

**Fees and Expenses 2022/2023**  
**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) and shall have effect from the 1<sup>st</sup> of June 2022- 31<sup>st</sup> March 2023.

**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 12 months ending on 31st March 2023.
“Business address”	means the place where the PCC has his office, (currently Police HQ, Mount Browne, Guildford)

**FEES 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.

**Fees may be claimed at the following rates:**

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

These rates are payable for days when LQCs are sitting on Misconduct panels and also when conducting any pre-hearing held under regulation 33 or when communicating with relevant parties under regulation 29(4) when a prehearing is not held. They are not applicable for preparation work as this is covered separately.

It is recognised that a sitting of less than 4 hours, and when taking travelling time into account on the same day, may cause a Chair to give up a whole day for a half day's session. Chairs may claim for a full day's sitting where the sitting is less than 4 hours (excluding meal breaks) and where hearing time and travel on the same day as the hearing together total over 7 hours.

A fee may be claimed at the rate of **£73.50** for each hour necessarily spent in preparatory work or report writing. On occasion this may include additional preparation time where further evidence/documents/written submissions are provided to the Panel after the hearing has commenced; and time spent prior to the conclusion of hearings writing up decisions to ensure that hearings are not adjourned part heard.

The maximum preparation and report writing fee that can be claimed is **£1,050** for each misconduct hearing. This may be varied in more complex cases but only upon written agreement of the Chief Executive of the host Police & Crime Commissioner.

Where a hearing runs late, but not into a further day, then a long sitting allowance may be claimed. The long sitting allowance may be claimed where the length of a tribunal sitting exceeds 7 hours (excluding meal breaks). The allowance payable is 1/6 of the normal daily rate for each hour, or part thereof, in excess of 7 hours.

LQCs attending training will be able to claim the current half day rate to cover attendance at training days. This approach recognises the time commitment in attending, but also recognises the value of the training LQCs will receive as part of their continuous professional development. LQCs would also be able to claim travel expenses.

## **CANCELLATIONS:**

Whilst every effort will be made not to cancel Misconduct Hearings, there may be occasions when this is unavoidable.

The PCC recognises that LQCs may have declined other work in order to chair a hearing and has adopted the following approach to paying for cancelled days:

- If a hearing is cancelled over two weeks in advance of the proposed date there will be no payment made, but the LQC's name will, with their agreement, be put back at the top of the list of available Chairs.
- Where a hearing is cancelled 7-14 days prior to the commencement date the current half day rate will be payable for each of the days the hearing was expected to last, up to a maximum of five days.
- Where less than seven days' notice is given, the full day rate will be payable for each of the days the hearing was expected to last, up to a maximum of five days.

In all cases of cancellation, full payment for any preparatory work, up to £1050 (or otherwise agreed amount), will be paid as well as any time spent in prehearing meetings.

Cancellations without good reason by LQCs, especially if made to undertake other paid work, may result in an LQC being removed from a regional list following discussions with the local Chief Executive. (For the avoidance of doubt, cancellation due to an existing professional commitment “overrunning” will be regarded as being with good reason. Similarly, provided sufficient notice has been given by the LQC to the local policing body to allow an alternative LQC to be appointed, where the cancellation is due to the LQC being appointed to chair another police misconduct hearing, this will be regarded as a cancellation with good reason.)

#### **HEARING LENGTH:**

If a case does not take as long as has been estimated by the LQC, the “overestimated” days will be paid at the current half day rate for each of those days, up to a maximum of five days.

#### **TRAVEL EXPENSES:**

Where public transport costs are incurred, these will be reimbursed in full on provision of the relevant receipts.

Mileage will be reimbursed for mileage incurred travelling to and from any venue in relation to the work being undertaken. Mileage will be reimbursed at the HMRC vehicle rate, currently 45p per mile. The vehicle, for which mileage is being claimed must be taxed, have appropriate insurance for business use and a valid MOT certificate (where applicable) at the time the journeys were made. Evidence of this may be requested for audit purposes.

Costs incurred for rail travel will be reimbursed at the standard rate on production of a receipt. 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 whilst travelling or whilst undertaking hearing duties.

There is no provision for payment of travelling time unless in relation to a claim for a short day.

## **ACCOMMODATION AND SUBSISTENCE:**

Wherever possible hearings will be timed to avoid the necessity for overnight stays. If a hearing runs to two or more days, then the Chair may, if travel to the hearing venue is likely to take more than an hour, request that a hotel be booked in advance. **Please contact the Office Manager who will arrange this for you.**

If the LQC chooses to arrange their own accommodation they may claim reimbursement for the cost of overnight accommodation for up to a maximum of **£126 per night**, this rate is made up as follows:

- Accommodation up to a limit of **£100** per night.
- Plus a flat rate allowance of **£26**. This allowance is intended to cover dinner and local travel (for example between hotel and the hearing venue) and also to cover any miscellaneous expenses. No additional amount is payable.

LQCs should arrive at the hearing sufficiently early and refreshed to prepare for the hearing and meeting other panel members. In cases where the LQC has a journey of more than one hour, the OPCC may agree to book or meet the cost of overnight accommodation the night prior to the first day of the hearing.

Unless the LQC's travel from the hearing venue to his/her home is likely to take more than an hour, an overnight accommodation claim may not be made in respect of the final day of the hearing if a long sitting allowance has been claimed.

Where an overnight stay is not necessary, an allowance may be claimed for the necessary costs spent on meals (day subsistence). The allowance is based on the period during which the LQC is absent from home. The rates are:-

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

This is a flat rate allowance which may be claimed whether the cost of meals was more, or less, than the actual amount of expenditure. It is not necessary for receipts to be provided. The allowance should not, of course, be claimed if a meal is provided free of charge.

## **OTHER EXPENSES:**

Postage and telephone calls etc necessarily dispensed in respect of the determination of the hearing may be claimed upon provision of documentary evidence. Where it is necessary for papers to be dispatched, this should be done by registered post or special delivery to preserve the confidentiality of papers. Evidence of the cost should be provided with any claim.

**CLAIMING EXPENSES:**

All claims must be submitted using the claim form provided and must be signed by the Chair.

Chairs who wish to submit an invoice may include a copy of the invoice with the completed claim form but an invoice without a completed and signed claim form does not constitute an eligible claim. VAT may be claimed by those Chairs registered for the purposes of VAT. In these cases, the VAT registration number should be shown on the invoice.

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: [Rachel.lupanko@surrey.police.uk](mailto:Rachel.lupanko@surrey.police.uk)