**ANTI-BRIBERY POLICY**

**1. Policy Statement**

**Bribery** is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

Bribery is a criminal offence. We do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we or will we, accept bribes or improper inducements.

To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.

We are committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery. We aim to maintain anti-bribery compliance “business as usual”, rather than as a one-off exercise.

**2. Objective of this policy**

This policy provides a coherent and consistent framework to enable the Council’s employees and Members to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

We require that all personnel, including those permanently employed, temporary, agency staff, members and contractors:

* Act honestly and with integrity at all times and to safeguard the organisations’ resources for which they are responsible
* Comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the organisation operates, in respect of the lawful and responsible conduct of activities.

**3. Scope of this policy**

This policy applies to all the activities of the Royal Borough of Kingston upon Thames (‘the Council’). For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.

Within the Council, the responsibility to control the risk of bribery occurring resides at all levels of the organisation. It does not rest solely with assurance functions, but in all business units and corporate functions.

This policy covers all personnel, including all levels and grades, those permanently employed, temporary and agency staff, contractors, agents, Members (including independent and co-opted members), volunteers and consultants (“employees”).

**4. The Councils commitment to action**

***We commit to:***

* Setting out a clear anti-bribery policy and keeping it up to date
* Making employees aware of their responsibilities to adhere strictly to this policy at all times
* Providing information to employees so that they can recognise and avoid the use of bribery by themselves and others
* Encouraging employees to be vigilant and to report any suspicion of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately
* Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
* Taking firm and vigorous action against any individual(s) involved in bribery
* Provide information to all employees to report breaches and suspected breaches of this policy
* Include appropriate clauses in contracts to prevent bribery

**5. The Bribery Act 2010**

There are four key offences under the Act:

* To offer, promise or give a bribe (Section 1)
* To request, agree to receive, or accept a bribe (Section 2)
* Bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business (section 6)
* A corporate offence of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation (section 7). This applies to local authorities where commercial companies are used to support a function or project and also where we trade in commercial terms. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation

**5.1 What are “adequate procedures”?**

Whether the procedures are adequate will ultimately be a matter for the courts to decide on a case-by-case basis. Adequate procedures need to be applied proportionately, based on the level of risk of bribery in the organisation. It is for individual organisations to determine proportionate procedures in the recommended areas of six principles. The six principles as applied to the Council are:

**a. Proportionate procedures**

Action taken needs to be proportionate to the risks faced relative to the size of the project or subject matter.

**b. Top level commitment**

The Strategic Leadership Team and Members are committed to preventing bribery by persons associated with the Council. They foster a culture within the organisation in which bribery, corruption or bad business practices are never acceptable.

**c. Risk Assessment**

The Council assesses the nature and extent of their exposure to potential external and internal risks, including bribery, on their behalf by persons associated with them. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage.

**d. Due diligence**

We apply due diligence procedures, taking a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks.

**e. Communication (including training)**

We seek to ensure that our bribery prevention policies and procedures are embedded and understood throughout the organisation, through internal and external communication, including training that is proportionate to the risks faced.

**f. Monitoring and review**

Recognising that risks and effectiveness may change from time to time, we will monitor and review procedures designed to prevent bribery by persons associated with the Council and make improvements where necessary.

**5.2 Penalties**

An individual guilty of an offence under sections 1, 2 or 6 is liable:

* On conviction in a Magistrates court, to imprisonment for a maximum term of 12 months (six months in Northern Ireland), or to a fine not exceeding £5,000, or to both
* On conviction in a Crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both

Organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine.

**6. Requirements**

***It is unacceptable to:***

* Give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
* Give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure
* Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
* Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return
* Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
* Engage in activity in breach of this policy

**Facilitation payments**

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

**Gifts and hospitality and Declarations of Interest**

This policy is not meant to change any requirements as set out in the Council’s existing Policies and Procedures, and should therefore be read in conjunction with the Council’s [**Code of Conduct**](http://inside.kingston.gov.uk/directorates/chief_executives/human_resources/rbk_life/managers_information/RBK's%20Code%20of%20Conduct/Pages/default.aspx) .

