

CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy: Anti-Bribery Policy

Date: 29 May 2019

Lead Officer: Chief Executive

Review Date: May 2022

Regulatory Standards: **Standard 4**
The governing body bases its decisions on good quality information and advice and identifies and mitigates risk to the organisation's purpose.

Standard 5
The RSL conducts its affairs with honesty and integrity.

Regulatory Guidance:

- 4.3 The governing body identifies risks that might prevent it from achieving the RSL's purpose and has effective strategies and systems for risk management and mitigation, internal control and audit.
- 5.1 The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.
- 5.6 There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing within the RSL.

Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages.



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1. INTRODUCTION

- 1.1 Clydesdale Housing Association is committed to the highest standards of ethical conduct and integrity in our business activities.
- 1.2 Our Anti Bribery Policy sets out the framework which we have in place for preventing, detecting and responding to fraud, theft, bribery, corruption or any other attempted financial malpractice.
- 1.3 This policy outlines our position specifically in relation to preventing and prohibiting bribery, in accordance with the Bribery Act 2010, which promotes anti-bribery practices among businesses and which came into force on 1 July 2011.
- 1.4 We will not tolerate any form of bribery by, or of, employees, members of our Management Committee, or any person acting on our behalf.
- 1.5 We are committed to implementing effective measures to prevent, monitor and eliminate the possibility of bribery.
- 1.6 The Bribery Act 2010 has been in force since 1 July 2011. This policy covers:
 - the main areas of liability under the Bribery Act 2010;
 - the responsibilities of employees, Management Committee members and associated persons acting for us or on our behalf; and
 - the consequences of any breaches of this policy.

2. SCOPE OF THIS POLICY

- 2.1 This policy applies to:
 - all employees;
 - all Management Committee and Sub Committee Members;
 - any other 'associated persons' including temporary workers, consultants, suppliers, contractors, and any other person or body or subsidiary organisation engaged to act for us, or on our behalf.
- 2.2 Every employee, Management Committee member and associated person is responsible for maintaining the highest standards of personal, ethical and business conduct. Any breach of this policy is likely to constitute a serious disciplinary, contractual and criminal matter for the individual concerned and may cause serious damage to our reputation and standing.
- 2.3 Clydesdale Housing Association may potentially face criminal liability for unlawful actions taken by our employees or associated persons under the Bribery Act 2010. All employees, Management Committee members and associated persons are therefore required to familiarise themselves with and comply with this policy, including any future updates that may be issued.

3. BRIBERY ACT 2010: DEFINITION OF A BRIBE

- 3.1 Under the Act, a bribe is a financial or other type of advantage that is offered or requested with the:
 - intention of inducing or rewarding improper performance of a function or

activity; or

- knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.

3.2 A 'relevant function or activity' includes business activities or any other activity performed in the course of a person's employment, Management Committee membership or engagement as a temporary worker, consultant, etc. where the person performing that activity is expected to perform it in good faith, impartially, or in accordance with a position of trust.

3.3 A criminal offence will be committed under the Bribery Act 2010 if:

- an employee, Management Committee member or associated person offers, promises, gives, requests, receives or agrees to receive bribes; or
- an employee, Management Committee member or associated person promises or gives a bribe to a foreign public official with the intention of influencing that official in the performance of his/her duties (it is recognised this type of breach is highly unlikely in our business activity, but is nonetheless covered by the Act).

3.4 Having adequate procedures in place to prevent bribery by our employees, Management Committee members or associated persons would not provide a defence.

4. PROHIBITED ACTIONS AND ACTIVITIES

4.1 Employees, Management Committee members and associated persons are prohibited from offering, promising, giving, soliciting or accepting any bribe.

4.2 The bribe could be cash, a gift or any other inducement to, or from, any private person, local authority or government official or representative, political party or private company.

4.3 The bribe might be made to ensure that a person, company or body improperly performs duties or functions to gain any commercial, contractual, or regulatory advantage (such as obtaining or maintaining business), or to gain any personal financial or other advantage for the individual or anyone connected with the individual.

4.4 This prohibition also applies to indirect contributions, payments or gifts made in any manner as an inducement or reward for improper performance, for example through consultants, contractors or sub-contractors, joint-venture partners, advisors, customers, suppliers or other third parties.

