

**P**ublic  
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Kummissjoni dwar is-Servizz Pubbliku



**Annual Report 2010**  
**50 years of service**

Public Service Commission

**ANNUAL REPORT  
2010**

**50 years of service**

MALTA

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 fifty-first 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 2010 in the execution of its constitutional functions of giving advice and making recommendations to the Prime Minister on matters relating to appointments, promotions, removal from office, and discipline within the Public Service.

## Foreword

The Public Service Commission is already 50 years old. During the past half century it has successfully striven to fulfil its mission as established in the Constitution of Malta, which states that ‘Subject to the provisions of the Constitution, power to make appointments to public offices and to remove and to exercise disciplinary control over persons holding or acting in any such offices shall vest in the Prime Minister, acting on the recommendation of the Public Service Commission’. However, the Prime Minister may, acting on the recommendation of the Commission, delegate in writing, subject to conditions as may be specified in the instrument of delegation, powers to such public officer or other authority as may be specified in the instrument.

The Commission relies on the professionalism, the integrity, and the commitment of its members and its staff. Hence, one acknowledges and appreciates not only the ongoing input of the current incumbents, but also of all those members and officers who have throughout the past 50 years held high the status and reputation of the institution while contributing to the efficiency and effectiveness of the Public Service by safeguarding the principle of merit in appointments and promotions, and by ensuring a fair and just disciplinary procedure.

In accomplishing its mission, the Commission depends on and relies on the performance of the public officers and the officials who are delegated by the Commission to perform duties and shoulder responsibilities in the implementation of the Commission’s mission. The excellent work of selection boards and disciplinary boards, for example, must be recorded and cannot be underestimated.

The Commission, while retaining intact its constitutional authority, autonomy, and independence, collaborates effectively on a regular basis with the administrators of the Public Service in the development of policies and regulations. Moreover, the Commission makes its own contribution to the efficiency and effectiveness of the Public Service. The record of the Commission’s activities during 2010, as shown in this annual report, is indicative of how the Commission facilitates the workings of the Public Service. The data and information provided continue to show, in a tangible manner, the continuous improvements in efficiency and effectiveness that the Commission itself has been accomplishing over the years.

The Commission looks forward to the day when the Public Administration Act will become fully effective, and when the Commission will be carrying the added responsibilities of the Merit Protection Commission for the wider public sector.

I must show my deep appreciation of the continuous contribution of the members of the Commission on whose integrity, experience, and expertise the work of the Commission depends, as well as the excellent support the Commission receives from its Executive Secretary and his dedicated staff. As a token of appreciation we are recording also in this report all the past Chairmen and Secretaries and Executive Secretaries who have provided sterling service during their stint at the Public Service Commission. In this way I wish to thank all the past members and staff of the Commission.





## I. The Remit of the Public Service Commission

### 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 articles 86, 92, 109, 110, 111, 112, 114, 115 and 121 of the Constitution.

The fundamental role of the Commission is to make recommendations or to tender advice, as appropriate, 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, transparency, 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 article 121(1) of the Constitution.

## II. Historical Notes

### The 1939 Public Service Commission

The Public Service Commission was set up for the first time by Section 54(1) of Letters Patent 1939. The Commission was a statutory body appointed to advise the Governor on:

- (i) All matters relating to methods of recruitment, including regulations governing conditions of entry;
- (ii) The principles to be followed in the making of appointments, promotions and transfers, and the suitability of candidates for such appointments; scales below a maximum £150 a year were to be excluded;
- (iii) Discipline in cases with which it was not within the authority of the Head of Department to deal, and appeals to the Governor on disciplinary matters;
- (iv) Any question affecting the Public Service, or any division of the Service, which could be referred by the Governor to the Commission for advice.

In performing its duties, the Public Service Commission was empowered to interview the persons concerned. It was also the body responsible for inquiring into grievances and petitions, whether individual or collective, on matters which arose from employment in the Public Service. The Commission replaced the Promotions Board.

The Commission was an advisory body and its recommendations were submitted to the Governor through the Lieutenant Governor. Actually, because of emergency conditions associated with the Second World War, some of the functions which the Commission was supposed to fulfil were left in abeyance.

The Constitution of 1939 laid down that the Public Service Commission 'was to consist of such persons in the Public Service of Malta as the Governor may appoint'. It was the opinion of the Governor, Sir Charles Bonham Carter, that the composition of the Commission presented considerable difficulties because of the danger arising from family influence. In spite of the small number of British staff it was desirable that, at least at the beginning, the majority of members of the Commission be British. The first members of the Commission were the Legal Secretary as Chairman, the Treasurer and the Assistant to the Lieutenant Governor, all British.

In 1941 it was decided that in cases where the Public Service Commission recommended appointments in the higher grades of the Civil Service, the composition of the Commission should be supplemented by two members, namely Mr Petrocchino, Controller of Customs, and Mr Parnis, Senior Assistant to the Secretary to the Governor.

Maybe because of the emergency conditions as a result of the war, the composition of the Public Service Commission was published for the first time in 'The Malta Government Gazette' of 27th March 1945. It was composed of The Hon. Mr E. P. S. Bell, Chairman, Mr Edgar Cuschieri, Mr E. Camilleri, O.B.E., Mr E. L. Petrocchino, C.B.E., and Mr Frank Agius.

On the 13th September 1946, the National Assembly 1945 - 47, which established the basis for a post-war constitution, voted nem. con. against the inclusion of a Public Service Commission in a new constitution.

*Yvonne Micallef Stafrace*

### **The 1960 Public Service Commission - 50 years of service**

Since the Malta (Constitution) Letters Patent, 1947 made no provision whatsoever for a Public Service Commission, the Commission previously established by the 1939 Constitution was allowed to continue functioning on an administrative basis.

The 1959 Constitution, which revoked the 1947 Constitution, provided for the setting up of a Public Service Commission on a somewhat different basis than the 1939 Constitution had done. Whereas the 1939 Constitution adopted the model of an internal advisory body to the government, under the 1959 Constitution the Commission assumed the form of an independent body external to the government, and with binding powers of decision. Indeed the Commission was to be composed of persons not in the public service.

The Commission was formally established in August 1960 by Legal Notice 32, giving effect to the relevant clauses in the interim constitution. The provisions about the Public Service Commission were subsequently endorsed by the Constitution of 1961 and the Independence Constitution of 1964.

### **The first Secretary to the Commission**

On the occasion of the fiftieth anniversary since the institution of the Public Service Commission, the Chairman, Paul A Attard, the Executive Secretary, Charles Polidano, and the Assistant Director (Support Services), Mario Tabone, visited Mr Henry Miller, who was the first Secretary of the Commission.

Mr Miller served as Secretary from 5th August 1960 to 24th March 1969 - nine very eventful years that set the solid foundations for the Commission's policies, procedures and regulations. As expected, Mr Miller still had a variety of interesting recollections of the early years of the Commission. He is over 100 years old but still quite active. He enjoys reading, listening to classical music, watching opera and keeping a stimulating conversation with visitors. It was a pleasure seeing him in good health for his age. On the occasion, the Chairman presented Mr Miller with a lavishly illustrated book about events in Malta in the last century.



### III. Membership and Secretariat of the Commission

#### Composition

Article 109 of the Constitution of Malta states that 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

On 1 January 2010, the Commission was composed of Mr Alfred Fiorini Lowell as Chairman and Dr Jeannette Laferla as Deputy Chairperson, while the members were Ms Yvonne Micallef Stafrace, Ms Mary Vella and Mr Tonio Farrugia.

Following the expiration of the term of appointment of the Commission on 11 June 2010, the President of Malta approved the appointment of the new Commission for a term running for three years up to 11 June 2013. A notice to this effect, dated 1 July 2010, was published in the Government Gazette. The following table shows the present membership of the Commission

<b>TABLE 1 - Membership of the Commission</b>		
Chairman	Mr Paul A Attard, Dip Educ (Admin & Mgt)	(since 12 June 2010)
Deputy Chairperson	Dr Jeannette 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> .		

#### Chairman of the Commission

Mr Paul A Attard chaired his first meeting of the Commission on 1 July 2010, when he introduced himself to the members of the Commission and referred to the esteem that the Commission had always enjoyed during the fifty years of its existence. He stated that he felt sure that with the support, knowledge, expertise and experience of the Commission members, the Executive Secretary, as well as all members of staff, the Commission would continue to contribute to the efficiency and effectiveness of the Public Service. He referred to the major challenge that the Commission would be facing with the implementation of those provisions of the Public Administration Act, in particular those dealing with the Merit Protection Commission, which were directly related to the role and functions of the Commission.

The Chairman joined the other members of the Commission in thanking Mr Alfred Fiorini Lowell and in expressing deep appreciation of his excellent contribution to the Public Service Commission during his seven-year term as Chairman of the Commission.

A list of the previous Chairmen of the Public Service Commission is shown in Appendix 2.

### **Number of meetings held**

During the year 2010, the Commission held a total of 48 meetings in which it dealt with various matters relating to appointments, promotions, and discipline, as outlined in more detail in this report.

### **Secretariat**

The Commission is served by a small 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.

During the first quarter of 2010 the Commission was ably advised and supported by its Executive Secretary, Mr Paul Sammut. On 17 April 2010, Mr Sammut was succeeded as Executive Secretary by Mr Charles Polidano, although Mr Sammut continued to report for duty in the capacity of Officer in Grade 4 until he retired in December 2010. Mr Sammut voluntarily opted not to seek an extension to his term as Executive Secretary beyond April 2010 so as to give his successor an extended handover period, thus ensuring the smoothest possible transition in the interest of the Commission.

A list of the previous Secretaries of the Public Service Commission is found in Appendix 3, while the staff complement and the total expenditure incurred in the running of the Office of the Public Service Commission for the year 2010 are shown at Appendix 4.

### **Method of work of the Commission**

The business of the Commission is conducted either through the circulation of files, or during Commission meetings, generally held every Thursday with an agenda that covers policy issues and less clear-cut cases concerning recruitment, promotions, or disciplinary matters that require discussion.

The Commission also conducts disciplinary hearings in serious cases that can lead to dismissal. As laid down in the Disciplinary Regulations, the accused officer and the representative of the Department concerned, together with their respective counsels, if they so wish, are given the opportunity to present their case before the Commission before it decides on the case. Oral hearings are also held when an officer appeals before the Commission as provided for by the Regulations, after being found guilty following disciplinary proceedings that are decided at departmental level. The number of oral hearings has increased during 2010 in order to ensure a fairer disciplinary process.

Meetings are held regularly with the Principal Permanent Secretary to discuss Public Service policies and issues of common concern in order to promote mutual understanding and support, while fully respecting the constitutional position of the PSC. Senior public officers are at times invited to the meetings of the Commission to discuss specific departmental or ministry issues related to particular cases. Their input on matters of interest or concern helps the Commission to understand better the difficulties and problems faced by the Administration.

The decisions of the Commission are taken by consensus and every effort is made to ensure total agreement in every decision.

### **PSC website**

The address of the Commission's website is:

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

The Commission's website 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 website 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 2009, can also be viewed and downloaded from the site.

During the latter part of 2010 the website was being revamped in order to provide a better service to its clients, and it should be fully functional in 2011.



## **IV. Recruitment and Promotions**

### **Functions of the Commission relating to appointments**

The functions of the Commission in relation to appointments are:

- to make recommendations and to advise the Prime Minister in the making of appointments to 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 give rulings on queries raised by selection boards on such questions as eligibility of candidates;
- to verify and approve reports submitted by selection boards, and to publish selection results once approved by it;
- to make recommendations to or to advise the Prime Minister, as appropriate, on the removal of staff from office and on 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 1.1.17 of the Public Service Management Code in respect of appointments;
- to deal with other representations made to the Commission; and
- to summon Heads of Department and selection boards where necessary.

The role of the Commission, in line with its obligations, is to ensure that recruitment to and promotions or appointments within the Public Service are made in an equitable, transparent, 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 of the duration of the 16 separate stages 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 of an appointment 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 six subsequent years and were referred to in the respective Annual Reports.

Appendix 5 shows that the average duration of the selection process has gone down to 24 weeks in 2010. This is the shortest duration ever registered, amounting to less than 45% of what it was in 1993/94. Moreover, the Commission notes with satisfaction that following its remarks made in last year's Report, significant efforts have been made to reduce the duration

of particular stages in the selection process which account for significant proportions of the total duration of the process. Hence, the average number of days taken in 2010 for the action regarding the initial ‘verification’ of the call for applications by the Public Administration Human Resources Office (PAHRO) (previously the Management and Personnel Office - MPO) was 25 days less than that of the previous year. Similarly, the average duration of the ‘publication of calls for applications’ was reduced by 15 days. Furthermore, other administrative measures, which were approved by the Commission and implemented in 2010 with the intent of expediting the approval of selection board memberships and selection criteria, yielded also the desired results. Such improvements were the major contributors to this year’s achievement, considering the fact that the duration of the other stages listed in Appendix 5 maintained more or less the same levels as in 2009.

### Calls for applications

In the course of the year 2010, the Commission issued 318 calls for applications for the filling of vacancies in the Public Service. Out of these 318 calls, 185 were calls for applications open to applicants from outside the Public Service and were therefore advertised in the Government Gazette, while 2 other advertisements were published, respectively, in the British Medical Journal and in the Placement Service Circular of the Institute of Physics and Engineering in Medicine (IPEM) of the United Kingdom. Another 76 calls were restricted to serving public officers and were published through circulars issued by the Public Administration Human Resources Office (previously the Management and Personnel Office) or by the department concerned. The remaining 55 calls relate to positions of Assistant Director, which are advertised through circulars issued by the responsible ministry.

