**Scottish Child Abuse Inquiry**

 PO Box 24202; Edinburgh EH3 1JN

 e-mail: information@childabuseinquiry.scot

# Compensation for loss of time - protocol and application form

## Introduction

1. “Loss of time” means wages or other earnings you lose because of attending or otherwise engaging with the Inquiry. You can claim the money (after tax) you lose, from the Inquiry – this is “compensation for loss of time”.
2. This protocol explains how you may be able to claim compensation for loss of time from the Inquiry. It sets out how to claim compensation, and the process for deciding claims.

## Can I claim compensation for loss of time?

1. The law allows us to pay reasonable amounts of money as compensation for loss of time, if you qualify under the rules that apply to the inquiry. To claim compensation, you have to apply to us.
2. The Chair decides all applications. The Chair’s decision is final.
3. You can claim compensation if:
* you have been asked to give evidence or hand over documents to the Inquiry, or
* you have a particular interest in the Inquiry.
1. The Chair of the Inquiry needs to decide if you have particular interest in a public hearing or the Inquiry’s outcome. You can’t decide this for yourself – you need to provide information when you apply so that the Chair can consider your position.

## What can I claim for?

1. You can claim if you will lose any wages or other earnings because of attending or otherwise engaging with the Inquiry.
2. If your lost wages or other earnings are going to be more than £100 you must apply to us *before* you lose them. If your lost wages or other earnings are going to be £100 or less, you can apply after you have already lost them.

## How to apply for compensation for loss of time

1. You must apply in writing using the application form at the end of this protocol.
2. You will need to provide evidence of the wages or other earnings you have lost or will lose. This evidence could include a letter from your employer.

## How are applications decided?

1. The Chair will look carefully at your application and decide whether we can, *in principle*, pay your claim. This means she decides whether you should be paid compensation for loss of time. She does not, at that stage, decide exactly how much compensation we will pay.
2. The Solicitor to the Inquiry will decide how much of your claim for compensation 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 claim; and
* whether it is in the public interest that we should pay you compensation for loss of time.
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, for example, be individuals or organisations which are able to assist you. 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 you compensation for loss of time, we will send you her decision in writing. This is called an “award”. In the award she will set out the maximum amount you can claim for, and what information you need to provide to show that you have lost wages or other earnings.
2. If you receive an award before you have lost wages or other earnings, you need to let us know afterwards how much money you have lost. This is because the actual amount of your lost wages or other earnings may have changed since you applied to us for an award in principle.
3. If you receive an award after you have lost wages or other earnings, we will already know from your application exactly how much money you have lost, so there is no need to provide us with more information.

## What’s the process for paying my compensation for loss of time?

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 considers your claim. She does this by applying the Chair’s award.
3. The law also requires her to check:
* how much money you actually lost or will lose; or
* if you can’t be certain about that, perhaps because your wages or earnings are not fixed, what amount would be proportionate and reasonable.
1. The Solicitor decides how much compensation for loss of time 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 part of your claim, 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 compensation for loss of time.
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 compensation for loss of time. There is also a factsheet about [compensation for loss of time](https://www.childabuseinquiry.scot/key-documents/factsheet-compensation-for-loss-of-time/).

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 we should pay you compensation for loss of time. 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 compensation for loss of time. This is why paragraph 4 asks you to provide information about your employment position, income 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 compensated for the time you have lost.

## Paragraph 6 – details of loss of time you are claiming for

Please explain in this box what loss of time you are claiming for. Please provide as much information as you can about your work pattern, wages or other earnings, the position of your employer and any other information you think may be helpful.

## Paragraph 7 – your bank account details

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

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# Claim for compensation for loss of time

## 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. Why are you involved in the Inquiry (for example, are you a core participant or a witness)?** |
| **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? If so, please provide details.** |
| **5. Are there other ways you could be compensated for the time you have lost?** |
| **6. Details of the loss of time you are claiming:** |
| **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: [solicitors@childabuseinquiry.scot](solicitors%40childabuseinquiry.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