**Public contracts and failure to prevent bribery**

Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. The Council has the discretion to exclude organisations convicted of this offence.

**7. Employee responsibilities**

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council. All employees are required to avoid activity that breaches this policy.

***You must:***

* Ensure that you read, understand and comply with this policy
* Raise concerns as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future

As well as the possibility of civil and criminal prosecution, employees that breach this policy may face disciplinary action, which could result in dismissal for gross misconduct.

**8. Raising a concern**

The Council is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want each and every employee to know how they can raise concerns.

We all have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved.

There are multiple channels to help you raise concerns. To contact the Internal Audit & Investigation Service (IAIS) please email or phone us on:

[**Investigations@rbk.kingston.gov.uk**](mailto:Auditservices@richmond.gov.uk) **or phone 0208 547 5696**.

Alternatively, please refer to the Council’s Whistleblowing Policy.

Preferably the disclosure will be made and resolved internally (e.g. to your Head of Service, Shared IAIS or if you are a councillor you may report any occurrence to the Leader of the Council). If internal disclosure proves inappropriate, concerns can be raised with the regulator (Department for Business Innovation & Skills):

[***Blowing the Whistle to a Prescribed Person***](http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@employ/documents/digitalasset/dg_177605.pdf)

Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (e.g. to the media).

**9. Anonymity**

Concerns can be raised anonymously. In the event that an incident of bribery, corruption, or wrongdoing is reported, we will act as soon as possible to evaluate the situation. We have clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind. However, this is easier and quicker if concerns raised are not anonymous.

Employees who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing, can understandably be worried about the repercussions. We aim to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.

We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.

If you have any questions about these procedures, please contact IAIS.

**10. Other relevant policies and links**

[***Bribery Act 2010***](http://www.opsi.gov.uk/acts/acts2010/ukpga_20100023_en_1)

[***Bribery Act final guidance***](http://www.cipfanetworks.net/fileupload/upload/briberyact2010guidance142011261754.pdf)

[***Blowing the Whistle to a Prescribed Person***](http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@employ/documents/digitalasset/dg_177605.pdf)

**PART 4 ANTI- MONEY LAUNDERING POLICY**

1. **POLICY STATEMENT**

The Council will take all reasonable steps to prevent its systems and processes being used for money laundering.

1. **INTRODUCTION**

Money laundering is a series of processes designed to disguise or convert illegally obtained cash or assets (proceeds of crime) so that they appear to have come from a legitimate source. Individuals and organisations can commit offences if they possess, convert, transfer or conceal those proceeds of crime.

Criminals could launder illicitly obtained funds through the council in a number of ways. For example: by making large payments in cash, such as for business rates, council tax or when purchasing assets.

Anyone who becomes involved with an activity which they know, or have reasonable grounds to suspect, is related to the proceeds of crime, may be guilty of money laundering.

**Offences under money laundering legislation**

There are a number of offences under different parts of the legislative framework. Specific offences have been drafted for terrorist financing as set out in the Terrorism Act 2000. It is an offence to be involved in raising funds for terrorism, concealing or providing funds in any way or to be involved in the laundering of such funds. It is also an offence to fail to report suspected terrorist financing activity identified in the course of employment. For example, it would be an offence to encourage or facilitate the payment of grant funding to an organisation involved in terrorist activity or not to report suspicions about an organisation.

In addition to terrorist financing, offences have been defined in relation to general criminal profit under the Proceeds of Crime Act 2002. This creates offences of concealing, disguising, converting, transferring or removing from the UK, any criminal property or being involved in an arrangement which facilitates such activity. Whilst the offences of failing to disclose and tipping off do not apply to the council in relation to general criminal property, if staff suspect money laundering, they are expected to inform the council’s Money Laundering Officer.

