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Safeguarders  
Panel

# SAFEGUARDER FEES, EXPENSES AND ALLOWANCES

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## Guidance on Safeguarder Fees, Expenses and Allowances

The following sets out the rules and guidance for Safeguarders in making fee, expenses and allowances claims. The new structure becomes operational from 1 April 2015. Where a Safeguarder is appointed to a case from 1 April 2015, they should submit claims as per the structure and guidance set out in this document. Claims for appointments made prior to 1 April 2015 should be as per the structure and guidance that was in place from June 2013 to March 2015.

It is the responsibility of each individual Safeguarder to familiarise themselves fully with the rules under which fees, expenses and allowances can be claimed.

Safeguarders should be aware that :-

- All Safeguarders are appointed as individuals. Neither Children 1st or the Scottish Government have contracted with nor procured a service from a company for this Safeguarder work.
- Invoices submitted via companies and/or on company headed paper will be returned for re-submission on an individual Safeguarder basis.
- The Scottish Government's position is that VAT is not chargeable on Safeguarder fees and expenses as Safeguarders are appointed as individuals and paid a set fee. They are also appointed on the basis of their capacity to meet certain competencies, regardless of their professional qualifications or VAT status and are not able to delegate the work. The Scottish Government has asked HMRC to confirm that this is correct and is currently seeking a HMRC review. The present position on VAT will remain unchanged unless HMRC advise that this stance is contrary to VAT law.
- As individuals, all Safeguarders will be responsible for their own tax affairs, including submitting tax returns in line with HMRC guidance.

In making a claim: -

- All Safeguarders should note that submission of a fraudulent claim will constitute a serious disciplinary matter and could lead to removal from the Safeguarders Panel. Children 1st has the authority to audit individual claims.
- If a fraudulent claim is submitted it will not be a defence to argue that you were unaware of the rules.

- If anyone has any doubt about their entitlement to specific fees, allowances or expenses they must consult with the Safeguarders Panel Team at Children 1st before incurring the expenditure.
- It is inadvisable to make assumptions or to expect other Safeguarders to provide advice about the fees, expenses and allowances.

In submitting claims:-

- It is each individual Safeguarder's responsibility to ensure that they are claiming the correct fees for appointments. The claim form must be fully completed, with fee descriptions, dates and correct amounts included, or it will be returned to the Safeguarder for resubmission.
- It is expected that a timely claim will be made by a Safeguarder, within 2 months of the conclusion of appointment. There may be circumstances which require alternative arrangements, such as an interim payment of expenses to be made because a case is particularly protracted. However, Safeguarders should not make interim claims on a regular basis.
- Claims made outwith the maximum time limit of 2 months after the conclusion or termination of the appointment, which is usually after the appeal period for the case concludes, may not be paid unless under explainable circumstances.
- The [claim forms](#) are designed to be completed electronically and Safeguarders are asked to complete them in this way. A Safeguarder can contact the Safeguarders Panel Team if they require support in completing the form electronically. However, if it is not possible to complete the forms electronically, Safeguarders can download a manual claim form or discuss with the Team what the difficulty is and how best to resolve this. Safeguarders, when manually completing the form, must use the same description of fees as those that appear in the fees policy.
- One claim form should be used per appointment, regardless of the number of siblings involved. Separate forms should not be completed for siblings who are part of the same appointment.

## Introduction

The guidance should be used applying the following principles:

- There is no standard case, each child is an individual and his or her circumstances are unique;
- The fee structure provides a payment for work that is encompassed in core elements of the Safeguarder role;
- A Safeguarder must perform his or her role proportionately, keeping the child's interests to the fore;
- A Safeguarder should only claim for fees for work, including additional work, that is required and justified in the circumstances of the appointment and that has been carried out;
- A Safeguarder must not perform the role of others and should work with others in the child's best interests;
- A Safeguarder must perform his or her role in response to the needs of the child and not be governed by set ways of working;
- A Safeguarder will not contribute to any unnecessary delay in achieving a substantive decision for the child.

The guidance is laid out to reflect the lay outs of the fee table and claim form:

### DEFINITION OF CHILDREN'S HEARINGS RELATED FEES

#### **A. APPOINTMENT FEES – CHILDREN'S HEARINGS**

##### **A.1. Fixed appointment fee**

##### **A.2(a). Fixed additional appointment fee for second and each subsequent child living separately**

##### **A.2(b). Fixed additional appointment fee for second and each subsequent child living together**

#### **B. ADDITIONAL FIXED FEES FOR HEARINGS NOT COVERED BY APPOINTMENT FEES – CHILDREN'S HEARINGS (NOT PRE-HEARING PANELS)**

##### **B.1. Daily fixed attendance fee**

##### **B.2. Fixed fee for additional work**

##### **B.3(a) Fixed additional work fee for second and each subsequent child living separately**

##### **B.3(b) Fixed additional work fee for each second and subsequent child living together**

##### **B.4(a) Fixed fee for additional written report if required**

##### **B.4(b) Fixed fee for oral report if required**

**C. ADDITIONAL FIXED FEES FOR PRE-HEARING PANELS**

C.1. Daily fixed attendance fee – pre-hearing panel

C.2. Fixed fee for additional work

C.3(a) Fixed additional work fee for second and each subsequent child living separately

C.3(b) Fixed additional work fee for each second and subsequent child living together

C.4(a) Fixed fee for additional written report if required

C.4(b) Fixed fee for oral report if required

**DEFINITION OF SHERIFF COURT RELATED FEES**

**D. COURT APPOINTMENT FEES – SAFEGUARDER ENTERING PROCEEDINGS**

D.1. Fixed Appointment Fee

D.2(a). Fixed additional appointment fee for second and each subsequent child living separately

D.2(b). Fixed additional appointment fee for second and each subsequent child living together

**E. COURT APPOINTMENT FEES – SAFEGUARDER NOT ENTERING PROCEEDINGS**

E.1. Fixed Appointment Fee

E.2. Fixed additional appointment fee for second and each subsequent child

**F. ADDITIONAL FIXED FEES FOR ADDITIONAL COURT HEARINGS NOT COVERED BY APPOINTMENT FEES – SAFEGUARDER ENTERING PROCEEDINGS**

F.1. Daily fixed attendance fee

F.2. Fixed fee for additional work

F.3(a) Fixed additional work fee for second and each subsequent child living separately

F.3(b) Fixed additional work fee for each second and subsequent child living together

**G. FIXED FEES FOR WRITTEN REPORTS FOR COURT – SAFEGUARDER ENTERING PROCEEDINGS**

G.1. Fixed fee for written reports where requested by the Sheriff (following initial appearance)

G.2. Fixed for written report submitted when Safeguarder cannot attend a court hearing

Examples of possible claims for fees are provided in the guidance.

## Definition of Children's Hearing Related Fees

### A. Appointment Fees – Children's Hearings

**A.1 Fixed appointment fee:** This is a flat fee in respect of an appointment as a Safeguarder and covers

- any investigative work required;
- reviewing available information;
- interviewing to access relevant information;
- the preparation, production and submission of the report required for a children's hearing (and specified in section 33 of the Children's Hearings (Scotland) Act 2011), including an interim report in terms of Rule 56 of the Children's Hearings Rules 2013;
- any written or other communications that are not reports within the terms of this guidance (see below at B.4.);
- contributions at hearing to safeguard the interests of a child or children
- any necessary and ancillary administrative expenses associated with compiling the report unless over £10. See page 29 for definition and how to claim if over £10.

