

ANTI-MONEY LAUNDERING POLICY

1. **Background and Context.** The College's Employee Code of Conduct sets out the high standards expected of all members of staff when dealing with students and colleagues. St Clare's, Oxford is also committed to promoting and maintaining the same level of ethical standards in relation to all of its business activities. Employees are expected to act lawfully in their dealings on behalf of the College. You must ensure that, as far as is reasonably possible, you are aware of legislation relevant to your position and activities, and must comply with any measures introduced by the Governors or Senior Managers.

PURPOSE AND SCOPE OF POLICY

2. Money laundering is any act or attempted act to conceal or disguise the identity of illegally obtained proceeds so that they appear to have originated from legitimate sources. Its purposes range from the circumvention of exchange and currency controls to the funding of terrorism.

3. This Policy sets out the College's approach to complying with anti-money laundering legislation and related legal or ethical matters. It aims to:

- a. ensure compliance, as far as is reasonably possible, with anti-money laundering law within any country in which the College may carry out its business, including the U.K., or in relation to any transaction in which it may be connected;
- b. enable employees and people associated with the College to understand the scope of the anti-money laundering legislation, and to be able to recognise the situations in which the legislation applies; and,
- c. set out the appropriate action to take should suspicion of money laundering arise.

4. The Policy applies to all permanent and temporary employees of the College. It also applies to any individual or business associated with the College or who perform functions in relation to the College, including but not limited to agency workers, casual workers, contractors, consultants, seconded staff, agents and suppliers ("associated persons"). All employees and associated persons are required to adhere to the principles set out in this policy.

LEGAL OBLIGATIONS

5. The UK legislation on which this policy is based are the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007 (and any future amendments or extensions).

6. Although the College is not a "relevant business" for the purposes of the Money Laundering Regulations 2007 it is still subject to the Proceeds of Crime Act 2002. Since the College deals with substantial transactions in fees and commissions both at home and abroad, it has chosen to comply with both areas of legislation.

7. The legislation places responsibility on the College's employees and associated persons to combat money laundering and covers a very wide area of financial transactions including, but not limited to:

- a. The proceeds of crime;
- b. Financing of terrorism;
- c. Tax evasion;
- d. Fraud;
- e. Bribery;
- f. Smuggling;
- g. Drug trafficking;

- h. Illegal arms sales;
- i. Breach of cross border currency movement restrictions.

8. On discovering or being suspicious that a transaction might be covered by the anti-money laundering legislation, the transaction must cease and you must follow the procedure set out below in 'Responsibilities and Reporting Procedure'.

9. Participation in money laundering is an offence. Failure to report a transaction or the suspicion of a transaction involving the proceeds of crime is also a criminal offence, as is letting the suspected party know that they are being reported.

10. An employee or associated person can be held personally liable for these offences.

THE COLLEGE'S POLICY

11. All employees and associated persons must:
- a. Comply with any anti-money laundering legislation that applies in any jurisdiction in any part of the world in which they might be expected to do business;
 - b. Act honestly, responsibly and with integrity;
 - c. Safeguard and uphold the College's core values by operating in an ethical, professional and lawful manner at all times.

12. As the anti-money laundering legislation is broad in its scope, complicated and subject to interpretation it is not expected that every employee should always know whether a transaction is reportable or not. Therefore, if you know, or have reasonable suspicion that a transaction comes under the anti-money laundering legislation, it must be reported immediately to a member of the Senior Management Group (see 'Responsibilities and Reporting Procedure' below for full details).

13. Transactions that should immediately trigger a concern include (but are not limited to):
- a. Significant overpayment of fees followed by a request for a refund;
 - b. Paying sums due to St Clare's using large amounts of cash;
 - c. Requesting large payments to be made cash; or Requesting payments into a bank account in a country different from that of the normal residence of the recipient;
 - d. Requesting payments into a bank account in a different name from the person or company with which the applicable contract was made;
 - e. Frequent changes of bank accounts.

14. There may be reasonable, legal grounds for making some of these requests (such as a fee-payer changing job and moving to a new country). You should consider the sum involved and the objective of the request. Reasonable steps should be taken to verify the purpose of the request. However, what has been done in the past is not in itself a legitimate reason.

15. As a matter of policy, the College does not accept payments in cash for sums greater than £250 for new students, and £500 for existing students (see paragraph 16 below). Payments in excess of these amounts must be made either by credit card or by one of the usual forms of electronic bank transfer. Payments in cash by the College are limited to no more than £10 and are solely for the reimbursement of authorised out of pocket expenses by employees.

16. In exceptional circumstances the Bursar may exercise discretion to permit up to £1,000 but this must be reported to the Governors' FP&GP Committee at the earliest opportunity.

RESPONSIBILITIES AND REPORTING PROCEDURE

17. As stated above, if you either know or suspect that a requested transaction is intended to launder money, you should take reasonable steps to find out why the request has been made. Normally, this will be by asking the other party for its reasons. You must keep a written record of any discussion with the other party. You must not tell the other party that you are considering reporting the transaction.

18. If you still believe that the transaction is or might be reportable, you should inform a member of the Senior Management Group immediately. The senior manager may wish to make their own enquiries to confirm or allay your suspicions.

19. If the senior manager believes that the transaction is or might be intended to launder money they must report it to the National Crime Agency (Suspicious Activity Reports 020 7238 8282 or local police 101). Any other party to the transaction must not be told that the transaction has been reported.

20. The duty to prevent, detect and report any incident of potential money laundering rests not only with the senior managers of the College but equally to all employees and associated persons.

21. Whilst it is often a matter of interpretation as to whether a reportable offence has occurred and an employee cannot be expected to be conversant with every aspect of the legislation, the mere passing on of information to senior management will probably not be a full defence in court. Therefore, any employee or associated person passing on information to senior management should be reasonably satisfied, given their professional experience, that the matter has been dealt with appropriately. To this extent senior management must be prepared to explain the action taken, in writing if necessary.

22. Where an employee or associated person is reporting on a case which involves another employee who might not be adhering to this policy, the rules of confidentiality and protection set out in the College's Whistle-blowing Policy will apply.

SANCTIONS FOR BREACH

23. A wilful or negligent breach of any of the provisions of this policy will constitute a disciplinary offence to be dealt with in accordance with the College's disciplinary procedure. It may be treated as gross misconduct resulting in immediate dismissal.

24. As far as associated persons are concerned, a breach of this policy could lead to the suspension or termination of any relevant contract, sub-contract or other agreement.

MONITORING COMPLIANCE

25. The Bursar has lead responsibility for ensuring compliance with this Policy and will review its contents on a regular basis. He will be responsible for monitoring its effectiveness and will provide regular reports in this regard to the Governors of the College who have overall responsibility for ensuring the Policy complies with the College's legal and ethical obligations.

26. **Third Parties.** The College will provide a copy of this policy to all agents with whom it has a business relationship and also to all agents who send students to St. Clare's. In common with the College's Anti-Bribery Policy, it is to be appended to all contracts with agents (this applies to both new contracts and renewed contracts).

27. **Training.** The college will provide relevant training to all employees who deal with monetary transactions and could be affected by this policy. The College's zero tolerance approach to accepting transactions that may be construed as contravening anti-money laundering legislation must be communicated to all business partners at the outset of the business relationship with them and as appropriate thereafter.

28. **Record Keeping.** Records will be kept in accordance with the General Data Protection Regulation (GDPR) and relevant legislation. Please refer to the Employee Privacy Notice and the Retention of Records Policy.