**Lincolnshire Housing Partnership**

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| **Bribery Policy** | |
| **Date when Policy is to become effective** | Date approved by Board (30th April 2019) |
| **Who is the lead person for the policy** | Director of Resources |
| **Who has been consulted** | Executive Leadership Team  Company Secretary |
| **Who approves this Policy** | Board on recommendation from Audit and Risk Committee |
| **When is the next review due** | 3 years |
| **Which version number is this** | New Policy, version 1 |
| **To be read in conjunction with:** | |
| **Internal** | ELT  Company Secretary |
| **External** | NHF Code of Governance  HCA Regulatory Standards-Governance and Financial Viability Standard  Relevant legislation |
| **Strategic priority that this policy supports** | Strong Governance and Finance |
| **Brief Policy Summary:** | |
| Sets out LHP’s approach to preventing and mitigating the risks of bribery, and where instances occur to have clear investigation plan and processes to deal with it | |

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# Introduction to Lincolnshire Housing Partnership’s Bribery Policy

* 1. This document sets out Lincolnshire Housing Partnership’s policy and advice to Board members and employees in dealing with bribery or suspected bribery. This policy details the arrangements made in the Organisation for such concerns to be raised by Board members, employees, those who do business with the Organisation or members of the public.
  2. The Bribery Act 2010 introduced a new, clearer regime for tackling bribery that will apply to all businesses based or operating in the UK. It covers all sorts of bribery, the offering and receiving of a bribe, directly or indirectly, whether or not it involves a public official, in the UK or abroad. There are offences by individuals (and a corporate offence for corporates and partnerships), and penalties for non- compliance are serious.
  3. Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines. If any employee was accused of bribery, Lincolnshire Housing Partnership’s reputation might be damaged considerably, and subsequent enforcement action will be time-consuming and hinder Lincolnshire Housing Partnership’s from focusing on its core business and service delivery.
  4. It is the policy of Lincolnshire Housing Partnership to prohibit any form of bribery. The policy applies to Lincolnshire Housing Partnership and all Executive directors and employees, irrespective of their position, as well as Board and Committee members, and must be respected at all times.
  5. This document sets out the organisation’s policy for dealing with detected or suspected bribery and corruption.

# Scope

* 1. This policy relates to all forms of bribery and is intended to provide direction and help to the Board members, Executive directors and employees who may identify suspected bribery. The overall aims of the policy are to:
* Improve the knowledge and understanding of everyone in the organisation, irrespective of their position, about the risk of bribery within the organisation and its unacceptability;
* Assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly;
* Set out the organisation’s responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and corruption;
* Ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:
* Criminal prosecution;
* Civil prosecution;
* Internal/external disciplinary action (including professional/regulatory bodies).
  1. This policy applies to all directors and employees of Lincolnshire Housing Partnership, regardless of position held, as well as Board and committee members, consultants, contractors, and/or any other parties who have a business relationship with Lincolnshire Housing Partnership. It will be brought to the attention of all employees and form part of the induction process for new staff. It is incumbent on all of the above to report any concerns they may have concerning bribery.
  2. In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the organisation’s Equality and Diversity Policy. Special attention should be paid in ensuring the policy is understood where there may be barriers to understanding caused by the individual’s circumstances, where the individual’s literacy or use of English is weak, or where the individual has little experience of working life.

# DEFINITIONS

* 1. Bribery – “Giving or receiving a financial or other advantage in connection with the improper performance of a position of trust, or a function that is expected to be performed impartially or in good faith.” (Bribery Act 2010).
  2. The organisation has procedures in place that reduce the likelihood of bribery occurring. These include Standing Orders, Financial Regulations, documented procedures, a system of internal control (including Internal and External Audit) and a system of risk assessment. In addition, the organisation seeks to ensure that a comprehensive anti-bribery culture exists throughout the organisation via the Senior Compliance Officer.

