



CLAIMANT GUIDE

Your Guide to making a claim through the Injuries Resolution Board

This leaflet provides information for someone who has been injured and is considering making a claim for compensation. It gives details of our **Assessment** and **Mediation services**.

Who are we?

The Injuries Resolution Board, formerly known as the Personal Injuries Assessment Board, is Ireland's independent State body which fairly and impartially resolves personal injuries claims. We can do this through either mediation and/or assessment of your claim. Our goal is to support the fair resolution of claims for compensation without the need to bring legal proceedings. Our service does not involve hearings and is quick and easy to use. We also use the same Guidelines as the Courts to assess compensation.

The Benefits of using the Injuries Resolution Board include:

- + No court hearings
- + Faster resolution times
- + Less stressful
- + Less costs associated with taking a claim

We handle compensation claims for:

- + Motor injuries
- + Workplace injuries (employer liability)
- + Public liability injuries (accidents that happened in a public place)
- + Garda Compensation

All personal injury claims must come through the Injuries Resolution Board unless the claim has been settled at an early stage with the other side or the insurer directly.

How Do I Make a Claim?

You must complete an application. You need to send us:

- + A completed Application Form (either online through our website or via the post), which you can find on our website at www.injuries.ie
- + A completed Medical Report from the doctor who treated you for the injuries incurred in the accident/incident.
- + Application fee of €45 for an online application or €90 for an application through the post. You can pay this online or send a cheque.

You can submit your claim yourself directly to the Injuries Resolution Board. Our process is designed to be easy to use by all and we have a customer service team ready to help you with any questions or queries you might have on the application or process. In filling in the Application Form, you will have the opportunity to opt to use our mediation service.

All claim applications are automatically included for consideration for our assessment service. You can opt in to mediation by ticking the relevant box at question 7 on the claim form. There is no additional fee for this service. Further information on both Mediation and Assessment and how they work is available below.

What Happens Next?

When we get your completed application forms, medical report, and fee, we will write to the person you are holding responsible for your accident and/or their insurers and give them details of your claim. If the person or organisation your claim is made against agrees, our mediation and/or assessment service will be offered to resolve your claim.

The person you hold responsible for your injuries and against whom you are bringing a claim is called the Respondent. They have 90 days to consent to Injuries Resolution Board dealing with your claim. If the Respondent agrees to us dealing with your claim, we will proceed with either assessment or mediation dependent on the preferences if all involved. If they do not agree to either assessment or mediation, we will give you a legal document called an 'Authorisation' which enables you to take the matter to court if you wish.

What does the Injuries Resolution Board Mediation process involve?

Mediation is a voluntary and confidential process. It is a fast, flexible and non-adversarial way to resolve a claim. It allows those involved in a claim to discuss their case thoroughly with our independent, and trained mediators who will facilitate a resolution using their experience and knowledge of personal injuries. Unlike our assessment service (see more information below) the mediation service allows for a broader range of issues to be considered, these could include the claim value, extent/nature of injury, liability, negligence, or future treatment requirements, or other issues. Our mediators are experienced at mediation. They are neutral and won't take sides but will help clarify the issues and facilitate agreement by parties. Mediation is intended to provide an additional option to resolve claims and will be offered in advance of the claim being assessed if you choose it.

Opting for Mediation: If you opt for mediation (by ticking the box on our application form) and the other party also consents, one of our mediators will work with you and the respondent (those who the claim is being made against) with the aim of facilitating both parties to reach an agreed outcome. Typically, our mediations will be done over the telephone, with an appointment arranged in advance by the mediation team. You do not have to talk directly to the other party. Instead, the mediator, through a series of separate calls will listen to both parties to gain a full understanding of the issue(s).

The Mediator will:

- + Ask each of you to share your view of the situation.
- + Give information that will help your discussion, e.g., information on the law and the Personal Injuries Guidelines.
- + Make sure everyone has their say and behaves in fair and reasonable way.
- + Help you reach a fair agreement if possible.

Mediated Agreement Reached?:

Yes: The mediation process resolves the claim. Where agreement is reached, there is a ten-day cooling off period, during which you can change your mind. If everyone is still happy after 10 days, the agreement becomes legally binding, and we will issue an Order to Pay. This order has the same standing as a court order.

