|  |
| --- |
| The Trust |
| Anti-Money Laundering Policy |
| Version number: 2 |
| Effective Date: 7th February 2024 |
|  |



**TABLE OF CONTENTS**

1. INTRODUCTION 2
2. scope 2
3. LEGAL & REGULATORY REQUIREMENTS 2
4. definitions 2
5. OUR POLICY 3
6. EQUALITY, DIVERSITY & INCLUSION 4
7. RESPONSIBILITIES 4

All employees 4

Assistant Director of Finance 4

Executive Director of Resources 5

Audit Committee 5

Chair of Audit Committee 5

Board 5

1. MONITORING AND REPORTING 5
2. CONSULTATION 5
3. REVIEW 5
4. ASSOCIATED DOCUMENTS 6
5. POLICY INFORMATION 6

|  |  |
| --- | --- |
|  |  |
|  | INTRODUCTION |
|  |  |
|  | Peaks & Plains Housing Trust (The Trust) has set out this anti-money laundering (AML) policy that is applicable to all staff to help prevent and detect potential money laundering or terrorist financing activity. The Trust takes a zero-tolerance approach to money laundering, terrorist activity and other such financial crimes. |
|  |  |
|  | In the social housing sector, money laundering activity by criminals may take different forms. Some of the methods criminals may use include property purchase as a means of concealing the proceeds of their crimes. Criminals may also use properties for illegal activities such as drug dealing or cultivating drugs such as cannabis. It becomes more difficult for criminals to target social housing providers such as the Trust if there is awareness of the potential means by which money laundering is maintained. |
|  |  |
|  | scope |
|  |  |
|  | This Policy applies to all employees (permanent and temporary), trainees, apprentices, volunteers (including involved tenants), contractors, consultants, suppliers, business partners, board members and those acting on behalf of the Trust in any business transactions (including agents), otherwise termed as ‘associated persons’. Where Peaks & Plains Housing Trust or the Trust are mentioned, this also means any subsidiary companies and any key partners of the Trust, where the policy can be applied. |
|  |  |
|  | The objectives of this Policy in relation to anti money laundering take into account the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2022 (the “MLR 2022”) and ensure the Trust has adequate internal controls to counter money laundering activities. |
|  |  |
|  | LEGAL & REGULATORY REQUIREMENTS |
|  |  |
|  | The business activities of the Trust do not fit within the business sectors covered by the MLR 2022 and are not legally subject to them. Although there is no legal expectation, it remains good practice to formalise and implement relevant controls in areas where business activities pose a risk in relation to money laundering. This is particularly the case because money laundering in a transaction can open the Trust to significant civil liabilities, even though they are outside the MLR 2022. By way of example, if the Trust chooses not to investigate concerns relating to the receipt of stolen money in a property sale, the victim of that theft could then claim against the Trust in respect of that stolen money – the Trust ends up having disposed of the property and having to pay the sale proceeds to the victim. |
|  |  |
|  | definitions |
|  |  |
|  | Money laundering can be defined as exchanging assets or money that have been derived from criminal activity for assets or money that are ‘clean’. Money laundering also includes money or assets that are likely to be related to terrorist activities, however they have been obtained. |
|  |  |
|  | The Money Laundering Reporting Officer (MLRO) is an individual within the Trust responsible for overseeing and reporting suspicious financial activities to authorities to prevent money laundering and terrorist financing. |
|  |  |
|  | The Money Laundering and Compliance Principal is, under the regulations, an individual that must be on the Trusts Board or a member of senior management. This individual is responsible for the Trusts’ compliance with money laundering. |
|  |  |
|  | OUR POLICY |
|  |  |
|  | Money laundering offences under the Proceeds of Crime Act 2002 (POCA) include knowing, or suspecting, that a specific item of property is a person’s benefit from criminal conduct, and:   * Concealing, disguising, converting, transferring or removing the item from England & Wales, Scotland or Northern Ireland (section 327); * Entering into or being concerned in an arrangement which a person knows or suspects facilitates the acquisition, retention, use or control of the item by or on behalf of another person (section 328); or * Acquiring, using or possessing the item (section 329). |
|  |  |
|  | Additional money laundering offences under the Terrorism Act 2000 section 18 involve entering into or being concerned with an arrangement which facilitates the retention or control, by concealment, removal from England & Wales, Scotland or Northern Ireland or transfer to others, of property which is:   * likely to be used for the purposes of terrorism; * proceeds of the commission of acts of terrorism; or * proceeds of acts carried out for the purposes of terrorism. |
|  |  |
|  | These offences do not apply where the National Crime Agency (NCA) has provided the appropriate money laundering defence. A Defence Against Money Laundering (DAML) can be requested from the NCA where a reporter has a suspicion that property they intend to deal with is in some way criminal, and that by dealing with it they risk committing one of the principal money laundering offences under the Proceeds of Crime Act 2002 (POCA). A person does not commit one of those offences if they have received ‘appropriate consent’ (a “DAML”) from the NCA. |
|  |  |
|  | Money laundering is not only a criminal matter. If money is laundered by the Trust, even with a money laundering defence, then the Trust exposes itself to a potential civil liability for the losses suffered by a victim of the underlying criminal offence. |
