



Places to live. Space to grow.

Anti-Bribery Policy

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1. Introduction and Purpose

- 1.1 West Kent Housing Association (West Kent) is committed to the prevention, detection and reporting of bribery and to developing an anti-bribery culture. West Kent requires all staff at all times to act honestly and with integrity and to safeguard West Kent's resources. This policy sets out West Kent's approach to preventing and mitigating the risks of bribery and, where instances do occur, to having a clear route for colleagues to raise concerns and processes to deal with them.
- 1.2 This policy applies to all persons working for us or on our behalf in any capacity, including employees at all levels, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives and business partners, sponsors, or any other person associated with us, wherever located.
- 1.3 Bribery, which is defined under The Bribery Act 2010 as "a gift or reward given, offered or received to gain any business, commercial or personal advantage", is a criminal offence.
- 1.4 A bribe is given or received "in connection with the 'improper performance' of a position of trust, or a function that is expected to be performed impartially or in good faith". Requesting, agreeing to receive or accepting the advantage offered, which does not need to be cash but could also take the form of gifts, lavish treatment or hospitality, are all classed as bribery.
- 1.5 Bribery carries severe penalties, including heavy fines, prison sentences, the possibility of West Kent becoming debarred from tendering for public contracts and the risk of damage to West Kent's reputation.

2. Responsibilities

2.1 West Kent Board

The Board is responsible for ensuring that West Kent:

- takes appropriate steps to identify and assess the risk of bribery to which West Kent is subject, taking into account the nature and size of the business, and documents these in an organisation-wide risk assessment;
- Establishes and maintains effective risk management and internal control systems to mitigate and manage effectively the risks of bribery identified in the organisation-wide risk assessment;
- Has relevant policies and systems in place to deter, detect and report suspected bribery; and
- reports any significant breach of this policy and/or instances of bribery, with actions taken, to the Regulator of Social Housing at the earliest opportunity.

2.2 Executive Team (ET)

ET (comprising the Chief Executive and Executive Directors) is responsible for ensuring the organisation:

- maintains appropriate procedures that ensure reported incidents of suspected bribery are promptly addressed; collects and stores information in an appropriate place; and appropriate action taken; and
- has an appropriate framework for monitoring and reviewing the effectiveness of relevant controls on an appropriate basis.

2.3 Head of Risk and Governance

The Head of Risk and Governance (Company Secretary) is the first line for reporting for suspicions of bribery and corruption and is responsible for investigating any reports made and escalating these as appropriate to the Executive Director of Finance and the Board.

2.4 Managers

Managers are the first line of defence against bribery. They should be alert to the possibility that unusual events may be symptoms of bribery or attempted bribery and that bribery may be highlighted as a result of management checks or be brought to attention by a third party. Any suspicions of bribery or corruption should be reported via the companysecretary@wkha.org.uk email address.

2.5 All Staff

The prevention, detection and reporting of bribery and other acts of financial crime is the responsibility of all staff members. Bribery risk is likely to be higher for teams in the following business areas:

- Procurement – all teams involved in the procurement of services for West Kent and its residents.
- Housing – including any teams responsible for customer verification, allocations and monitoring tenancies.
- Finance – all teams involved in processing payments on behalf of West Kent.

Employees are required to ensure they read, understand and comply with this policy, and remain vigilant to attempted bribery. In particular, employees must:

- be aware of, and comply with, the Staff Code of Conduct in relation to Gifts and Hospitality; and
- act with integrity and propriety, within the law, and in accordance with relevant policies, systems and procedures.

3. **Regulation**

3.1 This policy is published in accordance with the Bribery Act 2010 (the Act).

3.2 This policy also takes into consideration the requirements of the NHF Code of Conduct 2022, which states that if individuals are offered a bribe, hospitality or a gift, which is or may be in return for expected preferential treatment, they must decline and declare this immediately (D3).

3.3 We must also comply with all relevant statutory, regulatory and agreed best practice requirements, and West Kent Standing Orders.

4. **Definitions**

4.1 A bribe is defined in The Bribery Act 2010 as: “a gift or reward given, offered or received to gain any business, commercial or personal advantage”. Bribery is offering, promising, giving or accepting any financial or other advantage, to induce the recipient or any other person to act improperly in the performance of their functions, or to reward them for acting improperly, or where the recipient would act improperly by accepting the advantage

4.1.1 An advantage includes money, gifts, loans, fees, hospitality, services, discounts, the award of a contract or anything else of value.

4.1.2 A person acts improperly where they act illegally, unethically, or contrary to an expectation of good faith or impartiality, or where they abuse a position of trust. The improper acts may be in relation to any business or professional activities, public functions, acts in the course of employment, or other activities by or on behalf of any organisation of any kind.

