

PUBLIC SERVICE COMMISSION

ANNUAL REPORT 2004

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Foreword

This is the forty-fifth Annual Report of the Commission submitted to the Prime Minister in terms of Regulation 33 of the Public Service Commission Regulations 1960.

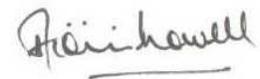
The report gives a brief description of the main activities of the Commission during the year 2004 in the execution of its constitutional functions of giving advice and making recommendations to the Prime Minister on matters relating to appointments, removal from office and discipline within the public service.

An important development which had a direct impact on the work of the Commission in the year under review was the policy decision taken by Government to limit recruitment into the public service to a minimum as part of the drive to reduce current expenditure and, thereby, the deficit in the national budget. The decision, taken in July, resulted in a reduction, during the whole of 2004, of around 25% in the number of calls for application approved by the Commission prior to issue. The number of actual appointments recommended or advised by the Commission also showed a corresponding drop of 22%.

In the last quarter of 2004 the Commission carried out an analysis of the past and present duration of the selection process in the Public Service. The Analysis revealed that the overall average duration of the selection process had gone down from 54 weeks in 1994 to 27 weeks in 2004. The Analysis also confirmed that the perception that the Public Service Commission is responsible for a good part of the delay in the selection process is no longer correct. In fact the Analysis concluded that the Commission took, on average, only 8 days to approve the issue of a call for applications and 7 days to recommend the consequent appointment/s. The Commission's percentage share of accountability for the entire duration of the selection process was cut down from 20% to 8% over the past 10 years.

Following the submission to the Government of the Commission's comments on the Draft Public Service Act, the Government informed the Commission that it agreed with most of the Commission's comments and suggested amendments to the Draft Act.

Once again the Commission wishes to record its appreciation of the competent and efficient support it received from the Secretary and his staff during the year.



Alfred Fiorini Lowell
Chairman

4 April 2005

The Palace, Valletta

I. The Public Service Commission Remit

The Public Service Commission is an independent body established by the Constitution of Malta. It derives its authority and functions from Sections 86, 92, 109, 110, 111, 112, 114, 115 and 121 of the Constitution.

The fundamental role of the Commission is to make recommendations and to tender advice to the Prime Minister in the making of appointments to public offices, the removal from public office and the exercise of discipline over public officers.

In fulfilling its role, the Commission is guided by the principles of merit, equality of opportunity, impartiality, non-discrimination, the exclusion of patronage, political or otherwise, and fair and open competition, the latter within the parameters of agreements that exist between the government and the trade unions.

The procedures governing these functions are set out in the Public Service Commission Regulations, 1960 and in the Public Service Commission (Disciplinary Procedure) Regulations, 1999.

The regulations of the Commission are made by the Commission with the consent of the Prime Minister in accordance with Section 121(1) of the Constitution.

II. Membership and Secretariat of the Commission

Composition

In terms of section 109 of the Constitution of Malta, the Public Service Commission shall consist of a Chairman, a Deputy Chairman and from one to three other members.

Members of the Commission are appointed by the President acting on the advice of the Prime Minister, given after consultation with the Leader of the Opposition.

Membership

Membership of the Commission on 1 January 2004

Chairman	Mr Alfred Fiorini Lowell	(since 12 June 2003)
Deputy Chairman	Brigadier (Rtd) John Spiteri MOM	(since 12 May 1996)
Members	Ms Yvonne Micallef Stafrace BA (Hons) MA	(since 12 May 1996)
	Dr Janet Mifsud B Pharm (Hons) PhD	(since 12 May 2000)
	Ms Mary Vella	(since 12 June 2003)

Short biographies of the Chairman and Members are at *Appendix I*.

The term of office of the Commission expired on 11 June 2004 and was renewed for a further period of one year with effect from 12 June 2004.

Number of meetings held

During the year 2004, the Commission held a total of fifty-one (51) meetings in which it dealt with various matters relating to appointments and discipline as outlined in more detail in this report.

Secretariat

The Commission is served by a small and dedicated team of civil servants headed by the Secretary, Public Service Commission, who is appointed on a performance agreement for three years and who is an Officer in Grade 5.

During 2004 the Commission was ably advised, supported and serviced by its Secretary, Mr Paul Sammut, who was appointed Secretary, Public Service Commission with effect from 10 January 2004, immediately upon the retirement of Mr Richard Saliba.

The staff complement and the total expenditure incurred in the running of the Office of the Public Service Commission are shown at *Appendix 2*.

Method of work

The business of the Commission is normally conducted through the circulation of files. Meetings are held every Thursday with an Agenda that covers policy issues and cases which are complex or which involve important points of principle and which require discussion.

One of the first items on the agenda is often an oral hearing. The hearings concern disciplinary cases that can lead to dismissal and where, as laid down in the Disciplinary Regulations, the officer concerned and the representative of the Department, together with their respective counsels if they so wish, are given the opportunity to plead their case before the Commission

Senior management from departments may also be invited to the meetings. Their input on matters of interest or concern helps the Commission to understand better the problems faced by departments.

The rest of the agenda of the meetings of the Commission is taken up with discussion on individual cases which merit an exchange of views among the members of the Commission before a decision is reached. This is generally done by consensus.

Homepage of the Commission

The address of the Commission's website is:

<http://www.psc.gov.mt/start.htm>

The homepage can also be accessed through the section on the 'Public Service', under the Office of the Prime Minister, in the website of the Government of Malta at:

<http://www.gov.mt>

The homepage provides basic information on the Commission's role and functions, its current membership, the way the Commission conducts its business and the organisation of the Commission's Secretariat. This Annual Report, and that for 2003, can also be viewed on the homepage and can be downloaded.

III. Recruitment and Promotion

Functions of the Commission relating to appointments

The functions of the Commission in relation to appointments are:

- to recommend and advise the Prime Minister in the making of appointments into or within the public service;
- to vet and approve draft calls for applications submitted by heads of department and verified by the Office of the Prime Minister;
- to approve selection boards nominated by heads of department;
- to approve selection methods and criteria;
- to decide on queries raised by selection boards on such questions as eligibility of candidates;
- to vet and approve reports submitted by selection boards;
- to approve and publish the results of selection exercises;
- to make recommendations and advise the Prime Minister on the removal from office and termination of appointments, performance agreements and contracts;
- to make recommendations to the Prime Minister regarding the extension of probationary periods and performance agreements;
- to consider petitions made in terms of Section 1.1.10 of the Public Service Management Code in respect of appointments; and
- to deal with other representations made to the Commission. Heads of department and selection boards are summoned where necessary.

The role of the Commission, in line with its obligation, is to ensure that recruitment into and promotions or appointments with the Public Service are made in an equitable and impartial manner, are free from patronage and discrimination and are based on the principle of merit.

Calls for Applications

In the course of the year 2004, the Commission issued 188 calls for applications for the filling of vacancies in the public service. Out of these 188 calls, 95 were calls for applications open also to applicants from outside the public service and were therefore advertised in the Government Gazette. 58 calls were restricted to serving public officers and were circulated through the Management and Personnel Office or by Departmental Circulars, as applicable. The other 35 calls were issued by various Ministries for the filling of positions of Assistant Director.

The different calls for applications issued during 2004 are listed in *Appendices 3, 4 and 5*.

Selection Boards

The Commission set up 252 selection boards and approved the selection methods and criteria in respect of each selection process.

These selection processes involved 3,960 applications, 2,284 from male applicants and 1,676 from female applicants. The selection boards interviewed 1,479 males and 1,223 females, a total of 2,702 candidates. The remaining 1,258 applicants were found to be ineligible, withdrew their application or else failed to turn up for the interview.

Recommendations/Advice to the Prime Minister

The Commission made 545 recommendations to the Prime Minister relating to appointments in terms of Section 110 of the Constitution and advised the Prime Minister in 59 instances of appointment of Permanent Secretaries, Heads of Department and one Ambassador, in terms of Sections 92(3), 92(4) and 111 of the Constitution.

A statistical breakdown of these recommendations, which covered 1669 appointments, is given below:

Appointments 2004				
		Males	Females	Total
1.	Appointments following public calls for applications published in the Government Gazette	362	497	859
2.	Appointments following service-wide calls for applications (MPO Circulars)	170	165	335
3.	Appointments following internal departmental calls for applications (Departmental Circulars)	72	54	126
4.	Other Appointments (eg promotion on basis of length of service and satisfactory performance, appointment to substantive grade, etc)	203	146	349
		807	862	1669

Various other recommendations were made to the Prime Minister relating to the extension of performance agreements, renewal of contracts of employment, postponement of appointments, reversion to former posts, extension of probationary periods and withholding of progressions/increments.

The Duration of the Selection Process in the Public Service

During the third quarter of 2004 the Commission carried out an Analysis of the duration of the selection process in the Public Service. The Analysis compared the duration of the selection process in each of the years 1994, 2002 and 2004.

The *raison d'être* of the Analysis was:

- (i) to confirm or otherwise the correctness of the perception that the Public Service Commission is responsible for a good part of the delay in the selection process in the Public Service; and
- (ii) to establish whether the Commission should recommend any measures to speed up the selection process.

The Executive Summary and the Conclusions of the Analysis are reproduced at *Appendix 6* which also includes the two main Appendices of the Analysis.

In January 2005 the Commission submitted the report of the Analysis to the Principal Permanent Secretary. The Analysis in fact confirmed that the perception referred to under (i) above was not correct and that, currently the Commission is responsible for only two of the 27 weeks taken on average by selection processes. The Commission also made a number of recommendations on follow-up action.

Petitions relating to Appointments

The Commission considered sixty-five written petitions submitted in terms of paragraph 1.1.10.1.(a) of the Public Service Management Code in respect of appointments made following calls for applications issued by the Commission. These included one petition that was submitted by a Union on behalf of its various members and three petitions made by legal officers on behalf of their clients.

Twenty of these petitions were made directly to the Commission before the appointment was approved by the Prime Minister, while the other forty-five petitions were submitted to the Prime Minister in terms of Section 1.1.10 of the Public Service Management Code.

After carefully considering the petitions, the grounds for the complaints and, where appropriate, the comments of the respective selection boards, the Commission reached the following conclusions:

- the complaints in forty-five of the petitions were not justified;
- three complaints regarding eligibility were found to be justified and candidates were interviewed;
- in four cases, the Selection Board was asked to review the marks and the Commission published a revised result sheet;
- three complaints from candidates who applied in terms of the same call for applications led the Commission to declare that the selection process concerned had been flawed and petitioners were recommended for appointment;
- in another complaint on behalf of three officers, the Commission confirmed its previous decision to terminate the selection process;
- in one case the Commission stopped the selection process and a fresh call for applications was issued.

Eight petitions were still pending as on 31 December 2004.

A list of petitions considered in 2004, showing also the complaints and the Commission's decisions, is given in *Appendix 7*.