The Money Laundering Regulations 2007 as amended by the Money Laundering (Amendment) Regulations 2012 set out the requirements for those working in the field of investments, financial services and advice. Whilst the council is not considered to be bound by the regulations, as a prudent and responsible council, we will adopt proportional procedures to detect and avoid involvement in money laundering.

1. **SCOPE OF THE POLICY**

This policy provides a coherent and consistent framework to enable employees to understand and implement arrangements to enable compliance with anti-money laundering legislation. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

This Policy applies to all of the council’s activities, its personnel, including those permanently employed, temporary staff, agency staff, contractors, Members (including independent members), volunteers and consultants.

Failure by any member of staff to comply with this Policy may lead to prosecution and disciplinary action being taken against them. Any disciplinary action will be dealt with in accordance with the council’s ***Disciplinary Procedures***.

Whilst it is stressed that the risk to the Authority is low, it is extremely important that all staff are familiar with their legal responsibilities as serious criminal sanctions may be imposed for breaches of the legislation. The key requirement for staff is to:

**Promptly report any suspected money laundering activity to the Money Laundering Reporting Officer** [see 5 and 6].

1. **WHAT ARE THE COUNCIL’S OBLIGATIONS?**

As an organisation undertaking “*relevant business*” the council has a number of obligations under the legislation:

* To appoint a Money Laundering Reporting Officer (“MLRO”) to receive disclosures of suspected money laundering activity from any Member, staff, contractor or partner
* To establish internal procedures to help forestall and prevent money laundering
* To implement formal systems for members and employees to report money laundering suspicions to the MLRO.
* To make internal enquiries and to make reports, as necessary, to the United Kingdom Financial Intelligence Unit, part of the Serious Organised Crime Agency (“SOCA”), via the MLRO
* To make all employees aware of their responsibilities to adhere strictly to this policy at all times.
* To provide training to those staff considered most likely to encounter money laundering activities e.g. how to recognise and deal with potential money laundering offences.
* To maintain, in certain circumstances, client identification procedures, and
* To maintain robust record keeping procedures

Not all of RBK’s business is “*relevant*” for the purposes of the legislation. Some of the council’s services are more likely to be to be affected by Money Laundering and the POCA. These include, but are not limited to:

* Legal Services
* Finance Directorate
* Those areas of business involved in awarding contracts
* Those involved in overseeing the conduct of contractual obligations
* Housing – particularly in respect of rent and the *Right to Buy* scheme
* Bailiffs who may handle cash on behalf of the Local Authority
* The payments office
* The Internal Audit and Investigations Service (IAIS)

1. **THE MONEY LAUNDERING REPORTING OFFICER (“MLRO”)**

The officer nominated to receive disclosures of suspected money laundering activity within the council is:

**Director of Finance**

**SLT Suite**

**1st Floor Guildhall 2**

**Royal Borough of Kingston upon Thames**

**High Street**

**Kingston upon Thames**

**KT1 1EU**

**Telephone 020 8547 5570**

In the absence of the MLRO, the Head of Legal Services is authorised to deputise:

**Head of Legal Services. Tel: 020 8547 5110**

1. **ANTI-MONEY LAUNDERING PROCEDURES**

**6.1 DISCLOSURE PROCEDURE (Reporting to the MLRO)**

Where you know or suspect that a money laundering activity is taking/ has taken place, or become concerned that your involvement in a matter may amount to a prohibited act under the legislation, you must disclose this as soon as practicable to the MLRO. The disclosure should be within “hours” of the information coming to your attention, not weeks or months later. If you subsequently learn of further information relating to your knowledge or suspicion that further information must also be disclosed to the MLRO.

