



**linthouse**  
HOUSING ASSOCIATION

### Anti-Bribery Policy

<b>Policy Implementation Checklist:</b>	
Policy Guardian	Chief Executive Officer
Policy Author	Corporate Services Manager
Policy Title:	Anti-Bribery Policy
Approved by Linthouse Management Committee on:	27 <sup>th</sup> June 2023
Effective from:	28 <sup>th</sup> June 2023
Due for Review on	June 2026
SHR Regulatory Framework: <i>Regulation of Social Housing in Scotland</i>	Governance and Financial Management: Regulatory Standard No.5 <i>'The RSL conducts its affairs with honesty and integrity.'</i>
Policy Linkages	All policies and procedures designed to deter, and enable detection and reporting of bribery including but not limited to: <ul style="list-style-type: none"><li>• Whistleblowing Policy</li><li>• Anti-Fraud Policy</li><li>• Standing Orders</li><li>• Code of Conduct for Staff</li><li>• Code of Conduct for Committee Members</li><li>• Entitlements, Payments &amp; Benefits</li><li>• Notifiable Events</li><li>• Disciplinary</li></ul>
Training Completed on:	
Posted on Website on:	
Staff Sign off as Read	
Committee Sign off as Read	

# Anti-Bribery Policy

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## 1. Introduction

1.1 Linthouse Housing Association (LHA) is committed to operating to the highest ethical standards, sound governance arrangements, and adopts zero tolerance to fraud and bribery.

In support of its policy statement, the Association will not tolerate fraud or bribery in any form, including any internal action which encourages, implies, bestows, tolerates, or promises an unfair, unlawful, improper, or unethical advantage to any individual, group or organisation regardless of whether there is financial inducement or not. LHA will not tolerate the acceptance of bribes to induce a favourable decision, transaction, or outcome.

Any allegation of fraud or bribery will be thoroughly investigated and may result in disciplinary or other action where substantiated and will be reported to the Police where appropriate.

Any suspicion of fraud, bribery or other irregularity must be reported, as a matter of urgency, to a senior member of staff or the Chief Executive Officer.

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.

1.4 We will not allow 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, Committee Members and associated persons acting for us or on our behalf and
- the consequences of any breaches of this policy

1.7 The Anti-Bribery Policy forms part of our mission to:

“deliver high quality and cost-effective housing services designed to meet the needs of existing and future customers. To work in partnership with others to create thriving communities that people want to live and work in”.

1.8 Our vision is the creation and sustainment of lasting, unique, vibrant homes in stable, popular, and ambitious urban communities. Our vision is underpinned by four core values which we apply to all areas of our business. These are to be:

- i. **Customer Driven**
- ii. **Honest**
- iii. **Accountable**
- iv. **Transparent**

1.9 Our **C.H.A.T** values as outlined, form the foundation of our **Listen, Hear, Act (L.H.A.)** customer excellence and organisational culture programme. All staff receive training at induction on customer service standards and the organisational culture we promote. This includes reference to our equalities policy and a requirement to treat colleagues, tenants, contractors, service users and any other stakeholders with dignity and respect.

1.10 The organisational culture we promote is based on finding solutions to suit customer needs regardless of individual differences. To do this we will:

1. **Listen** - We are committed to listening to those we do business with, be that our customers, staff, stakeholders, regulators, or funders, to ensure that our responses are reflective of what people are saying to us.
2. **Hear** - Once we listen and understand the need/demand/offer that is presented, we will ensure that we fully understand what is being said.
3. **Act** - Whilst we will think about what we do, we want to be known for acting swiftly to deliver solutions and for always keeping our promises.

1.11 Our Customer Service Standards aim is to ensure all of our service users receive excellent standards of service. The Charter helps define what our customers can expect when contacting or engaging with the staff in our office. It is available on our website, direct from the office, or in other formats as required.

## **2. Scope of the Policy**

2.1 This policy applies to:

- all employees
- all Management Committee Members
- any other 'associated persons' being a person who performs services for us or on our behalf including employees, temporary workers, agents consultants, suppliers, contractors, volunteers, and any other person or body engaged to act for us, or on our behalf

2.2 Every employee, Management Committee member and other associated persons 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 LHA may potentially face criminal liability for unlawful actions taken by our employees or other associated persons under the Bribery Act 2010. All employees, Management Committee members and other 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 any function of a public nature; any activities connected with our business; any activity performed in the course of a person's employment or performed on our behalf whether by a Committee Member, temporary worker, consultant, volunteer, or otherwise 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 Put briefly, a criminal offence will be committed under the Bribery Act 2010 if:

- an employee, Management Committee member or other associated person offers, promises, gives, requests, receives or agrees to receive bribes; or

- an employee, Management Committee member or other 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 In addition, LHA may also be guilty of an offence in such circumstances unless it can demonstrate that it has adequate procedures to prevent employees, Management Committee members and other associated persons from undertaking such conduct.