The fixed appointment fee does not cover attendance at the hearing where the Safeguarder's report will be considered and a fixed attendance fee of £130 can be claimed if the Safeguarder attends that hearing.

**Example 1:** *A Safeguarder is appointed for a child. The Safeguarder investigates and prepares a written report for the hearing and attends the hearing where the report is discussed and the hearing make a compulsory supervision order for the child. There is no appeal of the hearing's decision. The Safeguarder can claim the fixed appointment fee (£260) and daily attendance fee (£130).*

**A.2(a) Fixed additional appointment fee for second and each subsequent child living separately:** This is a flat rate fee paid in respect of any second and each subsequent child, who lives separately, and is payable for each additional child **in addition** to the initial fixed appointment fee.

This additional fee covers the additional work required for the consideration of each child's case where there are a number of children in the appointment.

**A.2(b) Fixed additional appointment fee for second and each subsequent child living together:** This is a flat rate fee paid in respect of any second and each subsequent child, who lives together, and is payable for each additional child **in addition** to the initial fixed appointment fee.

This additional fee covers the additional work required for the consideration of each child's case where there are a number of children in the appointment.

**Example 2:** *A Safeguarder is appointed by a children's hearing for two children A and B who live together. The Safeguarder investigates, completes a report and attends a hearings where the hearing make a decision. There is no appeal against that decision. A fixed appointment fee (£260) and a daily fixed attendance fee (£130) can be claimed and an additional fixed appointment fee for a child living together should be claimed for B (£65).*

The basis for this additional fee is to cover additional work involved in separate placements and care arrangements. Where there are a number of children in the one appointment, in deciding what fee is appropriate, the Safeguarder needs to consider:

1. identifying one child as a first child and apply the fees in relation to children living separately from or together with that child, and
2. if any of the other children live together in a placement, to apply the living separately fee to one child in that placement and apply the living together fee to the other children in that placement.

The choice of child should be made so that fees claimed are kept to a minimum.

**Example 3:** *A Safeguarder is appointed to a case that relates to 4 children A, B, C and D. Child A lives at home with child B. C and D live in another placement different from A's placement. In addition to the fixed appointment fee (£260), an additional fixed appointment fee for a child living together should be claimed for B (£65). An additional fixed appointment fee for a child living separately (£130) should be claimed for C and an additional fixed appointment fee for a child living together (£65) should be claimed for D because D lives together with C. Whether children A and B live at home or live together in another placement makes no difference to the fee that can be claimed.*

Where it is clear that different children from the same family are being considered separately, or in different groupings, such that they are being dealt with as 2 separate cases, an application for an additional appointment fee can be made to Children 1st. The separation out of different children within the one appointment must not be temporary or for procedural or administrative reasons only. Please note, where an additional appointment fee is authorised, this is payable instead of the 'fixed additional appointment fee for second and subsequent child' and the daily attendance fee restriction still applies.



## **B. Additional Fixed Fees for Hearings Not Covered by Appointment Fees – Children’s Hearings (Not Pre-Hearing Panels)**

This section covers continued hearings, including hearings considering an Interim Compulsory Supervision Order (ICSO) or an Interim variation of a Compulsory Supervision Order (IvCSO), hearings related to a Child Protection Order, and other hearings that a Safeguarder has a right to attend, for example, hearings considering suspension of a decision pending an appeal or contact review hearings.

Pre-hearing panels are not covered in this section. See page 12.

**B.1. Daily fixed attendance fee:** This is a flat rate fee paid in respect of attendance at hearings. This fee remains fixed regardless of the number of children involved in the hearing(s) and of the amount of matters being considered at the hearing(s). The fee covers:

- time spent travelling to and from the hearing(s)
- time at the hearing(s), including the contribution from the Safeguarder at the hearing to safeguard the interests of the child or children

This fee is only payable once per day, per appointment, even when separate hearings are held for siblings on the same day. Separate daily attendance fees would only be payable where hearings are held on different days.

**B.2. Fixed fee for additional work:** This is a flat rate fee paid in respect of the additional work required for an additional hearing. This fee should not be claimed for work already covered by the appointment fee or where no additional work occurs. This fee also should not be claimed for work carried out in preparation for a Safeguarder’s first attendance at a children’s hearing.

So for instance if a children’s hearing is continued and the Safeguarder keeps doing what they would be doing as part of their appointment there is no 'additional' work despite any activity between hearings. If the work between hearings is additional, say for example, at a hearing something new comes to light and the Safeguarder has to investigate this and it is something that they had not intended or contemplated doing, then that could be 'additional' work.

This fee remains fixed regardless of the number of children involved in the hearing. The fee covers additional work including any investigative work and necessary and ancillary administrative expenses unless over £10. See page 29 for definition and how to claim if over £10. The fee does not cover any written or oral reports required as defined in this guidance (see below).

**Example 4:** A Safeguarder appointed for two children attended a hearing having submitted his report. The hearing did not go ahead due to a relevant person not being able to attend. At the continued hearing the Safeguarder had not needed to carry out any further significant investigations and was able to contribute at the hearing as he would have contributed at the original hearing that did not go ahead. Only the daily fixed attendance fee (£130) should be claimed for this continued hearing.

**Example 5:** A Safeguarder completes a report for a hearing and at the hearing new significant information comes to light such that the hearing has to be continued to another date. The Safeguarder investigates the new information before going back to the continued hearing. The fixed fee for additional work can be claimed for this additional work (£65) along with the daily fixed attendance fee (£130).

**Example 6:** A Safeguarder is to attend a hearing that will consider the further issue of an ICSSO. The Safeguarder investigates to make a recommendation to the hearing as to the need for a continuing interim order or any change to contact arrangements. The fixed fee for additional work can be claimed for this additional work (£65) along with the daily fixed attendance fee (£130).

**B.3(a). Fixed additional work fee for second and each subsequent child living separately:** This is a flat rate fee paid in respect of any second and subsequent children, who live separately, and is payable for each additional child in addition to the additional child appointment fee.

This additional fee covers the additional work required for the consideration of each child's case where there are a number of children in the appointment.

Please note, this fee is attached to the 'Fixed fee for additional work' and is only payable alongside this fee. See above for explanation of when additional work fees are appropriate.

**B.3(b). Fixed additional work fee for each second and subsequent child living together:** This is a flat rate fee paid in respect of any second and subsequent children, who live together, and is payable for each additional child in addition to the additional child appointment fee.

This additional fee covers the additional work required for the consideration of each child's case where there are a number of children in the appointment.

Please note, this fee is attached to the 'Fixed fee for additional work' and is only payable alongside this fee. See above for explanation of when additional work fees are appropriate.

Where there are a number of children in the one appointment and the children are in different placements, the Safeguarder must carefully consider which of the two fees above applies to each child. See section A.2(a) and (b) above for further guidance on

this matter. Decisions made by the Safeguarder should try to ensure that fees claimed are kept to a minimum.

