



# Anti-bribery and Corruption Policy

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## 1. Interpretation

- *Board* – Board of the HCA
- *Committee* – means the Regulation Committee of the HCA (established subsequent to section 92B Housing and Regeneration Act 2008);
- *HCA* – Homes and Communities Agency
- *UK* – refers in this policy to the United Kingdom of Great Britain and Northern Ireland as well as to the Crown dependencies

The Homes and Communities Agency is the government's housing, land and regeneration delivery agency, and the Regulator of Social Housing Providers in England. The HCA engages directly with individuals, groups and organisations within the UK and occasionally overseas.

This policy is mandatory and has been endorsed for Agency-wide adoption by the Board and Directors of the HCA on the 25 September 2014.

## 2. The Bribery Act 2010

The UK is a signatory to the UN Convention Against Corruption, which requires participating countries to put in place anti-bribery criminal laws. Because of historic problems prosecuting corruption under previous legislation the Government recognised that broad-ranging and flexible powers were required and enacted the Bribery Act. The Bribery Act received Royal Assent in April 2010 and came to force on 1 July 2011.

The principal provisions of the Bribery Act include:

- Two general offences covering the offering, promising or giving of a bribe (active bribery) and the requesting, agreeing to receive or accepting of a bribe (passive bribery) (sections 1 and 2);
- A discrete offence of bribing a foreign public official in order to obtain or retain business or an advantage in the conduct of business (section 6);
- An offence which can be committed by commercial organisations which fail to prevent bribery committed on their behalf (section 7);
- Raising the maximum sentence for bribery committed by an individual from 7 to 10 years imprisonment. The maximum sentence for an offence committed by a corporate body is an unlimited fine.

### **3. Scope and application of this policy**

The HCA recognises that its national roles, its regulatory interventions, investment decisions and procurement and disposal activities involving high value assets, make it vulnerable to the risk of bribery and corruption. The HCA is therefore committed to the highest level of ethical standards and sound governance arrangements and sets high standards of impartiality, integrity and objectivity in relation to the stewardship of public funds and the management of its activities.

The HCA adopts zero tolerance to bribery and corruption.

The conduct of HCA Board and Committee Members, Executive Directors, staff and others directly involved in delivering HCA business activities (including retained consultants acting on our behalf) form an essential part of these governance arrangements and ethical standards. General rules relating to conduct and disciplinary action are contained within employment terms and conditions; and specific policies and procedures in place relating to the prevention of bribery and corruption are summarised within this policy.

The principles contained within this policy apply to both internal and external audiences, including anyone wishing to undertake business or engage with the HCA.

### **4. Active bribery**

As a government agency the HCA will not tolerate any internal action which encourages, implies, bestows, tolerates or promises an unfair, unlawful, improper or unethical advantage to any individual, group or organisation, regardless of whether there is financial inducement or not.

Key measures designed to eliminate or reduce the likelihood of active bribery include existing financial controls and constraints, transparent reporting and publishing of all expenditure over £500, centralised advertising and publication of all contracts exceeding £10,000, internal and external auditing procedures and the national publication of financial accounts.

### **5. Passive bribery**

The HCA will not tolerate the acceptance of bribes to induce a favourable investment or regulatory decision, property transaction or other business outcome.

At all times the HCA expects its Board and Committee Members, Executive Directors, staff and consultants acting on our behalf to conduct their work ethically and to fully comply with their terms and conditions of employment and HCA policies and procedures.

Additional controls include: segregation of decision making, the policy, rules and recording procedures relating to the acceptance of corporate hospitality and gifts; the mandatory declaration of Board Members, Committee Members, Directors and staff conflicts of interest; the publication, updating and circulation of these policies internally and externally; periodic risk assessment, compliance monitoring and review; and the enforcement of disciplinary and authority reporting procedures where appropriate.

The following policy extracts should be specifically noted:

## 6. Declaration of conflicts of interest policy

A 'conflict of interest' is considered to be any connection or association with a third party that is (or appears to be) against the best interests of the HCA, or which could enable you reasonably to be suspected of using your position within the HCA to gain an unfair advantage for or from a third party.

Conflicts of interest are best avoided altogether; however, the HCA acknowledges that conflicts of interest (and potential conflicts) are sometimes unavoidable. In such circumstances the principles of openness and integrity apply and you are required to disclose and manage the conflicts accordingly.

## 7. Gifts policy

The HCA maintains specific gift acceptance policies and reporting procedures for regulation and non-regulation staff. The general rule is that employees and consultants are only permitted to accept and keep gifts of low value in accordance with the respective policies. Accepting and keeping all other gifts is not permitted. In the rare circumstances where a gift cannot be returned or declined, donation records must be maintained.

## 8. Hospitality policy

Employees and consultants should **decline all corporate hospitality** offered by third parties unless this is within the Gifts and Hospitality Policy or if there are compelling business reasons to accept. Acceptance of hospitality outside the Gifts Policy will always require prior approval from an appropriate member of the Senior Team, Head of Function or the Director, Finance and Corporate Services. Permission to attend sporting events, shows, concerts or similar entertainment paid for by third parties will not normally be granted.

## 9. Bribing Officials

The HCA primarily engages with UK officials; however, there may be rare occasions when we meet representatives from foreign governments accompanying inward investors or organisations on site fact finding trips.

The HCA will not tolerate bribery or any other corrupt practice to produce a favourable outcome. HCA financial controls, including the Unified Expenses Policy, state “reasonableness and value for money should be sought at all times”. The bestowal of over-generous hospitality to an official is therefore inappropriate; and “only receipted proven meal expenses will be reimbursed”. Token memorial souvenir gifts in keeping with the nature of the visit may occasionally be offered or exchanged between organisations and their officials (historic examples include a group framed photograph commemorating the event, or a book recording the history of the area or project).

## 10. Reporting actual or potential bribery concerns

The HCA maintains two important policies in connection with the reporting of actual or potential bribery concerns: the Whistleblowing Policy and the Anti-fraud Policy and Response Plan.

It is important that all staff are able to report their concerns promptly and without fear of reprisal or victimisation and are aware of the means to do so. The HCA’s Whistleblowing Policy underlines our commitment and support for those that come forward to express their concerns.

It is understandable that a whistleblower may be worried about coming forward for fear about possible repercussions. The HCA’s Whistleblowing Policy explains how the Agency will help to accommodate any needs that may arise in relation to a whistleblowing disclosure as far as possible.

The following extract is summarised from the Anti-fraud Policy and Response Plan and should be applied for the reporting of any bribery concern.

In the first instance, any suspicion of bribery, corruption, fraud, theft or other irregularity should be reported, as a **matter of urgency**, to your line manager. If such action would be inappropriate, your concerns should be reported upwards to one of the following persons:

- Head of Function or Head of Team
- Any Executive Director
- Executive Director of Finance and Corporate Services
- Chief Executive.

Additionally, all concerns must be reported to the **Head of Legal Services & Company Secretary**.

Individuals, groups or organisations with evidence or firm suspicion of HCA involvement in active or passive bribery should contact the **Head of Legal Services & Company Secretary** using the HCA main switchboard number 0300 1234500.

It is important to stress that in addition to prompt reporting, any document, correspondence, e-mail, text or voice message which may be relevant to the concern should be retained and the content discussed with the **Head of Legal Services & Company Secretary**.

## 11. Reporting outcomes

The HCA will not hesitate to report or escalate to an appropriate higher authority actual or potential bribery issues.

Where bribery is suspected, this is a potential criminal offence and will be reported to the police.

Allegations of bribery will be thoroughly investigated and may result in appropriate disciplinary or police reporting action where substantiated.

**End**