



## **ORDER OF MALTA AUSTRALIAN ASSOCIATION**

### **SAFEGUARDING CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS POLICY**

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## **1. Introduction**

- 1.1 This Policy applies to and governs the activities and conduct of the Australian Association of the Order of Malta Limited (ABN 37 142 209 121) (the “Association”) and, where applicable, extends to all individuals who volunteer with, or otherwise work on behalf of, the Association.
- 1.2 The Association is committed to ensuring the safety, well-being and dignity of all Children, Young Adults and Vulnerable Adults (“Children and Vulnerable Persons”). It recognises the legal, moral and spiritual responsibility to provide a safe and supportive environment for all Children and Vulnerable Adults with whom the Association, or any of its controlled entities, has contact. The Association maintains a zero-tolerance approach to abuse, mistreatment, bullying or discrimination of and against Children and Vulnerable Persons.
- 1.3 The following documents form an integral part of this Policy:
  - The Code of Conduct.
  - Safeguarding Statement.
  - Safeguarding Children, Young People and Vulnerable Adults Reporting Form for Suspected Abuse.
  - Risk Assessment Template, Protocol and Guidance Documents.
  - Record Keeping Protocol.
  - Whistle-Blower Protocol.
  - Reporting Form and Flowchart.

## **2. Policy Purpose**

- 2.1 The Association recognises the personal dignity, fundamental freedoms and rights of Children and Vulnerable Persons towards whom it has a special responsibility of care and respect. The Association is committed both to provide a safe environment for all those in its care and with whom it works and to prevent abuse of any kind.
- 2.2 The Policy outlines the duties and responsibilities of the Association’s Personnel and other relevant stakeholders, in relation to safeguarding of Children and Vulnerable Persons in the course of the Association’s activities.

2.3 The Association has established this Policy for the purpose of protecting the rights and welfare of Children and Vulnerable Persons. The Policy sets out the systems, procedures and mechanisms for the prevention of harm, the promotion of awareness and the reporting and management of safeguarding concerns.

### **3. Policy Scope**

3.1 This Policy applies to all activities conducted by the Association irrespective of location and is operative in respect of activities undertaken both within Australia and internationally.

3.2 This Policy applies to all Personnel working or volunteering on behalf of the Association.

### **4. Legislation and Related Documents**

4.1 This Policy has been developed in accordance with all applicable legislation of the Commonwealth of Australia, its States and Territories and the laws of Aotearoa New Zealand. It is intended to align with recognised best practice, including the *National Catholic Safeguarding Standards* (Edition 2, 2022), *Integrity in our Common Mission*, as well as the guidelines issued by the *Teachings of the Catholic Church*, and the *Safeguarding Children and Vulnerable Persons Policy and Procedures* adopted by the Catholic Archdioceses and Diocese in Australia and in Aotearoa New Zealand and is intended to be fully consistent therewith.

4.2 In the event of any inconsistency between this Policy, the applicable legislation, and the relevant safeguarding standards, the applicable legislation shall prevail. As at the date of this Policy's most recent revision, the Association is not aware of any such inconsistencies.

4.3 This Policy is subject to the following legislation, regulations and documents:

#### **4.3.1 Commonwealth of Australia/Federal legislation**

- Criminal Code Act 1995, Divisions 272, 273 and 274.
- Crimes Act 1914 IIIA (Child Sex Tourism).
- Crimes Act 1900.
- Carer Recognition Act 2010.
- Anti-discrimination legislation.
- Annexure 1 contains a more comprehensive list of legislation relating to safeguarding Vulnerable People and working with children checks.
- Annexure 2 contains a list of mandatory reporting requirements.

#### 4.3.2 States and Territories main legislation

- ACT: Children and Young People Act 2008.
- NSW: Children and Young Persons (Care and Protection) Act 1998.
- NT: Care and Protection of Children Act 2007.
- QLD: Child Protection Act 1999.
- SA: Children's Protection Act 1993.
- TAS: Children, Young Persons and their Families Act 1997.
- VIC: Children, Youth and Families Act 2005; Child Wellbeing and Safety Act 2005 (Vic).
- WA: Children and Community Services Act 2004.
- Anti-discrimination legislation.

