



ORDER OF MALTA  
HONG KONG

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**Hong Kong**

**SAFEGUARDING CHILDREN, YOUNG PEOPLE AND  
VULNERABLE ADULTS POLICY  
& CODE OF CONDUCT**



## GENERAL FRAMEWORK & PRINCIPLES

### **1. Purpose**

1.1 Across the world, the Order of Malta (“**The Order**”), is dedicated to the upholding of human dignity and the care of all those in need regardless of nationality, race, religion, age, or sex.

1.2 The Hong Kong Association of the Order of Malta Ltd (“**The Association**”) has laid down this Safeguarding Policy and Code of **Conduct** (collectively referred to hereinafter as “**SPCC**”) with the aim of providing a safe and protective environment for Children, Young People and Vulnerable Adults (**C/YP/VA**'s), especially those who are poor or sick or suffering from disabilities and those with Special Educational Needs (“**SEN**”).

### **2. Scope of Application**

2.1 The SPCC is applicable to and governs the activities and conduct of the Association and its members and, to the extent and manner indicated below, also those persons who volunteer with or otherwise participate in the work of the Order or otherwise work for or represent the Association (which term, whenever used herein, shall for present purposes be read to include SMOM Hong Kong and/or its members).



2.2 In general, all members of the Association shall have the duty to inform themselves of the provisions of the SPCC (i.e. including the Definitions Document Ref. DD-1 and the Safeguarding Code of Conduct dated 5 April 2020) as may be revised from time to time and shall be bound by such provisions insofar as they are applicable to them in their relationship with or when participating in the work of the Order, regardless of whether they have actually signed on a copy of the SPCC or otherwise expressly accepted that they are so bound.

2.3 There shall, however, be established a general practice whereby every new member shall be asked to signify their acceptance of the SPCC prior to or upon their Investiture and existing members shall also be informed of the contents of the SPCC as may be revised from time to time and their attention drawn to this and other relevant provisions, in particular the Declaration and provisions of the Code .

2.4 All members shall be deemed to have made the Declaration contained in the Safeguarding Code of Conduct and be bound by the provisions of the Code as if they had actually made the Declaration and signed the Code even if they have not actually done so.

2.4 Without prejudice to the foregoing, every volunteer or other participant in the work of the Order involving or which may involve contact with C/YP/VA's, regardless of whether they are members or not, shall as a matter of good practice be asked to sign on a copy of the Safeguarding Code of Conduct which is to be read together with the Definitions Document Ref No. DD-1 dated 5 April 2020 or any revised version thereof.

2.5 Roman Catholic priests and religious who participate in the work of the Order shall likewise abide by the SPCC including the Safeguarding Code of Conduct (read together with the Definitions Document Ref DD-1) insofar as it is not Inconsistent with any ecclesiastical norms or guidelines [such as those issued by the Catholic Diocese of Hong Kong ("**CDHK**") or their own Religious Congregation or Order ] which are applicable to them independently of the SPCC.



2.6 The SPCC (in all its parts) in no way relieves anyone or otherwise detracts from any mandatory duties imposed under the law. To the extent of any inconsistency between the applicable legislation and this Policy, the former necessarily take precedence over the latter. For the avoidance of doubt, however, the Association is not aware of any such inconsistency as at the date of the adoption of the SPCC.

### **3. Definitions (including Prohibited Acts or Conduct)**

3.1 For the purposes of the SPCC and without prejudice to any relevant statutory definitions or other mandatory provisions:

- I. **"Children"** means persons under the age of 18 (as defined in Article 1 of the United Nations Convention on the Rights of the Child)
- II. **"Young Persons"** or **"Young People"** means those aged between 16 and 18 years; and
- III. **"Adults"** means everyone aged 18 and above.

3.2 **"Vulnerable Adults"** means persons aged 18 and above who are susceptible to unfair treatment, exploitation or abuse such as the frail and elderly, the physically or intellectually disabled, those suffering from mental health issues, the bereaved, the illiterate, the homeless, refugees and migrant workers, the poor and the sick.