IV. Discipline

Functions of the Commission relating to Discipline

Following the coming into force of the Public Service Commission (Disciplinary Procedure) Regulations, 1999 and the related Instrument of Delegation signed by the Prime Minister on 1 February, 2000, the exercise of discipline in the public service was, subject to appropriate safeguards, largely delegated to heads of government departments.

The Commission however continued to deal directly with requests for the interdiction and suspension from duties of public officers; the discipline of public officers found guilty of a criminal offence by the Courts; and other disciplinary cases conducted by the department where the officer was notified that the charge, if proved, could lead to dismissal.

The Commission also continued to make its recommendations in connection with the remaining cases initiated under the 1977 Disciplinary Regulations, which under the 1999 Regulations would have been delegated to the head of department. These cases continued to diminish in number. In fact, during 2004 there were only 3 such cases.

The Commission further dealt with appeals from public officers against decisions made by heads of department under delegated authority, in terms of Section 30 (1) of the Public Service Commission (Disciplinary Procedure) Regulations, 1999. The Commission heard representations by heads of department who were dissatisfied with the findings of a disciplinary board (Section 32 of the same Regulations).

Disciplinary Cases under the 1977 Regulations – Criminal Cases

The Commission considered 3 cases involving criminal proceedings against public officers, that had been initially referred to the Commission under the 1977 Disciplinary Regulations.

The recommendations made by the Commission to the Prime Minister in respect of these cases were as follows:

Recommendations	
Dismissal	2
Refund of salary withheld during interdiction	1
Total	3

Disciplinary Cases under the 1999 Regulations – Criminal Cases

The Commission dealt with 31 cases which were referred to it in terms of Sections 14 and 16 of the Public Service Commission (Disciplinary Procedure) Regulations, 1999. These concerned interdiction and disciplinary action after conviction on a criminal charge.

The Commission made the following recommendations to the Prime Minister in respect of these cases:

Recommendations	
Dismissal	5
Dismissal, Interdiction and forfeiture of salary	1
Suspension without pay (5 days)	2
Suspension without pay (3 days)	1
Suspension without pay (2 days)	2
Suspension without pay (1 day) and reprimand	2
Interdiction	11
Lifting of Interdiction	1
Lifting of Interdiction, forfeiture of salary, written warning	3
Lifting of Interdiction, forfeiture of salary, warning of dismissal, placed at the bottom of list on the minimum point of current salary	1
Lifting of Interdiction, forfeiture of salary, warning of dismissal, suspension without pay (5 days)	1
Lifting of Interdiction, forfeiture of salary, suspension without pay (1 day)	1
Total	31

There were six cases where the Commission, after reviewing the position, recommended that the interdiction imposed on the accused officers be maintained.

There was one particular case where, on humanitarian grounds, the Commission submitted its advice to the Prime Minister for the granting of three fourths of the salary during the period of interdiction instead of the normal one half of the salary.

Disciplinary Cases under the 1999 Regulations – Non-Criminal Cases

The Commission also considered 33 other disciplinary cases which were referred to it in terms of sections 12 and 26(2) of the 1999 Regulations, i.e. cases where the officer charged had been notified that the charge, if proved, could lead to dismissal.

After giving the officers concerned and the respective heads of department, where applicable, an opportunity to make oral representations, the Commission made the following recommendations to the Prime Minister in respect of these cases:

Recommendations	
Interdiction	1
Dismissal	2
Warning of dismissal and suspension without pay (5 days)	4
Warning of dismissal and suspension without pay (2 days)	1
Warning of dismissal and suspension without pay (1 day)	2
Suspension without pay (5 days)	1
Suspension without pay (3 days)	2
Suspension without pay (2 days)	1
Suspension without pay (1 day)	4
Written Warning	4
Reprimand	1
Acquittal/Not guilty	10
Total	33

Oral Representations

A list of the thirty-two oral representations heard by the Commission, giving also the Regulation in terms of which the particular oral representation was allowed, is given at *Appendix 8*.

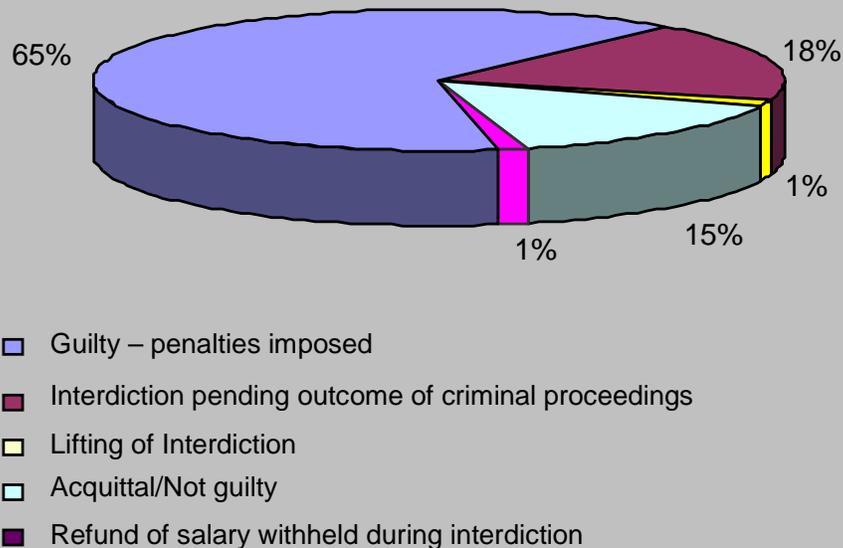
Analysis of Cases

The following table and chart provide an analysis of the outcome of the above mentioned 67 cases.

Disciplinary Cases before the Commission	
Outcome	
Guilty – penalties imposed	43
Interdiction pending outcome of criminal proceedings ⁽¹⁾	12
Lifting of Interdiction	1
Acquittal/Not guilty	10
Refund of salary withheld during interdiction	1
Total	67

⁽¹⁾ 1 of the 12 cases of Interdiction was referred to the Commission following disciplinary proceedings.

Outcome of 67 cases before the Commission by percentage



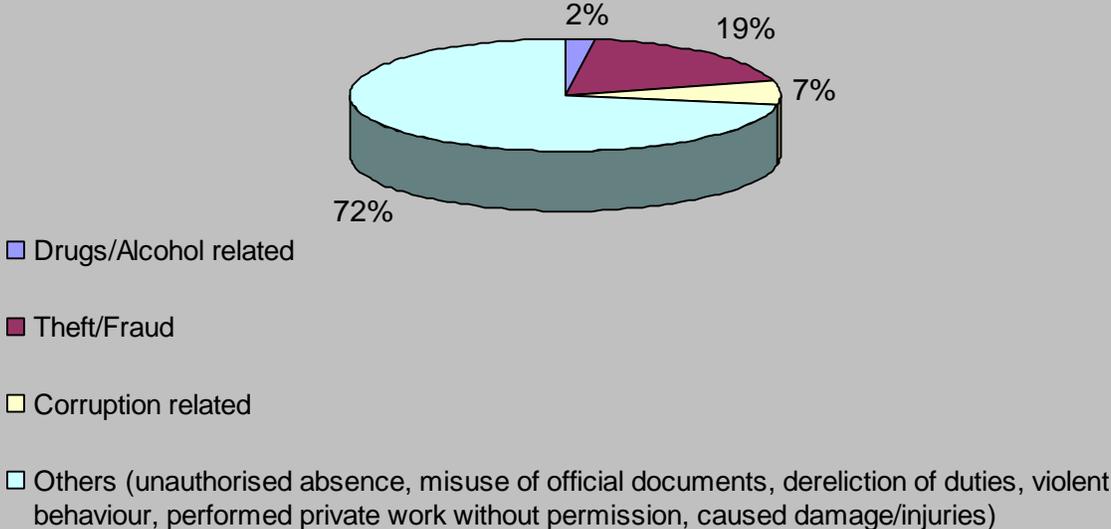
The following table shows the broad categories of offences and the penalties given in each of the 43 case where the officer charged was found guilty. The ensuing chart gives the percentage distribution of same.

Categories of offences and penalties recommended

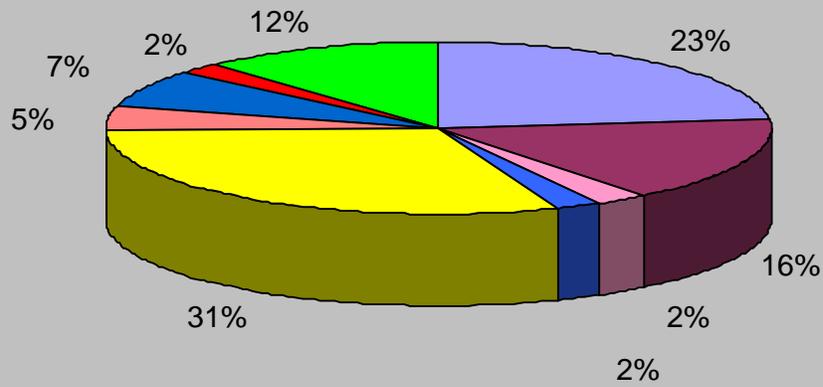
Penalties \ Category of Offence	Drugs/ Alcohol related	Theft/ Fraud	Corruption related	Others (unauthorised absence, misuse of official documents, dereliction of duties, violent behaviour, performed private work without permission, caused damage/injuries,)	Total
Dismissal		3	3	4	10
Warning of dismissal + suspension without pay for 1, 2 or 5 days				7	7
Warning of dismissal, forfeiture of salary + suspension without pay		1			1
Warning of dismissal, forfeiture of salary + placed at bottom of list on minimum salary				1	1
Suspension without pay for between 1 and 5 days				13	13
Suspension without pay (1 day) and reprimand		2			2
Forfeiture of salary + written warning	1	1		1	3
Forfeiture of salary + suspension without pay (1 day)		1			1
Reprimand/Written Warning				5	5
Total	1	8	3	31	43

21 of the 43 cases involved disciplinary action following criminal conviction.

Categories of 43 Offences by percentage



Penalties imposed in 43 cases by percentage



- Dismissal
- Warning of dismissal + suspension without pay for 1, 2 or 5 days
- Warning of dismissal, forfeiture of salary + suspension without pay for 5 days
- Warning of dismissal, forfeiture of salary + placed at bottom of list on minimum salary
- Suspension without pay for between 1 and 5 days
- Suspension without pay (1 day) and reprimand
- Forfeiture of salary + written warning
- Forfeiture of salary + suspension without pay (1 day)
- Reprimand/Written Warning

The exercise of discipline through delegated authority

The Commission continued to monitor the exercise of discipline delegated to heads of department. This was done through reports which heads of department were regularly required to submit to the Commission and which contained information about all disciplinary measures taken by them against public officers in terms of the 1999 Disciplinary Regulations.

