

Plus Dane Housing

Anti-Bribery and Corruption Policy

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1 Policy Statement

Plus Dane has a commitment to high legal and ethical conduct and integrity in business activities. This Anti-Bribery and Corruption Policy outlines the Organisation's position on preventing bribery, and related offences. It also sets out the code of conduct for Board and staff members (appendix 1) and how employees are protected under whistle blowing procedures. The organisation will not tolerate any form of bribery or corruption by its Board Members, employees or agents, consultants or any person or body acting on its behalf.

2 Policy Aims

To minimise the risk of Plus Dane breaching the Bribery Act 2010 by outlining the key elements of the Act and Plus Dane's approach to compliance and prevention of Bribery and Corruption.

3 Links to corporate plan

This policy supports the objective of being ambitious with a keen focus on delivering excellent services to tenants and customers alongside ensuring that value for money and efficiency is pursued at all times.

4 Our Approach

4.1 Background

BRIBERY ACT 2010 (the "Act")

The Government passed the Act to simplify the law and assist the UK to combat bribery. The Act came into force on 1 July 2011 and it applies to the Organisation. This section of the probity policy covers:

- The main areas of liability under the Bribery Act 2010
- The responsibilities of board members, employees and associated persons acting for, or on behalf of, the Organisation; and
- The consequences of any breaches of this policy.

The Act

The Act contains four principle 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).

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

The Act introduces a “strict liability” offence for commercial organisations where someone associated with an organisation (including board members, employees or associated persons) commits an act of bribery to obtain or retain business or a business advantage for that organisation. Strict liability means that the Organisation 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 the Organisation with the intention of giving the Organisation a business advantage, whether or not the Organisation encouraged such action or was aware of it. The responsibilities under the Act therefore need to be taken extremely seriously.

Penalties

Prosecution under the Act could result in the Organisation receiving an unlimited fine and potentially the Organisation becoming debarred from tendering for public contracts. Breaches of the Act could also lead to penalties for the Organisation’s senior staff 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. In addition, individuals could be liable for bribing, receiving a bribe or bribing a public official. Again, such individuals could be liable on conviction to imprisonment for up to 10 years, to a fine, or to both.

Adequate procedures – the six management principles

There is a defence to the corporate offence if the Organisation can show it had “adequate procedures” in place, designed to prevent bribery. 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. The Organisation will follow these principles to show that it is committed to eliminating bribery within or on behalf of the Organisation.

The management principles Plus Dane needs to follow are:

- Proportionality - anti-bribery policies and procedures should be proportionate to the activities and size of the organisation, the sector in which it operates and the risks it faces.
- Top level commitment - establishing a clear culture within the Organisation which reinforces that bribery is unacceptable.
- Risk assessment - understanding and keeping up to date with the bribery risks it faces by carrying out regular risk assessments.

- Due diligence - the Organisation needs to know details about who it does business with, who it's paying money to and why – and make sure those the Organisation works with, e.g. associated persons, also have reciprocal anti-bribery agreements in place.
- Communication - all Board Members, employees, associated persons know the procedures to follow in situations which may be sensitive to bribery. The Organisation must ensure that its anti-bribery policies are embedded in the organisation's culture, not just a "box-ticking" exercise. The Organisation will publish its 'Anti-Bribery Statement' on its web and intranet sites.
- Monitoring and review - through audit and other internal controls the Organisation must monitor its anti-bribery procedures to prevent and detect bribery to make sure and prove that its procedures are working.

Corruption

Corruption is the "offering, giving, soliciting or acceptance of an inducement or reward which may improperly influence the action of any person".

4.2 Scope

This policy applies to all board members, employees of the Organisation and associated persons acting for or on behalf of the Organisation. Every board member, employee and associated person is responsible for maintaining high 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 the Organisation.

In the context of the legislation and the Probity Statement the term "employee" is taken to embrace all employees (full-time, part-time, casual, permanent, temporary or volunteer). An "associated person" refers to all contractors, consultants, suppliers, agents and agency staff engaged by the Organisation.

The Organisation may also face criminal liability for unlawful actions taken by its board members, employees or associated persons under the Bribery Act 2010. All Board Members, employees 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. This policy should also be read in conjunction with the following relevant policies and procedures:

- Financial Regulations
- Terms & Conditions of Employment
- Standing Orders
- Confidentiality Policy

4.3 Principles

Plus Dane depends on its Board Members, employees and associated persons to ensure that high standards of ethical conduct are maintained in all its business dealings. Board Members, employees and associated persons are requested to assist the Organisation and to remain vigilant in preventing, detecting and reporting bribery.