The different calls for applications issued during 2010 are listed in Appendices 6, 7, and 8.

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

<b>TABLE 2 - Calls for applications 2006 – 2010</b>						
		<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Open calls	Government Gazette	152	208	94	198	185
	British Medical Journal	-	-	-	2	1
	Placement Service Circular of the Institute of Physics and Engineering in Medicine (IPEM) of UK	-	-	-	-	1
Internal calls	MPO / PAHRO Circulars	75	161	97	103	70
	Departmental Circulars	12	17	7	4	6
Calls for Asst. Dir.	Ministerial Circulars	71	57	29	54	55
<b>Totals</b>		<b>310</b>	<b>443</b>	<b>227</b>	<b>361</b>	<b>318</b>

### Selection boards

The Commission set up 371 selection boards and approved the selection methods and criteria in respect of each selection process. The number of selection boards is higher than the number of calls for applications since some calls involved the establishment of more than one selection board to cover posts in different areas of specialisation.

These selection processes attracted 2,069 applicants, 1,001 of whom were male and 1,068 female. The selection boards interviewed 657 males and 701 females, a total of 1,358 candidates. The remaining 711 applicants were found to be ineligible, or withdrew their applications, or else failed to turn up for the interview.

### Recommendations and advice to the Prime Minister

The Commission addressed 579 recommendations to the Prime Minister relating to appointments in terms of article 110 of the Constitution. These recommendations covered a total of 3,061 appointments. A statistical breakdown of these recommendations is given below:

	Males	Females	Total
1. Appointments following public calls for applications published in the Government Gazette	451	868	1,319
2. Appointments following service-wide calls for applications (MPO / PAHRO circulars)	276	89	365
3. Appointments following internal departmental calls for applications (departmental circulars)	46	66	112
4. Appointment of Assistant Directors following Ministerial calls for applications	33	9	42
5. Other appointments (e.g. appointment to substantive grade, promotions in terms of agreements, re-employment/ reinstatement, employment on contract, etc.)	244	979	1,223
<b>Totals</b>	<b>1,050</b>	<b>2,011</b>	<b>3,061</b>

The Commission made a total of 149 recommendations relating to the extension of performance agreements, renewal of contracts of employment, postponement of appointments, re-designation of posts or positions, lateral moves, reversion to former posts, re-instatement and re-employment, extension/ termination of probationary periods, termination of performance agreements on appointment to other positions, revocation of appointments/ promotions, and withholding of progressions and promotions.

The Commission gave advice to the Prime Minister in terms of articles 92(3) and 92(4) of the Constitution on 40 occasions relating to performance agreements of Permanent Secretaries and Heads of Department, and acting appointments of Heads of Department.

### **Representations made to the Commission**

During the year 2010, the Commission considered forty-eight (48) written representations made directly to the Commission about matters concerning several selection processes. The majority of these representations were made by applicants prior to the publication of selection results and mainly involved complaints by persons who were found ineligible by selection boards after submitting their application for the vacancy concerned. Moreover, the Commission considered also three (3) other representations not involving a selection process but connected to particular posts or positions within the Public Service.

A list of all representations considered in 2010, showing also the nature of the representations and the Commission's decisions, is given in Appendix 9 (a). The Commission found in favour of applicants in thirteen (13) cases but dismissed the remaining thirty-eight (38) complaints.

### **Petitions relating to published results**

The Commission received 97 petitions in respect of the results obtained by individuals. Two (2) of these petitions were not 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, and were, therefore, not considered by the Commission.

The Commission found six (6) complaints to be justified. In one (1) of these cases, the petitioner claimed that during the interview there were only two persons on the Selection Board while the result sheet was signed by three persons. After due deliberation, the Commission accepted the remedy proposed by the Ministry of Finance, the Economy and Investment, namely the appointment of the candidate to a new position.

In the other five (5) 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 respect of four (4) of these complaints, whereas the revision of marks in the other case did not change the final result. The Commission ruled against eighty-two (82) complaints, while the remaining seven (7) complaints were still under consideration by the end of the year under review.

A list of petitions considered in 2010, with a brief indication of the nature of each complaint and the Commission's decision in its respect, is given in Appendix 9 (b).

## V. 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.

However, the following matters remain the direct preserve of the Commission:

- the interdiction of public officers from the exercise of the powers and functions of their office (that is to say, suspension from work pending the conclusion of disciplinary or criminal proceedings against those officers), if this is considered to be in the public interest on account of the seriousness of the charges against the officers;
- the imposition of disciplinary penalties against public officers who are found guilty of a criminal offence by the Courts;
- decisions as to the guilt or innocence of officers, and as to the penalties to be imposed on those officers, in disciplinary cases where the officers were notified by their Heads of Department that the charges against them could, if proved, lead to dismissal;
- appeals from public officers against decisions taken by Heads of Department under delegated authority, in terms of regulation 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 regulation 32.

### Disciplinary cases involving criminal proceedings against public officers

The Commission dealt with thirty-three (33) 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:

<b>TABLE 4 - Recommendations concerning criminal cases</b>	
<b>(i) Interdiction (suspension from work) pending outcome of Court Cases</b>	9
<b>(ii) PSC action following a “guilty” verdict by the Courts:</b>	
Dismissal	9
Warning of dismissal, suspension without pay (5 days)	2
Suspension without pay (5 days)	1
Suspension without pay (3 days)	3
Lifting of interdiction, forfeiture of salary, warning of dismissal	2
Lifting of interdiction, part-forfeiture of salary, warning of dismissal, injunction against deployment in previous workplace	1
Lifting of interdiction, forfeiture of salary, severe reprimand, fine of 5 days’ pay*	1
<b>(iii) Restitution of rights following a “not-guilty” verdict by the Courts</b>	
Lifting of interdiction and refund of salary withheld	1
Refund of Salary withheld	4
<b>Total</b>	<b>33</b>

\* Fines are applied as a disciplinary measure to police officers in lieu of suspension without pay, which applies in the case of other public officers.

In another thirty-two (32) 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 with the possibility of dismissal

The Commission considered seven (7) 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 an opportunity to make oral representations, the Commission submitted the following recommendations to the Prime Minister in respect of these cases:

<b>TABLE 5 - Recommendations concerning serious disciplinary cases</b>	
Warning of dismissal, suspension without pay (3 days)	2
Suspension without pay (5 days)	2
Suspension without pay (4 days)	1
Suspension without pay (3 days)	1
Written warning	1
<b>Total</b>	<b>7</b>

### **Disciplinary cases under the 1977 Regulations**

The Commission considered two (2) cases involving criminal proceedings which had been referred to it in terms of the Public Service Commission (Disciplinary Procedure) Regulations 1977.

In one (1) case, the officer concerned had been interdicted from the exercise of the powers and functions of his office. As he was acquitted by the Courts, the Commission recommended that the interdiction imposed be lifted and that he be refunded the salary withheld during the period of his interdiction.

In the other case the Commission recommended dismissal of the public officer concerned.

### **Oral representations heard by the Commission**

A list of the ten (10) oral hearings held by the Commission before it decided on the penalty to be recommended, giving the grade of the officer charged and the regulation in terms of which each hearing was allowed, is shown at Appendix 10.

### **Analysis of offences and penalties in cases decided by the Commission (criminal cases and cases potentially leading to dismissal)**

The thirty-three (33) criminal cases referred to in the foregoing Table 4 include nine (9) pending cases, and five (5) other cases where the officers concerned were not found guilty. One (1) other criminal case dealt with under the 1977 Regulations also resulted in a verdict of 'not guilty'. Thus, including the seven (7) disciplinary cases listed in Table 5, and the criminal case concerning the officer who was found guilty under the 1977 Regulations, the total number of cases in which officers were served with a penalty by the Commission amounted to twenty-seven (27).

The following table shows the broad categories of offences, and the penalties given in each of the 27 cases where the officer charged was found guilty. The ensuing charts give the percentage distribution of same.

<b>TABLE 6 - Categories of offences and penalties recommended</b>							
<b>Category of Offence</b>	<b>Drugs related</b>	<b>Theft, fraud, bribery</b>	<b>Corruption, defilement of minors, pornography</b>	<b>Abusive and violent behaviour, causing voluntary damage, injuries and assault</b>	<b>Forgery of documents, false declarations, illegal possession of goods</b>	<b>Unauthorised absence, insubordination, dereliction of duties</b>	<b>Total</b>
<b>Penalties</b>							
Dismissal	1	2	4		3		10
Warning of dismissal and forfeiture of salary	2 <sup>(1)</sup>						2
Warning of dismissal and part forfeiture of salary		1 <sup>(2)</sup>					1
Warning of dismissal and suspension without pay for 3 or 5 days			1	1	1	1	4
Suspension without pay for 3, 4 or 5 days		1		4		3	8
Severe reprimand, forfeiture of salary, fine of 5 days' pay				1 <sup>(1)</sup>			1
Written warning						1	1
<b>Total</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>4</b>	<b>5</b>	<b>27<sup>(*)</sup></b>

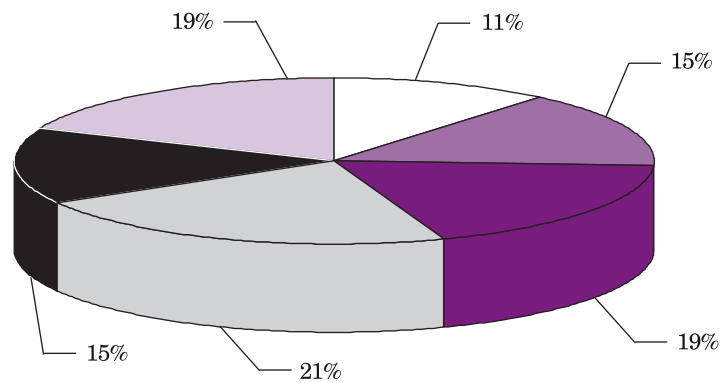
(\*) 20, of the 27 cases, involved disciplinary action following criminal conviction

(1) the Commission recommended also the lifting of interdiction

(2) the Commission recommended also the lifting of interdiction and that the officer concerned was not to be deployed in the previous workplace

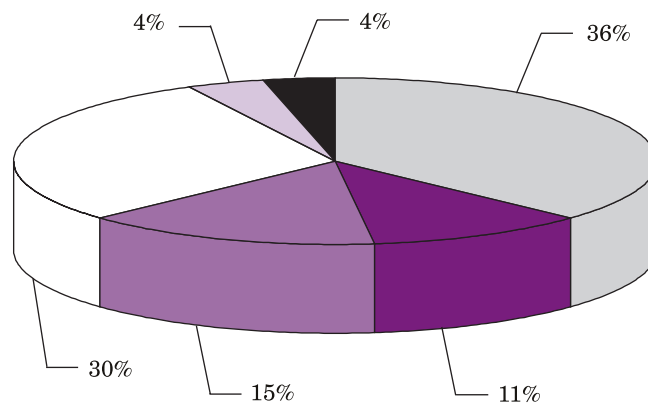


**CHART 1 - Categories of 27 offences - by percentage**



- Drugs related
- Theft, fraud, bribery
- Corruption, defilement of minors, pornography
- Abusive and violent behaviour, causing voluntary damage, injuries and assault
- Forgery of documents, false declarations, illegal possession of goods
- Unauthorised absence, insubordination, dereliction of duties

**CHART 2 - Penalties imposed by PSC in 27 cases - by percentage**



- Dismissal
- Warning of dismissal and forfeiture of salary (part or whole)
- Warning of dismissal and suspension without pay for 3 or 5 days
- Suspension without pay for 3, 4 or 5 days
- Severe reprimand, forfeiture of salary and fine (police officer)
- Written warning

### The exercise of discipline through delegated authority

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

The following table gives a breakdown of disciplinary action taken by Heads of Department during the last five years:

<b>TABLE 7 - Disciplinary action by Heads of Department</b>					
<b>Outcome:</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Warning of dismissal and suspension from duty without pay	9	8	1	4	2
Suspension from duty without pay	37	51	56	22	25
Written warning (Regulation 20)	77	62	34	32	13
Written warning (Regulation 19)	367	222	207	447	503
<i>Subtotal: cases served with a penalty</i>	<i>490</i>	<i>343</i>	<i>298</i>	<i>505</i>	<i>543</i>
Cases discontinued	17	9	7	15	34
Verdict of 'not guilty'	106	70	71	60	26
<i>Subtotal: cases not served with a penalty</i>	<i>123</i>	<i>79</i>	<i>78</i>	<i>75</i>	<i>60</i>
Pending cases	100	49	87	104	68
<b>Total</b>	<b>713</b>	<b>471</b>	<b>463</b>	<b>684</b>	<b>671</b>

Past annual reports indicated that a decrease in the number of disciplinary cases occurred after 2000, when authority to take disciplinary proceedings was delegated to Heads of Department. The Commission expressed a concern lest the decrease meant a laxer attitude towards discipline, rather than an improvement in standards. However, there was a reversal of the trend in 2009. The figures for 2010, shown in Table 7, indicate some divergence in that, whereas the total number of disciplinary cases has remained at almost the same level of the previous year, the number of cases served with a penalty during 2010 has increased by 38.

Nevertheless, the Commission still intends to go ahead with the measures recommended by the Administration, and approved by the Commission, to strengthen the application of discipline in government departments. The envisaged measures include the establishment of a Standing Disciplinary Panel in each ministry, which would be primarily composed of former public officers. The involvement of former public officers in the disciplinary process would reduce the workload of serving officers, while enabling disciplinary procedures to be concluded more quickly.

