

Public Service Commission MALTA



Annual Report 2008

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2008

Public Service Commission
The Palace, Republic Street, Valletta

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

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Foreword

This is the forty-ninth 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 2008 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.

Perhaps the most significant item on which the Commission showed ongoing interest during 2008 was the passage through Parliament of the Public Administration Act (PAA) which became law on 3 February 2009, just after the end of the review period of this report.

The Commission was conscious that the milestone legislation would radically impact the role of the Public Service Commission as a result of the provisions therein in favour of the delegation to heads of department, subject to strict pre-conditions and increased scrutiny, of the selection process for public service appointments. As a result the Commission's role will change to a regulatory one that it will exercise through auditing and investigating instruments.

The PAA also provides for the Public Service Commission to assume the role of a Merit Protection Commission to oversee appointments in the wider public sector.

Even while the PAA was still being considered by Parliament, the Commission commissioned the carrying out of an Operations Review by the Management Efficiency Unit. The review is intended to give the Commission a more focused view of how the operations of the Commission's Secretariat will need to be re-structured and to recommend what vital preparations will need to be made for the implementation of the reforms envisaged by the new law.

Throughout the change process the Public Service Commission will continue to fully respect its Constitutional mandate in the areas it has been, and will continue to be, responsible for.

In the other area that the Public Service Commission oversees, that of Discipline, the Commission has expressed its concern to the Administration that there is need for enhanced efforts to tighten discipline at the departmental level. A number of proposals on the subject is already being discussed with the Administration and will be considered by the Commission in 2009.

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



A Fiorini Lowell
Chairman

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 2008		
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 1</i> .		

The term of office of the Commission expired on 11 June 2008 and was renewed for a further period of one year with effect from 12 June 2008.

Number of meetings held

During the year 2008, 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 2008 the Commission was ably advised, supported and serviced by its Secretary, Mr Paul Sammut.

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 almost invariably 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 the years 2003 to 2007, can also be viewed on the homepage and can be downloaded.

III. Recruitment and Promotion

Functions of the Commission relating to Appointments

The functions of the Commission in relation to appointments are:

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

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

Calls for Applications

In the course of the year 2008, the Commission issued 227 calls for applications for the filling of vacancies in the Public Service. Out of these 227 calls, 94 were calls for applications open also to applicants from outside the public service and were therefore advertised in the Government Gazette. 104 calls were restricted to serving public officers and were circulated through the Management and Personnel Office or by Departmental Circulars, as applicable. The other 29 calls were issued by various Ministries for the filling of positions of Assistant Director.

The different calls for applications issued during 2008 are listed in *Appendices 3, 4 and 5*.

Selection Boards

The Commission set up 254 selection boards and approved the selection methods and criteria in respect of each selection process.

These selection processes involved 2,206 applications, 1,063 from male applicants and 1,143 from female applicants. The selection boards interviewed 782 males and 777 females, a total of 1,559 candidates. The remaining 647 applicants were found to be ineligible, withdrew their application or else failed to turn up for the interview.

Recommendations / Advices to the Prime Minister

The Commission made 491 recommendations to the Prime Minister relating to appointments in terms of Section 110 of the Constitution. A statistical breakdown of these recommendations, which covered 4,356 appointments made during 2008, is given below:

Appointments / Promotions 2008							
		Males	Females	Total			
1.	Appointments following public calls for applications published in the Government Gazette	300	497	797			
2.	Appointments following service-wide calls for applications (MPO Circulars)	499	357	856			
3.	Appointments following internal departmental calls for applications (Departmental Circulars)	98	29	127			
4.	Appointment of Assistant Directors following Ministerial calls for applications	20	9	29			
5.	Other Appointments (eg appointment to substantive grade, promotions in terms of agreements, re-employment/ reinstatement, employment on contract, etc)	167	215	382			
6.	Assimilations in terms of Agreements:	1,151	1,014	2,165			
					Males	Females	Total
	• Education				236	530	766
	• Health				200	158	358
	• Ex-Postal Grades				221	31	252
	• Employees on fixed-term contracts	494	295	789			
		2,235	2,121	4,356			

The Commission made a further 128 recommendations relating to the extension of performance agreements, renewal of contracts of employment, postponement of appointments, re-designations, 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 Commission also advised the Prime Minister in terms of Sections 92(3), 92(4) and 111 of the Constitution on 55 occasions relating to performance agreements of Permanent Secretaries and Heads of Department, acting appointments of Heads of Department and to the posting of two public officers as Resident Ambassadors abroad.

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 four subsequent years.

The figures for the year 2008, given in Appendix 6, show an increase in the average duration of selection processes. This is attributed to the freezing of recruitment on the announcement of the date of the General Elections and to the restructuring of ministerial portfolios of the incoming administration.

Representations made to the Commission by applicants prior to publication of result of Selection Processes

The Commission considered twenty-one (21) written representations made directly to the Commission prior to the conclusion of the selection process.

After carefully considering these representations, the Commission found three (3) complaints to be justified and ruled against eighteen (18) complaints.

The following are the Commission's conclusions:

- one case concerned a vacancy that had not been processed due to the election freeze. The Commission agreed that once the vacancy existed before the expiry of the mandatory period of one year from the date of publication of the result, it was prepared to submit its recommendation to the Prime Minister after the usual request and verification were submitted to it;
- one complainant queried about his placing in the final order of merit. He obtained the same marks but was senior to the candidate who placed before him. After verifying with the Department concerned, the Commission accepted the petition and published a revised result;
- a complainant requested that her late application be considered since the respective circular was never brought to her attention. The

Commission agreed that if the established procedure had not been followed in the case of complainant, she was to be allowed to apply;

- in one case a union complained about anomalies that had been created by the interpretation of the call for applications. The Commission was satisfied that the call for applications mirrored the agreement signed by the Government and the union;
- one candidate complained that he had been placed at a disadvantage when the parameters of the latest call had been changed. The Commission found no valid reason why the approved call for applications should be changed;
- two candidates complained that only the first-placed candidate had been appointed when the respective call for applications was for 'Posts'. The Commission informed complainants that decisions as to the number of vacancies to be filled following a selection process was within the remit of the Administration;
- in a request for backdating of appointment the Commission decided that the effective date of appointment should not be changed;
- in one case the Commission agreed that claims about irregularities in the selection process had not been proven;
- nine complaints regarding wrongful ineligibility were not considered justified;
- in another case, a complainant enquired whether he would be considered eligible for the post in a future selection process. The Commission informed him that it could not give any assurances in respect of future selection processes;
- one case concerned a claim that a removal from a particular position was not made through the normal procedure. The Commission informed complainant that no recommendation was submitted since the case was not one of removal but a case of refusal on his part to carry out the duties of the position;
- one complaint was made regarding the termination of a contract of employment notwithstanding that complainant had been working for 3 years and her contract had been renewed for another year. The Commission informed complainant that as her engagement was back-to-back with that of another employee, the Division could not but proceed in strict compliance with the terms of the contract of employment.

A list of representations considered in 2008, showing also the complaints and the Commission's decisions, is given in Appendix 7 (a).

Petitions relating to Appointments

The Commission considered eighty-nine (89) 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 in-depth consideration of the petitions, the grounds for the complaints and, where appropriate, the comments of the respective Selection Boards, the Commission found four (4) complaints to be justified and accepted the petitioners' claims. These petitioners had their marks and order of merit revised while three of them were given a supernumerary appointment. The Commission ruled against seventy (70) complaints and rejected nine (9) other cases as the petitions had not been submitted within the stipulated time limit. The remaining six (6) cases were still under consideration at the end of the year under review.

A list of petitions considered in 2008, 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 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 dealt with representations by Heads of Department against the findings of the Disciplinary Boards, in terms of Section 32 of the Public Service Commission (Disciplinary Procedure) Regulations, 1999.

Furthermore the Commission made its recommendations in connection with five cases initiated under the 1977 Disciplinary Regulations.

Disciplinary Cases involving Criminal Proceedings against Public Officers where powers are not delegated to Heads of Department

The Commission itself dealt with 72 cases involving criminal proceedings against public officers. In 9 of these 72 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	21
(ii) Imposition of a penalty after a “guilty” verdict by the Courts:	
Dismissal	5
Warning of Dismissal, suspension without pay until such time as his name is reinstated in the Medical Register	1
Warning of Dismissal, suspension without pay (5 days)	1
Warning of Dismissal, suspension without pay (3 days)	19
Warning of Dismissal, suspension without pay (2 days)	1
Warning of Dismissal, fine (€200)	1
Suspension without pay (5 days)	2
Suspension without pay (3 days)	2
Lifting of Interdiction, forfeiture of salary, Warning of Dismissal, demoted without possibility of progression unless through an exam, given duties away from public funds	1
Lifting of Interdiction, forfeiture of salary, Warning of Dismissal	2
Lifting of Interdiction, forfeiture of salary, written warning	2
Written warning	2
Reprimand	1
Fine (4 days’ pay)	1
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	9
Total	72

Apart from the above 72 cases, the Commission submitted another recommendation for the lifting of interdiction in respect of one officer in terms of its guidelines which state that unless there are valid reasons for not doing so, interdiction should be lifted not later than three years if the offence is related to the individual’s work or not later than two years if the offence is not so related. Criminal proceedings against this officer are still pending before the Courts.

