

ALBYN HOUSING SOCIETY LIMITED

TITLE: Anti-Bribery Policy

DATE: 04 March 2022

TENANT CONSULTATION	
Consultation with tenants required	No
Date tenant consultation started	n/a
Date tenant consultation ended	n/a
Date results of consultation fed back to tenants	n/a
STAFF APPROVAL	
Consultation with recognised TU required	No
Date considered by recognised TU	n/a
Date approved by recognised TU	n/a
BOARD APPROVAL	
Date considered by Audit Committee	24 March 2022
Date approved by Board	29 March 2022
Date of Review by Board	March 2027
Date results fed back to tenants	n/a

Anti-Bribery Policy

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1. Introduction

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

2. Policy Statement

- 2.1 We are determined to protect the Society, our 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.
- 2.2 The Society requires its Board of Management, staff and those who provide service on its behalf to act fairly, honestly and openly at all times.
- 2.3 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 Albyn Housing Society or its subsidiary companies to report it to us.

3. The Bribery Act 2010

- 3.1 The Bribery Act 2010 (the Act) came in to 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 7 to 10 years' imprisonment.
- 3.2 There are three main offences within the Act that are relevant to the Society. These are:-
1. Active Bribery: the offering, promising, or giving of a bribe.
 2. Passive Bribery: the requesting, agreeing to receive, or accepting of a bribe.
 3. Failure of a commercial organisation to prevent bribery by an associated person.
- 3.3 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.
- 3.4 We, and all RSLs, must comply with the Scottish Housing Regulator's standards of Governance and Financial Management and through observing those standards and associated guidance, demonstrate effective governance and sound financial management. The Regulatory Standards and the associated guidance meet the SHR's duties under Part 3 of the Housing (Scotland) Act 2010 ("the Act") and there are a total of seven Regulatory Standards.
- 3.5 Regulatory Standard number 5 states that "The RSL conducts its affairs with honesty and integrity" and the associated guidance describes how governing body members and staff must declare and manage openly and appropriately any conflicts of interest and ensure they do not benefit improperly from their position. Furthermore to ensure there are clear procedures for employees and governing body members to raise concerns or whistle blow if they believe there has been fraud, corruption or other wrongdoing within the RSL.

- 3.6 Prosecution under the Act could result in the Society receiving an unlimited fine and potentially becoming debarred from tendering for public contracts. Breaches of the Act could also lead to penalties for the Society's senior officers. 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.

4. Definition of Bribery

- 4.1 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.
- 4.2 This could cover seeking to influence a decision-maker other than by what can legitimately be offered as part of a tender process.
- 4.3 The Act does not prevent bona fide hospitality, promotional or other reasonable and proportionate business expenditure.
- 4.4 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 an 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.
- 4.5 If in doubt reference should be made to the Ministry of Justice Guidance on the Bribery Act 2010.

5. The Six Bribery Act Principles

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

Proportionality

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

Top Level Commitment

Our Anti-Bribery Policy Statement sets out the commitment of our Board to a culture of integrity, where bribery is unacceptable.

Risk Assessment

The assessment of risks associated with bribery will be included in our overall risk assessment for the Society, as covered by our Risk Management Framework.

Due Diligence

Due diligence will be carried out where required as part of our Risk Management Framework both in terms of assessing the risks associated with bribery and mitigating these risks.

Communication and Training

We will ensure that our Anti-Bribery Policy is embedded and understood throughout the organisation and by associated persons, through internal and external communication. This will include training of the staff and Board members.

Monitoring and Review

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

6. Reporting and Enforcement

- 6.1 If a member of staff has any reason to believe that a person associated with the Society is attempting to offer them a bribe they must report this to their line manager, or the Chief Executive who, in turn, should ensure that it is recorded in the Fraud Register.
- 6.2 All suspected instances of bribery will be investigated by the line manager, Director or Chief Executive and escalated as appropriate with details of the investigation being recorded in the Fraud Register.
- 6.3 As well as the possibility of civil and criminal proceedings, staff that breach this policy will face disciplinary action and could face summary dismissal for gross misconduct.
- 6.4 The Society 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. The Society will support staff reporting suspected bribery, and protect them from reprisals or victimisation, as detailed in the Whistleblowing Policy.

7. Related Policies

7.1 Please refer also to the following related documents and policies:-

- Code of Conduct
- Disclosure of Interests
- Gifts and Hospitality
- Whistleblowing Policy
- Anti-Fraud Policy

8. Review

8.1 This policy will be reviewed by the Board or relevant Sub-Committee at least every 5 years or sooner if required as a result of an incidence of bribery or legislative/regulatory changes.



Albyn Housing Society

Anti-Bribery Policy Statement

The Society's Board of Management has approved an Anti-Bribery Policy to ensure compliance with the Bribery Act 2010.

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.

We are determined to protect the Society, 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.

We require our Board Members, staff and those who provide services on our behalf, to act fairly, honestly and openly at all times.

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 Albyn Housing Society to report it to us.

..... (signature)

Lesley McInnes
CHAIRPERSON
(on behalf of the Board)
29 March 2022