### **Representations by accused officers against disciplinary decisions taken under delegated authority**

The Commission considered two representations submitted by a Union, on behalf of two accused officers, relating to minor cases dealt with summarily under regulation 19 of the Public Service Commission (Disciplinary Procedure) Regulations 1999. The Commission discussed the circumstances of the cases and agreed that it could not but encourage steps taken by Heads of Department to instil a heightened sense of discipline in the workplace.

The Commission accordingly agreed that the representations of the two officers should not be accepted.

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

The Commission considered 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. In one case the Commission accepted the appeal and recommended the revocation of the penalty that had been imposed. In another case, the Commission concluded that circumstances for accepting the appeal did not exist. The other case was still pending by the end of 2010.

The Commission considered representations submitted by one (1) Head of Department in terms of regulation 32(1) of the Disciplinary Regulations against the findings of a Disciplinary Board. The Commission agreed that the Disciplinary Board had come to an incorrect conclusion on the case, and authorised the Head of Department to decide on an appropriate penalty to be imposed on the accused officer.

The Commission also considered representations submitted by an accused officer in terms of regulation 32(5) of the Disciplinary Regulations. The Commission decided that the charge issued should be regarded as a minor offence and that the accused should receive a written warning as prescribed by the Disciplinary Regulations in the case of a first minor offence.

### **Appeal from decision to regard an officer as having resigned from the Public Service (regulation 36)**

The Commission considered an appeal against a decision by the Head of Department to consider the appellant as having resigned from the Public Service in terms of regulation 36. This regulation states that an officer who absents himself or herself without leave for ten or more consecutive working days should be considered as having resigned unless there are justifiable reasons to the contrary.

The Commission observed that the procedure laid down in the said regulation had been followed correctly by the Department, and that the officer in question had been absent without authorisation for more than ten consecutive working days. The Commission therefore found no grounds

upon which to reverse the decision that the officer concerned should be regarded as having resigned from the Service.

### **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 six (6) petitions made under this regulation. After carefully considering the submissions made, the Commission decided as follows:

- in two (2) cases the Commission withdrew its previous recommendation and submitted a fresh recommendation to the effect that no punishment be imposed;
- in one (1) case the Commission found that there were no legal grounds on the basis of which the petition could be admissible, as the disciplinary case had been dealt with under delegated authority, and regulation 33 applies only to disciplinary cases decided directly by the Commission itself;
- in the other three (3) cases the Commission found that 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 article 86(1) of the Constitution, refer a recommendation back once to the Commission for reconsideration. During the year under review the Commission considered one (1) 'reference back'. In this case the Commission reconsidered its previous decision and submitted a fresh recommendation which was subsequently approved by the Prime Minister.

## **VI. Selected Issues and Rulings by the Commission**

### **A. Policy matters and issues related to recruitment**

#### **Operations Review**

Several initiatives were undertaken during 2010 in line with the proposals set out in the PSC Operations Review Report which had been prepared by the Management Efficiency Unit and approved by the Commission in 2009. A series of workshops and meetings were held with officers from the Information Management Unit within OPM with a view to developing the organisation's information systems. Technical support was also provided by this Unit to improve the PSC's website in terms of its presentation and contents. The design phase of the revamped website was completed by the end of the year, when an improved design, based on a sub-sites template and presented in a user-friendly format, was submitted to the Commission for approval.

The Commission is still awaiting the identification of new premises by the authorities concerned, given the need to vacate its current premises on account of the impending renovation of the Palace. Although, as stated in last year's Report, the Commission had identified two properties in Valletta for consideration by Government, both properties were turned down due to financial constraints. Nevertheless, action was initiated in July 2010 to create space within the current premises for the Compliance Unit, as contemplated in the Operations Review. The Commission considered that the organisational changes recommended by the Operations Review could not be held in abeyance due to uncertainty over the relocation of the Office of the Commission.

#### **Policy on the re-employment and re-integration of public officers**

During the course of the year, the Commission approved more amendments to the policy on the re-employment or re-integration, on humanitarian grounds and in the public interest, of public officers who had resigned, been dismissed, or medically boarded out. Among other amendments, provision was made for a competence assessment of all applicants requesting re-employment or re-instatement, together with a two-year probationary period in approved cases. An officer who was re-employed by virtue of this policy had his probationary appointment terminated in July 2010 as a result of his being charged with, and admitting to, another criminal offence.

Furthermore, in December 2010 the Commission proposed to the Administration that the policy be amended to permit re-employment and re-instatement on the sole grounds of public interest, that is to say where there was no humanitarian element. This proposal was made in the light of cases where there was a genuine public interest in the re-employment or re-integration of former public officers, but the policy could not be applied because the humanitarian element was not present.

### **Status of casual and supply employees in the Public Service**

During the year, the Commission held discussions with the Administration about the resolution of the status of casual and supply employees in the Public Service. These discussions concerned mainly the number of staff employed in such roles and the basis of their employment, as well as whether these employees were eligible for indefinite appointments in terms of Legal Notice 51 of 2007, and what disciplinary provisions applied to them. These concerns were highlighted in a document prepared by the Commission and submitted to the Administration on 25 August 2010.

As indicated in the said document, the Commission was willing to take steps to regularise the situation of staff who had been employed in an ‘irregular’ manner, provided that such employees had been engaged through a transparent and fair process based on merit, and that this was certified by the Public Administration Human Resources Office (PAHRO). At the same time, the Commission emphasised that employment practices and procedures had to be strictly in accordance with the Constitution, and that Permanent Secretaries who did not adhere to the relevant provisions of the Constitution should face consequences. The Administration and the Commission agreed on a way forward based on the principles set out in the document dated 25 August 2010, whereby the regularisation of employees would be addressed on a ministry-by-ministry basis following consideration of updated lists of such employees provided by the respective Permanent Secretary.

### **Concept of succession planning - Assistant Directorships**

The Commission approved a proposal made by the Public Administration Human Resources Office that calls for applications to replace retiring Assistant Directors be issued nine months ahead of the incumbent’s retirement, as opposed to the customary six months. Furthermore, ministries and departments were also required to submit to the Office of the Prime Minister a request to retain the position in question once it became vacant. A call for applications to fill the position could only be issued once the request was approved by OPM. A letter-circular communicating the new policy to ministries and departments was issued in December 2010.

### **Assistant Directors ordinarily resident in Gozo**

In line with Government’s commitment to facilitate, whenever possible, the transit of staff ordinarily resident in Gozo, the Public Service Commission approved a revision to the policy for the filling of positions of Assistant Director, insofar as vacancies based in Gozo are concerned. Thus, with effect from January 2010, the revised policy permitted all Assistant Directors ordinarily resident in Gozo but serving in Malta to apply for the filling of an Assistant Director position in Gozo whenever such a vacancy arose. In such cases, the requirement for Assistant Directors to serve two years of their performance agreement before applying for a lateral move to any other assistant directorship position was being waived.

### **Delay in submissions for promotion**

The Commission expressed its concern with the Administration that an oversight on the part of the head of department could result in a five-year delay to the promotion of a public officer.

While considering a request for the promotion of a Junior Architect and Civil Engineer who had become eligible for an appointment to a higher grade in terms of the relevant classification agreement, the Commission had noted that an unacceptably long period of time had been allowed to pass before the proposal was presented to it. Upon a specific request from the Commission for an explanation, the Head of Department concerned wrote to the Commission explaining the delay in terms of oversights on his part. The Commission recommended that the officer in question be promoted retroactively to the date that the promotion fell due.

### **Eligibility of public officers detailed with public sector entities**

Following a specific request made by the Commission in November 2010, the Public Administration Human Resources Office confirmed that it was Government policy that, in the case of calls for applications open simultaneously to public officers and to employees in the wider public sector who were at a comparable level, the eligibility of public officers detailed with public entities (and who may, as a result, have held concurrent appointments in the Public Service and with the entity concerned) was to be determined solely with reference to their appointment in the Public Service.

The Public Service Commission also approved amendments, made in this regard, to Section 10 of the Guidelines to Chairpersons and Members on Selection Boards, dealing with eligibility of applicants. The amendments were felt necessary following repeated instances, brought before the Commission during 2010, where certain applicants were interviewed by selection boards, only to be later found ab initio ineligible for the respective post or position. The majority of such cases involved mistaken details listed on service-and-leave record forms (GP47) that erroneously showed the post or designation that a detailed public officer held with the respective public entity, instead of the officer's substantive grade in the Public Service. Such mistakes misled selection boards while determining the eligibility of these applicants.

During its consideration of such cases, the Commission made it clear that an applicant who was ab initio ineligible for a post in the Public Service could not claim eligibility on the basis of having been mistakenly considered eligible by the selection board and consequently allowed to take part in the selection process. Moreover, in line with its adopted policy, the Commission was compelled to recommend the rescission of appointments which had been made on the basis of what subsequently turned out to be ab initio ineligibility.

By way of remedial action, the Administration informed the Commission that it had given clear instructions on the issue to Directors, Corporate Services, and to Human Resources Managers of government departments and of the public entities concerned. Service-wide training on the selection



process was also organised during the year for prospective chairpersons and members of selection boards.

### **Eligibility for headship positions of Officers in Scale 7**

The Commission received representations from public officers who held indefinite appointments as Officers in Scale 7, stating that they had submitted applications for senior management positions but had been declared ineligible since they did not hold appointments to a substantive grade in scale 7 or above.

This situation changed during 2010 as a result of the Public Administration Act. Article 9(4)(b) of the Act, which came into effect on 30 March 2010, opened departmental headships to holders of ‘officer in scale’ appointments, provided that they had served for six years in Senior Executive Service (senior management) positions in the Public Service. The second schedule of the Act spells out which positions are considered departmental headship positions.

Furthermore, positions of Director General and Director which are not considered departmental headships have also been opened to the holders of ‘officer in scale’ positions in salary scale 7 or higher.

### **Reference to the number of vacancies in calls for applications**

In December 2010, the Commission came to the conclusion that, as a general rule, references in future calls for applications to posts or positions to be filled should be made in the singular regardless of the number of envisaged vacancies. This would avoid the need for published calls for applications to be amended if they referred in the plural to the posts or positions to be filled, and it later transpired that there was only one vacancy.

This policy was proposed to the Public Administration Human Resources Office, which signified its agreement. As a result calls for applications began to be framed in the singular as standard practice.

### **Qualification requirements in calls for applications**

The Commission ruled in October 2010 that an applicant who was qualified at a higher level than that required in a call for applications was to be considered eligible, provided that the applicant met the other relevant requirements of the call, including those relating to the specific subject matter of the required qualifications. This ruling was given after a selection board sought the Commission’s advice on the eligibility of an applicant who held a postgraduate qualification which was rated at level 7 of the Malta Qualifications Framework (MQF), but who lacked a first degree (level 6) as required by the respective call for applications.

Within the same context, the Commission also ruled that the requirement to produce recognition statements issued by the Malta Qualifications Recognition Information Centre (MQRIC) was to be waived in the case of qualifications from institutions accredited by MQRIC and listed as such



on MQRIC's website. This decision was taken following due consultations with the Malta Qualifications Council, which incorporates MQRIC, and the Administration, in the light of cases brought before the Commission concerning the eligibility of applicants who encountered difficulties in acquiring the required recognition statements.

The Commission decided that the above merited being made explicit in future calls for applications. It therefore requested PAHRO to ensure that appropriate changes were made in the provisions of future calls for applications dealing with the production of MQRIC recognition statements.

### **Requirements relating to teaching experience in calls for applications**

The Commission ruled that, for the avoidance of ambiguity in regard to positions relating to the teaching profession, future calls for applications should clearly indicate that any requirements relating to the duration of teaching experience referred to scholastic rather than calendar years. Also, where a call for applications included requirements as to length of service in calendar years, the closing date of the call was to be synchronised with the start of the scholastic year so that the call for applications would not create situations where candidates' service fell a few days short of the required length.

This decision was taken in November 2010 in the light of representations concerning the position of College Prefect of Discipline in the Directorate for Educational Services. The Commission took the view that, since the respective call for applications required applicants to have eight years' teaching experience, as opposed to eight years' service in the grade, it stood to reason that the requirement was to be understood as referring to eight scholastic years. The Commission concluded that were this not the case, the requirement would have to be calculated in the form of ninety-six months of actual classroom experience, amounting to about eleven calendar years when summer, Christmas and Easter holidays were taken into account.

### **The Maltese language proficiency requirement not in breach of EU rules**

A Member of Parliament wrote to the Public Service Commission querying whether European Union law permitted the inclusion, in calls for applications for teaching posts, of the requirement that applicants should be able to communicate in Maltese and English. In his e-mail, the MP in question included a communication from a senior official of the EU Commission, stating that the Maltese language requirement was 'not allowed at all' and 'against the rules of the free circulation of workers', as a result of which 'Malta could be called at the Court of Justice in Luxembourg and pay a lot of money'.

The issue was also raised by an applicant for the post of Supply Teacher whose application had not been accepted on account of her inability to communicate in Maltese.

The Commission, besides carrying out its own research on the issue, sought the views of the Directorate for Educational Services and the Public Administration Human Resources Office before replying to the respective submissions. The Commission subsequently concluded that requirements relating to linguistic proficiency in calls for applications were included on a case-by-case basis where this was reasonably necessary for the proper fulfilment of the duties of the post in question. This was in line with European Union legislation, since article 3(1) of Regulation 1612/68 on the free movement of workers within the EU permitted the application of 'conditions relating to linguistic knowledge required by reasons of the nature of the post to be filled'. Decisions of the EU Court of Justice confirmed this principle, while specifying also that any language requirement had to be reasonable and necessary for the job in question.