#### **4. Prohibited Actions and Activities**

- 4.1 Employees, Management Committee members and other 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.
- 4.5 Examples of bribery might include but are not limited to:
- giving, promising to give, or offering 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
  - giving, promising to give, or offering a payment, gift or hospitality to a government official, agent, or representative to 'facilitate' or expedite a routine procedure
  - accepting payment from a tenant or prospective tenant that you know or suspect is offered with the expectation that they will receive an allocation of housing or other benefit in return
  - accepting payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
  - accepting a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by you in return

- retaliating against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- engaging in any activity in breach of this policy

## **5. Offers of Corporate Gifts and Hospitality**

5.1 This is more fully covered in other policies including our Employee Code of Conduct; Committee Member Code of Conduct; Entitlement, Payments, and Benefits.

5.2 Employees, Management Committee members and other 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.

5.3 Due diligence must be undertaken by employees, Management Committee members and other 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.

5.4 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.

5.5 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 (ie. within 5 working days), and the Employee and Committee Member Codes of Conduct.

5.6 In this regard, any gifts, rewards, or entertainment received or offered from clients, public officials, suppliers, or other business contacts must be reported immediately to the Corporate Services Team.

5.7 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.

5.8 In other cases, the individual may be asked to donate the gift for the purposes of charity fund-raising.

5.9 In all these cases, the individual employee, Management Committee member or

associated person must ensure that:

- the potential and real conflicts of interest are proactively 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 the Association's Financial Regulations.

6.3 When requesting approval of expenditure, employees, Management Committee members and associated persons should submit requests for proposed hospitality and promotional events or activities to the Chief Executive Officer 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 Officer, together with records and receipts, in accordance with relevant expenses policies.

## **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. Personal donations by individuals to individual charities fall outwith these restrictions provided there is no association with Linthouse Housing Association.

7.3 We will not make nor receive donations to or from 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 bribery (as well as fraud and corruption more generally), in our annual risk assessment to help identify employees or officers who are in positions where they may be exposed to such activities, 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 bribery, 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 other 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, 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 Assurance 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 All instances of alleged or suspected bribery will be fully investigated. Employees suspected of bribery may be suspended from their duties, in line with LHA's Disciplinary Policy, 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 immediate 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 Director of Public Prosecutions, 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 If it is established that something illegal is happening, it will be reported to the police.
- 10.6 All cases will be notified to the Scottish Housing Regulator without delay and in accordance with regulatory guidance regarding Notifiable Events.

## **11. Policy Review**

- 11.1 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.
- 11.2 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.
- 11.3 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. Equality Impact Assessment

<b>TITLE OF POLICY:</b>	<b>Anti-Bribery Policy</b>
Strategic Outcome:	To ensure organisational policies and decisions are carried out with integrity and accountability, and in a manner that is fair, transparent, and consistent
What is the purpose of the proposed Policy?	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.
Protected Characteristic Groups affected by the Policy	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: <ul style="list-style-type: none"> <li>• age;</li> <li>• disability;</li> <li>• gender reassignment;</li> <li>• marriage and civil partnership</li> <li>• pregnancy and maternity;</li> <li>• race;</li> <li>• religion or belief;</li> <li>• sex;</li> <li>• sexual orientation;</li> <li>• language and social origin; and</li> <li>• other personal attributes</li> </ul>
Who is the target audience of this policy or who is intended to benefit from the proposed policy and how? (ie. employees, service users, management committee etc.)	Employees and the Management Committee.
Has any consultation involvement been undertaken with the Protected Characteristic Groups to inform this assessment? (please provide details of who and how consulted)	No. Upon request, we will make information about this policy available in alternative formats, such as large print, audio, Braille, and community languages.
What is the actual likely impact?	Reduction in potential for reputational damage caused by staff or MC.
How does the Policy fit into our wider or related policy initiatives?	It fits with our wider policy related initiatives to operate with integrity and accountability, and in a manner that is fair, transparent, and consistent.