



GROUP ANTI-BRIBERY POLICY

POLICY IMPLEMENTATION CHECKLIST	
Policy Guardian:	Finance and Governance Director
Author:	Finance and Governance Director
Version number:	3.0
Approved by Chief Executive:	October 2014
Approved by Governing Bodies	December 2014
Effective from:	December 2014
Date of Last Review	June 2019
Date of Next Review:	June 2022
Diversity compliant:	Yes
Equality Impact Assessment required:	No
Data Protection compliant:	N/a
Health & Safety compliant:	N/a
Procedure implemented:	Yes
QL system changes made:	N/a
KPIs / reporting arrangements implemented:	N/a
Training Completed:	
Posted on intranet:	Yes
Posted on Group websites:	Yes
Publicity material issued:	

This document can also be provided in large print, braille, audio or other non-written format, and in a variety of languages

1.0 Introduction and Scope

- 1.1 The Group, comprising Caledonia Housing Association and its' constitutional partner Cordale Housing Association, is committed to the highest standards of ethical conduct and integrity in all its activities. To this end, it is committed to the prevention, deterrence and detection of bribery. It will not condone giving or taking bribes by any person connected with the organisation or its services.
- 1.2 The Group acknowledges the provisions of the Bribery Act 2010 and aims to maintain compliance with this as part of its everyday business. It recognises that failure to do so is likely to seriously damage the reputation of the organisation and the housing association sector as a whole. The Group may also face criminal liability for unlawful actions taken by its employees or associated persons.
- 1.3 This policy applies to all Group employees and "associated persons" including Governing Body members, temporary workers, consultants, contractors, agents and subsidiaries acting on behalf of the Group. Breaches of this policy are likely to constitute a serious disciplinary, contractual and or criminal action for the individual(s) concerned.

2.0 The Bribery Act 2010

- 2.1 Under the Bribery Act 2010, 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.
- 2.2 The Group acknowledges that a criminal offence will be committed under the Bribery Act 2010 if:
 - an employee or associated person acting for, or on its behalf, offers, promises, gives, requests, receives or agrees to receive bribes; or
 - it does not have the defence that it has adequate procedures in place to prevent bribery by its employees or associated persons.
- 2.3 The Group further recognises that if, as a "relevant commercial organisation," it is found guilty under the Bribery Act it could receive an unlimited fine and potentially be excluded from tendering for public contracts. Individuals could be liable on conviction to imprisonment for up to 10 years, to a fine, or both.
- 2.4 All employees and associated persons are required to comply with this policy, in accordance with the Bribery Act 2010.

3.0 What is Prohibited?

- 3.1 The Group prohibits employees or associated persons from offering, promising, giving, soliciting or accepting any bribe. This includes cash, a gift or other inducement made to gain personal, commercial, regulatory or contractual advantage.

3.2 In particular, 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.

3.3 References in 3.2 to payments to, and gifts and hospitality from, third parties include 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, agents or sub-agents, sponsors or sub-sponsors, joint-venture partners, advisors, customers, suppliers or others.

4. Strategy and Principles

4.1 The Group identifies bribery as a distinct business risk, which is considered as part of its wider risk management arrangements. The Group’s anti-bribery strategy is founded upon having in place a range of operational policies, systems and procedures that are designed to deter, and enable detection and reporting of bribery. In particular, this includes:

- the Group Financial Regulations, Treasury Management, Delegated Authority and Procurement policies and the controls detailed therein;
- the Group Standing Orders and other governance related Group policies, covering matters including Whistleblowing, Payments and Benefits and Conflict of Interest; and the associated management systems;
- the Group Codes of Conduct for Staff and Governing Body Members;
- service based policies, guidance and operating procedures covering repairs, maintenance and development activities; estates services; care and support services; tenancy related matters and staff recruitment.

