

Worcestershire County Council: Anti Money Laundering Policy

1. Introduction

1.1 The Proceeds of Crime Act 2002, the Terrorism Act 2000 and the Money Laundering Regulations 2007 place obligations on the Council and its employees to establish internal procedures to prevent the use of their services for money laundering.

1.2 Proceeds of Crime Act 2002 ('POCA') POCA is concerned with the laundering of proceeds of "criminal conduct" which is defined as any illegal conduct from which any ben

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6. Disclosure Procedure

Cash Payments

6.1 No payment to the Council will be accepted in cash (including notes, coins or travellers cheques in any currency) if it exceeds £5,000.

Reporting to the Money Laundering Reporting Officer (MLRO)

6.2 Any employee who suspects money laundering activity is taking place, or an employee who becomes concerned that their involvement in a matter may amount to a prohibited act under the legislation, must disclose this promptly to the MLRO.

6.3 The disclosure should be made to the MLRO or deputy using the proforma report attached at Appendix 1. The report must include as much detail as possible.

6.4 The employee must follow any subsequent directions from the MLRO or deputy and must not make any further enquiries themselves into the matter. Additionally, they must not take any further steps in the transaction without authorisation from the MLRO or deputy.

6.5 The employee must not disclose or otherwise indicate their suspicions to the person(s) suspected of money laundering. They must not discuss the matter with others or note on a file that a report has been made to the MLRO in case this results in the suspect becoming aware of the suspicion.

Consideration of the disclosure by the Money Laundering Reporting Officer

6.6 The MLRO or deputy must promptly evaluate any disclosure to determine whether it should be reported to the National Crime Agency ("NCA")
<http://www.nationalcrimeagency.gov.uk/>.

6.7 The MLRO or deputy must, if they so determine, promptly report the matter to the NCA through the NCA website. Alternatively a SAR can be made via the SAR Online System: <https://www.ukciu.gov.uk/saronline.aspx>. NCA can be contacted 24 hours a day on 0370 496 7622.

6.8 All disclosure reports referred to the MLRO or deputy and reports made to the NCA must be retained by the MLRO in a confidential file kept for that purpose, for a minimum of five years.

6.9 The MLRO or deputy will commit a criminal offence if they know or suspect, or have

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b) undertakes a one off or occasional transaction amounting to €15,000 or more whether carried out as a single transaction or several linked ones

c) suspects money laundering or terrorist financing;

7.2 then the Customer Due Diligence Procedure must be followed before any business is undertaken for that client.

7.3 Customer due diligence means:

a) Identifying the customer and verifying the customer's identity on the basis of information obtained from a reliable and independent source e.g. conducting a search at Companies House.

b) Obtaining information on the purpose and intended nature of the business relationship.

7.4 The Regulations regarding customer due diligence are detailed but the following questions help determine whether it is necessary:

Is the service a regulated activity?

Is the Council charging for the service?

Is the service being provided to a customer other than another UK public authority?

If the answer to any of these questions is **no then there is no need to carry out customer due diligence.**

7.5 If the answer to all these questions is yes then customer due diligence needs to be carried out prior to conducting business for that client.

7.6 Where the "relevant business" is being provided to another UK public sector body then written, signed instructions on the body's headed paper should be obtained prior to the transaction being completed.

7.7 The requirement for customer due diligence applies immediately for new customers and should be considered on a risk sensitive basis for existing customers.

8. Record Keeping

8.1 Where the "relevant business" is carried out then the customer due diligence identification evidence and the details of the relevant transaction(s) for that client must be retained for at least five years.

8.2 The precise nature of these records is not set down in law but should be capable of providing an audit trail during any subsequent investigation.

9. Guidance and Training

9.1 In support of this policy, the Council will:

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

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Give targeted training to those most likely to encounter money laundering.

10. Risk Management and Internal Control

10.1 The risk to the County Council of contravening the anti money laundering legislation will be assessed on a periodic basis and the adequacy and effectiveness the Anti Money Laundering Policy will be reviewed in light of such assessments.

11. Further Information

11.1 Further information can be obtained from the MLRO and the following sources:

Website of NCA – <http://www.nationalcrimeagency.gov.uk/> .

Proceeds of Crime (Anti Money Laundering) –

CONFIDENTIAL Report to Money Laundering Officer

Re: Suspected money laundering activity

To: Sean Pearce, Worcestershire County Council Money Laundering Reporting Officer

From:
[insert name of employee]

Directorate:
[insert post title and Business Unit]

Ext/Tel No:.....

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Nature, value and timing of activity involved:

Nature of suspicions regarding such activity:

Signed:.....

Dated:.....

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