

ANTI BRIBERY, CORRUPTION, FRAUD AND MONEY LAUNDERING POLICY

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Reviewed by: Finance & Corporate Services Manager

We can produce this document in different formats, for instance, in larger print, Braille or audio-format; we can also translate this document into specific languages, as appropriate.

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Linked Policies/Procedures

1.	Equality and Diversity Policy
2.	Whistleblowing Policy

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3.	Disciplinary Policy
4.	Complaints Policy
5.	Openness and Confidentiality
6.	Procurement Policy
7.	Data Protection

1. Vision and Values

Wellhouse – the Place to Be

- 1.1 Our Anti Bribery, Corruption, Fraud and Money Laundering Policy supports our vision of Wellhouse as an attractive place where people feel safe, benefit from having a good home and an attractive environment and feel proud to be part of a vibrant community. It does this by setting out how we will protect the Association its operations, employees, suppliers, assets, tenants and residents against financial, criminal and unethical risks associated with bribery corruption, fraud and money laundering.
- 1.2 The policy is underpinned by our strategic values of Caring, Openness, Respectful and Empathy.

2. Governance

- 2.1 Wellhouse HA is a community controlled Registered Social Landlord operating in the Easterhouse area of Glasgow and is managed by our Management Committee. We have 792 flats and are property factor to 54 owner occupied flats.

Our Anti Bribery, Corruption, Fraud and Money Laundering Policy has been approved by the Management Committee, and they will monitor its implementation, to ensure that it delivers against our strategic aims, promotes our strategic values and delivers against our agreed service standards.

3. Policy Aims

- 3.1 Losses due to bribery, corruption, fraud or money laundering could have a direct effect on the level and quality of service provision. The Association plays an important role in the local area and any instances of bribery, corruption, fraud or money laundering could be damaging for its reputation. These losses extend beyond straightforward financial losses. The full cost is usually much greater than the monetary amount as costs associated with correction may be material. Further the morale and confidence of staff, tenants, residents, suppliers, partners, lenders and regulators in the Association and area can be adversely affected and further staff, tenant and community.

4. Equal Opportunities Statement

- 4.1 We aim to ensure that all our services provide equality of opportunity. We will not discriminate against any individual for any reason, including age, disability, gender re-assignment, marriage, civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, or other status.

5. Legislation

- 5.1 The following legislation is relevant to this policy:
 - Housing (Scotland) Act 2010
 - Bribery Act 2010
 - UK GDPR and Data Protection Act 2018
 - Human Rights Act 1998

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- Equalities Act 2010
- Charities and Trustee Investment (Scotland) Act 2005
- Co-operative and Community Benefit Societies Act 2014

6. Scottish Housing Charter

- 6.1 The Scottish Government's Social Housing Charter came into force in April 2012, was reviewed in 2019 and 2022. The Charter sets out the standards and outcomes that Registered Social Landlords should achieve.

Addressing risks in relation to bribery, corruption, fraud or money laundering is not directly related to the outcomes set out in the Charter but there is an indirect link/implication for outcome 13 Value for Money.

Outcome 13: Value for Money

Social landlords manage all aspects of their businesses so that:

- Tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay

7. The Policy

7.1 Introduction

The Association will operate a zero-tolerance policy towards Fraud by employees, Management Committee Members, contractors, agents, and other associated persons. Breaches of this policy are likely to give rise to action in relation to serious disciplinary, contractual and/or criminal matters for those concerned.

The Policy applies to all employees and members of the Management Committee of the Association. The Association will also apply the provisions of the Policy to all individuals and organisations having a relationship with the Association including contractors, agents, and consultants

7.2 Definitions of Bribery, Corruption, Fraud and Money Laundering

Bribery

Refers to a specific form of corruption. The Bribery Act 2010 provides that bribery includes offering, promising or giving another person a financial or other advantage as an inducement or reward for performing their functions or activities improperly. Offences of bribery include giving and receiving bribes.

