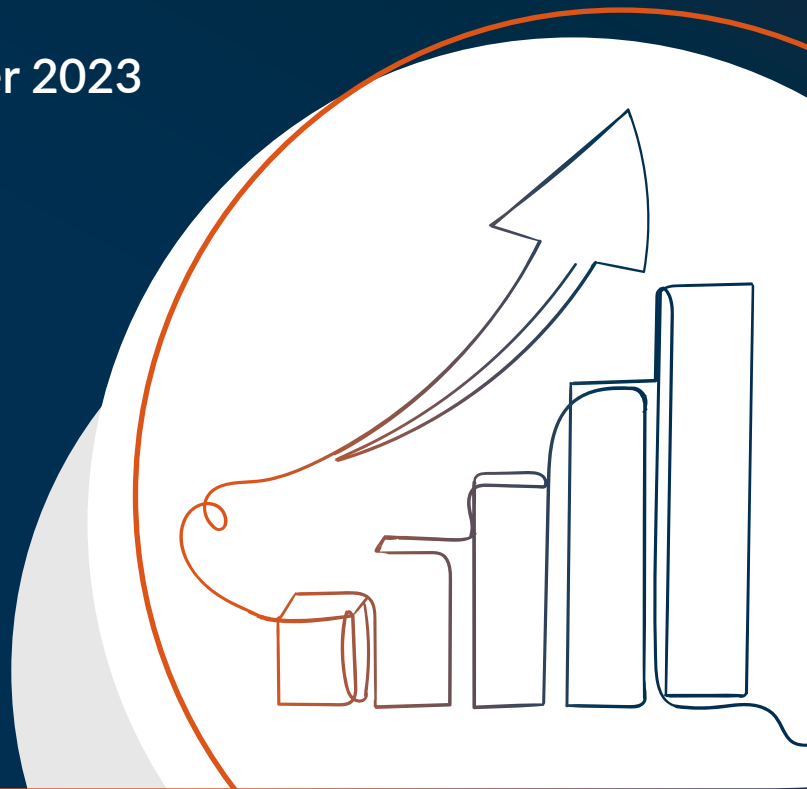


# Personal Injuries Award Values

1st July 2023 - 31st December 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 of 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 lead 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.

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# Executive Summary

This report provides an overview of over 4,000 assessments of compensation made by the Injuries Resolution Board for non-fatal personal injury claims between July and December 2023, along with full-year figures.

## Summary of Key Findings:

### Personal Injury Claim Volumes

- Between July and December 2023, a total of **9,840 claim applications** were submitted to the Injuries Resolution Board, representing a 6% decrease compared to the first half of 2023.
- Compared to the second half of 2022, Motor Liability claim volumes were 7% higher between July and December 2023, while decreases were noted among Public Liability claims (-5%) and Employer Liability claims (-4%).

Overall, for the full year period from January to December 2023, claim volumes remain 35% lower than in 2019. These trends suggest that broader environmental factors may be influencing claim volumes, including the introduction of the Personal Injuries Guidelines in 2021, which significantly reduced compensation values for certain injury types, as well as other recent legislative reforms. As claim volumes continue to remain significantly below the pre-2020 level of over 30,000 claims per year, evidence of the impact of the Guidelines continues to grow.

### Personal Injury Award Values

- During the same period, the **median award value was €12,212**, a 34% decrease from the **median award of €18,422 in 2020**, but an 18% increase compared to 2022.
- Between July and December 2023, the **average award value was €19,361**, representing a 19% decrease from the **pre-Guideline average award of €23,877 in 2020**, but a 25% increase compared to 2022.

The data highlights a significant increase in both the average and median award values in the second half of 2023 compared to 2022 figures. This increase has been driven by a fundamental shift in the profile of cases being assessed by the Injuries Resolution Board. This shift is evident in the number of cases assessed with a value over €50,000, which accounted for 5% of awards in 2022, compared to 9% in the second half of 2023. While this will inflate award statistics for this period, it is a positive development that more severe and high-value injury cases are being assessed through the Injuries Resolution Board's low-cost model, rather than proceeding to litigation.

### Key Factors influencing Award Values:

- In the periods directly following the implementation of the Guidelines (April-December 2021 and 2022), the proportion of awards made for severe/serious injuries remained stable at 2%. In the second half of 2023 however, the proportion of awards related to severe/serious injuries has doubled, accounting for 5% of awards made during this period.






- As detailed in previous reports, the proportion of awards related to psychiatric damage injuries has increased from 5% of awards between April-December 2021 to 12% of awards in the first half of 2023. However, it is notable that the proportion of awards related to psychiatric damage injuries remained stable in the second half of 2023 (12%), with no further increases noted.
- The average Special Damage award of €3,017 in the second half of 2023 represents a 10% increase on 2022 figures. Similarly, the median Special Damages award in the second half of 2023 was 14% higher than the median value in 2022. While both percentage increases outpaced the rate of inflation across the periods, it is important to consider the increasing complexity of cases being assessed.

In the closing half of 2023, we continued to see the highest level of engagement with the Injuries Resolution Board. Overall, in 2023, 71% of respondents to claims agreed to an assessment of compensation being made by the Injuries Resolution Board—the highest rate since the establishment of the Board in 2004. We previously reported that the proportion of awards accepted by both the claimant and respondent(s) increased from 44% in 2022 to 48% in the first half of 2023 and remained stable throughout the remainder of the year.

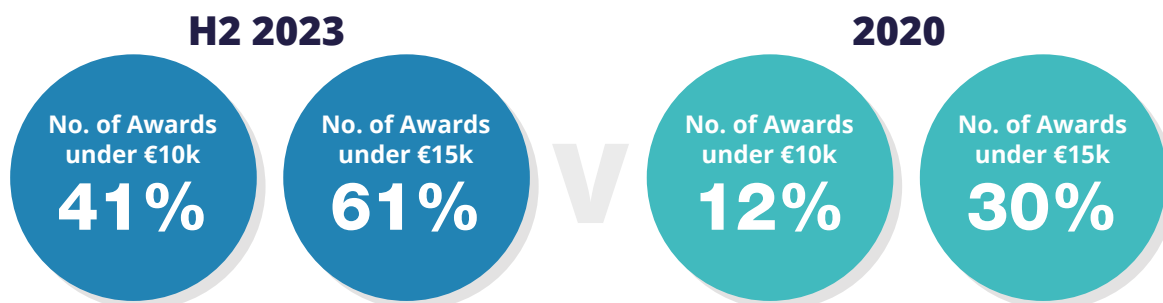
Overall, the findings show that more complex injury cases are being retained and assessed by the Injuries Resolution Board, rather than proceeding to litigation. Therefore, enabling individuals who have sustained serious and life-changing injuries to receive compensation sooner, while significantly reducing litigation fees, to the benefit of all parties.

