



Anti-Bribery and Corruption Policy

MAY 2019

'Helping Sustain Rural Communities'

**'To Provide Homes for Rural People in
Need'**

11.0 **Anti-Bribery and Corruption Policy**

11.1 **Introduction**

11.2 Lincs Rural is committed to the highest standards of ethical conduct and integrity in its business activities. This Policy seeks to prevent and prohibit bribery, in accordance with the Bribery Act 2010. Lincs Rural will not tolerate any form of bribery by, or of, its Staff, Board and/or Committee members, its temporary workers, contractors, agents, consultants or any person or body acting for or on the Association's behalf (known as "associated persons"). Lincs Rural is committed to implementing effective measures to prevent, monitor and eliminate bribery.

11.3 **Scope of this Policy**

11.4 This Policy applies to all Staff and Board and/or Committee members of Lincs Rural and associated persons. Every Member of Staff, Board and/or Committee member, or associated person acting for, or on behalf of, Lincs Rural is responsible for maintaining the highest standards of business conduct. Any breach of this Policy is likely to constitute a serious disciplinary, contractual and criminal matter for the individual concerned and may cause serious damage to the reputation and standing of Lincs Rural. In terms of major suppliers, business partners and contractors who are likely to fall within the scope of this Policy, residents who attempt to bribe employees or agents of Lincs Rural should be reported to the Chief Executive immediately.

11.5 Lincs Rural may also face criminal liability for unlawful actions taken by its Staff or associated persons under the Bribery Act 2010. **All Staff, Board and/or Committee members, and associated persons are required to familiarise themselves and comply with this Policy, including any future updates that may be issued from time to time by Lincs Rural.**

11.6 The Bribery Act 2010 came into force from 1 July 2011. This Policy covers the:

- (a) Main areas of liability under the Bribery Act 2010;
- (b) Responsibilities of employees and associated persons acting for, or on behalf of, LRHA; and
- (c) Consequences of any breaches of this Policy.

11.7 **Bribery Act 2010**

11.8 Lincs Rural is committed to complying with the Bribery Act 2010 in all of its business activities.

11.9 Under the Bribery Act 2010, a bribe is a financial or other type of advantage that is offered or requested with the:

- (a) Intention of inducing or rewarding improper performance of a function or activity; or
- (b) Knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.

11.10 A relevant function or activity includes public, state or business activities or any activity performed in the course of a person's employment, or on behalf of another company or individual, where the person performing that activity is expected to perform it in good faith, impartially, or in accordance with a position of trust.

11.11 A criminal offence will be committed under the Bribery Act 2010 if:

- (a) A Member of Staff, Board and/or Committee member or associated person acting for, or on behalf of, LRHA offers, promises, gives, requests, receives or agrees to receive bribes; or
- (b) A Member of Staff, Board and/or Committee member or associated person acting for, or on behalf of, LRHA offers, promises or gives a bribe to a public official with the intention of influencing that official in the performance of his/her duties.

11.12 There is a maximum sentence of 10 years imprisonment for bribery committed by an individual and an unlimited fine for an offence committed by a corporate body.

11.13 Lincs Rural will only have the defence that it has adequate procedures in place to prevent bribery by its employees, Board and/or Committee members or associated persons.

11.14 Consequently:

- (a) All Members of Staff, Board and Committee members or associated persons are required to comply with this Policy, in accordance with the Bribery Act 2010. All employees, Board and Committee members or associated persons are required to avoid any activity that may lead to or suggest a breach of this Policy;
- (b) Contractors and suppliers are made aware that Lincs Rural has an Anti-Bribery Policy in force through the procurement process;
- (c) This Policy will be part of Pre-Qualification Process and available on the LRHA website.

11.15 **Prohibited Matters**

11.16 Lincs Rural prohibits Staff, Board and/or Committee members, and associated persons from offering, promising, giving, soliciting or accepting

any bribe. The bribe might be cash, a gift or other inducement to, or from, any person or company, whether a public or government official, official of a state-controlled industry, political party or a private person or company, regardless of whether the employee, Board and/or Committee member or associated person is situated in the UK or overseas.