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

Serious Disciplinary Cases not involving criminal proceedings where powers are not delegated to Heads of Department

The Commission also considered 7 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	2
Lifting of Interdiction	1
Forfeiture of salary withheld during interdiction	1
Warning of Dismissal, suspension without pay (5 days)	3
Total	7

Disciplinary Cases under the 1977 Regulations

The Commission considered 5 cases referred to it in terms of Regulation 9 of the Public Service Commission (Disciplinary Procedure) Regulations 1977 involving criminal proceedings against public officers which had originally been instituted before the coming into force of the 1999 Disciplinary Regulations.

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

Recommendations	
Lifting of interdiction, forfeiture of salary withheld, Warning of Dismissal	1
Lifting of interdiction, forfeiture of salary withheld, fined ½ day's pay, to forfeit all rights as a police officer	1
Forfeiture of salary withheld during interdiction	2
Written Warning	1
Total	5

Two other cases were referred to the Commission in terms of Regulation 8 of the 1977 Disciplinary Regulations whereby the accused officers had been acquitted of the charges proffered against them.

Oral Representations heard by the Commission

A list of the nine oral representations heard by the Commission before it decided on the penalty to be inflicted, giving also the Regulation in terms of which the particular oral representation was allowed, is given at *Appendix 8*.

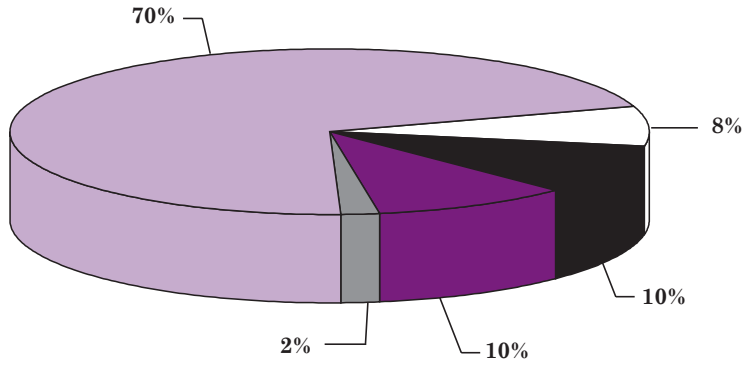
Analysis of Disciplinary Cases where powers are not delegated to Heads of Department

The following table shows the broad categories of offences and the penalties given in each of the 51 cases where the officer charged was found guilty. The ensuing chart gives the percentage distribution of same.

Categories of offences and penalties recommended						
Category of Offence	Drugs related	Theft/ Fraud	Corruption, pornography	Violent/ arrogant behaviour, causing damage/ injuries, forging documents, illegal possession	Unauthorised absence, insubordination, dereliction of duties	Total
Dismissal	4	1				5
Warning of Dismissal + suspension without pay until such time as his name is reinstated in the Medical Register	1					1
Warning of Dismissal + suspension without pay for 2, 3 or 5 days		1		20	3	24
Warning of Dismissal + forfeiture of salary + demoted without possibility of progression unless through an exam, given duties away from public funds				1		1
Warning of Dismissal + forfeiture of salary		1		2		3
Warning of Dismissal + fine (€200)				1		1
Suspension without pay for 3 or 5 days		1		3		4
Forfeiture of salary + fine (½ day's pay) + to forfeit all rights as a police officer				1		1
Forfeiture of salary + written warning		1		1		2
Forfeiture of salary			1	1	1	3
Fine (2 and 4 days' pay)				2		2
Written warning or reprimand				4		4
Total	5	5	1	36	4	51

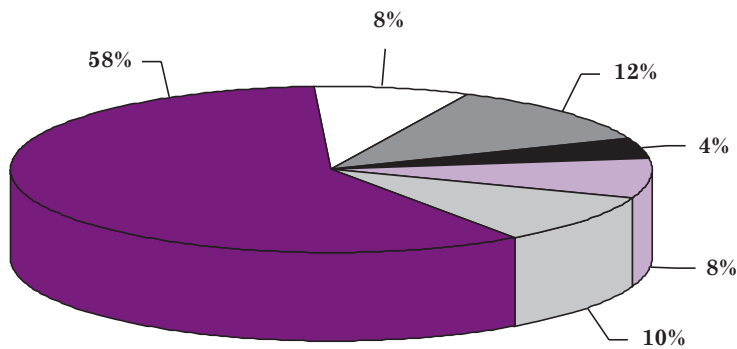
47 of the 51 cases involved disciplinary action following criminal conviction.

Catergories of 51 Offences - by percentage



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

Penalties imposed by PSC in 51 cases - by percentage



- Dismissal
- Warning of Dismissal
- Suspension without pay for 3 or 5 days
- Forfeiture of salary
- Fine (2 and 4 days' pay)
- Written warning or reprimand

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 2008 compared with the years 2004, 2005, 2006 and 2007:

Disciplinary action by Heads of Department					
Outcome:	2004	2005	2006	2007	2008
Warning of dismissal and suspension from duty without pay	3	7	9	8	1
Suspension from duty without pay	40	66	37	51	56
Written warning (section 20)	44	66	77	62	34
Written warning (section 19)	523	731	367	222	207
Cases discontinued	87	22	17	9	7
Verdict of 'not guilty'	125	191	106	70	71
Pending cases	109	69	100	49	87
Total	931	1152	713	471	463

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

The Commission received two appeals against decisions of Departmental Disciplinary Boards 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 both cases the Commission confirmed the penalties imposed by the Head of Department.

The Commission also 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 both cases the Commission confirmed the findings of the Disciplinary Boards that the accused officers were not guilty.

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

Reference Back by the Prime Minister

The Prime Minister may, acting in accordance with section 86 (1) of the Constitution, refer a recommendation back once to the Commission for reconsideration. During the year under review the Commission considered five ‘references back’.

In two of the five cases the Commission confirmed its previous decisions and re-submitted its original recommendations for the Prime Minister’s approval.

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

V. Selected Issues and Rulings by the Commission - 2008

A. Policy matters and issues related to recruitment

Consideration of the Bill concerning the Public Administration Act

The Public Administration Bill was considered by Parliament in 2008. At the end of the year, it had reached the Committee Stage.

The Commission had occasion to discuss at length the White Paper and Draft Bill on a 'Public Service Act' when those were published in October 2003. Likewise, the Commission deliberated on several occasions on the successor Draft 'Public Administration Act' when it was first presented to Parliament in June 2007 and subsequently re-submitted to Parliament after the General Election of March 2008.

The Commission had given its detailed reactions to the draft Public Service Act and, during 2008, it did so on the Bill which eventually became law. The Commission was satisfied that the amendments which it had suggested in the interest of not jeopardising the Commission's constitutional mandate, had all been accepted and taken account of in the Act as approved by Parliament.

Operations Review

In anticipation of the enactment of the Public Administration Act (PAA) and in the light of the fact that the new legislation will necessarily bring about a radical change in areas that are the direct concern of the Public Service Commission (PSC), the carrying out of an Operations Review was commissioned from the Management Efficiency Unit in October 2008. The terms of reference of the Review, which was due to be completed by April 2009, were, *inter alia*: to examine the PSC's Constitutional and legal framework and to assess the impact of the provisions of the PAA on the Commission; to analyse the impact of setting up a Merit Protection Commission as stipulated by the PAA; to examine the PSC's strategic orientation in the light of its Constitutional mandate, the PAA and other factors within the Commission's external environment; to propose changes to guide and direct its future operations; and to examine the current organisational and management structure and propose areas for improvement, if any, that will further support the organisation's mission.

Policy on the Re-integration of Public Officers

In January 2008 the Commission approved a 'Policy on the Re-integration of Public Officers' whereby a Re-Integration Committee was set up to report and recommend for the Commission's consideration, applications for re-employment by ex-public officers who would have previously resigned, retired or been dismissed from the public service.

The new policy lays down strict conditions and clear parameters for the re-integration of individuals in the different circumstances. The most important change, originally prompted by the Commission itself, was the acceptance for the first time of the possibility of re-employing in Government service individuals who were dismissed on disciplinary grounds. In fact, during 2008, the first two cases of re-integration in the service of persons who had been dismissed were agreed to by the Commission.

Eligibility criterion in calls for applications – Ability to communicate in the Maltese and English Languages

The Commission approved a proposal by the Administration concerning the language eligibility criterion laid down in calls for applications with a view to facilitating recruitment in those areas or specialisations where the number of prospective applicants was very limited.

The eligibility clause hitherto invoked in public calls stipulated that applicants must be able to communicate in both the Maltese and English languages. Although the clause was retained, the Commission agreed that Heads of Departments should be allowed to exercise their discretion as to whether the requirement of one of the two languages might be waived. In such cases, it was to be additionally stipulated that applicants must be able to communicate in the Maltese and/or English languages.