# Infographic Summary

## Personal Injuries Award Values July - December 2023

Award Category	Median Award Value	% drop in value	Average Award Value	% drop in value
 <b>Motor Liability</b>	€11,250	-37%	€17,064	-23%
 <b>Public Liability</b>	€12,604	-39%	€21,173	-19%
 <b>Employer Liability</b>	€18,030	-23%	€29,094	-5%
<b>Overall award</b>	<b>€12,212</b>	<b>-34%</b>	<b>€19,361</b>	<b>-19%</b>

Lower than 2020 award, assessed under the Book of Quantum




**General Damages:  
H2 2023 v 2020**

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

**-25%**

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



**-41%**

Lower than median General Damages award in 2020

**Consent Rate**

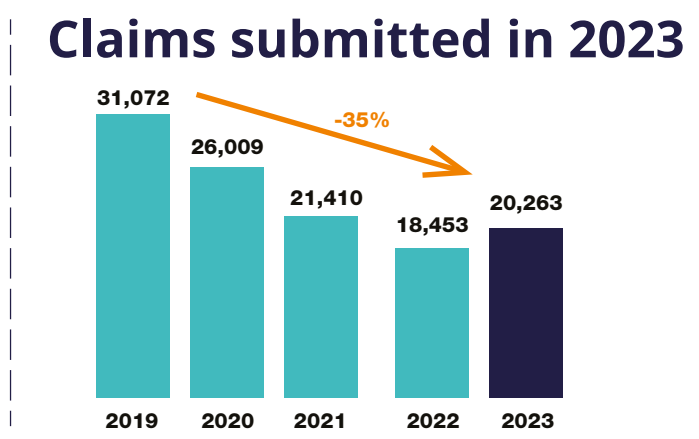
The percentage of Respondents to a claim consenting to an assessment being made in 2023

71%

**Acceptance Rate**

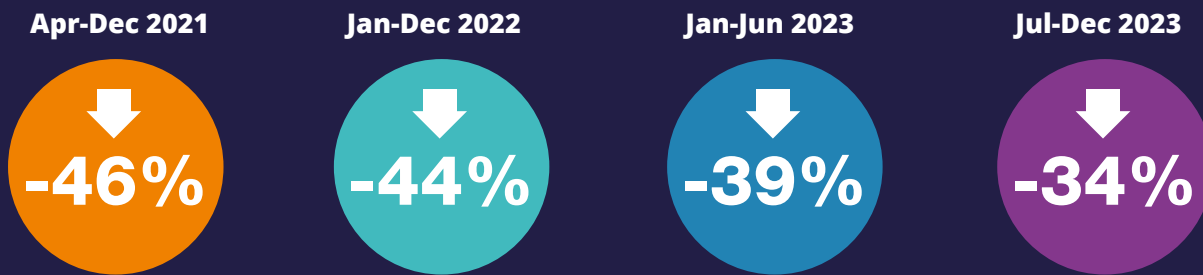
The percentage of assessments accepted by both the Claimant and Respondent

48%



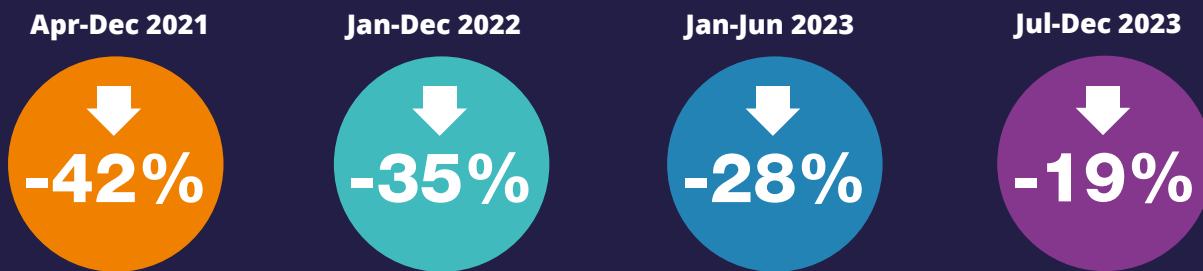
# Trends in Award Values

## Median Award Values



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

## Average Award Values



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

**In the second half of 2023, the percentage of severe/serious injury awards was more than twice that of 2021**

Apr - Dec 2021 Awards



Jul - Dec 2023 Awards



## Average Special Damage Awards



Higher in H2 2023 vs 2020

**€3,017** in H2 2023

**€2,027** in 2020

## Assessments related to Neck/Back Injuries



## Proportion of awards valued at €50,000 or greater





# About this Report

This report provides an overview of over 4,000 assessments of compensation made by the Injuries Resolution Board for personal injury claims between July and December 2023, along with full-year figures for 2023. This report aims to produce timely insights into current personal injury trends and covers the following categories of claims: Motor Liability (road traffic accidents), Employer Liability (workplace accidents), and Public Liability claims.

The report begins by detailing the volume of personal injury claims submitted to the Injuries Resolution Board between July and December 2023, compared to previous years' figures. This comparison highlights the ongoing impact of broader environmental changes, such as the introduction of the Personal Injuries Guidelines and other legislative reforms, on claim volumes.

Following this, we present an overview of median and average award values for the second half of 2023, with comparisons to 2020 figures—the last full-year period in which personal injury awards were made with reference to the Book of Quantum. Further comparisons are drawn with 2022 figures, highlighting the ongoing evolution of the profile of injuries being assessed by the Injuries Resolution Board in 2023.

This report represents the sixth iteration in our Award Value Report Series. For the first time, we present a closer look analysis of acceptance rates based on award bands to provide stakeholders with greater insight into the type of claims most likely to proceed to litigation. By producing timely reports on trends in personal injury compensation at half-yearly intervals, we aim to promote greater awareness of the personal injury assessment process. This includes supporting more individuals who have suffered injuries as a result of an accident to understand how their case will be assessed, including the application of the Guidelines and other factors influencing award values.

Previous reports have documented the significant impact of the Guidelines on award values, with the median award value in the first half of 2023 representing a 39% decrease compared to the median award value in 2020. Data from the first half of 2023 showed that overall, award values had increased compared to 2022, driven by a significant change in the type and severity of injuries presenting for assessment to the Injuries Resolution Board. This report aims to provide further insights into injury trends since the introduction of the Personal Injuries Guidelines in April 2021. Monitoring such trends is crucial, as the type and severity of injuries presenting for assessment will directly impact award values for that period.

Throughout this report, we provide an overview of 4,172 assessments of compensation made by the Injuries Resolution Board in the second half of 2023, excluding fatalities. The findings include an in-depth analysis of award values across periods, alongside a detailed description of the most frequently sustained injuries resulting from road traffic, workplace, and public-setting accidents. It is hoped that this latest addition to the award value report series will continue to promote greater transparency around the personal injury resolution process and support further positive engagement with the Injuries Resolution Board.



## Methodological Notes

**This report comprises data related to 4,172 compensation assessments made by the Injuries Resolution Board between the 1st of July and 31st of December 2023. This analysis excludes fatal cases, which were unaffected by the introduction of the Personal Injuries Guidelines.**

Throughout the report, comparisons are made with figures from 2020, the last full-year period prior to the introduction of the Personal Injuries Guidelines. During this period, assessments of compensation were made with reference to the Book of Quantum.

An analysis of awards based on injury types is included in this report. This analysis focuses on the Dominant/ Most Significant injury, as per the Guidelines, and does not include an analysis of secondary injuries.

Similarly, the analysis of injury severity included in this report is based on the categorisations described in the Guidelines. It includes injuries classified as minor, moderate, and severe/serious. While this encompasses the most common orthopaedic injuries and psychiatric damage injuries, it excludes less frequently occurring injuries for which severity classifications vary. Despite these limitations, the analysis covers 79% of all awards made between July and December 2023, providing important insights into overall trends in personal injury compensation.

# 1

## Trends in Personal Injury Claim Volumes: July - December 2023

Between July and December 2023, a total of 9,840 claim applications were submitted to the Injuries Resolution Board, representing a 6% decrease on the volume of applications submitted in the first half of 2023. This comprised 5,646 Motor Liability claims, 2,234 Public Liability claims, and 1,753 Employer Liability claims and over 200 Garda Compensation claims. In comparison to the second half of 2022, Motor Liability claim volumes were 7% higher in the second half of 2023, while decreases were noted among the volume of Public Liability claims (-5%) and Employer Liability claims (-4%).

