

Public Service Commission MALTA



**Annual Report
2009**

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Public Service Commission
The Palace, Republic Street, Valletta

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

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Abstract

The Public Service Commission is set up in terms of Section 109 of the Constitution.

This is the fiftieth 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 2009 in the execution of its constitutional functions of giving advice and making recommendations to the Prime Minister on matters relating to appointment, removal from office, and discipline within the public service.

Foreword

The work of the Public Service Commission during 2009 was again characterised by the need to plan for the introduction of the major reforms envisaged by the wide-ranging Public Administration Act (CAP 497) (PAA) that was enacted in February of the year under review, the PSC - related provisions of which are yet to come into force.

At the same time, the Commission could not but devote most of its energy to the day-to-day overseeing within its constitutional mandate of recruitment and discipline in the public sector under the prevailing system.

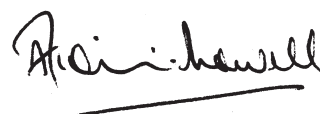
While referring to PAA-related initiatives, this report therefore necessarily concentrates on the said day-to-day aspect of the Commission's work.

Apart from providing statistical information on the extent of the Commission's operations in 2009, the report gives a snapshot of the policy issues discussed by the Commission in its weekly meetings and the rulings it made in the two areas it oversees; recruitment, which is the area that will be affected by the PAA, and discipline, which is in no way related to the said Act.

During the year, the Commission continued to fine-tune the selection system by imposing stricter regulation, mostly in regard to the setting and application by interviewing boards, of the criteria and sub-criteria on which recommendations on appointments in the public sector are dependent. This, also with an eye on the need to introduce enhanced safeguards after the conditional delegation of the selection process to Heads of Department under the PAA scenario will have come about.

With regard to discipline, the Commission was disappointed that it did not manage to introduce by the end of 2009 the measures already agreed upon in principle with the Administration. These are aimed at improving the application of disciplinary procedures across the public service which application, as commented on in last year's report, has deteriorated in recent years. The main aspect of these measures - the nomination of retired public officers to sit on disciplinary boards - is however expected to be operational in the first half of 2010.

On behalf of the Commission, I again wish to record my appreciation for the competence and efficient support given to the Commission by the Executive Secretary and staff. Interestingly, their competence and efficiency was also acknowledged by the writers of the Operations Review of the Public Service Commission, commissioned from the Management Efficiency Unit in 2008 and presented to the Commission in April 2009.



A Fiorini Lowell
Chairman

30 March 2010

The Palace, Valletta

I. The Public Service Commission Remit

Mission Statement

“To ensure through ongoing monitoring and scrutiny, the provision of excellent public services in a delegated environment, through an efficient public appointment process which upholds the principles of merit and equity, and the exercise of just and efficient disciplinary procedures in the public service.”

Statutory Basis

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

TABLE 1 - 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 BA (Hons)	(since 12 June 2003)

The term of office of the Commission expired on 11 June 2009 and the appointment of the new Commission was notified in the Government Gazette of 28 July 2009. Mr Alfred Fiorini Lowell, Chairman, and Members Mrs Yvonne Micallef Stafrace and Miss Mary Vella were re-appointed for one year with effect from 12 June 2009. Dr Jeannette Laferla was appointed Deputy Chairperson whilst Mr Tonio Farrugia was appointed Member, both with effect from 27 July 2009 up to 11 June 2010.

TABLE 2 - Membership of the new Commission		
Chairman	Mr Alfred Fiorini Lowell	(since 12 June 2003)
Deputy Chairman	Dr Jeanette Laferla LL.D.	(since 27 July 2009)
Members	Ms Yvonne Micallef Stafrace BA (Hons) MA	(since 12 May 1996)
	Ms Mary Vella BA (Hons)	(since 12 June 2003)
	Mr Tonio Farrugia	(since 27 July 2009)
Short biographies of the Chairman and Members are at <i>Appendix 1</i> .		

Number of meetings held

During the year 2009, the Commission held a total of 46 meetings in which it dealt with various matters relating to appointments and discipline as outlined in more detail in this report. The Commission did not meet between 12 June 2009 and 27 July 2009 during which period it was not constituted.

Secretariat

The Commission is served by a small and dedicated team of public officers headed by the Executive Secretary, Public Service Commission, who is a senior public officer appointed to the position on a performance agreement for three years.

The former position of Secretary of the Public Service Commission was re-designated as Executive Secretary to the Commission as a result of an amendment made to the Public Service Commission Regulations by means of Legal Notice 299 of 2009. This step was taken by the Commission in anticipation of the additional and changed functions which the Commission will assume with the coming into force of the relevant provisions of the Public Administration Act. The upgrading of the position to Grade 3 was also one of the recommendations of the Operations Review of the Public Service Commission commissioned from the Management Efficiency Unit.

During 2009 the Commission was ably advised, supported, and serviced by its Executive 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 conducted either through the circulation of files, or during Commission meetings held every Thursday with an agenda that covers policy issues and less clear-cut cases concerning recruitment or disciplinary matters that require discussion.

The Commission also conducts disciplinary hearings in serious cases that can lead to dismissal; 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 appeal their case before the Commission.

Senior public officers are also at times invited to the meetings of the Commission. Their input on matters of interest or concern helps the Commission to understand better the problems faced by the Administration.

The decisions of the Commission are taken by consensus.

Homepage of the Commission

The address of the Commission's website is:

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

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 those for the years 2003 to 2008, can also be viewed on the homepage and can be down loaded.

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, question where necessary, 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.

The duration of the selection process in the Public Service

In 2004, the Commission carried out an analysis on the duration of the 16 separate 'actions' which comprise the whole selection process in the public service – starting from the request by the department for authority to issue a call for applications and ending with the Prime Minister's approval following the Commission's recommendation or advice. The results were then compared to similar benchmarks for 1993/94 and 2002. Similar exercises were carried out in the five subsequent years and were referred to in the respective Annual Reports.

Appendix 3 shows the figures for 2009 and, for the first time, the average figures for the five-year period 2005 - 2009. The latest figures show that the entire duration of the selection process has gone down to 26 weeks in 2009 from the 31 week average for the last five years. This is precisely half of what it was in 1993/94. There has been a consistent shortening of

a number of individual actions since 2005. On the other hand, the main delaying action, which the Commission considers can, with some effort, be improved upon, remains the initial 'verification' of the call for applications by the Management and Personnel Office. At 53 days, this one action took up one quarter of the average duration of the whole process during 2005/2009.

The two clearances required from the Public Service Commission have virtually remained constant at 7 days each.

Calls for Applications

In the course of the year 2009, the Commission issued 361 calls for applications for the filling of vacancies in the Public Service. Out of these 361 calls, 198 were calls for applications open also to applicants from outside the public service and were therefore advertised in the Government Gazette, while 2 other advertisements were published in the British Medical Journal. 107 calls were restricted to serving public officers and were circulated through the Management and Personnel Office or by Departmental Circulars, as applicable. The other 54 calls were issued by various Ministries for the filling of positions of Assistant Director.

The different calls for applications issued during 2009 are listed in *Appendices 4, 5 and 6*.

Comparative figures for the last five years are given in the following table:

TABLE 3 - Calls for Applications 2005 – 2009						
		2005	2006	2007	2008	2009
Open calls	Government Gazette	103	152	208	94	198
	British Medical Journal	-	-	-	-	2
Internal calls	MPO Circulars	48	75	161	97	103
	Departmental Circulars	13	12	17	7	4
Calls for Asst. Dir.	Ministerial Circulars	16	71	57	29	54
Totals		180	310	443	227	361

Selection Boards

The Commission set up 381 selection boards and approved the selection methods and criteria in respect of each selection process.

These selection processes involved 5,061 applications, 2,348 from male applicants and 2,713 from female applicants. The selection boards interviewed 1,648 males and 1,487 females, a total of 3,135 candidates. The remaining 1,926 applicants were found to be ineligible, withdrew their application or else failed to turn up for the interview.

Recommendations / Advice to the Prime Minister

The Commission addressed 565 recommendations to the Prime Minister relating to appointments in terms of Section 110 of the Constitution. A statistical breakdown of these recommendations, which covered 2463 appointments made during 2009, is given below:

TABLE 4 - Appointments / Promotions 2009				
		Males	Females	Total
1.	Appointments following public calls for applications published in the Government Gazette	377	698	1,075
2.	Appointments following service-wide calls for applications (MPO Circulars)	548	208	756
3.	Appointments following internal departmental calls for applications (Departmental Circulars)	33	29	62
4.	Appointment of Assistant Directors following Ministerial calls for applications	28	14	42
5.	Other Appointments (e.g. appointment to substantive grade, promotions in terms of agreements, re-employment/ reinstatement, employment on contract, etc.)	166	362	528
Totals		1,152	1,311	2,463

The Commission made a further 134 recommendations relating to the extension of performance agreements, renewal of contracts of employment, postponement of appointments, re-designations, lateral moves, reversion to former posts, extension 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 35 occasions relating to performance agreements of Permanent Secretaries and Heads of Department, acting appointments of Heads of Department and the posting of two public officers as Resident Ambassadors abroad.

Representations made to the Commission by applicants prior to publication of result of selection processes

The Commission considered 58 written representations made directly to the Commission prior to the conclusion of the selection process. The representations mainly concerned complaints about non-eligibility for applying for posts or positions but they also covered a variety of other complaints.

A list of all representations considered in 2009, showing also the nature of the representations and the Commission's decisions, is given in *Appendix 7 (a)*. The Commission found in favour of applicants in seven (7) cases but dismissed the remaining fifty-one (51) complaints.

Petitions relating to published results

The Commission considered 91 petitions in respect of the results obtained by individuals. The petitions were made within the 10-day period following the publication of the result, in terms of Section 1.1.17 of the Public Service Management Code.

The Commission found five (5) complaints to be justified. In four (4) of these cases, the Commission accepted the petitioners' claims concerning the marks awarded by selection boards. Revised results were subsequently approved and published by the Commission. In the other case, the petitioner had claimed that another vacancy existed for the post he had applied for, and that he was next in line to fill the vacancy concerned. Following the Commission's investigations, this person was subsequently appointed to the post in question after the Management and Personnel Office confirmed that a second vacancy was available. The Commission ruled against eighty-six (86) complaints.

A list of petitions considered in 2009, 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, the exercise of discipline in the public service is, subject to appropriate safeguards, largely delegated to Heads of Government Departments.

The Commission, however, continues to deal directly with:

- requests for the interdiction from the exercise of the powers and functions of office in serious cases, even in anticipation of a confirmation or otherwise of the guilt of the individual charged, if this is considered to be in the public interest;
- the penalties imposed for breaches of discipline where public officers are found guilty of a criminal offence by the Courts;
- the ultimate decision on the penalties to be imposed in disciplinary cases conducted by the department where the officer was notified that the charge, if proved, could lead to dismissal;
- appeals from public officers against decisions taken by Heads of Department under delegated authority, in terms of Section 30 (1) of the Public Service Commission (Disciplinary Procedure) Regulations, 1999 and;
- representations by Heads of Department against the findings of Departmental Disciplinary Boards, in terms of Section 32.