**IF YOU FAIL TO DO SO, YOU MAY BE LIABLE TO PROSECUTION.**

Your disclosure should be made to the MLRO using the pro-forma report attached at Appendix 1. The report must include as much detail as possible, for example:

1. Full details of the people involved (including yourself, if relevant), e.g. name, date of birth, address, company names, directorships, and phone numbers, etc
2. Full details of the nature of their/ your involvement;

If you are concerned that your involvement in the transaction would amount to a prohibited act under POCA [i.e. a deliberate concealment or a dishonest arrangement or acquisition[[1]](#footnote-1)], then your report must include all relevant details, as you will need consent from SOCA, via the MLRO, to take any further part in the transaction – this is the case even if the client gives instructions for the matter to proceed before such consent is given. You should therefore make it clear in the report if such consent is required, for what remaining steps consent is required (SOCA will only give consent to the extent requested) and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline.

1. The types of money laundering activity involved;

If possible, cite the section number(s) under which the report is being made e.g. a principal money laundering offence under the 2002 Act (or 2000 Act), or general reporting requirement under section 330 of POCA (or section 21A of the 2000 Act), or both;

1. The dates of such activities, including whether the transactions have happened, are ongoing or are imminent. Include:

* Where they took place
* How they were undertaken
* The (likely) amount of money/ assets involved
* Why, exactly, you are suspicious – SOCA will require full reasons

1. Finally, you must provide any other available information to enable the MLRO to make a sound judgment as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable them to prepare their report to SOCA, where appropriate. You should also enclose copies of any relevant supporting documentation.

**For clarification on any of the above, contact the MLRO for further assistance.**

Once you have reported the matter to the MLRO you must follow any directions they may give you. **You must NOT make any further enquiries into the matter yourself**: any necessary investigation will be undertaken by SOCA. Simply report your suspicions to the MLRO who will refer the matter on to SOCA if appropriate. All Members, staff, contractors and partners will be required to co-operate with the MLRO and the authorities during any subsequent money laundering investigation.

Similarly, at no time and **under no circumstances should you voice any suspicions to the person(s) whom you suspect of money laundering**, even if SOCA has given consent to a particular transaction proceeding, without the specific consent of the MLRO; otherwise, you may commit a criminal offence of “*tipping off*” and you may be prosecuted [see 3].

Do not, therefore, make any reference on a client file to a report having been made to the MLRO – should the client exercise their right to see the file, then such a note will obviously tip them off to the report having been made and may render you liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

* 1. **RECOGNITION OF SUSPICIOUS TRANSACTIONS**

There are many types of transactions which may be used by money launderers, making it difficult to define. Guidance will be provided to staff in relevant areas to enable them to recognise suspicious transactions.

The council has set up a general transaction limit of £13,000 or approximately 15,000 Euros (in line with the 2007 Regulations) over which any transaction or group of transactions from the same source should automatically be classified or deemed as suspicious. This does **NOT** mean however, that any transactions under this limit should not be reported. All suspicious transactions irrespective of value should be reported.

**6.3 CONSIDERATION OF THE DISCLOSURE BY THE MLRO**

Upon receipt of a disclosure report, the MLRO must note the date of receipt on their section of the report and acknowledge receipt of it. They should also advise the discloser of the timescale within which they expect to respond.

The MLRO will evaluate the report and evidence as soon as reasonably practicable to decide whether the suspicion warrants disclosure to SOCA. The MLRO may undertake such further enquiries that s/he considers appropriate in order to ensure that all available information is taken into account when deciding whether a report to SOCA is required e.g.:

* reviewing other transaction patterns and volumes
* the length of any business relationship involved
* the number of any one-off transactions and linked one-off transactions
* any identification of evidence held

These enquiries will be undertaken confidentially so as to avoid tipping off those involved. The MLRO may also need to discuss the report with the individual making the initial disclosure.

