



Bord Measúnaithe
Díobhálacha Pearsanta
*Personal Injuries
Assessment Board*

Personal Injuries Guidelines ARIM

22 September 2021

Peter O'Brien

Personal Injuries Guidelines

Judicial Council approved Guidelines in March 2021

Personal Injuries Guidelines became effective from 24th of April 2021

Must be followed by Courts and PIAB

If Courts or PIAB depart from the guideline levels, they must give reasons

The Guidelines apply to all cases assessed by PIAB after April 24th 2021



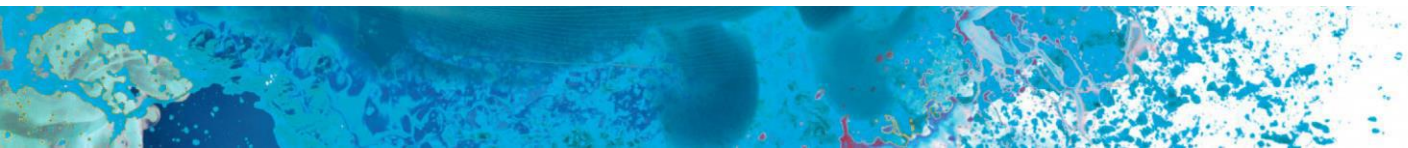
Structure of New Guidelines

- **More granular** – subcategories based on recovery periods
- **Ranges of damages** rather than maximum amounts
- **New categories of injuries** e.g., psychiatric damage, lung disease etc.
- **Identification of dominant injury**/most significant injury
- **Uplift** in damages for other injuries
- **Increase in catastrophic amounts** and upper limit

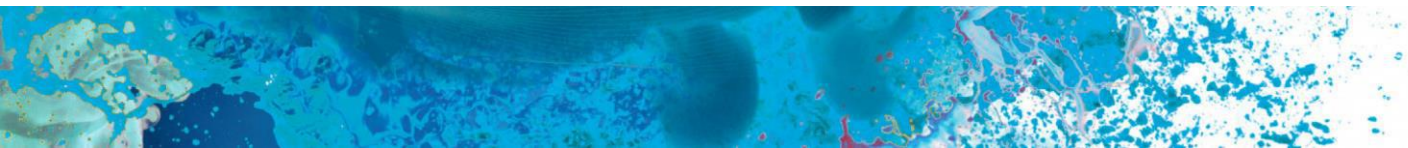


What's Different?

- Maximum €550,000
- Designed for the courts – submissions
- New proceedings from 24th April 2021
- Shift in the manner in which General Damages are awarded
- Dominant injury
- Lesser injuries
- Multiple injuries
 - Temporal overlap
 - Most significant - Where possible identify the injury and bracket
 - Uplift – fair and just for all the lesser injuries



- List of considerations affecting the Level of the Award – detailed for each injury e.g.
 - Age
 - Nature, severity and duration of injury and consequential symptoms
 - Extent of required medical intervention
 - Impact on work
 - Prognosis



Detail

- Brackets of damages -
- Number of Brackets detailed (e.g., Neck)
 - **Most severe** neck injuries
 - **Severe and serious** neck injuries
 - **Moderate** neck injuries
 - **Minor** neck injuries
 - *Substantial* recovery in 1-2 years
 - *Substantial* recovery in 6 months -1 year
 - *Substantial* recovery in within 6 months

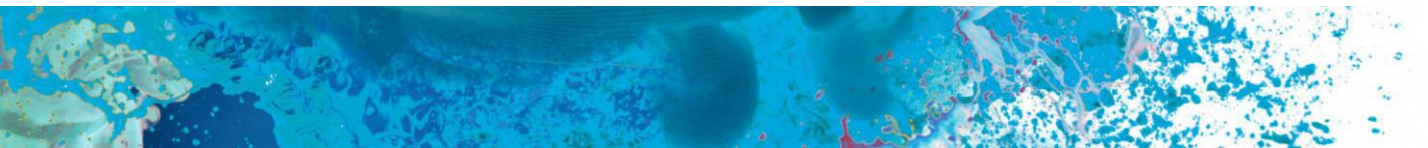
How much will award levels reduce by?

