

**Title: GOV006 Commissioners Payments and Reimbursement of Expenses Scheme**

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## 1 Introduction

- 1.1 The SLCC has had regard to the Scottish Government's Public Sector Pay Policy for Senior Appointments in revising this scheme. In particular, reference is made in this context to the following:

*"The main objective in remunerating such posts is to increase diversity. Remuneration may be proposed where it is particularly important for bodies to have boards drawn from as wide and diverse a range of candidates as possible or where there is a specific need for members drawn from otherwise under-represented groups."*

- 1.2 The Scottish Government, in making appointments to the SLCC, has recognised the value of such diversity, both in terms of personal background, skills, and geographical spread.

## 2 Daily Rate

- 2.1 The Legal Profession and Legal Aid (Scotland) Act 2007, Schedule 1 (7), allows the SLCC to pay such remunerations and allowances as Ministers may determine.

- 2.2 In line with Public Sector Pay Policy for Senior Appointments (<http://www.gov.scot/Topics/Government/public-sector-pay/senior-appointment-pay>), the Chair and Board Members are remunerated on the basis of a daily fee for all work carried out for or on behalf of SLCC. For the purposes of calculating such payments the following shall apply:

- 2.3 A working day shall be a period of seven hours excluding lunch break.

- 2.4 Time spent should be recorded as either as a full or a half day, or as a full or a half hour spent on SLCC business, appropriately rounded. Other combinations should not be used to avoid confusion (i.e. a '3/4 day' or '37 minutes')

- 2.5 Payment of daily or hourly fees should reflect the time commitment involved. Reasonable activities include the following:

- (i) attendance at Board meetings, committees, training, seminars and functions on behalf of SLCC
- (ii) time spent preparing for meetings and other events as above
- (iii) time spent travelling to and from meetings and other events as above

- 2.6 The Chair and Board Members should submit a monthly record of time spent on SLCC business. All Members should use the appropriate form and the codes attached in Appendix 2. Time recorded and expenses claimed must be coded using the drop-down list of codes in the Member Expense Form spreadsheet. If travel is for more than one purpose, it should be coded for the primary purpose of the journey.

- 2.7 It is recognised that preparation time for meetings and other events may vary. Time recorded in preparing for meetings and for participating in them should reflect actual time spent.

- 2.8 In recognition of the principles outlined above in respect of the geographically diverse locations from which Members are drawn, time spent travelling to and from meetings shall be recorded as actual hours/half hours, but reimbursed at 50% of the hourly rate, except in those instances where Members are able to utilise travel time to prepare for meetings. In these circumstances claims should be made using the guidance at 2.7 above. Members should only claim if travel time is above 30 minutes.

- 2.9 The current rates, as of October 2015, are £212 for members and £313 for the chair.

### **3 Travel**

- 3.1 Travel to and from meetings and other events should be undertaken by the most cost effective method, having regard to the guidance above in respect of payment for travelling time. Travel starts from the individual's normal place of residence or from the prior appointment address, whichever is closest.
- 3.2 If public transport is used for any part of the journey only standard class travel shall be reimbursed unless an alternative class of travel has been approved in advance by SLCC.
- 3.3 Receipts must be provided for journeys made by public transport, taxi journeys, toll fees and car parking expenditure.
- 3.4 Journeys by private car should only be undertaken where there is no reasonable alternative and where possible should be shared. Mileage rates shall be reviewed and updated periodically to reflect HMRC guidance and Scottish Government travel and subsistence rates. Current rates are shown in appendix 1. Fines and penalties will not be paid by the SLCC.

### **4 Subsistence**

- 4.1 Subsistence claims for overnight stays must reflect best value principles. Wherever possible, bookings shall be made directly by SLCC to take advantage of corporate rates where available.
- 4.2 Current rates for subsistence are detailed in Appendix 1 and reflect those applicable to SLCC staff.

### **5 Incidental Expenses**

- 5.1 SLCC will supply the Chair and Board Members with necessary equipment and consumables to carry out their roles. These shall include stationery, printing consumables, laptops and mobile phone technology.
- 5.2 If required, access to a wireless or wired network shall be provided by SLCC to allow for work out with the office.
- 5.3 In addition to the above, all reasonable business related incidental expenses incurred in carrying out duties on behalf of SLCC shall be reimbursed.

