



ANTI-MONEY LAUNDERING POLICY

THIS POLICY APPLIES TO MILLFIELD, MILLFIELD PREP SCHOOL, MILLFIELD PRE-PREP SCHOOL (INCLUDING EARLY YEARS FOUNDATION STAGE (EYFS)) AND MILLFIELD SCHOOL ENTERPRISES LTD, TOGETHER REFERRED TO IN THIS POLICY AS "THE SCHOOL".

AIMS

The aims of this policy are:

- To provide a clear statement of the Schools' position regarding the prevention of financial crime;
- To ensure that school staff are aware of and comply with the requirements of UK anti-money laundering legislation, to the extent that they apply to the school as a charitable organisation operating outside the regulated sector;
- To set out what measures, over and above those strictly required by law, the school has resolved to take to mitigate the risk of money-laundering occurring in the course of its business and charitable activities.

GUIDING PRINCIPLES

Money laundering is the process by which the proceeds of criminal or illegally obtained money are processed or spent to create the appearance that they have come from a legal source. Whilst this policy focuses on fee payments in cash, the School should also be vigilant in relation to other payments, for example donations, or other unusual payments, particularly where these involve complex banking and transfer arrangements.

Money laundering is a term designed to cover several offences. These offences relate to the improper handling of funds that are the proceed of criminal acts, or terrorist acts, so that they appear to come from a legitimate source. It relates to both the activities of organised crime but also to those who benefit financially from dishonest activities such as receiving stolen goods.

Money Laundering is described as:

"a scheme in which criminals try to disguise the identity, original ownership, and destination of money that they have obtained through criminal conduct. The laundering is done with the intention of making it seem that the proceeds have come from a legitimate source".

The School is potentially vulnerable to this threat and the consequences of being involved in an instance of money laundering may have a severe impact on the school's reputation.

Money Laundering can take many forms, but in relation to the School it could involve, but will not be limited to:

- the donation of sums to projects for which an appeal is being run;
- the donation of sums for no obvious reason;
- the payment in advance of fees; and
- the requested return of fees paid in advance.

In addition, these activities could also add to a second “laundering” activity where reputations are reviewed and refreshed with injections of illicit wealth into acquisitions (cars and homes particularly) which complement the reputation generated by a family by having their child or children in a prestigious private school.

The school is committed to detecting and preventing any money laundering activities and to ensuring that it does not become involved in any arrangements involving criminal or terrorist property.

In order to fulfil this commitment, the school has established procedures for assessing the risk of financial crime, for internal reporting of suspicious activities and for making suspicious activity reports (SARs) to the relevant agencies.

Where risk factors are identified, the school will ensure that the identities of parents or guardians or other persons or organisations making any substantial payment to the school are satisfactorily verified. Verification may take place at the beginning of their relationship with the school and, where appropriate, also at later stages.

The school will ensure that its staff are aware of the law in this area and will provide training where appropriate.

LEGAL REQUIREMENTS

The Proceeds of Crime Act 2002 (POCA), as amended, creates a range of criminal offences arising from dealing with proceeds of crime. The four main offences that may be committed under money laundering legislation are:

- concealing, disguising, converting, transferring, or removing criminal property from anywhere within the UK;
- entering into or becoming concerned in an arrangement which a person knows or suspects facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person;
- acquiring, using or possessing criminal property; and
- doing something that might prejudice an investigation - for example, falsifying or destroying a document.

There are also two 'third party' offences:

- failing to disclose information relating to any of the above money laundering offences; and
- tipping off (informing) someone who is, or who is suspected of being involved in money laundering activities in such a way as to reduce the likelihood of them being investigated or prejudicing an investigation.

These money laundering offences may be committed by an organisation or by individuals working for an organisation.

There is a similar money laundering offence under the Terrorism Act 2000, if a person enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property. It is a defence to prove that the person did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.

SCHOOLS' PROCEDURES: GENERAL PRINCIPLES

In addition to ensuring that staff are aware of the offences under the Proceeds of Crime Act 2002 (POCA) and the Terrorism Act 2000 and how they might arise in the running of the school, this policy sets out the measures, over and above those strictly required by law, that the school has put in place to mitigate the risk of money-laundering occurring in the course of its business and charitable activities.

The schools' procedures go beyond the strict statutory requirements applicable to unregulated organisations because as a charitable organisation it has a duty to safeguard its reputation, property, funds and beneficiaries.

ASSESSING RISK

The school takes a risk-based approach to preventing money laundering, and therefore starts from the premise that the people with whom it does business are not money launderers or terrorists. However, its procedures enable it to highlight any instances where there may be a higher risk of criminal activity and to apply appropriate control measures. These procedures have been designed as a proportionate and cost-effective response to the School's assessment of the actual risk.