Concept of Succession Planning

Following consultation with the Office of the Principal Permanent Secretary the Commission agreed that, in the light of past experience, it would be in the interest of the public service if the norm were to be amended whereby calls for applications to fill posts/positions to replace those occupied by officers who were about to retire, were not advertised before the start of the officer's pre-retirement leave. The Policy needed to be fine-tuned in order to reduce to a minimum the possibility of posts/positions remaining unoccupied for a significant period of time.

Consequently, the Commission approved the inclusion of a new clause in calls for applications to the effect that appointments of officers made in anticipation of officers who were due to retire, would initially be in a designate capacity until the relative position became vacant. The appointed officer would only become entitled to receive the perquisites of the new office when he/she actually assumed the position. The new rule is limited to Category 'A' positions, that is, Directors General, Directors and Assistant Directors.

Selection process nullified by the Commission

In deliberating on the selection process for the appointment of a Senior Technical Officer, the Commission considered that the selection board had; (a) failed to comply with the instructions given in its 'Guidelines to Selection Boards'; and (b) had also repeatedly failed to give a satisfactory answer to its requests for clarification of certain points. In the circumstances, the Commission could not be reassured that the selection process had been

carried out in a fair manner and accordingly agreed that the selection process be quashed and a new selection board be appointed to carry out a new selection process.

Refused appointments

The Commission did not approve the appointment of nine contract workers to Group I posts in Scale 20 within the Ministry of Foreign Affairs as the individuals in question had not been recruited under a PSC selection process. Similarly, the Commission did not approve the appointment of particular individuals to the position of Support Officer in Scale 9 in the same Ministry. The recommendation for their appointment as public officers was based on their having successfully completed a Masters Degree course in Bruges and Sussex Universities for which they had been sponsored by the Ministry of Foreign Affairs following a call for applications for scholarships issued by the Ministry. The Commission argued that, if agreed to, the appointments would not have been done on the basis of a PSC selection process as required by law. Moreover, the Ministry had already been informed on previous occasions about the Commission's strict view in that regard.

Appointment of public officers in top management positions in Government-appointed authorities and entities

In 2006, the Commission had approved a policy whereby public officers who held top management positions in government-appointed authorities and entities which were set up by law, are appointed to the substantive post of Officer in Grade 4 or above after serving 6 years in the executive position. In 2008, the Commission agreed that, for the sake of fairness and uniformity, the policy should be extended to the mentioned positions, irrespective of whether or not the government-appointed authorities and entities were set up by law.

Reversion to previous post during the probationary period

The Commission considered a proposal made by the Principal Permanent Secretary to amend paragraph 1.1.7.2 of the Public Service Management Code which stipulated that appointees in the Public Service who resigned during the probationary period, would revert to their former post and be placed in their previous seniority order subject to a recommendation by the Public Service Commission. The Commission agreed that its recommendation was not necessary in cases where the request for reversion originated from the appointee concerned, as the appointee had the automatic right to revert to the former post.

Submission of late applications

The Commission considered a request to accept a late application for the post of Foreman. The applicant clarified that he intended to apply for the post but had not submitted his application when the date of the General Election was announced, as he understood that no further applications

were to be accepted up to the date of the Election. The applicant only realised after the closing date that applications were in fact still being accepted and that it was the selection process proper that had been frozen during the pre-election period. The Commission accepted that the lapse was a genuine one and agreed that the application should be accepted.

In another case, the Commission received a request for a late application to be considered, as the call for applications for the post of General Practitioner, was never brought to the applicant's attention. The Commission noted that, while OPM Circular No 2/94 clearly stipulated that employees should sign a copy of the relevant circular, paragraph 9.1.1.1 of the Public Service Management Code made no mention of this obligation. The Commission ruled that if this obligation was not mentioned in the Management Code, then the applicant should be allowed to apply for the post in question. It also drew the attention of the Management and Personnel Office to this anomaly so that a clear procedure for circulation of calls for applications, which could also include circulation to officers in certain grades via e-mail, could be established.

The Commission considered a somewhat similar request from an applicant for the post of Security Officer who submitted a late application, claiming that the respective circular had not been brought to his attention. The Director subsequently explained that officers stationed in outposts of the Department at times did not receive circulars, notwithstanding that steps had been taken with head office to pass all circulars to all Government employees in the said outposts. The Commission asked the Permanent Secretary concerned to investigate the apparent laxity in the administrative set-up in certain sections of the Ministry so as to ensure that such issues did not arise in future and to report back to the Commission. Here again, the Commission ruled that the late application in question was to be accepted.

The Commission also considered requests by two casual staff nurses who complained that the notice of a call for the post of Staff Nurse had not been circulated in their ward. After investigating the matter, the Commission ruled that both employees should be allowed to submit a late application. The Commission agreed with the suggestion of the Ombudsman that the Principal Permanent Secretary should be asked to consider issuing guidelines on how best the Administration could honour its legal obligation arising from Legal Notice 51/2007 to inform casual employees and other Government employees on definite contracts of the existence of vacancies for posts in the public service, even if these would have already been advertised in the Government Gazette.

Appointment of Consultant Physician

The Commission considered at length the result of a selection process wherein the only applicant was recommended for appointment by a majority of the members of the Selection Board, with whose decision, however, one other member of the Board had disagreed. In the process, the Commission had itself interviewed the Selection Board and had also obtained a technical report from an expert in the particular area.

As the Commission was seriously concerned with various aspects of, and

influences in, the case, it recommended to the Prime Minister the setting up of a Board of Inquiry under the Inquiries Act (Cap 273) to inquire into all issues involved. The Commission itself further recommended that the Prime Minister should allow full access to the Board of Inquiry to all relevant PSC papers on the matter. The Prime Minister accepted the recommendations of the Commission.

Delays by selection boards in submission of clarifications

The Commission drew the attention of two selection boards for undue delays in submitting clarifications requested by the Commission on a number of petitions received by the Commission concerning positions in the Directorate for Educational Services. The Commission considered the delays as unacceptable and was also concerned that such delays could lead to doubts being sown on the motivation behind the delays.

Suppression of Position of Director (Safety Regulation and Air Transport), Civil Aviation

The Commission informed the Principal Permanent Secretary that, even though, for the particular reasons given, it was endorsing the suggested withdrawal of the call for applications, it considered that, in general, the suppression of a call for applications after it had been published and after candidates had applied for the position, could lead to a negative impact on the Administration's image and should preferably not be resorted to in future.

Post of Teacher (2008)

The Commission agreed that the Directorate for Educational Services be asked to carry out an evaluation of the selection process carried out for the posts of Teacher for the scholastic year 2008-2009 in order to identify the difficulties encountered, especially those regarding the eligibility of applicants who, on the closing date of the call for applications, will have completed their University course except for re-sits. The Commission was to be informed about the outcome of the evaluation exercise, in order that the lessons learnt therefrom could be applied in future calls for applications.

Guidelines to Selection Boards - sub-criteria to be included in the Assessment Sheet containing the breakdown of marks awarded to candidates.

The Commission considered that, in submitting their reports, not all selection boards were including in the Assessment Sheet the marks awarded to candidates in respect of sub-criteria under the objective criteria of 'Qualifications' and 'Experience' approved by the Commission. The Commission decided to amend the Guidelines to Selection Boards to make this requirement clearly mandatory.

Petitions submitted after the time limit stipulated in the call for applications

The Commission decided that, as a rule, only petitions submitted within the specified ten-day time limit mentioned in all calls for applications were to be considered. However, the Commission agreed that it would scrutinize late petitions before deciding whether or not there were points in the late petition that merited further consideration.

Withholding of progression of an Operational Support Worker, in the Ministry for Gozo

The Commission considered as unacceptable a significant delay in the processing of the progression procedure of the officer concerned. The progression had become due three years before. The Commission decided that the case should be referred to the Principal Permanent Secretary for him to take any steps he considered necessary. Due to the apparent irresponsible treatment of the matter by the supervising officer, the Commission remained unable to decide whether or not the officer concerned deserved to have his progression cleared and if so from which date. Subsequently, the case was satisfactorily concluded.

Position of Assistant Director, Nursing Services

The Commission questioned the selection board on why it had completely disregarded the specific provision in the call for applications regarding the submission of performance management reports. The Commission noted the board's clarification that its action was done *'bona fide'* and for practical reasons. While it was satisfied that the board's action had not disadvantaged any of the candidates and had not compromised in any way the fairness of the selection exercise, in principle, the Commission did not agree that a clearly laid down provision of a call for applications should be ignored, for whatever reason, by the selection board. Nevertheless, in the particular circumstances, the Commission considered that it would not be in the public interest to quash the results of the selection processes, to withdraw the appointments already issued and to hold fresh selection processes, when there was nothing to lead the Commission to think that new selection processes would result in different outcomes. The Commission thus informed the selection board that, while it had decided that the results of the three selection processes in question should be allowed to stand, it still considered the board's action in not keeping to the conditions of the published call for applications as being irregular notwithstanding the board's *bona fide* intentions.