3.3 **"Abuse of a Child or Young Person"** occurs when adults or other children hurt Children or Young People, either physically, sexually, emotionally, psychologically, or in some other way and includes sexual harassment, bullying, neglect, child labour and domestic violence.

3.4 **"Abuse of a Vulnerable Adult"** occurs when adults or children hurt a Vulnerable Adult physically, sexually, emotionally or psychologically and includes sexual harassment, bullying,



neglect and domestic violence.

3.5 **“Contact with C/YP/VAs”** means the Association members (including Chaplains), personnel (including employees) or volunteers working on an activity or in a position involving or which may involve contact with C/YP/VAs, either under the position description or due to the nature of the work environment. For this purpose, and for other purposes in the present context as stated above, “the Association” includes SMOM Hong Kong.

3.6 **“Working with C/YP/VAs”** means the Association members (including Chaplains), personnel (including employees) or volunteers being engaged in an activity with C/YP/VAs in the course of which such contact would reasonably be expected as a normal part of the activity and not one which is merely incidental to the activity.

**3.7 FOR OTHER DEFINITIONS AND APPLICABLE PROVISIONS SEE THE DEFINITIONS DOCUMENT REF. DD-1 DATED 5<sup>TH</sup> APRIL 2020 (OR ANY REVISION THEREOF) TO BE READ TOGETHER WITH THE REST OF THE SPCC AS AN INTEGRAL PART THEREOF.**

3.8 The said Definitions Document may also be downloaded or provided separately from the rest of the SPCC for use together with the Safeguarding Code of Conduct (which itself may be downloaded separately from the rest of the SPCC)

## **4. Equality & Anti-Discrimination Policy**

4.1 The general principles are expressed in or reflected by the Safeguarding Code of Conduct and the Definitions Document Ref. DD-1 (please see below/scroll down).

4.2 Nothing in the SPCC or any part thereof shall be construed as derogating from the fundamental rights and freedoms protected under the Basic Law, Including in particular freedom of religion.

4.3 Members and others associated with the activities of the Order are expected at all times to uphold the beliefs and practices of the Roman Catholic faith and traditions of the Order.



## **5. Promotion & Implementation of Policy**

5.1 The Association, especially through its office-bearers and its Communications Sub-Committee and the Safeguarding Officer ("**SGO**") , shall have the responsibility to promote awareness of the SPCC and of the complaints procedures established. All members and, personnel of the Association must be apprised of the contents of this Policy. All volunteers and other participants in the programmes of the Order involving contact or work with C/YP/VA;s must at least be apprised of the contents of the Safeguarding Code of Practice and the Definitions Document.

5.2 The SPCC shall be implemented through measures that include the following:

- (a) safeguarding C/YP/VA's from all forms of abuse, neglect, unjust and/or unlawful discrimination and other prohibited conduct defined or referred to in the Definitions Document;
- (b) safer recruitment of members, personnel and volunteers;
- (c) appointment of a **SGO** with appropriate qualifications and skills;
- (d) encouraging whistleblowing and establishing a culture In the Association of compliance with the SPCC including handling and investigating with competence, confidentiality , impartiality, fairness and timeliness and reporting without delay any abuse or unjust discrimination or other Infringement of policy.

5.3 The measures shall also include proper storage of personal and sensitive information and providing access thereto only in accordance with the relevant data protection legislation.

5.4 Anyone making (or who is affected by) a report should, however be made aware that confidentiality is limited and that there may be a requirement or duty to disclose certain information given that confidentiality may conflict with the need to ensure the safety and welfare of C/YP/VAs to which a report relates.



5.5 The Association shall investigate any actual or suspected breach of this Policy in accordance with its legal obligations, including mandatory disclosure to the police and other authorities, where such duty exists, for criminal proceedings or other sanctions against the offender.

