions were 22% higher in 2023 than in 2019. The Injuries Resolution Board conducted an in-depth review of claims related to institutional settings to better understand the increase in claims in residential settings between 2019 and 2023. It was found that the increase in claim volumes during this period could be attributed to claims related to fatalities in long-term care settings during the Covid-19 pandemic. We would like to extend our deepest sympathies to the families affected.

The high frequency of Public Liability claims resulting from accidents on roadways and sidewalks can primarily be attributed to the inherent risks and conditions prevalent in these public spaces. These areas are exposed to a variety of hazards, particularly when they are damaged, or their condition deteriorates. Hazards such as uneven surfaces, potholes, or deterioration of surfaces due to adverse weather can all contribute to slip, trip, and fall accidents. Accidents occurring on roadways and footpaths will be explored further later in this report.

A Closer Look: Public Liability Claims in Childcare Settings 2019-2023

Introduction

This section provides an analysis of personal injury claims arising from accidents in childcare settings between 2019 and 2023. This sector has been specifically chosen due to the challenges reported in securing affordable insurance premiums[5].

Childcare settings are environments where a large number of young children in Ireland spend a significant portion of their time. The most recent 2020/2021 Annual Early Years Sector Profile Report published in 2022 by Pobal found that close to 170,000 children were enrolled in early learning care or school-aged childcare services in Ireland[6]. These environments, while designed to be safe spaces, and like all other settings, are not immune to accidents.

This research aims to explore the incidence of personal injury claims occurring in childcare settings and to identify the most common causes of these accidents. Conducting research on personal injury claims in childcare settings is of high importance given that injuries sustained at a young age can have a significant impact on future quality of life, affecting physical health, psychological well-being, and overall development. It is hoped that the findings can contribute to risk awareness and accident prevention within this setting.

Methodology

Childcare Setting Claim Identification Strategy

The Injuries Resolution Board classifies its data using the ICD-10 coding system, a medical classification system recommended by the World Health Organisation. This coding system is applied to the most common accident locations and causes. Less frequent accident locations or causes with relatively few claims are classified as 'other'.

This classification limits the potential scope of research outputs to sectors with relatively high volumes of claims. However, accidents occurring in less frequently reported sectors can be manually identified using an appropriate search strategy.

To identify accidents that occurred in early learning care or school-aged childcare services, a search strategy was developed and applied to all Public Liability claims submitted to the Injuries Resolution Board between 2019 and 2023 (Total = 30,024 Claims). This strategy involved analysing all named Respondent(s) to the 30,024 Public Liability claims submitted during this 5-year period. The registered trading names of Respondent(s) were searched for the following keywords: Childcare, Daycare, Nursery, Montessori, Creche, and Early Learning. If a Respondent's name included one or more of the listed terms, the claim was flagged as a potential claim that may have occurred in a childcare setting.

This approach was then repeated to identify respondents corresponding to the early learning care and school-aged childcare services listed in online directories of childcare services in Ireland. Finally, as Claimants are required to provide a description of the accident when submitting a claim to the Injuries Resolution Board, this descriptive text field was analysed to identify claims which include the following keywords: Childcare, Daycare, Nursery, Montessori, Creche, and Early Learning.

Claims meeting any of the above criteria 1-3 underwent a manual cross-checking exercise of the claim applications and medical reports, where available, to confirm that the accidents had occurred in a childcare facility.

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5   Explainer: Why more than 1,300 childcare providers are in crisis over insurance - and what happens next | Irish Independent.

6   Annual Early Years Sector Profile Report 2020 2021 (pobal.ie).

Dataset: All Public Liability Claims 2019-2023
30,024 Claims

Identification Strategy
Process used to identify claims related to Childcare Settings

Name of Respondent(s)

Key Word Search: Childcare; Daycare; Nursery, Montessori; Creche; Early Learning

+

Name of Respondent(s)

Identification Strategy: Key providers of early learning care or school-aged childcare services identified in online directories

+

Description of Accident Text

Key Word Search: Childcare; Daycare; Nursery; Montessori; Creche; Early Learning

Data Confirmation Process
Manual cross-checking of identified files to confirm accident occured in childcare setting

Final Analytical Sample
256
Public Liability Claims

Results

Between 2019 and 2023, the Injuries Resolution Board identified 256 claims involving injuries sustained by minors in childcare settings. Using the search strategy detailed in the methodology section of this report, these 256 claims were confirmed to have occurred in an early learning care or school-aged childcare facility.

According to figures produced by Pobal for 2020/2021, just under 170,000 children were enrolled in early learning care or school-aged childcare services in Ireland during this period[7]. Given that all personal injury claims must be submitted to the Injuries Resolution Board, these findings highlight a relatively low volume of claims related to this sector compared to the number of children accessing these services.

While the search strategy applied to identify childcare provider accident claims was comprehensive, the figure of 256 may represent an underestimation of the total number of claims related to this sector. However, considering that only 27 claims were identified as submitted in 2023 relating to personal injuries in childcare settings, the findings suggest this a sector that experiences a low volume of personal injury claim applications. It is hoped that the findings of this analysis will assist decision makers in the management and quantification of risk among childcare facilities.

The volume of Public Liability claims attributed to childcare settings has reduced significantly across 2019-2023. The volume of claims submitted in 2023 represents a 64% decrease on the peak number of claims submitted for this setting in 2020.

Most Common Causes of Public Liability Claims in Childcare Settings

The following graphic illustrates the most common causes of accidents which occurred in childcare settings. It is important to note that a proportion of claims submitted between 2019-2021 related to a single childcare provider where applications stated that injuries were sustained due to claimed negligence. While these claims are included in the annual totals shown above, they were omitted from the analysis of frequent accident causes.

As illustrated in the following graphic, the primary causes of injuries in childcare settings include falls on the same level (29%) and falls from a height (21%). Analysis of claim files found that falls from a height are most commonly associated with playground equipment such as climbing frames, ladders, slides, trampolines, and seesaws.

Assaults involving bodily force constituted the third most frequent type of accident in these environments. The majority of these incidents involve one minor causing injury to another, with biting representing a common incident cause in these cases.

This was followed by crushing injuries, with over 75% of such accidents resulting from doors closing. Other sources of crushing injuries included gates and toys.

Being struck by a thrown, projected, or falling object accounted for 7% of claims related to childcare settings, with the majority of these incidents involving toys that were thrown or projected. Additional causes of accidents in this setting included lacerations from sharp objects (6%), food poisoning (4%), and contact with hot liquids/ food (4%).

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7   Annual Early Years Sector Profile Report 2020 2021 (pobal.ie).

Causes of Public Liability Accidents in Childcare Facilities 2019 - 2023

29% Fall on same level

21% Fall from a height

13% Assault

7% Struck by thrown or falling object

11% Crushing injuries → **75% of crushing injuries caused by doors**

6% Laceration with sharp object

4% Food poisoning

4% Contact with hot liquid/food

Conclusion

This analysis of Public Liability claims offers valuable insights into the nature and frequency of accidents in early learning care or school-aged childcare facilities. Despite nearly 170,000 children accessing these services in 2020/2021, the volume of personal injury claims related to this sector was relatively low. This finding is significant, especially considering the high costs reported by this sector, with insurance premiums being a contributing factor.

While the search strategy applied in this report might not have captured all claims related to this sector, the substantial decrease in the volume of claims submitted in 2023, compared to the peak in 2020, is both positive and encouraging.

The data revealed that the most common causes of injuries in childcare settings were falls, either on the same level or from a height, often associated with playground equipment. Assaults involving bodily force, primarily between minors, and crushing injuries, predominantly from doors closing, were also significant causes of accidents.

The findings of this analysis are expected to contribute to the development of effective accident prevention policies in childcare settings. By understanding the common causes of accidents, stakeholders can implement targeted measures to enhance the safety of these environments.

Claim Volumes by Accident Cause

Volume of Public Liability Claims by External Cause, 2019-2023
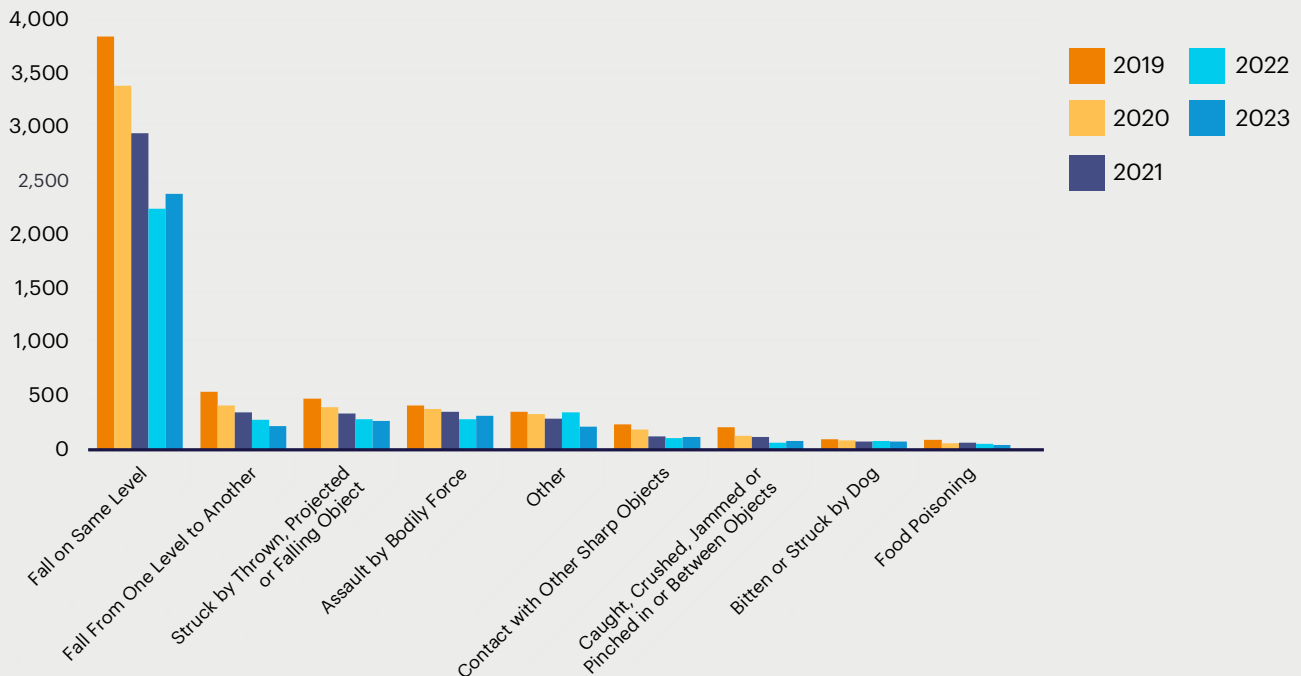
As described in **Figure 4**, the most common cause of Public Liability accidents between 2019 and 2023 was falls on the same level, also referred to as 'slips, trips and falls', accounting for 62% of accidents. Despite this type of accident making up the majority of all claims from 2019 to 2023, the number of claims attributed to slips, trips and falls in 2023 was 38% lower than the 2019 figures.