**Example 7:** *A Safeguarder is appointed in a case with 3 children, A, B and C who all live together. The fixed appointment fee and the additional child fixed appointment fee have been claimed (£260 + £65 + £65). The Safeguarder attends a hearing to consider a further ICSO and can claim a fixed fee for attendance at the hearing (£130), an additional fixed fee for additional work, if there was additional work that was required for the hearing (£65) and an additional fixed fee for each of the two additional children (£17 + £17), if the additional work required for the hearing involved significant additional work for each of the children.*

**B.4(a) Fixed fee for an additional written report if required:** This is a flat rate fee paid in respect of additional written reports required for additional hearings. There must be a need for an additional report related to the additional work required for the additional hearing. This fee remains fixed regardless of the number of children involved in the hearing (See immediately below for general guidance on written reports).

**B.4(b) Fixed fee for an oral report if required:** This is a flat rate fee paid in respect of any oral report for additional hearings. There must be a need for an additional report related to the additional work required for the additional hearing. This fee remains fixed regardless of the number of children involved in the hearing. (See immediately below for general guidance on oral reports).

**REPORTS:** Section 33 of the Children's Hearings (Scotland) Act 2011 (as amended by section 82 of the Children and Young People (Scotland) Act 2014) specifies that a report is not required from a Safeguarder for certain children's hearings:

- 2<sup>nd</sup> working day hearings (held under sections 45 or 46 of the 2011 Act);
- hearings arranged for the purpose of providing advice to a Sheriff regarding an application to vary or terminate a Child Protection Order (under section 50 of the 2011 Act);
- hearings arranged to consider the need for a further ICSO (under section 96 of the 2011 Act);
- hearings arranged for the purpose of reviewing a contact direction (under section 126 of the 2011 Act);
- hearings arranged (under section 158 of the 2011 Act) to consider whether to suspend a hearing's decision to make, vary, continue or terminate a CSO, pending determination of an appeal to the Sheriff against that decision.

It is therefore not expected that reports will be provided for these children's hearings.

There are a limited number of reports relevant to the Safeguarder role:

1. A comprehensive report required as part of the function of the Safeguarder and specified in section 33(1)(a) of the 2011 Act. **A fee for this report is covered within the fixed appointment fee.**

2. An interim report may be required where the comprehensive report cannot be completed within the 35 day specification. This report is specified in Rule 56 of the Children's Hearings Rules 2013. **The interim report is covered in the fixed appointment fee and a further additional report fee should not be claimed.**

3. A report supplementary to the report at 1 (as referenced under 33(1)(c) of the 2011 Act). This may be requested by a hearing as being necessary to cover matters supplementary to or not included in the report at 1 or 2 above. **The additional report fee can be claimed for this report.**

***Example 8:** A Safeguarder is appointed by a children's hearing. The Safeguarder's investigations are such that she needs more than 35 days to complete her report. She provides the reporter with an interim report as required by Rule 56 with the explanations required in that rule. The reporter arranges a children's hearing that decides that they do want the Safeguarder to continue with her investigations and the hearing is continued for another 3 weeks. At the next hearing, the hearing have the full report from the Safeguarder and are able to make a decision. The Safeguarder cannot claim an additional report fee, the interim report being covered by the appointment fee.*

**A written report** is a written communication that provides information and a reasoned recommendation related to a child and is intended to assist the hearing make a decision about the matters before the hearing. It should provide information to the hearing in advance allowing the hearing and others to have time to consider the information and recommendations. For example, a letter advising the hearing of the inability of the Safeguarder to attend is not a written report for the purposes of this fee.

**An oral report** is a verbal analysis of the situation that will cover relevant and substantial additional information being provided verbally to a hearing and is significant in terms of volume. It does not cover speaking to a written report provided and available to the hearing or providing a verbal update. It is, for example, where there has been a significant development in the child and or family's circumstances and the Safeguarder will be providing the hearing with a detailed understanding of what this means for the child. A Safeguarder would usually attend a hearing and contribute at the hearing to safeguard the interests of the child. This is covered within the fixed appointment fee.

## C. Additional Fixed Fees for Pre-Hearing Panels

**C.1. Daily fixed attendance fee – pre-hearing panel:** This is a flat rate fee paid in respect of attendance at a pre-hearing panel. This fee remains fixed regardless of the number of children involved in the panel and of the amount of matters being considered at the panel. The fee covers:

- time spent travelling to and from the panel
- time at the panel, including the contribution from the Safeguarder at the panel to safeguard the interests of the child or children.

This fee can be claimed where a separate pre-hearing panel is attended, even if this is a pre-hearing panel held at a different hearing session on the same day. However, where the reporter arranges a pre-hearing panel to take place at the same hearing session as the full hearing, a separate attendance fee will not be paid for attending a pre-hearing panel and the Safeguarder can only claim one attendance fee for attending the hearing.

**C.2. Fixed fee for additional work:** This is a flat rate fee paid in respect of the additional work required for the pre-hearing panel. This fee should not be claimed for work already covered by the appointment fee or if no additional work is carried out. This fee remains fixed regardless of the number of children involved in the pre-hearing panel or the number of matters that the panel is considering. The fee covers additional work required for that panel's consideration of the matter or matters before it. The fee also covers any investigative work and necessary and ancillary administrative expenses unless over £10. See page 29 for definition and how to claim if over £10. The fee does not cover any written or oral report if this is required and any report required can be claimed separately (see C.4. below).

**C.3(a) Fixed additional work fee for second and each subsequent child living separately:** This is a flat rate fee paid in respect of any second and each subsequent children, who live separately, and is payable for each additional child in addition to the additional child appointment fee.

This additional fee covers the additional work required for the consideration of each child's case where there are a number of children in the appointment.

**C.3(b) Fixed additional work fee for second and each subsequent child living together:** This is a flat rate fee paid in respect of any second and each subsequent child, who live together, and is payable for each additional child in addition to the additional child appointment fee.

This additional fee covers the additional work required for the consideration of each child's case where there are a number of children in the appointment.

Where there are a number of children in the one appointment and the children are in different placements, the Safeguarder must carefully consider which of the two fees above applies to each child. See section A.2(a) and (b) above for further guidance on this matter. Decisions made by the Safeguarder should try to ensure that fees claimed are kept to a minimum.

**Example 9:** *A Safeguarder is appointed for 3 children A, B and C. A and B live together and C lives separately from A and B. The Safeguarder has been notified of a pre-hearing panel to consider excusing the children from the hearing that they are due to attend. If the Safeguarder attends the pre-hearing panel a claim can be made for a daily fixed attendance fee (£65) and apart from any other fees that are relevant and can be claimed, the Safeguarder can claim an additional fee in respect of child B (£9) and child C (£17) if additional work is required to cover each of the children's interests in any additional work required for the pre-hearing panel.*

**C.4(a) Fixed fee for written reports if required:** This is a flat rate fee paid in respect of any written report for a pre-hearing panel. This fee remains fixed regardless of the number of children involved in the hearing. The report has to be required. (See B.4. above for guidance on written reports).