**6.4 DETERMINATION OF THE DISCLOSURE BY THE MLRO**

Once the MLRO has completed evaluating the disclosure report, together with any other information gathered, s/he must make a timely determination as to whether:-

* Actual or suspected money laundering is taking place
* There are reasonable grounds to know or suspect that that is the case
* Whether or not to submit the case to SOCA via a Suspicious Activity Report (“SAR”)
* Whether s/he needs to seek the consent from SOCA for a particular transaction to proceed

**6.5 SUBMITTING A SUSPICIOUS ACTIVITY REPORT (SAR)**

If the MLRO determines that the matter should be reported, s/he must do so as soon as practicable, using the standard SOCA report form [SAR] and in the prescribed manner [via the SOCA website], unless s/he believes there is reasonable excuse for non-disclosure to SOCA, e.g. if a lawyer wishes to claim legal professional privilege[[2]](#footnote-2).

There is no hard and fast rule as to when it may be appropriate to submit a SAR. The following are hypothetical examples of situations that local authorities may become involved in and which could trigger the need for a SAR:

|  |
| --- |
| **Example 1 - 'Right to Buy'**  A Local Authority receives an application from a tenant to purchase the property they reside in. The Local Authority record shows the applicant is in receipt of housing and/or council tax benefit. This raises suspicion as to how the tenant intends to finance the purchase – or whether the claim to housing and/or council tax benefit has been fraudulent.  In the normal course of events any investigation should be referred to the Local Authority's own fraud investigation department which is best placed to determine the validity of the claim. |

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| **Example 2 - Lump sum cash payment**  A situation could arise where substantial arrears of council tax have accrued in respect of an individual or commercial concern.  The rate payer, in order to satisfy the arrears, makes a cash payment through either the council tax department or the finance department.  This may give rise to a suspicion and be reported as a SAR. |

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| --- |
| **Example 3 – Staggered electronic payments**  A Council Tax customer transfers over £10,000 into their Council Tax account, but over several transactions of lower amounts. With the account in credit, they then ask for a refund to another bank account.  In this circumstance, the MLRO should be contacted to consider the case further. The case could well be reported as a SAR or could be looked at first by the Local Authority's own fraud investigation department. |

**6.6 CONSENT FROM “SOCA”**

In cases where consent from SOCA is required for a transaction to proceed, the transaction must not be undertaken or completed until SOCA have given their specific consent, or there is “deemed” consent through the expiry of the relevant time limits without objection from SOCA. Consent, is deemed to have been received if there is no response from SOCA refusing consent within 7 working days from the date the SAR is made. Consent, is also “deemed” to have been given if there has been an initial refusal of consent but a period of 31 days (includes weekend) has elapsed since the initial refusal of consent without any further steps being taken by SOCA.

**6.7 FURTHER ACTION**

Where the MLRO determines that there are no reasonable grounds for suspecting money laundering, they will endorse the report accordingly and give consent for the ongoing or imminent transaction to proceed. The MLRO will retain in a confidential file all disclosure reports received, together with all reports made to SOCA. These shall be retained for a minimum of five years.

**The MLRO commits a criminal offence if s/he knows or suspects, or have reasonable grounds to do so, through a disclosure being made to them, that another person is engaged in money laundering and they do not disclose this as soon as possible to SOCA.**

**6.8 CLIENT IDENTIFICATION PROCEDURES**

From 1 March 2009, where RBK is carrying out “*relevant business*”, and any of the below ‘*triggers*’ apply, then these ***Client Identification Procedures*** must be followed before any business is undertaken for that client.

* forms an ongoing business relationship with a client; or
* undertakes a one-off transaction involving payment by or to the client of 15,000 Euro or more; or
* undertakes a series of linked one-off transactions involving total payment by or to the client(s) of 15,000 Euro or more; or
* it is known or suspected that a one-off transaction (or a series of them) involves money laundering

Once instructions to provide relevant business have been received, and it has been established that any of the above triggers apply, staff **MUST** obtain satisfactory evidence of the identity of prospective clients (both internal and external) as soon as practicable after instructions are received (unless evidence of the client has already been obtained).