In 2023, a decrease in claim volumes was observed across all common accident causes. The most significant reduction was seen in claims resulting from contact with a sharp object, which decreased by 60%, followed by a 59% decrease in claims due to falls from one level to another.

Claims related to assault were 23% lower in 2023 compared to 2019, but the volume was 10% higher than the number of claims submitted in 2022. A similar trend was noted among workplace injury claims, with assault-related Employer Liability claims increasing by 9% during this period.

Personal injury claims from being bitten or struck by a dog accounted for over 400 claims between 2019 and 2023, with nearly one-fifth of these claims affecting children under 18 years old.

Figure 5

Proportion of Public Liability Claims 2019-2023, based on accident type and place of occurrence

Legend:
- Assault By Bodily Force
- Bitten Or Struck By Dog
- Caught, Crushed, Jammed Or Pinched In Or Between Objects
- Contact with other sharp objects
- Fall From One Level to Another
- Fall on Same Level
- Food Poisoning
- Other
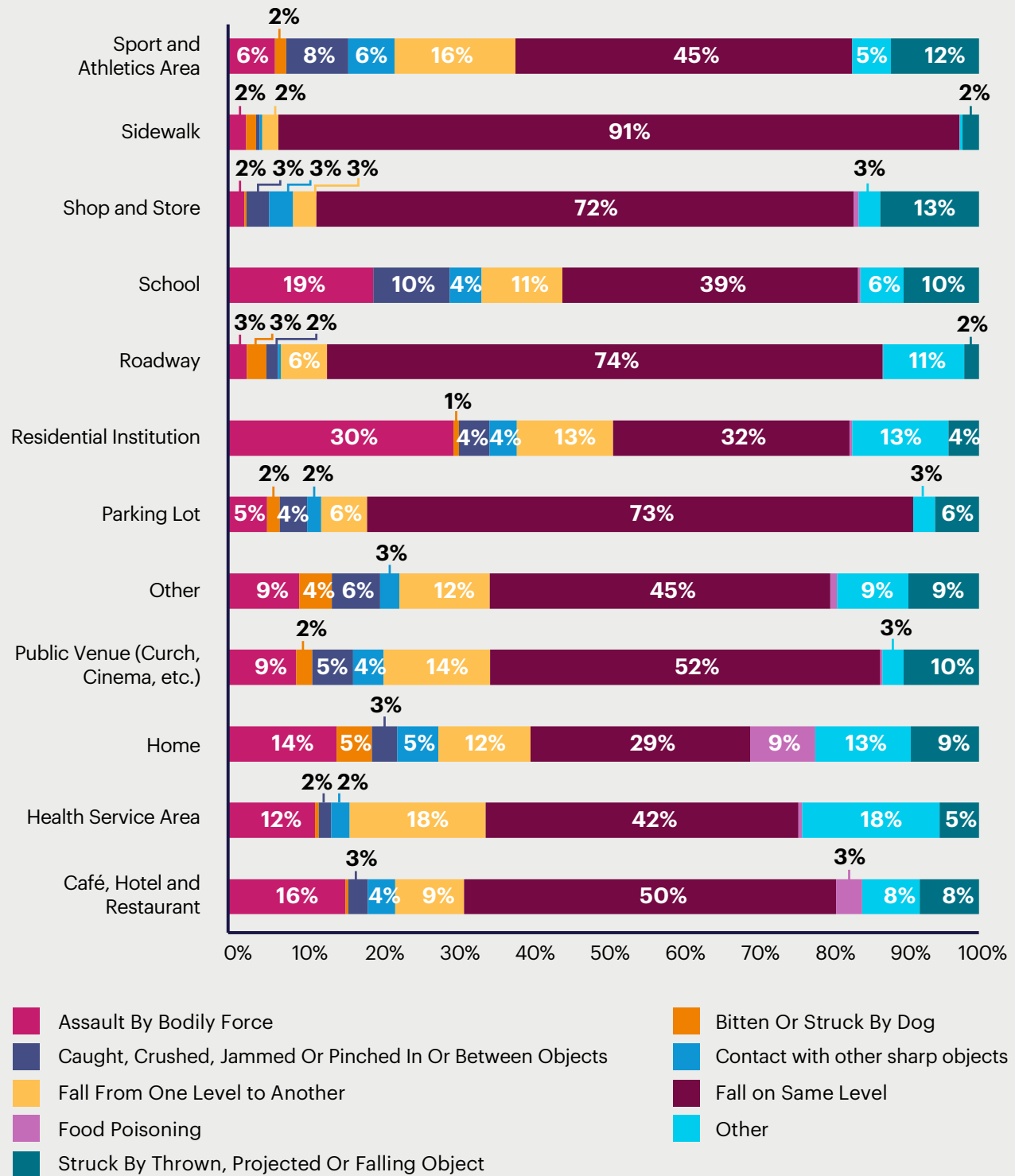- Struck By Thrown, Projected Or Falling Object

Figure 5 describes the primary causes of Public Liability claims, focusing on the most frequent accident locations reported to the Injuries Resolution Board between 2019 and 2023. Notably, 70% of all claims during this period were due to falls, either on the same level or from one level to another.

Sports and Athletics: Falls constitute the majority of Public Liability claims in these areas, with 45% of accidents due to falls on the same level and 16% from falls from one level to another. Injuries sustained due to being struck by thrown or falling objects accounted for 12% of claims.

Sidewalks and Roadways: This accident location accounted for 28% of all claims between 2019 and 2023. Of these, 87% of accidents were due to falls, either on the same level or from a height. No other individual cause accounted for more than 3% of claims in these locations.

Shops & Stores: These locations had the second-highest proportion of claims, accounting for 18% of all claims from 2019 to 2023. Of these, 72% were due to falls on the same level, and 13% were due to being struck by thrown or falling objects.

Parking Lot: 79% of claims in parking lots were due to falls, with 73% on the same level and 6% from one level to another. The next most common causes included being struck by thrown or falling objects (6%) and assault by bodily force (5%).

School: Half of all claims in schools were due to falls, with 39% on the same level and 11% from one level to another. Almost one-fifth of claims relating to schools resulted from assault by bodily force (19%).

Home: A wider variety of accident types occurred in homes than in other settings, with 41% due to falls, 14% due to assault by bodily force, and 9% each due to food poisoning and being struck by thrown or falling objects.

Residential Institutions: The most common cause of claims was falls on the same level (32%). Just under one-third of all claims in residential institutions related to assault by bodily force (30%), the highest prevalence of all locations examined.

Café, Hotel, and Restaurant: These locations accounted for 13% of all claims from 2019 to 2023. Falls were the most common cause of claims, with 50% on the same level and 9% from one level to another. Assault by bodily force accounted for 16% of claims.

Health Service Area: The most common cause of claims was falls on the same level (42%), followed by falls from one level to another (18%). The category of other causes accounted for a further 18% of claims.

Public Venues: The most common cause of claims was falls on the same level (52%), followed by falls from one level to another (14%), and being struck by thrown, projected, or falling objects (10%).

Claimant Demographics 2019-2023

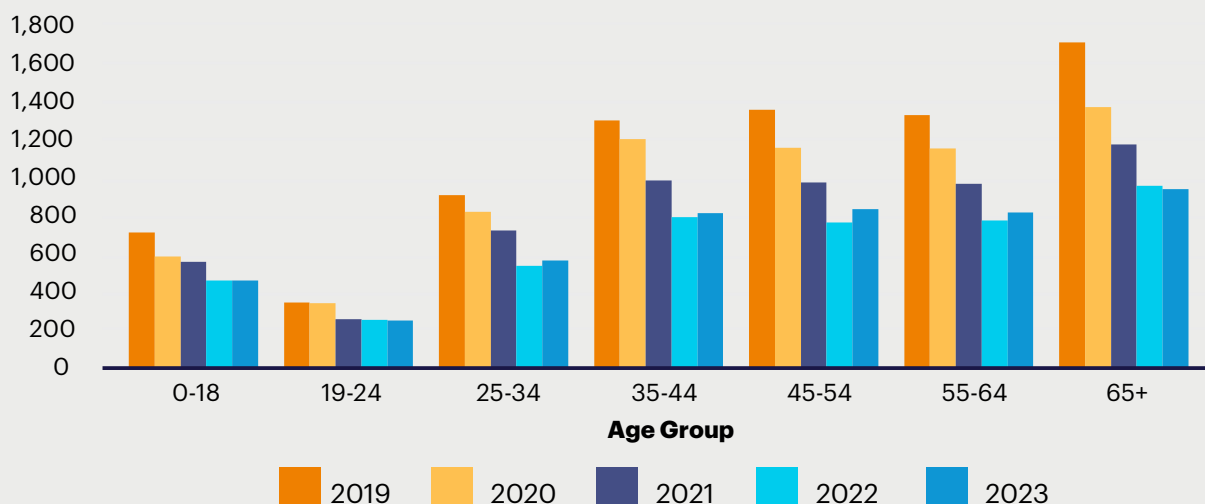Annual Public Liability Claims by Claimant Age Group

Figure 6 describes the number of Public Liability claims submitted between 2019 and 2023, based on the age of the claimant at the time of the accident. Across all age groups, the number of claims submitted has decreased significantly during this period. This percentage reduction is greatest among adults aged 65 years and older, with claim volumes decreasing by 45% in 2023 compared to 2019, in comparison, claim volumes decreased by 27% among the 19–24-year age group.