Disciplinary cases involving criminal proceedings against public officers where powers are not delegated to Heads of Department

The Commission itself dealt with seventy-one (71) cases involving criminal proceedings against public officers and made the following recommendations to the Prime Minister in terms of Article 110 of the Constitution in respect of these cases:

TABLE 5 - Recommendations concerning criminal cases	
(i) Interdiction (suspension from work) pending outcome of Court Cases	29
(ii) Imposition of a penalty after a “guilty” verdict by the Courts:	
Dismissal	11
Warning of dismissal, suspension without pay (5 days)	1
Warning of dismissal, suspension without pay (3 days)	2
Suspension without pay (3 days), written warning	1
Suspension without pay (3 days)	1
Suspension without pay (2 days)	2
Lifting of interdiction, forfeiture of salary, warning of dismissal, suspension without pay (5 days)	2
Lifting of interdiction, forfeiture of salary, warning of dismissal, suspension without pay (2 days)	1
Lifting of interdiction, forfeiture of salary, warning of dismissal, transfer	2
Lifting of interdiction, forfeiture of salary, warning of dismissal	1
Lifting of interdiction, forfeiture of salary, written warning, suspension without pay (5 days)	1
Lifting of interdiction, forfeiture of salary, suspension without pay (3 days)	1
Lifting of interdiction, forfeiture of salary, written warning	1
Lifting of interdiction, forfeiture of salary	1
Severe reprimand and fine	2
Fine	6
Written warning	4
(iii) Restitution of rights following a “not-guilty” verdict by the Courts	
Lifting of interdiction and refund of salary withheld	2
Total	71

Apart from the above seventy-one (71) recommendations, the Commission, in keeping with its own internal guidelines, submitted another three (3) recommendations for the lifting of interdiction in respect of officers against whom criminal proceedings were still pending before the Courts. In one (1) case the officer had not yet been charged after two years, while in the other two (2) cases the Courts had still not pronounced judgement after two (2), and three (3) years, respectively.

The Commission considered also one (1) other case and submitted its advice to the Prime Minister in terms of section 114(1) of the Constitution for the withholding of the un-commuted pension of an ex-public officer who had been convicted by the Courts for a criminal offence and sentenced to 3 years’ imprisonment after having retired from the service. The Commission also advised that the same amount payable in terms of the Pensions Ordinance be paid in full to his wife till the expiration of her husband’s prison sentence.

In another twenty (20) cases involving criminal proceedings the officers concerned were acquitted. In these cases the Commission noted the Court sentences and agreed to consider the matter as closed.

Serious disciplinary cases (not involving criminal proceedings) where powers are not delegated to Heads of Department

The Commission considered eight (8) disciplinary cases which were referred to it in terms of Regulation 26(2) of the Public Service Commission (Disciplinary Procedure) Regulations, 1999, concerning cases where the officer charged had been notified that the charge, if proved, could lead to dismissal.

After giving the officers and the respective Heads of Department, where applicable, an opportunity to make oral representations, the Commission submitted the following recommendations to the Prime Minister in respect of seven of these cases:

TABLE 6 - Recommendations concerning serious disciplinary cases	
Warning of dismissal, suspension without pay (5 days)	1
Warning of dismissal, suspension without pay (3 days)	1
Suspension without pay (3 days)	1
Suspension without pay (2 days)	1
Fine	2
Termination of contract, withdrawal of appointment as Officer in Scale 12	1
Total	7

In one (1) case, no recommendation was submitted by the Commission as the charges were not proven and the matter was considered closed.

Disciplinary Cases under the 1977 Regulations

The Commission considered one (1) case referred to it in terms of Regulation 9 of the Public Service Commission (Disciplinary Procedure) Regulations 1977 involving criminal proceedings against a public officer. The case had been instituted before the coming into force of the 1999 Disciplinary Regulations.

The Commission originally recommended dismissal of the public officer concerned in view of the fact that the Court had imposed a perpetual general interdiction. The general interdiction was later waived by the Courts and the Commission therefore changed the penalty to a written warning and forfeiture of the salary withheld during interdiction.

Oral representations heard by the Commission

A list of fourteen (14) oral representations heard by the Commission before it decided on the penalty to be recommended, giving the grade of the officer charged, the penalty inflicted, and the Regulation in terms of which the particular oral representation was allowed, is given at *Appendix 8*.

Analysis of categories of offences and penalties of criminal and disciplinary cases where powers are not delegated to Heads of Department, of officers found guilty

The seventy-one (71) cases, and the seven (7) cases, respectively, referred to in the foregoing Tables 5 and 6, include twenty-nine (29) pending criminal cases and two (2) other criminal cases where the officers concerned were not found guilty. Thus, including the disciplinary case concerning the officer who was found guilty under the 1977 Regulations, the total number of offences which were served with a penalty amounted to forty-eight (48).

The following table shows the broad categories of offences and the penalties given in each of the 48 cases where the officer charged was found guilty. The ensuing charts give the percentage distribution of same.

TABLE 7 - Categories of offences and penalties recommended						
Category of Offence	Drugs related	Theft/ Fraud	Corruption, porno-graphy	Violent/ arrogant behaviour, causing damage/ injuries, forging documents, illegal possession	Unauthorised absence, insubordination, dereliction of duties	Total
Penalties						
Dismissal	2	6		3		11
Warning of dismissal + suspension without pay for 2, 3 or 5 days		4		2	2	8 ⁽¹⁾
Warning of dismissal + forfeiture of salary + transfer			2			2
Warning of dismissal + forfeiture of salary			1			1
Suspension without pay for 5 days, written warning, forfeiture of salary		1				1
Suspension without pay for 3 days + written warning				1		1
Suspension without pay for 2 or 3 days		3		1	2	6 ⁽²⁾
Forfeiture of salary + written warning		1		1		2 ⁽³⁾
Forfeiture of salary	1					1 ⁽⁴⁾
Fine (1, 2 and 7 days' pay)				9	1	10 ⁽⁵⁾
Written warning				4		4
Termination of contract, withdrawal of appointment as Officer in Scale 12					1	1
Total	3	15	3	21	6	48^(*)

(*) 41 of the 48 cases involved disciplinary action following criminal conviction

(1) in 3 of the 8 cases the Commission also recommended the lifting of interdiction and forfeiture of salary withheld

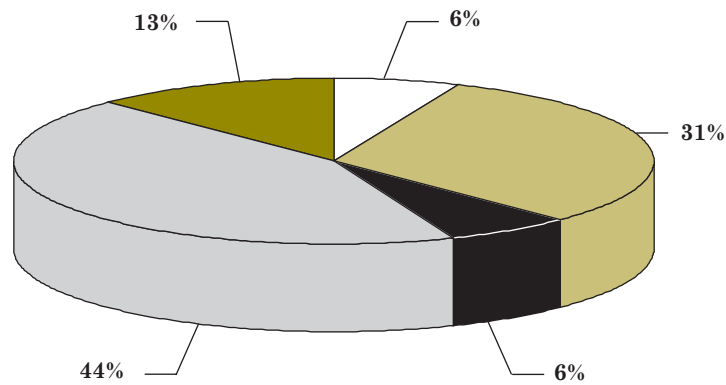
(2) in 1 of the 6 cases the Commission also recommended the lifting of interdiction and forfeiture of salary withheld

(3) in 1 of the 2 cases the Commission also recommended the lifting of interdiction

(4) the Commission also recommended the lifting of interdiction

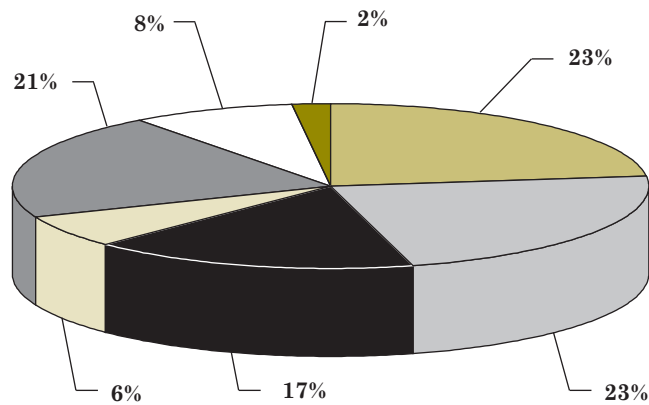
(5) in 2 of the 10 cases the Commission also recommended a severe reprimand

CHART 1 - Categories of 48 offences and penalties recommended



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

CHART 2 - Penalties imposed by PSC in 48 cases - by percentage



- Dismissal
- Warning of dismissal
- Suspension without pay for 2, 3 or 5 days
- Forfeiture of salary
- Fine (1, 2 and 4 days' pay)
- Written warning
- Termination of contract, withdrawal of appointment as Officer in Scale 12

The exercise of discipline through delegated authority

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

In a particular instance, the Commission asked a Head of Department to withdraw disciplinary action taken against a public officer who was served with a written warning in terms of Regulation 19 of the Disciplinary Regulations (Summary Discipline). The decision was taken after it resulted that the charge against the officer concerned simply made reference to simulation of sickness on a specific day without mentioning the vital detail about the time the sickness verification took place whereas, on the date quoted in the charge, the officer concerned had in fact reported for duty.

The following Table gives a breakdown of disciplinary action taken by Heads of Department during 2009 compared with the years 2004, 2005, 2006, 2007 and 2008:

TABLE 8 - Disciplinary action by Heads of Department						
Outcome:	2004	2005	2006	2007	2008	2009
Warning of dismissal and suspension from duty without pay	3	7	9	8	1	4
Suspension from duty without pay	40	66	37	51	56	22
Written warning (section 20)	44	66	77	62	34	32
Written warning (section 19)	523	731	367	222	207	447
Cases discontinued	87	22	17	9	7	15
Verdict of 'not guilty'	125	191	106	70	71	60
Pending cases	109	69	100	49	87	104
Total	931	1152	713	471	463	684

The Commission also noted the Survey and Report on Disciplinary Cases in the Public Service for the Year 2008 submitted in November 2009 by the Administration, and observed that the survey confirmed the validity of Commission's already expressed concern at the apparent deterioration over recent years of the situation in regard to the application by Heads of Departments of discipline in the Public Service. However, Table 8 above indicates a possible halt to the negative trend occurring in recent years, and indeed a reversal in 2009.

The Commission still intends to go ahead with the measure recommended by the Administration and approved by the Commission, to strengthen the application of discipline in government departments. This measure involves the nomination of retired senior public officers to serve on disciplinary boards.

Petition by accused officer in terms of Regulation 21 of the Disciplinary Regulations

An accused officer complained that the conclusions of the Disciplinary Board should be declared null and void as the Chairman and Members of the Disciplinary Board were not chosen from among officers in the salary scales stipulated by the Disciplinary Regulations. After due deliberation the Commission agreed that the Head of Department was to be instructed to set up a new Disciplinary Board to investigate the case. Moreover, the Head was told to ensure that officers working in the Discipline Section of his department were familiar with the provisions of the Disciplinary Regulations.

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

The Commission received three (3) 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 all three cases the Commission confirmed the penalties imposed by the Head of Department.

The Commission also received representations submitted by one (1) Head of Department in terms of Regulation 32 of the Disciplinary Regulations against the findings of the Disciplinary Board. The Commission agreed that the findings of the Disciplinary Board should be annulled and a fresh Disciplinary Board, made up of members not connected with the case or the Department concerned, be set up to hear the case again and report its findings to the Head of Department.

Review of past disciplinary decisions

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

The Commission considered seven (7) petitions made under this Regulation. After carefully considering the submissions made, the Commission found that in all seven 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 three (3) 'references back'.

In one (1) of the three cases the Commission confirmed its previous decision and re-submitted its original recommendation for the Prime Minister's approval. The Prime Minister then approved that recommendation.

In the other two (2) cases, the Commission reconsidered its previous decision and submitted fresh recommendations which were also subsequently approved by the Prime Minister.

V. Selected Issues and Rulings by the Commission

A. Policy Matters and Issues related to Recruitment

The Public Administration Act

The Public Administration Act (Cap 497) (PAA), which was published on 28 January 2009, marked the launching of a major reform in Public Administration in Malta. The two main aspects of the reform that are of direct relevance to the Public Service Commission are: (a) the delegation to Heads of Department, subject to ongoing strict monitoring and control by the Commission, of the selection process for appointments to public offices; and (b) the eventual assumption by the PSC, through its parallel operation as a Merit Protection Commission, of responsibility for seeing that appointments in Government Agencies - yet to be scheduled by the Government - are carried out fairly and on merit.

