Anti-Bribery Policy

Policy Implementation Checklist:	
Policy Guardian:	Chief Executive Officer
Policy Author:	Corporate Services Manager
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1. Introduction

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

1.2 In support of its policy statement, LHA will not tolerate fraud or bribery in any form, including any internal action which encourages, implies, bestows, or promises an unfair, unlawful, improper, or unethical advantage to any individual, group or organisation regardless of whether there is financial inducement or not.

1.3 This policy recognises the provisions within The Bribery Act 2010 and sets out the framework in place for preventing, detecting, and responding to fraud, theft, bribery, corruption, or any other attempted financial malpractice.

1.4 Every employee, Management Committee member and other associated persons working on behalf of LHA are responsible for maintaining the highest standards of personal, ethical, and business conduct.

1.5 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 LHA's reputation and standing.

2. Scope

2.1 This policy applies to:

- all employees
- all Management Committee Members
- any other 'associated persons' who perform services for, or on behalf of LHA, including temporary workers, agents, consultants, suppliers, contractors or volunteers

2.2 Every employee, Management Committee member and other associated persons are responsible for maintaining the highest standards of personal, ethical, and business conduct.

Definition of a Bribe

Under the 2010 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

A 'relevant function or activity' includes any function of a public nature; any activities connected with LHA's business; any activity performed in the course of a person's employment or performed on LHA's behalf where the person performing that activity is expected to perform it in good faith, impartially, or in accordance with a position of trust.

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 LHA's business activity but is nonetheless covered by the Act).

3. Prohibited Actions and Activities

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

3.2 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.

3.3 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.

3.4 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.

3.5 Examples of bribery might include but are not limited to:

- Giving, promising, or offering a payment, gift, or hospitality to obtain or reward a business advantage.
- Giving, promising, 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 intended to secure housing or another benefit.
- Accepting payment from a third party that you know or suspect is intended to obtain a business advantage.
- Accepting a gift or hospitality from a third party when you know or suspect it is offered in exchange for a business advantage.
- Retaliating against or threatening anyone who refuses to commit bribery or raises concerns under this policy.
- Engaging in any activity that breaches this policy.

4. Offers of Corporate Gifts and Hospitality

4.1 This is more fully covered in other policies including LHA's Employee and Management Committee Member Codes of Conduct, and Entitlement, Payments, and Benefits.

4.2 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.

4.3 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 LHA's Procurement Policy.

4.4 The giving or receiving of certain gifts or hospitality may be permissible in certain circumstances provided they are recorded and have no substantive value or material consequence.

4.5 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, and the Employee and Committee Member Codes of Conduct.

4.6 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.

4.7 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.

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

4.9 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

5. Expenditure on Marketing and Promotion

5.1 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 LHA's image and reputation
- to market or present LHA's 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 LHA's employees, Management Committee members or associated persons, or to influence the impartiality of the recipient

5.2 We will authorise only reasonable, appropriate, and proportionate entertainment and promotional expenditure in compliance with LHA's Financial Regulations.

5.3 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

5.4 Business entertainment proposals will only be approved if they demonstrate a clear business objective and are appropriate for the nature of the business relationship.

5.5 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).

5.6 Prior written approval must be received before expenditure is incurred and all gifts provided must be registered and recorded by the Corporate Services Team, together with records and receipts, in accordance with relevant expenses policies.

6. Charitable and Political Donations

6.1 Charitable giving can form part of LHA's wider commitment and corporate social responsibility to the community. The Association may support a number of charities from time to time through donation or fundraising events involving employees.

6.2 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. Personal donations by individuals to charities fall outwith these restrictions provided there is no association with LHA.

6.3 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 LHA.

7. Risk management

7.1 We will include the prevention, detection, and prohibition of bribery (as well as fraud and corruption more generally), in LHA's strategic 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.

7.2 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.

7.3 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 LHA's zero-tolerance approach to fraud and bribery.

7.4 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 limited to, activities such as housing allocation, procurement, recruitment, and promotion.

8. Reporting Suspected Bribery

8.1 We depend on LHA employees, Management Committee members and other associated persons to ensure that the highest standards of ethical conduct are maintained in all LHA business dealings. Employees, Management Committee members and associated persons are expected to remain vigilant in preventing, detecting, and reporting bribery.

8.2 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 LHA's Whistleblowing Policy.

8.3 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

8.4 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.

8.5 Employees, Management Committee members or associated persons who report instances of bribery in good faith will receive appropriate support.

8.6 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.

8.7 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.

8.8 An annual report on any alleged or detected bribery will be provided to the Management Committee. This will include the date and description of any such incident, the outcome of the investigation and subsequent action taken.

9. Action to be taken

9.1 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.

9.2 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.

9.3 The contracts of any associated persons, including consultants or other workers who act for, or on behalf of LHA and who are found to have breached this policy may be terminated.

9.4 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.

9.5 If it is established that a criminal action has occurred, Police Scotland will be notified.

9.6 All cases will be notified to the Scottish Housing Regulator without delay and in accordance with regulatory guidance regarding Notifiable Events.

10. Policy Review

10.1 This policy will be reviewed every 3 years unless key changes are required earlier to comply with legislation, guidance, or new learning.

11. Equalities Impact Assessment

Anti-Bribery Policy	
What is the purpose of this policy?	To provide a clear framework for defining, reporting, and dealing with any suspected bribery activity.
Protected characteristic groups affected by this 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.
Who is the target audience of this policy?	All employees, committee members, or others working on behalf of LHA.
List any existing documentation used to complete this assessment:	N/A
Has any consultation taken place with protected characteristics groups identified?	No
What is the likely impact?	Reduce the risk of potential legal, financial or reputational damage caused by staff or MC.
Have you, or will you, put the policy into practice? Who is responsible for delivery of the policy?	Yes, the policy is in place and implemented.
How does this policy fit into LHA 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.
Do you have a set budget for this work?	No set budget.

12. Version Control

Version Number	Name	Author	Notes
1.0	Anti-Bribery	CSM	Appr June 2023 MC
2.0	Anti-Bribery	CSM	Revised draft to PWG 15 Sept 26