The Council’s ***Client Identification Procedure*** requires basic identity checks for existing clients as follows:

* ***Internal clients:*** signed, written instructions on Council headed notepaper or an email on the internal email system at the outset of the business relationship;
* ***External clients:*** signed, written instructions on the organisation’s own headed paper at the outset of the business relationship.

The reason for this low level Procedure is because the Council’s risk of exposure to money laundering is assessed as low, so the procedure is considered appropriate to this perceived risk. The risk assessment takes account of regulations that restrict the extent to which services can be provided and the organisations with which the Council can contract.

The Client Identification Procedure should enable us to have confidence in accepting instructions from a known client. If, however, you are undertaking work for a new client, then you may also wish to seek additional evidence, for example:

* check the organisation’s website to confirm the identity of personnel, its business etc;
* address and any other details;
* meet the client at their business address;
* confirm that the organisation is included in the telephone directory;
* ask the key contact officer to provide evidence of personal identity and position within the organisation, for example:

(a) passport, photo ID card, driving licence;

(b) signed, written confirmation from the Head of Service or Chair of the relevant organisation that such person works for the organisation.

**6.9 RECORD KEEPING**

Each section of the council carrying out “*relevant business*”, **MUST** maintain appropriate records of:

* client identification evidence obtained; and
* details of all relevant business transactions carried out for clients

These records must be kept for at least five years. This is so that they may be used as evidence in any subsequent investigation by the authorities into money laundering.

There is no substantive guidance in the 2007 Regulations as to the form of the records or the manner in which they should be stored. As a matter of best practice the records **MUST** be kept in a form that would enable them to be retrieved or reconstituted within a reasonable time following a demand from the regulatory authorities or internally by the Counter-Fraud and Corruption Unit. They must therefore be capable of providing an audit trail during any subsequent investigation, for example distinguishing the client and the relevant transaction and recording in what form any funds were received or paid. In practice, staff will routinely make records of work carried out for clients in the course of normal business and these should suffice in this regard.

**6.10 GUIDANCE AND TRAINING**

In support of this Policy and the Procedures, RBK will:

1. Make all staff aware of the requirements and obligations placed on the council and on themselves as individuals by the Anti-Money Laundering legislation; and
2. Give targeted training to those most likely to encounter money laundering on how to recognise and deal with transactions which may be related to money laundering or terrorism financing.

As a minimum, staff should be made aware of:

* The Money Laundering Regulations 2007 as amended by the Money Laundering (Amendment) Regulations 2012
* The Proceeds of Crime Act 2002 - Part 7
* The Terrorism Act 2000 - Sections 18, 21A and 38B

**6.11 CONCLUSIONS**

The legislative requirements concerning anti-money laundering procedures are lengthy and complex. This Policy has been written to enable the council to meet the legal obligations in a way, which is proportionate to the very low risk to RBK of contravening the legislation.

**Should you have any concerns whatsoever regarding any transactions then you should contact the MLRO.**

**APPENDIX 1**

**REPORT TO THE MONEY LAUNDERING REPORTING OFFICER**

re **SUSPECTED MONEY LAUNDERING ACTIVITY**

|  |  |  |
| --- | --- | --- |
| From:  ***(Full Name & position)*** | Department: | Tel No:  Email: |

Details of Suspected Offence:

|  |
| --- |
| Name(s) and address(es) of person(s) involved:  *(If a company/public body please include details of nature of business)* |

|  |
| --- |
| Nature, value and timing of activity/property involved:  *(Please include full details e.g. what, when, where, how. Please include the whereabouts of the laundered property, so far as you are aware. Continue on a separate sheet if necessary)* |

|  |
| --- |
| Nature of suspicions regarding such activity:  *(Please continue on a separate sheet if necessary)* |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Has an investigation been undertaken (as far as you are aware)?  ***(Please tick relevant box)*** |  | Yes |  |  | No |

