



Appendix 1

Anti Bribery Policy

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Part A: INTRODUCTION

1. Our Commitment

- 1.1 As a Registered Provider with charitable rules, we (B3Living) are committed to eliminating corruption and bribery and achieving the highest standards of good governance in all our activities.
- 1.2 We wish to carry out our business transparently and fairly and therefore we operate a zero tolerance policy towards bribery by our employees, Board Members, co-optees, contractors, agents and other associated persons. Incidences of bribery could lead to our reputation being damaged and also lead to deterioration in our relationship with our tenants, customers, business colleagues and other stakeholders.
- 1.3 As explained below, personal conduct can lead to prosecutions being brought against us and can impact directly on our public reputation.
- 1.4 We are committed to avoiding working with other organisations or individuals who do not commit to doing or conducting business without bribery.

2. Background

(a) The Bribery Act 2010 ('the Act')

- 2.1 The Government passed the Act to simplify the law and assist the UK to combat bribery. The Act came into force in 1 July 2011 and it fully applies to us.
- 2.2 The Act contains four principal bribery offences:
 - 1) bribing someone to encourage or reward 'improper performance' of a function or activity – this includes offering, promising or actually giving a bribe;
 - 2) being bribed resulting in an activity or function being 'improperly performed' or resulting from an activity or function being 'improperly performed' – this includes requesting, agreeing to receive or receiving a bribe;
 - 3) bribing a foreign public official; and
 - 4) the corporate offence (see below).

2.3 A bribe is ‘a gift or reward given, offered or received to gain any business, commercial or personal advantage’.

(b) The corporate offence

2.4 The Act introduces a *strict liability* offence for commercial organisations where someone associated with an organisation (including Board Members, co-optees, employees, agents or sub-contractors) commits an act of bribery to obtain or retain business or a business advantage.

2.5 *Strict liability* means that we may be liable in law without the finding of fault. At court, it need only be proved that a bribe was made by someone associated with us with the intention of giving us a business advantage, whether or not we encouraged such action or were aware of it. The responsibilities under the Act therefore need to be taken extremely seriously.

(c) Penalties

2.6 Prosecution under the Act could result in our receiving an unlimited fine and potentially becoming debarred from tendering for public contracts.

2.7 Breaches of the Act could also lead to penalties for our senior officers with whose “consent or connivance” bribery was committed. 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.

2.8 In addition, individuals could be liable for bribing or receiving a bribe. Again, such individuals could be liable on conviction to imprisonment for up to 10 years, to a fine, or to both.

(d) Adequate procedures – the six management principles

2.9 There is a defence to the corporate offence if we can show we had “adequate procedures” in place, designed to prevent bribery.

2.10 The Ministry of Justice has issued guidance which sets out six broad management principles to assist organisations to put in place proper anti-bribery procedures.

2.11 We will be following these principles to show that we are committed to eliminating bribery.

2.12 The management principles we need to follow are:

- **Proportionality** – anti-bribery policies and procedures should be proportionate to our activities and size, the sector in which we operate and the risks we face;
- **Top level commitment** – establishing a clear culture, from the highest level, which makes it absolutely clear that bribery is unacceptable;
- **Risk assessment** – understanding and keeping up to date with the bribery risks we face by carrying out regular and comprehensive risk assessments as circumstances demand;
- **Due diligence** – we need to maintain awareness as to whom we do business with, to whom we are our paying money and why – and make sure that our business partners also have reciprocal anti-bribery agreements in place;
- **Communication** – we must raise awareness of our policies so that employees, Board Members, co-optees and business partners all know the procedures to follow in situations which may be sensitive to bribery. We must ensure that our anti-bribery policies are embedded into our culture and not just part of a “box-ticking” exercise; and
- **Monitoring and review** – through audit and other internal controls we must regularly review and monitor our anti-bribery

procedures to prevent and detect bribery – to make sure our procedures are working!

- 2.13 This Policy is designed to address these principles - especially the second key principle of demonstrating top level commitment and the fifth key principle – having clear, practical and accessible policies and procedures properly communicated to people and organisations associated with us. This Policy complements the other procedures we already have place to avoid bribery and corruption.

3. Application of the Policy

- 3.1 We will apply the principles set out in this Policy fairly, openly and transparently.
- 3.2 The Policy applies to all shareholders, employees, Board Members, co-optees and committee members . We will apply the provisions of this Policy as they relate to all of our commercial and non-commercial arrangements and to individuals and organisations having a relationship with us, including contractors, agents and consultants.
- 3.3 All of the parties listed above are required to familiarise themselves with this Policy and the processes and procedures contained within it, and to make sure they follow it at all times throughout their relationship with us.
- 3.4 Section C of this Policy sets out how breaches of this Policy will be dealt with.

