

Scotland's Redress Scheme

Prior approval for additional legal fees request form

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Prior approval
for additional
legal fees
request form

About this form

Use this form to request prior approval to incur additional costs beyond the prescribed sums for legal work related to applications for Scotland's Redress Scheme. This includes work done on behalf of next of kin applicants and nominated beneficiaries.

Before completing a request for additional legal fees, please read:

- the published [statutory guidance on payment of legal fees](#)
- the guidance on pages 3 and 4

Guidance

Introduction

[The Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act](#) provides for fixed fees to be paid to solicitors in respect of legal work reasonably undertaken in making an application for redress. Section 92(4) of the Act indicates the type of legal work which is seen as reasonably undertaken in connection with an application for redress or a proposed application.

The fees provided under the scheme are designed so that, generally, solicitors carrying out legal work in relation to an application for redress will receive sufficient funding under the fixed fees for the work undertaken.

Standard fixed fees

The schedules of the [Redress for Survivors \(Historical Child Abuse in Care\) \(Payment of Legal Fees\) \(Scotland\) Regulations 2021](#) and the [Redress for Survivors \(Historical Child Abuse in Care\) \(Reconsideration and Review of Determinations\) \(Scotland\) Regulations 2022](#) set out the level of the fixed fees available.

Additional legal fees

In seeking prior approval for an additional sum over and above the standard fixed fees, solicitors should demonstrate they have forecasted that the work required will go beyond the prescribed fees available. Solicitors must provide information as to why the additional work to be undertaken may be considered 'exceptional' or 'unexpected'.

Solicitors submitting additional legal fee requests should attach any relevant evidence to support their request and also demonstrate the 'exceptional' or 'unexpected' nature of their request.

Please provide a breakdown of all additional legal fees with any additional evidence of those costs, such as quotes to support your claim.

Guidance continues on page 4

Guidance continued

Examples of exceptional or unexpected circumstances

Meeting in person with Redress Scotland

Costs and expenses incurred by a solicitor where a survivor is invited to a meeting in person with Redress Scotland, including to cover the solicitor's attendance.

Complex cases

Where the solicitor needs to conduct a number of interviews with witnesses to gather statements in support of an application. This would involve work in excess of that covered by the prescribed sum.

Section 60 – previous serious criminal convictions

Where the solicitor needs to carry out significant work where an application for a redress payment is affected by convictions for serious offences, under section 60 of the Act.

Expert/specialist services

Where the solicitor needs to employ the services of a relevant expert. The opinion or expert report must relate to the application for redress. Other factors to take into consideration could be:

- where a survivor resides outside of Scotland and it is necessary that the solicitor incur travel expenses to meet with them in person where they can demonstrate they have explored all other reasonable alternatives

Works not considered as reasonably undertaken

In accordance with section 92(3), the statutory guidance on legal fees also sets out examples of work regarded as not being reasonably undertaken. This includes:

- where legal work which was carried where it ought to have been patently obvious to the solicitor that the person was not eligible because of the particular setting or dates of abuse, but nevertheless the solicitor submitted an application. This would include, for example, where the solicitor has helped to make an application regarding abuse in a day school placement, when clearly this is excluded from the scheme
- where an incomplete application was submitted with significant material missing and then soon thereafter was paused or withdrawn

Your details

Q1 | Name

Q2 | Your legal firm

Q3 | Work address

Q4 | Telephone number

Q5 | Email

Q6 | Would you like to receive communications in any of the following formats (please select).

BSL video call

Braille

Large print

Audio file

Your client

Please provide the details for the client who engaged you to help with their application for Scotland's Redress Scheme.

Q7 | Client name

Q8 | Client date of birth

Day Month Year

Q9 | Application type (projected if not known)

Q10 | Date you began work for your client

Day Month Year

Q11 | Stage the client was at in their application when they engaged you for legal advice and/or representation (please select one).

Pre-application

Evidence gathering

Completing application form

Drafting statement

Advice on signing a waiver

Application review process

Q12 | Has a Scottish Government case worker been involved in assisting the client?

Yes

No

Q13 | Please confirm that the costs of your legal work and any incidental expenses will exceed, or are projected to exceed, the prescribed fee and explain why that is the case.

Q14 | If possible, please provide details of your firm's standard fee schedule:

Q15 | Please state the exceptional or unexpected circumstances for the work that is to be undertaken. For example, the complexity of the case or any digital connectivity barriers. Please provide evidence, where possible, to substantiate your request.

Q16 | Please detail all alternatives explored before incurring additional costs, for example, video conferencing or online or telephone communications.

Q17 | Please state if work will be carried out by a specialist or expert and explain why this is needed.

Additional work continued

Q18 | Please explain the process for selecting any specialist or expert services and the reason for choosing your preferred service provider.

Q19 | Additional fee amount that you expect to claim (excluding VAT)

Q20 | Please add VAT (if applicable)

Declaration

I confirm that the details and information I have given in this form are true and accurate to the best of my knowledge and belief.

I confirm that this request relates wholly to the work to be undertaken on behalf of the named client.

I confirm that any documents I have provided are genuine and any copy is a true copy of the original. I understand that if I provide a document which is not genuine, I may be subject to court proceedings.

I understand that if I give false or misleading information I may:

- be subject to court proceedings
- have to re-pay any money I was not entitled to

I confirm I have read and understood the Privacy Notice for Scotland's Redress Scheme which explains how the information I provide will be lawfully used and stored.

Your signature

Date

Day

Month

Year

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Submitting your form

Once you have completed and signed your form you can submit it. Your completed form will be sent to Redress Scotland for approval in principle.

You can choose whether to submit your form by post or email.

If your client is a survivor

By post

Please submit your completed request form to:
Redress
PO Box 24209
EDINBURGH
EH7 9GT

By email

Please submit your completed request form to:
apply@redress-scheme.scot

If you have any questions, you can also contact a case worker:

- **Telephone:** 0808 175 0808 (freephone)
- **International:** +44 131 297 6500

Lines are open Monday to Thursday, from 10am to 4pm (except Scottish public holidays). There is an answering machine at other times, and if you leave a message a case worker will get back to you as soon as they can

If your client is a next of kin

By post

Please submit your completed request form to:
Redress
PO Box 24210
EDINBURGH
EH7 9GT

By email

Please submit your completed request form to:
nextofkinteam@gov.scot

If you have any questions, you can also contact a case worker:

- **Telephone:** 0808 281 7777(freephone)
- **International:** + 44 131 244 2542

Lines are open Monday to Thursday, from 10am to 4pm (except Scottish public holidays). There is an answering machine at other times, and if you leave a message a case worker will get back to you as soon as they can.