



# 33014 PROCEDURE – Regulation 35 Relocation Assistance for Police Officers

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**Potential Equality Impact Assessment:** Low

## 1. About This Procedure

- 1.1 This procedure sets out the process by which Hampshire & Isle of Wight Constabulary provides assistance to police officers who are subject to a Regulation 35 move.
- 1.2 This procedure has been written in accordance with the Equality Act 2010 as well as relevant UK Employment Legislation and Police Regulations.

## 2. Risk Assessments / Health and Safety Considerations

- 2.1 Excessive travelling to and from a place of duty can prove tiring and potentially stressful. Officers must ensure if they choose not to relocate that this does not adversely affect their welfare or operational effectiveness.
- 2.2 Employment practice and procedure is mainly derived from Employment Law, and in this case Police Regulations. Failure to follow published procedures and the processes contained therein, may lead to the Hampshire & Isle of Wight Constabulary having to account for its actions at an Employment Tribunal. The risk here is not only financial but one of reputation, loss of confidence in the process and staff morale.

## 3. Procedure

### 3.1 Regulation 35

- 3.1.1 The Chief Constable has the authority to direct any Officer to serve anywhere within the Constabulary area of Hampshire & the Isle of Wight, to meet the needs of the service, or the development needs of the Officer.
- 3.1.2 Regulation 35 provides relocation assistance to officers who are transferred by the Constabulary and who fulfil the eligibility criteria. The purpose of Regulation 35 is to assist officers that are moved as a result of Constabulary requirement, and not their own life choices.
- 3.1.3 The procedure applies to Police Officers from Constable up to and including Chief Superintendent.



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- 3.1.4** This procedure does not apply where an officer requests/volunteers to move either via the Cross Command Rotation Process or other local processes.
- 3.1.5** This procedure does not apply where an officer applies for a role where the location is advertised. Application of this procedure will be considered on a case by basis, linked to Constabulary requirements by the ACO Director of People and Development.
- 3.1.6** Regulation 35 relocation assistance applies where an officer is posted by Hampshire & Isle of Wight Constabulary to a location that is a significant distance from their home and chooses to move home as a result. It is designed to:
- a. enable an officer to establish a home for themselves (and family, where applicable) within reasonable travelling distance of a new place of work
  - b. enable an officer to quickly settle into a new area and become effective at the new work location
  - c. provide assistance so that the officer is not financially disadvantaged by the move.
- 3.1.7** Officers have the freedom to live in an area of their choice, provided that any travelling to/from work does not adversely affect an individual's welfare or operational effectiveness.
- 3.1.8** Where two serving officers may be relocating from two separately owned homes to one shared home who may qualify for a regulation 35 move, this should be declared to the Workforce Postings and Structures Team. Only one claim may be made in relation to the purchase and additional expenses. Both officers, if eligible would be able to make the appropriate claims for the sale of their separate properties.
- 3.1.9** No other alternative financial or other support is available under this procedure to an officer who is entitled to a Regulation 35 move but chooses not to move home.

### **3.2 Eligibility**

- 3.2.1** Regulation 35 applies only where:



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- a) a police officer is transferred compulsorily to a new posting, or is a Student Officer posted following initial training or is a transferee who is transferring having applied to an advert that specifically offered relocation assistance, **and**;
- b) the new posting is more than 30 miles from their home address (or in the event of a home address not in Hampshire) more than 30 miles from the Hampshire border closest to the home address **and**;
- c) the officer relocates their only or main residence to within 25 miles of the new posting and
- d) the move results in at least a one third reduction in the mileage and travel time between home and work.
- e) the posting is onto or off the IOW
- f) Relocation expenses will normally only be considered where an officer applies to transfer to Hampshire & Isle of Wight Constabulary in response to an externally placed advertisement where it is explicitly stated in the advert that relocation expenses are being offered to transferees, subject to the eligibility being met.

**3.2.2** For internal movement eligibility for Regulation 35 will be shown on the electronic posting notification of transfer (issued by the Workforce Postings and Structures Team). Detailed guidance about what can be claimed can be found within appendix A.

### 3.3 Eligibility Exceptions

**3.3.1** Officers who choose to live beyond the county borders, and who are transferred over relatively short distances between one work location and another within the Constabulary area, may not be eligible for financial assistance under Regulation 35. In these circumstances, the Workforce Postings and Structures Team will assess whether the application of Regulation 35 would be appropriate.