This is an interesting finding given that, over this period, the number of adults aged 65 years and older in Ireland has grown. Between the 2016 Census and the 2022 Census, the number of adults aged 65 years and older increased by an estimated 135,000 people over this six-year period[8].

While the over-65 age group was particularly susceptible to the COVID-19 pandemic and restricted movements potentially impacting the number of claims submitted among this group[9], the volume of claims decreased by a further 2% in 2023 compared to 2022.

This highlights that the pandemic cannot be the only factor contributing to this significant reduction in claims. It is unclear whether this decrease in claim volumes can be attributed to improved safety measures, enhanced public safety infrastructure, underreporting, or if the introduction of the Guidelines has more acutely affected claims submitted among this group. Further research is needed to explore the specific reasons behind the decline in Public Liability claims among older adults between 2019-2023.

When compared to 2022, the largest increase in claim volumes in 2023 was observed among the 45-54-year age cohort (+9%), followed by those aged 25-34 years (+5%), 55-64 years (+5%) and the 35-44 years (+3%). Interestingly, the number of claims among the two youngest age cohorts remained unchanged across this period, while claim volumes decreased by 2% amongst the over 65 years cohort.

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8   Key Findings Population and Migration Estimates, April 2022 - Central Statistics Office.

9   Irish Government Guidance on cocooning during Covid-19.

Comparisons with 2022 Census Data

Table 2 compares the proportion of the Irish population in 2022, according to the 2022 Census, based on age demographic groups, to the volume of claims submitted based on age category between 2019 and 2023. The data shows that adults aged 55 years and older account for a significantly higher proportion of claims relative to their proportion of the population. For example, while adults aged 65 years and older constituted 15% of the population in 2022, this age group accounted for 21% of Public Liability claims submitted between 2019 and 2023. Similarly, the 55–64-year age group constituted 11% of the 2022 population but accounted for 17% of the claims during the same period.

Later in this report, we explore the severity of injuries sustained from Public Liability claims caused by falls in outdoor spaces. This analysis shows that older age groups are more likely to sustain injuries of greater severity. This finding may explain the higher incidence of claim applications among the older age groups. Additionally, given that a majority of all Public Liability claims relate to fall accidents, the greater susceptibility of older age groups to falls likely influences this higher incidence of claims. This is supported by analysis undertaken by the World Health Organisation, which identified falls as the second highest cause of unintentional death worldwide, with people over the age of 60 found to be especially vulnerable[12].

Table 2

Proportion of claims 2019-2023 compared to 2022 Census Population profile by age group

Age cat.	0-19[10]	20-24	25-34	35-44	45-54	55-64	65+
Proportion of Pop. Census 2022[11]	26%	6%	12%	15%	14%	11%	15%
Age cat.	0-18	19-24	25-34	35-44	45-54	55-64	65+
Proportion of claim volume 2019-2023	10%	5%	12%	17%	17%	17%	21%

10 Note: The data in Table 2 comes from two sources, Census 2022, and the Injuries Resolution Board. The age bands for these datasets do not align for the two youngest age groups (0-18 and 19-24 in the Injuries Resolution Board data and 0-19 and 20-24 in the Census 2022 data), causing a slight discrepancy in comparison which should have a limited impact on the analysis.

11 Census 2022 - Population Distribution.

12 WHO impact of Falls.

Gender Profile of Claimants

Public Liability Claims 2019-2023 by Accident Type and Claimant Gender

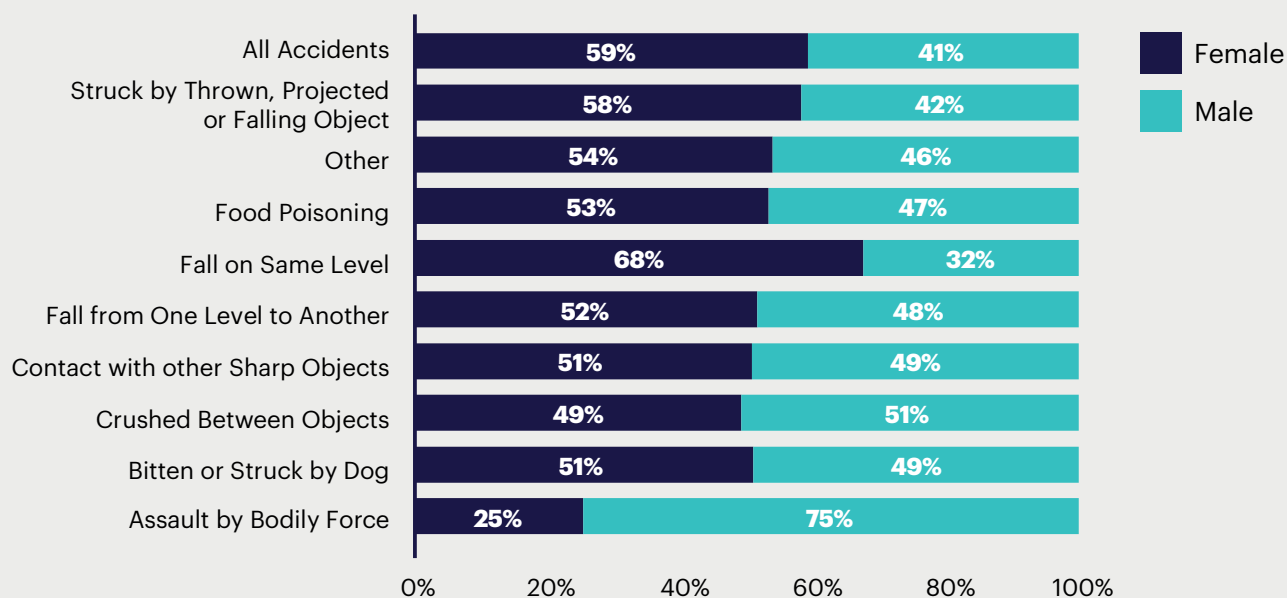| Accident Type	Female	Male
All Accidents	59%	41%
Struck by Thrown, Projected or Falling Object	58%	42%
Other	54%	46%
Food Poisoning	53%	47%
Fall on Same Level	68%	32%
Fall from One Level to Another	52%	48%
Contact with other Sharp Objects	51%	49%
Crushed Between Objects	49%	51%
Bitten or Struck by Dog	51%	49%
Assault by Bodily Force	25%	75%

Figure 7 describes the most common causes of Public Liability claims submitted between 2019 and 2023 based on the claimant's gender. Overall, a majority of claimants were female, accounting for 59% of all Public Liability claims submitted during this period, remaining relatively consistent across all years. This contrasts with Employer Liability and Motor Liability claims, where males constitute the majority of claimants.

Several factors may influence the higher rate of Public Liability claims among females. One potential factor is their increased exposure to public spaces, such as shopping, caregiving, and community involvement. Another contributor to this higher incidence of claims is the higher proportion of females among older age groups. Our findings, detailed earlier in this report, show a higher Public Liability claim incidence rate among those aged over 65 years.

The 2022 Irish Census identified 57% of the population aged 65 years and older as female[13], with this proportion increasing among older age groups. Given that a majority of Public Liability claims relate to falls, it is plausible that the greater proportion of females among older age demographics is a contributory factor.

When examining the gender profile of claimants based on the cause of accidents, several key trends are identified. Males account for 41% of all Public Liability claims between 2019 and 2023, yet they represent 75% of claims related to assault by bodily force. Conversely, females make up 59% of all Public Liability claims during this period, but they account for 68% of claims related to falls on the same level. Interestingly, for other common accident causes, the gender distribution is more balanced. This suggests that the higher incidence of falls among females significantly contributes to the greater volume of claims submitted by this group.

13 Employment, Occupation, Industry and Commuting Census of Population 2022 - Summary Results - Central Statistics Office

Geographic Location of Claimants

Public Liability Claims submitted to the Injuries Resolution Board between 2019 and 2023, by County

Table 3 presents data on the proportion of Public Liability claims submitted to the Injuries Resolution Board between 2019 and 2023, categorised by the home address of the injured party. This table also provides the proportion of claims and population for each county according to the 2022 Irish Census. It's important to note that the analysis is based on the Claimant's home address, not the accident location. Therefore, a Claimant might reside in one county, but the accident leading to the Public Liability claim could have occurred in another. Additionally, the following analysis excludes cases where the Claimant resides outside of Ireland or in cases where their County of residence is unknown.

In general, the proportion of Public Liability claims across counties aligns with Ireland's population distribution.

Counties with larger populations tend to have a higher proportion of claims and overall, most counties' claim proportions align with their population proportions. However, Dublin and Limerick are outliers in that they have higher claim levels relative to their population proportions.

Dublin, accounting for 28% of the population, represented 37% of Public Liability claims from 2019 to 2023. Similarly, Limerick, which makes up 4% of the population, accounted for 6.2% of the total Public Liability claim volume. One potential explanation for this could be that both counties encompass major cities with high population densities and public spaces with increased footfall, which could increase the likelihood of accidents in these settings. Further research is required however, to understand these disparities, given that other major cities in Ireland such as Cork and Galway, did not have claim proportions exceeding their population percentages.