The Commission took the view that a requirement to understand Maltese was particularly relevant, and indeed increasingly so, for teachers in schools, given that, as a result of educational reforms, children of mixed abilities were being taught in the same class. This made it increasingly probable that children who could not communicate in English would be present in class. Moreover, parental involvement in education - an important value - could be impeded if parents who were unable to speak English needed to communicate with teachers. There was also the possibility of emergency situations arising in which a child expressed a critical need to a teacher who could not understand that child. Hence it was a longstanding practice in calls for applications for regular Teachers in the Public Service to include, in the eligibility requirements, the ability to communicate in Maltese and English.

Likewise, the inclusion, in the call for applications for Supply Teachers, of the requirement for candidates to be able to communicate in Maltese and English was justified and was not contrary to the principle of merit since the same considerations applied to regular Teachers. For these reasons, the call for applications for Supply Teachers which had been issued in November 2009 included a similar requirement concerning the ability to communicate in the Maltese and English languages. In the interest of proportionality in the application of language requirements, applicants' ability to communicate in Maltese and English was generally tested not through possession of any particular qualification (except, of course, in the case of teachers of Maltese or English) but through an oral assessment by the Selection Board.

### **Composition of selection boards**

As reported last year, the Public Service Commission took the decision to discontinue the practice of appointing panel members on selection boards, with effect from 2010. In April 2010, heads of departments were reminded through an MPO circular that each selection board was to be composed of a chairperson and at least two members, all of whom were to be nominated for the approval of the Public Service Commission concurrently with the formal recommendation for the issue of the call for applications. The circular emphasised further that public officers who are nominated to sit on selection boards must be at least one grade higher than the vacancy to be filled, and at least one of the nominated officers should have sound technical/professional knowledge of the responsibilities of the vacancy

advertised. In this regard, the Commission ruled in June 2010 that persons who were not serving public officers could be nominated to sit on selection boards, on condition that at least one member of each board should be a public officer.

During the year 2010, the Commission also authorised the appointment of parallel Selection Boards to undertake the selection process for posts of Staff Nurse within the Ministry for Health, the Elderly and Community Care. This was intended to expedite the selection process for each intake of Nurses, in view of the large number of applicants involved, and in view of the urgent need to fill the vacancies. The Commission set the condition that all the Boards established in parallel to undertake the same selection process should be chaired by the same chairperson so as to ensure that a consistent approach was adopted in the interests of fairness. Board meetings had to be staggered accordingly.

Furthermore in December 2010, the Commission approved a proposal made by the Administration, stating that undue delays in the selection process could be avoided if the Commission were to approve, at the outset, a substitute Chairperson and Members to serve on the Selection Board should the appointed Chairperson or Members become ineligible to serve thereon on account of being related to an applicant. The Commission agreed that the substitutes could, without reference to the Commission, fill vacancies which occurred on the Selection Board due to conflicts of interest, provided that the substitution was made before the start of the selection process. The Public Administration Human Resources Office was authorised to issue a service-wide circular to explain the rationale behind such measure.

### **Interviews by video-conference**

Following due consideration of a particular request concerning the interviewing of two applicants from abroad, the Commission ruled that the selection board could interview both candidates by videoconferencing but not by telephone.

The Selection Board had originally requested the Commission's permission to interview the candidates by telephone, arguing that since the two candidates were from India and the US respectively, it was not practical to hold the interviews by videoconference because of the time zone difference. However, the Commission considered that the substitution of videoconferencing by a phone call did not solve the problem of time zone differences. The Commission noted also that videoconferencing enabled both the visual identification of candidates, at the time of interview, with reference to photographic identification that the candidates might have submitted with their applications, and, subsequently, the verification that the appointed candidate was indeed the person who had been interviewed. Videoconferencing was greatly facilitated through internet-based applications such as Skype.

## **B. Issues related to disciplinary proceedings**

### **Submission of information regarding criminal proceedings instituted against public officers**

As already stated in previous Reports, the Commission had on several occasions brought to the attention of the Administration, the problems created when departments or entities concerned failed to submit adequate and prompt information regarding criminal proceedings instituted against public officers. With regret, the Commission noted that this situation continued to prevail during 2010. The Commission was particularly concerned about the consequences resulting from the delays in the case of serious crimes like defilement of minors and drug trafficking, which merited the interdiction of the accused officer at the initial stage of the proceedings in terms of the PSC Disciplinary Regulations.

Hence, the Commission alerted the Administration, once more, to the need for departments, particularly the Police, to abide by the relevant provisions of the PSC Disciplinary Regulations. The Administration was also requested to draw the attention of the Commissioner of Police to specific cases, with a view to his investigating whether there were grounds for disciplinary action against any police officer for failing to ensure that Government departments were informed when any of their employees were arraigned on criminal charges.

Indeed, the Commission did express its concern directly to the Commissioner of Police about two separate cases, which were brought before it for the first time during 2010 whereas criminal proceedings in both cases had been initiated in 2004. One of these cases was in fact brought to the attention of the Commission only after the accused officer had been found guilty by the Criminal Courts and, consequently, had to be recommended by the Commission for dismissal. Moreover, the Commission brought to the attention of the Police Commissioner another case concerning the erroneous interpretation of a Court judgement in the Police report to the Commission on the case. This interpretation misled the Commission into recommending a penalty on the basis of a guilty verdict when, in fact, the Court had declared that there were no grounds for the case to proceed.

On another instance in September 2010, the Commission drew the attention of the Chief Executive Officer of Transport Malta to unacceptably long delays which necessitated corrective action on his part. Transport Malta had not responded in a timely manner to repeated requests by the Commission for updates concerning an interdicted officer who had been found guilty of unlawful exaction in terms of article 112 of the Criminal Code, and whose case was under appeal.

The Commission also requested the Ministry for Gozo to investigate why the Commission had been informed, erroneously, that no appeal was lodged following a Court judgement in which a public officer was found guilty of possession of child pornography. The Commission stated that the error taken by the Ministry, which misled the Commission to take premature action, was unacceptable. Subsequently, the Commission wrote to the two officers of the Ministry who were responsible for the submission of the incorrect information in this particular case, noting the lack of proper

attention on their part and requesting them to ensure that such lapses are avoided in future.

### **Tampering with attendance sheets**

The Commission ruled that standard correct practices, namely that any corrections to attendance sheets were to be signed and authenticated, and that information was never to be erased by correcting fluid or other means, were to be strictly adhered to by every ministry, department, and section.

This ruling was given after two instances of malpractice came to the notice of the Commission, and in the light of the serious consequences that could be faced by public officers who tampered with attendance sheets. In one particular case, a public officer was arraigned in Court on a criminal charge for tampering with an attendance sheet, and he received a sentence of probation and general perpetual interdiction in terms of the Criminal Code. The Commission requested the Administration to bring to the attention of all public officers the seriousness of the issue.

### **Right of complainant to be present during disciplinary proceedings**

The advice of the Public Service Commission was sought by a particular department as to whether the complainant in a case of an alleged sexual harassment could be present at disciplinary proceedings in connection with the case, and whether the complainant could be accompanied by a person of his or her choice during the proceedings.

Following due consideration of the prevailing legislation relevant to the subject of sexual harassment, as well as legal advice which was obtained on the issue, the Commission noted that regulation 23(4)(a) of the Disciplinary Regulations, which stated that disciplinary hearings had to be held in private, did not preclude the presence of an individual whose complaint against a public officer had given rise to the disciplinary case. Such a complainant constituted a party with a legitimate interest in the case, not a 'member of the public'. The complainant was also entitled to be represented by a person of his or her choice, so as not to be put at a disadvantage in comparison with the defendant. This was a requirement of natural justice which found its counterpart in the provision, in criminal law, whereby an injured party could be present in Court as *parte civile*, with the right to intervene in proceedings - albeit only through the prosecution.

The Commission therefore ruled that a complainant could, under the current regulations, be present throughout proceedings and was also entitled to be represented or assisted by a person of his or her choice. The complainant was, however, to give evidence at the start of disciplinary proceedings so as not to be influenced by other witnesses, and he or she (or his/her representative) could not intervene in proceedings except indirectly through the departmental representative.

### **Discontinued disciplinary proceedings**

The Commission considered the case of an individual who rejoined the Public Service in 2010 after having resigned from the Service two years previously, with a serious disciplinary case pending against him. The employing ministry had sought the views of the Commission as to whether it was possible to revoke the individual's appointment or to resume disciplinary proceedings against him.

The Commission decided that there were no grounds to revoke the new appointment, given that the disciplinary case against the officer in question had not been considered as potentially leading to dismissal. Instead, the Commission recommended that the officer's probationary period be extended from 12 to 24 months to tally with that imposed on public officers who were re-employed following dismissal.

Furthermore, the Commission did not accept that the disciplinary proceedings against the officer could be resumed. The Commission noted that when the officer had resigned his original appointment, disciplinary proceedings against him had not been suspended but discontinued in terms of regulation 37 of the Disciplinary Regulations. This term implied that the proceedings could not simply be resumed, and indeed there was no specific provision in the regulations for the resumption of proceedings in such a situation. Moreover, the ministry was not in a position to institute fresh proceedings regarding the case in question as this was precluded by the timeframes set out by the Disciplinary Regulations.

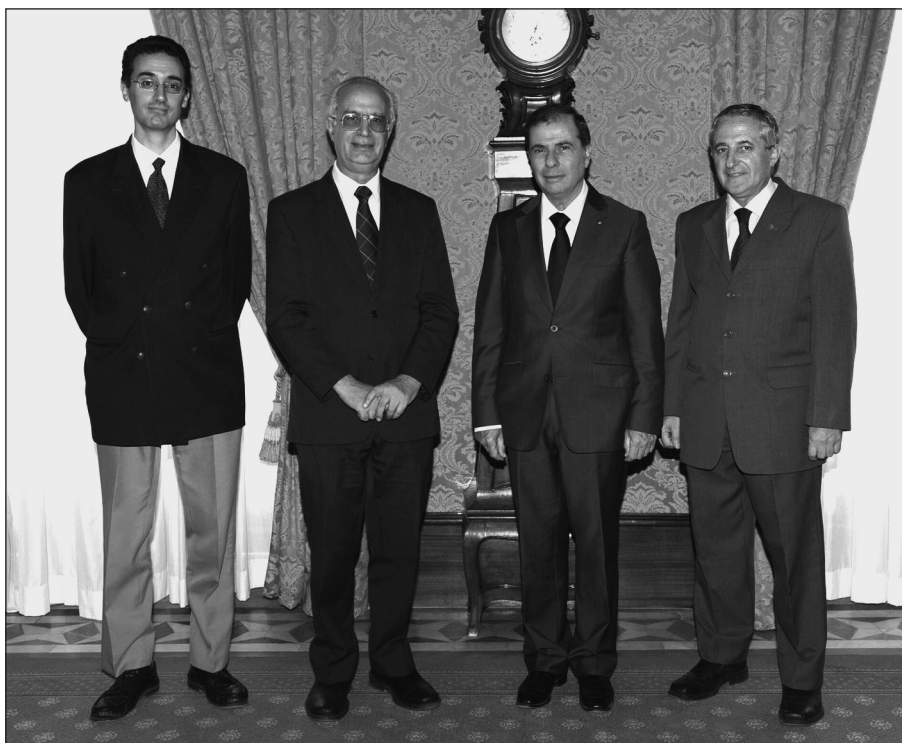
The Commission thus concluded that its action regarding the extension of the officer's probationary period was sufficient in this case, since the Disciplinary Regulations did not cater for further action. However, the Commission agreed that there was a lacuna in the Regulations, and it therefore decided to draw up amendments to the Regulations which would permit the resumption of disciplinary proceedings in cases where an officer left the Public Service with a pending case against him or her, and subsequently rejoined the Service. These amendments were proposed to the Administration in accordance with article 121 of the Constitution.



## VII. Other Business of the Commission

### Meeting with the President of Malta

In February 2010, the Chairman, Mr Alfred Fiorini Lowell, attended a meeting with HE Dr George Abela, President of Malta. During this meeting, the President was informed of the most important issues dealt with by the Commission during 2009.



In September 2010, the new Chairman, Mr Paul A Attard, together with the new Executive Secretary, Mr Charles Polidano, and the outgoing Executive Secretary, Mr Paul Sammut, attended a courtesy meeting with the President.

### Ombudsman

During 2010, the Ombudsman corresponded with the Commission on eight (8) cases relating to complaints made to him by public officers. In five (5) cases the complaint was not upheld by the Ombudsman. In one (1) case the Ombudsman requested the Commission's comments in regard to statements made by the Malta Union of Teachers (MUT) and the Commission submitted the requested information. In another case the Ombudsman requested clarification on the sub-criteria used by the Selection Board in question, and the Commission gave its reply. One case was still pending by the end of the year under review.

Relevant information on the cases that were the subject of correspondence between the Ombudsman and the Commission in 2010 is given in Appendix 11.

Informal meetings were held between the Chairman of the Commission and the Ombudsman as requested.

### **Other meetings with the Commission**

The Commission and the Principal Permanent Secretary met on several occasions during the year to discuss particular issues concerning the Administration and other business of the Commission. Important matters frequently discussed during these meetings concerned the amendments to the PSC Regulations 1960 and the Disciplinary Regulations, and the implementation of the Public Administration Act.

As envisaged by the Public Service Commission Regulations, 1960, the Commission also held consultations on a regular basis with Permanent Secretaries, Heads of Departments and Selection Boards whenever this was considered necessary. This was done on twenty-five (25) occasions during 2010 through ad hoc meetings with the Commission.