The following Table gives a breakdown of disciplinary action taken by heads of department during 2004 compared with the year 2003:

Disciplinary action by Heads of Department		
	2003	2004
Outcome:	No.	No.
Warning of dismissal and suspension from duty without pay	19	3
Suspension from duty without pay	84	40
Written warning (section 20)	94	44
Written warning (section 19)	309	523
Cases discontinued	88	87
Verdict of not guilty	168	125
Pending cases	85	109
Total	847	931

Appeals and representations on disciplinary cases in terms of Sections 30 and 32 of the Disciplinary Regulations

The Commission received one appeal against a disciplinary decision made by a head of department in terms of section 30 of the Public Service Commission (Disciplinary Procedure) Regulations, 1999.

In considering this appeal the Commission gave the opportunity to the head of the department and to the officer charged to make oral representations.

In this case the Commission upheld the appeal and recommended that the decision of the Disciplinary Board, as subsequently confirmed by the head of department, be revoked and that the accused officer be found not guilty of the charge preferred against him.

There was also one disciplinary case where the head of department made representations to the Commission in terms of Section 32 of the Disciplinary Regulations, as he was dissatisfied with the findings of the Disciplinary Board.

After hearing the head of department and the officer charged, the Commission agreed that the decision of the Disciplinary Board was a correct one and that the accused officer was not guilty of the charges preferred against him.

Review of past disciplinary decisions

Regulation 33 of the Public Service Commission (Disciplinary Procedure) Regulations 1999 provides a remedy in the event of a gross miscarriage of justice in disciplinary proceedings. It empowers the Commission to review past recommendations following a petition by an aggrieved officer.

The Commission considered nine petitions made under this Regulation. After carefully considering the submissions made, the Commission decided as follows:

- in one case the Commission amended its previous recommendation;
- in five cases the Commission found that there was no *prima facie* case of gross disregard of the disciplinary regulations or a serious miscarriage of justice;
- the complaints made in another case were considered not to be within the jurisdiction of the Commission.

Two petitions were still pending at the end of the year.

Reference Back by the Prime Minister

The Prime Minister may, acting in accordance with section 86 (1) of the Constitution, refer a recommendation back once to the Commission for reconsideration. During the year under review nine recommendations, seven of which involved disciplinary action, were referred back by the Prime Minister.

In three cases the Commission confirmed its original recommendation which was eventually approved by the Prime Minister.

In four cases the Commission reconsidered its previous decision and submitted a fresh recommendation.

In one case the Commission withdrew its previous recommendation.

The remaining case was still under consideration at the end of the year under review.

V. Other Business of the Commission

Investigation of Injustices

During the year 2004, the Commission considered nine decisions of the Tribunal for the Investigation of Injustices established by Act No VII of 1997. These decisions, which related to appointments in the public service, required a formal recommendation by the Commission in terms of section 110 of the Constitution in order to be implemented.

In four of the nine cases the Commission made the necessary recommendations to the Prime Minister for the implementation of the Tribunal's decisions. In the other cases, the Commission found not valid reasons why it should accept the Tribunal's decisions.

Ombudsman

In the course of the year, the Ombudsman referred twenty complaints to the Commission relating to appointments in the public service that had been referred to him by aggrieved persons. The outcome of the Commission's considerations was as follows:

- in one case, after investigation, the Commission agreed that two additional marks should be awarded and that applicant should be appointed to the post with effect from the same date as the other candidates;

- in another case the Commission accepted the Ombudsman's suggestion that, instead of issuing a new call for applications, a new Selection Board should be set up to carry out the selection process afresh in respect of the same applicants;
- in five cases the Commission found no grounds to revise the result or change its previous decision;
- in one case regarding the equivalence of qualifications, the Commission sought the views of the expert Government authority on the subject and proposed an appropriate procedure to be adopted in future selection processes;
- in another case relating to eligibility to sit for an examination, the Commission informed the Ombudsman that the matter was to be resolved by the Management and Personnel Office, Office of the Prime Minister and the Unions that had signed the apposite Agreement;

With regard to the remaining eleven cases, the Ombudsman concurred with the Commission that the complaints had not been justified or could not be sustained.

Relevant information on the cases that were the subject of correspondence between the Ombudsman and the Commission is given in *Appendix 9*.

Consultations and Meetings with the Commission

As also envisaged in the Public Service Commission Regulations, 1960, the Commission regularly consults heads of departments and selection boards whenever this is considered necessary. This was also done on a number of occasions during 2004 through *ad hoc* meetings with the Commission.

Appendix 10 gives details of the consultations/meetings held with Heads of Departments and with selection boards.

White Paper on the Public Service Act

On 9 February 2004 the Commission forwarded its comments on the White Paper to the Permanent Secretary, OPM.

On 27 October 2004 the Chairman met the Principal Permanent Secretary to discuss the latest developments related to the proposed Public Service Act. By his letter dated 10 November 2004, the Principal Permanent Secretary expressed the Government's appreciation for the Commission's endorsement of the basic aim behind the proposed Act and the constructive approach taken by the Public Service Commission in its deliberations on the Act. Most of the proposed amendments to the Act suggested by the Commission were accepted by the Government.

VI. Some general observations and recommendations made by the Commission in particular cases

Delegation of Certain Powers

Delegation regarding Disciplinary Procedure

The Commission recommended that the power to remove and to exercise disciplinary control in the case of public officers detailed to perform duties with Heritage Malta, an agency established by the Cultural Heritage Act (Cap 445), should be delegated to the Chief Executive Officer of Heritage Malta.

Delegation regarding the engagement of Casual Substitutes

The Commission recommended that the power to engage Casual Substitutes on contract to fill temporary vacancies created by the absence of public officers on long paid or unpaid leave, which power had been delegated to Permanent Secretaries by Instrument of Delegation dated 6 October 1999, be extended so as to include the replacement by Casual Substitutes on a twenty-hour week contract of public officers working on a reduced twenty hour per week time-table provided that:

- a) Casual Substitutes engaged to replace officers on a reduced twenty-hour per week time-table were so engaged to fill in the non-attendance period of the replaced officers;
- b) Casual Substitutes engaged in replacement of officers away on Parental Leave were retained back-to-back with the said officers when, and if, the officers concerned resumed duties on a reduced time-table for twenty hours per week; in such cases, a new contract should not be drawn up but the changed conditions should be reflected through an Addendum to the original contract; and
- c) Casual Substitutes replacing public officers on a reduced time-table should have their engagement suspended during the summer half-days period.

Recruitment

On-line applications for posts and positions in the Public Service

The Commission approved a request submitted by the Management and Personnel Office to carry out a pilot project aimed at introducing the on-line system for processing calls for applications. The project was subsequently evaluated and endorsed by the Commission and it is envisaged that a regular system of on-line applications will be launched in the near future.

Petitions by applicants in respect of Results published by the Commission

The Commission decided that a new paragraph should be included in the call for applications informing applicants that petitions submitted in terms of Section 1.1.10 of the Public Service Management Code should be made within ten working days from the publication of the result by the Commission.

New Policy regarding the Publication of Results

The Commission agreed that, in the light of the fact that a time limit of ten working days from the publication of the result had been set for the submission of petitions, and in the light of the fact that many candidates only got to know that the result was published if and when they read the relative notice in the Government Gazette, the procedure used to inform candidates that the result had been published should be revised. The Principal Permanent Secretary had been consulted on the issue and he had submitted his suggestions.

The Commission approved the suggestions made by the Principal Permanent Secretary that a clause should be inserted in calls for applications advising candidates that a notification of the issue of the result would also appear on the website of the Public Service Commission and that a press notice would also be issued to all local media organisations.

Sub-Criteria in Selection Processes

The Commission considered the difficulties being encountered when dealing with petitions submitted by candidates in terms of Section 1.1.10 of the Public Service Management Code. The Commission decided that, as a further safeguard of both validity and reliability in every selection process, selection boards should henceforth be required to include in their report details of the sub-criteria used in the selection exercise, preferably for every criterion, and definitely for the criteria 'Related Knowledge', 'Qualifications' and 'Related Experience'. The effective date of this new procedure was 15 June 2004. The *Guidelines to Selection Boards* prepared by the Commission and the *Guidelines for Panel Members on Selection Boards* prepared by the MPO were amended accordingly.

Data Protection

A candidate complained to the Commissioner for Data Protection that the Result Sheet published by the Public Service Commission contained the names and ID card numbers of all the applicants, which practice, this candidate maintained, was contrary to the provisions of the Data Protection Act. The Commissioner for Data Protection referred the complaint to the Public Service Commission for its comments.

In its reply to the Commissioner for Data Protection, the Public Service Commission explained the procedure being adopted when publishing the results and enquired of him whether the procedure adopted by the Public Service Commission was in line with the provisions of the Data Protection Act.

The Commission noted with satisfaction the decision of the Commissioner for Data Protection which confirmed that the procedure adopted by the Public Service Commission did not infringe the Data Protection Act.

Written References made by Public Officers

The Commission considered the apparently increasing practice, particularly in Gozo, whereby public officers were making written references in favour of other public officers applying for posts in the Public Service, even in cases where references were not requested in the call for applications. That practice often led to a situation whereby prospective Members of Selection Boards found themselves in a situation of conflict of interest. The Commission proposed that a circular be issued by MPO outlining Government policy in respect of such references. Public officers appointed on Selection Boards were to be instructed not to write references in favour of prospective applicants after being notified of their appointment as Board Members.

The attention of the Permanent Secretary, Ministry for Gozo was also drawn to the inordinate delay by selection boards in finalising selection processes and he was asked to adopt the necessary remedial measures to ensure that such delays were stopped forthwith. He was also requested to limit the consistent and repeated requests by officers falling under the Ministry for Gozo to be relieved from their appointment on Selection Boards.

Delays in submitting recommendations for Promotion

In processing recommendations for the promotion of public officers to a higher grade, the Commission observed that, in significant number of cases, delays were caused by Heads of Department who failed to submit the performance reports of the officers concerned in time. The Commission considered the situation as absolutely unacceptable and asked the Administration to ensure that these Heads of Department should be made aware of their responsibility towards their employees and should be warned that failure to take necessary action in time would result in disciplinary action being taken against the Head of Department concerned. An OPM Circular to that effect was subsequently issued.

Suspension of Selection Processes due to Unavailability of Funds

The Commission noted the current policy of the Administration to limit recruitment into the Public Service to the minimum possible. The policy was one of a number of measures adopted by Government in its drive to reduce recurrent expenditure, and, thereby, the high national deficit.

As a result of the said policy, recommendations made by Heads of Department for the filling of vacancies were, in various instances, not being verified by OPM because no funds were available.

In agreeing to support the Administration's initiative, the Commission agreed, after a discussion on the available options, that in such cases:

- the selection process should be suspended without the result being published;
- the Ministry concerned should inform applicants that the selection process had been suspended;
- should the Administration decide to fill the post/s within twelve months from the date of the Commission's decision to suspend the selection process, the process would be re-opened.