**3.3.2** Officers who maintain their previous home and also establish a second home closer to the new work location are not eligible for relocation assistance. This may be waived only if it is a requirement of the posting that an Officer lives in a particular location this would need to be stated and approved in writing by the relevant Chief officer.



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- 3.3.3 Officers joining, re-joining or returning from Career Break or secondment are not eligible for Regulation 35 moves on their initial posting back into the organisation.
- 3.3.4 Should for any reason, the Constabulary decide that the posting is no longer to proceed these expenses would not be reclaimed from the officer.
- 3.3.5 If there is any doubt as to whether Regulation 35 applies, officers should contact the Workforce Postings and Structures Team to clarify their position.

### 3.4 What May Be Claimed

- 3.4.1 Officers may claim all essential costs associated with buying and selling their home. Full details of all expenses that may be claimed can be found in Appendix A linked to this procedure.
- 3.4.2 Officers may claim a limited disturbance allowance for items such as carpets/curtains which cannot be moved from home to home. Details of this are included in Appendix A linked to this procedure.
- 3.4.3 Once Officers have taken up their new posting and prior to relocating their home, they may claim mileage during the first six months from home to the new place of duty, at local duty rate. If travelling on or off the IOW, IOW travel applies.

### 3.5 How to Claim Under Regulation 35

- 3.5.1 Once the officer has received notification that they are entitled to a regulation 35 move on their posting notification they should complete:
  - a) **Form of undertaking – Part A** - Officers wishing to apply for expenses under Regulation 35 must initially submit an AD184 - Form of Undertaking and forward to the Workforce Postings and Structures Team before any claims are submitted.
  - b) **Form of Undertaking – Part B** - Once a new home has been identified, the Officer should submit Part B of the Form of Undertaking seeking approval for purchase/rental of the property to the Workforce Postings and Structures Team. WFPS will confirm by email to the officer if the location of the property is acceptable within the parameters set in this procedure and whether any claims may proceed.



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- 3.5.4** The Constabulary may refuse Regulation 35 funding if the distance from the old to the new residence is relatively small i.e. if it does not achieve at least a one third reduction in travel distance and / or time.
- 3.5.5** Once authorisation has been given by WFPS, officers should submit all claims for regulation 35 expenses on AD29e Reg 35 Expense Claim form. The Officer's line manager must sign in the 'Certified for Payment' box. The form should then be emailed to: [FinanceCompliance@hampshire.police.uk](mailto:FinanceCompliance@hampshire.police.uk). All VAT receipts must be kept by the claimant as they may be asked to produce these for audit/tax purposes.
- 3.5.6** All claims should be submitted via an Ad29e to [FinanceCompliance@hampshire.police.uk](mailto:FinanceCompliance@hampshire.police.uk). Please see Appendix A for details.

### 3.6 Time Limit For Claims

- 3.6.1** Officers are expected to have completed their relocation with 6 months of posting or choosing a Regulation 35 move where IOW Travel was previously undertaken. In exceptional circumstances, this may be extended to 12 months if the Officer can demonstrate they have tried to relocate, but this has not been achievable due to circumstances beyond their control. In such circumstances the Officer should provide a G31 report outlining the difficulties to the Workforce Postings and Structures Team, who will confirm if an extension is approved. Reports requesting an extension should be submitted by the 5<sup>th</sup> month of the initial 6-month period if relocation will not be achieved.

### 3.7 Officers' Liability

- 3.7.1** Deductions may be made from an Officer's salary for any monies paid under Regulation 35 in the event that a home relocation is not achieved within the agreed period. Any Officer not relocated within the timescale will be required to submit a report to the Workforce Postings and Structures Team to justify what actions they have taken in order to relocate. The Head of People Services will then decide whether there is justification for waiving the requirement to repay all, or part or any of the monies the Officer has received.

### 3.8 Tax Implications of Regulation 35 Move

- 3.8.1** If the total reimbursement of a Regulation 35 move exceeds £8000, any amount in excess of £8000 is subject to tax at the officer's marginal rate (i.e. the highest rate paid by the officer, or the next higher rate if the payment moves them into a higher tax band). Payroll support will notify both the HMRC and individual Officer who is required to pay the HMRC accordingly.



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### 3.9 Declining a Regulation 35 Move

**3.9.1** Officers may decline the offer of a Regulation 35 move and elect to travel from their existing home to their new posting in their own time and at their own expense, provided that any travelling to/from work does not adversely affect an individual's welfare or operational effectiveness.

