Right Homes

Suspicious Activity Reporting & Procedures

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1 Policy Statement

Right Homes *(hereinafter referred to as the **"Company"**)* and its employees have obligations under the Proceeds of Crime Act 2002 (POCA) and the Terrorism Act 2000 to submit a Suspicious Activity Report (SAR) where it has concerns over potential or actual suspicious activities. The MLRO/Nominated officer is the Director Shahid Mahmood.

The Company have clear objectives and procedures in place to record such suspicions where we know or suspect that a person or legal entity is engaged in, or attempting, money laundering, terrorist financing and/or tax evasion.

The Company are committed to the highest standard of tax evasion, money laundering and terrorist financing prevention, including anti-fraud, anti-corruption and anti-bribery. We have robust and effective risk assessment and due diligence measures and controls in place to ensure compliance with the current regulations, laws and standards and ensure a continuous practice of monitoring and training for an inclusive approach.

2 Purpose

The purpose of this policy is to ensure that the Company complies with its legal obligations under the Proceeds of Crime Act 2002 (POCA) and the Terrorism Act 2000. We have a duty to report any suspicious activity to the National Crime Agency (NCA) via their online or manual suspicious activity reporting form.

This policy sets out the procedures followed to report a suspicious activity and serves to inform employees on their obligations when it comes to the reporting requirements.

3 Scope

This policy applies to all staff within the Company *(meaning permanent, fixed term, and temporary staff, any third-party representatives or sub-contractors, agency workers, volunteers, interns and agents engaged with the Company in the UK or overseas).* Adherence to this policy is mandatory and non-compliance could lead to disciplinary action.

4 Background

The Proceeds of Crime Act 2002 (POCA) came into effect on January 1, 2003, and provides for the confiscation or recovery of any proceeds from crime and contains the main money laundering legislation. It sets out the legislative scheme for the recovery of criminal assets, with criminal confiscation being the most commonly used power, which occurs after a conviction has taken place. Other means of recovering the proceeds of crime which do not require a conviction are provided for in the Act, namely civil recovery, cash seizure and taxation powers.

Part 7 of the POCA requires regulated financial institutions and businesses to report to the UK Financial Intelligence Unit (part of the NCA) any suspicions about criminal property or money laundering.

The Serious Organised Crime & Police Act 2005 came into effect on April 7, 2005 and created the National Crime Agency (NCA). Firms who are subject to the Money Laundering Regulations and laws should be familiar with the NCA as they are the agency associated with reporting suspicious activity and transactions. Suspicious Activity Reports (SARs) are made by a Money Laundering Reporting Officer (MLRO) or Nominated Officer (NO) to the NCA.

The NCA is responsible for gathering intelligence regarding the proceeds of crime and financial information arising from suspicions of money laundering.

5 Reporting Suspicious Activity

As a regulated firm, we are obligated under Part 7 of the Proceeds of Crime Act 2002 (POCA) and the Terrorism Act 2000, to submit a SAR in respect of any suspicious or inconsistent actions/information that may come to use or be known to us as part of our usual business. This includes where we have suspect or have reasonable grounds for knowing or suspecting, that a person is engaged in, or attempting, money laundering, terrorist financing and/or tax evasion.

Our SAR always contains detailed, relevant and informed information alongside a summary for the ease of the persons reading the report. Contact details and reasons for suspicions are noted and where applicable, we will also inform any law enforcement or government agency who may be best placed to utilise or act on the information provided.

Our dedicated **[Nominated Officer/MLRO]** (*or the deputy in their absence*) will submit the SAR as soon as is practicable and complete our own internal SAR for record keeping and gap analysis purposes. We understand that we can submit SARs in any format including by post, fax or via the NCA website using their SAR Online system.

In addition to the legal Suspicious Activity Reporting (SAR) submission, the Company also use our own internal SAR form to ensure that all information is correctly recorded at the time of the suspicion and to enable us to retain our own record for analysis and pattern tracking *(please refer to the annex of this policy for our SAR template).*

All staff are made aware during induction and ongoing training sessions of the importance of reporting any suspicious activity to the **[Nominated Officer/MLRO]**. They are also given clear examples of what could make up suspicious activity.

5.1 Suspicious Activity Reporting Procedures

- Any suspicions of activity that contravenes POCA, MLR17 and/or the Criminal Finances Act 2017 are reported to the **[Nominated Officer/MLRO]** immediately

- If the activity involves a transaction that can be delayed; the **[Nominated Officer/MLRO]** takes this action as soon as possible
- Any communication from the client regarding a delayed transaction is directed to the **[Nominated Officer/MLRO]** to reduce the risk of inadvertent *'tipping off'*
- The **[Nominated Officer/MLRO]** reviews the reported information and completes and internal SAR form
- The **[Nominated Officer/MLRO]** records the decision to file the activity as non-suspicious *(with supporting evidence)* or to submit a SAR via the NCA website
- Where the activity is to be reported to the NCA, this is done **[online via the NCA website/using the NCA's manual SAR forms**]. *The details included in the report are: -*
    - *Reporting company details*
    - *Details of the subject or legal entity*
    - *Details of the suspicious activity and any transactions (where relevant)*
    - *Any additional details relevant to the disclosure*
    - *Reasons() for disclosure*
- Regardless of the activity outcome, the **[Nominated Officer/MLRO]** adds the referral, investigation, and outcome to the management information to ensure that senior management are kept informed
- If the **[Nominated Officer/MLRO]** determines that the Company requires a defence against money laundering charges from the NCA before we can proceed with a suspicious transaction or activity; they will await the reply from the submitted SAR before proceeding
    - Where the Company have not received a reply from the NCA within 7 working days; we will assume a defence has been granted and proceed with the relevant suspicious transaction or activity
    - Where permission to proceed is not granted by the NCA; the activity will be kept on-hold for a further 31 calendar days to allow the NCA to act
    - Where the Company has not received a response from the NCA within the 31-day timeframe; we will make a decision on proceeding with the understanding that no defence is required *(with the exception of terrorist financing cases; whereby a defence*
    - *must be granted to proceed)*

Director/MLRO

Shahid Mahmood

Signature:

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6 Suspicious Activity Report (SAR) Template – Internal

Reported to: ________________________________

Reported by: ________________________________

Position: _____________________

Date: _____________________

URGENT: **YES/NO**

Details of Subject(s)/Legal Entity:
Details of Transaction *(where applicable):*
Details of Suspected Activity: *(Please include all details of the incident and continue on a separate sheet if needed.)*
Reason for Disclosure:

Reported to NCA: **YES/NO**

Date Reported: ________________________

Case Number: ________________________

Reported by: ________________________