**C.4(b) Fixed fee for oral reports if required:** This is a flat rate fee paid in respect of any oral report for a pre-hearing panel. This fee remains fixed regardless of the number of children involved in the hearing. The report has to be required. (See B.4. above for guidance on oral reports).

## Definition of Sheriff Court Related Fee

### D. Court Appointment Fees – Safeguarder Entering Proceedings

**D.1. Fixed appointment fee:** This is a flat rate fee paid in respect of an appointment as Safeguarder by the Sheriff in proceedings at court and is payable where the Safeguarder decides to enter proceedings as a party. Court proceedings cover all proceedings where a Safeguarder can be appointed, including grounds applications, appeals, ICSO applications and review of established grounds. The most common court proceedings for Safeguarders are grounds applications, appeals to the Sheriff court and applications to consider ICSOs.

**Grounds application:** The fixed appointment fee covers:

- any investigative work required
- reviewing available information and available evidence
- interviewing to access relevant information
- negotiating/discussing with the reporter/agents/parties
- communicating with the court including writing to confirm that the Safeguarder is entering the proceedings as a party
- preparing for first appearance at court
- contributions made at court
- preparing for and contributing at any evidential hearing required, including preparing and examining witnesses and preparing and making submissions both oral and written
- any necessary and ancillary administrative expenses unless over £10. See page 29 for definition and how to claim if over £10.

The fixed appointment fee does not cover attendance at court and a fixed attendance fee of £130 can be claimed if the Safeguarder attends court and enters as a party.

**Court and children’s hearings fixed appointment fees:** A Safeguarder who has been appointed by the court when considering a grounds application but who has not been appointed by a children’s hearing which has sent the grounds to court, can claim for a fixed appointment fee for a children’s hearing where the children’s hearing are considering matters relating to the appointment at the same time as the court proceedings. For example, a children’s hearing may be considering the issue of a further ICSO or a CPO may have been taken whilst matters are at court. Where this occurs and even if ultimately the grounds are not established at court and there are no further children’s hearings, the fixed appointment fee for a children’s hearing can be claimed. Where the grounds are established and the case is remitted back to hearing, a further children’s hearing appointment fee cannot be claimed.

**Example 10:** *A Safeguarder is appointed by the Sheriff for a grounds application, having not been appointed by the children's hearing who sent the grounds to court. The Safeguarder claims for the fixed court appointment fee (£260). She is notified of and attends two children's hearings to consider issuing further ICSOs. The grounds for referral are not established at court and the proceedings come to an end. The Safeguarder can claim the fixed appointment fee for a children's hearing (£260). Additional fees are payable as appropriate (see sections B and F).*

**Appeals:** The fixed appointment fee covers:

- considering the appeal points
- considering the reporter's answers and whether to prepare answers for lodging in the court process
- preparing answers where appropriate
- researching case law particularly where the appeal is on a question of law, accessing relevant case law
- discussions/negotiations with parties
- communicating with parties, including written communications
- investigating circumstances following the children's hearing's decision that has been appealed
- preparing for and making contributions and submissions, written or oral at court
- if the Safeguarder intends to lodge an appeal - drafting an appeal, considering case law, lodging the appeal in court and preparing and delivering contributions and submissions, written and oral at court
- any necessary and ancillary administrative expenses unless over £10. See page 29 for definition and how to claim if over £10.

Where a Sheriff appoints a Safeguarder for the first time at the appeal stage, this should be treated as a fresh appointment and the fixed appointment fee for court can be claimed.

The fixed appointment fee for court is also payable to the Safeguarder in appeal cases where that Safeguarder had already been appointed previously by the children's hearing who made the decision appealed against, and even if the Safeguarder has already claimed a fixed appointment fee for court for a grounds application or other matters, in relation to the same appointment.

A Safeguarder may claim a maximum of one fixed appointment fee in relation to appeals. Where more than one appeal has been lodged for the same appointment (i.e. separate appeals from different relevant persons and/or separate appeals regarding siblings), only one appointment fee is payable.

The fixed appointment fee does not cover attendance at court and a fixed attendance fee of £130 can be claimed if the Safeguarder attends court and enters as a party.



**Example 11:** A Safeguarder is appointed by the children's hearing that referred the matter to court. The fixed appointment fee for the children's hearing appointment (£260) is claimed and covers the work required to report back to a hearing if grounds for referral are established. The fixed appointment fee for the court is claimed at the higher rate (£260) as the Safeguarder entered proceedings. At court the grounds are established and the matter goes back to a hearing who make a decision that is appealed. The Safeguarder can claim a fixed appointment fee for court for the appeal proceedings (£260). Additional fees are payable as appropriate (see sections B and F).

**D.2(a) Fixed additional appointment fee for second and each subsequent child living separately:** This is a flat rate fee paid in respect of any second and each subsequent child, who live separately, and is payable for each additional child **in addition** to the fixed appointment fee for court.

This additional fee covers the additional work required for the consideration of each child's case where there are a number of children in the appointment.

**D.2(b) Fixed additional appointment fee for second and each subsequent child living together:** This is a flat rate fee paid in respect of any second and each subsequent child, who live together, and is payable for each additional child **in addition** to the fixed appointment fee for court.

This additional fee covers the additional work required for the consideration of each child's case where there are a number of children in the appointment.

Where there are a number of children in the one appointment and the children are in different placements, the Safeguarder must carefully consider which of the two fees above applies to each child. See section A.2(a) and (b) above for further guidance on this matter. Decisions made by the Safeguarder should try to ensure that fees claimed are kept to a minimum.

## **E. Court Appointment Fees – Safeguarder Not Entering Proceedings**

**E.1. Fixed appointment fee:** This is a flat rate fee paid in respect of an appointment as Safeguarder by the Sheriff and is payable where the Safeguarder does not enter proceedings as a party. No report is required to be submitted to the court and any letter sent to the court intimating that he or she is not entering as a party is covered by this fee.

**E.2. Fixed additional appointment fee for second and each subsequent child:** Where the Safeguarder has not entered proceedings as a party, an additional appointment fee for each additional child is payable irrespective of the living circumstances of the child.

## F. Additional Fixed Fees for Additional Court Hearings Not Covered by Appointment Fees – Safeguarder Entering Proceedings

**F.1. Daily fixed attendance fee:** This is a flat rate fee paid in respect of attendance at court hearing(s). This fee remains fixed regardless of the number of children involved in the court hearing(s) and of the amount of matters being considered at the court hearing(s). The fee covers:

- time spent travelling to and from the court hearing(s)
- time at the hearing(s), including the contribution from the Safeguarder at the court hearing to safeguard the interests of the child

This fee is only payable once per day, per appointment, even when separate hearings are held for siblings on the same day. Separate daily attendance fees would only be payable where hearings are held on different days.

**F.2. Fixed fee for additional work:** This is a flat rate fee paid in respect of the additional work required for an additional court hearing. This fee should not be claimed for work already covered by the fixed appointment fee for court or where no additional work occurs. This fee also should not be claimed for work carried out in preparation for a Safeguarder's first attendance at a court hearing.

So for instance if a court hearing is continued and the Safeguarder keeps doing what they would be doing as part of their appointment there is no 'additional' work despite any activity between hearings. If the work between hearings is additional, say for example, at a hearing something new comes to light and the Safeguarder has to investigate this and it is something that they had not intended or contemplated doing, then that could be 'additional' work.