Positions of EU Payments Manager, Treasury Division

The Commission reaffirmed an earlier decision that applicants who had been approved for the award of a degree but who had not yet graduated should have their degree considered for posts or positions for which that degree was a pre-requisite.

Unsatisfactory performance during the probation period – failure to postpone Confirmation of Appointment of a Senior House Officer

The Commission requested the Principal Permanent Secretary to carry out a full-scale independent investigation within the Health Division to identify the officer/s who had failed to take appropriate and timely action to postpone the confirmation of appointment of a Senior House Officer who had been reported as not having performed satisfactorily during his probationary period, as well as to establish whether any disciplinary proceedings should have been instituted against the officers concerned. The Board of Investigation that was subsequently constituted, established that the junior officer concerned lacked adequate training; was not provided with sufficient informative tools such as manuals on operating procedures covering the respective area of responsibility; and was at the time working under pressure due to the migration process of the hospital. Furthermore, the consultants who had been responsible for the medical officer had failed to report in writing to the HR Section on the unsatisfactory professional performance of the Senior House Officer prior to the expiry of his probation period.

Following the investigation, the Commission noted the Administration's consideration of the appropriate action that was to be taken against the public officer in question, while the Health Division was instructed to implement the necessary changes to ensure that in future timely action was taken in similar instances.

Representations made by applicants for headship positions

The Commission concurred with the line of action proposed by the Principal Permanent Secretary in respect of representations made by applicants for headship positions.

The Principal Permanent Secretary had proposed that officers who submit requests for information regarding the outcome of the preliminary screening carried out for the Senior Appointments Advisory Committee (SAAC) by the Centre for Policy Research and Training (CPRT), and the subsequent interview or otherwise by the SAAC, were to be informed that, in the first instance, they were to seek an appointment with the CPRT Board. The Board would meet the candidate concerned and give him/her feedback on the first part of the nomination process. It would then be at the candidate's discretion whether to pursue with any further representations on the final result of the particular nomination process.

Applications made through the recruitment portal

The Commission approved that all applications for positions in Scale 10 or above, and for certain other particular posts/positions were to be made solely on-line.

Officers on a fixed term contract

Following the coming into force of Legal Notice 51/2007 “Contracts of Service for a Fixed Term Regulations, 2007”, the Commission entered into a year-long detailed dialogue with the Administration in order to see how best to implement the provisions of the Legal Notice, which were inspired by EU legislation, without in any way flouting the provisions of the Constitution and also to ensure that the rights of public officers were safeguarded.

After having approved the detailed parameters under which Government contract employees were entitled to definite employment with Government, thereby becoming public officers, and after having completed the required scrutiny, the Commission agreed to recommend to the Prime Minister the indefinite appointment as ‘Officer in Scale’ of 789 contract employees. In a number of other instances, the Commission ruled that there were insufficient grounds to recommend indefinite appointment with Government.

Policy regulating appointments in the Position of Assistant Director

The Commission approved a proposal by the Administration for the insertion of a provision in the calls for applications for Assistant Director positions applying across the board the principle that non-contributory pension rights under the Pensions Ordinance are based on the salary of the officer’s substantive grade and not on the higher emoluments resulting from an assignment to a contractual position.

Assimilation of ex-Postal Grades into grades within Public Service Structures

The Commission approved the assimilation exercise of 252 public officers in the ex-postal grades who had reverted to the Public Service following the full privatisation of Maltapost plc. The assimilation exercise was made following an agreement reached on 6 December 2007 between the Government and the pertinent Trade Union on the absorption within the public service of Maltapost plc public officers. It was agreed that the exercise was to be carried out on the same lines of the Agreement signed in 9 May 2002 on the absorption of ex-postal grades within public service structures.

B. Disciplinary Issues

Cases of prolonged interdiction

The Commission had long been concerned with instances where public officers remain interdicted from the exercise of the powers and functions of their office for very long periods until their case is decided by the Courts. In 2007, there was one instance where a court case took over 8 years to conclude. As the verdict was a not guilty one, the officer, who remained

interdicted throughout the process, was refunded the half salary retained for the entire period. During 2008, the Commission, also following the intervention of the Commission for the Administration of Justice which it had requested, introduced a procedure whereby the Courts, the Attorney General's Office and the Commissioner of Police are now kept informed whenever a public officer is interdicted by the Commission. This is being done in order that all the institutions concerned are made aware of the fact that the individuals are, during such periods, suspended from work but still paid half salary.

Delays by the Police in informing Heads of Department about criminal proceedings instituted against public officers

The Commission once again brought up with the Administration the problems created when the police authorities failed to notify the relevant Government Departments of the fact that public officers had been arraigned in Court or indeed at times even sentenced. The Commission already had occasions in the past to draw attention to this unsatisfactory state of affairs.

In a particular case in 2008, a public officer was in prison for a month in connection with a criminal case that took place in 1999. The Head of Department and the Commission were neither informed by the Police that criminal proceedings had been instituted against the officer concerned, nor that he had been sentenced and was already serving a prison sentence.

The Commission noted with satisfaction the immediate response of the Principal Permanent Secretary following whose intervention the Commissioner of Police issued a Departmental Circular instructing prosecuting officers, under the threat of disciplinary action against them, to report to the Head of the Department concerned within 24 hours, cases of arraignment of public officers.

Access to documents related to disciplinary proceedings instituted against public officers

Following a difference of interpretation between the MPO and the Education authorities, the Commission ruled in favour of the line suggested by the latter that, if requested by the accused officer, copies of reports leading to disciplinary action should be sent to the said officer, and that it was insufficient for the accused officer to be simply given access to such documentation. The Commission's decision was taken following the unequivocal advice in favour of the above position which was given to the Commission by the Data Protection Commissioner.

Use of evidence from CCTV footage in disciplinary proceedings

During its consideration of an appeal by the Head of Department from the verdict of not guilty by a disciplinary board which he had set up, the Commission had occasion to rule, also in line with the clearly expressed view of the Data Protection Commissioner, that evidence obtained through a CCTV installed in the Law Courts without the employees or their union

having been pre-notified, could not be used as evidence during disciplinary proceedings. In this case the Commission also remarked that, while the officials' ultimate objective was praiseworthy, the Commission could not but reaffirm that the case against the officer in question should be quashed.

VI. Other Business of the Commission

Ombudsman

On the initiative of the Commission, the Ombudsman paid a courtesy visit to the Commission. During the very cordial encounter the Commission and the Ombudsman exchanged views on the respective roles of the two Institutions in connection with complaints submitted by public officers to the Ombudsman after all other means of redress have been exhausted by the complainant. The fruitful meeting augured well for the development of future relations between the two Institutions.

In the course of the year, the Ombudsman corresponded with the Commission on nine (9) new cases relating to complaints made to him by public officers. Seven (7) of these were concluded by the Ombudsman during 2008. The Ombudsman also concluded one other case that had been considered by the Commission during 2007. There was only one opinion of the Ombudsman with which the Commission did not agree.

Relevant information on the cases that were the subject of correspondence between the Ombudsman and the Commission in 2008 is given in *Appendix 9*.

Other 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 thirty-one occasions during 2008 through ad hoc meetings with the Commission.

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	
Staff in post as on 31st December 2008	
Grade	No of Employees in post
Top Structure	Secretary and two Assistant Directors
Administrative staff	One Principal and two Asst Principals
Executive staff	Two Executive Officers
Clerical Staff	One Senior Clerk and three Clerks
Messengerial Staff	Two General Hands
Total	14

Commission's expenditure	
Expenditure for the year 2008	
Item	€
Emoluments of the Chairman, Deputy Chairman and Members of the Commission	73,530.82
Emoluments of the public officers attached to the Commission's staff	238,367.81
Social Security contributions	20,261.52
Operational and maintenance expenses	45,174.90
Capital	Nil
Total	377,335.05

Appendix 3

Calls for Applications advertised in the Government Gazette 2008 – Total 94

Office of the Prime Minister

1. Junior Legal Officer/Legal Officer (State Aid), Office of the Permanent Secretary (Operations)
2. Projects Manager (Managing Authority), Planning and Priorities Co-Ordination Division
3. Service Manager (Managing Authority), Planning and Priorities Co-Ordination Division
4. Head (Operational Programme), Planning and Priorities Coordination Division
5. Public Internal Financial Control (Pifc) Auditor, Internal Audit and Investigations Directorate
6. Photographer, Department of Information
7. Catering Facilities Support Officer, Armed Forces of Malta
8. EU Fund Manager, Malta Public Service
9. EU Fund Officer, Malta Public Service
10. Photographer, Electoral Office

Ministry of Foreign Affairs

1. Technical Attache' (European Parliament), Permanent Representation of Malta to the EU
2. Second Secretary, Diplomatic Service of the Government of Malta
3. Head of the Central Visa Unit

