



POLICY: ANTI-BRIBERY AND CORRUPTION

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Copies of this Policy may be made available in alternative formats on request.

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POLICY: ANTI-BRIBERY AND CORRUPTION

All reference to 'we', 'our' or 'us' in this Policy should be read as meaning Sandbourne Housing Association.

1. Purpose and aim of the Policy

- 1.1 We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate and will implement and enforce effective systems to counter bribery.
- 1.2 We will uphold all laws relevant to countering bribery and corruption. However, we remain bound by the laws of the UK, including the Bribery Act 2010, or its equivalent, in respect of its conduct.
- 1.3 The purpose of this Policy is to:
 - 1.3.1 set out our responsibilities, and of those working for us, in observing and upholding our position on bribery and corruption
 - 1.3.2 provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.

2. Statement

- 2.1 Bribery and corruption are punishable for individuals by imprisonment and if we are found to have taken part in corrupt activity, we could face an unlimited fine and damage to our reputation. We therefore take our legal responsibilities very seriously.
- 2.2 In this Policy, third party means any individual or organisation that employees come into contact with during the course of their work for us. This includes residents, applicants, suppliers, contractors, business contacts, agents, advisors, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

3. Who is covered by the Policy

- 3.1 This Policy applies to all employees working at all levels and grades, whether permanent, fixed term or temporary, Board members, consultants, contractors, home workers, casual workers and agency staff, volunteers, agents, or any other person associated with us.

4. What is bribery

4.1 A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage, for example:

4.1.1 Offering a bribe

4.1.1.1 An employee may consider offering a potential customer ticket to a major sporting event, but only if they agree to do business with us.

4.1.1.2 This would be an offence as the employee would be making the offer to gain a commercial and contractual advantage. We may also be found to have committed an offence because the offer has been made to obtain business for us. It may also be an offence for the potential client to accept such an offer.

4.1.2 Receiving a bribe

4.1.2.1 A customer gives an employee's relative a job but makes it clear that in return they expect the employee to use his/her influence with us to ensure that we continue to do business with them.

4.1.2.2 It is an offence for a customer to make such an offer. It would be an offence for the employee to accept the offer as they would be doing so to gain a personal advantage.

5. Gifts and hospitality

5.1 For clarification see the Anti-Corruption and Bribery, Gifts and Hospitality Policy in the Employee Handbook.

6. What is not acceptable

6.1 It is not acceptable for an employee or someone on their behalf to:

6.1.1 give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given

6.1.2 give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure

6.1.3 accept payment from a third party that the employee knows, or suspects is offered with the expectation that it will obtain a business advantage for the organisation-

6.1.4 accept a gift or hospitality from a third party if it is known or suspected that it is offered or provided with an expectation that a business advantage will be provided by us in return

- 6.1.5 threaten or retaliate against another employee who has refused to commit a bribery offence or who has raised concerns under this Policy
- 6.1.6 engage in any activity that might lead to a breach of this Policy.

7. Facilitation payments and kickbacks

- 7.1 We do not make, and will not accept, facilitation payments or “kickbacks” of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine action by a government official. Kickbacks are typically payments made in return for a business favour or advantage.
- 7.2 If an employee is asked to make a payment on our behalf, they should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. The employee should always ask for a receipt which details the reason for the payment. If the employee has any suspicions, concerns or queries regarding a payment, they should raise these with the Chief Executive or their line manager.
- 7.3 All employees must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by us.

8. Donations

- 8.1 We do not make contributions to political parties or religious bodies, nor do we normally make charitable donations. We only make charitable donations that are legal and ethical under local laws and practices. No donation must be offered or made without the prior approval of the Chief Executive and Chairman and must be reported to the Board.

9. Responsibilities

- 9.1.1 Employees will potentially have individual liabilities under the Bribery Act 2010 or its equivalent.
- 9.1.2 We will be liable for the employee’s action unless we can meet the ‘adequate procedures’ defence.
- 9.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for us or under our control. All employees are required to avoid any activity that might lead to, or suggest, a breach of this Policy.
- 9.3 Staff must notify their line manager or the Chief Executive as soon as possible if they believe or suspect that a conflict with this Policy has occurred or may occur in the future. For example, if a customer or potential customer offers something to gain a business advantage or indicates that a gift or payment is required to secure their business.

Further "red flags" that may indicate bribery or corruption are set out in the schedule attached.