Overall, in 2023, a total of 20,263 claims applications were submitted to the Injuries Resolution Board, encompassing 11,587 Motor Liability claims, 4,795 Public Liability claims, 3,666 Employer Liability claims and 215 Garda Compensation Claims. The total claim volume represented a 10% increase on 2022 figures, however, claim volumes remained 35% lower than the volume submitted in 2019.

In 2023, the greatest increase in claim volumes was observed among Motor Liability claims (+14%), while the percentage increase in Public Liability claims (+3%) and Employer Liability claims (+1%) remains marginal in comparison to 2022.

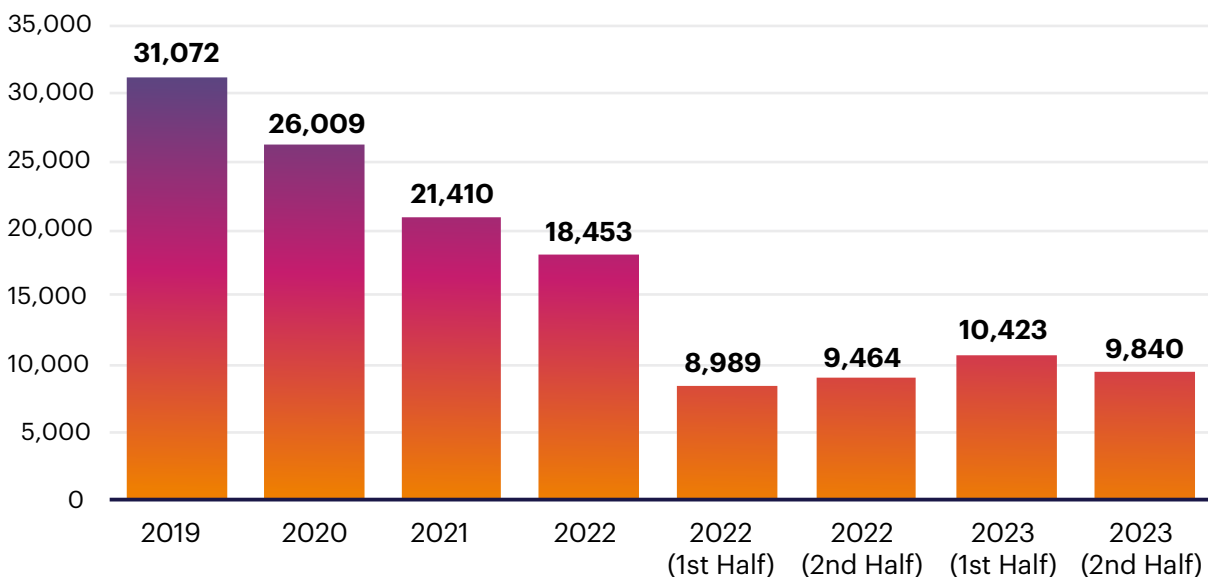
Prior to 2020 and the onset of the Covid-19 pandemic, the volume of claims submitted to the Injuries Resolution Board generally exceeded 30,000 each year. Since then, claim volumes have

significantly reduced. While this reduction can be attributed to the impact of Covid-19 pandemic, which affected road traffic volumes, ways of working, and footfall in public places, claim volumes in 2023 have not returned to pre-pandemic levels.

This suggests that other broader environmental factors may be influencing the trend, including the introduction of the Personal Injuries Guidelines in 2021, which significantly reduced compensation values for certain injury types, as well as other recent legislative reforms. Supporting this, data from 2023 shows claim volumes reduced in the second half of the year in comparison to the first 6 months (-6%).

**Figure 1**

Volume of claims submitted to the Injuries Resolution Board between 2019-2023



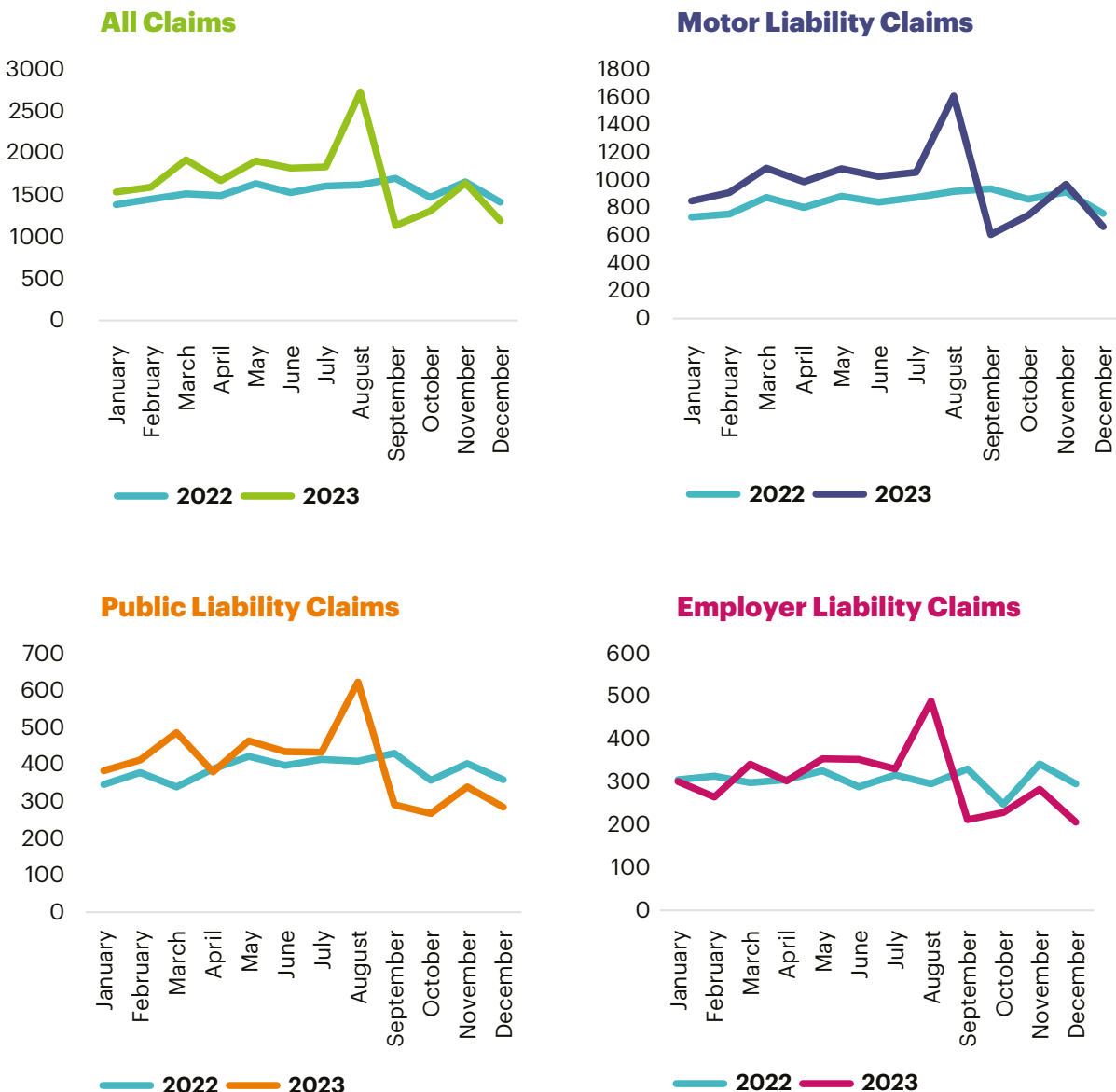
**Figure 2** shows a significant increase in claim application volumes across all categories in August 2023, with over 2,700 claims submitted in this month alone, likely driven by legislative changes. Phase 2 of the Personal Injuries Resolution Board Act 2022 commenced on September 4, 2023. This phase of the legislation introduced anti-fraud measures and new application form requirements, including:

- Claimants must provide their PPSN.
- Claimants must sign the application form to verify the accuracy of the information provided.
- An accompanying medical report is required for the application form to be deemed complete.