This fee remains fixed regardless of the number of children involved in the hearing. The fee covers additional work required for the court hearing, including any investigative work and necessary and ancillary administrative expenses unless over £10. See page 29 for definition and how to claim if over £10.

**Example 12:** *A Safeguarder is appointed by the Sheriff for a grounds application. The Safeguarder attends the first court hearing, having begun reviewing information and evidence and starting to speak to child, family and witnesses. The case is continued to another date as the lawyers representing the parents need further time to prepare. The Safeguarder continues with her investigations and attends the continued court hearing. No additional work to that required in terms of the fixed appointment fee is needed. The Safeguarder can claim a fixed appointment fee for court (£260); a daily fixed attendance fee for first court attendance (£130) and daily fixed attendance fee for the continued court hearing (£130).*

**Example 13:** *The circumstances are as in example 12 above but there is a court hearing to consider an ICSO and the Safeguarder investigates the need for a further ICSO and the need for the measures on contact to be attached to the order. The Safeguarder can claim a fixed appointment fee for court (£260); a daily fixed attendance fee for first court attendance (£130) and a daily fixed attendance fee for the court hearing considering the ICSO (£130) and a fixed fee for additional work (£65).*

**F.3(a) Fixed additional work fee for second and each subsequent child living separately:** This is a flat rate fee paid in respect of any second and each subsequent child, who live separately, and is payable for each additional child in addition to the additional child appointment fee. This additional fee covers the additional work required for the consideration of each child's case where there are a number of children in the appointment.

Please note, this fee is attached to the 'Fixed fee for additional work' and is only payable alongside this fee. See above for explanation of when additional work fees are appropriate.

**F.3(b) Fixed additional work fee for each second and subsequent child living together:** This is a flat rate fee paid in respect of any second and subsequent children, who live together, and is payable for each additional child in addition to the additional child appointment fee. This additional fee covers the additional work required for the consideration of each child's case where there are a number of children in the appointment.

Please note, this fee is attached to the 'Fixed fee for additional work' and is only payable alongside this fee. See above for explanation of when additional work fees are appropriate.

**Example 14:** *A Safeguarder is appointed and attends at court for a grounds application for 3 children A, B and C, who all live together. The Safeguarder can claim a fixed court appointment fee (£260) and a fixed additional appointment fee for B and C (£65 +£65) and a daily fixed attendance fee (£130). The children are subject to an ICSO and the ICSOs are due to be considered at a subsequent court hearing. The Safeguarder investigates the need for the ICSOs and any change to the measures attached to the ICSOs and attends the court hearing to consider the ICSOs. The Safeguarder can claim the fixed attendance fee (£130) and the fixed fee for additional work (£65) and a fixed fee for B and C (£17 + £17).*

## **G. Fixed Fees for Written Reports for Court – Safeguarder Entering Proceedings**

**G.1. Fixed fee for written report where requested by the Sheriff (following initial appearance)**

This is a flat rate fee paid where a Sheriff has requested a written report. It should be noted that the appointment fee covers the initial appearance and contributions made at the court hearing. This mirrors the approach to children's hearings appointments where the first report is included in the fixed appointment fee. Where a written report is specifically requested by the Sheriff on exceptional or complicated circumstances, a fixed fee for the report will be payable.

**G.2. Fixed fee for written report submitted when the Safeguarder cannot attend a court hearing:**

This is a flat rate fee paid where a Sheriff has not requested a written report but the Safeguarder cannot attend a court hearing and the Safeguarder needs to provide a report to the court about matters being considered by the court. A Safeguarder should try to attend court hearings where possible or try to have hearings set for dates when he or she is available. A written communication explaining an inability to attend a court hearing and or for information about the extent of the Safeguarder's investigations is not covered by this fee. The guidance above at B.4. is relevant in relation to the definition of a written report.

## General Issues

### Where a Safeguarder starts a case and then has to stop

If, upon receipt of papers, a Safeguarder realises there is a conflict of interest and needs to withdraw, it is not appropriate to claim a fixed appointment fee.

If a Safeguarder in the course of their role becomes aware of a reason why they cannot continue an appointment, they will be able to claim for the work they have carried out. A note providing evidence of the work carried out should be provided to Children 1st with any claim. Each claim will be dealt with on its merits on an individual basis.

### Where a Safeguarder thinks an appointment involves exceptional demands

A process for applying for exceptional fees has been developed to sit alongside the fee structure. Where an appointment involves exceptional demands on a Safeguarder over and above the work expected to be covered by the fees, and the Safeguarder thinks that the circumstances might meet the criteria set out at [Annex A](#) of this document, the Safeguarder should make an application by completing the Exceptional Fee Request Form ([available here](#)) and sending this to Children 1st. This will only be authorised following application to Children 1st and cannot be claimed retrospectively. Where exceptional demands are authorised for additional fees, an additional fee equivalent to a fixed appointment fee may be paid. Further blocks of additional fees may be payable on application to and with authorisation from Children 1st.

### Movement of cases between court and children's hearings

A Safeguarder who has been appointed by the court when considering a grounds application can claim for a fixed appointment fee for a children's hearing where the children's hearing is considering matters relating to the appointment at the same time as the court proceedings or when the case is remitted back to panel. Please note, this is only payable if the Safeguarder attends the children's hearing.

Equally, a Safeguarder who has been appointed by the children's hearing and attends court as a party to proceedings can claim a court fixed appointment fee in addition to their initial children's hearing fixed appointment fee.

A Safeguarder may claim a maximum of three separate fixed appointment fees depending on the circumstances of the case:-

- one fixed appointment fee in relation to a children's hearing;
- one fixed appointment fee in relation to court proceedings;
- one in relation to appeals.

### Appointments for multiple siblings

Where a single request is received from a children's hearing or Sheriff to allocate a Safeguarder to multiple siblings, this is considered as one appointment. Where separate Safeguarder allocation requests are received for siblings and it is clear that matters are being dealt with separately, this can be treated as separate appointments.

Where it is clear that different children from the same family are being considered separately, or in different groupings, such that they are being dealt with as 2 separate cases, an application for an additional appointment fee can be made to Children 1st. The separation out of different children within the one appointment must not be temporary or for procedural or administrative reasons only. Please note, where an additional appointment fee is authorised, this is payable instead of the 'fixed additional appointment fee for second and subsequent child' and the daily attendance fee restriction still applies.

### **Where a Safeguarder has to travel exceptional distances**

The fee structure has been extended to recognise exceptional travel time. Exceptional travel will be classed as travel over 4 hours (round trip) -

Anything between 4 – 6 hours (round trip) – Fixed fee of £65

Anything between 6 – 8 hours (round trip) – Fixed fee of £130

Over 8 hours (round trip) – Fixed fee of £130 per each day of travel

Travel should be calculated between the Safeguarder's base/residence and the place visited. The shortest practicable route should be taken and the most effective form of transport must be considered.

Authorisation should be sought in advance from Safeguarders Panel Team for travel of more than 8 hours.

This should be claimed through a separate form to be provided by Safeguarders Panel Team.

