

Annual
Report
2012



Public Service Commission

**ANNUAL REPORT
2012**

MALTA

Public Service Commission
The Palace, Republic Street, Valletta

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

Cover photo: the recently restored clock tower at the Palace, Valletta, where the Office of the Public Service Commission is located.

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List of Acronyms

AG	Attorney General
COCP	Code of Organisation and Civil Procedure
CV	Curriculum Vitae
DES	Directorate for Educational Services
DOI	Department of Information
DQSE	Directorate for Quality and Standards in Education
ERDF	European Regional Development Funds
ETC	Employment and Training Corporation
EU	European Union
GPD	Government Property Department
HR	Human Resources
ICT	Information and Communications Technology
IQ	Intelligence Quotient
IT	Information Technology
ITS	Institute of Tourism Studies
KGA	Kindergarten Assistant
LN	Legal Notice
LSA	Learning Support Assistant
MAM	Medical Association of Malta
MEDE	Ministry of Education and Employment
MFA	Ministry of Foreign Affairs
MFCC	Ministry for Fair Competition, Small Business and Consumers
MFEI	Ministry of Finance, the Economy and Investment
MGOZ	Ministry for Gozo
MHA	Ministry for Home Affairs
MHEC	Ministry for Health, the Elderly and Community Care
MITC	Ministry for Infrastructure, Transport and Communications
MJHA	Ministry for Justice and Home Affairs
MJDF	Ministry for Justice, Dialogue and the Family
MPO	Management and Personnel Office
MQC	Malta Qualification Council
MQRIC	Malta Qualification Recognition Information Centre
MRRA	Ministry for Resources and Rural Affairs
MTCE	Ministry for Tourism, Culture and the Environment
MUMN	Malta Union of Midwives and Nurses
MUT	Malta Union of Teachers
NAO	National Audit Office
OPM	Office of the Prime Minister
PAA	Public Administration Act
PAHRO	Public Administration Human Resources Office
PPCD	Planning and Priorities Coordination Department
PPS	Principal Permanent Secretary
PSC	Public Service Commission
PSMC	Public Service Management Code
RRC	Re-employment and Re-instatement Committee
SAAC	Senior Appointments Advisory Committee
SL	Subsidiary Legislation
STEPS	Strategic Educational Pathways Scholarships
UK	United Kingdom
VAT	Value Added Tax

Abstract

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

This is the fifty-third annual report of the Commission, submitted to the Prime Minister in terms of regulation 33 of the Public Service Commission Regulations.

The report provides a brief description of the main activities of the Commission during the year 2012, 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



Mr Paul A Attard

Chairman - Public Service Commission

The Public Service Commission annual report for 2012 presents a general overview of the roles and functions of the Commission, and the outcomes of its work. 2012 has been yet another very eventful and challenging year, both as regards the work carried out to fulfil the Commission's constitutional responsibilities, and as regards the number of changes that the Commission has been implementing over the years to simplify the performance of its commitments.

As with past reports, this report refers to a number of cases of particular significance that indicate the way the Commission considers and decides on specific issues, and how and why particular decisions are reached. The report includes also policies that have evolved over time in order to be in sync with changing circumstances and demands. The intention is to make the Commission's work better understood and appreciated.

An important function of the Commission is the consideration of appeals from unsuccessful applicants for Public Service vacancies. Appeals take two forms: representations from candidates who are not interviewed because they are considered to be ineligible, and petitions from candidates who are interviewed, but who wish to contest the final result of the selection process. Over the years, the number of representations and petitions has been increasing steadily. Each case is considered carefully and the Commission expects selection boards to provide full justification for their decisions. In fact, selection boards are generally complying with the Commission's insistence to give applicants who appeal a full explanation why they may not be eligible for a post or position, or a justification of the marks awarded according to each selection criterion. However, petitioners sometimes fail to realise that selection boards consider and give credit to an applicant's qualifications, experience and potential, in comparison with those of other applicants. An applicant may believe that he or she is qualified and suitable for a post, but the selection board has to determine who among all the applicants is the most suitable. In this regard, the Commission retains its authority to review and, if need be, revoke selection board decisions.

Unfortunately, the Commission is often compelled to delay the submission to the Administration of its recommendation for an appointment while it waits for the selection board to submit its reactions to a petition. Hence, the Commission expects selection boards to bear in mind that the selection process is not over until all petitions have been addressed, and to submit

their reactions to petitions promptly to the Commission. Moreover, frivolous petitions should be avoided. Some petitions include unacceptable and gratuitous allegations against other applicants and/or members of the selection board. While the Commission always investigates allegations that are substantiated, it may consider taking disciplinary action against irresponsible petitioners. At the same time, it is to be noted that the Commission considers petitions as a very important means to ensure that selection boards act fairly and transparently.

A very important change was introduced as regards the verification of draft calls for applications by the Public Administration Human Resources Office (PAHRO) prior to their approval by the Public Service Commission. The requirement for verification by PAHRO and approval by the Commission is no longer in effect. Ministries have been granted the authority to issue a call for applications for a post or position, provided that they have obtained financial approval for the vacancy. They may issue the call according to the related template prepared by PAHRO without referring it to either PAHRO or the Commission. This decision has significantly reduced the time taken to issue calls for applications.

Moreover, power to appoint selection boards has been delegated to Heads of Department, subject to existing rules governing who may be appointed on the selection board. Other delegation of authority to avoid unnecessary bureaucracy was being actively considered by the Commission and the Administration during 2012.

The Public Service Commission Regulations, as well as the Disciplinary Procedure in the Public Service Commission Regulations, have been kept under ongoing review and have again been amended during 2012 in order to ensure that they are up to date according to developments and experience.

Disciplinary cases are generally decided by Heads of Department, except those potentially leading to dismissal and disciplinary cases arising from criminal offences by public officers. However, all cases can potentially be appealed before the Commission, while the Commission retains its right to withdraw powers delegated to Heads of Department if required. A very important change that has been implemented as regards disciplinary proceedings refers to the “warning of dismissal” which is often imposed as a penalty in more serious cases. Until a few years ago, a “warning of dismissal” used to be imposed for an indefinite period. The Commission decided that the effective period of a “warning of dismissal” should be directly related to the gravity of the case. Generally, but not always, it is now effective for a determined period.

The Commission provided Heads of Department with a set of criteria they had to consider before proposing the suspension of public officers from the exercise of the powers and functions of their office after they had been charged with criminal action before the courts. Heads of Department have to take into consideration the gravity of the charge, its relation to the official’s duties, and the impact on both the individual concerned and his or her department. Moreover, Heads of Department are being regularly asked to reconsider existing suspensions if and when court proceedings are prolonged for any reason.

Communications between the Commission and the Administration at central and periphery levels were maintained on a regular basis particularly

when an issue or a problem cropped up, in order to ensure that processes and procedures were not stalled unnecessarily.

In conclusion, I wish to express my deep appreciation and gratitude to the members of the Commission with whom I have worked so closely and effectively, namely Dr Jeannette Laferla, Deputy Chairperson, and Ms Yvonne Micallef Stafrace, Ms Mary Vella and Mr Tonio Farrugia, members. Their input in the workings and decision-making of the Commission was professional and dedicated, particularly when discussing sensitive and complicated issues.

Of particular mention are the competence and commitment of all the members of the Commission staff, especially Mr Charles Polidano, Executive Secretary, Ms Jacqueline Bonnici, Assistant Director (Public Service Commission), and Mr Mario Tabone, Assistant Director (Support Services). The work of the Commission is carried out under great pressure practically throughout the year, and accuracy and efficiency are expected to be the hallmark of its performance.

It was my pleasure to work as Chairman in a healthy and rewarding atmosphere throughout the past years.

The Palace, Valletta
10 June 2013

Paul A Attard
Chairman

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 and autonomous body established under article 109 of the Constitution of the Republic of Malta. It derives its authority and functions from articles 86, 92, 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 of staff from public office, and the exercise of discipline over public officers (or, in other words, Public Service employees).

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 trade unions.

The procedures governing these functions are set out in the Public Service Commission Regulations, and in the Disciplinary Procedure in the Public Service Commission Regulations.

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. Membership and Staff 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 given by the Prime Minister after consultation with the Leader of the Opposition.

Membership

TABLE 1 - Membership of the Commission as at 31 December 2012		
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), MA	(since 12 June 2003)
	Mr Tonio Farrugia	(since 27 July 2009)

The President of Malta approved the appointment of the present 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.

Short biographies of the present Chairman and Members of the Commission are shown in *Appendix 1*, while a list of the previous Chairmen of the Public Service Commission is found in *Appendix 2*.

Number of meetings held

During the year 2012, the Commission held a total of 50 meetings during which it dealt with various matters and issues relating to appointments, promotions, and discipline, as outlined in more detail in this report.

The Office of the Public Service Commission

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 2012 the position of Executive Secretary was held by Mr Charles Polidano. He was assisted by Mr Mario Tabone, Assistant Director (Support Services), and Ms Jacqueline Bonnici, Assistant Director (Public Service Commission).

In November 2012, Dr Silvio Brincat, LL.D., joined the Office of the Public Service Commission in the new position of Compliance Officer (Legal). The engagement of a Compliance Officer (Legal) was a first step towards the eventual setting up of a Compliance Unit within the Office of the Commission. Dr Brincat assumed the role of dealing with petitions or objections to selection results that are presented to the Public Service Commission by applicants for Public Service vacancies. His appointment was intended to enable the Commission to deal with objections to selection results more expeditiously.

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 2012 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 conducts disciplinary hearings in serious cases that may lead to dismissal. As laid down in the Disciplinary Regulations, at these hearings, 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 regulation 30 of the Disciplinary Regulations, after being found guilty in disciplinary proceedings that are decided at departmental level. An oral hearing may also be granted by the Commission, at its discretion, before a decision is taken on serious issues like the withholding of progression or the revocation of an appointment.

Meetings are held with the Principal Permanent Secretary to discuss Public Service policies and issues of common interest and 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, or for meetings with the Chairman and key members of staff, to discuss specific departmental or ministry issues related to particular cases or procedures. 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 usually taken by consensus and every effort is made to reach total agreement in every decision.

PSC website

The website of the Public Service Commission can be found at <http://www.psc.gov.mt>. The website provides basic information on the Commission's

role and functions, its current membership, how the Commission conducts its business, and the organisation of the Office of the Public Service Commission. The content of the site may be viewed in either the Maltese or the English language.

Several documents and templates were uploaded on the website during 2012, mostly concerning instructions and guidelines issued by the Commission. The current annual report, as well as reports for the years 2003 to 2011, can also be viewed and downloaded from the site.

A popular feature of the PSC website is the section entitled “Latest Selection Results”, which is found at the top left side of the homepage. Notifications appear in this section when selection results are published following approval by the Public Service Commission. This section is updated immediately following the publication of new selection results, which usually takes place on Thursdays or Fridays.



The 2010-2013 Commission, together with support staff.

Left to right: Ms Jacqueline Bonnici, Assistant Director (PSC); Ms Mary Vella, PSC Member; Mr Tonio Farrugia, PSC Member; Mr Paul A Attard, Chairman; Mr Charles Polidano, Executive Secretary; Dr Jeannette Laferla, Deputy Chairperson; and Ms Yvonne Micallef Stafrace, PSC Member.

III. Recruitment and Promotions

Functions of the Commission relating to appointments

The functions of the Commission in relation to appointments are:

- to vet and approve draft calls for applications submitted by Heads of Department and verified by the Office of the Prime Minister (up to 15 November 2012);¹
- to approve selection boards nominated by Heads of Department (up to 14 September 2012);²
- to approve selection methods and criteria, as appropriate;
- to give rulings on queries raised by selection boards on such questions as the 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 and to advise the Prime Minister in the making of appointments in the Public Service;
- to make recommendations to or to advise the Prime Minister, as appropriate, on the removal of staff from office and on the 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 to deal with any issue where necessary.

The role of the Commission, in line with its obligations, is to ensure that recruitment to and promotions within the Public Service are made in an equitable, transparent, and impartial manner, free from patronage and discrimination, and 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 comprised 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 of the study were then compared to similar benchmarks for 1993/94 and 2002. Similar comparisons were carried out each year following 2004, and were referred to in the respective annual reports.

1. The authority to issue calls for applications was delegated to Heads of Department on 15 November 2012 by means of Legal Notice 246 of 2012.

2. The authority to appoint selection boards was delegated to Heads of Department on 14 September 2012 by means of Legal Notice 246 of 2012.

Appendix 5 shows that the average duration of the selection process was reduced from 27 weeks in 2011 to 25 weeks in 2012. The decrease was attributable primarily to a considerable reduction in the time taken by the Public Administration Human Resources Office (PAHRO) to verify the correctness of draft calls for applications (step 3 in the table at *Appendix 5*). The average duration of this step went down from 46 days in 2011 to 11 days in 2012 - a reduction of almost five weeks. This was, however, partially offset by an increase of 15 days in the length of time taken by selection boards to hold interviews (step 9). There were also incremental increases in some other stages of the selection process.

The overall reduction of two weeks in the average duration of the selection process during 2012 largely reversed an increase from 24 to 27 weeks in 2011. The reduction that occurred in 2012 is consistent with the long-term trend, as revealed by the table, which is that of a gradual reduction in the duration of the selection process.

It is expected that a substantial further reduction in the duration of the selection process will take place in 2013 as a result of amendments to the PSC Regulations which were published as Legal Notice 246 of 2012, and which came into effect in September and November 2012.

On 14 September 2012, the requirement for ministries and departments to obtain the Commission's approval for the appointment of selection boards (part of step 2) was eliminated. Ministries and departments no longer need to refer to the Commission when appointing selection boards, provided that they adhere to the provisions of the PSC Regulations governing who may or may not serve on selection boards. Similarly, changes in the composition of a selection board following its establishment no longer need clearance by the Commission, provided that interviews have not yet started.

On 15 November 2012, the requirement for ministries and departments to clear draft calls for applications with PAHRO, and to obtain the Commission's approval prior to publication (steps 1, 3-6), was also eliminated as a result of LN 246 of 2012. Ministries and departments are now responsible in their own right for ensuring that calls for applications conform to the relevant policies of both the Administration and the Commission in matters pertaining to employment and the selection process, and that calls for applications faithfully reflect the provisions of any applicable agreements between the Government and the unions. The Commission retains the power to order corrective action, including the withdrawal of a call or the publication of amendments, should any errors come to light that would negatively affect the selection process.

For more information about the relative changes effected through this legal notice, see also: "Amendments to the Public Service Commission Regulations" in Chapter V, Part A (policy matters and issues relating to recruitment).

The elimination of the vetting and approval process with respect to draft calls for applications occurred too late in the year to have a significant impact on the overall average duration of the selection process in 2012, but it should bring about a substantial reduction in the figures for 2013.

Calls for applications

During 2012, the Commission issued 544 calls for applications for the filling of vacancies in the Public Service. Out of these 544 calls, 190 were calls for applications open to applicants from outside the Public Service and were therefore advertised in the Government Gazette, while one other advertisement was published in the International Journal of Audiology. Another 219 calls were restricted to serving public officers (Public Service employees) and were published through circulars issued by the Public Administration Human Resources Office or by the department concerned. The remaining 134 calls, related to positions of Assistant Director, were advertised through circulars issued by the respective ministry.

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

TABLE 2 - Calls for applications 2008 – 2012						
		2008	2009	2010	2011	2012
Open calls	Government Gazette	94	198	185	148	190
	British Medical Journal	-	2	1	1	-
	Placement Service Circular of the Institute of Physics and Engineering in Medicine (IPEM) of UK	-	-	1	-	-
	International Journal of Audiology	-	-	-	-	1
Internal calls	MPO / PAHRO circulars	97	103	70	67	209
	Departmental circulars	7	4	6	12	10
Calls for Asst. Dir.	Ministerial circulars	29	54	55	62	134
Totals		227	361	318	290	544

The figures for the year 2012, as shown in Table 2 above, do not include the calls for applications issued by line ministries and departments as from 15 November 2012 under the authority delegated to them by Legal Notice 246 of 2012. These calls are shown separately in Table 3 below:

TABLE 3 - Calls for applications issued by ministries under authority delegated by PSC (Legal Notice 246 of 2012)		
		2012
Open calls	Government Gazette	38
Internal calls	Service-wide ministerial circulars	87
	Departmental circulars	1
Totals		126

Hence, the total number of calls issued in 2012 was 670. All the different calls for applications issued during 2012 are listed in *Appendices 6, 7, and 8.*

Selection boards

The Commission set up 338 selection boards and approved the selection methods and criteria in respect of each selection process.

These selection processes attracted 7,044 applicants, of whom 3,206 were male and 3,838 female. The selection boards interviewed 2,051 males and 2,211 females, a total of 4,262 candidates. The remaining 2,782 applicants were found to be ineligible, or withdrew their applications, or else failed to appear before the interviewing board.

As from 14 September 2012, heads of department were empowered to appoint chairpersons and members of selection boards without reference to the Commission, by virtue of LN 246 of 2012.

Recommendations and advice to the Prime Minister

The Commission addressed 756 recommendations to the Prime Minister relating to appointments in terms of article 110 of the Constitution. These recommendations covered a total of 4,023 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	585	1,194	1,779
2. Appointments following service-wide calls for applications (PAHRO circulars)	257	198	455
3. Appointments following internal departmental calls for applications (departmental circulars)	43	62	105
4. Appointment of Assistant Directors following ministerial calls for applications	46	32	78
5. Other appointments (e.g. appointment to substantive grade, promotions on the basis of length of service in terms of agreements with unions, re-employment/reinstatement, employment on contract, etc.)	640	966	1,606
Totals	1,571	2,452	4,023

Furthermore, the Commission made a total of 288 recommendations relating to the extension of performance agreements, renewal of contracts of employment, postponement of appointments, re-designation of posts or positions, granting of indefinite status, termination of performance agreements on appointment to other positions, revocation of appointments, and withholding of progression and promotions.

The Commission gave advice to the Prime Minister in terms of articles 92(3), 92(4) and 111(1) of the Constitution on 32 occasions relating to the appointment or renewal of appointment of Permanent Secretaries, Heads of Department, and the appointment of Resident Ambassadors abroad.

Representations made to the Commission

During the year 2012, the Commission considered a total of 60 representations made directly to the PSC on various matters relating to appointments in the Public Service as provided for by the Public Service Commission Regulations. Summary details, including the nature of these representations and the Commission's decisions, are listed in the appendices as explained hereunder.

Appendix 9(a) lists 40 representations made to the Commission in respect of selection processes which were still in progress. These representations were submitted in writing by applicants prior to the publication of selection results and mainly involved complaints by persons who had been found ineligible by selection boards after submitting their applications for the vacancies concerned.

The Commission found in favour of applicants in nine cases from this list. Seven of these cases concerned eligibility, while two other applicants had their late applications accepted on the grounds that they had been impeded from submitting their applications on time due to administrative shortcomings that were no fault of their own, and they were not to bear the consequences of such administrative shortcomings.

In another case, the Commission suspended the selection process and directed the Ministry concerned to set up a board of inquiry to investigate serious allegations raised by a complainant against the chairperson of a selection board. The allegations were not proven. The Commission acknowledged that there were therefore no grounds to question the integrity of the chairperson of the selection board, but the PSC directed that he was to be substituted in order to avoid misperceptions.

The remaining 30 complaints were dismissed by the Commission.

As shown separately in *Appendix 9(b)*, the Commission considered also 20 representations submitted by individuals in connection with several other issues related to appointments or employment in the Public Service. These representations varied in nature but the majority of the issues under consideration concerned the re-engagement in the Public Service of ex-public officers, the withholding of progression or promotions, and the revocation of appointments. There were three cases where the Commission granted complainants and their representatives the opportunity to present their submissions during an oral hearing. Following one such hearing, concerning a decision by the Commission to revoke an appointment, the Commission reconsidered its decision on humanitarian grounds and, as an alternative to revocation, the Commission extended the probationary period of the officer concerned.

Apart from this case, the Commission upheld the representations made to it in two other cases. The remaining 17 cases were dismissed.

Petitions relating to selection results

The Commission approved 525 selection results during 2012, while it received 86 petitions - that is to say appeals on the part of individuals who believed that the result of the selection process was not a fair reflection of their merits.

Seven of these petitions were not made within the period of 10 working days allowed for this purpose in terms of section 1.1.17 of the Public Service Management Code. These petitions were not, therefore, considered by the Commission. The period of 10 working days starts to count from the date when a notice is published informing the public that the result has been issued. This notice may be published either in the Government Gazette or on the website of the Public Service Commission, as may be specified in the call for applications. However, in the case of vacancies in scale 5 or higher where results are sent directly to applicants by post, the ten working days start to count from the date on which the result is sent to the applicant concerned.