#### 4.3.3 Aotearoa New Zealand Legislation

- Children's Act 2014
- Oranga Tamariki Act 1989
- Safety Checks under the Children's Act 2014

#### 4.3.4 Catholic Church guidelines

- *10 National Catholic Safeguarding Standards*, Edition 2, 2022, by the Australian Catholic Safeguarding Ltd (“ACSL”).
- *Towards Healing*, 2016.
- *Integrity in Our Common Mission*, Version 2, 2023, by the National Response Protocol.
- *National Safeguarding Guidelines*, 2018, by the New Zealand Catholic Bishops Conference (“NZCBC”) and the Congregational Leaders Conference Aotearoa New Zealand (“CLCANZ”).
- *Standards for Creating and Maintaining a Safeguarding Culture*, 2019.
- *Formation and Training*, 2019, by the National Office for professional standards of the Catholic Church in Aotearoa New Zealand, 2019.

#### 4.3.5 International Safeguarding Instruments that Australia is a Signatory to as a Member of the United Nations

- *United Nations Convention on the Rights of the Child*, 1990. Optional Protocol to the *United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 2002.
- *Geneva Declaration for the Rights of the Child*, 1959.

- *International Labour Organisation Convention N.182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999.*

## 5. Definitions

### 5.1 Abuse

- (a) **Abuse of a Child** refers to any act—by an adult or another child—that causes Harm to a Child. This Harm may be physical, sexual, emotional, psychological, or take another form. This Harm includes, but is not limited to: physical abuse, sexual abuse, emotional abuse, neglect, bullying, child labour, and exposure to domestic violence.
- (b) **Abuse of a Vulnerable Adult** refers to any act—committed by an adult or child—that inflicts Harm on a Vulnerable Adult, such as an elderly person or someone with a disability. This Harm includes but is not limited to: physical, sexual, emotional, financial, or psychological. Forms of abuse include physical abuse, sexual abuse, emotional abuse, neglect, bullying, and domestic violence
- (c) **Grooming (Child)** involves a pattern of behaviour or conduct that is consistent with establishing a close relationship with a Child for the purpose of unlawful sexual activity. It includes inviting a Child to engage in a sexual activity, offering money or some other material benefit to induce sexual activity with a Child, pursuing or threatening a Child to engage in sexual activity, having ‘special relationships’ with Children, crossing professional boundaries, inappropriately communicating with a Child or extending a relationship with a Child outside of work.
- (d) **Grooming (Adult)** refers to the deliberate and predatory behaviour of manipulating an individual—often through building trust, creating dependency, or isolating them from others—with the intent of making them more vulnerable to abuse or exploitation.
- (e) **Physical abuse** refers to the intentional use of force against a person’s body, such as hitting, kicking, or shaking. It occurs where there is clear knowledge or reasonable suspicion that such harm was inflicted, threatened, or deliberately not prevented. Physical abuse may occur even in the absence of visible injury or harm.
- (f) **Psychological abuse** (also known as **emotional abuse**) refers to harm caused through persistent emotional ill-treatment, rejection, or neglect. This may include degrading punishment, threats, bullying, or the withholding of care and affection. Such actions can negatively affect the emotional well-being and behavioural development of

Children and Vulnerable Persons. Common indicators may include regression in emotional development, attention-seeking behaviour, bullying, or other maladaptive behaviours.