### 3.10 Time Off

**3.10.1** Officers are entitled to one day's paid leave to facilitate the move.

### 3.11 Leaving within three years of receipt of a regulation 35 move

**3.11.1** Police officers claiming removal expenses will be required to sign a contract, drawn up by Legal Services that will state the following regarding repaying the expenses:

'Where an officer in receipt of relocation expenses leaves the Constabulary (including transferring to another force) within three years of accepting the relocation assistance, they will be required to repay expenses paid under this procedure in the following proportions: The timescale will start from the date of payment of the expenses.

- Leaving during year 1: 100% of the relocation costs paid
- Leaving during years 2 and 3: 100% of the costs less 1/24th for each completed month served

**3.11.2** Should an officer be granted a career break, length of service will be suspended from the date the career break starts. If an officer has not served three years, and does not wish to be liable for repaying part of the relocation expenses, they must return for at least the remainder of the three years before leaving. When three years' service in total, (combining the period before and after the career break), has been completed, an officer will no longer be liable to repay any part of the relocation costs paid.

**3.11.3** Consideration be given on a case-by-case basis to review the repayment of any proportion of relocation expenses if the officer was to retire within three years of accepting relocation assistance. Consideration would need to be given that the officer knew the relocation agreement was in place and thus remain within the Constabulary until the end of the agreement.

**3.11.4** If the officer was to be medical retired or medically dismissed within three years of accepting relocation assistance the Constabulary would not expect repayment of any proportion of relocation expenses.



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**3.11.5** In the event that an officer does not relocate they will be asked to repay all relocation assistance given under this procedure.



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## APPENDIX A

### Claims

Please note that this appendix does not cover moves to or from the IOW. For such moves please refer to Procedure 24011 IOW travel and relocation.

#### 1. Examples of removals which come within the regulations

1.1 Examples of home moves coming within the Regulations are as follows: -

When an officer moves their home from;

- (a) Police house to police house.
- (b) Own house to own house.
- (c) Own house to police house, (temporarily) to own house (two stages). This is to allow the officer to reside in a police house until such time as they have purchased their own house in the area to which they have been posted.
- (d) Own house to police house.
- (e) Police house to own house.
- (f) Rented property to police house.
- (g) Where the Home Office permits the allowance to be paid to seconded personnel.

An example of this is when an officer seconded for duties at a District Training Centre is permitted to purchase a house near the centre.

#### NOTE : EXCEPTION

1.2 When an officer moves from **rented property (furnished or unfurnished)** to own house, police house or new rented property they will only be reimbursed the cost of removal contractor expenses.

#### 2. What removal expenses does a regulation 35 cover?

2.1 A Regulation 35 covers the following:

- One Estate Agent's fee





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- One Solicitor's fee (sale and purchase). This includes search fee, stamp duty and land registry fees with no VAT.
- One survey fee (unless exceptional circumstances occur)
- One mortgage redemption fee
- One mortgage lender survey/valuation fee
- Removal expenses
- Incidental Expenses (up to a maximum of £2000) for essential fixtures and fittings

2.2 There are conditions related to these payments, which are detailed below;

- a) There is no entitlement to payment for items, which are made out of personal choice rather than an essential requirement of the move. Nor are payments not made under one entitlement transferable to another heading.
- b) For transferees the relocation offer is capped at £8000 in line with the tax threshold.
- c) For officers eligible for a regulation 35 move due to internal postings there is no overall maximum, but costs must be reasonable and must have been a requirement of the move. As amounts over £8,000 are subject to tax, this must be declared to the HMRC (see section 16 of Appendix A).

### 3. Estimates for Removal Expenses:

- 3.1 When payment under Regulation 35 has been approved, (Part B - Form of Undertaking) the officer must obtain **and keep** two estimates from removal contractors in connection with the furniture and effects to be removed. Both estimates must be kept for audit purposes. agreed
- 3.2 The officer must select the lowest tender quote received. The Officer must arrange and pay for the removal expenses themselves and claim back the costs. Please note that the Constabulary do not pay for packing services provided by removal companies. When obtaining quotes from removal companies, you need to ask for the packing costs to be shown separately and this needs to be paid for by the Officer.
- 3.3 Insurance to cover the move is the responsibility of the individual officer but the cost can be claimed as part of incidental expenses. Where an officer already possesses insurance on the contents of their house, they may find the policy covers removal of furniture and effects to another house.