The Commission therefore considered 79 petitions, and it found in favour of petitioners in five cases. In all five instances, the Commission approved the publication of revised results.

Another petitioner simply requested information on how marks for seminars and conferences had been allocated, and asked whether a particular certificate had been considered as a post-graduate qualification. The Commission provided the requested information.

The Commission ruled against the remaining 73 complaints.

A list of petitions considered in 2012, with a brief indication of the nature of each complaint and the Commission's decision in its respect, is given in *Appendix 10*.

IV. Discipline

Functions of the Commission relating to discipline

In terms of the Disciplinary Procedure in the Public Service Commission Regulations, the exercise of discipline in the Public Service is, subject to appropriate safeguards, largely delegated to heads of Government departments.¹

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

- The temporary suspension² of public officers from the exercise of the powers and functions of their office; that is to say, suspension from work on half salary pending the conclusion of disciplinary or criminal proceedings against those officers. Temporary suspension is imposed where it is considered that, because of the nature of the charges against the officer, he or she should not continue to work until the case against him or her is concluded. Temporary suspension is not a disciplinary penalty but a precautionary measure in the public interest, which does not imply any judgement as to the guilt or innocence of the officer facing charges. If the officer is acquitted of the charges, he or she is reimbursed the half-salary withheld during his or her suspension. If the officer is found guilty, the half-salary withheld is forfeited.
- 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. After such cases are heard by a disciplinary board, they are referred to the Commission under regulation 26(2) of the Disciplinary Regulations, since a Head of Department does not have the authority to dismiss an employee on disciplinary grounds. However, a guilty verdict in such a case does not automatically result in the dismissal of the officer; the Commission has the discretion to recommend a more lenient penalty even if it upholds the guilty verdict reached by the disciplinary board.
- Appeals from public officers against decisions taken by Heads of Department under delegated authority, in terms of regulation 30(1) of the Disciplinary Regulations.
- Representations by Heads of Department against the findings of departmental disciplinary boards, in terms of regulation 32.

¹ Line ministries were granted further disciplinary authority by virtue of LN 247 of 2012, which was published on 24 July 2012 - see also: "Simplification of disciplinary procedures in the Public Service" in Chapter V - Part B (issues relating to disciplinary procedure).

² In terms of the Disciplinary Regulations as amended by LN 247 of 2012, 'temporary suspension' means suspension on not less than half salary by the Commission in terms of regulation 12 or 14, pending the conclusion of disciplinary or criminal proceedings. Prior to the amendments effected by LN 247 of 2012, the term used in this respect was "interdiction", a term which could be confused with the terminology used by the Criminal Courts.

Moreover, the Commission delivered several rulings during the course of the year on issues relating to disciplinary proceedings conducted under delegated authority or other proceedings held directly before the Commission, as provided by the Disciplinary Regulations. Some decisions taken by the Commission in this respect during 2012 are found in Chapter V, Part B (issues relating to disciplinary procedure). Some of the rulings discussed therein were decided by the PSC in response to queries submitted by disciplinary boards or the Administration. Other decisions were taken by the Commission either on its own initiative, or in regard to matters raised directly by defendants or their representatives during oral representations.

Disciplinary cases involving criminal proceedings against public officers

In terms of article 110 of the Constitution, the Commission made the following recommendations to the Prime Minister in respect of 75 cases involving criminal proceedings against public officers:

TABLE 5 - Recommendations concerning criminal cases	
(i) Temporary suspension pending outcome of Criminal Court cases	22
(ii) Lifting of temporary suspension “without prejudice” before conclusion of proceedings	13
(iii) PSC action following a “guilty” verdict by the Courts:	
Dismissal	2
Dismissal and forfeiture of salary	4
Warning of dismissal ¹ and definite suspension ² without pay (1, 2, 3, or 5 days)	17
Warning of dismissal, definite suspension without pay (1, 3 or 5 days) and forfeiture of salary	4
Warning of dismissal	1
Warning of dismissal and forfeiture of salary	1
Definite suspension without pay (1 day)	2
Definite suspension without pay (3 days) and forfeiture of salary	1
Fine ³ of 5 days’ pay, severe reprimand, lifting of temporary suspension and forfeiture of salary	1
Fine of 3 days’ pay and severe reprimand	1
(iv) Restitution of rights following a “not-guilty” verdict by the Courts	
Lifting of temporary suspension and refund of salary withheld	3
Refund of salary withheld	3
Total	75

See footnotes on opposite page

The six cases involving dismissal as shown in Table 5 include two cases where the court had imposed a general interdiction in terms of article 10 of the Criminal Code. A person under a general interdiction in terms of the Criminal Code cannot hold Government employment, and has to be dismissed from such employment.

However, in one of the cases with general interdiction the sentence was discontinued by a court order three months after it was imposed. It should be noted that a discontinuation under article 10(6) of the Criminal Code does not represent the revocation or annulment of the sentence of interdiction. Moreover, the officer involved in this case had been found guilty of a serious crime that had occurred at his place of work. In the circumstances, the Commission recommended the re-instatement in the Public Service of the officer concerned. However, the Commission also ruled that the interval between the dismissal and re-instatement of the officer concerned should not be regarded as part of his service, and he was to be entitled to no salary in respect of this period. The Commission also imposed on the officer in question a penalty consisting of a suspension without pay for five days and an indefinite warning of dismissal.

In another 20 cases involving criminal proceedings, the employees concerned were acquitted. These employees had not been temporarily suspended on half salary, so no action was necessary on the Commission's part as a result of the court verdicts. The Commission noted the court sentence in each instance and agreed to consider the case closed. These cases are not included in Table 5.

Serious disciplinary cases with the possibility of dismissal

The Commission considered 16 disciplinary cases which were referred to it in terms of regulation 26(2) of the Disciplinary Procedure in the Public Service Commission Regulations, since the officers facing charges in these cases had been notified that the charges, if proven, could lead to their dismissal.

After giving all the officers involved and their respective Head of Department an opportunity to make oral representations, the Commission submitted the following recommendations to the Prime Minister in respect of 11 cases where the officers concerned were found guilty and served with a penalty:

- ¹ Warnings of dismissal administered on the recommendation of the Commission may be for a definite or an indefinite period, depending on the gravity of the case.
- ² "Definite suspension" means suspension without pay for a definite period as a penalty following disciplinary proceedings in terms of the Disciplinary Regulations as amended by LN 247 of 2012.
- ³ Fines are applied as a disciplinary measure to police officers in lieu of definite suspension without pay, which applies in the case of other public officers.

TABLE 6 - Penalties recommended by the Commission in serious disciplinary cases	
Warning of dismissal and suspension without pay (2, 3 or 5 days)	9
Written warning	1
Lifting of temporary suspension, forfeiture of salary withheld, and indefinite warning of dismissal	1
Total	11

Apart from the 11 cases listed in Table 6 above, there were five cases where the Commission recommended that the officers concerned be declared not guilty of the charges preferred against them.

One other officer was declared not guilty on account of the dismissal by the Commission of the disciplinary proceedings instituted against this officer, who was employed with the Ministry for Health, the Elderly and Community Care. The Ministry imposed a disciplinary penalty on the officer without reference to the Commission, when the case should have been referred to the Commission according to regulation 26(2) of the Disciplinary Regulations, since it had originally been considered serious enough to warrant the dismissal of the officer charged. The Commission ordered the cancellation of this penalty and scheduled an oral hearing as required by regulation 26(2). However, the Ministry did not give the officer charged sufficient notice of this oral hearing, in spite of the fact that clear instructions were communicated by the Office of the Commission to the Ministry well in advance of the date of the hearing. This second irregularity on the Ministry's part led the Commission to dismiss the case.

Oral representations heard by the Commission

A list of the 15 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 11*.

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

The 75 criminal cases referred to in Table 5 above include 22 cases where the Commission recommended the temporary suspension of the officers concerned; 13 cases where the Commission recommended the lifting of temporary suspension pending any potential penalties that may appropriately be imposed; and 6 cases where the officers concerned were not found guilty. The remaining 34 criminal cases were all served with a penalty as indicated in Table 5. Thus, taking into account the 11 disciplinary cases listed in Table 6, the total number of cases in which officers were served with a penalty by the Commission amounted to 45.

The following table shows the broad categories of offences and the penalties given in each of the 45 cases where the officer charged was found guilty. The subsequent charts show the same data in the form of a percentage distribution.

TABLE 7 - Categories of offences and penalties recommended							
Category of Offence	Armed robbery, theft	Illegal hunting, illegal possession of firearms, violation of regulations	Possession and / or trafficking of drugs	Abusive or violent behaviour, wilful damage, threats, assault and bodily harm	Corruption, bribery, embezzlement and fraud, falsification of documents, false declarations	Insubordination, negligence, dereliction of duties, unauthorised absence, tampering with official documents	Total
Penalties							
Dismissal	5				1		6
Warning of dismissal and suspension without pay for 1, 2, 3 or 5 days ¹	6	2	4	3	7	8	30
Warning of dismissal ²	1			1		1	3
Suspension without pay for 1 or 3 days ³	1		1	1			3
Fine of 3 or 5 days' pay and severe reprimand ⁴				2			2
Written warning						1	1
Total	13	2	5	7	8	10	45

¹ In four of these cases, the Commission recommended also the forfeiture of salary withheld.

² The Commission recommended also the lifting of temporary suspension and forfeiture of salary withheld in one of these cases, and the forfeiture of salary withheld during the period of temporary suspension in respect of one other case.

³ The Commission recommended also the forfeiture of salary withheld in one of these cases.

⁴ The Commission recommended also the lifting of temporary suspension and forfeiture of salary withheld in one of these cases.

CHART 1 - Categories of 45 offences - by percentage

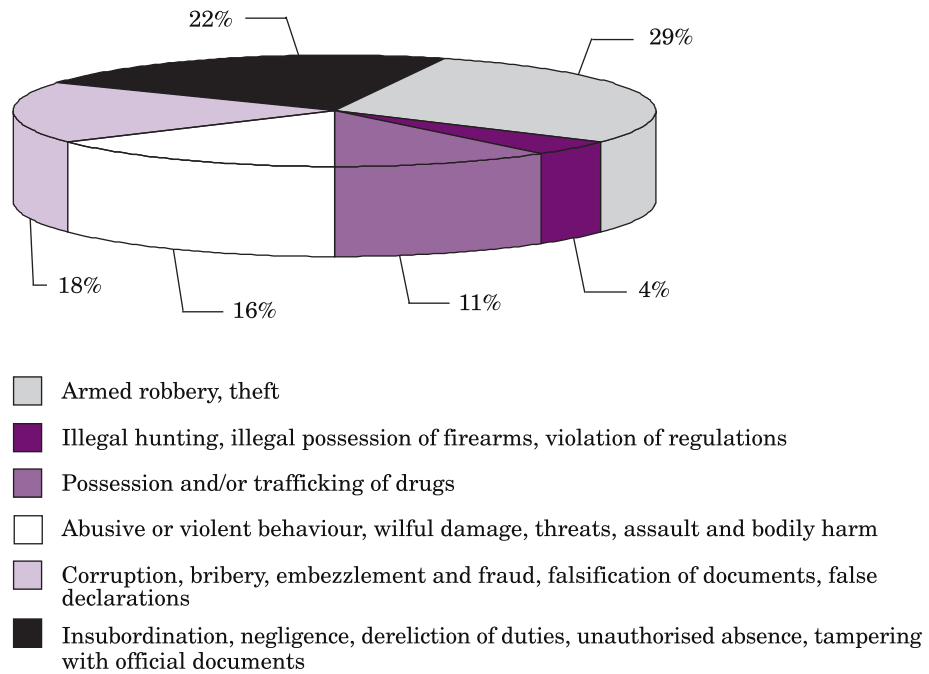
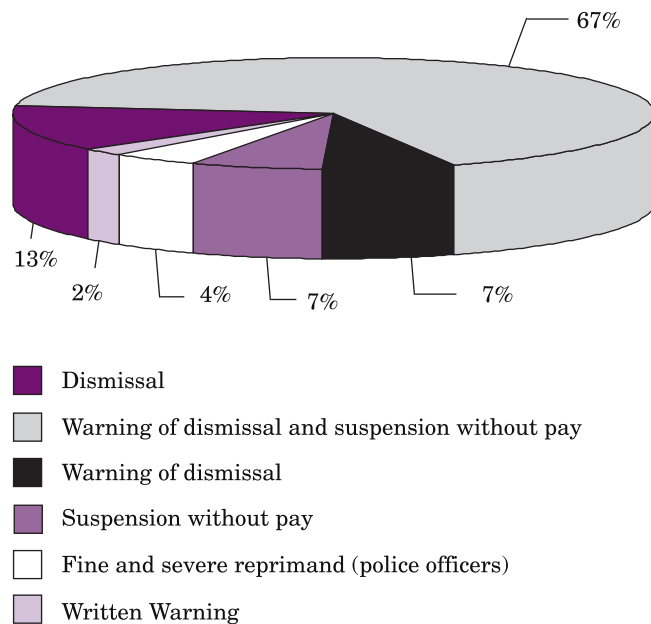


CHART 2 - Penalties imposed by PSC in 45 cases - by percentage



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 required to submit regularly to the Commission, and which contained information about all disciplinary measures taken by them against public officers in terms of the Disciplinary Regulations.

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

TABLE 8 - Disciplinary action by Heads of Department										
Outcome:	2008		2009		2010		2011		2012	
Warning of dismissal and suspension from duty without pay	1		4		2		0		5	
Suspension from duty without pay	56		22		25		19		15	
Written warning (Regulation 20)	34		32		13		34		17	
Written warning (Regulation 19)	207		447		503		703		438	
<i>Subtotal: cases served with a penalty</i>	<i>298</i>	<i>64%</i>	<i>505</i>	<i>74%</i>	<i>543</i>	<i>81%</i>	<i>756</i>	<i>83%</i>	<i>475</i>	<i>86%</i>
Cases discontinued	7		15		34		21		10	
Officer charged resigned while case still pending (regulation 37)	-		-		-		-		1	
Verdict of 'not guilty'	71		60		26		23		17	
<i>Subtotal: cases not served with a penalty</i>	<i>78</i>	<i>17%</i>	<i>75</i>	<i>11%</i>	<i>60</i>	<i>9%</i>	<i>44</i>	<i>5%</i>	<i>28</i>	<i>5%</i>
<i>Pending cases</i>	<i>87</i>	<i>19%</i>	<i>104</i>	<i>15%</i>	<i>68</i>	<i>10%</i>	<i>111</i>	<i>12%</i>	<i>48</i>	<i>9%</i>
Total	463		684		671		911		551	

The table shows that the total number of disciplinary cases treated by Heads of Department during 2012 has decreased substantially when compared to the previous year. This decrease is contrary to the trend apparent in the three consecutive years preceding 2012, which saw a constant increase in the number of disciplinary cases handled by Heads of Department.

On the other hand, 86 percent of the total number of cases resulted in the officer charged being served with a penalty during 2012. This ratio is the highest ever registered since the year 2000, when authority to take disciplinary proceedings was delegated to Heads of Department.

Furthermore, only 9% of the total number of disciplinary cases handled by Heads of Department during 2012 were still pending by the end of the year. This ratio is in fact the lowest level of pending disciplinary cases that has been registered during the last five years, with only 48 out of 551 cases still outstanding.

In percentage terms, the number of disciplinary cases in which the officers charged were not served with a penalty during 2012 was 5%. This figure, the lowest ever, was also registered in 2011, although the absolute number of cases in 2012 was smaller, with only 28 cases. Of these, 17 cases resulted in the acquittal of the officer charged; ten cases were discontinued; and in the remaining case, the officer facing charges resigned while disciplinary proceedings were still in progress.

As recorded in last year's report, the Commission had approved a number of measures recommended by the Administration with the aim of strengthening the application of discipline in government departments. The implementation of these measures - including the establishment of a standing disciplinary panel in each ministry - came into effect through Legal Notice No 247 of 2012, which was published on 24 July 2012. (See also: "Simplification of disciplinary procedures in the Public Service", in Chapter V, Part B - issues relating to disciplinary procedure).

Appeals and representations by accused officers against disciplinary decisions taken under delegated authority

Regulation 30 of the Disciplinary Procedure in the Public Service Commission Regulations gives officers the right of appeal to the Commission against penalties imposed by Heads of Department under delegated authority. During 2012 the Commission considered six such appeals.

In one case the Commission declared the officer charged not guilty of disobeying superior orders and annulled the penalty imposed, since it transpired that the accused officer had been put in an extremely awkward situation due to conflicting instructions given by the officer's superiors. With respect to another case, the Commission changed the penalty imposed by the Head of Department to a written warning in terms of regulation 19, after considering the particular mitigating circumstances involved. In three cases, the Commission concluded that the disciplinary action taken against the officer charged was justified, and it therefore confirmed the penalty imposed by the respective Head of Department. The remaining case was still pending by the end of 2012.

Furthermore, the Commission used its discretion in terms of regulation 3(2) of the Disciplinary Regulations and considered two other appeals that both related to a disciplinary action administered directly by the Head of Department in terms of regulation 19. In both cases the penalty involved was a written warning. Normally, appeals against cases under regulation 19 would only be considered by the PSC if there was a gross disregard of the procedures as laid down in the Disciplinary Regulations. While this did not appear to apply in respect of these two cases, the Commission nevertheless decided to consider the appeals in the interest of justice. In

both instances, the Commission confirmed that the penalty administered by the respective Head of Department was justified.

References 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 four such referrals. In two of these cases the Commission agreed to submit a modified recommendation. In the other two cases, the Commission confirmed its previous decision and re-submitted its original recommendation for the Prime Minister's approval. The Prime Minister subsequently approved these recommendations, as required by article 86 of the Constitution.

V. Selected Issues and Rulings by the Commission

A. Policy matters and issues relating to recruitment and appointments

Amendments to the Public Service Commission Regulations

As part of its ongoing efforts to simplify its regulations and expedite procedures, the Commission approved amendments to the Public Service Commission Regulations. The amendments were published on 24 July 2012 as Legal Notice 246 of 2012, and came into force in stages.

Among other things, the amendments eliminated the requirement for Heads of Department to obtain the approval of the Public Service Commission when issuing calls for applications. The amendments to this end came into force on 15 November 2012.

Before these amendments came into effect, it was necessary for a Head of Department to clear a draft call for applications with the Public Administration Human Resources Office (PAHRO) in the Office of the Prime Minister, which would vet the draft for any errors and ensure that it conformed to Government policy and agreements with unions concerning the terms and conditions of service applicable to the post to be filled. Once satisfied with the draft call, PAHRO would certify to the Commission that the call was in order. On this basis the Commission would grant its approval for the call to be published. This procedure was in addition to the requirement for Heads of Department to obtain financial approval for the creation of the vacancy to be filled.

The elimination of the requirement for vetting by PAHRO and approval by the PSC prior to publication does not mean that Heads of Department have become empowered to set the terms and conditions applying to vacancies in their departments. Such terms and conditions continue to be set centrally, usually following negotiations between the Administration and the relevant unions.

However, it is now the responsibility of Heads of Department, rather than PAHRO, to see that calls for applications reflect the terms established by the Administration. The elimination of the vetting requirement has done away with the duplication involved in having one set of staff in PAHRO checking the work of another set of staff in line ministries and departments. It has also enabled calls for applications to be issued more quickly.

The elimination of the requirement for the vetting of draft calls by PAHRO and their approval by the Commission represented an act of faith on the part of both bodies that ministries and departments would carry out their new responsibility satisfactorily and exercise due care in drafting calls. This act of faith appears to have been justified. Errors in calls for applications issued under the new system have been few. Staff in departments have competently taken on the responsibility for the correctness of calls for applications, which now rests directly on them.

As a safeguard, however, the amendments to the PSC Regulations empower the Commission to inquire into and investigate any selection process, and to take any remedial action it deems appropriate if it finds that a breach of the Regulations has occurred. The Commission can also take remedial action if a published call for applications is defective, including, if need be, directing the department concerned to withdraw the call or to issue amendments.

The amendments to the regulations also eliminated the requirement for Heads of Department to obtain the approval of the Public Service Commission when setting up selection boards. With effect from 14 September 2012, Heads of Department assumed responsibility for the appointment of selection boards. As a safeguard, the regulations debar Heads of Department from appointing, as members of selection boards:

- members of staff of a minister's secretariat;
- holders of posts in the administrative structure of a political party;
- any official of a trade union which represents applicants for the vacancy to be filled; and
- any other person who would be placed in a conflict or an apparent conflict of interest if he or she sat on the selection board in question.

