



Finchley & Kent

Website Whistleblower Policy

Policy Document

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Licensee

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Finchley & Kent recognises that any genuine commitment to detecting and preventing illegal and other undesirable conduct must include, as a fundamental cornerstone, a mechanism whereby employees and others can report their concerns freely and without fear of repercussion. This Whistleblower Policy (Policy) provides such a mechanism and encourages the reporting of such conduct.

Objectives of the Policy

The objectives of this Policy are to:

- a) encourage disclosures of Potential Misconduct;
- b) help deter Potential Misconduct, in line with Finchley & Kent's risk management and governance framework;
- c) ensure that individuals who disclose Potential Misconduct can do so safely, securely and with confidence that they will be protected and supported;
- d) ensure that disclosures are dealt with appropriately and on a timely basis;
- e) provide transparency around Finchley & Kent's framework for receiving, handling and investigating disclosures; and
- f) meet Finchley & Kent's legal and regulatory obligations.

Finchley & Kent will not tolerate anyone being discouraged from Speaking Up or being subject to detriment because they want to Speak Up or they have done so. Disciplinary action, up to and including termination of employment or engagement, may be imposed on anyone shown to have caused detriment to a person because they want to, or have, Spoken Up.

Who the Policy applies to

Anyone with information about Potential Misconduct is encouraged to Speak Up.

This Policy applies to an individual who is:

- a) a current or former Finchley & Kent employee, including employees who are permanent, part-time, fixed term or temporary, interns, secondees and managers;
- b) a current or former officer or associate of Finchley & Kent, for example a director or company secretary;
- c) a service provider or contractor who is providing, or has provided goods or services to Finchley & Kent, whether paid or unpaid (e.g. volunteering) including their employees; and
- d) a relative, dependent, or spouse of an individual identified in (a) to (c) above.

What matters can be reported under the Policy

Examples of Potential Misconduct

Finchley & Kent encourages any individual identified in (a) to (d) above to Speak Up about Potential Misconduct. You should provide as much information as possible, including details of the Potential Misconduct, people involved, dates, locations and if any more evidence may exist.

When Speaking Up, you will be expected to have reasonable grounds to suspect the information you are disclosing is true and accurate from first-hand knowledge, but you will not be penalised if the information turns out to be incorrect. However, you must not make a report that you know is untrue or misleading. Deliberate false reporting will not be covered by this Policy and will not be a protected disclosure. Where it is found that the person Speaking Up has knowingly made a false report, this may result in disciplinary action.

Examples of Potential Misconduct include but are not limited to:

- failure to comply with, or breach of legal or regulatory requirements;
- breach of Finchley & Kent's Code of Conduct or other Finchley & Kent policies, standards or codes;
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure, or is believed or suspected to have made, or be planning to make a disclosure of a Potential Misconduct;
- criminal activity;
- bribery or corruption;
- conduct endangering health and safety or causing damage to the environment;
- dishonest, unethical or irresponsible behaviour;
- conflicts of interest, including those relating to outside business interests, relationships, improper payments and donations;
- victimisation or harassment;
- modern slavery, which exists if a person is not working of their own free will, is treated like property, or is seriously exploited or abused. Examples of modern slavery are human trafficking, slavery and slavery-like practices, forced labour, servitude, early and forced marriage, debt bondage and forms of child labour;
- misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting, taxation or financial reporting practices;
- conduct endangering the health and safety of any person or persons;
- breaches of privacy;
- unauthorised use of Finchley & Kent's confidential information;
- concerns that pose a danger to the public or financial system (even if it does not involve a breach of law); and deliberate concealment of any of the above.

Personal work-related grievances

Disclosures that relate solely to personal work-related grievances, and do not relate to detriment or threat of detriment to the person Speaking Up, are not covered by this Policy.

Personal work-related grievances are those that relate to your current or former employment and only have implications for you personally, with no other significant implications for Finchley & Kent or other matters of misconduct beyond your personal circumstances.

Examples of personal work-related grievances include:

- an interpersonal conflict between you and another employee;
- a decision that does not involve a breach of workplace laws;
- a decision about your engagement, transfer or promotion;
- a decision about your terms and conditions of engagement; or
- a decision to suspend or terminate your engagement, or otherwise to discipline you.