Table 3

Proportion of Public Liability Claims between 2019-2023, by County

County	Percentage of claims	Percentage of population
Dublin	36.7%	28%
Cork	10.8%	11%
Limerick	6.2%	4%
Kildare	4.0%	5%
Galway	3.8%	5%
Meath	3.5%	4%
Louth	3.4%	3%
Tipperary	3.2%	3%
Kerry	2.5%	3%
Wicklow	2.5%	3%
Waterford	2.5%	3%
Wexford	2.2%	2%
Donegal	2.0%	3%
Clare	1.9%	2%

County	Percentage of claims	Percentage of population
Mayo	1.8%	3%
Westmeath	1.7%	2%
Laois	1.4%	2%
Offaly	1.4%	2%
Kilkenny	1.2%	2%
Longford	1.1%	1%
Roscommon	1.1%	1%
Carlow	1.1%	2%
Cavan	1.0%	1%
Sligo	1.0%	1%
Monaghan	0.9%	1%
Leitrim	0.5%	1%
Other	0.3%	

Weekday analysis of accidents resulting in Public Liability Claims

Public Liability claims by Weekday and Year
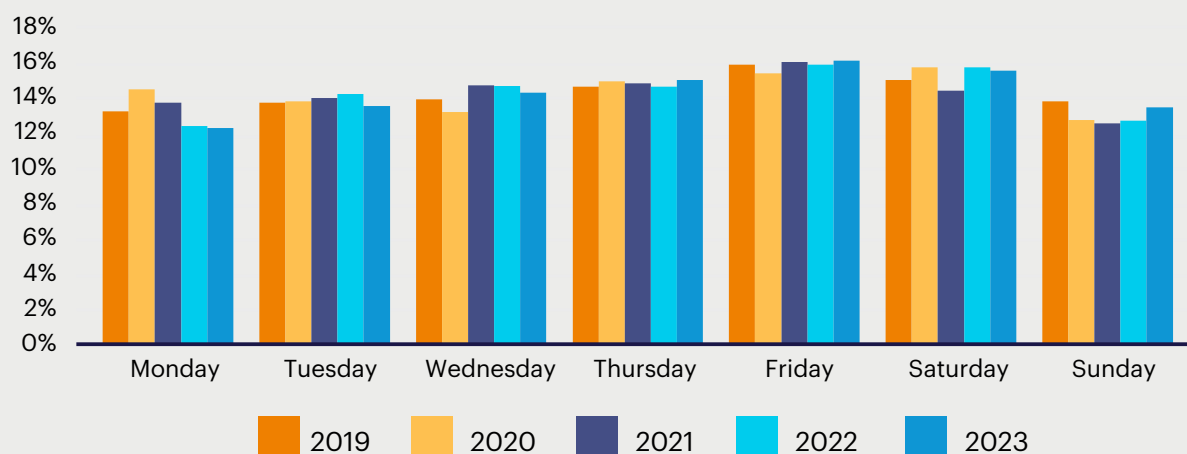
This section explores factors potentially linked to an increased likelihood of Public Liability accidents from 2019 to 2023. As shown in Figure 8, the proportion of accidents occurring on each weekday remained relatively stable. Only Mondays, Wednesdays, and Saturdays saw more than a 1% change in proportion.

The distribution of Public Liability accidents across days showed minimal variation, with Fridays (16%) having the highest proportion of accidents and Sundays and Mondays had the lowest proportions (13%) between 2019 and 2023.

In 2023, Friday (16%) had the highest proportion of Public Liability accidents followed by Saturday (15%). This trend varied significantly by age group however, as detailed in **Table 4**. For example, Thursday was the most common day for accidents among individuals aged 0-18 (20%), while Sunday was the most common for those aged 25-34 (20%). The higher rate of weekday Public Liability accidents for the 0-18 age group could be partly due to school attendance, which is the location for approximately 38% of all claims for this age group.

Table 4

Day of the week in which Public Liability claims occurred most in 2023, by age

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0-18	14%	14%	15%	20%	12%	12%	13%
19-24	12%	18%	17%	12%	11%	20%	11%
25-34	10%	12%	16%	12%	12%	19%	20%
35-44	12%	13%	13%	14%	17%	17%	13%
45-54	14%	13%	16%	14%	17%	14%	13%
55-64	11%	14%	13%	15%	17%	15%	15%
65+	12%	12%	14%	17%	19%	15%	10%

A Closer Look: Pedestrian falls on Roads and Footpaths

Introduction

International evidence which shows that falls are a significant cause of pedestrian injuries, accounting for approximately three-quarters of all pedestrian hospitalisations each year[14]. A 2017 analysis of data from the Netherlands, Switzerland and Austria found that between 4-9 times more pedestrians were injured in outdoor falls than in vehicle-collisions[15]. A similar analysis of pedestrian injuries from falls relative to pedestrian injuries from motor vehicle collisions, using data on emergency medical service callouts in the U.S., found a 3.5 times higher incidence rate for pedestrian falls in 2019[16].

To date, most research focussed on injurious pedestrian falls has relied upon the use of hospital records, while claims related data, utilised in this report, also captures those who were not hospitalised as a result of their injuries, providing an alternative view of the total burden of unsafe walking environments on pedestrians. Of note, the data analysed in this section is not restricted to public roads and footpaths, but also includes data on falls occurring on roads and footpaths in private premises and businesses.

Methodology

This section includes a closer look analysis of all Public Liability claims and assessments of compensation made for injuries which were sustained as a result of a fall on the same level on a roadway or footpath. Similar to previous analyses in this report, the data covers the period January 1st 2019 to December 31st 2023.

A total of 437 assessments of compensation were made by the Injuries Resolution Board in 2023 for injuries sustained due to falls on the same level which occurred on roadways or footpaths.

Of note, roadways and footpaths do not only encompass public spaces, but also comprise of accidents which occurred on roads and footpaths owned by private businesses or property. For the purposes of this analysis, accidents which occurred due to falls on the same level on roads and footpaths have been termed as pedestrian falls. To better understand which environmental factors contribute to pedestrian falls, medical reports relating to all 437 assessments of compensation made in 2023 were analysed. This analysis included extracting data relating to the specific cause of accidents from each assessments associated medical report, which were manually coded based on the frequency of occurrence and common thematic areas. These 437 assessments of compensation were further examined based on injury type and age to identify demographic groups who may be at an increased risk of outdoor falls and sustaining severe injuries.

Results

Incidence of Pedestrian Falls – Claim Volumes 2019-2023

Our data provides the first evidence which suggests that more pedestrians are injured due to unsafe walking environments than cars each year in Ireland. Between 2019 and 2023, over 6,000 claims submitted to the Injuries Resolution Board related to pedestrian falls occurring on footpaths and roads. This compares to 3,412 claims which involved pedestrians injured in collisions with motor vehicles during the same period.

Between 2019 and 2023, 6,057 claims involving pedestrians injured due to falls on the same level on roadways and footpaths were submitted to the Injuries Resolution Board. In 2023, over 900 claims were submitted, a decrease of 35% on the volume of claims submitted in 2019, but 3% higher than 2022 figures.

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14 Schepers, den Brinker, et al; Pedestrian falls: A review of the literature and future research directions. Journal of Safety Research (2017); 62; 227-234.

15 Methorst, Schepers, et al; 'Pedestrian falls' as necessary addition to the current definition of traffic crashes for improved public health policies. Journal of Transport & Health (2017); 6; 10-12.

16 Rundle, Crowe, et al; A National Study on the Comparative Burden of Pedestrian Injuries from Falls Relative to Pedestrian Injuries from Motor Vehicle Collisions. Journal of Urban Health (2024); 101; 181-192.

Unsafe walking environments: Compensation value in 2023
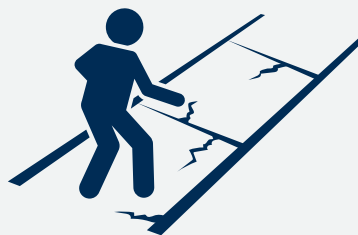
Uneven Foothpath
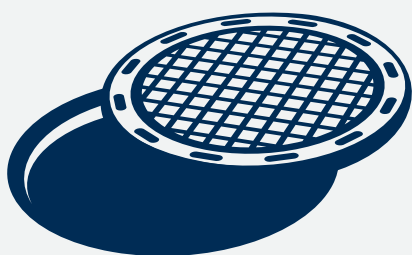**€4,357,132**

Other
e.g. pipes, cables, steel grates
€1,181,472

Pothole
€1,082,014

Broken Foothpath
€859,202

Manhole
€723,935

Drains
€510,804

Closer Look - Pedestrian Falls

Year	2019	2020	2021	2022	2023
Claim Volume	1,479	1,369	1,330	925	954

Based on an analysis of these 6,057 claims submitted, a majority of all pedestrian falls affected females, accounting for 67% of all claims submitted.

Assessments of Compensation for Pedestrian Falls in 2023

The following section describes an analysis of 437 assessments of compensation made by the Injuries Resolution Board for injuries sustained by pedestrians due to falls on roadways and footpaths, to the value of over €9 million in 2023.

A deep-dive analysis of these 437 assessments of compensation in 2023, found that a majority of injuries were sustained as a result of uneven footpaths, accounting for over €4 million in total compensation in 2023. The second most frequent cause of falls on footpaths/roadways was potholes (€1.08 million in compensation), followed by broken footpaths (€0.86 million), defective, sunken or raised manhole covers (€0.72 million) and defective drains (€0.51 million). Other causes of pedestrian falls included injuries sustained as a result of exposed maintenance materials such as pipes and cables or other hazards such as defective steel grates, accounting for over €1 million in total compensation in 2023.

Older adults at greater risk of pedestrian falls and sustaining more severe injuries

According to the 2022 Irish Census, adults aged 65 years and older account for 15% of the population, however this age group account for 31% of claims related to pedestrian falls between 2019 and 2023 and 26% of assessments of compensation for falls on footpaths and roadways in 2023.

Common injuries sustained based on age group

When the 437 assessments of compensation made for pedestrian injuries in 2023 were analysed based on the age of the Claimant at the time of the accident, several interesting trends were noted.

As shown in **Figure 9**, there is a clear age gradient across injury types. Among young adults (aged 29 years and younger), a third of all pedestrian falls resulted in ankle injuries.

This trend remained consistent in the 30–49-year age group (34%), but then decreased to 18% in the 50–64-year age group and just 2% in the 65 years and older age group. In contrast, the most frequently sustained injury by older adults as a result of pedestrian falls was wrist injuries (22%), compared to just 5% among the youngest age group. Other upper limb injuries, such as hand, finger, and thumb injuries, were also more common among older age groups (7% in the 65 years and older group versus 3% in the under 29 years age group).

These findings suggest that older adults and younger adults may experience falls differently, with the variation in injury types potentially influenced by older adults using their upper limbs to break their fall.

To better understand whether older age groups sustain more severe injuries, we explored the severity classification of the most common injuries based on age category. This analysis includes only those injury types which, according to the Guidelines, can be classified as minor, moderate, severe, or serious. This classification applies to 381 of the total 437 assessments of compensation made for pedestrian injuries in 2023.