5. OFFERS OF CORPORATE GIFTS AND HOSPITALITY

5.1 Employees, Management Committee members and associated persons, are required to take particular care to ensure that records are accurately maintained in relation to any contracts or business activities, including financial invoices and all payment transactions with clients, suppliers and public officials.

5.2 Due diligence must be undertaken by employees, Management Committee members and associated persons prior to entering into any contract, arrangement

or relationship with a potential supplier of services, agent, consultant or representative and any such contract, arrangement or relationship must be entered into in accordance with our procurement procedures.

- 5.3 The giving or receiving of certain gifts or payments may be permissible in certain circumstances provided they are recorded and have no substantive value or material consequence. Further guidance is available in our Staff Code of Conduct and Management Committee Member Code of Conduct and our Entitlement, Payments and Benefits policy.
- 5.4 However, employees, Management Committee members and associated persons are required to keep accurate, detailed and up-to-date records of all corporate hospitality, entertainment or gifts accepted or offered and to register these in accordance with the provisions of the Entitlements, Payments and Benefits Policy, and the Staff and Management Committee Member Codes of Conduct.
- 5.5 In this regard, any gifts, rewards or entertainment received or offered from clients, public officials, suppliers or other business contacts should be reported immediately to the Chief Executive.
- 5.6 In certain circumstances, it may not be appropriate to retain such gifts or be provided with the entertainment. Employees, Management Committee members and associated persons may be asked to return the gifts to the sender or refuse the entertainment, for example, where there could be a real or perceived conflict of interest.
- 5.7 In other cases, the individual may be asked to donate the gift for the purposes of charity fundraising.
- 5.8 In all these cases, the individual employee, Management Committee member or associated person must ensure that:
 - the potential and real conflicts of interest are pro-actively recognised and managed; and
 - there is a fair and open approach to any event or activity.

6. EXPENDITURE ON MARKETING AND PROMOTION

- 6.1 We will permit corporate entertainment, gifts, marketing, hospitality and promotional expenditure **provided that it is undertaken:**
 - for the purpose of establishing or maintaining good business relationships;
 - to improve and market our image and reputation;
 - to market or present our services effectively;**and provided that it is:**
 - arranged in good faith, and
 - not offered, promised or accepted to secure an unfair advantage for the organisation or any of our employees, Management Committee members or associated persons or to influence the impartiality of the recipient.
- 6.2 We will authorise only reasonable, appropriate and proportionate entertainment

and promotional expenditure in compliance with Financial Regulations and our Entitlements, Payments and Benefits Policy.

- 6.3 When requesting approval of expenditure, employees, Management Committee members and associated persons should submit requests for proposed hospitality and promotional to the Chief Executive in advance of this type of expenditure being incurred and set out in writing:
- the objective, details and rationale of the proposed expenditure;
 - the identity of those receiving the benefit of the expenditure or receiving hospitality; and,
 - the organisation that the recipient represents.
- 6.4 Business entertainment proposals will only be approved if they demonstrate a clear business objective and are appropriate for the nature of the business relationship.
- 6.5 Proposed business entertainment will not be approved where it is considered that a conflict of interest may arise or where it could be perceived that undue influence, or a particular business benefit was being sought (for example, prior to a procurement or tendering exercise).
- 6.6 Prior written approval must be received before expenditure is incurred and all gifts provided must be registered and recorded by the Chief Executive, together with records and receipts, in accordance with the Expenses policies for employees and Management Committee members.

7. CHARITABLE AND POLITICAL DONATIONS

- 7.1 Charitable giving can form part of our wider commitment and corporate social responsibility to the community. We may support a number of charities from time to time through donation or fundraising events involving employees.
- 7.2 Any such charitable donation or organised fundraising will follow the key principles of being transparent, clearly recorded and not serve to create any conflict or perceived conflict of interest and will require prior approval of the Management Committee as per our Financial Regulations. Personal donations by individuals to individual charities fall outwith these restrictions provided there is no association with DPHA.
- 7.3 We will not make donations to any political parties. Employees and associated persons are not permitted to make any political donations to organisations on behalf of the Association.

8. RISK MANAGEMENT

- 8.1 We will include the prevention, detection and prohibition of fraud and corruption in our annual risk assessment to help identify employees or officers who are in positions where they may be exposed to fraud and corruption and to raise awareness of this policy.
- 8.2 Through this process, we will identify high-risk areas and measures for controlling the risk of fraud and corruption. For example, paying invoices, handling cash, housing allocations and awarding contracts.