Ministry for Infrastructure, Transport and Communications

1. Technical Attache' (European Parliament), Permanent Representation of Malta to the EU
2. Airworthiness Surveyor, Department of Civil Aviation

Ministry for Resources and Infrastructure

1. Scientific Officer (Valley Management), Services Division
2. Tradesman/Senior Tradesman, Manufacturing and Services Department, Services Division
3. Tradesman/Senior Tradesman (Stone Carver), Restoration Unit, Works Division

Ministry for Resources and Rural Affairs

1. Junior Legal Officer/Legal Officer, Office of the Director General, Works Division

2. Architect and Civil Engineer/Junior Architect and Civil Engineer, Restoration Unit, Construction and Maintenance Department, Works Division
3. Projects Manager (Restoration and Rehabilitation of Historic Fortifications of Malta and Gozo), Works Division

Ministry for Rural Affairs and the Environment

1. Risk Analysis Coordinator, Paying Agency
2. Central Manager (EU Schemes), Paying Agency
3. Coordinator (Control Inspections), Rural Affairs and Paying Agency
4. Control Inspector, Rural Affairs and Paying Agency
5. Junior Legal Officer/Legal Officer
6. Principal Pharmacist

Ministry of Education, Culture, Youth and Sport

1. Teachers (2008), Directorate for Educational Services
2. Head of School, Directorate for Educational Services to serve in Malta
3. Kindergarten Assistant I, Directorate for Educational Services
4. Kindergarten Assistant II, Directorate for Educational Services
5. Service Managers (School Resources Management), Directorate for Educational Services
6. Care Worker, Student Services and International Relations, Education Division

Ministry for Social Policy

1. Junior Architect and Civil Engineer/Architect and Civil Engineer, Financial Management Directorate
2. Junior Legal Officer/Legal Officer, Industrial and Employment Relations Directorate
3. Clinical Chairperson, Department of Cardiac Services, Health Division
4. Clinical Chairperson, Department of Ophthalmology, Health Division
5. Housemen, Health Division
6. Registrar, Specialist Accreditation Committee, Health Division
7. Basic Specialist Trainee, National Blood Transfusion Service, Health Division
8. Basic Specialist Trainee, Medical Imaging, Health Division
9. Basic Specialist Trainee, Pathology, Health Division
10. Basic Specialist Trainee, Anaesthesia, Health Division
11. Basic Specialist Trainee, Ophthalmology, Health Division
12. Basic Specialist Trainee, Paediatrics, Health Division
13. Basic Specialist Trainee, Obstetrics and Gynaecology, Health Division
14. Basic Specialist Trainee, Oncology, Health Division
15. Basic Specialist Trainee, Surgery, Health Division
16. Basic Specialist Trainee, Psychiatry, Health Division

17. Basic Specialist Trainee, Geriatrics, Health Division
18. Consultant Physician with an Interest in Gastro-Enterology and Hepatology, Health Division
19. Consultant Radiologist with an Interest in Paediatric Radiology, Health Division
20. Consultant Radiologist with an interest in Neuroradiology, Health Division
21. Consultant Medical Geneticist, Health Division
22. Consultant Surgeon in General Surgery with an Interest in Breast Disease and Surgical Oncology, Health Division
23. Consultant Clinical and Molecular Geneticist, Health Division
24. Chairperson, Department of Dentistry, Health Division
25. Consultant Orthopaedic Surgeon with an Interest in Paediatric Orthopaedic Surgery, Health Division
26. Speech Therapist, Health Division
27. Basic Specialist Trainee, Public Health, Health Division
28. Basic Specialist Trainee, Accident and Emergency, Health Division
29. Staff Nurse, Health Division
30. Pharmacy Technician, Health Division
31. Basic Specialist Trainee, Department of Medicine, Health Division
32. Principal Scientific Officer (Dietetics), Health Division
33. Medical Laboratory Technologist, Health Division
34. Radiographer (Diagnostic), Health Division
35. Pharmacist, Health Division
36. Principal Pharmacist, Health Division
37. Physiotherapists, Health Division
38. Resident Specialist (Dermatology and Venereology), Health Division
39. Consultant Paediatrician with an interest in Gastroenterology and Hepatology, Health Division
40. Scientific Officer (Optometrist), Health Division
41. Resident Specialist (Anaesthesia), Health Division
42. Scientific Officer in the Public Health Laboratory, Health Division

Ministry of Health, the Elderly and Community Care

1. Senior Registrar (Anaesthesia), Health Division
2. Paramedic Aide (Decontamination), Health Division
3. Pharmacist, Health Division

Ministry of Finance, the Economy and Investment

1. Technical Attache' (Economy and Budget), Permanent Representation of Malta to the European Union
2. Programme Manager (EU Paying Authority), EU Paying Authority
3. Economics Officer
4. Accountant
5. Principal Economics Officer, Treasury Division
6. EU Payments Manager, Treasury Division
7. Manager (Management Accounting), Treasury Division
8. Senior Accountant, Tax Compliance Unit
9. Accountant, Tax Compliance Unit
10. Principal Scientific Officer, Customs Division
11. Procurement Manager, Contracts Division

12. Junior Legal Officer/Legal Officer, Government Property Division
13. Legal Procurator, Government Property Division
14. Architect and Civil Engineer/Junior A&CE, Joint Office, Estate Management Department, Government Property Division

Ministry for Justice and Home Affairs

1. Case Officer to perform duties at the Office of the Commissioner for Refugees
2. Deputy Director, Civil Protection

Appendix 4

Calls for Applications issued through MPO Circulars 2008 - Total 97

Office of the Prime Minister

1. Senior Operative (Plasterer and Painter) Group IV
2. Senior Messengers, Public Service

Ministry of Foreign Affairs

1. Head of Information, Forum Malta fl-Ewropa
2. Security Officer
3. Public Officers on assignment with Central Visa Unit
4. EU Security Communicator

Ministry for Gozo

1. Ambulance Driver (Group IV) (Gozo General Hospital), Department of Customer Services
2. Principal Electrocardiography (ECG) Technician (Gozo General Hospital), Department of Customer Services
3. Principal Medical Laboratory Technologist (Gozo General Hospital), Department of Customer Services
4. Technician/Senior Technician (Gozo General Hospital), Department of Customer Services
5. Court Messenger (Courts of Justice - Gozo), Department of Customer Services

Ministry for Resources and Infrastructure

1. Assistant Technical Officer (Land Surveyor), Building and Engineering Department, Works Division
2. Assistant Foreman (Restoration Unit), Construction and Maintenance Department, Works Division
3. Principal Security Officer, Works Division
4. Senior Technical Officer, Building and Engineering Department, Works Division
5. Supervisor (Watchmen), Works Division
6. Foreman, Services Division
7. Senior Technical Officer (Valley Management Unit), Services Division
8. Senior Technical Officer (Plumbing), Manufacturing and Services Department, Services Division
9. Principal Technical Officer (Kordin Workshop), Manufacturing and Services Department, Services Division
10. Assistant Foreman (Arterial Roads), Cleansing Services Department, Services Division
11. Supervisor, Services Division

Ministry for Rural Affairs and the Environment

1. Agricultural Foreman, Rural Development and the Paying Agency Division
2. Tradesman/Senior Tradesman (Electrician)
3. Principal Agricultural Foreman
4. Senior Agricultural Officer
5. Field Recorder, Veterinary Affairs and Fisheries Division
6. Assistant Field Recorder, Veterinary Affairs and Fisheries Division
7. Principal Technical Officer, Parks, Afforestation and Rural Conservation Unit

Ministry for Resources and Rural Affairs

1. Senior Architect and Civil Engineer, Design Unit, Building and Engineering Department, Works Division
2. Senior Architect and Civil Engineer, Project Management Unit, Works Division

Ministry of Health, the Elderly and Community Care

1. Customer Care Official, Health Division
2. Principal Health Inspector, Health Division
3. Assistant Principal Health Inspector, Health Division
4. Practice Development Nurse (Intensive Therapy Unit), Health Division
5. Practice Development Nurse (Operating Theatres), Health Division
6. Sexual Health Nurse, Health Division
7. Diabetes Nurse, Health Division
8. Support and Counsellor Nurse, Health Division
9. Specialist Midwife (Infant Feeding), Health Division
10. Practice Development Nurse (Geriatrics), Health Division
11. Interventional Cardiology Nurse, Health Division
12. Ear, Nose and Throat Nurse, Health Division
13. Pain Nurse, Health Division
14. Practice Development Nurse (Primary Health Care), Health Division
15. Ambulance Driver (Group IV), Health Division
16. Environmental Hygiene Officer (Infection Control Unit), Health Division
17. Assistant Foreman (Emergency Ambulance Service), Health Division
18. Laboratory Operator (Group IV), Health Division

Ministry for Social Policy

1. Benefit Fraud and Investigation Inspector, Benefit Fraud and Investigation Directorate
2. Higher Specialist Trainee, Department of Medicine, Health Division
3. Gravedigger (Group III), Health Division
4. Manager Midwifery Services, Health Division
5. Senior Principal Health Inspector, Health Division