## Appendix 1:

### Biographies of the Chairman and Members of the Public Service Commission

#### **Mr Paul A Attard**

*Chairman, Public Service Commission (appointed on 12 June 2010)*

Paul A Attard is a former public officer. During his long career he occupied various posts in different areas in the Ministry of Education until in 2000 he was appointed Permanent Secretary. In 2003 Mr Attard was appointed Policy Advisor to the Ministry. In 2006 he became President of the Board of Governors of the Malta College of Arts, Science and Technology. He is a university graduate in educational administration and management. He wrote several analytical reports and published papers on education in Malta and in small states and represented Malta in several Council of Europe and European Union meetings. For several years, he produced and presented programmes both on radio and television.

#### **Dr Jeannette Laferla**

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

Dr 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 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 service as Teacher, Head of School, Assistant Director, and, between 1997 and 2003, as Director Curriculum Management. Ms Vella holds a BA (Hons) degree.

**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 the Department, he served in various sections, ending his career as Assistant Director. Prior to his career in the Department of Social Services, he served also in the Education Department.

## Appendix 2:

### Public Service Commission Chairmen

**Mr Leslie Harold Gorsuch CBE**

05.08.1960 - 31.10.1963

**Judge William D Harding CBE, KM, BLitt, LL.D**

05.11.1963 - 04.11.1971

**Dr George Zammit BA, BA (Hons) Lond, BD (Rome), LL.D**

05.11.1971 - 31.10.1977

**Dr Charles Cassar MD, MRCP, PhC, KM, CStJ**

20.01.1978 - 19.01.1980

**Mr Carmel Giuliano**

20.01.1980 - 31.12.1981

**Mr Godfrey Craig**

12.01.1982 - 25.02.1984

**Mr Maurice J V Bonello**

01.04.1984 - 08.08.1986

**Mr Paul V Attard**

01.02.1986 - 11.08.1987

**Dr Albert G Camilleri BA, LL.D**

12.08.1987 - 11.08.1992

**Prof Edwin Borg Costanzi BSc, BE&A, A&CE, MA (Oxon)**

12.08.1992 - 11.05.1996

**Mr Anthony Galdes MOM, BA (Hons)(Econ), FCIB**

12.05.1996 - 28.02.1997

**Mr Joseph J M Curmi MPA, DPA, FIFD**

12.05.1997 - 11.06.2003

**Mr Alfred Fiorini Lowell**

12.06.2003 - 11.06.2010

**Mr Paul A Attard Dip Educ (Admin & Mgt)**

12.06.2010 -



## Appendix 3:

### Secretaries to the Public Service Commission

**Mr H Miller, Secretary**

05.08.1960 - 24.03.1969

**Mr G Soler, Secretary**

07.02.1969 - 08.03.1973

**Mr A Piccinino, Acting Secretary**

09.03.1973 - 30.11.1973

**Mr C Vella, Acting Secretary**

01.12.1973 - 21.09.1975

**Mr P Vassallo Cachia, Secretary**

22.09.1975 - 09.09.1983\*

**Mr P V Attard, Secretary**

01.01.1984 - 16.09.1985

**Mr R V Mifsud, Secretary**

23.12.1985 - 31.12.1988

**Mr N Scicluna, Secretary**

05.01.1989 - 26.11.1993

**Mr J Bonello, Acting Secretary**

27.11.1993 - 15.10.1995

**Mr G Saliba, Acting Secretary**

16.10.1995 - 03.12.1995

**Mr J Bonello, Acting Secretary**

04.12.1995 - 02.05.1996

**Mr N Worley, Acting Secretary**

03.05.1996 - 18.02.1999

**Mr N Worley, Secretary**

19.02.1999 - 12.04.2001

**Mr R Saliba, Acting Secretary**

13.04.2001 - 20.06.2001

**Mr R Saliba, Secretary**

21.06.2001 - 09.01.2004

**Mr P Sammut, Secretary/Executive Secretary**

10.01.2004 - 16.04.2010

**Mr C Polidano, Executive Secretary**

17.04.2010 -

\* *In the absence of an officially appointed Secretary or Acting Secretary to the Commission, Mr J Bonello performed the duties of Secretary, PSC, from September to December 1983.*



## Appendix 4:

### Office of the Public Service Commission

#### (i) Staff Complement

Staff in post as on 31st December 2010	
Grade	No of Employees in post
Top Structure	Executive Secretary and Two Assistant Directors
Research staff	One Research Officer
Administrative staff	Two Principals and one Asst. Principal
Executive staff	Two Executive Officers
Clerical Staff	Two Senior Clerks and three Clerks
Messengerial Staff	One General Hand
<b>Total</b>	<b>15</b>

#### (ii) Commission's Expenditure

Expenditure for the year 2010	
Item	€
Emoluments of the Chairman, Deputy Chairperson and Members of the Commission	66,098
Emoluments of the public officers attached to the Commission's staff	286,693
Social Security contributions	22,256
Operational and maintenance expenses	50,748
<b>Total</b>	<b>425,795</b>





## Appendix 5:

### Comparative Analysis of Selection Processes in the Public Service

Action	Account-ability for Ac-tion	Average Number of Days from Preceding Action									
		1993/1994	2001/2002	2003/2004	2005	2006	2007	2008	2009	2010	
1	Request for PSC authority to issue Call for Applications <sup>(1)</sup>	0	0	0	0	0	0	0	0	0	0
2	Request for Approval of Selection Board/Criteria <sup>(1)(2)</sup>	46.52	5.68	15.66	6.04	12.54	2.70	2.80	0.07	0.44	
3	Verification of Call for Applications <sup>(1)</sup>	39.8	52.84	36.9	69.31	56.33	33.18	54.55	53.64	28.79	
4	Clarification/s sought by PSC	8.26	4.02	3.8	0	0	0	0	0	0.05	
5	Response by Head of Department to PSC queries <sup>(1)</sup>	24	9.56	8.44	0	0	0	0	0	0.57	
6	<b>PSC Approval of issue of Call/Selection Board/Criteria <sup>(3)</sup></b>	<b>49.2</b>	<b>18.9</b>	<b>7.74</b>	<b>6.13</b>	<b>6.07</b>	<b>7.70</b>	<b>8.45</b>	<b>7.33</b>	<b>6.13</b>	
7	Publication of Call for Applications	7.22	12.72	7.78	8.63	6.56	7.48	9.55	20.28	5.59	
8	Closing date for submission of applications	25.94	26.2	22.8	21.94	23.17	23.08	21.40	22.35	22.68	
9	Holding of Interviews	100.6	60.1	53	58.63	59.54	51.42	82.07	54.93	54.48	
10	Selection Board Report <sup>(1)</sup>	20.58	9.5	14.24	10.52	18.02	11.92	15.49	12.79	13.65	
11	Recommendation by Head of Department <sup>(1)</sup>	15.78	17.72	12.62	19	15.07	14.50	15.27	10.01	10.81	
12	Verification of Vacancy <sup>(1)</sup>	8.24	9.98	4.94	5.54	9.13	6.96	11.96	3.80	4.01	
13	Clarification/s sought by PSC	2.9	2.58	0.76	0.22	0.30	1.40	0.59	0.64	0.47	
14	Response to PSC queries <sup>(1)</sup>	6.82	9.56	2.42	1.22	4.17	0.90	3.13	2.55	1.27	
15	<b>Recommendation by PSC</b>	<b>16.54</b>	<b>18.3</b>	<b>6.6</b>	<b>6.06</b>	<b>6.81</b>	<b>8.94</b>	<b>6.36</b>	<b>8.25</b>	<b>9.12</b>	
16	Prime Minister's Signature	7	7.74	7.58	7.72	14.33	13.60	8.12	7.23	7.89	
<b>Total Duration of Selection Processes</b>		<b>379</b>	<b>265</b>	<b>205</b>	<b>221</b>	<b>232</b>	<b>182</b>	<b>236</b>	<b>203</b>	<b>166</b>	
		<b>54</b>	<b>38</b>	<b>29</b>	<b>32</b>	<b>33</b>	<b>26</b>	<b>34</b>	<b>29</b>	<b>24</b>	
		<b>weeks</b>	<b>weeks</b>	<b>weeks</b>	<b>weeks</b>	<b>weeks</b>	<b>weeks</b>	<b>weeks</b>	<b>weeks</b>	<b>weeks</b>	

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

<sup>(2)</sup> Action 2 above includes Actions 8 and 10 of 1993/1994 calls

<sup>(3)</sup> Action 6 above includes Actions 5, 9 and 11 of 1993/1994 calls

<sup>(4)</sup> In effect, in a number of instances, queries were addressed to Head of Department



## Appendix 6:

### Public Calls for Applications

#### (i) Calls for applications advertised in the Government Gazette – Total 185

##### Office of the Prime Minister

1. Junior Legal Officer/Legal Officer (State Aid), Permanent Secretary (Operations)
2. Senior Legal Officer
3. Senior Legal Officer
4. Accountant I, Internal Audit and Investigations Directorate
5. Programme Manager (Assurance), Internal Audit and Investigations Directorate
6. Programme Manager (Assurance), Internal Audit and Investigations Directorate
7. Programme Manager (Risk Management), Internal Audit and Investigations Directorate
8. Technical Analyst, Cabinet Office
9. Project Administrator, Staff Development Organisation, Centre for Policy Research and Training
10. Employee Support Programme (ESP) Project Administration, Employee Relations Directorate
11. Senior Manager (Managing Authority), Planning and Priorities Co-Ordination Division
12. Information Executive to act as Information Point (National Coordination Authority) for the Italy-Malta Cross-Border Cooperation Programme Italy-Malta 2007-2013, Planning and Priorities Co-Ordination Division
13. Head (Operational Programme), Planning and Priorities Co-Ordination Division
14. ICT Contracts and Services Officer in the Public Service
15. EU Fund Manager in the Public Service
16. EU Fund Officer in the Public Service

##### Ministry of Foreign Affairs

1. Visa Officer, Central Visa Unit

##### Ministry for Gozo

1. Architect and Civil Engineer/Junior Architect and Civil Engineer, Permanent Secretary's Office
2. Consultant Surgeon (Gozo General Hospital), Department of Customer Services
3. General Practitioner (Gozo General Hospital, Health Centres and Public Health), Department of Customer Services
4. Senior Project Administrator, ECO Gozo Regional Development Directorate
5. Scientific Officer, ECO Gozo Regional Development Directorate

6. Engineer (Mechanical), ECO Gozo Regional Development Directorate
7. Junior Engineer/Engineer (Electrical), ECO Gozo Regional Development Directorate
8. ICT Governance Officer, Information Management Unit
9. ICT Contracts and Services Officer, Information Management Unit
10. Management Information Systems Officer, Information Management Unit

### **Ministry for Resources and Rural Affairs**

1. Technical Attaché (Climate Change), Permanent Representation of Malta to the European Union
2. Control Inspector, Paying Agency
3. Risk Analysis Coordinator, Paying Agency
4. Manager (Internal Audit Services-Paying Agency)
5. Senior Manager (Internal Audit Services-Paying Agency)
6. EFF Programme Manager in the EU Affairs Directorate
7. Junior Legal Officer/Legal Officer
8. Economics Officer
9. Architect and Civil Engineer/Junior Architect and Civil Engineer, Marine and Stormwater Unit, Cleansing and Maintenance Division
10. Junior Veterinary Officer/Veterinary Officer, Agriculture and Fisheries Regulation Division
11. Veterinary Officers, Fish and Farming Regulation and Control Division
12. Animal Welfare Officer, Rural Development and Aquaculture Department
13. Project Administrator (Restoration and Rehabilitation of Historic Fortifications of Malta and Gozo)
14. EFF Projects Manager in the Wholesale Markets and Fishing Fleet Facilities Directorate
15. Butcher, Wholesale Markets and Fishing Fleet Facilities Directorate
16. Project Officer (Monitoring and Evaluation of Spatially Managed Areas)
17. Principal Aquaculture Officer at the Malta Aquaculture Research Centre

### **Ministry of Education, Employment and the Family**

1. Junior Legal Officer/Legal Officer, Office of the Permanent Secretary
2. Focal Point on Drugs and Drug Addiction
3. Part-Time Project Administrator, Career Guidance Capacity Building (CGCB)
4. Occupational Therapist, Directorate for Educational Services
5. Service Manager (Student Services), Directorate for Educational Services
6. Teacher, Directorate for Educational Services
7. College Counsellor, Directorate for Educational Services
8. College Career Advisor, Directorate for Educational Services
9. Head of School (Gozo), Directorate for Educational Services

10. Youth Worker, Directorate for Educational Services
11. Resource Worker, Directorate for Educational Services
12. College Prefect of Discipline, Directorate for Educational Services
13. Speech Therapist, Directorate for Educational Services
14. Learning Support Assistant II (LSA II), Directorate for Educational Services
15. Trainee Counsellor, Directorate for Educational Services
16. Trainee Career Advisor, Directorate for Educational Services
17. Head of School, Directorate for Educational Services
18. Supply Learning Support Assistant (Supply LSAs), Directorate for Educational Services
19. Supply Kindergarten Assistants (Supply KGAs), Directorate for Educational Services
20. Occupational Therapist, Department of Student Services, Directorate for Educational Services
21. Supply Teacher, Directorate for Educational Services
22. Learning Support Assistant I, Directorate for Educational Services
23. Trainee Educational Psychologist, Directorate for Educational Services
24. Task Officer, Directorate for Policy Development and Programme Implementation
25. Education Officer, Directorate for Quality and Standards in Education
26. Assistant Director, Directorate for Quality and Standards in Education
27. Assistant Director, Directorate for Quality and Standards in Education
28. Education Officer, Directorate for Quality and Standards in Education
29. Junior Legal Officer/Legal Officer, Industrial and Employment Relations
30. Registrar, Institute of Tourism Studies
31. Purchasing Officer, Institute of Tourism Studies
32. Deputy Director, Institute of Tourism Studies
33. Executive Director, Institute of Tourism Studies
34. Assistant Librarian, Institute of Tourism Studies
35. Kitchen Assistant, Institute of Tourism Studies
36. Research Analyst, Social Welfare Standards
37. Manager (Welfare Services Assessment), Social Welfare Standards
38. Assessor (Welfare Services Assessment), Social Welfare Standards
39. Manager (National Coordinating Unit for Drugs and Alcohol - NCUDA)
40. English Language Teaching (ELT) Monitoring Officer, ELT Monitoring Board
41. English Language Teaching (ELT) Senior Manager, ELT Monitoring Board

