

Policy Name	Anti-Bribery Policy
Policy Category	Corporate & Governance
Policy Number	CG016
Officer Responsible	Chief Executive
Application	Lochaber Housing Association, Lochaber Care & Repair and LHA Property Services
Date to Board of Management	01 st July 2021
Next Review Date	July 2026

1. INTRODUCTION

- 1.1 The purpose of this document is to set out the LHA Group's responsibilities with regard to the prevention of bribery and compliance with the legislation set out in The Bribery Act 2010.

The Bribery Act 2010 modernised the law on bribery and came into force on 1 July 2011. Bribery is a criminal offence where it is intended to induce improper conduct or is a reward for doing so and penalties are significant. An organisation and/or an individual can be fined an unlimited amount and individuals may also be imprisoned for up to 10 years.

An organisation may be liable for an individual accepting or giving a bribe but only if the individual performs services for the organisation. The Lochaber Housing Association Group 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 we use a third party as an intermediary in giving bribes.

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

2. 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 **POLICY OBJECTIVES**

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

We require that all Board members and staff, including permanently employed staff, temporary agency staff and service providers:

- 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 **SCOPE OF POLICY**

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

The responsibility of controlling the risk of bribery occurring applies to all levels of the Association and this policy covers all Board members, staff, contractors and consultants.

We commit to:

- Implementing a risk assessment at regular intervals utilising the six principles set out by the government
- Setting out a clear anti-bribery policy following the risk assessment and keeping it up to date;
- Making all Board members and staff aware of their responsibilities to adhere strictly to this policy at all times;
- Training all Board 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 **GIFTS AND HOSPITALITY**

All Board members and staff must ensure that they comply with our policy on Entitlements, Payments and Benefits and Staff/ Board Code of Conduct.

6 **STAFF RESPONSIBILITIES**

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

Staff must:

- Ensure they read, understand and comply with this policy;
- Raise concerns as soon as possible if they believe or suspect 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 **RAISING A CONCERN**

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

Please refer to the Whistleblowing Policy in this connection.

Board 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. We aim 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 this policy or procedures, please contact the Chief Executive.

APPENDIX 1

RISK ASSESSMENT OF POTENTIAL EXPOSURE TO BRIBERY FEBRUARY 2021

1. Proportionality

Our greatest expenditure apart from salaries is on planned and reactive maintenance and major repairs. A further area where bribery could appear is in the allocation of housing and tenancy management including rent arrears.

2. Commitment

Our Board and staff have zero tolerance towards bribery. We have both Board and staff codes of conduct and appropriate policies relating to Entitlements, Payments and Benefits and Whistleblowing in place.

3. Risks

We work with housing applicants, tenants, contractors and other suppliers.

Housing applicants – We are a member of the Highland Housing Register Detailed policies and procedures relating to administration of housing lists apply. Double checks and scrutiny apply to ensure adherence to policy.

Tenants – Relationships are governed by detailed policies. Double checks and scrutiny apply to ensure adherence to policies.

Contractors – Detailed maintenance and procurement policies apply to ensure adherence.

Other Suppliers – the volume of work spread throughout other suppliers is very small in relation to overall turnover and therefore bribery risk is low.

4. Due Diligence

In relation to procurement, we operate within the clear guidelines of the Procurement Policy.

We have clear and recognisable procedures for the recruitment and selection of employees and clear policies guiding the activities of staff and Board.

As per our Procurement Policy an assessment of the selection of Contractors, Consultants and Suppliers and an assessment of contractors' performance.

We will, as a matter of course, request information regarding tenderers' policies and procedures that are in place to prevent bribery. All information received will be liable to verification.

The LHA Group's exposure to the risk of bribery is reduced further by a number of other factors:

- We are subject to and comply with statutory accounting standards, with all our income and expenditure subject to external audit and public reporting.
- We operate in a highly regulated sector.
- We are independently audited (policies and procedures) for expenditure and making payments.
- We have an ongoing programme of internal audit.

5. **Communication**

This policy and related risk assessment are distributed to all Board members and staff and relevant training is provided. The policy will also be issued to all partners/contractors and they will be asked to confirm receipt and acknowledgement of the principles of the policy.

. Monitoring and Review

The risk assessment will be carried out every three years or earlier if circumstances require.