|  |  |
|  | The Trust has reviewed the activities undertaken by its areas of business risk and has identified that the activities at risk in relation to money-laundering are:   * Right to Buy (RTB); * Right to Acquire (RTA); * Shared Ownership (SO) sales and staircasing; * Outright Sale disposals of existing stock; * Sale of land; * Arrears collection. |
|  |  |
|  | The associated Anti Money Laundering Procedure (the “AML Procedure”) only applies to those members of staff who are involved in the above transactions (“Relevant Transactions”), albeit the AML Procedure also assists in the interpretation of this Policy, and should therefore be read by all staff in conjunction with this Policy. |
|  |  |
|  | Any member of staff who suspects that money laundering may be taking place involving any part of the Trust must report it immediately to the Money Laundering Reporting Officer (MLRO) and otherwise must not discuss their suspicions with anyone else without the authority of the MLRO. |
|  |  |
|  | It is impossible to be definitive on how to spot money laundering or on how to decide whether to make a report to the MLRO. Criminals are constantly developing new and more sophisticated ways to launder money. |
|  |  |
|  | Appendix 1 to the Trust’s AML Procedure details examples of possible warning signs that may indicate that money laundering might be present. It is not a definitive list, and staff must use their own experience and judgment to consider individual cases. |
|  |  |
|  | The Trust does not enter into any cash transactions. |
|  |  |
|  | EQUALITY, DIVERSITY & INCLUSION |
|  |  |
|  | The nine protected characteristics will be considered prior to each investigation of potential money laundering and adjustment to the process will be made if required. |
|  |  |
|  | An equality impact assessment has been carried out, and reviewed by the Executive Management Team. |
|  |  |
|  | RESPONSIBILITIES |
|  |  |
|  | All employees   * All employees should receive annual training. * They should immediately report any act of potential money laundering. |
|  |  |
|  | Assistant Director of Finance   * Will take the role of the Money Laundering Reporting Officer (MLRO). * Receiving reports of suspicious activity from any employee in the business. * Considering all reports and evaluating whether there is - or seems to be - any evidence of money laundering or terrorist financing. * Reporting any suspicious activity or transaction to the NCA by completing and submitting a Suspicious Activity Report. * Asking the NCA for a defence to a money laundering offence in relation to the transactions that they’ve reported, and making sure that no transactions are continued illegally. * Putting in place and operating anti money laundering controls and procedures. * Carrying out of money laundering risk assessments. * Record keeping. * Ensuring training of staff in preventing money laundering.   *For the avoidance of doubt, the Trust does not have a nominated officer under sections 330 or 337 of the Proceeds of Crime Act 2002.* |
|  |  |
|  | Executive Director of Resources   * To deputise for the MLRO in receiving reports of suspected money laundering and any follow up actions where required. * Overseeing the carrying out of money laundering risk assessments. * Overseeing the general MLRO role. * Reporting to Audit Committee on any money laundering activity. |
|  |  |
|  | Audit Committee   * Will review and approve the policy. * Reviewing the effectiveness of monitoring arrangements to prevent and detect money laundering and receiving reports regarding any incidents, reviewing any investigations into these and ensuring that any identified weaknesses in internal controls are addressed. |
|  |  |
|  | Chair of Audit Committee   * Takes the role of the Money Laundering and Compliance Principal. * Monitors the effectiveness and reviews the implementation of this policy. |
|  |  |
|  | Board   * Has overall responsibility for ensuring the Trust is compliant with this policy. |
|  |  |
|  | MONITORING AND REPORTING |
|  |  |
|  | The money laundering risk assessment, carried out by the Assistant Director of Finance, is reviewed and reported to Audit Committee on an annual basis as part of the Fraud Update Report. |
|  |  |
|  | Training will be provided (and recorded) for relevant staff annually. The content of the training will be reassessed on a 2 year cycle to ensure it remains up to date and appropriate. |
|  |  |
|  | The Assistant Director of Finance will be responsible for ensuring that policy reviews are undertaken. |
|  |  |
|  | CONSULTATION |
|  |  |
|  | The Trust’s Senior Management Team (SMT) and All Managers Team (AMT) have been consulted in the development and review of this policy. |
|  |  |
|  | REVIEW |
|  |  |
|  | Internal control systems and procedures will be subject to regular audits, to provide assurance they are effective in countering money laundering. |
|  |  |
|  | This policy will be reviewed every three years, or as and when any changes in legislation impact on the policy, or in advance of any change in business areas conducted by PPHT that may bring them within the MLR 2022. |
|  |  |
|  | ASSOCIATED DOCUMENTS |
|  |  |
|  | * Whistleblowing Policy * Anti-Fraud, Bribery and Corruption Policy * Anti-money laundering procedure * Standing Orders & Financial Regulations * Procurement Policy * Risk Management Policy * Tenancy Fraud Policy |

# POLICY INFORMATION

|  |  |
| --- | --- |
| Policy Name: | Anti-Money Laundering Policy |
| Status: | Final/Approved |
| Approved by: | Audit Committee |
| Drafted By: | Assistant Director of Finance |
| Date approved: | 6th February 2024 |
| Next Review Date: | February 2027 |