The substantial increase in claim volumes in August 2023 likely reflected efforts to submit applications before this phase of legislation commenced. Following this period, and throughout the year-end, claim volumes mostly remained lower than the monthly totals submitted in 2022.

**Figure 2**

The volume of claims submitted to the Injuries Resolution Board between January-December 2023, with comparisons to 2022 figures, overall, and by claim categories.






# 2

## Trends in Award Values between July - December 2023

Between July and December 2023, the Injuries Resolution Board made 4,178 assessments of compensation, a decrease of 5% when compared to the same period in 2022. As shown in Table 1, 70% of awards made in the second half of 2023 were in respect of Motor Liability claims, 17% related to Public Liability and 13% related to Employer Liability claims. Of note, the proportion of Motor Liability awards increased by 5% in comparison to 2022, which can be attributed to the 7% increase in Motor Liability claims in the second half of 2023 in comparison to the same period in 2022.

**Table 1**

Breakdown of assessments of compensation made in the second half of 2023.

	 Motor Liability	 Public Liability	 Employer Liability
Number of Awards in H2 2023	2,916	704	558
% of 2023 awards	70%	17%	13%
% of 2022 awards	65%	20%	15%

### Median and Average Award Values in 2023

Table 2 describes the median and average value of the 4,172 assessments of compensation made by the Injuries Resolution Board between July and December 2023, excluding fatal cases, with comparisons made to award statistics in 2020, the last full-year period prior to the introduction of the Personal Injuries Guidelines.




The median award value is presented in recent reports as it is considered a more robust metric to monitor trends across periods, as this measure is less sensitive to the effect of high-value cases than average award values. Overall, the median award value in the second half of 2023 was €12,212, a reduction of 34% on the median award value in 2020.

This reduction was greatest among Public Liability median awards values (-39%), followed by Motor Liability (-37%) and Employer Liability awards (-23%).

Overall, the average award value of €19,361 in the second half of 2023 represented a reduction of 19% on the pre-Guideline average award, with this decrease greatest among Motor Liability awards (-23%), followed by Public Liability awards (-19%). The average Employer Liability award was just 5% lower in the second half of 2023 than 2020 figures, however the median award value for this claim type was 23% lower than the pre-Guideline figure.

**Table 2**

Breakdown of average and median award values between July and December 2023 v 2020 (excluding fatalities).

	2023 H2 Average	2020 Average	Change (%)	2023 H2 Median	2020 Median	Change (%)
<b>Motor Liability</b> 	€17,064	€22,158	-23%	€11,250	€17,938	-37%
<b>Public Liability</b> 	€21,173	€26,000	-19%	€12,604	€20,645	-39%
<b>Employer Liability</b> 	€29,094	€30,576	-5%	€18,030	€23,447	-23%
<b>Overall</b>	<b>€19,361</b>	<b>€23,877</b>	<b>-19%</b>	<b>€12,212</b>	<b>€18,422</b>	<b>-34%</b>

### The influence of high-value cases on award statistics




Given that Table 2 identified that the average Employer Liability award in the second half of 2023 was just 5% lower than the pre-Guideline average award value in 2020, this analysis, detailed below, aimed to explore whether the distribution of award values for specific claim categories was similar across both years.

As shown in Table 3, the introduction of the Guidelines significantly shifted the distribution of award values towards lower value bands. For example, while the average Employer Liability award in the second half of 2023 was similar to the average value in 2020, the distribution of awards is markedly different. In 2020, only 10% of Employer Liability awards were valued under €10,000, compared to 26% in the second half of 2023. Although the proportion of awards valued between €15,000 and €50,000 has shifted to lower value bands due to the Guidelines, the proportion of cases valued over €50,000 has increased from 15% in 2020 to 18% in the second half of 2023. This greater proportion of higher-value Employer Liability cases has influenced award statistics for this claim category.




The most pronounced impact of the Guidelines can be seen among Motor Liability cases. In 2020, just 2% of cases were valued under €5,000, compared to 21% in the second half of 2023. Similarly, the data shows that the percentage of Motor Liability cases valued under €15,000 has doubled, from 30% in 2020 to 65% in the second half of 2023. While the proportion of Public Liability cases valued over €50,000 remains unchanged, there has been a clear shift towards lower value award bands overall. In 2020, only 5% of Public Liability awards were valued under €5,000, compared to 19% in the second half of 2023.

**Table 3**

Range of Total Award Values between July and December 2023, compared to 2020, broken down by claim categories.

H2 2023 Awards	<€5k	€5k-10k	€10k-15k	€15k-20k	€20k-25k	€25k-50k	≥€50k
<b>% of Employer Liability Awards</b> 	8%	18%	16%	13%	6%	21%	18%
<b>% of Motor Liability Awards</b> 	21%	22%	22%	12%	8%	9%	6%
<b>% of Public Liability Awards</b> 	19%	23%	15%	11%	5%	15%	12%

2020 Awards	<€5k	€5k-10k	€10k-15k	€15k-20k	€20k-25k	€25k-50k	≥€50k
<b>% of Employer Liability Awards</b> 	2%	8%	13%	17%	13%	32%	15%
<b>% of Motor Liability Awards</b> 	2%	8%	20%	31%	14%	20%	5%
<b>% of Public Liability Awards</b> 	5%	10%	14%	17%	12%	30%	12%

**Table 4** presents the average and median values of awards made by the Injuries Resolution Board between July and December 2023. These figures are compared to award statistics from 2022, the first full year period following the introduction of the Guidelines in April 2021.




The data indicates that both average and median values increased in the second half of 2023 compared to 2022. Overall, average award values increased by 25%, with the most significant increase observed in Employer Liability awards (+29%).

This was followed by equal increases in Motor Liability and Public Liability awards, both at +26%.

Although median award values also showed an increase in the second half of 2023, this increase was less pronounced at +18%. The highest increase in median award values was noted among Employer Liability awards (+26%), followed by Public Liability awards (+24%) and Motor Liability awards (+14%).

**Table 4**




Breakdown of average and median award values between July and December 2023 v 2022 (excluding fatalities).

	2023 H2 Average	2022 Average	Change (%)	2023 H2 Median	2022 Median	Change (%)
<b>Motor Liability</b> 	€17,064	€13,593	+26%	€11,250	€9,842	+14%
<b>Public Liability</b> 	€21,173	€16,833	+26%	€12,604	€10,200	+24%
<b>Employer Liability</b> 	€29,094	€22,545	+29%	€18,030	€14,366	+26%
<b>Overall</b>	€19,361	€15,544	+25%	€12,212	€10,336	+18%

To further explore the impact of high-value cases on average award values, cases valued over €50,000 were excluded from the analysis. As shown in **Table 5**, this analysis found that the average award, when high-value cases are removed, was €13,834 in the first half of 2023, compared to €12,048 in 2022, representing a 15% increase. However, this is a reduction from the 25% increase in average award values when high-value cases are included. Analysis of this trend across the claim categories provides further evidence of the impact of high-value cases, with the previously noted 29% increase in Employer Liability awards reducing to just 12% when these cases are removed.

**Table 5**

Breakdown of Average Award Values (Excluding cases >€50k).




Cases under €50k	 Motor Liability	 Public Liability	 Employer Liability	Overall
Average Award Jul-Dec 2023	€12,596	€13,884	€17,438	€13,834
Average Award 2022	€11,157	€12,633	€15,506	€12,048
% change in value	+13%	+10%	+12%	+15%

**Table 6** provides a comparison of average and median award values between the full-year periods of 2023 and 2022, excluding fatalities. Overall, the average award value in 2023 was €18,215, a decrease of 24% on the average award value of €23,877 in 2020, while the median award value of €11,602 in 2023, represented a 37% reduction on the 2020 median award of €18,422.