## Table of Fixed Fees for Children’s Hearings and Court Proceedings

### Children’s Hearings Fees

Fee Type	Fees to cover (see guidance for full details)	Rate (£)
<b>A. APPOINTMENT FEES – CHILDREN’S HEARINGS</b>		
1. Fixed appointment fee	Investigation, written report including interim report, written communications, contribution at hearing considering report and administrative expenses	<b>260.00</b>
2.(a) Fixed additional appointment fee for second and each subsequent child living separately	Additional work in investigating and making recommendations for report to cover additional child/ren	<b>130.00</b>
2(b) Fixed additional appointment fee for second and each subsequent child living together	Additional work in investigating and making recommendations for report to cover additional child/ren	<b>65.00</b>
<b>B. ADDITIONAL FIXED FEES FOR HEARINGS NOT COVERED BY APPOINTMENT FEE – CHILDREN’S HEARINGS (NOT PRE-HEARING PANELS)</b>		
1. Daily fixed attendance fee	Time spent travelling to and from hearing and time at hearing	<b>130.00</b>
2. Fixed fee for additional work	Additional preparation work for the additional hearing and contribution at hearing if required	<b>65.00</b>
3(a) Fixed additional work fee for second and each subsequent child living separately	Additional work in relation to additional child/ren if required	<b>34.00</b>
3(b) Fixed additional work fee for second and each subsequent child living together	Additional work in relation to additional child/ren if required	<b>17.00</b>
4(a) Fixed fee for additional written report if required (see guidance at B.4(a))	Additional work in producing a written report if required	<b>130.00</b>
4(b) Fixed fee for oral report if required (see guidance at B.4(b))	Additional work in providing an oral report if required	<b>65.00</b>

## Children's Hearings Fees (continued)

Fee Type	Fees to cover (see guidance for full details)	Rate (£)
<b>C. ADDITIONAL FIXED FEES FOR PRE-HEARING PANELS</b>		
1. Daily fixed attendance fee – pre-hearing panel	Time spent travelling to and from hearing and time at hearing,	<b>65.00</b>
2. Fixed fee for additional work	Additional preparation work and contribution at the pre-hearing panel if required	<b>34.00</b>
3(a) Fixed additional work fee for second and each subsequent child living separately	Additional work in relation to additional child/ren if required	<b>17.00</b>
3(b) Fixed additional work fee for second and each subsequent child living together	Additional work in relation to additional child/ren if required	<b>9.00</b>
4(a) Fixed fee for additional written report if required (see guidance C.4(a))	Additional work in producing a written report if required	<b>34.00</b>
4(b) Fixed fee for oral report if required (see guidance C.4(b))	Additional work in providing an oral report if required	<b>17.00</b>



## Court Proceedings Fees

Fee Type	Fee to cover (see guidance for full details)	Rate (£)
<b>D. COURT APPOINTMENT FEES – SAFEGUARDER ENTERS PROCEEDINGS</b>		
1. Fixed appointment fee	Investigation and consideration of grounds of referral or appeal, written communications, interviewing and discussing/negotiating, researching, written and verbal contributions to evidential and appeal proceedings, preparing for/contribution at court	<b>260.00</b>
2(a) Fixed additional appointment fee for second and each subsequent child living separately	Additional work in relation to additional child/ren if required	<b>130.00</b>
2(b) Fixed additional appointment fee for second and each subsequent child living together	Additional work in relation to additional child/ren if required	<b>65.00</b>
<b>E. COURT APPOINTMENT FEES – SAFEGUARDER <u>NOT</u> ENTERING PROCEEDINGS</b>		
1. Fixed appointment fee	Written communications to court to advise. No report is required.	<b>65.00</b>
2. Fixed additional appointment fee for each second and each subsequent child	Additional work in relation to additional child/ren if required	<b>34.00</b>
<b>F. ADDITIONAL FIXED FEES FOR ADDITIONAL COURT HEARINGS NOT COVERED BY APPOINTMENT FEE – SAFEGUARDERS ENTERING PROCEEDINGS</b>		
1. Daily fixed attendance fee	Time spent travelling to and from court hearing and time at hearing	<b>130.00</b>
2. Fixed fee for additional work	Additional preparation work for the court hearing and contribution at the hearing if required	<b>65.00</b>
3(a) Fixed additional work fee for second and each subsequent children living separately	Additional work in relation to additional child/ren if required	<b>34.00</b>
3(b) Fixed additional work fee for second and each subsequent children living together	Additional work in relation to additional child/ren if required	<b>17.00</b>
<b>G. FIXED FEES FOR REPORTS – SAFEGUARDERS ENTERING PROCEEDINGS</b>		
1. Fixed fee for written reports where requested by the Sheriff (following initial appearance)	Additional work in producing a written report if required	<b>130.00</b>
2. Fixed fee for written report submitted when the Safeguarder cannot attend a court hearing	Additional work in providing a written report if required	<b>130.00</b>

## Definition of Expenses and Allowances

### Reimbursement of expenses and allowances

The general principle governing the claiming of expenses and allowances is that reimbursement is not appropriate unless additional expense is actually incurred in carrying out official Safeguarder roles and visits. When this occurs all expenses and allowances including actual receipted costs and flat rate mileage payments are payable to all Safeguarders.

Where there are items of expenses where it is not possible to obtain receipts (such as paying for parking by phone) then this should be claimed for with an explanation of why the receipt isn't available. A cap of £10 has been set on unavailable receipts.

### Planning travel

Travel must be planned by the Safeguarder with the aim of keeping total expense to the minimum taking account of their own individual needs and the circumstances of the cases to which they have been appointed. The following points should be considered: -

- that the work cannot be satisfactorily carried out by correspondence, telephone or any other means.
- that the work cannot be postponed until another visit is to be made to the same area.

### Means of travel

Once it has been established that a journey is unavoidable, the Safeguarder must consider the most effective method of travel which might be from the following:

- public transport (including rail, air and ferry);
- hired car;
- taxi hire; or
- privately owned motor vehicle.

We understand for many reasons it might not be appropriate to take any other form of transport than the Safeguarder's own private car. We would however encourage, whenever possible, the use of the most efficient, economic and environmentally sound means of travel. Safeguarders should consider the range of fare options available, and make best endeavours to secure the most economic option. This might include special fare promotions, day returns, saver and season tickets and any other fares offers where their use does not impair the efficiency of the journey being undertaken.

## Receipts

Receipts are generally supplied for buses, trains, taxis, air tickets, car parking charges, bridge toll charges, undergrounds, overnight accommodation etc. Those should be retained by the Safeguarder for inclusion in their expense claims.

**Safeguarders must attach their itemised receipts to the claim form. If a receipt or used ticket has not been produced then this must be stated on the form giving an explanation. Only in exceptional circumstances will the Safeguarders Panel Team consider reimbursement of un-receipted claims. Where there are items of expenses where it is not possible to obtain receipts then this should be claimed for with an explanation of why the receipt isn't available. A cap of £10 has been set on unavailable receipts.**

## Bed & Breakfast

24 hour subsistence comprises the receipted cost of bed and breakfast up to the capped limit. If, during this 24 hour period, additional expenditure is incurred on meals (i.e. lunch and dinner) and personal expenses (personal telephone calls, laundry, newspapers) then additional receipted allowances can be claimed - these are the 24 hour meals and personal incidental expenses allowances. Please note, these allowances are linked to an overnight stay and can only be claimed where an overnight stay is necessary. Bed, breakfast, meals and personal incidental expenses costs must be supported by a receipt attached to the claim form.