6. Senior Principal Physiotherapist, Health Division
7. Senior Principal Speech Therapist, Health Division
8. Senior Principal Podologist, Health Division
9. Senior Principal Occupational Therapist, Health Division
10. Senior Principal Medical Laboratory Technologist, Health Division
11. Senior Principal Radiographer (Diagnostic), Health Division
12. Senior Principal Radiographer (Therapy), Health Division
13. Senior Principal Dental Technologist, Health Division
14. Higher Specialist Trainee (Urology), Health Division
15. Health Assistants from amongst Hospital Auxiliaries, Health Division
16. Higher Specialist Trainee (Ophthalmology), Health Division
17. Scientific Officer, Health Division
18. Principal Dental Technologist, Health Division
19. Principal Occupational Therapist, Health Division
20. Principal Medical Laboratory Technologist, Health Division
21. Principal Radiographer (Diagnostic), Health Division
22. Principal Radiographer (Therapy), Health Division
23. Principal Physiotherapist, Health Division
24. Specialist Physiotherapist, Health Division
25. Specialist Speech Therapist, Health Division
26. Specialist Podologist, Health Division
27. Specialist Occupational Therapist, Health Division
28. Specialist Medical Laboratory Technologist, Health Division
29. Specialist Radiographer (Diagnostic), Health Division
30. Specialist Dental Technologist, Health Division
31. Special Dental Hygienist, Health Division
32. Senior Principal Occupational Therapist, Health Division
33. Principal Podologist, Health Division
34. Deputy Midwifery Officer, Health Division
35. Laboratory Operator (Group IV), Health Division
36. Operations Manager (Public Health Laboratory), Health Division
37. Operations Manager (Works), Health Division

Ministry of Finance

1. Assistant Technical Officer, VAT Division
2. Senior Economist, Economic Policy Division
3. Economics Analyst, Economic Policy Division

Ministry of Finance, the Economy and Investment

1. Senior Architect and Civil Engineer (Expropriations), Estate Management Department, Government Property Division

Ministry for Justice and Home Affairs

1. Assistant Registrar, Courts of Justice (Malta)
2. Deputy Registrars, Courts of Justice
3. Court Messenger, Courts of Justice (Malta)
4. Assistance and Rescue Officer, Department of Civil Protection

5. Senior Operative (Building Services) (Group IV), Government Property Division

Ministry for Tourism and Culture

1. Assistant Foreman, Tourism and Corporate Services
2. Tradesman/Senior Tradesman (Plumber), Tourism and Corporate Services

Appendix 5

Departmental Calls for Applications 2008

(i) Calls for applications advertised through Departmental Circulars - Total 7

Office of the Prime Minister

1. Senior Printer in the Printing Press Section (Offset), Government Printing Press
2. Inspector-in-Charge of Stores, Government Printing Press

Ministry of Foreign Affairs

1. Counsellor
2. First Counsellor

Ministry of Education, Culture, Youth and Sport

1. Assistant Head of School (Secondary) - Gozo, Directorate for Educational Services (DES)

Ministry for Justice and Home Affairs

1. Assistant Commissioner of Police
2. Superintendent of Police

(ii) Calls for applications issued by Ministries for the Filling of Assistant Director Positions in terms of delegation by PSC - Total 29

Office of the Prime Minister

1. Assistant Director (Office Management), Department of Corporate Services
2. Assistant Director (Human Resources), Department of Corporate Services
3. Assistant Director (Defence Matters), Defence Matters Directorate

Ministry of Foreign Affairs

1. Assistant Director, Department of Corporate Services

Ministry for Gozo

1. Assistant Director (Direct Labour and Utilities), Department of Projects and Development

Ministry for Infrastructure, Transport and Communications

1. Assistant Director (EU Affairs), EU Affairs Directorate
2. Assistant Director, Programme Implementations Directorate
3. Assistant Director (Finance and Administration), Department of Civil Aviation

Ministry for Social Policy

1. Assistant Director (Finance and Administration), Social Welfare Standards
2. Assistant Director (Social Affairs), Financial Management Directorate
3. Assistant Director (Administration), Primary Health Care, Health Division
4. Assistant Director (Elderly - Administration)
5. Assistant Director (Entitlement Policy), Strategy and Sustainability, Health Division

Ministry of Finance, the Economy and Investment

1. Assistant Director (Recurrent Expenditure)
2. Assistant Director (Financial Management and Monitoring Unit), Budget Affairs Division
3. Assistant Director (Capital Expenditure), Budget Affairs Division
4. Assistant Director (Conditions of Service), Financial Policy and Management
5. Assistant Director (Inspectorate and Assurance), VAT Division
6. Assistant Director (Debt Management Operations), Treasury Division
7. Assistant Director (Accounting Methodology and Control), Treasury Division
8. Assistant Director (eBusiness), Inland Revenue Division
9. Assistant Director (Customer Care and Call Centre), Inland Revenue Division - Gozo
10. Assistant Director (Landing and Releasing), Customs Division
11. Assistant Director (Customer Care), Support Services Division

Ministry for Justice and Home Affairs

1. Assistant Director, Permanent Secretary's Office
2. Assistant Director (EU Affairs), EU Affairs Directorate
3. Assistant Director (Finance and Administration), Department of Correctional Services
4. Assistant Director (Finance and Administration), Department of Correctional Services
5. Assistant Director (Human Resources), Courts of Justice

Appendix 6

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

Action	Accountability for Action	Average Number of Days from Preceding Action							
		1994/1998	2002/2001	2004/2003	2005	2006	2007	2008	
1	Request for PSC authority to issue Call for Applications ⁽²⁾	0	0	0	0	0	0	0	
2	Request for Approval of Selection Board/Criteria ⁽²⁾⁽³⁾	46.52	5.68	15.66	6.04	12.54	2.70	2.80	
3	Verification of Call for Applications ⁽²⁾	39.8	52.84	36.9	69.31	56.33	33.18	54.55	
4	Clarification sought by PSC	8.26	4.02	3.8	0	0	0	0	
5	Response by Head of Department to PSC queries ⁽²⁾	24	9.56	8.44	0	0	0	0	
6	PSC Approval of issue of Call/Selection Board/Criteria ⁽⁴⁾	49.2	18.9	7.74	6.13	6.07	7.70	8.45	
7	Publication of Call for Applications	7.22	12.72	7.78	8.63	6.56	7.48	9.55	
8	Closing date for submission of Call for Applications	25.94	26.2	22.8	21.94	23.17	23.08	21.40	
9	Holding of Interviews	100.6	60.1	53	58.63	59.54	51.42	82.07	
10	Selection Board Report ⁽²⁾	20.58	9.5	14.24	10.52	18.02	11.92	15.49	
11	Recommendation by Head of Department ⁽²⁾	15.78	17.72	12.62	19	15.07	14.50	15.27	
12	Verification of Vacancy ⁽²⁾	8.24	9.98	4.94	5.54	9.13	6.96	11.96	
13	Clarification sought by PSC	2.9	2.58	0.76	0.22	0.30	1.40	0.59	
14	Response to PSC queries ⁽²⁾	6.82	9.56	2.42	1.22	4.17	0.90	3.13	
15	Recommendation by PSC	16.54	18.3	6.6	6.06	6.81	8.94	6.36	
16	Prime Minister's Signature	7	7.74	7.58	7.72	14.33	13.60	8.12	
Total Duration of Selection Processes		379	265	205	221	232	182	236	
		54	38	29	32	33	26	34	
		weeks	weeks	weeks	weeks	weeks	weeks	weeks	

⁽¹⁾ For the background of the methodology used in compiling the statistical data of this Appendix confer 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.	Medical Officer	Customer Services, Gozo	Concerning ineligibility	The Commission agreed that complainant was ineligible for the post
2.	Teacher (Business Studies)	Education Division	Concerning ineligibility	The Commission agreed that complainant was ineligible for the post
3.	Customs Officer	Customs Division	Queried placing in the final order of merit. He obtained the same marks but was senior to the candidate who placed before him	After verifying with the Department the Commission accepted the petition and published a revised result
4.	Chief Scientific Officer	Rural Affairs and Paying Agency	Objected and did not accept the Selection Board's decision that applicant was ineligible	The Commission found against the complainant
5.	Principal Security Officer (Gozo General Hospital)	Customer Services, Gozo	Requested backdating of appointment	The Commission decided that the effective date of appointment should not be changed
6.	Inspector of Police	Police Department	After being disqualified from the selection process applicant enquired whether he would be considered eligible for the post in the future	The Commission informed complainant that it could not give any assurances in respect of future selection processes
7.	Assistant Registrar	Courts of Justice (Malta)	Complained that he had been placed at a disadvantage when the parameters of the last call had been changed when compared to previous issues.	The Commission found no valid reason why the approved call for applications should be changed.
8.	General Practitioner	Health Division	Complained that the circular was never brought to her attention. Requested that her late application be considered	The Commission agreed that as the established procedure had not been followed complainant was to be allowed to apply.
9.	Teacher (Business Studies)	Directorate for Educational Services	Complained about ineligibility.	The Commission agreed that complainant was ineligible for the post
10.	Teacher (Marketing)	Directorate for Educational Services	Complained about ineligibility	The Commission agreed that complainant was ineligible for the post
11.	Assistant Principal Speech Therapist	Health Division	A vacancy was created on 29 January 2008. The result was valid up to 1 February 2008. The recommendation for complainant's appointment had not been processed at that time due to the election freeze.	Once the vacancy existed before the expiry of the result the Commission was prepared to submit its recommendation to the Prime Minister after the usual request and verification were submitted to it.