When assessing risk, the school will take a variety of factors into account. These may include the following:

Jurisdiction:

If a person is resident in a jurisdiction that is perceived to have a lower standard of anti-money laundering regulation or measures to prevent corruption.

This can be checked by reference to various indices, including the Transparency International Corruption Perceptions Index.

Politically exposed person (PEP):

A politically exposed person (known in the anti-money laundering regulations as a PEP) may be more at risk of being involved in money laundering. A PEP is a person who has been entrusted with prominent public functions, or any immediate family member or close associate of such a person.

Secrecy:

If a person is unusually secretive, for example if he or she is reluctant to meet face to face in circumstances where that would be the norm.

Sanctioned or proscribed organisations:

Whether the person is subject to sanctions or designated as, or associated with, a proscribed organisation.

Where a higher than usual level of risk has been identified, the staff concerned must consider whether it is appropriate to look more closely at any transaction and/or to require a more rigorous checking of identity and of the source of funds. In such cases it may also be appropriate to arrange for routine monitoring of transactions so that, for example, any change in the source of funds used to pay school fees is flagged up immediately.

IDENTIFICATION AND VERIFICATION

Before entering into any transaction with a person or organisation with whom the school has no previous transactions, the school needs to take reasonable steps to ascertain the identity of that person or organisation.

In the case of individuals, the key information is:

- Full name
- Residential address
- Date of birth

Depending on whether particular risk factors are present, the school may seek independent verification of identity, for example by requiring originals or certified copies of official documents confirming identity. Suitable documents might include passports or birth certificates. When checking such documents, staff must be alert to any signs that they might have been forged or stolen.

Copies of passports will be taken for all pupils joining the school and both parents are usually required to provide their name and residential address and to sign the school's Acceptance Form.

The school will consider the option of using commercial verification services, particularly in relation to overseas jurisdictions where the school may have limited access to the relevant databases and records.

In relation to organisations that are not already known to the school, staff will check websites, perform a company search and where appropriate they will request credit checks and/or aim to contact key personnel in the organisation.

Staff should also check whether third parties are designated as, or associated with, proscribed organisations by checking the person's name against the UK government's current sanctions and proscribed organisations list, available on the gov.uk website.

REPORTING SUSPICIOUS ACTIVITIES

The school is not required by law to have a Money Laundering & Proceeds of Crime Nominated Officer (MLNO) to whom suspicious transactions or activities should be reported but, as part of its commitment to detecting and preventing any money laundering activities, it has decided that the Finance Director should act as the MLNO and, in his/her absence, the Financial Controller is authorised to act as Deputy. The function of the MLNO is to:

- act as a single point of contact for staff in relation to any suspicions of money laundering or other financial crime;
- oversee the provision of training and guidance to staff;
- provide reports to the Governors, annually or more frequently if requested, on the operation and effectiveness of the schools' anti-money laundering procedures; and
- keep this policy and related procedures under review.

As the MLNO, the Finance Director has additional obligations in respect of reporting suspicious activities to the National Crime Agency (NCA) and the police ensuring that, where a report has been

made, no steps are taken without the consent of the NCA or police where required. The Financial Controller and the Fees Manager are also registered to provide reports to the National Crime Agency (“NCA”) under the delegated authority and with express approval of the MLNO.

Failure to comply with these obligations can be an offence under section 332 of the Proceeds of Crime Act.

DISCLOSURE PROCEDURES

Staff must make a report to the MLNO where they have knowledge or suspicion, or where there are reasonable grounds for having knowledge or suspicion, that another person is engaged in money laundering, or that terrorist property exists. Please refer to Appendix 1 for grounds of suspicion.

If you have any concerns or suspicions relating to the MLNO the same process should be followed but must be reported to the Head at the Senior School.

Your report should include as much detail as possible including:

- Full available details of the people, organisations involved including yourself and other members of staff if relevant.
- Full details of transaction and nature of each person’s involvement in the transaction.
- Suspected type of money laundering activity or use of proceeds of crime with reasons for your suspicion.
- The dates of any transactions, where they were undertaken, how they were undertaken and the likely amount of money or assets involved.
- Information on any investigation undertaken to date, including whether the suspicions have been discussed with anyone and if so on what basis.
- Whether any aspect of the transaction(s) is outstanding and requires content to progress.
- Any other information that may help the MLNO judge the case for knowledge or suspicion of money laundering and to facilitate any external report.

It is the schools’ policy, following a disclosure to the MLNO or to the NCA and the police, not to do or say anything that might either prejudice an investigation or “tip off” another person that a disclosure has been made.

Once you have reported your suspicions to the MLNO you must follow any instructions provided. You must not make any further enquiries unless instructed to do so by the MLNO. Any further transactions or activity in respect of the person in question, whether or not it is related to the matter that gave rise to the original suspicion, should be reported to the MLNO as they happen, unless and until the MLNO has confirmed that no report to the NCA and the local police is to be made.