**Claims for alcoholic drinks will not be reimbursed in any circumstances.**

Exceptionally, Safeguarders may be able to claim for reimbursement of bed and breakfast costs only, above the capped limits. The Safeguarder should be able to demonstrate that they have made reasonable efforts to find suitable accommodation within the limits. This includes having attempted to secure accommodation using the services of the Children 1st booking agent and demonstrating that any increased costs beyond the current subsistence limits were necessary and were not incurred out of personal preference. A written note will be required explaining why increased costs above current limits were incurred. If a satisfactory explanation is not included in the claim, payment of it will be restricted to the applicable 24 hour bed and breakfast subsistence limit.

When all meals (breakfast, lunch and dinner) are provided at no cost to the individual Safeguarder the receipted cost of accommodation only will be reimbursed. Personal incidental expenses receipted up to the limit can also be claimed in these circumstances. The arrangements do not apply when meals are provided as part of air, rail or sea travel tickets.

When accommodation only is provided at no cost to the Safeguarder, the receipted cost of breakfast up to a limit of £12 (plus receipted meals up to the limit) will be reimbursed. Personal incidental expenses receipted up to the limit can also be claimed in these circumstances.

In circumstances where accommodation and all meals are provided at no cost to the Safeguarder, only receipted personal incidental expenses up to the limit can be claimed.

When a Safeguarder travels by rail or sea and occupies a sleeping berth, which normally includes a breakfast, the Overnight by Train or Boat allowance, receipted up to the limit, is payable to cover meals purchased in the 24 hour period. Personal incidental expenses receipted up to the limit are also payable in these circumstances.

### **Staying with friends**

If on official business a Safeguarder resides overnight with, or in accommodation provided by, friends or relatives, irrespective of the circumstances, the Staying with Friends Allowance is payable. This is the appropriate rate irrespective of whether the friend or relative ordinarily operates a commercial hotel or bed and breakfast business. This allowance is a 24 hour rate designed to cover accommodation and all meals in the 24 hour period starting when the official journey commenced. Receipts are not required in support of a claim for this allowance.

### **Motor mileage rate**

A motor vehicle mileage allowance is payable to Safeguarders who:

- drive their own private motor vehicles as defined and subject to the limitations set out below
- meet insurance requirements

### **Calculation of mileage entitlement**

Mileage allowance is payable for the mileage travelled between the Safeguarders normal base/residence and the place visited. The shortest practicable route should be taken. If other business is conducted en route to the place visited or to where business is to be conducted the actual distance necessarily travelled can be claimed.

## Ownership of vehicle

For the purpose of payment of the mileage allowance the following will be regarded as the private vehicle of a Safeguarder:

- a vehicle owned or being bought on hire purchase and registered in the name of the Safeguarder
- a vehicle registered in the name of the spouse or partner of Safeguarder provided that the normal insurance requirements are fulfilled and the insurance policy specifically covers the use of the vehicle by the Safeguarder

## Privately owned motor vehicle insurance

Safeguarders using their private motor vehicle or a vehicle owned by a spouse or partner while carrying out Safeguarder duties must satisfy certain insurance conditions in order to claim the Motor Mileage Allowance. It is the responsibility of Safeguarders to ensure that their vehicle insurance policy covers the risks set out below. Motor Mileage Allowance will be payable only if these insurance conditions are fulfilled (solo motorcycles must also be insured):

- bodily injury to or death of third parties without financial limits;
- bodily injury to or death of any passenger without financial limits; and
- damage to the property of third parties to a value of £20 million.

In addition to the cover indicated above the insurance policy should cover the use of the vehicle on official business. This also applies in the case of a vehicle owned by a spouse or partner. Any additional cost for insuring the vehicle for official business is the responsibility of the Safeguarder.

## Driving Licences

It is strictly prohibited for a Safeguarder to drive any vehicle on official business unless they have a valid driving licence. It is the responsibility of the Safeguarder to ensure their licence is valid.

## Accident in the course of Safeguarder role

Safeguarders must inform the Safeguarders Panel Team as soon as possible if they become liable for prosecution as a result of an accident.

### **Car Hire**

Hired vehicles should be used for official business travel only. Safeguarders should not use them for private use. Safeguarders will need to make their own arrangements and insurance for any car hire bookings. It would be an expectation that the minimum appropriate class of car will be used.

### **Car parking fines**

Safeguarders should note that car parking fines incurred for illegal parking whilst on official business will not be reimbursed from official funds. If there is any doubt about car parking restrictions including parking meters operating at a business venue and limitations placed on parking times permitted Safeguarders should consider other forms of transport.

### **Garage expenses, parking, toll and ferry charges**

If a Safeguarder is required to make a journey on official business by private motor vehicle for which motor mileage allowance is payable the receipted garage, parking, toll or ferry charges incurred on the day(s) for which motor mileage allowance is payable will be reimbursed. Receipted costs for overnight garaging or parking will be paid only for the nights when night subsistence allowance is payable.

### **Travel from home to a railway station or airport**

Safeguarders, who use their private motor vehicle to travel from home to a railway station or airport, or return, may claim the actual motor mileage allowance for the journey. If you are given a lift in a vehicle (which must meet the criteria set out above) to or from the railway station or airport motor mileage allowance will be reimbursed for the return journey.

### **Car parking**

These expenses are reimbursed as and when these costs have been incurred and a receipt should be supplied with the claim.

### **Motor cycle allowance**

The rules for the use of motor cycles are the same as for motor vehicles. The mileage rate differs.

### **Pedal cycle allowance**

A Safeguarder who uses a pedal cycle on official business will be paid the pedal cycle allowance.

### **Passenger supplement**

A Safeguarder who uses a private motor vehicle on official business and carries official passengers (e.g. another Safeguarder) will be paid a supplement in addition to the motor mileage rate for each such passenger. The supplement for each official passenger is the distance actually travelled by the passenger.

### **Overnight by train or boat**

There is an actual receipted subsistence allowance up to a limit for each night that a Safeguarder occupies a sleeper berth.

A Safeguarder travelling overnight will be eligible to claim an actual receipted expenses allowance up to limit for each night during which a sleeping berth is, or could have been occupied and a breakfast is included in the ticket price.

If breakfast is not provided with the journey then the actual receipted cost of breakfast will be reimbursed in addition to the allowance.

Safeguarders, who purchase tickets for ferry journeys or sleeping berths, will be reimbursed the costs providing they produce the ticket stub and/or the sea carrier's official receipt with their claim form.

### **Public transport - rail travel**

Unless there are exceptional circumstances, the presumption should be that any rail travel within the UK should be standard class.

### **Public transport – air**

Air travel should normally be used when there is a cost advantage that can be achieved, reduced travel time, or if the time and location of the business justifies the journey costs. The Safeguarder should liaise with Children 1st as they may be able to reduce the costs via their travel agents.