The above is linked to a declaration which the Commission requires members of any selection board to submit, along with their report on the selection process, stating that they are not related to any applicants and are not involved in any activity which may give rise to a conflict of interest with respect to the selection process.

The amendments to the PSC Regulations also cater for the establishment of a standing selection panel in each ministry in order to facilitate the setting up of selection boards for Heads of Department. Members of these standing panels, who will be retired public officers (Public Service employees), will be available for appointment to selection boards according to need. The appointment of retired public officers to selection boards should enable selection processes to be concluded more quickly than is often the case, currently, since such persons would be able to devote more time to the selection process than serving public officers could do. Moreover, public officers would have more time for their normal duties.

Engagement of staff on the basis of trust

In its annual report for 2011, the Commission expressed concerns about the practice of filling certain positions on the basis of trust. The Commission stated that as a matter of longstanding practice, staff in ministerial secretariats were recruited directly on the basis of trust, without resort to calls for applications. The Commission considered this practice justifiable, since Ministers are entitled to have staff in their secretariats in whom they can repose their full personal confidence. However, the Commission expressed concerns on the following two counts:

- the Constitution regards all non-military employees of the Government, with specific and very limited exceptions, as Public Service employees and, as such, subject to recruitment on merit: the Constitution makes

no provision for the engagement of staff by the Government solely on the basis of trust, even in ministerial secretariats;

- appointments on trust were being used not only in ministerial secretariats but, in a number of instances, to fill administrative, managerial or technical positions: quite apart from the unconstitutionality of such appointments, the Commission felt that there was no apparent justification why such positions should not be filled through a call for applications.

Following the publication of the PSC annual report for 2011, this issue attracted substantial media attention.

In April 2012, the Commission restated its concerns to the Principal Permanent Secretary, with reference to OPM circular 21/2011 entitled “*Engagement / Renewal of Engagement of Persons Appointed on a ‘Person of Trust’ Basis*”. The Commission considered the circular, which had been issued on 14 December 2011, to be excessively broad in its scope.

This issue arose while the Commission was considering a request for the re-engagement of a retired former Senior Pharmacy Technician by the Ministry for Health, the Elderly and Community Care (MHEC). The Commission noted that MHEC had been advised by the Public Administration Human Resources Office to treat the case in terms of OPM circular 21/2011, which empowered line Ministers to approve requests for engagement in specific positions by direct recommendation - that is to say without reference to the Commission, and without issuing a call for applications.

The Commission took the view that there was no justification for the engagement of a Senior Pharmacy Technician on a trust basis. The Commission considered that if this practice were to continue, it would represent a mechanism to bypass the provisions of the Constitution on the appointment of public officers.

The Commission also reminded the Principal Permanent Secretary that, on 15 December 2011, it had written to him proposing the issue of an instrument of delegation under article 110(1) of the Constitution to cover the appointment of staff to Ministers’ secretariats. This instrument would provide for the engagement of such staff on the basis of trust. The instrument of delegation would enable such staff to be engaged in conformity with the Constitution, without limiting the discretion of Ministers in staffing their secretariats. The instrument would, however, set boundaries for the use of appointments on trust, so as to prevent this mechanism from being used to bypass the Constitution in the filling of vacancies in the Public Service proper.

The issue of appointments on trust emerged again in December 2012, when an anomalous situation came to light concerning appointments of Judicial Assistants.

Prior to 2011, posts of Judicial Assistant were regarded as positions of trust; meaning that, in accordance with established practice - although, as indicated above, this practice is questionable in constitutional terms - the incumbents were engaged without reference to the PSC. Judicial Assistants were appointed by the President of Malta in terms of article 97A(1) of the Code of Organisation and Civil Procedure.

In June 2011, however, an agreement between the Government and the relevant union, covering legal grades in the Public Service, provided for the creation of the grade of Judicial Assistant as part of the legal career stream in the Public Service. This gave rise to a direct conflict between article 97A(1) of the Code of Organisation and Civil Procedure and article 110(1) of the Constitution, which states that appointments in the Public Service are made by the Prime Minister on the recommendation of the Public Service Commission. This issue was brought to light in December 2012, when a call for applications for the post of Judicial Assistant was published in the Government Gazette, and the Commission was requested to approve the selection criteria in accordance with the normal practice pertaining to selection processes in the Public Service.

Staff engaged on trust are normally employed on the basis of definite contracts, with no entitlement to permanent employment. This mitigates the irregularity of such appointments in constitutional terms, since those engaged are not permanent additions to the Government payroll. However, the case of Judicial Assistants showed that positions of trust could be transformed into Public Service posts at the stroke of a pen, without reference to the Commission. The irregularity of appointments on trust would be compounded if, in this manner, the staff in question were to be given an entitlement to permanent employment.

The Commission took the view that this case fully validated the concerns it had previously expressed about appointments on trust. The Commission again decided to bring its concerns to the attention of the Principal Permanent Secretary. The Commission decided that the selection process for Judicial Assistants in terms of the call for applications of December 2012 should be held in abeyance until the highly sensitive legal issues involved were resolved.

Early in 2013, it was proposed to the Commission that Judicial Assistants recruited through the call for applications of December 2012 would have their appointments approved by both the Prime Minister (on the recommendation of the Commission) and the President of Malta. This would satisfy the requirements of both the Constitution and the Code of Organisation and Civil Procedure. In this way, the immediate issue concerning a conflict of legislation was resolved, and on this basis the Commission agreed that the selection process should proceed. However, the wider issue concerning the need to better regulate appointments on trust remains to be addressed.

Policy on re-engagement in the Public Service

Section 1.6 of the Public Service Management Code permits the re-employment of Public Service employees who resigned or were dismissed, subject to certain conditions, if this is in the interest of the Public Service, or if there are grave humanitarian grounds. This allows the Public Service to benefit from the expertise of former employees if vacancies cannot otherwise be filled. It also meets a social objective by enabling persons who lose their jobs on account of criminal or disciplinary offences to be given a “second chance”, provided that this does not pose a risk to their departments, to colleagues, or to members of the public.

Applications for re-employment are screened in the first instance by a Re-employment and Re-instatement Committee (RRC) within the Office of the Prime Minister. Applicants who are considered by the RRC to merit re-employment, and who are found to be still capable of performing the duties of their former grade, are then referred to the Public Service Commission. If the Commission agrees with the assessment of the RRC, it recommends the re-employment of the individuals concerned in their former grades in the Public Service.

During 2012, the RRC sought a ruling from the Commission concerning the correct interpretation of the re-employment policy with respect to individuals who sought re-employment in a grade they had held previously with the Public Service, but which was not the last grade they had held prior to their resignation.

The Commission ruled that the re-employment policy represented a concession to former employees, and was not a right. It was thus important to ensure that the provisions of the policy were clear-cut and straightforward, and not subject to potential manipulation by individuals to their own advantage. Accordingly, a former Public Service employee could only be re-employed in the last grade held by him or her in the Public Service, always provided that the employee satisfied the conditions of the re-employment and re-instatement policy. If an employee resigned from the Public Service, and later rejoined the Service in a different grade, his or her opportunity to be re-employed or re-instated in his or her former grade would lapse.

The Commission also ruled on the case of a person who was already employed in the Public Service, but who requested re-employment in a grade which he had held during a previous period of employment in the Public Service. The former grade was higher than that currently held by the employee. However, the Commission took the view that the re-employment policy was applicable only to former, and not to serving, Public Service employees, regardless of whether or not they had held a higher grade in the past.

The Commission also considered in what circumstances the re-employment of a former Public Service employee would be “in the interest of the Public Service”. The Commission took the view that the mere existence of a vacancy in a grade was not sufficient to justify the re-employment of a former employee in that grade. Under normal circumstances, vacancies have to be filled by selection on the basis of merit following a call for applications. Justification has to be given as to why the vacancy cannot be filled by such means - for instance, if the post is a specialised post which is difficult to fill through a call for applications.

On a separate issue, the Commission noted that before it proposed the re-employment or re-instatement of any former employee, the RRC ascertained whether or not that individual had any pending disciplinary cases at the time of his or her departure from the Public Service. In view of a particular case concerning the arraignment in Court of a re-employed public officer who had been accused of drugs-related charges, the Commission ruled that the RRC should ascertain, in addition to the above, whether or not an individual who applied for re-employment with the Public Service had a clean record of conduct in both criminal and disciplinary terms.

Furthermore, the applicant was to be required to present a recent police certificate of conduct and to sign a declaration, immediately prior to re-employment, that there were no current court proceedings against him or her that might prejudice his/her re-employment.

Prospective Public Service employees with criminal records

The Commission dealt with a number of queries concerning applicants for Public Service employment who had a criminal record.

As a general rule, people who apply to join the Public Service are asked to submit a police conduct certificate with their application. This does not mean that only those with a clean record may join the Public Service: paragraph 1.2.6.2 of the Public Service Management Code states that

“Conviction of an offence is not an automatic disqualification for employment in Government service. A department may employ an applicant convicted of an offence, who is otherwise suitable, provided that it is reasonable to do so, taking into account the seriousness of the offence (particularly in relation to the job for which the person is an applicant), the person’s age at the time of the offence, the time that has elapsed since the offence was committed and the person’s record during that time. A department is not, however, to employ such a person in any job which affords any opportunity of repeating the offence until it is satisfied that the person is reliable.”

The task of assessing whether or not an applicant with a criminal record is suitable for a particular post is the responsibility of the selection board for that post. However, selection boards can face difficulties when an applicant presents a police conduct certificate Form C instead of Form A. Form A is issued to individuals with a clean record, while Form C is issued to persons who have committed contraventions (minor crimes) or who are given a conditional discharge under the Probation Act. In accordance with article 5(d) of the Conduct Certificates Ordinance, a Form C does not list the offences for which it has been issued.

This places selection boards in a difficult situation, since they need to know what offences the holder of a Form C has committed in order to be able to determine his or her suitability for the post in line with paragraph 1.2.6.2 of the Public Service Management Code. It cannot be taken for granted that the holder of a Form C has committed only a minor offence. There are cases in which the courts have granted a conditional discharge to individuals who were found guilty of substantial thefts or even of violent assault. Such individuals might justifiably be considered unsuitable for sensitive posts or posts bearing a particular degree of responsibility.

The Conduct Certificates Ordinance empowers competent national authorities and entities listed in the fourth schedule of the Ordinance to gain access to individuals’ full criminal record (*fedina penali*), with the consent of those individuals, for the purposes of employment, among other reasons. However, selection boards ran into difficulties in obtaining access to candidates’ full criminal records since they were not entitled to such access.

The Commission took up this issue with the appropriate authorities and eventually requested inclusion in the fourth schedule of the Ordinance. As a result, Legal Notice 265 of 2012, dated 10 August 2012, amended the fourth schedule of the Conduct Certificates Ordinance to include the Public Service Commission as a competent authority with the right to request the complete record of criminal convictions from the Commissioner of Police, in respect of any person employed in the Public Service or candidates for employment in the Public Service. Hence by virtue of its authority in terms of article 3(2) of the Conduct Certificates Ordinance, the PSC can obtain the *fedina penali* of candidates who produce a police conduct certificate Form C.

The Commission decided that, for this purpose, chairpersons of the respective selection boards would be required to submit to the Commission the name and ID numbers of the candidates concerned, together with a written statement of consent from these candidates, whereupon the Commission would request the *fedina penali* of these candidates from the Commissioner of Police.

On a related issue, the Commission ruled in September 2012 that calls for applications for vacancies in the Public Service should indicate clearly that the police conduct certificate presented by candidates with their application should have been issued not more than one month before the date of application. Given the amount of time that might lapse prior to the conclusion of the selection process, the Commission also took the view that, prior to their appointment, the selected candidates should be required to submit a declaration stating that they have no criminal convictions other than any convictions already declared by means of their police conduct certificate, and that they have no pending criminal proceedings.

Policy regulating appointments in the position of Assistant Director extended to public sector employees

As recorded in the Commission's annual report for 2011, the Commission proposed the adoption of revised selection criteria for Assistant Director positions. This issue was discussed and agreed with the Administration late in 2011. As a result, PAHRO issued a circular in January 2012 announcing the revised selection criteria, which included a pass mark of 60 per cent. By agreement with the Commission, the circular also announced the extension of the eligibility criteria to Public Service employees not below salary scale 7 with four years' consecutive service in scale 7 or higher. This included not only those who held a substantive grade (indefinite appointment in a career stream) in scale 7 or higher, but also those who held a position (*ad hoc* appointment on the basis of a definite contract) in scale 7 or higher, provided that they had held such a position for at least four years.

In November 2012 the Commission agreed, on the basis of proposals from the Principal Permanent Secretary, that particular positions of Assistant Director could be opened also to employees of public sector entities outside the Public Service whose grade or status was adjudged to be comparable to that of Public Service employees in salary scale 7 or higher. The eligibility parameters would be so extended only in exceptional cases, where it was necessary to broaden the catchment area for a particular position of Assistant Director.

Extension to top management positions of the entitlement to parental leave

The grant of leave, including parental leave, does not fall within the jurisdiction of the Public Service Commission. However, the Commission was instrumental in bringing about a review by the Administration of its policies governing unpaid parental leave, as a result of which the entitlement to such leave was extended to Category A (top management) positions on a performance agreement.

The issue first emerged in January 2012, when the Commission was considering a request for the termination of the appointment of an Assistant Director who had applied for, and had been granted, six months' unpaid parental leave. The request had been made by the officer's ministry on the basis of established policy, whereby Assistant Directors who utilised unpaid leave would have their appointments terminated and would revert to their substantive grades. The Commission considered whether the termination of the performance agreement of an officer availing himself or herself of family-friendly measures was in line with current local legislation and relevant European Union directives. The Commission noted, in particular, regulations 8 and 9(1) of the Parental Leave Regulations, 2003.

Regulation 8 states that an employee who utilises parental leave is entitled to return to the same job that he or she occupied prior to being granted such leave, or to an equivalent or similar job consistent with that employee's original contract. Regulation 9(1) of the same Regulations entitles an employee on parental leave to all rights and benefits accruing to other employees in the same class or category. These regulations apply to the Public Service by virtue of LN 433/2007.

The Commission also observed, however, that the parental leave allowed by the Parental Leave Regulations amounts to a maximum of three months for each child, whereas Public Service employees are entitled to one year's parental leave for each child.

Before submitting a recommendation for the termination of the appointment of the Assistant Director in question, the Commission asked for the Administration's views as to whether the prevailing policy was still tenable in present-day circumstances. Subsequently, the Commission was informed by Director General (PAHRO) that the policy had been revised in the light of the Parental Leave Regulations.

The revised policy provides that:

- both male and female officers holding a performance agreement in a Category A position (salary scales 1-5) are entitled to avail themselves of a period of up to four months' unpaid parental leave on the grounds of birth, adoption, fostering or legal custody of a child, to enable them to take care of that child;
- up to four months' unpaid parental leave may be availed of in respect of each child of less than eight years of age;
- the officer's appointment in Category A need not be terminated;
- periods of unpaid parental leave utilised in terms of this policy are reckonable as service for the purpose of the grant of tenure in a higher grade; and

- this unpaid leave may be availed of in periods of one month at a time, or taken on a full-time or a part-time basis, or in a piecemeal way, as agreed between the individual concerned and his or her Head of Department.

The Commission agreed with the revised policy since these measures would make it more possible for women with young children to take on senior management positions.

Queries relating to selection processes conducted under delegated authority

Under article 110(1) of the Constitution most appointments in the Public Service are made by the Prime Minister on the recommendation of the Commission, unless power to make appointments is delegated to other persons or authorities. An instrument of delegation issued under article 110(1) may provide for such power to be exercised either with or without reference to the Commission.

Over the years various instruments of delegation have been issued. For instance, the Principal Permanent Secretary is empowered to make appointments in general service grades on the basis of public examinations. The Commissioner of Police is empowered to make appointments in ranks below Inspector of Police. Permanent Secretaries are empowered to recruit Casual Substitutes as temporary replacements for staff on long leave. In all cases, appointments are made without the need for a recommendation by the Commission.

Normally, calls for applications and selection processes in the Public Service provide for the submission by unsuccessful applicants of petitions to the Commission to contest the result of the selection process. However, this practice was not followed in the case of calls issued under delegated authority, because traditionally the Commission played no part in selection processes held under delegated authority.

During 2012, however, the Commission was asked by a selection board for Casual Substitute Clerks whether objections to the result on the part of applicants should be referred to the Commission.

The Commission considered this issue in the light of article 30 of the Public Administration Act (PAA), which envisages that appointments to positions throughout the Public Service would be made under delegated authority. In this scenario, the Commission would no longer be involved in the selection process through approval of calls for applications and selection results. Instead, the Commission would safeguard the merit principle in staff selection through *ex post facto* audits, the investigation of complaints, and the provision of redress where appropriate.

Within this context, the Commission considered it anomalous that calls for applications issued by ministries and departments under delegated authority made no provision for the submission of petitions to the Commission.

The Commission therefore took the view that it should consider objections or appeals by applicants concerning selection results issued under delegated authority. The Commission also took the view that future calls for applications issued under delegated authority should include the normal provisions offering candidates the opportunity to submit petitions in connection with the selection process. Moreover, the Commission ensured that the instruments of delegation it approved during 2012 (see below) included these provisions.

Instruments of delegation

In June 2012, the Commission approved the issue of two instruments of delegation which were subject to the inclusion of appropriate provisions relating to the submission of petitions to the PSC. One of these instruments relates to the engagement of Adult Educators, while the other deals with the engagement of on-call Supply Learning Support Assistants and on-call Supply Kindergarten Assistants. The delegation of powers should facilitate the employment of such staff, who work irregular hours on an on-demand basis, and who were previously engaged by the Ministry of Education and Employment through calls for applications on a contract-for-service basis.

In November 2012, the Commission approved the issue of another instrument of delegation, concerning the recruitment in the Public Service of disabled persons from the ETC register of disabled unemployed. Recruitment through this instrument of delegation will be open to posts and positions in salary scales 16 to 20. The instrument is intended to make it easier to engage disabled persons at these levels, thereby increasing the representation of disabled persons in the Public Service above scale 20.

Unjustified refusal to sit on selection boards considered as dereliction of duties

During 2012, the Commission dealt with a case in which the chairperson of a selection board resigned, and colleagues of the employee in question indicated that if they were nominated to serve in the stead of the chairperson, they would refuse. This case arose in the context of a dispute between a union and the management of the ministry concerned, in which allegations were made against the chairperson and her colleagues. Their refusal to serve on the selection board represented a protest against the allegations that were made in their regard.

The Commission acknowledged this potential issue, but it took the view that Public Service employees have no right to refuse to serve on a selection board. Such a refusal would amount to disobeying legitimate instructions from higher authorities, and would accordingly represent a breach of discipline. If an employee feels that there is a valid reason why he or she should not serve as a member of a selection board, he or she can ask to be relieved from such a duty, but it is only in exceptional circumstances that higher authorities may consider granting such a request.

The use of the word “specialist” in the title of positions of Specialist Nurse

The Commission considered objections from the Medical Association of Malta (MAM) to the use of the word “specialist” in a call for applications for the position of Specialist Nurse (Public Health).

The objections of the MAM were based on the fact that the use of the word “specialist” by health professionals is governed by the Health Care Professions Act. Article 29 of the Act states that only those persons who qualify as specialists and whose name is entered in a specialist register kept for the purposes of the Act can be described, or can describe themselves, as specialists. The MAM claimed that, in the case of nurses, such a register had not been established and there were no accredited training programmes leading to a recognised specialist qualification. Since there were no registered specialist nurses, no person could legally hold a position of “Specialist Nurse”.

The Commission noted that the Health Care Professions Act did indeed limit the use of the word “specialist” to members of health professions, including nurses, who held specialist registration. Accordingly, the Commission asked the Ministry for Health, the Elderly and Community Care (MHEC) whether there were programmes of accredited specialist training for nurses in Malta, and whether the machinery whereby nurses with such training could gain specialist registration had been set up. The Commission took the view that, if no such machinery existed, the MAM’s objections to the appointment of specialist nurses would appear to be legally justified.

In its reply, MHEC stated that the machinery for specialist registration had been established only with respect to the medical and dental professions. MHEC stated also that positions of specialist nurse derived from an agreement governing nursing grades in the Public Service which had been reached by the Government and the Malta Union of Midwives and Nurses in 2000, well before the enactment of the Health Care Professions Act.

The Ministry noted that the fifth schedule of the Health Care Professions Act listed a range of different medical specialties, none of which related to nursing. The Ministry argued that article 29 of the Act referred only to the specialties listed in the fifth schedule. One could therefore claim to be a specialist in any other field, since such fields were not yet regulated by the Act. MHEC argued that its interpretation was in accordance with article 29 of the Act, which referred to “*any of the specialties of the professions regulated by this Act*”. However, it was the intention to enact an amendment to article 29 to clarify that the requirement for specialist registration applied only to the specialties listed in the fifth schedule. This amendment had been endorsed by all professional associations and regulatory councils.