However, If the personal work-related grievance includes information about a Potential Misconduct, or suggests misconduct beyond your personal circumstances, the personal work-related grievance may qualify for whistleblower protections under this Policy. Examples of a personal work-related grievance mixed with a Potential Misconduct include:

- where there is a breach of employment or other laws punishable by imprisonment for a period of 12 months or more;
- engaging in conduct that represents a danger to the public; or
- you suffer from or are threatened with detriment for making a disclosure.

How to Speak Up

How to report a Potential Misconduct

You are encouraged to Speak Up to the WPO in the first instance. The WPO is the individual within Finchley & Kent who has specific whistleblower responsibilities under this Policy. This includes protecting and safeguarding the interests of the person Speaking Up.

For the purposes of reporting by external parties, Finchley & Kent WPO (Contact –by email wb@finchleyandkent.com.au).

You can Speak Up to a legal practitioner for the purposes of obtaining legal advice or legal representation about the whistleblower requirements. You can also Speak Up to regulatory bodies (such as Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA), the Australian Charities and Not-for-profits Commission (ACNC)) and in certain circumstances, public interest disclosures or emergency disclosures can be made to a journalist or parliamentarian. There is a criteria for making public interest disclosures or emergency disclosures and it is strongly recommended that you contact Finchley & Kent's WPO, or obtain independent legal advice in the first instance, to ensure you understand the criteria for making a public interest or emergency disclosure that qualifies for whistleblower protection under law.

Can I Speak Up anonymously?

You can choose to Speak Up in a confidential manner, anonymously or in a partially anonymous manner.

You can make a confidential disclosure where your identity is known to the WPO and relevant stakeholders involved in the investigation and reporting of the Potential Misconduct. This is the preferred option as it allows the matter to be fully investigated whilst providing you with ongoing protection and support.

You can also choose to be partially anonymous where only the WPO is aware of your identity and a pseudonym is used so your identity is not known to others. This may create some limitations to the investigation process.

You can make an anonymous disclosure if you do not want to reveal your identity. This is the least preferred option as it may not be possible to investigate the report if Finchley & Kent is unable to contact you for further information and it may make it difficult to offer you the same level of practical support if Finchley & Kent does not know your identity.

What protection exists if I Speak Up under the Policy?

Protecting your identity

Finchley & Kent will look to protect the identity of people who Speak Up. Your identity (and any information Finchley & Kent has because of your report that someone could likely use to work out your identity) will only be disclosed if you give your consent to Finchley & Kent to disclose that information or in exceptional circumstances where the disclosure is allowed or required by law.

All information, documents, records and reports relating to the investigation of a Potential Misconduct will be confidentially stored and retained in an appropriate and secure manner. Access to all information relating to the disclosure will be limited to those directly involved in managing and investigating the disclosure. Only a restricted number of people who are directly involved in handling and investigating the disclosure will be made aware of your identity (subject to your consent) or information that is likely to lead to the identification of your identity.

You can lodge a complaint with the WPO, or a regulator for investigation if you believe that is a breach of confidentiality under this Policy.

Protecting you from detriment

You will not be penalised or subject to any detriment for Speaking Up. It is unlawful to cause detriment to you or another person on the belief or suspicion that a report has been, or will be, made, regardless of whether the report was made. Finchley & Kent will not tolerate such unlawful behaviour.

Examples of detrimental conduct include (but is not limited to):

- a) dismissal of an employee;
- b) injury of an employee in their employment;
- c) alteration of an employee's position or duties to their disadvantage;
- d) discriminatory behaviour towards the employee;
- e) harassment or intimidation of a person;
- f) harm and injury to a person, including psychological harm; or

g) damage to a person's property, reputation, business or financial position.

Reasonable administrative or management action such as managing your unsatisfactory work performance does not constitute a detriment if the action taken is consistent with Finchley & Kent's performance management process. An administrative action that is reasonable for the purpose of protecting you from risk of detriment is not detrimental conduct. For example, Finchley & Kent may ask you to perform your duties from another location, reassigning you to another role at the same level, make other modifications to your workplace or the way you perform your work duties.

If you believe you have been subjected to a detriment because of the actual or intended disclosure, you should immediately report the matter to the WPO so prompt action can be taken to protect against further detrimental acts or omissions. Reports of detrimental conduct will be treated confidentially. You may also seek independent legal advice or contact regulatory bodies if you believe you have suffered a detriment.

