

Guide to Applying for Expenses



This guide explains what allowances we can pay for your attendance at a tribunal hearing. It also gives guidance for filling in your claim for travelling expenses and/or financial loss. The allowances are meant to compensate you for your out-of-pocket expenses and loss of earnings or benefits. They are not meant to compensate your partner or spouse. **Please read this guide carefully when filling in your claim form. Receipts or tickets must be attached, otherwise we will be unable to pay your claim.**

What can I claim?

You **may** be entitled to six kinds of allowance:

- **Travel** – for the cost of transport to the tribunal.
- **Subsistence** – for the extra cost of meals etc. that you buy while attending the tribunal.
- **Loss of earnings or benefits.**
- **Childminding** – for the extra cost of childminding and babysitting.
- **Adult carer allowance** – for the extra cost of caring for a dependant adult.
- **Other expenses** – you may be entitled to claim for any other unusual expenses.

More details about all allowances are given in the sections below.

Please note: There are maximum amounts which can be claimed for different allowances which are fixed by Scottish Ministers. The maximum amounts payable are given in this guide. There is no scope for any appellant to be paid more than these maximum amounts.

Travel

This allowance is for the cost of travelling from your home to the tribunal. (**Please note:** you may not claim travelling expenses from any address other than your own unless you have permission from the tribunal in advance). The amount depends on whether you used public or private transport (please see the table below).

Public transport: You must produce your tickets along with your claim form as evidence of your journey. Please note that if you are travelling by rail, you will only be able to claim a standard class fare.

Own transport: If you have travelled by motor car or motorcycle, you will normally only be able to claim the **public transport rate of payment**, unless the tribunal accepts that you used your own transport because there was no alternative public transport. In this case the standard rate may be payable. The rates are given in the table below. **Please note:** Parking costs will normally only be paid where public transport is unavailable or unsuitable for your personal needs.

Taxi: If you consider that you need to use a taxi, you must agree this with the tribunal **before you attend the tribunal hearing**. The tribunal will need to be convinced that no other kind of transport is available to you or that a journey using public transport would take an unreasonable time. If travel by taxi is approved, you must produce a receipt showing the fare which you paid. In some circumstances we can arrange a taxi for you.

Type of transport		Allowance
Public		The cost of the ticket
Private – Public transport rate	Motor car or motorcycle	31.4p per mile
	Bicycle	9.6p per mile
Private – Standard rate	Motorcycle	33p per mile
	Motor car	47.1p per mile
Taxi		Fare paid

Subsistence

This allowance is for the extra expense of meals and other out-of-pocket expenses you pay while attending the tribunal hearing (see the table below).

Hours away from home/business	Allowance
Up to 10 hours	£5.71
Over 10 hours	£12.17

Loss of earnings

For the period you attend the tribunal, you are entitled to claim if:

- Your employer **does not** pay you; or
- You suffer financial loss – for example, you are self employed and suffer loss of earnings or have to pay someone to substitute for you while you are away, however we will not be able to pay you for both loss of earnings and for someone to substitute for you.

You can claim the actual amount you have lost on the basis of net earnings (after tax and National Insurance have been deducted). If you are **self-employed** Inland Revenue rules mean that this will be based on your gross earnings and you will be responsible for declaring the money you get along with your business or other income. In both cases the amounts you can claim are **subject to the following limits:**

Amount of lost earnings/benefits	Allowance
Less than 4 hours	£32.47
More than 4 hours (for the period from day 1 up to day 5)	£64.95
Whole day rate (for the period from day 6 up to day 100)	£129.91
Whole day rate (for each day following 100 days)	£230

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To claim loss of earnings, you should first ask your employer to provide evidence of the lost income before payment can be made (for example headed notepaper or an invoice). You should then bring the evidence form to the tribunal when you attend your hearing, preferably on the first day. Without this evidence being completed and the required evidence being produced, payment cannot be made.

If you are self-employed, you will need to provide evidence of your earnings, such as an Inland Revenue self-assessment tax return or certified accounts for the previous year to support your claim.

You may be able to claim for financial loss as a result of your attendance at the the tribunal hearing through your home or personal insurance. If you are self-employed, it may be that your policy will cover the cost of hiring someone to run your business for you while you are attending the tribunal hearing. You should read your policy carefully to see if you are entitled to claim. It may be that this information can be found in a Legal Costs or Legal Protection section of your policy. Please read your policy carefully as different policies can have different terms.

Loss of Benefit

You may be able to apply for loss of benefit if your benefit is withdrawn during your attendance at the tribunal hearing. You should contact your local benefits office to advise them of the requirement for you to attend the tribunal hearing. If they tell you that they are going to withdraw your benefit during your attendance at the tribunal hearing, you should contact the tribunal to request a 'Certificate of Loss of Benefit' which you should ask the benefits office to complete. **Without this certificate being completed and the required evidence being produced, payment cannot be made.**

Child minding/dependant adult carer expenses

This allowance is for the extra expense of employing a childminder or a carer for a dependant adult. If you normally employ a childminder or carer, we will only pay the allowance if attendance at the tribunal hearing means you have to employ him or her for longer than usual. Please make sure you and your childminder/carer fill in the attached certificate and enclose it with your claim. The childminding/carer allowance is set by the Scottish Courts and Tribunal Service. If you are claiming for a registered carer for a dependant adult a maximum of £6 per hour can be claimed. If your childminder/carer is not registered we will only be able to pay £1 an hour per child/adult.

Other expenses

You may be entitled to claim for any other unusual expenses. Please make sure that you bring along evidence to verify them.

Method of payment

When you have filled in the enclosed claim form, you should return it by post – an envelope is provided. Payment will be made by BACS. If you have any difficulty with these arrangements, then you should speak to the tribunal on a confidential basis at the earliest opportunity.

Do you need help to complete the claim form?

If so, tribunal staff will be happy to help and answer your queries. If you require this form in larger print, please contact the court.

Fraudulent claims: Please be honest in your claims for allowances. It is a criminal offence to make a fraudulent claim.