

# Injuries Board awards rose to €217m last year

## Increase attributed to backlog of legacy cases

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THE NUMBER of high-cost awards for very serious injury or death made by the Injuries Board increased by almost 90 per cent last year, with the total compensation reaching a record €217 million, according to its end of year review.

The Injuries Board, formerly the Personal Injuries Assessment Board (Piab), awarded the €217 million to 8,845 claimants, up from €181 million awarded to 8,208 claimants in 2007. The number of awards in excess of €100,000, in cases of serious long-term injuries, disabilities and death, rose by 87 per cent from 2007, the board said.

There was also a significant increase - of 47 per cent - in the number of awards of more than €38,000, associated with complex or serious injuries.

The board was set up in 2004 as part of the Government's reform programme to tackle the high costs, especially legal, associated with personal injury claims. All personal injuries claims, except psychological damage, medical negligence and Garda compensation, must be brought before the board, but the respondent can

choose to have the case heard in the courts.

Claimants, however, only have recourse to the courts after the board has made a determination if they are unhappy with the decision or level of award.

The board's chief executive, Patricia Byron, said more people were coming to the realisation the awards given by the board were the same as those given by courts, but that the non-adversarial route avoided large legal costs and lengthy delays. "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."

The increase in claims and award amounts was also due to the final processing of claims which were in the court system before Piab was established. "There hasn't been a higher number of accidents or a higher number of claims, but there were grandfather cases, those which were there before we came into being, and they had to be finished off through the old system. They're largely gone now."

Recent suggestions by insurance companies that the recession was bringing an increase in per-

sonal injury claims were not borne out by the board's figures, Ms Byron said. "In January and February this year, there was no increase in claims. Insurance prices aren't our remit, but if there is a case being made for insurance premiums going back up I'd like to see the facts behind it."

The early investigation process built into the board's system meant fraudulent claims were quickly uncovered and weeded out, she said. "I don't see any surge in fraudulent or exaggerated claims. Our stats just don't show it."

Personal injuries claims were more likely to decrease than increase during a recession, she added. "With the numbers employed going down, there are going to be fewer workplace accidents and fewer road accidents because fewer people will be driving to work. The decrease in population growth will also result in fewer accidents. I don't see where the drivers for costs going up are."

The board has made 23,500 awards since 2004, totalling almost €530 million. It estimates it has generated savings of up to €250 million by being four times faster than courts in processing cases and removing high legal costs.

## Case studies

■ A man killed in a car crash was survived by his wife and two young children. The injuries Board 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 amounted to over €560,000. The claim was processed in nine months and the administration cost of handling this claim amounted to just €1,584.

■ In another crash, a retired woman was travelling in a vehicle

which left the road and turned over, landing on its roof. She sustained serious spinal injuries and fractures to her ribs and skull and spent a prolonged period in hospital with intensive treatment, including physiotherapy and pain management.

The board retained professional actuaries to assist with the independent assessment of compensation relating to future care. She was awarded €229,000. The claim was processed in nine months and the administration handling cost amounted to just €1,100.

■ At the lower end of the compensation scale, an electrician in his early 20s fell from a ladder while at work and sustained facial injuries, dental injuries and scarring. He was off work for a number of months.

The board assessed his case and awarded him general damages of €80,000 and special damages of €52,000 to include future dental treatment. From the date the respondent consented to the board handling the case, it took 8½ months before the award was made.

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