### **6 General Guidance**

- 6.1 The basic principle underlying expenses payments is that the Chair and Board members should not be out of pocket as a result of their appointment. Compliance with the procedures shown below will ensure that this principle is met and that HMRC requirements are met by SLCC.
- 6.2 Claims for any payment as set out above should be made within 7 days of the end of the calendar month of the cost being incurred or work done and in an approved form, in order to ensure payment in the following month.
- 6.3 All relevant receipts must be submitted with the claim. Originals should be posted or hand delivered. To allow faster approval a scanned/or photographed (smartphone) copy of receipts may be emailed with the claims form, with confirmation the originals will be provided in due course.
- 6.4 Any claim submitted without the relevant receipt(s) shall not ordinarily be paid, and only at the discretion of Chief Executive.
- 6.5 Where substantial costs are likely to be incurred payment in advance may be made.

- 6.6 All claims shall be in writing and signed by the claimant, or be delivered from a known email account for the member, and countersigned by the Accountable Officer or Designated Signatory appointed by the Accountable Officer.
- 6.7 The total remuneration of each members is published in our annual accounts each year, with detail of our of pocket expenses placed on our website:  
<https://www.scottishlegalcomplaints.org.uk/about-slcc/what-we-do/our-processes/board-members-expenses.aspx>

# Appendix 1 - SLCC Travel and Subsistence Rates

## 1 Travel Rates

These SLCC Rates and Allowances are :

### **Standard Mileage Rates**

#### 1.1 Private Car

45p per mile for first 10,000 miles  
25p per mile thereafter

#### 1.2 Private Motor cycle, Scooter or Moped

24p per mile

#### 1.3 Passenger Supplement

5 per mile for each official passenger

#### 1.4 Bicycle Mileage Rate

20p per mile

## 2 Subsistence Rates

### 2.1 Day Subsistence

Up to a maximum of £15

### 2.2 Night Subsistence and allowances

Breakfast (if additional to overnight rate)  
Expense limit is £5

Evening Meal (including 1 non-alcoholic drink)  
Expense limit is £15

Staying with Friends or Family Allowance  
Fixed rate of £25

## 3 Accommodation cost and standards

3.1 Single rooms with en-suite facilities; TV, and tea/coffee making facilities in the room; a telephone in the room is desirable;

3.2 Adequate space and, where it is necessary to work in the room, facilities (writing surface and telephone) for doing so;

3.3 The hotel should have satisfactory personal security arrangements and adequate emergency procedures. The surrounding area should be safe;

3.4 Restaurant facilities should be available either in the hotel or locally, offering a table d'hote menu at reasonable prices for 2 courses with coffee but excluding other drinks.

3.5 The upper limit for a single night of accommodation will be £150. In exceptional circumstances the CEO can approve expense above this (for example, a short notice booking in the middle of the Edinburgh Festival).

## Appendix 2 – Sample Codes

AREA	CODE & TITLE
Travel	01 - Board Travel
	02 - Determination Travel
Board Meetings	11 - Board Mtg Preparation
	12 - Board Mtg Attendance
	13 - Board Mtg Follow-up
Board Development & Training	21 - Dev & Trg Preparation
	22 - Dev & Trg Attendance
	23 - Dev & Trg Follow-up
Audit Committee	31 - AC Preparation
	32 - AC Attendance
	33 - AC Follow-up
Projects	41 - Projects
External Representation	51 - Ex Rep Preparation
	52 - Ex Rep Attendance
	53 - Ex Rep Follow-up
Corporate Governance	61 - Corp Governance
General Administration	71 - Gen Admin
Emails & Tel Calls	81 - Emails & Tel Calls
Determination	91 - Determining Eligibility
	92 - DC Preparation
	93 - DC Attendance
	94 - DC Follow-up

## Appendix 3 - Guidance on submitting claims

### Attendance

- 1. Board meetings and Performance Call– the timing will be announced by the Chair**  
This will include the time of the meeting, and in the case of a Board meeting the chair will add 0.5 hours to the time s/he announces for general member discussion pre and post the formal meeting. The secretary will record this in the minute.
- 2. Determination Committee – the timing will be announced by the Determination Chair**  
This will include the time of the meeting. The clerk will maintain a note on the length of each meeting.
- 3. Audit Committee – the timing will be announced by the Audit Chair**  
This will include the time of the meeting. The secretary will record this in the minute.
- 4. Other meetings – the timings should be agreed by the group present**  
This will include the time of the meeting
- 5. Travel time**  
This should usually be claimed from leaving home, to the start of the meeting (i.e, including waiting time) so long as no personal or other work activity is undertaken in between travel and the meeting.