# POLICY

All Board and Committee members, Executive directors and employees have a personal responsibility to protect Lincolnshire Housing Partnership from bribery or corruption

* 1. Lincolnshire Housing Partnership is absolutely committed to maintaining an honest, open and supportive atmosphere within the Organisation, so as to best fulfil the objectives of the organisation. It is, therefore, also committed to a zero tolerance of bribery within the organisation with a rigorous investigation of any such allegations and to taking appropriate action against wrong doers, including possible dismissal and criminal prosecution.
  2. Off-the-book accounts and false or deceptive booking entries are strictly prohibited. Under the Anti-Bribery Policy all gifts, payments or any other contribution made, whether in cash or in kind, must be documented, regularly reviewed, and properly accounted for on the books of Lincolnshire Housing Partnership. Record retention and archival policy must be consistent with Lincolnshire Housing Partnership’s accounting standards, tax and other applicable laws and regulations.
  3. Lincolnshire Housing Partnership procures goods and services ethically and transparently with the quality, price and value for money determining the successful supplier / contractor, not by receiving (or offering) improper benefits. The organisation will not engage in any form of bribery, neither in the UK nor abroad. The organisation and all directors and employees, independent of their position, shall at all times comply with the Bribery Act 2010 and with this policy.
  4. Lincolnshire Housing Partnership’s Board and Committee members, Executive directors and employees will not request or receive a bribe from anybody, nor imply that such an act might be considered. This means that you will not agree to receive or accept a financial or other advantage from a former, current or future client, business partner, contractor or supplier or any other person as an incentive or reward to perform improperly your function or activities.
  5. Bribing anybody is absolutely prohibited. Lincolnshire Housing Partnership Board and Committee members, Executive directors and employees will not pay a bribe to anybody. This means that you will not offer, promise, reward in any way or give a financial or other advantage to any person in order to induce that person to perform his/her function or activities improperly. It does not matter whether the other person is a UK or foreign public official, political candidate, party official, private individual, private or public sector employee or any other person (including creating the appearance of an effort to improperly influence another person).
  6. Lincolnshire Housing Partnership may, in certain circumstances, be held responsible for acts of bribery committed by intermediaries acting on its behalf such as subsidiaries, clients, business partners, contractors, suppliers, agents, advisors, consultants or other third parties. The use of intermediaries for the purpose of committing acts of bribery is prohibited.
  7. All intermediaries shall be selected with care, and all agreements with intermediaries shall be concluded under terms that are in line with this policy. Lincolnshire Housing Partnership will contractually require its agents and other intermediaries to comply with the Anti-Bribery Policy and to keep proper books and records available for inspection by Lincolnshire Housing Partnership, auditors or investigating authorities. Agreements with agents and other intermediaries shall at all times provide for the necessary contractual mechanisms to enforce compliance with the anti-bribery regime. Lincolnshire Housing Partnership will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement even if this may result in a loss of business.
  8. All employees should be aware that bribery will normally, dependent upon the circumstances of the case, be regarded as gross misconduct thus warranting summary dismissal without previous warnings. However, no such action will be taken before a proper investigation and a disciplinary hearing have taken place. Such actions may be in addition to the possibility of criminal prosecution.

## **Appendix 1- Procedures**

# Facilitation Payments

* + 1. Facilitation payments are small payments made to secure or expedite the performance of a routine action by a government official or agency (e.g. issuing licenses or permits, installation of a telephone line, processing goods through customs, etc.) to which the payer (or the company) has legal or other entitlement.

* + 1. Facilitation payments are prohibited under the Bribery Act like any other form of bribe. They shall not be given by Lincolnshire Housing Partnership or Lincolnshire Housing Partnership’s directors or employees in the UK or any other country.