If yes, please include details below:

|  |
| --- |
| ***Please do not discuss the content of this report with anyone you believe to be involved in the suspected money laundering activity described. If you do so you may commit the criminal offence of tipping off, which carries a maximum penalty of 5 years’ imprisonment.*** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Has the matter been discussed with any other person?  ***(Please tick relevant box)*** |  | Yes |  |  | No |

If yes, please specify below, explaining why such discussion was necessary:

|  |
| --- |
| ***Please do not discuss the content of this report with anyone you believe to be involved in the suspected money laundering activity described. If you do so you may commit the criminal offence of tipping off, which carries a maximum penalty of 5 years’ imprisonment.*** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Have you consulted any supervisory body guidance re money laundering? (e.g. the Law Society) ***(Please tick relevant box)*** |  | Yes |  |  | No |

If yes, please specify below:

|  |
| --- |
|  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Do you feel you have a reasonable excuse for not disclosing the matter to SOCA? (e.g. are you a lawyer and wish to claim |  | Yes |  |  | No |
| Legal professional privilege?) ***(Please tick relevant box)*** |  |  |  |  |  |

If yes, please set out full details below:

|  |
| --- |
|  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Are you involved in a transaction which might be a prohibited act under sections 327-329 of 2002 Act or Section 18 of the 2000 Act and which required appropriate |  | Yes |  |  | No |
| Consent from SOCA? ***(Please tick relevant box)*** |  |  |  |  |  |

If yes, please enclose details in the box below:

|  |
| --- |
|  |

Please set out below any other information you feel is relevant:

|  |
| --- |
|  |

Signed:…………………………………………………… Dated:………..…….……………

***Please do not discuss the content of this report with anyone you believe to be involved in the suspected money laundering activity described. If you do so you may commit the criminal offence of tipping off, which carries a maximum penalty of 5 years’ imprisonment.***

**THE FOLLOWING PART OF THIS FORM IS FOR**

**COMPLETION BY THE MLRO**

|  |  |
| --- | --- |
| Date report received: |  |
| Date receipt of report acknowledged: |  |

Consideration of Disclosure:

|  |
| --- |
| **Action plan:** |

Outcome of Consideration of Disclosure:

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| --- |
| Are there reasonable grounds for suspecting money laundering activity? Do you know the identity of the alleged money launderer or the whereabouts of the property concerned? |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| If there are reasonable grounds for suspicion, will a report be made to SOCA? ***(Please tick relevant box)*** |  | Yes |  |  | No |

|  |  |
| --- | --- |
| If yes, please confirm date of report to SOCA and complete the box below: |  |

|  |
| --- |
| Details of liaison with SOCA regarding the report:  Notice Period: ………………………… to ………………….  Moratorium Period: ……………..…… to …………………. |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Is consent required from SOCA to any ongoing or imminent transactions which would otherwise be prohibited acts? |  | Yes |  |  | No |

If yes, please confirm full details in the box below. Ensure that consent for all remaining steps in the transaction is sought since consent will only be given to the extent to which it is requested:

|  |
| --- |
|  |

|  |  |
| --- | --- |
| Date consent received from SOCA: |  |
| Date consent given to you to employee: |  |

If there are reasonable grounds to suspect money laundering, but you do not intend to report the matter to SOCA, please set out below the reason(s) for non-disclosure:

|  |
| --- |
| Please set out any reasonable excuse for non-disclosure: |

|  |  |
| --- | --- |
| Date consent given by you to employee for any prohibited act transactions to proceed: |  |

|  |
| --- |
| Other relevant information: |

Signed:…………………………………………………… Dated:………..…….……………

THIS REPORT TO BE RETAINED FOR AT LEAST FIVE YEARS

1. [www.legislation.gov.uk/ukpga/2002/29/part/7](http://www.legislation.gov.uk/ukpga/2002/29/part/7) [↑](#footnote-ref-1)
2. In those cases where legal professional privilege may apply, the MLRO will liaise with the Head of Legal Services to determine whether there is a reasonable excuse for not reporting the matter to SOCA. [↑](#footnote-ref-2)