

Personal injury claims soar to €217m

by Noel Baker

THE amount of money paid out to personal injury victims soared to €217 million last year.

InjuriesBoard.ie, formerly the Personal Injuries Assessment Board (PIAB), revealed 8,845 claimants received compensation payouts last year based on its assessments, an increase of more than 600 people compared with the figure for 2007.

The number of payouts made for sums in excess of €38,000 — the upper limit on cases dealt with in the Circuit Court, although higher awards can be made in other courts — also soared last year by 47%, while the number of awards for amounts over €100,000 climbed by 87%.

The chief executive of InjuriesBoard.ie, Patricia Byron, claimed that since the PIAB was established in 2004 it had brought about direct and indirect savings of between €200m and €250m for the economy, based on the legal savings made by avoiding the old "adversarial system" in the circuit court.

Members of the legal profession have questioned this and stressed that people can still employ the services of legal representation.

It has also been claimed that as recently as 2007 an increasing number of cases had entered the courts despite the services of InjuriesBoard.ie being available to potential claimants.

However, InjuriesBoard.ie has claimed it has made awards at the same level as the courts but more than two years quicker and at 70% delivery costs.

The average award above €38,000 last year was €69,715, an increase of more than €3,000 compared to the figure for 2007, while the average award value for sums below €38,000 was €18,151, again a slight increase on the figure for the previous year.

While InjuriesBoard.ie said any claim arrived at in the courts will require 46% of any final award to cover admin and legal costs, the rate for cases it dealt with is just 7% on average of any award.

Patricia Byron said: "Evidence available to the board suggests that as confidence in our non-adversarial model grows, a greater number of the more serious or complex injuries are assessed by us."

However, she said there had been no evidence of an increase in claims due to the recession. "Some insurers

have commented recently on a surge of personal injury claims due to the recession," she said.

"From our point of view, it is simply too early to draw the same conclusion. The pace of increase in claims has reduced from 10% in 2006/2007 to 6% in 2007/2008 — a trend that is more indicative of a levelling off than a spike in volumes. To date in 2009, we have no evidence of an increase."

She also referred to a Supreme Court decision delivered on December 19 which allows InjuriesBoard.ie to copy claimants who have instead engaged the services of a solicitor with correspondence so they can be kept informed of the progress of their personal injuries claim.

The numbers

- €217m awarded to 8,845 claimants

- 1,098 awards of more than €38,000 made last year, averaging €69,715

- 7,747 awards of less than €38,000 made last year, averaging €18,151

Case studies

ANDREW was killed in a road accident. He was survived by his wife and two children. InjuriesBoard.ie retained professional actuaries to assist with the assessment of compensation. The total award for the bereavement and financial loss to the family and other expenses came to over €560,000. The claim was processed in nine months and the administration cost amounted to just €1,584.

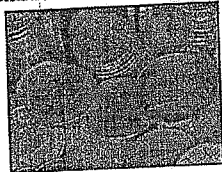
ed to just €1,584.

MARIA is retired. She was involved in a serious road traffic accident in 2006 when the vehicle in which she was travelling left the road and turned over, landing on its roof. Maria sustained serious spinal injuries and fractures to her ribs and skull. She spent a prolonged period in hospital and had intensive treatment including physiotherapy and pain management.

Maria submitted her claim directly to the InjuriesBoard.ie. The Board retained professional actuaries to assist with the independent assessment of compensation relating to future care. Maria was awarded a total of €229,000. The claim was processed in nine months and the administration cost of handling this claim amounted to just €1,100.

ROSE is a nurse in her 30s. She was involved in a single vehicle accident when the vehicle in which she was a passenger hit a wall.

Rose sustained serious injuries, including multiple fractures. She had two periods of hospitalisation and missed work for a year. She submitted her claim directly to the InjuriesBoard.ie. She was awarded a total of €125,000. The claim was processed in nine months and the administration cost amounted to just €1,270.



Accidents can lead to compensation.