- 11.17 A bribe may be made to ensure that a person or company improperly performs duties or functions (for example, by not acting impartially or in good faith or in accordance with their position of trust) to gain any commercial, contractual or regulatory advantage for Lincs Rural in either obtaining or maintaining the Association's business, or to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.
- 11.18 This prohibition also applies to indirect contributions, payments or gifts made in any manner as an inducement or reward for improper performance, for example through consultants, contractors or sub-contractors, agents or sub-agents, sponsors or sub-sponsors, joint-venture partners, advisors, customers, suppliers or other third parties.
- 11.19 The following list contains some examples of acts which should raise concern and be reported to a Member of the Leadership Team or other person (as appropriate) in line with the Speak Out / Whistleblowing Policy.
- 11.20 These examples are intended to provide an idea of the sort of behaviour which is unacceptable – it is not intended as an exhaustive list:
- (a) You are offered a payment in cash if a contract is awarded to the contractor/supplier;
 - (b) You are offered cash or an incentive from a resident to obtain access to housing or services;
 - (c) You are offered an unusually generous gift or lavish hospitality;
 - (d) A supplier asks you to provide an invoice or receipt where no money is payable or has been paid;
 - (e) A contractor offers to pay you cash to provide employment for a friend or relative;
 - (f) You notice that LRHA has been invoiced for a payment which seems large given the service/goods which have been provided; and
 - (g) You are offered discounted fees for supply of goods to you as a private person.

11.21 **Records**

- 11.22 Staff, and where applicable associated persons, are required to take particular care to ensure that all of Lincs Rural's records are accurately maintained in relation to any contracts or business activities, including financial invoices and all payment transactions with clients, suppliers and public officials.

11.23 Staff and associated persons are required to keep accurate, detailed and up-to-date records of all corporate hospitality, entertainment or gifts accepted or offered in accordance with Lincs Rural's Gifts and Hospitality Policies for employees and Board and Committee members respectively. All such declarations will be entered into a Gifts and Hospitality Register and reviewed by the Board of Management annually.

11.24 Related Policies

11.25 Lincs Rural maintains compliance with the National Housing Federation's current Codes of Governance and Conduct applicable to both employees and Board members, and also has in place a "suite" of Policies and Procedures covering the following, which are designed in part to prevent and prohibit bribery and corruption:

- (a) Financial Regulations;
- (b) Procurement Procedures;
- (c) Anti-Fraud Policy;
- (d) Gifts and Hospitality Policies (for employees and Board members, respectively);
- (e) Codes of Conduct (for employees and Board members, respectively);
- (f) Conflicts of Interest Policies (for employees and Board members, respectively) and associated declarations;
- (g) Staff contracts of employment;
- (h) Speak Up, Speak Out Policy; and
- (i) Expenses procedures (for Staff and Board members, respectively).

11.26 Reporting suspected bribery

11.27 Lincs Rural depends on its Staff, Board and/or Committee members and associated persons to ensure that the highest standards of ethical conduct are maintained in all its business dealings. Staff, Board and/or Committee members and associated persons are requested to assist Lincs Rural and to remain vigilant in preventing, detecting and reporting bribery.

11.28 Staff, Board and/or Committee members and associated persons are encouraged to report any concerns that they may have as soon as possible. Issues that should be reported include:

- (a) Any suspected or actual attempts at bribery;
- (b) Concerns that other employees, Board and/or Committee members or associated persons may be being bribed; or
- (c) Concerns that other employees, Board and/or Committee members or associated persons may be bribing third parties, such as clients or government officials.

11.29 Awareness and Training

11.30 All Staff, Board and Audit Committee Members will be provided with Anti-bribery training. All Staff, Board and Audit Committee Members will be asked to sign and confirm that they have read, understood and agree to comply with this Policy.

11.31 **Dealing with Breaches**

11.32 The Board will treat any breach of this Policy with maximum seriousness. Any Member of Staff who breaches this Policy will face disciplinary actions, which could result in dismissal for gross misconduct. Any Board or Audit Committee Member will be dismissed from their post, if a breach is discovered and proved. If a breach is discovered, Lincs Rural will consider whether the severity of discovery warrants full disclosure to the Police, Regulator and the Serious Fraud Office.

11.33 **Review of procedures**

11.34 The Chief Executive, as Compliance Officer, will monitor and review the implementation of this Policy and related procedures on a regular basis, including reviews of the Financial Regulations, Expenses, Corporate Gifts and Hospitality Policies.

11.35 **Conclusion**

11.36 Implementation of this Anti-Bribery Policy is essential for statutory and regulatory compliance as well as ensuring good governance.

11.37 Implementation of adequate procedures will assist Lincs Rural in mitigating the exposure to bribery.

