

Mid-Year Data Submission Requirement National Claims Information Database Employers' and Public Liability H1 2023

Contents

1	Submission Requirements	2
1.1	Assumptions	2
1.2	Historical Settled Claims.....	2
2	Definitions	7
2.1	General Definitions.....	7

1 Submission Requirements

Submissions to be provided by all companies¹ that write employers' liability and public liability insurance for risks located in the Republic of Ireland. No distinction regarding data submission requirements to be made between companies based on market share.

1.1 Assumptions

- Data is aggregated unless otherwise stated.
- Data is gross of reinsurance and net of recoveries such as salvage, subrogation, apportionment or contributory negligence.
- All data relates to business written in respect of risks located in the Republic of Ireland only.
- Data is net of any policy deductible.
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1.2 Historical Settled Claims

Data for historical settled claims is required for quarters Q1 2015 to Q2 2023. Claimants with nil compensation/damages paid should be included. All settlement costs should be recognised in the quarter of settlement. Previously settled claims that have since been reopened should not be included.

Claimants with nil compensation/damages paid should be included in Historical Settled Claims data. These are claims with no compensation payments but which have incurred other costs. These claims will be assigned to the "No Compensation Payment" band of the Compensation Band field introduced for the 2022 annual data collection. Previously these claims were excluded.

- Numbers Settled in calendar quarter (claimant-level numbers)
- Settled Costs – Total in calendar quarter
- Total costs are divided into sub costs, which are mutually exclusive:
 - Settled Costs – Compensation
 - Settled Costs – Compensation General Damages
 - Settled Costs – Compensation Special Damages
 - Settled Costs – Legal
 - Settled Costs – Legal Own Costs
 - Settled Costs – Legal Third Party Costs
 - Settled Costs – Other.

Provide the five-way split of costs where this data is available. This is required from settled year 2019 onwards:

- Settled Costs – Compensation General Damages

¹This includes domestically-regulated firms and insurers that provide insurance in Ireland under Freedom of Establishment or Freedom of Services.

- Settled Costs – Compensation Special Damages
- Settled Costs – Legal Own Costs
- Settled Costs – Legal Third Party Costs
- Settled Costs – Other.

In the event that Compensation and Legal Settled Costs cannot be split out for years 2015–2018, provide the three-way split of costs instead:

- Settled Costs – Compensation
- Settled Costs – Legal
- Settled Costs – Other.

Total compensation settled costs in any year should equal the sum of:

- Settled Costs – Compensation
- Settled Costs – Compensation General Damages
- Settled Costs – Compensation Special Damages.

These are mutually exclusive, Settled Costs – Compensation is NOT the sum of Settled Costs – Compensation General Damages and Settled Costs – Compensation Special Damages.

Total legal costs paid in any year should equal the sum of:

- Settled Costs – Legal
- Settled Costs – Legal Own Costs
- Settled Costs – Legal Third Party Costs.

These are mutually exclusive, Settled Costs – Legal is NOT the sum of Settled Costs – Legal Own Costs and Settled Costs – Legal Third Party Costs.

Settled Costs – Total (overall) should equal the sum of:

- Settled Costs – Compensation
- Settled Costs – Compensation General Damages
- Settled Costs – Compensation Special Damages
- Settled Costs – Legal
- Settled Costs – Legal Own Costs
- Settled Costs – Legal Third Party Costs
- Settled Costs – Other.

Split by:

- Settled Quarter (format YYYYQ)
- Accident Quarter² (format YYYYQ)
- Reported Quarter² (format YYYYQ)
- Policy Type
 - Employers' Liability

² If claims data is not available by Accident/Report Quarter, provide claims data by Accident/Report Year.

- Public Liability.
- Policy Claim type:
 - Bodily Injury
 - Damage.
- Settlement Channel:
 - Direct
 - Direct before PIAB
 - Direct after PIAB
 - PIAB
 - Litigated
 - Litigated before Court Award
 - Litigated with Court Award.

Provide the five-way split of Settlement Channel where this data is available. This is required from settled year 2019 onwards:

- Direct before PIAB
- Direct after PIAB
- PIAB
- Litigated before Court Award
- Litigated with Court Award.

In the event that Direct and Litigated Settled Costs cannot be split out for years 2015–2018, provide the three-way split by Settlement Channel:

- Direct
- PIAB
- Litigated.

Total settled costs/numbers in the Direct channel in any year should equal the sum of

- Direct
- Direct before PIAB
- Direct after PIAB.

These are mutually exclusive, Direct is NOT the sum of Direct before PIAB and Direct after PIAB.

Total settled costs/numbers in the Litigated channel in any year should equal the sum of:

- Litigated
- Litigated before Court Award
- Litigated with Court Award

These are mutually exclusive, Litigated is NOT the sum of Litigated before Court Award and Litigated with Court Award.

