



Provanhall Housing Association Limited

POLICY

Anti-Bribery Policy

AUTHOR

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1. Introduction

The purpose of this document is to set out the Provanhall Housing Association's (PHA) responsibilities with regard to the prevention of bribery and compliance with the legislation set out in The Bribery Act 2010.

2. Definition of Bribery

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.

This could cover seeking to influence a decision-maker other than by what can legitimately be offered as part of a tender process.

3. Policy Statement

We are determined to protect PHA, 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 developing a culture of zero tolerance where such cases are proven.

PHA requires its Board Members and Staff at all times to act fairly, honestly and openly. 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 PHA to report it to a member of the Leadership Team.

4. Legal & Regulatory Framework

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 Regulatory 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." And "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."

5. Risk Management

- 5.1 PHA recognises that we must operate in an open and transparent way in order to maintain the trust of our existing and prospective customers. In order to minimise risk of damage to reputation and potential legal action due to active or passive

bribery, the Management Team includes bribery matters within the Risk Management Strategy which is reported to the Board.

6. The Bribery Act 2010

- 6.1 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. If an individual is found guilty of a bribery offence, tried as a summary offence, he or she may be imprisoned for up to 12 months and fined up to £5,000. Someone found guilty on indictment, however, faces up to 10 years' imprisonment and an unlimited fine.
- 6.2 There are three main offences within the Act that are relevant to the PHA. 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.
- 6.3 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.
- 6.4 PHA operates a separate policy on Payments and Benefits to the Board and Staff and this complements the Anti-Bribery Policy.

7. The Six Bribery Act Principles

- 7.1 PHA 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:

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 Board 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 PHA, as covered by our Risk Management Policy.

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 Board members.

f) Monitoring and Review

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

8. Reporting and Enforcement

- 8.1 If a member of staff has any reason to believe that a person associated with PHA is attempting to offer them a bribe they must report this to their line manager who in turn should ensure that it is recorded in the Anti-Bribery Register.
- 8.2 All suspected instances of bribery will be investigated by the line manager and escalated as appropriate with details of the investigation being recorded in the Anti-Bribery Register.
- 8.3 Where an act of bribery is found to have occurred disciplinary or sanctions for breaking of PHA's anti-bribery rules will be applied.
- 8.4 PHA 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 come forward. PHA will support Staff reporting suspected bribery, and protect them from reprisals or victimisation, as detailed in the Whistleblowing Policy.

9. Related Policies

- 9.1 Please refer also to the following related policies:
 - a) Policy on Payments, Entitlements and Benefits to the Board and Staff.
 - b) Whistleblowing Policy.
 - c) Code of conduct for Governing Body Members.
 - d) Code of Conduct for Staff.

10. Equalities

- 10.1 An Equality Impact Assessment (EIA) has been carried out when reviewing this policy. In line with good practice the completed EIA will be published alongside the Anti-Bribery Policy.
- 10.2 Where there is a need for follow-up action, the tasks and timeframe for achieving them shall be noted in the Equality and Human Rights Action Plan to ensure they are addressed.
- 10.3 We do not see this policy as having any direct impact upon the protected characteristics contained within the Equality Act 2010.

11. Policy Review

- 11.1 This policy shall be reviewed every three years or earlier, as deemed necessary by the Board or a change in legislation.

All staff and Board members are required to read and confirm they have understood this policy.