



<b>Policy Name</b>	Anti-Bribery Policy
<b>Policy Category</b>	Governance
<b>Policy Number</b>	G30
<b>Date to Management Committee</b>	February 2022
<b>Previous Review</b>	March 2017
<b>Next Review Date</b>	February 2025
<b>Links to other Policies</b>	S01 Conditions of Service, S18 Whistleblowing, G12 Gifts and Hospitality, S04 Code of Conduct for Staff, G01 Code of conduct for Committee Members
<b>Consultation</b>	Staff, Committee

*This document will be made available in different languages and formats on request, including Braille and audio formats.*

## 1. Introduction

- 1.1. The purpose of this document is to set out the Association's responsibilities with regards to the prevention of bribery and compliance with the legislation set out in The Bribery Act 2010.
- 1.2. This policy does not cover fraud which is dealt with separately by the Anti-Fraud policy.

## 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 as part of a tender process.

### **3. Policy aims and Objectives**

- 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 developing a culture of zero tolerance where such cases are proven.
- 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.

### **4. Legal and Regulatory Framework**

- 4.1. 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 7 to 10 years imprisonment.
- 4.2. There are three main offences within the Act that are relevant to the Association. These are:
  - Active Bribery: the offering, promising, or giving of a bribe
  - Passive Bribery: the requesting, agreeing to receive, or accepting of a bribe
  - Failure of a commercial organisation to prevent bribery by a person associated with it.
- 4.3. 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.
- 4.4. Bribery offences are notifiable events under the Scottish Housing Regulator's Notifiable Events guide.

### **5. Risk Assessment**

- 5.1. *Loss of reputation for association and regulatory intervention* –
  - ensure necessary audit trail is in place for the award of a tender and we can prove we have followed procedures,

- ensure staff and committee are clear on what constitutes bribery and the sanctions that will be taken both against staff and contractors who attempt bribery; including reporting to police where appropriate and also removing contractors from our approved lists;
- use recommended recruitment procedures for new staff and ensure adequate references are taken up and disclosure where necessary.

5.2. *Failure to obtain value for money for the association in contracts* – mitigate by going through proper tendering procedures.

## 6. The Six Bribery Act Principles

6.1. 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:

### 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.

### 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.

### Risk Assessment

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

### 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.

### 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.

### 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.

## **7. Reporting and Enforcement**

- 7.1. 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 this to their line manager who in turn should ensure that it is recorded in the Fraud & Bribery Register.
- 7.2. 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 Fraud & Bribery Register.
- 7.3. Where an act of bribery is found to have occurred disciplinary or sanctions for breaking of the Association's anti-bribery rules will be applied.
- 7.4. 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 come forward. The Association will support staff reporting suspected bribery, and protect them from reprisals or victimisation, as detailed in the Whistle Blowing Policy.

## **8. Equalities Statement**

***“Knowes’ seek to embrace diversity, promote equal opportunities for all and eliminate any unlawful discrimination in all areas of our work.”***

Through this policy, no member of staff, committee or other person will be discriminated against on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

## **9. Policy Review**

Policy will be reviewed every 3 years or sooner if required.