Corruption

Refers to the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person. It can also include theft or unauthorised circulation / reproduction of confidential documents or information, including financial information.

Fraud

Refers to the deliberate use of deception, dishonesty or trickery to gain an advantage but also to disadvantage or cause loss to another party. It can be viewed as a deliberate act to acquire, or attempt to acquire, assets, money or property or the intentional distortion of financial statements or other records by persons internal or external to an organisation and actions which are carried out to conceal the misappropriation of assets.

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Money Laundering

Refers to the concealment, conversion, disguise and transfer of criminal property. Criminal property is money or other property that represents a person's benefit from a criminal activity that is known or suspected to represent such a benefit.

7.3 Policy Principles

The Association recognises the potential for bribery, corruption, fraud and money laundering activities taking place within or targeting any area of its business.

The Association is committed to having an effective anti-bribery, corruption, fraud and money laundering strategy.

At a strategic level, the key elements of tackling this risk involve:

- developing and maintaining an anti-fraud culture
- creating a strong deterrent effect
- preventing fraud by designing weaknesses out of processes and systems
- detecting fraud, where it is not prevented
- investigating suspicions of fraud in an expert, fair and objective manner
- applying a range of sanctions where fraud is believed to be present
- seeking redress and recovery of any losses that are incurred
- providing relevant information and guidance to tenants and service users.

The Association aims to prevent bribery, corruption, fraud and money laundering by the following measures:

- Recruitment and selection procedures
- Code of Conduct for Employees and Board Members
- Whistleblowing policy
- Standing Orders, and Financial Regulations
- Effective IT security and access controls
- Procurement policy
- Internal and external audit review
- Disclosure Scotland checks
- Regular risk assessments
- Registers of benefits and disclosure requirements
- Attendance for staff at relevant training, seminars and briefings to keep updated on current issues and changes

The Association will provide guidance and training to its staff where identified needs are established through the above activities.

The Association will treat attempted bribery, corruption or fraud in the same manner as actual bribery, corruption or fraud perpetrated against the Association.

The Association will complete an annual Statement on Internal Financial Control, to be signed by the Chair on behalf of the Board. This complies with the SHR's regulatory standards, confirming the Board's responsibility to establish and maintain systems of internal financial control across the group.

7.4 Policy Actions

Central to this policy are a range of operational policies, systems and procedures that are designed to deter, and enable detection and reporting of fraud. This includes:

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- Financial Regulations, Treasury Management, and Delegated Authority policies and the controls detailed therein.
- Standing Orders and other governance related policies, covering matters including Whistleblowing, Payments and Benefits and Conflict of Interest; and the associated management systems.
- Service based policies, guidance and operating procedures covering tenancy related matters; repairs, maintenance, and development activities; staff recruitment and procurement.
- Established Internal Audit arrangements further support the detection of fraud, through testing the appropriateness, adequacy, effectiveness and robustness of relevant policies and systems.
- Similarly, through the annual examination of the financial statements, the External Auditor identifies any audit, and accounting issues and assesses the effectiveness of internal control

To manage fraud, corruption and bribery, the Association continues to seek cost effective ways of identifying fraud, corruption and bribery, such as rigorous procedures and processes involving segregation, IT systems and management tools, trend analysis and spot checks, and acts on all information and allegations received.

The Association will carry out a fraud risk assessment as part of the risk management process. The assessment will consider the fraud schemes that the Association may be vulnerable to and the existing controls in place to mitigate the identified risks. The assessment will identify any improvements in controls that are required to respond to fraud risks and all identified risks will have an individual or group responsible for managing it.

The Association will always seek to recover the losses incurred because of bribery, corruption or fraud. Any monies offered toward the recovery of a loss are accepted without prejudice to any other action that the Association may wish to take, and that acceptance is only in respect of losses identified to date and that the Association reserve the right to seek recovery of any further losses that may come to light in the future.

Claims under the Associations insurance policy in relation to bribery, corruption and fraud cases should be regarded as a 'last resort' and are only instigated once all other avenues of recovery have been fully explored.

Any cash payments of £500 or more will be referred to the Director for consideration on whether these are to be accepted and any requirement to advise the Police.

Any cash payments that would create a credit on a customer's account which may then be subject to a request for repayment will be referred to the Director for consideration on whether these are to be accepted and any requirement to advise the Police.

7.5 Reporting and Recording

All staff must report any concerns or suspicions around fraud or corruption.

If you believe or suspect that a breach of this Policy has taken place or may occur in the future – for example if a contractor offers you something in return for business – you must notify the Director immediately.

You must tell the Director if someone tries to involve you in fraud, suspect that this may happen in the future or if you think you are a victim of another form of unlawful activity.

You must tell the Director if you have any concerns or suspicions that any of your colleagues may be involved in fraud or corruption at the earliest opportunity.

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Concerns about a Governing Body Member or Senior Manager must be raised with the Director and concerns about the Director must be raised with the Chair of the Management Committee or Chair of the Audit and Risk Committee.

Concerns may be raised personally or confidentially as described in the Whistle Blowing policy.

The Association encourages openness and will support you if you raise genuine concerns, (even if they later turn out to be mistaken). The Association wants to ensure no one suffers detrimental treatment, (including disciplinary action or dismissal, threats, bullying etc.), because of such reporting or because of a refusal to become involved in fraud. If you feel you have suffered such treatment, contact the Director or Chair of the Management Committee immediately.

All cases are referred to the Director or in their absence a Manager who records the referral. In cases of potential major fraud, the Internal Auditors, External Auditors and /or Director, where deemed appropriate, report the matter to both the Chair of the Management Committee and the Chair of the Audit and Risk Committee.

All actual and suspected instances of bribery, corruption, fraud or money laundering must be recorded in Association's Fraud Register. The register is held by the Finance and Corporate Services Manager.

All cases are notified to the SHR in accordance with the current regulatory guidance regarding Notifiable Events. In practical terms the guidance does not quote a demonyms amount for allegations of bribery, corruption or fraud. Instead some relevant examples (not an exhaustive list) of notifiable events would be: (a) fraud or the investigation of fraud (b) a serious financial loss; actual or potential (c) a serious complaint, allegation, investigation, or disciplinary action relating to the governing body or senior staff (d) a breach of the Regulatory Standards.

In addition to this, auditors have a statutory duty to report matters of "material significance" to OSCR. This includes "matters suggesting dishonesty or fraud involving a significant loss of, or a major risk to, charitable funds or assets."

The Finance and Corporate Services Manager will provide an update on any current cases as and when they arise and will provide an annual summary report on fraud or attempted frauds perpetrated against Wellhouse Housing Association to the Management Committee and Audit and Risk Committee as part of the financial year end processes.

7.6 Investigations

The Association has clear written human resources policies and procedures in accordance with which all investigations are carried out. This includes provision for situations where the person being investigated would normally be the investigator.

The Association ensures that staff or third parties conducting such investigations have received the appropriate guidance and training.

All investigations are carried out in complete confidentiality, with professional standards being strictly observed in the gathering and recording of the evidence and the putting together of a case file, in order to comply with the relevant legislative requirements.

Where necessary, appropriate action is taken after an investigation. This may involve:

- disciplinary procedures against employees in accordance with the established human resources policies and procedures
- legal action against third parties

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- reference to the Police for further investigation and possible prosecution

7.7 Roles and Responsibilities

Management Committee

Management Committee (either directly or delegated to the Audit and Risk Committee)

The Management Committee is responsible for ensuring that the Association:

- Monitors and reviews the effectiveness of internal, including financial, controls and risk management systems
- Reviews internal audit reports
- Reviews findings of external audit
- Monitors and reviews the effectiveness of internal audit activities; and reviews arrangements for whistle blowing and the detection of fraud
- Operates an anti-fraud culture
- Maintains effective risk management and internal control systems
- Has relevant policies and systems in place to deter, detect and report suspected fraudulent activity
- Maintains appropriate procedures that ensure reported incidents of suspected fraud are promptly and vigorously investigated; and effective sanctions and redress are applied in instances where fraud is detected.
- Conducting its own affairs in accordance with the Scottish Housing Regulator's regulatory standards of governance and financial management and recognised principles of good governance. In adhering to the published Code of Conduct individual governing body members are responsible for reporting any suspicions of fraud or attempted fraud they encounter; and otherwise acting with integrity and propriety, within the law, and in accordance with relevant policies and procedures.

Director

The Director has the authority to invoke the provisions of the Fraud Response Plan. As part of this they are responsible for:

- Convening an initial meeting of the Management Team and appointing an Investigating Officer, where the Management Team decides that a fraud investigation is the appropriate course of action.
- Informing the Chair of the Management Committee and Chair of the Audit and Risk Committee that an incident of suspected fraud or attempted fraud has been reported and is to be investigated.

Manager/Management Team

The Management Team and individual managers of the Association have a responsibility for:

- Developing and maintaining effective policies and procedures and control systems for deterring, detecting and reporting fraud and ensuring that these are working effectively.
- Ensuring the Management Committee has up to date and accurate information on Regulatory requirements in relation to governance and financial management, governance and good practice.
- Embedding a culture of honesty and openness amongst all staff ensuring staff are aware of expectations relating to their professional conduct.
- Ensuring all staff have the required level of knowledge and understanding of the range of policies, procedures and systems that are relevant to the Fraud, Bribery and Corruption Policy.
- Implementing any optional anti-fraud measures including segregation of duties.
- Ensuring that staff receive appropriate training that enables them to identify suspected fraud.
- Ensuring that the notification requirements of the Scottish Housing Regulator are met.

Staff Members

In most situations, employees will be the first to see or suspect serious misconduct and are responsible for:

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- Being vigilant to possible indicators of fraud or attempted fraud, within their respective areas of work reporting any suspicions of fraud or attempted fraud they encounter acting with integrity and propriety, within the law, and in accordance with relevant policies, systems and procedures.
- Reporting to their line manager any areas of weakness they identify in procedures or systems; or suggested ways of reducing the possibility of fraud.

8. Financial Planning & Value for Money

Our approach to managing and responding to risks associated with bribery, corruption, fraud and money laundering seeks to limit the financial and non-financial losses and implications for the Association and accordingly support value for money.

9. Monitoring and Performance Management

9.1 Monitoring

We have monitoring systems in place to ensure that we deliver effective services and comply with legislation and regulatory standards.

9.2 Performance Management

A fraud register will be maintained to record information on frauds committed against the Association and near misses. Separate registers will be maintained to record instances of or near misses related to bribery, corruption and money laundering.

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An annual report will be submitted to the Audit and Risk Committee setting out a summary of all cases or near misses recorded in relation to bribery, corruption, fraud and money laundering.

10. Complaints

We have a separate complaints policy and procedure. Leaflets and copies of the complaint's procedure are available from the Association's office and on our website. We also provide information on how our customers can make a complaint to the Scottish Public Services Ombudsman, Bridgeside House, 99 McDonald Road, Edinburgh, EH7 4NS, telephone 0800 377 7300 or 0131 225 5300 and how to contact the Scottish Housing Regulator.

The Ombudsman will not normally deal with complaints unless customers have followed the Association's complaints' procedure.

11. Review Timeframe

The policy will be reviewed every five years, or sooner, in response to a change in legislation or circumstance.

12. General Data Protection Regulations - UK

The Association will treat personal data in line with our obligations under the current GDPR regulations and our own policy. Information regarding how your data will be used and the basis for processing your data is provided in Wellhouse HA's Fair Processing Notice.