### **Ministry of Finance, the Economy and Investment**

1. Technical Attaché (Competitiveness), Permanent Representation of Malta to the EU
2. Accountant
3. Economics Officer
4. Senior Manager (EU Paying Authority)

5. Programme Manager (Finance), Financial Management Monitoring Unit
6. Procurement Manager, Contracts Department
7. Procurement Manager (Electronic), Contracts Department
8. Payment Coordination Officer (EU Funds Management Unit), Treasury Department
9. Payment Coordination Officer (EU Funds Management Unit), Treasury Department
10. Accountant, VAT Department
11. Junior Legal Officer/Legal Officer, VAT Department

### **Ministry for Justice and Home Affairs**

1. Technical Attaché (Immigration and Asylum), Permanent Representation of Malta to the European Union
2. Assistant Manager, Airport Security
3. Part-time Children's Advocate, Courts of Justice (Malta)
4. Project Officer, ERF Project (Document Analysis in the Asylum Determination Process, Training and Implementation), Office of the Refugee Commissioner
5. Project Officer, ERF Project (Post Application Client Preparation and Asylum Determination Interviewing Centre for Asylum Seekers), Office of the Refugee Commissioner
6. Administrative Officer, ERF Project (Post Application Client Preparation and Asylum Determination Interviewing Centre for Asylum Seekers), Office of the Refugee Commissioner
7. Asylum Information Officer, ERF Project (Post Application Client Preparation and Asylum Determination Interviewing Centre for Asylum Seekers), Office of the Refugee Commissioner
8. Administrative Officer, ERF Project (Document Analysis in the Asylum Determination Process, Training and Implementation), Office of the Refugee Commissioner
9. Case Worker, Office of the Refugee Commissioner
10. Inspector of Police, Police

### **Ministry for Health, the Elderly and Community Care**

1. Basic Specialist Trainee (Accident and Emergency)
2. Basic Specialist Trainee (Anaesthesia)
3. Basic Specialist Trainee (Medical Imaging)
4. Basic Specialist Trainee (Medicine)
5. Basic Specialist Trainee (Obstetrics and Gynaecology)
6. Basic Specialist Trainee (Ophthalmology)
7. Basic Specialist Trainee (Paediatrics)
8. Basic Specialist Trainee (Pathology)
9. Basic Specialist Trainee (Psychiatry)
10. Basic Specialist Trainee (Public Health)
11. Basic Specialist Trainee (Surgery)
12. Clinical Chairperson, Department of Orthopaedics
13. Consultant (Accident and Emergency Department)
14. Consultant (Genito-Urinary Medicine)
15. Consultant (Obstetrics and Gynaecology)
16. Consultant Anaesthetist

17. Consultant Cardiologist
18. Consultant Histopathologist with a special interest in Head and Neck Pathology
19. Consultant Nuclear Medicine Physician, Department of Medical Imaging
20. Consultant Ophthalmic Surgeon with an interest in Anterior Segment Surgery and Anterior Segment Diseases
21. Consultant Ophthalmic Surgeon with an interest in Anterior Segment Surgery and Glaucoma
22. Consultant Ophthalmic Surgeon with an interest in Medical Retina and Retinopathy of Prematurity (Rop) Screening
23. Consultant Paediatrician with an Interest in Community Paediatric Services and Community Disability
24. Consultant Paediatrician with an Interest in Social Paediatrics/ Child Abuse
25. Consultant Physician with an interest in Gastro-Enterology and Hepatology
26. Consultant Radiologist with an Interest in Musculoskeletal Imaging
27. Consultant Surgeon with an interest in Gastro Intestinal Surgery
28. Consultant, Department of Surgery (Neurosurgery)
29. Dental Surgery Assistant
30. Designate Consultant (Obstetrics and Gynaecology)
31. Designate Consultant Cardiologist
32. Designate Consultant Surgeon leading to the post of Consultant Surgeon with special interest in Hepato Pancreato Biliary Surgery
33. Designate Consultant Surgeon leading to the post of Consultant Surgeon with special interest in Upper Gastrointestinal Surgery
34. Economics Officer, Strategy and Sustainability Division
35. Electrocardiography (ECG) Technician
36. General Practitioner
37. Health Inspector
38. Higher Specialist Trainee (Accident and Emergency)
39. Higher Specialist Trainee (Acute/General Medicine)
40. Higher Specialist Trainee (Anaesthesia)
41. Higher Specialist Trainee (General Medicine/Gastroenterology)
42. Higher Specialist Trainee (General Medicine/Infectious Disease)
43. Higher Specialist Trainee (General Medicine/Nephrology)
44. Higher Specialist Trainee (General Medicine/Respiratory Medicine)
45. Higher Specialist Trainee (General Surgery)
46. Higher Specialist Trainee (Geriatrics)
47. Higher Specialist Trainee (Otorhinolaryngology)
48. Higher Specialist Trainee (Plastic Surgery)
49. Higher Specialist Trainee (Urology)
50. Higher Specialist Trainee, Department of Medical Imaging
51. Higher Specialist Trainee, Department of Orthopaedics
52. House Officer
53. Medical Laboratory Technologist
54. Medical Officer (General Practice Trainee)
55. Medical Officer (Port Health Services)
56. Midwife on a Full-Time Basis/Part-Time Basis
57. Paramedic Aide (Laboratory)
58. Paramedic Aide (Phlebotomist)
59. Pharmacist
60. Pharmacy Technician



61. Physiotherapist
62. Podologist (Podiatry)
63. Principal Pharmacist, Government Health Procurement Services
64. Programme Manager (Operations), National Health Screening Programme, Health Care Services
65. Radiographer (Diagnostic)
66. Radiographer (Therapy)
67. Registrar (Dentistry) for Higher Specialist Training in Oral Surgery, Department of Dental Surgery
68. Resident Specialist (Plastic Surgery)
69. Resident Specialist (Urology)
70. Resident Specialist Paediatrician on locum basis
71. Scientific Officer (Nutritionist)
72. Scientific Officer (Prosthetist/Orthotist)
73. Scientific Officer (Public Health Laboratory)
74. Scientific Officer (Radiotherapy Physicist)
75. Scientific Officer (Radiotherapy Physicist)
76. Scientific Officer (Radiotherapy Physicist)
77. Social Assistant
78. Speech Therapist
79. Staff Nurse/Part-Time Staff Nurse

**(ii) Call for applications advertised in the  
British Medical Journal – Total 1**

1. Resident Specialist Paediatrician on locum basis, Ministry for Health, the Elderly and Community Care

**(iii) Call for applications advertised in the  
Placement Service Circular (IPEM) – Total 1**

1. Senior/Principal Radiotherapy Physicist, Ministry for Health, the Elderly and Community Care

## Appendix 7:

### Calls for Applications issued through MPO/PAHRO Circulars - Total 70

#### House of Representatives

1. Research Analyst, Standing Committee on Foreign and European Affairs
2. Research Analyst, Standing Committee on Social Affairs

#### Office of the Prime Minister

1. Principal Information Officer, Department of Information
2. Senior Information Officer, Department of Information
3. Expression of Interest from amongst Public Officers and Public Sector Employees to perform duties as Executive Secretary with Local Councils
4. Expression of Interest from amongst Public Officers to be engaged in the Position of Manager (Accounting and Finance) within the Malta Public Service on successful completion of a Higher Diploma Course in Public Accounting and Finance

#### Ministry for Gozo

1. Nursing Officer (Gozo General Hospital), Department of Customer Services
2. Senior Technical Officer, Department of Customer Services (Education Division)
3. Senior Veterinary Support Officer, Department of Projects and Development
4. Weigher, Department of Projects and Development
5. Heavy Plant Driver, Department of Projects and Development
6. Supervisor, Department of Projects and Development (Veterinary Services)
7. Agricultural Foreman (Slaughtering Lines), Department of Projects and Development (Veterinary Services)

#### Ministry for Resources and Rural Affairs

1. Principal Agricultural Officer, Agriculture
2. Farmer, Agriculture
3. Principal Veterinary Officer (National Veterinary Laboratory), Agriculture and Fisheries Regulation Department
4. Senior Technical Officer (Enforcement), Cleansing Services Department, Cleansing and Maintenance Division
5. Principal Technical Officer (Maintenance and Operations), Cleansing and Maintenance Division
6. Principal Technical Officer, Quality Assurance Unit, Cleansing and Maintenance Division

7. Principal Public Cleansing Officer, Cleansing Department, Cleansing and Maintenance Division
8. Technical Officer (Kordin Fuel Station), Manufacturing and Services Department, Cleansing and Maintenance Division
9. Senior Agricultural Officer, Monitoring Unit, Malta Embellishment and Landscaping Project
10. Senior Technical Officer (Electrical) and Senior Technical Officer (Carpentry), Manufacturing and Services Department
11. Operations Manager (Maintenance), Operations Department
12. Senior Agricultural Foreman, Parks and Initiatives Directorate
13. Foreman, Parks and Initiatives Directorate
14. Assistant Foreman, Parks and Initiatives Directorate
15. Operative (Metal Works) Group III, Parks, Afforestation and Rural Conservation (PARCS) Unit
16. Remote Sensing Coordinator, Paying Agency
17. Quarryman (Group III), Projects Implementation Department, Project Design and Implementation Division
18. Assistant Technical Officer, Services Division
19. Operations Manager (Photogrammetry), Restoration Unit, Works Division
20. Operations Manager (Projects), Construction and Maintenance, Works Division
21. Technical Officer, Parks, Afforestation and Rural Conservation Unit
22. Heavy Plant Driver (Group IV)
23. Operations Manager (Buskett)
24. Motor Transport Driver (Group III)
25. Principal Technical Officer, Wholesale Markets and Fishing Fleet Facilities Directorate
26. Senior Operative (Rubble Wall Builder) Group IV

#### **Ministry of Education, Employment and the Family**

1. Customer Relationship Officer (SPIC), Information Management Unit
2. Assistant Care Worker, Directorate for Educational Services
3. Library Officer in the Student Services Section, Directorate for Educational Services (Schools Library Service)

#### **Ministry of Finance, the Economy and Investment**

1. Senior Systems Analyst, Customs Department
2. Customs Auxiliary (Group III), Customs Department
3. Senior Systems Administrator, Government Property Department
4. Senior Systems Analyst, VAT Department

#### **Ministry for Justice and Home Affairs**

1. Correctional Manager (Care and Reintegration), Corradino Correctional Facility
2. Correctional Manager (Operations), Corradino Correctional Facility
3. Correctional Manager (Security), Corradino Correctional Facility
4. Court Messenger, Courts of Justice

5. Female Security Guard, Courts of Justice
6. Legal Procurator, Courts of Justice

### **Ministry for Health, the Elderly and Community Care**

1. Senior Information Officer, Office of the Permanent Secretary (Social Policy)
2. Principal Technical Officer (Mechanical Medical Equipment Section), Biomedical Engineering Section
3. Principal Technical Officer (Administration, PPM Management, Medical Equipment Library and Clingo System), Biomedical Engineering Section
4. Principal Technical Officer (General Electronics Section), Biomedical Engineering Section
5. Senior Pharmacist, Government Health Procurement Services
6. Health Assistants from amongst Hospital Auxiliaries with 15 years Government Service
7. Heavy Plant Driver (Group IV), National Blood Transfusion Services
8. Senior Pharmacist, Primary Health Care
9. Ocular Prosthetist
10. Manager, Ophthalmic Support Services
11. Manager, Audiology Services
12. Senior Technical Officer (Mechanical)
13. Departmental Nursing Manager
14. Foreman (Cleaning and Support Services), Mater Dei Hospital
15. Manager, Medical Imaging Services
16. Post-Mortem and Mortuary Attendant
17. Nursing Officer
18. Senior Technical Officer (Renal Unit)



## Appendix 8:

### Departmental Calls for Applications

#### (i) Calls for applications advertised through departmental circulars - total 6

##### Office of the Prime Minister

1. Inspector (Delivery Section), Government Printing Press

##### Ministry of Foreign Affairs

1. Senior Counsellor

##### Ministry of Education, Employment and the Family

1. Assistant Head of School (Primary), Gozo, Directorate for Educational Services
2. Assistant Head of School (Secondary), Malta, Directorate for Educational Services

##### Ministry of Finance, the Economy and Investment

1. Senior Consul, Monte di Pietà Branch, Capital Transfer Duty, Inland Revenue Department

##### Ministry for Justice and Home Affairs

1. Principal Probation Officer, Correctional Services Department

#### (ii) Calls for applications issued by ministries for the filling of Assistant Director positions in terms of delegation by PSC - total 55

##### Office of the Prime Minister

1. Assistant Director (Electoral Office), Electoral Office
2. Assistant Director (Policy and Planning), Local Government
3. Assistant Director (Devolution), Local Government
4. Assistant Director (Field Services), Local Government
5. Assistant Director (Environment), Tourism and Sustainable Development Unit
6. Assistant Director (Defence Matters), Defence Matters Directorate
7. Assistant Director (Operations), Corporate Services