# Gifts and Hospitality

* + 1. Gifts and hospitality should normally be refused as it may be difficult to avoid obligation in the future. There may, however, be circumstances where it would be appropriate to accept a gift or hospitality, or where to refuse to do so could cause offence.
    2. Employees and Board Members must not under any circumstances accept any gift in cash whether given to them by an individual or company or left to them through probate (will). Staff and Board Members are strongly discouraged from accepting gifts in kind but may accept inexpensive gifts such as diaries, calendars, chocolates or a bottle of drink (for example, at Christmas), subject to the gift being reported to the Chief Executive through the Gifts and Hospitality register and, if appropriate, being regarded as one to all staff.
    3. There may be circumstances where employees and Board Members, in the ordinary course of performing their duties, could be required to give and receive hospitality. Staff and Board Members are expected not to offer or receive lavish or extravagant entertainment. The Chief Executive (or in the case of the Chief Executive, the Chair) should always be consulted in cases of doubt.
    4. Any gift or hospitality received, including its value, will be recorded in the Register of Gifts and Hospitality Received, which will be maintained by the Chief Executive. Any gift or hospitality provided, including its value, will be recorded in the Register of Gifts and Hospitality Provided, which will also be maintained by the Chief Executive.

# Political and Charitable Contributions

* + 1. Lincolnshire Housing Partnership does not make any contributions to politicians, political parties or election campaigns.
    2. As a responsible member of society, Lincolnshire Housing Partnership may make charitable donations. However, these payments shall not be provided to any organisation upon suggestion of any person of the public or private sector in order to induce that person to perform improperly the function or activities which he or she is expected to perform in good faith, impartially or in a position of organisation or to reward that person for the improper performance of such function or activities.
    3. Any donations and contributions must be ethical and transparent. The recipient’s identity and planned use of the donation must be clear, and the reason and purpose for the donation must be justifiable and documented. All charitable donations will be publicly disclosed.
    4. Donations to individuals and for-profit organisations and donations paid to private accounts are incompatible with Lincolnshire Housing Partnership’s ethical standards and are prohibited.

# Sponsoring

* + 1. Sponsoring means any contribution in money or in kind by Lincolnshire Housing Partnership towards an event organised by a third party in return for the opportunity raise Lincolnshire Housing Partnership’s profile. All sponsoring contributions must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the consideration offered by the event host. They may not be made towards events organised by individuals or organisations that have goals incompatible with Lincolnshire Housing Partnership’s ethical standards or that would damage Lincolnshire Housing Partnership’s reputation. All sponsorships will be publicly disclosed.
    2. Where commercial sponsorship is used to fund organisation training events, training materials and general meetings, the sponsorship must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the occasion. Where meetings are sponsored by external sources, this fact must be disclosed in the papers relating to the meeting and in any published minutes/proceedings.
    3. Where sponsorship links to the development of guidelines and advice, this should be carried out in consultation with the Senior Compliance Officer in conjunction with the appropriate organisation working group independent of the sponsors. While it is recognised that consultation with the industry may be necessary when developing a guideline, the overall decision on what is included should lie with the organisation working group.

# RAISING CONCERNS

* 1. The organisation wishes to encourage anyone having reasonable suspicions of bribery to report them. The organisation’s policy, which will be rigorously enforced, is that no individual will suffer any detrimental treatment as a result of reporting reasonably held suspicions. The Public Interest Disclosure Act 1998 came into force in July 1999 and gives statutory protection, within defined parameters, to staff who make disclosures about a range of subjects, including bribery and corruption, which they believe to be happening within the organisation employing them. Within this context, ‘reasonably held’ means suspicions other than those which are raised maliciously and are subsequently found to be groundless.

* 1. Any unfounded or malicious allegations will be subject to a full investigation and appropriate disciplinary action.
  2. The organisation expects anyone having reasonable suspicions of bribery to report them to the Senior Compliance Officer who will then ensure that procedures are followed. Concerns can also be raised through the organisation’s Confidential Reporting (Whistleblowing) Policy.

