

The Fingerprint Inquiry | Scotland

COMPENSATION FOR LOSS OF TIME

NOTES FOR APPLICANTS

*These notes are designed to assist you in completing an application for an award of **compensation for loss of time**. You should read them together with sections 17 and 40 of the Inquiries Act 2005 (the Act), rules 17 to 28 of the Inquiries (Scotland) Rules 2007 (the 2007 Rules), and the Inquiry's terms of reference (all of which are available from the Inquiry website www.thefingerprintinquiry.scot.nhs.uk).*

1. Eligibility for an award

The Chairman has power to award reasonable amounts in respect of **compensation for loss of time** incurred in attending, or otherwise in relation to, the Inquiry.

If you are:

- a person attending the Inquiry to give evidence or to produce any documentation or other thing (which may include meeting with the Inquiry team to take your statement), or
- a person who in the opinion of the Chairman, has such an interest in the proceedings or the outcome of the Inquiry as to justify such an award

you may be eligible for an award of compensation in respect of any loss of time you incur in this connection.

2. General points to note

If you receive a request to attend the Inquiry and you will require to take time out of your working day to do so, you should speak to your employer as soon as possible. If your employer is not prepared to allow you to attend as part of your working day and proposes to deduct wages in respect of the time spent in attending the Inquiry (and time spent travelling to and from the Inquiry), you may be able to seek an award of compensation in respect of this loss.

However, awards will not normally be made in respect of persons giving evidence in the context of their employment or former employment as the Chairman expects that these expenses would be met by your employer, or former employer, as the case may be.

If you are self employed and you suffer a loss in respect of time spent attending the Inquiry, you may also be able to apply for an award of compensation for loss of time. You should provide the Inquiry team with as much information as possible about the loss you will suffer.

Applications for an award of compensation for loss of time should usually be made in advance. Claims for actual losses suffered can be made thereafter on forms to be provided by the Inquiry team. Applications for losses already incurred will only be considered in exceptional circumstances (e.g. where the loss could not have been foreseen).

3. Applications

The relevant application form for an award of compensation in respect of loss of time is available from our website www.thefingerprintinquiryScotland.org.uk

An application must be accompanied by documentary proof of the loss of time claimed (e.g. a letter from your employer or payslip confirming the deduction of wages).

4. Completing the Application Form

Here is some more information to assist you in completing your application.

Part I – Personal Details

Please provide your name, address and contact details in this part of the form.

If you are represented by a lawyer, (and you have not been designated as a core participant by the chairman) please also provide his/her name and contact details in order that he/she can be identified as your Recognised Legal Representative for the purposes of the Inquiry.

Part II – Details of the loss incurred

You should provide as much information as possible about the loss to be incurred in the table found in this part of the form.

Please specify the date(s) the loss is to be incurred in the first column of the table.

Please provide as much detail as possible about the loss in the second column of the table. If you are claiming for a loss of wages, please state this, along with your employer's name, address and contact telephone number, and the daily or hourly rate at which you are paid.

If you are claiming for loss of self employed earnings, please state this and provide us with as much detail as possible about the loss including, where applicable, the hourly or daily rates/fees applicable to your time.

For all other losses, please simply provide us with as much information as possible.

Please note that if the loss relates to a deduction of wages for time spent attending the Inquiry during the course of your working day, you should (where at all possible) provide proof of the deduction of wages in this part of the application (e.g. written confirmation of the position from the employer).

Self employed individuals should provide any documentary evidence of the loss they may have.

For any other claims, you should provide us with such documentary evidence of the loss to be incurred as you may have.

Part III – Declaration

Once you have completed Parts I and II, you should sign this part of the form and submit it in hard copy to the Inquiry team. Please be aware that your signature will be treated as confirmation that all the information contained in the form is correct, to the best of your knowledge. **It is a serious offence to make a false claim.**

5. The Chairman's decision

The Chairman will use the information you provide in your application to decide whether or not to make an award in your favour.

In making any decision as to the procedure of conduct of the Inquiry, including a decision about an award of this type, the Chairman must act with fairness and with regard to the need to avoid any unnecessary cost, whether to public funds or to witnesses or to others.

The Chairman will also take into account your financial resources and the public interest so far as relating to the making of an award

Where the Chairman has decided that an award should be made, he will issue a written determination to this effect. That determination will set out the conditions upon which the award is made, including

- an upper limit or limits on the sums which will be paid
- the form in which bills must be submitted to the Chairman, and
- any other conditions that the Chairman considers appropriate.

6. Assessment of amounts paid under an award

Once the chairman has made a determination, and a claim has been made by the submission of a bill (accompanied by such other documentation as has been specified) the Solicitor to the Inquiry will assess the amount to be paid under the award.

More detailed information on how these awards will be assessed and the procedures for disagreeing with an assessment, is available on request from the Inquiry team and will be added to our website shortly.

7. Queries and Contacts

Application forms should be completed in hard copy, signed and sent to:

**The Fingerprint Inquiry
44 Drumsheugh Gardens
Edinburgh
EH1 3AB**

Tel 0131 240 2191

e-mail – info@thefingerprintinquiryscotland.org.uk

If you have any queries about these notes, the relevant application form or about the process of applying for an award of this type in general terms, please contact the Inquiry team at the address above.