As shown in **Figure 10**, the severity of injuries sustained increases with the age of the injured pedestrian. Among pedestrians aged under 29 years, 80% sustained injuries of minor severity. In contrast, only 39% of adults aged 65 years and older sustained minor injuries. Notably, close to half of all injured pedestrians aged 65 years and older sustained injuries of moderate severity, which is almost four times the prevalence of moderate severity injuries among younger adults aged under 29 years (12%). The findings highlight the additional vulnerability experienced by demographic groups, with older age groups more likely to sustain severe and serious injuries. The findings highlight the importance of enhancing pedestrian infrastructure to mitigate the risk of severe injuries among this age cohort.

Figure 9

Assessments of compensation in 2023 for falls on Sidewalks/ Roadways based on injury type and age category

Legend:
- Ankle
- Facial injuries
- Hand, finger and thumb injuries
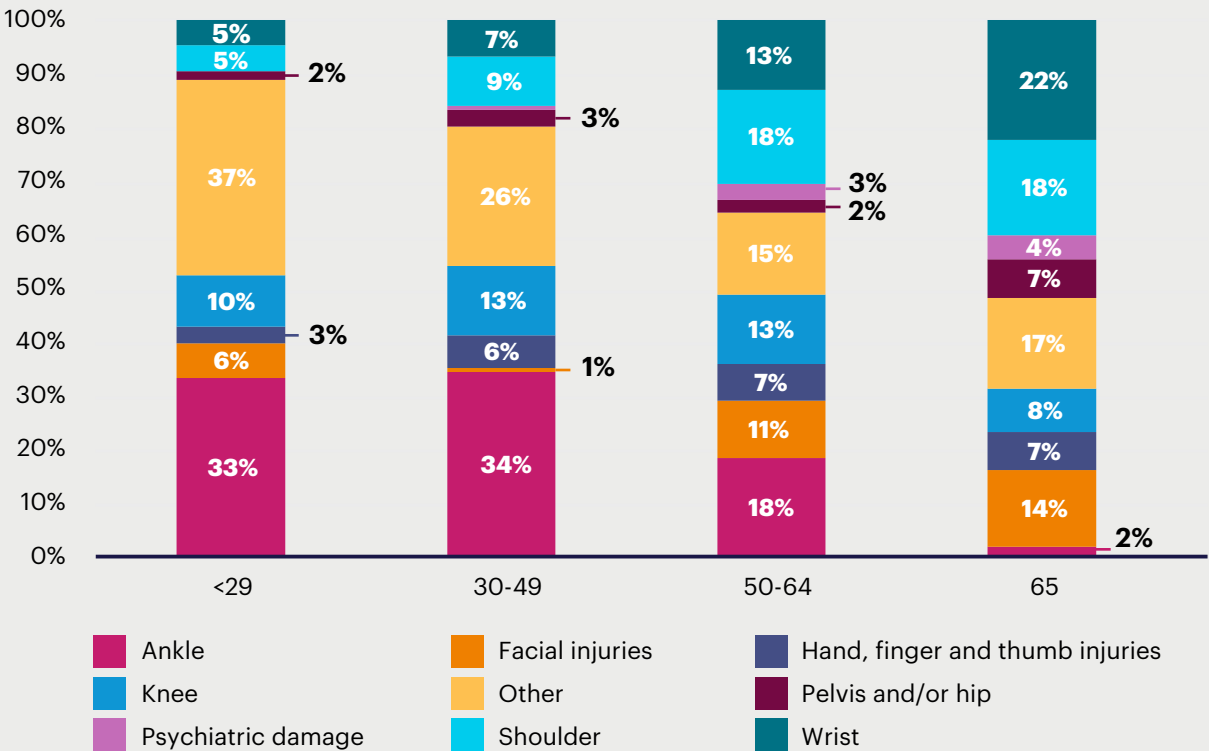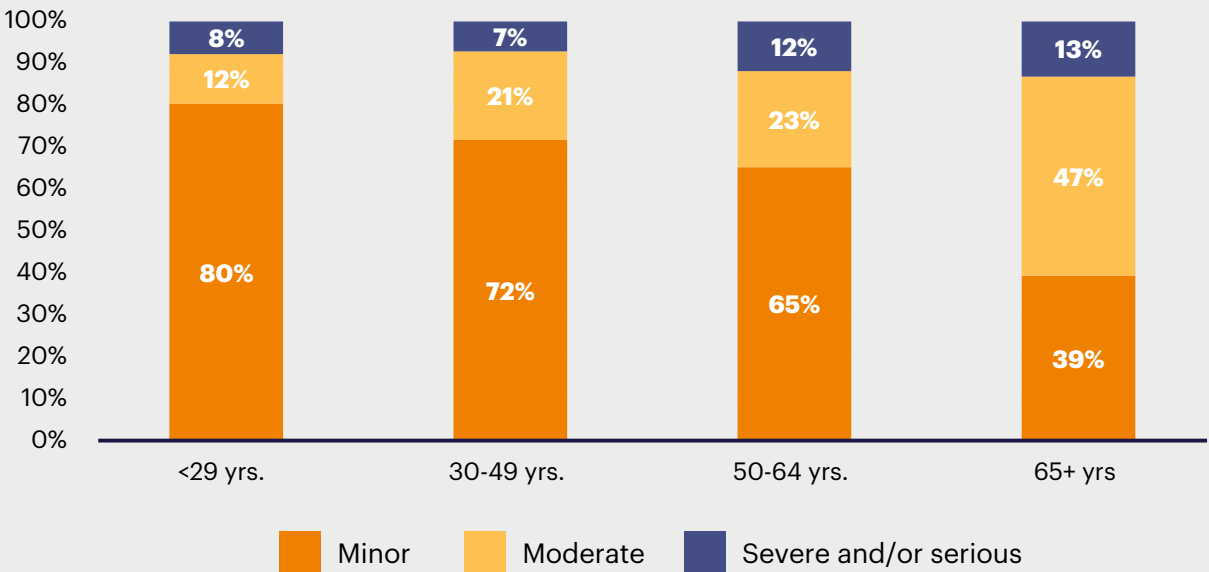- Knee
- Other
- Pelvis and/or hip
- Psychiatric damage
- Shoulder
- Wrist

Figure 10

Assessments of compensation in 2023 for falls on Sidewalks/ Roadways based on injury severity and age category

Legend:
- Minor
- Moderate
- Severe and/or serious

Public Liability Awards Analysis 2019-2023

This section provides an overview of trends assessments of compensation made by the Injuries Resolution Board for injuries sustained in Public Liability accidents between January 1st 2019 and December 31st 2023.

This analysis includes over 8,000 assessments of compensation made during this period, to the value of €130 million.

Research Highlights

▸ In 2023, the Injuries Resolution Board made **1,629** assessments of compensation for Public Liability accidents, totalling €33 million in compensation.

▸ Between 2019 and 2023, the Injuries Resolution Board made assessments of compensation to the value of **€130 million** for Public Liability accidents, however the total value in 2023 represented a 37% decrease on the value of compensation in 2019.

▸ The median Public Liability award value in 2023, excluding fatalities, was **€12,414**, representing a **40%** decrease from the 2020 median Public Liability award of €20,645.

▸ The average Public Liability award value in 2023, excluding fatalities, was **€20,396**, representing a **22%** decrease from the pre-Guidelines 2020 figure of €26,065.

▸ The consent rate of **54%** among Public Liability claims in 2023 represents an **11%** increase on the consent rate in 2020.

▸ The acceptance rate of **57%** among Public Liability awards in 2023, represents the highest acceptance rate of any claim category indicating that a majority of Claimants and Respondents are accepting assessments of compensation made by the Injuries Resolution Board.

▸ Over half of all assessments made in 2023 for Public Liability accidents were valued under **€15,000**.

▸ An analysis of the most common injury types based on severity classification identified an increase in the complexity of injuries being assessed by the Injuries Resolution Board, with serious and/or severe injuries accounting for **8%** of Public Liability awards in 2023, compared to 5% of Public Liability awards in 2022.

Award Volumes

Between 2019 and 2023, the Injuries Resolution Board has made over 8,000 assessments of compensation for Public Liability accidents.
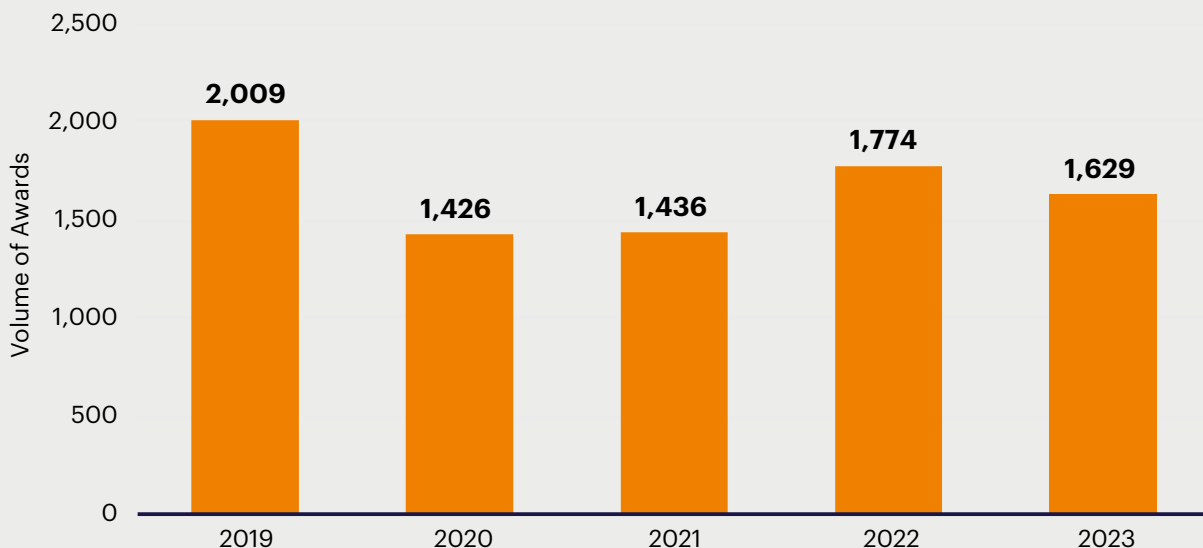
Public Liability Claims Analysis

This section of the report provides an overview of over 8,000 assessments of compensation made by the Injuries Resolution Board for Public Liability accidents between 2019 and 2023. This section describes the total value of assessments of compensation made by the Injuries Resolution Board during this period, based on the location and cause of accidents. Furthermore, we explore trends in average and median award values in 2023, with reference to 2020, the last full-year period prior to the introduction of the Personal Injuries Guidelines in April 2021. Finally, we provide an overview of the most common injuries sustained as a result of Public Liability accidents in 2023.

