

Improving the lot for personal injury

Dr Mark Hamilton has recently become involved in the work of the Injuries Board

THE PERSONAL Injuries Assessment Board (PIAB) was set up four years ago and has dramatically changed the landscape of personal injuries litigation.

Prior to its setting up the whole area was regarded as something of a national disgrace. Personal injury awards were completely out of kilter with the rest of the Europe and a multiple of what they were in the UK, awards were often arbitrary and unprecedented, insurance premiums were extortionate and the only winners were lawyers.

From a health perspective, the process did nothing to aid the recovery of those who suffered personal injuries.

As an accident and emergency doctor, Dr Mark Hamilton, the presenter of RTE TV's *How Long Will You Live*, sees the consequences of long-term personal injuries on a daily basis.

He has decided to get involved with the promotion of the PIAB's new website www.injuriesboard.ie because of the effects of personal injuries litigation on patients, particularly in the UK where he now lives and which does not have the equivalent of the PIAB.

"I'm seeing a case in the UK which happened nine years ago. The woman, who fell on a council-maintained path, is getting worse and worse in terms of depression. She's not able to func-

tion and she keeps turning up in court. The case gets adjourned and the money she has spent will never be recovered," he says.

"The Injuries Board is trying to streamline things which takes away some of the headache. Courts are scary places for people and they can create a level of anxiety that is not required," he says.

Though still legally known as the PIAB, the new name for it will be the injuriesboard.ie or Injuries Board for short. The name change is designed to reflect the importance of the website which will allow for online claim applications (available 24/7), an online claims estimator to provide guidance on the levels of compensation payable to accident victims and multi-lingual guides for non-national claimants.

The board must, by law, now deal with all personal injuries claims in the State except psychological damage, medical negligence and Garda compensation. Last year it received 23,000 claims.

About half are settled between claimant and litigant when the board puts both parties in touch with each other. Parties usually settle based on the recommended values for injuries that the board has put forward.

In 2007, the then PIAB made formal compensation awards to 8,500 people at a cost of €181 million where initial agreement could not be reached between two parties.

Of the rest, only about 3,000 ended up in the court process usually as a result of disputed liability or where one or both parties refused to accept the ruling

of the board, and, of those, only about 1,000 ended up going to trial.

Awards were made at the same level as the courts but four times faster, an average of seven months in total (previously it was three years) and at a 70 per cent less delivery cost. injuriesboard.ie levies fees against the responsible party/their insurer and thus operates on a self-funding basis.

Hamilton has also outlined 10 tips for a healthy recovery which are posted on the new website based on his experience as an accident and emergency doctor. They are posted on the new website.

They stress the importance of a realistic assessment of personal injuries. That involves seeking medical advice at the earliest stage, sticking to a recovery programme and being aware of how long the recovery process will take.

He puts equal emphasis on ensuring that a patient's morale is such that the speediest possible recovery takes place. That involves a healthy diet, keeping active and maintaining a positive outlook.

He acknowledges that this is easier said than done as long periods of inactivity can seem the most natural activity for those who are either bedridden or rendered immobile by a bad injury.

"People are usually very good at turning up for their initial assessment. It is usually a few weeks or a few months down the line where they are struggling to recovery," he says.

"The attitude towards injury is absolutely critical in recovery. I've seen patients with similar injuries and similar physical profile. One is really positive about

it and bounces back. The other person might be lethargic and hesitant and the process of recovery drags on.

"Sometimes people think sitting around is what they need to do. You do need to give yourself a chance to recover, but if you don't make an effort to move around, things get worse. The old expression that, if you don't use it, you lose it comes through," he said.

"There is an element of psychological anxiety in that you might not want to walk because it is painful. Then the symptoms get worse which requires more input from us, the patient can't go back to work, which means there is a delay to them becoming an effective member of society for much longer."


Hamilton's endorsement of the work of the Injuries Board will help the organisation's profile. He has become something of a household name having completed three series of the very popular *How Long Will You Live* programme and a fourth one starts production next month.

He is heartened by the response to the programme which, despite its title, is more about maintaining a healthy lifestyle than longevity.

"It is all about health preservation - keeping as high a level of health as possible. All we do is use longevity as a means of measuring relative health," he says.

One of the many understated consequences of the increased prosperity is how it is impacting on life expectancy in Ireland. The average Irish woman's lifespan has increased by almost five years (from 76.7 to 81.5) since 1987. The changes have been even more dramatic for men where life expectancy has increased from 71 to 76.7 in the same period and the historical gap between men and women is decreasing.

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