8. Assistant Director (Finance and Administration), Tourism and Culture, Corporate Services

#### **Ministry for Gozo**

1. Assistant Director (Permanent Secretary's Office), Office of the Permanent Secretary
2. Assistant Director (Back Office Unit), Directorate General (Operations)
3. Assistant Director (Salaries and Pensions), Directorate General (Operations)
4. Assistant Director (Customer Care), Directorate General (Strategy and Support)

#### **Ministry for Infrastructure, Transport and Communications**

1. Assistant Director (Public Registry), Public Registry
2. Assistant Director (Finance and Administration), Land and Public Registry Department

#### **Ministry for Resources and Rural Affairs**

1. Assistant Director (Environment Affairs), Office of the Permanent Secretary
2. Assistant Director (Non-IACS EAGF Schemes), Paying Agency
3. Assistant Director (Payments), Paying Agency
4. Assistant Director (Planning and Accounting)
5. Assistant Director (Financial Control and Initiatives)
6. Assistant Director (Agriculture and Fisheries Regulation)
7. Assistant Director (Operations), Manufacturing and Services Directorate
8. Assistant Director (Cleansing), Cleansing Directorate

#### **Ministry of Education, Employment and the Family**

1. Assistant Director (Financial Services), Department of Corporate Services
2. Assistant Director (Finance - Social Policy), Department of Corporate Services
3. Assistant Director (Finance Services) - Education, Department of Corporate Services
4. Assistant Director (Finance) - Education, Department of Corporate Services
5. Assistant Director (Management Support and Quality Verification), Department of Corporate Services
6. Assistant Director (Procurement and Administration), Department of Corporate Services
7. Assistant Director (Review), Policy Development and Programme Implementation Directorate
8. Assistant Director (Scholarships), Lifelong Learning Directorate
9. Assistant Director (Finance and Administration), Social Welfare Standards

10. Assistant Director (Central Authority Functions), Social Welfare Standards
11. Assistant Director (International Relations), Social Security

### **Ministry of Finance, the Economy and Investment**

1. Assistant Director (Research and Development), Office of the Permanent Secretary
2. Assistant Director (Revenue), Budget Affairs Division
3. Assistant Director (Capital Expenditure), Budget Office
4. Assistant Director (Technical), Inland Revenue Department
5. Assistant Director (International Affairs), International Tax Unit, Inland Revenue Department
6. Assistant Director (Accounting Methodology and Control), Treasury Department
7. Assistant Director (Human Resources), Customs Department
8. Assistant Director (IT Systems), Customs Department
9. Assistant Director (Enforcement), Government Property Department
10. Assistant Director (Government Immovable Property Register), Government Property Department
11. Assistant Director (Finance and Administration), Government Property Department

### **Ministry for Justice and Home Affairs**

1. Assistant Director (EU Funds), Programme Implementation Directorate
2. Assistant Director (Freedom of Information), Programme Implementation Directorate
3. Assistant Director (Operations), Courts of Justice
4. Assistant Director (Justice Affairs), Justice Unit
5. Assistant Director (Finance and Human Resources and Administration), Correctional Services Department

### **Ministry for Health, the Elderly and Community Care**

1. Assistant Director (Permanent Secretary's Office)
2. Assistant Director (Administration), Human Resources and Administration Directorate
3. Assistant Director (Finance), Financial Management and Control Directorate
4. Assistant Director (Finance), Financial Management and Control Directorate
5. Assistant Director (Finance), Financial Management and Control Directorate
6. Assistant Director (Health Care Services)





## Appendix 9 (a):

### Representations to the Commission

No	Related Post	Department	Nature of Representations	Commission's Decision
1	Teacher (Violin)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
2	Head of Department - Chemistry and eLearning	Directorate for Quality Standards in Education	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
3	Principal Social Worker	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
4	Headship Positions		Claim that the position descriptions for headship positions were not consistent in specifying what standard of education was required by incumbents	The Commission, considering the comments made by the Principal Permanent Secretary, informed complainant that qualification requirements for such positions were set by exception only where there was a specific need
5	Orthopaedics Nurse (Theatre)	Health Division	Claim that the call for applications went against the agreement signed by the Health Division, MPO and MUMN	<b>Call was withheld</b>
6	Urology Nurse (Theatre)	Health Division	Claim that the call for applications went against the agreement signed by the Health Division, MPO and MUMN	<b>Call was withheld</b>
7	Assistant Principal Medical Laboratory Technologist	Health Division	Appeal against decision by the Selection Board that complainant was ineligible	In view of the Government-UHM Memorandum of Understanding, complainant was <b>eligible</b> for the post. Selection Board was instructed to interview candidate
8	Head of Department (e-Learning)	Directorate for Quality and Standards in Education	Request for backdating of appointment to the date when the Heads of Department in other subjects/areas had been appointed	The Commission <b>accepted</b> the request and submitted its recommendation for the backdating of appointment
9	Assistant Technical Officer (Assaying)	Inland Revenue Department	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
10	Technician/Senior Technician (Laboratory)	Ministry for Resources and Rural Affairs	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible

No	Related Post	Department	Nature of Representations	Commission's Decision
11 12	Designation of Contractees holding a contractual position	Public Service	Appeal against decision by the Selection Board that complainant was ineligible	Complainants were informed that appointment procedures for headship positions had now been changed in line with the Public Administration Act.
13	Headship Positions	Public Service	Request to be given the opportunity to submit late application since applicant was abroad when the call was published	The Commission did not accept the late application
14	Clerk	Public Service	Request for revision of the result of the complainant's oral interview	Selection process took place under delegated authority
15	Medical Officer (General Practice Trainee)	Health, the Elderly and Community Care	Complainant claimed that in various recent calls for applications for Basic Specialist Trainees and Medical Officers applicants were given up to 15 October 2010 to produce evidence that they qualified for such a licence and not up to 31 July 2010 as specified in the call for applications concerned	The Commission noted that the date had been set in error and agreed that the relevant <b>call for applications be corrected.</b>
16	Consultant and Designate Consultant (Obstetrics and Gynaecology)	Health, the Elderly and Community Care	Request to the Commission not to appoint a certain officer on the Selection Board	The Commission decided that it could not entertain such requests unless they were based on specific and concrete reasons
17 18	Teacher (Mathematics) and (Systems of Knowledge)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
19	Teacher (Environmental Science)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
20	Kindergarten Assistant II	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that <b>applicant was eligible</b>
21	Kindergarten Assistant II	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
22	Assistant Head of School (Secondary), Malta	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that applicant should not be penalised for delays on the part of the Administration and <b>considered applicant to be eligible</b>

No	Related Post	Department	Nature of Representations	Commission's Decision
23	Teacher (Italian)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	<b>The Commission considered the complainant eligible</b> subject to producing a Police criminal record by not later than date of interview
24	Teacher (Primary)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	Since complainant had eventually been interviewed by the Selection Board, the Commission considered the matter as closed
25	Teacher (Primary)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
26	Teacher (Primary)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
27	Teacher (Primary)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
28	Teacher (Primary)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
29	Teacher (Primary)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
30	Teacher (Primary)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
31	Teacher (Primary)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
32	Teacher (Primary)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
33	Clerk	Public Service	Requested a revision of the result of complainant's oral interview	<b>Complainant should be given the breakdown of the marks</b> obtained in the interview
34	Clerk	Public Service	Requested the interviewing board to explain why complainant had failed	<b>Complainant should be given the breakdown of the marks</b> obtained in the interview
35	Assistant Head of School (Secondary), Malta	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible

No	Related Post	Department	Nature of Representations	Commission's Decision
36	Teacher (Primary)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
37	Teacher (Philosophy)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
38	Deputy Director	Institute of Tourism Studies	Appeal against decision by the Selection Board that complainant was ineligible since complainant was 61 years of age	Applicant was not eligible since applicant had reached the maximum retirement age for public officers
39	Teacher (Primary), (Home Economics) and (Design and Technology)	Directorate for Educational Services	Claim of discrimination and restriction in the concept of choice of a career by a complainant who was successful in the selection process for three posts but was only offered that of Design and Technology Teacher. Complainant was informed that if the offer was not accepted, complainant would be automatically disqualified from being considered to fill vacancies arising from the other two posts	In terms of para 6.8 of the call for applications it was the prerogative of the Directorate to select which post the candidate was to occupy according to the exigencies of the service.
40	Executive Director	Institute of Tourism Studies	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
41	Procurement Manager	Contracts	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
42	Executive Director	Institute of Tourism Studies	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
43	Teacher (Primary)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
44	Supply Teacher	Directorate for Educational Services	Failing mark obtained in interview	The call for applications was not issued by the PSC. Complaint was forwarded to the DG, DES
45	Director (Civil Courts and Tribunals)	Courts of Justice Department	Complainant claimed that the Director (Civil Courts and Tribunals) was abusing his authority	As Director General (Law Courts) had replied to complainant, no further action was indicated
46	EU Fund Manager	Public Service	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible

No	Related Post	Department	Nature of Representations	Commission's Decision
47	College Prefect of Discipline	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that <b>complainant was eligible</b>
48	College Prefect of Discipline	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that <b>complainant was eligible</b>
49	Consultant Surgeon	Customer Services Directorate (Gozo General Hospital)	Complainant made allegations against the eligibility of the first and second-placed candidates	Following an extensive and protracted inquiry into the case the <b>Commission found that the first and second-placed candidates were ineligible for the post</b>
50	Senior Veterinary Officer	Ministry for Resources and Rural Affairs	Requested that a market correctivity allowance be granted to complainant	The grant of such allowances did not fall within the remit of the Commission
51	Senior Audit Manager	Internal Audit and Investigations Dept	Claimed that an unqualified officer was being assigned the duties of the post in lieu of issuing a call for applications	There was no approved vacancy. Therefore it was incorrect to state that such a post was being occupied on an acting basis



## Appendix 9 (b):

### Petitions relating to Published Results of Selection Processes

No	Related Post	Department	Complaint	Commission's Decision
1	Specialist Occupational Therapist	Health Division	Petitioner complained about the marks awarded for Communication Skills and Related Professional Knowledge	The Commission considered, but did not accept the petition.
2	Technical Attaché (Maritime)	Ministry for Infrastructure, Transport and Communications	Petitioner complained about the marks awarded for experience and qualifications and requested the Commission to investigate the matter.	The Commission considered, but did not accept the petition.
3	Assistant Veterinary Support Officer	Ministry for Resources and Rural Affairs	Petitioner claimed that the Selection Board had failed to take into consideration the applicant's work experience, qualifications and seniority	The Commission considered, but did not accept the petition.
4	Assistant Veterinary Support Officer	Ministry for Resources and Rural Affairs	Petitioner claimed that the Selection Board had failed to take into consideration the applicant's work experience, qualifications and seniority	The Commission considered, but did not accept the petition.
5	Assistant Head of School (Primary)	Directorate for Educational Services	Petitioner asked for further clarifications	The Commission considered, but did not accept the petition.
6	College Career Advisor	Directorate for Educational Services	Petitioner failed and requested the Commission to investigate the matter	The Commission did not consider the petition as it was submitted well after the ten working-days' time limit stipulated in the call for applications
7	Consultant in Public Health, Administrative Stream	Health Division	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.
8	Consultant in Public Health, Administrative Stream	Health Division	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.
9	Consultant in Public Health, Administrative Stream	Health Division	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.
10	Consultant in Public Health, Administrative Stream	Health Division	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.



No	Related Post	Department	Complaint	Commission's Decision
11	Consultant in Public Health, Administrative Stream	Health Division	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.
12	Consultant in Public Health, Administrative Stream	Health Division	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.
13	Consultant in Public Health, Administrative Stream	Health Division	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.
14 15 16 17	Chief Inspector of Customs	Customs Division	Petitioner complained about the marks awarded during the interview and requested the Commission to investigate the matter	The Commission considered, but did not accept the petition.
18	Assistant Director (Government Transport)	Financial Policy and Management Division, Ministry of Finance, the Economy and Investment	Petitioner complained that during the interview there were only two persons on the Selection Board while the result sheet was signed by three persons.	After deliberation, the Commission <b>accepted</b> the remedy proposed by the Permanent Secretary, <b>MFEI to appoint the petitioner to a new Assistant Director position.</b>
19	Learning Support Assistant II	Directorate for Educational Services	Petitioner complained about the marks awarded for the interview	The Commission considered, but did not accept the petition.
20	Learning Support Assistant II	Directorate for Educational Services	Petitioner complained about the marks awarded for the interview	The Commission considered, but did not accept the petition.
21	Learning Support Assistant II	Directorate for Educational Services	Petitioner complained about the marks awarded for the interview	The Commission considered, but did not accept the petition.
22	Learning Support Assistant II	Directorate for Educational Services	Petitioner complained about the marks awarded for the interview	The Commission considered, but did not accept the petition.
23	Learning Support Assistant II	Directorate for Educational Services	Petitioner complained about the marks awarded for the interview	The Commission considered, but did not accept the petition.
24	Senior Agricultural Officer	Ministry for Resources and Rural Affairs	Petitioner complained about the marks awarded for the interview	The Commission considered, but did not accept the petition.
25	Senior Agricultural Officer	Ministry for Resources and Rural Affairs	Petitioner complained about the marks awarded for the interview	The Commission considered, but did not accept the petition.
26	Senior Agricultural Officer	Ministry for Resources and Rural Affairs	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.
27	Senior Agricultural Officer	Ministry for Resources and Rural Affairs	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.
28	Senior Agricultural Officer	Ministry for Resources and Rural Affairs	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.