At the same time, MHEC stated that, in anticipation of the setting up of specialist registers for nursing, it had started discussions with the respective unions regarding the re-designation of the position and role of specialist nurses.

The Commission took the view that if there was a conflict between the agreement governing nursing grades and the Health Care Professions Act, the Act had to prevail. The fact that the agreement predated the Act was immaterial.

The Commission disagreed with the Ministry's interpretation of article 29 of the Act. The qualifier "*regulated by this Act*" in the phrase "*any of the specialties of the professions regulated by this Act*" referred to professions, not to specialties. Nursing was regulated by the Act, so article 29 precluded the use of the term "specialist" with respect to any speciality in the field of nursing.

The Commission took the view that the Ministry's stated intention to amend article 29 served only to add weight to the Commission's interpretation. Until such an amendment was enacted, however, the law had to be observed as it stood. Endorsement by professional associations and regulatory councils did not give the proposed amendment the weight of law.

Moreover, the Commission's interpretation of the Health Care Professions Act was given further support by the fact that MHEC had started discussions with the respective unions regarding the re-designation of the position and role of specialist nurses.

The Commission therefore directed that the selection process for positions of Specialist Nurse should be held in abeyance until a new nomenclature for these positions was agreed upon by the Administration, or until the law was amended.

Subsequently, the Ministry informed the Commission that it had been decided that the term "specialist" in positions of Specialist Nurse would be dropped and each position would simply be referred to by its particular area. For example, "Specialist Nurse (Public Health)" would become Public Health Nurse. On this basis the Commission agreed that the relevant selection processes could go ahead.

Assessing a candidate with a potential conflict of interest

A selection board sought a ruling concerning an applicant for positions which involved inspecting particular private establishments to ensure that these establishments conformed to applicable regulations and Government standards. The selection board stated that the applicant in question was involved in the running of one of the private establishments in question. The selection board expressed the concern that, should this applicant be selected for one of the positions, she would be in a conflict of interest, and this would be detrimental to public confidence in the inspectorate role undertaken by the department in question. The selection board requested the Commission's advice as to whether it should proceed with the selection process, or whether the potential conflict should be brought up with the applicant.

In considering this case, the Commission took note of paragraph 1.1.7.17 of the Public Service Management Code, which requires that after a selection

board submits its report on the selection process for a particular post, the responsible Head of Department should submit his or her recommendation for the appointment of the successful applicant to the post. Only then does the Commission take the necessary steps for the appointment to be made. Paragraph 1.1.7.17 of the Code empowers the Head of Department to object to the appointment of the successful applicant if, in the opinion of the Head, the applicant is unsuitable for the post on account of some factor which was overlooked by the selection board, or which was not reflected in the selection criteria which were used in the selection process.

The Commission took the view that paragraph 1.1.7.17 catered for situations just like that which had arisen in this case. This provision of the Code implies that selection boards should assess applicants for a vacancy solely on the basis of the approved selection criteria. Any issues which are extraneous to the selection criteria, but which might have a bearing on the suitability of applicants, should be considered by the Head of Department after the conclusion of the process. If the Head of Department considers a selected applicant to be unsuitable for the post, he or she should submit representations to the Commission which, as an independent body, would consider whether or not the issues raised by the Head of Department merit the disqualification of the applicant.

Paragraph 1.1.7.17 of the Code dovetails with the recent amendments to the Public Service Commission Regulations (see above). Among other provisions, the amendments set out grounds on the basis of which applicants for Public Service vacancies can be disqualified from the selection process. The amendments also oblige the Commission to inform the applicant that his or her disqualification is under consideration, and to give him or her the opportunity to submit representations to the Commission before it takes a definitive decision on the matter. Paragraph 1.1.7.17, in combination with the amendments to the PSC Regulations, maximises the transparency of the selection process and safeguards the rights of applicants, while upholding the public interest by ensuring that applicants who are manifestly unsuitable for a post are not appointed to that post.

The Commission decided that this case should be considered in accordance with the above-mentioned procedure. Accordingly the Commission ruled that the selection board was to assess the eligible applicants solely in accordance with the selection criteria for the position. The board was to disregard extraneous factors, including the issue of potential conflict of interest.

The Commission directed that, once the selection process was concluded and the result was published, the selected applicants should be required to draw up and to submit a declaration of interests on the same lines as that applicable to headship positions. This declaration requires applicants to state whether or not they have any business, financial or property interests which can be affected by the actions of the department which they are to join, and which can, as a result, give rise to questions about their ability to discharge the responsibilities of their position impartially.

The Commission directed also that, in the event that any of the selected applicants for the post in question declared a conflict of interest, the Head of Department was to decide whether or not that applicant was suitable

for appointment to the position as required by paragraph 1.1.7.17 of the Code, and to communicate her views to the Public Service Commission accordingly. Should the Head of Department consider the applicant to be unsuited for the position on account of the declared conflict, the Commission would then take up the issue directly with the applicant in accordance with the procedure set out by the PSC Regulations, as amended.

Scholarships tied to an appointment in the Public Service should be channelled through the PSC

The Commission ruled that the selection process for the award of scholarships tied to an appointment in the Public Service should be channelled through the PSC. This decision was taken in October 2012 following submissions by the Ministry for Resources and Rural Affairs (MRRA), which requested the Commission's approval for the engagement of a number of students as Junior Veterinary Officers once they successfully completed their studies. The students had been selected for veterinary course sponsorships through a call for applications issued by the Ministry for that purpose. The call for applications stated that the sponsored candidates would be required to sign a deed binding them to serve MRRA for five years, upon graduation, as Junior Veterinary Officers.

The Commission took the view that since the call for applications for the veterinary course sponsorships provided for the employment of the sponsored individuals with MRRA, the call should have been issued through the Public Service Commission. In this way, the students would have been chosen through a selection process that was subject to the scrutiny of the Commission. The Commission was not prepared to sanction the employment of such individuals unless it was in a position to ensure that the scholarship selection process was based on merit.

The Commission, as an independent body tasked by the Constitution with upholding the merit principle, could not be obliged to make appointments in the Public Service as a result of a commitment undertaken unilaterally by a ministry or a department without the prior approval of the PSC. If the Commission accepted such an obligation, it would effectively be surrendering its independence and abdicating its responsibilities under the Constitution.

The Commission advised the Ministry that the best solution, in the circumstances, was to issue a rolling call for applications, valid for one year, for posts of Junior Veterinary Officer. The Ministry would then direct the students to apply for an appointment to such a post upon graduating, in order to fulfil their obligation to serve MRRA for five years. The selection process would, however, be open to any other applicants with the necessary qualifications, and would be based on merit.

Significant rulings on eligibility requirements stipulated in calls for applications

Several rulings were delivered by the Commission during 2012 on issues relating to eligibility requirements for vacancies in the Public Service. Generally, the issues arose from representations by applicants, or through queries submitted by selection boards or the Administration.

A significant ruling in this regard was given by the Commission in December 2012, when it decided that an applicant's qualifications should only be taken into consideration, for the purpose of establishing the applicant's eligibility, if the applicant had listed those qualifications in his or her *curriculum vitae* (CV) or otherwise made them known to the selection board before the closing date of the relevant call for applications. This issue was raised when an applicant appealed to the PSC because he had not been considered eligible by the selection board. The applicant stated that he had the required qualifications, although he admitted that he had not listed these qualifications or included copies of the relevant certificates when submitting his application.

The Commission considered that if an applicant failed to include certificates or other supporting documentation with his or her application, this was a remediable omission. In this case, however, the applicant had not even listed the relevant qualifications in the CV which he had submitted with his application. The Commission felt that this omission should not be taken lightly, since the call for applications itself clearly required applicants to submit all relevant information concerning their qualifications and experience along with their application. Accordingly, the Commission upheld the decision of the selection board that the candidate was to be considered ineligible.

Eligibility of a candidate who ceased to be a public officer

The Commission ruled that in the case of internal calls for applications, which are open only to serving public officers (or Public Service employees), selection boards should not interview candidates who have resigned from the Public Service. This issue was raised in January 2012 when a selection board requested guidance from the Commission on the eligibility of a particular applicant who had been employed in the Public Service up to the closing date of the respective call for applications, but who had resigned by the time interviews were due to be held. Normally, the eligibility of applicants is determined on the basis of their qualifications and experience as of the closing date of the call for applications.

The Commission consulted the Public Administration Human Resources Office (PAHRO), which took the view that once the candidate severed his or her ties with the Public Service, he or she could no longer be considered an internal applicant, even if the severance of ties occurred after the closing date of the internal call for applications. PAHRO concluded that in the case in question, the applicant had ceased to be a Public Service employee. The applicant could regain this status only through a public call for applications. If the applicant were to be considered eligible for the position and selected, this would effectively be an engagement from outside the Public Service.

On consideration of the issue, the Commission concurred with PAHRO's advice and issued instructions accordingly to the selection board.

Ministries and other Government entities are not required to circulate public calls internally

Another ruling of the Commission concerned public calls for applications, which are normally published in full in the Government Gazette. The full text of each public call as published in the Government Gazette is also accessible online from the "employment opportunities" page of the Government of Malta website, while the department concerned may, at its discretion, advertise the public call in the media.

In June 2012 the Commission received a request to consider the submission of a late application for the post of Gardener in the Ministry for Resources and Rural Affairs. The prospective applicant was not a Public Service employee but an employee of the Environmental Landscape Consortium. He claimed that he had been denied the opportunity to apply by the closing date because the Consortium had not informed him about the call for applications.

The Commission noted that the call for applications for the post in question had been a public call, not an internal call open only to Public Service employees. It was up to prospective applicants to keep abreast of the publication of public calls for applications, and there was no responsibility on the part of ministries, departments and other public entities to circulate such calls internally to their employees. Accordingly, the Commission agreed that it could not accept the employee's request to be allowed to submit a late application.

A similar situation emerged the following month, July 2012, regarding a late application by a school employee for the post of Learning Support Assistant in the Directorate for Educational Services. This post had also been advertised through a public call for applications. Here again, the Commission took the view that it was the prospective applicant's responsibility to monitor the various media for relevant calls for applications, and that such responsibility could not be devolved onto others.

Nonetheless, the Commission sought the views of the Public Administration Human Resources Office (PAHRO) on whether or not Heads of Department should be required to circulate, within their departments, external calls for applications which appeared relevant to a substantial proportion of their staff. PAHRO replied that calls for applications could be viewed on its own website as well as the Government of Malta website, in addition to the Public Service recruitment portal. Given such a significant exposure for external calls for applications, PAHRO stated that it was against the re-introduction of paper-based culture whereby paper copies of the calls would be circulated amongst employees. Such a practice would signify a reversion to a process which had been discontinued years previously.

In the circumstances, the Commission agreed that the circulation of paper copies of external calls for applications among staff was not to

be encouraged, particularly in view of the various channels facilitating accessibility to external calls for applications.

Applications from public officers holding the same grade as the advertised post

Insofar as applications from serving public officers (Public Service employees) are concerned, the Commission drew the attention of the Administration to an anomaly it noted with regard to the provisions of paragraph 1.2.2.2 of the Public Service Management Code (PSMC). This paragraph stated: *“In the case of internal calls for applications for the filling of vacancies in a substantive grade, Public Officers who already hold an appointment in the substantive grade as that being advertised are not eligible to apply.”*

This provision did not apply in the case of vacancies advertised through public calls for applications. In fact, the Commission ruled that serving Public Service employees were entitled to submit an application for a post in their own grade, once the post was advertised through a public call, and once paragraph 1.2.2.2 of the Code referred only to internal calls. Nevertheless, the Commission acknowledged that the practice of allowing Public Service employees to apply for a grade which they already held was anomalous and could create difficulties with regard to salary, progression, and other benefits to which such applicants might consider themselves entitled.

In an earlier ruling, the Commission had already taken the view that, once serving employees were not considered eligible for internally-advertised posts in their current grade, any such employees who applied for posts in their current or a lower grade through a public call for applications, and who were successful, should be regarded as newly recruited employees for the purpose of promotion to higher grades. Therefore, their previous service was not to count for this purpose, unless the provisions governing career advancement in the relevant career stream also recognised service with other employers. The Commission delivered this particular ruling after an employee applied for a post in a lower grade which happened to be located in a different department, only to claim, after obtaining the post (thus effectively obtaining a transfer), that she should retain her previous grade and salary.

In the light of this ruling, the Commission took the view that paragraph 1.2.2.2 of the PSMC should be amended to apply both to internal and to public calls for applications. The Commission considered it legitimate on an employer’s part to debar employees from applying for vacancies if they already held indefinite appointments in posts identical to those advertised. Such a measure was justified since it would avoid administrative complications with respect to the determination of salary and eligibility for appointment to higher grades. As such, it could not be regarded as constituting discrimination. The Commission added that, if need be, an exception could always be made in the case of staff who wished to move from one area of specialisation to another within the same grade, provided that they were qualified to do so.

The Commission communicated its views to the Public Administration Human Resources Office, but the latter body was still considering the issue by the end of 2012.

Revisions to appointment procedures to better accommodate possible remedial action as a result of petitions

Prior to January 2012, the procedure that applied to the publication of selection results and the recommendation of appointments was as follows:

1. On the conclusion of the selection process, the selection board would submit its report and result to the Commission, with a copy to the responsible Head of Department.
2. On receipt of his or her copy, the Head of Department would submit his or her recommendation to the Commission in terms of paragraph 1.1.7.17 of the Public Service Management Code (see above) for the engagement of the first-placed applicant.
3. The Public Administration Human Resources Office (PAHRO) would then verify the vacancy to the Commission.
4. At this point, the Commission would publish the result of the selection process, provided that this result appeared in order.
5. Simultaneously with step 4, the Commission would submit its recommendation to the Prime Minister, in terms of article 110 of the Constitution, for the appointment of the first-placed applicant.

In January 2012, the Commission reviewed this procedure. The submission of recommendations for appointment simultaneously with the publication of the selection result (steps 4 and 5) enabled the Administration to fill vacancies with the least possible delay. However, this meant that if the Commission received a petition contesting the result, and this led the Commission to revise the result, the Commission might have to revoke the appointment of the first-placed applicant after he or she had already taken up the post. If the call for applications was a public call, and the incumbent was an external applicant, he or she would have no job to go back to. Unless the incumbent was complicit in the errors that might have taken place in the selection process - which would not necessarily be the case - the revocation of his or her appointment could well represent as great an injustice as that which the Commission would be seeking to resolve by revising the result.

The Commission therefore decided that, in the case of public calls for applications, it would consider publishing selection results immediately on the submission of the results by the selection board. Step 4 in the sequence above would thus take place immediately after step 1. The Commission would wait ten working days, the time allowed for applicants to submit petitions, before recommending the appointment of the successful candidate (step 5), provided that during this interval the Head of Department submitted his or her recommendation to the Commission (step 2) and PAHRO verified the vacancy (step 3).

This procedure gave the Commission the option of withholding its recommendation for an appointment if it received a petition from an

applicant contesting the result. In the event that the Commission found the petition to be justified, it would be in a position to consider remedial action without being faced with a *fait accompli* due to the fact that the vacancy had been filled.

Since this procedure would mean a delay in the filling of vacancies, the Commission decided that ministries and departments should have the option of requesting a waiver of the ten-working-day suspension of appointments in the case of posts which needed to be filled with urgency in the public interest. The Commission decided also that for the time being the new procedure should not apply to internally-advertised vacancies, since an internal applicant whose appointment was revoked would not lose his or her job, but would revert to his or her previous post in the Public Service. The Commission decided that, in future, it would consider extending the new procedure to internal calls for applications in the light of the experience obtained with external calls.

While considering a petition received in November 2012 in connection with an unrelated case, the Commission discussed whether the publication of a revised result should give rise to a fresh period of ten working days within which candidates could submit petitions contesting the result. The Commission decided that this should not be the case since, on each occasion that a petition led to a revised result, this could prompt further petitions, in consequence of which the selection process would be prolonged unreasonably. However, the Commission agreed that it was important to ensure that the interests of justice were satisfied with respect to any candidates whose ranking in the order of merit would drop as a result of the revision to the result.

Appointments following publication of selection results

In September 2012, the Commission drew the attention of the Public Administration Human Resources Office (PAHRO) and the Ministry of Finance, the Economy and Investment, to three particular calls for applications in respect of which interviews had been held and results had been published, but no funds had been made available for the vacancies to be filled. The calls for applications concerned paramedic posts in the Ministry for Health, the Elderly and Community Care (MHEC).

The Commission had approved the publication of the selection results for the three posts, but no appointments were made since MHEC failed to submit its recommendation to the Commission for the filling of the relevant vacancies as required by paragraph 1.1.7.17 of the Public Service Management Code. In response to a reminder from the Office of the Commission, the Ministry stated that it was not in a position to recommend appointments to the respective posts since there were no approved vacancies. The Commission then requested MHEC to clarify how the calls for applications for the posts in question had been issued, if there were no approved vacancies.

Subsequently, MHEC explained that in these as well as other cases, the issue of the call for applications had been approved by the Ministry of Finance with the proviso that the number of vacancies to be filled would

be discussed at a later stage. However, despite the fact that the posts had been included by MHEC in its financial submissions, none of the vacancies had been approved.

In its letter to PAHRO and the Ministry of Finance, the Commission expressed its concern that a situation where a selection result was published but no appointments were eventually made could be open to misinterpretation by applicants, particularly those at the top of the order of merit. This could affect public confidence in the selection process within the Public Service. Therefore, the Commission strongly recommended that at least one appointment should be made whenever a selection result was published, and that calls for applications should be issued only if this could be assured.

Meanwhile, MHEC committed itself to review the situation with the aim of identifying vacancies caused through resignations and terminations, and subsequently to proceed by requesting financial approval on an *ad hoc* basis for a number of vacancies in the relevant grades.

Provision of training for human resource managers in the Public Service

The Commission wrote to the Principal Permanent Secretary proposing that a programme of training in human resource (HR) management practices and procedures be established for Public Service staff who worked in this field. The Commission proposed that the programme should cover HR procedures specific to the Public Service, as well as generally applicable good practices in the field of HR management. The programme could take a modular form catering for officers with responsibilities for different HR-related areas.

The Commission stated that training modules should be assessed and, most importantly of all, the appointment of officers to HR-related positions - as well as the re-appointment of officers currently holding such positions - should be made dependent on their successfully completing the training, as attested by the assessment results.

The Commission made this proposal after encountering situations in which an HR manager in a ministry made a number of basic errors over a period of time in the application of HR procedures. The Commission took the view that this case raised wider concerns relating to the competence of public officers in line ministries and departments who were assigned HR-related duties. The Commission considered it important to ensure that those responsible for HR matters in ministries and departments had a firm grasp of relevant procedures and were in a position to ensure that those procedures were followed.

This proposal was taken forward during 2012 through meetings between representatives of the Office of the Commission and the Public Administration Human Resources Office, and by the delivery to HR managers of a training module on the drafting of calls for applications. This training module preceded the coming into force of amendments to the PSC Regulations whereby responsibility for the publication of calls for

applications was devolved to ministries and departments. However, this module has not, as yet, been integrated into an overall training syllabus in HR procedures with provision for an assessment of the knowledge gained by trainees, as proposed by the Commission.

Proposal for a Whistleblower Act

In June 2012 the Public Service Commission considered the Protection of the Whistleblower Bill, which had been presented in the House of Representatives and which was, at the time, awaiting its second reading.

The Commission took the view that the Bill was a positive measure which would undoubtedly contribute to improvements in the quality of governance by enabling individuals to reveal instances of improper practices by both private and public bodies. However, the Commission noted that the Bill required whistle-blowers to make disclosures only to a number of authorities designated in a schedule. The schedule indicated that disclosures of improper practices relating to “public administration” could be made only to the Corporate Governance Committee of the Cabinet Office.

The Commission noted that disclosures relating to public administration might include disclosures of alleged irregularities in selection and disciplinary procedures in the Public Service. Such matters fell within the competence of the Commission, as an independent constitutional body. Hence it appeared more appropriate for disclosures on such matters to be made to the Commission, rather than to an internal Government body such as the Cabinet Office. The Commission therefore considered it anomalous that the Bill did not recognise the Commission as the authority to which disclosures on selection and discipline in the Public Service should be made.

The Commission also observed that in terms of the Bill, a Public Service employee (like any other person) who blew the whistle on improper practices was entitled to protection against reprisals. Such reprisals might take the form of disciplinary measures, dismissal, suspension, demotion, transfer, or the denial of an appointment. The employee would, in terms of the Bill, be able to seek a court injunction indefinitely suspending any such measures against him or her, or a court order for the reversal of those measures.