The Commission considers that the delegation of authority to Heads of Departments in matters related to recruitment and promotions needs very thorough preparation which is crucial to the entire exercise. The need is to ensure that Heads of Department are ready to take on the envisaged new responsibilities and to provide them with the necessary tools for that purpose.

Initial initiatives in this regard were taken during 2009 by both the Commission and the Administration. These included the setting up of a Task Group, chaired by the Executive Secretary PSC, to prepare the draft new PSC (General) Regulations and PSC (Appointments) Regulations. In November, the Task Group submitted its draft to the Commission for its consideration. The Task Group prepared two sets of Regulations, the PSC (General) Regulations and the PSC (Appointments Procedure) Regulations. These will eventually replace the PSC Regulations 1960. A second Task Group, with similar membership as the first Task Group but chaired by a representative of the Principal Permanent Secretary, is currently working on the detailed Directives and Guidelines on the procedures for recruitment under the delegated scenario which, in terms of the provisions of the Public Administration Act, will need to be issued by the Principal Permanent Secretary after these are approved by the Commission. The Group is also participating in a Task Force set up by the Principal Permanent Secretary to monitor the implementation of the provisions of the Public Administration Act.

In anticipation of the change in the nature of the Commission's work when all the provisions of the PAA are brought into effect, the position of Secretary PSC was re-designated by Legal Notice as Executive Secretary. The position was raised from Grade 4 to Grade 3.

Operations Review

The Project Team from the Management Efficiency Unit that was commissioned by the Public Service Commission in 2008 to conduct an

Operations Review of the Public Service Commission submitted its Report to the Commission in April 2009. The Commission accepted most of the recommendations set out in the Operations Review Report, and action was initiated on a number of proposals. Technical support has also been sought from the Information Management Unit within OPM with a view to develop the organisation's information systems and to upgrade the website of the PSC.

In mid-2009, the Commission initiated action for the identification of alternative and adequate premises outside the Presidential Palace that could accommodate the Office of the Commission. Two (2) properties in Valletta were identified for consideration by Government. This was in keeping with the Government's declared policy for all institutions and offices currently housed in the Palace to vacate it as early as possible.

Instruments of Delegation

During 2009, the Commission recommended, in terms of Article 110 of the Constitution of Malta, the issue of an Instrument of Delegation authorizing Permanent Secretaries to engage or re-engage retired officers, without reference to the Public Service Commission. Permanent Secretaries were empowered to re-engage such officers in specific areas or grades where there was a shortage of available skilled manpower or where there was a significant drain of valuable expertise and skills due to retirement.

The Commission recommended also the issue of an Instrument of Delegation empowering Heads of Department to extend and/or terminate a probationary period without reference to the Public Service Commission. Public Officers concerned were however given the right to make representations to the Permanent Secretary about the ruling of the Head of Department and also to appeal to the Public Service Commission should he/she remain unsatisfied.

Amendments to the Policy on the Re-integration of Public Officers

During 2009, the Commission approved further amendments to the Policy on the re-integration of public officers who had resigned, been dismissed or medically boarded out and whose re-integration could be justified on humanitarian grounds or in the public interest.

Policy on 'tenure in the grade'

In October 2009, the Commission approved the extension to lower grades, of the policy whereby public officers in a substantive grade are tenured in the higher grade after having performed creditably for six years in a higher position, in such a way that they are indefinitely pegged to the scale of the higher applicable grade. Whilst existing arrangements were in line with the spirit of Legal Notice 51 of 2007 that acknowledged the right of the employee to indefinite status after having served for more than 4 years on a fixed term contract, the *raison d'être* behind the approved extension was that the prevailing policy on 'tenure in the grade', being restricted to

a limited number of officers in top management positions, could give rise to discrimination.

Guidelines to selection boards - awarding marks in the course of a selection exercise

In its ongoing efforts to fine-tune the criteria adopted by selection boards so as to better ensure the applicability of the merit principle in all recruitment and promotion exercises, the Commission continued to issue stricter guidelines. The following are some of the changes introduced in 2009.

The Public Service Commission noted that, in a number of selection interviews, the difference in the ranking order between the individual being recommended for appointment and the next candidate in line was only one mark. Moreover, in such cases, there were instances where the one mark difference was in a subjective criterion such as that of “Personal Qualities”. The Commission accordingly amended its *Guidelines to Selection Boards* by outlining a clear methodology through which selection boards were required to exercise increased scrutiny prior to deciding on the marks to be given in ties, borderline failures or very close placings in the ranking order, and before submitting their report to the Commission.

The Commission approved other amendments to its *Guidelines* that were aimed at ensuring that selection boards designed and weighted every sub-criterion within each of the selection criteria approved by the Commission at the preliminary meeting stage of the selection process and before the actual holding of the interviews.

The Commission also decided, as a matter of policy across the board, to make available to those candidates who specifically requested the breakdown of the marks given to them, not only the marks under each criterion, as had been the policy up till then, but also those under each sub-criterion.

Panel member on PSC selection boards

In August 2009, the Commission decided to discontinue the practice of appointing on PSC Selection Boards a ‘Panel Member’ proposed by the Management and Personnel Office. This was because it had become clear that the original objective of this measure, that of having on each board a member who was expected to be more knowledgeable and conversant on the procedures required by the *Public Service Management Code*, had manifestly not been achieved. The Commission set 1st January 2010 as the effective date for the implementation of this measure so as to ensure enough time for the training of the officers appointed to selection boards affected by the change.

Petitions to the Public Service Commission in respect of published results

In January 2009, the Commission set in motion a new procedure regarding petitions submitted to the Public Service Commission in respect of

published results, whereby the bureaucratic and delaying requirement for petitions to be routed through the Head of Department and addressed to the Prime Minister was done away with.

All petitions are now to be submitted directly to the Executive Secretary of the Commission and copied to the Head of the Department wherein the vacancy to be filled lies. Heads of Department are now required to immediately forward a copy of the petition to the Chairman of the relative Selection Board; which Board is in turn required to submit within the shortest time possible to the Public Service Commission and copy to the Head of Department its comments on the points raised in the petition. The Head of Department is to ensure that the Selection Board deals expeditiously with the petition and with any follow-up correspondence there may be with the Public Service Commission, and is expected to intervene, also in writing, in cases of undue delay. A serious view, including the possible imposition of disciplinary sanctions, will be taken in cases of undue delay by the Selection Board or by the Head of Department in complying with these instructions.

Arbitrary decisions taken by selection boards

The Commission rebuked a selection board for having interviewed a late applicant and for having changed the interviewing criteria, both without the prior consent of the Commission. The Selection Board was informed that the Commission did not approve of the unilateral way it had acted and was instructed to submit a fresh report within the parameters indicated the Commission.

Applications made through the recruitment portal

The Commission expressed its disappointment with the Administration about the failure on the latter's part to implement the Commission's decision taken in 2008, for applications to certain post or positions to be made only on-line, particularly those in Salary Scale 10 and above. The Commission did not accept the clarifications made for delaying the process and reiterated that its directive was to be put into immediate effect, with the exclusion of those vacancies for which applications had to be submitted to the Department of Examinations.

New policy for public officers applying for a headship position

The Commission endorsed the introduction by the Office of the Principal Permanent Secretary of a new policy for officers applying for a headship position, whereby all applicants would be required to declare whether an interest existed in respect of any headship position for which they applied, and to propose how they intended to prevent any conflict arising thereupon, in the event of being selected. The Commission was assured that this information would not influence the selection process. Moreover, the Commission noted that candidates would have the right of appeal to the Commission.

B. Issues related to Disciplinary Proceedings

Court dismisses Constitutional Case

In December 2009, the Constitutional Court dismissed the case of a Police Inspector who claimed that his constitutional rights were being breached while he was undergoing disciplinary proceedings before a disciplinary board appointed by the Commissioner of Police. The Officer had originally pleaded before the Courts that his right to a fair hearing was being undermined since he was undergoing disciplinary proceedings initiated against him by the Commissioner of Police who, at the same time, appointed a disciplinary board composed of his subordinates to hear the said proceedings. The Court ruled that the authority of the disciplinary board was limited to establishing the facts but could not make any recommendations regarding the penalties to be imposed if the accused was found guilty, since its role was purely investigative. The Court concluded that it was the Commissioner of Police (who was the Head of Department in this case) who ultimately decided on the consequences, but only after the Board presented the facts of case. Moreover, the decision of the Commissioner of Police could then be appealed before the Public Service Commission.

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

As stated in last year's Report, the Commission had brought to the Administration's attention the problems created when the police authorities failed to inform Heads of Department about criminal proceedings instituted against public officers. The Commission had also noted with satisfaction the immediate response of the Principal Permanent Secretary – following whose intervention the Commissioner of Police had issued strict instructions to prosecuting officers to remedy the situation, under threat of disciplinary action against them if they failed to comply accordingly.

Regrettably, the Commission noted that, even after the issue of the instructions, a particular department was not informed that an employee had been arraigned in Court and subsequently convicted on two separate cases in October 2008 and July 2009, respectively. Moreover, the Police Department had even failed to reply to the Commission's request made in October 2009 asking to be informed of the reasons why the Police authorities had not informed the department concerned of these two cases. In the circumstances, the Commission decided to raise the matter again with the Commissioner of Police and with the Principal Permanent Secretary.

Following submissions made in this regard by the Principal Permanent Secretary, the Commission subsequently ruled in March 2009, that the Commissioner of Police should not refer contraventions to Heads of Department unless those contraventions had occurred at the place of work of the officer concerned or were directly related to his/her duties.

The Commission also expressed its disappointment with the Commissioner of Police, in regard to a separate case, about delays in transmission of important information by the Police Authorities; where as a result, the

Commission was hindered from taking timely and appropriate action due to misleading or insufficient information. The Commission considered that there should be an internal review of the way in which important decisions were conveyed by the Police to their destination. It was further suggested that, the better use of modern communication methods such as telephone and, even more relevantly, e-mail facilities instead of the traditional letter, should also be considered.

Disclosure of the identity of third parties during disciplinary proceedings

The Commission's advice was requested on the interpretation of Regulation 6(1) of the Disciplinary Regulations, particularly in regard to the disclosure of the identity of the person or persons making a report leading to disciplinary action against a public officer. The issue was raised during disciplinary proceedings against a public officer whose defence counsel contended that no documentary evidence had been provided to the accused officer. The Head of Department had, on his part, confirmed to the Disciplinary Board that the documentary evidence was not attached to the charge sheet due to Data Protection limitations, because the third parties involved in the incident (the victim and her relatives) had provided the information on the condition that their identity was not disclosed. The Commission agreed, in line with a legal opinion given in that regard, that the Disciplinary Board was correct in its decision not to provide the documents in question and was to proceed with the hearing, provided that the conditions imposed in Regulation 6(1) were observed. The Commission further ruled that the names of the persons who requested that their identity should not be disclosed, should be deleted from the relevant departmental papers used during the proceedings. However, should the evidence of these persons subsequently be found to be required so as to substantiate the charges, the accused officer could not be deprived of the right to cross-examine the person(s) who made the report and, therefore, the latter's identity would have to be divulged - unless the Head of Department preferred to withdraw from the proceedings the information supplied by the said third parties.

Penalties imposed by the Commission

Following due consideration of a particular case, the Commission decided that the penalty of a 'written warning' should invariably be cancelled after twelve (12) months. This, in order to remove the possible misinterpretation of the word 'lapse' as mentioned in the PSC Disciplinary Regulations.