Comparisons of median award values in 2020 v 2023 show the greatest reduction among Motor Liability awards (-41%), reducing from a median value of €17,938 in 2020 to €10,661 in 2023. This was followed by Public Liability awards, reducing by 40%, from €20,645 in 2020 to €12,414 in 2023, and Employer Liability awards, which decreased by 30%, from €23,447 to €16,498. It is important to note that while the decrease in average award values in 2023 v 2020 is less pronounced than the reduction among median values, the average value of Motor Liability awards decreased by -18%, Public Liability awards by -22% and Employer Liability awards by -14%. Later in this report we will identify factors influencing average and median award values.

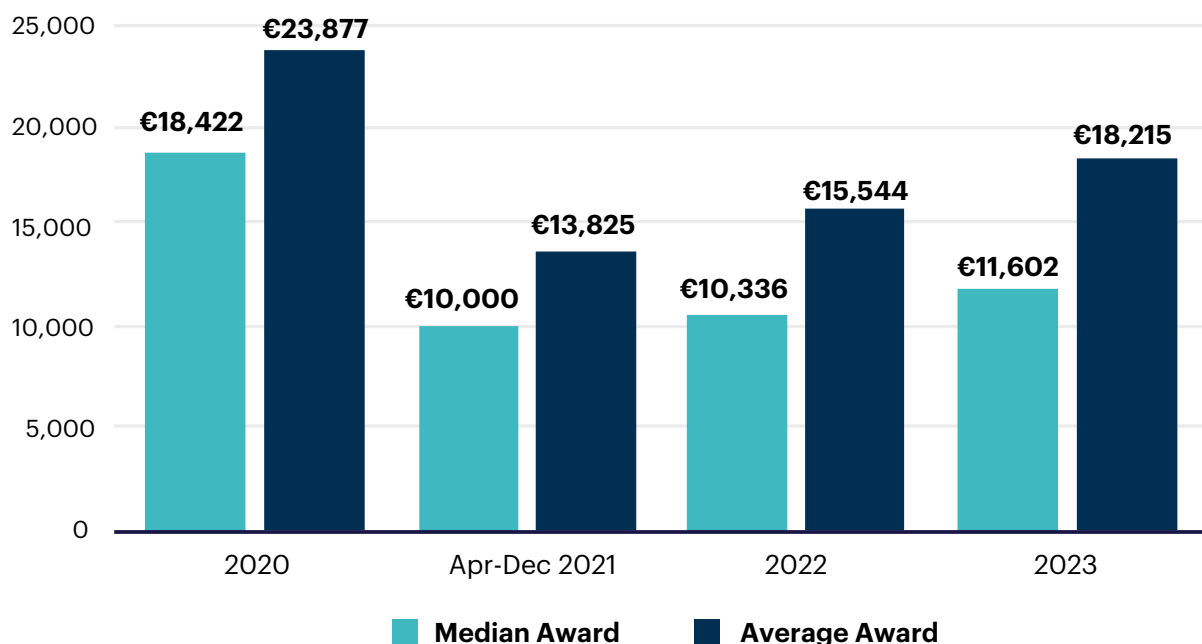
**Table 6**

Breakdown of average and median award values between the full-year periods 2023 v 2020 (excluding fatalities).

	2023 Average	2020 Average	Change (%)	2023 Median	2020 Median	Change (%)
<b>Motor Liability</b> 	€15,950	€22,158	-28%	€10,661	€17,938	-41%
<b>Public Liability</b> 	€20,396	€26,000	-22%	€12,414	€20,645	-40%
<b>Employer Liability</b> 	€26,439	€30,576	-14%	€16,498	€23,447	-30%
<b>Overall</b>	€18,215	€23,877	-24%	€11,602	€18,422	-37%

**Figure 3**

Median and Average Award Values across previous periods (2020 - 2023).



As shown in Figure 3, while personal injury compensation significantly reduced in April-December 2021, as a result of the implementation of the Guidelines (-42%), average and median award values have increased in subsequent periods. The increase is most pronounced for average award values, with the 2023 average award of €18,215 reflecting a 17% increase on the average award value in 2022. In contrast, median award values have seen a more modest increase of 12% over the same period.

Since award values are directly influenced by the profile of cases assessed within a given period, the changes in average and median award values in 2023 suggest a shift in this profile. Therefore, a detailed analysis of all factors that could potentially influence award statistics across the periods was conducted, with the findings described throughout this report.

### Range of award values

Previous analyses of award values within this research series have highlighted the impact of high-value cases on award statistics over different periods. Initially, following the implementation of the Guidelines, high-value cases were defined as those valued at €100,000 or more. However, in subsequent periods, there has been a notable increase in the proportion of cases valued at €50,000 or more. The number of such cases assessed within a given period has the potential to skew average award statistics.

In the second half of 2023, the Injuries Resolution Board assessed 78 cases valued at over €100,000.

This is a significant increase compared to 28 cases in the first half of 2023, 45 cases in the first half of 2022, and 42 cases in the second half of 2022. The higher proportion of high-value cases in the second half of 2023 has influenced the average award value statistics for this period. However, the median award value, which is less sensitive to high-value cases, has not been affected to the same extent. This explains the observed differences between the average and median award values in the second half of 2023.

As shown in **Table 7**, when comparing assessments of compensation made between July to December 2023 with the period immediately following the introduction of the Guidelines (April to December 2021), the proportion of awards valued at €50,000 or more has more than doubled. In the second half of 2023, nearly one in every ten assessments were valued at €50,000 or more, compared to one in twenty assessments in 2022. This is a significant finding, as the increase in higher-value cases assessed impacts both average and median award values across these periods.

Despite the rising proportion of high-value cases, the majority of awards assessed by the Injuries Resolution Board in the second half of 2023 were valued under €15,000 (61%). This contrasts with just 30% of awards made in 2020 under the Book of Quantum. Similarly, in 2020, only 12% of cases were assessed at under €10,000, compared to 41% of cases in the second half of 2023.



**Table 7**

Range of Total Award Values between January and June 2023, compared to 2022 and 2020 figures.

Award value band	<€5k	€5k-10k	€10k-15k	€15-20k	€20k-25k	€25k-50k	≥€50k
% of July-Dec 2023 Awards	19%	22%	20%	12%	7%	11%	9%
% of 2023 Awards	20%	22%	20%	12%	7%	11%	8%
% of 2022 Awards	23%	24%	20%	12%	6%	10%	5%
% of Apr-Dec 2021 Awards	20%	29%	23%	11%	5%	8%	4%
Award value category	<€10k		€10k-15k	€15k-20k	≥€20k		
% of 2020 Awards	12%		18%	26%	44%		




### Highest and lowest awards overall and by claim category

**Table 8** describes the highest and lowest value awards made by the Injuries Resolution Board in the second half of 2023, with comparisons to 2022 figures. The highest value award made between July and December 2023 was valued at over €600,000 and related to a serious workplace accident in which the worker sustained serious and lifechanging injuries.

Special Damages comprised a large component of the award due to the loss of earnings experienced by the injured party as a result of the accident. The highest value Motor Liability award during this period was valued at €294,000 and related to a motor vehicle collision in which the Claimant sustained multiple injuries. In this case, a large component of the award related to hospital charges. The highest value Public Liability award was €185,000 and related to an accident in which the Claimant fell from a height and sustained serious multiple injuries.

**Table 8**

Highest and Lowest Awards in Jul-Dec 2023 and compared to 2022.