- 8.3 We will monitor and communicate with employees, Management Committee members and associated persons in posts assessed as higher risk on their obligations and requirements under this policy and our zero-tolerance approach to fraud.
- 8.4 We will seek to reduce or eliminate wherever possible the risk of an employee, Management Committee member or associated person responding to an inducement or fraud and corruption (financial or otherwise) in managing, reviewing and introducing systems, processes and procedures. This includes, but is not restricted to, activities such as housing allocation, procurement and recruitment and promotion.

9. REPORTING SUSPECTED BRIBERY

- 9.1 We depend on our employees, Management Committee members and associated persons to ensure that the highest standards of ethical conduct are maintained in all our business dealings. Employees, Management Committee members and associated persons are expected to remain vigilant in preventing, detecting and reporting bribery.
- 9.2 Employees, Management Committee members and associated persons are encouraged to report any concerns or suspicions that they may have as soon as possible. For further guidance see our Whistleblowing Policy.
- 9.3 Issues that should be reported include, but are not restricted to:
- any suspected or actual attempts at bribery;
 - concerns that other employees, Management Committee members or associated persons may be being bribed; or
 - concerns that other employees, Management Committee members or associated persons may be bribing third parties.
- 9.4 Any such reports will be thoroughly and promptly investigated by an appointed investigating officer in the strictest confidence. Employees, Management Committee members and associated persons will be required to assist in any investigation into possible or suspected bribery.
- 9.5 Employees, Management Committee members or associated persons who report instances of bribery in good faith will receive appropriate support.
- 9.6 The individual will not be subjected to detrimental treatment as a consequence of his/her report. Any instances of detrimental treatment by a fellow employee because an employee has made a report will be treated as a disciplinary matter.
- 9.7 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees, Management Committee members and associated persons should not agree to remain silent and must report the matter.
- 9.8 An annual report on any alleged or detected bribery will be provided to the Audit and Risk Sub Committee. This will include the date and description of any such incident, the outcome of the investigation and subsequent action taken.

10. ACTION TO BE TAKEN

- 10.1 Any instances of alleged or suspected bribery will be fully investigated. Employees suspected of bribery may be suspended from their duties while the investigation is being carried out.
- 10.2 Disciplinary procedures will be invoked where any employee is suspected of bribery, and proven allegations may result in a finding of gross misconduct and dismissal. Similarly, Management Committee members could face appropriate sanctions including removal from the Management Committee.
- 10.3 The contracts of any associated persons, including consultants or other workers who act for, or on our behalf and who are found to have breached this policy may be terminated.
- 10.4 Any matter will also be reported as appropriate to the relevant authorities, including the Procurator Fiscal Service, Serious Fraud Office, Revenue and Customs Prosecutions Office and the Police. We will provide all necessary assistance to the relevant authorities in any subsequent prosecution.
- 10.5 All cases will be notified to the Scottish Housing Regulator without delay and in accordance with our Notifiable Events Policy and regulatory guidance regarding Notifiable Events.

11. EQUALITY, DIVERSITY AND INCLUSION

- 11.1 We aim to promote equality and diversity and operate equal opportunities policies which inform all aspects of our business. We will ensure that we adhere to the Equality Act 2010 by being committed to equal and fair treatment for all and opposed to any form of unlawful discrimination.
- 11.2 In the application of this policy, no one will be treated differently or less favourably than others because of any of the protected characteristics as listed in the Equality Act 2010:
 - age;
 - disability;
 - gender reassignment;
 - marriage and civil partnership;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.
- 11.3 Upon request, we will make information about this policy available in alternative formats, such as large print, audio, Braille, and community languages.

12. POLICY REVIEW

- 12.1 This policy will be reviewed every 3 years, along with the related policy on

Entitlements, Payments and Benefits, unless key changes are required earlier to comply with legislation, guidance or new learning

- 12.2 The effectiveness of accompanying procedures and guidance will be monitored on a regular basis and, where applicable, amended as required operationally; or to reflect legislative changes.
- 12.3 Where references are made to specific job titles, roles, groups or committees, such references shall be deemed to include any changes or amendments to these job titles, roles, groups or committees resulting from any restructuring or organisational changes made between policy reviews.
- 12.4 Employees and Management Committee Members will be made aware of their obligations in respect of this policy as part of their induction training.

Approved by the Committee of Management on:	
Signed:	Signed:
Secretary/Chairperson	Chief/Depute Chief Executive