Anyone engaging in unlawful detrimental conduct may be subject to disciplinary action. The action taken will depend on the severity of the breach, and may include a reprimand, formal warning, demotion, and/or termination of employment in the case of employees, or termination of contract in the case of suppliers or agents.

Protection from civil, criminal and administrative liability

You may be entitled to protection from civil liability, criminal liability and administrative liability (including disciplinary action) in respect of the disclosure. Note that the whistleblower protections do not grant immunity for any Potential Misconduct you have engaged in that is revealed in the report.

Compensation and other remedies

Any person who has suffered a detriment because of Finchley & Kent's failure to take reasonable precautions and exercise due diligence to prevent the detrimental conduct may be entitled to compensation or some other legal remedy through the courts. A person who is unsure of the protections or rights to compensation under the whistleblower laws should seek independent legal advice from a legal practitioner.

What happens once a report is made?

Investigating the disclosure

All reports of misconduct under this Policy will be dealt with promptly, fairly and objectively. Finchley & Kent's response to a report will vary depending on the nature of the report and the amount of information provided. Your report may be addressed and resolved informally or through formal investigation.

While Speaking Up does not guarantee a formal investigation, all reports will be properly assessed and considered by the WPO and a decision made as to whether it should be investigated.

The WPO will conduct the investigation in a timely manner and will be fair and independent from any persons to whom the report relates. All employees and contractors must cooperate fully with any investigation.

Where appropriate, a person being investigated will be provided with details of the report that involves them (to the extent permitted by law) and be given an opportunity to respond.

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WPO will gather documents, information and evidence relating to the report including ensuring that all documentations and information relating to the report is kept secure and protected. The WPO will draw objective conclusions based on the evidence gathered during the investigation. The WPO will determine appropriate response and necessary action to remediate, or act on the investigation findings.

Finchley & Kent is committed to implementing the findings and recommendations of any investigation with a view to rectifying any wrongdoing as far as is practicable in the circumstances.

Confidentiality of your identity

Finchley & Kent will maintain the confidentiality of your identity unless the disclosure is authorised under law, or you consent to the disclosure of your identity.

Information obtained from you will only be disclosed to the extent reasonably necessary to conduct an investigation into the matter and Finchley & Kent will take all reasonable steps to reduce the risk that your identity will be identified as a result of the disclosure.

Keeping you informed

Assuming your identity is known and where appropriate, you will be kept informed and updated during the following key stages of the investigation:

- when the investigation process has begun;
- while the investigation is in progress; and
- after the investigation has been finalised.

There may be some circumstances where it may not be appropriate to provide details of the outcome to you. You will not be provided with a copy of the investigation report.

Reporting

The WPO will report the findings and actions directly to the Managing Director and Responsible Managers.

In cases where the Managing Director, or a member of the Responsible Managers has been accused of reportable conduct, or where they have a close personal relationship with the person against whom the accusation is made, they will be excluded from the reporting process.

Changes to this Whistleblower Policy

This Whistleblower Policy may change from time to time. Any updated versions of this Whistleblower Policy will be posted on our websites and will be effective from the date of posting.

This Policy was last updated in 24 April 2025.

Meanings

References to "Finchley & Kent", "we", "us" and "our" are references Finchley & Kent Pty Ltd ABN 50 673 291 079.


Definitions

- Policy means this Whistleblower Policy.
- Potential Misconduct means any suspected or actual misconduct or improper state of affairs or circumstances in relation to Finchley & Kent. It also means (but is not limited to) a breach of law or information that indicates a danger to the public or to the financial system.
- Speaking Up means informing (verbally and/or in writing) the appropriate person identified in the Policy if you have reasonable grounds to suspect that potential wrongdoing has occurred or is occurring in relation to Finchley & Kent.

- “Whistleblower” means the person Speaking Up.
- Whistleblower Protection Officer (WPO) means the person who has specific whistleblower responsibilities under this Policy including the protection and safeguarding of the interests of the person Speaking Up.

Document Version Register

Version and Effective Date	Changes
Version 1 Effective 30 April 2025	First version issued.

Signature	
Date of signature	30 April 2025
Director	Sam El Shammaa