

PUBLIC SERVICE COMMISSION

ANNUAL REPORT 2007

Contents

	Foreword	3
I.	The Public Service Commission Remit	4
II.	Membership and Secretariat of the Commission	4
	▪ Composition	
	▪ Membership	
	▪ Number of meetings held	
	▪ Secretariat	
	▪ Method of work	
	▪ Homepage of the Commission	
	▪ On-line application system through the Public Service Recruitment Portal	
III.	Recruitment and Promotion	6
	▪ Functions of the Commission relating to appointments	
	▪ Calls for Applications	
	▪ Selection Boards	
	▪ Recommendations/Advice to the Prime Minister	
	(i) Recommendations for appointment/promotion	
	(ii) Other Recommendations	
	▪ The Duration of the Selection Process in the Public Service	
	▪ Representations to the Commission prior to publication of result of Selection Processes	
	▪ Petitions relating to Appointments	
IV.	Discipline	9
	▪ Functions of the Commission relating to Discipline	
	▪ Disciplinary Cases involving criminal proceedings against Public Officers	
	▪ Disciplinary Cases where no criminal proceedings are instituted	
	▪ Disciplinary Cases under the 1977 Regulations	
	▪ Oral Representations	
	▪ Analysis of Disciplinary Cases	
	▪ The exercise of discipline through delegated authority	
	▪ Appeals and representations on disciplinary cases in terms of Regulations 30 and 32 of the Disciplinary Regulations	
	▪ Review of past disciplinary decisions	
	▪ Reference Back by the Prime Minister	
V.	Other Business of the Commission	16
	▪ Ombudsman	
	▪ Meetings with the Commission	
VI.	Some general observations and recommendations made by the Commission on lines of policy or in particular cases	17
	▪ Recruitment, Promotion and Progression	
	▪ Discipline	

Appendices

- Appendix 1 : Biographies of the Chairman and Members of the Public Service Commission
- Appendix 2 : Staff Complement of the Secretariat as on 31st December 2007
Commission Expenditure for the Year 2007
- Appendix 3 : Calls for Applications advertised in the Government Gazette 2007
- Appendix 4 : Calls for Applications issued through MPO Circulars 2007
- Appendix 5 : Departmental Calls for Applications 2007:
 - (i) Calls for applications advertised through Departmental Circulars
 - (ii) Calls for applications issued by Ministries for the filling of Assistant Director Positions in terms of delegation by PSC
- Appendix 6 : Comparative Analysis of Selection Processes in the Public Service
- Appendix 7(a) : Representations to the Commission regarding Selection Processes 2007
- Appendix 7(b) : Petitions relating to appointments 2007
- Appendix 8 : Oral Representations heard by the Commission
- Appendix 9 : Cases involving an exchange of correspondence with the Ombudsman
- Appendix 10 : (a) Meetings/Consultations with the Commission
(b) Selected Meetings of Chairman on behalf of the Commission

Foreword

This is the forty-eighth 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 2007 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.

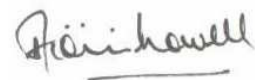
During the year, the Commission continued to strive to achieve its main objective in the recommendation of appointments: that of ensuring that these are invariably based on merit. This was done through: (a) the further tightening of the rules under which PSC selection processes are conducted and reported on; and (b) the giving of serious attention to all petitions alleging the adoption of unfair or unjust practices by selection boards, and the taking of appropriate corrective action if and where such practices were confirmed.

The fourth annual sample analysis, relating to the duration of the selection process in the public service, first carried out in 2004, showed some further improvement in the average time taken to appoint respondents to calls for applications. This is now less than half what it was in 1994.

The Commission continued to oversee disciplinary processes across the public service. This included monitoring those processes delegated to Heads of Departments and deciding on, and submitting its recommendations to, the Prime Minister in respect of serious cases that can lead to dismissal.

A specific Commission responsibility in 2007 was that of considering and advising the Administration on the implementation of the provisions of LN 51 of 2007 in terms of which, following Malta's accession to the European Union, employers, including the Malta Government, were committed to offering indefinite contracts of employment to certain categories of employees who were already in employment under a contract of service for a fixed-term.

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

29 April 2008

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 2007		
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 <i>Appendix I</i> .		

The term of office of the Commission expired on 11 June 2007 and was renewed for a further period of one year with effect from 12 June 2007.

Number of meetings held

During the year 2007, the Commission held a total of forty-nine (49) 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 2007 the Commission was ably advised, supported and serviced by its Secretary, Mr Paul Sammut, who was re-appointed Secretary, Public Service Commission with effect from 10 January 2007.

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 2006, can also be viewed on the homepage and can be downloaded.

On-line application system through the Public Service Recruitment Portal

The Commission was regularly consulted in the planning and designing by the Management and Personnel Office of an on-line application system and therefore welcomed the launching on 4 June 2007 of the recruitment portal which included the on-line application for PSC-controlled recruitment.

The Commission monitored the use of the system in the first six months and noted the disappointing fact that hardly any applications for PSC calls were being made on-line. The Commission considered that more direct action needed be taken to promote the use of the internet in this area. Following consultation between the Commission and the Administration it was eventually decided to make on-line applications mandatory for all posts and positions tied to Salary Scale 10.

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 2007, the Commission issued 443 calls for applications for the filling of vacancies in the Public Service. Out of these 443 calls, 208 were calls for applications open also to applicants from outside the public service and were therefore advertised in the Government Gazette. 178 calls were restricted to serving public officers and were circulated through the Management and Personnel Office or by Departmental Circulars, as applicable. The other 57 calls were issued by various Ministries for the filling of positions of Assistant Director.

The different calls for applications issued during 2007 are listed in *Appendices 3, 4 and 5*.

Selection Boards

The Commission set up 449 selection boards and approved the selection methods and criteria in respect of each selection process.

These selection processes involved 5,907 applications, 3,308 from male applicants and 2,599 from female applicants. The selection boards interviewed 2,262 males and 1,713 females, a total of 3,975 candidates. The remaining 1,932 applicants were found to be ineligible, withdrew their application or else failed to turn up for the interview.

Recommendations/Advice to the Prime Minister

(i) Recommendations for appointment/promotion

The Commission made 754 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 79 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 2,633 appointments made during 2007, is given below:

APPOINTMENTS/PROMOTIONS 2007				
		Males	Females	Total
1.	Appointments following public calls for applications published in the Government Gazette	494	868	1,362
2.	Appointments following service-wide calls for applications (MPO Circulars)	387	108	495
3.	Appointments following internal departmental calls for applications (Departmental Circulars)	119	33	152
4.	Appointment of Assistant Directors following Ministerial calls for applications	43	16	59
5.	Other Appointments (eg promotion on basis of length of service and satisfactory performance, appointment to substantive grade, etc)	375	190	565
		1,418	1,215	2,633

(ii) Other Recommendations

Another 210 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/termination of probationary periods, termination of performance agreements on appointment to other positions, and withholding of progressions and promotions.

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 three subsequent years.

The figures for the year 2007, given in Appendix 6, show that there was an improvement in the average time taken to complete a selection process – from 32 and 33 weeks in 2005 and 2006 respectively to 26 weeks in 2007. This is practically half the average of 54 weeks taken in 1994.

Representations to the Commission prior to publication of result of Selection Processes

The Commission considered thirty-two (32) written representations made directly to the Commission prior to the conclusion of the selection process.

After carefully considering these representations, the Commission found seven (7) complaints to be justified, ruled against twenty-two (22) complaints and referred two (2) cases to the administration as the matter was not within the Commission's remit. One (1) case was still under consideration at the end of the year under review.

The following are the Commission's conclusions:

- four complaints regarding wrongful ineligibility were considered justified and applicants were interviewed;
- in two cases complainants did not submit an application for various reasons. After due consideration of the facts, the Commission agreed to allow them to apply and be interviewed by the Selection Board;
- in one case the Commission was asked to investigate the assessment process before publishing the result. The complaint was justified and the Commission approved a revised report;
- thirteen complaints regarding wrongful ineligibility were not considered justified;
- one complainant re-submitted her request to view her written paper. The Commission had already taken steps to ensure that, in future, the right of review of examination papers should be granted. However it did not agree that this right should be backdated;
- one complainant requested the Commission to consider awarding more marks to the ones in the already revised result. The Commission found no valid reason to review its decision;
- one request by an applicant to be allowed to sit for an interview at a later date was turned down as failure to attend for the said interview when scheduled had not been justified;
- one candidate complained that the Selection Board could not assess his application fairly as no PMP had been drawn up in his respect by his Head of Department. The Commission noted that the Selection Board subsequently received the PMP and considered it when carrying out the selection process;
- one request to be allowed to re-sit the Physical Efficiency Test was turned down as complainant had failed in two of the three components and was therefore considered as having failed;
- one complaint was made regarding the nomination of a member of the Selection Board. The Commission found no valid reason to change the Selection Board member;
- two complaints regarding recent appointments were rejected by the Commission following due consideration;
- one complaint regarding the eligibility of a candidate was referred to the Selection Board for the Board to deal with it itself as the Commission considered that the eligibility paragraphs in the call for applications were amply clear. The candidate was subsequently confirmed ineligible;

- two complaints regarding administrative matters were referred to the Principal Permanent Secretary for the necessary action;
- one case was still under consideration by the end of the year under review.

A list of representations considered in 2007, showing also the complaints and the Commission's decisions, is given in *Appendix 7 (a)*.

Petitions relating to Appointments

The Commission considered forty-two (42) petitions in respect of appointments made following calls for applications issued by the Commission which were submitted to the Commission within the 10 day period stipulated in 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 found two (2) complaints to be justified and approved the publication of an amended result, ruled against thirty-three (33) complaints, and referred back one (1) case as the allegation made was not specific. Two other cases were rejected as they had been submitted well after the stipulated ten days' time limit. The remaining four (4) cases were still under consideration at the end of the year under review.

A list of petitions considered in 2007, 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 breaches 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 four cases initiated under the 1977 Disciplinary Regulations.

Disciplinary Cases involving Criminal Proceedings against Public Officers

The Commission dealt with 51 cases involving criminal proceedings against public officers. In 3 of these 51 cases the officers concerned had not been found guilty by the Courts.

The Commission made the following recommendations to the Prime Minister in terms of Article 110 of the Constitution in respect of these cases:

Recommendations	
(i) Interdiction (suspension from work) pending outcome of Court Cases	14
(ii) Imposition of a penalty after a “guilty” verdict by the Courts:	
Dismissal	9
Warning of Dismissal	5
Warning of Dismissal, suspension without pay (5 days)	1
Warning of Dismissal, suspension without pay (3 days)	1
Suspension without pay (3 days), written warning	1
Suspension without pay (5 days)	1
Suspension without pay (2 days)	2
Suspension without pay (1 day), reprimand	3
Suspension without pay (1 day)	3
Lifting of Interdiction, forfeiture of salary, warning of dismissal, rate of pay reduced for 1 year by amount equivalent to 1 increment	1
Lifting of Interdiction, forfeiture of salary, warning of dismissal	1
Lifting of Interdiction, forfeiture of salary, suspension without pay (5 days), assigned duties away from children and youths	1
Lifting of Interdiction, forfeiture of salary, written warning, suspension without pay (1 day)	1
Lifting of Interdiction, forfeiture of salary	1
Severe reprimand	2
Fine (2 days’ pay)	1
(iii) Restitution of rights following a “not-guilty” verdict by the Courts	
Lifting of Interdiction and refund of salary withheld	2
Refund of salary withheld during interdiction	1
Total	51

Apart from the above 51 cases, the Commission considered another 2 cases and submitted its advice to the Prime Minister in terms of section 114(1) of the Constitution; one for the withholding of one half of the uncommuted pension pending the final outcome of criminal proceedings instituted against the officer concerned and the other for the restoration of the officer’s right to full Treasury Pension.

Disciplinary Cases where no criminal proceedings were instituted

The Commission also considered 18 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	3
Lifting of Interdiction, forfeiture of salary, Warning of Dismissal, suspension without pay (1 day)	1
Lifting of Interdiction, forfeiture of salary, Warning of Dismissal, deployed on work not in direct contact with the public	1
Warning of Dismissal, suspension without pay (5 days)	1
Written warning, forfeiture of salary, suspension without pay (2 days)	1
Fine (7 days' pay)	1
Suspension without pay (3 days)	1
Suspension without pay (1 day)	1
Severe reprimand, reprimand, caution	5
Not guilty	3
Total	18

Disciplinary Cases under the 1977 Regulations

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. Another case was referred to the Commission in terms of Regulation 8 whereby the accused officer had been acquitted of the charges proffered against him.

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

Recommendations	
Dismissal	1
Suspension without pay (3 days)	1
Lifting of interdiction, forfeiture of salary withheld, fined ½ day's pay)	1
Refund of salary withheld during interdiction	1
Total	4

Oral Representations

A list of the twenty-one 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*.

Summary of Disciplinary Cases

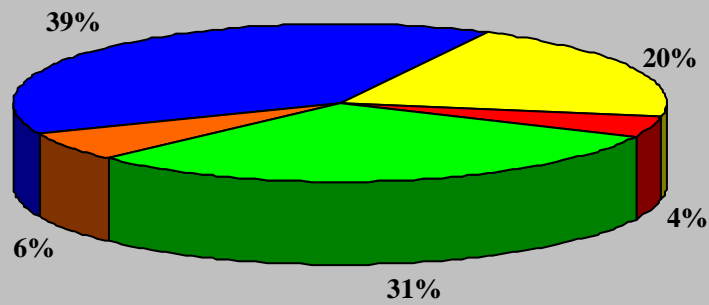
The following table shows the broad categories of offences and the penalties given in each of the 49 cases where the officer charged was found guilty. The ensuing chart gives the percentage distribution of same.

Categories of offences and penalties recommended

Penalties	Category of Offence	Drugs related	Theft/ Fraud	Corruption, pornography	Violent/arrogant behaviour, causing damage/injuries, forging documents, illegal possession	Unauthorised absence, performance of private work, dereliction of duties	Total
Dismissal		2	5	1	2		10
Warning of Dismissal			2		3		5
Warning of dismissal + suspension without pay for 3 or 5 days			1		1	1	3
Warning of dismissal + forfeiture of salary + rate of pay reduced for 1 year by 1 increment					1		1
Warning of dismissal + forfeiture of salary + suspension without pay for 1 day					1		1
Warning of dismissal + forfeiture of salary + transfer					1		1
Warning of dismissal + forfeiture of salary			1				1
Forfeiture of salary + suspension without pay for 5 days + assigned duties away from children				1			1
Suspension without pay for 1 and 3 days + written warning/reprimand			3	1			4
Forfeiture of salary + written warning + suspension without pay for 1 and 2 days					2		2
Suspension without pay for between 1 and 5 days			2		5	2	9
Forfeiture of salary + fine of ½ day's pay					1		1
Forfeiture of salary			1				1
Fine (2 and 7 days' pay)					1	1	2
Severe reprimand, reprimand or caution					1	6	7
Total		2	15	3	19	10	49

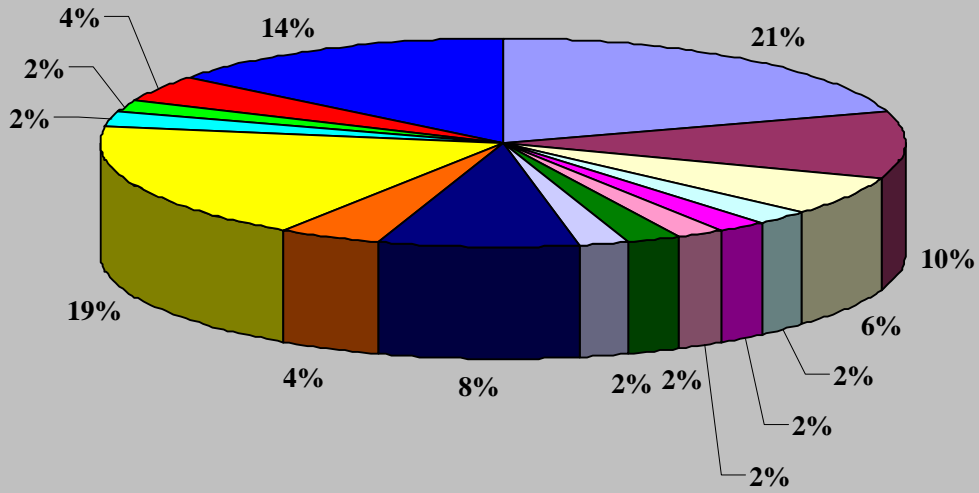
37 of the 49 cases involved disciplinary action following criminal conviction.

**Categories of 49 Offences
by percentage**



- **Drugs related**
- **Theft/ Fraud**
- **Corruption, pornography**
- **Violent/arrogant behaviour, causing damage/injuries, forging documents, illegal possession**
- **Unauthorised absence, performance of private work, dereliction of duties**

Penalties imposed in 49 cases by percentage



- Dismissal
- Warning of Dismissal
- Warning of dismissal + suspension without pay for 3 or 5 days
- Warning of dismissal + forfeiture of salary + rate of pay reduced for 1 year by 1 increment
- Warning of dismissal + forfeiture of salary + suspension without pay for 1 day
- Warning of dismissal + forfeiture of salary + transfer
- Warning of dismissal + forfeiture of salary
- Forfeiture of salary + suspension without pay for 5 days + assigned duties away from children
- Suspension without pay for 1 and 3 days + written warning/reprimand
- Forfeiture of salary + written warning + suspension without pay for 1 and 2 days
- Suspension without pay for between 1 and 5 days
- Forfeiture of salary + fine of 1/2 day's pay
- Forfeiture of salary
- Fine (2 and 7 days' pay)
- Severe reprimand, reprimand or caution

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 2007 compared with the years 2004, 2005 and 2006:

Disciplinary action by Heads of Department

	2004	2005	2006	2007
Outcome:	No	No	No	No
Warning of dismissal and suspension from duty without pay	3	7	9	8
Suspension from duty without pay	40	66	37	51
Written warning (section 20)	44	66	77	62
Written warning (section 19)	523	731	367	222
Cases discontinued	87	22	17	9
Verdict of 'not guilty'	125	191	106	70
Pending cases	109	69	100	49
Total	931	1152	713	471

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

The Commission received four appeals against disciplinary decisions in terms of Regulation 30 of the Public Service Commission (Disciplinary Procedure) Regulations, 1999, giving the right of appeal to the accused officers against the findings of the Disciplinary Board.

- In two of the four cases the Commission confirmed the findings of the Disciplinary Board and recommended a penalty.
- In one case the Commission confirmed the findings of the Disciplinary Board. However, as the accused officer had in the meantime resigned from Government Service, no penalty could be imposed but, in terms of the relevant regulation, a record of the findings of the Disciplinary Board was entered in the accused officer's Record of Service.
- In the remaining case, an appeal was filed in respect of the decision taken by the Head of Department to consider the accused officer as having resigned from the Service following a long history of absence from place of work without authority. After hearing the submissions made, the Commission agreed to recommend that the officer concerned be interdicted from the date of resignation up to the date the Prime Minister approved the lifting of interdiction. The Commission furthermore recommended that the salary withheld during the period of interdiction be forfeited, the accused be given a warning of dismissal and be transferred to another Department.

The Commission received two representations submitted by Heads of Department in terms of Regulation 32 of the Disciplinary Regulations against the findings of the Disciplinary Boards.

- In one case the Commission confirmed the findings of the Disciplinary Board that the accused officer was not guilty.

- In the other case, the Commission referred the findings back to the Disciplinary Board for further investigations.

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 five petitions made under this Regulation. After carefully considering the submissions made, the Commission found that in four cases there was no *prima facie* case of gross disregard of the disciplinary regulations or a serious miscarriage of justice. The other case was pending at the end of the year under review.

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 the Commission considered four 'references back'.

In three of the four cases the Commission confirmed its previous decisions and re-submitted its original recommendations for the Prime Minister's approval.

In the other case, the Commission reconsidered its previous decision and submitted an amended recommendation which was subsequently approved by the Prime Minister.

V. Other Business of the Commission

Ombudsman

In the course of the year, the Ombudsman referred three complaints to the Commission. One other case had been pending from the previous year. The Ombudsman's opinions in the four cases were as follows:

- in one case the Ombudsman informed complainant that he could not uphold his complaint and closed the case. In this case the Ombudsman did not consider the need for the Commission to revisit its original decision.
- in one case the Ombudsman issued a Final Opinion more than a year after the case had been considered closed. The Commission reiterated its previous decision, taken after a serious study of the case in all its complexities and in the light of a just implementation of a public policy.
- in the other two cases the Ombudsman had dealt with the complaints when, in fact the officer concerned had not exhausted all available means of redress as stipulated in Section 12(3)(b) of the Ombudsman Act 1995. The Commission drew the attention of the Ombudsman to this aspect.

Relevant information on the cases that were the subject of correspondence between the Ombudsman and the Commission in 2007 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 2007 through *ad hoc* meetings with the Commission.

Appendix 10 gives details of the instances where Heads of Departments and/or Selection Boards were requested to attend Commission meetings in order to explain particular points or concerns of the Commission.

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

Recruitment, Promotions and Progressions

Guidelines for the re-employment of dismissed public officers

The Commission made an in-depth study on the possibility of re-employing public officers who had been dismissed from the service as a result of past disciplinary action.

Having considered the current trends of an inclusive society which give a second chance to those who make a genuine effort to reform themselves, the Commission was in favour of making it possible to re-employ, according to pre-set and clearly laid down criteria, public officers who were dismissed from the Public Service following the serving of a prison sentence, whatever the cause of that prison sentence.

It is hoped that both the public and private sectors would eventually emulate the Public Service in this initiative.

Public Officers on a Performance Agreement who opt to avail themselves of special responsibility leave

The Commission considered a request submitted by the Principal Permanent Secretary proposing the termination of the Performance Agreement of two Assistant Directors with effect from the date they commenced their one-year Parental Leave.

The Commission, having considered Government policy to encourage the implementation of family-friendly measures in the place of work, agreed that the matter should be referred back to the Principal Permanent Secretary requesting him to consider the possibility of replacing with casual substitutes or temporary appointments, employees on a performance agreement who opted to avail themselves of the said family-friendly measures. At the same time the individuals on parental leave would not be forced to relinquish their position of Assistant Director or to have their performance agreement definitively terminated.

After lengthy deliberation on the arguments made by the Principal Permanent Secretary, also backed by the advice of the Attorney General, the Commission agreed that the performance agreement of the two Assistant Directors concerned should be terminated and that they should retain their substantive grade of 'Officer in Grade 5'.

Post of Consultant Physician in General Medicine with an interest in Diabetes Mellitus/Endocrinology

Following the submission of a minority report by a member of the Selection Board, the Commission decided to make an in-depth deliberation on the selection process. The Commission asked the Selection Board to appear before it to make the necessary clarifications. The Commission also sought the advice of experts in the field. Finally, the only applicant was recommended for appointment and the Prime Minister approved the Commission's recommendation.

Interviewing of candidate by video-conference

The Commission considered requests received from two candidates living abroad, to be interviewed by video-conference. The Commission agreed to the two requests.

The Commission further agreed to the introduction, within acceptable bounds, of video-conference interviewing for posts and positions in the public service whenever applicants could not be present in Malta on the given date.

Removal of age limits in cases of re-engagements and re-employments

The Commission drew the attention of the Administration to the fact that the guidelines for the re-engagement and re-employment of public officers, which included a provision that applicants should not have attained the age of 50 years was against EU directives. The discriminatory provision was subsequently removed.

Government Employees on a fixed term contract

Legal Notice 51 of 2007 'Contracts of Service for a Fixed Term Regulations, 2007' was published on 13 March 2007.

Following a series of consultation meetings with the Principal Permanent Secretary the parameters were laid down for the consideration by the Commission of recommendations by the Administration for the conversion of Fixed Term contracts into Indefinite contracts of individuals who had, over the years, been selected for contractual appointment on the basis of a PSC selection process.

The Commission also noted the Memorandum of Understanding signed by the Administration and the Union Haddiema Magħqudin on 7 December 2007 and agreed to await the submission by the Principal Permanent Secretary of the names of the contractees affected by the Memorandum so that it could consider each individual case before submitting its formal recommendations to the Prime Minister.

Discipline

Criminal proceedings against public officers

The Commission wrote to the Chairman of the Commission for the Administration of Justice, asking its intervention to enquire of the Courts if any of the pending Court cases involving public officers could be expedited. The Secretary, Commission for the Administration of Justice, replied that necessary action was being taken to see how pending cases involving public officers could be expedited.

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 from the public service 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 from the public service in 2003 following 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 2007	
Grade	No of Employees in post
Secretary, PSC	1
Assistant Director	1
Senior Principal	1 (on special unpaid leave)
Principal	2
Assistant Principal	3
Executive Officer	0
Postperson	1
Senior Clerk	3
Clerk	3 (one on reduced hours)
Messenger	1
General Hand	2
Total	18

Commission's expenditure

Expenditure for the year 2007	
Item	Lm
Emoluments of the Chairman, Deputy Chairman and Members of the Commission	25,107
Emoluments of the public officers attached to the Commission's staff	100,763
Social Security contributions	8,916
Operational and maintenance expenses	13,243
Special Expenditure	1,776
Capital	NIL
Total	149,805

Appendix 3

Calls for Applications advertised in the Government Gazette 2007

Office of the Prime Minister

Senior Case Officer (State Aid), Office of the Permanent Secretary OPM (Policy)
Accounting Officer, Department of Corporate Services
Research Officers, Management and Personnel Office
Programme Manager (Charter Support), Charter Support Unit, Staff Development Organisation
Information Officer, Department of Information
Systems Administrator (Managing Authority), Planning and Priorities Co-Ordination Division
Senior Manager (Managing Authority), Planning and Priorities Co-Ordination Division
Projects Manager (Managing Authority), Planning and Priorities Co-Ordination Division
Structural Funds Database Technical Support Officer (Managing Authority), PPCD
EU Fund Officer in the Malta Public Service
EU Fund Officer in the Malta Public Service
EU Fund Support Officer in the Malta Public Service
EU Fund Support Officer in the Malta Public Service

Ministry of Finance

Project Leader (Public Sector Finance)
Senior Manager (EU Paying Authority)
Programme Manager (Finance)
Research Officer at the Permanent Representation of Malta to the EU
Senior Legal Officer, Permanent Secretariat
Economics Officer
Accountant
Accountant, Tax Compliance Unit
Public Internal Financial Control Auditor, Internal Audit and Investigations Directorate
Junior/Public Internal Financial Control Auditor, Internal Audit and Investigations Directorate
Programme Manager (Finance)
Manager (Financial Accounting), Treasury
Manager (Management Accounting), Treasury
Manager (Management Accounting), Treasury
Manager (Financial Accounting), Treasury
Programme Manager (Enforcement), VAT Division

Ministry for Justice and Home Affairs

Technical Attache' (Schengen and Asylum Affairs), Permanent Representation of Malta to the EU
Project Officer (Schengen Unit)
Policy Development Officer
Senior Legal Officer, Permanent Secretariat
Senior Manager (National Identity Management Systems), Programme Implementation Directorate
Notary, Government Property Division
Legal Procurator, Government Property Division
Legal Procurator, Government Property Division
Manager (Notification), Land and Public Registry
Officer in Charge Registry, Board of Petitions, Local Government Department
Case Worker, Office of the Commissioner for Refugees
Deputy Registrars, Courts of Justice
Family Mediator's Coordinator, Courts of Justice

Training Administrator for the Judicial Studies Committee, Courts of Justice
Inspectors of Police, Police Department

Ministry of Education, Youth and Employment

Director General in the Directorate for Educational Services
Directors in the Directorate for Educational Services
College Principals, Directorate for Educational Services
Service Managers (Student Services), Directorate for Educational Services
Service Managers (Human Resources Development), Directorate for Educational Services
Service Managers (School Resources Management), Directorate for Educational Services
Head of School, Directorate for Educational Services (Malta)
Head of School, Directorate for Educational Services (Gozo)
Learning Support Assistants II (LSA II), Directorate for Educational Services
Director General in the Directorate for Quality and Standards in Education
Directors in the Directorate for Quality and Standards in Education
Assistant Directors in the Directorate for Quality and Standards in Education
Education Officers, Directorate for Quality and Standards in Education
Director in the Department of Regulatory Compliance (Education)
Temporary Principal Social Worker, Education Division
School Secretary, Education Division
Teacher (2007), Education Division
Senior Manager (Assessment and Accreditation), Malta Qualifications Council
Senior Manager (Standards and Qualifications), Malta Qualifications Council
Office Manager, Malta Qualifications Council
Communications Manager, Malta Qualifications Council
Junior Legal Officer/Legal Officer, Department Industrial and Employment Relations
Registrar, Institute of Tourism Studies
Kitchen Assistant, Institute of Tourism Studies

Ministry for Competitiveness and Communications

Communications Policy Coordinator, Policy Development Directorate
Research Analysts, Policy Development Directorate and the EU Affairs Directorate
Senior Legal Officer, Consumer and Competition Division
Case Officer, Consumer and Competition Division
Economics Officer, Consumer and Competition Division
Case Officer, Consumer and Competition Division
Junior Legal Officer, European Consumer Centre (Malta), Consumer and Competition Division
Senior Case Officer (Consumer Protection), Consumer and Competition Division
Case Officer (Consumer Protection), Consumer and Competition Division
Senior Manager (Pharmaceutical Surveillance), Consumer and Competition Division
Accountant (Competition), Consumer and Competition Division
Principal Scientific Officer, Commerce Division
Research Analyst, Small Businesses and Crafts Directorate, Commerce Division
Engineer (Mechanical), Commerce Division
Principal Economics Officer, Commerce Division
Temporary Operations Officer (Air Navigation Services), Civil Aviation
Operations Officer (Safety Regulation and Air Transport), Civil Aviation
Airworthiness Surveyor, Civil Aviation

Ministry for Resources and Infrastructure

Architect and Civil Engineer, Valley Management Unit, Services Division

Ministry for Gozo

Senior Registrar (Radiology), Gozo General Hospital, Department of Customer Services
General Practitioner (Gozo General Hospital, Health Centres and Public Health), Customer Services
Senior Social Worker (Child and Family Welfare), Department of Customer Services
Medical Officer (Gozo General Hospital), Department of Customer Services
Deputy Registrar (Gozo Courts), Department of Customer Services

Ministry of Health, the Elderly and Community Care

Financial Accountant, Health Division
Hospital ICT Contracts and Services Officer, Health Division
Consultant Anaesthetist, Health Division
Midwife, Health Division
Senior Manager, Financial Monitoring and Control Unit, Health Division
Manager (Electronics Engineering), Health Division
Management Accountant, Financial Monitoring and Control Unit, Health Division
Senior House Officer (Obstetrics and Gynaecology), Health Division
Senior House Officer (ENT), Health Division
Senior House Officer (Surgery), Health Division
Senior House Officer (Medicine), Health Division
Senior House Officer (Accident and Emergency), Health Division
Senior House Officer (Anaesthesia), Health Division
Senior House Officer (Paediatrics), Health Division
Senior House Officer (National Blood Transfusion Service), Health Division
Senior House Officer (Pathology), Health Division
Senior House Officer (Ophthalmology), Health Division
Pharmacist, Health Division
Radiographer (Diagnostic), Ultrasound Unit, Health Division
Dental Surgeon, Health Division
Medical Laboratory Technologists, Health Division
Dental Hygienist, Health Division
Dental Technologist, Health Division
Radiographer (Diagnostic), Health Division
Physiotherapists, Health Division
Staff Nurse, Health Division
Senior Medical Officer (Primary Health Care Services), Health Division
Head, Hospital Financial Management, Health Division
Registrar (Obstetrics and Gynaecology), Health Division
Registrar, Medical Council, Health Division
Registrars (Paediatrics), Health Division
Consultant Physician in General Medicine with an interest in Infectious Diseases, Health Division
Senior Registrar (Academic) in Obstetrics and Gynaecology, Health Division
Senior Registrar (Obstetrics and Gynaecology), Health Division
Information and Communications Technology (ICT) Support Officer, Health Division
Scientific Officer (Orthoptist), Health Division
Senior House Officers (Psychiatry), Health Division
Senior House Officer (Dermatology and Venereology), Health Division
Occupational Therapist, Health Division
Medical Officer (Public Health Medicine), Health Division
Medical Officer (General Practice Trainee), Health Division
Registrars (Cardiology), Health Division
Senior Registrar (ENT Surgery), Health Division
Senior Registrar (Dermatology and Venereology), Health Division
Senior Registrar (Urology), Health Division

Consultant Surgeon in General Surgery with an interest in Breast Disease, Health Division
Chief Scientific Officer, Health Division
Consultant (Accident and Emergency), Health Division
Consultant Physician in General Medicine with an interest in Rheumatology, Health Division
Senior Registrar (Accident and Emergency), Health Division
Consultant Surgeon in General Surgery with an interest in Breast Disease, Health Division
Consultant Pathologist (Histopathology), Health Division
Senior Registrar (Orthopaedics), Health Division
Senior Registrar (General Surgery), Health Division
Consultant Radiotherapist, Health Division
Medical Laboratory Technologist, Blood Transfusion Centre, Health Division
Social Worker, Mount Carmel Hospital, Health Division
Senior Social Worker, Mount Carmel Hospital, Health Division
Scientific Officer (Radiotherapy Physicist), Health Division
Chairman, Department of Geriatrics, Health Division
Paramedic Aide (Laboratory), Health Division
Scientific Officer (Optometrist), Health Division
Consultant Neurologist with an interest in Clinical Neurophysiology, Health Division
Consultant in Rehabilitation Medicine, Health Division
Financial Accountant, Government Pharmaceutical Services, Health Division
Psychologist (Clinical), Health Division
Paramedic Aide (Occupational Therapy), Health Division
Management Accountant, Health Division
Research Officer, Health Division
Technician (Industrial Electronics), Health Division
Engineer (Electrical) or Junior Engineer (Electrical), Health Division
Consultant Anaesthetist, Health Division
Fixed Assets Manager, Health Division
Consultant (Public Health), Administrative Stream, Health Division
Scientific Officer (Radiotherapy Physicist), Health Division
Manager (Electronics Engineering), Health Division
Radiographer (Therapy), Health Division
Consultant Orthopaedic Surgeon with an interest in the Hand, Health Division
Senior Registrar (Radiotherapy and Oncology), Health Division
Consultant Psychiatrist with Special Responsibility for Learning Disability, Health Division
Consultant Psychiatrist with Special Responsibility for Substance Misuse, Health Division
Enrolled Nurse, Health Division
Senior Registrar (Medical Imaging), Health Division
General Practitioner, Health Division
Senior Registrar (General Surgery), Health Division
Consultant Geriatrician, Department for the Elderly and Community Care
Financial Accountant, Department for the Elderly and Community Care
Engineer (Mechanical), Department for the Elderly and Community Care
Catering Manager, Department for the Elderly and Community Care

Ministry for Investment, Industry and Information Technology

Consultant (e-Government Services Implementation), ICT, in Government Unit
Senior Manager, Information Society, Information Society Secretariat
Senior Manager, Information Society Technologies Applications, Information Society Secretariat
Consultant/Associate Consultant (e-Government Services Implementation) at IGU
Research Assistant, eSecurity, Information Society Secretariat
Research Assistant, eSecurity, Information Society Secretariat

Ministry for Rural Affairs and the Environment

Chief Scientific Officer, Rural Affairs and Paying Agency Division
Principal Pharmacist
Pharmacists
Junior Legal Officer/Legal Officer
Junior Veterinary Officers/Veterinary Officers
Economics Officer
Economics Officer
Scientific Officer
Quality Control Manager, Integrated Administration and Control Systems Directorate
Risk Analysis Coordinator, Integrated Administration and Control Systems Directorate
Senior Manager (Abattoir Operations), Veterinary Affairs and Fisheries Division
Quality Controller, Veterinary Affairs and Fisheries Division
Carcass Quality Control Inspector, Veterinary Affairs and Fisheries Division
Butcher, Veterinary Affairs and Fisheries Division

Ministry for Urban Development and Roads

Senior Legal Officer

Ministry for the Family and Social Solidarity

Operations Executive in the Social Policy Information Centre (SPIC)
Junior Legal Officer/Legal Officer, Social Welfare Standards
Social Worker in the Directorate General - Social Security

Ministry of Foreign Affairs

Technical Attaché (Legal), Permanent Representation of Malta to the EU
Technical Attaché (EU Institutions), Permanent Representation of Malta to the EU
Accounting Officer, Department of Corporate Services

Appendix 4

Calls for Applications issued through MPO Circulars 2007

Office of the Prime Minister

Senior Manager (Industrial Relations), Management and Personnel Office
Support Coordinator, Resourcing Department, Management and Personnel Office
Technical Officer (Electrical), Armed Forces of Malta
ICT Governance Officer, Public Service
ICT Applications Officer, Public Service
ICT Contracts and Services Officer, Public Service
Management Information Systems Officer, Public Service
Senior Principals, Public Service
Executive Officers, Public Service

Ministry of Finance

Assistant Technical Officer (Electrical), Customs Division
Senior Operative (Plasterer and Painter) Group IV, Customs Division
Assistant Foreman (Gold and Silver Articles), Capital Transfer Duty
Motor Transport Driver (Group III), VAT Division
Manager (Economic and Financial Intelligence), Financial Policy and Management Division
Audit Technicians, Internal Audit and Investigations Directorate

Ministry for Justice and Home Affairs

Senior Manager (Justice and Home Affairs), Office of the Permanent Secretary
Senior Architect and Civil Engineer (Property Disposal), Estate Management Department
Operations Managers, Estate Management Department, Government Property Division
Revenue Manager, Land Department, Government Property Division
Manager (Coordination Services), Office of the Director General, Government Property Division
Resource Officer, Government Property Division
Principal Technical Officer, Estate Management Department and Land Department
Senior Technical Officer, Estate Management Department and Land Department
Senior Operative (Building Services) (Group IV), Government Property Division
Court Messenger, Courts of Justice

Ministry of Education, Youth and Employment

European Union Programmes Unit (EUPU) National Coordinator
Officer for Non-Formal Education, Education Division

Ministry for Tourism and Culture

Manager (Culture), EU Affairs and Policy Development Directorate
Principal Technical Officer, Tourism and Corporate Services

Ministry for Competitiveness and Communications

Operations Manager (Risk Management), Consumer and Competition Division

Ministry for Resources and Infrastructure

Chief Architect and Civil Engineer, Works Division
Senior Technical Officer (Door Numbering Unit), Office of the Director General, Works Division

Senior Architect and Civil Engineer (Restoration Unit), Construction and Maintenance Department
Principal Technical Officer (Districts), Construction and Maintenance Department, Works Division
Senior Technical Officer, Restoration Unit, Construction and Maintenance Department, Works
Technical Officer, (Robba Quarry), Construction and Maintenance Department, Works Division
Technical Officer, Construction and Maintenance Department, Works Division
Foreman (Lija Workshop), Construction and Maintenance Department, Works Division
Foreman (Works Planning System), Construction and Maintenance Department, Works Division
Assistant Technical Officer (Surveyor), Restoration Unit, Construction & Maintenance Department
Assistant Foreman, Construction and Maintenance Department, Works Division
Stone Conservator, Construction and Maintenance Department, Works Division
Operations Manager (Quantity Surveying), Building and Engineering Department, Works Division
Senior Technical Officer (Quantity Survey), Building and Engineering Department, Works Division
Technical Officer (Draughtsperson), Building and Engineering Department, Works Division
Tradesman/Senior Tradesman (Field Survey Assistant), Building and Engineering Department
Senior Foreman (Mriehel Stores), Financial Management Directorate, Works Division
Senior Operative (Group IV), Works and Services Division
Senior Operative (Group IV), Works and Services Division
Chief Architect and Civil Engineer, Services Division
Principal Technical Officers, Services Division
Tradesman/Senior Tradesman (Electrician), Services Division
Heavy Plant Driver (Group IV), Services Division
Principal Inspector (Health and Safety), Occupational Health and Safety Unit, Office of the Director
General, Services Division
Senior Inspector (Health and Safety), Occupational Health and Safety Unit, Office of the Director
General, Services Division
Senior Technical Officer (Maintenance-Electrical/Electronic Equipment), Office of the Director
General, Services Division
Technical Officer (Maintenance-Electrical/Electronic Equipment), Office of the Director General,
Services Division
Chief Engineer (Manufacturing), Marsa Branch, Manufacturing and Services Department
Chief Engineer (Services), Kordin Branch, Manufacturing & Services Department, Services Division
Senior Engineer (Mechanical/Electrical), Manufacturing & Services Department, Services Division
Principal Technical Officer, Manufacturing and Services Department, Services Division
Tradesman/Senior Tradesman, Manufacturing and Services Department, Services Division
Senior Technical Officer, Manufacturing and Services Department, Services Division
Technical Officer, Manufacturing and Services Department, Services Division
Technical Officer, Manufacturing and Services Department, Services Division
Assistant Technical Officer, Manufacturing and Services Department, Services Division
Assistant Technical Officer, Manufacturing and Services Department, Services Division
Public Cleansing Officer, Public Cleansing Department, Services Division
Customer Care Official, Cleansing Services Department, Services Division
Senior Foreman (Water Courses and Water Culverts), Cleansing Services Department
Health Attendant (Public Cleansing), Cleansing Services Department, Services Division
Senior Architect and Civil Engineer, Valley Management Unit, Services Division
Operative (Handyman), Marine and Storm Water Unit, Services Division

Ministry for Gozo

Manager Nursing Services (Gozo General Hospital), Department of Customer Services
Departmental Nursing Manager (Gozo General Hospital), Department of Customer Services
Assistant Principal Radiographer (Diagnostic), (Gozo General Hospital), Customer Services
Health Assistant (Gozo General Hospital), Department of Customer Services

Ministry of Health, the Elderly and Community Care

Head of Clinical Services, Rehabilitation Hospital, Health Division

Chief Psychologist, Health Division
Hospital Web Services Manager, Health Division
Hospital IT Asset Manager, Health Division
Senior Engineer (Electrical or Digital Electronics), Health Division
Hospital Planning Manager, Health Division
Manager Nursing Services, Health Division
Manager, Occupational Therapy, Mount Carmel Hospital, Health Division
Manager, Occupational Therapy Services, Health Division
Manager, Clinical Coding and Data Quality, Health Division
Manager, Hospital IT Training, Health Division
Cardiology Systems Integration Manager, Health Division
Pharmacy Systems Manager, Health Division
Radiology Information System and Picture Archiving and Communication System Manager
Manager, Medical Illustrations Unit, Health Division
Principal Occupational Therapist, Health Division
Hospital Data Management Officer, Health Division
Temporary Midwifery Officer, Health Division
Nursing Officers, Health Division
Midwifery Officer, Health Division
Principal Speech Therapist, Health Division
Deputy Nursing Officers, Health Division
Assistant Principal Occupational Therapist, Health Division
Principal Technical Officer (Graphic Design), Health Promotion Department, Health Division
Assistant Manager Support Services Contracts, Health Division
Clinical Coder, Health Division
Hospital IT Training Officer, Health Division
Stores, Purchasing and Distribution Officer, Mount Carmel Hospital, Health Division
Surveillance Database Coordinator (Infection Control Unit), Health Division
Clinical Coder, Health Division
Hospital IT Training Officer, Health Division
Senior ECG Technician, Health Division
Senior Technical Officer (Biomedical Electronics Section), Health Division
Senior Technical Officer (Medical - Radiation Engineering Biomedical Section), Health Division
Senior Technical Officer (Monitoring Electronics Biomedical Section), Health Division
Senior Foreman at Mount Carmel Hospital, Health Division
Senior Technical Officer (Stores and Distribution), Health Division
Hospital Payroll Officer, Health Division
Technical Officer (Hyperbaric Unit), Health Division
Assistant Technical Officer (Radiotherapy Physics Section), Health Division
Assistant Technical Officer (Hyperbaric Unit), Health Division
Assistant Technical Officer (Hyperbaric Unit), Health Division
Assistant Technical Officer (Radiotherapy Physics Section), Sir Paul Boffa Hospital, Health Division
Records Assistant, Health Division
Hospital Data Management Assistant, Health Division
Assistant to the Manager (Operations), National Blood Transfusion Centre, Health Division
Health Assistants from amongst Hospital Auxiliaries with 15 years' Service, Health Division
Stores Assistant, Health Division
Tradesman/Senior Tradesman (Carpenter), Health Division
Supervisors, Health Division
Bed Management Assistants, Health Division
Hospital Data Management Assistant, Health Division
Accident and Emergency Reception/Billing Assistant, Health Division
Tradesman/Senior Tradesman (Motor Vehicle Mechanic), Health Division
Senior Operative (Plasterer and Painter) Group IV, Health Division
Gravedigger (Group III), Health Division
Ward Clerical Assistant, Health Division

Motor Transport Driver (Group III), Health Division
Hospital Auxiliary, Health Division

Ministry for Rural Affairs and the Environment

Manager Security Services
Senior Technical Officer
Principal Security Officer
Technical Officer
Security Officer
Security Guard
Supervisor
Tradesman/Senior Tradesman (Electrician)
Senior Operative (Plasterer and Painter), Group IV
Motor Transport Driver (Group III)
Principal Environment Inspector, Parks, Afforestation and Rural Conservation Unit
Assistant Foreman, Parks, Afforestation and Rural Conservation Unit
Gardener, Parks, Afforestation and Rural Conservation Unit
Senior Technical Officer (Maintenance), Department of Agriculture
Senior Veterinary Support Officer, Veterinary Affairs and Fisheries Division
Butcher, Veterinary Affairs and Fisheries Division
Senior Operative (Rubble Wall Builder), Rural Affairs and Paying Agency

Ministry for Urban Development and Roads

Security Officer

Ministry for the Family and Social Solidarity

Benefit Fraud and Investigation Inspector, Benefit Fraud and Investigation Directorate
Customer Relationship Officer, Social Policy Information Centre

Ministry of Foreign Affairs

Head of Unit, Central Visa Unit
Deputy Head of Unit, Central Visa Unit
Procurement, Archives and Information Officer, Central Visa Unit
Visa Monitoring Officer, Central Visa Unit
Secretary, Central Visa Unit

Appendix 5

Departmental Calls for Applications 2007

(i) Calls for applications advertised through Departmental Circulars

Office of the Prime Minister

Inspector Plate Making Section (Montage), Government Printing Press
Inspector (Delivery Section), Government Printing Press
Senior Printer, Printing Section (Offset), Government Printing Press

Ministry of Finance

Manager (Legal), Customs Division
Manager (Freeport), Customs Division
Manager (Seaport Baggage Room), Customs Division
Manager (Malta International Airport), Customs Division
Manager (Intelligence), Customs Division
Manager (IT and Computer Unit), Customs Division
Inspector of Customs, Customs Division
Customs Officer, Customs Division

Ministry of Education, Youth and Employment

Head of School (Malta), Education Division
Assistant Head of School (Primary), Education Division
Assistant Head of School (Secondary), Education Division
Assistant Head of School (Primary), Education Division (Gozo)
Inclusive Education Coordinator (INCO), Directorate for Educational Services

Ministry for Rural Affairs and the Environment

Chief Weigher, Veterinary Affairs and Fisheries 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, Office of the Permanent Secretary, Strategy and Operations
Assistant Director (Human Resources), Department of Corporate Services
Assistant Director (Planning and Priorities Co-ordination), Planning and Priorities Co-ordination Division
Assistant Director (Support Services), Planning and Priorities Co-Ordination Division
Assistant Director (Support Services), Planning and Priorities Co-Ordination Division
Assistant Director (HR Systems and Data Management), Management and Personnel Office
Assistant Director (General Service Grades Branch), Resourcing, Management and Personnel Office
Assistant Director (Public Service Commission), Public Service Commission
Assistant Director (Support Services), Public Service Commission

Ministry of Finance

Assistant Director (Office of the Permanent Secretary)
Assistant Director (Human Resources)
Assistant Director (Administration and Management), Inland Revenue Division
Assistant Director (Audit Investigation - Tax Audit), Inland Revenue Division
Assistant Director (International Affairs), International Taxation
Assistant Director (Financial Sector), International Taxation
Assistant Director (Tax, Pay and Social Welfare Policy), Financial Policy and Management Division
Assistant Director (T) (Tax, Pay and Social Welfare Policy), Financial Policy and Management
Assistant Director (Assessments), Capital Transfer Duty
Assistant Director (Government Accounting Operations), Treasury
Assistant Director (EU Related Procurement), Contracts Division
Assistant Director (Post Contracts), Contracts Division
Assistant Director (Information & Support), Economic Policy Division
Assistant Director (Administration), VAT Division
Assistant Director (Collection and Refunds), VAT Division
Assistant Director (Investigations and Review), VAT Division
Assistant Director (Policy, Legal and Enforcement), VAT Division
Assistant Director (Computer Systems), VAT Division
Assistant Director (Investigation & Review), VAT Division

Ministry for Justice and Home Affairs

Assistant Director (Finance and Administration), Land and Public Registry Division
Assistant Director (Services) (T), Estate Management Department, Government Property Division
Assistant Director (Citizenship and Expatriate Affairs), Citizenship and Expatriate Affairs Division
Assistant Director (EU Affairs), EU Affairs Directorate
Assistant Director (EU Affairs), EU Affairs Directorate

Ministry of Education, Youth and Employment

Assistant Director (Industrial and Employment Relations), Industrial and Employment Relations
Assistant Director (Industrial and Employment Relations), Industrial and Employment Relations
Assistant Director (Enforcement), Department of Industrial and Employment Relations

Ministry for Competitiveness and Communications

Assistant Director (EU Affairs), EU Affairs Directorate
Assistant Director (Policy Development) (T), Policy Development Directorate
Assistant Director (Support Services), Commerce Division
Assistant Director (Personnel Licensing) (T), Department of Civil Aviation
Assistant Director (Air Navigation Services) (T), Department of Civil Aviation
Assistant Director (Aerodrome Licensing and Aircraft Registry) (T), Department of Civil Aviation

Ministry for Resources and Infrastructure

Assistant Director (Districts Management) (T), Construction and Maintenance Department, Works Division

Ministry for Gozo

Assistant Director (Finance and HR Management), Department of Corporate Services
Assistant Director (Customer Services), Department of Customer Services

Ministry of Health, the Elderly and Community Care

Assistant Director Nursing Services (T) (Nursing Resources and Professional Development)

Assistant Director Nursing Services (T) (Standards and Policies)

Assistant Director Nursing Services (T) (Research and Projects)

Assistant Director (SVPR - Administration)

Assistant Director (People Management), Department of Corporate Services

Ministry for Investment, Industry and Information Technology

Assistant Director (Corporate Services), Department of Corporate Services

Ministry for Rural Affairs and the Environment

Assistant Director (Finance and Support Services), Department of Corporate Services

Assistant Director (Veterinary Regulation, Fisheries Conservation and Control) (T), Veterinary Regulation, Fisheries Conservation and Control Division

Ministry for the Family and Social Solidarity

Assistant Director (Benefit Fraud and Investigation), Benefit Fraud and Investigation Directorate

Assistant Director (Contributory Benefits), Social Security Directorate General

Assistant Director (Non-Contributory Benefits), Social Security Directorate General

Ministry of Foreign Affairs

Assistant Director (Corporate Services), Department of Corporate Services

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	Average Number of Days from Preceding Action
		1994/1993	2002/2001	2004/2003	2005	2006	2007
1 Request for PSC authority to issue Call for Applications ⁽²⁾	HD	0	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	2.70
3 Verification of Call for Applications ⁽²⁾	MPO	39.8	52.84	36.9	69.31	56.33	33.18
4 Clarification sought by PSC	PSC	8.26	4.02	3.8	0	0	0
5 Response by Head of Department to PSC queries ⁽²⁾	HD	24	9.56	8.44	0	0	0
6 PSC Approval of issue of Call/Selection Board/Criteria ⁽⁴⁾	PSC	49.2	18.9	7.74	6.13	6.07	7.70
7 Publication of Call for Applications	Other	7.22	12.72	7.78	8.63	6.56	7.48
8 Closing date for submission of applications	Other	25.94	26.2	22.8	21.94	23.17	23.08
9 Holding of Interviews	SB	100.6	60.1	53	58.63	59.54	51.42
10 Selection Board Report ⁽²⁾	SB	20.58	9.5	14.24	10.52	18.02	11.92
11 Recommendation by Head of Department ⁽²⁾	HD	15.78	17.72	12.62	19	15.07	14.50
12 Verification of Vacancy ⁽²⁾	MPO	8.24	9.98	4.94	5.54	9.13	6.96
13 Clarification sought by PSC	PSC	2.9	2.58	0.76	0.22	0.30	1.40
14 Response to PSC queries ⁽²⁾	SB ⁽⁵⁾	6.82	9.56	2.42	1.22	4.17	0.90
15 Recommendation by PSC	PSC	16.54	18.3	6.6	6.06	6.81	8.94
16 Prime Minister's Signature	MPO	7	7.74	7.58	7.72	14.33	13.60
Total Duration of Selection Processes		379	265	205	221	232	182
		(54 weeks)	(38 weeks)	(29 weeks)	(32 weeks)	(33 weeks)	(26 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	Heavy Plant Driver	Works Division	Complainant had not seen the call for applications through no fault of his own	Complainant should be given the opportunity to apply and be interviewed
2	Assistant Director (EU Affairs)	EU Affairs Directorate, Ministry of Finance	Selection Board had considered complainant ineligible for the position	The Selection Board was correct when it found complainant ineligible. Salary Scale 7 was obtained by complainant on her appointment to the position of Programme Manager. The interpretation of clause 5 (iii) was that unless an applicant had the required number of years' service, he/she could not be considered eligible. In order to make future calls for applications clearer, the Commission suggested re-wording of the clause.
3	Assistant Director (International Relations)	Programme Implementation Directorate, Ministry for Justice and Home Affairs	Complained that no PMP had been drawn in his respect by his Head of Department.	The Selection Board had not yet concluded the selection process. Due consideration would be given when PMP was submitted by Head of Department.
4	Assistant Director (International Relations)	Programme Implementation Directorate, Ministry for Justice and Home Affairs	Complained that she had been declared ineligible after being interviewed for the position. Argued that she was in salary scale 7 and should therefore be considered eligible	The intention of the call was that applicants had to be substantively in scale 7. This was manifestly the case in all past calls for the appointment of Assistant Directors. The Administration was requested to amend the relevant paragraphs in similar calls for applications to render their intent even clearer. MPO issued a Letter Circular to Directors of Corporate Services on 2 February 2007.
5	Teacher (Mathematics)	Education Division	Requested the Commission to review her case	No valid reason why the revised result should be changed
6	Senior Medical Laboratory Technologist	Health Division	Complained that he was being deprived of a qualification allowance	The Commission did not agree that complainant should be deprived of the qualification allowance. Principal Permanent Secretary was invited to re-word the relevant section of the Public Service Management Code so as to remove the equivocal part which could result in further injustices to other employees

No	Related Post	Department	Complaint	Commission's Decision
7	Hospitality Service Manager	Health Division	Made allegations against the person who had been appointed to the position	The Commission sought the comments of the Department concerned. After due deliberation it agreed to inform complainant that his submissions had been noted
8	Senior House Officer (Anaesthesia)	Health Division	Felt unjustly treated when, during the interview, the Selection Board remarked about his lack of proficiency in the Maltese language	The Commission approved the Selection Board's report finding candidate unsuitable for the post
9	Senior Architect and Civil Engineer, Restoration Unit	Works Division	Objected to the nomination of a public officer on the Selection Board	The Commission found no valid reason to change the Selection Board member
10	Clinical Coder	Health Division	Selection Board had considered complainant ineligible for the position	The Selection Board was correct when it found complainant ineligible
11	Teacher (Social Studies)	Education Division	Selection Board had considered complainant ineligible for the position	The Selection Board was correct when it found complainant ineligible
12	Teacher (Business Studies)	Education Division	Requested the Commission to allow her to sit for the interview	The Commission agreed that her failure to attend for the interview was not justified
13	Teacher (History)	Education Division	Complained about his ineligibility. Felt that he should not be penalized for failing to submit the official transcript because of circumstances which were beyond his control	The Commission agreed that as complainant was not in possession of the transcript on the closing date of the call for applications, he was not eligible to apply
14	Consultant Anaesthetist	Health Division	Selection Board had considered complainant ineligible for the position	The Selection Board was correct when it found complainant ineligible
15	Inspector of Police	Police	Complained for not being eligible to re-sit the Physical Efficiency Test	The Commission agreed that as complainant had failed in two of the three components of the physical efficiency test, he should be considered as having failed
16	Senior Principals	General Service	Complainant re-submitted her request to view her written paper	The Commission had taken steps to ensure that, in future, the right of review of examination papers should be granted service-wide. However it did not agree that this right should be backdated.

No	Related Post	Department	Complaint	Commission's Decision
17	Deputy Registrars	Law Courts	Selection Board had considered complainant ineligible for the position	The Commission decided that since complainant had opted to proceed to the 4th year leading to the Honours Degree, he had renounced the General Degree and therefore on the closing date he was not in possession of the Degree stipulated in the call.
18	Teachers	Education Division	Selection Board had considered complainant ineligible for the position	The Commission considered that the eligibility paragraphs in the call for applications were amply clear and agreed that the Selection Board should deal itself with the matter
19	Inspector of Police	Police	Selection Board had considered complainant ineligible for the position	The Selection Board was correct when it found complainant ineligible
20	Teacher (Music)	Education Division	Selection Board had considered complainant ineligible for the position	The Commission agreed that complainant should be considered eligible
21	Inspector of Police	Police	Selection Board had considered complainant ineligible for the position	The Selection Board was correct when it found complainant ineligible
22	Paramedic Aide (Laboratory)	Health Division	Complainant did not apply as she had been informed that applications from expatriates were not being accepted. She objected	The Commission agreed that complainant be allowed to apply and have her application considered by the Selection Board
23	Inspector of Police	Police	Selection Board had considered complainant ineligible for the position	The Selection Board was correct when it found complainant ineligible
24	Teacher (Primary)	Education Division	Complainant found out that she had failed in the interview. The Commission was requested to investigate the matter before publishing the result	After deliberation the Selection Board was asked to review its assessment process and submit a further report. The Commission approved the revised report
25	Head of School (Malta)	Education Division	Selection Board had considered complainant ineligible for the position	The Commission agreed that since complainant had a signed confirmation that he had been successful and had been approved for the award of the Postgraduate Diploma in Education (Administration and Management), he should be considered eligible

No	Related Post	Department	Complaint	Commission's Decision
26	Head of School (Malta)	Education Division	Selection Board had considered complainant ineligible for the position	The Commission agreed that if complainant was in the same position as above, he should also be considered eligible
27	Teacher – 2007	Education Division	Selection Board had considered complainant ineligible for the position	The Selection Board was correct when it found complainant ineligible
28	Assistant Principal Radiographer	Health Division	Complained about the staff complement and requested to receive a deputising allowance	The Commission considered that the drawing up of the manpower plan for divisions/departments was within the remit of the Administration. Representations were referred to the Principal Permanent Secretary.
29	Principal Security Officer	Customer Services, Ministry for Gozo	Requested that the recent appointment to the post be annulled	The Commission found no valid reason why the appointment should be annulled
30	Medical Officer, Gozo General Hospital	Customer Services, Gozo	Selection Board had considered complainant ineligible for the position	Case still under consideration
31	Senior Manager (Managing Authority)	Planning and Priorities Co-Ordination Division, OPM	Selection Board had considered complainant ineligible for the position	The Commission agreed that complainant was in possession of a postgraduate degree and, if she had 3 years relevant work experience, she should be considered eligible for the position
32	Psychologist (Clinical)	Health Division	Selection Board had considered complainant ineligible for the position	The Selection Board was correct when it found complainant ineligible

Appendix 7 (b)

Petitions relating to Appointments

No	Related Post	Department	Complaint	Commission's Decision
1	Operations Manager (Transport)	Works Division	Petitioner complained that the result was unjust in his regard, considering his qualifications	The Selection Board carried out the selection process in a fair and correct manner according to the criteria approved by the Commission. No reason to change the approved result
2	Operations Manager (Transport)	Works Division	Petitioner complained that no marks were given to his Masters' degree; not satisfied with marks given for relevant experience	The Selection Board carried out the selection process in a fair and correct manner according to the criteria approved by the Commission. No reason to change the approved result
3	Head of School (Malta)	Education Division	Petitioner complained of discriminatory behaviour against her by the Selection Board	No valid reason why the approved result should be changed.
4	Principal Agricultural Officer, Pitkali Markets	Ministry for Rural Affairs and the Environment	Petitioner complained that he had not been awarded enough marks for his qualifications, seniority and experience	No valid reason why the approved result should be changed.
5	Speech Therapist	Health Division	Petitioner felt aggrieved by the result. Alleged irregularities in the procedure	The Commission published a revised result.
6	Speech Therapist	Health Division	Petitioner requested revision of marks	The Commission published a revised result
7	Consultant in General/ Vascular Surgery with an interest in Diabetic Vascular Disease	Health Division	Petitioner claimed unfairness in the distribution of marks in the interview	The Commission could not consider the petition as it was submitted after the 10 days' time limit
8	Senior Marshal	Courts of Justice	2 petitioners felt they had not been awarded the marks which they deserved for qualifications and experience and objected to the method used in the selection process	No valid reason why the approved result should be changed.

No	Related Post	Department	Complaint	Commission's Decision
9	Chief Information Officer	Public Service	Petitioner complained that his experience and past performance were grossly underestimated	No valid reason why the approved result should be changed.
10	Chief Information Officer	Public Service	Petitioner complained that the result was unfair in his regard	No valid reason why the approved result should be changed.
11	Principal Public Cleansing Officer	Cleansing Services	Petitioner objected to the marks awarded to him for Relevant Experience and Technical Knowledge	No valid reason why the approved result should be changed.
12	Assistant Director (International Relations)	Programme Implementation Directorate, Ministry for Justice and Home Affairs	Petitioner complained that the Selection Board had either ignored or did not give due consideration to his qualifications and competence	No valid reason why the approved result should be changed.
13	Management Accountant	Ministry of Health, the Elderly and Community Care	Petitioner complained that the result she obtained was unjust considering her qualifications and vast experience	No valid reason why the approved result should be changed.
14	Ambulance Driver	Health Division	Petitioner objected to failure in trade test as his experience always included driving vehicles and in fact he held a bus driver's licence	The Commission could not consider the petition as it was submitted well after the stipulated time limit
15	Senior Registrar (Paediatrics)	Health Division	Petitioner complained about the low marks obtained	No valid reason why the approved result should be changed
16	Senior Registrar (Paediatrics)	Health Division	Petitioner complained about the low marks obtained	No valid reason why the approved result should be changed
17	Senior Technical Officer	Manufacturing and Services Department, Services Division	Petitioner complained about the low marks obtained	The Commission rejected the petition as it was considered to be frivolous
18	Leading Assistance and Rescue Officers	Civil Protection	Petitioner complained that although he had been acting as Leading Assistance and Rescue Officer for 7 yrs, he had applied for the post on three occasions without success	No valid reason why the approved result should be changed

No	Related Post	Department	Complaint	Commission's Decision
19	Leading Assistance and Rescue Officers	Civil Protection	Petitioner felt that he was disadvantaged when no qualifications were required in the call for applications. He also complained about the questions asked during the interview and the fact that some officers knew the results before they were published	No valid reason why the approved result should be changed
20	Leading Assistance and Rescue Officers	Civil Protection	Petitioner complained about the low marks obtained. Applicants who placed before him had less qualifications	No valid reason why the approved result should be changed
21	Principal Technical Officer (Districts)	Works Division	Petitioner objected to the marks awarded during the interview.	No valid reasons why the approved result should be changed.
22	Principal Technical Officer (Districts)	Works Division	Petitioner objected to the marks awarded during the interview.	No valid reasons why the approved result should be changed.
23	Senior Operative (Group IV0)	Works and Services Divisions	Petitioner objected for having failed the interview	No valid reasons why the approved result should be changed.
24	Senior Technical Officer	Manufacturing and Services Department, Services Division	Objected to the result	No valid reasons why the approved result should be changed. Petition rejected. Considered frivolous
25	Director General (Directorate for Quality & Standards in Education)	Education Division	Petitioner alleged irregularities in the selection process and that his qualifications, track record and experience were not given adequate consideration	No valid reasons why the approved result should be changed.
26	Director General (Directorate for Educational Services)	Education Division	Petitioner alleged irregularities in the selection process and that his qualifications, track record and experience were not given adequate consideration	No valid reasons why the approved result should be changed.
27	Teacher (History)	Education Division	Petitioner complained that the interview had not been fair. Stated that she was the only candidate from 2006 selection process not to be appointed even though the result was valid up to 29/09/2007	No valid reason why the approved result should be changed.

No	Related Post	Department	Complaint	Commission's Decision
28	Assistant Principal Radiographer (Diagnostic), Gozo General Hospital	Customer Services, Gozo	Petitioner objected to the result	No valid reasons why the approved result should be changed.
29	Senior Technical Officer, Restoration Unit	Construction and Maintenance Department, Works Division	Petitioner objected to the result	No valid reasons why the approved result should be changed. Petition rejected.
30	Senior Technical Officer, Restoration Unit	Construction and Maintenance Department, Works Division	Petitioner objected to the result	No valid reasons why the approved result should be changed. Petition rejected.
31	Senior Technical Officer, Restoration Unit	Construction and Maintenance Department, Works Division	Petitioner objected to the result	No valid reasons why the approved result should be changed. Petition rejected.
32	Senior Technical Officer, Restoration Unit	Construction and Maintenance Department, Works Division	Petitioner objected to the result	No valid reasons why the approved result should be changed. Petition rejected.
33	Senior Operative (Group IV)	Works/Services Divisions	Objected for having failed the interview	No valid reasons why the approved result should be changed.
34	Chief Engineer	Manufacturing and Services Department, Services Division	Petitioner complained that the selection process was not carried out in accordance with the terms of the call for applications and was also in breach of the Public Service Management Code and the Engineering Profession Act	The Commission could not investigate the allegation unless it was more specific. Referred the matter back.
35	Chief Architect and Civil Engineer	Works Division	Petitioner complained that he merited a much better placing	No valid reasons why the approved result should be changed.
36	Chief Architect and Civil Engineer	Works Division	Petitioner felt that he was not properly assessed by the Selection Board	No valid reasons why the approved result should be changed.

No	Related Post	Department	Complaint	Commission's Decision
37	Public Cleansing Officer	Cleansing Services Department	Petitioner complained that the result was unjust in his regard	No valid reasons why the approved result should be changed. Petition rejected.
38	Consultant Anaesthetist	Health Division	Petitioner complained that the result did not represent a realistic and true picture of his work and achievements	Case still under consideration
39	Teacher (Personal and Social Development)	Education Division	Petitioner complained about the marks awarded during the interview	Case still under consideration
40	Teacher (Personal and Social Development)	Education Division	Petitioner complained that the result was unfair considering that this was the second interview for the same post	Case still under consideration
41	Teacher (Personal and Social Development)	Education Division	Petitioner complained that the result was unfair considering that this was the second interview for the same post	Case still under consideration
42	Senior Architect and Civil Engineer, Restoration Unit	Works Division	Petitioner objected to the result	No valid reasons why the approved result should be changed.

Appendix 8

Oral representations heard by the Commission

No	Grade of officer charged	Present for oral hearing	Regulation
1	Woman Police Constable, Police Department	Officer charged, assisted by 2 Legal Advisers and a Law Student	Criminal Case: Representations in terms of Regulation 9 of the PSC (Disciplinary Procedure) Regulations 1977
2	General Water Fitter, Water Services Corporation	Officer charged, assisted by a Trade Union representative	Criminal Case: Representations in terms of Regulation 16 (2)
3	Police Constable, Police Department	Officer charged, assisted by Legal Adviser	Criminal Case: Representations in terms of Regulation 16 (2)
4	Police Constable, Police Department	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
5	Senior Clerk, Department of Social Security	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
6	Police Sergeant, Police Department	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
7	Police Constable, Police Department	Officer charged, assisted by Legal Adviser, and 2 Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
8	Clerk, Malta Transport Authority	Officer charged, assisted by 2 Trade Union representatives, and 2 representatives of Malta Transport Authority	Discipline: Representations in terms of Regulation 26 (2) (b)
9	Police Constable, Police Department	Officer charged, assisted by Legal Adviser, and 3 Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
10	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	Woman Police Constable, Police Department	Officer charged, assisted by Legal Adviser and Law Student, and 2 Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
12	Clerk, Ministry for Investment, Industry and Information Technology	Officer charged, assisted by 3 Legal Advisers and a Trade Union representative, and Departmental Legal Adviser and 2 Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
13	Officer in Grade 5, Ministry for Justice and Home Affairs	Officer charged, assisted by Legal Adviser, and Departmental Legal Adviser and 2 Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
14	Security Guard, Health Division	Officer charged, assisted by Legal Adviser, and 2 Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
15	Health Assistant, Health Division	Officer charged, assisted by Trade Union representative, and Departmental Legal Adviser and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
16	Correctional Officer, Correctional Services Department	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
17	Electrical Engineer, Health Division	Officer charged, unassisted, and 2 Departmental representatives	Discipline: Appeal in terms of Regulation 30 (6)
18	Staff Nurse, Health Division	Officer charged, assisted by Legal Adviser, and 2 Departmental representatives	Discipline: Appeal in terms of Regulation 30 (6)
19	General Practitioner, Health Division	Officer charged, assisted by Legal Adviser, and 2 Departmental representatives	Discipline: Appeal in terms of Regulation 30 (6)
20	Custodian and Guide, Customer Services Department	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Appeal in terms of Regulation 30 (6)
21	Police Constable, Police Department	Officer charged, assisted by Legal Adviser, and 2 Departmental representatives	Discipline: Representations 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	Action by PSC
1 Absorption into the Public Service of Non-Public Officers seconded to Ministries/Departments	-	-	Complainant had been the victim of an injustice because of a serious administrative failure	The Commission confirmed its previous decision
2 Senior Inspector of Customs, Customs Division	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's position was noted
3 Disciplinary action taken against a Staff Nurse, Health Division	-	-	The Ombudsman considered that the charge of malingering was unfounded and should be replaced by negligence. Heads of Department should be instructed to be more careful on the wording of the charge	The Commission drew attention to the fact that Ombudsman had dealt with the case when, in fact, the officer concerned had not exhausted all available means of redress as stipulated in Section 12(3)(b) of the Ombudsman Act 1995
4 Assistant Director (Services) (T), Ministry for Justice and Home Affairs	The Ombudsman justified complainant's eligibility for the post	-	-	The Commission drew attention to the fact that Ombudsman had dealt with the case when, in fact, the officer concerned had not exhausted all available means of redress as stipulated in Section 12(3)(b) of the Ombudsman Act 1995

Appendix 10

(a) Meetings/Consultations with the Commission

Meetings with	Subject
Principal Permanent Secretary	Fixed Term Contracts
Principal Permanent Secretary	Officers on a Fixed-Term Contract
Principal Permanent Secretary	Position of Director (Community Health Care Partnership), Health Care Services Division
Permanent Secretary (Health), Director General (Health Care Services), Director (Corporate Services) and Chief Executive Officer, Mater Dei Hospital	Head, Hospital Financial Management, Health Division
Permanent Secretary and Director (Corporate Services), Ministry of Foreign Affairs	Support Officers, Ministry of Foreign Affairs
Director General (Education) + Selection Board	Teacher (Primary), Education - 2007
Director General (Health)	Scientific Officer, Public Health Laboratory, Health Division
Director General (Health) + Chairman, Selection Board	Consultant Physician in General Medicine with an interest in Diabetes Mellitus/ Endocrinology, Health Division
Director General (Health) + Selection Board	Registrar (Neurology), Department of Medicine, Health Division
Superintendent on behalf of Commissioner of Police	Termination of Probationary Appointment of a Superintendent of Police
Director (Civil Protection)	Posts of Leading Assistant and Rescue Officers, Department of Civil Protection
Selection Board	Consultant Physician in General Medicine with an interest in Diabetes Mellitus/ Endocrinology, Health Division
Selection Board	Dental Surgeon, Health Division
Selection Board	Speech Therapists, Health Division
Selection Board	Ambulance Driver, Health Division
Selection Board	Senior Technical Officer (Quantity Survey), Building and Engineering Department, Works Division
Selection Board	Senior Technical Officer, Restoration Unit, Construction and Maintenance Department Works Division
Selection Board	Public Cleansing Officer

Meetings with**Subject**

Applicant	Consultant Physician in General Medicine with an interest in Diabetes Mellitus/ Endocrinology, Health Division
Petitioner	Speech Therapists, Health Division
Applicant	Teacher (Mathematics), Education Division
Accused officer + Departmental representative	The problem of lack of accessibility to the doctor sent by the Department to verify sick leave resulted in the repetition of sick leave abuse

(b) Selected Meetings of Chairman on behalf of the Commission**Meetings with****Subject**

The Hon Minister for Justice and Home Affairs	Inspectors of Police
Principal Permanent Secretary	Legal Notice 51/2007 regarding Contracts of Service for a Fixed Term Regulations, 2007
Permanent Secretary (Strategy and Operations), OPM and Director (Employee Relations), MPO	Reference back of a PSC recommendation relating to a disciplinary case
Permanent Secretary (Strategy and Operations), OPM and Director (Resourcing), MPO	Postponement of a Temporary Appointment
Director (Resourcing), MPO	Amendments to calls for applications in view of the upcoming Online Government of Malta Recruitment Portal