Board Members, employees and associated persons are encouraged to report any concerns that they may have to the Executive Director of Corporate Resources as soon as possible and can use the whistleblowing procedure to do so. Issues that should be reported include:

- Any suspected or actual attempts at bribery
- Concerns that other employees or associated persons may be being bribed; or
- Concerns that other employees or associated persons may be bribing third parties, such as clients or government officials.

The following principles are critical to the success of Plus Dane's approach to anti-bribery:

- All staff must have, and be seen to have, the highest standards of honesty, probity and integrity in the exercise of their duties
- Plus Dane will not tolerate fraud, corruption, impropriety or dishonesty and will investigate all instances of suspected fraud, impropriety or dishonest conduct by its employees or external organisations (contractor or client)
- Plus Dane will take action including dismissal and/or criminal prosecution against any member of staff accepting or attempting to accept bribes
- Plus Dane will cooperate fully with an external investigating body
- All incidents will be reported to Internal Audit.

4.4 Approach

To achieve the aims of this policy, Plus Dane will adopt best practice as detailed in the Code of Conduct.

- Developing and maintaining effective controls to prevent illegal activity
- Ensuring that if bribery is alleged or occurs a vigorous and prompt investigation takes place
- Taking appropriate disciplinary and legal action in all cases, where justified
- Review systems and procedures to prevent similar incidents
- Investigate whether there has been a failure in supervision and take appropriate disciplinary action where supervisory failures occur
- Record and report all discovered cases of bribery.

If an incident or suspected incident of bribery occurs, it will be recorded in Plus Dane's fraud register when it has been reported to the Executive Director of Corporate Resources. Any such reports will be thoroughly and promptly investigated in conjunction with the organisation's investigation procedure within the terms and conditions of employment, contract or consultancy agreement. Employees and associated persons will be required to assist in any investigation into possible or suspected bribery. Employees will also be required to comply with the Organisation's whistleblowing procedure

In the event of discovery or suspicion of fraud Plus Dane has established and maintains a Fraud Response Plan which sets out guidance to senior staff in the event of bribery being discovered or suspected. Under the Plan:

- Incidents will be reported to the Company Secretary and logged in a Fraud Register which contains details of allegations, investigations and conclusions
- Fraud and allegations of bribery will be investigated or investigations reviewed by an appointed, suitably qualified senior member of staff independent of the area under suspicion
- Progress on investigations will be reported to Executive Management Team and Audit and Risk Committee (ARC) as a standing item on the agenda.
- All known criminal activity will be reported to the Police for investigation by them. The timing of Police involvement will be at the discretion of the Executive Director of Corporate Resources, in conjunction with the Chief Executive, appropriate other Executive Directors and Chair of ARC.
- Similarly breaches discovered in the course of investigations will be reported to the relevant authority including HM Revenue and Customs, Financial Conduct Authority, Regulator of Social Housing and other authorities. The timing of such involvement will be at the discretion of the Executive Director of Corporate Resources, in conjunction with the Chief Executive, appropriate other Executive Directors and Chair of ARC.

4.5 What is prohibited?

Plus Dane prohibits board members, employees or 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 they are situated in the UK or overseas.

The bribe might 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 the company in either obtaining or maintaining company business, or to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.

Records

Board members and employees are required to take particular care to ensure that 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.

No accounts can be kept “off-book” to facilitate or conceal improper payments. Due diligence should be undertaken by employees prior to entering into any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative or other associated persons in accordance with the Organisation’s tendering and procurement procedures.

Board members and employees are required to keep accurate, detailed and up-to-date records of all corporate hospitality, entertainment or gifts **accepted** or **offered** by way of recording them in the hospitality and gifts electronic register (appendix 2) which is maintained by the Governance Team. The Gifts and Hospitality procedure can be found at appendix 3 (see also pages 9 and 10).

Working overseas

Currently the Organisation has no employees working outside the UK and is not expected to do so in the short to medium term.

Facilitation payments and kickbacks

The Organisation prohibits its employees or associated persons from making or accepting any facilitation payments or “kickbacks” of any kind. Facilitation payments are payments made to government officials for carrying out or speeding up routine procedures. They are more common overseas. Facilitation payments are distinct from an official, publicly available fast-track process.

Facilitation payments, or offers of such payments, will constitute a criminal offence by both the individual concerned and the Organisation under the Bribery Act 2010, even where such payments are made or requested overseas.

