

## **Anti-bribery policy**

**Date approved by Management Committee:**  
**Latest review date:**

August 2022  
August 2027

# Anti-bribery policy



## 1. Introduction

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

## 2. Definition of bribery

- 2.1 Bribery is defined as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so.
- 2.2 This could cover seeking to influence a decision-maker other than by what can legitimately be offered to the Association in an open and accountable manner as part of a tender process.

## 3. Policy statement

- 3.1 We are determined to protect the Association, its employees, partners and customers from bribery. To do this, we are committed to establishing and maintaining strategies to prevent and detect bribery and to develop a culture of zero tolerance where such cases are established.
- 3.2 The Association requires its Management Committee members and staff at all times to act fairly, honestly and openly.
- 3.3 We take bribery very seriously. All instances of potential bribery that are reported to us will be investigated rigorously and promptly, and appropriate action will be taken. We encourage anyone concerned about possible bribery concerning the Association to report it to the Director; if the possible bribery involves the Director, then it should be brought to the attention of the Depute Director and/or Chair of the Management Committee.

## 4. Equality and human rights

- 4.1 The Association's equality and human rights policy, which was approved by the Committee in April 2021, outlines our commitment to

# Anti-bribery policy



promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics<sup>1</sup>. This includes ensuring that everyone has equal access to information and services and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.

- 4.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, our policy on equality and human rights requires us to carry out an equality impact assessment to help identify any part of a policy that may be discriminatory so that this can be addressed. This is contained at Appendix 1.

## 5. Legal and regulatory framework

- 5.1 The anti-bribery policy takes account of legal and regulatory requirements, including (but not limited to):

- a) The Bribery Act 2010
- b) Standard 5, Sections 5.1, 5.4 and 5.6 of the 2019 edition of the Standards of Governance and Financial Management:

*“The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.”*

*“Governing Body members and staff declare and manage openly and appropriately any conflicts of interest and ensure they do not benefit improperly from their position.”*

*“There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing within the RSL.”*

## 6. Risk management

- 6.1 The Association recognises that we must operate in an open and transparent way in order to maintain the trust of our existing and

---

<sup>1</sup> The Equality Act 2010 identifies the “protected characteristics” as age, disability, marriage and civil partnership, race, religion or belief, gender, gender reassignment and sexual orientation.

# Anti-bribery policy



prospective customers. In order to minimise risk of damage to reputation and potential legal action due to active or passive bribery, the Association considers whether risks relating to actual/possible bribery should be included in the risk matrix which is discussed by the Committee every six months.

## 7. The Bribery Act 2010

- 7.1 The Bribery Act 2010 (the Act) came into force on 1 July 2011. It modernises the law on bribery and sets out a number of bribery related offences. It also raises the maximum sentence for bribery committed by an individual from seven to ten years' imprisonment.
- 7.2 There are three main offences within the Act that are relevant to the Association. These are:
- a) Active Bribery: the offering, promising, or giving of a bribe
  - b) Passive Bribery: the requesting, agreeing to receive, or accepting of a bribe
  - c) Failure of a commercial organisation to prevent bribery by a person associated with it.
- 7.3 The Act is not intended to prohibit reasonable and proportionate hospitality and promotional business expenditure provided that it can be demonstrated that these are not intended to have a direct influence on decision making. The Association's own policy on gifts and hospitality, however, requires staff and Committee to decline all but the smallest of gifts and/or hospitality.
- 7.4 The Association recognises that there is now no requirement for us to comply with what was previously Part 1 of Schedule 7 of the Housing (Scotland) Act 2001 with regards to such payments. However, the Association's Management Committee took the decision at the 2017 review of this policy that we would maintain the spirit of Schedule 7 and as such will continue to adhere to the conditions contained within the policy on entitlements, payments and benefits.

## 8. The six Bribery Act principles

- 8.1 The Association is determined that the culture of the organisation is one of zero tolerance towards bribery. In defining the policy and procedures to prevent bribery we have been guided by the six principles set out by the Government. These are:

# Anti-bribery policy



## a) Proportionality

Our procedures to prevent bribery by associated persons will be proportionate to the bribery risks that we face, and the nature and scale of our activities.

## b) Top level commitment

Our anti-bribery policy statement sets out the commitment of our Management Committee to a culture of integrity, where bribery is unacceptable.

