

# Key Takeaways from the Injuries Resolution Board Award Report 2023

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The Injuries Resolution Board has published its award values report for the first half of 2023. The report looks at the average and median award values made by the Board across motor claims, public liability and employer liability claims between January – June 2023.

While the Personal Injury Guidelines have been the subject of much debate since their introduction in 2021, the Supreme Court in *Delaney v Personal Injuries Assessment Board*, has confirmed that they are here to stay.

The report for the first half of 2023 provides some helpful insights on trends observable in personal injury claims in Ireland and looks at whether the Guidelines are contributing to a reduction in litigated claims.

## Award value

For the first time, the Board has included the average and median award values in its report. According to the report, the average award value has fallen from €23,877 in 2020 to €17,248 in the first half of 2023. This represents a 28% drop in the average awards value under the Personal Injury Guidelines when compared to awards made under the Book of Quantum.

Interestingly, in the first half of 2023, the Board reported an increase in the number of assessments in the moderate and severe injuries categories of the Guidelines. It also noted a fall in the number of awards for minor neck and back injuries. 5% of awards were valued at €50,000 or more in 2022 and this had increased to 7% in 2023.

Regarding awards for special damages, the report notes a continued upward trend. The Board suggests that this is due to continuing inflationary pressures. The average award for special damages has risen by 32% when compared to 2020.

## Psychological injuries

Prior to the enactment of the Personal Injuries Resolution Board Act, 2022 the Board had discretion on whether or not to make an assessment for claims involving psychological injuries. The 2022 Act removed

this discretion and the effect of this seems to be evident from the most recent report with assessments for psychological injuries increasing from 5% in 2020 to 12% in the first half of 2023.

## Claim volume

While the first half of 2023 saw a 16% increase in the number of claims submitted to the Board when compared with 2022, the report highlights an overall decline in the number of claims being submitted for assessment. The total claim volumes in 2023 were 35% lower when compared with 2019. The report points to the impact of Covid-19, remote working and less road traffic as likely contributing factors to a reduction in claims.

## Acceptance rates

Just one month following the introduction of the Guidelines, in May 2021, acceptance rates had dropped as low as 36%. By 2022 this figure had increased to 44% and in the first half of 2023, the Board saw its highest acceptance rates with 48% of awards being accepted by both the claimant and respondent.

Given the recent Supreme Courts endorsement of the Guidelines, it would not be surprising to see the initial scepticism from claimants towards assessments made under the Personal Injury Guidelines continue to wane, further increasing acceptance rates.

The 2022 Act also brought further cost consequences for claimants in the event that they fail to beat an assessment made by the Board which was accepted by the respondent/s. This will likely encourage further acceptance of Board assessments in the future.

## Conclusion

The report provides a useful snapshot of the evolving personal injury landscape in Ireland. Some of the key takeaways from the report are:

- It appears that the initial reluctance to accept assessments made by the Board under the Guidelines is dissipating, with acceptance rates continuing to rise year on year.
- The nature of cases being retained and assessed by the Board is evolving, with the Board now dealing with more complex/severe cases as well as more cases involving psychological injuries.
- It is notable that there has been a decrease in the number of claims being submitted to the Board when compared with pre-Guidelines periods. However, there are a number of factors contributing to this, of which the Personal Injury Guidelines are only one.

For more information and expert advice on successfully defending claims, contact a member of our [Insurance & Risk](#) team.

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