4. Other policies and procedures

- 4.1 This policy forms part of the our Anti-Corruption Policy (which includes Anti-Money Laundering Policy and Anti Fraud & Theft Policy) and needs to be read alongside our other policies and procedures from time to time including:

- staff terms and conditions including contracts of employment;

- Board Members' Letter of Appointment and other guidance;
- Board Members' and employee Code of Conduct;
- the probity and gifts and hospitality guidance within the Standing Orders and Finance Regulations;
- B3Living's Schemes of Delegation / Standing orders, Procurement and Financial Regulations;
- B3Living's Whistleblowing Policy; and

4.2 Where this Policy conflicts with any provision of the above policies and procedures, this Policy will prevail.

4.3 We will act at all times within our Rules. If anything within this policy conflicts with our Rules, the Rules will take priority.

5. Mechanics of the Policy

(a) Who is responsible for keeping the policy up to date?

5.1 The Board has overall responsibility for ensuring that all of our policies and procedures are kept up to date. It has delegated to the Director of Resources the specific responsibility for maintaining general awareness of and compliance with this Anti-Bribery Policy.

(b) Monitoring and review

5.2 This Policy will be reviewed by the Board periodically and no less frequently than every 12 months.

5.3 The Audit Committee will monitor the operation and adequacy of this Policy on a regular basis and will report to the Board on any problems.

5.4 The Audit Committee will report to the Board no less frequently than every 12 months on our anti-bribery compliance.

5.5 If you have any questions on this Anti-Bribery Policy or any of the issues covered within it, please contact the Director of Resources

5.6 This Policy may only be amended with the approval of the Board.

Part B: ANTI-BRIBERY REQUIREMENTS

1. Gifts and Hospitality

- 1.1 This Policy must be read in conjunction with our Gifts and Hospitality and Probity Policies, as contained in the Standing Orders, Financial Regulations and guidance notes to members, in particular in relation to approval of levels of gifts and hospitality and the need to record gifts and hospitality.
- 1.2 This Policy does not prohibit the giving or receiving of reasonable, proportionate and appropriate hospitality or gifts to or from people and organisations that we deal with. There are, indeed, circumstances where the acceptance of hospitality or gifts is in accordance with established business practice, or where the acceptance of gifts or hospitality is difficult to avoid without causing offence.
- 1.3 Employees and Board Members should generally not receive or offer hospitality and gifts from or to persons or organisations that may be in a position to benefit from actions or decisions taken by us. In particular Board Members, as shareholding members, should be aware of the requirements of s122 Housing & Regeneration Act 2008, which generally prohibits the payment of gifts, dividends or bonuses to members.
- 1.4 Hospitality and/or gifts cannot be given or received if done so with the clear intention of influencing someone to give us business, influencing us to award business or to reward the provision or retention of business or business advantage.
- 1.5 Any hospitality or gifts given should be reasonable and proportionate and designed to:
 - cement or improve relationships;
 - show genuine appreciation for services;
 - improve our image; and/or

- market products or services.

Recipients should never be given the impression that they are under an obligation to confer a business advantage on us because of the gifts or hospitality offered.

- 1.6 Gifts and hospitality should never be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the Chief Executive or Director of Resources.
- 1.7 No one should ever give, promise or offer a payment, gift or hospitality to a government official, agent or representative to expedite or “facilitate” a routine procedure (e.g. to speed up a planning application).
- 1.8 If it is suspected that hospitality is being offered or provided with an expectation that a business advantage will be provided us in return, then one must not accept it and you must report this to the Chief Executive or the Director of Resources immediately.
- 1.9 Any hospitality or gifts offered or received should be declared appropriately and entered into our hospitality register. Unofficial payments or “kick backs” should not be offered or accepted under any circumstances.

2. Expenses

Any expenses claims made must be in accordance with our expenses procedures (per Standing Orders / Financial Regulations). The expenditure should be wholly in connection with the pursuit of our business, properly recorded and supported by receipts (other than in exceptional circumstances).

3. Dealings with third parties

- 3.1 If payments are made to third parties, details of such payments must be properly recorded and receipted.