The Bill could therefore be taken as granting the courts the power to suspend or even to annul selection and disciplinary processes in the Public Service, if staff believed that they were being victimised through such processes. In this respect, the Bill was in conflict with articles 110 and 115 of the Constitution, which placed such matters within the jurisdiction of the Commission rather than that of the courts.

The Commission noted that the Bill would naturally be subordinate to the Constitution, but it contained no saving clauses to make this clear. The Commission already had experience with court proceedings in which a selection process had been held up for several months, in spite of the fact that according to article 115 of the Constitution, the Commission

was not subject to the jurisdiction of the ordinary courts. On the basis of this experience, the Commission felt that the absence of saving clauses might result in selection and disciplinary processes being held up by court action in terms of the Bill for prolonged periods until, eventually, it was established that the court action was not valid in the first place.

The Commission noted that the Bill had yet to reach the committee stage in the House of Representatives. At this stage in the legislative process, it would be possible for amendments to be moved against specific clauses of the Bill. Amendments could therefore be presented with a view to addressing the Commission's concerns. The Commission accordingly decided to bring its concerns on the Bill to the attention of the Secretary to Cabinet with this end in mind.

B. Issues relating to disciplinary procedure

Simplification of disciplinary procedures in the Public Service

The Public Service Commission oversaw the publication of several amendments to the 1999 Disciplinary Regulations through Legal Notice 247 of 2012, which appeared in the Government Gazette on 24 July 2012.

The most significant amendment concerns the setting up of a standing disciplinary panel in each ministry, to be composed of suitable and competent former Public Service employees. Members of the standing disciplinary panel in each ministry will be available for appointment to disciplinary boards with a view to hearing disciplinary cases. The involvement of retired former staff in disciplinary boards is expected to enable the relevant boards to conclude their work more quickly and relieve public officers from such duties.

Another important amendment deals with "forced leave" in the case of an employee who is being investigated or has been arrested by the police in connection with a criminal investigation. This amendment caters for situations where the employee in question has not yet been charged with a crime, but the nature or the sensitivity of the suspected crime is such that it is considered inadvisable for the employee to continue performing his or her duties. This regulation enables the Head of Department to direct the employee to take up to five working days' vacation leave. The employee is bound to comply accordingly, but has the right to resume duties immediately upon expiry of the forced leave. Moreover, if the police investigation does not result in the arraignment of the employee, the forced leave is not deducted from the employee's vacation leave entitlement for the year in question.

The Regulations grant further disciplinary authority to line ministries, such that Permanent Secretaries are empowered to take disciplinary action in lieu of Heads of Department in cases when the involvement of a particular Head of Department in a disciplinary case is considered inappropriate or inadvisable. Moreover, the Permanent Secretary of the

relevant ministry is empowered to grant authorisation to an employee under temporary suspension who wishes to travel outside the Schengen area. The Permanent Secretary is required to consult the Commissioner of Police before granting such permission. Previously, only the Principal Permanent Secretary could authorise a suspended employee to travel abroad.

The term “temporary suspension” refers to what was known as “interdiction” before Legal Notice 247 of 2012 came into effect. Temporary suspension means the suspension of an employee on half-pay as a precautionary measure pending conclusion of disciplinary or criminal proceedings on serious charges. It differs from “definite suspension”, which is suspension without pay as a disciplinary penalty where an employee has been found guilty of disciplinary charges.

The salient points of Legal Notice 247 of 2012 amending the Disciplinary Regulations were brought to the attention of all public officers in December 2012 through a circular issued by the Public Administration Human Resources Office with the approval of the Commission.

However, despite the implementation of the above-mentioned amendments, the PSC kept the Disciplinary Regulations under review. In October 2012, the Commission presented a set of additional draft amendments to the Administration for its consideration.

The new draft amendments concerned mainly the provisions of the Regulations defining who may initiate disciplinary proceedings. Currently, the officers and other authorities with the power to institute disciplinary proceedings are listed not in the Regulations but in an instrument of delegation which was issued in 2000 by the Commission under article 110 of the Constitution, and which was published in the Government Gazette. This means that, to gain an understanding of disciplinary processes in the Public Service, one must consult two separate documents - the Regulations and the instrument of delegation.

The Commission therefore proposed, through the new draft amendments, that the list of officers and other authorities with the power to initiate disciplinary proceedings should be included in a new schedule to the Regulations themselves, as opposed to the instrument of delegation. This would result in the consolidation of the legal provisions governing discipline in one document, making the regulations more user-friendly. It would also enable the instrument of delegation itself to be considerably simplified.

The Commission also proposed extensive amendments to regulations 8 and 9 of the Disciplinary Regulations with a view to granting ministries and departments greater flexibility in the matter of who can exercise disciplinary control over a particular employee. Under the current Regulations, disciplinary control may be exercised only by the Director or other senior officer directly above the employee in the chain of command of the employee’s ministry or department. Instead, the proposed amendments would permit disciplinary control to be exercised by any officer at Director level or higher in the employee’s chain of command, as well as by the Director or other officer responsible for human resource management across the entire ministry. This would enable Permanent Secretaries and

Directors General to exert more direct control over discipline in their respective organisations. It would also enable Directors responsible for human resources to assume a role in disciplinary procedures in keeping with their general responsibilities.

The proposed amendments include safeguards designed to ensure that the flexibility thereby granted to ministries would be exercised in a manner consistent with the overriding requirements of transparency, fairness and justice towards individual Public Service employees.

The proposals submitted by the Commission also provide for the introduction of demotion as a penalty for a serious offence, in order to introduce an intermediate penalty between suspension without pay for up to five days and dismissal. This would represent a new alternative to dismissal in cases where an employee is considered unsuitable to continue working in his or her grade as a result of an offence which he or she has committed, but where it is felt that the employee should not be dismissed outright from Public Service employment.

Temporary suspension of staff

Regulation 12 of the Disciplinary Regulations provides for the temporary suspension of a Public Service employee from the exercise of the powers and functions of his or her office, in the case of an alleged serious offence. The temporary suspension of an employee on half pay is a precautionary measure that may be taken in the public interest when it is considered undesirable, due to the nature of the charges against the employee, for him or her to continue working until the case is decided.

Temporary suspension does not imply that the employee is being considered guilty: indeed, if the employee is cleared of the charges, the salary withheld during the period of temporary suspension will be restituted to him or her. Temporary suspension can be compared to the power of the courts to deny bail to a person accused of serious criminal charges and to keep him or her under preventive custody if this is justified in the public interest, notwithstanding the fact that the accused has not been convicted of the charges.

An employee may be temporarily suspended on account of either pending serious disciplinary charges, or criminal charges with a disciplinary dimension (such as fraud or embezzlement). The suspension of employees due to pending criminal charges has frequently given the Commission cause for concern on account of the excessive duration of many court cases, which raises legitimate questions about the hardship for employees who spend prolonged periods on half pay. Such cases represent also a burden to taxpayers and the Public Service, in that the suspended employees continue to be paid half their salaries although they are not working and providing a service. Moreover, these employees become entitled to their full salary for the entire period of the suspension if they are eventually acquitted by the courts.

On account of such concerns, the Commission had in past years adopted the policy of reviewing cases of employees on temporary suspension due

to criminal proceedings with a view to considering whether or not the employee could be allowed to return to work, even though the case against him or her was still pending. In February 2012, the Commission decided to carry out such reviews on a more regular basis. The Commission therefore introduced a new policy whereby, one year after the temporary suspension of an officer, and regularly thereafter, the Head of Department responsible for the employee concerned would be requested to submit his or her views to the Commission as to whether or not the temporary suspension should be lifted and the employee allowed to return to work.

To this end, the Commission sent letters to relevant Heads of Department informing them of the Commission's intention to retain temporary suspension beyond one year only where this was considered essential in the public interest, taking into perspective the hardship which a prolonged suspension was likely to pose to the employee concerned, as well as the concurrent burden to the Public Service and to the taxpayer. Within this context, Heads of Department were requested to take the following criteria into account when considering whether or not to recommend the lifting of employees' temporary suspension:

- the gravity of the criminal charges against the employee;
- the relationship between those charges and the employee's duties;
- whether the accused would be placed in a conflict of interest in performing his or her duties while the charges were still pending, or whether, in such a case, the employee could be assigned alternative duties that were appropriate to his/her grade and salary scale;
- whether there would be a risk of harm to other members of staff or to the public as a result of the accused resuming work;
- whether the accused would be in a position to tamper with any evidence in the possession of his or her department, or whether any witnesses in the case might be subject to influence or intimidation;
- the need to uphold public confidence in a department which was particularly sensitive to such public confidence, for instance departments connected with law and order, revenue-raising departments, and departments concerned with the care of minors or other vulnerable persons.

The initial response received by the Commission in reply to its letters indicated that few Heads of Department were willing to recommend the lifting of temporary suspensions, on account of the seriousness of the charges involved. This happened notwithstanding that the Commission had already refrained from sending such a letter to the Head of Department in cases, albeit few in number, where the charges against the suspended employee were particularly grievous.

In March 2012, the Commission decided that the principles mentioned above should also govern the initial decision to temporarily suspend employees on account of their arraignment on criminal charges. Heads of Department were thus required, through a circular issued by the Public Administration Human Resources Office (PAHRO), to refer to the same criteria when recommending to the Commission that an employee should be suspended on account of criminal charges. Heads of Department were required to specify which particular criteria applied in each case, and to confirm that they had considered these criteria against the potential hardship that the employee concerned would undergo whilst on temporary

suspension, as well as the burden that his or her suspension would pose to public funds and the Public Service in general.

Furthermore, Heads of Department were empowered to propose, as an alternative to suspension, that the employee concerned be assigned alternative duties commensurate with his or her grade and salary scale, if the risks associated with allowing the officer to continue reporting for duty could be addressed in this manner. In such a case the Head of Department was required to specify what alternative duties he or she proposed to assign to the employee concerned, either within the same department or - by agreement with the Permanent Secretary - elsewhere within the ministry concerned.

Grounds for withdrawal by members of a disciplinary board

Regulation 21(4) of the Disciplinary Regulations, as recently amended, stipulates that *“the Chairperson and Members serving on the Disciplinary Board shall not be connected with the case of discipline and they shall not be related up to the third degree to the officer charged”*. In January 2012, the Commission ruled that a disciplinary board member should be required to withdraw from the board, on account of a connection with the case, only if this connection took the form of direct involvement in the case or a material personal interest therein.

This issue was raised during an oral hearing held before the Commission in connection with two serious cases involving the same employee. The lawyer representing the accused employee claimed that the Disciplinary Board that had heard both cases could not be impartial, since its Chairperson also headed the Customer Care Unit of the Department in question. Disciplinary proceedings against the accused had been instituted as a result of complaints that had been handled by staff in the Customer Care Unit. The lawyer representing the accused argued that this represented a conflict of interest on the part of the Chairperson of the Disciplinary Board.

However, the Commission took the view that it was the Head of Department who was ultimately responsible for customer care in his department. The Chairperson of the Disciplinary Board had assumed responsibility for customer care on behalf of his Head of Department. If one accepted that an officer should withdraw from a disciplinary board because that officer had been assigned responsibility for customer care, one should equally accept that since the Head of Department was ultimately responsible for customer care, the Head would be in a conflict of interest if he or she instituted disciplinary proceedings against a member of staff who failed to give a satisfactory service to the public. This would be illogical.

In this context the Commission noted that, in a judgement dated 14 December 2009, the Constitutional Court had taken the view that a disciplinary board fulfils a fact-finding role on behalf of the Head of Department. It is up to the Head of Department to decide on a penalty. The rights of the accused are safeguarded by the fact that he or she may appeal before the Public Service Commission, which is an independent body.

On the basis of the above, the Commission concluded that the considerations put forward by the representative of the accused did not necessitate the withdrawal of the Chairperson of the Disciplinary Board. Accordingly, the Commission ruled that the proceedings of the Disciplinary Board were valid.

A disciplinary case cannot be discontinued because the injured party drops charges

Following a request for direction made by the Public Administration Human Resources Office (PAHRO), the Commission ruled in January 2012 that a disciplinary case should not be discontinued because the employee who reported the offence wished to drop the charges, even if this employee was the injured party in the case. The case involved alleged threats and violent behaviour by the accused towards the employee who reported the case.

During its consideration of the case, the Commission took the view that once a report had been made to the Head of Department, the latter was duty bound to take appropriate disciplinary steps. If cases were to be discontinued at the request of the injured party, this could result in the injured party's being put under pressure to drop charges by other parties to a case. This would be seriously detrimental to the maintenance of discipline in departments.

Meanwhile, the Commission was also informed that the injured party did not wish to attend any disciplinary board hearings unless she was accompanied by her lawyer.

In the circumstances, the department sought the Commission's advice on the following points:

- whether a witness could refuse to attend disciplinary board hearings, considering that the defence lawyer needed to make his counter-examination;
- in the eventuality that the witness continued to insist that she should not attend disciplinary board hearings, what action could be taken by the respective Director; and
- whether a witness could be accompanied by a lawyer during disciplinary board hearings.

The Commission advised the department that, given the very serious nature of the charges involved, it was imperative that the disciplinary proceedings against the accused should continue. The Commission took the view that the injured party was obliged to give testimony as requested, so that the case would not be jeopardised. Hence appropriate action was to be taken against her if she failed to give evidence when requested.

The Commission also advised that the legal officer of the department should be present in the case and should intervene as necessary in the interest of the department and the injured party. With regard to the request of the injured party to be assisted by her own lawyer, the Commission agreed that the injured party was entitled to be represented at the hearing by a person

of her choice, if she felt this was necessary in addition to the presence of the department's lawyer. However, the injured party or her representative was to make any interventions only through the departmental representative.

Heads of Department are not precluded from giving evidence before disciplinary boards

In August 2012 the Chairperson of a disciplinary board requested the Commission's guidance regarding an objection raised during its proceedings by the representative of the employee facing charges. The defence had objected to the fact that the Head of Department had been called as a witness, on the grounds that his testimony would be based on hearsay, and also because the same officer had issued the charges against the defendant.

The Commission took the view that the defendant's representative had no way of knowing in advance whether the testimony to be given by the Head of Department would be based on hearsay. Moreover, the validity of the evidence given by a witness should be assessed independently of the identity of the witness. The Disciplinary Board should determine during the course of the hearing whether or not the evidence of each witness was reliable.

With regard to the objection to the calling of the Head of Department as a witness on the grounds that he had issued the charges against the defendant, the Commission took the view that the officer who issued charges was not precluded from giving evidence to the Disciplinary Board in respect of those charges. It was up to the Disciplinary Board to decide what weight to place on that evidence, and to determine whether or not the officer charged was guilty. The Commission therefore ruled that the Head of Department could be called to give evidence in the disciplinary case.

An act of whistle-blowing considered as a mitigating factor that merited reduction in a disciplinary penalty

The Commission considered an appeal in the case of a member of staff at a state school, who had been found guilty of arrogant and abusive behaviour towards her Head of School, and with having been a bad example to other employees and to the students. A penalty of suspension without pay for one day had been imposed on the member of staff as a result of this case.

During the appeal hearing, which was held by the Commission in July 2012, the lawyer representing the defendant claimed that the defendant had been victimised by her Head of School for reporting irregular practices in the school's tuck shop. The lawyer contended that instead of taking action to address these irregularities, which amounted to a breach of the Food Safety Act, the Head of School had victimised the defendant.

The defendant's representative argued that the Disciplinary Board should have taken account of the context of the case, the motivation of

those involved, and the mitigating factors. Instead, the defence stated, the Chairperson of the Disciplinary Board had refused to consider any such matters on the grounds that these were not within the Board's terms of reference.

The hearing before the Commission was attended by Director General (Educational Services), who stated that the defendant should have reported the alleged tuck shop irregularity to her as the Head of Department. Instead, the defendant had made her report to an officer in the secretariat of the Minister of Education. On learning of the situation, Director General (Educational Services) had set up a fact-finding board to conduct an investigation into the alleged irregularity. This investigation resulted in the initiation of disciplinary proceedings against the Head of School.

The Commission subsequently noted, on consideration of the facts that emerged from the hearing, that the allegation of insubordinate behaviour which the Head of School had made in relation to the defendant had been confirmed by witnesses. The Commission considered also that the defendant had a right to question a superior officer, but not in an arrogant or aggressive manner, and not by using offensive language. Moreover, the defendant had not followed the proper channels of representation when she had reported food safety irregularities in the tuck shop.

On the other hand, however, the Commission noted that the reporting of irregularities by the defendant represented an act of whistle-blowing which appeared to be justified by the fact that disciplinary action had been initiated against the Head of School. This was a mitigating factor in the defendant's favour which merited being taken into account, although it did not excuse her behaviour.

With these considerations in mind, the Commission decided that the penalty imposed on the defendant was to be reduced to the minimum possible. Using its discretion under regulation 3(2) of the Disciplinary Regulations, the Commission recommended the imposition of a written warning in terms of regulation 19 in lieu of the one-day suspension originally imposed on the defendant.

Serious shortcomings in the administration of disciplinary procedures

During 2012, the Commission was constrained to rebuke the Ministry for Health, the Elderly and Community Care (MHEC) for a number of flaws in the administration of disciplinary procedures. Of most concern was the fact that serious shortcomings had led the Commission to revoke disciplinary penalties or to annul disciplinary proceedings.

A case in point was that of an Enrolled Nurse who had been given a written warning following the conclusion of disciplinary proceedings. However, since the charges in this case had been classified as potentially leading to dismissal, the employee in question should have been granted an oral hearing before the Commission prior to the imposition of a penalty, in accordance with regulation 26(2) of the Disciplinary Regulations. This indicated a lack of knowledge of the Disciplinary Regulations by the MHEC

employees responsible for the administration of disciplinary procedures. The Commission annulled the penalty imposed by the Department and agreed to grant the officer in question the opportunity to make oral representations to the Commission in terms of regulation 26(2)(b).

When the hearing was held, however, it turned out that the Ministry had given the defendant very short notice of the hearing, although clear instructions had been communicated by the Office of the Commission well in advance of the date of the hearing. The defendant's superior officer, who should also have attended the hearing, had not been informed by the responsible officer. As a result of these repeated failings on the responsible officers' part, the Commission dismissed the case in June 2012 and considered the defendant not guilty.

As a result of various cases, the Commission summoned the Director and staff responsible for the administration of discipline in the Ministry to a meeting in order to discuss its concerns. During the meeting, the Commission emphasised the importance of dealing with disciplinary cases expeditiously and correctly, since cases could be annulled on account of procedural errors even if the accused was guilty of the charges. Furthermore, unnecessary delays had a negative effect on the individual. During the meeting, it was agreed that remedial action would be taken as a matter of urgency by MHEC.

Eventually, in November 2012, the Commission was informed by MHEC that in order to improve internal communication and to avoid a recurrence of the situation, the Discipline Section of the Ministry had reviewed its business process and internal communications. A database of all disciplinary cases had been set up and was being updated regularly so as to keep track of the status of every case.

Non-imposition of disciplinary penalty due to inaction over a PSC recommendation

In October 2012, the Office of the Commission sent a reminder to the Principal Permanent Secretary concerning a particular disciplinary case, involving an Assistant Director, which had been outstanding for two years.

Proceedings against the employee in question had been instituted in 2010 for disobeying rules and breaching the Code of Ethics. Since the case was considered to be potentially leading to dismissal, the report of the Disciplinary Board was referred to the Commission for a final decision in accordance with regulation 26(2) of the Disciplinary Regulations. The Board had found the defendant to be guilty. The Commission upheld the conclusions of the Disciplinary Board, although it took the view that the case did not warrant the dismissal of the defendant. In September 2010, the Commission submitted a recommendation to the Prime Minister under article 110 of the Constitution for the imposition of a definite suspension of five days without pay on the defendant.

According to article 86 of the Constitution, the Prime Minister is expected to act on a recommendation of the PSC, unless he opts to

refer the recommendation back to the Commission for reconsideration. If, having reconsidered the case, the Commission confirms its original recommendation, this then becomes binding.

According to established practice, the Prime Minister signs PSC recommendations to indicate his acceptance. The date of the Prime Minister's signature is considered the date on which the recommendation becomes effective as a legal instrument authorising and mandating the action set out in the recommendation. In this case, however, the Commission's recommendation of September 2010 was neither signed nor referred back by the Office of the Prime Minister. The Commission's file on the case, which had been sent to the Office of the Prime Minister along with the Commission's recommendation, was not returned. As a result, the penalty decided by the Commission, as the competent authority under the Constitution, was not put into effect, and the provisions of articles 86 and 110 of the Constitution remained inoperative.

VI. Other Business of the Commission

Ombudsman

During 2012, the Office of the Ombudsman corresponded with the Public Service Commission on five cases relating to complaints made to the Ombudsman, as shown in *Appendix 12*. The Commission extended the fullest possible assistance to the Ombudsman, as regards both replying to queries and making relevant documentation available to the Ombudsman's Office.

The Commission also noted the final position of the Ombudsman, which was submitted in respect of four of the cases. In each instance, the Ombudsman concluded that the Public Service Commission had given due consideration to the petitions it had received, and that the decisions it had taken in regard to the cases under consideration were within its functions and competence.

One of the cases concerned a candidate who was next in line in the order of merit for the post of Assistant Principal Medical Laboratory Technologist, but who was not recommended for appointment by the health authorities, notwithstanding that a vacancy existed and that the result of the selection process was still valid. The Ombudsman upheld the candidate's complaint that she had been denied an appointment. However, the validity of the result had expired by the time the Ombudsman issued his final opinion on the case. Normally, if a post becomes vacant after the selection result for that post has expired, an appointment cannot be made on the basis of the result, and a fresh call for applications has to be issued. The Ombudsman acknowledged, therefore, that it was up to the Commission to decide what action to take in the circumstances.

In fact, the Commission did eventually recommend the appointment of the candidate concerned. The Commission took this decision in line with its standing policy that a vacancy which emerges during the validity period of the result can be filled by the next candidate in line in the order of merit, even if the validity period of the result expires by the time action is taken to fill the vacancy. The Commission considered that an applicant should not suffer the consequences of an administrative delay which was not of his or her own making.

The same policy was again followed by the Commission with respect to a similar case concerning an appointment to the position of Orthopaedics Nurse. In effect, the person involved in the latter case submitted his complaint to the Commission after being directed to do so by the Ombudsman.

While other relevant information on the cases that were the subject of correspondence between the Ombudsman and the Commission is given in *Appendix 12*, it is worthwhile mentioning here some particular considerations as expressed by the Ombudsman in one of his final opinions. The selected considerations, which by way of general observation should be of interest to the reader, focused mainly on issues raised by the petitioner concerning the objectivity of interviews conducted by selection boards.

The Ombudsman regarded his role in the case (in which, incidentally, he did not uphold the petitioner's complaint) as that of assessing whether the PSC had given due consideration to the issues raised in the petition, and whether there was anything in the process which appeared to be contrary to law or was unjust, improperly discriminatory, based on errors of law or fact, or otherwise wrong. The Ombudsman stated that it was not his function to conclude that the result of an interview was unfair, mistaken or unjust, when it resulted that the selection process was valid **and** there was no clear evidence that the process had not been conducted fairly or was not in line with the selection criteria approved by the Commission before the commencement of the selection process.

The Ombudsman also found occasion to stress that it was imperative for him **not** to decide or comment on how the selection criteria were set. In fact, he argued in this respect that *“even if, for the sake of argument, the Ombudsman is not in agreement with the criteria/sub-criteria applied in the process, he will not intervene unless it results that these were intended in advance to favour a particular candidate. Nor does he criticise the application of the selection criteria once they were uniformly applied. The Ombudsman does not substitute a subjective assessment of the Selection Board by his own. For this reason, unless there is clear proof which indicates an irregularity in the process or that any action or decision of the Selection Board was manifestly wrong in respect of the interview of the candidates involved, there is no room for a differing opinion from the Ombudsman.”*

Often, petitioners raise the issue that different selection boards award different marks to the same candidate under the same criteria. On this point, the Ombudsman emphasised that no two selection processes were identical, and that the marks awarded in one process could not be compared to those awarded in other selection processes. The Ombudsman also concurred with the opinion of the PSC in this respect, stating that: *“success in a selection process for one position should not, and does not, guarantee a similar result in the selection process for similar positions”*.

With reference to selection processes for high-level posts, the Ombudsman considered that it was vital that the selected candidates should be those who had shown a clear vision, sense of direction and aptitude to manage and lead. The latter were attributes that could only be positively assessed through a subjective appraisal of a candidate's qualities and performance. The Ombudsman made it clear that long years of service and academic qualifications, while valid and important, were no guarantee in their own right of successful performance in high positions, given the demanding nature of such positions.

Thus, the Ombudsman contended that the selection board could not - and should not - suspend its own judgement of the candidates and rely solely on the references and appraisals presented by candidates. In this respect, the Ombudsman considered that: *“Selection interviews, despite any inherent deficiency, remain the recognised mechanism for the filling of vacancies and the decision of the Board cannot be overruled by any verifying institution unless evidence of proven irregularity or objectively verified mistakes in the award of marks is found. References, testimonials and Performance Reviews could not supersede the interview process or findings.”*

Meetings with the Principal Permanent Secretary and other officials

The Commission and the Principal Permanent Secretary met on several occasions during the year to discuss outstanding issues with the Administration and other business of the Commission. Amongst the particular issues discussed during these meetings, there were those related to consultations by the Administration with trade unions and the collective agreement for Public Service employees. Other important matters that were discussed with the Principal Permanent Secretary concerned the selection process for headship positions, mentorship programmes for senior public officers, engagements on trust, and the grant of tenure in a higher scale, as well as the full implementation of the Public Administration Act. The implications of the Whistleblower Bill were also dealt with during meetings held with the Principal Permanent Secretary and the Attorney General.

As envisaged by the Public Service Commission Regulations, the Commission also held consultations with Permanent Secretaries, Heads of Departments and selection boards whenever this was considered necessary. This was done on 16 occasions during 2012 through *ad hoc* meetings with the full Commission or with the Chairman.

Gender mainstreaming in practice

Gender mainstreaming is safeguarded in practice by the Public Service Commission through the fulfilment of its constitutional role of ensuring that the selection process in the Public Service is transparent, free from patronage and discrimination, and in accordance with the principles of merit and equity. To this end, the Commission issued its own guidelines to selection boards (now available also on the PSC website) whereby it is specified that selection boards must not discriminate on the grounds of gender or family responsibilities, and must ensure equality of opportunity during the selection process. Paragraph 1.1.7.9 of the Public Service Management Code (PSMC) sets out rules to be followed in this regard. In cases of any alleged form of discrimination concerning a public appointment, the aggrieved person has the opportunity to seek redress by means of a petition before the Commission.

Moreover, in May 2012, the Public Service Commission approved amendments to the Public Service Management Code concerning the gender dimension in the composition of selection boards, as well as in the composition of reviewing panels set up to consider petitions by officers who are rated below “*qualified*” as regards merit for promotion. Thus, the Code now specifies, in paragraphs 1.1.6.4 and 1.3.2.7 respectively, that both bodies should as far as possible include members of both genders. These amendments were proposed by the Public Administration Human Resources Office (PAHRO) following recommendations by the National Commission for the Promotion of Equality.

Gender mainstreaming is also reflected in the organisational setup and procedures of the Public Service Commission. Three out of the five members of the Commission during 2012 were women, with one of these being the

deputy chairperson. With regard to the 18 members of staff serving at the Office of the Commission as at the end of 2012, nine were women occupying different levels of responsibility. During 2012, four employees - three women and one man - benefited from family-friendly measures in the form of reduced working hours. An additional female employee, not included in the total of 18 serving staff, has been on a career break since 2009. Furthermore, training opportunities were offered to employees irrespective of their gender but according to competency requirements.

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 and at different levels in the Ministry of Education until, early 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 he also represented Malta in several Council of Europe and European Union meetings. For several years, he produced and presented programmes both on radio and television. He has been active in non-governmental organisations and since 2004 he has been Council member and president of the Saint John's Co-Cathedral Foundation.

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 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 and, in November 2012, she was awarded a Master's degree in English by the University of Malta.

Mr Tonio Farrugia

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

Mr Farrugia retired from the 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. Before joining 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

01.09.1986 - 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 Designate

06.07.1960 - 16.12.1960

Mr H Miller, Secretary

17.12.1960 - 23.03.1969

Mr G Soler, Secretary

24.03.1969 - 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

01.01.1984¹ - 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

¹ 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.

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 -

Appendix 4:**Office of the Public Service Commission****(i) Staff complement**

Staff in post as on 31st December 2012	
Category	No of employees in post
Senior management	Executive Secretary and Two Assistant Directors
Compliance and support staff	One Officer in Grade 5 One Compliance Officer (Legal), and One Research Officer
Administrative staff	Two Principals and one Asst. Principal
Executive staff	Two Executive Officers
Clerical staff	One Senior Clerk and five Clerks
Messengerial staff	One Messenger
Total	18

(ii) Commission's expenditure

Expenditure for the year 2012	
Item	€
Emoluments of the Chairman, Deputy Chairperson and Members of the Commission	83,284
Emoluments of the public officers attached to the Office of the Public Service Commission	320,644
Social security contributions	26,632
Operational and maintenance expenses	29,735
Total	460,295

Appendix 5:

Comparative Analysis of Selection Processes in the Public Service

Action	Accountability for Action ¹	Average Number of Days from Preceding Action											
		1993/1994	2001/2002	2003/2004	2005	2006	2007	2008	2009	2010	2011	2012	
1 Request for PSC authority to issue call for applications ²	HD	0	0	0	0	0	0	0	0	0	0	0	0
2 Request for approval of selection board/criteria ^{2,3}	HD	46.52	5.68	15.66	6.04	12.54	2.70	2.80	0.07	0.44	0.13	0.12	0.12
3 Verification of call for applications ²	MPO/PAHRO	39.8	52.84	36.9	69.31	56.33	33.18	54.55	53.64	28.79	45.83	11.27	11.27
4 Clarification/s sought by PSC	PSC	8.26	4.02	3.8	0	0	0	0	0	0.05	0	0	0
5 Response by Head of Department to PSC queries ²	HD	24	9.56	8.44	0	0	0	0	0	0.57	0	0	0
6 PSC approval of issue of call/selection board/criteria ⁴	PSC	49.2	18.9	7.74	6.13	6.07	7.70	8.45	7.33	6.13	5.49	11	11
7 Publication of call for applications	Other	7.22	12.72	7.78	8.63	6.56	7.48	9.55	20.28	5.59	6.39	8.76	8.76
8 Closing date for submission of applications	Other	25.94	26.2	22.8	21.94	23.17	23.08	21.40	22.35	22.68	23.01	22.45	22.45
9 Holding of interviews	SB	100.6	60.1	53	58.63	59.54	51.42	82.07	54.93	54.48	56.73	71.76	71.76
10 Submission of report by selection board ²	SB	20.58	9.5	14.24	10.52	18.02	11.92	15.49	12.79	13.65	14.29	9.36	9.36
11 Recommendation by Head of Department ²	HD	15.78	17.72	12.62	19	15.07	14.50	15.27	10.01	10.81	12.61	12.13	12.13
12 Verification of vacancy ²	MPO/PAHRO	8.24	9.98	4.94	5.54	9.13	6.96	11.96	3.80	4.01	3.51	5.96	5.96
13 Clarification/s sought by PSC	PSC	2.9	2.58	0.76	0.22	0.30	1.40	0.59	0.64	0.47	0.59	0	0
14 Response to PSC queries ²	SB ⁵	6.82	9.56	2.42	1.22	4.17	0.90	3.13	2.55	1.27	3.73	0	0
15 Recommendation by PSC	PSC	16.54	18.3	6.6	6.06	6.81	8.94	6.36	8.25	9.12	6.65	12.6	12.6
16 Prime Minister's signature	MPO/PAHRO	7	7.74	7.58	7.72	14.33	13.60	8.12	7.23	7.89	10.71	7.68	7.68
Total Duration of Selection Process		379	265	205	221	232	182	236	203	166	190	173	173
		54	38	29	32	33	26	34	29	24	27	25	25
		weeks	weeks	weeks	weeks	weeks	weeks	weeks	weeks	weeks	weeks	weeks	weeks

¹ Key: HD - Head of Department; MPO/PAHRO - Management and Personnel Office, or Public Administration HR Office from 2010; PSC - Public Service Commission; SB - selection board.

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

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

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

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

Appendix 6:

Public Calls for Applications

(i) Calls for applications advertised in the Government Gazette – total 190

Office of the Prime Minister

1. Information Executive to act as Information Point (National Coordination Authority) for the Cross-Border Cooperation Programme Italy-Malta 2007-2013 in the Funds and Programmes Division, Office of the EU Funds
2. Photographer, Electoral Office
3. Programme Manager (Risk Management), Internal Audit and Investigations Department
4. Programme Manager (Assurance), Internal Audit and Investigations Department
5. Technical Attaché (EU Funds, Programmes and Staffing), Permanent Representation of Malta to the EU
6. Information Officer, Department of Information
7. Systems Administrator (Managing Authority), Planning and Priorities Co-Ordination Division
8. Senior Manager (Support Services), Office of the EU Funds
9. Research Officer, Permanent Representation of Malta to the European Union
10. Compliance Officer, Public Service Commission
11. EU Fund Officer, Malta Public Service
12. Assistant Clerk, Malta Public Service
13. Clerk, Malta Public Service
14. Executive Officer, Malta Public Service
15. Principal, Malta Public Service

Ministry for Gozo

1. Consultant Anaesthetist (Gozo General Hospital), Customer Services Directorate
2. Consultant Paediatrician, Department of Paediatrics (Gozo General Hospital), Customer Services Directorate
3. Consultant Physician in the National Health Service (Gozo General Hospital), Customer Services Directorate
4. General Practitioner in the National Health Service Department (Gozo General Hospital and Health Services), Customer Services Directorate
5. Consultant Orthopaedic Surgeon in the National Health Service (Gozo General Hospital), Customer Services Directorate
6. Consultant Radiologist in the National Health Service (Gozo General Hospital), Customer Services Directorate

Ministry for Infrastructure, Transport and Communications

1. Technical Attaché (Telecommunications and Aviation), Permanent Representation of Malta to the EU

Ministry for Resources and Rural Affairs

1. Clerk for the Life+ Project - Information and Communications Campaign for the Proper Use and Management of Nitrates in Agriculture and Livestock Breeding, Rural Development and Aquaculture Department
2. Scientific Officer for the Life+ Project - Information and Communications Campaign for the Proper Use and Management of Nitrates in Agriculture and Livestock Breeding, Rural Development and Aquaculture Department
3. Project Manager for the Information and Communications Campaign for the Proper Use and Management of Nitrates in Agriculture and Livestock Breeding
4. Compliance Officer, Fisheries Control Directorate
5. Scientific Officer, Fisheries Control Directorate
6. Chief Fisheries Protection Officer, Fisheries Control Directorate
7. Head at the Building Regulations Office
8. Trainee Fisheries Protection Officer, Fisheries Control Directorate
9. Scientific Officer for the Life+ Project - Information and Communications Campaign for the Proper Use and Management of Nitrates in Agriculture and Livestock Breeding
10. Trainer for the Life+ Project - Information and Communications Campaign for the Proper Use and Management of Nitrates in Agriculture and Livestock Breeding
11. Gardener, Parks and Initiatives Directorate
12. Senior Manager (Fisheries Management), Fisheries Control Directorate
13. Economics Officer, EU Affairs Directorate
14. Scientific Officer
15. Scientific Officer, Malta Aquaculture Research Centre
16. Graduate Engineer (Electrical)/Junior Engineer (Electrical)
17. Manager (Land Parcel Identification System), Paying Agency
18. Technical Attaché - Agriculture (Horizontal), Permanent Representation of Malta to the EU
19. GAP II Project Officer (Technical), Fisheries Control Directorate
20. Graduate Engineer (Mechanical)/Junior Engineer (Mechanical)/Engineer (Mechanical)
21. Weigher, Civil Abattoir, Rural Development and Aquaculture Department
22. Junior Architect and Civil Engineer/Architect and Civil Engineer, Maintenance Directorate, Works and Services Department
23. Junior Architect and Civil Engineer/Architect and Civil Engineer, Restoration Directorate, Works and Services Department
24. Manager (Cross Compliance), Paying Agency
25. Trainer for the Life+ Project - Information and Communications Campaign for the Proper Use and Management of Nitrates in Agriculture and Livestock Breeding
26. Assistant Veterinary Support Officer/Veterinary Support Officer, Veterinary and Phytosanitary Regulation Department

27. Junior Veterinary Officer/Veterinary Officer, Veterinary and Phytosanitary Regulation Department
28. Scientific Officer, Valley Management Unit, Works and Services Department
29. Procurement Manager, Procurement and Supplies Directorate, Support Services Division
30. Pharmacist, Veterinary and Phytosanitary Regulation Department
31. GAP II Project Officer (Technical), Fisheries Control Directorate

Ministry for Home and Parliamentary Affairs

1. Psychologist, Directorate of Probation and Parole
2. Probation Officer, Directorate of Probation and Parole
3. Psychologist, Correctional Services Department

Ministry for Home Affairs

1. Administrative Officer, ERF Project (Putting Integration into Perspective: Studying Integration Efforts of Beneficiaries of International Protection and Identifying Areas where Special Input is Needed), Office of the Refugee Commissioner
2. Project Officer, ERF Project (Putting Integration into Perspective: Studying Integration Efforts of Beneficiaries of International Protection and Identifying Areas where Special Input is Needed), Office of the Refugee Commissioner
3. Project Officer in relation to the implementation of the Exs4all project
4. Assistant Correctional Manager (Operations), Department of Correctional Services
5. Correctional Supervisor, Department of Correctional Services
6. Liaison Officer (Victim Support Unit), Directorate of Probation and Parole
7. Parole Clerk, Department of Correctional Services
8. Social Worker, Correctional Services Department
9. Correctional Officer, Department of Correctional Services
10. Junior Legal Officer, Public Registry

Ministry of Education and the Family

1. Service Manager (School Resource Management), Directorate for Educational Services
2. Education Officer, Quality and Standards in Education
3. Learning Support Assistant I, Directorate for Educational Services
4. Head of School, Directorate for Educational Services
5. Head of Resource Centre, Directorate for Educational Services
6. Teacher, Directorate for Educational Services
7. Service Manager (Human Resources Development), Directorate for Educational Services
8. Officer-in-charge Standards and Qualifications in the Malta Qualifications Council
9. Head of School to serve in Gozo, Directorate for Educational Services

10. Technical Attaché (Employment and Social Policy - Horizontal Support), Permanent Representation of Malta to the EU
11. Part-time Clerks in State Schools, Directorate for Educational Services
12. Education Officer, Directorate for Quality and Standards in Education
13. College Principal
14. Research Analyst, Office of the Permanent Secretary
15. Scholarship Administrator, Directorate for Lifelong Learning
16. Academic Principal, Directorate for Lifelong Learning
17. Service Manager (Student Services), Directorate for Educational Services
18. Assistant Director, Directorate for Quality and Standards in Education

Ministry of Finance, the Economy and Investment

1. Technical Attaché (Competitiveness), Permanent Representation of Malta to the EU
2. Manager (Financial Accounting), Treasury Department
3. Procurement Manager (Electronic), Contracts Department
4. Technical Attaché (State Aid and Fiscal Affairs), Permanent Representation of Malta to the EU
5. Programme Manager (Finance), Financial Management Monitoring Unit
6. Economics Officer
7. Programme Manager (Budget)
8. Senior Economist, Economic Policy Department
9. Technical Attaché (Trade), Permanent Representation of Malta to the EU
10. Senior Manager (IT), Customs Department
11. Research Analyst
12. Economics Analyst, Economic Policy Department
13. Programme Manager (EU Paying Authority)
14. Senior Finance Manager, Financial Policy and Management Division
15. Payment Coordination Officer (EU Funds Management Unit), Treasury Department
16. Economics Officer, Economic Policy Department

Ministry for Health, the Elderly and Community Care

1. Consultant (Accident and Emergency)
2. Consultant (Geriatrics)
3. Consultant Anaesthesia with an interest in pain management
4. Consultant Anaesthesia
5. Consultant Medicine (General/Acute Medicine)
6. Consultant Medicine (Diabetes and Endocrinology)
7. Consultant (General Surgery)
8. Consultant (Acute and Emergency Surgery)
9. Consultant (Radiologist)
10. Consultant (Radiotherapy and Oncology)
11. Consultant Psychiatrist with an interest in forensic psychiatry

12. Consultant (Public Health) with an interest in emergency preparedness
13. Physiotherapist
14. Resident Specialist (Ophthalmology)
15. Resident Specialist (General Medicine)
16. Resident Specialist (Orthopaedics)
17. Resident Specialist (Cardiology)
18. Basic Specialist Trainee (Psychiatry)
19. Basic Specialist Trainee (Accident and Emergency)
20. Basic Specialist Trainee (Anaesthesia)
21. Basic Specialist Trainee (Medical Imaging)
22. Basic Specialist Trainee (Public Health)
23. Basic Specialist Trainee (Pathology)
24. Basic Specialist Trainee (Obstetrics and Gynaecology)
25. Basic Specialist Trainee (Medicine)
26. Basic Specialist Trainee (Surgery)
27. Basic Specialist Trainee (Ophthalmology)
28. Basic Specialist Trainee (Haematology)
29. Podologist (Podiatrist)
30. Midwife on a full-time basis/part-time basis
31. Dental Surgeon
32. Staff Nurse
33. Medical Officer (General Practice Trainee)
34. Radiographer (Diagnostic)
35. Prosthetic Orthotic Technician
36. Pharmacist
37. Pharmacy Technician
38. Speech Therapist
39. Chief Scientific Officer (Prosthetist/Orthotist)
40. Psychologist/Trainee Psychologist (Clinical)
41. Dental Surgery Assistant
42. Clinical Chairperson (Haematology and Oncology)
43. Clinical Chairperson (Pathology)
44. Clinical Chairperson, Department of Cardiac Services
45. Clinical Chairperson, Department of Child and Adolescent Health
46. Clinical Chairperson, Department of Geriatrics
47. Clinical Chairperson, Department of Medical Imaging
48. Clinical Chairperson, Department of Neurosciences
49. Clinical Chairperson, Department of Surgery
50. Consultant Medical Imaging with an Interest in Paediatric Medical Imaging
51. Resident Specialist (Accident and Emergency)
52. Resident Specialist (Obstetrics and Gynaecology)
53. Resident Specialist (Anaesthesia)
54. Resident Specialist (Paediatrics)
55. Basic Specialist Trainee (Paediatrics), Child and Adolescent Health Department
56. Resident Specialist (Neurology)
57. General Practitioner
58. Medical Physicist Trainee
59. Resident Specialist (General Surgery)
60. Consultant Medicine (Diabetes and Endocrinology)
61. Resident Specialist (Accident and Emergency)
62. House Officer
63. Resident Specialist (Urology)

64. Medical Laboratory Technologist
65. House Surgeon (Dentistry)
66. Social Worker
67. Health Inspector
68. Resident Specialist (Public Health)
69. Resident Specialist (Geriatrics)
70. Social Worker
71. Health Inspector

Ministry for Tourism, Culture and the Environment

1. Green Public Procurement Officer, Tourism and Sustainable Development Unit

Ministry for Justice, Dialogue and the Family

1. Junior Legal Officer, Department for Industrial and Employment Relations
2. Research Analyst, Domestic Violence Commission
3. Technical Attaché, Law and Judicial Cooperation, Permanent Representation of Malta to the EU
4. Junior Legal Officer, Courts of Justice
5. Research Officer, Department for Social Welfare Standards
6. Junior Legal Officer, Department for Social Welfare Standards
7. EIRA Inspector, Department of Industrial and Employment Relations

Ministry for Fair Competition, Small Business and Consumers

1. Senior Systems Administrator, Government Property Department
2. Case Officer (State Aid), Office of the Permanent Secretary
3. Technician, Government Property Department
4. Economics Officer
5. Manager (Revenue), Government Property Department
6. Notary, Government Property Department
7. Scientific Officer, Commerce Department
8. Case Officer (State Aid), Office of the Permanent Secretary

Ministry of Foreign Affairs

1. Technical Attaché (Legal), Permanent Representation of Malta to the EU
2. Research Officer (Legal), Permanent Representation of Malta to the EU
3. Visa Officer, Central Visa Unit

**(ii) Call for applications advertised in the
International Journal of Audiology – total 1**

1. Expatriate Audiologist on Locum Basis, Ministry for Health, the Elderly and Community Care

**(iii) Calls for applications issued by ministries and
advertised in the Government Gazette under
authority of the PSC¹ – total 38**

Office of the Prime Minister

1. Project Administrator, Operations and Programme Implementation Directorate
2. European Social Fund (ESF) Project Administrator, Human Resources Management Systems Directorate, PAHRO

Ministry for Gozo

1. Construction Site Manager, Projects and Development Directorate
2. Consultant Surgeon in the National Health Service, Customer Services Directorate
3. Graduate Engineer/Junior Engineer (Electrical), Projects and Development Directorate
4. Resident Specialist (Psychiatry), Gozo General Hospital, Customer Services Directorate
5. Junior Architect and Civil Engineer/Architect and Civil Engineer, Projects and Development Directorate
6. Graduate Engineer/Junior Engineer/Engineer (Mechanical), Projects and Development Directorate

Ministry for Resources and Rural Affairs

1. Technician, Plant Health Directorate, Veterinary and Phytosanitary Regulation Department
2. Specialised Crane Operator in the Hardstanding Facility
3. Chief Officer (Civil Abattoir)
4. Senior Veterinary Officer, Veterinary and Phytosanitary Regulation Department
5. Head (Valley Management and Storm Water), Works and Services Department
6. Carcass Quality Control Inspector, Civil Abattoir
7. Compliance Officer, Fisheries Control Directorate

¹ The authority to issue public calls for applications was delegated to Heads of Department on 15 November 2012 by virtue of Legal Notice 246 of 2012.

Ministry for Home Affairs

1. Senior Technical Officer (Electrical), Correctional Services Department

Ministry of Education and Employment

1. Head of School (to serve in Gozo), Directorate for Educational Services
2. Kindergarten Assistant II, Directorate for Educational Services
3. Head of School (to serve in Malta), Directorate for Educational Services
4. Social Worker, Directorate for Educational Services
5. Supply Kindergarten Assistant, Directorate for Educational Services

Ministry of Finance, the Economy and Investment

1. Audit Quality Reviewer, Quality Assurance Unit
2. Procurement Manager, Contracts Department

Ministry for Health, the Elderly and Community Care

1. Consultant Paediatrician with an interest in infectious diseases, Department of Child and Adolescent Health
2. Consultant Surgeon with an interest in vascular surgery
3. Consultant, Public Health Medicine
4. Consultant Histopathologist, Department of Pathology
5. Clinical Chairperson, Department of Pathology
6. Higher Specialist Trainee (Surgery)
7. Manager (Maintenance - Government Cemeteries)
8. Basic Specialist Trainee (Histopathology), Department of Pathology
9. Medical Physicist Trainee (sponsorship of studies in medical physics)
10. Director General (Human Resources)
11. Basic Specialist Trainee (Microbiology), Department of Pathology
12. Basic Specialist Trainee (Biochemistry), Department of Pathology

Ministry for Justice, Dialogue and the Family

1. Judicial Assistant, Courts of Justice
2. Research Officer, Policy Development and EU Affairs Directorate

Ministry for Fair Competition, Small Business and Consumers

1. Manager (Co-Ordination Services), Government Property Department

Appendix 7:

Service-wide Calls for Applications

(i) Calls for applications issued through PAHRO circulars - total 209

Office of the Prime Minister

1. ICT Contracts and Services Officer, Malta Public Service
2. Senior Messenger, Malta Public Service
3. Senior Principal, Malta Public Service
4. Assistant Principal, Malta Public Service
5. Messenger, Malta Public Service
6. Officer-in-Charge Minor Staff, Malta Public Service
7. Human Resource Policy and Data Manager, PAHRO
8. Accounting Support Officer, Corporate Services Directorate
9. Principal Security Officer, Government Printing Press
10. Senior Operative (Plasterer and Painter) Group IV, Corporate Services Directorate
11. Expression of Interest for Serving Public Officers to apply for the Position of Green Travel Plan Driver, Green Travel Plan Unit (GTPU)
12. Data Protection Analyst, Operations and Programme Implementations Directorate
13. ICT Support Officer

Ministry for Gozo

1. Cultural Co-Coordinator, Customer Services Directorate
2. Senior Legal Officer, Corporate Services Directorate
3. Assistant Foreman, Tourism and Economic Development Directorate
4. Principal Occupational Therapist, Customer Services Directorate
5. Senior Engineer (Electrical), Projects and Development Directorate
6. Manager (Parks and Gardens), Projects and Development Directorate
7. Supervisor (Cleansing Services Section), Tourism and Economic Development Directorate
8. Principal Technical Officer (Cleansing Services Section), Tourism and Economic Development Directorate
9. Assistant Technical Officer (Cleansing Services Section - Beach Cleaning), Tourism and Economic Development Directorate
10. Senior Principal Medical Laboratory Scientist (Gozo General Hospital), Customer Services Directorate
11. Assistant Principal Medical Laboratory Scientist (Gozo General Hospital), Customer Services Directorate
12. Senior Principal Physiotherapist (Gozo General Hospital), Customer Services Directorate
13. Senior Principal Radiographer (Gozo General Hospital), Customer Services Directorate
14. Assistant Foreman, Projects and Development Directorate

15. Senior Engineer (Electrical), Customer Services Directorate
16. Assistant Technical Officer (Works Branch), Projects and Development Directorate
17. Supervisor (Civil Abattoir), Projects and Development Directorate
18. Supervisor (Weighing, Grading and Carcass Quality Control), Projects and Development Directorate
19. Agricultural Foreman (Afforestation), Projects and Development Directorate
20. Agricultural Foreman (Government Farm), Projects and Development Directorate
21. Senior Agricultural Officer (Agriculture Branch), Projects and Development Directorate
22. Principal Technical Officer (Works Branch), Projects and Development Directorate
23. Foreman (Cleaning and Support Services), Customer Services Directorate
24. Senior Principal Environmental Health Officer, Customer Services Directorate
25. Ambulance Driver (Group IV), Gozo General Hospital, Customer Services Directorate

Ministry for Infrastructure, Transport and Communications

1. Procurement and Facilities Manager, Corporate Services Directorate

Ministry for Resources and Rural Affairs

1. Foreman (Stores), Financial Management Directorate, Support Services Division
2. Technical Officer, Parks and Initiatives Directorate
3. Supervisor (Fuel Station), Manufacturing and Services Directorate
4. Manager (Fishing and Aquaculture Licences), Fisheries Control Directorate
5. Boiler Attendant (Group III)
6. Senior Operative (Maintenance), Group IV, Malta Aquaculture Research Centre
7. Technical Officer (Zones), Maintenance Directorate, Cleansing and Maintenance Department
8. Principal Technical Officer (Zones), Maintenance Directorate, Cleansing and Maintenance Department
9. ICT Support Officer, Chief Information Office
10. Motor Transport Driver (Group III)
11. Senior Technical Officer (Zones), Maintenance Directorate
12. Technical Officer (Miscellaneous), Manufacturing and Services Directorate, Works and Services Department
13. Technical Officer (Works Planning System Section), Maintenance Directorate
14. Assistant Technical Officer (Fuel Station), Manufacturing and Services Directorate
15. Assistant Technical Officer (Main Store), Manufacturing and Services Directorate

16. Senior Operative (Tiling and Paving Works) Group IV, Maintenance Directorate, Works and Services Department
17. Assistant Technical Officer (Electrical), Manufacturing and Services Directorate
18. Health Attendant (Public Cleansing), Group II, Cleansing Directorate, Works and Services Department
19. Chief Architect and Civil Engineer (Operations), Restoration Directorate, Works and Services Department
20. Senior Architect and Civil Engineer, Restoration Directorate, Works and Services Department
21. Senior Architect and Civil Engineer, Rapid Intervention Unit, Works and Services Department
22. Senior Technical Officer (Works Planning System Section), Maintenance Directorate, Works and Services Department
23. Assistant Technical Officer (Plumbing), Manufacturing and Services Directorate, Works and Services Department
24. Assistant Technical Officer (Carpentry), Manufacturing and Services Directorate, Works and Services Department
25. Technical Officer (Metal Trade), Manufacturing and Services Directorate, Works and Services Department
26. Senior Manager (Accounts), Paying Agency
27. Assistant Technical Officer (Construction), Manufacturing and Services Directorate, Works and Services Department
28. Foreman (Works Planning System Section), Maintenance Directorate, Works and Services Department
29. Senior Technical Officer (Waterproofing Section), Maintenance Directorate, Works and Services Department
30. Public Cleansing Officer, Cleansing Directorate, Works and Services Department
31. Customer Care Official, Cleansing Directorate, Works and Services Department
32. Senior Engineer (Mechanical), Office of the Permanent Secretary
33. Senior Agricultural Officer
34. Principal Agricultural Officer, Paying Agency
35. Technical Officer (Auto Electrical Section), Manufacturing and Services Directorate, Works and Services Department
36. Animal Welfare Officer, Animal Welfare Directorate
37. Public Cleansing Foreman, Cleansing Directorate, Works and Services Department
38. Technical Officer (Fortifications Interpretation Centre Facilitator), Restoration Directorate, Works and Services Department
39. Technical Officer (Maintenance Operations), Rural Development and Aquaculture Department
40. Operations Manager, Restoration Directorate, Works and Services Department
41. Supervisor (Maintenance), Malta Aquaculture Research Centre
42. Assistant Technical Officer (Purchasing), Manufacturing and Services Directorate, Works and Services Department
43. Assistant Technical Officer (Metal Trade), Manufacturing and Services Directorate, Works and Services Department
44. Tradesman/Senior Tradesman (Mason), Works and Services Department
45. Technical Officer, Cleansing Directorate, Works and Services Department
46. Senior Operative (Gardening Works), Group IV

47. Assistant Foreman (Restoration), Restoration Directorate, Works and Services Department
48. Senior Operative (Plasterer and Painter), Group IV
49. Assistant Technical Officer (Aluminium), Manufacturing and Services Directorate, Works and Services Department
50. Principal Legal Officer, Works and Services Department
51. Manager (Fisheries Control Programme), Fisheries Control Directorate
52. Senior Operative (Red Offal Segregation), Group IV, Civil Abattoir, Rural Development and Aquaculture Department
53. Supervisor, Projects Implementation Directorate, Works and Services Department
54. Senior Technical Officer, Restoration Directorate, Works and Services Department
55. Assistant Foreman (Slaughterline/Deboning), Rural Development and Aquaculture Department
56. Senior Foreman (Lija Workshop), Maintenance Directorate, Works and Services Department
57. Technical Officer (Quality Assurance Unit), Works and Services Department
58. Technical Officer (Plumbing), Manufacturing and Services Directorate, Works and Services Department
59. Foreman (Slaughterline), Rural Development and Aquaculture Department
60. Technical Officer, Restoration Directorate, Works and Services Department
61. Assistant Technical Officer (Mechanical), Manufacturing and Services Directorate, Works and Services Department
62. Foreman (General Duties), Manufacturing and Services Directorate, Works and Services Department
63. Foreman, Valley Management Unit, Works and Services Department
64. Senior Operative (Maintenance Works), Group IV, Civil Abattoir, Rural Development and Aquaculture Department
65. Principal Fisheries Protection Officer, Fisheries Control Directorate
66. Senior Operative (Rubble Wall Builder), Group IV
67. Agricultural Foreman
68. Supervisor, Restoration Directorate, Works and Services Department
69. Operative (Public Cleansing), Group III, Parks and Initiatives Directorate
70. Supervisor, Valley Management Unit, Works and Services Department
71. Senior Technical Officer (Electrical) and (Carpentry), Manufacturing and Services Directorate, Works and Services Department
72. Technical Officer (Light Plant), Manufacturing and Services Directorate, Works and Services Department
73. Assistant Technical Officer (Stores), Manufacturing and Services Directorate, Works and Services Department
74. Operative (Public Cleansing), Group III, Parks and Initiatives Directorate
75. Senior Agricultural Foreman, Parks and Initiatives Directorate

Ministry for Home and Parliamentary Affairs

1. Probation Officer, Directorate of Probation and Parole
2. National Identity Management Officer, Land and Public Registry

Ministry for Home Affairs

1. Correctional Manager (Care and Re-Integration), Corradino Correctional Facility
2. Senior Correctional Officer, Correctional Services Department
3. Technical Officer (Electrical), Correctional Services Department
4. Assistant Head (Aviation Security)
5. Accounting Officer in the Schengen Unit
6. Manager (Civil Protection), Civil Protection Department
7. Project Officer (Migration)
8. Technical Officer (Electrical), Correctional Services Department
9. Senior Psychologist, Correctional Services Department

Ministry of Education and the Family

1. School Transport Coordinator, Directorate for Educational Services
2. Senior Technical Officer in State Colleges, Directorate for Educational Services
3. Principal Technical Officer, Directorate for Educational Services
4. Operative (Drainage Worker), Group III, Precincts Management Unit, Support Services Division
5. Tradesman/Senior Tradesman, Precincts Management Unit, Support Services Division
6. EU Affairs Coordinator, Culture and Audiovisual Unit
7. Assistant Technical Officer in state colleges, Directorate for Educational Services
8. Tradesman/Senior Tradesman at the School Resources Management Section, Directorate for Educational Services
9. Senior Operative (Group IV), Precincts Management Unit, Support Services Division
10. Technical Officer in State Colleges, Directorate for Educational Services
11. Senior Operative (Group IV), School Resources Management Section, Directorate for Educational Services
12. Operative (Drainage Worker), Group III, School Resources Management Section, Directorate for Educational Services
13. Senior Manager (International Relations, Programmes and Initiatives), Office of the Permanent Secretary
14. Senior Manager (Policy, Planning, Monitoring and Evaluation), Office of the Permanent Secretary
15. Principal Technical Officer, Directorate for Educational Services

Ministry of Finance, the Economy and Investment

1. Financial Analyst
2. Senior Financial Analyst
3. Finance Manager

Ministry for Health, the Elderly and Community Care

1. Specialist Position of Occupational Health Nurse
2. Practice Development Nurse (Psychiatry)
3. Practice Development Nurse (Palliative and Community Outreach)
4. Practice Development Nurse (Paediatrics)
5. Manager Nursing Services on a Temporary Back-to-Back Basis
6. Higher Specialist Trainee (Paediatrics)
7. Higher Specialist Trainee (Orthopaedics)
8. Higher Specialist Trainee (Ophthalmology)
9. Higher Specialist Trainee (Neurology)
10. Higher Specialist Trainee (Psychiatry)
11. Higher Specialist Trainee (Rheumatology)
12. Higher Specialist Trainee (Obstetrics and Gynaecology)
13. Higher Specialist Trainee (Transfusion Medicine)
14. Higher Specialist Trainee (Geriatrics)
15. Higher Specialist Trainee (Anaesthesia)
16. Higher Specialist Trainee (General Medicine/Gastroenterology)
17. Higher Specialist Trainee (General Medicine/Nephrology)
18. Higher Specialist Trainee (Surgery)
19. Higher Specialist Trainee (Haematology)
20. Higher Specialist Trainee (Genito-Urinary Medicine)
21. Higher Specialist Trainee (Microbiology), Department of Pathology
22. Higher Specialist Trainee (General Medicine/Diabetes and Endocrinology)
23. Scientific Officer (Dietetics)
24. Specialist Nurse (Public Health), Superintendence of Public Health
25. Screening Nurse
26. Assistant Principal Medical Laboratory Technologist
27. Practice Development Nurse (Children and Adolescents with Disability and/or Rare Disorders)
28. Practice Development Nurse (Elderly Care)
29. Practice Development Nurse (Mental Health - Community and Rehabilitation)
30. Practice Development Nurse (Vascular Access)
31. Principal Pharmacist
32. Manager Dental Hygiene Services
33. Manager Podiatry Services
34. Higher Specialist Trainee (Public Health Medicine)
35. Higher Specialist Trainee (Accident and Emergency)
36. Operative (Drainage Worker), Group III
37. Gravedigger (Group III)
38. Senior Principal Pharmacist
39. Manager Customer Care
40. Practice Development Nurse (Pre-Hospital Care)
41. Higher Specialist Trainee (Neurosurgery), Department of Neurosciences
42. Supervisor
43. Donor Liaison Nurse
44. Higher Specialist Trainee (Neurology), Department of Neurosciences
45. Receiving Officer
46. Higher Specialist Trainee (Cardiography), Department of Cardiac Services

Ministry for Justice, Dialogue and the Family

1. ICT Support Officer, Information Management Unit
2. Manager (District Offices), Social Security Department
3. Regional Coordinator, Social Security Department
4. Benefit Fraud and Investigation Inspector, Benefit Fraud and Investigation Department
5. Court Messenger, Courts of Justice (Malta)
6. Assistant Technical Officer (Maintenance), Courts of Justice (Malta)
7. Tradesman/Senior Tradesman (Carpenter), Courts of Justice (Malta)
8. Principal Security Officer, Courts of Justice (Malta)
9. Deputy Registrar, Courts of Justice (Malta)
10. Procurement Manager, Corporate Services Directorate
11. Assessor, Department of Social Welfare Standards
12. Tradesman/Senior Tradesman (Carpenter), Courts of Justice (Malta)
13. Assistant Registrar, Courts of Justice (Malta)

Ministry for Justice and Home Affairs

1. Senior Technical Officer (Audio/Visual), Courts of Justice
2. Case Officer, Office of the Refugee Commissioner

Ministry for Fair Competition, Small Business and Consumers

1. Senior Legal Officer
2. Principal Scientific Officer, Commerce Department
3. Senior Legal Officer
4. Senior Systems Administrator, Commerce Department

Ministry of Foreign Affairs

1. ICT Support Officer

(ii) Calls for applications issued through ministerial circulars under authority delegated by PSC¹ – total 87

Office of the Prime Minister

1. Manager (Electronic Media), Department of Information

¹ The authority to issue internal calls for applications was delegated to Heads of Department on 15 November 2012 by virtue of Legal Notice 246 of 2012.