Award category	 Motor Liability	 Public Liability	 Employer Liability	Overall
Highest award Jul-Dec 2023	€294,748	€185,507	€637,352	€637,352
Highest award 2022	€655,678	€364,100	€484,998	€655,678
Lowest award Jan-Jun 2023	€0	€500	€1,000	€0
Lowest award 2022	€0	€0	€725	€0

# 3

## General Damages and Special Damages




Personal injury awards consist of two distinct components: **General Damages**, which provide compensation for pain and suffering, and **Special Damages**, which cover financial losses. **Special Damages** reflect direct costs to claimants, including current and future loss of earnings, vehicle repair costs, treatment costs, and other vouched expenses incurred by the claimant as a result of an accident. The introduction of the new **Personal Injuries Guidelines** pertains solely to the award levels for **General Damages**.

As shown in **Table 9**, the Guidelines continue to significantly impact the average and median values of compensation for General Damages in 2023. Between July and December 2023, the average General Damages award was €16,344 a reduction of 25% on the average General Damages award in 2020. The median award values highlight the sustained impact of the Guidelines, with the median General Damage award of €10,000 in the second half of 2023 representing a 41% decrease on 2020 figures.

Based on median award values, the greatest decrease was among Public Liability claims (-40%), followed by Motor Liability (-38%) and Employer Liability awards (-25%). While analysis of average award values found more modest decreases, there is a need to consider the changes in both injury type and severity across claim categories during this period.

**Table 9**




Breakdown of Average and Median General Damage Awards between Jul-Dec 2023 v 2020.

	 Motor Liability	 Public Liability	 Employer Liability	Overall
Average General Damages Jul-Dec 2023	€14,396	€19,386	€22,696	€16,344
Average General Damages 2020	€20,249	€24,625	€27,051	€21,850
% change in value	-29%	-21%	-16%	-25%
Median General Damages Jul-Dec 2023	€10,000	€12,000	€15,000	€10,000
Median General Damages 2020	€16,000	€20,000	€20,000	€17,000
% change in value	-38%	-40%	-25%	-41%

**Table 10** describes the average and median General Damages awards in the second half of 2023, compared to 2022 figures. Overall, the average General Damages award of €16,344 in the second half of 2023 represented a 28% increase from the average value in 2022. This increase was less pronounced for the median General Damages award, which increased by 11% during the same period. The largest increase in General Damages awards was noted for Employer Liability awards, where the average award value increased by 35% and the median award value increased by 25% assessed in the first half of 2023 are described later in the report, with some notable changes identified.

**Table 10**




Breakdown of General Damages in July-Dec 2023 v 2022.

	 Motor Liability	 Public Liability	 Employer Liability	Overall
Average General Damages Jul-Dec 2023	€14,396	€19,386	€22,696	€16,344
Average General Damages 2022	€11,291	€14,849	€16,788	€12,804
% change in value	+27%	+31%	+35%	+28%
Median General Damage Award Jul-Dec 2023	€10,000	€12,000	€15,000	€10,000
Median General Damage Award 2022	€9,000	€10,000	€12,000	€9,000
% change in value	+11%	+20%	+25%	+11%

As discussed in previous reports, Special Damage awards have increased significantly across previous periods, driven by inflation affecting common types of expenditure associated with accidents, such as medical treatments, vehicle repairs, and loss of earnings claims. As shown in **Table 11**, overall, in the second half of 2023, the average Special Damages award was 49% higher compared to 2020 figures. The Special Damages component of compensation is particularly sensitive to high-value cases, as evidenced by the smaller increase of just 14% in the median Special Damages award during the same period. Employer Liability awards noted the greatest increases in both the average and median Special Damages awards in the second half of 2023 versus 2020, increasing by 82% and 52%, respectively. This is largely due to higher loss of earnings claims among this accident type compared to other claim categories.

**Table 11**




Breakdown of Special Damages in Jul-Dec 2023 v 2020.

	 Motor Liability	 Public Liability	 Employer Liability	Overall
Average Special Damages Jul-Dec 2023	€2,668	€1,786	€6,399	€3,017
Average Special Damages 2020	€1,909	€1,375	€3,524	€2,027
% change in value	+40%	+30%	+82%	+49%
Median Special Damages Jul-Dec 2023	€856	€388	€1,195	€776
Median Special Damages 2020	€760	€330	€788	€681
% change in value	+13%	+18%	+52%	+14%

**Table 12** describes the average and median Special Damages awards in the second half of 2023, compared to 2022 figures. Overall, the average Special Damages award in the latter half of 2023 was 10% higher than in 2022, and the median value was 14% higher compared to 2022 figures. Notably, the Consumer Price Index (CPI) rose by 4.6% between December 2022 and December 2023<sup>1</sup>, with continued inflation affecting many components of Special Damage claims, including increased costs of vehicle repairs, wage inflation affecting loss of earnings claims, and the rising cost of medical treatments. It is important to note that this award component often constitutes a small percentage of the overall award compared to the General Damages element. It is also important to consider the increased severity of injuries assessed by the Injuries Resolution Board across this period, as more severe injuries are associated with longer duration of absence from work and thus higher loss of earning claims, in addition to higher treatment costs, all of which contribute to higher Special Damages awards.

**Table 12**

Breakdown of Special Damages in 2023 H1 vs 2022.

	 <b>Motor Liability</b>	 <b>Public Liability</b>	 <b>Employer Liability</b>	<b>Overall</b>
<b>Average Special Damages Jul-Dec 2023</b>	€2,668	€1,786	€6,399	€3,017
<b>Average Special Damages 2022</b>	€2,302	€1,984	€5,757	€2,740
<b>% change in value</b>	+16%	-10%	+11%	+10%
<b>Median Special Damages Jul-Dec 2023</b>	€856	€388	€1,195	€776
<b>Median Special Damages 2022</b>	€756	€328	€1,000	€680
<b>% change in value</b>	+13%	+18%	+20%	+14%

1 Consumer Price Index December 2023 - Central Statistics Office.

# 4

## Injury Analysis

**Award value statistics are determined by the profile and severity of injuries assessed. Any changes in the type or severity of injuries presenting for assessment to the Injuries Resolution Board will, in turn, impact the compensation awarded for each claim. When the Guidelines were introduced in April 2021, they significantly reduced the compensation for soft tissue injuries, such as minor severity neck and back injuries, which are often sustained in minor road traffic accidents and previously accounted for close to half of all claims assessed by the Injuries Resolution Board. For some other injury types, the compensation value either increased or remained unchanged with the introduction of the Guidelines.**