Member must not claim for travel time if they use it for preparation and are claiming that.

Members must not use travel time if undertaking any other remunerated work for another body (i.e. travel or preparation time) which could lead to a double payment for the same period of time.

### Preparation

- 6. Most work should be record on the day you do it.**  
Do not add up all the work of one type and record it once in the month. In the example, working at home on 3<sup>rd</sup> May clearly covers three different areas.
- 7. Board Meeting (3 hours)**  
Generally it is estimated members will have spent 3.0 hours on preparation for a Board – this includes reading papers, making travel plans, checking information with the executive staff, and considering questions to be asked to ensure effective governance.
- 8. Performance Call (1 hour)**  
Generally it is estimated members will have spent 1.0 hours on preparation for a performance call, due to the traditionally lighter load of papers.
- 9. Eligibility cases (0.5 hour)**  
Generally it is estimated members will have spent 0.5 hours on an eligibility case, however, these do vary so it is anticipated that in this area there may be more variation
- 10. Determination Committee (1.0 hour per case AND 1.0 per PDC)**  
Generally it is estimated members will have spent 1 hour on a determination case, however, these do vary so it is anticipated that in this area there may be more variation. This includes reading papers, making travel plans, checking information with the executive staff, and considering questions to be asked to ensure effective and consistent decisions .



### **11. Audit Committee – (chair 4 hours per meeting, member 2 hour per meeting)**

Generally it is estimated members will have spent 2 hours per meeting, with the chair spending 4.0 hours (including approving agenda and minute). This includes reading papers, making travel plans, checking information with the executive staff, and considering questions to be asked to ensure effective governance.

### **12. General admin time should be added at the end of the month in a single code (0.5 hours)**

Generally it is estimated members will have spent 0.5 hours on general email, calls, expenses claims, etc. 0.5 hours can and should be inserted without the need for extra detail, or if it exceeds this please provide an indication why.

In all cases members are welcome to claim for more time if they have required this, but should indicate why this was required for a particular meeting/item of work.

### **EXAMPLE**

On the following pages are a mocked up expenses claim form, which applies the above principles.

- In the example, working at home on 3<sup>rd</sup> May clearly covers three different areas of work.
- On 8<sup>th</sup> May it is clear a Board Meeting and a meeting about Consistent Decision Making Meeting were attended at SLCC office in Edinburgh.
- Three hours were recorded against the Board Meeting, as announced by the chair. This covered the 2.5 hour meeting and general chat with colleagues.
- The journey he makes usually takes about 2 hours 15 minutes – walking to the station, waiting for the train, the train journey itself, the walk up from Waverley. However, he claimed 2.5 hours because the train timetable meant he had a necessary wait in the office before business got started.
- He also recorded, separately the two hours he spent in a meeting about Consistent Decision Making. He recorded this against “Projects” noting in column C what the project was.
- Note that when he claimed his travel costs, he added “rtn” to the Destination box to indicate a return and not one way journey.
- When he travelled to the office on 15<sup>th</sup> May for a Determination Committee, he used the special code for travelling to DCs “02 Determination Travel”. For all other travel he uses the general “01 Board Travel”. The train times meant that he had a 30 minute wait in the office for the DC to kick off – so he recorded 2.75 hours minute for travel – and not just the 2.5 hours of actual travel.
- On 22<sup>nd</sup> May, when he came to the office for a meeting with the Chairman, he used the standard Board Travel Code “01 Board Travel”.
- He recorded the meeting as “61 Corporate Governance” but indicated in column C the purpose of the time.
- At the end of the month he recorded 30 minutes spent throughout the month on dealing with telephone calls and emails, completing the expenses form, and so on. This is the only time he recorded work done on different days in the one entry.