4.2 In addition to this the Group will:

- ensure its commitment to preventing, deterring and detecting bribery is clearly articulated through relevant policies and procedures; and communicated throughout the Group;
- ensure all Governing Body Members and staff are aware of this Anti-Bribery Policy, and the responsibilities it places on them;
- ensure Governing Body Members and staff are appropriately trained on recognising bribery and encouraged to be vigilant in this regard in performing their role within the Group;
- have in place robust procedures to enable suspicions of bribery to be reported; and ensure all Governing Body Members and staff have an appropriate awareness and understanding of these;

- rigorously investigate all instances of alleged bribery and assist the police and other relevant authorities with their inquiries;
- take firm and vigorous action against any individual(s) involved in bribery;
- ensure procurement and contracting activities are carried out in accordance with relevant legislation, guidance and best practice, and incorporate due diligence activities as necessary;
- communicate to third parties, including actual and prospective customers, suppliers and joint-venture partners, its zero-tolerance approach to bribery, and its commitment to working only with other organisations or individuals that also commit to doing business without bribery.

4.3 The Group also operates a separate Group Anti-Fraud policy outlining its approach to dealing with this discrete, but often related issue.

5. Roles and Responsibilities

Caledonia Housing Association Management Board

5.1 The Board is responsible for ensuring the Group:

- operates an anti-bribery culture;
- maintains effective risk management and internal control systems;
- has relevant policies and systems in place to deter, detect and report suspected bribery;
- maintains appropriate procedures that ensure reported incidents of suspected bribery are promptly and vigorously investigated; and appropriate action is taken in instances where bribery is detected.

5.2 The Board is also responsible for ensuring it conducts its own affairs in accordance with the Scottish Housing Regulator's regulatory standards of governance and financial management; and recognised principles of good governance. Individual Board Members are responsible for ensuring they:

- read, understand and comply with this policy;
- remain vigilant to bribery or attempted bribery, in fulfilling their duties;
- report as soon as possible any suspicions of bribery or attempted bribery they encounter; and otherwise,
- act with integrity and propriety, within the law, and in accordance with relevant policies, systems and procedures.

Cordale Housing Association Management Committee

5.3 Cordale Housing Association Management Committee will ensure the responsibilities set out in 5.1 and 5.2 are fulfilled in their entirety.

Group Audit & Risk Management Committee

5.4 As detailed within its terms of reference, the Group Audit & Risk Management Committee's role extends across the Group and includes:

- monitoring and reviewing the effectiveness of internal, including financial, controls and risk management systems;
- reviewing internal audit reports;

- reviewing findings of external audit;
- monitoring and reviewing the effectiveness of internal audit activities; and also in reviewing arrangements for whistleblowing.

Executive Management Team (EMT)

5.5 EMT has collective responsibility for:

- developing and maintaining effective policies, procedures and control systems for deterring, detecting and reporting bribery; and ensuring these are both working effectively, and periodically reviewed in accordance with good practice;
- ensuring the Governing Bodies have up to date and accurate information on regulatory requirements in relation to governance and financial management, governance good practice and expected standards of conduct;
- fostering a culture of honesty and openness amongst all staff, and ensuring staff are aware of expectations relating to their professional conduct and the requirements of this policy;
- ensuring all staff have the required level of knowledge and understanding of the range of policies, procedures and systems that are relevant to the Group's anti-bribery strategy;
- ensuring staff receive appropriate training that enables them to identify bribery or attempted bribery;
- ensuring the notification requirements of regulators are met;
- liaising with police and other relevant authorities in relation to any inquiries into alleged bribery offences.

5.6 The Chief Executive and Director of Finance and Governance, have particular roles in relation to whistleblowing. This is defined within the Group Whistleblowing Policy.

All Staff

5.7 The prevention, detection and reporting of bribery and other forms of corruption is the responsibility of all staff members. Employees are required to ensure they read, understand and comply with this policy, and remain vigilant to bribery or attempted bribery, within their respective areas of work. In particular, employees must:

- report as soon as possible any suspicions of bribery or attempted bribery they encounter; and otherwise,
- act with integrity and propriety, within the law, and in accordance with relevant policies, systems and procedures.