The necessary amendment to the Regulations will be made in due course.

VI. Other Business of the Commission

Courtesy Visit to the President of Malta

On 16th April 2009, the Chairman, Members and Executive Secretary of the Commission paid a courtesy visit to the President of Malta, Dr George Abela on the occasion of his appointment as President of Malta.

Ombudsman

During 2009, the Ombudsman corresponded with the Commission on sixteen (16) cases relating to complaints made to him by public officers in the year under review. The Ombudsman also concluded one other case that had been considered by the Commission during 2008. In all the seventeen (17) cases, the Commission accepted the Ombudsman's request to view the relevant files.

Relevant information on the cases that were the subject of correspondence between the Ombudsman and the Commission in 2009 is given in *Appendix 9*.

Other meetings with the Commission

Following the appointment of the new Commission, the Principal Permanent Secretary had a lengthy meeting with the Commission on the 17th September 2009. During the courtesy visit, the Principal Permanent Secretary took the occasion to inform the Commission about, and to discuss, points on the ongoing developments in the public service, especially during the post EU-accession period and after the publication of the Public Administration Act.

The Commission and the Principal Permanent Secretary met on several other occasions during the year to discuss particular issues concerning the Administration, and other business of the Commission.

As envisaged in the Public Service Commission Regulations, 1960, the Commission also regularly consulted Heads of Departments and Selection Boards whenever this was considered necessary. This was done on thirty-eight (38) occasions during 2009 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).

Dr Jeanette Laferla

Deputy Chairperson, Public Service Commission (appointed on 27 July 2009)

Dr Jeanette Laferla née Saliba graduated LL.D. from the University of Malta in 1975 and started practising the Notarial profession in 1976, being the first Lady Notary to practise the profession in Malta. In 1978 she married Dr John Laferla, now deceased, and has a son. Dr Laferla had previously served as a member of the Public Service Commission between 1988 and 1993.

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).

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.

Mr Tonio Farrugia

Member, Public Service Commission (appointed on 27 July 2009)

Mr Farrugia retired from Public Service in 2004 after a long career in the Department of Social Services. During his term in Social Services he served in various sections ending his career as Assistant Director. Prior to his career in Social Services he also served in the Education Department.

Appendix 2

Staff complement	
Staff in post as on 31st December 2009	
Grade	No of Employees in post
Top Structure	Secretary and two Assistant Directors
Administrative staff	Two Principals and two Asst. Principals
Executive staff	Two Executive Officers
Clerical Staff	Two Senior Clerks and four Clerks
Messengerial Staff	One General Hand
Total	14

Commission's expenditure	
Expenditure for the year 2009	
Item	€
Emoluments of the Chairman, Deputy Chairman and Members of the Commission	62,884.64
Emoluments of the public officers attached to the Commission's staff	243,175.70
Social Security contributions	19,999.68
Operational and maintenance expenses	43,965.58
Capital	Nil
Total	370,025.60

Appendix 3

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

Action	Accountability for Action	Average Number of Days from Preceding Action									
		1994/1993	2002/2001	2004/2003	2005	2006	2007	2008	2009	2005-2009	
1	Request for PSC authority to issue Call for Applications ⁽²⁾	0	0	0	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	0.07	4.83	4.83
3	Verification of Call for Applications ⁽²⁾	39.8	52.84	36.9	69.31	56.33	33.18	54.55	53.64	53.4	53.4
4	Clarification sought by PSC	8.26	4.02	3.8	0	0	0	0	0	0	0
5	Response by Head of Department to PSC queries ⁽²⁾	24	9.56	8.44	0	0	0	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	7.33	7.14	7.14
7	Publication of Call for Applications	7.22	12.72	7.78	8.63	6.56	7.48	9.55	20.28	10.5	10.5
8	Closing date for submission of applications	25.94	26.2	22.8	21.94	23.17	23.08	21.40	22.35	22.39	22.39
9	Holding of Interviews	100.6	60.1	53	58.63	59.54	51.42	82.07	54.93	61.32	61.32
10	Selection Board Report ⁽²⁾	20.58	9.5	14.24	10.52	18.02	11.92	15.49	12.79	13.75	13.75
11	Recommendation by Head of Department ⁽²⁾	15.78	17.72	12.62	19	15.07	14.50	15.27	10.01	14.77	14.77
12	Verification of Vacancy ⁽²⁾	8.24	9.98	4.94	5.54	9.13	6.96	11.96	3.80	7.48	7.48
13	Clarifications sought by PSC	2.9	2.58	0.76	0.22	0.30	1.40	0.59	0.64	0.63	0.63
14	Response to PSC queries ⁽²⁾	6.82	9.56	2.42	1.22	4.17	0.90	3.13	2.55	2.39	2.39
15	Recommendation by PSC	16.54	18.3	6.6	6.06	6.81	8.94	6.36	8.25	7.28	7.28
16	Prime Minister's Signature	7	7.74	7.58	7.72	14.33	13.60	8.12	7.23	10.20	10.20
Total Duration of Selection Processes		379	265	205	221	232	182	236	203	215	215
		54	38	29	32	33	26	34	29	31	31
		weeks	weeks	weeks	weeks	weeks	weeks	weeks	weeks	weeks	weeks

⁽¹⁾ For the background of the methodology used in compiling the statistical data of this Appendix refer to 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 4

(i) Calls for Applications advertised in the Government Gazette – Total 198

Office of the Prime Minister

1. Research Officer, Permanent Representation of Malta to the EU
2. Senior Audit Manager, Internal Audit and Investigations Division, Cabinet Office
3. Auditor, Internal Audit Investigations Division, Cabinet Office
4. Employee Support Programme (ESP) Unit Coordinator, Employee Relations Directorate
5. Information Officer, Department of Information
6. Photographer, Department of Information
7. Printers, Government Printing Press
8. Junior Legal Officer/Legal Officer, Local Government Department
9. Accountant, Local Government Department

Ministry of Foreign Affairs

1. Second Secretaries in the Diplomatic Service

Ministry for Gozo

1. ICT Applications Officer, Management Information Unit
2. Junior Engineer/Engineer (Mechanical), Gozo General Hospital, Department of Customer Services
3. Consultant Obstetrician and Gynaecologist, Gozo General Hospital, Department of Customer Services
4. Consultant Physician, Gozo General Hospital, Department of Customer Services

Ministry for Infrastructure, Transport and Communications

1. Technical Attaché (Maritime), Permanent Representation of Malta to the European Union
2. Senior Legal Officer
3. Senior Legal Officer
4. Head of the Air Navigation Services Unit, Department of Civil Aviation
5. Head of the Aerodrome Licensing and Aircraft Registry Unit, Department of Civil Aviation
6. Head of the Personnel Licensing Unit, Department of Civil Aviation
7. Specialist in the Technical Units, Department of Civil Aviation
8. Inspector, Flight Operations Inspectorate, Department of Civil Aviation

Ministry for Resources and Rural Affairs

1. Information Officer, Office of the Permanent Secretary
2. Scientific Officer, Office of the Permanent Secretary
3. Technical Attaché (Fisheries), Permanent Representation of Malta to the European Union
4. Quality Control Manager, Paying Agency
5. Risk Analysis Coordinator, Paying Agency
6. Agricultural Officer, Paying Agency
7. Principal Economics Officer at the Paying Agency
8. Pharmacist
9. Scientific Officers
10. Principal Scientific Officer
11. Legal Procurator
12. Legal Procurator
13. Agricultural Officer
14. Senior Manager (Rural Development)
15. Architect and Civil Engineer/Junior Architect and Civil Engineer, Building and Engineering, Works Division
16. Architect and Civil Engineer/Junior Architect and Civil Engineer, Building Regulations Office, Services Division
17. Trainee Fisheries Protection Officer at the Veterinary Regulation, and Fisheries Conservation and Control Division
18. Junior Veterinary Officers/Veterinary Officers, Fish and Farming Regulation and Control Division
19. Veterinary Support Officer, Fish and Farming Regulation and Control Division

Ministry of Education, Culture, Youth and Sport

1. Cultural Contact Point (CCP), Culture and Audiovisual Unit
2. Projects Manager “Strategic Educational Pathways Scholarship Scheme” (STEPS)
3. Office Assistant (STEPS)
4. Part-Time Projects Administrator (Career Guidance Capacity Building)
5. Part-Time Projects Administrator (Transition of Inclusion Coordinator for Secondary Education - TICSE)
6. Architect and Civil Engineer/Junior Architect and Civil Engineer
7. College Principal
8. Director in the Directorate for Quality and Standards in Education (DQSE)
9. Principal Education Officer, DQSE
10. Education Officers, DQSE
11. Education Officers, DQSE
12. Director (Research and Development), DQSE and Directorate for Educational Services (DES)
13. Youth Worker, DES
14. Trainee Educational Psychologist, DES
15. Trainee Career Advisor, DES
16. Trainee Counsellor, DES
17. Speech Therapist, DES
18. Occupational Therapist, DES
19. Learning Support Assistants II, DES

20. College Precincts Officers, DES
21. Teachers (2009), DES
22. College Administrator, DES
23. Teacher (to teach Maltese and English in Brussels), DES
24. Head of Resource Centre, DES
25. College Counsellors, DES
26. College Career Advisors, DES
27. College Prefect of Discipline, DES
28. Inclusive and Special Education Specialist, DES
29. Social, Emotional and Behavioural Difficulties (SEBD) Specialist, DES
30. Resource Worker, DES
31. Social Worker, DES
32. Learning Support Centre Manager, Department of Student Services, DES
33. Principal Social Worker, DES
34. Head of School (Malta), DES
35. Kindergarten Assistant II, DES
36. Head of School, DES, to serve in Gozo
37. Head of School, DES, to serve in Malta

Ministry for Social Policy

1. Operations Executive within the Social Policy Information Centre (SPIC)
2. Social Worker in the Directorate General, Department of Social Security
3. Projects Manager (ERDF Grant Scheme for Childcare Facilities), Social Welfare Standards
4. Medical Officer (General Practice Trainee), Social Policy (Health)
5. Scientific Officer (Food Safety), Public Health Laboratory, Social Policy (Health)
6. Resident Specialist (ENT Surgery), Social Policy (Health)
7. Resident Specialist (General Medicine), Social Policy (Health)
8. Occupational Therapist, Social Policy (Health)
9. Economics Officer, Directorate for Pharmaceutical Policy and Monitoring, Social Policy (Health)
10. Resident Specialist (Ophthalmology), Social Policy (Health)
11. Consultant Clinical Haematologist, Social Policy (Health)
12. Consultant Physician with an Interest in Nephrology, Social Policy (Health)
13. Clinical Chairperson of the Accident and Emergency Department, Social Policy (Health)
14. Consultant (Accident and Emergency), Social Policy (Health)
15. Consultant Obstetrician and Gynaecologist with special responsibilities for Emergency Services and Admissions, Social Policy (Health)
16. Principal Scientific Officer (Radiotherapy Physicist), Social Policy (Health)
17. Registrar (Dentistry) for Higher Specialist Training in Orthodontics, Department of Dental Surgery, Social Policy (Health)
18. Consultant Ophthalmic Surgeon with Special Interest in Vitro-Retinal Surgery, Social Policy (Health)
19. Higher Specialist Trainee, Department of Orthopaedics, Social Policy (Health)