Withholding of promotion

The Commission considered the case of a Tradesman whose promotion to Senior Tradesman had been withheld without reference to the Commission. The declared reason for the withholding of the promotion in question was that the duties performed by the employee concerned, after the employee had suffered injuries as a result of a traffic accident, were considered as light duties. However, it had transpired that the duties concerned were clerical/supervisory duties and that these were not light duties but duties which pertained to a grade that carried a salary that was equal to that of a Tradesman. The Commission decided that the promotion of the employee concerned should not be withheld and that the effective date of his promotion should be that stipulated in the collective agreement pertaining to the Technical Class.

Engagement of Casual Substitutes on Definite Contract

The Commission observed the increasing instances in which Casual Substitute Clerks were being engaged to replace Executive Officers, Assistant Principals and even Principals. Having considered that this might constitute an injustice and could be interpreted as a form of cheap labour, the Commission referred the matter to the Principal Permanent Secretary with a request for him to issue the necessary instructions to the Heads of Departments to stop the practice. An appropriate OPM Circular was subsequently issued.

Interpretation of Disciplinary Regulations

Regulation 26 (1)

Having deliberated on the clarifications sought and the suggestions made by the Ombudsman on the interpretation of Regulation 26 of the Public Service Commission (Disciplinary Procedure) Regulations 1999 on whether a Head of Department could find an employee guilty even if he had been acquitted by the Disciplinary Board, the Commission agreed that Regulation 26 (1) required to be qualified further as follows:

“If an officer charged is found not guilty by a Disciplinary Board in respect of a minor case and the Head of Department disagrees with this decision, the Head of Department is to immediately inform the officer of his intention to change the decision of the Board giving specific reasons why he disagrees with the Board's decision. The officer is also

to be informed of his right to make written or oral representations which are to be made to the Head of Department within ten working days from the date of receipt of the letter from his Head of Department.”

The revised interpretation of Regulation 26 (1) was circulated by the Office of the Prime Minister to all Heads of Department.

Regulation 20 – Schedule of Offences

The Commission agreed that whenever a second minor disciplinary case occurred within twenty-four months from the commission of a previous minor disciplinary offence treated under Regulation 20, the second minor offence should not be treated summarily under Regulation 19, but be treated also under Regulation 20. The Permanent Secretary (OPM) was asked to inform the Heads of Department accordingly.

Regulations 19 and 20

The Commission agreed that, if a Head of Department had enough justifiable reasons, she/he could change her/his original decision and, instead of proceeding with disciplinary action in terms of Regulation 20, the Head of Department could issue a written warning in terms of Regulation 19, irrespective of whether or not the case had already been investigated by a Disciplinary Board.

However, in the case of an offence where the Head of Department had given notice to the officer charged that the charges, if proved, could lead to dismissal, the question as to whether, because of justifiable reasons, an offence should at a subsequent stage be changed from serious to minor should be referred to the Commission for its decision.

Disciplinary Cases

Non-adherence to the Disciplinary Regulations

The Commission intervened whenever it considered that there might not have been strict adherence to the Disciplinary Regulations.

In one particular case, during the oral representations held in terms of Regulation 26 (2) (b) of the Public Service Commission (Disciplinary Procedure) Regulations 1999, it transpired that the accused officer had already been penalised by the Head of Department for the offence under consideration. He had been suspended without pay for five days and given a “Warning of Dismissal”. The Commission considered that the penalty inflicted was not in accordance with the Disciplinary Regulations.

In further deliberation on the case, the Commission considered that there had been mitigating circumstances which rendered the offence committed by the officer concerned, as “minor” and not “serious”. In the circumstances, the Commission decided that the penalty inflicted by the Head of Department should be quashed, the "Warning of Dismissal" should be withdrawn and the salary deducted as a result of the suspension should be refunded to him. The Commission also agreed to recommend that the accused officer be found guilty of a minor offence and given a written warning.

Appeals in respect of Summary Discipline taken in terms of Regulation 19 of the Disciplinary Regulations

The Commission had considered two appeals related to summary discipline taken against public officers in terms of Regulation 19 of the Public Service Commission (Disciplinary Procedure) Regulations 1999.

A public officer was given a written warning in terms of Regulation 19. He objected and requested the Commission's intervention to have the case re-considered by an independent disciplinary board. The Commission requested the comments of the Head of Department and after due deliberation on the points made by the officers concerned and by the Head of Department, the Commission agreed to inform complainant that his request for the setting up of an independent board to revise the summary penalty given under Regulation 19 was not accepted.

A Head of Department informed the Commission that he was receiving frequent requests from defaulters against whom summary discipline had been taken in terms of Regulation 19, asking to have their case heard by a Disciplinary Board. They claimed that Regulation 19 deprived defaulters of their right to natural justice. Having confirmed that the Head of Department had followed the procedure laid down in the Public Service Commission (Disciplinary Procedure) Regulations 1999 for administering summary discipline in terms of Regulation 19, and having observed that Regulation 19 did not provide for the setting up of a Disciplinary Board, the Commission found no valid reason why a different line of action should be taken.

Submission to the Commission in terms of Regulation 32

A public officer was found 'not guilty' by the Disciplinary Board of the charge preferred against him in terms of Regulation 20 of the Disciplinary Regulations. The Head of Department was dissatisfied with the proceedings and the findings of the Board. The case was referred to the Commission in terms of Regulation 32 (1) of the Public Service Commission (Disciplinary Procedure) Regulations 1999.

In deliberating on the case, the Commission noted that no clear orders had been given to the said employee about the location where he was to perform his duties. The Commission considered that there had been general mismanagement and lack of proper communication on the part of management and maintained that an employee should not be made to suffer negative consequences resulting from mismanagement on the part of his superiors. Consequently, the Commission accepted the finding of the disciplinary board and decided that the facts that emerged during its deliberation were to be referred to the relative Permanent Secretary and to the Principal Permanent Secretary for any action they deemed necessary.

Shortcomings concerning Conditions of Service which emerged when considering disciplinary action instituted against Watchmen

The Commission drew the attention of the Administration to the fact that, in deliberating on disciplinary proceedings instituted against watchmen, it had observed shortcomings in the systems adopted by the Department in connection with watching duties and/or in the conditions of service of watchmen.

In a number of instances, watchmen were leaving their place of work at the end of their shift without handing over to the watchmen of the following shift. The Commission drew the attention of the Principal Permanent Secretary to what appeared to be a widespread bad practice in order that, where necessary, Heads of Department would be asked to take appropriate steps to ensure the proper handing over of duties between one watchman and another.

A further shortcoming noted by the Commission was that Departments failed to offer to the watchmen on duty a contact point where they could report urgent or emergency situations. Permanent Secretaries who supervised Departments which employed watchmen, were asked to ensure the availability of one or more emergency telephone numbers which were to be open 24 hours a day, through which watchmen could communicate any urgent or emergency situation whenever that occurred, particularly during night hours.

As a result of the action taken by the Commission, the Office of the Prime Minister asked the Management Efficiency Unit to carry out a service-wide review of the arrangements currently in force in the Public Service for the supervision of the industrial work force. The Commission noted with satisfaction that its recommendations, made for improvement in the conditions of service in respect of watchmen, were being implemented.

Criminal Proceedings involving Domestic Violence

The Commission noted the increase in instances whereby public officers were being arraigned in Court and charged with domestic violence.

Where necessary, the Commission had drawn the attention of Heads of Department to submit more cogent reasons when making their recommendations on whether a public officer should or should not be interdicted while criminal action was being taken against him/her. In some instances, Heads of Department were not recommending interdiction when the criminal case involved domestic violence because they did not consider the offence to be serious. Whenever the Commission accepted the recommendation of the Head of Department in such cases, the Commission drew the attention of the Head concerned that the Commission's decision not to interdict an officer was in no way to be interpreted as implying that offences of a domestic nature were *ipso facto* not serious offences.

Appendix 1

Biographies of the Chairman and Members of the Public Service Commission

Mr Alfred Fiorini Lowell

Chairman, Public Service Commission (appointed on 12 June 2003)

Mr Fiorini Lowell is a retired Public Officer. He joined the Executive Class of the Public Service in 1964. Senior positions held before his retirement in 2003 included Permanent Secretary in the Ministry of Education and Human Resources (1992 -1995), Permanent Secretary in the Ministry of Housing and Local Government (1996 - 1998) and Cabinet Secretary (1995-1996 and 1998-2003).

Brigadier (Rtd) John Spiteri

Deputy Chairman, Public Service Commission (appointed on 12 May 1996)

Brigadier Spiteri is a retired Army Officer. After having served in the British Army from 1949 he joined the Armed Forces of Malta in 1971. In 1979 he was appointed Commander AFM. Brigadier Spiteri was also called upon to assume the responsibilities of Commissioner of Police between 1987 and 1988.

Ms Yvonne Micallef Stafrace

Member, Public Service Commission (appointed on 12 May 1996)

Ms Micallef Stafrace was employed in the General Workers' Union Secretariat between 1955 and 1962. In 1961 she married Dr Joseph Micallef Stafrace and they have three children. Ms Micallef Stafrace obtained a BA from the University of Malta in 1992, a BA (Hons) History in 1993 and an MA in 1996. She has published "Reggie Miller and the Post-War Socio-Political Challenges" (1998) and "The Growth of Trade Unionism in Malta 1943 - 1952" (2000).

Dr Janet Mifsud

Member, Public Service Commission (appointed on 12 May 2000)

Dr Janet Mifsud is a Senior Lecturer in the Department of Clinical Pharmacology and Therapeutics, University of Malta (1990 -). She is the Commissioner for the National Commission for the Promotion of Equality for Men and Women (2004 -). Dr Mifsud has also chaired the Gender Issues Committee for the University of Malta (2000 - 2002) and was chair of the National Focal Point for the EU FP5 Programme for Research and Development (2000 - 2003). Dr Mifsud has various publications to her name.

Ms Mary Vella

Member, Public Service Commission (appointed on 12 June 2003)

Ms Vella retired in 2003, from a career in Education that included a long service as teacher and as Head of School, and six years as the Head of the Department for Curriculum Management.