# ROLES & RESPONSIBILITIES

* + 1. **The Board**
    2. The Board has a duty to ensure that it provides a secure environment in which to work, and one where people are confident to raise concerns without worrying that it will reflect badly on them. This extends to ensuring that staff feel protected when carrying out their official duties and are not placed in a vulnerable position. If staff have concerns about any procedures or processes that they are asked to be involved in, the organisation has a duty to ensure that those concerns are listened to and addressed.
    3. The Board and/or the Company Secretary will be liable to be called to account for failing to prevent bribery. Lincolnshire Housing Partnership therefore has a duty to ensure employees receive adequate training and support in order to carry out their responsibilities. Therefore, the Chief Executive and Director of Resource will monitor and ensure compliance with this policy.
  1. **Employees**
     1. For the purposes of this policy, ‘Employees’ include the all organisation staff, Board Members (including Co-Opted Members), Honorary Members to the Board and Committee / Panel members. This does not infer employment status.
     2. Non-Executive Directors and staff at all levels will lead by example in acting with the utmost integrity and ensuring adherence to all relevant regulations, policies and procedures.
     3. Employees must act in accordance with the organisation’s Code of Conduct, Gifts and Hospitality and Declaration of Interests policies which include guidance on the receipt of gifts or hospitality.
     4. Employees who are involved in receiving offers of sponsorship, funding or gifts from outside agencies also should comply with their own professional codes of practice. Professional staff must also make themselves aware of their own professional body codes of conduct e.g. legal, accounting and other bodies.
  2. **Managers**
     1. Line managers at all levels have a responsibility to ensure that an adequate system of internal control exists within their areas of responsibility and that controls operate effectively. The responsibility for the prevention and detection of bribery therefore primarily rests with managers but requires the co-operation of all employees.
     2. As part of that responsibility, line managers need to:
* Inform staff of Lincolnshire Housing Partnership’s code of conduct, gifts and hospitality, declaration of interest and counter fraud and anti- bribery policies as part of their induction process, paying particular attention to the need for accurate completion of personal records and forms;
* Ensure that all employees for whom they are accountable are made aware of the requirements of the policy;
* Assess the types of risk involved in the operations for which they are responsible;
* Ensure that adequate control measures are put in place to minimise the risks. This must include clear roles and responsibilities, supervisory checks, staff rotation (particularly in key posts), separation of duties wherever possible so that control of a key function is not invested in one individual, and regular reviews, reconciliations and test checks to ensure that control measures continue to operate effectively;
* Be aware of Lincolnshire Housing Partnership’s anti-bribery policy;
* Identify sensitive /at-risk posts;
* Ensure that controls are being complied with; and
* Contribute to their Director’s assessment of the risks and controls within their business area, which feeds into Lincolnshire Housing Partnership’s overall statements of accountability and internal control.
  + 1. All instances of actual or suspected bribery, which come to the attention of a manager, must be reported immediately. It is appreciated that some employees will initially raise concerns with their manager, however, in such cases managers must not attempt to investigate the allegation themselves, and they have the clear responsibility to refer the concerns to the Senior Compliance Officer as soon as possible.
  1. **Company Secretary (Senior Compliance Officer)** 
     1. Lincolnshire Housing Partnership has appointed the Company Secretary as the Senior Compliance Officer who will be responsible for implementing the Anti-Bribery Policy and these guidelines, providing guidance and training, monitoring compliance and sanctioning violation of the policy. The Company Secretary will review annually the suitability, adequacy and effectiveness of Lincolnshire Housing Partnership’s anti-bribery arrangements and implement improvements as and when appropriate.
  2. The Company Secretary reports directly to the Chief Executive. Once a year, the Company Secretary reports the results of the reviews to the Board as part of the annual Governance Compliance Report.
  3. **Director of Resource**
     1. The Director of Resource, in conjunction with the Chief Executive, monitors and ensures compliance with Secretary of State Directions regarding fraud and corruption.
     2. The Director of Resource will decide whether there is sufficient cause to conduct an investigation, and whether the Police and External Audit need to be informed.
     3. The Director of Resource will consult and take advice from the Director of Customers if a member of staff is to be interviewed or disciplined. The Director of Resource will not conduct a disciplinary investigation, but the employee may be the subject of a separate investigation under the Disciplinary Procedure.
     4. The Director of Resource will, depending on the outcome of investigations (whether on an interim/ongoing or a concluding basis) and/or the potential significance of suspicions that have been raised, inform the Chair of the Organisation and the Chair of the Audit and Risk Committee of cases, as may be deemed appropriate or necessary.
  4. **Internal and External Audit**