4.2 The Act contains four principal bribery offences:

- bribing someone to encourage or reward “improper performance” of a function or activity – this includes offering, promising or actually giving a bribe;
- being bribed resulting in an activity or function being “improperly performed”. This includes requesting, agreeing to receive, or receiving a bribe;
- bribing a foreign public official;
- failing to prevent bribery from happening - A commercial organisation is guilty of the corporate offence of failing to prevent bribery if:
 - an associated person
 - is, or would be, guilty of the offence of bribing another person or bribing a foreign public official
 - with the intent to obtain or retain business or an advantage in the conduct of business for the commercial organisation.

Examples:

Offering a bribe: You offer a potential client tickets to a major sporting event, but only if they agree to do business with us.

This would be an offence as you are making the offer to gain a commercial and contractual advantage. We may also be found to have committed an offence because the offer has been made to obtain business for us. It may also be an offence for the potential client to accept your offer.

Receiving a bribe: A supplier gives your nephew a job, but makes it clear that in return they expect you to use your influence in our organisation to ensure we continue to do business with them.

It is an offence for a supplier to make such an offer. It would be an offence for you to accept the offer as you would be doing so to gain a personal advantage.

Bribing a foreign official: You arrange for the business to pay an additional “facilitation” payment to a foreign official to speed up an administrative process, such as clearing goods through customs.

The offence of bribing a foreign public official is committed as soon as the offer is made. This is because it is made to gain a business advantage for us. We may also be found to have committed an offence.

5. Offences

5.1 Strict liability means that West Kent 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 West Kent with the intention of giving West Kent a business advantage, whether or not West Kent encouraged such action or was aware of it. The responsibilities of the Act therefore need to be taken extremely seriously. Prosecution under the Act could result in West Kent receiving an unlimited fine and potentially becoming debarred from tendering for public contracts. Breaches of the Act could also lead to penalties for West Kent senior officers with whose “consent or connivance” bribery was committed. Reputational damage could be of even greater concern.

- 5.2 There is a defence to the corporate offence if West Kent can show it has “adequate procedures” in place, designed to prevent bribery.
- 5.3 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 both. In addition, individuals could be liable for bribing, receiving a bribe or bribing a foreign official. Again, such individuals could be liable on conviction to imprisonment for up to 10 years, to a fine, or both.
- 5.4 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.
- 5.5 We will be following these principles to show that we are committed to a zero-tolerance approach to bribery within West Kent. The management principles that we need to follow are:
- **Proportionality:** anti-bribery policies and procedures (set out in this document) 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 West Kent in which bribery is unacceptable.
 - **Risk assessment:** understanding and keeping up to date with the bribery risks it faces by carrying out regular and comprehensive risk assessments.
 - **Due diligence:** West Kent needs to know about who it does business with, who it's paying money to and why – and make sure West Kent partners also have reciprocal anti-bribery agreements in place.
 - **Communication:** ensure that anti-bribery policies are embedded in West Kent's culture and that every employee, Board or Committee member and business partner know the procedures to follow.
 - **Monitoring and review:** through audit and other internal controls West Kent must monitor its anti-bribery procedures to prevent and detect bribery and to make sure procedures are working.
- 5.6 West Kent Risk and Governance Team is committed to staying aware of developments, legislation and case studies in regard to the prevention of acts of bribery. Eliminating the opportunities for bribery effectively requires improved traceability, increased transparency and collaboration between agencies and other organisations.

6. What you must not do

- 6.1 The below lists detail activities which are prohibited by West Kent and which staff should not engage in:

Actions by staff which are prohibited include:

- Accepting a bribe such as from a resident for favourable treatment in the allocation process;
- Offering a bribe to a third party to obtain more favourable contractual terms;
- Offering or accepting a gift to or from government officials or representatives, or politicians or political parties;
- Giving or accepting a gift or hospitality during any commercial negotiations or tender process, if this could be perceived as intended or likely to influence the outcome;
- Accepting a payment, gift or hospitality from a third party that you know or suspect is offered with the expectation that it will provide a business advantage for them or anyone else in return;

- Threatening or retaliating against another individual who has refused to commit a bribery offence or who has raised concerns under this policy.

External organisations' actions which could lead employees to engaging in prohibited activities and which should therefore be reported include:

- Discovering that a contractor West Kent deals with regularly has a reputation for paying bribes or requiring that bribes are paid to them;
- A supplier asking West Kent to provide an invoice or receipt when no money is payable or has been paid;
- A supplier insisting on being paid in cash and/or refusing to sign a formal agreement;
- A contractor offering to pay cash to provide employment for a friend or relative;
- Being invoiced for a payment which seems large given the service/goods which have been provided;
- Offers of an unusually generous gift or lavish hospitality (see 9.2);
- Offers of substantially discounted fees for supply of goods or services to an individual as a private person; or
- Offers of a payment in cash if a contract is awarded to them.

