



WILLIAMSBURGH
HOUSING ASSOCIATION

Anti-Bribery Policy

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1. Introduction

Williamsburgh Housing Association is committed to promoting and maintaining the highest level of ethical standards in relation to all of our business activities. Our reputation for maintaining lawful business practices is of paramount importance and this Policy is designed to preserve these values. The Association, therefore, has a zero tolerance policy towards bribery and corruption and is committed to acting fairly and with integrity in all of its business dealings and relationships, implementing and enforcing effective systems to counter bribery.

This Policy should be considered alongside and in conjunction with the Association's policies relating to 'Financial Regulations', 'Whistleblowing' and 'Gifts and Hospitality'.

2. Background

The Bribery Act 2010 (the 'Act'), came into force on 1 July 2011, with the aim of modernising the law on bribery.

Bribery is defined as a financial or other advantage intended to persuade or reward someone to perform improperly a function or activity. The 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 business. Business partners and suppliers would, therefore, only present a risk if a bribery act takes place in relation to the service provided for the organisation. Government guidance distinguishes bribery from corporate hospitality. The latter is still allowed so long as it is reasonable and is used to *cement good relationships or enhance knowledge in the organisation's field*. Where, however, it is intended to induce improper conduct or is a reward for doing so, it will be viewed as a bribe. There is also clear liability upon senior officers and committee members who have knowledge of bribery occurring in an organisation.

Where a bribery crime has been committed, the organisation will be able to defend itself if it can demonstrate that an adequate procedure has been put in place to prevent bribery. What is "adequate" will depend on the risk of bribery (mainly the environment that the organisation operates within) as well as the company size and available resources. Small or medium sized employers, who do not operate in high risk environments, will require relatively simple procedures to mitigate the risk of bribery. Each organisation should, therefore, assess the risk and put in place an adequate procedure.

3. Aim of an Anti-Bribery Policy

The Act introduced a strict liability offence: failing to prevent bribery. An organisation will only have a defence to this offence if it can show that it had 'adequate procedures' in place to prevent it. It is, therefore, critical that organisations put in place an anti-bribery policy, to minimise the risk of committing an offence under the Act.

An anti-bribery policy should aim to achieve two key objectives:

- to set out the responsibilities of the organisation and its staff in observing the statutory prohibition on bribery, and
- to provide information and guidance to its staff on how to identify and deal appropriately with bribing.

Under the umbrella of those two objectives, our policy should indicate the following features:

1. Explain who is covered by the policy.
2. Define 'bribery' so that no-one is left in any doubt as to what the policy refers to.
3. Give examples of acceptable practices, as well as unacceptable practices.
4. Set out the consequences of a breach of the policy.
5. Explain the procedures for book-keeping, including how receipts, invoices and expenses will be processed.
6. Describe the procedures staff should follow if they wish to raise concerns or report suspicious activity.
7. Set out the organisation's training objectives on the Anti-Bribery Policy.
8. Identify those responsible for enforcement of the policy, as well as those tasked with monitoring its suitability and effectiveness.

4. Purpose and Scope of Policy

This policy sets out the Association's position on any form of bribery and corruption and provides guidelines aimed at:

- ensuring compliance with anti-bribery laws, rules and regulations, not just within the UK but in any other country to which its business may be connected,
- enabling employees and persons associated with the Association to understand the risks associated with bribery and to encourage them to be vigilant and effectively recognise, prevent and report any wrongdoing, whether by themselves or others,
- providing suitable and secure reporting and communication channels and ensuring that any information that is reported is properly and effectively dealt with,
- creating and maintaining a rigorous and effective framework for dealing with any suspected instances of bribery or corruption.

This Policy applies to all permanent and temporary employees of the Association (including any of its intermediaries, subsidiaries or associated companies). It also applies to any individual or corporate entity associated with the Association or who performs functions in relation to, or for and on behalf of, the Association, including, but not limited to, committee members, agency workers, casual workers, contractors, consultants, seconded staff, agents, suppliers and sponsors ("associated persons"). All employees and associated persons are expected to adhere to the principles set out in this Policy.

The legislation on which this policy is based applies to the Association's conduct within the UK and abroad.

It is an offence in the UK to:

- offer, promise or give a financial or other advantage to another person (i.e. bribe a person), whether within the UK or abroad, with the intention of inducing or rewarding improper conduct,
- request, agree to receive or accept a financial or other advantage (i.e. receive a bribe) for or in relation to improper conduct,
- bribe a foreign public official.

Individuals can be held personally liable for any such offence.

It is also an offence in the UK for an employee or an associated person to bribe another person, in the course of doing business intending either to obtain or retain business, or to obtain or retain an advantage in the conduct of business, for the Association. The Association can be liable for this offence, where it has failed to prevent such bribery by associated persons. In addition to an unlimited fine, it could suffer substantial reputational damage.

5. Policy Statement

All employees and associated persons are required to:

- comply with all anti-bribery and anti-corruption legislation that applies in any jurisdiction in any part of the world in which they might be expected to conduct business,
- act honestly, responsibly and with integrity,
- safeguard and uphold the Association's core values by operating in an ethical, professional and lawful manner at all times.