No	Related Post	Department	Complaint	Commission's Decision
12.	Foreman (Works Planning System)	Construction and Maintenance, Works Division	Complained that only the first-placed candidate had been appointed when the call for applications was for 'Posts'.	The Commission informed complainant that decisions as to the number of vacancies to be filled following a selection process was within the remit of the Administration
13.	Teacher (Personal and Social Development)	Directorate for Educational Services	Complained about her ineligibility	The Commission agreed that complainant was ineligible for the post
14.	Teacher (Primary)	Directorate for Educational Services	Complained about her ineligibility	The Commission agreed that complainant was ineligible for the post
15.	EU Security Communicator	Ministry of Foreign Affairs	An officer complained that he performed the same duties advertised but was in a much lower scale. Moreover this prevented him from applying	PPS requested to submit clarifications. After deliberation, the Commission agreed that complainant was ineligible for the position
16.	EU Security Communicator	Ministry of Foreign Affairs	An officer complained that she performed the same duties advertised but was in a much lower scale. Moreover this prevented her from applying	PPS requested to submit clarifications. After deliberation, the Commission agreed that complainant was ineligible for the position
17.	Termination of appointment as Information Management Officer		Complained that his removal from the position was not made through the normal procedure as no PSC Recommendation was made	Complainant was informed that his case was not one of removal but a case of refusal on his part. Hence no recommendation was submitted
18.	Casual Substitute Clerk	Health Division	Complained that she had been working for 3 years and in December 2007 her contract was renewed for another year after which she was promised permanent employment. However, her contract was terminated in August 2008	As the engagement of complainant was back to back with another employee, the Health Division could not but proceed in strict compliance with the contract of employment.
19.	Director General (Information, Local Government and Public Consultation)	Office of the Prime Minister	Claimed that he had been confidentially informed beforehand about who was to be selected for the position	The Commission agreed that the claims about irregularities in the selection process had not been proven
20.	Education Officers	Directorate for Quality and Standards in Education	MUT complained about anomalies that had been created by the interpretation of the call for applications	The Commission was satisfied that the call for applications mirrored the agreement signed by the Government and the MUT
21.	Foreman (Works Planning System)	Construction and Maintenance, Works Division	Complained that only the first-placed candidate had been appointed when the call for applications was for 'Posts'.	The Commission informed complainant that decisions as to the number of vacancies to be filled following a selection process was within the remit of the Administration

Appendix 7 (b)

Petitions relating to Appointments

No	Related Post	Department	Complaint	Commission's Decision
1.	Consultant Anaesthetist	Health Division	Petitioner complained that the result did not represent a realistic and true picture of his work and achievements	The petition was not accepted
2.	Teacher (Personal and Social Development)	Education Division	Petitioner complained about the marks awarded to her during the interview	The petition was not accepted
3.	Teacher (Personal and Social Development)	Education Division	Petitioner complained that the result was unfair considering that this was her second interview for the same post	The petition was not accepted
4.	Teacher (Personal and Social Development)	Education Division	Petitioner complained that the result was unfair considering that this was her second interview for the same post	The petition was not accepted
5.	Senior Foreman, Mount Carmel Hospital	Health Division	Petitioner complained about the marks awarded to him during the interview	The petition was not accepted
6.	Consultant Physician with an interest in Rheumatology	Health Division	Petitioner complained about the marks awarded to her during the interview	The petition was not accepted
7.	Consultant Physician with an interest in Rheumatology	Health Division	Petitioner complained that he had more qualifications and experience than the candidate placed before him. Requested revision of marks	The petition was not accepted
8.	Assistant Head of School (Primary)	Education Division	Petitioner complained that, whilst he had failed, colleagues with less years of service and less experience were given the appointment	The petition was not accepted
9.	Assistant Head of School (Secondary)	Education Division	Petitioner complained that colleagues with less years of service and less experience were given the appointment	The petition was not accepted
10	Senior Architect and Civil Engineer (Property Disposal)	Estate Management Department, Government Property Division	Petitioner complained about the marks awarded to him during the interview and stated that none of the board members was technically knowledgeable in the relevant field	The petition was not accepted
11	Assistant Head of School (Secondary)	Education	Petitioner complained about the marks awarded to him during the interview	The petition was not accepted

No	Related Post	Department	Complaint	Commission's Decision
12.	Chief Engineer	Manufacturing and Services Department, Services Division	Petitioner claimed that one of the candidates should be considered ineligible for the post	The petition was not accepted
13.	Leading Assistance and Rescue Officer	Civil Protection	Petitioner complained that he had failed while colleagues with fewer years of service and less experience had been appointed	Petition could not be considered as it was not submitted within the time limit stipulated in the call for applications
14.	Principal Environment Inspector	Parks, Afforestation and Rural Conservation Unit	Petitioner complained about the Selection Board's decision to consider him ineligible for the post	The petition was not accepted
15.	Manager, Nursing Services, (Gozo General Hospital)	Customer Services, Gozo	Petitioner requested the Commission to review the result and to reconsider the marks awarded to him.	The petition was not accepted
16.	Supervisor	Health Division	Petitioner complained that candidates with fewer qualifications and less experience had been placed before him	The petition was not accepted
17.	Director (Pharmaceutical Policy and Monitoring), Strategy and Sustainability Division	Health, the Elderly and Community Care	Petitioner complained that neither of the other two applicants possessed the vast experience he had obtained	The petition was not accepted
18.	Assistant Head of School (Secondary)	Education Division	Petitioner requested to know how the Selection Board had arrived at the marks given to him	The petition was not accepted
19.	Assistant Head of School (Primary)	Education Division	Petitioner felt that she merited a better placing and requested the Commission to reconsider her result	The petition was not accepted
20.	Assistant Head of School (Primary)	Education Division	Petitioner felt that she was qualified and competent to occupy the post and requested the Commission to review her result	The petition was not accepted
21.	Nursing Officer	Health Division	Petitioner claimed that an injustice had been done in her regard during the interview	The petition was not accepted
22.	Directors	Directorate for Educational Services	Petitioner complained about the marks awarded to her during the interview	The petition was not accepted
23.	Directors	Directorate for Educational Services	Petitioner complained about the fact that he had been declared ineligible after being interviewed for the post.	The Commission felt that the Board had been prudent in its decision when it had discussed with complainant personally the issue of his eligibility or otherwise

No	Related Post	Department	Complaint	Commission's Decision
24.	Directors	Directorate for Educational Services	Petitioner claimed that he enjoyed seniority, experience and more qualifications than others	The petition was not accepted
25.	Operations Manager (Risk Management)	Consumer and Competition Division	Petitioner complained that he had suffered an injustice when the ID Numbers of the first and second-placed candidates on the Result Sheet were mixed up	After obtaining an affidavit from each member of the Selection Board, the Commission found no valid reasons why the approved result should be changed
26.	Senior Architect and Civil Engineer	Valley Management Unit, Services Division	Petitioner complained that the marks did not reflect her professional experience or academic qualifications	The petition was not accepted
27.	Directors, Directorate for Quality and Standards in Education	Education Division	Petitioner complained that he had waited for more than two hours to be interviewed	The Commission did not consider the petition as it was submitted after the ten-day time limit
28.	Nursing Officer	Health Division	Petitioner requested a revision of her marks	Petition submitted after the ten-day time limit
29.	Nursing Officer	Health Division	Petitioner complained about the marks obtained during the interview	Petition submitted after the ten-day time limit
30.	Nursing Officer	Health Division	Petitioner complained about the marks obtained during the interview	Petition submitted after the ten-day time limit
31.	Nursing Officer	Health Division	Petitioner complained that the marks did not reflect him personally and professionally	Petition submitted after the ten-day time limit
32.	Assistant Technical Officer	Manufacturing and Services Department, Services Division	Petitioner complained that persons placed before him had less experience and qualifications	The petition was not accepted
33.	Assistant Technical Officer	Manufacturing and Services Department, Services Division	Petitioner complained that the first-placed candidate did not practise the trade applied for	The petition was not accepted
34.	Supervisor	Health Division	Petitioner could not understand how he had failed. Requested revision of result	The petition was not accepted
35.	Supervisor	Health Division	Petitioner failed. Requested revision of result	The petition was not accepted
36.	Senior Foreman (Mriehele Stores)	Works Division	Petitioner complained about the marks awarded to him during the interview	The petition was not accepted

