**Scottish Child Abuse Inquiry**

 PO Box 24202 | Edinburgh | EH3 1JN

 e-mail: information@childabuseinquiry.scot

# Expenses - protocol and application form

## Introduction

1. This protocol explains how you may be able to ask the Inquiry to pay your expenses. It sets out how to apply to have your expenses paid, and the process for deciding applications.

## Can I claim expenses?

1. The law allows us to pay for reasonable expenses, if you qualify under the rules that apply to the inquiry. To claim expenses, you must make an application.
2. The Chair decides all applications. The Chair’s decision is final.
3. You can claim expenses if:
* You have been asked to give evidence or produce documents to the Inquiry, or
* you have a particular interest in the Inquiry’s proceedings or its outcome.
1. The Chair of the Inquiry needs to decide if you have particular interest in the Inquiry’s proceedings or its outcome. You can’t decide this for yourself – you need to provide information about this in your application .

## What can I claim for?

1. You might incur expenses while you are engaging with the Inquiry, for example in travelling to or from Inquiry hearings, in relation to overnight accommodation or in relation to out of pocket expenses incurred on a day when you are meeting with or giving evidence to the Inquiry.
2. We may be able to arrange your travel and accommodation for you and pay for it in advance. Please contact our witness support team to discuss what you need.
3. Do not use the form at the end of this protocol to ask the Inquiry to pay your lawyer’s fees. There is a different process for that. See our [factsheet on legal representation](https://www.childabuseinquiry.scot/key-documents/factsheet-legal-representation/) and [protocol and form on costs of legal representation](https://www.childabuseinquiry.scot/key-documents/cost-of-legal-representation-protocol-and-application-form/).
4. We pay expenses based on the Scottish Government’s guidance on travel and subsistence claims. This sets out how much we can pay for some things, including:
* we will pay standard class rail fares, not first class;
* we pay for petrol based on mileage and the pence per mile set out in the Scottish Government’s guidance;
* we will not pay for alcoholic drinks;
* we pay “subsistence” rates for food and drink which are based on the number of hours you have been doing something for the Inquiry. The rates are not based on how much your food actually cost.
1. If your expenses are likely to be more than £100 you must apply to us *before* you incur the expenditure. If your expenses are likely to be £100 or less, you can apply after they have been incurred .

## How to apply for expenses

1. You must apply in writing using the application form at the end of this protocol.
2. If you want to claim after you have spent money on expenses, remember to get receipts and send these to us with your form.

## How are applications decided?

1. The Chair will look carefully at your application and decide whether we can, *in principle,* pay your expenses This means she decides whether you should have your expenses paid by us. She decides the maximum amount you can claim for, and what information you need to provide to show you have spent money. She does not, at that stage, decide exactly how much of your claim for expenses we will pay.
2. The Solicitor to the Inquiry will decide how much of your claim for expenses we should pay.
3. When the Chair makes her decision she must take account of:
* your financial resources;
* whether you have been asked to attend to give evidence or produce documents;
* whether you have a particular interest in the Inquiry that justifies us paying your expenses; and
* whether it is the public interest that we should pay your expenses.
1. When considering your financial resources, the Chair will, in addition to your own resources, take account of any sources of help that are available to you. There might be organisations which are able to assist with the expenses, for example a trade union or insurer. We may ask you to provide more information to help the Chair make her decision.

## The Chair’s decision

1. If the Chair decides that we should pay your expenses, we will send you her decision in writing. This is called an “award”.
2. In the award she will set out the maximum amount you can claim for, and what information you need to provide to show you have spent the money.
3. If you receive an award before you spend money on expenses, you need to let us know, after you have spent the money, how much you actually had to spend. This is because the actual cost of your expenses may have changed since you applied to us for an award in principle.
4. If you receive an award once you have already spent money on expenses, we will already know from your application exactly how much you had to spend, so there is no need to provide us with more information.

## What’s the process for paying my expenses?

1. The law requires us to follow a detailed process. We describe that process as simply as we can below. If you have any questions about it, please contact our witness support team.
2. When you tell us how much you spent on expenses, the Solicitor looks at your claim. She does this by applying the Chair’s award.
3. The law also requires her to check if:
* it was reasonable and proportionate for you to have spent money on these expenses; and
* the expenses are proportionate and reasonable in amount.
1. The Solicitor decides how much of your expenses to pay. She will let you know her decision in writing.
2. If the Solicitor decides the full amount you have claimed should be paid, her decision is called a “final assessment”. We will pay that amount to you by bank transfer.
3. If the Solicitor decides that less than the full amount you claimed should be paid, it is called an “initial assessment”.
4. If you are content with the Solicitor’s decision to pay some of the expenses you have claimed, you need to let us know that you are content. We can then pay that amount to you by bank transfer.
5. If you are not content with the Solicitor’s decision to pay only part of your claim, you need to let us know within 21 days. You must do this in writing. If you need more time, you must contact us to see if we can agree a different deadline.
6. The Solicitor must then reconsider your claim for expenses.
7. She will then make a further decision about how much of your claim we should pay. This is called a “final assessment”. It may be for the same amount as her initial assessment, or it may be for a different amount. We will then pay the amount of the final assessment to you by bank transfer.

# Notes for filling in the form

See the protocol above for information about the process of claiming expenses. There is also a [factsheet about expenses](https://www.childabuseinquiry.scot/key-documents/factsheet-expenses/).

If you need help filling in the form, please contact the our witness support team.

## Paragraph 2 – your contact details

We will use your contact details if we need to discuss your claim with you. If you have a preferred way for us to contact you (for example, by post), let us know.

## Paragraph 3 – your interest in the Inquiry

This box helps us understand why you feel your expenses should be paid. Please provide as much information as you can.

## Paragraph 4 – your financial resources

We are required by law to find out about your financial resources when you claim expenses. This is why paragraph 4 asks you to provide information about your employment position, your income and capital, and whether you have access to any other financial resources.

**Paragraph 5 – other sources of funding**

We need to know if there are other ways for you to be meet the expense. For example, you might be a member of a trade union or have insurance.

## Paragraph 6 – details of expenses you are claiming

We need to know the date or dates you are claiming for.

For **travel expenses** we need to know where you started and ended your journey, and how you travelled (for example, by bus).

If you travelled by car, we need to know how many miles you travelled in the car. We use this information to calculate the amount of expenses we can pay you.

For **meals and refreshments**, we need to know how long that day you were doing something for the Inquiry, and what your food and drinks cost that day.

For **accommodation**, we need to know where you stayed, the type of accommodation it was (for example, a B&B), and how much it cost.

**Paragraph 7 – your bank account details**

We pay expenses by bank transfer. This is why paragraph 6 asks for your bank account details. We will not use this information for any other reason.

**Scottish Child Abuse Inquiry**

 PO Box 24202; Edinburgh EH3 1JN

 e-mail: information@childabuseinquiry.scot

# Claim for expenses

**Fill in this form to ask the Inquiry to pay your expenses.**

**There are notes above about how to fill in the form.**

|  |
| --- |
| **1. Your name:** |
| **2. Your contact details:****Address:****Email:****Phone:****Your preferred way for the Inquiry to contact you:** |
| **3. What is your interest in the Inquiry (for example, are you a core participant or a witness) and why do you need to incur the expenses you are applying for?** |
| **4. Your financial resources:****Are you (please tick)****(a) employed****(b) self-employed****(c) not employed / retired?****What is the amount of your take home pay/earnings or other income each month?****Do you have any other financial resources, for example savings or other capital? If so, please provide details.** |
| **5. Are there other ways you could meet the expense?** |
| **6. Details of the expenses you are claiming:****travel costs (if any):****meals and refreshments (if any):****accommodation (if any):****other (please specify):** |
| **7. Your bank details:****Name of bank:****Address of branch:****Name of account holder(s):****Account number:** **sort code:** |

**DECLARATION**

**I confirm that the information I have given in this claim form (and any other documents I provide with it) is true and correct to the best of my belief and knowledge.**

**Your signature:**

**Date:**

## Send completed forms:

* by email to: talktous@childabuseinquiry.scot
* by post to: SCAI, PO Box 24202, Edinburgh, EH3 1JN

## For more information you can:

* phone the witness support team on: 0800 0929 300
* write to us at: SCAI, PO Box 24202, Edinburgh, EH3 1JN
* email the witness support team at: talktous@childabuseinquiry.scot
* look at our website at: [www.childabuseinquiry.scot](http://www.childabuseinquiry.scot)

## For general inquiries:

* email us at: information@childabuseinquiry.scot

**To ask for a review of a decision by the Solicitor:**

* write to: The Solicitor, SCAI, PO Box 24202, Edinburgh, EH3 1JN
* email: solicitors@childabuseinquiry.scot