

Police and Crime Commissioner for Surrey – Decision Making Record

Report Title: Legally Qualified Chair of Misconduct Panels and Police Appeals Tribunal Attendance Allowance Scheme 2020/2021

Decision number: 36/2020
Author and Job Role: Rachel Lupanko, Office Manager
Protective Marking: OFFICIAL

Executive Summary:

The Surrey Police and Crime Commissioner (PCC), in exercise of the powers conferred by the Police and Crime Act 2011 pay an Attendance Allowance to Legally Qualified Chairs (LQCs) of Police Misconduct Panels and Police Appeals Tribunals (PAT).

In July 2020 the Minister of State for Crime and Policing has authorised an increase in fees for both LQCs of Misconduct Panels and PAT which is to be backdated to February 2020.

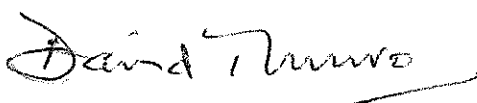
The allowance scheme (Annex 1) has been amended to reflect this decision.

Recommendation:

That the PCC follows the Home Office recommended rate LQCs of Misconduct Panels and PATs and that this is applied to any claims made since 1st of February 2020.

Police and Crime Commissioner Approval

I approve the recommendation(s):

Signature: 

Date: 22 July 2020

All decisions must be added to the decision register.

Areas of consideration

Consultation

None required

Financial implications

This will have a small impact on the overall budget.

Legal

None required

Fees and Expenses 2020/21 Legally Qualified Chair of Misconduct Panels & Police Appeal Tribunals

The Surrey Police and Crime Commissioner (PCC), in exercise of the powers conferred by the Police and Crime Act 2011, hereby makes the following scheme. This scheme is in line with current HO guidance (July 2020), replaces the decision and allowance scheme in relation to this allowance dated May 2020. This scheme shall have effect from 1st February 2020 – 31st May 2021. Any claims submitted between February 2020 and July 2020 will be updated accordingly.

Definitions

In this scheme,

“PCC”	means the Police and Crime Commissioner
“OPCC”	Means Office of the Police and Crime Commissioner
“CE”	means the Chief Executive to Surrey PCC
“LQC”	Legally Qualified Chair of a Misconduct Panel
“PAT”	Police Appeal Tribunal
“Scheme Year”	means the period of 14 months ending on 31st May 2021.
“Business address”	means the place where the PCC has his office, (currently Police HQ, Mount Browne, Guildford)

Payment of Allowances and Expenses

The amounts paid to Legally Qualified Chairs (LQC's) of Misconduct Panels and Police Appeal Tribunals (PATs) will be amended at the discretion of the PCC. Any increase/decrease to the Allowance will be subject to PCC approval and Home Office guidance,

Any claims for hours and any travelling/subsistence costs incurred should be submitted to the CE within three months of the duty for which the expense has been claimed. Claims received after the expiry of this period will only be paid in exceptional circumstances at the discretion of the CE to the PCC. **Original receipts should be provided to support any travel or subsistence claims.**

Fees may be claimed at the following rates:

Full day i.e. sittings of more than 4 hours (excluding meal breaks)	£511.56
Half day i.e. sittings for 4 hours or less (excluding meal breaks)	£255.78

It is recognised that a sitting of less than 4 hours plus travel **on the same day**, may cause an LQC to give up a whole day for a half day's session. LQCs may claim for a full day's sitting

where the sitting is less than 4 hours (excluding meal breaks) and where travel on the same day as the sitting together total over 7 hours.

Long Sittings:

Where the length of a misconduct panel or PAT sitting exceeds 7 hours (excluding meal breaks) a claim may be made for a long sitting. The allowance payable is 1/7 of the normal daily rate for each hour, or part thereof, in excess of 7 hours.

Preparation and report writing fees:

A fee may be claimed at the rate of **£73.08** for each hour necessarily spent in preparatory work or report writing. This fee may, however, can only be claimed where it is necessary for the work to be undertaken on a day other than the day on which the misconduct panel or PAT takes place, (except that a fee may be claimed even in these circumstances if the misconduct panel fee or PAT fee is paid at the half-day rate).