Kickbacks are typically payments made in return for a business favour or advantage. Kickbacks can include discounts or other types of cash incentives and can commonly be found to occur in, and so particular vigilance should be paid to, supply chain arrangements.

Where a public official has requested a payment, employees or associated persons should ask for further details of the purpose and nature of the payment in writing. If the public official refuses to give these, this should be reported immediately to Executive Director of Corporate Resources.

If the public official provides written details, the Executive Director of Corporate Resources will consider the nature of the payment. Local legal advice may be sought by the Organisation. If it is concluded that the payment is a legitimate fee, for example part of a genuine fast-track process, or is permitted locally, the employee may be authorised to make the payment.

Where the Executive Director of Corporate Resources considers that the request is for a facilitation payment, the employee or associated person will be instructed to refuse to make the payment and notify the public official.

The Organisation will seek the assistance of the employee from whom the facilitation payment was requested as part of the investigation process and may determine that the matter should be referred to the prosecution authorities. If an employee or associated person has any other concerns about the nature of a request for payment, he/she should report it to the Executive Director of Corporate Resources using the reporting procedure set out in this document and in accordance with Plus Dane's whistleblowing procedure.

Corporate entertainment, gifts, hospitality, donations and promotional expenditure

Plus Dane does not permit the giving or acceptance of lavish hospitality or expensive gifts. Modest, proportionate and appropriate activities and token memorial souvenir gifts, in keeping with the nature of the occasion, may be occasionally offered to external organisations and their officials. These should always require prior approval at the appropriate level.

Staff and Board Members are only permitted to keep token gifts of very low value.

If a more substantial gift cannot be declined or returned – for example, where declining may cause significant offence – the gift may be accepted and donated to Charity or displayed and retained at the Organisation's property.

Staff and board members should decline all corporate hospitality offered by third parties, unless there are good business reasons to accept.

Permission to attend sporting events, shows, concerts or similar events paid for by third parties will not normally be granted. In circumstances where permission is granted to accept hospitality it should be morally, ethically, socially and politically acceptable. Nothing should be accepted that would or could bring the Organisation or the sector into disrepute.

Staff and Board Members are not permitted to receive from external third parties any paid travel, accommodation or general subsistence except for reasonably priced travel and accommodation arrangements in connection with activities such as speaking at a conference for a third party. In the rare circumstances where it may be impractical for Board Members, staff or involved residents independently to arrange travel or accommodation, prior approval at an appropriate level should always be sought.

Staff and Board Members must report to the appropriate person any attempt to undermine impartiality by the offer of substantial gifts or other inducements.

Plus Dane will authorise only reasonable, appropriate and proportionate entertainment and promotional expenditure. This principle applies to board members, employees and associated persons acting on behalf of the Organisation.

Employees should submit requests for proposed hospitality (to a third party) and promotional expenditure well in advance of proposed dates to their Director or Executive Director. Employees are required to set out in writing:

- The objective of the proposed client entertainment or expenditure;
- The identity of those who will be attending;
- The organisation that they represent; and
- Details and rationale of the proposed activity.

The Organisation will approve business entertainment proposals only if they demonstrate a clear business objective and are appropriate for the nature of the business relationship. Plus Dane will not approve business entertainment where it considers that a conflict of interest may arise or where it could be perceived that undue influence or a particular business benefit was being sought (for example, taking a supplier out for lunch prior to a tendering exercise).

Once permission is granted, details should be recorded in the electronic register.

Any gifts, rewards or entertainment **received** or **offered** from customers, public officials, suppliers, contractors or other business contacts should be reported immediately to your line manager and recorded in the Organisation's hospitality and gifts electronic register found on the Intro platform.

In certain circumstances, it may not be appropriate to retain such gifts or be provided with the entertainment and employees and associated persons may be asked to return the gifts to the sender or refuse the entertainment, for example, where there could be a real or perceived conflict of interest. As a general rule, small tokens of appreciation, such as flowers, a box of biscuits, diaries or calendars may be retained by employees, but must still be recorded in the hospitality and gifts electronic register, found on the Intro platform.

Charitable donations and sponsorship

Plus Dane considers that charitable and sponsorship giving can form part of its wider commitment and responsibility to the community. The Organisation may support fundraising events involving employees and also support local groups and charities via existing approved budgets.

Political donations

Plus Dane does not grant financial or other support to political parties, political campaign efforts, organisations or individuals engaged in politics as this may be perceived as an attempt to gain an improper business advantage.

