

The Order of Malta Volunteers – Speak-Up Policy
(registered company no. 09801949, registered charity no. 1164242)

POLICY REFERENCE	
Function	For information and guidance
Status	Approved & issued
Scope	Trustees, OMV Committee, Volunteers, Guests
Owner	Giles Crabtree
Version	1.0
Date approved by board	16 th March, 2016
Date for review	16 th March, 2017

Introduction

1. The ethical requirements of the Order of Malta Volunteers (“the OMV” or “the Charity”) are set out in its Code of Conduct. From time to time, it is inevitable that the Charity’s Volunteers will be aware of circumstances that either are, or might be, or might lead to, breaches of the Code. Every Volunteer has a responsibility under the Code to “speak up” and bring any such concern to the attention of their immediate superior (e.g. their equipe leader within the Lourdes pilgrimage) so that it can be resolved.
2. It is to be hoped that concerns can usually be addressed through the normal chain of command. There may be circumstances, however, in which – for whatever reason – a Volunteer does not feel comfortable about reporting a concern to their immediate superior. This Policy sets out the mechanisms for reporting concerns in cases where they cannot be raised directly or where the individual concerned does not wish it to be known that they have raised a concern.
3. Speaking up is particularly important in matters concerning safeguarding. In line with the Charity’s Safeguarding Policy, all Volunteers are required to speak up if they have concerns about another Volunteer, a Guest or any other person connected with a designated OMV activity.
4. For the avoidance of doubt, no one will be penalised or disadvantaged for raising a genuine concern, even if it should turn out that the concern was groundless. It is the collective responsibility of everyone associated with the OMV to ensure that the Charity’s ethical standards are maintained.
5. This Policy applies to all the trustees of the Charity (“the Trustees”), all members of the OMV Committee (“the OMV Committee”) and to all the Charity’s Volunteers.
6. The OMV Committee must ensure that the contents of this Policy are communicated to all Volunteers. This communication must be evidenced in writing and refreshed on an annual basis.
7. The Charity must publish this Policy on its website.

Definitions

Guest	Any person who attends a designated OMV activity as an invited guest of the Charity and who is not expected to play an active role in looking after others. Guests are usually ill or disabled in some way.
Volunteer	Any person who attends a designated OMV activity in a voluntary capacity.

Policy

8. Everyone associated with the Charity is expected to maintain the highest ethical standards. If anyone witnesses behaviour that they consider to be unethical or otherwise inappropriate, they should report it to their immediate superior (e.g. their equipe leader) and ask them to take appropriate action. All Volunteers have a responsibility to ensure that such reports are made in good faith and are not petty or malicious.
9. In certain circumstances, a Volunteer may feel it is not appropriate to speak directly to their immediate superior. In such circumstances, the Speak-Up procedures set out in this Policy should be followed. Examples where the Speak-Up process should be followed include:
 - Situations that might involve fraud or deliberate malpractice
 - Situations where the conduct is considered sufficiently serious that the reputation of the Charity might be damaged
 - Situations where the volunteer is concerned that he or she will not be taken seriously
 - Concerns that relate to the conduct of a member of the OMV Committee or a Trustee
 - Concerns that relate to matters where a Volunteer believes that someone else's behaviour may create safeguarding issues
 - Situations where a Volunteer wishes the report to remain confidential
 - Situations where the practice or general conduct of a Volunteer (or anyone else) is placing children at risk
10. All reports made under the Speak-Up process will be treated seriously and investigated fully. No one will ever be criticised or penalised for making a report in good faith, even if the concern should prove to be groundless.
11. All reports made under the Speak-Up process will remain confidential to those who are responsible for processing the concern, investigating it and determining the outcome. Equally, the Volunteer making the report must not discuss it with anyone else. In particular, he or she must be extremely careful not to make public accusations that could be unfounded, false or potentially malicious.

Speak-Up Procedures

12. In the first instance, a Speak-Up report should be made, either orally or in writing, to the OMV Chairman. The report must set out the concern and the facts that support it. If the report is made orally, the OMV Chairman must document the concern and the supporting facts. The person making the report should sign the document to confirm that the record is a true and fair reflection of their concern. If they are not willing to do so, the facts of the report will still be investigated. But it is less likely that any action will be taken without further corroboration.
13. If a Speak-Up report concerns the OMV Chairman or a Trustee, the report should be made to the Chairman of the Trustees. If the report concerns the Chairman of the Trustees, the report should be made to the President of the British Association of the Order of Malta. In such circumstances, the recipient of the report should follow the principles set out in this policy.
14. The OMV Chairman must inform the Chairman of the Trustees that such a report has been made within 48 hours of its receipt.

