



**Policy Title:** Bribery Act Policy

**Policy Manual Section:** Governance

**Policy Number:**

**Performance Standards References:** GS4.4 & GS4.5

**Date Approved by Management Committee:** August 2012

**Next Review Date:** August 2017

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

ENGLISH This information is available on request in other languages, in large print, in Braille and on audio format. If you or anyone you know would like this information in one of these formats please contact Cadder HA on **0141 945 3282**

POLISH Niniejsze informacje dostępne są na żądanie w innych wersjach językowych, dużym drukiem, językiem Braille'a oraz w formacie audio. Aby otrzymać powyższe informacje w jednym z wymienionych formatów, proszę skontaktować się z Zespołem ds. Cadder HA pod numerem telefonu **0141 945 3282**

FRENCH Ces informations sont disponibles sur demande dans d'autres langues, en gros caractères, en braille et en format audio. Si vous souhaitez obtenir ces informations dans l'un de ces formats, veuillez contacter Cadder HA au **0141 945 3282**.

ARABIC به أحرف به ط باعة أخرى، به لغات الا طلب ت تحت ما توفرة المعلومة هذه في ت رغب ت أن إذا . صوتي شريط على و بر ايل به طريقة ، أب بيرة أن الرجاء الصديغ، هذه من به أي المعلومة هذه على الحصول ل لاسكان ألا سكو جمعية سد ياسة به فريق ت ت صل Cadder HA **0141 945 3282** الرقم على

SOMALI Warbixintaan waxaa, haddii la dalbado lagu heli karaa luuqaddo kale, daabacaad weyn, Farta ay dadka indhaha la' akhriyaan (Braille) iyo qaab cajaladdo maqal ah. Haddii aad doonayso inaad warbixintan ku hesho mid ka mid ah qaababkaas, fadlan kala xidhiidh Kooxda Xeerarka ee Cadder HA telefoonka **0141 945 3282**

Farsi بهادر شت حروف به چاپ شکل به به دی گر، هلی زبان به به ت واندیدی را مطالب این آه صورتی در. نمایید درخواست صوتی نوار روی به رو (نابینان به رای) به ریل حروف دفت به لطفاً هس تید فوق هلی شکل از به کی به مطالب این دریافت به مایل Cadder HA ت ماس **0141 945 3282** تلفن شماره. آندید حاصل

RUSSIAN Данная информация может быть предоставлена по требованию на других языках, крупным шрифтом, шрифтом Брайля и в аудиозаписи. Если вы хотите получить данную информацию в одном из этих форматов, обратитесь в Cadder HA по телефону **0141 945 3282**

## **CONTENTS**

1. Introduction
2. Legal Framework
3. Definition of Bribery
4. Objectives of Policy
5. Scope of this Policy
6. Gifts & Hospitality
7. Committee / Staff Responsibilities
8. Raising and Reporting and Act of Bribery
9. Risk Management
10. Register
11. Review of Policy

## **1.0 Introduction**

- 1.1 Bribery is a criminal offence and the Association will not pay bribes or offer improper inducements to anyone for any purpose, nor does it or will it accept bribes or improper inducements. Neither will the Association use a third party as an intermediary in giving bribes.
- 1.2 The Association is committed to the prevention, deterrence and detection of bribery and will not condone any person connected with the Association giving or taking bribes. We aim to maintain anti-bribery compliance as “business as usual”, rather than as a one-off exercise.

## **2.0 Legal Framework**

- 2.1 The Bribery Act 2010 received Royal Assent on 8 April 2010 and became effective on 1 July 2011. A full copy of the Act and its Explanatory Notes can be accessed at: [www.legislation.gov.uk](http://www.legislation.gov.uk)
- 2.2 In Summary, the Act
  - a) provides a revised framework to combat bribery in the public or private sectors, removing the need to prove acts were done corruptly or dishonestly;
  - b) creates two general offences of bribing another person, which includes:
    - a) Active bribery (Offering, promising or giving a bribe);
    - b) Passive bribery (Requesting, agreeing to receive or accepting a bribe)
  - c) creates a new offence of failure of commercial organisations to prevent bribery by persons associated with them;
  - d) provides a maximum penalty of 10 years’ imprisonment or an unlimited fine for all the offences for individuals, and an unlimited fine only for commercial organisations;
  - e) provides that senior officers of a corporate body may be prosecuted if an offence is proved to have been committed by a corporate body with their consent or connivance;

### **3.0 Definition of bribery**

3.1 Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

3.2 It is unacceptable to:

- a) 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;
- b) Give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to “facilitate” or expedite a routine procedure;
- c) 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;
- d) 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;
- e) Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy;
- f) Engage in activity in breach of this policy.