Bribery of any kind is strictly prohibited. Under no circumstances should any provision be made, money set aside or accounts created for the purposes of facilitating the payment or receipt of a bribe.

The Association recognises that industry practices may vary from country to country or from culture to culture. What is considered unacceptable, in one place, may be normal or usual practice in another. Nevertheless, a strict adherence to the guidelines set out in this Policy is expected of all employees and associated persons, at all times. If an employee or associated person is in doubt, as to what might amount to bribery or what might constitute a breach of this Policy, they should refer the matter to their line manager or to the Association's Anti-Corruption Officer, (Chief Executive) or in his absence the Finance Manager.

The Association's rules and procedures in relation to the receipt of business gifts from third parties and corporate hospitality offered to or received from third parties are contained within our Gifts and Hospitality Policy. This forms part of the Association's zero tolerance policy towards bribery and it should be read in conjunction with this Policy.

The giving of business gifts to clients, customers, contractors and suppliers is not prohibited, provided the following requirements are met:

- the gift is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage,
- it complies with local laws,
- it is given in the Association's name, not in the giver's personal name,
- it does not include cash or a cash equivalent such as gift vouchers, (unless it is deemed De Minimus),
- it is of an appropriate and reasonable type and value and given at an appropriate time,
- it is given openly, not secretly,
- it is approved in advance by the Chief Executive and, where deemed necessary, the Management Committee,

In summary, it is not acceptable to give, promise to give, or offer a payment, gift or hospitality with expectation or hope that a business advantage will be received, or to reward a business advantage already given, or to accept a payment, gift or hospitality from a third party where it is known or suspected that it is or provided with the expectations that it will obtain a business advantage for them.

Any payment or gift to a public official, or other person, to secure or accelerate the prompt or proper performance of a routine government procedure or process, otherwise known as a "facilitation payment", is also strictly prohibited. Facilitation payments are not commonly paid in the UK but they are common in some other jurisdictions.

6. Responsibilities and Reporting Procedures

It is the duty and responsibility of all employees and associated persons to take whatever reasonable steps are necessary to ensure compliance with the Policy and to prevent, detect and report any suspected bribery or corruption, in accordance with the procedure set out in the Association's Whistleblowing Policy. They must immediately disclose to the Association any knowledge or suspicion they may have that they, or any other employee or associated person, has plans to offer, promise or give a bribe or to request, agree to receive or accept a bribe, in connection with the business of the Association. For the avoidance of doubt, this includes reporting their own wrongdoing. The duty to prevent, detect and report any incident of bribery and any potential risks rests not only with the Management Committee of the Association but equally to all employees and associated persons.

The Association encourages all employees and associated persons to be vigilant and to report any unlawful conduct, suspicions or concerns promptly and without undue delay, so that an investigation may proceed and any action can be taken expeditiously. In the event that an employee wishes to report an instance or suspected instance of bribery, they should follow the steps set out in the Association's Whistleblowing Policy. Confidentiality will be maintained during the investigation, to the extent that this is practical and appropriate, in the circumstances. The Association is committed to taking appropriate action against bribery and corruption. This could include either reporting the matter to an appropriate external government department, regulatory agency or the police and/or taking internal disciplinary action against relevant employees and/or terminating contracts with associated persons, or taking steps to dismiss a committee member.

The Association will support anyone who raises genuine concerns in good faith under this Policy, even if they turn out to be mistaken. We are also committed to ensuring nobody suffers any detrimental treatment, as a result of refusing to take part in bribery or corruption, or because of reporting, in good faith, their suspicion that an actual or potential bribery or corruption offence has taken place or may take place in the future.

7. Record Keeping

All accounts, receipts, invoices and other documents and records relating to dealings with third parties must be prepared in accordance with the Association's Financial Regulations Policy and be maintained with strict accuracy and completeness. No accounts must be kept "off the record" to facilitate or conceal improper payments.

8. Sanctions for Breach of Policy

A breach of any of the provisions of this Policy by a staff member will constitute a disciplinary procedure. Depending on the gravity of the offence, it may be treated as gross misconduct and could render the employee liable to summary dismissal.

A breach of this Policy by an associated person could lead to the suspension or termination of any relevant contract, sub-contract or other agreement.

A breach of this policy by a committee member could lead to their removal from the Management Committee.

9. Training

The Association will provide appropriate and proportionate training to employees, to help them understand their duties and responsibilities under this Policy. The Association's 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.

10. Evaluation and Monitoring

The Association's Anti-Corruption Officer (Chief Executive) has lead responsibility for ensuring compliance with this Policy and will review its contents on a regular basis. He will be responsible for monitoring its effectiveness and will provide, where appropriate, regular reports, in this regard, to the Management Committee who have overall responsibility for ensuring this Policy complies with the Association's legal and ethical obligations.

11. Review

The Management Committee will have regard to this policy, as per our review schedule. Should an incident occur, this will be brought to their attention and the adequacy of the policy considered, at this time. In the absence of any incidents, the policy will be considered at least every three years, to ensure that it responds to any changing circumstances.