## c) Risk Assessment

The assessment of risks associated with bribery will be included in our overall risk assessment for the Association, as covered by our statement on assessing key risks.

## d) Due Diligence

Due diligence will be carried out as part of our risk management procedures both in terms of assessing the risks associated with bribery and mitigating these risks.

## e) Communication and Training

We will ensure that our bribery prevention policies and procedures are embedded and understood throughout the organisation and by associated persons, through internal and external communication. This will include training of staff and Management Committee members as part of general governance training.

## f) Monitoring and Review

The bribery risks that the Association faces may change over time. Our risk assessments will be reviewed on a regular basis and bribery prevention procedures adapted where necessary.

## 9. Reporting and enforcement

- 9.1 If a member of staff has any reason to believe that a person associated with the Association is attempting to offer them a bribe they must report

# Anti-bribery policy



this to the Director who, in turn, should ensure that it is recorded in the Bribery Register. Where the bribery involves the Director, then this should be notified to the Depute Director and/or the Chairperson.

- 9.2 All suspected instances of bribery will be investigated by the Director (or Depute Director where the bribery involves the Director) and escalated as appropriate with details of the investigation being recorded in the Bribery Register. Depending on the nature/potential seriousness of the matter, the Association may seek legal advice and/or engage the services of an independent investigator.
- 9.3 Where an act of bribery is found to have occurred disciplinary or other sanctions for breaking of the Association's anti-bribery rules will be applied. This will be done in consultation with EVH and the Association's legal advisors in line with the disciplinary procedures.
- 9.4 The Association recognises that, in certain circumstances, staff may have concerns that relate to suspected cases of active or passive bribery by a fellow employee, contractor or service user that they would prefer to report confidentially. In this case we would urge concerned parties to raise the issue with the Director (or Depute Director and/or Chair if the suspected bribery involves the Director). The Association will support staff reporting suspected bribery, and protect them from reprisals or victimisation, as detailed in the whistleblowing policy.

## 10. Related policies

- 10.1 Please refer also to the following related policies:
- a) Entitlements, payments and benefits
  - b) Whistleblowing
  - c) Management Committee Code of Conduct
  - d) Staff Code of Conduct


## 11. Policy review

- 11.1 This policy will be reviewed every five years or earlier, as deemed necessary by Management Committee. The next review will take place no later than August 2027.

# Anti-bribery policy



## Appendix 1

<b>Cernach Housing Association Equality Impact Assessment Tool</b>			
Name of the <b>policy / proposal</b> to be assessed	Anti-bribery	Is this a <b>new policy / proposal or a revision?</b>	Revision
Person(s) responsible for the assessment	Caroline Jardine		
1. Briefly describe the <b>aims, objectives and purpose</b> of the policy / proposal	To outline the Association’s policy for dealing with actual or attempted bribery.		
2. <b>Who is intended to benefit</b> from the policy / proposal? <i>(e.g. applicants, tenants, staff, contractors)</i>	All staff and Committee members.		
3. What <b>outcomes</b> are <b>wanted</b> from this policy / proposal ? <i>(e.g. the benefits to customers)</i>	That the Association complies with the Bribery Act 2010, that it is clear we will respond swiftly to any actual or attempted bribes, and that staff and/or Committee are aware of the steps to take.		

# Anti-bribery policy



**4. Which **protected characteristics** could be **affected** by the proposal? (*tick all that apply*)**

Age     
  Disability     
  Marriage & Civil Partnership     
  Pregnancy/Maternity     
  Race  
 Religion or Belief     
  Gender     
  Gender Reassignment     
  Sexual Orientation

---

**5. If the policy / proposal is not relevant to any of the **protected characteristics** listed in part 4, state why and end the process here.**  
 We do not believe that this policy applies to/affects anyone who has one or more of the protected characteristics.

	Positive impact(s)	Negative impact(s)
<p><b>6. Describe the <b>likely positive or negative impact(s)</b> the policy / proposal could have on the groups identified in part 4</b></p>		
<p><b>7. What <b>actions</b> are <b>required</b> to address the impacts arising from this assessment? (<i>This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts</i>).</b></p>		

Signed:

Job title: Director

Date the Equality Impact Assessment was completed: 13 July 2022

***Please attach the completed document as an appendix to your policy / proposal report***