



Havebury Housing Partnership

ANTI-BRIBERY & CORRUPTION POLICY

Unique Reference No	FIN013
Date created	March 2021
Date for review	March 2024
Author	Director of Resources & Company Secretary
Version Number	5
Status	Final Approved by Audit & Risk Committee on 25 March 2021
Accountable Director	Director of Resources & Company Secretary
Legal Advice Taken	N/A
Tenant Consultation	N/A
Equality & Diversity Impact Assessment	N/A

1. Introduction

Havebury Housing Partnership and its subsidiary organisations (the “Group”) have a commitment to high legal and ethical conduct and integrity in business activities. This Anti-Bribery & Corruption Policy outlines our position on preventing bribery, fraud and related offences. It also sets out the code of conduct and how employees are protected under whistle blowing. We will not tolerate any form of bribery or fraud by its board members, employees or agents, consultants, contractors, suppliers or any person or body acting on its behalf or of its subsidiaries.

2. Scope of this policy

2.1 This policy applies to all board members, employees of the Group and associated persons acting for or on behalf of the Group. Every board member, employee and associated person is responsible for maintaining high standards of 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 the reputation and standing of the Group.

2.2 In the context of the legislation and the Probity Policy the term “employee” is taken to embrace all employees (full-time, part-time, casual, permanent or temporary). An “associated person” refers to all contractors, consultants, suppliers, agents and agency staff engaged by the Group.

2.3 The Group may also face criminal liability for unlawful actions taken by its board members, employees or associated persons under the Bribery Act 2010. All board members, employees and associated persons are required to familiarise themselves and comply with this policy, including any future updates that may be issued from time to time.

2.4 This policy should also be read in conjunction with the following relevant policies and procedures:

- Schedule of Delegated Authority
- Financial Regulations and Standing Orders
- Terms & Conditions of Employment
- Member Service Agreement
- Whistleblowing Policy
- Probity Policy
- Code of Conduct

2.5 Breaches of the Probity Policy will be dealt with using the Group’s disciplinary procedures.

3. The Board’s Commitment

The Strategic Board wishes to encourage anyone having reasonable suspicions of bribery, fraud or related offences to report them. If they wish, an employee can report such suspicions using the Group’s whistle blowing policy. It is also the board’s policy that no employee will suffer in any way as a result of reporting reasonably held suspicions. For these purposes ‘reasonably held suspicions’ shall mean any suspicions other than those which are shown to be raised maliciously and found to be groundless. All allegations will be investigated, but if allegations are found to have been raised maliciously then the employee’s behaviour will be dealt with under the disciplinary procedures.

4. **BRIBERY ACT 2010 (the “Act”)**

The Government passed the Act to simplify the law and assist the UK to combat bribery. The Act came into force on 1 July 2011 and it applies to the Group. This section covers:

- the main areas of liability under the Bribery Act 2010;
- the responsibilities of board members, employees and associated persons acting for, or on behalf of, the Group; and
- the consequences of any breaches of this policy.

5. **The Act**

The Act contains four principal bribery offences:

- 1) bribing someone to encourage or reward ‘improper performance’ of a function or activity - this includes offering, promising or actually giving a bribe;
- 2) being bribed resulting in an activity or function being ‘improperly performed’ or resulting from an activity or function being ‘improperly performed’ - this includes requesting, agreeing to receive or receiving a bribe;
- 3) bribing a foreign public official; and
- 4) the corporate offence (see below).

A bribe is ‘a gift or reward given, offered or received to gain any business, commercial or personal advantage’.

6. **The Corporate Offence**

6.1 The Act introduces a “strict liability” offence for commercial organisations where someone associated with an organisation (including board members, employees or associated persons) commits an act of bribery to obtain or retain business or a business advantage for that organisation.

6.2 Strict liability means that the Group may be liable in law without the finding of fault. At court, it need only be proved that a bribe was made by someone associated with the Group with the intention of giving the Group a business advantage, whether or not the Group encouraged such action or was aware of it. The responsibilities under the Act therefore need to be taken extremely seriously.

7. **Penalties**

7.1 Prosecution under the Act could result in us receiving an unlimited fine and potentially becoming debarred from tendering for public contracts. Breaches of the Act could also lead to penalties for senior staff with whose “consent or connivance” bribery was committed. Individuals can be found guilty of bribery and, in the most serious cases, be liable on conviction to imprisonment for up to 10 years, to a fine, or to both.

7.2 In addition, individuals could be liable for bribing, receiving a bribe or bribing a public official. Again, such individuals could be liable on conviction to imprisonment for up to 10 years, to a fine, or to both.

8. **Adequate procedures - the six management principles**

8.1 There is a defence to the corporate offence if the Group can show it had “adequate procedures” in place, designed to prevent bribery.