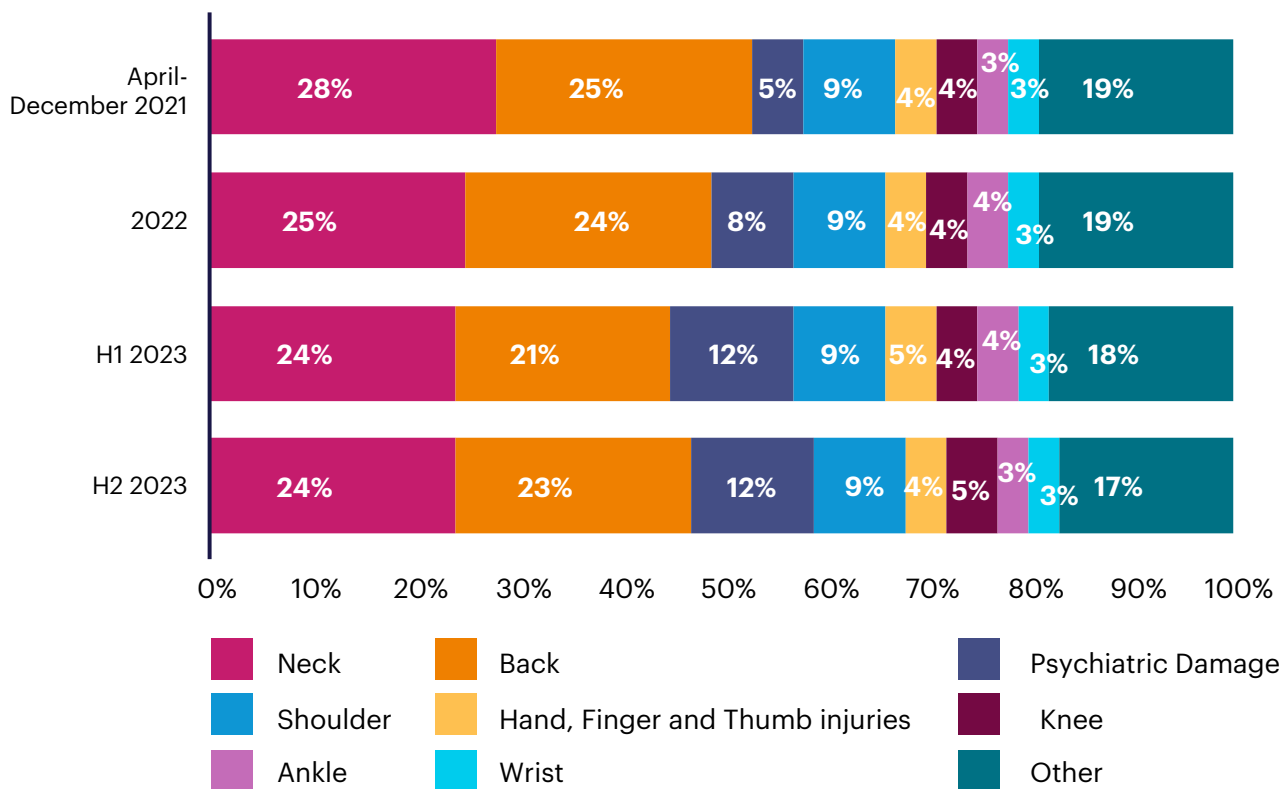
The Guidelines provided detailed information on the range of compensation that should be awarded for the most commonly sustained injury types with further details on compensation award brackets provided based on the severity of the injury sustained. As per the Guidelines, in assessing the appropriate level of compensation, the Injuries Resolution Board has regard to the Dominant/ Most Significant injury sustained, with further uplifts in the value of compensation provided in cases with multiple injuries. The following section, detailing the most common types of injuries sustained, focusses on the Dominant/ Most Significant injury only.

In recent periods, there has been a noticeable shift in the profile of injuries assessed by the Injuries Resolution Board. As shown in Figure 4, in the period directly following the introduction of the Guidelines (April-December 2021), a majority of awards (53%) made by the Injuries Resolution Board related to neck and back injuries. In subsequent periods, the proportion of awards related to neck and back injuries has decreased, accounting for 45% of awards in the first half of 2023 and 47% of awards in the second half of the year.

This reduction in neck and back injuries awards has coincided with an increase in awards related to Psychiatric Damage injuries. Between April-December 2021, 5% of awards related to cases in which the Dominant/Most Significant injury involved Psychiatric Damage. This increased to 8% of awards in 2022 and 12% of awards in both halves of 2023. In real terms, this means that awards for psychiatric damage injuries increased from 1 in every 20 assessments in 2021 to 1 in every 8 assessments in 2023. It is of note that the percentage of awards related to Psychiatric Damage injuries did not increase further in the second half of 2023, remaining steady throughout the year.

**Figure 4**

Most common Dominant/ Most Significant Injury Types for awards made under the Guidelines in 2023, 2022 and April-December 2021.



**Table 13**

Most common Dominant/ Most Significant Injury Types based on Claim Category in H2 2023.

Motor Liability	Employer Liability	Public Liability
Neck (32%)	Hand, finger and thumb injuries (18%)	Ankle (11%)
Back (28%)	Back (16%)	Back (10%)
Psychiatric Damage (14%)	Shoulder (8%)	Shoulder (10%)
Shoulder (9%)	Knee (7%)	Knee (10%)
Knee (3%)	Psychiatric Damage (7%)	Wrist (8%)

**Motor Liability Awards**

In the second half of 2023, neck and back injuries made up the majority of Motor Liability awards, at 32% and 28% respectively, consistent with the first half of the year. Psychiatric damage awards remained stable at 14%, while shoulder and knee injury awards also remained unchanged.

**Employer Liability Awards**

Hand, finger, and thumb injuries were the most common injury among Employer Liability awards in the second half of 2023 (18%). Back injuries followed at 16%, with shoulder and knee injuries at 8% and 7%, respectively.

Psychiatric damage awards decreased from 10% in the first half of 2023 to 7% in the second half of the year.

**Public Liability Awards**

The most common injury types remained consistent throughout 2023. Orthopaedic injuries, commonly sustained in fall-related accidents, were the most frequent, with ankle injuries accounting for 11% of awards in the second half of the year.

## The Severity Profile of Injuries Assessed in 2023

A key factor impacting award value statistics is the severity of injuries assessed within a given period. While it is challenging to monitor changes in severity across all injury types due to categorisation differences in the Guidelines, it is possible to examine the proportion of injuries classified as minor, moderate, or serious/severe for the seven most common injury types. These include ankle, back, knee, neck, psychiatric damage, shoulder, and wrist injuries, which accounted for 79% of all awards made in the second half of 2023.

The Guidelines established appropriate compensation ranges for common personal injury types, with higher award ranges corresponding to more severe injuries. For instance, minor severity orthopaedic injuries typically involve soft tissue injuries with substantial recovery within a maximum of five years. Moderate severity orthopaedic injuries often involve fractures causing significant pain and discomfort. Severe and serious orthopaedic injuries encompass those causing severe pain and discomfort, potentially leading to impairments in the ability to complete tasks independently.

As per the Guidelines, several considerations are taken into account when determining the severity of an injury sustained by a Claimant, including the extent of required treatments and the expected prognosis. Therefore, any changes in the severity of injuries assessed will impact the overall average and median award values for that period.

This sub-analysis aims to provide greater insights into how personal injuries have evolved since the introduction of the Guidelines in April 2021.

As shown in Table 14, the proportion of awards made by the Injuries Resolution Board for minor severity injuries has steadily decreased since 2021. In the period directly following the introduction of the Guidelines (April-December 2021), 86% of awards made among the most common injury types related to cases where the dominant/most significant injury was of minor severity, falling within the lower value award ranges. Since then, the proportion of minor severity injuries has decreased to 76% of awards in the second half of 2023. Concurrently, the proportion of awards for moderate or severe/serious severity injuries has increased, now accounting for 24% of awards in the second half of 2023, compared to 15% between April-December 2021. Notably, the proportion of awards for severe and/or serious injuries in the second half of 2023 (5%) is now more than double the percentage noted in 2021 (2%). This corresponds to the growing number of assessments of compensation made by the Injuries Resolution Board valued at €50,000 or greater.

As per the Guidelines, greater severity injuries attract higher levels of compensation relative to the pain and suffering experienced by the claimant as a result of an accident. Any change in the severity of injuries assessed within a given period will directly impact award statistics. This is important to note when comparing award values across settlement channels, which are directly influenced by the type and severity of injuries assessed.

**Table 14**

The severity classification of the most common injury types assessed between 2023-2021\*.

Injury Severity	Minor Severity	Moderate Severity	Severe/ Serious
H2 2023	76%	19%	5%
H1 2023	80%	18%	3%
2022	82%	16%	2%
Apr-Dec 2021	86%	13%	2%

\*Values may not sum to 100% due to rounding.