### **Public transport – bus, ferry, taxi, tube**

These expenses are reimbursed as and when these costs have been incurred and a receipt should be supplied with the claim.

### **Toll charges**

These expenses are reimbursed as and when these costs have been incurred and a receipt should be supplied with the claim.

### **Personal incidental expenses allowance for overnight stays**

Expenses must be wholly and exclusively incurred as a result of official Safeguarder business trip e.g. newspapers, laundry, telephone calls, the tray charge incurred when ordering food from room service, use of hotel facilities, snacks etc. This is limited to a maximum of £5 per day and receipts should be supplied with the claim.

### **Necessary and ancillary administrative expenses**

Any necessary and ancillary administrative expenses associated with compiling the report are included in fixed fees, unless over £10. Necessary and ancillary administrative expenses are defined as phone calls (itemised bill required), postage (receipts required) and reasonable stationery costs (receipts required).

Any expense incurred over £10 should be claimed as an expense and will be reimbursed following authorisation by Children 1st e.g. if costs amounted to £24 receipts should be provided for all those expenses. This would be paid minus the £10 included in the fixed appointment fee. The electronic claim form will deduct that amount automatically.

### **Citing of witnesses**

Safeguarders may occasionally need to cite a witness(es) for court proceedings. Other parties who have an interest in the witness may cite the witness themselves. A Sheriff officer, a solicitor, the Sheriff clerk, the principal reporter or an officer of the local authority can effect service of a citation of a witness. A Safeguarder may need to employ a Sheriff officer or solicitor to carry out this task for them. Any costs for citing witnesses should be claimed under 'miscellaneous' expenses. Documentation confirming any associated expense should be provided with any claim.

### **ICO registration fee**

Safeguarders can be reimbursed for payment of ICO registration fees by claiming this under the expenses section of claim form. Please note, ICO registration must be renewed annually and the renewal fees will also be reimbursed. Proof of payment should be provided.

### **Miscellaneous**

Any expenses likely to be incurred while on official Safeguarder business which are not covered by the details above should be discussed and cleared with Children 1st before incurring the charge.



### **Costs incurred in obtaining evidence from expert witnesses**

This focusses on situations where a Safeguarder decides it is necessary to interview/precognose a witness, most often from the reporter's witness list or that of a relevant person. We are aware that, on a small number of occasions, there have been instances where Safeguarders have required to interview witnesses who have charged a fee. Safeguarders must receive prior approval for any costs estimated over £100. The Safeguarder should advise the expert witness that invoices should be sent to Children 1st. Once this has been received, Children 1st will then scan the invoice and send this to the Safeguarder who must check that the costs equate to the service supplied and email this confirmation to Children 1st.

### **Costs incurred in instructing interpreters or in the translation of documents**

The Scottish Government recognise the importance of children's and other parties rights to participate and have been advised that there are occasions where Safeguarders need to instruct interpreters or pay for the translation of documents. Safeguarders must receive prior approval for any costs estimated over £100. The Safeguarder should advise the supplier that invoices should be sent to Children 1st. Once this has been received, Children 1st will then scan the invoice and send this to the Safeguarder who must check that the costs equate to the service supplied and email this confirmation to Children 1st.

### **Cases where a Safeguarder wishes to instruct a solicitor or counsel**

In cases where a Safeguarder wishes to instruct a solicitor or counsel, the Safeguarder should contact Children 1st for guidance on how to make an application.

## List of Expenses and Allowances - Types & Rates

Expense or Allowance Type	Rate
Bed & Breakfast	Up to £75.00. Receipt required
Car Hire	Receipt required
Car Parking	Receipt required
Staying with Friend	£25.00 per 24 hours
Meals Allowance	Maximum £23.50 per 24 hours and receipted
Motor Mileage Rate	£0.45 per mile
Motor Cycle Allowance	£0.24 per mile
Pedal Cycle Allowance	£0.20 per mile
Passenger Supplement	£0.05 per mile per passenger
Overnight by Train or Boat	£24.10 per 24 hours
Public Transport Air	Receipt/ticket required
Public Transport Bus	Receipt/ticket required
Public Transport Rail	Receipt/ticket required. Standard class should be used.
Public Transport Ferry	Receipt/ticket required
Public Transport Taxi	Receipt/ticket required
Public Transport Tube	Receipt/ticket required
Toll charges	Receipt/ticket required
Personal Incidental Expenses Allowance	Up to £5.00 per day. Receipt required
Necessary and ancillary administrative expenses	Receipt required
Miscellaneous	Receipt required

### Exceptional Criteria

A list of criteria to be used when applying for or deciding on a payment for additional exceptional fees is provided. This list applies to work that relates to children's hearing and court situations. Of themselves, each criteria may not justify an exceptional fee and it is expected that a combination of criteria will apply.

1. The complexity of the law or procedure involved within which the Safeguarder needs to perform their role.

It is to be assumed that the Safeguarder has sufficient knowledge and competency to perform their role and to operate within their role in a hearing or at court. There may be particular issues of complex law in a case or the Safeguarder may require to be assisted within a forum with complex procedure in situations where their role in the case demands significant additional time for them to prepare for or conduct themselves in their role. Where the response required involves an additional resource such as a legal representative or advisor, this may not justify exceptional payment to the Safeguarder.

2. The amount of disputed facts or evidence to be understood by the Safeguarder to perform their role.

It is to be assumed that the range of volume of work in a case will differ and that some cases may involve significant work whilst others may not. Where the volume of work goes beyond significant to exceptional, for example where more than a week's additional work is required this may indicate an exceptional demand on the Safeguarder. All exceptional work must relate to that required for the Safeguarder to perform their role.

3. The complexity of the facts or evidence to be understood by the Safeguarder to perform their role.

It is to be assumed that there may be some need for Safeguarders to research information about a child, their circumstances, particular resources or health conditions. Where this research involves an exceptional amount of research and where the information being researched is particularly complex itself, this work may be considered to be exceptional. The work must be required for the Safeguarder to perform their role in the particular circumstances of the child's case.

4. The amount of expert testimony or expert contribution expected to be understood by the Safeguarder to perform their role.

Comments above apply. The volume and complexity has to be exceptional and not just significant. Again the work required has to relate to the need for the Safeguarder to perform their role for that particular child's case.

5. The number and nature of information or productions.

Comments above apply. The volume and complexity has to be exceptional and not just significant. Again the work required has to relate to the need for the Safeguarder to perform their role for that particular child's case.

6. The number, nature and location of witnesses or people that require to be interviewed.

Comments above apply. The volume and complexity has to be exceptional and not just significant. Again the work required has to relate to the need for the Safeguarder to perform their role for that particular child's case.

7. The length of time required for consideration of the issues by a court or children's hearing.

Length of itself may not be a sole consideration. Length may indicate complexity which may justify exceptional work, particularly in preparation. Length involving inactivity or unnecessary delay may not justify exceptional consideration.

8. The separation of children within one appointment.

Where children within the one appointment become separated out into two or more groupings and these groupings are dealt with within the hearing system as two or more separate sets of cases, e.g. separate hearings and separate reports, an additional appointment fee or fees may be considered appropriate. Where separate groupings occur temporarily for administrative reasons, this would not justify exceptional consideration.