7. Reporting Responsibility

- 7.1 It is the responsibility of all employees to report immediately any act of attempted or detected bribery. Employees are encouraged to raise concerns about any issue or suspicion of bribery or corruption at the earliest possible stage.
- 7.2 The employee must report the matter to their line/department manager and to the Company Secretary at companysecretary@wkha.org.uk as soon as possible if you believe or suspect that a conflict with this policy has occurred or may occur in the future. If this is inappropriate the employee must report to the first appropriate person from the list below:
- Director / Executive Director;
 - Executive Director of Finance;
 - Chief Executive;
 - Chair of the Audit and Risk Committee;
 - Chair of the Board.
- 7.3 Anyone who is unsure about whether a particular act constitutes bribery or corruption should raise it with their line manager or the Company Secretary.

8. Protection

- 8.1 Individuals who refuse to accept or offer a bribe, or who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. We aim to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 8.2 West Kent are committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager or the Company Secretary immediately.

8.3 You can also consult West Kent's Whistleblowing Policy.

9. Gifts, Hospitality and Expenses Policy

9.1 Our policy on Gifts and Hospitality is set out in our Code of Conduct, which can be found on Bettie. This policy allows reasonable and appropriate hospitality or entertainment given to or received from third parties, for the purposes of:

9.1.1 establishing or maintaining good business relationships;

9.1.2 improving or maintaining our image or reputation; or

9.1.3 marketing or presenting our products and/or services effectively.

9.2 You must not offer, seek or accept bribes or inducements to act improperly or corruptly and must not seek or accept gifts, hospitality, or other benefits from individuals or organisations that might reasonably be seen to compromise their judgement or place them under an obligation to those individuals or organisations. You must not seek or accept preferential treatment in the provision of benefits such as housing accommodation or employment. You must comply with the law and West Kent's policies and procedures regarding:

9.3 Bribery and corruption; and

9.4 The giving, receipt, approval and recording of gifts and hospitality.

9.5 If you are offered gifts or hospitality, you should decline, or seek prior written approval from the Company Secretary to accept. The only exceptions are gifts of token value, low value promotional gifts (such as pens, keyrings, notepads), or modest hospitality given in connection with normal work and business meetings. You should seek advice from the Company Secretary if you are unsure whether it is appropriate to accept a token or low value gift or hospitality.

9.6 Gifts or hospitality received must be recorded using the *Gifts and Hospitality Declaration form*.

10. Record keeping

10.1 We must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

10.2 Employees must declare and keep a written record of all hospitality or gifts given or received, which will be subject to managerial review.

10.3 Employees must submit all expenses claims relating to hospitality, gifts or payments to third parties in accordance with our expenses policy and record the reason for expenditure.

10.4 All accounts, invoices, and other records relating to dealings with third parties including suppliers and customers should be prepared with strict accuracy and completeness. Accounts must not be kept "off-book" to facilitate or conceal improper payments.

11. Breaches of the Policy

- 11.1 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for misconduct or gross misconduct.
- 11.2 We may terminate our relationship with other individuals and organisations working on our behalf if they breach this policy.

12. Bribery Response Plan

- 12.1 West Kent has prepared a Bribery Response Plan, which should act as a checklist of actions and a guide to follow in the event that bribery is suspected.

13. Consultation

- 13.1 The Anti-Bribery Policy is not customer facing. Although The Bribery Act 2010 impacts on customers, compliance with the legislation is a statutory and regulatory requirement on West Kent and our colleagues.

14. Communication

- 14.1 This policy will be made available to all staff via Bettie. Key principles will be communicated to contractors and other agents operating on behalf of West Kent.

15. Review

- 15.1 We will formally review this policy and the associated procedures once every three years or more frequently if required by changes in regulation, legislation or as a result of any relevant incident.

16. Related Policies

- Fraud
- Anti-facilitation of Tax Evasion
- Anti-money laundering
- Whistleblowing

Appendix 1: Bribery Response Plan

1. Introduction

This bribery response plan provides a checklist of actions and a guide to follow in the event that bribery is suspected. It covers:

- notifying suspected bribery;
- the investigation process;
- liaison with police and external audit;
- initiation of recovery action.

2. Reporting Bribery

It is the responsibility of all employees to report immediately any act of attempted or bribery.

The employee must report the matter to their line/department manager and the Company Secretary at companysecretary@wkha.org.uk. If this is inappropriate the employee must report to the first appropriate person from the list below:

- Director / Executive Director;
- Executive Director of Finance;
- Chief Executive;
- Chair of the Audit and Risk Committee;
- Chair of the Board.