The MLNO must consider all internal reports and must make an external report to the NCA (who will undertake any necessary investigation) as soon as is practicable if he/she considers that there is knowledge, suspicion or reasonable grounds for knowledge or suspicion, that another person is engaged in money laundering, or that terrorist property exists. This applies even if no transaction takes place.

The MLNO will report any suspicions of money laundering activity, and how they have been managed, to the Audit Committee.

RECORD KEEPING

The school will retain copies of the evidence they obtained of the identity of people and organisations with whom it has done business for five years after the end of the business relationship, together with details of all transactions.

All suspicions reported to the MLNO must be documented, either on paper or electronically. The report should include full details of the person or organisation that is the subject of concern and as full a statement as possible of the information giving rise to the knowledge or suspicion. All enquiries that are made within the school in relation to the report should also be recorded.

The school must also keep details of actions taken in respect of internal and external suspicion reports, including details of information considered by the MLNO in respect of an internal report where no external report is made.

RECEIVING CASH PAYMENTS

If any member of school staff is offered funds that he or she knows or suspects are criminal property or may represent terrorist finance, or if he or she receives any unusual request to receive or transfer money, it must be reported immediately to the MLNO who will, if appropriate, contact the NCA, police or other relevant agency.

As part of a risk-based approach to the receipt of funds, all parents are encouraged to pay school fees through direct debit from a UK bank account. Staff should not accept payments in cash in excess of £3,000 in any circumstances and, any cash receipt in excess of £1,000 must be approved in advance by the MLNO or Deputy.

Precautions must be taken in respect of refunds requested following a payment by credit card or bank transfer. In these cases, refunds should only be made by the same method to the same account, unless authorised by the MLNO or deputy.

CONTACTS

National Crime Agency: 0370 496 7622 (available 24/7) www.nationalcrimeagency.gov.uk

Policy owner	Finance Director
Reviewed on	May 2021
Review by date	May 2022
Audited by Governor Committee	Audit
Audited on	May 2019
Audit by date	May 2022
Publication	Website

APPENDIX 1

Grounds for suspicion:

It is not possible to produce an exhaustive list of the matters that might give rise to a suspicion of money laundering or other financial crime. It is therefore important that staff are provided with training in the general issues and encouraged to use their own judgment when looking at any new business relationship or transaction.

The following are some of the possible warning signs:

Generic

- Transactions: are transactions unusual because of their size, frequency or the manner of their execution, in relation to the parent's known business type or source of income?
- Structures: do payments involve complex or illogical arrangements that make it unclear who is making the payment?
- Assets: does it appear that a parent's (or guardian's) assets are inconsistent with their known legitimate income?
- Resources: are the payer's funds made up of a disproportionate amount of private funding, bearer's cheques or cash, in relation to their socio-economic profile?
- Identity: has the parent taken steps to hide their identity, or are they difficult to identify?

Behaviour:

- Is the parent (or guardian) unusually anxious to complete a transaction or are they unable to justify why they need to make a payment quickly?

Any overpayments for no good reason?

Political status:

- Is the parent engaged in unusual private business given they hold a prominent public title or function?

Documents:

- Are information or documents being withheld by the parent or their representative, or do they appear falsified?

Geographical Area:

- Are the parents native to, or resident in, a high risk country?

Third party referrals:

- Have you, or other professionals involved been instructed at a distance, asked to act outside of your usual specialty, or offered an unusually high fee?

The following questions will form part of a risk assessment that will assist in composing a view of the cash being offered to the School. This should be completed for every sum of more than £100 accepted in cash.

Staff are to watch for the following warning signs, and should any of the following questions give a "yes" answer the Finance Director should be informed:

1. Transactions: are transactions unusual because of their size, frequency or the manner of their execution, in relation to the parent's known business type?

2. Structures: do payments involve complex or illogical arrangements that make it unclear who is making the payment?
3. Assets: does it appear that a parent's (or guardian's) assets are inconsistent with their known legitimate income?
4. Resources: are a parent's funds made up of a disproportionate amount of private funding, bearer's cheques or cash, in relation to their socio-economic profile?
5. Identity: has the parent taken steps to hide their identity, or is the payer difficult to identify?
6. Is the parent (or guardian) unusually anxious to complete a transaction or are they unable to justify why they need the payment to be undertaken quickly?
7. Is the parent (or guardian) engaged in unusual private business given they hold a prominent public title or function?
8. Are information or documents being withheld by the parent or guardian or their representative, or do they appear falsified?
9. Are the parents native to, or resident in, a high-risk country?
10. Have you, or other professionals involved been instructed at a distance, asked to act outside of your usual specialty, or offered an unusually high fee?