



# Anti-bribery, gifts and hospitality policy

## 1.0 Purpose and Scope

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Notting Hill Genesis (NHG) does not tolerate bribery or corruption in any form. This policy sets out how we will identify and respond to suspected bribery and protect our staff.

This policy should be read in conjunction with Staff and Board Member Codes of Conduct and Whistleblowing Policy and applies to everyone working for or associated with Notting Hill Genesis including all employees, Board and Committee members.

## 2.0 Definitions

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**Bribery:** Bribery is when a person offers, gives, receives or solicits a financial (or other) advantage to another person with the intention of inducing or rewarding that person to act improperly.

The Bribery Act 2010 came into force on 1 July 2011. There are four possible offences:

- offering, promising or giving bribes,
- requesting, agreeing to receive or accepting bribes,
- bribery of a foreign public official
- failure of a commercial organisation to prevent bribery.

**Corruption:** Corruption is a dishonest or fraudulent act by a person in a position of power and typically involves a form of financial or other material gain.

**Gifts:** These are defined as any item of value provided or offered for personal benefit at a cost that is less than its commercial value or, no cost.

**Hospitality:** Covers a wide spectrum and can include: Free meals, drinks, receptions, meetings sponsored by associates, hospitality tents at shows, exhibitions or conferences, music and cultural events, sport and leisure events, hotel accommodation and holidays.

**Facilitation Payments:** Payments made to public officials to speed up actions the officials are already duty-bound to perform.

**Political or Charitable Donations:** A financial payment or loan, or a payment in kind made to support a political or charitable cause.

**Payment in kind:** A payment in kind includes gifts, services, advertising, attendance at fundraising events or support for a think tank with political connections.

## 3.0 Our position on bribes

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We do not tolerate bribery or corruption in any form.

You should never offer, give, request or accept any bribe, whether in cash or by way of any other type of illicit payment, to or from any person or company, wherever they are situated and whether they are:

- a public official or body
- a private person
- a company
- any individual employee or other person or body acting on NHG's behalf
- another NHG employee, board member or volunteer (this exclusion does not extend to private gifts between individuals or within teams such as wedding/leaving presents)
- in order to gain any commercial, contractual or regulatory advantage for NHG in a way which is unethical or in order to gain any personal advantage, financial or otherwise for the individual, or anyone connected with parties.

You should never engage in any internal action which encourages, implies, gives, 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.

You should never accept a bribe to encourage a favourable investment or regulatory decision, property transaction or other business outcome.

A bribe does not need to be money – it can be any form of advantage, for example the award of a contract, 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.

Everyone in a position of management within NHG 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 liable and subject to formal action.

Any NHG employee or associated person who is discovered to be giving or taking bribes or any other acts of corruption, will be subject to disciplinary action. This may ultimately lead to dismissal and, if appropriate, criminal proceedings.

## 4.0 Receiving and giving gifts

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You can accept small non-alcoholic gifts of worth £10 or less without prior permission or making a declaration. 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.

If you are unsure of the value of an offered gift, or are in doubt about what is acceptable, please discuss this with your line manager and agree how to proceed.

You should be aware that section 122 of the Housing and Regeneration Act 2008 restricts the making of gifts, and the payment of dividends and bonuses, to members of registered providers.

### **Accepting gifts**

You may accept the following.

- Items of nominal value such as free pens, calendars and similar items.
- Gifts where refusal would cause needless offence and the giver is not seeking a decision or business from NHG but merely wishes to express thanks for advice, help or co-operation received.
- Gifts of alcohol which should be declared and passed to the Fundraising Team c/o Company Secretary to use in fundraising events and the proceeds given to one of NHG's charitable funds.
- Christmas gifts which should be declared and passed to the Fundraising team, as above.

You must not do the following.

- Accept cash or personal gifts with a significant monetary value under any circumstances.
- Ask for, or solicit, personal gifts under any circumstances
- Request or accept a gift if you or another person are involved in on-going commercial negotiations where a decision could be influenced.

### **Declining gifts**

When declining a gift, be courteous but firm and draw the attention of the person making the gift to the existence of this policy.

## **5.0 Hospitality**

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You can accept modest working meals and light refreshments without prior permission or making a declaration. Where you accept modest hospitality, you should declare this. In some cases, you will need the written permission of your manager before accepting. You must then declare what you have accepted using the Gifts & Hospitality declaration form.

