

## **PROTOCOL FOR FINANCIAL ASSISTANCE CLAIMS**

### **General Principles**

1. Police officers and staff are regularly involved in court proceedings. On occasion, officers and staff may find themselves named in proceedings as a defendant or interested party.
2. It is important that police officers and staff should be able to carry out their duties with confidence that if they act in good faith and exercise their judgement reasonably, the Police and Crime Commissioner for Kent (the Commissioner) and the Chief Constable will support them by providing assistance in legal proceedings that are taken against them or where they are named as interested parties.
3. Assistance can take many forms from welfare through to assisting in the provision of legal representation. This protocol deals with requests for financial assistance by officers and staff towards the cost of providing legal representation where proceedings are brought against them. The Commissioner will be guided by the principles set out in Home Office Circular 43/2001, and will act in accordance with the Police Act 1996, as amended by the Police Reform and Social Responsibility Act, 2011, and the Scheme of Consent.
4. The decision to provide financial assistance with legal representation will be at the sole discretion of the Commissioner. The Commissioner when considering applications must be satisfied that (in light of the Chief Officer's recommendations) and based upon legal advice if required, the officer(s) acted in good faith and exercised reasonable judgement. The Commissioner should consider the reasonableness of the fees applied for and this Protocol establishes the level of proportionate and acceptable fees.

### **Process**

5. When police officers or staff are advised that proceedings are being brought against them or the Coroner notifies them that they are "interested parties" that should be the trigger for the notification of the application.
6. The timeliness or lack of timeliness of any notification will be a factor that the Commissioner reserves the right to consider when assessing any request. The Commissioner reserves the right to reject on timeliness alone any application that is received retrospectively or less than 28 days before any hearing.
7. Upon receipt of notification the Chief of Staff will prepare a report for the Commissioner including:

- Details of the incident.
  - Date(s) or approximate date(s) of the Hearing.
  - Any legal advice, if sought
  - An indication from the Chief Officer as to whether it is his view that the officer was acting in good faith and in the lawful execution of his / her duty.
  - An indication from the Chief Officer as to whether there is a potential conflict of interest between the officer and the Force.
  - An estimate of the total costs, if available.
  - The officers' representations.
8. The Commissioner will consider the request and take an in principle decision whether to grant or refuse payment. This will be communicated to the Officers or their representatives in writing, with a copy of the Schedule of Fees for reference.
9. At the conclusion of the legal proceedings the Commissioner will make a final decision on the financial assistance request and notify the Officers or their representatives in writing of the decision. The written decision will include the reasons for the decision to grant or refuse funding.
10. The Officers or their representatives will keep the Commissioner and Chief Constable informed throughout the process until any claim is concluded.

## Fees

Reproduced below are the current costs within which any application should be framed:

- a) Subject to the points listed below a blended hourly rate will be paid at £100 for all fee earners
- b) Travel to be allowed at £50 per hour
- c) Attending court with Counsel or at conference with Counsel, to be charged at 2/3rds of the blended hourly rate
- d) No mark-up on fees
- e) No fees for administrative work
- f) Photocopying: the first 500 sheets supplied free of charge and thereafter at 10 pence per sheet plus VAT
- g) No charge allowed for solicitors' hotel or travel expenses (save for within a 10-mile radius)
- h) No fees to be charged for waiting at court
- i) Prior approval is required as follows:
  - o All disbursements, including Counsels fees over £1000.00
  - o Use of two or more Counsel
- j) Billing. Bills to be submitted per quarter or at £5,000 profit costs (whichever is the sooner) and in the following format:
  - o Interim bill number / Final bill
  - o Dates (from x and to y)
  - o Names of fee earners
  - o Correspondence (i.e. number of letters and telephone calls)
  - o Time engaged (client / opponent / witness / court / experts / documents)
  - o Travelling (if applicable)
  - o Disbursements (with supporting vouchers)
- k) Other requirements at outset and during proceedings:
  - o Type of legal proceedings in which you are applying for funding
  - o Reasons why there is conflict and separate legal representation is necessary
  - o Estimate as to legal costs (including solicitors, Counsel and experts)
  - o Case plan at outset
  - o Interim case plan (if substantial change in position)
  - o Revised estimate as to costs (if necessary) and reasons
  - o Immediate notification of hearing date and time estimate plus
  - o estimated fees (both Counsel and solicitor)

11. It is imperative that all applications submitted adhere to the above conditions as, in the case of extreme claims or where notification has not been complied with, the Force and the Commissioner may decide not to support the application for a contribution toward the costs and the member of staff's entire redress may have to lie with the relevant staff association or union.