### **4.0 Objective of this policy**

4.1 This policy, together with other relevant policies, will assist staff and committee members to recognise bribery and engage in whistle blowing if necessary.

4.2 We require that all committee members and staff, including permanently employed staff, temporary agency staff and contractors:

- a) Act honestly and with integrity at all times and safeguard the Association’s resources, for which they are responsible;
- b) Comply with the spirit, as well as the letter, of the relevant laws and regulations.

## **5.0 Scope of this policy**

- 5.1 This policy applies to all of the Association's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.
- 5.2 The responsibility to control the risk of bribery occurring resides at all levels of the Association.
- 5.3 This policy covers all committee members, staff, contractors and consultants.
- 5.4 The Association commits to:
- a) Setting out a clear anti-bribery policy and keeping it up to date;
  - b) Making all committee members and staff aware of their responsibilities to adhere strictly to this policy at all times;
  - c) Training all committee members and staff so that they can recognise and avoid the use of bribery by themselves and others;
  - d) Encouraging vigilance and reports of any suspicions of bribery;
  - e) Rigorously investigating instances of alleged bribery and assisting the police and other appropriate authorities;
  - f) Taking firm and vigorous action against any individual(s) involved in bribery;
  - g) Including appropriate clauses in contracts to prevent bribery.

## **6.0 Gifts and hospitality**

- 6.1 All committee members and staff must ensure that they comply with the Association's policy on gifts and hospitality.

## **7.0 Committee / Staff responsibilities**

- 7.1 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Association. All Committee and Staff are required to avoid activity that breaches this policy.
- 7.2 You must:
- a) Ensure that you read, understand and comply with this policy;
  - b) Raise concerns as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- 7.3 As well as the possibility of civil and criminal prosecution, Committee / Staff who breach this policy will face disciplinary action, which could result in summary dismissal for gross misconduct.

## **8.0 Raising and Reporting an Act of Bribery**

- 8.1 The Association is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want each and every member of Committee and staff to know how they can raise concerns. We all have a responsibility to help detect, prevent and report instances of bribery.
- 8.2 Committee and staff should refer to the Association's Complaints and Whistleblowing Policy and specifically part 4 of the policy, 'Raising Concerns within the Workplace'.
- 8.3 Committee members or staff who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing can understandably be worried about the repercussions. The Association aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.
- 8.4 We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.
- 8.5 If you have any questions about these Policy please contact Kenny Mollins, Director.
- 8.6 In cases of 'serious' bribery the Chairperson or the Director should seek should convene a meeting of the Association's Office Bearers prior to informing Police.
- 8.7 The Scottish Housing Regulator has identified fraud or the investigation of fraud as a notifiable event (see Guidance Note SHR17, April 2008). Bribery is a form of fraudulent behaviour and such incidents of a 'serious' nature should be reported to the Regulator by either the Director or Chairperson as appropriate, as soon as they are identified.

## **9.0 Risk Management**

- 9.1 The Association will consider the main areas of risks of bribery in the Association's activities and services in its annual review of its departmental and corporate risk registers.
- 9.2 The Association will aim to mitigate the risk of bribery through effective implementation of this policy and associated controls with the departmental and corporate risks.
- 9.3 The Association's Internal Auditors will assess achievement against the recommendations from their audits of the Association's activities e.g. bribery, risk management, etc.

- 9.4 The Association will make reference to the requirements of the Bribery Act in key policies where there is a higher risk of and act of bribery i.e. Allocations, Repairs and Procurement of contracts and services, etc.

## **10.0 Bribery Register**

- 10.1 The Association will maintain a Bribery Act Register which will contain all bribery acts, whether or not they are considered 'serious' or 'genuine'. The Bribery and Gifts & Hospitality registers will be periodically and regularly reviewed by the Director to highlight a pattern of behaviour by a particular contractor/supplier. The Bribery Register will be signed off by the Chairperson and checked by the Association's Auditors annually.
- 10.2 All entries in the Register should be made by the Director or Chairperson. The Register will held on the Association's server in following location:

*Policy & Service Areas / Governance / Committee Policies / Bribery Act / Register*

## **11.0 Review**

- 11.1 This policy will be reviewed every 3 years and is next scheduled for review in August 2015