8.2 The Ministry of Justice has issued guidance which sets out six broad management principles to assist organisations to put in place proper anti-bribery procedures.

- 8.3 We will follow these principles to show our commitment to eliminating bribery within or on behalf of our business. The management principles we need to follow are:
- Proportionality
 - Anti-bribery policies and procedures should be proportionate to the activities and size of our organisation, the sector in which we operate and the risks it faces.
 - Top level commitment
 - Establishing a clear culture which reinforces that bribery is unacceptable.
 - Risk assessment
 - Understanding and keeping up to date with the bribery risks we face by carrying out regular risk assessments.
 - Due diligence
- 8.4 We need to know details about who we do business with, who we are paying money to and why - and make sure those we work with, e.g. associated persons, also have reciprocal anti-bribery agreements in place.
9. **Communication**
All board members, employees, associated persons know the procedures to follow in situations which may be sensitive to bribery. The Group must ensure that its anti-bribery policies are embedded in the organisation's culture, not just a "box-ticking" exercise. We will publish the 'Bribery Statement' on our web and intranet sites.
10. **Monitoring and review**
Through audit and other internal controls the Group must monitor its anti-bribery procedures to prevent and detect bribery - to make sure and prove that its procedures are working.
11. **What is prohibited?**
We prohibit board members, employees or associated persons from offering, promising, giving, soliciting or accepting any bribe. The bribe might be cash, a gift card, a gift or other inducement to, or from, any person or company, whether a public or government official, official of a state-controlled industry, political party or a private person or company, regardless of whether they are situated in the UK or overseas. The bribe might be made to ensure that a person or company improperly performs duties or functions (for example, by not acting impartially or in good faith or in accordance with their position of trust) to gain any commercial, contractual or regulatory advantage for the company in either obtaining or maintaining company business, or to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.
12. **Records**
- 12.1 Board members and employees are required to take particular care to ensure that Group 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.
- 12.2 No accounts can be kept "off-book" to facilitate or conceal improper payments.
- 12.3 Due diligence should be undertaken by employees prior to entering into any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative or other associated persons in accordance with our tendering and procurement procedures.

- 12.4 Board members and employees are required to keep accurate, detailed and up-to-date records of all corporate hospitality, entertainment or gifts **accepted** or **offered** by way of recording them in the hospitality and gifts register by completing the form on the Hub.
- 13. Working overseas**
- 13.1 Currently the Group has no employees working outside the UK.
- 14. Facilitation payments and kickbacks**
- 14.1 We prohibit our employees or associated persons from making or accepting any facilitation payments or “kickbacks” of any kind.
- 14.2 Facilitation payments are payments made to government officials for carrying out or speeding up routine procedures. They are more common overseas. 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, even where such payments are made or requested overseas.
- 14.3 Kickbacks are typically payments made in return for a business favour or advantage. Kickbacks can include discounts or other types of cash incentives and can commonly be found to occur in, and so particular vigilance should be paid to, supply chain arrangements.
- 14.4 Procedure**
- Where a public official has requested a payment, employees or associated persons should ask for further details of the purpose and nature of the payment in writing. If the public official refuses to give these, this should be reported immediately to Director of Resources & Company Secretary.
- 14.5 If the public official provides written details, the Director of Resources & Company Secretary will consider the nature of the payment. Local legal advice may be sought by the Group. If it is concluded that the payment is a legitimate fee, for example part of a genuine fast-track process, or is permitted locally, the employee may be authorised to make the payment.
- 14.6 Where the Director of Resources & Company Secretary considers that the request is for a facilitation payment, the employee or associated person will be instructed to refuse to make the payment and notify the public official.
- 14.7 We will seek the assistance of the employee from whom the facilitation payment was requested as part of the investigation process and may determine that the matter should be referred to the prosecution authorities. If an employee or associated person has any other concerns about the nature of a request for payment, he/she should report it to the Director of Resources & Company Secretary using the reporting procedure set out in this document and in accordance with the whistleblowing policy.
- 15. Corporate entertainment, gifts, hospitality, donations and promotional expenditure**