Figure 11 describes the number of assessments of compensation made by the Injuries Resolution Board across 2019 and 2023. In 2023, the Board made 1,629 Public Liability awards, which accounted for 18% of all awards that year. This represents a 19% decrease compared to the number of Public Liability awards made in 2019. Notably, in 2022, the number of Public Liability awards increased by 24% compared to the previous year. However, in 2023, the award volumes decreased by 8%, despite a 3% increase in claim volumes during this period.

Figure 11

Total number of Public Liability Awards (2019-2023)

Consent and Acceptance Rates

Table 5

Consent Rate and Acceptance Rate among Public Liability Claims and Awards 2019-2023

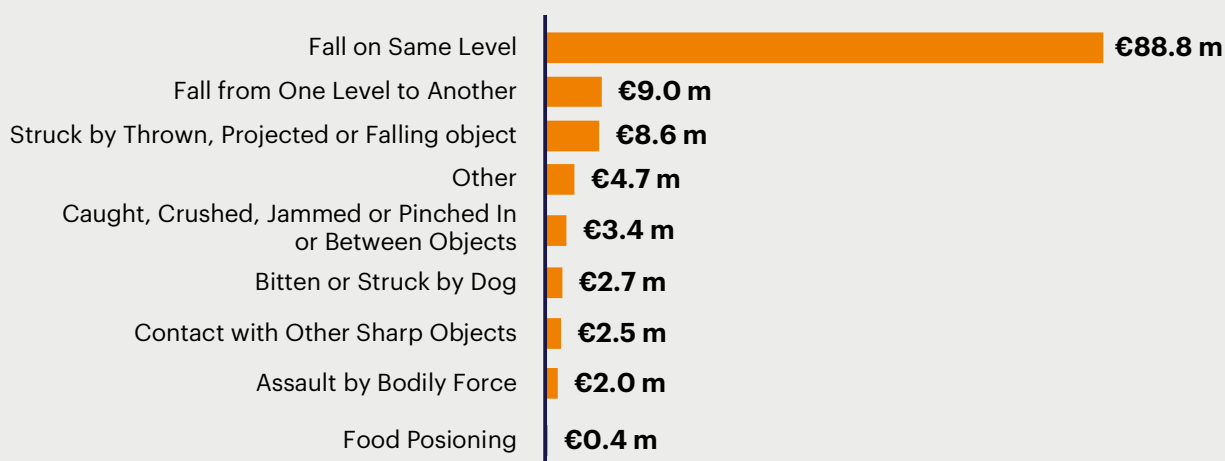| Year	2019	2020	2021	2022	2023
Consent Rate	42%	43%	49%	54%	54%
Acceptance Rate	56%	53%	49%	49%	57%

Table 5 describes the consent rate among Public Liability claims and the Acceptance rate among Public Liability awards between 2019 and 2023. Consent rates and acceptance rates are an important metric for evaluation engagement with the Injuries Resolution Board. Prior to the introduction of the Guidelines in 2021, the proportion of Respondents to a claim consenting to an assessment of compensation being made by the Injuries Resolution Board remained relatively stable. For example, from 2016 to 2020, the consent rate for Public Liability claims varied by a maximum of 2% annually. In 2023, the consent rate for Public Liability claims remains 11% higher than the consent rate in 2020, thereby reducing the likelihood of claims proceeding to litigation. While the acceptance rate reduced with the introduction of the Guidelines from 53% in 2020 to 49% in 2021, it has since increased to 57% in 2023. This means that for a majority of assessments of compensation made by the Injuries Resolution Board for Public Liability claims, both the Claimant and Respondent are now accepting awards.

Total Value of Public Liability Awards by Accident Cause 2019-2023

Figure 12 presents a comprehensive view of the total compensation assessed by the Injuries Resolution Board from 2019 to 2023 for Public Liability accidents, categorised by the cause of the accident. During this period, awards for falls on the same level totalled nearly €90m, accounting for 73% of the overall value of awards. This is notably higher than the 62% claim proportion for this cause of accident. As previously discussed in this report, this discrepancy is likely attributable to the older age demographic of claimants who sustain injuries as a result of falls. Our analysis has shown that the cohort aged 65 years and older are more likely to experience fall accidents than younger age groups and sustain injuries of greater severity, resulting in higher compensation for this increased pain and suffering.

Figure 12

Total value of compensation awarded between 2019-2023 for Public Liability accidents (excluding fatalities), based on external cause

Accident Cause	Value
Fall on Same Level	€88.8 m
Fall from One Level to Another	€9.0 m
Struck by Thrown, Projected or Falling object	€8.6 m
Other	€4.7 m
Caught, Crushed, Jammed or Pinched In or Between Objects	€3.4 m
Bitten or Struck by Dog	€2.7 m
Contact with Other Sharp Objects	€2.5 m
Assault by Bodily Force	€2.0 m
Food Posioning	€0.4 m

Total Award Values

### Total Value of Public Liability Awards by Location 2019-2023

Between 2019 and 2023, the Injuries Resolution Board made Public Liability awards to the value of just under €130 million, with €33 million issued for Public Liability awards in 2023, representing a 37% decrease on the value of compensation in 2019.

Figure 13 highlights the total value of compensation made by the Injuries Resolution Board based on the most common locations for accidents resulting in Public Liability claims. The two most common accident locations accounted for 59% of the total Public Liability award amounts between 2019 and 2023, this included €47.4 million for Public Liability accidents which occurred on Roadways and Sidewalks (37% of total compensation).

The second highest category was shop and store locations, which accounted for a total compensation value of €29.0 million across the period. The third highest aggregate award in terms of place of occurrence related to accidents which occurred in café, hotel, and restaurant settings, for which €15.9 million was awarded between 2019 and 2023.

Figure 13

Total value of compensation awarded between 2019-2023 for Public Liability accidents (Excl. Fatalities), based on accident location
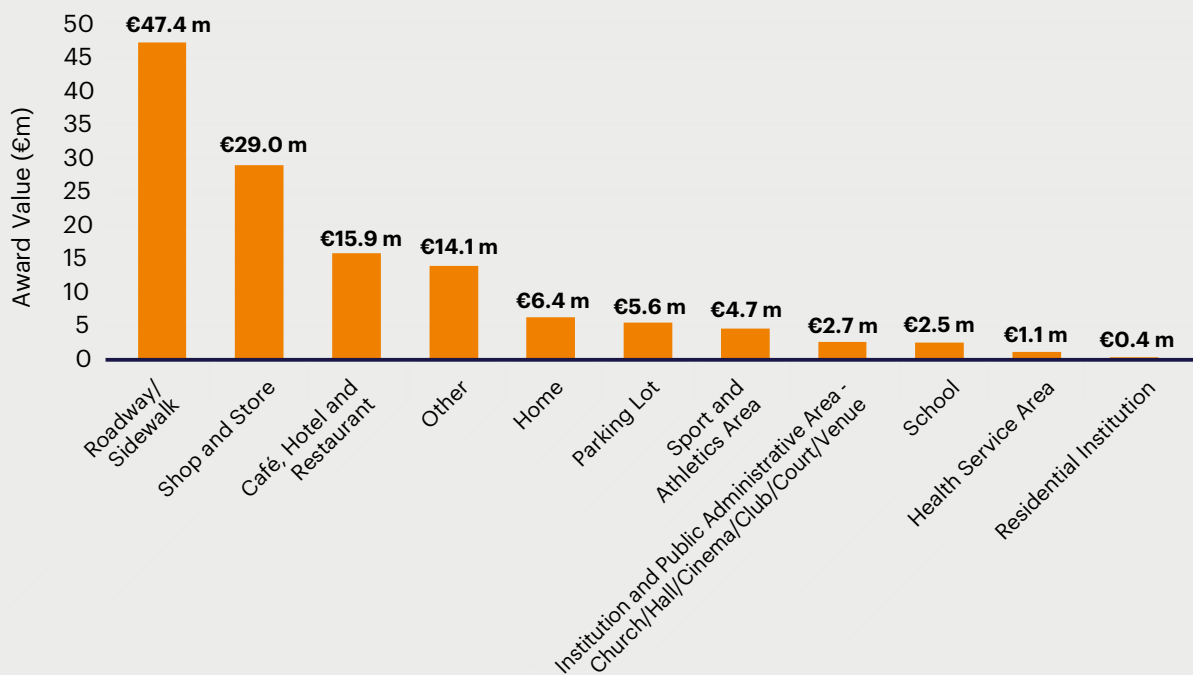
Average and Median Award Values

Public Liability Award Values 2023

Personal injury awards are comprised of two distinct components: General Damages, which includes the award for pain and suffering and Special Damages, which includes the award for any financial losses incurred by the Claimant as a result of the accident including loss of earnings or treatment costs.

The introduction of the Personal Injuries Guidelines related solely to the award for General Damages. Table 6 provides an overview of average award values in 2023 in comparison to 2020, the last full-year period prior to the introduction of the Guidelines in which awards were made with reference to the Book of Quantum. This data shows that in 2023 average award values, excluding fatalities, were 22% lower than the average Public Liability award in 2020, increasing to a 24% reduction for General Damage awards. During this period, Special Damages have increased on average, by 25%, with this primarily driven by a period of high inflation.

In comparison to 2022, average award values were 21% higher in 2023 than 2022, however the average Public Liability award value of €20,396 in 2023 remains significantly lower than the pre-Guideline average award value of €26,000 in 2020.

Table 7 describes the median value of Public Liability awards in 2023, in comparison to 2020 and 2022. The median Public Liability award value in 2023, excluding fatalities, was €12,414, representing a 40% decrease from the 2020 median Public Liability award of €20,645, but was 22% higher than the median award in 2022. It is important to note, that median award values are lower and more stable across periods than average award values as they are less sensitive to high-value cases. Several factors influencing award values will be discussed in the following sections.