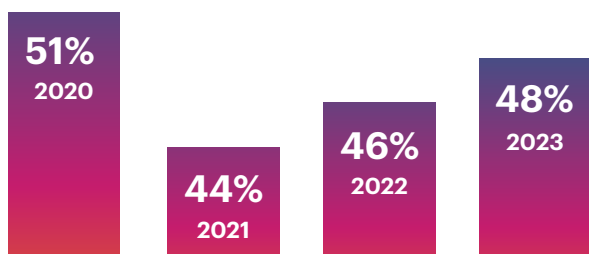


# 5

## Acceptance Rates in 2023

When an assessment of compensation is issued to each party, the Claimant has 28 days to indicate whether they accept or reject the award, while the Respondent(s)/insurer has 21 days to respond. If both parties accept the award, the Injuries Resolution Board issues an Order to Pay, instructing the Respondent(s) to pay the Claimant the awarded amount. If the award is rejected, the Injuries Resolution Board releases the case, allowing the Claimant to pursue litigation if they choose.

### Acceptance Rate



In 2023, the acceptance rate of awards by both the Claimant and Respondent reached its highest level since the introduction of the Guidelines. The overall acceptance rate in 2023 was 48%, up from 44% in 2022. This acceptance rate remained steady at 48% in the second half of 2023 and highest at 49% in November 2023.

Following the recent Supreme Court judgment in April 2024, which upheld the Personal Injuries Guidelines as legally binding and constitutional, it is anticipated that acceptance rates will continue to rise. Increased transparency around personal injury compensation and the release of supporting data, as demonstrated by this report, are also expected to contribute to higher acceptance rates.

### Acceptances Rates by Award Band

For the first time, we present a comprehensive analysis of assessments of compensation made by the Injuries Resolution Board in 2023, which were accepted by both the Claimant and Respondent(s).

This is intended to give a more detailed insight into assessments of compensation which are more likely to proceed to litigation.

Between July and December 2023, over 2,000 compensation assessments made by the Injuries Resolution Board were accepted by both the Claimant and Respondent. **Table 15** describes the percentage of awards that were accepted by both parties based on award bands. The data highlights the lowest acceptance rates among lower award bands, with only 35% of awards valued under €5,000 accepted by both Claimants and Respondents.

The data indicates that, generally, as award values increase, the acceptance rate also increases. This trend likely reflects the impact of the Guidelines, which aimed to align compensation values for minor severity injuries with international norms. The Guidelines significantly reduced compensation values for minor severity injuries, such as soft-tissue neck and back injuries, which now commonly fall within the <€5,000 compensation range. It is therefore imperative to maintain consistency in the assessment of such injuries across the settlement channels, ensuring that a greater number of claimants and respondents resolve cases within the Injuries Resolution Board's non-adversarial process. Overall, the data highlights the potential for the Injuries Resolution Board's mediation and assessment services to successfully resolve cases across all award bands, thereby reducing the number of cases proceeding to litigation.

**Table 15**

Percentage of awards accepted by both the Claimant and Respondent(s) based on award band between July and December 2023.

H2 2023 Awards	<€5k	€5k-10k	€10k-15k	€15-20k	€20k-25k	€25k-50k	≥€50k
Acceptance Rate (%)	35%	43%	52%	55%	50%	58%	55%



# 6

## Conclusion – Trends in Claim Volumes and Award Values in 2023

### Claim Volumes

The volume of personal injury claims submitted to the Injuries Resolution Board between July and December 2023 totalled 9,840, marking a 6% decrease compared to the first half of the year. Despite this decline, Motor Liability claim volumes saw a 7% increase compared to the second half of 2022, while Public Liability and Employer Liability claims decreased by 5% and 4%, respectively. Overall, claim volumes for the full year of 2023 remain 35% lower than in 2019, suggesting that broader environmental factors, including the introduction of the Personal Injuries Guidelines in 2021 and other legislative reforms, continue to impact claim volumes.

### Trends in Award Values

The average award value between July and December 2023 was €19,361, a 19% decrease from the pre-Guideline average of €23,877 in 2020, but a 25% increase compared to 2022. Similarly, the median award value for the same period was €12,212, a 34% decrease from the median award of €18,422 in 2020, but an 18% increase compared to 2022.

This increase in both average and median award values in the second half of 2023 compared to 2022 is driven by a shift in the injury profile of claims, with more high-value and serious injury cases being assessed by the Injuries Resolution Board. Notably, the number of cases assessed with a value over €50,000 accounted for 5% of awards in 2022, compared to 9% in the second half of 2023. Although this has impacted average and median award values during this period, this trend is a positive development, indicating that more severe and high-value injury cases are being resolved through the Injuries Resolution Board's low-cost model, rather than proceeding to litigation.

### Factors influencing Award Values

In the periods directly following the implementation of the Guidelines (April-December 2021 and 2022), the proportion of awards for severe/serious injuries remained stable at 2% across both periods. In the second half of 2023, however, severe/serious injuries accounted for 5% of awards made, more than double the proportion noted in previous years.

The proportion of awards related to psychiatric damage injuries has increased from 5% of awards between April-December 2021 to 12% of awards in 2023. However, it is notable that the proportion of awards related to psychiatric damage injuries remained stable in the second half of 2023 (12%), with no further increases noted.

The average Special Damage award of €3,017 in the second half of 2023 represents a 10% increase on 2022 figures. Similarly, the median Special Damages award in the second half of 2023 was 14% higher than the median value in 2022, with both increases outpacing the rate of inflation across the periods.

## Conclusion

This report underscores the importance of conducting detailed analyses of personal injury compensation to fully understand the factors influencing award values. In recent periods, the commencement of legislative reforms and other key changes in the personal injury landscape have provided important context when interpreting the trends detailed across our award values series.

For example, the average value of Employer Liability awards in the second half of 2023 was just 5% lower than the average award value in 2020, when assessments were made with reference to the Book of Quantum. However, a closer examination of the distribution of Employer Liability awards found that in 2020, only 23% of awards were valued under €15,000, in contrast to 42% of Employer Liability awards in the second half of 2023.

The trends identified in this report highlight the need for more detailed data on personal injury compensation across the settlement channels, including information on the type and severity of injuries featuring in claims, and the spread of award values. The availability of such data will be crucial to ensuring the comparability of award value statistics across the settlement channels and will promote greater awareness of the factors influencing such trends.

By providing detailed insights into claim volumes, award values, and acceptance rates, this research aims to foster a more informed understanding of the personal injury assessment process. The research hopes to ensure that all stakeholders, including claimants and respondents, can navigate the system with greater confidence, knowing that the process is fair, and guided by expertise. This increased transparency is expected to enhance public trust and further increase the positive engagement the Injuries Resolution Board experienced throughout 2023.

# 7

# Statistical Background Notes

Supplemental Figure A provides a graphical illustration of the distribution of award values, the spread of the value of assessments of compensation between high and low values, between 2020 and 2023. The figure provides a count of the number of assessments of compensation made based on each award band, ranging from €0 to >€50,000 in €5,000 increments. This figure clearly shows that the introduction of the Guidelines in April 2021 significantly altered the value and distribution of personal injury compensation.

While awards made in 2020, under the Book of Quantum, were positively skewed, the overall distribution of awards generally followed a pattern similar to a bell curve. Following the introduction of the Guidelines, between April and December 2021, the distribution of awards shifted downward, with the €5,000-€10,000 award band being the most common.

Similarly, in 2023, this award band remains the most common overall. The volume of awards valued at €50,000 or greater, however, has increased significantly, contributing to increased award statistics and underlining the need to include both average and median award values.

## Supplemental Figure A

The distribution of total award values, excluding fatal cases, between 2020 and 2023, based on award bands.



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