Travel Expenses:

LQCs are able to claim for travel from their place of residence and place of duty. Any necessary travel to misconduct panel sitting or PAT may be undertaken by first class train travel. If claiming reimbursement of rail fares or air travel you must provide a receipt in respect of **ACTUAL EXPENDITURE** incurred. Air fare will only be reimbursed if it can be proven to be the cheaper option.

The rate of reimbursement for travel in own motor car is **45 pence per mile**, motor cycle is **30 pence per mile** and bicycle **20 pence per mile**. Mileage claims should normally only be made for journeys from the primary place of residence for attendance at a misconduct panel. A rate of **5p per mile** per passenger will be paid if the passenger is attending the same misconduct panel.

Incidental travelling expenses e.g. bus/tube fares, may also be claimed. Taxi fares may be reimbursed only in the following circumstances; for journeys for which there is no other suitable method of public transport or where heavy luggage has to be transported to or from the place of departure or arrival. A receipt for travel by taxi must be provided and full reasons must be given in writing and included or attached to the claim form. Full details of each step of the journey should be shown. Travelling allowances are designed to meet expenses incurred and are in no sense a form of remuneration. Please note that no liability can be accepted in the event of any accident, damage, injury or death.

Other Expenses

Payable to LQCs in the case of an absence from the usual place of residence for a period of 24 hours or more and necessarily incur expenditure on meals and incidental travel (see above) which is additional to what would have been incurred at home. This is therefore intended to cover all hotel costs plus all meals and incidental expenses for a period of 24 hours from the time of departure from home and in respect of **ACTUAL EXPENDITURE** incurred:-

Hotel Accommodation

Hotel accommodation will normally be booked in advance by the Office of the Police and Crime Commissioner (OPCC) (3* or the equivalent bed and breakfast only) and either paid directly by the OPCC Office Manager **or refunded on production of an original invoice/receipt.**

If the hotel has been booked and paid for by the OPCC, expenses of up to **£26** per day may be claimed to cover local travel (for example between your hotel and the place of the hearing) and also to cover miscellaneous personal expenses and are only repayable upon production of original receipts.

If the hotel has **not** been booked and paid for by the OPCC, the maximum expense that may be claimed is **£96.00 per night** and this is made up as follows:

Actual receipted bed and breakfast expenditure up to a limit of **£70.00** plus further expenses of up to **£26.00** per day. These expenses are intended to cover dinner and local travel (for example between your hotel and the place of the hearing) and any miscellaneous personal expenses and are only repayable upon production of original receipts.

No additional amount is payable.

LQCs who stay free of charge with friends or relatives may claim a flat rate allowance of **£26** to cover breakfast, dinner and local travel.

Subsistence:

Where, as in most cases, an overnight stay is not necessary, expenses may be claimed for the necessary costs spent on meals (day subsistence). These are based on the period during which the LQC is absent from home (or normal place of office). The rates are:

Absence of more than 5 hours and less than 10 hours	£4.25
Absence of more than 10 hours	£9.30

Day subsistence will not be paid concurrently with night subsistence. However, a LQC who necessarily stays overnight for the purpose of a hearing may attract a day subsistence allowance when he/she is absent from home for more than 5 hours or more than 10 hours after a complete period of 24 hours attracting night subsistence allowance has expired.

Lunch - Where lunch has been provided by the OPCC no claim will be paid unless by prior agreement with the OPCC.

The sole purpose of this reimbursement is for extra expenditure incurred and is in no sense a payment for services.

The rates shown for both night and day subsistence are taken from the rates payable to the most senior officers within the Civil Services.

The rates shown for travel are taken from the Surrey Police Allowance Scheme.

Miscellaneous expenses:

Postage and telephone calls etc. necessarily dispensed in respect of the determination of the appeal may be claimed. Where it is necessary for papers to be dispatched, normal postage (and not courier) service should be used.

VAT

VAT may be claimed by those LQCs registered for the purposes of VAT. In these cases the VAT registration number should be shown.

Completion of claim form:

Any queries about the provision of or completion of claim forms should be addressed to:

The Office Manager
The Office of the Police and Crime Commissioner
PO Box 412
Guildford
Surrey, GU3 1YJ

Tele: 01483 630200

Email: surreypcc@surrey.pnn.police.uk