20. Consultant Obstetrician and Gynaecologist with special responsibilities for Labour Ward, Practice and Admissions, Social Policy (Health)
21. Consultant (Audiological Medicine), Social Policy (Health)
22. Houseman, Social Policy (Health)
23. Consultant Palliative Medicine, Social Policy (Health)
24. Consultant Oncologist, Social Policy (Health)
25. Higher Specialist Trainee, Department of Radiology, Social Policy (Health)
26. Higher Specialist Trainee, Department of Anaesthesia, Social Policy (Health)
27. Higher Specialist Trainee (ENT Surgery), Social Policy (Health)
28. Higher Specialist Trainee (Surgery), Social Policy (Health)
29. Higher Specialist Trainee (Plastic Surgery), Social Policy (Health)
30. Higher Specialist Trainee (Cardiology), Social Policy (Health)
31. Resident Specialist (Orthopaedics), Social Policy (Health)
32. Consultant (Urologist), Social Policy (Health)
33. Dental Surgeon, Social Policy (Health)
34. Registrars (Dentistry), Social Policy (Health)
35. Psychologist (Clinical) in Palliative Care, Social Policy (Health)
36. Principal Scientific Officer (Medical Physics), Social Policy (Health)
37. Resident Specialist (General Surgery), Social Policy (Health)
38. Resident Specialist (Accident and Emergency), Social Policy (Health)
39. Resident Specialist (Urology), Social Policy (Health)
40. Higher Specialist Trainee (Paediatric Surgery), Social Policy (Health)
41. Staff Nurse on a full-time/part-time basis, Social Policy (Health)
42. Principal Scientific Officer (Physiological Measurement), Social Policy (Health)
43. Programme Manager (Clinical), National Health Screening Programme, Social Policy (Health)
44. Programme Manager (Operations), National Health Screening Programme, Social Policy (Health)
45. Resident Specialist (Neurosurgery), Social Policy (Health)
46. Higher Specialist Trainee (Accident and Emergency), Social Policy (Health)
47. Consultant Orthopaedic Surgeon with an interest in Spinal Surgery, Social Policy (Health)
48. Consultant (Genito-Urinary Medicine), Social Policy (Health)
49. Pharmacist, Social Policy (Health)
50. Designate Consultant Physician with an interest in Respiratory Medicine, Social Policy (Health)
51. Midwife on Full-Time Basis/Midwife on Part-Time Basis, Social Policy (Health)
52. Designate Consultant Otorhinolaryngology and Head and Neck Surgeon, Social Policy (Health)
53. Consultant (Neurosurgery), Social Policy (Health)
54. Health Inspector, Social Policy (Health)
55. Consultant Dermatologist, Social Policy (Health)
56. Radiographer (Diagnostic), Social Policy (Health)
57. Higher Specialist Trainee (Neurosurgery), Social Policy (Health)
58. Paramedic Aide (Phlebotomist), Social Policy (Health)
59. Pharmacy Technician, Social Policy (Health)

60. Consultant Physician with an interest in Gastroenterology and Hepatology, Social Policy (Health)
61. House Surgeon (Dentistry), Social Policy (Health)
62. House Officer, Social Policy (Health)
63. Medical Laboratory Technologist, Social Policy (Health)
64. Scientific Officer, Public Health Laboratory, Social Policy (Health)
65. Physiotherapist, Social Policy (Health)
66. Scientific Officer (Infection Control Unit), Social Policy (Health)
67. Resident Specialist (Obstetrics and Gynaecology), Social Policy (Health)
68. Dental Surgery Assistant, Social Policy (Health)
69. Resident Specialist in Public Health, Social Policy (Health)
70. Higher Specialist Trainee (Urology), Social Policy (Health)
71. Higher Specialist Trainee (Paediatrics), Social Policy (Health)
72. Higher Specialist Trainee (General Medicine/Respiratory Medicine), Social Policy (Health)
73. Higher Specialist Trainee (Psychiatry), Social Policy (Health)
74. Higher Specialist Trainee (Oncology and Palliative Care), Social Policy (Health)
75. Higher Specialist Trainee (Obstetrics and Gynaecology), Social Policy (Health)
76. Higher Specialist Trainee (General Medicine/Gastroenterology), Social Policy (Health)
77. Higher Specialist Trainee (Histopathology), Social Policy (Health)
78. Higher Specialist Trainee (General Medicine/Rheumatology), Social Policy (Health)
79. Higher Specialist Trainee (Geriatrics), Social Policy (Health)
80. Higher Specialist Trainee (General Medicine/Nephrology), Social Policy (Health)
81. Resident Specialist (Anaesthesia), Social Policy (Health)
82. Higher Specialist Trainee (General Medicine/Diabetes/Endocrinology), Social Policy (Health)
83. Higher Specialist Trainee (Acute/General Medicine), Social Policy (Health)
84. Podologist (Podiatrist), Social Policy (Health)
85. Pharmacist, Social Policy (Health)
86. Higher Specialist Trainee (Public Health), Social Policy (Health)
87. Resident Specialist (Paediatric Surgery), Social Policy (Health)
88. Higher Specialist Trainee (Ophthalmology), Social Policy (Health)
89. Technician (Industrial Electronics), Biomedical Department, Social Policy (Health)
90. Paramedic Aide (Decontamination), Social Policy (Health)
91. Designate Consultant Orthopaedic Surgeon leading to the post of Consultant Orthopaedic Surgeon with an interest in correction of Limb Deformity and Limb Lengthening, Social Policy (Health)
92. Higher Specialist Trainee (General Medicine/Neurology), Social Policy (Health)

Ministry of Finance, the Economy and Investment

1. Research Officer, Permanent Representation of Malta to the EU
2. Principal Economics Officer
3. Accountant
4. Accountant

5. Budget Officer
6. Economics Officer
7. Manager (Financial Control)
8. Programme Manager (Finance), Financial Management Monitoring Unit
9. Programme Manager (Finance), Financial Management Monitoring Unit
10. Accountants, Tax Compliance Unit
11. Junior Legal Officer/Legal Officer, Government Property Division
12. Architect and Civil Engineer/Junior A&CE, Government Property Division
13. Legal Procurator, Government Property Division
14. Case Officer, Consumer and Competition Division
15. Case Officer, Consumer and Competition Division
16. Case Officer, Consumer and Competition Division
17. Manager (Management Accounting), Treasury Division
18. Legal Officer, VAT Division
19. Accountant, VAT Division
20. Assistant Librarian, Support Services Division

Ministry for Justice and Home Affairs

1. Technical Attaché (Police Matters), Permanent Representation of Malta to the EU
2. Senior Manager (Schengen Unit)
3. Contract Management Officer
4. Technical Attaché (Police Matters), Permanent Representation of Malta to the EU
5. Case Worker, Office of the Commissioner for Refugees
6. IT Administrator, Courts of Justice (Malta)
7. Family Mediators' Coordinator, Courts of Justice
8. Probation Officers, Department of Correctional Services

(ii) Calls for Applications advertised in the British Medical Journal - Total 2

Ministry for Social Policy (Health)

1. Locum Consultant Radiologists
2. Locum Consultant Neurosurgeon

Appendix 5

Calls for Applications issued through MPO Circulars - Total 103

Office of the Prime Minister

1. Technical Officer (Operations)
2. Payroll Officer, Management and Personnel Office
3. Manager (Video Production and Archiving), Department of Information
4. Manager (International Services and Media), Department of Information
5. Manager (Public Service, Image Building and Projection), Department of Information
6. Motor Transport Driver (Group III), Electoral Office
7. Tradesman/Senior Tradesman (Tailor), Armed Forces of Malta
8. Messenger, Public Service
9. Expression of interest from amongst Public Officers to perform duties as Executive Secretaries with Local Councils

Ministry for Gozo

1. Principal Radiographer (Diagnostic), Gozo General Hospital, Department of Customer Services
2. Senior ECG Technician (Gozo General Hospital), Department of Customer Services
3. Property Registration Manager in the Directorate General (Operations), Land and Public Registry Section
4. Property Registration Officer 'A' in the Directorate General (Operations), Land and Public Registry Section
5. Senior Agricultural Officer, Department of Projects and Development

Ministry for Infrastructure, Transport and Communications

1. National Identity Management Officer, Land and Public Registry Division
2. Property Registration Officer, Land and Public Registry Division

Ministry for Resources and Rural Affairs

1. Senior Agricultural Foreman
2. Assistant Veterinary Support Officer
3. Security Officer
4. Technician/Senior Technician (Laboratory)
5. Heavy Plant Driver (Group IV)
6. Supervisor (Cleaving Enforcement)
7. Principal Agricultural Officer

8. Senior Operative (Gardening Works)
9. Senior Operative (Rubble Wall Builder) Group IV
10. Senior Agricultural Officer
11. Senior Manager (Controls), Paying Agency
12. Technical Officer (Draughtsman), Building and Engineering Department
13. Senior Agricultural Officer, Monitoring Unit, Malta Embellishment and Landscaping Project
14. Senior Foreman, Parks and Initiatives Department
15. Principal Agricultural Officer, Plant Health Department
16. Farmer, Rural Affairs Division
17. Assistant Foreman, Rural Affairs Division
18. Senior Fisheries Protection Officer, Fish and Farming Regulation and Control Division
19. Principal Veterinary Support Officer, Fish and Farming Regulation and Control Division
20. Assistant Technical Officer, Operations Department, Veterinary Fisheries Administration and Operations Division
21. Foreman, Operations Department, Veterinary Fisheries Administration and Operations Division
22. Assistant Foreman, Operations Department, Veterinary Fisheries Administration and Operations Division
23. Senior Operative (Cleansing Abattoir), Operations Department, Veterinary Fisheries Administration and Operations Division
24. Senior Operative (Fisheries Field Recorder) Group IV, Veterinary Fisheries Administration and Operations Division
25. Senior Technical Officer, Building Regulations Office, Services Division
26. Senior Technical Officer, Architectural Consultancy Services Unit, Services Division
27. Principal Technical Officer, Valley Management Unit, Services Division
28. Assistant Technical Officer, Services Division
29. Senior Technical Officer, Cleansing Services Department, Services Division
30. Senior Foreman (Valley Management Unit), Services Division
31. Senior Foreman (Aluminium), Services Division
32. Technical Officer (Valley Management Unit), Services Division
33. Senior Foreman (Valley Management Unit), Services Division
34. Principal Technical Officer (Photogrammetry), Restoration Unit, Works Division
35. Principal Technical Officer, Construction and Maintenance Department, Works Division
36. Chief Architect and Civil Engineer, Building and Engineering Department, Works Division
37. Senior Technical Officer, Construction and Maintenance Department, Works Division
38. Principal Technical Officer (Joint Venture Projects), Construction and Maintenance Department, Works Division
39. Principal Technical Officer, Works Division
40. Technical Officer, Construction and Maintenance Department, Works Division
41. Assistant Foreman, Construction and Maintenance Department, Works Division