- 9.4 Any employee who breaches this Policy will face disciplinary action, which could result in dismissal for gross misconduct.

10. Record keeping

- 10.1 We must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- 10.2 Employees must declare and keep a written record of all hospitality or gifts accepted or offered, which will be subject to managerial review.
- 10.3 Employees must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with our Expenses Policy and specifically record the reason for the expenditure.
- 10.4 All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as residents, suppliers and business contacts should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.

11. How to raise concerns

- 11.1 An employee is encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If they are unsure as to whether a particular act constitutes bribery or corruption, or if they have any other queries, they must address these with their line manager or the Chief Executive. Concerns should be reported by following the procedure set out in our 'Whistleblowing' Policy in the Employee Handbook.

12. What to do if an employee is a victim of bribery or corruption

- 12.1 If an employee is offered a bribe by a third party, is asked to make one, suspect that this may happen in the future, or believe that they are a victim of another form of unlawful activity, they should report the matter to their line manager or to the Chief Executive as soon as possible.

13. Protection

- 13.1 We aim to encourage openness and will support anyone who raises genuine concerns in good faith under this Policy, even if they turn out to be mistaken.
- 13.2 We are committed to ensuring that no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting, in good faith, their suspicion that an actual or

potential bribery or other corruption offence has taken place or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an employee believes that they have suffered any such treatment, they should inform their line manager or Chief Executive immediately. If the matter is not remedied, the employee should raise it formally using our 'Grievances' procedure in the Employee Handbook.

14. Training and communication

14.1 Training on this Policy forms part of the induction process for all new employees. All existing employees will receive regular, relevant training on how to implement and adhere to this Policy.

14.2 Our zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of business relationships with them and as appropriate thereafter.

15. Who is responsible for the Policy?

15.1 Our Board has overall responsibility for ensuring this Policy complies with legal and ethical obligations, and that all under our control comply with it.

15.2 The Chief Executive has primary and day-to-day responsibility for implementing this Policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this Policy and are given adequate and regular training on it.

16. Monitoring and review

16.1 The Chief Executive will monitor the effectiveness and review the implementation of this Policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.

16.2 All employees are responsible for the success of this Policy and should ensure they use it to disclose any suspected danger or wrongdoing.

16.3 This Policy does not form part of any employee's contract of employment, and it may be amended at any time.

17. Equality impact assessment/Protected characteristics (as at 19 August 2022 or later amendments/additions)

17.1 Neutral.

18. Consultation arrangements

18.1 Our employees will be consulted on this Policy and any reasonable suggestions will be taken into account before the Policy is approved by the Board.

19. Other related policies

19.1 Reference should be made to the following:

19.1.1 Grievances Procedure (Employee Handbook)

19.1.2 Whistleblowing Policy (Employee Handbook)

19.1.3 Anti-Corruption and Bribery, Gifts and Hospitality Policy (Employee Handbook).

20. Appendix attached

20.1 Reference should be made to the following:

20.1.1 Appendix 'A' – Potential Risk Scenarios: "Red Flags"



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APPENDIX 'A'

POTENTIAL RISK SCENARIOS: "RED FLAGS"

1. The following is a list of possible red flags that may arise during the course of working for us and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.
2. If an employee encounters any of these red flags while working for us, they must report them promptly to their line manager or to the Chief Executive, or by using the procedure set out in our Whistleblowing Policy (Employee Handbook):
 - 2.1 an employee becomes aware that a third party engages in, or has been accused of engaging in, improper business practices
 - 2.2 an employee learns that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with government officials
 - 2.3 a third-party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us
 - 2.4 a third-party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made
 - 2.5 a third-party requests that payment is made to a country or geographic location different from where the third party resides or conducts business
 - 2.6 a third party requests an unexpected additional fee or commission to "facilitate" a service
 - 2.7 a third-party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services

- 2.8 a third-party requests that a payment is made to "overlook" potential legal violations
- 2.9 a third-party requests that they be provided with employment, or some other advantage be provided to a friend or relative
- 2.10 an employee receives an invoice from a third party that appears to be non-standard or customised
- 2.11 a third-party insists on the use of side letters or refuses to put terms agreed in writing
- 2.12 an employee notices that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided
- 2.13 a third-party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us
- 2.14 an employee is offered an unusually generous gift or offered lavish hospitality by a third party
- 2.15 a third-party offers an inducement to secure a tenancy
- 2.16 a third-party offers an inducement to take or not to take action that would normally be expected in the management of a resident.