- 3.2 In making any such payments, we must consider what these payments are for and whether they are reasonable and proportionate.
- 3.3 In terms of major suppliers, business partners and contractors who are likely to fall within the scope of this policy, we are committed to making them aware that we take bribery and corruption very seriously and that it will not be tolerated.
- 3.4 No hospitality or gifts should be offered to any organisation for which we are tendering for a contract during the tender process.

4. Charitable donations

- 4.1 We will not make charitable donations without the express permission of the Board, having due regard for this policy.

5. Political donations

- 5.1 We will not make political donations without the express permission of the Board, having due regard for this policy.

6. Training

- 6.1 Board Members will remain familiar with our Anti Bribery through Board reports and presentations. It is planned to supplement this by specific training sessions with refreshers as required. Employees will receive training on anti-corruption measures and the requirements of this Policy, and all new Board Members and employees will receive anti-bribery training as part of their induction.
- 6.2 Board Members and employees must attend any anti bribery training they are required to attend and, where they cannot attend a session that has been organised; they must arrange to attend an alternative session.
- 6.3 Any training provided will be monitored and evaluated to ensure it is an effective method of communicating with employees and Board Members.

7. Advice

- 7.1 We will seek advice from the Director of Resources if unsure about how the provisions of this Policy should be applied.
- 7.2 Where appropriate, the Director of Resources should seek legal advice on anti-bribery issues.

8. Practical Procedures

We will ensure that no payments are left unrecorded. This will ensure that there can be no concealment of improper payments.

9. Breaches

- 9.1 If we believes or suspects that a breach of this Policy has taken place, or may occur in future – for example if a contractor offers us something in return for business, we must notify the Chief Executive or the Director of Resources immediately.
- 9.2 Individuals must advise the Chief Executive or Director of Resources if offered a bribe, suspect that this may happen in the future or think they are a victim of another form of unlawful activity.
- 9.3 In the event of concerns or suspicions that colleagues may be involved in bribery or corruption, the Chief Executive or Director of Resources must be informed at the earliest possible opportunity. Alternatively, if one is uncomfortable in doing this, one should raise one's concerns or suspicions in accordance with the procedures set out in our Whistleblowing Policy.
- 9.4 We are keen to encourage openness and will support individuals if genuine concerns are raised under this policy (even if they later turn out to be mistaken). We want to ensure no one suffers detrimental treatment (including disciplinary action or dismissal, threats etc) because of such reporting or because of refusing to take a bribe – if an individual feels they have suffered such treatment they should contact the Chief Executive or Director of Resources. .

10. **Examples of Bribery**

The following list contains some examples of acts which should set alarm bells ringing and which should be reported to the Chief Executive or the Director of Resources. These are to give an idea of the sort of behaviour which is unacceptable and which could have serious consequences. Please note this list is not exhaustive:

- It is learnt that one of the contractors regularly dealt with has a reputation for paying bribes or requiring that bribes are paid to them;
- a supplier asks to provide an invoice or receipt when no money is payable or has been paid;
- a supplier insists on being paid in cash and/or refuses to sign a formal agreement;
- a contractor offers to pay cash to provide employment for a friend or relative;
- we have been invoiced for a payment which seems large given the service / goods which have been provided;
- we are offered an unusually generous gift or lavish hospitality;
- we are offered substantially discounted fees for supply of goods, through an individual as a private person; or
- we are offered a payment in cash if a contract is awarded to the contractor / supplier.

Part C: DEALING WITH BREACHES

- 1.1 For the reasons outlined in Part A of this Anti-Bribery Policy, the Policy is crucial to our ability to meet our legal requirements. Accordingly we will treat any breach of the Anti-Bribery Policy very seriously indeed.
- 1.2 Any alleged breach of the Policy will be investigated through the Chief Executive or Director of Resources.
- 1.3 A breach of the Policy by an employee will be treated as a disciplinary matter under his or her contract of employment and an appropriate sanction may be applied. An investigation into any allegation of such a breach made against an employee will be conducted in accordance with our relevant policies for such investigations. This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.4 A breach of the Anti-Bribery Policy by a Board Member will be treated as a breach of his or her duties and obligations to B3Living. An investigation into any allegation of such a breach made against a Board Member will be conducted in accordance with our relevant policies for such investigations and an appropriate sanction may be applied in accordance with our Board Members' Code of Conduct and B3Living's Rules.
- 1.5 Where we discover bribery has taken place, we should consider whether the severity of discovery warrants full disclosure to the Regulator (aside from annual reporting to the Regulator on fraudulent activity) and Serious Fraud Office.