

Bribery policy statement

Notting Hill Housing

Notting Hill Housing is committed to high standards and does not condone or allow bribery in any form. This Statement affirms this and cross refers to the Staff and Board Member Codes of Conduct, the Gifts and Hospitality Policy and Whistleblowing Policy which underpin this expectation.

The Ministry of Justice in its guidance states:

"Very generally, [bribery] is defined as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so. Facilitation payments, whereby officials are paid to speed up routine services that they are obliged to carry out, are bribes. These types of payments were illegal even before the Bribery Act."

A bribe does not need to be money – it can be any form of advantage, for example the award of a contract, lavish hospitality or gifts or an offer of employment. A recipient of a bribe does not need to benefit personally nor does the benefit need to be received – an offer or request is an offence. Any offer of or request for a bribe should be reported to senior management immediately.

Our Code of Conduct includes the following statement that all employees and Board and Committee members are bound by:

Attempted bribery

You should ensure you comply with the Bribery Act 2010, and should neither accept bribes nor attempt to bribe anyone else.

Therefore, you must never, under any circumstances, accept personal gifts of cash, or gifts with a significant monetary value, as these may be perceived to be a bribe, even if the intention was different.

You should always formally notify senior management if you feel any cash, gifts or hospitality have been offered with the clear intention of trying to influence you or any other employee of NHH (even if you declined the offer).

Everyone in a position of management within Notting Hill Housing has an obligation to not allow others to misuse their position. If an offence is committed with the consent or connivance of a manager they could be personally held guilty and punished.

The Code of Conduct also sets out the following requirement about how to treat offers of gifts or hospitality:



Gifts and hospitality

You can accept small gifts of low value (such as key rings or pens) and modest working meals and light refreshments without prior permission or making a declaration. You are expected to use common sense and if you are in doubt about what is acceptable check with your line manager.

Otherwise, before accepting most gifts or hospitality you should get permission from your line manager. You must then declare what you have accepted using the Gifts & Hospitality declaration form.

Examples of what you can accept with prior permission:

- Hospitality where there is a genuine need to pass on information or represent NHH in the community;
- Where the hospitality is part of legitimately building or developing relationships with a supplier or external organisation, for example an on-site visit;
- Situations where to decline a gift or hospitality could harm NHH's relationships or reputation.

What you should not accept:

- Excessively generous hospitality, or any hospitality which could be interpreted as a way of exerting an improper influence over the way you carry out your duties;
- Gifts or hospitality from any individual or company involved in a current or potential procurement process.

You must not ask for personal gifts under any circumstances.

Accepting gifts

In some instances (where the gift is modest, for example, a bottle of wine) offence may be caused by a refusal. In such circumstances the gift may be accepted (and must be declared) on behalf of NHH. The gift should then be passed to our Fundraising Team for use in fundraising events or similar activities.

Breaches of the Code of Conduct will be investigated under NHH's disciplinary policy and may lead to dismissal. Anyone found to have committed serious breaches such as bribery or corruption is likely to face dismissal and may also be subject to police investigation, civil and/or criminal charges.

The Managers Thank You, Gifts and Hospitality Policy sets out in more detail the circumstances in which NHH may offer gifts or hospitality and the limits for this. In particular 'costs must be proportionate to the purpose and Notting Hill's status as a registered provider. Gifts and hospitality offered in the course of doing business must only be for the purpose of enhancing Notting Hill's objectives'.

Any significant gift or hospitality (a payment of over £200 per person) must be approved in advance by the Executive Board and recorded in a register kept by the Group Secretary.



Reporting Potential Corruption or Fraud

All employees, Board and Committee members are required to report any behaviour that is an attempt to influence NHH, even if the offer is not accepted. They should also report any actions by NHH that constitute bribery. There will be occasions when it is not clear if someone is attempting to offer or solicit a bribe – guidance on some scenarios is set out at Appendix A. Even in doubtful cases each member of staff, Board and Committee member is encouraged to raise any concerns with senior management – this could either be with their line manager, the HR Team, the Group Secretary or through the confidential Whistleblowing policy.

Signed:

Paul Hodgkinson, Chair of Board

Signed:

Kate Davies, Chief Executive



Examples Where Corruption May Arise

Land Agents – "We are negotiating the purchase of a site for a housebuilding development. The vendor's representative (Land Agent) explains that there are higher bids from other prospective purchasers. However, he states he will recommend our bid and / or give us a chance to submit an increased bid on condition that his firm is appointed as sales agent for the development once built".

In this scenario the Land Agent has requested an advantage (his appointment as a sales agent in the future) in return for favouring our bid for the purchase of the land. He is potentially performing his role improperly and the request for a future appointment as a sales agent can be classed as a financial or other advantage and therefore a bribe.

Gifts and Hospitality – "I have a personal friendship with someone employed by a supplier with whom we do business. We meet socially, and might pay for each other's meals or tickets for an event. This is out of our own pockets and we do not seek reimbursement of any of these costs from our companies".

In this scenario, you should be aware of the potential corruption risks in your personal relationship and avoid taking any steps that could be misconstrued. For example, when the supplier is tendering for work with us and you are involved in the procurement process it may be inappropriate to receive personal hospitality from your friend during this period. Gifts and hospitality arising from your social relationship with the other party should be approved and reported. At all times, care should be taken that there is no risk or an actual or perceived conflict of interest.

Dealing with Agents – "We are seeking planning permission for a development. We engage a local planning agent to advise us on the best strategy to obtain planning permission from the local planning authority. The agent was recently a member of the authority's planning Committee and maintains close ties with its current members. He does not have any relevant professional qualifications but his CV describes his planning expertise as 'local know-how'. He requests a 2% fee up front with the remaining 2% payable later".

There are a number of corruption warning signs in this scenario. You would need to consider whether the level of commission is unusual. In addition, there appear to be a number of other concerns: the agent may have a potential conflict of interest because of his former role; the agent wants an upfront payment which is suspicious; it is not clear what services the agent will be providing.