



DRAFT  
Bribery ~~Act~~ Policy

Management Committee submission:	27 October 2020
Previous Approval:	28 November 2017
Approval:	
Review date:	October 2023

**CHA Objectives:**

- To manage the houses provided, in a professional and cost effective manner, for the benefit of our local community and the environment.
- To provide a first class maintenance service which offers value for money and ensures the comfort and safety of our residents while achieving high levels of satisfaction
- To ensure that our resources are adequate to deliver our objectives by investing in our people, increasing digitalisation, demonstrating value for money and through robust procurement practices.
- To promote social inclusion by applying principles of equality and diversity to everything we do.

**Regulatory Standards:**

- The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
- The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these objectives.
- The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay
- The governing body bases its decision on good quality information and advice and identifies and mitigates risks to the organisation's purpose.
- The governing body and senior officers have the skills and knowledge they need to be effective
- The RSL conducts its affairs with honesty and integrity.

***Any material breach or non-compliance with legislation/regulatory requirements in relation to this Policy constitutes a Notifiable Event and the Regulator will be informed via the SHR Portal.***

**This policy can be made available on request in a variety of different formats, such as on CD, in large print and translated into other languages.**

## **1.0 Introduction**

This Policy should be read in conjunction with the Association's Code of Conduct for Staff/Committee, Declaration of Interest, Gifts and Hospitality, Whistleblowing, Prevention of Fraud and Entitlement, Payment and Benefits Policies.

The Bribery Act 2010 codifies the law relating to bribery and corruption. Corruption is the misuse of office or power for private gain. Bribery is a form of corruption. Under the Bribery Act 2010 it is illegal to:

- Offer, promise to give or to pay a bribe
- Request, agree to receive or accept a bribe
- Bribe a foreign public official
- Fail to have adequate procedures in place to prevent bribery

Bribery is a criminal offence and the Association will not pay bribes or offer improper inducements to anyone for any purpose, nor does it or will it accept bribes or improper inducements. Neither will the Association use a third party as an intermediary in giving bribes.

The Association is committed to the prevention, deterrence and detection of bribery and will not condone any person connected with the Association giving or taking bribes. We aim to maintain anti-bribery compliance as "business as usual", rather than as a one-off exercise.

## **2.0 Definition of Bribery**

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

It is unacceptable to:

- 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;
- 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;
- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- Accept 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 us in return;
- Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy;
- Engage in activity in breach of this policy.

## **3. Objective of this policy**

This policy, together with other relevant policies, will assist staff and committee members to recognise bribery and engage in Whistleblowing if necessary.

We require that all committee members and staff, including permanently employed staff, temporary agency staff and contractors:

- Act honestly and with integrity at all times and safeguard the Association's resources, for which they are responsible;
- Comply with the spirit, as well as the letter, of the relevant laws and regulations.

#### **4.0 Scope of this policy**

This policy applies to all of the Association's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.

The responsibility to control the risk of bribery occurring resides at all levels of the Association.

This policy covers all committee members, staff, contractors and consultants.

The Association commits to:

- Setting out a clear anti-bribery policy and keeping it up to date;
- Making all committee members and staff aware of their responsibilities to adhere strictly to this policy at all times;
- Training all committee members and staff so that they can recognise and avoid the use of bribery by themselves and others;
- Encouraging vigilance and reports of any suspicions of bribery;
- Rigorously investigating instances of alleged bribery and assisting the police and other appropriate authorities;
- Taking firm and vigorous action against any individual(s) involved in bribery;
- Including appropriate clauses in contracts to prevent bribery.

#### **5.0 Gifts and hospitality**

All committee members and staff must ensure that they comply with the Association's policy on gifts and hospitality.

#### **6.0 Staff responsibilities**

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Association. All staff are required to avoid activity that breaches this policy.

~~You~~ Staff must:

- Ensure that ~~you~~ they read, understand and comply with this policy;
- Raise concerns as soon as possible if ~~you~~ it is believed or suspected that a conflict with this policy has occurred, or may occur in the future.

As well as the possibility of civil and criminal prosecution, staff who breach this policy will face disciplinary action, which could result in summary dismissal for gross misconduct.

## **7.0 Raising a concern**

The Association is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want each and every member of staff to know how they can raise concerns. We all have a responsibility to help detect, prevent and report instances of bribery.

Please refer to our Whistleblowing Policy in this connection.

Committee members or staff who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing can understandably be worried about the repercussions. The Association aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.

We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.

If you have any questions about these procedures, please contact the Chief Executive Officer or [Chairman/Chairperson](#).

## **8.0 Equality and Diversity**

Our commitment to equal opportunities and fairness will apply irrespective of factors such as race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy & maternity, religion or belief and sexual orientation.

### **Equality Impact Assessment**

In order to reinforce our commitment to equality and to ensure that everyone is treated equally, that our services are accessible to all and that our practices are, at all times, within the law and free of discrimination of any kind, an impact assessment has been carried out. It has been established that there should be no significant positive or negative impacts for any groups regarding the operation of this policy.

### **For Office Use Only – Required Actions**

Customer Consultation Required/Arranged	No
Intranet Update	Yes
F Drive Update	Yes
Website Update	No
Leaflet change required?	No
Newsletter Promotion?	No
Other information updated, e.g. posters, automatic email responses, post cards, answering machine messages, etc.	No
Equality Impact Assessment completed	Yes