

Subject: Operation and implementation of the Personal Injuries Assessment Board Acts, 2003 and 2007 - Feedback from IPB Insurance

To whom it may concern,

Please see below comments and observations from IPB Insurance in relation to the operation and implementation of the Personal Injuries Assessment Board Acts, 2003 and 2007.

Injuries Board Process: General Comment

Generally speaking, the process is well bedded down and is operating well with very little issues. Also, allowing cases to proceed to the Injuries board can assist in negotiations with solicitors. By agreeing for cases to go to the Injuries Board, more time is provided for the investigation of the claim rather than declining a claim initially and allowing proceedings to issue which is also more costly. Engagement in relation to the settlement can still continue when a case has been referred to the Injuries Board.

Commencement of Timelines for Response

The timelines for response should only commence once the claimant has identified the accident locus to the defendant. At present, a non-specific locus could be provided in the application form e.g. O'Connell St Dublin 1, with no other information given to specifically indicate the exact hazard locus. The specific locus is required to investigate a claim and this should be reflected in the legislation. It is noted that the implementation of postcodes may assist in the provision of more accurate location information.

Legal Costs

When the Act first came into operation, it was envisaged that legal costs would only be paid to vulnerable claimants, however, it now appears that all claimants with a third party solicitor receive costs.

Non-Attendance Fees for Injuries Board Medicals

In the event that a claimant fails to attend an Injuries Board medical, the insurance company is required to pay non-attendance fees. These costs should be borne by the customer as it is in their interest to attend the medical in order for the claim to be processed.

Settlement Costs

Settlements made by the Injuries Board are generally higher than direct settlements. It would appear that the Injuries Board is quite generous in relation to smaller claims relating to less severe injuries, but make smaller payments for more severe injuries than may be received through direct settlement.

Partial Settlements from Other Insurers

In relation to specials included in assessment, there have been instances where the Injuries Board do not seem to have queried the validity of these as part of the assessment i.e. is a road traffic accident insurer due this money back and has the Injuries Board already discharged the costs of same. It is not possible to reject part of an award made, the award has to be either accepted or rejected in its entirety which may not be in the best interests of the customer.

Loss of Earnings

The Injuries Board appears to allow claims for loss of earnings without conducting a detailed assessment as to whether the claimant should be out of work and therefore claiming loss of earnings. We note that the new processes being brought in by the Department of Social Protection will amend this somewhat.

Deadlines and Investigation of Liability

The Injuries Board are quite firm in relation to the timelines they have set. For example, a company may be late in responding due to liability being an issue, however, the Injuries Board will still assess the application, fees will be paid by the insurance company, but the claim may still ultimately be rejected.

Extension of Timeframe for Assessment

Section 50 of the Personal Injuries Assessment Board Act allows for the Injuries Board to extend the timeframe for dealing with a claim. This may be done due to the complexity of the particular claim in question, or where the settlement amounts may be quite large. It has been observed that the use of such extensions has increased in recent years.

Many thanks for the opportunity to participate in the consultation process.

Should you require any further information do not hesitate to contact us.

Kind Regards,

Joan Doherty (on behalf of IPB Insurance)

Joan Doherty
Compliance Manager | IPB Insurance

Direct: +353 1 639 6675 | Tel: +353 1 639 5500 | Email: joan.doherty@ipb.ie | Web: www.ipb.ie

1 Grand Canal Square | Grand Canal Harbour | Dublin 2 | Ireland

“Working to make a difference”

This communication has issued from the offices of IPB Insurance , a private limited company with registration number 7532 and registered offices at 1 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland. Irish Public Bodies Mutual Insurances Limited, trading as IPB Insurance, is regulated by the Central Bank of Ireland.

This email and any file or attachment transmitted with it are intended for the designated recipient(s) only and they may contain privileged, proprietary, or otherwise private and confidential information which should not be copied nor disclosed to any other person unless expressly authorised by the sender. Any views or opinions expressed herein are solely those of the sender and do not necessarily represent those of Irish Public Bodies Mutual Insurances Limited unless otherwise specifically stated. If you receive this e-mail or any file or attachment transmitted with it in error, please immediately notify the sender or contact these offices at Tel: (01) 639 5500, Fax: (01) 639 5510 or Email: Julia.carmichael@ipb.ie and delete it from your system. If you are not the intended addressee, any use, reliance, disclosure, dissemination, publication, or copying of information contained herein is strictly prohibited and may be unlawful. This e-mail and any files and attachments transmitted with it are unencrypted unless otherwise stated and as internet communications are not secure, Irish Public Bodies Mutual Insurances Limited is not responsible for their content or any change(s) made thereto following issue by the original sender. This e-mail and any files and attachments transmitted with it are virus scanned however, IPB Insurance cannot accept liability for any loss or damage sustained as a result of viruses and it is the addressee's responsibility to ensure that they are virus free prior to accessing same.

ATTACHMENTS: