

PUBLIC SERVICE COMMISSION

ANNUAL REPORT 2006

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Foreword

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

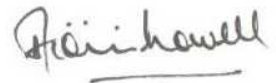
The report gives a brief description of the main activities of the Commission during the year 2006 in the execution of its constitutional functions of giving advice and making recommendations to the Prime Minister on matters relating to appointments, removal from office and discipline within the public service.

The Commission continued with its ongoing efforts to ensure that the length of the selection processes it oversees is kept to the minimum possible, without compromising in any way the fairness of the processes and the thoroughness with which they are screened.

A good part of the Commission's work throughout 2006 continued to be that of monitoring the disciplinary processes delegated to Heads of Departments and of giving the final judgements and submitting its recommendations to the Prime Minister in respect of the more serious disciplinary and criminal cases that can lead to dismissal from the public service.

This Foreword is being written just after the first reading given in Parliament of the Public Administration Act which *inter alia* proposes an expansion of the role of the Public Service Commission. Any additional functions approved by Parliament will significantly impact on the Commission's operations in the coming months and years.

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



A Fiorini Lowell
Chairman

9 April 2007

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 2006		
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 1*.

The term of office of the Commission expired on 11 June 2006 and was renewed for a further period of one year with effect from 12 June 2006.

Number of meetings held

During the year 2006, the Commission held a total of fifty (50) 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 a senior public officer appointed to the position of Secretary on a performance agreement for three years.

During 2006 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.

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 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 2005, 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 make recommendations 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 obligations, is to ensure that recruitment into and promotions or appointments within 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 2006, the Commission issued 310 calls for applications for the filling of vacancies in the Public Service. Out of these 310 calls, 152 were calls for applications open also to applicants from outside the public service and were therefore advertised in the Government Gazette. 87 calls were restricted to serving public officers and were circulated through the Management and Personnel Office or by Departmental Circulars, as applicable. The other 71 calls were issued by various Ministries for the filling of positions of Assistant Director.

The different calls for applications issued during 2006 are listed in *Appendices 3, 4 and 5*.

Selection Boards

The Commission set up 328 selection boards and approved the selection methods and criteria in respect of each selection process.

These selection processes involved 3,336 applications, 1,856 from male applicants and 1,480 from female applicants. The selection boards interviewed 1,249 males and 1,031 females, a total of 2,280 candidates. The remaining 1,056 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 683 recommendations to the Prime Minister relating to appointments in terms of Section 110 of the Constitution. The Commission also advised the Prime Minister in terms of Sections 92(3), 92(4) and 111 of the Constitution on 67 occasions relating to appointments and extensions of Performance Agreements of Permanent Secretaries and Heads of Department and to the posting of two public officers as Resident Ambassadors abroad.

A statistical breakdown of these recommendations, which covered the 1587 appointments made during 2006, is given below:

Appointments/Promotions 2006				
		Males	Females	Total
1.	Appointments following public calls for applications published in the Government Gazette	282	245	527
2.	Appointments following service-wide calls for applications (MPO Circulars)	291	115	406
3.	Appointments following internal departmental calls for applications (Departmental Circulars)	55	31	86
4.	Appointment of Assistant Directors following Ministerial calls for applications	48	10	58
5.	Other Appointments (eg promotion on basis of length of service and satisfactory performance, appointment to substantive grade, etc)	253	257	510
		929	658	1587

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, termination of performance agreements on appointment to other positions, and withholding of increments, progressions and promotions.

The following table comparing the number of appointments in each of the last three years confirms the downturn in new appointments in 2006.

The significant increase in 2005 in the number of 'Other Appointments' mainly reflects the promotions of public officers from one grade to another as a consequence of particular provisions in Classification Agreements signed in previous years.

	Appointments/Promotions	2004	2005	2006
1.	New appointments following issue of calls for applications in Government Gazette/MPO Circulars/Departmental Circulars	1320	1344	1077
2.	Other Appointments, mainly promotion on basis of length of service and satisfactory performance and appointment to substantive grade.	349	1229	510
	Total	1669	2573	1587

The Duration of the Selection Process in the Public Service

Following the analysis carried out by the Commission on the duration of the selection process in the public service which was first reported on in the 2004 Annual Report, similar exercises were carried out in the two subsequent years.

The figures for the year 2006, given in Appendix 6, show that the average duration of the process of selection was, at 33 weeks, only one week longer than it was in 2005.

The most relatively significant longer average delays were: in requests by Departments for approval of Selection Boards; in the submission of the Boards' reports; in the verification of vacancies by MPO; and in the approval by the Prime Minister of the Commission's recommendations. These delays were almost counter balanced by the shorter average time taken: in the verification by MPO of the actual calls for applications and in the submission of the recommendations by Heads of Departments of the Selection Boards' conclusions.

Representations to the Commission regarding Selection Processes

The Commission considered twelve written representations made directly to the Commission. Eleven of these representations were submitted while the selection process was still in progress. The twelfth written representation was submitted within the validity period of the published result.

After carefully considering these representations, the Commission reached the following conclusions:

- ten complaints regarding wrongful ineligibility were not considered justified;
- a complaint was dismissed as no provision existed in the relative Agreement which required that an indication be made in the call for applications to the particular section where successful candidates would be deployed;
- in the twelfth case the Commission upheld the complainant's request for his appointment.

A list of representations considered in 2006, showing also the complaints and the Commission's decisions, is given in *Appendix 7 (a)*.

Petitions relating to Appointments

The Commission considered forty-four (44) petitions in respect of appointments made following calls for applications issued by the Commission which were submitted to the Commission in terms of Section 1.1.10 of the Public Service Management Code. These included seventeen (17) petitions relating to the same selection process, that of Senior Principals.

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 thirty-six of the petitions were not considered justified and were dismissed;
- in one case, the Commission agreed that the complainant had suffered an injustice and recommended his appointment with effect from the date when the other successful candidates had been appointed to the post;

- in one case, the Commission recommended the claimant's appointment to the post and that the appointment be notionally backdated to one day before the appointment of the first-placed candidate;
- in one case, the Commission reviewed the result and the complainant was appointed to the post;
- in three cases the Commission did not consider the petitions as they had been submitted well after the stipulated ten-days' time limit;
- in the remaining two cases, the Commission approved the publication of an amended result.

A list of petitions considered in 2006, showing also the complaints and the Commission's decisions, is given in *Appendix 7 (b)*.

IV. Discipline

Functions of the Commission relating to Discipline

In terms 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 is, subject to appropriate safeguards, largely delegated to Heads of Government Departments.

The Commission however continued to deal directly with requests for the interdiction from the exercise of the powers and functions of office and suspension from duties; the penalty to be imposed for breeches of discipline where public officers were found guilty of a criminal offence by the Courts; and the ultimate decision on disciplinary cases conducted by the department where the officer was notified that the charge, if proved, could lead to dismissal.

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 also made its recommendations in connection with three cases initiated under the 1977 Disciplinary Regulations.

Disciplinary Cases under the 1999 Regulations – Criminal Cases

The Commission dealt with 52 cases involving criminal proceedings against public officers. In 8 cases the officer concerned had not been found guilty by the Courts.

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

Recommendations

(i) in instances of Interdiction pending outcome of Court Cases	22
(ii) involving the imposition of a penalty after a “guilty” verdict by the Courts:	
Dismissal	6
Warning of Dismissal, suspension without pay (5 days)	2
Warning of Dismissal, suspension without pay (2 days)	1
Suspension without pay (3 days)	1
Suspension without pay (1 day)	1
Lifting of Interdiction, forfeiture of salary, warning of dismissal	2
Lifting of Interdiction, forfeiture of salary, warning of dismissal, placed on other duties	1
Lifting of Interdiction, forfeiture of salary, written warning, suspension without pay (1 day)	1
Lifting of Interdiction, forfeiture of salary, written warning, placed on other duties	1
Forfeiture of salary withheld during interdiction, suspension without pay (1 day)	1
Forfeiture of salary withheld during interdiction, written warning	1
Written warning, suspension without pay (5 days)	1
Fine (5/3/2 days’ pay)	3
(iii) following a “not-guilty” verdict by the Courts	
Lifting of Interdiction and refund of salary withheld	7
Refund of salary withheld during interdiction	1
Total	52

In one particular case, the Head of Department informed the Commission that the Constitutional Court had revoked and annulled the sentence delivered by the Court of Criminal Appeal and had ordered the continuation of the hearing of the case. In the circumstances, the Commission withdrew its recommendation for dismissal made when the first sentence was received and recommended the re-introduction of interdiction pending the final outcome of the re-appointed criminal proceedings in question.

In another case the Commission submitted its advice to the Prime Minister in terms of section 114(1) of the Constitution for the withholding of one half of the uncommuted pension pending the final outcome of criminal proceedings instituted against the officer concerned.

Disciplinary Cases under the 1999 Regulations – Non-Criminal Cases

The Commission also considered 14 other disciplinary cases which were referred to it in terms of Regulations 12 and 26(2) of the Public Service Commission (Disciplinary Procedure) Regulations, 1999, ie, 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
Suspension without pay (5 days)	1
Suspension without pay (3 days)	1
Written Warning	1
Not guilty	8
Total	14

Oral Representations

A list of the fourteen 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*.

Disciplinary Cases under the 1977 Regulations – Criminal Cases

The Commission considered 3 cases referred to it in terms of Regulation 9 of the Public Service Commission (Disciplinary Procedure) Regulations 1977 involving criminal proceedings against public officers.

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

Recommendations	
Dismissal	1
Suspension without pay (2 days)	1
Lifting of interdiction, refund of salary, suspension without pay (5 days)	1
Total	3

Analysis of Cases

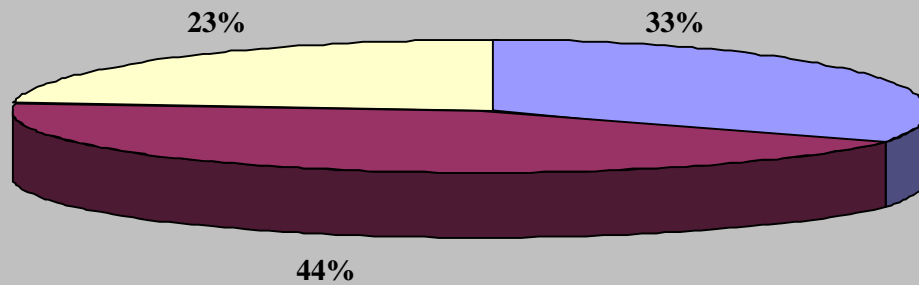
The following table and chart provide an analysis of the outcome of the above mentioned 69 cases.

Disciplinary Cases before the Commission	
Outcome	
Interdiction ⁽¹⁾	23
Penalties imposed following verdict of 'guilty' ⁽²⁾	30
Not guilty	16
Total	69

⁽¹⁾ 1 of the 23 cases of Interdiction was referred to the Commission following disciplinary proceedings.

⁽²⁾ In 6 cases, apart from imposing a penalty, the Commission also lifted the interdiction.

Outcome of 69 cases before the Commission by percentage



- Interdiction
- Penalties imposed following verdict of 'guilty'
- Not guilty

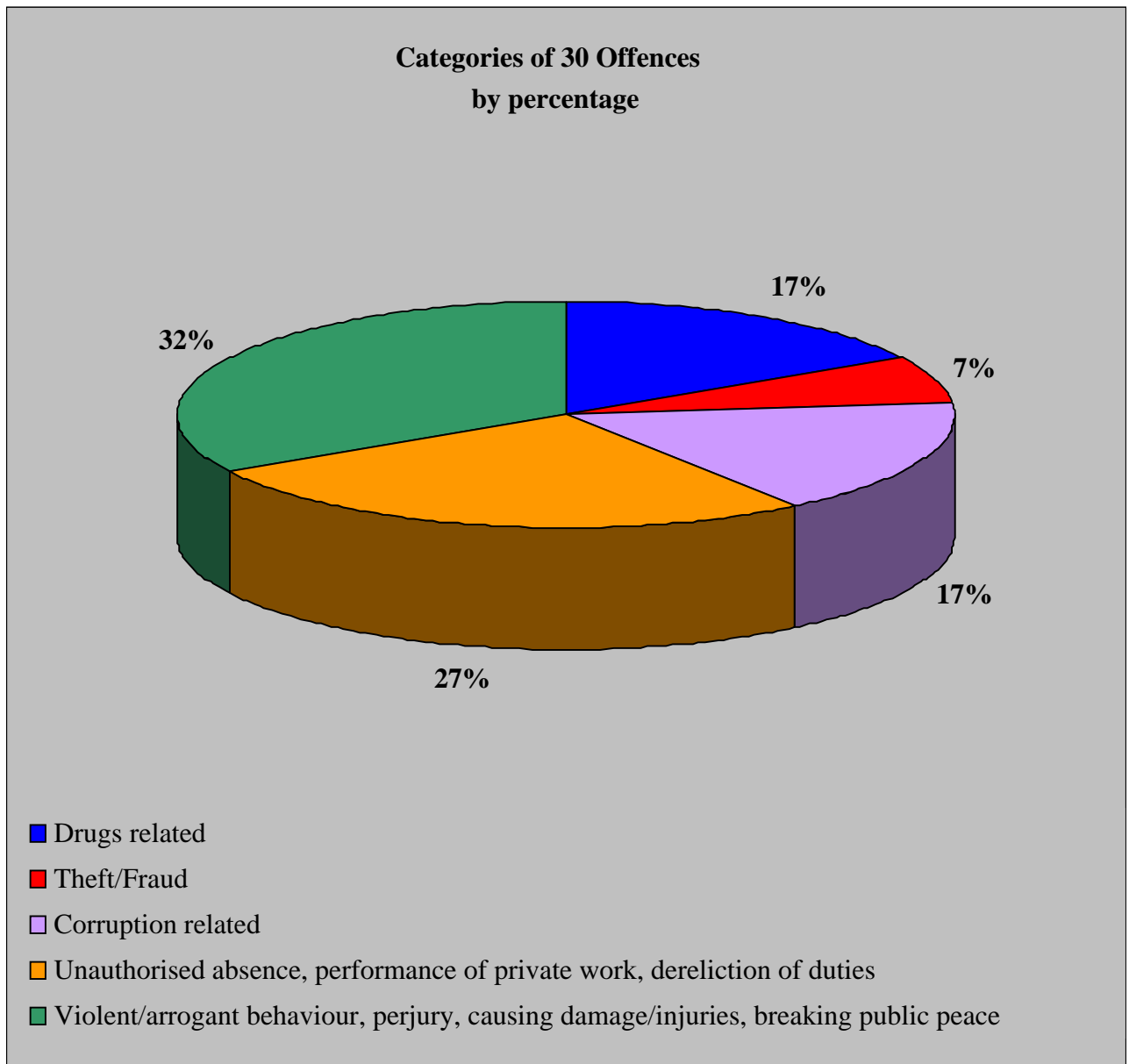
The following table shows the broad categories of offences and the penalties given in each of the 30 cases where the officer charged was found guilty. The ensuing chart gives the percentage distribution of same.

Categories of offences and penalties recommended

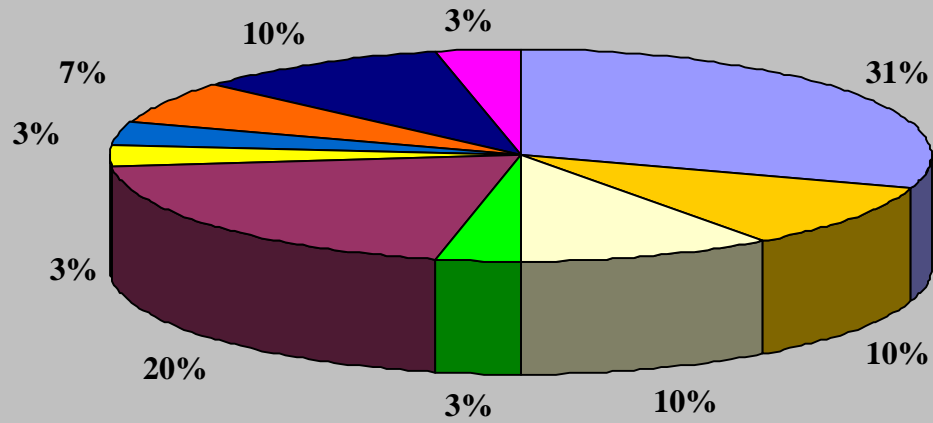
Penalties	Category of Offence	Drugs related	Theft/ Fraud	Corruption related	Violent/arrogant behaviour, perjury, causing damage/injuries, breaking public peace	Unauthorised absence, performance of private work, dereliction of duties	Total
Dismissal		3		2	2 (*)	2	9
Warning of dismissal + suspension without pay for 2 or 5 days			1		2		3
Warning of dismissal + forfeiture of salary				2		1	3
Suspension without pay (5 days) + written warning			1				1
Suspension without pay for between 1 and 5 days		1	1		2	2	6
Forfeiture of salary + suspension without pay (1 day) + written warning					1		1
Forfeiture of salary + suspension without pay (1 day)					1		1
Forfeiture of salary + written warning		1				1	2
Fine (2 to 5 days' pay)					2	1	3
Written warning						1	1
Total		5	3	4	10	8	30

25 of the 30 cases involved disciplinary action following criminal conviction.

(*) Includes one case of wilful homicide



Penalties imposed in 30 cases by percentage



- Dismissal
- Warning of dismissal + suspension without pay for 2 or 5 days
- Warning of dismissal + forfeiture of salary
- Suspension without pay (5 days) + written warning
- Suspension without pay for between 1 and 5 days
- Forfeiture of salary + suspension without pay (1 day) + written warning
- Forfeiture of salary + suspension without pay (1 day)
- Forfeiture of salary + written warning
- Fine (2 to 5 days' pay)
- 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 are 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 2006 compared with the years 2004 and 2005:

Disciplinary action by Heads of Department			
	2004	2005	2006
Outcome:	No	No	No
Warning of dismissal and suspension from duty without pay	3	7	9
Suspension from duty without pay	40	66	37
Written warning (section 20)	44	66	77
Written warning (section 19)	523	731	367
Cases discontinued	87	22	17
Verdict of 'not guilty'	125	191	106
Pending cases	109	69	100
Total	931	1152	713

Appeals from disciplinary decisions in terms of Regulation 30 of the Disciplinary Regulations

The Commission received six appeals against disciplinary decisions in terms of Regulation 30 of the Public Service Commission (Disciplinary Procedure) Regulations, 1999.

1. Two appeals were filed by accused officers who had been found guilty of offences which were considered serious but not leading to dismissal from the Service.

In both cases the Commission gave the opportunity to the Heads of the Department and to the officers concerned to make oral representations. After hearing the submissions made, the Commission agreed to recommend, in one case, that the offences committed should be considered as minor offences, and in the other case, that the findings of the Disciplinary Board should be confirmed.

2. One appeal was submitted by a trade union on behalf of the accused officer regarding the outcome of disciplinary proceedings against him. After due deliberation, the Commission endorsed the decision taken by the Head of Department.
3. Three appeals were filed in respect of the outcome of disciplinary proceedings against the officers concerned. Having considered that the charges consisted of minor offences which had been treated under Regulation 19, the Commission agreed that all three appeals should be dismissed.

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 two petitions made under this Regulation. After carefully considering the submissions made, the Commission found that in both cases there was no *prima facie* case of gross disregard of the disciplinary regulations or a serious miscarriage of justice.

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 five recommendations were referred back by the Prime Minister. Another two recommendations had been referred back in 2005 and were decided by the Commission in 2006.

The Commission confirmed its previous decisions in respect of six of the seven cases and re-submitted its original recommendations for the Prime Minister's approval. Four of these recommendations were eventually approved by the Prime Minister while the other two were still under consideration at the end of the year under review.

In the other case, the Commission reconsidered its previous decision and submitted a fresh recommendation.

V. Other Business of the Commission

Ombudsman

In the course of the year, the Ombudsman referred eight complaints to the Commission relating to appointments in the public service that had been referred to the Ombudsman by aggrieved persons. The Ombudsman's opinions in the eight cases were as follows:

- in six cases the Ombudsman informed complainants that he could not uphold their complaint and closed the case. In these cases the Ombudsman did not consider the need for the Commission to revisit its original decisions.
- in one case the Ombudsman issued a Final Opinion in which he did not fully support the Commission's decision. However the Commission considered the Ombudsman's recommendation to concern an administrative matter. The Commission could not implement the Ombudsman's recommendation as it would constitute a precedent that would have a considerable effect on numerous other cases where, on a day-to-day basis, public officers were required to perform higher duties. The Commission accordingly forwarded its own considerations on the case to the Principal Permanent Secretary.
- one case was still under consideration by the Commission at the end of the year under review.

Relevant information on the cases that were the subject of correspondence between the Ombudsman and the Commission in 2006 is given in *Appendix 9*.

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 2006 through *ad hoc* meetings with the Commission.

Appendix 10 gives details of the meetings held with Heads of Departments and with Selection Boards. This appendix also contains references to other meetings which the Chairman of the Commission had with other parties in connection with matters of interest to the Commission.

VI. Some General Observations and Recommendations made by the Commission on lines of policy or in particular cases

Recruitment, Promotions and Progressions

Selection processes initiated before 1 October 2004

The Commission considered that there was a number of selection processes which had been initiated before 1 October 2004, in respect of which the Selection Board's report or the recommendation by the Head of Department had not been submitted after the lapse of significantly long periods of time.

The Commission decided that those selection processes which were not concluded within two months without cogent reasons, would be withdrawn and a new call for applications would have to be issued if vacancies existed. The Commission's decision was implemented.

Sub-criteria in selection processes

The Commission was concerned that a number of Selection Boards had failed to adhere to its instruction, issued in 2005 and included in the Commission's Guidelines to Selection Boards, to themselves set sub-criteria for the criteria approved by the Commission. The Commission invariably insisted on the application of this policy and returned those reports which ignored the instructions.

Late applications

The Commission considered representations by an applicant who stated that he had submitted a late application because the circular advertising the post had reached him after the closing date. Having also considered the comments of the Head of Department, the Commission decided that the application should be accepted and the complainant was given the opportunity to be interviewed by the Selection Board.

Moreover, the Head of Department was asked to ensure that the system of distribution of circulars in his area of jurisdiction was improved so that circulars advertising calls for applications were brought to the notice of **all** the staff concerned in sufficient time to enable those interested to apply before the closing date set in the call for applications.

Delay in submitting requests for promotion

The Commission noted that there were consistent delays on the part of some departments in the submission of requests for the promotion of public officers from one grade to another on completion of the number of years of service stipulated in the Agreements.

The Principal Permanent Secretary was asked to have the delays investigated and to take action against the officers responsible for the delays. The Principal Permanent Secretary was also asked to impress on all public officers, through the respective Permanent Secretaries, the need for timely and efficient processing of any administrative action. The Principal Permanent Secretary took appropriate action, including the issue of a Service-wide Circular.

Withdrawal of appointments

Having been informed that an applicant who failed to meet the eligibility requirements set in the call for applications for a particular post had been appointed to that post, the Commission decided that the appointment should be rescinded. The Head of Department was asked to look into the matter so that such instances would be avoided.

The Commission decided that the appointment given to an officer who was *ab initio* ineligible to apply for the post, should be rescinded. The Selection Board was called before the Commission to explain its actions. The Commission was satisfied that the error was a *bona fide* one and agreed not to sanction the Selection Board. However, the Principal Permanent Secretary was asked to emphasize with MPO, the importance that Panel Members (the members of Selection Boards who are chosen from a panel of Public Officers nominated by the MPO and approved by the Commission) be thoroughly briefed on their important role in guiding Selection Boards to check applications, especially insofar as administrative technicalities were involved.

Re-employment of public officers after they had resigned from the Service

The Commission approved a proposal by the Principal Permanent Secretary for the setting of clear parameters for the re-employment of public officers who had resigned from the Service and who sought re-engagement. The final version of the parameters was approved by the Commission.

Tenure in the Grade of Officer in Grade 4 of public officers performing duties in the highest executive position in the respective Government-appointed Authority and Entity

The Commission approved that the policy approved in 2005, to award tenure as Officer in Grade 4 to Heads of Ministers' Private Secretariats after six years' service in that position, be extended to public officers performing duties in the highest executive position in the respective Government-appointed Authority or Entity, including Commissions and Foundations.

Applications open to General Service Grades should not be restricted to officers within a particular Ministry

The Commission considered a proposal for the issue of a call for applications for a position which was part of the General Service Class from among officers of a particular Ministry. The Commission found it strange that such a call should not be open to all officers in that Class and

considered that, if accepted, the call would be a departure from past and current practice and would set a dangerous precedent.

The Commission approved the issue of the call for applications after the necessary amendments were made to make it possible for all officers in the General Service Class to apply for the position.

Applications for the position of Assistant Director

The Commission considered a number of queries from various Selection Boards for the position of Assistant Director, regarding the eligibility of applicants who were next in line for appointment as Senior Principals and who had not been given the formal letter of appointment before the stated closing date of the call for applications for Assistant Directors.

The Commission decided that those Principals, who had already been recommended for appointment as Senior Principals before the issue of the call for applications but who had not been given the formal letter of appointment, should be given the opportunity to apply for the position of Assistant Director.

Eligibility requirements in calls for applications

The Commission drew the attention of the Principal Permanent Secretary to the increasing number of instances in which queries regarding eligibility for calls for applications were being raised, so that he could consider the possibility of revising the Classification Agreements with the different Unions. Such revisions should explicitly spell out the eligibility requirements for appointment to posts and positions, in a way that these would reflect the present day reality resulting from the recent developments related to the particular classes within the Public Service.

Discipline

Amendments to the Public Service Commission (Disciplinary Procedure) Regulations, 1999

The Public Service Commission (Disciplinary Procedure) (Amendment) Regulations, 2006 were published by Legal Notice 67 of 2006 issued on 21 March 2006. The Principal Permanent Secretary subsequently issued OPM Circular No 9/2006 dated 23 March 2006, informing Permanent Secretaries, Directors General and Directors about the amendments.

Interdiction of public officers from the exercise of the powers and functions of their office

The Commission was concerned with the inordinately long periods of interdiction in respect of public officers undergoing criminal proceedings of a serious nature and was considering revising its "Guidelines for the Lifting of Interdiction". Before doing so, the Commission sought the reaction of the Administration, which is still awaited. At the same time the Commission requested, and obtained, the intervention of the Commission for the Administration of Justice in enquiring of the Courts whether it was possible to accelerate the finalisation of the criminal cases in question.

When considering the case of a public officer charged with trafficking of persons, the Commission decided to add that particular offence to the list of serious offences included in the Commission's "Guidelines for the Lifting of Interdiction".

In one case that came before it, the Commission reaffirmed its policy of scrupulously applying the principle that 'a person should be considered innocent until proved guilty'. Within that context, the Commission made it clear that the imposition of interdiction was not in itself a declaration of guilt. Moreover, according to the Disciplinary Regulations, the officer concerned was given the opportunity to make his/her submissions to the Commission, after the Court sentence was delivered.

Public officers sentenced to a term of imprisonment

The Commission had occasion to restate its long-standing policy that a public officer who had been sentenced to a term of imprisonment, whatever the term, was not suitable to occupy a public office. That principle had, in the past, been agreed to by the Office of the Prime Minister.

However, in line with the current laudable efforts to seek to rehabilitate former prisoners to normal life, the Commission invited the Administration to submit for the Commission's consideration draft guidelines for the re-employment of public officers who had been sentenced to a term of imprisonment.

Officers representing the Head of Department should be well prepared

In one particular case the Commission was concerned by the fact that an officer who represented the Head of Department before the Commission during an oral hearing did not even have a basic knowledge of the facts of the case he was supposed to be defending on behalf of his Department.

The Commission requested the Head of Department concerned to appear before it and made it clear that the Commission expected that when an officer was delegated to represent him before the Commission he/she should be given, and should be familiar with, all relevant information on the particular case.

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 2006

Grade	No of Employees in post
Secretary, PSC	1
Assistant Director	1
Senior Principal	1 (on special unpaid leave)
Principal	1
Assistant Principals	3
Executive Officer	0
Postperson	1
Senior Clerks	3
Clerks	3 (one on reduced hours)
Messenger	1
General Hands	2
Total	17

Commission's expenditure

Expenditure for the year 2006

Item	Lm
Emoluments of the Chairman, Deputy Chairman and Members of the Commission	25,112
Emoluments of the public officers attached to the Commission's staff	94,759
Social Security contributions	8,145
Operational and maintenance expenses	14,677
Special Expenditure	3,429
Capital	NIL
Total	146,122

Calls for Applications advertised in the Government Gazette 2006

Office of the Prime Minister

Technical Attaché at the Permanent Representation of Malta to the EU
Accounting Officer, Department of Corporate Services
Programme Manager, Planning and Priorities Coordination Division
Senior Manager (Managing Authority), Planning and Priorities Coordination Division
Economics Officer, Planning and Priorities Coordination Division
Photographer, Electoral Office
Chief Information Officers, Public Service
EU Funds Manager, Public Service

Ministry of Finance

Technical Attaché (Customs), Permanent Representation of Malta to the EU
Technical Attaché (Economic and Fiscal Affairs), Permanent Representation of Malta to the EU
Budget Officer, Budget Office
Procurement Manager, Contracts
Assistant Librarian, Economic Policy Division
Enforcement Manager (Direct Taxation), Inland Revenue
Revenue Officer, Inland Revenue
Junior Legal Officer/Legal Officer, Inland Revenue
Public Internal Financial Control Auditor, Internal Audit and Investigations
Payment Coordination Officer (EU Funds Management Unit), Treasury
Programme Manager (Enforcement), VAT Division

Ministry for Justice and Home Affairs

Senior Legal Officer
Deputy Registrar, Courts of Justice
Project Leader (National Identity Management Systems), Programme Implementation
Junior Legal Officer/Legal Officer, Joint Office
Deputy Director, Civil Protection
Probation Officer and Trainee Probation Officer, Correctional Services
Case Officer, Office of the Commissioner for Refugees
Case Worker, Office of the Commissioner for Refugees
Assistant Manager Airport Security, Malta International Airport

Ministry of Education

Technical Attaché at the Permanent Representation of Malta to the EU
Projects Officer (EUPU)
Teachers, Education Division
Manager (Research Unit), Industrial and Employment Relations Department
Manager (Operational Procedures), Industrial and Employment Relations Department

Ministry for Tourism and Culture

Culture and Audiovisual Attaché, Permanent Representation of Malta to the EU
Head of Media Desk (Malta), EU Affairs and Policy Development

Ministry for Competitiveness and Communications

Technical Attaché at the Permanent Representation of Malta to the EU
Part-Time Market Surveillance Officer (Gozo), Consumer and Competition Division
Manager, European Consumer Centre (Malta), Consumer and Competition Division

Ministry for Resources and Infrastructure

Junior Engineer/Engineer (Services), Kordin Branch, Works Division
Junior Engineer/Engineer, Building and Engineering Department, Works Division
Architect and Civil Engineer/Junior Architect and Civil Engineer, Works Division

Ministry for Gozo

Manager (Agriculture, Fisheries and Infrastructure Development)
Social Worker, Gozo General Hospital, Department of Customer Services
Senior Registrar (Radiology), Gozo General Hospital, Department of Customer Services
Consultant Anaesthetist, Gozo General Hospital, Department of Customer Services
Consultant Accoucheur, Gozo General Hospital, Department of Customer Services
Junior Engineer/Engineer (Mechanical), Department of Customer Services
Architect and Civil Engineer/Junior Architect and Civil Engineer, Projects and Development
Junior Engineer/Engineer (Electrical), Department of Projects and Development

Ministry of Health, the Elderly and Community Care

Technical Attaché at the Permanent Representation of Malta to the EU
Economics Officer
Junior Legal Officer/Legal Officer
Scientific Officer (Optometrist), Health Division
Consultant Clinical Haematologist, Health Division
Registrar, Medical Council, Health Division
Part-Time Radiographers (Diagnostic), Health Division
Cook, Health Division
Consultant Paediatrician with an interest in Endocrinology, Health Division
Staff Nurses, Health Division
Consultant in General/Vascular Surgery, Health Division
Registrar (Accident and Emergency), Health Division
Registrar (Surgery), Health Division
Scientific Officer (Radiotherapy Physicist), Health Division
Consultant Radiologist, Health Division
Registrar, Department of Medicine, Health Division
Senior Registrar (Psychiatry), Health Division
Consultant Cardiothoracic Surgeon, Health Division
Senior Registrar (Dentistry), Health Division
Electrocardiography (ECG) Technician, Health Division
Chairman, Department of Paediatrics, Health Division
Chairman, Department of Pathology, Health Division

Senior House Officer (Geriatrics), Health Division
Senior House Officer (Psychiatry), Health Division
Senior House Officer (Oncology), Health Division
Senior House Officer (Anaesthesia), Health Division
Senior House Officer (Surgery), Health Division
Senior House Officer (Orthopaedics), Health Division
Senior House Officer (Accident and Emergency), Health Division
Senior House Officer (Medicine), Health Division
Senior House Officer (Medical Imaging), Health Division
Senior House Officer (Ophthalmology), Health Division
Senior House Officer (Pathology), Health Division
Medical Officer (General Practice), Health Division
Senior Registrar (Orthopaedics), Health Division
Senior Registrar (Palliative Care), Health Division
Pharmacy Technician, Health Division
Consultant Paediatrician with an interest in Neurology and Neurodisability, Health Division
Consultant Radiotherapist, Health Division
Registrar (Cardiac Services), Health Division
Senior Registrar (Medical Imaging), Health Division
Senior Registrar (Anaesthesia), Health Division
Chairman, Department of Surgery, Health Division
Chairman, Department of Medicine, Health Division
Senior Registrar (ENT Surgery), Health Division
Financial Accountant, Health Division
Management Accountant, Health Division
Consultant Pathologist (Histopathology), Health Division
Radiographer (Therapy), Health Division
Registrar (Neurology), Department of Medicine, Health Division
Enrolled Nurse, Health Division
Senior Registrar (General Medicine), Health Division
Consultant Physician in General Medicine with an Interest in Diabetes Mellitus/Endocrinology
Pharmacy Technician, Health Division
Purchasing Officer, Health Division
Scientific Officer (Environment Management Systems), Health Division
Purchasing Assistant, Health Division
Scientific Officer (Optometrist), Health Division
Staff Nurse, Health Division
Speech Therapist, Health Division
Senior Technical Officer (Mechanical Engineering), Health Division
Senior Technical Officer (Electrical/Electronics Engineering), Health Division
Senior Technical Officer (Electronics/Communication Engineering), Health Division
Senior Technical Officer (Power/Industrial Electronics), Health Division
Scientific Officer (Public Health Laboratory), Health Division
Senior Registrar (Paediatrics), Health Division
Senior Registrar (Ophthalmology), Health Division
Registrar (Anaesthesia), Health Division
Senior Registrar (Medical Imaging), Health Division
Financial Accountant, Government Pharmaceutical Services, Health Division
Management Accountant, Health Division
Senior Registrar (Cardiology), Health Division
Electrocardiography (ECG) Technician, Health Division
Scientific Officer (Clinical Neurophysiology), Health Division
Catering Manager, Department for the Elderly and Community Care

Ministry for Investment, Industry and Information Technology

Technical Attaché at the Permanent Representation of Malta to the EU
Media Officer
Research Assistant
Information Communications Technology (ICT) Attaché

Ministry for Rural Affairs and the Environment

Technical Attaché at the Permanent Representation of Malta to the EU
Farm Accounting Data Network and Cross Compliance Officer
Agricultural Officer
Principal Scientific Officer
Scientific Officer
Support Officers
Risk Analysis Coordinator, Integrated Administration and Control System Directorate
Manager (Land Parcel Identification System), Integrated Administration and Control System Directorate
Quality Control Manager, Integrated Administration and Control System Directorate
IACS Central Manager, Integrated Administration and Control System Directorate
Livestock Premium Coordinator, Integrated Administration and Control System Directorate
Aquaculture Officer, Fisheries Conservation and Control Division
Architect and Civil Engineer/Junior Architect and Civil Engineer, PARCs Unit
Chief Scientific Officer, Plant Health Section
Chief Scientific Officer, Agriculture Laboratories Section

Ministry for the Family and Social Solidarity

Manager (Welfare Services Assessment), Social Welfare Standards

Ministry of Foreign Affairs

Scholarships in European Studies in Bruges
Scholarships in Contemporary European Studies in Sussex
Trade Attaché at the Permanent Representation of Malta to the EU
Second Secretaries in the Diplomatic Service
Information and Communications Technology (ICT) Support Officer
Funding Support Coordinator, Forum Malta fl-Ewropa
Funding Support Officer, Forum Malta fl-Ewropa
Research Analyst, Forum Malta fl-Ewropa

Calls for Applications issued through MPO Circulars 2006

Office of the Prime Minister

Officer-in-Charge Minor Staff
Cook, Armed Forces of Malta

House of Representatives

Research Analyst, Standing Committee on Social Affairs
Recorder of Debates

Ministry of Finance

Assistant Technical Officer (Assaying), Capital Transfer Duty, Inland Revenue
Tradesman/Senior Tradesman (Electrician), Customs Division

Ministry for Justice and Home Affairs

Court Messenger, Courts of Justice
Assistant Registrar, Courts of Justice

Ministry for Competitiveness and Communications

Foreman, Motor Transport Section, Department of Civil Aviation

Ministry for Resources and Infrastructure

Heavy Plant Driver (Group IV), Works Division
Tradesman/Senior Tradesman (Mason), Restoration Unit, Works Division
Principal Public Cleansing Officer, Cleansing Services Department, Works Division
Technical Officer (Waterproofing), Supporting Services, Works Division
Technical Officer in the Lands Survey Unit, Works Division
Senior Engineer (Mechanical), Kordin Workshop, Works Division
Senior Engineer (Mechanical), Kordin Workshop, Works Division

Ministry for Gozo

Assistant Technical Officer (Maintenance Unit - Education Office), Customer Services
Senior Assistant Librarian (Gozo Public Libraries), Department of Customer Services
Motor Transport Driver (Gozo General Hospital), Department of Customer Services
Assistant Agricultural Foreman, Department of Projects and Development

Ministry of Health, the Elderly and Community Care

Assistant Principal Speech Therapist, Health Division
Chief Engineer, Health Division
Purchasing Manager, National Blood Transfusion Centre, Health Division

Manager, Quality Assurance, National Blood Transfusion, Health Division
Manager (Donations Services), National Blood Transfusion, Health Division
Manager (Operations), National Blood Transfusion Centre, Health Division
Senior Foreman (Transport Services), Health Division
Temporary Departmental Midwifery Officer, Health Division
Manager, Customer Care Services, Health Division
Manager, Employee Services, Health Division
Manager, Records, Health Division
Stores and Distribution Officer, Health Division
Manager, Purchasing, Health Division
Accident and Emergency Reception/Billing Assistant, Health Division
Customer Care Official, Health Division
Principal Technical Officer, Biomedical Engineering Section, Health Division
Senior Foreman (Transport Services), Health Division
Senior Engineer (Electronics), Health Division
Foreman (Warehousing), Health Division
Senior Engineer (Electronics), Health Division
Administration Manager, Health Division
Support Services Contracts Manager, Health Division
Records Officer, Health Division
Assistant Manager, Customer Care Services, Health Division
Assistant Manager (Support Services Contracts), Health Division
Hospitality Services Manager, Health Division
Assistant Manager, Hospitality Services, Health Division
Senior Inspector (Health and Safety), Health Division
Voluntary Services Officer, Health Division
Bed Management Assistant, Health Division
Post-mortem and Mortuary Attendant, Health Division
Senior Technical Officer (Mechanical Engineering), Health Division
Senior Technical Officer (Electrical/Electronics Engineering), Health Division
Senior Technical Officer (Electronics/Communication Engineering), Health Division
Senior Technical Officer (Power/Industrial Electronics), Health Division
Catering Manager, Department for the Elderly and Community Care
Activities Co-ordinator, Department for the Elderly and Community Care
Operations Manager, Department for the Elderly and Community Care

Ministry for Rural Affairs and the Environment

Security Guard
Senior Manager, Paying Agency
Technical Officer, Plant Health Section, Agriculture
Principal Agricultural Officer, Pitkali Markets
Assistant Foreman (Slaughter-Line), Veterinary Affairs
Motor Transport Driver (Group III), PARCs Unit
Heavy Plant Driver (Group IV), PARCs Unit
Senior Operative (Rubble Wall Builder), PARCs Unit
Quantity Surveyor, PARCs Unit

Ministry for Urban Development and Roads

Senior Architect and Civil Engineer, Projects Development and Co-Ordination Unit

Ministry for the Family and Social Solidarity

Co-Ordinator (Welfare Services Assessment)
Manager (District Office)

Ministry of Foreign Affairs

Funding Support Coordinator, Forum Malta fl-Ewropa
Media Officer, Forum Malta fl-Ewropa
Funding Support Officer, Forum Malta fl-Ewropa
Civil Society Coordinator, Forum Malta fl-Ewropa
Research Analyst, Forum Malta fl-Ewropa

Appendix 5

Departmental Calls for Application 2006

(i) Calls for applications advertised through Departmental Circulars

Office of the Prime Minister

Chief Printer, Government Printing Press
Assistant Chief Printer, Government Printing Press

Ministry of Finance

Chief Weigher, Customs Division
Senior Inspector, Customs Division
Chief Inspector, Customs Division
Internal Audit Manager, Internal Audit and Investigations

Ministry for Justice and Home Affairs

Senior Marshal, Courts of Justice
Leading Assistance and Rescue Officers, Civil Protection Department

Ministry of Education, Youth and Employment

Subject Co-Ordinator (Secondary Sector), Education Division
Head of School (Malta), Education Division
Head of School (Gozo), Education Division

Ministry of Health, the Elderly and Community Care

Senior Psychologist (Clinical), Health 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 (EU Affairs), EU Affairs Directorate, PPCD
Assistant Director (Office Management), Department of Corporate Services
Assistant Director (People Management), Management and Personnel Office
Assistant Director (Resourcing - Public Sector), Management and Personnel Office
Assistant Director (Special Issues), Resourcing - Public Service

Ministry of Finance

Assistant Director (Office of the Permanent Secretary)
Assistant Director (Recurrent Expenditure), Budget Office
Assistant Director (Recurrent Expenditure), Budget Office
Assistant Director (EU Paying Authority)
Assistant Director (EU Affairs), EU Affairs Directorate
Assistant Director (Collection), Inland Revenue
Assistant Director (Assessments), Inland Revenue
Assistant Director (Technical Tax), Inland Revenue
Assistant Director (Finance), Customs Division
Assistant Director (Human Resources), Customs Division
Assistant Director (Landing and Releasing Operations), Customs Division
Assistant Director (Finance), Customs Division
Assistant Director (Human Resources), Customs Division
Assistant Director (Office of the Director General), VAT Division
Assistant Director (Pre-Contract), Contracts Department
Assistant Director (Post Contracts), Contracts Department
Assistant Director (Conditions of Service), Finance Initiatives
Assistant Director (Finance Initiatives), Finance Initiatives
Assistant Director (Payroll and Pensions), Treasury

Ministry for Justice and Home Affairs

Assistant Director (Finance and Office Management), Department of Corporate Services
Assistant Director (Justice Affairs), Department of Corporate Services
Assistant Director (Contracts), Government Property Division
Assistant Director (International Relations) (T), Programme Implementation Directorate
Assistant Director (Services) (T), Estate Management
Assistant Director (Enforcement), Land Department
Assistant Director (Finance and Administration), Land and Public Registry
Assistant Director (Finance and Administration), Land and Public Registry
Assistant Director (Devolution), Local Government Department
Assistant Director (Finance), Courts of Justice
Assistant Director (Operations), Courts of Justice
Assistant Director (Operations), Courts of Justice

Ministry of Education, Youth and Employment

Assistant Director (Administration), Office of the Permanent Secretary
Assistant Director (Inclusive Education), Education Division
Assistant Director (Non-State Schools), Education Division
Assistant Director (Industrial and Employment Relations)
Assistant Director (International Relations and Labour Research), Industrial and Employment Relations

Ministry for Competitiveness and Communications

Assistant Director (Finance and Administration), Department of Corporate Services
Assistant Director (International Liaison), Market Surveillance
Assistant Director (Import and Export), Commerce Division
Assistant Director (Call Centre), Commerce Division

Assistant Director (Trademarks), Commerce Division
Assistant Director (Services), Consumer and Competition Division
Assistant Director (Administrative Support Services), Consumer and Competition Division
Assistant Director (Information and Client Affairs), Consumer and Competition Division
Assistant Director (Goods), Consumer and Competition Division

Ministry for Resources and Infrastructure

Assistant Director (Operations), Office of the Permanent Secretary
Assistant Director (Operations), Office of the Permanent Secretary
Assistant Director (Human Resources), People Management and Support Services
Assistant Director (Finance), Financial Management Directorate
Assistant Director (Finance), Financial Management Directorate
Assistant Director (Contracts and Procurement)

Ministry of Health, the Elderly and Community Care

Assistant Director (Office of the Permanent Secretary)
Assistant Director (Administrative Support Services), Department of Corporate Services
Assistant Director (Administration), Finance and Administration, Health Division
Assistant Director (Office of the Director) Finance and Administration, Health Division
Assistant Director (People Management), Finance and Administration

Ministry for Investment, Industry and Information Technology

Assistant Director (Administration), Permanent Secretary's Office

Ministry for Rural Affairs and the Environment

Assistant Director (Office of the Permanent Secretary)
Assistant Director (Office of the Permanent Secretary)
Assistant Director (Human Resources), Department of Corporate Services
Assistant Director (Finance and Support Services), Department of Corporate Services
Assistant Director (T) (Operations), Rural Affairs and Paying Agency
Assistant Director (T) (Veterinary Operations), Veterinary Affairs and Fisheries Division

Ministry for the Family and Social Solidarity

Assistant Director (Human Resources and Administration)
Assistant Director (Human Resources and Administration)
Assistant Director (EU and International Relations)

Appendix 6

Comparative Analysis of Selection Processes in the Public Service ⁽¹⁾

Action	Accountability for Action	Average Number of Days from Preceding Action	Average Number of Days from Preceding 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	2005	2006
1 Request for PSC authority to issue Call for Applications ⁽²⁾	HD	0	0	0	0	0
2 Request for Approval of Selection Board/Criteria ⁽²⁾⁽³⁾	HD	46.52	5.68	15.66	6.04	12.54
3 Verification of Call for Applications ⁽²⁾	MPO	39.8	52.84	36.9	69.31	56.33
4 Clarification sought by PSC	PSC	8.26	4.02	3.8	0	0
5 Response by Head of Department to PSC queries ⁽²⁾	HD	24	9.56	8.44	0	0
6 PSC Approval of issue of Call/Selection Board/Criteria ⁽⁴⁾	PSC	49.2	18.9	7.74	6.13	6.07
7 Publication of Call for Applications	Other	7.22	12.72	7.78	8.63	6.56
8 Closing date for submission of applications	Other	25.94	26.2	22.8	21.94	23.17
9 Holding of Interviews	SB	100.6	60.1	53	58.63	59.54
10 Selection Board Report ⁽²⁾	SB	20.58	9.5	14.24	10.52	18.02
11 Recommendation by Head of Department ⁽²⁾	HD	15.78	17.72	12.62	19	15.07
12 Verification of Vacancy ⁽²⁾	MPO	8.24	9.98	4.94	5.54	9.13
13 Clarification sought by PSC	PSC	2.9	2.58	0.76	0.22	0.30
14 Response to PSC queries ⁽²⁾	SB ⁽⁵⁾	6.82	9.56	2.42	1.22	4.17
15 Recommendation by PSC	PSC	16.54	18.3	6.6	6.06	6.81
16 Prime Minister's Signature	MPO	7	7.74	7.58	7.72	14.33
Total Duration of Selection Processes		379	265	205	221	232
		(54 weeks)	(38 weeks)	(29 weeks)	(32 weeks)	(33 weeks)

⁽¹⁾ For the background to the subject of this Appendix cfr the 2004 Annual Report

⁽²⁾ Date received at PSC (postmark or date of email). This may vary significantly from date on letter.

⁽³⁾ Action 2 above includes Actions 8 and 10 of 1993/1994 calls.

⁽⁴⁾ Action 6 above includes Actions 5, 9 and 11 of 1993/1994 calls.

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

Appendix 7 (a)

Representations to the Commission regarding Selection Processes

No	Related Post	Department	Complaint	Commission's Decision
1	Senior Registrar (Dentistry)	Health Division	Selection Board had considered complainant ineligible for the post	Complainant could not be considered eligible
2	Assistant Head of School (Primary)	Education Division	NCPD considered complainant's request as reasonable if he proved to the Selection Board's satisfaction that, notwithstanding his lack of the required experience, he was capable of performing most of the duties requested of an Assistant Head of School	The chief reason for complainant's not meeting the eligibility criteria was not that his disability was impeding him from attaining the required eligibility requisites, but that he required a further four years' teaching experience. In the circumstances the Commission decided that complainant should not be considered eligible for the post
3	Senior Registrar (Ophthalmology)	Health Division	Selection Board had considered complainant ineligible for the post	Complainant could not be considered eligible
4	Deputy Director	Civil Protection	Selection Board had considered complainant ineligible for the post	As a member of the AFM complainant was not a public officer. He was therefore not eligible
5	Deputy Director	Civil Protection	Selection Board had considered complainant ineligible for the post	Complainant was not a public officer
6	Deputy Director	Civil Protection	Selection Board had considered complainant ineligible for the post	Complainant was not a public officer
7	Operations Manager (Transport)	Works Division	Contested the fact that the Selection Board had considered him ineligible for the post	The Selection Board was correct when it found complainant ineligible
8	Manager (Welfare Services Assessment)	Social Welfare Assessments	Selection Board had considered complainant ineligible for the post	The Selection Board was correct when it found complainant ineligible

No	Related Post	Department	Complaint	Commission's Decision
9	Manager (Welfare Services Assessment)	Social Welfare Assessments	Selection Board had considered complainant ineligible for the post	The Selection Board was correct when it found complainant ineligible
10	Chief Inspector	Customs	The call for applications did not indicate the section where Chief Inspectors would be deployed	The Agreement on the Customs Class did not make any such provision. Representation dismissed
11	Assistant Director (EU and International Relations)	Ministry for the Family and Social Solidarity	Selection Board had considered complainant ineligible for the post	Complainant could not be considered eligible
12	Assistant Head of School (Secondary)	Education Division, Gozo	Complainant contended that he should have been recommended as Assistant Head of School to fill the vacancy created when the incumbent assumed responsibilities of Head of School	Having considered that the vacancy was created within the validity period of the result, the Commission agreed to recommend complainant's appointment as Assistant Head of School (Secondary), Education Division, Gozo

Appendix 7 (b)

Petitions relating to Appointments

No	Related Post	Department	Complaint	Commission's Decision
1	Supervisor (Districts)	Construction and Maintenance Department, Works Division	Petitioner complained that he had been treated unjustly and that he deserved a better placing	No valid reasons to change the approved result
2	Supervisor (Districts)	Construction and Maintenance Department, Works Division	Petitioner appealed to the Commission to investigate the selection process	No valid reasons to change the approved result
3	Senior Technical Officer	Drainage Department, Works Division	Petitioner complained that the person promoted had less knowledge and experience	No valid reasons to change the approved result
4	Senior Technical Officer	Drainage Department, Works Division	Petitioner complained that the marks awarded to him for knowledge and experience were too low considering his employment with Department for 25 yrs	No valid reasons to change the approved result
5	Principal Security Officer (Gozo General Hospital)	Customer Services, Ministry for Gozo	Petitioner complained that he was far more qualified than the selected applicant	Petition upheld. Result revised. Petitioner appointed to the post. The Commission asked the Administration to make the necessary investigation into the whole matter and to take appropriate action as deemed fit

No	Related Post	Department	Complaint	Commission's Decision
6	Principal Technical Officer (Project Execution)	Building and Engineering, Works Division	Petitioner complained he had been performing the job for 8 yrs, had co-ordinated a good number of projects, was academically qualified and had only placed 4th in the final results	No valid reasons to change the approved result
7	Programme Manager (EU Paying Authority)	Ministry of Finance	Petitioner complained that his experience was not given the deserved weight in the marking process and eventual ranking	No valid reasons to change the approved result
8	Programme Manager (EU Paying Authority)	Ministry of Finance	Petitioner complained that her name was not shown on the Result Sheet	Candidate was considered ineligible
9	Programme Manager (EU Paying Authority)	Ministry of Finance	Petitioner complained that her name was not shown on the Result Sheet	Candidate was considered ineligible
10	Foreman (Districts Workshop)	Construction and Maintenance Department, Works Division	Petitioner complained that he had not been selected despite his above-average qualifications, skills and necessary training.	The Commission agreed that petitioner had suffered an injustice and recommended his appointment with effect from the date when the other successful candidates had been appointed
11	Headship Positions	Various Ministries	Petitioner complained that he had been unjustly treated because he was never called for an interview to fill a headship position, despite submitting ten applications in 2005. He was only placed on the Reserve List	Having considered the valid explanations made by the Principal Permanent Secretary, the Commission agreed that petitioner had not been unjustly treated.

No	Related Post	Department	Complaint	Commission's Decision
12	Foreman (Cleaning Duties), (Gozo General Hospital)	Customer Services, Ministry for Gozo	Petitioner complained that the result was unfair in his regard as he had much more experience than the first-placed candidate	No valid reasons to change the approved result
13	Senior Registrar (Obstetrics and Gynaecology)	Health Division	Petitioner complained that he merited a better placing and that some applicants did not satisfy the eligibility requirements	After lengthy deliberation, the Commission decided that all applicants were eligible. The Commission recommended petitioner's appointment to the post and that his appointment be notionally backdated to one day before the appointment of the first-placed candidate
14	Deputy Midwifery Officer	Health Division	Petitioner complained that not enough consideration was given for her experience and professional knowledge	No valid reasons to change the approved result
15	Counsellor	Foreign Affairs	Petitioner complained that she deserved a better placing. Requested revision of marks	No valid reasons to change the approved result
16	Principal Pharmacist	Health Division	Petitioner complained that due importance was not given to experience acquired from abroad	No valid reasons to change the approved result
17	Principal Pharmacist	Health Division	Petitioner complained that the result was unfair	No valid reasons to change the approved result
18-34	Senior Principals	Public Service	17 Principals complained on marks allotted in the written part or for qualifications and track record	In all 17 cases no valid reasons were found to change the approved result

No	Related Post	Department	Complaint	Commission's Decision
35	Principal Agricultural Foreman	Rural Affairs and the Environment	Petitioner complained that his long experience and qualifications were not duly considered	No valid reasons to change the approved result
36	Senior Inspector	Customs Division	Petitioner complained that the result was unfair and unjust	No valid reasons to change the approved result
37	Senior Principals	Public Service	Petitioner complained that she had the right to view her written paper	The point made by petitioner was agreed to in principle. However, having considered that no provision had been made in the call for applications that the written part of the selection process could be viewed, the Commission decided that the request should not be entertained. The Commission also agreed to raise with the Administration the question of the feasibility of allowing candidates to view their papers. Care would however need to be exercised in drafting any said provision.
38	Principal Technical Officer (Technical Administration) and (Manufacturing and Services)	Projects and Development, Ministry for Gozo	Petitioner complained that both results were unjust in his regard considering his qualifications and work experience	No valid reasons to change the approved result
39	Research Analyst	House of Representatives	Petitioner complained that the result was unjust in his regard considering his academic qualifications	No valid reasons to change the approved result
40	Teacher (Mathematics)	Education	Petitioner requested the Commission to reconsider her result	Petition upheld. The Commission issued an amended result

No	Related Post	Department	Complaint	Commission's Decision
41	Teacher (Primary)	Education	Petitioner requested the Commission to reconsider her result	Petition upheld. The Commission issued an amended result
42	Occupational Therapist	Health Division	Petitioner complained that the result was unfair	The Commission could not consider the petition as it was submitted after the 10 days' time limit
43	Senior Principals	Public Service	Petitioner complained that result was unjust in his regard considering his academic qualifications and experience	The Commission could not consider the petition as it was submitted after the 10 days' time limit
44	Principal Security Officer	Customer Services, Ministry for Gozo	Petitioner complained that the selection process had been pre-planned	The Commission could not consider the petition as it was submitted after the 10 days' time limit. Moreover, petitioner was informed that it was unethical of him to withhold from the Commission for 2 ½ yrs the information on which petitioner based his complaint.

Appendix 8

Oral representations heard by the Commission

No	Grade of officer charged	Present for oral hearing	Regulation
1	Assistant Technical Officer, Health Division	Officer charged, assisted by Legal Adviser	Criminal Case: Representations in terms of Regulation 16 (2)
2	Senior Medical Laboratory Technologist, 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 a Key-worker and Facilitator at Caritas Malta	Criminal Case: Representations in terms of Regulation 16 (2)
4	General Hand, Customer Services, Gozo	Officer charged, assisted by a Senior Probation Officer	Criminal Case: Representations in terms of Regulation 16 (2)
5	General Hand, Health Division	Officer charged, assisted by Legal Adviser, and 2 Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
6	General Hand, Cleansing Services Department, Ministry for Resources and Infrastructure	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
7	Nursing Aide, Health Division	Officer charged, assisted by Legal Adviser, and 2 Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
8	Senior Health Inspector, Health Division	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
9	Labourer (Impressed Driver), Ministry for Rural Affairs and the Environment	Officer charged, unassisted, and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
10	Woman Police Constable, Police Department	Officer charged, assisted by Legal Adviser, and 2 Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)

No	Grade of officer charged	Present for oral hearing	Regulation
11	Police Inspector, Police Department	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
12	Watchman, Works Division	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
13	General Hand, Works Division	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Appeal in terms of Regulation 30 (6)
14	Officer in Grade 11, Courts of Justice	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Appeal in terms of Regulation 30 (6)

Appendix 9

Cases involving an exchange of correspondence with the Ombudsman

Selection Process	Query by Ombudsman	PSC Comments	Final position of Ombudsman	Action by PSC
1 Chief Architect and Civil Engineer (Structural Design), Works Division	Complainant alleged different yardsticks were applied by Selection Board in respect of "Qualifications" for the other post of Chief Architect (Consultancy Services Unit) advertised in the same call for applications	Ombudsman was informed that the arguments brought forward by complainant had not been mentioned in the petition addressed to the Prime Minister, which had been considered by the Commission. Hence, the complaint should not have been entertained by the Ombudsman as complainant had not "exhausted all available means of redress"	Ombudsman informed petitioner that his complaint could not be sustained	Ombudsman's position was noted
2 Chief Architect and Civil Engineer (Consultancy Services Unit), Works Division	-	-	Ombudsman informed petitioner that his complaint could not be sustained	Ombudsman's position was noted
3 Senior Registrar (Dentistry), Health Division	-	-	Ombudsman informed petitioner that her complaint was not upheld	Ombudsman's position was noted
4 Post of Director General (VAT), Ministry of Finance	-	-	Ombudsman informed petitioner that his complaint could not be sustained	Ombudsman's position was noted

Selection Process	Query by Ombudsman	PSC Comments	Final position of Ombudsman	Action by PSC
5 Technical Officer, Manufacturing and Services Department, Works Division	-	-	Complainant had doubtlessly suffered an injustice because of administrative shortcomings. He should be promoted or given a salary on a personal basis equivalent to the salary of a Technical Officer with effect from a day before his retirement	The Commission decided that, implementing the Ombudsman's recommendation would constitute a precedent that would have a considerable effect on numerous other cases where public officers were required to perform higher duties but there was no formal appointment
6 Senior Technical Officer, Projects and Development, Ministry for Gozo	-	-	Ombudsman informed petitioner that his complaint could not be sustained	Ombudsman's position was noted
7 Supervisor (Districts), Construction and Maintenance Department. Works Division	-	-	Ombudsman informed petitioner that his complaint could not be upheld	Ombudsman's position was noted
8 Absorption into the Public Service of a non-Public Officer seconded to Ministries/ Departments	-	-	Complainant had been the victim of an injustice because of a serious administrative failure	Case still under consideration. The Commission is awaiting reaction of the Principal Permanent Secretary

Appendix 10

(a) Meetings with the Commission

Meetings with

Subject

The Principal Permanent Secretary,
The Hon Minister of Education,
Youth and Employment and
Director (Strategy and Planning),
OPM

Reform in different areas of Education in Malta -
methods of recruitment

The Principal Permanent Secretary

The draft Public Service Act and related matters

Principal Permanent Secretary and
Permanent Secretary, Ministry for
Rural Affairs and the Environment

Appointment of Acting Director General (Rural Affairs
and Head of Paying Agency), Ministry for Rural Affairs
and the Environment; Acting Director General
Operations, (Veterinary and Fisheries), Ministry for
Rural Affairs and the Environment

The Principal Permanent Secretary,
Director (Resourcing - Public
Service), MPO, Permanent
Secretary (Health), Director
General (Health), Director
(Institutional Health)

Senior Registrar (Obstetrics and Gynaecology), Health
Division

Permanent Secretary (MEYE),
Director General (Education)

Recruitment of Teachers

Permanent Secretary (MEYE);
Director General (Education);
Director (Curriculum
Management); + Selection Board

Teachers (Maths)

Director General (Education)

Principal Education Officer, Education Division

Director (Industrial and
Employment Relations),
Representative of the Attorney
General

Matters related to the right of appeal by employees in
terms of EU policy

Selection Board

Principal Security Officer (Gozo General Hospital),
Ministry for Gozo

Selection Board

Senior Registrar (Ophthalmology), Health Division -
Representations re eligibility for the post

Selection Board

Deputy Registrars, Department of Customer Services
(Courts of Magistrates - Gozo)

Meetings with

Subject

Selection Board	Senior Pharmacist, Health Division
Selection Board	Technician (Industrial Electronics), Health Division
Selection Board	Manager (Welfare Services Assessment), Department for Social Welfare Assessments
Facilitator with Caritas, Malta	Extension of one year in terms of Regulation 22 (5) of the Disciplinary Regulations in order to allow employee to complete his residential phase of the rehabilitation programme before the proceedings before the Disciplinary Board were initiated.
Director (Civil Protection)	Criminal Proceedings against a public officer performing duties at the Corradino Correctional Facility
Director (Finance Management), Works Division	Departmental representative in disciplinary cases was not prepared for the oral hearing
Legal Advisor to the Commission	Contempt of Court was not classified as a criminal offence in the laws of Malta and should not be treated in terms of Regulation 16 of the Public Service Commission (Disciplinary Procedure) Regulations 1999.

(b) Selected Meetings of Chairman on behalf of the Commission

Meetings with

Subject

His Excellency The President of Malta in his capacity of Chairman of the Commission for the Administration of Justice	Delay in the finalisation of Court proceedings of public officers who had been interdicted for over four years.
Ombudsman	Senior Inspector, Customs Division – performance appraisal and carrying out of higher duties by candidates prior to their application
Legal Advisor to the Commission	Interpretation of Regulations 14(2), 15(3) and 16(1) of the Public Service Commission (Disciplinary Regulations) 1999.
Legal Advisor to the Commission	Matters related to certain provisions of Act No XIII of 2006 amending the Education Act Cap 327
Attorney General	Interpretation of Regulations 14(2), 15(3) and 16(1) of the Public Service Commission (Disciplinary Regulations) 1999.
The Principal Permanent Secretary and the Hon Minister of Education, Youth and Employment	Education Act 2006
The Principal Permanent Secretary	Commission's official documents, in particular confidential PSC minutes, which were being made available by MPO to Directors presenting disciplinary or criminal cases before the Commission but, unfairly, not to the accused officer/s or their representatives.
The Principal Permanent Secretary	Act No XIII of 2006 amending the Education Act Cap 327
The Principal Permanent Secretary	Extension of Performance Agreements of Directors; Appointment of Ambassadors
Permanent Secretary (Strategy and Operations), OPM and Consultant (OPM)	Domestic Staff at the President's Office