- Settled Cost Band:

- €1 - €5,000
- €5,001 - €10,000
- €10,001 - €15,000
- €15,001 - €30,000
- €30,001 - €45,000
- €45,001 - €60,000
- €60,001 - €75,000
- €75,001 - €100,000
- €100,001 - €125,000
- €125,001 - €150,000
- €150,001 - €250,000
- €250,001 - €500,000
- €500,001 - €1,000,000
- €1,000,001 - €5,000,000
- > €5,000,000.
- Compensation Band
 - No Compensation Payment
 - €1 - €5,000
 - €5,001 - €10,000
 - €10,001 - €15,000
 - €15,001 - €30,000
 - €30,001 - €45,000
 - €45,001 - €60,000
 - €60,001 - €75,000
 - €75,001 - €100,000
 - €100,001 - €125,000
 - €125,001 - €150,000
 - €150,001 - €250,000
 - €250,001 - €500,000
 - €500,001 - €1,000,000
 - €1,000,001 - €5,000,000
 - > €5,000,000.

Claimants should be banded based on the total settled cost of the claim and the compensation amounts paid. All claims with zero compensation, both injury and damage claims, should be reported using the “No Compensation Payment” compensation band (ID 0) and their appropriate total settled band.

- Non-nil claim: total settled cost band and compensation band IDs 1 to 15

- Nil claim: total settled cost band ID 1 to 15 compensation band ID 0.
- Judicial Guideline Used flag.
 - No
 - Yes
 - n/a.

All damage claims should be flagged as 'n/a' and injury claims as either 'Yes' or 'No.'

For any injury claim that would have come under the judicial council's personal injury guidelines regardless of how it eventually settled i.e. either before or after the involvement of PIAB should be flagged as 'Yes'.

Note that PPOs (see appendix for definition) should be excluded from the settled data requested.

2 Definitions

2.1 General Definitions

- **Periodic Payment Order** (“PPO”) – a claim that has been formally settled by a court by means of a Periodic Payment Order.
- **Settlement Channel** – The 3-way split of settlement channel is defined as:
 - a) **Direct**: to include claims resolved by direct settlement between the claimant and insurer (regardless of whether there is a solicitor involved) where the initiation of legal proceedings was not required – this includes cases settled both pre-PIAB, during PIAB (other than accepted PIAB awards), and post PIAB but without legal proceedings having commenced.
 - b) **PIAB**: to include claims resolved by an award made by PIAB which was accepted by both parties.
 - c) **Litigated**: to include claims resolved following the initiation of legal proceedings (regardless of whether PIAB had made an award that was rejected, and regardless of whether the case ended up in court).
- The 5-way split of settlement channel is defined as:
 - a) **Direct, before PIAB**: to include claims resolved by direct settlement between claimant and insurer (regardless of whether there is a solicitor involved) where the initiation of legal proceedings was not required and the case was settled before going to PIAB.
 - b) **Direct, after PIAB**: to include claims resolved by direct settlement between claimant and insurer (regardless of whether there is a solicitor involved) where the initiation of legal proceedings was not required and the case was settled after going to PIAB (other than accepted PIAB awards).
 - c) **PIAB**: to include claims resolved by an award made by PIAB which was accepted by both parties.
 - d) **Litigated, before Court Award**: to include claims resolved following the initiation of legal proceedings, but before a court award (regardless of whether PIAB had made an award that was rejected).
 - e) **Litigated, with Court Award**: to include claims resolved by court award following the initiation of legal proceedings (regardless of whether PIAB had made an award that was rejected).
- **Settlement Costs** – The 3-way split of settlement costs is defined as:
 - a) **Compensation**: The amount paid to a claimant in respect of a claim they have made.
 - b) **Legal**: The legal fees paid by an insurer in the course of settling a claim. These include the cost of the insurer’s own legal expenses and, where relevant and available, the legal expenses of the claimant.
 - c) **Other**: All other expenses incurred by an insurer in the course of settling a claim. This may include the cost of assessing claims (e.g. medical or engineering), administration costs or recoveries from a third party claimant (where they are found to be liable).
- The 5-way split of settlement costs is defined as:
 - a) **General Damages**: Compensation for non-monetary loss suffered by the claimant, e.g. pain and suffering.

- b) Special Damages: Compensation for financial loss, e.g. loss of earnings or medical expenses.
- c) Own Legal Costs: Legal costs incurred by the insurer in the course of settling a claim.
- d) Third Party Legal Costs: Legal costs incurred by the claimant in the course of settling a claim, and which were paid by the insurer.
- e) Other: same as 3 way split above.