Book of Quantum and Guidelines range comparison

- **Minor Neck Injuries**
 - **31% to 67% Reduction**

- **Minor Back Injuries**
 - **31% to 69% Reduction**

- Sample of cases assessed in 2020
- Accepted by both claimant and respondent
- Analysis in the context of the Personal Injury Guidelines



Case Study 1 – BOQ vs Guidelines



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BOQ

- Female aged 27 – Motor Accident
 - IND medical exam at 1 year
- WAD I
- At 1 year
 - Intermittent pain right side of neck.
 - 3-6 physio sessions recommended
 - Excellent prognosis
- Full recovery expected 18-24 months
- BOQ - Neck Minor substantially recovered up to €15,700
- **Award €13,000**

New Guidelines

- Minor neck injuries
- Injuries where a substantial recovery takes place within one to two years. This bracket will also apply to short term acceleration and/or exacerbation of pre-existing condition, usually between one and two years.
- Range €6,000-12,000
- **Predicted Assessment under new guidelines: €7,000**

Case Study 2

- **BOQ**
- Male aged 42
- Trip and fall
- Fractured Foot
- Exam at 16 months
 - Difficulty running
 - Recovery expected at 2 years
- BOQ Foot – Fractures – Minor
€18000 to €34900
- **Award €25000**

- **New Guidelines**
- Minor foot injuries
- Where a substantial recovery takes place without surgery between one and two years.
- Range €6000-€12000
- **Predicted Assessment under new guidelines: €10000**

Soft Tissue Neck/Back

General Damages Awarded BOQ	Injury Category New Guidelines	Range New Guidelines	Predicted Award under Guidelines	Reduction %
€12,000	Minor- Back recovery 6-12 months	€3,000-6000	€3,000	75
€10,000	Minor - Back - recovery 1-2 years	€6,000-12000	€7,000	30
€5,000	Minor- Neck/Back recovery within 6 months	€500-3,000	€1,500	70
€14,000	Minor - Back - recovery 1-2 years	€6,000-12,000	€8,000	43

Fractures

General Damages Awarded BOQ	Injury Category New Guidelines	Range New Guidelines	Predicted Award under Guidelines	Reduction %
€25,000	Minor- Elbow- simple fracture uncomplicated recovery	€1000-15000	12000	52
€25,000	Minor Ankle - minor or undisplaced fractures, sprains and ligament injuries. Recovery 6 months -2 years	€6000-12000	10000	60
€26,000	Minor-Elbow- simple fracture uncomplicated recovery	€1000-15000	10000	62
€25,000	Minor -wrist injury-fracture- 6 months - 2 years	€3000-10000	10000	60
€45,000	Serious - shoulder injury -fractured humerus	€40,000 - 75,000	50000*	+11

The Outcome



Reductions in predicted damages ranged from 30% to 70%

In one case the level of damages was predicted to increase

Level of reductions depends on severity of injury

How are cases assessed?

- Identify the ***Dominant injury***
- Identify the ***relevant damages bracket***
- Consider ***where within bracket***
 - **Top – middle - bottom**
- Have regard ***to presence or absence of other lesser injuries***
- **Lesser injuries are taken into account within the bracket for the Dominant injury.**

Multiple Injuries

- Identify the **most significant injury**
- Identify the **relevant damages bracket**
- Consider **where within bracket**
 - *Top – middle – bottom*
 - *Value that injury*
- Have regard to **presence of other injuries and overlap** in injuries sustained
- Apply an **uplift** for other injuries.