15. On receipt of such a report the OMV Chairman, in consultation with the Chairman of Trustees, must appoint an Assessor who will review the concern that has been raised and will prepare a written report together with recommendations for further action. The Assessor must be independent from the management reporting line responsible for the area of concern. The report must be returned to the Chairman of Trustees and the OMV Chairman within an agreed time frame.
16. Under normal circumstances, the Assessor will be a Trustee other than the Chairman of Trustees. If no such Trustee is available, the OMV Chairman, in consultation with the Chairman of Trustees, may ask another suitable and independent person to take on the role of Assessor (e.g. a chaplain of the Charity).
17. It is the responsibility of the Assessor to obtain from the person making the report as much information as possible about the grounds for their report and to advise them in the event that the matter does not fall under the remit of this Policy.
18. The Assessor may, in consultation with the Chairman of Trustees and the OMV Chairman, meet anyone else they think appropriate or necessary in order to establish the facts. The Assessor must, however, take great care not to go beyond this remit and, in particular, not to make judgments or express any opinion.
19. It is expected that any investigation will be completed within a month of the initial report being received. If the investigation is expected to (or does) take longer than this, the Chairman of Trustees must be informed and kept updated on progress.
20. Any actions arising from the investigation will be at the sole discretion of the Chairman of Trustees, taking into account the views of the OMV Chairman. It is expected that the next steps will include one or more of the following:
 - i. A further investigation by the Charity's auditors in the case of a breach of systems or processes, followed by remedial action
 - ii. A list of steps necessary to prevent the concern happening again
 - iii. Disciplinary proceedings, including expulsion from the Charity
 - iv. A report to an external agency
 - v. No further action being taken
21. Once the investigation has been completed and the actions determined, these must be reported to the Board of Trustees at its next meeting.
22. It is the responsibility of the OMV Chairman to ensure that all recommendations are implemented in full, unless it is agreed with the Chairman of Trustees that there is good reason for not doing so. In any event, the OMV Chairman must report on progress to each meeting of the Board of Trustees until the matter is closed.
23. The identity of the person making the report will be kept confidential beyond those involved in the investigation process unless there are grounds to believe that they acted maliciously. The following are situations where such confidentiality will not be possible:
 - where there is a legal obligation to disclose the identity;
 - where the information is already in the public domain; or
 - where there is a need to disclose the identity for the purpose of obtaining legal advice. In such circumstances, it is probable that Legal Privilege would then protect the identity of the individual.
24. The Assessor, subject to any confidentiality issues that may arise, will report the conclusion of any investigation to the person who raised the initial concern. The OMV Chairman must retain a written note of this on file.

Anonymous reports

25. If the person making the initial report wishes to remain anonymous, they may write directly to the Chairman of Trustees setting out the facts of their concern. The Chairman of Trustees may then take legal advice as to the appropriate course of action to follow. Anonymous reports will be treated seriously; but, unless there are sufficient facts to establish a clear and valid concern, they are less likely to warrant a formal investigation. The decision and actions of the Chairman of Trustees should be documented and lodged with the Secretary.

Malicious accusations

26. Anyone who makes a malicious accusation is liable to disciplinary action and, potentially, to legal proceedings.

Informing external agencies

27. All Volunteers have a duty of confidentiality that prohibits them publicly disclosing the Charity's confidential information. They also risk being in breach of specific legislation such as data protection laws. Volunteers should, therefore, always report concerns using the processes set out in this Policy unless they believe that they are under a specific legal obligation to make a report directly to an external agency such as the Police.
28. If the person raising the concern is not satisfied that it has been addressed and cannot obtain satisfaction from the Chairman of Trustees, they have the right to raise it with the appropriate external agency.
29. Failure to raise a concern using the processes set out in this Policy – and instead making a direct report to an external agency – will be grounds for suspicion that the conduct is malicious.

Review

30. The Policy owner must keep up to date with relevant legislation and Charity Commission guidance and update this Policy whenever necessary. The Board of Trustees must approve the revised version.
31. The policy owner must review the Policy at the end of October each year and either submit a revised policy for approval by the Board of Trustees or confirm in writing to the Chairman of the Board of Trustees that the current version of this Policy is still fit for purpose.
32. The Board of Trustees must formally review and re-approve this policy every five years.