No: The mediation does not resolve the claim. If no agreement is reached in the mediation between the parties, the claim may progress to Assessment by the Injuries Resolution Board if the Respondent(s) have consented to the claim being assessed. If the Respondent has not consented to assessment of the claim, the claim will no longer be dealt with by the Injuries Resolution Board and we will issue you with a legal document called an Authorisation, that allows you to pursue the claim via the courts should you wish.

What does the Injuries Resolution Board Assessment process involve?

The Assessment process involves the Injuries Resolution Board assessing the value of your claim based on medical and other evidence. This includes the value of compensation for pain and suffering and the value of expenses or loss of income that you may have incurred due to your injury. Both parties are provided with the information considered in the assessment and then both parties are provided with details of the assessed value of the claim and can then decide whether to accept or reject the assessment. The Injuries Resolution Board uses the same Guidelines as the Courts to assess the value of a claim, and where the assessment is accepted, will result in a binding legal order to pay being issued.

Gathering Information: We will gather information about your claim. We may ask you to attend an independent medical examination. This will provide us with the up-to date information of your injuries and will assist us in assessing your claim for compensation. We will also ask you to send us a completed written list of any out-of-pocket expenses such as medical costs with supporting documentation and/or loss of earnings. These documents are called a Schedule of Special Damages and Loss of Earnings Certificate.

Assess Claim: When we have all the information we need, we will assess your claim. Our assessment considers all the medical evidence, the completed application form and any other submissions relating to your claim. Your claim will be assessed using the same guidelines on compensation amounts as the Courts. You can find more information on the Personal Injuries Guidelines on our website.

Notice of Assessment: Once your claim is assessed, we will send you and the Respondent a notice detailing our assessment of compensation. This document is called a 'Notice of Assessment'. You will have 28 days to review this and either accept or reject it. The Respondent will have 21 days to accept or reject it.

What happens if you and the other party accept our assessment of compensation?

The Injuries Resolution Board will issue an "Order to Pay" to the Respondent or their insurer instructing them to pay the sum awarded to you. This has the same status as a court order. The respondent is legally obliged to pay you the sum awarded, and they will issue the payment directly to you or to your solicitor.

What happens if you as the Claimant and the other party do not accept Injuries Resolution Board's assessment of compensation?

If either of the parties does not accept our assessment, the Injuries Resolution Board will issue you as the claimant with a legal document called an 'Authorisation' that allows you to pursue the matter via the courts, should you wish to do so.

How Long Does the Injuries Resolution Board Process Take?

The expected timeline for resolution of claims in Mediation is 3 months or less after the Respondent has agreed to use it. The aim is that, where mediation is not successful, or issues are only partially resolved, and a claim progresses to Assessment, both mediation and assessment services would be completed within 9 months or less in most cases. All claims are dealt with on a case-by-case basis and some exceptions may apply. As a comparison, the average time taken for litigation or court action has been found to be on average almost two years longer than the time taken for Injuries Resolution Board (formally PIAB), to resolve a claim through assessment (Source: National Claims Information Database: Private Motor Insurance Report 5, Central Bank of Ireland, December 2023).

Glossary of Terms

Claimant - You, the person who is making the claim.

Respondent - The person or organisation a claim is being made against.

Personal Injuries Guidelines - guidelines, adopted by the Judicial Council, which catalogue the compensation to be awarded by Judges or Injuries Resolution Board in respect of varying types of injury. Any departure from these Guidelines can only be for stated reasons.

General Damages - Level of compensation you receive for pain and suffering.

Special Damages - Out of pocket expenses you incurred as a result of your accident for example, loss of earnings, medical expenses, travel expenses etc.

Notice of Assessment - Document issued to both parties detailing our assessment of compensation.

Order to Pay - Document issued by us when an assessment has been accepted by both parties. This document has a similar status to a Court Order.

Authorisation - Document issued by us when an assessment has not been accepted by both parties. This document will allow you to take the matter to court if you wish.

Mediation - The voluntary and confidential process which the Injuries Resolution Board is offering without any added fee for customers.

Where can I get more information?

We are open 8am - 6pm Monday to Friday.

We have a dedicated customer service team who are ready to help with any queries you may have.



enquiries@injuries.ie



www.injuries.ie



0818 829 121
(If you are in Ireland)



0870 876 8121
(If you are in Northern Ireland or Britain)



+353 1 907 9521
(If you are in other countries)