- (g) **Neglect or ill-treatment** occurs when a Child or Vulnerable Person’s basic needs—such as food, shelter, warmth, medical care, or supervision—are not adequately met. It also includes the failure to protect them from exposure to harm or danger, resulting in—or posing a serious risk of—impairment to their health, safety, or development.
- (h) **Sexual abuse** refers to any act in which a Child or Vulnerable Person is coerced, manipulated, or forced into sexual activity, regardless of whether they appear to understand or consent to what is occurring. Sexual abuse may be current, recent, or historical—for example, when an adult discloses abuse experienced during childhood. Perpetrators may include adult men or women, as well as other children, siblings, or young people.
- (i) **Financial abuse** refers to the illegal or improper use, control, or exploitation of a person’s financial resources or property by someone in a position of trust or with whom the person has a trusted relationship.
- (j) **Particularly Vulnerable Children and Vulnerable Persons** refers to individuals who face an increased risk of harm due to specific personal or social circumstances. This includes but is not limited to: children and adults with disabilities; those from ethnic minority backgrounds, especially where their communities experience systemic discrimination; refugees and asylum seekers; and individuals living in residential or institutional care. These groups may require additional protections to ensure their safety and well-being.

**5.2 Association’s Personnel** refers to all individuals engaged in any capacity by the Association, including but not limited to employees, volunteers, contractors, stakeholders, candidates to membership members, officers, chaplains and any other persons acting on behalf of the Association, whether in a paid or unpaid role.

**5.3 Children** refer to any person under the age of 18, in accordance with Article 1 of the United Nations Convention on the Rights of the Child. This definition applies without prejudice to any broader or differing definitions provided under the legislation of the Commonwealth of Australia, its States and Territories, or the laws of Aotearoa New Zealand.

5.4 **Code of Conduct** is the Association's Code of Conduct for Working with Children and Vulnerable Adults, which sets out the behavioural standards and ethical obligations expected of all Personnel in interactions with Children and Vulnerable Persons. is the Association's Code of Conduct for Working with Children and Vulnerable Adults.

5.5 **Complainant** refers to any individual who lodges or reports a safeguarding concern or complaint.

5.6 **Contact with Children and Vulnerable Persons** refers to situations in which the Association's Personnel, by virtue of their role or the nature of the activity, are involved in work that includes, or is likely to include, direct contact with Children or Vulnerable Persons. Such contact may arise from the position description or from the practical circumstances of the work environment in the course of the Association's activities.

5.7 **Disciplinary Commission** is a standing body of the Association established to exercise disciplinary functions in accordance with the procedures set out in the 2022 Code of the Order of Malta. It is responsible for addressing alleged breaches of conduct by members of the Second and Third Class and for ensuring that all disciplinary matters are managed in a fair, consistent, and lawful manner, in alignment with the governance framework of the Association.

5.8 **Executive Council** refers to the governing body of the Association responsible for its overall leadership, strategic oversight, and compliance. The Executive Council exercises decision-making authority on behalf of the Association in accordance with its Constitution and applicable laws.

5.9 **Exploitation** refers to the use of Children or Vulnerable Persons in labour or other activities for the financial, material, or personal gain of others. This includes, but is not limited to, forced labour, sexual exploitation, and prostitution. Such practices cause harm to the physical or mental health of the individual and undermine their education, and their spiritual, moral, or social-emotional development.

5.10 **Harm** refers to the negative impact resulting from the exploitation, violence, abuse (physical, sexual, or emotional), neglect, or ill-treatment of Children and Vulnerable Persons. Harm can manifest in various ways, including adverse effects on an individual's physical health, emotional and behavioural development, self-esteem, family and social relationships, as well as their educational outcomes and future aspirations.

**5.11 High-Level Safeguarding Complaint** means any allegation, disclosure, or incident that reasonably indicates a risk of significant Harm to a Child or Vulnerable Person and/or may constitute criminal conduct under applicable law. This includes, but is not limited to:

- physical, sexual, emotional abuse or neglect;
- grooming or exploitative behaviour;
- conduct requiring mandatory reporting to statutory authorities (e.g. child protection agencies, police);
- any behaviour by Personnel that may give rise to disciplinary action, termination of engagement, or referral to a professional regulatory body.

High-level complaints must be reported immediately to the designated Safeguarding Officer and relevant external authorities, in accordance with applicable reporting obligations.

**5.12 Low-Level Safeguarding Complaint** means any concern, allegation, or incident involving inappropriate, concerning, or unprofessional behaviour by a member of Personnel towards a Child or Vulnerable Person that does not meet the threshold for mandatory reporting under applicable legislation but nonetheless may indicate a breach of the Association's Code of Conduct or safeguarding expectations. This may include, but is not limited to:

- boundary-crossing behaviour (e.g. favouritism, excessive personal communication);
- inappropriate language, jokes, or gestures;
- minor breaches of supervision protocols;
- conduct that, while not unlawful, raises questions about suitability to work with Children or Vulnerable Persons.

Such complaints must be recorded and appropriately managed in accordance with the Association's internal safeguarding procedures

**5.13 National Safeguarding Officer (NSO)** refers to the individual appointed by the Association's Executive Council who is responsible for overseeing Safeguarding within the Association.

**5.14 Partners** refers to entities with which the Association establishes legally binding agreements or formal collaborative relationships for the purpose of implementing programs.

This includes International Non-Governmental Organisations (INGOs), Local Non-Governmental Organisations (NGOs), and Community-Based Organisations (CBOs).

5.15 **Regional Safeguarding Officers** (RSOs) refer to individuals appointed by the Regional Hospitallers to oversee and ensure compliance with Safeguarding Policy and procedures within their designated Regions.

5.16 **Reportable Crime** refers to any conduct that constitutes a Serious Indictable Offence or a Child Abuse Offence under applicable law. All Reportable Crimes must be reported to the Police without delay, in accordance with mandatory reporting obligations.

5.17 **Respondent** refers to an individual who is the subject of one or more safeguarding complaints and is responding to the allegations made against them.

5.18 **Risk Assessment** is a systemic process that is utilised to identify and mitigate possible risks that may be present for the Respondent and Complainant as well as other people involved in the matter.

5.19 **Safeguarding Complaint(s)** refers to any concerns, allegations, reports, or notifications of Reportable Crimes, Reportable Conduct, Risks of Significant Harm or inappropriate conduct with a Child or Vulnerable Person that may be in breach of the Policy that relates to Association Personnel as defined above and contractors. It also includes alleged inappropriate or unreasonable acts of omission of Workers who had knowledge of the conduct of another Worker involving Child Abuse.

5.20 **Stakeholder(s)** refers to individuals or groups engaged with the Association on a short-term or occasional basis. This includes, but is not limited to, contractors, consultants, researchers, photographers, visitors, trustees, donors, partner agencies, supporters, and others involved in or visiting the Association's activities.

5.21 **Suspected Person** refers to an individual alleged to have engaged in behaviour that may constitute a Reportable Crime, Reportable Conduct, or otherwise be considered unsafe or inappropriate in relation to a Child or Vulnerable Person, in breach of this Policy.

5.22 **Violence** refers to the intentional use of physical force or power—whether actual or threatened—by an individual or group, that results in, or is likely to result in, harm to a person's health, survival, development, or dignity. Violence may be perpetrated by individuals, institutions, organisations, or the State, including through the actions of their members or the

impact of their policies. Its effects extend beyond physical injury to include psychological harm, fear, and significant interference with personal freedom.

**5.23 Vulnerable Adults** means a person over the age of 18 years, who is susceptible to unfair treatment, exploitation or abuse. Examples of ‘Vulnerable Adults’ could include the frail and elderly, the physically or intellectually disabled, those with mental health issues, those who have experienced bereavement, those of lower socio-economic status, those with poor understanding of the English language and those under the influence of drugs or alcohol. Further details can be found in the relevant legislation relating to the protection of Vulnerable Adults under the legislation of the Commonwealth of Australia, its States and Territories, or the laws of Aotearoa New Zealand.

**5.24 Working with Children and Vulnerable Persons** refers to situations in which the Association’s Personnel are engaged in activities involving Children or Vulnerable Persons as part of the Association’s programs or operations, where such contact is regular, anticipated, and forms an integral part of the activity, rather than being incidental. This applies to both paid and unpaid roles, including volunteers and other forms of engagement.

**5.25 Working with Children Check** refers to a national screening process that includes a criminal history check and a review of any relevant workplace misconduct findings. The outcome is either a clearance to engage in child-related work for a specified period (typically five years) or a bar prohibiting such work. Individuals who are cleared are subject to continuous monitoring, and any relevant new information may result in the revocation of their clearance.

**5.26 Young People or Young Person** refers to individuals aged between 16 and 18 years, without prejudice to definitions provided under the legislation of the Commonwealth of Australia, its States and Territories, or the laws of Aotearoa New Zealand. For the purposes of this Policy, Young People will be included under the definition of “Vulnerable Persons”.

## **Equality Policy**

**6.1** The Association must comply with applicable anti- Discrimination legislation in force in the Commonwealth of Australia, its States and Territories and the laws of Aotearoa New Zealand.

6.2 Notwithstanding the above, all individuals who volunteer with or otherwise perform duties on behalf of the Associations are expected to respect the beliefs, practices, and teachings of the Roman Catholic faith, as well as the traditions and values of the Order of Malta.

## **7. Roles and Responsibilities**

7.1 All Personnel of the Association are required to comply with this Policy in all interactions involving with Children and/or Vulnerable Persons. They are individually responsible for promoting and upholding the safety, well-being and dignity of such persons. In fulfilling these, they shall:

- Act in a manner that is caring, respectful and compassionate towards Children and Vulnerable Adults;
- Comply with all applicable legal obligations relating to Safeguarding, including but not limited to:
  - o meeting all relevant screening obligations and clearance requirements (such as Working with Children Checks or equivalent);
  - o reporting any concerns regarding the safety, well-being or dignity of Children or Vulnerable Adults to the appropriate internal authority, and to external authorities such as the Police or child protection services, where required.
- Cooperate with any internal or external investigation concerning actual or suspected harm to a Child or Vulnerable Adults.

7.2 Further, the following officeholders within the Association have specific additional safeguarding responsibilities:

7.2.1 The Executive Council of the Association is responsible for ensuring that:

- a National Safeguarding Officer (NSO) is appointed;
- the appointed NSO possesses the necessary skills and competencies and is appropriately recruited, trained, supervised and supported in the performance of their duties; and
- all safeguarding concerns are appropriately addressed by the NSO in accordance with this Policy and applicable laws

7.2.2 The Disciplinary Commission of the Association is responsible for ensuring that all complaints involving members of the Second and Third Class are investigated in a manner

consistent with the procedures set out in the 2022 Code of the Order of Malta, as well as any applicable laws, policies, or regulations, and in accordance with the disciplinary procedure annexed to this Policy.

7.2.3 If a safeguarding complaint arises involving a Professed Member of the First Class—particularly where the matter concerns the safety, welfare, or protection of a Child or Vulnerable Person—the complaint must be referred immediately to the Grand Chancellor or, where appropriate, the Grand Master of the Sovereign Order. Such referrals must be made through confidential and secure channels, respecting both the sensitivity of the matter and the dignity of all persons involved.

Where required under Australian law, the matter must also be reported without delay to the relevant civil or statutory authorities, including child protection services and law enforcement, in accordance with applicable mandatory reporting obligations.

The Association recognises the need to develop and maintain clear and formalised referral pathways within its safeguarding framework, particularly as they relate to Professed Members of the First Class. These procedures shall be developed in consultation with the Sovereign Council to ensure alignment with both canonical and civil requirements.

7.2.4 The NSO of the Association is responsible for:

- promoting awareness of safeguarding principles and ensuring effective implementation of this Policy;
- responding promptly and appropriately to any Safeguarding Concerns, including, notifying relevant internal and external parties ensuring proper compliance with all the Association’s legal obligations, including those relating to mandatory reporting, data protection and confidentiality; and
- undertaking regular safeguarding training to maintain the requisite knowledge and competencies to fulfil the role effectively.

## **8. Promotion of Policy Awareness**

8.1 The Association is committed to ensure this Policy is applicable to all its Personnel, as well as the public. To that end the Policy shall be published on the Association’s official website(s). Similarly, the Association’s complaints procedures shall be made readily accessible via its website(s) to those individuals wishing to lodge a complaint.

8.2 Personnel of the Association who, by virtue of their roles have contact with Children and Vulnerable Persons, shall be provided with access to training relevant to the implementation of this Policy.

8.3 Information relating to the safeguarding of Children and Vulnerable Persons shall be communicated through a range of mechanisms, including but not limited to:

- routine safeguarding debriefings conducted following each activity of the Association;
- risk management plans and risk assessments;
- newsletters distributed to members and volunteers;
- training and support; and
- complaints management systems, including the use of written incident reports and the dissemination of lessons learned, for the purpose of establishing and promoting best practices within the Association

## **9. Policy Implementation**

9.1 This Policy shall be implemented within the Association through the following measures:

### 9.1.1 Safer recruitment

The Association is committed to safer recruitment practices. All Personnel must, prior to engagement in any Association related activities:

- provide suitable references;
- sign and commit to the Code of Conduct;
- complete relevant safeguarding training; and
- undergo all required statutory safeguarding checks (e.g. Working With Children Checks or equivalent), in accordance with applicable legislation.

### 9.1.2 Establishing a culture of Safeguarding

The Association will promote a culture of safeguarding by:

- ensuring prompt reporting of any suspected abuse, safeguarding complaints or concerns relating to Children and Vulnerable People;
- Supporting individuals in raising safeguarding complaints or concerns by fostering an or suspicions and creating safe environments that encourages whistleblowing and protect whistle-blowers; and

- complying with all applicable laws and regulatory requirements, including the *10 National Catholic Safeguarding Standards* (Edition 2, 2022) and *Integrity in Our Common Mission*;
- adhering strictly to this Policy and all associated safeguarding procedures of the Association.

9.1.3 The Association will respond promptly and appropriately to all safeguarding complaints, concerns and allegations of abuse. Throughout the process, the Association commits to uphold the principles of procedural fairness, which includes:

- providing all involved parties a reasonable opportunity to respond to allegations including access to legal advice and representation.
- disclose sufficient detail of all allegations(s) to the Respondent to enable an informed response;
- clearly communication about the process, possible findings and potential outcomes, including rights to a review;
- undertaking investigations without undue delay, subject to the priority of any concurrent criminal or statutory child protection investigations;
- keeping involved parties informed of investigation progress through regular communication;
- providing written notification of investigation outcomes and review rights to relevant persons, including the complainant and the Respondent;
- ensuring matters are addressed confidentially, impartially, fairly, promptly, and with accuracy;
- complying with all mandatory reporting obligations;
- reporting to Police any safeguarding complaint that may constitute a reportable offence and advising complainants that such disclosures may be referred to statutory authorities. Individuals must be informed that confidentiality is subject to legal obligations where the safety of Children or Vulnerable Persons is at risk; and
- ensuring that all sensitive and personal information is stored securely, accessed only by authorised Personnel, and handled in accordance with applicable data protection and privacy policies.

#### 9.1.4 Compliance

- All Personnel of the Association are required to acknowledge and comply with the principles, obligations and standards set out in this Policy.
- During pilgrimages and throughout the Asia Pacific Summer Camps hosted by the Association in Australia and overseas, the designated medical team and volunteer Personnel are available to receive and respond to any safeguarding concerns raised. These individuals are subject to mandatory reporting obligations, including the duty to report relevant matters to the National Safeguarding Officer in accordance with this Policy and applicable legislation.

#### 9.1.5 Children and Vulnerable Persons protection preventative measures

- Effective Strategies for the prevention of abuse against Children and Vulnerable Persons shall be embedded in the design, planning, and delivery of all programs, events, and activities conducted by the Organisation.

### **10. Training**

10.1 To support the effective implementation of this Policy, the Association will ensure that:

- Training on safeguarding principles, roles, responsibilities, and reporting procedures is provided to all Personnel, including Employees, Volunteers, Contractors, and Stakeholders. Training will be tailored to role-specific risks and delivered at induction and at regular intervals thereafter.
- Refresher training will be conducted periodically to maintain awareness and reinforce best practices in safeguarding Children and Vulnerable Persons

10.2 All Personnel of the Association are required to and familiarise with this Policy and must participate in safeguarding induction and training as directed.

10.3 The Association recognises that training related to this Policy is essential to ensuring that:

- Personnel have adequate awareness of safeguarding matters, including an understanding of the categories of abuse and the indicators of abuse;
- appropriate standards of conduct in interactions with Children and Vulnerable Persons are understood, and inappropriate behaviours are identified and avoided;

- each individual is aware of their responsibilities under this Policy, including obligations relating to screening, reporting, and promoting the safety and well-being of Children and Vulnerable Persons, and is equipped to act accordingly: and
- any amendments or updates to this Policy are effectively communicated to all relevant Personnel of the Association.

## **11. Conducting Risk Assessments for events or activities involving Children and Vulnerable People**

11.1 The Association recognises the necessity of identifying, assessing, and mitigating any risks to Children and Vulnerable Persons associated with activities or events organised or conducted by the Organisation. A thorough Risk Assessment must be undertaken to identify potential safeguarding risks and implement appropriate control measures to eliminate or reduce those risks to an acceptable level. Where a risk cannot be adequately eliminated or mitigated, the Organisation must give due consideration to whether the activity or event should proceed.

11.2 Regional Safeguarding Officers (RSO) are responsible for final review and approval of Risk Assessments for regional activities or events involving Children and Vulnerable adults.

## **12. Breach of Policy**

12.1 A breach of this Policy occurs where any act or omission by any Personnel of the Association contravenes the provisions, obligations, or standards set out in this Policy.

12.2 In response to a breach of this Policy by any Personnel of the Association, the Association may impose one or more of the following measures, as appropriate to the nature and severity of the breach: issue a warning;

- arrange supervision or counselling;
- require further training or education;
- report the Respondent to police or other relevant authorities;
- suspension (whether temporary or permanent); or
- termination of involvement in the Association's activities.

### **13. Safe Recruitment and Screening**

13.1 All prospective members of the Order of Malta who are to be involved in projects or activities with Children and/or Vulnerable Persons are required to:

- undergo criminal history checks and Working with Children Checks (or equivalent statutory screening); and
- provide the names and contact details of referees who can attest to the candidate's character and relevant experience, particularly in working with Children or Vulnerable Persons.

13.2 All Association's Personnel must sign the Safeguarding Statement, which is a declaration confirming that they have not been charged with or convicted of a criminal offence, and that they have not engaged in any conduct that the Association could reasonably consider as making them unsuitable for employment or involvement in its activities.

13.3 All Association's Personnel who are actively engaged in activities involving Children and/or Vulnerable Persons must hold a current and valid Working with Children Check and/or Vulnerable People Check issued by the jurisdiction in which they reside. In accordance with applicable laws, the Association is legally required to verify that each such individual has obtained a valid Working with Children Check prior to commencing any Child-Related Work. Failure by the Association to comply with this requirement may result in significant penalties imposed by the relevant regulatory authority. Any individual who undertakes Child-Related Work without a valid Working with Children Check may also be subject to substantial personal fines under applicable legislation.

### **14. Personal conduct**

14.1 The Personnel of the Association must comply with the Code of Conduct, which establishes the ethical standards that guide conduct and decision-making in all activities undertaken on behalf of the Association.

14.2 The Personnel of the Association have a duty to uphold high standards of personal and professional conduct in the performance of their duties and in the execution of the activities of the Order.

## **15. Procedure in the Event of a Report of Abuse**

- 15.1 The Association recognises that all safeguarding disclosures, concerns, and suspicions must be responded to swiftly and investigated, to promptly, thoroughly investigated, and appropriately acted upon, with the welfare of Children and Vulnerable Persons always being the paramount consideration.
- 15.2 Any Safeguarding complaint involving or concerning Children and Vulnerable Persons must be reported to the RSO and the NSO without delay. Some Safeguarding complaints will be subject to investigation in accordance with the procedures set out in this Policy
- 15.3 The NSO will support the RSO with in fulfilling all statutory reporting obligations, including mandatory reporting and notification to or Children and Vulnerable persons protection authorities. The NSO will obtain advice on mandatory reporting requirements where necessary and, if requested, will make the report to the relevant Commonwealth of Australia, or State, or Territory, or Aotearoa New Zealand law enforcement or statutory agency. Such reports must be made as soon as practicable and, in any event, no later than 24 hours after the concern is identified, in accordance with the Association legal obligations.
- 15.4 Notification to the Association's NSO must be made immediately in circumstances where there is an immediate risk to the safety and well-being of a Children and/or Vulnerable Person, or where the safeguarding complaint may constitute a Reportable Crime or otherwise trigger mandatory reporting obligations to external authorities. In situations involving immediate risk to the safety and well-being of the Children and/or Vulnerable People the NSO will support the relevant RSO in taking all necessary steps to ensure the safety of the Children and/or Vulnerable Persons concerned
- 15.5 Pending the outcome of the investigation, the Respondent may be directed to stand aside from their position or duties as a precautionary measure or their role may be modified to ensure that they do not have contact with Children and/or Vulnerable Person.
- 15.6 All relevant external authorities—such as child protection services and law enforcement—must be notified immediately upon receipt of a disclosure, in accordance with applicable legal and reporting obligations.
- 15.7 Any report of abuse made to the Association will be addressed through an internal investigation, followed by a reasoned assessment of the allegations. Based on the findings,

the Association will make an appropriate determination and may issue recommendations and/or impose relevant sanctions, as warranted by the circumstances.

15.8 Where a report of abuse has been referred to statutory authorities, such as Child Protection Services or the Police, the responsibility for investigation, determination, and any resulting action shall rest with the appropriate external authority. In such cases, the Association shall also notify the Sovereign Council of the Order.

15.9 The Association will implement all recommendations, sanctions, and further actions as directed by the Association's NGO or any relevant external authority.

## **16. Managing Information**

16.1 All information will be collected, documented, and securely stored in accordance with the Association's Privacy Policy and applicable Data Protection Laws.

## **17. Audits**

17.1 The Association is committed to ensuring accountability and continuous improvement in safeguarding practices through regular auditing processes. Safeguarding audits are a key mechanism for monitoring compliance with this Policy and identifying areas requiring corrective or preventive action.

17.2 Key features of the audit process include:

- Regular Audits

Safeguarding audits will be conducted at scheduled intervals (at least annually) and may also occur on an ad hoc basis in response to emerging concerns or significant incidents.

- Scope

Audits will assess adherence to safeguarding procedures, including but not limited to: recruitment and screening processes, training records, incident reporting, risk assessments, and the management of complaints.

- Independence and Objectivity

Where possible, audits will be conducted by Personnel independent of the program being assessed, or by external auditors with relevant expertise in safeguarding standards and legal obligations.

- Findings and Follow-up

Audit outcomes will be documented in a formal report and shared with relevant leadership and governance bodies. Identified gaps or non-compliance issues will trigger a time-bound action plan and follow-up reviews to ensure implementation.

- Continuous Improvement

Audit findings will inform policy updates, training enhancements, and operational adjustments, contributing to a culture of reflection, learning, and accountability.

Through this audit process, the Association affirms its commitment to creating and maintaining safe environments for Children and Vulnerable Persons across all activities.

## **18. Compliance Review**

18.1 The Association undertakes to review this *Safeguarding Children, Young People and Vulnerable Adults Policy and Procedures* on a regular basis to assess whether any amendments are necessary to enhance the protection and wellbeing of Children and Vulnerable Adults. In doing so, the Association will, where appropriate, consider feedback from Children and Vulnerable Persons to inform the continuous review and improvement of this Policy and its related safeguarding materials.

This policy will be reviewed every three years or sooner if required by legislative changes or organisational needs.

**Approved by: Executive Council**

**Policy Version: 1.0**

**Approval Date: 24 September 2025**

**Next Review: July 2028**