* + 1. Any incident or suspicion that comes to Internal or External Audit’s attention will be passed immediately to the Senior Compliance Officer.
  1. **Human Resources** 
     1. Human Resources will liaise closely with Managers and the Senior Compliance Officer, from the outset, where an employee is suspected of being involved in bribery or corruption in accordance with agreed liaison protocols. Human Resources are responsible for ensuring the appropriate use of the organisation’s Disciplinary Procedure. The Human Resources Team shall advise those involved in the investigation in matters of employment law and in other procedural matters, such as disciplinary and complaints procedures. Close liaison between the Company Secretary and HR will be essential to ensure that any parallel sanctions (i.e. criminal and disciplinary) are applied effectively and in a coordinated manner.
     2. Human Resources will take steps at the recruitment stage to establish, as far as possible, the previous record of potential employees as well as the veracity of required qualifications and memberships of professional bodies, in terms of their propriety and integrity. In this regard, temporary and fixed term contract employees are treated in the same manner as permanent employees.
     3. Staff joining Lincolnshire Housing Partnership subsequently will be provided with a copy of the Anti-Bribery Policy as part of their induction procedures. They will also be given the opportunity to discuss any concerns or queries with the Company Secretary prior to signing the Lincolnshire Housing Partnership declaration of compliance.
  2. **Information Management and Technology** 
     1. The manager responsible for IT will contact the Senior Compliance Officer immediately in all cases where there is suspicion that IT is being used for bribery purposes. This includes inappropriate internet/intranet, e-mail, telephone and PDA use. Human Resources will be informed if there is a suspicion that an employee is involved.
  3. **Procurement**

* + 1. Procurement practices will be conducted in a fair and transparent manner and not deal with contractors or suppliers known or reasonably suspected to be paying bribes. Before engaging contractors and suppliers, Lincolnshire Housing Partnership will undertake properly documented due diligence. Unless prospective contractors and suppliers have effective anti-bribery programmes in place, Lincolnshire Housing Partnership will contractually require them to comply with the Anti- Bribery Policy. Agreements with contractors and suppliers shall, at all times, provide for the necessary contractual mechanisms to enforce compliance with the anti-bribery arrangements. Lincolnshire Housing Partnership will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement.

# EXTERNAL COMMUNICATIONS

* 1. Individuals (be they employees, agency staff, locums, contractors or suppliers) must not communicate with any member of the press, media or another third party about a suspected act of bribery as this may seriously damage the investigation and any subsequent actions to be taken. Anyone who wishes to raise such issues should discuss the matter with either the Director of Resource or the Chief Executive.

# TRAINING

* 1. Lincolnshire Housing Partnership will provide anti-bribery training to all relevant employees on a regular basis to make them aware of the Anti-Bribery Policy and guidelines, in particular of possible types of bribery, the risks of engaging in bribery activity, and how employees may report suspicion of bribery.

# MONITORING EFFECTIVENESS OF POLICY

* 1. Compliance with the Anti-Bribery Policy and these guidelines will be monitored regularly. Three Departments/Areas/Sites within the organisation will be contacted randomly after six months from the ratification date of this policy to identify:
* The policy location;
* Awareness and understanding of the policy; and
* Any implementation of the policy.

# ADDITIONAL INFORMATION

* 1. Any abuse or non-compliance with this policy or procedures will be subject to a full investigation and appropriate disciplinary action.
  2. This policy will be subject to annual review.