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- 3.4 Where an officer wishes to move themselves and hire a van to relocate, quotes should be obtained. Where this cost is shown to be less than using a removal contractor, this will be permitted, and costs can be claimed accordingly.

### 4. Incidental Expenses:

- 4.1 During the move other costs may be incurred. All expenditure must be justified and is subject to checking by the Police Finance Compliance team. Where there is any doubt as to whether an item can be claimed, approval

should be sought from the Workforce Postings and Structures Team ([wfplanning@hampshire.police.uk](mailto:wfplanning@hampshire.police.uk)) prior to making a claim.

- 4.2 What incidental expenses can cover (Maximum £2000):

- 4.3 Examples of items generally covered are: -

- Carpets and carpet fittings
- Curtains
- Curtain runners (where they are not already provided)
- Cooker connection - where there is a change of supply, i.e. gas to electric
- Disconnection and reconnection of appliances
- Telephone/internet/television package reconnection charges (not installation charge)
- Storage costs
- Insurance premiums incurred in removal
- Television aerials
- School uniform - when it is essential by change of colour or design to meet the requirements of the new school

The allowance will only cover items which are essential and not where purchases are made out of personal choice.

The allowance will not cover the new purchase of curtains / lampshades / carpets and other similar items agreed where these have been left at the previous property and the officer has received compensation in the sale price as a result.

Applications for payment for other items may be considered but will require the joint approval of the police Finance Team and People Services as to whether the claim is reasonable. Requests should be submitted to the Workforce Postings and Structures Team ([wfplanning@hampshire.police.uk](mailto:wfplanning@hampshire.police.uk)) and will be referred to the Head of People Services for Hampshire and Isle of Wight Constabulary for a decision where it is not clear within this policy.



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### 5. Purchases made:

- 5.1 After purchases have been made, reimbursement must be claimed using AD29e Reg 35 Expense Claim form. The Officer's line manager must sign the 'Approved for Payment' on the AD29e which should then be emailed to FinanceCompliance@hampshire.police.uk. All VAT receipts must be kept by the claimant as they may be asked to produce these for audit/tax purposes.
- 5.2 Till receipts are only acceptable for amounts up to £100, and these must include the name, address and VAT registration number of the supplier, the date, a description of the goods or services supplied, the amount including VAT and the rate of VAT payable. For amounts in excess of £100 a full VAT invoice is required, credit card receipts are not suitable for this purpose.

### 6. House sale and purchase - fees that may be claimed:

- 6.1 An owner/occupier who is required to move home and whose application for removal expenses under Regulation 35 is approved may, in addition to receiving removal expenses and incidental expenses, claim the following fees on a reimbursement basis:
- One Estate Agent's fee
  - One Solicitor's fee (sale and purchase). This includes search fee, stamp duty and land registry fees with no VAT.
  - One survey fee (unless exceptional circumstances occur)
  - One mortgage redemption fee (exempt from VAT)
  - One mortgage lender survey/valuation fee
  - Removal expenses
  - Incidental Expenses (up to a maximum of £2000) for essential fixtures and fittings.
- 6.2 Under no circumstances will payment be made for a mortgage indemnity fee.
- 6.3 Interest paid on Bridging Loans is not reclaimable.
- 6.4 Under normal circumstances, only one set of fees in respect of each removal will be reimbursed, regardless of the number of abortive attempts at sale or purchase there may be, e.g. if a survey fee is reimbursed in respect of an abortive purchase, then no further survey fee can be claimed.



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### **7. Delayed house purchase:**

- 7.1 When an officer is offered police accommodation or is approved to use rented accommodation as an interim measure before s/he purchases another house and Regulation 35 applies, the allowance can be applied for in two parts: -
- 7.2 The cost of removal from own house to police house to be paid by Hampshire & Isle of Wight Constabulary as stated previously.
- 7.3 Incidental expenses may be claimed by the officer after s/he has purchased the new house, subject to the time limits referred to in paragraph 2, and any additional fees that may be payable.
- 7.4 An extension of the six months' time limit is possible at the discretion and on the authority of the Head of People Services. Extensions beyond twelve months from the date of transfer will be permitted only in exceptional circumstances.
- 7.5 The cost of the removal from the police house/rented accommodation to own house will be entirely at the officer's expense.