Appendix 2

Staff complement

Complement as on 31st December 2004

Grade	No of Employees in post
Secretary, PSC	1
Assistant Director	1
Senior Principal	Vacant
Principals	2 (1 instead of a Senior Principal)
Assistant Principals	2
Executive Officer	1
Postperson	1
Clerks	6 (one on reduced hours)
Messenger	1
General Hands	2
Total	17

Commission's expenditure

Expenditure for the year 2004

Item	Lm
Emoluments of the Chairman, Deputy Chairman and Members of the Commission	24,851
Emoluments of the public officers attached to the Commission's staff	95,681
Social Security contributions	8,187
Operational and maintenance expenses	12,902
Special Expenditure	2,044
Capital	NIL
Total	143,665

Appendix 3

Calls for Applications advertised in the Government Gazette 2004

Office of the Prime Minister

Internal Auditor I, Internal Audit and Investigations Directorate, Cabinet Office
Senior Internal Auditor, Internal Audit and Investigations Directorate, Cabinet Office
Trainee Internal Auditor, Internal Audit and Investigations Directorate, Cabinet Office
Head, Corporate Programmes (on Contract), Central Information Management Unit
Compliance and Assurance Officer
Co-Ordinator (Monitoring and Coherence with Community Policies), Managing Authority for
Malta's Structural Funds Programme 2004-2006
Co-ordinator (Financial Control), Managing Authority for Malta's Structural Funds Programme
2004-2006
Programme Manager (Planning and Priorities Co-Ordination Division)

Ministry of Finance

Scientific Officer, Industrial Property Directorate, Commerce Division
Technical Attachés at the Malta Mission in Brussels
Junior Legal Officer/Legal Officer
Economics Officer, Economic Policy Division

Ministry for Justice and Home Affairs

Assistant Manager Airport Security
Technical Attaché at the Malta Mission in Brussels
Junior Legal Officer/Legal Officer, Government Property Division
Junior Legal Officer/Legal Officer, Land Registry Department

Ministry of Education

Executive Secretary (EU Socrates Programme), EUPU
Technical Attéches at the Malta Mission in Brussels
Technician (Information Technology), Education Division
Activity Teacher, Education Division
Teacher, Education Division
Projects Officer (EU Socrates Programme), EUPU
Part-time Communications Officer, EUPU (Gozo Office)
School Secretaries, Education Division

Ministry for Competitiveness and Communications

Technical Attachés at the Malta Mission in Brussels
Junior Legal Officer/Legal Officer, Consumer and Competition Division
Airworthiness Surveyor, Department of Civil Aviation

Ministry for Gozo

Agricultural Officers, Department of Projects and Development
Economics Officer, Department of Projects and Development
Principal Scientific Officer, Department of Projects and Development
Photographer, Department of Corporate Services
Junior Legal Officer/Legal Officer, Department of Corporate Services
Engineer (Mechanical), Gozo General Hospital, Department of Customer Services
Senior Registrar (Radiology), Gozo General Hospital, Department of Customer Services

Ministry of Health, the Elderly and Community Care

Engineer (Electrical), Department of the Elderly and Community Care
Engineer (Electrical) or Junior Engineer (Electrical), Health Division
Radiographer (Diagnostic), Health Division
Registrar (Department of Paediatrics), Health Division
Senior Registrar (General Medicine), Health Division
Radiographer (Diagnostic), Health Division
Senior Medical Officer (Primary Health Care Services), Health Division
Consultant Physician General Medicine (Nephrology), Health Division
Consultant Physician General Medicine (Respiratory), Health Division
Scientific Officer (Radiotherapy Physicist), Health Division
Scientific Officer (Prothetist/Orthotist), Health Division
Junior Legal Officer/Legal Officer, Health Division
Pharmacy Technician, Health Division
Electrocardiography (ECG) Technician, Health Division
Radiographer (Therapy), Health Division
Consultant, Public Health Dentistry, Health Division
Medical Officer (Primary Health Care), Health Division
Senior House Officer (Surgery), Health Division
Senior House Officer (Anaesthesia), Health Division
Senior House Officer (Accident and Emergency), Health Division
Senior House Officer (Orthopaedics), Health Division
Senior House Officer (Pathology), Health Division
Senior House Officer (Psychiatry), Health Division
Senior House Officer (Medicine), Health Division
Physiotherapist, Department of the Elderly and Community Care
Consultant Geriatricians, Department of the Elderly and Community Care
Scientific Officer (Radiotherapy Physicist), Health Division
Principal Scientific Officer (Hospital Infection Control), Health Division
Registrar in the Department of Medicine, Health Division
Enrolled Nurse, Health Division
Midwife, Health Division
Registrar (Dentistry), Health Division
Senior Registrar (Academic), Health Division
Senior Registrar (Ophthalmology), Health Division
Engineer (Electrical) or Junior Engineer (Electrical), Health Division
Chairman, Department of Dermatology and Venereology, Health Division
Chairman, Department of Orthopaedics, Health Division

Ministry for Investment, Industry and Information Technology

Media Officer

Senior Manager (on Contract), Information Society Secretariat

Research Assistant, Information Society Secretariat

Ministry for Rural Affairs and the Environment

Technician (Laboratory), Agricultural Services and Rural Development Division

Fisheries Technologist, Malta Centre for Fisheries Sciences

Resource Manager, Aquaculture, Malta Centre for Fisheries Sciences

Quality Assessor, Fisheries Conservation and Control Division

Manager, Environmental Issues, Fisheries Conservation and Control Division

Resource Manager, Capture Fisheries, Fisheries Conservation and Control Division

Assistant Veterinary Support Officer, Food and Veterinary Regulation Division

Technical Attachés at the Malta Mission in Brussels

Manager, Paying Agency (EU Funds)

Inspector (Health and Safety), Food and Veterinary Regulation Division

Assistant Manager (Authorisation Function), Paying Agency

Assistant Manager (Payments Function), Paying Agency

Junior Veterinary Officer, Food and Veterinary Regulation Division

Agricultural Promotion Officer, Agricultural Services and Rural Development Division

Scientific Officer, Agricultural Services and Rural Development Division

Compliance and Assurance Officer

Ministry for the Family and Social Solidarity

Co-ordinator (Corporate Information System), Information Management Unit

Junior Legal Officer/Legal Officer, Department of Family Welfare

Research Analyst (on contract), Department of Family Welfare

Ministry of Foreign Affairs

Junior Legal Officer/Legal Officer

Economics Officer

Appendix 4

Calls for Applications issued through MPO Circulars 2004

Office of the Prime Minister

Registry Officer (EU Classified Information), Cabinet Office
Assistant Directors (Centralised call)
Senior Messengers (by Competitive Examination)
Clerks (from Casual Typists)
Charwomen (from Casual Charwomen)
Operational Support Workers (Group III)

Ministry of Finance

Office Manager on contract, Tax Compliance Unit
Office Manager on contract, Tax Compliance Unit
Office Manager on contract, Tax Compliance Unit

Ministry for Justice and Home Affairs

Assistance and Rescue Officers (Gozo Station), Department of Civil Protection
Court Messenger, Courts of Justice
Female Security Guard, Courts of Justice
Committee Clerk, House of Representatives

Ministry of Education, Youth and Employment

Motor Transport Driver (Group III), Education Division
Principal Education Officer on contract, Education Division
National E-Twinning Coordinator, Department of Technology in Education, Education Division
European Union Programmes Unit National Coordinator, EUPU

Ministry for Gozo

Principal Agricultural Officer, Department of Projects and Development
Foreman, Department of Projects and Development
Foreman, Department of Customer Services (Education Branch)
Supervisor, Transport of School Children, Department of Customer Services
Principal Security Officer, Department of Customer Services (Gozo General Hospital)
Property Registration Manager, Department of Customer Services (Land and Public Registry Section)

Ministry of Health, the Elderly and Community Care

Technical Officer (Plant Rooms and Plumbing Section), St Luke's Hospital, Health Division
Manager, Catering Services, St Luke's Hospital, Health Division (on contract)
Ophthalmic Nurse (on contract), Health Division
Breast Care Nurse/Midwife (on contract), Health Division
Assistant Technical Officer (Hyperbaric Unit), Health Division
Foreman (Cemeteries), Health Division

Technical Officer (Electronics), Biomedical Engineering Section, Health Division
Tradesman/Senior Tradesman (Plumber), Health Division
Supervisor for the Hospital Linen Service, Health Division
Health Assistants from among Hospital Auxiliaries, Health Division
Midwifery Officer, Health Division
Supervisor, Health Division
Technical Officer (Refrigeration & A/C Systems Section), Health Division
Infection Control Nurse (Primary Health Care), Health Division
Technician/Senior Technician (Radiotherapy Department), Health Division
Post-Mortem and Mortuary Attendant, Health Division
Cook, Health Division

Ministry for Investment, Industry and Information Technology

Webmaster/Graphic Designer

Ministry for Rural Affairs and the Environment

Senior Operative (Plasterer and Painter), Agricultural Services and Rural Development
Senior Agricultural Officer, Agricultural Services and Rural Development
Senior Technical Officer, Food and Veterinary Regulation
Assistant Veterinary Support Officer, Food and Veterinary Regulation
Senior Operative (Agriculture)

Appendix 5

Departmental Calls for Application 2004

(i) Calls for applications advertised through Departmental Circulars

Office of the Prime Minister

Inspector (Printing Press), Planning Section, Government Printing Press
Inspector (Printing Press), Finishing Section, Government Printing Press
Inspector (Printing Press), Typesetting Section, Government Printing Press
Senior Information Officers, Department of Information

Ministry for Justice and Home Affairs

Senior Marshal, Courts of Justice
Chief Marshal, Courts of Justice

Ministry of Education, Youth and Employment

Head of School to serve in Gozo, Education Division
Head of School to serve in Malta, Education Division
School Counsellor in the Secondary/Post Secondary Sector, Education Division
Assistant Head of School (Primary) - Malta, Education Division
Assistant Head of School (Primary) - Gozo, Education Division
Education Officers, Education Division

(ii) Calls for applications issued by Ministries for the filling of Assistant Director Positions in terms of delegation by PSC

Office of the Prime Minister

Assistant Director (Special Assignments and Knowledge Management), Internal Audit and Investigations Directorate
Assistant Director (Director General's Office), Management and Personnel Office
Assistant Director (Finance and Administration), Department of Corporate Services
Assistant Director (Policy and Planning), Department of Policy and Planning, Management and Personnel Office
Assistant Director (Charter Support Unit), Customer Services Improvement Department

Ministry of Finance

Assistant Director (Pre-contract), Department of Contracts
Assistant Director (Landing and Releasing), Customs Division
Assistant Director (Excise Control), Customs Division
Assistant Director (Assessments), Capital Transfer Duty
Assistant Director (Assessments), Inland Revenue
Assistant Director (EU Affairs), EU Affairs Directorate
Assistant Director (Collection and Refunds), VAT

Ministry for Justice and Home Affairs

Assistant Director (Third Country Nationals)
Assistant Director (Human Resources), Department of Corporate Services
Assistant Director (Finance and Administration), Courts of Justice
Assistant Director (Finance and Administration), Police Department

Ministry of Education, Youth and Employment

Assistant Director (Finance Services), Education Division
Assistant Director (Adult Education), Education Division
Assistant Director (Research & Planning), Education Division

Ministry for Competitiveness and Communications

Assistant Director (Administration), Permanent Secretary's Office
Assistant Director (Policy and Regulatory Services), Consumer and Competition Division