If an employee has concerns about reporting the matter they should consult West Kent's Whistle Blowing Policy.

In all other cases, the line manager, or whoever the allegation is made to, must report the matter to the Executive Director of Finance who will activate the Bribery Response Plan. This will also be reported to Audit and Finance Committee and the Chair of the Board.

3. Invoking the Bribery Response Plan

All allegations must be taken seriously and explored robustly and appropriately.

A record of all allegations of bribery found to be unsupported following investigation and the reasons for not proceeding will be maintained by the Executive Director of Finance. All meetings regarding allegations will be minuted and the outcomes of all investigations will be documented and retained by the Executive Director of Finance.

It is in West Kent's interest to complete investigations and take disciplinary action as quickly as possible. In the case of criminal allegations, West Kent may restrict its investigations and disciplinary action to issues that are sufficient to secure dismissal while leaving the Police to pursue other matters in their own way.

4. Stage One (the first day)

Once an allegation of bribery has been made (verbal, written or anonymous) the investigation team will convene immediately. This team will comprise of the Chief Executive, Executive Director of Finance and other members at the discretion of the Chief Executive. The team will:

Consider immediate action to mitigate loss or suspend the problem:

- take immediate steps to secure physical assets, including computers and any records thereon, and all other potentially evidential documents;
- ensure appropriate controls are introduced to prevent any loss;
- check the requirements of West Kent's insurers;
- notify banks and other holders of the assets of West Kent if relevant;
- consider the temporary suspension of cheques issued by West Kent;
- consider the suspension of a suspect employee, if there is sufficient evidence;
- as appropriate, withdraw or suspend signing authorities, change passwords, remove the suspect physically from the premises, secure control of the suspects office, records and computer files;
- in conjunction with the Head of People and OD, West Kent may take a decision to suspend the staff suspected to be involved for investigations to be carried out.

Inform West Kent's Chair of the Board and Chair of the Audit and Risk Committee immediately of any allegations, and the proposed action steps, if they involve:

- senior managers or board members
- possible bribery over £5,000.

All other allegations will be reported on a quarterly basis to the Audit and Risk Committee.

Determine the appropriate initial allocation of resources and the timing of consequent investigative work; start investigating the bribery or problem methodology and scale.

5. Stage Two (within one week)

The Executive Director of Finance, supported by the Head of Governance and Risk, is responsible for informing West Kent's internal and external auditors, insurers and the Police as appropriate. The Police will be informed if an allegation of criminal activity is made, ie, one that would interest the police and might lead to prosecution.

- Notify banks and other lenders to West Kent of any potential breaches of covenants.
- Assess other business implications for tenants, customers, suppliers and contractors.
- Make an initial assessment of the impact of the bribery, including the likely extent of any loss, the probability of recovery of any loss, and the nature and breadth of corrections to controls required.
- Address any questions of public relations and publicity.

- The Company Secretary will record the incident in the Bribery Register (see below).

6. Stage Three (within one month)

West Kent will take appropriate action against anyone who perpetrates bribery and anyone whose conduct allows bribery to be committed.

In conjunction with the Head of People and Organisational Development, the invoking of West Kent's disciplinary procedures will be considered.

- Start recovery proceedings, if appropriate. This may include action against third parties involved in the bribery.
- Consider the use of the Bribery Act 2010.
- Update loss, recovery and correction forecasts.
- Actions taken will be reported to and reviewed by the Board and Audit Committee.
- The report to the Board and Audit and Risk Committee will include:
 - Background as to how the investigation arose
 - What action was taken in response to the allegation
 - The conduct of the investigation
 - The facts that came to light and the evidence in support
 - Conclusions including a statement of whether or not the allegations or suspicions of bribery have been substantiated
 - Recommendations on action to be taken against any party where the allegations or suspicions were substantiated
 - Recommendations to improve any identified weakness in internal controls to prevent reoccurrence although a separate report may be necessary
 - Recommendations, in consultation with appropriate officers, on the most appropriate method of recovery of any losses
 - Estimate of the cost of the investigation in employee days.

7. Bribery Register

A bribery register has been set up to contain records of both attempted and detected bribes and the actions taken.

Any occurrence will be entered into the bribery register.

This register shall be open to inspection at any time and shall be reviewed annually by West Kent's Audit and Finance Committee. The records will also indicate the systems involved in order to assist in the prevention of any recurrences.

Related Policy Documents and Supporting Documents

RELATED POLICY DOCUMENTS AND SUPPORTING DOCUMENTS	
Legislation	The Bribery Act 2010 The NHF Code of Conduct 2022
Related Policies	Fraud Policy Anti-Money Laundering Policy Whistleblowing Policy Staff Code of Conduct
Appendix	N/A
Forms	N/A