### **8. Claiming for regulation 35 expenses:**

- 8.1 As a general rule the application for expenditure incurred on removal should be claimed in the month the expense incurred and within six months of the date of the initial transfer.
- 8.2 All expenses claims must be made via the AD29e and submitted to [FinanceCompliance@hampshire.police.uk](mailto:FinanceCompliance@hampshire.police.uk). All fuel/VAT receipts should be retained by the claimant for audit monitoring purposes.

### **9. What may be claimed outside the scope of the regulations:**

- 9.1 The following additional expenses may also be claimed:
  - a) Expenses incurred on day of removal for family.
    - i) These expenses include the cost of public transport or when an officer uses their own transport, they may claim actual costs (not mileage rate).
    - ii) Subsistence may be claimed for the officer and spouse if the journey exceeds five hours.



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### 10. Mortgage interest (only for officers in receipt of housing allowance)

10.1 A claim for the interest payable on a mortgage whilst the house is awaiting sale should be the subject of a separate G31 report and claim form supported by a Certificate of Interest from Bank/Building Society and sent to FinanceCompliance@hampshire.police.uk

Regulations permit the payment of mortgage interest for a period up to, but not exceeding, 26 weeks from the date the house is vacated.

10.2 When the house is sold notification must be made with a final Certificate of Interest form from the Bank or Building Society specifying the total amount of interest paid for the specific period claimed, i.e. if the house is sold after 10 weeks the certificate should contain only 10 weeks' interest.

### 11. Temporary lodging and travelling allowance:

11.1 Where there is a need for an officer to find temporary lodging or the officer chooses to travel daily to the new place of duty, then Hampshire & Isle of Wight Constabulary will pay a contribution towards temporary lodgings rent or mileage as follows;

- a) Where an officer chooses to live in single person's lodgings returning home on rest days, the cost of those lodgings (if the Officer is entitled to rent/housing allowance) and the travelling costs incurred at local duty rate (which may include the vehicular ferry to and from the Isle of Wight), for travel home on rest days.
- b) Where an officer chooses temporarily to travel daily to the new place of duty the additional travel costs (difference from previous home to work mileage) is incurred at casual user rate\*.

**Note:** \*If the officer has a lease car, then travelling costs may only be claimed at lease car rates, rather than casual user rate.

### 12. Renting out a property:

12.1 Where an officer has sought and received prior approval by submission of a G31 to the ACO Director of People and Development, the officer may be allowed to rent out their property and have certain consequential additional fees and expenses paid. However, each case will be considered on its own merits and prior approval must be sought. The fees referred to will be those associated with legal costs in setting up a rental agreement or using a letting agency and must be reasonable.



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- 12.2 Generally this will only be approved where the officer may need to return to the property in a relatively short period or where it would be financially more cost effective to the Constabulary. If approval is given to rent out the property, then no payment will be made if the officer subsequently decides to move (i.e. Solicitor's/estate agent's fees etc.).

### 13. Transfer or removal leave:

- 13.1 The officer who has been granted the regulation 35 move may take 1 day's transfer leave. This is to be the day of the move. Additional days may be taken either side of the transfer leave, with authorisation from line management but will come from the officers leave entitlement or TOIL bank.

### 14. Taxation:

- 14.1 Any expenses over £8,000 in total will be taxable and will impact on the individual officer's tax liability.
- 14.2 This change came into force on 06/04/1993 and related to any money received after 06/04/1993. It will be the individual officer's responsibility to declare such expenses to his/her tax office. Hampshire & Isle of Wight Constabulary will notify the HMRC of the taxable benefit via the annual P11d return.

### 15. Other expenditure:

- 15.1 If a Regulation 35 move involves any other essential expenditure, not detailed in this this should be raised via email with a full rationale to the Workforce Postings and Structures Team ([wfplanning@hampshire.police.uk](mailto:wfplanning@hampshire.police.uk)) before any expenditure is incurred. The request will be referred to the ACO Director of People and Development for a decision. No claim should be made for such other expenditure until a decision is communicated in writing.

### Additional information:

- 16.1 Any requests for advances in relation to this procedure should be raise via email with [FinanceCompliance@hampshire.police.uk](mailto:FinanceCompliance@hampshire.police.uk). Your request should include your AD2 Notification of Transfer, fully completed AD29e Reg 35 Expense Claim Form, all related quoted, your bank details and any relevant authorisation from the Workforce Postings and Structures Team as appropriate.
- 16.2 If there are any financial queries then please contact:  
[FinanceCompliance@hampshire.police.uk](mailto:FinanceCompliance@hampshire.police.uk)



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### Governance

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