Whistleblowing Policy



GENISTAR
Financial Freedom For All

Version Control

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1) Purpose

This Policy is designed to encourage members of Genistar and others who have serious concerns about any aspect of Genistar Limited's work to come forward and voice those concerns.

2) What is Whistleblowing?

1. In this policy 'Whistleblowing' means the reporting by any member of Genistar, of suspected misconduct, illegal acts, or failure to act within Genistar Limited.

2. Any member of Genistar are often the first to realise that there may be something seriously wrong within Genistar Limited. 'Whistleblowing' is viewed by Genistar Limited as a positive act that can make a valuable contribution to the efficiency and long-term success at Genistar. It is not disloyal to colleagues, representatives or Genistar to speak up. Genistar is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To help achieve these standards it encourages freedom of speech.

3. If you are considering raising a concern you should read this Policy first. It explains:

- The types of issues to raise
- How the person raising a concern will be protected
- How to raise a concern, and
- What Genistar Limited will do

3) What is the Aim of This Policy and When Does it Apply?

3.1. Aims of the Policy

1. The policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within Genistar Limited, without fear of victimisation, subsequent discrimination, disadvantage, or dismissal.

2. It is also intended to encourage and enable you to raise serious concerns within Genistar rather than ignoring a problem or 'blowing the whistle' outside.

3. This Policy aims to:

- Encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon the concerns about practice
- Provide avenues to raise those concerns and receive feedback on any action taken Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- Reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith

3.2. Scope

1. This policy is designed to enable any member of Genistar to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or misconduct. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the request of other procedures e.g. disciplinary.

2. These concerns could include, but are not limited to:

- Financial malpractice or misconduct or fraud
- Failure to comply with a legal obligation or statutes
- Dangers to Health & Safety or the Individual
- Criminal activity
- Danger to the environment
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

3.3. Who can Raise a Concern Under This Policy?

The Policy applies to all:

- Employees;
- Company Representatives;
- Employees of contractors working for Genistar Limited, for example, agency staff, builders, and drivers;
- Employees of suppliers;
- Those providing services under a contract or other agreement with Genistar Limited in their own premises;
- Voluntary workers working with Genistar Limited; or
- Anyone associated with Genistar.

3.4. What Should Be Reported?

1. Any serious concerns that you have about service specification or the conduct of officers or members of Genistar Limited or others acting on behalf of Genistar Limited that:

- Make you feel uncomfortable in terms of known standards
- Are not in keeping with Genistar Limited's structure and policies
- Fall below established standards of practice or
- Are improper behaviour

2. These might relate to:

- Conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- Disclosures related to miscarriages of justice
- Racial, sexual, disability or other discrimination

- Health and safety of the public and/or other employees or representatives
- Damage to the environment
- Unauthorised use of public funds or other assets
- Possible fraud and corruption
- Neglect or abuse of clients or
- Other unethical conduct

3. This list is not exhaustive.

4) Protecting the Whistleblower

4.1. Your Legal Rights

1. This policy has been written to take account of the Public Interest Disclosure Act 1998 (PIDA) which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

2. The Act makes it unlawful for Genistar Limited to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

3. Rarely, a case might arise where it is the member of Genistar that has participated in the action causing concern. In such a case, it is in the member of Genistar's interest to come out into the open as soon as possible. Genistar Limited cannot promise not to act against such a member of Genistar, but the fact that they came forward may be taken into account

4.2. Harassment and Victimisation

1. Genistar Limited is committed to good practice and high standards and to being supportive of you as a member of Genistar.

2. Genistar recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer, your colleagues, your fellow representatives and those for whom you are providing a service.

3. Genistar Limited will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

4.3. Support to You

1. Throughout this process:

- You will be given full support from Senior Management, your upline and Business Integrity
- Your concerns will be taken seriously, and
- Genistar Limited will do all it can to help you throughout the investigation

2. If appropriate, Genistar Limited will consider temporarily redeploying you for the period of the investigation.

3. For those who are not Genistar employees, Genistar will endeavour to provide appropriate guidance and support wherever possible.

4.4. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to act as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered guidance and support.