Table 6

Average Award Values for Public Liability Awards in 2023 v 2020 and 2022 (Excl. Fatalities)

Year	Average Special Damages	Average General Damages	Average Total Award
2023	€1,717	€18,679	€20,396
2020	€1,375	€24,625	€26,000
%Change	+25%	-24%	-22%
2022	€1,984	€14,849	€16,833
%Change	-13%	+26%	+21%

Table 7

Median Award Values for Public Liability Awards in 2023 v 2020 and 2022 (Excl. Fatalities)

Year	Median Special Damages	Median General Damages	Median Total Award
2023	€390	€12,000	€12,414
2020	€330	€20,000	€20,645
%Change	+18%	-40%	-40%
2022	€328	€10,000	€10,200
%Change	+19%	+20%	+22%

Figure 14

Average Quarterly (YTD) Public Liability Award Values in 2023

2023 Average Public Liability Award Values

Figure 14 highlights the relative growth in average award values based on reporting quarters in 2023. It is important to note, that average General Damages awards are influenced by the severity of the injuries assessed within a given period, which may fluctuate from time to time. The YTD average General Damages award ranged from €16,003 in Q1 2023 to €18,679 in Q4 2023. Similarly, the YTD average Special Damages award increased from €1,705 in Q1 2023 to €1,717 in Q4 2023.

The proportion of high-value cases, defined as awards valued at €100,000 or greater have the potential to skew overall award figures for reporting quarters.

As shown in **Table 8**, when high-value cases are removed from the analyses, the range of average General Damages and Special Damages awards reduces significantly. The YTD average Special Damages award in Q4 reduces from €1,717 to €1,489 when high value cases are removed, while General Damages decreases from €18,679 to €17,489. It is important to note that Special Damages relate to individual claimant circumstances, and therefore can vary significantly from year to year and between claim types. Similarly, although the average total award value increased across quarters, this is directly influenced by the nature and severity of cases assessed throughout the year.

Table 8

Average quarterly Public Liability Award excluding high value (>€100k) cases in 2023

	Av. Special Award	Av. General Award
YTD Q1 2023	€1,587	€15,239
YTD Q2 2023	€1,523	€16,907
YTD Q3 2023	€1,511	€17,032
YTD Q4 2023	€1,489	€17,489

General and Special Damages

Table 9

Max and Min Public Liability Awards by Award Type in 2023

Quarter	Max of Special Damages	Max of General Damages	Max of Total Damages	Min of Total Damages
Qtr 1	€51,367	€200,000	€209,453	€0
Qtr 2	€31,314	€ 190,00	€191,352	€750
Qtr 3	€65,507	€120,000	€185,507	€500
Qtr 4	€33,234	€140,000	€173,234	€500

2023 Public Liability Award Values

The highest value Public Liability award made by the Injuries Resolution Board in 2023 occurred in the first quarter of the year and totalled €209,453. This award related to serious fall incident, from which the Claimant sustained severe and lifechanging injuries. The injured party required several future treatments to aid with their rehabilitation and recovery which contributed to the high award value in this case. The second highest Public Liability award made in the second quarter of 2023, totalling just over €190,000 and related to an assault by bodily force incident which caused the Claimant to sustain severe and lifechanging injuries.

Range Of Public Liability Awards

Three-quarters (75%) of the awards made in 2023 were for values of less than €25,000.

As shown in **Table 10**, a majority of Public Liability awards in 2023 were valued at €15,000 or less (58%), with the highest volume of awards falling into the €5,000 - €10,000 range (21%), followed by the <€5,000 range (20%). There were 98 awards made (6% of total) for values between €20,000-€25,000, while just 11% of awards issued in 2023 were for values of €50,000 or more. Overall, three quarters (75%) of the awards made in 2023 were for values of less than €25,000.

In addition to overall award values increasing in 2023 when compared to the post-Guideline implementation period in 2021, the proportion of awards valued at less than €25,000 has also decreased from 91% in 2021 to 75% in 2023. Additionally, the proportion of higher value cases, valued at €50,000 or higher, has more than doubled, accounting for 11% of awards issued in 2023 compared to 5% in April-December 2021. This is an important factor to consider when interpreting average award value statistics which have greater sensitivity to high-value outlier cases in comparison to median award values.

Table 10

Proportion of Public Liability Awards by Total Award Value, 2023 v April-December 2021

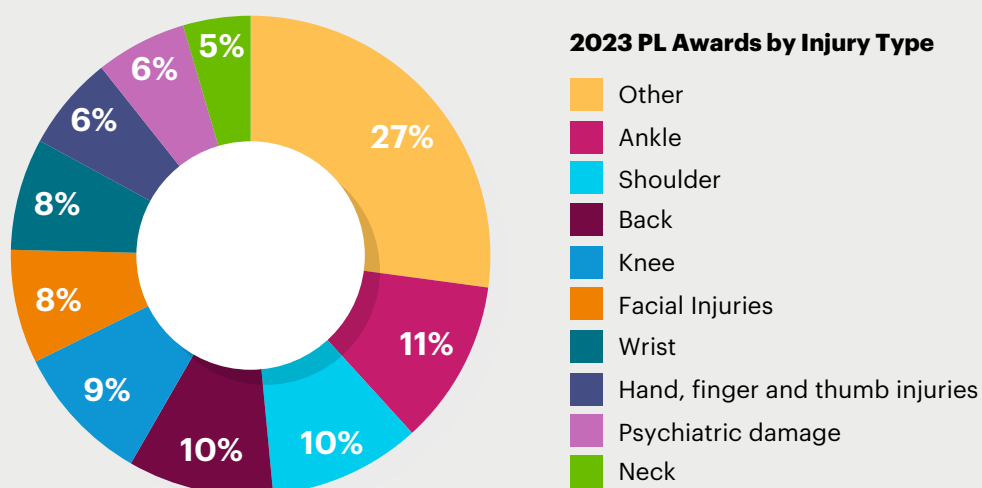| Award Range	<€5k	€5k-<10k	€10k-<15k	€15k-<20k	€20k-<25k	€25k-<50k	€50k+
2023	20%	21%	17%	11%	6%	14%	11%
2022	26%	22%	16%	10%	5%	14%	6%
Apr-Dec 21	26%	24%	19%	12%	10%	5%	5%

Injury Analysis

Injury Analysis – 2023 Awards

The most common injuries sustained in accidents resulting in Public Liability claims awards include Ankle injuries (11%), Shoulder injuries (10%), and Back injuries (10%).

Figure 15

Breakdown of the most common Dominant/Most Significant injuries for Public Liability awards in 2023

2023 PL Awards by Injury Type

- Other
- Ankle
- Shoulder
- Back
- Knee
- Facial Injuries
- Wrist
- Hand, finger and thumb injuries
- Psychiatric damage
- Neck

The Injuries Resolution Board makes an assessment of both General and Special Damages in respect of Personal Injury claims. The award of General Damages is determined with reference to the Personal Injuries Guidelines, referring to the Dominant/Most Significant injury sustained. As shown in **Figure 15**, the most common injuries sustained in public liability accidents include orthopaedic injuries, such as ankle injuries (11%), shoulder injuries (10%), back injuries (10%) and knee injuries (9%).

Other less frequent injuries accounted for 27% of all assessments of compensation made for Public Liability accidents in 2023. When compared to 2022 awards, the Dominant/ Most Significant remains relatively unchanged, with no proportion of injury changing by more than 1% between both periods.

