

		Probity & Integrity Policy					
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1. Introduction

This policy seeks to set out Eldonian Community Based Housing Association's (ECBHA's) policy positions regarding a range of themes that seek to ensure the probity and integrity of the association is open, transparent and maintained. These themes include:

- Conflicts of interest
- Whistleblowing
- Anti-fraud
- Bribery & corruption
- Receipt of gifts

This policy sets out how ECBHA intends to comply with the relevant legislation and regulatory requirements and guidance.

ECBHA seeks to be transparent with all stakeholders regarding its performance, compliance and assurance with this policy.

The policy is relevant to all ECBHA employees, residents, contractors and other person's or other stakeholders delivering or affected by activities and ECBHA homes and services.

2. Objectives

Through delivery of this policy ECBHA intends:

- That its activities are carried out in a manner and environment that is free from the suggestion of improper influence.
- Complies with the National Housing Federation's Code of Governance 2020 and Code of Conduct 2022.
- That all Board members and staff members of are aware of the organisation's expectations and the consequence of non-compliance with these expectations.

3. Conflicts of Interest Policy Statement

Board members and employees have a range of moral, legal and contractual obligations to act in the best interests of ECBHA. In accordance with the organisations Rules, the adopted Code

of Governance and Code of Conduct, it is important to avoid situations where there may be an actual or potential conflict of interest.

Conflicts of interests may arise where the interests of an individual, a member of their family or some other person closely connected to them has interests and/or loyalties which conflict with those of the Association. Such conflicts can create problems if they:

- Inhibit free discussion
- Result in decisions or actions that are not in the best interests of the Association
- Risk the impression being given that the Association has acted improperly.

It is essential that any potential or actual conflicts which Board and staff members have are appropriately identified, declared and managed to protect both the organisation and individuals involved from any impropriety or appearance of the same.

ECBHA defines a conflict of interest is defined as:

A set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is, or could be, impaired or influenced by a secondary interest. It can occur in any situation where an individual or organisation can exploit a professional or official role for personal or other benefit.

Conflicts can exist if the circumstances create a risk that decisions may be influenced, regardless of whether the individual actually benefits. The perception of competing interests, impaired judgement or undue influence can also be a conflict of interest. Conflicts might occur if individuals have, for example:

- a direct or indirect financial interest
- non-financial or personal interests or
- conflicts of loyalty where decision-makers have competing loyalties between an organisation they owe a primary duty to and some other person or entity.

4. Declaring Interests

All possible conflicts must be identified, declared and managed appropriately to avoid the perception that ECBHA's work has been improperly influenced by Board member or staff member conflicts.

Board members and staff members shall complete and provide to the Company Secretary:

- a declaration of interests form on appointment to their role as Board or staff member.
- an updated declaration of interests form in the event the individual has a change of circumstances, change of duties or the organisation has a change of strategy or operations that creating new or enhanced conflicts, potential conflicts or perceived conflicts.
- an annual resubmission of a declarations of interests form.

In accordance with Paragraph 20 of the organisation's Rules, every Board member shall ensure that the Company Secretary also has a list of:

- all other bodies in which they have an interest as:
 - a director or officer
 - a member of a firm
 - an official or elected member of any statutory body
 - the owner or controller of more than two per cent of a company the shares in which are publicly quoted or more than ten per cent of any other company.
- any property owned or managed by ECBHA which they occupy or
- any other significant or material interest.

In accordance with Paragraph D15 of the organisation's Rules, no Board member shall have any financial interest in any contract or other transaction with ECBHA except in specific permitted circumstances.

Board members and senior staff members must not, in a personal capacity, contract for the supply of goods or services with organisations with which ECBHA has a commercial relationship.

At the commencement of each Board meeting, the Chair shall enquire whether there are any items on the meeting agenda in respect of which any Board member or staff member present needs to declare an interest.

