



An Roinn Fiontar,
Trádála agus Fostaíochta
Department of Enterprise,
Trade and Employment

Insurance Reform

Public consultation on
enhancing and reforming the
Personal Injuries Assessment
Board

Response Template

As set out in the consultation document, the Department of Enterprise, Trade and Employment is specifically seeking views on enhancing and reforming the Personal Injuries Assessment Board (PIAB).

Please include your response to the questions listed below in the space underneath the relevant option, to set out/ explain your views on each. Completing the template will assist with achieving a consistent approach in responses returned and facilitate collation of responses.

Respondents have the opportunity to highlight any issues which would contribute to the objective of enhancing and reforming the role of PIAB at the end of the template.

When responding please indicate whether you are providing views as an individual or representing the views of an organisation.

Respondents are requested to return their completed templates by email to PIABreform@enterprise.gov.ie by the closing date of **17 April 2021**. Hardcopy submissions are not being received at this time due to remote working. Please clearly mark your submission as 'Public Consultation on enhancing and reforming the Personal Injuries Assessment Board (PIAB)

Any queries in relation to the consultation can be directed to PIABreform@enterprise.gov.ie

Name(s):	Philip Shier
Organisation:	Society of Actuaries in Ireland
Please briefly describe your interest in enhancing/reforming PIAB:	<p>The Society of Actuaries in Ireland ("Society") is the professional body representing the actuarial profession in Ireland.</p> <p>A significant number of the Society's members are employed in the non-life insurance sector which is directly impacted by the role of PIAB in the settling of personal injury claims.</p> <p>In preparing this response, our focus has been on the public interest and the responses do not purport to reflect the views of the insurance industry.</p> <p>We would be happy to respond to any questions on this response. Please contact Philip Shier, Head of Actuarial Practice, at philip.shier@actuaries.ie.</p>
Email address:	Philip.shier@actuaries.ie
Telephone number:	

Submissions or comments are invited in respect of the questions listed below:

1. Potential amendments to section 17 of the PIAB Acts 2003-2019

Question 1 (a)

Do you think there is scope to amend section 17 of the PIAB Acts 2003-2019 to increase the number of claims assessed by PIAB?

Response: The Society does not have any specific comments on the legal mechanisms to increase the number of claims assessed by PIAB, however the Society does express its support for the objective of doing so, where appropriate.

Question 1 (b)

Do you think there is scope to amend other sections of the PIAB Acts to increase the number of claims assessed by PIAB?

Response: See response to 1(a) above.

Question 1 (c)

Do you think there are non-legislative changes that could be made to increase the number of claims assessed by PIAB?

Response: See response to 1(a) above.

Please provide detail in support of your response.

2. An enhanced role for PIAB

Question 2 (a)

Would a mediation process provided by PIAB bring benefits for claimants and respondents and help increase the number of cases administered through the PIAB system?

Response: The Society is supportive of PIAB providing a mediation process where appropriate for claimants and respondents as it is expected that mediation would reduce the time to settlement for the claimants as well as reducing the associated legal costs attaching to personal injury claims which is expected to lead to a reduction in premiums.

Question 2 (b)

In what other ways do you think the services provided by PIAB could be enhanced or reformed to incentivise greater use of the PIAB model?

No response

Please provide detail in support of your response.

3. Expanding the use and publication of data held by PIAB

Question 3 (a)

Would providing for greater levels of data to be collected and reported on by PIAB be useful in ensuring a fair and predictable insurance system and in areas such as accident prevention?

Response:

The Society believes that more granular data being collected and reported by PIAB would support actuaries carrying out reserving and pricing work for non-life insurance companies. The Society believes data at a more granular level than that produced for the NCID would be beneficial. For example, statistics on claims aligned to the nature of injuries set out in the recently approved Personal Injuries Guidelines would be beneficial. Greater transparency and access to claim settlement data, which would support insurers in pricing and reserving activities, should lead to a more stable and predictable insurance system. It is possible that this additional data may also support the objective of encouraging new entrants into the insurance sector.

The Society believes that information on the nature of injuries and accidents causing injuries would be beneficial in accident prevention. This data could support risk management functions in both insurance companies and insureds in focusing efforts on key drivers of claims activity to potentially reduce accident frequency going forward.

Question 3 (b)

Is there scope to use PIAB data for the purposes of fraud detection?

Response: The Society understands that Insurance Ireland members have access to the “Insurance Link” database which assists members in the detection and defence of exaggerated claims which may result in prosecutions for fraud. As a result the Society is unsure as to the benefit of more granular PIAB data for the purposes of fraud detection.

Question 3 (c)

Would there be a benefit in PIAB being mandated to record details of all personal injury settlements agreed in the State?

Response: The Society supports the principle of gathering details on all personal injury settlements agreed in the State to further the potential benefits outlined in response 3(a). However, the Society would also caution that such a requirement should be created in consultation with the relevant providers of data to ensure the benefit of the additional data was not outweighed by the operational challenges in providing the data. For example, the

granularity of information required may not be compatible with “all-in settlements” which are a feature of personal injury negotiations today.

Please provide detail in support of your response.

4. Additional comments

Question 4

Please provide any additional comments you may wish to make to inform the development and direction of policy on enhancing and reforming the role of the Personal Injuries Assessment Board.

Please provide detail in support of your response.

The Department will make public on its website all submissions received under this consultation. Your attention is also drawn to the fact that information provided to the Department may be disclosed in response to a request under the Freedom of Information Act 2014. Therefore, should you consider that any information you provide is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Department will consult with you regarding information identified by you as sensitive before publishing or otherwise disclosing it.

General Data Protection Regulation

Respondents should note that the General Data Protection Regulation ('GDPR') entered into force in Ireland on 25th May 2018 and it is intended to give individuals more control over their personal data. The key principles under the Regulation are as follows:

- Lawfulness, fairness and transparency;
- Purpose limitation;
- Data minimisation;
- Accuracy;
- Storage limitation;
- Integrity and confidentiality;
- Accountability.

The Department of Enterprise, Trade and Employment is subject to the provisions of the Regulation in relation to personal data collected by it from 25 May 2018. Any personal information which you volunteer to this Department, will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 to 2018.

22 March 2021