6. Specific Requirements

Facilitation Payments

6.1 The Group prohibits employees or associated persons from making or accepting any facilitation payments. These are payments made to government officials for carrying out or speeding up routine procedures. Facilitation payments are distinct from an official, publicly available fast-track process. Facilitation payments, or offers of such payments, will constitute a criminal offence by both the individual concerned and the Group under the Bribery Act 2010.

Gifts and Hospitality

- 6.2 The Group operates to strict procedures governing the giving and receiving of corporate entertainment, gifts, hospitality and promotional expenditure. These are detailed as part of the Payments and Benefits procedures and include clearly defined authorisation, recording and registering processes.
- 6.3 In all cases, gifts and hospitality must not be offered, promised or accepted to secure an advantage for the Group or any of its employees or associated persons or to influence the impartiality of the recipient.

Charitable Donations

- 6.4 The Group considers that sponsorships and donations can form part of its wider commitment and responsibility to the communities where it operates. The Group Entitlements, Payments and Benefits Policy and associated procedures details the approach it will adopt in relation to this. This includes clearly defined authorisation, recording and registering processes.

Raising a Concern/Reporting Suspected Bribery

- 6.5 The Group Whistleblowing Policy enables staff or Governing Body members, or any other person to raise concerns relating to conduct which they believe to be improper, illegal or immoral. All suspicions of bribery or attempted bribery should be reported in accordance with this.
- 6.6 While any suspicious circumstances should be reported, employees and associated persons are required particularly to report:
- close family, personal or business ties that a prospective agent, representative or joint-venture partner may have with government or corporate officials, directors or employees;
 - requests for cash payments;
 - requests for unusual payment arrangements, for example via a third party;
 - requests for reimbursements of unsubstantiated or unusual expenses; or a lack of standard invoices and proper financial practices.
- 6.7 Notwithstanding the provisions of the Group Whistleblowing Policy, the Chief Executive should be informed of all suspected or detected bribery at the earliest opportunity. Where suspicions or allegations of bribery relate to the Chief Executive, the separate Group policy on Handling Serious Complaints Against the Chief Executive should be referred to for guidance on the appropriate process.
- 6.8 The Group acknowledges the requirement to report instances of whistleblowing to the Scottish Housing Regulator (SHR) as a Notifiable Event. It shall report to SHR without delay, in accordance with SHR Statutory Guidance and the Group policy on Notifiable Events.
- 6.9 The Group notes that where SHR is notified and makes regulatory enquiries, SHR will report to the Office of the Scottish Charity Regulator (OSCR), in accordance with legal provisions (The Charities and Trustee Investment (Scotland) Act 2005) and the associated Memorandum of Understanding between OSCR and SHR.

6.10 Dependent on the nature of the bribery or suspected bribery, it may be appropriate or necessary to report to other regulatory bodies. In particular, the Group acknowledges the requirement to notify the Care Inspectorate where there is an allegation of misconduct relating to its care services.

7. Action by the Organisation

7.1 The Group will, as far as possible, respond to instances of alleged or suspected bribery in accordance with the principles outlined in the Group Anti-Fraud Policy and accompanying Fraud Response Plan. This will ensure it handles all allegations and subsequent investigations in a consistent and robust manner. Employees suspected of bribery may be suspended from their duties while an investigation is being carried out. The disciplinary procedures of Caledonia Housing Association will be invoked where any employee is suspected of bribery. Proven allegations may result in a finding of gross misconduct and immediate dismissal. The Group may terminate the contracts of any associated persons, including consultants or other workers who act for, or on its behalf who are found to have breached this policy.

7.2 The Group may also report any matter to the relevant authorities, including the Police.

8. Policy Review

8.1 This policy will be subject to review every three years, or sooner if it is affected by legislative or other significant changes.

9. Key Related Policies

- Group Anti-Fraud
- Group Anti-Money Laundering
- Group Entitlements, Payments and Benefits
- Group Conflict of Interest
- Group Delegated Authority
- Group Treasury Management
- Group Notifiable Events
- Group Whistleblowing
- Group Serious Complaint Against Chief Executive
- Group Standing Orders
- Group Governing Body Members Code of Conduct
- Group Staff Code of Conduct