4.5. Anonymous Allegations

1. This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously.

2. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of Genistar. In exercising this discretion, the factors to be considered would include:

- The seriousness of the issue raised
- The credibility of the concern, and
- The likelihood of confirming the allegation from other sources

4.6. Untrue Allegations

If you make an allegation in good faith and reasonably believe it to be true, but it is not confirmed by the investigation, Genistar will recognise your concern and you have nothing to fear. If, however, you makean allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

5) Raising a Concern

5.1. Who Should you Raise a Concern With?

1. This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. You should normally raise concerns with:

- Your Line Manager or Upline
- Your EVP or SVP
- The Business Integrity Department

2. The address for correspondence is:

Genistar Limited
Victoria House, Harestone Valley Road
Caterham
CR3 6HY
Telephone: 020 3372 5085
Email: business.integrity@genistar.net

3. If, exceptionally, the concern is about the Chief Executive or Managing Director of Genistar Limited, your concern should be raised with the Human Resources (HR) department of Genistar who will decide how the investigation will proceed. This may include external investigation.

4. If you are unsure who to contact you may call the Financial Conduct Authority (FCA) Whistleblowing hotline on 020 7066 9200, email: whistle@fca.org.uk.

5.2. How to Raise a Concern

1. You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to act. You will need to provide the following information:

- The nature of your concern and why you believe it to be true
- The background and history of the concern (giving relevant dates)

2. Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within Genistar and there are reasonable grounds for your concern.

3. You may invite your Trade Union, professional association representative or a friend to be present for support during any meetings or interviews in connection with the concerns you have raised.

6) What Genistar Will Do

1. Genistar will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

2. The overriding principle for Genistar will be the public interest. To be fair to all members of Genistar, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

3. The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

4. Where appropriate, the matters raised may:

- Be investigated by management, internal audit, or through the disciplinary/ grievance process
- Be referred to the police
- Be referred to an external auditor or compliance consultancy
- Be referred and put through established child protection/abuse procedures
- Form the subject of an independent inquiry

5. Within ten working days of a concern being raised, the person investigating your concern will write to you:

- Acknowledging that the concern has been received
- Indicating how Genistar proposes to deal with the matter
- Supplying you with information on support mechanisms
- Telling you whether further investigations will take place and if not, why not.

6. The amount of contact between you and the Responsible person considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

7. Any meeting can be arranged away from your workplace, if you wish, and a Trade Union or professional association representative or a friend may accompany you in support.

8. Genistar will do what they can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, Genistar will arrange for you to receive appropriate guidance and support.

9. You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

7) The Responsible Person

The Business Integrity Department has overall responsibility for the maintenance and operation of this Policy.

8) How the Matter Can be Taken Further

1. This Policy is intended to provide you with an avenue within Genistar to raise concerns.

2. Genistar hopes you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside Genistar, the following authorities can be contacted:

- Financial Conduct Authority (FCA)
- Your Trade Union
- The police
- Other relevant bodies prescribed by legislation – Public Concern at Work will be able to guide you as to who you can contact

3. If you raise concerns outside Genistar, you should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act and of this Policy.

4. You should not disclose information that is confidential to Genistar or to anyone else, such as a client or contractor of Genistar, except to those included in the list of prescribed contacts.

5. This Policy does not prevent you from taking your own legal advice.

9) Review of the Policy

Genistar Business Integrity and HR department will review this Policy annually.

10) Corporate Recording and Monitoring

1. The Business Integrity Department will maintain a corporate register containing all concerns that are brought to their attention. All individuals allocated to look into a concern must ensure the Business Integrity Department is provided with sufficient details for the corporate register.

2. The Business Integrity Department will review the corporate register and produce an annual report for the Board of Directors. The report will include a summary of the concerns raised, to which department they related, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any names of Genistar members. The aim of this is to ensure that:

- Genistar and/or the relevant department learns from mistakes and does not repeat them, and
- The aim of this is to ensure that there is consistency of approach across the departments

11) Policy Compliance and Audit

1. Failure to observe the standards set out in this policy may be regarded as serious and any breach may render an individual liable to further investigation by the Business Integrity Department which may result in disciplinary or dismissal.

2. Non-compliance with this policy could have a significant effect on the efficient operation of Genistar and may result in financial loss and an inability to provide necessary services to our customers. Genistar will audit its procedures and where practical and proportional.

3. It is the duty of all individuals to report, as soon as practicably possible, any concerns as outlined in this policy.

4. Any individual who does not understand the implications of this policy or how it may apply to them, should seek advice from their upline and/or the Business Integrity Department.

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Authorised and Regulated by Financial Conduct Authority.