If any declarations are made the Chair will propose to the Board how the declaration will be appropriately addressed within the meeting, upon which the Board will seek agreement. This will be mindful that, unless it is expressly permitted by the organisation's Rules, any Board member declaring an interest in respect of an agenda item shall not remain present (unless requested to do so by the Board) and shall not have any vote on the matter in question. If there is any question as to the right of a Board member to participate in a Board meeting, a decision will be made in accordance with Paragraphs D17 and D18 of the organisation's rules.

Any declarations of interests made at the commencement of the meeting, and responses to these within the anticipated agenda, will be recorded in the minutes of the meeting.

The completion of declarations of interest forms should not be regarded as a substitute for making specific disclosures where appropriate at particular Board meetings.

In accordance with Paragraph D23 of the organisation's Rules, Board members who are residents shall be deemed not to have an interest in any decision affecting all or a substantial group of residents.

In the case of a fundamental or ongoing material conflict, the Board will determine whether the individual concerned should cease to be a Board member.

If requested by a majority of the Board members, at a meeting convened specially for the purpose, a Board member failing to disclose an interest shall be vacated of their office either permanently or for a period of time as the Board directs.

All new staff and Board members will receive training on the conflicts disclosure requirements.

5. Recording and Reporting of Declarations of Interests

All declarations of interest made by Board members and staff members, either by forms or within Board meetings, will be recorded in a register of interests which will be maintained by the Company Secretary.

The register of Board members' declarations of interest will be reported annually to the Board and published on the ECBHA website.

6. Whistleblowing Policy Statement

ECBHA is committed to ensuring high standards of conduct. It is important that individuals know what to do if they come across something that they think is fundamentally wrong, illegal or endangers others. ECBHA:

- encourages employees, Board members, customers and stakeholders who have serious concerns about any aspect of our work to come forward and express concerns.
- Ensures there is a mechanism for concerns about wrongdoing to be raised and dealt with at an early stage and in an appropriate manner.
- Ensures access to guidance and both internal and external expertise to investigate concerns in an appropriately thorough and objective way.
- Reassures individuals that they may raise genuine concerns without fear of reprisals, even if they turn out to be mistaken, and that disclosures will be dealt with appropriately, consistently, fairly and professionally.
- Ensure suitable training is in place for all Board and staff members to support both whistleblowing concerns being raised and appropriate investigations being undertaken.

Whistleblowing is the reporting of wrongdoing within an organisation. A whistleblower is someone who reports such wrongdoing. A whistleblower may be an employee, a Board member, a customer or another stakeholder such as a contractor or a consultant.

It is important that this whistleblowing policy is followed when raising any concerns, to ensure that the matter is dealt with correctly. Where a concern is properly raised under this procedure, the individual raising the concern will be protected from any unfair or negative treatment.

7. Whistle Blowing & Employee Protection

The reporting of wrongdoing by staff members may be covered by the law concerning protected disclosure of information.

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things:

- Firstly, that they are acting in the public interest. As a result, personal grievances, for example bullying, harassment or discrimination, are not usually covered by whistleblowing law. These should be reported via the organisation's Grievance Policy.
- Secondly, that a worker must reasonably believe that the disclosure shows past, present or likely future wrongdoing falling into one or more of the following categories:
 - o criminal offences (this may include, for example, types of financial impropriety such as fraud)
 - o failure to comply with an obligation set out in law
 - o miscarriages of justice
 - o endangering of someone's health and safety
 - o damage to the environment or
 - o covering up wrongdoing in the above categories.

8. Raising a Whistleblowing Concern

A concern may be raised in writing, by email, by telephone or face to face.

A whistleblower is under no compulsion to provide evidence, however when raising a concern, they should seek to provide initial information indicating there are reasonable grounds, such as:

- The background and reason behind the concern.
- If the concern has already been raised with anyone and the response received.
- Any relevant factual information where known.

An employee should, in the first instance, raise the matter with their line manager. If they do not feel comfortable raising the matter with their line manager, they should raise it with a member of the Leadership Team or the Company Secretary. If they do not feel comfortable raising the matter with any member of staff, they should raise it with the Chair or Vice-Chair of the Board.

An employee may come forward with the support of a colleague or trade union representative if they wish to do so. At any point you may contact Protect, a whistleblowing charity which aims to stop harm by encouraging safe whistleblowing, for advice.

Board members can raise whistleblowing concerns with the Chair or Vice-Chair of the Board or with the Company Secretary.

Customers and other stakeholder should raise whistleblowing concerns with the Chief Executive or the Company Secretary.

ECBHA acknowledges that 'blowing the whistle' can be difficult and cause anxiety for the whistleblower. We will support whistleblowers during and after the investigation of the concerns raised. This may include mentoring, advice, counselling, mediation or dispute resolution as appropriate.

We seek to reassure potential whistleblowers that they can confidently raise concerns with ECBHA. We recognise that circumstances may arise that a whistleblower prefers to raise a concern with an external body. ECBHA suggests the following as potential appropriate bodies:

- ECBHA's external auditor or legal advisors – as detailed in the ECBHA annual report.
- The Regulator of Social Housing (RSH).
- Financial Conduct Authority (FCA) Mutuals Register.
- An MP.

Before making the decision to share information with an outside individual or body, we recommend that obtaining advice from a legal adviser, trade union or 'Protect'. Contact details for organisations which you may wish to contact can be found in Appendix 1.

ECBHA will endeavour to protect the confidentiality of whistleblowers, but we might not be able to protect the confidentiality of the whistleblower in all cases.

9. Anonymous Whistleblowing

Concerns raised anonymously will be investigated, although ECBHA encourages individuals to disclose their identity when expressing their concerns, as an anonymous complaint is more difficult to investigate. In addition, anonymous whistleblowers will not ordinarily be able to receive feedback.

10. Investigating Whistleblowing Concerns

When whistleblowing concern is raised, it will be acknowledged within two working days. A whistleblower may be asked to confirm if they are raising something as a whistleblowing if the purpose of the report is ambiguous to the member of staff receiving it.

Each whistleblowing concern received will be recorded in the whistleblowing register which will be maintained by the Company Secretary, having due regard to the need for confidentiality. The register will record the nature and outcome of each allegation. If the concern received relates to the Company Secretary, the concern may be held separately from the register until any confidentiality matters in recording it in the register are suitably resolved.

Once ECBHA is aware of a whistleblowing concern it will be recorded in the secure whistleblowing register and a responsible officer will be assigned to the case, usually by the Company Secretary. Assignment of the responsible officer will be sensitive to the circumstances of the concern. The responsible officer will determine the investigative approach to be taken, taking into account factors including:

- The seriousness of the allegations made
- The credibility of the concerns and
- The likelihood of confirming the allegations from attributable sources.

The lead responsible officer will oversee the conduct of any investigation and will provide the communication point with the whistleblower, unless agreed otherwise.

The investigation may be conducted by members of staff or by an independent third party such as the organisation's auditors. In some circumstances the lead responsible officer may decide

that there would be no value in conducting an investigation, e.g. if the concerns fall outside the scope of this policy (in which case the individual expressing concern may be directed to an alternative policy e.g. the Grievance Policy), clearly lack credibility or do not represent a sufficient level of seriousness.

It is likely that a whistleblower will be asked further questions as part of the investigation, for which the whistleblower may be accompanied by a colleague or trade union representative.

A whistleblower may be requested to sign a written statement confirming the details of the disclosures made.

We aim to respond in full to concerns raised within a further 15 working days but this may not be possible in the context of the nature, scale and complexity of the allegations. Where additional time is needed, the whistleblower will be informed.

We will feed back the outcome of the investigation to the whistleblower, subject to protecting the confidentiality of other individuals.

If a whistleblower is not satisfied with how a concern raised has been handled, this can be raised through the ECBHA Complaints Procedure.

If a whistleblower is not satisfied with an investigation outcome. It is suggested that the matter be raised with an external body or regulator for further consideration, such as:

- ECBHA's external auditor or legal advisors – as detailed in the ECBHA annual report.
- The Regulator of Social Housing (RSH).
- Financial Conduct Authority (FCA) Mutuals Register.
- An MP.

Again, before contacting an outside individual or body, we recommend that obtain advice from a legal adviser, a trade union or 'Protect'.

11. Following a Whistleblowing Investigation

Following the completion of an investigation into a whistleblowing allegation, a written report will be compiled by the responsible officer who will determine what action is to be taken, taking account of other ECBHA policies as appropriate. Action to be taken may include reporting to external organisations.

No action will be taken against an individual who raises a concern in good faith, which is not confirmed by the subsequent investigation. Employees or Board members who are determined to have made malicious allegations may be subject to disciplinary action in line with the organisation's policies and procedures that remain mindful to legal whistleblowing protections.

The nature and outcome of each whistleblowing allegation will be reported to the Board, having due regard to the need for confidentiality, as part of the Chief Executive Officers exceptions reporting.

12. Anti-Fraud, Bribery & Corruption Policy Statement

ECBHA is committed to the highest ethical standards and good governance. The conduct of Board members, staff, consultants, contractors and suppliers involved in delivering ECBHA business is critical to achieving this.

ECBHA will not tolerate fraud, bribery or corruption. It will take all allegations seriously, ensuring suspicions are investigated and sanctions applied when proven, up to and including prosecution and recover assets misappropriated through the courts.

ECBHA will provide and promote an anti-fraud, bribery and corruption working culture. Everyone within the organisation is responsible for protecting against the risk of fraud, bribery and corruption. Any concerns must be reported immediately. ECBHA's approach is based on a series of interrelated procedures and assurances designed to frustrate any attempted fraudulent or corrupt act.

ECBHA requires all third parties involved through its procurement activities to comply with its policies or to have in place similar anti-fraud arrangements. ECBHA will not tolerate fraud, bribery or corruption in any form which gives advantage to any individual, group or organisation, regardless of whether there would be a financial benefit.

The Fraud Act 2006 defines fraud to include:

- False representation-dishonestly making a representation knowing or thinking it untrue or misleading.
- Abuse of power- dishonest abuse of a position expected to safeguard the financial interests of another person and
- Failing to disclose information-where there is a legal obligation to do so.

Fraud is often divided into three categories:

- Internal fraud – perpetrated by people within an organisation, most often by those with access to moveable assets such as cash.
- External fraud – perpetrated by people outside the organisation. It includes theft, deception and computer hacking.
- Collusion – involves two or more parties who may be within the organisation, external or internal and external parties working together. In all types of fraud, an offence must have occurred, the person must have acted dishonestly and acted with the intent of making a gain for themselves or someone else or inflicting a loss (or a risk of loss) on another.

The Bribery Act 2010 came into force on 1 July 2011, repealing and replacing the old laws on bribery with a new comprehensive anti-bribery code. Four offences are defined:

- Bribing another person– the offering, promising, or giving of an advantage.
- Being bribed – requesting, agreeing to receive or accepting an advantage.
- Bribing a foreign public official.
- The "corporate offence", where a commercial organisation fails to prevent persons performing services on its behalf from committing bribery.

A bribe is given to influence the recipient's conduct. It may be money, goods, property, privilege, object of value, advantage or any or other inducement. The key element being this inducement is designed to influence the actions of an official in the organisation.

Some actions, such as abuse of position could be classed as either fraud or bribery or both, depending on the circumstances. In order not to commit the offence of failing to prevent bribery, organisations must be able to demonstrate they have adequate procedures in place to prevent bribery in line with the following six principles:

- Proportionality - action taken to prevent bribery should be proportionate to the risks faced and the size of the organisation.
- Top level commitment - those at the top are in the best position to ensure the organisation conducts business without bribery.
- Risk Assessment - understand the risks that could occur.
- Due Diligence - know who we deal with to prevent retaining people/organisations who might be less than trustworthy.
- Communication - communicate policies, procedures and offer appropriate training to staff and those who work with us to raise awareness and deter bribery.
- Monitoring and review - the risks ECBHA faces, and the effectiveness of its procedures may change over time, so it is important they are regularly reviewed to monitor any changes in potential risks (i.e. when entering new markets).

ECBHA defines Corruption as abusing your position for direct or indirect personal gain by offering, giving, soliciting or accepting inducements designed to influence official action or decision making. The adopted Code of Conduct states that individuals must not offer, seek or accept bribes or inducements to act improperly or corruptly.

ECBHA recognises that the continuing success of its anti-fraud, bribery and corruption policy and its general credibility will depend on the effectiveness of programmed training and responsiveness of employees throughout the organisation. In order to facilitate this, ECBHA supports the concept of induction training for new Board Members and employees and ongoing refresher courses, particularly for those involved in internal control systems.

13. Anti-Fraud, Bribery & Corruption Responsibilities

It is the responsibility of Directors and Managers to have in place and operate adequate systems of internal control within their areas of responsibility. This will help to prevent and detect fraud.

Every member of staff has a responsibility to follow procedures to prevent fraud, bribery and corruption risk and a duty to alert their Line Manager where they believe the opportunity for fraud exists because of weak procedures or lack of effective supervision.

When any staff become aware of any actual or suspected fraud or suspicious acts, they have a responsibility to reported as per the whistleblowing arrangements. The Company Secretary has

the responsibility to ensure that it is recorded, investigated and responded to also within the whistleblowing arrangements.

Criminal activity by a colleague that does not directly affect ECBHA may still carry a legal obligation to inform the police. Any member of staff who is uncertain of their obligations should seek advice from the Company Secretary.

14. Anti-Fraud, Bribery & Corruption – Reporting & Response

Any actual or suspected fraud or suspicious acts should be reported as per the whistleblowing arrangements.

Under no circumstances should any member of staff undertake their own investigation. Recording, investigations and resulting actions will all be progressed as per the whistleblowing provisions.

The Company Secretary may, based on the situation, severity and risk:

- Make changes to minimise the risk of subsequent losses.
- Make changes to improve the chance and scale of recoveries.
- Take steps to reduce any adverse commercial effects
- Ensure that ECBHA retains control of its affairs in a crisis.
- Agree and make clear and appropriate statements to staff and stakeholders.
- Secure physical assets at risk.
- Suspend internal and external authorisations and delegations.
- Suspend signing authorities.
- Suspend suspects from positions of authority.
- Secure accounting and other records, including those held on computer and take back-ups of all relevant computer data.
- Change passwords and access controls.

Provided there is no conflict, these actions will usually be agreed with the Chief Executive Officer or the Chair. Where a situation has a conflict with these positions the Company Secretary will liaise with the Deputy Chair. Where an investigation has potential conflicts with the Company Secretary, investigations and actions will be progressed by the Chief Executive Officer.

As part of investigations appropriate disclosures may be required to:

- The Chair and/or Deputy Chair
- The RSH (if the loss is greater than £5,000 or any amount involving any Board Members or the Leadership Team)
- ECBHA's insurers if there is an insured loss.

For incidents involving third parties, it may be necessary to contact the police immediately. However, for internal frauds, the decision on when to involve the police will be made by the Chief Executive Officer and the Chair. The timing of the notification to the police will be at the discretion of the Chief Executive Officer.

The RSH will be updated if there is likely to be a loss impacting on grants received, the retention of social housing assets or a matter that could bring the organisation or sector into disrepute.

the Board will be appraised of the situation by a confidential verbal or written report at their next meeting and updated at subsequent meetings of any significant developments. On completion of the investigation, whatever the outcome, a confidential report will be presented to the Board and sent to the RSH (if appropriate).

The fraud, bribery and corruption or attempted fraud, bribery and corruption will be recorded in the Fraud Register held by the Company Secretary.

ECBHA are required to submit an annual fraud return to the RSH within 6 months of the financial year-end.

The Company Secretary is authorised to be given access to any information requested and have access to all staff with reasonable notice. If required, external specialist consultants or the police will be utilised, subject to approval of the Chief Executive Officer or the Chair.

All information relating to the investigation will be confidential and held securely. Findings will not be released to third parties without the permission of the Chief Executive Officer and the Chair.

15. Receipt of Gifts – Policy Statement

It is the aim of the Association to ensure high levels of customer and client satisfaction. Occasionally, satisfied customers, clients or other third parties may seek to reward employees with gifts.

Whilst the Association has no desire to stop deserving employees receiving a small token of gratitude or appreciation from a customer or client, we do recognise that there is the potential for abuse. In addition, some suppliers or contractors may offer 'reward schemes' which allow employees to obtain free gifts or discount vouchers for ordering services or products on behalf of the Association from that supplier or contractor.

Obviously, the Association must ensure that its suppliers or contractors are competitive and that its employees are acting in the best interests of the Association when using a particular supplier or contractor.

The Association does not believe that it is appropriate for employees to accept anything of greater value than small tokens of appreciation from customers, clients, suppliers, contractors or from any other person or organisation with which the Association has, or might have, business connections. This is because it is important to ensure that no employee acts in any way that is inconsistent with the integrity of the business.

A 'gift' is deemed to be any item given to an employee on an apparent ex gratia basis by any party in connection with the employee's employment by the Association. On no account should an employee accept any amount of money, no matter how small, from a resident, contractor, supplier or stakeholder.

The Association promotes a culture of honesty and transparency in the practice of receiving gifts.

All employees are under an obligation to report the receipt of gifts, including the nature of the gift and the identity of the sender, to the Company Secretary as soon as they are received.

Failure to report the receipt of any gift from any party constitutes a disciplinary offence and will be dealt with in accordance with the Association's disciplinary procedure. Depending on the gravity of the offence, it may be treated as gross misconduct and could render the employee liable to summary dismissal.

If the gift is anything other than a small token of appreciation having no substantial financial value, the employee will be required to return the gift to the sender with a polite letter thanking them and explaining that it is the Association's policy that employees should not receive gifts.

If, in the opinion of the Company Secretary, the gift might constitute a bribe or other inducement, the employee will be asked to pass the gift to The Chief Executive Officer the Association who will return it to the sender with a suitable letter explaining the Association's policy and asking the sender to comply with the policy in future.

In cases where the Company Secretary deems that the gift constitutes a small token of appreciation for the employee as a personal reward, the employee may, at the line managers discretion, be permitted to retain the gift.

Unless the sender of the gift specifically states or makes clear that the gift is intended for a particular employee as a personal reward, all gifts are deemed to be the property of the Association and may be shared amongst other members of staff or donated to a charitable cause as appropriate.

Small gifts that are genuinely given as a token of appreciation are acceptable, provided always that the employee properly declares the gift in line with this policy and provided they do not subsequently treat the sender of the gift more favourably than other clients, customers, suppliers or contractors.

Gifts received will be recorded in a register by the Company Secretary

This policy does not apply to promotional gifts i.e., items such as pens, mugs, calendars or stationery that bear the Association name or logo of another organisation, provided that these have no significant financial value.

16. Appendix 1

List of external contact options for whistleblowing:

ECBHA Principal Regulator	ECBHA's internal auditor	ECBHA's external auditor	ECBHA's legal advisors	Independent Whistleblowing Charity
The Regulator of Social Housing	TIAA	Mitchell Charlesworth	Brabners	Protect +
Referrals and Regulatory Enquiries, Level 2, 7-8	Artillery House, Fort Fareham, Newgate	5 Temple Square Temple Street, Liverpool L2 5RH	Horton House, Exchange Flags,	The Green House

Wellington Place, Leeds, LS1 4AP 0300 124 5225 enquiries@rsh.gov.uk	Lane Fareham, PO14 1AH 0845 300 3333 enquiries@tiaa.co.uk	0151 255 2300	Liverpool, L2 3YL 0151 600 3000 hello@brabners.com	244-254 Cambridge Heath Road, London, E2 9DA 0203 117 2520 www.protect-advice.org.uk
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