Ministry of Education, Culture, Youth and Sport

1. Assistant Care Worker, Student Services Department, Directorate for Educational Services (DES)

Ministry for Social Policy

1. Assistant Technical Officer, Biomedical Engineering Section, Social Policy (Health)
2. Assistant Principal Podologist, Social Policy (Health)
3. Technical Officer (Radiotherapy Physics), Social Policy (Health)
4. Principal Speech Therapist, Social Policy (Health)
5. Operations Manager (Biomedical Engineering) in Medical and Dental Equipment, Social Policy (Health)
6. Operations Manager (Biomedical Engineering) in Life Saving Equipment, Ventilators, Diagnostic Equipment and Ambulances, Social Policy (Health)
7. Operations Manager (Biomedical Engineering) in Laboratory Equipment and Medical Gas Equipment, Social Policy (Health)
8. Operations Manager (Biomedical Engineering) in Radiology Equipment and Bed Pan Washers, Social Policy (Health)
9. Departmental Midwifery Officer, Social Policy (Health)
10. Senior ECG Technician, Social Policy (Health)
11. Specialist Occupational Therapist, Social Policy (Health)
12. Informatics Nurse, Social Policy (Health)
13. Senior Pharmacy Technician, Social Policy (Health)
14. Gravedigger (Group III), Social Policy (Health)
15. Principal Pharmacy Technician in the Pharmacy of your choice, Social Policy (Health)
16. Senior Pharmacist, Directorate for Pharmaceutical Policy and Monitoring, Social Policy (Health)
17. Senior Care Worker, Social Policy (Health)
18. Hospital Planning Manager, Social Policy (Health)
19. Practice Development Nurse (Oncology and Palliative Care), Social Policy (Health)
20. Post-Mortem and Mortuary Attendant, Social Policy (Health)
21. Nuclear Medicine Nurse, Social Policy (Health)
22. Assistant Principal Occupational Therapist, Social Policy (Health)
23. Orthopaedics Nurse (Theatre), Social Policy (Health)
24. Principal Technical Officer (Procurement), Social Policy (Health)
25. Foreman (Stores), Social Policy (Health)
26. Senior Technical Officer (Civil/Furniture), Social Policy (Health)
27. Urology Nurse (Theatre), Social Policy (Health)
28. Assistant Principal Medical Laboratory Technologist, Social Policy (Health)
29. Assistant Principal Physiotherapist, Social Policy (Health)
30. Principal Technical Officer in the Biomedical Engineering Section, Social Policy (Health)
31. Supervisor, Social Policy (Health)
32. Senior Pharmacist, Directorate of Pharmacy of your choice, Social Policy (Health)
33. Foreman (Projects and Maintenance), Social Policy (Health)
34. Assistant Principal Speech Therapist, Social Policy (Health)
35. Assistant Principal Dental Technologist, Social Policy (Health)

36. Assistant Principal Radiographer (Diagnostic), Social Policy (Health)
37. Assistant Technical Officer (Mechanical), Social Policy (Health)

Ministry of Finance, the Economy and Investment

1. Motor Transport Driver (Group III)
2. Assistant Technical Officer (Assaying), Capital Transfer Duty, Inland Revenue Division
3. Principal Technical Officer, Estate Management Department, Government Property Division
4. Senior Technical Officer, Government Property Division
5. Customs Auxiliary (Group III), Customs Division
6. Supervisor, Customs Division

Ministry for Justice and Home Affairs

1. Assistant Registrar, Courts of Justice
2. Usher, Courts of Justice

Appendix 6

Departmental Calls for Applications

(i) Calls for Applications advertised through Departmental Circulars - Total 4

Ministry for Resources and Rural Affairs

1. Chief Weigher, Operations Department, Veterinary Fisheries Administration and Operations Division

Ministry of Education, Culture, Youth and Sport

1. Assistant Head of School (Primary) - Malta, Directorate for Educational Services (DES)
2. Heads of Department (Subject/Group of Subjects/Area), Directorate for Quality and Standards in Education (DQSE)

Ministry of Finance, the Economy and Investment

1. Chief Inspector of Customs, Customs Division

(ii) Calls for Applications issued by Ministries for the Filling of Assistant Director Positions in terms of delegation by PSC - Total 54

Office of the Prime Minister

1. Assistant Director (Finance and Administration), Department of Corporate Services
2. Assistant Director (Support Services), Planning and Priorities Co-ordination Division
3. Assistant Director (Information), Department of Information

Ministry for Gozo

1. Assistant Director (Major Projects), Department of Projects and Development

Ministry for Infrastructure, Transport and Communications

1. Assistant Director (Passports), Passport and Civil Registration Department

2. Assistant Director (ID Cards), Passport and Civil Registration Department
3. Assistant Director (Revenue Collection), Television Licensing Unit

Ministry for Resources and Rural Affairs

1. Assistant Director (Director General's Office), Works Division

Ministry of Education, Culture, Youth and Sport

1. Assistant Director (Precincts Management), Department of Corporate Services
2. Assistant Director (Finance), Department of Corporate Services
3. Assistant Director (Human Resources), Department of Corporate Services

Ministry for Social Policy

1. Assistant Director (Administration), Office of the Permanent Secretary (Social Policy)
2. Assistant Director (Customer Care), Social Security Division
3. Assistant Director (Non-Contributory Benefits), Social Security Division
4. Assistant Director (Finance and Administration), Social Welfare Standards
5. Assistant Director (Enforcement), Industrial and Employment Relations Department
6. Assistant Director (Enforcement), Industrial and Employment Relations Department
7. Assistant Director (EU and International Affairs) (Social Affairs), Policy and EU Affairs (Social Affairs) Directorate, Strategy and Sustainability Division, Social Policy (Health)
8. Assistant Director (Programme Implementation), Strategy and Sustainability Division, Social Policy (Health)
9. Assistant Director (Health Care Services Division), Social Policy (Health)
10. Assistant Director (Director General's Office - Public Health Regulation Directorate), Social Policy (Health)
11. Assistant Director (Procurement), Social Policy (Health)
12. Assistant Director (Human Resources), Social Policy (Health)
13. Assistant Director (Elderly and Community Services), Social Policy (Health)

Ministry of Finance, the Economy and Investment

1. Assistant Director (Revenue), Budgetary Affairs Division
2. Assistant Director (Finance), Support Services Division
3. Assistant Director (Tax Pay & Social Welfare Policy), Financial Policy and Management Division
4. Assistant Director (Government Transport), Financial Policy and Management Division

5. Assistant Director (Accounting Methodology and Control), Treasury Division
6. Assistant Director (Accounting Methodology and Control), Treasury Division
7. Assistant Director (Accounting Methodology and Control), Treasury Division
8. Assistant Director (Accounting Methodology and Control), Treasury Division
9. Assistant Director (Office of the Commissioner of Inland Revenue), Inland Revenue Division
10. Assistant Director (Processing Services), Customs Division
11. Assistant Director (Excise Control), Customs Division
12. Assistant Director (Inspectorate and Assurance), VAT Division
13. Assistant Director (Inspectorate and Assurance), VAT Division
14. Assistant Director (Inspectorate and Assurance), VAT Division
15. Assistant Director (Post Contracts), Contracts Division
16. Assistant Director (Electronic Procurement), Contracts Division
17. Assistant Director (Support Services), Economic Policy Division
18. Assistant Director (Government Immovable Property Register)
19. Assistant Director (Enforcement), Government Property Division
20. Assistant Director (Enforcement), Government Property Division
21. Assistant Director (Enforcement), Government Property Division
22. Assistant Director (Joint Office), Government Property Division
23. Assistant Director (Support Services), Commerce Division
24. Assistant Director (Support Services), Commerce Division
25. Assistant Director (Imports and Exports), Commerce Division
26. Assistant Director (Enforcement) , Consumer and Competition Division

Ministry for Justice and Home Affairs

1. Assistant Director (Human Resources)
2. Assistant Director (Finance and Administration), Department of Correctional Services
3. Assistant Director (Finance and Administration), Department of Correctional Services
4. Assistant Director, Third Country Nationals

Appendix 7 (a)

Representations to the Commission regarding Selection Processes

No	Related Post	Department	Representations	Commission's Decision
1.	Deputy Nursing Officer	Health Division	Complainant complained that first-level nursing experience had not been taken into consideration	The Commission confirmed that complainant's experience had been correctly assessed by selection board
2.	Director (Regulatory Compliance)	Education, Culture, Youth and Sport	Complainant claimed that he/she was next in line for promotion when the present incumbent retired	The Commission was unable to submit a recommendation as the position had been abolished.
3.	Specialist Medical Laboratory Technologist; Senior Principal Medical Laboratory Technologist	Health Division	Complainant claimed that the calls for applications were discriminatory	The Commission agreed that the provisions of the calls for applications fully respected those of the relative sectoral agreement
4.	Counsellor	Ministry of Foreign Affairs	Complainant complained about the presence of a member of the Selection Board.	The Commission did not accept the complaint
5.	Kindergarten Assistants II	Education Division	The MUT drew attention to the fact that a number of candidates had applied for the post of Kindergarten Assistant I but had not applied for the post of Kindergarten Assistant II as they had assumed that the Pre-School Certificate was not comparable with the BTEC Diploma requested in the call for applications for the post of Kindergarten Assistant II. After the closing date, the MQRIC had declared, in the case of other candidates who had sought clarification, that the Pre-School Certificate was in fact comparable with the BTEC Diploma. The Union claimed that the candidates concerned had thereby become eligible and should be considered for the post of Kindergarten Assistant II	The Commission decided that only those applicants who had applied for the post of KGA II and who had the eligibility requirements in terms of the call for applications should be considered eligible and be interviewed.
6. 7. 8. 9.	Kindergarten Assistants II	Education Division	Four persons claimed that they should be allowed to apply and be considered for the posts of KGA II for similar reasons as those mentioned in case no. 5	The Commission could not consider persons eligible for a post for which they had not applied

No	Related Post	Department	Representations	Commission's Decision
10. 11. 12.	Specialist Dental Hygienist	Health Division	Three applicants made serious allegations against members of the selection board and requested that the board be dissolved and an independent board be appointed to ensure a fair interview. They also requested to remain anonymous to avoid repercussions at the place of work	The Commission decided to abort the selection process and to appoint a different Selection Board. In the light of the seriousness of the allegations, the PPS was asked to investigate the allegation made by the three applicants.
13.	Principal Technical Officer	Works Division	Complainant claimed discrimination because Service and Leave Record Sheet (Form GP 47) contained certain personal details	Following clarification by the Data Protection Commissioner, the Commission informed complainant that the information included in his GP 47 was in line with normal official procedure and that the procedure was not in breach of the Data Protection Act.
14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29.	Kindergarten Assistants II	Directorate for Educational Standards	Sixteen persons, who had applied for the post of Kindergarten Assistant I, complained that they had not applied for the post of Kindergarten Assistant II as they had assumed that the Pre-School Certificate was not comparable with the BTEC Diploma requested in the call for applications for the post of Kindergarten Assistant II. After the closing date the MQRIC had declared, in the case of other candidates who had sought clarification, that the Pre-School Certificate was in fact comparable with the BTEC Diploma. The sixteen candidates claimed that they had thereby become eligible and should be considered for the post of Kindergarten Assistant II	The Commission could not consider persons eligible for a post for which they had not applied
30.	Teacher (European Studies)	Directorate for Educational Services	Complainant had been considered ineligible as the Board had refused to recognize post-graduate degree	The Commission decided that as complainant was not in possession of a PGCE and as the Master's Degree was in European Law and not in European Studies, complainant was not eligible for the post

No	Related Post	Department	Representations	Commission's Decision
31.	Senior Technical Officer	Construction and Maintenance, Works Division	Complainant requested to be allowed to submit a late application claiming that the call was not circulated	The Commission could not be assured that the MPO Circular had been brought to complainant's attention and decided that complainant was to be granted the benefit of the doubt and his application accepted
32.	Usher	Courts of Justice	Complainant complained about ineligibility	The Commission decided that complainant was ineligible
33.	Nursing Officer	Health Division	A legal counsel complained on behalf of five candidates that they had suffered an injustice when they had not been appointed to the post in spite of their having been successful in the selection process. The statutory validity of the result had since lapsed	The Commission informed complainants that the filling of vacancies was the prerogative of the Administration
34.	Headship Positions	Ministry of Foreign Affairs	Complainant complained about ineligibility	The Commission found that complainant did not occupy a substantive grade from which Headships were selected and was therefore not eligible
35.	Director (Estate Management)	Government Property Division	Complainant complained that in spite of submitting an application he had not been considered for the position	The Commission sought the comments of the PPS before deciding that the SAAC had acted correctly
36.	Teacher (English)	Directorate for Educational Services	Complainant complained about ineligibility in spite of having a Master's Degree	The Commission ruled that as the Master's Degree was not in the subject applied for, complainant should not be considered eligible
37.	Teacher (Maltese)	Directorate for Educational Services	Complainant complained about ineligibility in spite of having a Master's Degree	The Commission ruled that as the Master's Degree was not in the subject applied for, complainant should not be considered eligible
38.	Teacher (Primary)	Directorate for Educational Services	Complainant complained about ineligibility in spite of having a PGCE	The Commission ruled that as the PGCE was not in Primary Education, complainant should not be considered eligible
39.	Technical Officer (Operations)	Office of the Prime Minister	Complainant complained about ineligibility	Applicant had failed to comply with the requirements of the call for applications and therefore could not be considered eligible

No	Related Post	Department	Representations	Commission's Decision
40.	Tradesman/Senior Tradesman (Stone Carver)	Works Division	Complainant alleged that a candidate who placed tenth and been appointed to the post, had no qualifications of a Stone Carver.	The Commission noted that a petition by complainant had already been considered and decided upon. The Commission was nevertheless also satisfied that all successful applicants satisfied the eligibility requirement.
41.	Chief Scientific Officer	Ministry for Rural Affairs and the Environment	Complainant complained that a request for the breakdown of marks had been declined	Complainant had been declared ineligible in spite of his having been wrongfully interviewed and consequently his interview had automatically been rendered null and void
42.	Teacher (Information Technology)	Directorate for Educational Services	Complainant complained about ineligibility	The Commission ruled that complainant was not in possession of the required qualifications by the closing date and was therefore not eligible for the post
43.	Teacher (Personal and Social Development)	Directorate for Educational Services	Complainant complained about ineligibility	The Commission ruled that as the complainant's main area of study was not in Psychology, complainant was not eligible for the post
44.	Teacher (Systems of Knowledge)	Directorate for Educational Services	Complainant complained about ineligibility	The Commission accepted complaint . The Selection Board was asked to interview complainant and submit a revised report.
45.	Teacher (Social Studies)	Directorate for Educational Services	Complainant complained about ineligibility	The Commission ruled that in terms of the call for applications complainant was not eligible
46. 47. 48.	Staff Nurse/Part-Time Staff Nurse	Health Division	Three persons complained that the call for applications had not been brought to their attention	The Commission ruled that the late applications should not be accepted
49.	Information Officer	Ministry for Resources and Rural Affairs	Complainant complained about ineligibility	The Commission accepted complaint and ruled that complainant be declared eligible
50.	Director (Lifelong Learning)	Ministry of Education, Culture, Youth and Sport	Complainant had not been short-listed for the position	The Commission was satisfied that the SAAC had exercised a fair judgement in line with the normal procedure
51.	Teacher (Personal and Social Development)	Directorate for Educational Services	Complainant requested the Commission to reconsider its decision of ineligibility	The Commission confirmed its previous decision that complainant was ineligible
52.	Teacher (Primary)	Directorate for Educational Services	Complainant complained about ineligibility	The Commission agreed that in terms of the call for applications complainant was not eligible

No	Related Post	Department	Representations	Commission's Decision
53.	College Career Advisor	Directorate for Educational Services	Complainant requested the Commission to accept late application as the letter had been returned by MaltaPost plc marked 'Underpaid' and complainant had had to post it again	The Commission considered that as complainant had originally posted the application in sufficient time to ensure delivery, application was to be accepted
54.	Learning Support Assistants II	Directorate for Educational Services	Complainant complained about ineligibility	The Commission confirmed its previous decision that complainant could not be considered eligible
55.	Learning Support Assistants II	Directorate for Educational Services	Complainant complained about ineligibility	The Commission confirmed its previous decision that complainant could not be considered eligible
56.	College Prefect of Discipline	Directorate for Educational Services	Complainant complained about ineligibility	The Commission decided that complainant was ineligible
57.	Clerks	Public Service	Complainant complained about ineligibility	The Commission decided that complainant was ineligible
58.	College Career Advisor	Directorate for Educational Services	Complainant complained about ineligibility	The Commission decided that complainant was ineligible

Appendix 7 (b)

Petitions relating to Published Results of Interviews

No	Related Post	Department	Complaint	Commission's Decision
1.	Departmental Nursing Manager	Health Division	Complainant claimed that a better placing was merited in view of experience and qualifications	The Commission considered, but did not accept, the petition.
2.	Departmental Nursing Manager	Health Division	Complainant claimed possession of more qualifications and experience than the candidates placed before complainant	The Commission considered, but did not accept, the petition.
3.	Tradesman/Senior Tradesman (Stone Carver)	Works Division	Complainant claimed possession of more qualifications and experience than the candidates placed before complainant	The Commission considered, but did not accept, the petition.
4.	Tradesman/Senior Tradesman (Stone Carver)	Works Division	Complainant claimed possession of more qualifications and experience than the candidates placed before complainant	The Commission considered, but did not accept, the petition.
5.	Principal	Public Service	Complainant complained for having passed the written exam and one of the oral components, but failed in the interview, while claiming that the low marks awarded during the interview were not merited	The Commission considered, but did not accept, the petition.
6.	Foreman (Works Planning System)	Works Division	Complainant claimed more experience than the candidates placed 2 nd and 3 rd	The Commission considered, but did not accept, the petition.
7.	Assistant Commissioner of Police	Police Department	Complainant claimed that a better placing was merited	The Commission considered, but did not accept, the petition.
8.	Consultant Physician with an interest in Gastro-enterology and Hepatology	Health Division	Complainant requested the Commission to review the result	The Commission considered, but did not accept, the petition.
9.	Senior Principals	Malta Public Service	Complainant complained for having failed the personal interview and requested the Commission to investigate the matter	The Commission considered, but did not accept, the petition.

No	Related Post	Department	Complaint	Commission's Decision
10.	Senior Principals	Malta Public Service	Complainant complained for having failed the personal interview and requested the Commission to investigate the matter	The Commission considered, but did not accept, the petition.
11.	Assistant Head of School (Secondary), Malta	Directorate for Educational Services	Complainant claimed discrimination when he was considered ineligible	The Commission considered, but did not accept, the petition.
12.	Practice Development Nurse (Geriatrics)	Health Division	Complainant objected to the result	The Commission considered, but did not accept, the petition.
13.	Departmental Nursing Manager	Health Division	Complainant complained that the second vacancy had not been filled	After MPO confirmed the second vacancy, petitioner was appointed to the post
14.	Radiographer (Diagnostic)	Health Division	Complainant requested the Commission to review the result	The Commission considered, but did not accept, the petition.
15.	EU Payments Manager	Treasury Division	Complainant requested the Commission to review the result	The Commission considered, but did not accept, the petition.
16.	Principal Radiographer (Diagnostic)	Health Division	Complainant felt discriminated against and requested the Commission to review the result.	The Commission considered, but did not accept, the petition.
17.	Principal Radiographer (Diagnostic)	Health Division	Complainant felt discriminated against and requested the Commission to review the result.	The Commission considered, but did not accept, the petition.
18.	Senior Architect and Civil Engineer, Design Unit	Building and Engineering Department, Works Division	Complainant requested the Commission to revise result	The Commission considered, but did not accept, the petition.
19.	Senior Architect and Civil Engineer, Design Unit	Building and Engineering Department, Works Division	Complainant complained about the marks awarded	The Commission considered, but did not accept, the petition.
20.	Assistant Head of School (Secondary) - Gozo	Directorate for Educational Services	Complainant complained about placing in the final order of merit and requested the Commission to revise result	The Commission considered, but did not accept, the petition.
21.	Assistant Head of School (Secondary) - Gozo	Directorate for Educational Services	Complainant did not agree with the result and requested the Commission to reconsider the matter	The Commission considered, but did not accept, the petition.
22.	Kindergarten Assistants II	Directorate for Educational Services	Complainant complained of failure in the interview by only 5 marks and that the marks awarded for Qualifications and Cultural Interests were unfair	The Commission considered, but did not accept, the petition.

No	Related Post	Department	Complaint	Commission's Decision
23. - 37.	Counsellor	Ministry of Foreign Affairs	Complainants complained about the result and requested the Commission to review the result	The Commission considered, but did not accept, the petitions.
38.	Principal Medical Laboratory Technologist	Health Division	Complainant complained about placing in the final order of merit, and made various allegations against applicants placed before him	The Commission considered, but did not accept, the petition.
39.	Assistance and Rescue Officer	Department of Civil Protection	Complainant complained of having been interviewed and later declared ineligible for the post	The Commission considered, but did not accept, the petition.
40.	Kindergarten Assistant I/II	Directorate for Educational Services	Complainant complained about the marks awarded for qualifications and about the fact that the results for both posts had been issued following just one interview for both grades	The petition was accepted. The Commission approved a revised result in respect of both posts and recommended petitioner for the post of Kindergarten Assistant II with effect from the date of appointment of the other successful candidates
41.	EU Fund Manager	Malta Public Service	Complainant complained of having failed the interview and requested the Commission to review marks	The Commission considered, but did not accept, the petition.
42.	Assistant Technical Officer (Mechanical)	Ministry for Social Policy (Health)	Complainant complained that the candidate chosen to fill the post had been his subordinate for the last few years and had less experience	The Commission considered, but did not accept, the petition.
43.	Manager Nursing Services	Ministry for Social Policy (Health)	Complainant requested the Commission to review the marks allotted	The Commission considered, but did not accept, the petition.
44.	Manager Nursing Services	Ministry for Social Policy (Health)	Complainant requested the Commission to review the marks allotted	The Commission considered, but did not accept, the petition.
45.	Economics Officer	Ministry for Resources and Rural Affairs	Complainant requested the Commission to review the marks allotted	Petitioner merited additional marks for Master's Degree. Selection Board requested to submit a fresh result sheet
46.	Kindergarten Assistants I	Directorate for Educational Services	Union, on behalf of petitioner, complained that candidate had not been awarded any marks for qualifications	The Commission considered, but did not accept, the petition.

No	Related Post	Department	Complaint	Commission's Decision
47.	Usher	Courts of Justice	Union, on behalf of six petitioners, claimed that the Selection Board had failed to take into account fundamental principles related to experience, qualifications, work practice and seniority. Requested that the process be quashed and carried out anew	The Commission considered, but did not accept, the petition.
48.	Usher	Courts of Justice	Complainant objected to the marks awarded especially with regards to work experience	The Commission considered, but did not accept, the petition.
49.	Head of School (Gozo)	Directorate for Educational Services	Complainant objected to the low marks awarded for all criteria.	The Commission considered, but did not accept, the petition.
50.	Trainee Fisheries Protection Officer	Veterinary Regulation, Fisheries Conservation and Control Division	Complainant objected to the marks awarded for qualifications and requested that marks be revised	The Commission considered, but did not accept, the petition.
51.	Assistant Director (Administration)	Primary Health Care Directorate	Complainant complained that he should have been awarded more marks for all criteria. He claimed to be the most suitable candidate for the position and requested the Commission to review case	The Commission considered, but did not accept, the petition.
52.	Principal Technical Officer (Joint Venture Projects)	Construction and Maintenance Department	Complainant requested that marks be revised	The Commission considered, but did not accept, the petition.
53.	Principal Technical Officer (Joint Venture Projects)	Construction and Maintenance Department	Complainant requested details about the interview and to know the marks awarded to him in order to identify and evaluate weak and strong points in his performance	Complainant was given a record of his marks but no other action was deemed necessary
54.	Specialist Medical Laboratory Technologist	Ministry for Social Policy (Health)	Complainant complained about placing in the final order of merit and made allegations regarding applicants with better placing	The Commission considered, but did not accept, the petition.
55.	Specialist Medical Laboratory Technologist	Ministry for Social Policy (Health)	Complainant complained about placing in the final order of merit and claimed merit for higher marks	The Commission considered, but did not accept, the petition.

