



The Whistleblowing Policy

Archbishop's Curia

ARCHDIOCESE
OF MALTA

Contents

1. Purpose	4
2. Scope.....	4
3. Reportable improper practices.....	4
4. Reporting Process – First Internally.....	4
5. Reporting Process – Second Externally.....	5
6. Reporting Process – Third Going Public.....	6
7. The role of the WRO after receiving a whistleblower’s report	6
8. Confidentiality and protection of whistleblowers and facilitators	6
9. Measures of support and redress for whistleblowers.....	7

Appendix I - List of competent authorities where external reporting can be made	8
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1. Purpose

The Whistleblowing Policy acknowledges whistleblowing as an important form of detection and combating of breaches of legislation and other improper practices. The Policy wants to give a strong message that the identity of whistleblowers and facilitators shall be kept confidential and they shall be shielded from all forms of retaliation in line with Maltese legislation. The Policy lays down the reporting procedures in those cases where a whistleblower discloses an improper practice by making a report. This Policy is without prejudice to the Archdiocese's Anti-Fraud Policy.

2. Scope

The Policy is applicable to all diocesan entities and to employees of any kind, volunteers, paid/unpaid trainees, self-employed, all members of the governing and decision-making bodies including the Archbishop's Council, KRD, KFD and sub-Committees, members of the Diocesan clergy, as well as persons other than workers, who come in contact with the ecclesiastical entity through their work-related activities, such as service-providers, distributors, suppliers, business partners, external consultants and contractors. Facilitators (i.e. persons who assist the whistleblower in the reporting process) also fall within scope.

3. Reportable improper practices

Whistleblowers can report instances of wrongdoing including reasonable suspicions, about actual or potential breaches, which occurred or are very likely to occur within an organisation relating to fraud, corruption and any other illegal activities. Information disclosed which is protected by legal and medical professional privilege and anonymous disclosures are not protected.

4. Reporting Process – First Internally

Whistleblowers have a legal obligation to report fraud or other improper practices. They are expected to first use internal reporting channels by filing a report with their Whistleblowing Reporting Officer (WRO). Anonymous reporting is not protected under the law although they may still be investigated. The name of the WRO shall be communicated officially. The whistleblower shall report to the WRO unless the

whistleblower has reason to believe that the WRO may be involved in the alleged improper practice or the WRO is related to the person concerned behind the alleged malpractice. In such cases, the whistleblower shall make the report to the Administrative Secretary who will assume full responsibility of the WRO in terms of this policy. A whistleblower report does not shield the whistleblower from accountability for their own involvement, where applicable, in the breach that was reported by them or in respect of which they are a witness.

Whistleblowers should not confront the person concerned behind the alleged malpractice as this might lead to tipping off and the destruction of evidence. If possible, whistleblowers should forward supporting evidence to the WRO if this is available. Whistleblowers should refrain from investigating further unless specifically requested by the WRO. Whistleblowers should keep the matter confidential and refrain from discussing the case and the suspicions with anyone, unless specifically requested by the WRO.

5. Reporting Process – Second Externally

If internal reporting about the breaches were unsuccessful, or the whistleblower believes that that high officials including the WRO are involved in illicit activities, the case can then be referred to an external competent authority mentioned in the law. These authorities are listed in Appendix I.

Breaches that are reported to an external competent authority are only protected if:

- i. A Report was first made through internal channels but no feedback has been received or nothing has occurred; or
- ii. Immediate attention from an authority is required to investigate and remedy the problem; or
- iii. The employee will be subjected to immediate occupational detriment; or
- iv. It is likely that evidence relating to the improper practice will be concealed or destroyed if an internal disclosure is made; or
- v. National law requires the reporting persons to report to the competent national authorities, for instance as part of their job duties and responsibilities or because the breach is a criminal offence.

6. Reporting Process – Third Going Public

A public disclosure refers to a whistleblower disclosing information and making it available in the public domain. It relates to the reporting of breaches or potential breaches directly to the media, online platforms, social media, elected officials, civil society organisations, trade unions or professional and business organisations. Individuals who make any public disclosures will only be protected if one of the following occurred:

- i. The breach was first reported internally and externally, but no action was taken respond to the initial report; or
- ii. The reporting person reasonably believes that the breach constitutes an imminent or manifest danger to the public interest or constitute a risk of irreversible damage including harm to a person's physical integrity; or
- iii. The reporting person reasonably believes that there is a risk of retaliation or there is a low prospect of the breach being effectively addressed, such as the evidence may be destroyed, or an authority may be in collusion with the perpetrator of the breach.

7. The role of the WRO after receiving a whistleblower's report

Upon receipt of a whistleblower's report, the WRO shall acknowledge receipt within 7 days. The whistleblower must also be kept updated with progress and shall be given feedback on the follow up of the report within 3 months from receipt. The WRO maintains communication with the whistleblower and, where necessary, asks for further information. The WRO shall immediately refer the whistleblower's report to the relevant people within the organisation for further follow-up. The WRO cannot conduct the investigation and is legally responsible to keep the whistleblower's identity confidential to shield the whistleblower from possible retaliation.

8. Confidentiality and protection of whistleblowers and facilitators

Under Maltese law, the identity of the whistleblower, witnesses and facilitators must be kept confidential. Safeguarding the confidentiality of the identity of the whistleblower during the reporting process and investigations triggered by the report is an essential ex-ante measure to prevent retaliation from the employer in any work related activity. The whistleblower and witnesses may, on the other hand, explicitly

consent to the disclosure of their identity. It should only be possible to disclose the identity of the whistleblower where that is a necessary and proportionate obligation under the law in the context of investigations by authorities or judicial proceedings, in particular to safeguard the rights of defence of persons concerned.

Reporting persons are protected against any form of retaliation. Whistleblowers shall qualify for protection provided that they have had reasonable grounds to believe, in light of the circumstances and the information available to them at the time of their reporting, that the information on breaches reported by them was true and related to a possible breach. Irresponsible reporting containing fictitious claims against persons working within the Archdiocese for the purpose of personal gain or attempts to prohibit persons within scope from disclosing an improper practice or any attempt to cover up an improper practice will be treated seriously and can face disciplinary action.

9. Measures of support and redress for whistleblowers

The law provides various measures of support to whistleblowers such as legal assistance and comprehensive and independent information and advice, which is easily accessible to the public and free of charge, on procedures and remedies available, on protection against retaliation, and on the rights of the person concerned.

Appendix I

List of competent authorities where external reporting can be made

Commissioner of Inland Revenue

Description: Income tax, corporation tax, capital gains tax, stamp duties, national insurance contributions.

Financial Intelligence Analysis Unit

Description: Money laundering in terms of the Prevention of Money Laundering Act.

Malta Financial Services Authority

Description: The business of credit and financial institutions, the business of insurance and the activities of insurance intermediaries, the provision of investment services and collective investment schemes, pensions and retirement funds, regulated markets, central securities depositories, the carrying out of trustee business either in a professional or a personal capacity and such other areas of activity or services as may be placed from time to time under the supervisory and regulatory competence of the Malta Financial Services Authority.

Commissioner for Voluntary Organisations

Description: Activities of a voluntary organisation.

Permanent Commission against Corruption

Description: Corrupt practices.

Ombudsman

Description: (i) Conduct involving substantial risk to public health or safety or the environment that would if proved, constitute a criminal offence; and (ii) All matters which constitute improper practices and which are not designated to be reported to any other authority.