If an employee is asked for a political donation in the context of contract discussions, no such donation should be made and the matter should be reported to the Executive Director of Corporate Resources.

5 Assurance

This policy and the approach outlined in the Fraud response plan are a key facet of Plus Dane's internal controls framework. The primary risks that this policy attempts to mitigate are financial loss and reputational damage.

The Organisation has established risk management procedures to prevent, detect and prohibit bribery.

Once identified the Director will be required to ensure that they:

- Regularly monitor "at risk" employees and associated persons;
- Regularly communicate with "at risk" employees and associated persons;
- Ensure due diligence of third parties and associated persons is carried out; and
- Communicate its zero-tolerance approach to bribery to third parties, including actual and prospective customers, suppliers and joint-venture partners.

6 Performance Management

For this policy the following performance measures are in place

- On an annual basis initially the Executive Director of Corporate Resources will review the hospitality and gifts register and highlight any concerns to the Executive Management Team, where it will be minuted. A view will be taken on whether this needs to be conducted more frequently if activity levels increase.
- As part of the overarching assurance framework, the Executive Director of Corporate Resources will provide an annual probity report to Plus Dane Board. The report will include:
 - Seal register;
 - Disclosure of interest(s) register;
 - Details of payments, benefits and corporate hospitality made;
 - Reported instances of bribery, fraud or irregularity and

- Summary of risk assessments
- Training and communication - the Organisation will provide training to all employees to help them understand their duties and responsibilities under this policy.

The Organisation's zero tolerance approach to bribery will also be communicated to all business partners at the outset of the business relationship with them and as appropriate thereafter.

7 Policy Framework

This policy has been developed in line with our Policy Framework.

Appendix 1

The Bribery Act – Code of Conduct

- The Board has produced a Code of Conduct for businesses for Plus Dane to adopt.
- The objective of the Code is to protect the reputation of the organisation and its employees. This Code is of substantial importance as it will govern the way in which Plus Dane treats the issue of bribery and corruption.
- The Board is committed to ensuring the highest legal and ethical standards.

The Code of Conduct

- We will conduct our business in an honest way without resorting to acts of bribery to obtain an unfair advantage.
- We will set out the standards we expect from our employees in their internal and external dealings with our colleagues, customers and third parties
- We will conduct every aspect of our business with integrity, honesty and openness.
- We will ensure that no employee or business will accept or give a bribe, facilitation payment or other improper payment.
- We will not support, tolerate or condone any form of bribery.
- We will ensure that adequate procedures are in place to prevent the risk of bribery.
- We will ensure that accepting or giving any entertainment or gift that is designed to influence business decisions is not acceptable.
- We will aim to develop strong relationships with our suppliers based on trust, understanding and respect.
- We will expect those we do business with including suppliers, subsidiaries, intermediaries, consultants and contractors in the UK to adhere to principles consistent with our own.
- We will comply with the laws and regulations wherever we do business.
- We will expect all employees to behave respectfully and honestly in all their dealing with customers in accordance with the principles in this Code.

- We will ensure that we purchase a range of goods required for the operation of our business and rely upon a number of key suppliers; good working relationships with our suppliers are important for the success of our business.
- We will always encourage employees to report any concerns regarding bribery or corruption through the Organisation's Whistleblowing procedure.

Appendix 2 – Gift & Hospitalities Register

Details required for entry to the gifts and hospitality electronic register, found on the Intro Platform (Governance and Assurance Team page), are:

Recipient (recipient of gift/hospitality or to have offered)

Line Manager

Team

Service Area

Date Gift or Hospitality Received (or offered)

Description of Gift or hospitality received (or offered)

Details of gift or hospitality provider

Gift/hospitality value

Please provide information as to why you have received this gift or hospitality (or if you have declined)

Upload any attachments then save and submit.

Appendix 3 – Gift & Hospitality Procedure

This procedure supports Plus Dane's Code of Conduct and is in turn supported by a recording and monitoring procedure.

The purpose of this procedure is to give specific guidance in respect of the giving and receiving of hospitality and gifts. By providing specific guidance we aim to avoid situations where the giving of gifts and hospitality can be perceived as an attempt to influence the actions and decisions of others, and, where the receipt of gifts and hospitality, puts undue pressure on staff to make decisions and take actions which are other than reasonable and fair.

The procedure is binding upon Board, Committee Members and staff of Plus Dane.

Hospitality

Hospitality that may compromise the integrity of the organisation, or the individual, to whom the offer is made, must not be accepted. In judging whether integrity is at risk both the financial value of the hospitality and the **nature** of the event must be considered.