## **6. Breach of Policy**

6.1 A breach of this Policy consists of any act or omission by any member, personnel or volunteer that violates the terms of this Policy

6.2 In response to such breach, and without derogating from such legal obligations as may arise, the Association may apply all or any of the following measures in respect of the relevant member, personnel or volunteer:-

- I. issue a warning;
- II. arrange supervision or counselling;
- III. require further training or education;
- IV. report the molester (or suspect of a criminal offence) to the police or other relevant authorities \;
- V. report to the ecclesiastical authorities or their Religious Congregation or Order (with regard to the conduct of priests or religious);
- VI. suspension (whether temporary or permanent)
- VII. termination of the engagement

## **7. Complaints Procedure**

7.1 Any complaint or suspicion of abuse, whether allegedly perpetrated by someone within the Association or by someone outside in relation to C/YP/VAs in the course of or in connection with the activities of the Association should always be investigated and acted upon swiftly, making the welfare of C/YP/VAs the paramount consideration.



7.2 A complaint or suspicion, including one concerning a breach of Policy but not falling within the categories of "abuse", must generally be communicated to or through the SGO. An exception is where the matter is so urgent that it has to be brought to the notice of some other person or persons to prevent harm to a C/YP/VA or to any other person such as a carer or volunteer. Another exception is where the complaint is directed at the SGO or puts him or her in a position of conflict of interest, in which case the complaint may be made to the Hospitaller, the Chancellor or the President or some Other Designated Person ("**ODP**").

7.3 The SGO or the ODP If necessary will obtain advice on mandatory reporting, and will also, if requested, report to the relevant authorities (including the government authorities) as soon as possible and within 24 hours or such time or manner as is demanded by the exigencies of the case or as is required by law.

7.4 C/YP/VAs who are the subject of or who are affected by a report of abuse will, if necessary, be lawfully removed to and kept in a place of safety.

7.5 The alleged abuser or any person implicated by a report of abuse will, if necessary, be lawfully removed from the relevant place or activity and/or duly suspended from the activity and all related duties with the Association pending the investigation and resolution of the report (or until otherwise lawfully directed).

7.6 Unless otherwise required by law, the identity of any alleged victim of the misconduct alleged will not be disclosed to the person accused except with the consent of the alleged victim. If such non-disclosure would or might give rise to the risk of serious injustice in a particular case, the alleged victim should be informed that non-disclosure might prevent an investigation from being completed but the decision as to





disclosure would remain with the alleged victim unless otherwise ordered by a court and/or required by law.

7.7 All appropriate external authorities must, in accordance with law, be informed upon disclosure e.g. Social Services and the Police.

7.8 Subject to overriding requirements of the law and those of natural justice and subject to such procedural rules as the Council of the Association might lay down generally or for the particular case, a report of abuse to the Association will be resolved by an internal investigation, a reasoned determination of the allegations made and a decision making any appropriate recommendation/s and/or imposing any lawful and appropriate sanction/s.

7.9 If the report of abuse has been lawfully referred to an external authority such as the Police or Social Services, the investigation, determination and sanction will be taken over by the external authority in accordance with law and the Association shall give such co-operation to the external authority as may be reasonably requested by the external authority or as may be required by law. In such cases the Order's Sovereign Council shall also be notified. In cases implicating the conduct of clerics or religious, the CDHK and/or the superiors of the relevant Religious Congregation or Order will likewise be notified.



7.10 The Association will, within the scope of its authority and in accordance with law, implement all and any recommendations, sanctions and further action required by the appropriate lawful authority whether internal to the Association (such as the SGO) or external (such as Social Services or the Police).

## **8. Recruitment and Screening of Personnel, Volunteers and Others for and in the Order's programmes and activities Involving C/YP/VA's.**

8.1 All prospective personnel, volunteers and other persons offering their services or applying to be involved in projects/activities for C/YP/VAs are generally required to provide the names of referees who have direct experience of their work and character and to undergo background checks including criminal record checks.

## **9: Form B:- Safeguarding Code of Conduct**

9.1 Form B is to be read by members and staff together with and as forming an integral part of one document with the other parts of the SPCC. It may, however, be separately downloaded or otherwise made available for use together with the Definitions Document.



## **10. Review**

10.1 A review of the SPCC will be undertaken periodically. The next review date should 1 September, 2020.

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**Signature of Member/Staff  
/Other Personnel**

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