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No	Related Post	Department	Complaint	Commission's Decision
37.	College Principal	Directorate for Educational Services	Petitioner claimed that he merited a better placing	The Commission, although having fully considered the complaints and found no valid reasons to change the result, did not accept the petition as this had been submitted well after the time limit established in the call for applications
38.	College Principal	Directorate for Educational Services	Petitioner claimed that all the candidates who had placed before her had less experience.	The petition was not accepted
39.	College Principal	Directorate for Educational Services	Petitioner claimed that he had more experience than the candidates appointed to the positions	The petition was not accepted
40.	Assistant Director Nursing Services	Health Division	Petitioner requested the Commission to review the marks awarded to him. Alleged complete disregard of the specific provisions in the call for applications	The petition was not accepted
41.	Midwifery Officer	Health Division	Petitioner complained that persons placed before her had less qualifications and experience	The petition was not accepted
42.	Midwifery Officer	Health Division	Petitioner complained that the result was unfair against her	The petition was not accepted
43.	Principal Technical Officer (Marine and Storm Water)	Services Division	Petitioner requested the Commission to review the marks awarded to him	The petition was not accepted
44.	Senior Registrar (Obstetrics and Gynaecology)	Health Division	Petitioner requested the Commission to review the marks awarded to her	The petition was not accepted
45.	Chief Scientific Officer (Public Health Laboratory)	Health Division	Petitioner claimed that he should have been considered eligible for the post	The Commission agreed that petitioner was ineligible for the post
46. - 70.	Deputy Nursing Officer	Health Division	Petitioners complained that they had more experience and/or qualifications than some appointees, had acted in a higher post and had been unsuccessful in spite of possessing a University qualification	No valid reasons why the approved result should be changed in respect of 23 petitioners. The other two had their marks and order of merit revised. One of them was given a supernumerary appointment.
71.	Deputy Nursing Officer	Health Division	Complained that she was not selected in spite of being qualified and experienced	Petition not considered as it was sent well after the period allowed
72	Leading Assistance and Rescue Officer	Civil Protection	Complained that he had twice been superseded for promotion	Petition not considered as it was sent well after the period allowed

No	Related Post	Department	Complaint	Commission's Decision
73.	Supervisor	Ministry for Rural Affairs and the Environment	Complained that persons appointed had less qualifications	The Commission accepted the petitioner's claims that the selection process had been unfair in his regard and recommended his supernumerary appointment
74.	Supervisor	Ministry for Rural Affairs and the Environment	Complained that persons appointed had less qualifications	The Commission accepted the petitioner's claims that the selection process had been unfair in his regard and recommended his supernumerary appointment
75.	Departmental Nursing Manager	Health Division	Complained about the marks awarded for relevant experience and qualifications	Case still under consideration
76.	Departmental Nursing Manager	Health Division	Claimed that he was more qualified and experienced than candidates placed before him	Case still under consideration
77.	Principal	Public Service	Complained about the marks awarded for her qualifications and works experience	No valid reasons to change the decision taken by the Board of Local Examinations
78.	Teacher (Graphical Communication)	Directorate for Educational Services	Complained about the result obtained and requested a revision	The petition was not accepted
79.	Teacher (Design and Technology)	Directorate for Educational Services	Complained about the result obtained and requested a revision	The petition was not accepted
80.	Senior Principal Physiotherapist	Health Division	Claimed that he was more qualified than most of the candidates	The petition was not accepted
81.	Education Officers	Directorate for Quality and Standards	Claimed that he was in a higher category than that attributed to him by the Selection Board	The petition was not accepted
82.	Education Officers	Directorate for Quality and Standards	Claimed that he was in a higher category than that attributed to him by the Selection Board	The petition was not accepted
83.	Education Officers	Directorate for Quality and Standards	Petitioner could not understand how he had failed and scored such low marks compared to other applicants	The petition was not accepted
84.	Teacher (Primary)	Education Division	Complained that last year she was successful but not appointed to the post and this year she had failed the interview. Requested that her case be re-examined	The petition was not accepted
85.	Tradesman/Senior Tradesman (Stone Carver)	Works Division	Claimed that he had more qualifications and experience than the candidates placed before him	Case still under consideration

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No	Related Post	Department	Complaint	Commission's Decision
86.	Tradesman/Senior Tradesman (Stone Carver)	Works Division	Claimed that he had more qualifications and experience than the candidates placed before him	Case still under consideration
87.	Foreman (Works Planning System)	Works Division	Petitioner claimed that he had more experience than the candidates placed 2nd and 3rd	Case still under consideration
88.	Teacher (Integrated Science)	Education Division	Petitioner failed. Requested revision of result	The petition was not accepted
89.	Principal	Public Service	Petitioner claimed that she had passed the written exam and one of the oral components, but failed in the interview. She complained that she did not merit the low marks awarded to her during the interview	Case still under consideration

Appendix 8

Oral representations on disciplinary or criminal cases heard by the Commission

No	Grade of officer charged	Present for oral hearing	Regulation
1.	Motor Transport Driver, Works Division	Officer charged, assisted by Legal Adviser	Criminal Case: Representations in terms of Regulation 9 of the PSC (Disciplinary Procedure) Regulations 1977
2.	Instructor, Education Division	Officer charged, assisted by his father	Criminal Case: Representations in terms of Regulation 16 (2)
3.	Assistant Principal, Ministry of Finance	Officer charged, assisted by 2 Legal Advisers	Criminal Case: Representations in terms of Regulation 16 (2)
4.	General Hand, Armed Forces of Malta	Officer charged, unassisted, and two Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
5.	General Hand, Armed Forces of Malta	Officer charged, unassisted, and two Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
6.	General Hand, Ministry for Resources and Rural Affairs	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
7.	Watchman, Ministry for Resources and Rural Affairs	Officer charged, assisted by Legal Adviser, and two Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
8.	Casual Substitute Executive Officer, Civil Courts and Civil Tribunals	Officer charged failed to turn up without notification; Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
9.	Medical Officer, Health Division	Officer charged, assisted by Legal Adviser, and Departmental representative	Discipline: Appeal in terms of Regulation 30 (6)

Appendix 9

Cases involving an exchange of correspondence with the Ombudsman

No	Selection Process	Query by Ombudsman	PSC Comments	Final position of Ombudsman	Action by PSC
1.	Senior Technical Officer, Restoration Unit, Construction and Maintenance Department, Works Division	The Ombudsman sought clarifications from the Commission on the marks awarded	The Commission re-affirmed its conclusion regarding the correctness of the selection process	Ombudsman agreed with the Commission although he remarked that complainant could have been given an additional mark for qualifications and placed 9th in order of merit instead of 10th	The Commission noted the Ombudsman's opinion, confirmed its previous decision and considered the matter closed
2.	Leading Assistance and Rescue Officers, Civil Protection Department	The Ombudsman requested clarification on marks awarded for 'Qualifications'	The Commission requested the Selection Board to submit a full report on the points raised by the Ombudsman	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed.	Ombudsman's opinion was noted
3.	Senior Operative (Group IV), Works and Services Division	The Ombudsman requested information on the sub-criteria adopted for 'Relevant Experience' and 'Standard of Education'	The Commission submitted the Selection Board's comments to the Ombudsman		Case still under consideration
4.	Assistant Principal Radiographer (Diagnostic), Gozo General Hospital, Customer Services, Gozo	The Ombudsman sought clarifications from the Commission	The Commission gave the necessary clarifications to the Ombudsman	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed.	Ombudsman's opinion was noted
5.	Assistant Commissioner of Police	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed.	Ombudsman's opinion was noted
6.	Principal Technical Officer, Services Division	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed.	Ombudsman's opinion was noted

No	Selection Process	Query by Ombudsman	PSC Comments	Final position of Ombudsman	Action by PSC
7.	Assistant Director (Services) (T), Ministry for Justice and Home Affairs	The Ombudsman queried the decision to consider applicant as ineligible for the position	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	Complainant was incorrectly and unjustly precluded from competing for this position. Ombudsman was not in a position to recommend a remedy.	The Commission disagreed with the conclusion reached by the Ombudsman, in particular, the suggestion that the Commission was unfair in its consideration of the case
8.	Director (Resourcing), Management and Personnel Office	-	-	Ombudsman recommended that the situation of the complainant be re-analysed by the competent authorities with the aim of finding remedial measures.	Ombudsman's opinion was noted
9.	Assistant Technical Officer, Manufacturing and Services Department, Services Division	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed.	Ombudsman's opinion was noted
10.	Assistant Technical Officer, Manufacturing and Services Department, Services Division	The Ombudsman requested clarification about the marks awarded to the first two candidates for qualifications	The Selection Board was requested to attend a meeting of the Commission to give further clarifications	Ombudsman accepted clarifications given	The Commission, after investigation, agreed that, as the overall ranking order would not be affected, there was no point in issuing a corrected result sheet