Notice of Assessment

- **Dominant/most significant injury**
 - Identified
 - **Severity** (and sub category in minor)

Dominant/most significant injury	Neck
Severity category	Minor
Sub-category	Substantial recovery in 1-2 years

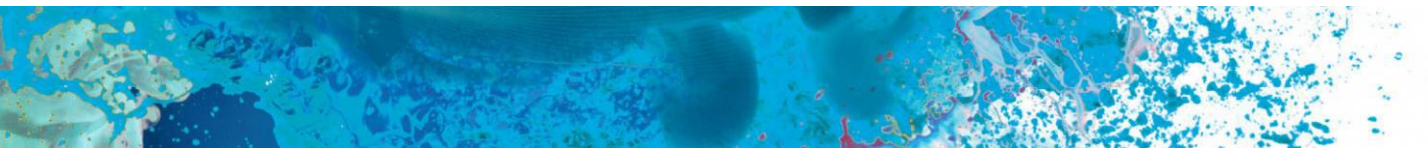
Notice of Assessment

General Damages (pain and suffering)		€10000
Dominant/most significant injury	€8000	
Uplift if applied	€2000	



The Future

- We expect the process to evolve over time
- Information on interpretation
- Data
- Medical Template



PIAB By Numbers 2020



Total number of claim applications in 2020
26,009
 (31,072 in 2019)

-16%
 % reduction in application numbers compared to 2019

Consent to Assessment Rate:
 (Percentage of claims where respondent consented to PIAB assessing)
55%



Total number of awards in 2020
8,587 (11,527 in 2019)

Acceptance Rate for Awards:
 (Percentage of PIAB awards accepted by both parties)
51%

Awards by Category



Value of Average Awards by Category (2020)

Motor Liability	€22,357
Employer's Liability	€30,558
Public Liability	€26,065
Overall average	€24,026

Value of Awards during 2020

€206.31m (€275.04m in 2019)

€24,026
 Average PIAB Award in 2020

56%
 of awards under €20,000 in value in 2020

9 months
 Average processing time in 2020

6.4%
 Delivery Costs (as a percentage of awards)

Common Injuries

Employer Liability

ICD 10 Injury 1	%
Soft Tissue cervical/thoracic/ lumbar sprains and other sprains or dislocations	35.00
Other soft tissue sprains/dislocations	28.00
Fractures	19.00
Other injuries	6.00
Psychological injuries	12.00
Total	100.00

Public Liability

ICD 10 Injury 1	Number	%
Soft Tissue cervical/ thoracic/lumbar sprains	811	19.00
Other soft tissue sprains/dislocations	1537	35.50
Fractures	1272	29.50
Other injuries	218	5.00
Psychological injuries	464	11.00
Total analysed	4302	100.00

4 MOST COMMON MOTOR LIABILITY INJURIES 2020



51%
of injuries involved
sprain and strain of
the cervical spine



16%
of injuries involved
sprain and strain of
the lumbar spine



8%
involved sprain
and strain of the
shoulder joint



3.5%
of injuries involved
sprain and strain of
the thoracic spine

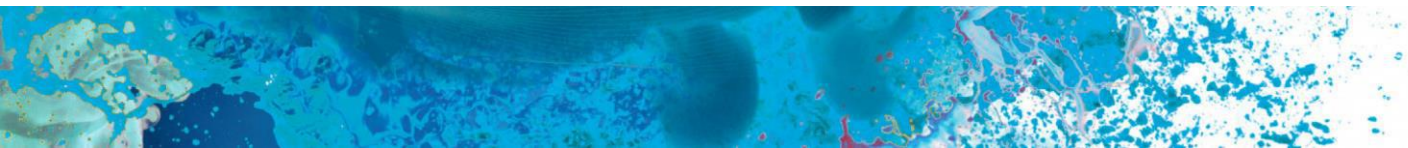
ICD 10 Injury 1

Motor Liability

Injury	%
Soft Tissue - cervical/thoracic/ lumbar sprains	70.50
Other soft tissue sprains/ dislocations	15.50
Fractures	5.50
Psychological injuries	5.00
Other injuries	3.50
Total	100.00

Trends 2016 - 2020

Year	2016	2017	2018	2019	2020
Applications	34056	33114	33371	31072	26009
Assessments	12966	12663	12112	11527	8587
Average Award	€ 24,305	€ 24,879	€ 24,649	€ 23,861	€ 24,026



Thank You