Ministry for Resources and Infrastructure

Assistant Director (Finance and Administration), Corporate Services and Programme Implementation Directorate

Ministry for Gozo

Assistant Director (Customer Care), EU Affairs, Policy Development and Programme Implementation Directorate
Assistant Director (Office of the Permanent Secretary)
Assistant Director (EU Affairs), EU Affairs, Policy Development and Programme Implementation Directorate

Ministry of Health, the Elderly and Community Care

Assistant Director (Elderly and Community Care), Department of Elderly and Community Care
Assistant Director (Permanent Secretary's Office)

Ministry for Rural Affairs and the Environment

Assistant Director (T) Payments, Agricultural Services and Rural Development Division
Assistant Director (T) Accounting, Agricultural Services and Rural Development Division

Ministry for Urban Development and Roads

Assistant Director (Customer Care), EU Affairs, Policy Development and Programme Implementation Directorate

Ministry for the Family and Social Solidarity

Assistant Director (Customer Care), Department of Social Security
Assistant Director (Fraud and Investigation), Department of Social Security
Assistant Director (Social Housing), Department of Social Housing

Ministry of Foreign Affairs

Assistant Director (Office of the Permanent Secretary)
Assistant Director (Multilateral Affairs)

EXCERPTS FROM THE REPORT ON AN ANALYSIS OF THE DURATION OF THE SELECTION PROCESS IN THE PUBLIC SERVICE

(i) EXECUTIVE SUMMARY

There remains a widespread perception that the recruitment process in the Public Service is inordinately lengthy and that the Public Service Commission is responsible for a good part of the delays experienced by the Administration in the recruitment and/or promotion of staff.

The results of an Analysis carried out by the PSC Secretariat of three substantial representative samples of PSC files concerning calls for applications issued in 1994, 2002 and 2004, confirm that, in fact, in 1994 the Commission took, on average, 49 days to approve the issue of a call for applications, the composition of the selection board and the selection criteria, and 17 days to submit its eventual recommendation to the Prime Minister for the appointment of the selected individual/s. In 2004 the corresponding figures were 8 days and 7 days respectively.

The Analysis further confirms that the entire duration of the selection process in the public service has gone down from 54 weeks in 1994 to 27 weeks in 2004. The PSC's percentage share of accountability over the same ten-year period went down from 20% to 8%. In contrast, other corresponding movements in the percentage shares of accountability were: the MPO's share rose from 14% to 26%; the Selection Board's share rose from 34% to 36%; and the share of the Head of Department declined from 23% to 13%.

According to the information resulting from the Analysis, the main factors which currently contribute to delays in the selection process are: the time taken by the Selection Board to interview candidates; the mandatory MPO verification of the call for applications; and, to a lesser extent, the response time taken by Heads of Department to endorse selection board reports and to recommend appointments.

(ii) Main Conclusions of the Analysis

The main conclusions of the Analysis may be summarised as hereunder:

1. The perception that the Public Service Commission was the main cause of delays in the selection process may have been correct in 1994 because of the constraints identified in the Analysis. It might have been even more justified before that. It is certainly not true today.
2. At just over 2 weeks of the 27 weeks of the entire average selection process in 2004, the share of the time taken by the PSC to process the four Actions for which the Commission may be said to be responsible, is reasonable. The time required by Commission staff to check the details of submissions before presenting them for the Commission's consideration and the time needed to take the consequent follow-up action, can hardly be reduced further.
3. The overall duration of the process of recruitment in the Public Service has diminished significantly over a period of ten years. In 2004 it was **half** of what it had been in 1994.
4. Of the various measures introduced in the intervening years, the most significant was, perhaps, the issue of OPM Circular No. 21/2000.
5. Nevertheless the duration of the overall selection process can be shortened further.
6. The main substantial slippage over the last 10 years was in the percentage share of MPO of the whole selection process (now 26%). This was mostly due to the time taken to verify the issue of the calls for applications. The average duration of this verification in 2004 was, at 36 days, the second longest of the 16 Actions. This is considered to be too long.
7. Apart from the verification issue, the main delaying factor is the time it takes the Selection Board to hold the interviews and, to a lesser extent, to submit its report to the PSC. The average of 53 days to hold interviews in 2004 – still the longest of the 16 Actions in spite of its being half of what it was in 1994 – is too long and can surely be reduced.
8. A reduction in the time it takes the Head of Department to endorse the Selection Board report and make a recommendation for appointment or promotion can also help to reduce the duration of the selection process even further.

(iii) Comparative Analysis of Appendices 2, 3 and 4 of Report - by Duration

Action	Account-ability for Action	Average Number of Days from Preceding Action	Average Number of Days from Preceding Action	Average Number of Days from Preceding Action
		1994/1993	2002/2001	2004/2003
1 Request for PSC authority to issue Call for Applications ⁽¹⁾	HD	0	0	0
2 Request for Approval of Selection Board/Criteria ⁽¹⁾⁽²⁾	HD	46.52	5.68	15.66
3 Verification of Call for Applications ⁽¹⁾	MPO	39.8	52.84	36.9
4 Clarification sought by PSC	PSC	8.26	4.02	3.8
5 Response by Head of Department to PSC queries ⁽¹⁾	HD	24	9.56	8.44
6 PSC Approval of issue of Call/Selection Board/Criteria⁽³⁾	PSC	49.2	18.9	7.74
7 Publication of Call for Applications	Other	7.22	12.72	7.78
8 Closing date for submission of Call for Applications	Other	25.94	26.2	22.8
9 Holding of Interviews	SB	100.6	60.1	53
10 Selection Board Report ⁽¹⁾	SB	20.58	9.5	14.24
11 Recommendation by Head of Department ⁽¹⁾	HD	15.78	17.72	12.62
12 Verification of Vacancy ⁽¹⁾	MPO	8.24	9.98	4.94
13 Clarification sought by PSC	PSC	2.9	2.58	0.76
14 Response to PSC queries ⁽¹⁾	SB ⁽⁵⁾	6.82	9.56	2.42
15 Recommendation by PSC	PSC	16.54	18.3	6.6
16 Prime Minister's Signature	MPO	7	7.74	7.58
Total Duration of Selection Processes		379.4 ⁽⁴⁾	265.4	205.28
		(54.2 weeks)	(37.91 weeks)	(29.32 weeks)

⁽¹⁾ Date received at PSC (postmark or date of email). This may vary significantly from date on letter.

⁽²⁾ Action 2 above includes Actions 8 and 10 of 1993/1994 calls (Appendix 2).

⁽³⁾ Action 6 above includes Actions 5, 9 and 11 of 1993/1994 calls (Appendix 2).

⁽⁴⁾ Total corresponds to that of Appendix 2 in spite of collapse of 19 Actions of 1993/1994 into the above 16 Actions.

⁽⁵⁾ In effect, in a number of instances, queries were addressed to Head of Department.

(iv) Comparative Analysis of Appendices 2, 3 and 4 of Report - by Percentage Share of the Selection Process

Action	Account-ability for Action	Average Number of Days from Preceding Action	Average Number of Days from Preceding Action	Average Number of Days from Preceding Action
		1994/1993	2002/2001	2004/2003
1 Request for PSC authority to issue Call for Applications ⁽¹⁾	HD	0	0	0
2 Request for Approval of Selection Board/Criteria ⁽¹⁾⁽²⁾	HD	12.26%	2.14%	7.63%
3 Verification of Call for Applications ⁽¹⁾	MPO	10.49%	19.91%	17.97%
4 Clarification sought by PSC	PSC	2.18%	1.51%	1.85%
5 Response by Head of Department to PSC queries ⁽¹⁾	HD	6.32%	3.60%	4.11%
6 PSC Approval of issue of Call/Selection Board/Criteria⁽³⁾	PSC	12.97%	7.12%	3.77%
7 Publication of Call for Applications	Other	1.90%	4.79%	3.79%
8 Closing date for submission of Call for Applications	Other	6.84%	9.87%	11.11%
9 Holding of Interviews	SB	26.52%	22.65%	25.82%
10 Selection Board Report ⁽¹⁾	SB	5.42%	3.58%	6.94%
11 Recommendation by Head of Department ⁽¹⁾	HD	4.16%	6.68%	6.15%
12 Verification of Vacancy ⁽¹⁾	MPO	2.17%	3.76%	2.41%
13 Clarification sought by PSC	PSC	0.76%	0.97%	0.37%
14 Response to PSC queries ⁽¹⁾	SB	1.80%	3.60%	1.18%
15 Recommendation by PSC	PSC	4.36%	6.90%	3.21%
16 Prime Minister's Signature	MPO	1.85%	2.92%	3.69%
Total Duration of Selection Processes		100%	100%	100%

⁽¹⁾ Date received at PSC (postmark or date of email). This may vary significantly from date on letter.

⁽²⁾ Action 2 above includes Actions 8 and 10 of 1993/1994 calls (Appendix 2).

⁽³⁾ Action 6 above includes Actions 5, 9 and 11 of 1993/1994 calls (Appendix 2).

⁽⁴⁾ Total corresponds to that of Appendix 2 in spite of collapse of 19 Actions of 1993/1994 into the above 16 Actions.

⁽⁵⁾ In effect, in a number of instances, queries were addressed to Head of Department.

Appendix 7

Petitions relating to Appointments

No	Related Post	Department	Complaint	Commission's Decision
1	Principal Security Officer	Health Division	Deserved a better placing. Less experienced candidates were given the post.	No reason to revise the approved result.
2	Principal Security Officer	Health Division	Claimed that his experience and capabilities had not been properly evaluated.	No reason to revise the approved result.
3	Supervisor (Districts)	Construction and Maintenance Department, Works Division	Unjustly treated; deserved a better placing.	Unsatisfactory reply from Selection Board. Case still under consideration.
4	Supervisor (Districts)	Construction and Maintenance Department, Works	Appealed to the Commission to investigate the selection process.	Unsatisfactory reply from Selection Board. Case still under consideration.
5	Foreman (Discharge Permit Unit)	Drainage Department, Works Division	Complained that the marks allotted to him were not fair.	No reason to revise the approved result.
6	Property Registration Manager	Land and Public Registry Division	Complained that he should have been placed in a higher position.	Selection Board submitted a revised assessment sheet and result sheet prepared on the advice of the Vocational Credentials Evaluation Board. Order of merit remained unchanged.
7	Principal Technical Officer (Design Unit)	Building and Engineering Department, Works Division	Alleged discrimination.	No valid reason why result should be changed.
8	Principal Technical Officer (Drawing Office)	Housing Construction and Maintenance Department, Social Policy	Alleged discrimination.	Claim not justified and the result as published was to stand.
9	Senior Technical Officer	Drainage Department, Works Division	Person promoted had less knowledge and experience.	Unsatisfactory reply from Selection Board. Case still under consideration

No	Related Post	Department	Complaint	Commission's Decision
10	Senior Technical Officer	Drainage Department, Works Division	Marks for knowledge and experience were too low: employed with Department for 25 years.	Unsatisfactory reply from Selection Board. Case still under consideration.
11	Principal Technical Officer (Districts)	Construction and Maintenance Department, Works Division	Complained on composition of Selection Board; felt unjustly treated, etc	No valid reason why result should be changed.
12	Superintendent of Police	Police	Merited promotion. Requested revision of marks.	No reason to revise the approved result.
13	Head of School	Education Division	Requested an extension of the closing date in order to be able to apply for the post.	Request not accepted
14	Senior Registrar (Cardiothoracic Surgery)	Health Division	Objected to the presence of a member on the Selection Board as it would negatively prejudice his assessment during the interview.	Request not acceded to.
15	Deputy Nursing Officer	Gozo General Hospital, Customer Services, Ministry for Gozo	Felt that he should be given at least one more mark.	No reason why the Commission's decision of 09.10.2003 should be changed.
16	Teacher (Graphical Communications) + (Technical Design and Technology)	Education Division	Requested revision of marks.	No valid reason why results should be changed.
17	Director (Food Health and Diagnostics)	Food and Veterinary Regulation Division, Ministry for Rural Affairs and the Environment	Claimed that he had the necessary qualifications and experience for the position.	No grounds for a revision of the decision taken by Senior Appointments Advisory Committee.
18	Assistant Head of School (Secondary)	Education Division	Requested backdating of his appointment.	Request not accepted.

No	Related Post	Department	Complaint	Commission's Decision
19	Assistant Director (Fruit Trees and Crop Husbandry) (T)	Agricultural Services and Rural Development	Claimed to be the most suitable for the post.	No valid reason why result should be changed.
20	Programme Manager (Planning and Priorities Co-Ordination Directorate)	Office of the Prime Minister	A candidate with less qualifications was appointed to the post.	No grounds for changing Selection Board's decision on complainant's ineligibility for the post.
21	Assistant Head of School (Secondary)	Education Division	Contested her ineligibility.	Upheld Selection Board's decision on candidate's ineligibility
22	Senior Engineer (Mechanical - Building Regulations Unit)	Building Construction Industry Department, Works Division	Complained about decision to withhold selection process.	Works Division staff complementing exercise not yet finalised. Case still pending.
23	Assistant Technical Officer (Emergency Shift), St Luke's Hospital	Health Division	Complained that he had been wrongly assessed.	No valid reason why published result should be changed.
24	Director (EU Affairs, Policy Development and Programme Implementation)	Ministry for Gozo	Complained that he had not been interviewed by the Senior Appointments Advisory Committee.	Claim not justified.
25	Leading Assistance and Rescue Officer	Department of Civil Protection	Complained that his clients could not apply for post of Station Officer; moreover they were being asked to perform duties of Leading ARO without any form of remuneration.	Confirmed its decision taken on 20.11.2003 to terminate the selection process.
26	Director (EU Affairs, Policy Development and Programme Implementation)	Ministry for Gozo	Complained of having carried out the full range of duties of the post for the past eight months to the entire satisfaction of superiors, together with current duties of Assistant Director.	No grounds on which to uphold the claims made.

No	Related Post	Department	Complaint	Commission's Decision
27	Senior Registrar in Audiological Medical Otolaryngology	Health Division	Felt that result was grossly unjust.	The Commission found no sufficient reasons to justify a revision of the result as already published
28	Senior Technical Officer (Works Branch)	Projects and Development, Ministry for Gozo	Felt that the result did not do him justice in view of his academic qualifications and experience.	Selection process flawed. Complainant recommended for appointment.
29	Deputy Nursing Officer	Gozo General Hospital, Customer Services, Ministry for Gozo	Felt that he merited 15 and not 13 marks for the Diploma in Gerontology.	The result had been revised and published.
30	Director (Policy Development) Director (Programme Implementation)	Ministry for Social Policy	Firmly believed to be entitled to either of these positions as performance had regularly received a "superior" rating.	No valid reason to justify revising its previous decision to endorse the Senior Appointments Advisory Committee's recommendations.
31	Junior Legal Officer/Legal Officer	Consumer and Competition Division, Ministry for Competitiveness and Communications	Requested revision of marks.	Selection process should be stopped and a new call for applications should be issued.
32	Economics Officer	Ministry for Rural Affairs and the Environment	Contested her ineligibility.	Since candidate had failed to submit documents, as requested, case was closed.
33	Assistant Principal Medical Laboratory Technologist	Health Division	Claimed discrimination.	No valid reason why published result should be changed.
34	Assistant Principal Medical Laboratory Technologist	Health Division	Requested revision of marks.	No valid reason why published result should be changed.

No	Related Post	Department	Complaint	Commission's Decision
35	Assistant Principal Medical Laboratory Technologist	Health Division	Merited more marks for Qualifications.	No valid reason why published result should be changed.
36	Midwifery Officer	Health Division	Claimed discrimination.	No valid reason why published result should be changed.
37	Principal Health Inspector	Health Division	Claimed injustice.	No valid reason why published result should be changed.
38	Director (Corporate Services)	Ministry of Finance	Felt grossly discriminated against by SAAC. Was more qualified and had more experience for the post.	No valid reasons why the decision taken in its meeting of 31.07.2003 be changed.
39	Teacher (Primary)	Education Division	Claimed that as a public officer she should have been placed before the other two candidates who had obtained the same marks	Approved the amended result and agreed that it should be published while retaining the date when the result had first been published.
40	Assistant Head of School (Primary)	Education Division	Contested her ineligibility.	Not to be considered eligible.
41	Foreman (Districts Workshop)	Construction and Maintenance Department, Works Division	Requested revision of marks.	No valid reason why published result should be changed.
42	Senior Technical Officer (Marine Section)	Construction and Maintenance Department, Works Division	Contested his ineligibility.	Complaint justified. To be considered eligible and interviewed for the post.
43	Midwifery Officer	Health Division	Claimed unfairness.	Selection Board as approved should not be changed and the method used for the interview should be that of direct interview which should not be registered on audio recording equipment.
44	Senior Internal Auditor	Internal Audit and Investigations, Cabinet Office, OPM	UHM claimed that there was a lack of transparency in the selection process and that it should therefore be stopped.	From investigation of allegations made, no valid reasons were found to quash the selection process or otherwise alter the Selection Board's conclusions.
45	Director General (EU and International Affairs)	Ministry for the Family and Social Solidarity	Objected to the way the selection exercise had been conducted and requested a review of his application.	No valid reason to change the decision taken in its meeting of 03.06.2004

No	Related Post	Department	Complaint	Commission's Decision
46	School Counsellors	Education Division	Contested her ineligibility.	On advice given by MQRIC, complainant should not be considered eligible.
47	Teacher	Education Division	Contested her ineligibility.	Request could not be favourably considered.
48	Assistant Technical Officer (Stores)	Machinery and Manpower Unit, Housing Construction and Maintenance Department, Ministry for the Family and Social Solidarity	Requested revision of marks.	No grounds to consider petition. Complainant was not even eligible to apply.
49	Senior Technical Officer (Works Branch)	Projects and Development, Ministry for Gozo	Requested revision of marks.	Selection process flawed. Complainant recommended for appointment.
50	Senior Technical Officer (Works Branch)	Projects and Development, Ministry for Gozo	Requested revision of marks.	Selection process flawed. Complainant recommended for appointment.
51	Technical Attaché	Ministry for Rural Affairs and the Environment	Claimed that candidates placed before him did not have superior/equivalent attributes and experience than himself.	No valid reasons why result should be changed.
52	Charwomen	General Service	Claimed that call for applications had not been brought to her notice.	Complainant should not be penalised because of negligence of others. She should be interviewed and placed in order of merit.
53	Senior Internal Auditor	Internal Audit and Investigations, Cabinet Office, Office of the Prime Minister	Commission requested to investigate selection process.	From investigation of allegations made, no valid reasons were found to quash the selection process or otherwise alter the Selection Board's conclusions.
54	Assistant Head of School (Secondary)	Education Division, Malta/Gozo	Claimed injustice in view of distinctive academic record.	No reason why published result should be changed.
55	Security Officer	Health Division	Considered himself better suited; claimed political discrimination.	Selection Board to submit comments. Case is still pending.

No	Related Post	Department	Complaint	Commission's Decision
56	Assistant Director (The Elderly and Community Care)	Ministry of Health, the Elderly and Community Care	Claimed that his chances of being selected to the position had been considerably diminished when one of his colleagues had been transferred to perform these duties prior to the position being advertised.	Having verified that the colleague referred to had not even applied for the position, the Commission agreed that complaint was unfounded.
57	Teacher of Physical Education	Education Division	Requested the Commission to investigate the results of the interviews.	No valid reasons why the result submitted by the Selection Board should be changed.
58	Junior Legal Officer/Legal Officer	Ministry of Health, the Elderly and Community Care	Felt he had been unduly prejudiced in the selection process.	No grounds for amending the result.
59	Teacher (Social Studies)	Education Division	Contested her ineligibility.	Complaint justified. To be considered eligible and called for interview. SB to amend report and Result Sheet.
60	Assistant Head of School (Secondary)	Education Division	Requested revision of marks.	No valid reason to change the approved result.
61	Teacher	Education Division	Contested her ineligibility.	Decision taken on 28.10.04 revised. Candidate to be interviewed and if successful placed at the bottom of the list. Selection Board to submit revised result.
62	Education Officer (French)	Education Division	Claimed that he was more qualified and more experienced than candidate who placed first.	Case is still pending.
63	Junior Legal Officer/Legal Officer	Ministry of Health, the Elderly and Community Care	Appealed against Commission's decision not to grant him an interview.	Objection did not merit an oral hearing. There were no valid reasons for changing its decision of 04.11.04
64	Assistant Director (Development)	Planning and Development Department, Education Division	His temporary appointment to the post was anomalous, unjust and discriminatory.	Case is still pending.
65	Absorption into the Public Service of Non-Public Officers seconded to Ministries/ Departments	n/a	Claimed unjust assimilation in General Service Grade 10 instead of Grade 4.	Previous decision to stand. Complainant had been allowed to retain former salary on a personal basis.

Appendix 8

Oral representations heard by the Commission

No	Grade of officer charged	Present for oral hearing	Regulation
1	Clerk, Works Division	Officer charged, assisted by 2 Legal Advisers	Criminal Case: Representations in terms of Regulation 16 (2)
2	General Hand, Health Division	Officer charged, assisted by Legal Adviser	Criminal Case: Representations in terms of Regulation 16 (2)
3	Staff Nurse, Health Division	Officer charged, assisted by Legal Adviser	Criminal Case: Representations in terms of Regulation 16 (2)
4	General Hand, Works Division	Officer charged, unassisted + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
5	General Hand, Works Division	Officer charged, unassisted + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
6	Watchman, Works Division	Officer charged, unassisted + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
7	Architect and Civil Engineer, Ministry for Rural Affairs and the Environment	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
8	Police Sergeant, Police Department	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
9	Police Constable, Police Department	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
10	Police Constable, Police Department	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)

No	Grade of officer charged	Present for oral hearing	Regulation
11	Police Constable, Police Department	Officer charged, unassisted + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
12	Police Constable, Police Department	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
13	Security Guard, Courts of Justice	Officer charged, assisted by 2 Legal Advisers + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
14	General Hand, Education Division	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
15	General Hand, Food and Veterinary Regulation Division	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
16	Staff Nurse, Health Division	Officer charged, unassisted + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
17	General Hand, Courts of Justice	Officer charged, assisted by Legal Adviser + Departmental representative, assisted by Legal Adviser	Discipline: Representations in terms of Regulation 26 (2) (b)
18	Labourer, Education Division	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
19	Police Constable, Police Department	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
20	Hospital Auxiliary, Health Division	Officer charged, unassisted + 2 Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
21	Heavy Plant Driver, Ministry for Rural Affairs and the Environment	Officer charged, assisted by Union representative + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)

No	Grade of officer charged	Present for oral hearing	Regulation
22	Police Inspector, Police Department	Officer charged, unassisted + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
23	Police Constable, Police Department	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
24	Police Constable, Police Department	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
25	Hospital Auxiliary, Health Division	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
26	General Hand, Works Division	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
27	Medical Officer, Health Division	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
28	Police Inspector, Police Department	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
29	Principal, Health Division	Officer charged, assisted by Legal Adviser + Departmental representative assisted by Legal Adviser	Discipline: Representations in terms of Regulation 26 (2) (b)
30	Paramedic Aide, Health Division	Officer charged, assisted by Union representative + Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
31	General Hand, Health Division	Officer charged, assisted by 2 Union representatives + Departmental representative	Discipline: Appeal in terms of Regulation 30 (6)
32	General Hand, Projects and Development, Gozo	Officer charged, assisted by Legal Adviser + Departmental representative	Discipline: Representations by the Head of Department in terms of Regulation 32 (3)

Appendix 9

Cases involving an exchange of correspondence with the Ombudsman

Selection process	Query by Ombudsman	PSC comments	Final position of Ombudsman	Decision by PSC
1 Foreman (Discharge Permit Unit), Drainage Department, Works Division	The Commission was asked to explain the basis used by the Selection Board in awarding marks for Qualifications and Related Experience	The Commission sought the comments of the Selection Board and agreed that the marks given to complainant had been reasonable	No further correspondence from Ombudsman	-
2 Principal Scientific Officer, Public Health Laboratory, Health Division	-	-	Complaint not upheld	Noted
3 Teacher, Education Division	The Commission's view was sought regarding the policy being followed by the Education Division	The Commission agreed that the normal procedure had been followed and that the seniority had been correctly compiled	Ombudsman informed complainant that her complaint of unfair treatment could not be upheld	Noted
4 Equivalence of qualifications – foreign certificates were not being accepted as equivalent to Matsec	The Commission's comments were sought on the matter	After obtaining the views of the Malta Qualifications Recognition Information Centre the Commission proposed an appropriate procedure to be adopted	Ombudsman informed complainant of the new procedure that will be adopted in respect of future calls for applications in the Public Service	Noted
5 Chief Executive Officer, Commission for Equality between Men and Women	-	-	a) Direct appointment attracts criticism; b) Complainant had not served in a higher position for the whole period of the two performance agreements	Noted

Selection process	Query by Ombudsman	PSC comments	Final position of Ombudsman	Decision by PSC
6 Deputy Nursing Officer, Gozo General Hospital	Ombudsman sought the Commission's comments on the marks given for qualifications	Ombudsman's letter sent to Selection Board. The Commission accepted Selection Board's explanations	Complaint not upheld	Noted
7 Principal Agricultural Foreman, Agricultural Services and Rural Development Division	Ombudsman suggested that instead of issuing a new call, a new Selection Board be appointed and fresh interviews held. A member of the Commission should sit as an observer on the Selection Board	Commission accepted Ombudsman's suggestion and requested PS, MRAE to nominate a new Selection Board to carry out the selection process afresh in respect of the same applicants for the post. The Commission did not sit on the Selection Board.	Ombudsman informed complainant that the Commission was to ensure that the interviews would be carried out in a proper manner and that candidates would be assessed correctly. Case closed	-
8 Principal Security Officer, Health Division	Ombudsman felt morally convinced that complainant had not been properly assessed and merited promotion.	Relevant extracts from Ombudsman's letter were referred to the Selection Board. Selection Board's remarks referred to the Ombudsman.	Ombudsman informed complainant that the Commission had requested information from the Selection Board and was satisfied that there was no justification for any further intervention on its part in this case.	Noted
9 Leading Assistance and Rescue Officers, Civil Protection	Ombudsman requested the Commission to reconsider complainant's petition.	In view of numerous mistakes and inconsistencies by the Board, the selection process was to be terminated and no new appointments be made.	Ombudsman informed complainant accordingly and closed the case.	No new appointments to be made. Appointments already approved were to stand.
10 Leading Assistance and Rescue Officers, Civil Protection	Ombudsman requested the Commission to reconsider complainant's petition.	In view of numerous mistakes and inconsistencies by the Board, the selection process was to be terminated and no new appointments be made.	Ombudsman informed complainant accordingly and closed the case.	No new appointments to be made. Appointments already approved were to stand.

Selection process	Query by Ombudsman	PSC comments	Final position of Ombudsman	Decision by PSC
11 Director of Tourism	-	-	Complainant informed by Ombudsman that his petition had been given proper consideration and that no irregularities had resulted.	Noted
12 Female Security Guard, Courts of Justice (Malta)	Selection Board's evaluation was much lower than complainant's potential to perform security guard duties. Recommended early re-issue of a fresh call for applications.	Ombudsman's remarks referred to the Director General (Courts) for his comments. Ombudsman informed that his suggestions had been taken up with the Management and Personnel Office.	-	No grounds to revise the approved result.
13 Senior Principals	-	-	Complainant informed that there was no justification for a change in the result. Case closed.	Noted
14 Senior Principals	-	-	Agreed with Commission's decision. Suggested the use of index numbers and publication of marks for separate sections (Group discussion/written exam/Interview).	Noted
15 Engagement of Revenue Officers, Inland Revenue Division	-	-	Complainant informed that there was no justification for upholding his complaint.	Noted
16 Director (Customer Services), Ministry for Gozo	-	-	Complaint not sustained. Case closed.	Noted

Selection Process	Query by Ombudsman	PSC comments	Final position of Ombudsman	Decision by PSC
17 Technical Officer (Machinery and Vehicles - Districts), Works Division	-	-	Complaint not justified. Case closed.	Noted
18 Technical Officer (Machinery and Vehicles – Districts), Works Division	-	-	Complaint not justified. Case closed.	Noted
19 Supervisor (Maintenance of Sewers), Works Division	-	-	Complaint not justified. Case closed.	Noted
20 Discipline: General Hand, Projects and Development, Gozo	-	-	Regulation 26 of the Public Service Commission (Disciplinary Procedure) Regulations 1999 needed a clear ruling.	Agreed with Ombudsman. PS (OPM) to circulate Commission's interpretation to Heads of Department.

Appendix 10

Consultations and meetings with the Commission

Consultations

Subject

Director (Resourcing), Management and Personnel Office; Director (Internal Audit and Investigations)	Senior Internal Auditor, Internal Audit and Investigations Directorate, Office of the Prime Minister
Director (Drainage), Water Services Corporation	Clarifications sought by the Commission on petitions by applicants for various posts.
Director (Resourcing), Management and Personnel Office	Reducing delays in the processing of recommendations for appointments and the necessary verification of such recommendations
Director (Elderly and Community Services)	Clarifications regarding disciplinary procedures instituted in terms of the Public Service Commission (Disciplinary Procedure) Regulations 1999
Director General, Fisheries Conservation and Control Division	Engagement of Aquaculture Officer, Fisheries Conservation and Control Division, Ministry for Rural Affairs and the Environment
Ombudsman	Senior Internal Auditor, Internal Audit and Investigations Directorate, Office of the Prime Minister
Director General (Education)	Posts of Teacher (2002)
Chairman and Member, Vocational Credentials Evaluation Board	Senior Technical Officer (Marine Section), Construction and Maintenance Department, Works Division
Director General (Health)	Senior Registrar in Audiological Medical Otolaryngology
Ombudsman	Deputy Nursing Officer (Gozo General Hospital)
Petitioner	Senior Registrar in Audiological Medical Otolaryngology
Director (Internal Audit and Investigations)	Senior Internal Auditor, Internal Audit and Investigations Directorate, Office of the Prime Minister
Director General (Civil Aviation)	Airworthiness Surveyor, Department of Civil Aviation

Consultations

Chief Executive and Chief Officer,
Water Services Corporation

Subject

Compliance with the Public Service Commission
(Disciplinary Procedure) Regulations 1999 in terms
of the Instrument of Delegation dated 1 November
1999

Principal Permanent Secretary, Principal
Permanent Secretary-designate, Director
General (MPO) and Director (Office of
the Permanent Secretary)

White Paper on a Public Service Act

Permanent Secretary, Ministry for Gozo

Ministry's request to ask the Internal Audit and
Investigations Department to carry out an audit of
the proceedings of the Disciplinary Boards set up in
Gozo

Permanent Secretary, Ministry for Gozo

Request by a public officer to retain Salary Scale 6
on a personal basis following reversion to former
post

Permanent Secretary, Ministry for Rural
Affairs and the Environment

Principal Agricultural Foreman, Agricultural
Services and Rural Development Division

Secretary, Public Service Employees
Section, Union Haddiema Maghqudin

Senior Internal Auditor, Internal Audit and
Investigations Directorate, Office of the Prime
Minister

Director, Corradino Correctional Facility

Removal from Office of Correctional Officer

Legal Adviser to the Commission

Removal from Office of Correctional Officer

Meetings

Calls for applications

Selection Board

Senior Technical Officer (Marine Section), Construction and
Maintenance Department, Works Division

Selection Board

Engagement of Aquaculture Officer, Fisheries Conservation and
Control Division, Ministry for Rural Affairs and the Environment

Selection Board

Principal Technical Officer (Design Unit), Building and
Engineering Department, Works Division

Selection Board

Junior Legal Officer/Legal Officer, Consumer and Competition
Division, Ministry for Competitiveness and Communication

Selection Board

Security Guards, Ministry for Justice and Home Affairs and
Ministry for Information Technology and Investment

Meetings

Calls for applications

Selection Board

Senior Registrar in Audiological Medical Otolaryngology

Selection Board

Principal Security Officer, Health Division