- 15.1 We do not permit the giving or acceptance of lavish hospitality or expensive gifts. Modest, proportionate and appropriate activities and token memorial souvenir gifts, in keeping with the nature of the occasion, may be occasionally offered to external organisations and their officials. These should always require prior approval at the appropriate level.
- 15.2 Employees and board members are only permitted to keep token gifts of very low value of less than £20.
- 15.3 If a more substantial gift cannot be declined or returned - for example, where declining may cause significant offence - the gift may be accepted and donated to Charity or displayed and retained at the association's property;
- 15.4 Staff and board members should decline all corporate hospitality offered by third parties, unless there are proportionate business reasons to accept.
- 15.5 Permission to attend sporting events, shows, concerts or similar events paid for by third parties will not normally be granted. In circumstances where permission is granted to accept hospitality it should be morally, ethically, socially and politically acceptable. Nothing should be accepted that would or could bring Havebury or the sector into disrepute.
- 15.6 Employees and board members are not permitted to receive from external third parties any paid travel, accommodation or general subsistence except for reasonably priced travel and accommodation arrangements in connection with activities such as speaking at a conference for a third party. In the rare circumstances where it may be impractical for board members, employees or involved residents independently to arrange travel or accommodation, prior approval at an appropriate level should always be sought.
- 15.7 Employees and board members must report to the appropriate person any attempt to undermine impartiality by the offer of substantial gifts or other inducements.
- 15.8 We will authorise only reasonable, appropriate and proportionate entertainment and promotional expenditure. This principle applies to board members, employees and associated persons acting on behalf of Havebury.
- 15.9 Procedure**
Employees should submit requests for proposed hospitality (to a third party) and promotional expenditure well in advance of proposed dates to their director or the Chief Executive. Employees are required to set out in writing:
- the objective of the proposed client entertainment or expenditure;
 - the identity of those who will be attending;
 - the organisation that they represent; and details and rationale of the proposed activity.
- 15.10 We will approve business entertainment proposals only if they demonstrate a clear business objective and are appropriate for the nature of the business relationship. We will not approve business entertainment where it considers 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, taking a supplier out for lunch prior to a tendering exercise). Forms are already in place for this request and should be

completed as usual. Once permission is granted, going forward they should be recorded on the register on the Hub.

15.11 Any gifts, rewards or entertainment **received** or **offered** from customers, public officials, suppliers, contractors or other business contacts should be reported immediately to your line manager and recorded in the Group's hospitality and gifts register, the form can be found on the Hub. In certain circumstances, it may not be appropriate to retain such gifts or be provided with the entertainment and employees 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. As a general rule, small tokens of appreciation, such as flowers, a box of biscuits, diaries or calendars may be retained by employees, but must still be recorded in the gifts and hospitality register.

15.12 Charitable donations and sponsorship

We consider that charitable and sponsorship giving can form part of our wider commitment and responsibility to the community. We may support fundraising events involving employees and also support local groups and charities via existing approved budgets. (see Probity Policy)

15.13 Political donations

We do not grant financial or other support to political parties, political campaign efforts, organisations or individuals engaged in politics as this may be perceived as an attempt to gain an improper business advantage. If an employee is asked for a political donation in the context of contract discussions, no such donation should be made and the matter should be reported to the Director of Resources & Company Secretary.

16. Risk management

16.1 The Group has established risk management procedures to prevent, detect and prohibit bribery. The Audit & Risk Committee will conduct risk assessments for each of its key business activities on a regular basis and, where relevant, will identify employees or board members who are in positions where they may be exposed to bribery.

16.2 Procedure

Audit & Risk Committee will identify high-risk areas, for example, tenders for work and those working on high-value projects. Employees and associated persons will then be required to update control measures put in place to minimise the risk, making use of the risk management framework.

16.3 Once identified the Director will be required to ensure that they:

- regularly monitor "at risk" employees and associated persons;
- regularly communicate with "at risk" employees and associated persons;
- ensure due diligence of third parties and associated persons is carried out; and
- communicate its zero-tolerance approach to bribery to third parties, including actual and prospective customers, suppliers and joint-venture partners.

17. Reporting suspected bribery

We depend on our board members, employees and associated persons to ensure that high standards of ethical conduct are maintained in all business dealings. Board members, employees and associated persons are requested to assist us and to remain vigilant in preventing, detecting and reporting bribery.

17.1 Board members, employees and associated persons are encouraged to report any concerns that they may have to the Director of Resources & Company Secretary as soon as possible and can use the whistleblowing procedure to do so. Issues that should be reported include:

- any suspected or actual attempts at bribery;
- concerns that other employees or associated persons may be being bribed;
or
- concerns that other employees or associated persons may be bribing third parties, such as clients or government officials.

17.2 Procedure

If an incident or suspected incident of bribery occurs it will be recorded in our fraud and bribery register when it has been reported to the Director of Resources. Any such reports will be thoroughly and promptly investigated in conjunction with our investigation procedure within the terms and conditions of employment, contract or consultancy agreement. Employees and associated persons will be required to assist in any investigation into possible or suspected bribery. Employees will also be required to comply with the whistleblowing procedure.

18. Monitoring Compliance and reporting

On an annual basis initially the Director of Resources & Company Secretary together with Leadership Team will review the hospitality and gifts register and highlight any concerns to Audit & Risk Committee, where it will be minuted. A view will be taken on whether this needs to be conducted more frequently if activity levels increase.

19. Training and communication

We will provide training to all employees and Members to help them understand their duties and responsibilities under this policy. Our zero tolerance approach to bribery will also be communicated to all business partners at the outset of the business relationship with them and as appropriate thereafter.