



# ORDER OF MALTA AUSTRALIA

## **Australian Association of the Order of Malta Limited General Guidelines for the Implementation of the Safeguarding Children, Young People and Vulnerable Adults Policy**

**Effective Date:** 31 March 2021  
**Review Date:** 30 November 2022

### **1 Premise**

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The following guidelines provide a general framework within which the Australian Association of the Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta (the “Order of Malta” or the “Order”) Safeguarding Policy should be implemented. These guidelines relate to and need to be read in conjunction with the policy documents:

- Safeguarding Children, Young People and Vulnerable Adults Policy.
- Safeguarding Children, Young People and Vulnerable Adults Code of Conduct.
- Statement to be signed by the Order of Malta Members (including Chaplains), Personnel, Candidates, Stakeholders and Partners.
- Safeguarding Children, Young People and Vulnerable Adults Policy Reporting Form for Suspected Abuse.

### **2 Contextualising the Policy implementation**

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The Order of Malta’s Safeguarding Children, Young People and Vulnerable Adults Policy has been developed utilizing global best practice and standards in Children, Young People and Vulnerable Adults (“Children and Vulnerable Persons”) protection. While there are recognized, global minimum standards for the format and sections which the Order of Malta Safeguarding Policy contains, the Policy should be adapted to the Order’s regional context and be tailored to the needs and programs of each Region.

### **3 Assessing risks in new or current programs**

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The Order of Malta recognizes that there are a number of potential risks to Children and Vulnerable Persons in the implementation of its programs and activities, particularly in those programs where the Order’s personnel, stakeholders, partners are in direct contact with Children and Vulnerable Persons. In recognizing these risks, the Order of Malta regional SFPs should proactively assess and manage risks to Children and Vulnerable Persons to reduce the risk of harm. In each Region, the SFPs should also ensure the protection is mainstreamed throughout their projects and activities along with consideration of Children and Vulnerable Persons’ protection risks when conducting a risk assessment for any project, particularly those where the Order of Malta’s personnel comes into direct contact with Children and Vulnerable Persons. A risk assessment should always be conducted during project design, and periodically reviewed during the life cycle of the project.

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#### **4 Safe Recruitment**

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A police background or criminal check for the country where the individual currently resides should be required. Individuals need to provide their consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate should be used, including being sighted by the organization.

The Order of Malta recognises that in limited instances it may prove impossible to obtain a reliable criminal record check. For locations or individuals where a police background check is not feasible, other measures should be taken to screen the individual's suitability to work with Children and Vulnerable Persons. This may include gaining additional personal references, such as from neighbours and the parish priest, for example. A statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and spent convictions related to Children and Vulnerable Persons exploitation may be accepted in lieu of a police background check.

#### **5 Police Check for Members**

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Members with professional registrations requiring annual police checks (including medical professionals and chaplains) may rely upon professional registrations as "deemed to satisfy" the requirement to provide a police check.

The members who fail to undertake any degree of compliance with the Policy should not be allowed to participate in the Order's activities and projects for Children and Vulnerable Persons.

#### **6 Child Safeguarding Focal Points**

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The Order of Malta's Regions will have one person per physical location designated as a Safeguarding Focal Point ('SFP'), to receive allegations or complaints. This person could be an Order of Malta's member. There will also be one national Safeguarding Officer (SGO)—Section 7 of the Order of Malta's Safeguarding Policy—that will support the SFPs in capacity development, monitoring compliance, and support for taking and reporting complaints, and conducting investigations.

The national SGO will support the SFPs, for example, in reporting serious violations or criminal cases to the Order of Malta Executive Council; or contacting external authorities or agencies for support in conducting investigations; and modelling leadership for enforcing the Policy. If any activities are conducted which include interstate or international volunteers it will be incumbent on each state Regional SFP to check the applicable rules and provide a compliance plan to the Executive Council for approval.