Modest working meals and light refreshments may be accepted, provided that the occasion is a business meeting, conference or provides the opportunity for useful networking, and that the hospitality is clearly corporate rather than personal.

All invitations of hospitality, whether accepted or declined must be recorded in the Gifts and Hospitality Electronic Register on the Intro Platform. Board and Committee members (or anyone without access to the Intro Platform) should contact the Governance Team to declare any invitations.

The register will be presented for inspection at Audit & Risk Committee at least twice a year.

Where the acceptance of an offer of hospitality is deemed to be in line with this Procedure prior permission should always be sought. Board and Committee members should seek the approval of the Chair. Staff should seek the approval of the relevant Line Manager, Director, Executive Director or Chief Executive.

Gifts

A personal gift of cash, no matter what value, must never be accepted under any circumstances. If cash is ever offered this must be declared to the relevant member of the Leadership Team who will advise on the appropriate course of action.

As a general rule, personal gifts to individual Board and Committee members and staff should not be accepted, but there are limited exceptions where a reasonable approach needs to be taken:

- Wardens and residential care staff may be offered personal gifts of appreciation from residents and their relatives. Staff are best placed to know

when refusal would genuinely cause offence. Acceptance of token gifts in these instances is acceptable. **Gifts & Hospitality Procedure**

- Where the return of personal gifts is impossible or impracticable given the nature of the gift (e.g. flowers and other perishable goods).
- Collective gifts from groups of tenants, leaseholders or clients, by way of collective appreciation to a member of staff leaving the organisation's employment.

In each of the above limited exceptions the gifts accepted must be declared and recorded in the Gifts and Hospitality Register.

Christmas gifts of calendars and diaries and other small tokens may be accepted by individuals but must be surrendered for corporate use.

In the above case **only** it is not necessary to record the offer and acceptance of such gifts in the Gifts and Hospitality Register.

Christmas gifts such as wine, spirits etc. must be recorded in the Gifts and Hospitality Register and given up for corporate use, generally these are raffled with the proceeds going to Charity.

Where gifts are declined, this must be done so courteously drawing the attention of the person making the offer to the existence of this Procedure. The offer of the gift must be recorded in the Gifts and Hospitality Register.

If a Board or Committee Member is offered gifts and is unsure if they should accept or decline, they should contact the Chair. In the case of staff advice should be sought from the relevant Director or Executive Director.

The Giving of Corporate Hospitality

There are times when it is appropriate for Plus Dane to extend hospitality to others. It is essential that any hospitality offered can be justified as being in the interests of the Organisation as a whole. Where there is a need for Board Members to offer hospitality, prior permission must be sought from the Chair.

Staff wishing to offer hospitality other than that of an in house "sandwich" working lunch must obtain the permission of the appropriate Director.

Restaurant meals of a modest nature may be appropriate at times – lavish and expensive hospitality is not permitted. Limited alcohol may be provided with due care. Again the image and integrity of the Organisation and staff must be safeguarded. Staff needing to entertain in a restaurant must seek the permission of a Director and agree spending limits in advance.

All hospitality given by staff or Board and Committee members should be entered in the Gifts and Hospitality Register.

Plus Dane may also grant hospitality through staging an event of a promotional or strategic nature. The Chief Executive or a member of the Leadership Team will approve such events.

Where this occurs, the purpose of the event will be clear, a member of the Senior Management Team will control the guest list and a budgetary provision will be made.

The nature of the event will be consistent with the image and ethos of Plus Dane.

Corporate Gifts

Gifts offered to VIPs, guest speakers and other visitors as a memento of a visit will be of a token nature.

Professional Behaviour

At any event where hospitality is given or received and Board, Committee members or staff members are attending as representatives of Plus Dane they are expected to dress and to conduct themselves in a professional manner recognising, as it were, that they are 'on duty' for the organisation.

Behaviour, which may bring Plus Dane into disrepute, will be viewed very seriously and, with respect to staff, may involve disciplinary action being taken.

Where a Board member behaves inappropriately, this matter will be dealt with by the Chair in conjunction with the rest of the Board.

Suspected Fraud

If a Board, Committee, or staff member is offered any gifts or hospitality that they consider an attempt at inducement or a bribe, they should immediately contact the Chair of Audit and Risk or Chief Executive. If a Board, Committee or staff member has any concerns that any person representing Plus Dane has accepted any gifts or hospitality as an inducement or a bribe, they should immediately contact the Chair of Audit and Risk or Chief Executive.

See over for quick process guide.