No	Related Post	Department	Complaint	Commission's Decision
29	College Prefect of Discipline	Directorate for Educational Services	Petitioner could not accept a failure in the result and requested the Commission to investigate the matter	As the ten working-days' time limit had been exceeded unjustifiably by a further twenty working days the Commission did not consider the petition.
30	Head of Department (English)	Directorate for Educational Services	Petitioner complained that Master's degree had only been partially recognised by the Selection Board	The degree was obtained after the closing date of the call for applications. The Commission did not accept the petition.
31	Head of Department (German)	Directorate for Educational Services	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.
32	Head of Department (Computer Studies)	Directorate for Educational Services	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.
33	Education Officer (Early Childhood Education) and (Quality Assurance)	Directorate for Educational Services	Petitioner complained that the marks awarded did not reflect petitioner's experience, qualifications and capabilities	The Commission considered, but did not accept the petition.
34	Head of Department (Spanish)	Directorate for Quality and Standards in Education	Petitioner was not satisfied with the marks awarded in the interview as these did not reflect the petitioner's performance, skills and contribution to the teaching of Spanish.	The Commission considered that, since the date of submission of the petition <b>the original result had been revised and the petitioner's placing had changed from second to first place.</b>
35	Supervisor	Health Division	Petitioner complained about the marks awarded during the interview	The Commission considered, but did not accept the petition.
36 37 38 39 40	Supervisor	Health Division	Petitioner complained about the result of the interview	The Commission considered, but did not accept the petition.
41	Head of Department (Social Studies)	Directorate for Educational Services	Petitioner was not satisfied with the marks awarded in the interview	The Commission considered, but did not accept the petition.
42	Head of Department (Art)	Directorate for Educational Services	Petitioner was not satisfied with the marks awarded in the interview	The Commission considered, but did not accept the petition.
43	Head of Department (English)	Directorate for Educational Services	Petitioner was not satisfied with the marks awarded in the interview	The Commission considered, but did not accept the petition.
44	Director (Local Government)	Office of the Prime Minister	Petitioner complained about not being selected for appointment to the position	The Commission considered, but did not accept the petition.
45	Head of Department (Italian)	Directorate for Educational Services	Petitioner was not satisfied with the marks awarded in the interview	The Commission considered, but did not accept the petition.

No	Related Post	Department	Complaint	Commission's Decision
46	Director (Research and Development)	Directorate for Educational Services and Directorate for Quality and Standards in Education	Petitioner felt frustrated and disconcerted for having failed the interview and requested the Commission to investigate the matter	The Commission considered, but did not accept the petition.
47	Assistant Principal Speech Therapist	Health Division	Petitioner was not satisfied with the marks awarded in the interview	The Commission considered, but did not accept the petition.
48	Assistant Principal Speech Therapist	Health Division	Petitioner was not satisfied with the marks awarded in the interview	The Commission considered, but did not accept the petition.
49	Senior Counsellor	Ministry of Foreign Affairs	Petitioner was not satisfied with the marks awarded in the interview	The Commission considered, but did not accept the petition.
50	Director (Tax Audits)	Inland Revenue Division	Petitioner complained about not been called to be interviewed	The Commission considered, but did not accept the petition.
51	Director (Allied Health Care Services)	Health Care Services Division	Petitioner claimed to be fully eligible for the position and in possession of the required qualifications, expertise and motivation	The Commission considered, but did not accept the petition.
52	Director (Tourism and Economic Development)	Strategy and Support Division, Ministry for Gozo	The petitioner's application had been included only in the Reserve List. The petitioner had not been assessed, and claimed discrimination	The Commission informed petitioner that the petitioner could not be considered for the position except through the "reserve list" mechanism which was open to officers holding a substantive grade in scales 8 or 9.
53	Director (Tax Audits)	Inland Revenue Division	Petitioner requested the Commission to re-examine the case, hear the petitioner personally, and request, from the CIR, reports about the petitioner's track record and duties over the last 30 years	The Commission considered, but did not accept the petition.
54	Principal Technical Officer (Maintenance and Operations)	Cleansing and Maintenance Division	Petitioner was not satisfied with the marks awarded during the interview	The Commission considered, but did not accept the petition.
55	Higher Specialist Trainee (Obstetrics and Gynaecology)	Health Division	Petitioner was not satisfied with the marks awarded during the interview.	The Commission considered, but did not accept the petition.
56	Director (Finance and Administration)	Government Property Division	Petitioner complained that he had not been appointed to the position	The Commission considered, but did not accept the petition.
57	Senior Pharmacist	Primary Health Care Directorate	Petitioner complained about the marks he had been awarded during the interview	The Commission considered, but did not accept the petition.

No	Related Post	Department	Complaint	Commission's Decision
58	Assistant Head of School (Primary - Gozo)	Directorate for Educational Services	Complained that she had been considered ineligible notwithstanding the fact that she had been called for interview	The Commission concluded that complainant was ineligible in terms of the call for applications.
59	Teacher (Biology/ Integrated Science)	Directorate for Educational Services	Petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
60	Manager, Audiology Services	Ministry for Health, the Elderly and Community Care	Petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
61	Teacher (Physical Education)	Directorate for Educational Services	Petitioner complained about the marks awarded in the interview	<b>Pending</b>
62	Teacher (Geography)	Directorate for Educational Services	Petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
63	Teacher (English)	Directorate for Educational Services	Petitioner failed in the interview and requested the Commission to investigate	The Commission considered, but did not accept the petition.
64	Teacher (Physics and/or Integrated Science)	Directorate for Educational Services	Petitioner complained that no marks had been awarded for petitioner's Certificate of Higher Education in Mechanical Engineering.	The qualification was a valid certificate issued by a recognised institution of higher education. <b>Selection Board was requested to revise the marks and submit a revised result.</b> The Commission approved the revised result.
65	Teacher (Personal and Social Development)	Directorate for Educational Services	Complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
66	Senior Technical Officer (Draughtsperson)	Building and Engineering Department	Complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
67	Senior Technical Officer (Draughtsperson)	Building and Engineering Department	The petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
68	Senior Technical Officer (Draughtsperson)	Building and Engineering Department	The petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
69	Director General (Financial Policy and Management) and Director General (Strategy and Operations Support)	Ministry of Finance, the Economy and Investment	Petitioner claimed having the required qualifications, expertise and track record for the positions	The Commission considered, but did not accept the petition.
70	Deputy Director, Institute of Tourism Studies	Ministry of Education, Employment and the Family	Petitioner complained about the marks awarded for qualifications	The Commission considered, but did not accept the petition.

No	Related Post	Department	Complaint	Commission's Decision
71	Director (EU Affairs), (Tourism) and (ECO Gozo Regional Development)	Ministry for Gozo	Petitioner claimed receiving only an e-mail stating that the positions in question had been filled and never receiving the marks awarded to the petitioner in the selection process for the same positions.	<b>Pending</b>
72 73 74 75 76 77	Kindergarten Assistant II	Directorate for Educational Services	Petitioners complained about the marks awarded in the interview	The Commission considered, but did not accept the petitions.
78	Technical Officer	PARCS Unit	Petitioner complained about the placing attained in the order of merit	The Commission considered, but did not accept the petition.
79	Technical Officer	PARCS Unit	Petitioner complained about the placing attained in the order of merit	The Commission considered, but did not accept the petition.
80	Assistant Directors (Permanent Secretary's Office), (Back Office Unit) and (Salaries and Pensions)	Ministry for Gozo	Petitioner complained about the marks awarded and claimed there had been discrimination.	<b>Pending</b>
81	Paramedic Aide (Phlebotomist)	Ministry for Health, the Elderly and Community Care	Petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
82	Paramedic Aide (Phlebotomist)	Ministry for Health, the Elderly and Community Care	Petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
83	Assistant Principal Physiotherapist	Ministry for Health, the Elderly and Community Care	Petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
84	Assistant Principal Physiotherapist	Ministry for Health, the Elderly and Community Care	Petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
85	Assistant Principal Physiotherapist	Ministry for Health, the Elderly and Community Care	Petitioner complained about the marks awarded in the interview	<b>Pending</b>
86	Assistant Principal Physiotherapist	Ministry for Health, the Elderly and Community Care	Petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
87	Part-Time Children's Advocate	Courts of Justice	Petitioner complained about the marks awarded and the placing in the order of merit, and alleged that the first-placed candidate was already employed on a full-time basis	<b>Pending</b>

No	Related Post	Department	Complaint	Commission's Decision
88	Assistant Technical Officer (Quality Assurance and CE Marking)	Cleansing and Maintenance Department	Petitioner complained about not being appointed and claimed to be the most qualified and experienced candidate	<b>Pending</b>
89	Assistant Director (Cleansing), Cleansing Directorate	Cleansing and Maintenance Department	Petitioner complained about not being appointed to the post in spite of being the most qualified.	The Commission considered, but did not accept the petition.
90	Animal Welfare Officer	Rural Development and Aquaculture Department	Petitioner claimed to merit a better placing than that obtained	The Commission considered, but did not accept the petition.
91	Assistant Head of School (Secondary)	Directorate for Educational Services	Petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
92	Assistant Head of School (Secondary)	Directorate for Educational Services	Petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
93	Assistant Head of School (Secondary)	Directorate for Educational Services	Petitioner complained about the marks awarded in the interview	<b>The Commission decided that the candidate was to be awarded 1 extra mark. Selection Board was directed to submit a revised result sheet</b>
94	Assistant Head of School (Secondary)	Directorate for Educational Services	Petitioner complained about the marks awarded in the interview	The Commission considered, but did not accept the petition.
95	Teacher (Personal and Social Development)	Directorate for Educational Services	Petitioner complained about the marks awarded in the interview	<b>The Commission decided that the candidate was to be awarded 1 extra mark. Selection Board was directed to submit a revised result sheet</b>
96	Teacher (Religion)	Directorate for Educational Services	Petitioner complained about the marks awarded for her qualifications and experience	<b>Marks were revised,</b> however the total remained unchanged
97	Senior Manager (Managing Authority)	Planning and Priorities Coordination Division, Office of the Prime Minister	Petitioner complained about the marks awarded to her by the Selection Board	<b>Pending</b>



## Appendix 10:

### Oral Representations on Disciplinary or Criminal Cases heard by the Commission

No	Grade of officer charged	Present for oral hearing	Regulation
1.	Teacher, Directorate for Educational Services	Officer charged, assisted by legal adviser	Criminal case: representations in terms of regulation 16 (2)
2.	Paramedic Aide, Ministry for Health, the Elderly and Community Care	Officer charged, assisted by Union representative, and two departmental representatives	Discipline: representations in terms of regulation 26 (2) (b)
3.	Ward Clerk, Ministry for Health, the Elderly and Community Care	Officer charged, assisted by two Union representatives, and two departmental representatives	Discipline: representations in terms of regulation 26 (2) (b)
4.	General Hand, Ministry for Resources and Rural Affairs	Officer charged, unassisted, and two departmental representatives	Discipline: representations in terms of regulation 26 (2) (b)
5.	Foreman, Ministry for Health, the Elderly and Community Care	Officer charged, assisted by two legal advisers, and two departmental representatives	Discipline: representations in terms of regulation 26 (2) (b)
6.	Assistant Director, Ministry for Resources and Rural Affairs	Officer charged, assisted by two Union representatives, and two departmental representatives	Discipline: representations in terms of regulation 26 (2) (b)
7.	Senior Laboratory Technician, Educational Services Directorate	Officer charged, assisted by legal adviser and Union representative, and a departmental representative	Discipline: appeal in terms of regulation 30 (6)
8.	General Practitioner, Ministry for Health, the Elderly and Community Care	Officer charged, assisted by legal adviser, and two departmental representatives	Discipline: appeal in terms of regulation 30 (6)
9.	General Hand, Ministry for Resources and Rural Affairs	Officer charged, unassisted, and two departmental representatives	Discipline: appeal in terms of regulation 32 (3)
10.	Market Surveillance Officer, Consumer and Competition Department	Officer charged, assisted by two Union representatives	Discipline: appeal in terms of regulation 32 (5) (c)





## Appendix 11:

### 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.	Economics Officer, Department of Projects and Development, Ministry for Gozo	The petitioner's claim for the withdrawal of the selection process for the post of Economics Officer	Related file submitted to the Ombudsman	Ombudsman informed petitioner that the complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
2.	Director (Lifelong Learning), Ministry of Education, Employment and the Family	The petitioner's claim that the Selection Board had not been properly constituted when the complainant was interviewed as one of the Selection Board members had not been present	The Commission outlined the method of selection of Heads of Department and submitted relative OPM documentation to the Ombudsman	Ombudsman informed petitioner that the complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
3.	Assistant Head of School (Secondary), Gozo	-	-	Ombudsman informed petitioner that the 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 queried the sub-criteria used by the Selection Board in awarding marks during the interviews	The sub-criteria always were, and still remained, the responsibility of the Selection Boards	-	-
5.	Headship positions	-	-	Ombudsman informed petitioner that the complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted
6.	Principal Technical Officer (Maintenance and Operations), Cleansing and Maintenance Department	-	-	Ombudsman informed petitioner that his complaint could not be upheld and that the case was being closed	Ombudsman's opinion was noted

PUBLIC SERVICE COMMISSION

No	Selection Process	Query by Ombudsman	PSC Comments	Final position of Ombudsman	Action by PSC
7.	Chief Inspector of Customs, Customs Department	The Ombudsman requested the Commission's views as to whether the information provided to complainant was sufficient.	The Commission was satisfied that the Selection board applied the criteria and sub-criteria correctly, but it agreed to provide further information in the interests of transparency.	-	<b>Pending</b>
8.	Kindergarten Assistants II	The Ombudsman requested the Commission's comments in regard to statements made by the MUT concerning delays in publication of results.	The Commission submitted the requested information	-	-