# RELATED POLICIES

***Code of Conduct***

***Probity Policy***

***Standing Orders/Delegations***

***Procurement Rules***

***Financial Regulations***

***Anti-Fraud and Corruption Policy***

***Confidential Reporting (Whistleblowing)***

***Disciplinary Policy and Procedures***

## Appendix 2: Offences Under the Bribery Act 2010

The following business practices constitute criminal offences under the Bribery Act 2010 and are therefore prohibited:

***Offences of bribing another person***

Case 1 is where a Lincolnshire Housing Partnership employee offers, promises or gives a financial or other advantage to another person and intends the advantage (i) to induce that or another person to perform improperly a relevant function or activity, or (ii) to reward that or another person for the improper performance of such a function or activity.

Case 2 is where a Lincolnshire Housing Partnership employee offers, promises or gives a financial or other advantage to another person and knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity by that person.

The bribery must relate to (i) a function of a public nature, (ii) an activity connected with a business, (iii) an activity performed in the course of a person’s employment, or (iv) an activity performed by or on behalf of a body of persons (whether corporate or un-incorporate). The person performing the function or activity must be expected to perform it in good faith, impartially or in a position of organisation. It does not matter whether the function or activity is performed inside or outside the UK, whether the other person(s) involved is/are in the public or private sector and whether the advantage is offered, promised or given directly by the Lincolnshire Housing Partnership employee or through a third party, e.g. an agent or other intermediary.

***Offences relating to being bribed***

Case 3 is where a Lincolnshire Housing Partnership employee requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly (whether by him- /herself or another person).

Case 4 is where a Lincolnshire Housing Partnership employee requests, agrees to receive or accepts a financial or other advantage, and the request, agreement or acceptance itself constitutes the improper performance by him-/herself of a relevant function or activity.

Case 5 is where a Lincolnshire Housing Partnership employee requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance (whether by him-/herself or another person) of a relevant function or activity.

Case 6 is where, in anticipation of or in consequence of a Lincolnshire Housing Partnership employee requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly (i) by that Lincolnshire Housing Partnership employee, or (ii) by another person at his/her request or with his/her assent or acquiescence.

Again, the bribery must relate to (i) a function of a public nature, (ii) an activity connected with a business, (iii) an activity performed in the course of a person’s employment, or (iv) an activity performed by or on behalf of a body of persons (whether corporate or incorporate). The person performing the function or activity must be expected to perform it in good faith, impartially or in a position of organisation.

It does not matter whether the function or activity is performed inside or outside the UK, whether the other person(s) involved is/are in the public or private sector, whether the Lincolnshire Housing Partnership employee requests, agrees to receive or accepts the advantage directly or through a third party, e.g. an agent or other intermediary, and whether the advantage is for the benefit of a Lincolnshire Housing Partnership employee or another person.

In Cases 4 to 6, it does not matter whether the Lincolnshire Housing Partnership employee knows or believes that the performance of the function or activity is improper.

***Bribery of foreign public officials***

Case 7 is where a Lincolnshire Housing Partnership employee bribes a foreign public official and intends (i) to influence that official in his/her capacity as a foreign public official and (ii) to obtain or retain a business or an advantage in the conduct of business. A foreign public official is someone who holds a legislative, administrative or judicial position of any kind or exercises a public function of a country outside the UK, or is an official or agent of a public international organisation.

***Failure of corporate organisations (irrespective as to what happens to the profit) to prevent bribery***

A corporate or partnership is guilty of a corporate bribery offence if an employee, agent, subsidiary or any other person acting on its behalf bribes another person intending to obtain or retain business or an advantage in the conduct of business for the corporate or partnership For a definition of bribery, please refer to Cases 1, 2 and 7 above.

It should be the policy of a corporate or partnership not to tolerate any bribery on its behalf, even if this might result in a loss of business for it.