No	Related Post	Department	Complaint	Commission's Decision
56.	Senior Technical Officer	Cleansing Services	Complainant complained that candidates appointed had less experience and claimed that colleagues had in some way got to know about the contents of petition	The Commission considered, but did not accept, the petition.
57.	Teacher (Primary)	Directorate for Educational Services	Complainant failed the interview and complained about the marks awarded	The Commission considered, but did not accept, the petition.
58.	Clinical Chairperson (Accident and Emergency)	Ministry for Social Policy (Health)	Complainant failed the interview and complained about the marks awarded	The Commission considered, but did not accept, the petition.
59.	Clinical Chairperson (Accident and Emergency)	Ministry for Social Policy (Health)	Complainant failed the interview and complained about the marks awarded	The Commission considered, but did not accept, the petition.
60.	Trainee Counsellor	Directorate for Educational Services	Complainant claimed of having similar or better qualifications and/or experience than candidates with better placing	The Commission considered, but did not accept, the petition.
61.	Trainee Counsellor	Directorate for Educational Services	Complainant claimed of having similar or better qualifications and/or experience than candidates with better placing	The Commission considered, but did not accept, the petition.
62.	Trainee Counsellor	Directorate for Educational Services	Complainant claimed of having similar or better qualifications and/or experience than candidates with better placing	The Commission considered, but did not accept, the petition.
63.	Assistant Head of School (Primary)	Directorate for Educational Services	Complainant complained about the marks awarded in the interview	The Commission considered, but did not accept, the petition.
64.	Assistant Head of School (Primary)	Directorate for Educational Services	Complainant contested the marks awarded for 'Experience and Past Achievement' and 'Knowledge of and Suitability for Particular Position'	The Commission considered, but did not accept, the petition.
65.	Assistant Head of School (Primary)	Directorate for Educational Services	Complainant made allegations about the behaviour of the Chairperson and complained about the presence of a member of the Selection Board	The Commission considered, but did not accept, the petition.
66.	College Administrator	Directorate for Educational Services	Complainant requested the Commission to review the marks allotted	The Commission considered, but did not accept, the petition.

No	Related Post	Department	Complaint	Commission's Decision
67.	Deputy Midwifery Officer	Health Division	Complainant complained that the top ranking candidates were either related to the Chairman of the Board or had worked in Chairman's private clinic	The Commission considered, but did not accept, the petition.
68.	Deputy Midwifery Officer	Health Division	Complainant complained that the top ranking candidates were either related to the Chairman of the Board or had worked in Chairman's private clinic	The Commission considered, but did not accept, the petition.
69.	Deputy Midwifery Officer	Health Division	Complainant complained that the top ranking candidates were either related to the Chairman of the Board or had worked in Chairman's private clinic	The Commission considered, but did not accept, the petition.
70.	Deputy Midwifery Officer	Health Division	Complainant complained that the top ranking candidates were either related to the Chairman of the Board or had worked in Chairman's private clinic	The Commission considered, but did not accept, the petition.
71.	Deputy Midwifery Officer	Health Division	Complainant complained that the top ranking candidates were either related to the Chairman of the Board or had worked in Chairman's private clinic	The Commission considered, but did not accept, the petition.
72.	Deputy Midwifery Officer	Health Division	Complainant complained that the top ranking candidates were either related to the Chairman of the Board or had worked in Chairman's private clinic	The Commission considered, but did not accept, the petition.
73.	Deputy Midwifery Officer	Health Division	Complainant complained that the top ranking candidates were either related to the Chairman of the Board or had worked in Chairman's private clinic	The Commission considered, but did not accept, the petition.
74.	Assistant Veterinary Support Officer	Ministry for Resources and Rural Affairs	Union, on behalf of candidate, claimed that the Selection Board had failed to take into consideration the applicant's work experience, qualifications and seniority	Petition accepted. Selection Board requested to submit a fresh report

No	Related Post	Department	Complaint	Commission's Decision
75.	Assistant Veterinary Support Officer	Ministry for Resources and Rural Affairs	Union, on behalf of another candidate, claimed that the Selection Board had failed to take into consideration the applicant's work experience, qualifications and seniority	Petition accepted. Selection Board requested to submit a fresh report
76.	Teacher (Information Technology)	Directorate for Educational Services	Complainant complained that she had failed the interview	The Commission considered, but did not accept, the petition.
77.	Teacher (Violin, Piano, Theory of Music)	Directorate for Educational Services	Complainant claimed that he was more qualified than other candidates	The Commission considered, but did not accept, the petition.
78.	Teacher (Music, Theory of Music)	Directorate for Educational Services	Complainant claimed that he was more qualified than other candidates and requested revision of marks	The Commission considered, but did not accept, the petition.
79.	Specialist Occupational Therapist	Health Division	Complainant claimed that a person with less experience and qualifications was placed before complainant	The Commission considered, but did not accept, the petition.
80.	Specialist Occupational Therapist	Health Division	Complainant complained that the marks given did not reflect complainant's qualifications, etc.	The Commission considered, but did not accept, the petition.
81.	Technical Officer	Construction and Maintenance, Works Division	Complainant complained that there were 4 vacancies and only 2 successful candidates were appointed	The Commission considered, but did not accept, the petition.
82.	Senior Technical Officer	Construction and Maintenance, Works Division	Complainant complained that he had more qualifications than candidates placed before complainant	The Commission considered, but did not accept, the petition.
83.	Principal Radiographer (Diagnostic)	Customer Services (Gozo General Hospital)	Complainant complained for not having been awarded more marks for all criteria	The Commission considered, but did not accept, the petition.
84.	Senior Manager (Schengen Unit)	Ministry for Justice and Home Affairs	Complainant failed the interview and complained about the marks awarded	The Commission considered, but did not accept, the petition.
85.	College Precincts Officer	Directorate for Educational Services	Complainant complained of meriting more marks for knowledge and experience	The Commission considered, but did not accept, the petition.
86.	College Precincts Officer	Directorate for Educational Services	Complainant complained of having similar or better qualifications and/or experience than candidates with better placing	The Commission considered, but did not accept, the petition.

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No	Related Post	Department	Complaint	Commission's Decision
87.	College Precincts Officer	Directorate for Educational Services	Complainant complained of having similar or better qualifications and/or experience than candidates with better placing	The Commission considered, but did not accept, the petition.
88.	College Precincts Officer	Directorate for Educational Services	Complainant complained of having similar or better qualifications and/or experience than candidates with better placing	The Commission considered, but did not accept, the petition.
89.	College Precincts Officer	Directorate for Educational Services	Complainant complained of having similar or better qualifications and/or experience than candidates with better placing	The Commission considered, but did not accept, the petition.
90.	College Precincts Officer	Directorate for Educational Services	Complainant complained of having similar or better qualifications and/or experience than candidates with better placing	The Commission considered, but did not accept, the petition.
91.	Assistant Director (Finance and Administration)	Correctional Services	Complainant complained about the marks awarded for experience and qualifications	The Commission considered, but did not accept, the petition.

Appendix 8

Oral Representations on Disciplinary or Criminal Cases heard by the Commission

No	Grade of officer charged	Present for oral hearing	Regulation
1.	Nursing Aide, Health Division	Officer charged, assisted by 2 Legal Advisers	Criminal Case: Representations in terms of Regulation 16 (2)
2.	Technical Officer, Ministry for Resources and Rural Affairs	Officer charged, assisted by Legal Adviser	Criminal Case: Representations in terms of Regulation 16 (2)
3.	Police Constable	Officer charged, assisted by Legal Adviser; a Departmental representative; and Manager Residential Services, Zernieq	Discipline: Representations in terms of Regulation 26 (2) (b)
4.	Tradesman, Ministry for Resources and Rural Affairs	Officer charged, assisted by Legal Adviser; and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
5.	Fisheries Protection Officer, Ministry for Resources and Rural Affairs	Officer charged, assisted by Union representative; and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
6.	General Hand, Ministry for Resources and Rural Affairs	Officer charged, unassisted; and three Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
7.	Police Sergeant	Officer charged, assisted by Legal Adviser; and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
8.	General Hand, Ministry for Resources and Rural Affairs	Officer charged failed to turn up without notification; two Departmental representatives	Discipline: Representations in terms of Regulation 26 (2) (b)
9.	Tradesman, Ministry for Resources and Rural Affairs	Officer charged, assisted by Legal Adviser; and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
10.	Police Inspector	Officer charged, assisted by Legal Adviser; and Departmental representative	Discipline: Representations in terms of Regulation 26 (2) (b)
11.	General Hand, 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)
12.	Senior Marshal, Courts of Justice	Officer charged, assisted by Legal Adviser and Union representative; and two Departmental representatives	Discipline: Appeal in terms of Regulation 30 (6)
13.	Market Surveillance Officer, Consumer and Competition Division	Officer charged, assisted by two Union representatives; and two Departmental representatives	Discipline: Appeal in terms of Regulation 32 (3)
14.	Police Constable	Officer concerned, assisted by Legal Adviser	Removal from Office in terms of Regulation 34

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 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	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
2.	Education Officer (Physical Education), Directorate for Quality and Standards in Education	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
3.	Foreman (Works Planning System), Construction and Maintenance Department, Works Division	The Ombudsman requested to see the PSC file dealing with the call for applications for perusal	PSC file submitted to Ombudsman	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
4.	College Principal, Directorate for Educational Services	The Ombudsman requested that the Selection Board be asked to clarify a number of questions raised by complainant	The Commission sought the Selection Board's comments on the Ombudsman's letter and referred them to the Ombudsman	Ombudsman accepted PSC's clarifications	Matter considered closed
5.	Senior Principals in the Malta Public Service	The Ombudsman sought clarification on the statement made by the Selection Board regarding a failing mark to petitioner	The Commission was satisfied with the way the Selection Board had carried out the selection process	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
6.	Principal in the Malta Public Service	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
7.	Deputy Nursing Officer, Health Division	The Ombudsman sought clarifications on the workings of the Selection Board	The Commission sought the Selection Board's comments on the Ombudsman's letter and referred them to the Ombudsman	Ombudsman gave details of marks to complainant and closed the case	Ombudsman's action was noted

No	Selection Process	Query by Ombudsman	PSC Comments	Final position of Ombudsman	Action by PSC
8.	Practice Development Nurse (Geriatrics), Health Division	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
9.	Principal Radiographer (Diagnostic), Health Division	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
10.	Deputy Nursing Officer, Health Division	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
11.	Deputy Nursing Officer, Health Division	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
12.	Principal Medical Laboratory Technologist, Health Division	Complainant quoted the website stating that the selection process should be fair, objective etc. however objectively verifiable criteria constitute a minority of marks	The selection of eligible applicants should be left to the competence of the members of the Selection Boards who have been chosen for their integrity and competence.	Ombudsman accepted PSC's clarifications	Matter considered closed
13.	Teachers (2009)	Although the complaint was not upheld, the Ombudsman considered that the eligibility requirements of the call may need to be revisited, particularly those in respect of the Primary Sector	Ombudsman's letter referred to Director General (Educational Services) for detailed comments	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
14.	Teachers (2009)	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
15.	Deputy Nursing Officer, Health 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
16.	Assistant Head of School (Secondary)	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
17.	Criminal Proceedings	A penalty was imposed without accused being heard, breaching his fundamental right. The offence committed was not related to his duties.	A verdict of guilt by the Courts had necessarily to be followed by the imposition of a penalty under the PSC Disc Regs. Penalties for minor offences were deleted from officer's personal records after 12 months	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted

