

## **The Scottish COVID-19 inquiry**

### **Witness expenses protocol and application form**

#### **1. Introduction**

- 1.1. This protocol explains how to apply to the Inquiry for your expenses to be paid. It outlines who is eligible, how to apply and the process used to determine applications.
- 1.2. Do not use the form at the end of this protocol to ask the Inquiry to pay for your lawyer's fees. There is a different process for that which can be found here: [Funding\\_protocol.pdf \(covid19inquiry.scot\)](#)

#### **2. Who can apply for expenses**

- 2.1. In terms of Section 40(3) of the Inquiries Act 2005 the following persons are eligible to apply:
  - 2.1.1. A person attending the Inquiry to give evidence or to produce any document or other thing; or
  - 2.1.2. A person who, in the opinion of the Chair, has such a particular interest in the proceedings or outcome of the Inquiry as to justify such a payment.
- 2.2. If you require someone to help you attend an Inquiry hearing (such as a family member, friend or support worker) this may be considered under 2.1.2. You must apply in advance for any expenses incurred by a supporter.
- 2.3. Awards for travel expenses or compensation for loss of time shall only be made for persons from outside the UK where the Chair of the Inquiry is satisfied that their travel is essential for the fulfilment of the Inquiry's terms of reference.

#### **3. What can be applied for**

- 3.1. You can apply for payment of expenses you incur while you are engaging with the Inquiry. Examples of these might be;
  - 3.1.1. Travel costs;
  - 3.1.2. Food and drink; and
  - 3.1.3. Accommodation if an overnight stay is necessary to give evidence at the Inquiry.
- 3.2. Where possible, the Inquiry's Witness Support Team will arrange travel and accommodation for you and a companion (where required) and pay for it in advance. Please contact our Witness Support Team to discuss your needs. They can be contacted:
  - 3.2.1. by email to [hearingsandwitnesses@covid19inquiry.scot](mailto:hearingsandwitnesses@covid19inquiry.scot); or

### 3.2.2. By post: Freepost SCOTTISH COVID-19 INQUIRY

- 3.3. Where it has not been possible for the Inquiry to book accommodation for you and you require to book your own travel, any claims should be submitted within one month of attending a public hearing.
- 3.4. If your expenses are to be more than £100 you must apply before you incur the expenditure. If your expenses are £100 or less, you can apply after they have been incurred.
- 3.5. It is not possible to refund expenses prior to any hearing, unless there are exceptional circumstances. If you feel your circumstances should be taken into consideration, please discuss with the Witness Support Team.
- 3.6. The Inquiry pays expenses in line with the Scottish Government's guidance on travel and subsistence claims. This determines how much we can pay for certain things, for example:
- 3.6.1. We can only pay standard class rail fares, not first class;
  - 3.6.2. We pay for petrol based on mileage at the pence per mile set out in the Scottish Government's guidance;
  - 3.6.3. We do not pay for alcoholic drinks;
  - 3.6.4. We pay subsistence rates for food and drink which are based on the number of hours you are engaged with the Inquiry. The rates are not based on how much your food or drink actually cost.

### 3.7. Travel Claims

- 3.7.1. Claims for travel expenses must include tickets that clearly show the date of travel, the details of where travel is to and from and the cost.
- 3.7.2. The cost of journeys by rail or bus are reimbursed at the standard rate or economy fare. Where possible tickets should be booked in advance to secure economic fares and timed tickets are preferred to open tickets.
- 3.7.3. Travel by private vehicle may only be used when public transport is not available or is appropriate by reason of (for example) disability. When travelling by private vehicle to attend a hearing as witness, you can claim a mileage allowance up to the limits specified below. When submitting a claim for mileage you must include details of the starting point and end point of your journey together with the number of miles travelled.

<b>Type of vehicle</b>	<b>First 10,000 miles</b>	<b>Over 10,000 miles</b>
cars and vans	45p	25p
motorcycles	24p	24p
cycles	20p	20p

passenger supplement	5p	5p
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**3.7.4.** Travel by Taxi may only be used when other forms of public transport are not available or are appropriate by reason of (for example) disability. Travel by Taxi requires prior approval, and this can be obtained from the Inquiry's Witness Support Team. In any claim made for the cost of a taxi, you must explain why it was necessary to use it and obtain a receipt for the fare paid.

### **3.8. Accommodation**

**3.8.1.** Witnesses living in the town or city where the hearings take place, or reasonably nearby, will not be entitled to claim an overnight stay.

**3.8.2.** For witnesses who live more than 3 hours away from where hearings take place, an overnight stay may be permitted. Please contact the Witness Support Team to agree any relevant accommodation arrangements.

### **3.9. Subsistence allowance**

**3.9.1.** A witness can claim costs from the point they leave their home to attend an Inquiry hearing. The rates are as detailed below.

<b>Travel Time</b>	<b>Rate</b>	
Travelling before 6am	Up to £12	Breakfast
Over 5 hours	Up to £4.90	Lunch
Over 10 hours	Up to £10.70	Dinner
Overnight	Up to £23.50	24 Hour Rate

**3.10.** The Inquiry will cover staff costs of relevant carers and supporters where a witness is unable to travel to, or participate in, a hearing independently. Please contact the Witness Support Team *in advance* of attending a hearing to agree any relevant support arrangements.

**3.11.** Payment in respect of loss of income as a result of attending or assisting the Inquiry may only be made in circumstances where the person to be compensated would otherwise face actual financial loss. Accordingly, a claim for compensation for loss of income can only be made when a loss of wages or other earnings is actually incurred due to attendance at/engaging with the Inquiry. The applicant must provide proof of the loss and its amount.

## **4. The application process**

4.1. You must apply in writing using the application form at the end of this document. Our Witness Support Team can also send it to you by post or email. There are notes with the claim for about how to fill it in. If you need help filling it in, please contact our Witness Support Team.

4.2. Once you have filled in the claim form, please send it to us as soon as possible:

- By email to [hearingsandwitnesses@covid19inquiry.scot](mailto:hearingsandwitnesses@covid19inquiry.scot).
- By Post: Freepost SCOTTISH COVID-19 INQUIRY.

4.3. Receipts must either be sent with the form or given to your dedicated witness officer on the day of your evidence, otherwise your claim cannot be processed. If you submit your receipts to your dedicated witness officer, we may require some additional information from you to allow your claim to be processed.

4.4. The Inquiry will inform you in writing, either by post or email of the outcome of your claim.

4.5. Expenses will be paid by bank transfer.

## **5. How applications are decided**

5.1. For those applications meeting the criteria set out in Section 2 above, the Chair requires to consider rule 18(2) of the Inquiries (Scotland) Rules 2007. This requires the Chair to consider the financial resources of the applicant and the public interest so far as relating to the making of an award. In addition, the determination by the Scottish Ministers under Section 40 of the Inquiries Act 2005 provides that claims for loss of income/time may only be made in circumstances in which the Chair considers it necessary, fair, reasonable and proportionate for such an award to be made and where the person to be compensated would otherwise face actual financial loss.

5.2. Subject to the proper assessment of claims in accordance with paragraph 5.4, and compliance with the terms of this Protocol and the relevant Scottish Government guidance and rates applicable, the Chair has determined that it is in the public interest that persons giving evidence at a hearing of the Inquiry, or otherwise attending when required to do so by the Inquiry, should not be out of pocket as a result of doing so. Further, it is generally necessary, fair, reasonable and proportionate that persons losing income as a result of giving evidence or otherwise attending when required by the Inquiry should be compensated for that loss.

### **5.3. Accordingly;**

**5.3.1.** Awards of travel and subsistence expenses actually incurred in attending to give evidence or when otherwise required to do so will be made to those incurring those expenses. No evidence of the financial resources of the applicant will be required, except that, where an application for travel and subsistence expenses exceeds £100, whether individually or along with similar applications by the same applicant, the Chair reserves the right to require such evidence; and

**5.3.2.** Awards in relation to compensation for loss of time will be made when actual financial loss, such as loss of wages or salary, has been incurred in attending to give evidence or when otherwise required to do so to those incurring the loss. No evidence of the financial resources of the applicant will be required, except that, where an application for loss of time exceeds £120, whether individually or along with similar applications by the same applicant, the Chair reserves the right to require evidence as to the financial resources of the applicant.

**5.4.** In assessing the amount of the claim that will be paid, the starting point will be the amount of expenses or loss of wages or salary actually incurred and in respect of receipts and other documentary evidence that can be provided. Consideration will be given to whether those expenses have been proportionately and reasonably incurred and whether the expenses are proportionate and reasonable in amount. Regard will also be had to the amounts that are permitted under the Scottish Government guidance and rates. No amount in excess of the amounts specified in, or calculated in accordance with the guidance, will be paid in respect of any claim.

## **6. Appeal Process**

**6.1.** If you are not happy with any decision the Inquiry makes about the amount of expenses awarded you can seek a review of that decision by writing to us. You must do this by emailing the Inquiry's Witness Support Team within 21 days of receiving our decision about your claim. If you need more time, you must contact us to see if we can agree an alternative deadline.

**6.2.** We will reconsider the claim, consider any additional information you have provided and make a further decision and inform you in writing either by email or by post.

## **7. Further Information**

**7.1.** If you require any further information or assistance about any of the above or any other matters relating to witness expenses, please contact the Witness Support Team at [hearingsandwitnesses@coronavirusinquiry.scot](mailto:hearingsandwitnesses@coronavirusinquiry.scot).

## **8. Guidance for completion of application form**

See the guidance above for information about the process of claiming expenses. If you need help filling in the form, please contact our Witness Support Team.

### **Section 1 – 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.

### **Section 2 – your bank account details**

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

### **Section 3 – date of claim**

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

### **Section 4 - details of expenses you are claiming**

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

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.

### **Section 5 – Financial details for loss of income**

This section is required so that we can assess your actual loss in terms of time. If you are only claiming for subsistence of travel expenses, you do not require to complete this section.



## 9. Witness Expenses Application form

Claims for the reimbursement of travel costs should be supported by receipts, unless these are not available (please indicate if this is the case).

If you are returning your form via email, please scan or photograph the receipts and attach them to your claim submission email. Please forward the completed form to [hearingsandwitnesses@covid19inquiry.scot](mailto:hearingsandwitnesses@covid19inquiry.scot).

If you have any queries regarding the nature of your expenses, please contact the Witness Support Team at [hearingsandwitnesses@covid19inquiry.scot](mailto:hearingsandwitnesses@covid19inquiry.scot).

Your contact details			
Preferred Contact Method	Phone	Email	Letter
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Full Name			
Address			
Email address			
Telephone Number			

Bank Details	
Bank/Building Society Name	
Account Name	
Account Number	
Sort Code	

Expenses Claim	
Dates covered in claim	
Date of attendance at hearing	

Expense Details				
Expense Type (travel, subsistence, accommodation, other)	Date of Spend	Description	Total Amount	Receipt Attached?