### **Accepting hospitality**

You may accept the following (but must still declare it).

- Hospitality where there is a genuine need to pass on information or represent NHG in the community.
- Hospitality which 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 NHG's relationships or reputation.
- Hospitality that concerns attendance at a relevant conference or course where it is clear that the hospitality is corporate rather than personal.

- Attendance at sporting events, shows, concerts or similar events paid for by third parties and also attendance at award events, relevant to NHG's business. (This must be agreed in advance by the relevant director or a member of the Executive team).

You must not do the following.

- Accept lavish hospitality, or any hospitality that could be interpreted as a way of exerting an improper influence over the way you carry out your duties.
- Request hospitality, nor offer such hospitality to others on behalf of NHG.
- Give or receive hospitality if you or another person are involved in on-going commercial negotiations where a decision could be influenced.
- Request or accept hospitality with parties involved in a tender process, or parties aiming to become potential suppliers or investors (However, for the avoidance of doubt, if agreed by your director, you *can* accept and provide modest working lunches where business is being conducted over lunchtime, for example: sandwiches).

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

### **Declining hospitality**

When you have to decline hospitality, you should be courteous but firm, and draw the attention of the person making the offer to this policy.

If necessary, you should pay your share of any costs, and claim these back in the usual way.

## **6.0 Gifts and hospitality register**

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To ensure openness and transparency, all offers of gifts and hospitality worth £10 or more, whether accepted or not, must be recorded as soon as possible after the offer has been made.

You should declare gifts or hospitality you receive directly to the Company Secretary using the Gifts and hospitality declaration form. Send your completed form to the Company Secretary via email [Andrew.nankivell@nhg.org.uk](mailto:Andrew.nankivell@nhg.org.uk) or by post.

If you are uncertain whether or not to accept a gift or hospitality, please contact the Company Secretary for further guidance.

## **7.0 Facilitation payments**

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NHG will never accept improper payments to obtain new business, retain existing business or secure any improper advantage. You must never offer or accept facilitation payments, whether directly or through a third party.

## 8.0 Donations

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In accordance with the Code of Conduct (for staff and board members, respectively), political donations by or on behalf of NHG are prohibited.

Charitable donations by or on behalf of NHG may only be made to NHG's' nominated charities unless agreed by the Company Secretary.

## 9.0 How to raise a concern

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You are required to report any incident or behaviour that does not adhere to this policy and is an attempt to influence NHG. You must also report if you are offered a bribe by a third party, are asked to make one, or suspect that this may happen in the future. This is the case even if an offer is not accepted.

There will be occasions when it is not clear if someone is attempting to offer or solicit a bribe. You are encouraged to raise a concern even in doubtful cases. If you are unsure about whether a course of action is right or wrong, ask yourself the following questions:

- Would you be happy if your colleagues or the press knew about it?
- Would you be proud to tell your friends and family about it?
- Does it sit well with our values?

If the answer is 'no' to any of these questions, seek advice immediately.

All concerns must be reported to the Head of Compliance, or in their absence the Company Secretary.

Alternatively, you may raise a concern through the confidential whistleblowing policy.

## 10.0 Our approach

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In writing this policy we have carried out a diversity and inclusion impact assessment and no adverse impacts were identified. The policy does not involve the use of personal, sensitive information so it has not been necessary to carry out a privacy impact assessment.

## 11.0 Reference

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### Internal documents

- Financial regulations
- Anti-fraud policy
- Whistle-blowing procedure
- Codes of conduct (for staff and board members, respectively)
- Staff contracts of employment

### Legislation, regulation and guidance

- A full copy of The Bribery Act 2010 and its Explanatory Notes can be accessed here <http://www.legislation.gov.uk/ukpga/2010/23/contents>
- Section 122 of the Housing and Regeneration Act 2008
- Regulatory Framework;

- National Housing Federation’s “Excellence in governance” Code for members
- National Housing Federation’s ‘Code of conduct’
- Ministry of Justice Guidance - The Bribery Act 2010.

**Document control**

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Approved by	Day 1 Policy Approval group
Policy owner	Company Secretary
Accountable Director	Group Director of Central Services

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