Figure 16

Breakdown of injury severity for the Dominant/Most Significant Injury among 2023 and 2022 awards
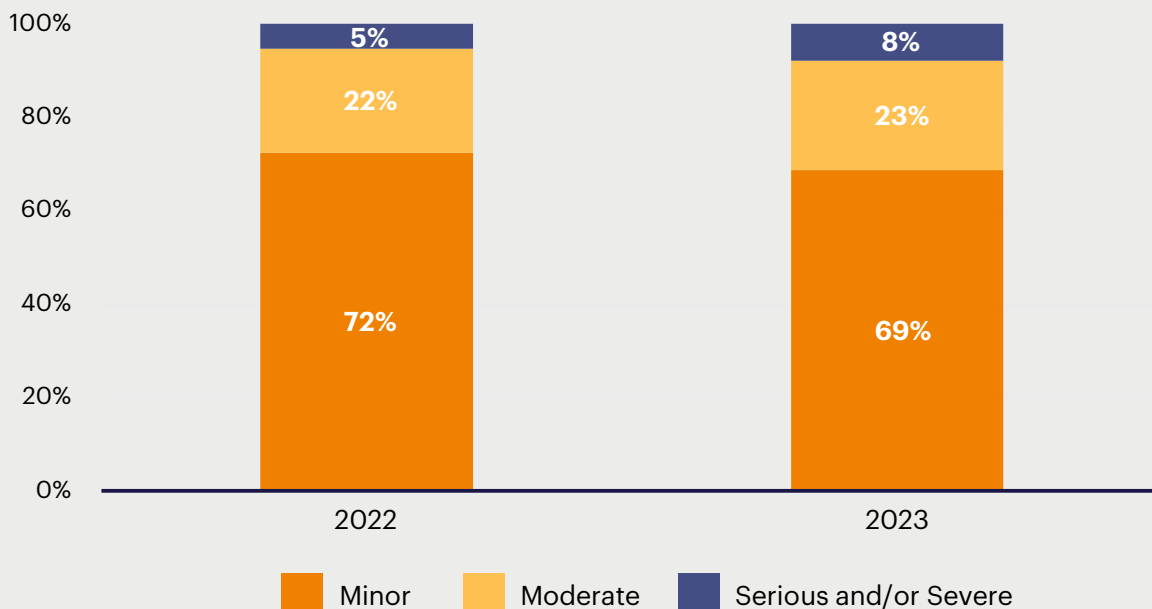
The introduction of the Guidelines in 2021, provided severity classifications for the most common injury types. **Figure 16** describes the seven most common injury types: ankle injuries, back injuries, knee injuries, neck injuries, psychiatric damage injuries, shoulder injuries and wrist injuries for Public Liability awards made in 2023 and 2022, based on severity classification, as per the Guidelines.
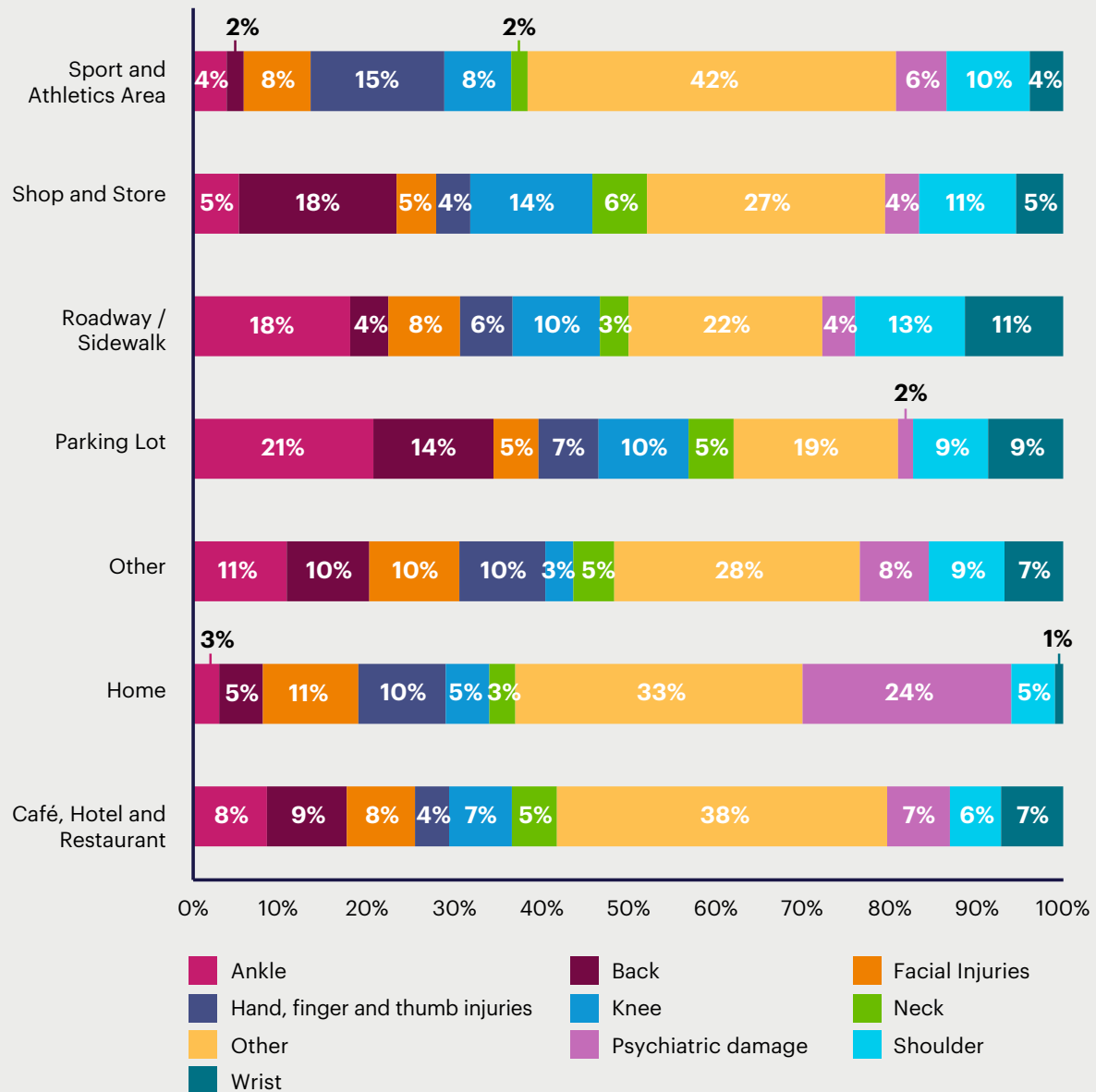
Minor severity orthopaedic injuries typically include soft tissue injuries, where substantial recovery occurs within a maximum of five years. Moderate severity orthopaedic injuries often involve fractures that cause significant pain and discomfort. Severe and serious orthopaedic injuries include those that cause intense pain and discomfort, potentially leading to impairments in an individual's ability to complete tasks independently.

The Guidelines take a range of factors into account when determining an injury's severity, including the extent of required treatments and the expected prognosis. Higher levels of compensation are awarded for injuries of greater severity, relative to the pain and suffering experienced by the Claimant.

Any change in the severity of injuries assessed within a given period will directly impact award values. Figure 16 indicates that the proportion of serious and/or severe injuries assessed by the Injuries Resolution Board for Public Liability awards in 2023 has increased from 5% in 2022 to 8% in 2023. This increase coincides with a decrease in minor severity Public Liability injuries, from 72% of awards in 2022 to 69% in 2023.

Figure 17

Profile of Dominant/ Most Significant Injuries based on Public Liability accident location in 2023

Legend:
- Ankle
- Back
- Facial Injuries
- Hand, finger and thumb injuries
- Knee
- Neck
- Other
- Psychiatric damage
- Shoulder
- Wrist

Injury Analysis

Figure 17 presents a breakdown of the most common Dominant/Most Significant injuries for Public Liability awards issued by the Injuries Resolution Board in 2023 based on the accident location.

Shops & Stores: Back injuries were the most common Dominant/Most Significant injury for awards made in 2023 for accidents occurring in shops and stores, accounting for 18% of all injuries sustained in this setting. This was followed by knee injuries (14%), shoulder injuries (11%), and neck injuries (6%). The high prevalence of orthopaedic injuries aligns with the most common cause of accidents in this setting: falls.

Sports and Athletics Areas: The Other category of injuries accounts for 42% of all injuries in Sports and Athletics areas, indicating a significant variety in sports-related injuries. Hand, finger, or thumb injuries were the most common individual injury category (15%), likely due to the popularity of hand-intensive sports in Ireland, such as Rugby and Gaelic football. Other common injuries include shoulder injuries (10%), knee injuries (8%), and facial injuries (8%). Notably, falls accounted for 61% of all accidents in this setting from 2019-2023.

Roadways and Sidewalks: In 2023, nearly one in five Public Liability injury awards for accidents occurring on roadways and sidewalks related to ankle injuries (18%). This setting also had a high proportion of shoulder injuries (13%) and wrist injuries (11%). The high prevalence of orthopaedic injuries is consistent with falls being the most common cause of accidents in this setting.

Parking Lots: Ankle injuries accounted for the highest proportion of injuries in parking lots in 2023 (21%). Back, shoulder, and wrist injuries also occurred frequently in this setting. The high prevalence of orthopaedic injuries is consistent with falls being the most common cause of accidents in this setting, accounting for 79% of injuries.

Home: Almost a quarter of injuries in the home related to psychiatric damage (24%), followed by facial injuries (11%), and injuries to fingers and thumbs (10%). Homes had a diverse distribution of accident causes, with falls accounting for 41%, assault by bodily force accounting for 15%, food poisoning accounting for 9%, and being struck by thrown, projected, or falling objects accounting for a further 9%. The high level of psychiatric damage occurring in the home warrants further research.

Café, Hotel, and Restaurant: The Other category of injuries accounts for 38% of all injuries in Cafés, Hotels, and Restaurants, suggesting a wide variety of injuries can occur in these settings. Outside of the Other category, injury causes range from 9% for back injuries, to 4% for hand, finger, or thumb injuries. While a high proportion of claims from accidents in these settings related to falls, this setting also experienced a high volume of assaults (16% of all claim causes) between 2019 and 2023, which may have contributed to the wide variety of injuries experienced at these locations.

Conclusion

In conclusion, our comprehensive analysis of over 30,000 claim applications and nearly €130 million in compensation awarded from 2019 to 2023 provides valuable insights into the trends and patterns of Public Liability accidents across this 5-year period.

The data identified a significant decrease in Public Liability claim volumes by 40% in 2023 compared to 2019, with more than half of all claim applications during this period attributed to three accident locations: roadways/footpaths, shops and stores, and cafés, hotels, and restaurants.

Interestingly, while claim volumes significantly decreased across most accident locations, Public Liability accidents occurring in residential institutions saw a 22% increase in claim volumes in 2023 compared to 2019. This increase was largely attributed to fatalities in long-term care settings during the Covid-19 pandemic.

Our demographic analysis revealed that adults aged over 65 years old, who comprise 15% of the population according to the 2022 Irish Census, accounted 21% of all Public Liability claims between 2019 and 2023. Further analysis found that among awards made for fall-related incidents occurring on roadways and sidewalks in 2023, adults aged over 65 years are significantly more likely to sustain injuries of greater severity. Among 2023 awards for falls on footpaths/roadways, 60% of awards among Claimants aged over 65 years were classified as relating to moderate, serious or severe injuries compared to just 20% of awards among those aged 29 years or younger. This underscores the disproportionate impact of Public Liability accidents on older adults, particularly falls, which can often be dismissed as mere 'slips' or 'trips' but have the potential to result in severe and lifechanging injuries for certain high-risk groups.

Falls on the same level were the most common cause of Public Liability accidents, accounting for nearly 15,000 claims and just under €90 million in compensation from 2019 to 2023.

Our research found that pedestrian injuries due to unsafe walking environments outnumbered those from collisions with motor vehicles in Ireland between 2019 and 2023. We conducted a deep-dive analysis of awards made for pedestrian falls in 2023, as this represents a significant yet often overlooked area of public safety research. These incidents, which can occur in a variety of public and private settings, have the potential to result in severe injuries. Despite this, pedestrian falls have not received the same level of attention as other types of accidents. It is hoped that the findings will inform public policy aiming to improve public safety infrastructure and ultimately, create safer environments.

In 2023, the Injuries Resolution Board made 1,629 assessments of compensation for Public Liability accidents, totalling €33 million in compensation. The average Public Liability award value in 2023, excluding fatalities, was €20,396, representing a 22% decrease from the pre-Guidelines 2020 figure of €26,000. While the median Public Liability award value in 2023, excluding fatalities, was €12,414, representing a 40% decrease from the 2020 median Public Liability award of €20,645.

Our research, detailed in this report, highlights the need for ongoing monitoring and evaluation of trends in public liability accidents to inform accident prevention policy and the development of tailored interventions for high-risk groups. It is envisaged that the findings of this report, including sectoral-specific trends, will promote greater transparency in the personal injury landscape and ensure fair and appropriate compensation.