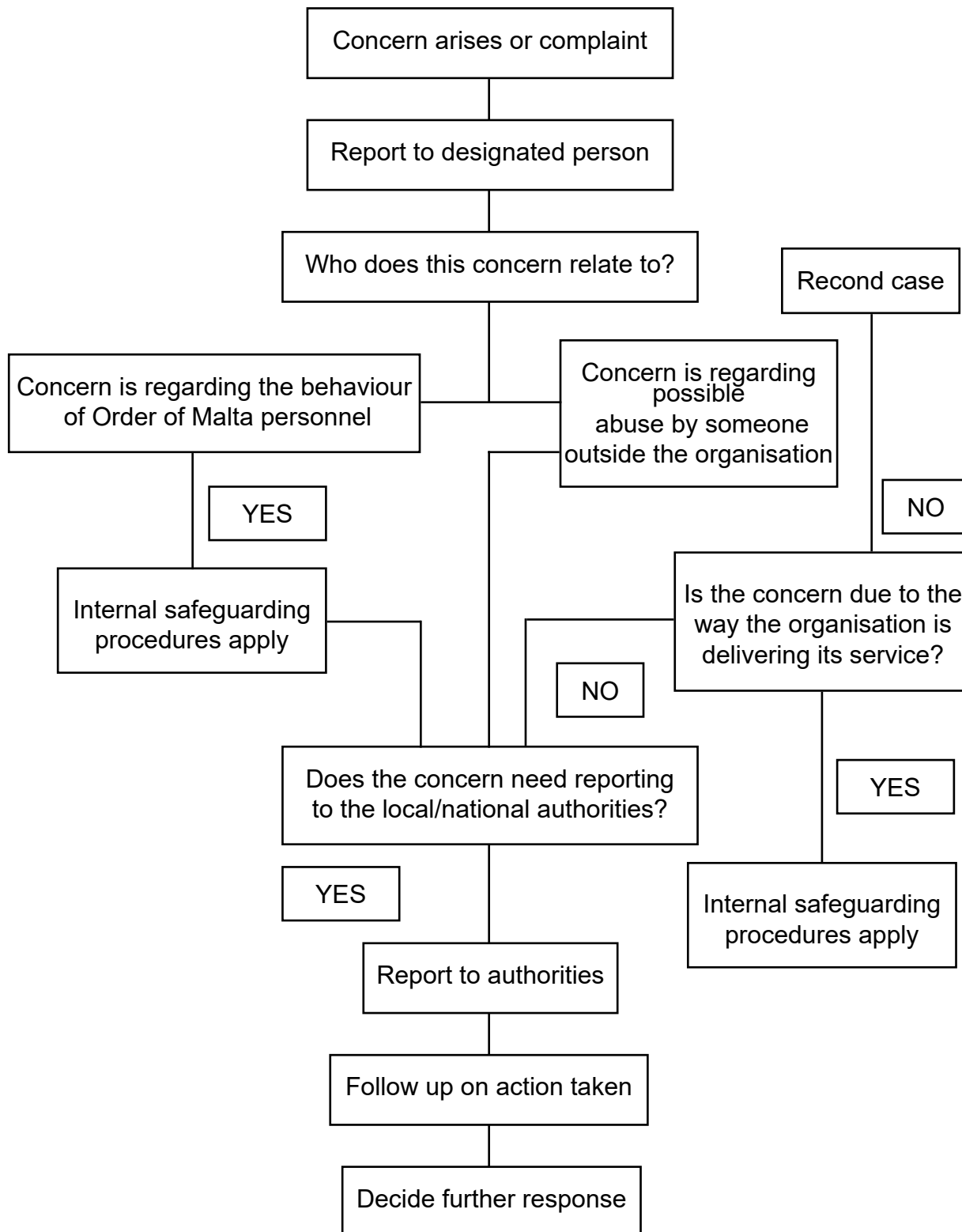
#### **7 Timeframe and Flowchart for Reporting**

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Each the Order of Malta's Region will decide the timeframe within which cases need to be reported; in the absence of any legislative timeframe requirements, the general recommendation is within 24 hours of the incident being observed or reported, or as soon as possible after that. Time is of the essence when Children and Vulnerable Persons may be at risk. Having one SFP per location will assist in the efficiency of reporting and will simplify the process. Each Region will also determine the amount of time they will allow for completing the investigation of a case in accordance with the relevant Federal, States and Territories legislation. In the absence of any legislative requirement, a thorough and fair investigation will most likely take as long as 2 months or more. Each Region is encouraged to develop a clear, user-friendly flow chart for reporting cases. This will help to ensure that the process is understandable by everyone.

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The following is an example of a reporting procedure that can be adapted for each Region:



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## **8 Handling external concerns**

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The Regions should be able to clearly differentiate between internal and external concerns. Internal concerns are those where persons covered by the Order of Malta Policy are the alleged perpetrators. External concerns are abuses which would usually be considered criminal under local legislation, and perpetrated by persons not described in the scope of the Order's Safeguarding Policy.

The Regions will have a list of referral or service agencies, as well as a contact list of all relevant local, regional and national-level authorities, including police, social or Children and Vulnerable Persons' welfare, health, and others. These lists are to be readily-available to all field SFPs. The Regions should also have a list of all Federal, State or Territory legislation and procedures related to Children and Vulnerable Persons' protection and welfare, including legislation related to mandatory reporters, state guardianship and referral pathways.

The Regions should not ignore Children and Vulnerable Persons' protection issues of concern; however, abuse in the wider community is an external concern, and the Regions' SFPs need to have the mechanism for appropriately and efficiently referring cases. Clearly, if Children and Vulnerable Persons are in immediate need of attention then staff must act, but the Regions must consider in advance how much support it is qualified or able to provide, and recognize when it is best to refer.

Each Region can realistically only follow up on cases concerning abuse committed by its own personnel and others associated with the agency. The Regions do not have the mandate nor the resources to intervene in every case of abuse committed in the community; therefore Regions are reminded that the purpose of the Order of Malta' Safeguarding Policy is to cover the behaviour of personnel and others associated with the Order's own programs.

## **9 Protection Incident Reporting**

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Ideally the person making the report will complete the form in writing, however every allowance should be made to support persons who are unable or unwilling to write, in which case the SFP, or the person taking the report, should complete the form.

It is important to keep a written record of all events—dates, names, times, places. However, this information must be kept strictly confidential, and stored in a secure place accessible only by the SFP or other relevant individuals, as needed for investigation and follow-up of the case.

## **10 Training for Order of Malta Personnel**

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The style, approach, and content of training will necessarily vary depending on the Regions' programs and audience, but should include, at a minimum:

- An introduction to and discussion of the policy, ensuring all participants understand the purpose of the policy, the content, and terminology.
- A discussion on how safeguarding policies and procedures can protect Children and Vulnerable Persons, the Order of Malta's Personnel, and the Order itself – and what can go wrong when there are no procedures in place.

The Order of Malta's members and volunteers involved in the annual distribution of Coats for Homeless, or assisting Malades when attending Lourdes Pilgrimages, or participating at the Asia Pacific Summer Camps, shall read through the Policy, have a brief induction session to be held in the Region they live and must sign the Code of Conduct.

In regard to the Order of Malta's Coats for Homeless project, it is advisable that the members and volunteers go out in pairs to distribute the coats.