Ministry for Gozo

1. Operations Manager (Projects Coordinator), Projects and Development Directorate
2. Officer in Charge of Exhibition Halls, Corporate Services Directorate
3. Technical Officer (Auto Mechanic), Gozo General Hospital, Customer Services Directorate
4. Quantity Surveyor, Projects and Development Directorate
5. Specialist Nurse (Central Sterile Supplies Department), Gozo General Hospital, Customer Services Directorate
6. Infection Control Nurse, Gozo General Hospital, Customer Services Directorate
7. Specialist Nurse Baromedicine (Hyperbaric Unit), Gozo General Hospital, Customer Services Directorate
8. Principal Technical Officer, Eco-Gozo & Regional Development (Head Office)
9. Assistant Care Worker (Care for the Elderly), Customer Services Directorate
10. Motor Transport Driver (Group III) (Santa Marta Adult Training Centre), Customer Services Directorate
11. Technical Officer (Hyperbaric Unit), Gozo General Hospital, Customer Services Directorate
12. Assistant Principal Speech Language Pathologist (Gozo General Hospital), Customer Services Directorate
13. Senior Technical Officer (Audiology), Gozo General Hospital, Customer Services Directorate
14. Technical Officer (Biomedical), Gozo General Hospital, Customer Services Directorate
15. Assistant Foreman (Santa Marta Adult Training Centre), Customer Services Directorate
16. Transport Officer, Corporate Services Directorate
17. Senior Agricultural Foreman, Projects and Development Directorate
18. Social Support Worker, Customer Services Directorate
19. Principal Technical Officer (Carpentry, Electrical and Plumbing Sections) and General Coordination, at the Manufacturing and Services Section, Works Branch, Projects and Development Directorate
20. Assistant Technical Officer (Draughtsman), Projects and Development Directorate
21. Principal Technical Officer (Mechanical Garage, Transport and Heavy Plant), Works Branch, Projects and Development Directorate
22. Sports Coordinator (Gozo Sports Complex), Customer Services Directorate
23. Tradesman/Senior Tradesman (Carpenter), Customer Services Directorate
24. Foreman, Projects and Development Directorate
25. Tradesman/Senior Tradesman (Engine Driver), Gozo General Hospital, Customer Services Directorate
26. Principal Dental Hygienist (Gozo General Hospital), Customer Services Directorate
27. Senior Agricultural Foreman (Agricultural Branch), Projects and Development Directorate
28. Assistant Foreman (Gozo General Hospital), Customer Services Directorate

29. Expression of interest for the assignment of public officers to perform duties with the members of the judiciary, Courts of Magistrates (Gozo)
30. Assistant Principal Radiographer (Diagnostic), Gozo General Hospital, Customer Services Directorate
31. Assistant Principal Dental Technologist (Gozo General Hospital), Customer Services Directorate

Ministry for Resources and Rural Affairs

1. Manager (Fishing and Aquaculture Licences), Fisheries Control Directorate
2. Senior Operative (Restoration Works), Group IV, Restoration Directorate, Works and Services Department
3. Assistant Technical Officer (Car Survey Station) in the Manufacturing and Services Directorate, Works and Services Department
4. Supervisor (Zones) in the Maintenance Directorate, Works and Services Department
5. Assistant Technical Officer, Maintenance Directorate, Works and Services Department
6. Senior Technical Officer (Fleet) and Senior Technical Officer (Operation), Manufacturing and Services Directorate, Works and Services Department
7. Applications Coordinator, Paying Agency
8. Technical Officer (Air-conditioning Section), Manufacturing and Services Directorate, Works and Services Department
9. Principal Technical Officer, Cleansing Directorate, Works and Services Department
10. Technical Officer (Draughtsman), Project Design and Implementation Department
11. Senior Technical Officer (Aluminium), Manufacturing and Services Directorate, Works and Services Department
12. Quantity Surveyor, Project Design and Engineering Directorate, Works and Services Department

Ministry for Home Affairs

1. Psychologist, Correctional Services

Ministry of Education and Employment

1. Senior Technical Officer, Precincts Management Unit, Support Services Division

Ministry of Finance, the Economy and Investment

1. Procurement Manager, Contracts Department
2. Head (EU Funds Management), Treasury Department
3. Senior Manager, Treasury Department

Ministry for Health, the Elderly and Community Care

1. Purchasing Officer
2. Assistant Foreman (Maintenance)
3. Advanced Pharmacist Practitioner
4. Principal Technical Officer (Biomedical) in the Monitoring Equipment Laboratory
5. Principal Technical Officer (Biomedical Equipment Section)
6. Principal Legal Officer
7. Manager (Occupational Therapy Services) on a Temporary Basis
8. Assistant Technical Officer, Biomedical Engineering Section
9. Stores and Distribution Officer
10. Security Officer
11. Principal Pharmacy Technician
12. Operations Manager (Supplies and Distribution)
13. Higher Specialist Trainee (Renal), Department of Medicine
14. Research Officer
15. Senior Technical Officer (Electrical and Mechanical)
16. Higher Specialist Trainee (Diabetes), Department of Medicine
17. Higher Specialist Trainee (General Medicine), Department of Medicine
18. Higher Specialist Trainee (Transfusion Medicine), Department of Pathology
19. Higher Specialist Trainee (Gastroenterology), Department of Medicine
20. Higher Specialist Trainee (Infectious Diseases), Department of Medicine
21. Higher Specialist Trainee (Rheumatology), Department of Medicine
22. Higher Specialist Trainee (Paediatrics and Neonatology), Department of Child and Adolescent Health
23. Higher Specialist Trainee (Histopathology), Department of Pathology
24. Higher Specialist Trainee (Geriatrics), Department of Geriatrics
25. Higher Specialist Trainee (Obstetrics and Gynaecology), Department of Obstetrics and Gynaecology
26. Higher Specialist Trainee (Orthopaedics), Department of Orthopaedics
27. Assistant Head, Care Centre
28. Higher Specialist Trainee (Dermatology), Department of Dermatology and Venereology
29. Higher Specialist Trainee (Medical Imaging), Department of Medical Imaging
30. Higher Specialist Trainee (Oncology), Department of Haematology and Oncology
31. Higher Specialist Trainee (Respiratory Medicine), Department of Medicine
32. Managing Psychologist

Ministry for Fair Competition, Small Business and Consumers

1. Operations Manager (Enforcement), Government Property Department
2. Operations Manager (Rural), Government Property Department
3. Assistant Librarian, Commerce Department

Ministry of Foreign Affairs

1. Manager, Budget Implementation Missions Abroad
2. Manager, Conditions of Service
3. Manager, Missions Finance

(iii) Calls for applications issued by ministries for the filling of Assistant Director positions under authority delegated by PSC - total 134

Office of the Prime Minister

1. Assistant Director (Human Resources), Corporate Services Directorate
2. Assistant Director (EU Affairs), EU Affairs Directorate
3. Assistant Director (Special Issues), Resourcing Directorate, PAHRO
4. Assistant Director (Support Services), Office of the Permanent Secretary (EU Funds), OPM
5. Assistant Director (Support Services), Office of the Permanent Secretary (EU Funds), OPM
6. Assistant Director (Finance and Administration), Corporate Services Directorate
7. Assistant Director (Special Projects), Employee Relations Directorate, PAHRO
8. Assistant Director (Corporate Programmes), Human Resources Management Systems Directorate, PAHRO
9. Assistant Director (HR Data Management and Development), Human Resources Management Systems Directorate, PAHRO
10. Assistant Director (Information), Department of Information
11. Assistant Director (Finance and Administration), Operations Directorate
12. Assistant Director (General Service Grades Branch), Resourcing Directorate, PAHRO
13. Assistant Director (Administrative Support), Office of the Principal Permanent Secretary
14. Assistant Director (Support Services), Office of the Public Service Commission

Ministry for Gozo

1. Assistant Director (EcoGozo Regional Development), EcoGozo Regional Development Directorate
2. Assistant Director (Finance and Human Resources Management), Corporate Services Directorate
3. Assistant Director (Customer Services), Customer Services Directorate

Ministry for Infrastructure, Transport and Communications

1. Assistant Director (Administration), Office of the Permanent Secretary
2. Assistant Director (EU Affairs), EU Affairs Directorate
3. Assistant Director (Programme Implementation), Programme Implementation Directorate
4. Assistant Director (Administration), Office of the Permanent Secretary
5. Assistant Director (EU Affairs), EU Affairs Directorate
6. Assistant Director (Policy Development), Policy Development Directorate
7. Assistant Director (Administration), Office of the Permanent Secretary
8. Assistant Director (EU Affairs), EU Affairs Directorate
9. Assistant Director (Policy Development), Policy Development Directorate
10. Assistant Director (EU Affairs), EU Affairs Directorate

Ministry for Resources and Rural Affairs

1. Assistant Director (Agriculture and Fisheries Regulation), Agriculture and Fisheries Regulation Department
2. Assistant Director (Office of the Permanent Secretary), Office of the Permanent Secretary
3. Assistant Director (Programme Implementation), Programme Implementation Directorate
4. Assistant Director, Office of the Permanent Secretary
5. Assistant Director (Environment Affairs), Office of the Permanent Secretary
6. Assistant Director (Director General's Office), Works and Services Department

Ministry for Home and Parliamentary Affairs

1. Assistant Director (International Affairs and Policy Development (T))
2. Assistant Director (International Affairs), Policy Development Directorate

Ministry for Home Affairs

1. Assistant Director (Third Country Nationals), Operations Directorate
2. Assistant Director (Policy and Planning), Local Government Department
3. Assistant Director (Operations and Strategic Planning), Probation and Parole Directorate
4. Assistant Director (Human Resources and Administration), Local Government Department
5. Assistant Director (Monitoring Unit), Local Government Department

Ministry of Education, Employment and the Family

1. Assistant Director (Precincts Management), Corporate Services Directorate
2. Assistant Director (Administration), Office of the Permanent Secretary
3. Assistant Director (Finance Services), Corporate Services Directorate
4. Assistant Director (Finance), Corporate Services Directorate
5. Assistant Director, Office of the Director General (Support Services),
6. Assistant Director (Finance Services), Finance Directorate, Support Services Division
7. Assistant Director (Human Resources), Human Resources Directorate, Support Services Division
8. Assistant Director, Directorate for Quality and Standards in Education

Ministry of Finance, the Economy and Investment

1. Assistant Director (EU Affairs), EU Affairs Directorate
2. Assistant Director (Debt Management Operations), Treasury Department
3. Assistant Director (Computer Systems), Inland Revenue Department
4. Assistant Director (Trademarks), Commerce Department
5. Assistant Director (Policy Development), Policy Development Directorate
6. Assistant Director (Processing Services), Customs Department
7. Assistant Director (Government Accounting Operations), Treasury Department
8. Assistant Director (Administration and Finance), VAT Department
9. Assistant Director (Research and Development), Office of the Permanent Secretary
10. Assistant Director (Human Resources), Customs Department
11. Assistant Director (Processing Services), Customs Department
12. Assistant Director (Collection and Enforcement), Inland Revenue Department
13. Assistant Director (Self-Assessment and Management), Inland Revenue Department
14. Assistant Director (Collection), VAT Department
15. Assistant Director (Legal, Enforcement and Policy), VAT Department
16. Assistant Director (Pre Contracts), Contracts Department
17. Assistant Director (Post Contracts), Contracts Department
18. Assistant Director (Enterprise Policy)
19. Assistant Director (Inspectorate and Assurance), VAT Department
20. Assistant Director (Electronic Procurement), Contracts Department
21. Assistant Director (Enterprise Policy), Enterprise Policy Directorate
22. Assistant Director (Human Resources), Corporate Services Directorate
23. Assistant Director (Administration and Management), Inland Revenue Department

24. Assistant Director (International Affairs), Inland Revenue Department
25. Assistant Director (Finance), Customs Department
26. Assistant Director (Processing Services), Customs Department
27. Assistant Director (Post Contracts), Contracts Department
28. Assistant Director (Electronic Procurement), Contracts Department
29. Assistant Director (E-Business), Inland Revenue Department
30. Assistant Director (Computer Systems), VAT Department
31. Assistant Director (Investigation and Review), VAT Department
32. Assistant Director (Office of the Permanent Secretary), Office of the Permanent Secretary
33. Assistant Director (Finance)
34. Assistant Director (Support Services), Economic Policy Department
35. Assistant Director (Recurrent Expenditure), Budget Affairs

Ministry for Health, the Elderly and Community Care

1. Assistant Director (Office of the Superintendent of Public Health), Office of the Superintendent of Public Health
2. Assistant Director (Permanent Secretary's Office), Permanent Secretary's Office
3. Assistant Director (Finance), Financial Monitoring and Control Unit
4. Assistant Director (Industrial and Employment Relations), Human Resources Department
5. Assistant Director (People Management), Human Resources Department
6. Assistant Director (Elderly - Administration), Elderly and Community Care Department
7. Assistant Director (Procurement), Procurement Department
8. Assistant Director (Finance), Financial Monitoring and Control Unit
9. Assistant Director (Elderly and Community Services), Elderly and Community Care Department
10. Assistant Director (Administration) for the Pharmacy of Your Choice Unit
11. Assistant Director (Research, Policy Review, Investigation), Office of the Commissioner for Mental Health and Older Persons
12. Assistant Director (Policy Development, EU and International Affairs), Policy Development, EU and International Affairs Directorate
13. Assistant Director (Office of the Superintendent of Public Health)

Ministry for Justice, Dialogue and the Family

1. Assistant Director (Operations), Courts of Justice
2. Assistant Director (Finance), Courts of Justice
3. Assistant Director (International Relations and Labour Research), Industrial and Employment Relations Department
4. Assistant Director (Human Resources and Administration), Human Resources and Administration Directorate
5. Assistant Director (Operations), Courts of Justice

6. Assistant Director (International Relations), Social Security Department
7. Assistant Director (Finance), Corporate Services Directorate
8. Assistant Director (Benefit Fraud and Investigation), Benefit Fraud and Investigation Department
9. Assistant Director (Finance), Corporate Services Directorate
10. Assistant Director (Customer Care), Social Security Department
11. Assistant Director (EU and International Affairs), Policy Development and EU Affairs Directorate
12. Assistant Director (Industrial and Employment Relations), Industrial and Employment Relations Department
13. Assistant Director (Enforcement), Industrial and Employment Relations Department
14. Assistant Director (Administration), Office of the Permanent Secretary
15. Assistant Director (Contributory Benefits), Social Security Department
16. Assistant Director (Research and IT), Department of Industrial and Employment Relations
17. Assistant Director (Terminations and Legal Office), Department of Industrial and Employment Relations
18. Assistant Director (Policy Development), Policy Development and EU Affairs Directorate
19. Assistant Director (Contributory Benefits), Social Security Department
20. Assistant Director (Finance), Corporate Services Directorate

Ministry for Fair Competition, Small Business and Consumers

1. Assistant Director (Office of the Permanent Secretary), Office of the Permanent Secretary
2. Assistant Director (Information and Public Relations), Small Business and Crafts Directorate, Commerce Department
3. Assistant Director (Trademarks), Industrial Properties Registration Directorate, Commerce Department
4. Assistant Director (Services), Estate Management Directorate, Government Property Department
5. Assistant Director (Finance and Administration), Corporate Services Directorate
6. Assistant Director (Trademarks), Industrial Properties Registration Directorate, Commerce Department
7. Assistant Director (Support Services), Commerce Department
8. Assistant Director (EU Affairs), EU Affairs Directorate
9. Assistant Director (Trademarks), Industrial Properties Registration Directorate, Commerce Department
10. Assistant Director (Imports/Exports), Trade Services Directorate, Commerce Department
11. Assistant Director (Joint Office), Government Property Department

Ministry of Foreign Affairs

1. Assistant Director (Financial Management), Financial Management Directorate

2. Assistant Director (European Affairs), European Affairs Directorate
3. Assistant Director (Multilateral and Global Issues), Multilateral and Global Issues Directorate
4. Assistant Director (Protocol and Consular Services), Protocol and Consular Services Directorate
5. Assistant Director (European General Affairs and Economic Cooperation), European General Affairs and Economic Cooperation Directorate
6. Assistant Director (Citizenship and Expatriate Affairs), Citizenship and Expatriate Affairs Directorate
7. Assistant Director (External Relations and Mediterranean Affairs), External Relations and Mediterranean Affairs Directorate

Appendix 8:

Departmental Calls for Applications

(i) Calls for applications advertised through departmental circulars - total 10

Office of the Prime Minister

1. Assistant Chief Printer, Government Printing Press
2. Chief Printer, Government Printing Press

Ministry of Education, Employment and the Family

1. Assistant Head of School (Secondary), Directorate for Educational Services
2. Assistant Head of School (Secondary), Directorate for Educational Services
3. Assistant Head of School (Primary), Directorate for Educational Services
4. Inclusive Education Coordinator, Directorate for Educational Services

Ministry of Finance, the Economy and Investment

1. Senior Inspector of Customs, Customs Department
2. Customs Officer, Customs Department
3. Inspector of Customs, Customs Department

Ministry of Foreign Affairs

1. Counsellor

(ii) Call for applications issued by ministries and advertised through departmental circulars under authority delegated by PSC¹ – Total 1

Ministry of Education and Employment

1. Assistant Head of School (Primary), Directorate for Educational Services

¹ The authority to issue departmental calls for applications was delegated to Heads of Department on 15 November 2012 by virtue of Legal Notice 246 of 2012.

Appendix 9 (a):

Representations relating to Selection Processes

No	Related Post	Department	Nature of Representations	Commission's Decision
1	Head of Department (Subject/Group of Subjects/Area)	Directorate for Quality and Standards in Education	Appeal against decision by the Selection Board that complainant was ineligible	The Commission considered that complainant was ineligible on the basis that teaching experience obtained prior to qualifying as a Teacher could not be considered to be valid for eligibility purposes.
2	Learning Support Assistant II	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
3	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
4	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
5	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
6	Consultant (Accident and Emergency)	Ministry for Health, the Elderly and Community Care	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
7	Teacher (Accounts and/or Business Studies)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
8	National Identity Management Officer	Land and Public Registry	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that applicant was eligible
9	National Identity Management Officer	Land and Public Registry	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
10	School Transport Coordinator	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
11	School Transport Coordinator	Directorate for Educational Services	Complainant requested that his late application be accepted as the call for applications had not been brought to his attention	The Commission decided that applicant should not be disqualified on account of lateness in line with its policy that individuals should not be disadvantaged as a result of administrative shortcomings.
12	Photographer	Electoral Office	Complainant contested his failure in the practical test, which was a qualifying stage of the selection process	The Commission found no valid reason to justify a change in the result of the practical test following clarifications sought from the Selection Board
13	Senior Agricultural Foreman	Parks and Initiatives Directorate	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
14	Pharmacy Technician	Ministry for Health, the Elderly and Community Care	Complainant requested to be allowed to submit a late application	Request was not upheld since more than six weeks had elapsed from the closing date of the call for applications
15	Ambulance Driver (Group IV)	Directorate of Customer Services (Gozo General Hospital)	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
16	Technical Attaché (Legal)	Ministry of Foreign Affairs	Appeal against decision by the Selection Board that complainant was ineligible	There was a discrepancy in the Maltese and English versions of the call for applications. It was the Commission's well-established policy that any ambiguity should be in favour of the applicant. On this basis the Commission decided that applicant was eligible
17	Trainee Fisheries Protection Officer, Fisheries Control Directorate	Ministry for Resources and Rural Affairs	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that applicant was eligible
18	Teacher (Psychology)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
19	Teacher (Psychology)	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
20	Clinical Chairperson, Department of Neurosciences	Ministry for Health, the Elderly and Community Care	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
21	Teacher	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
22	Teacher	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
23	Head of School	Director for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
24	Assistant Director (Administration/ Finance/Finance Services)	Ministry of Education and Employment	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that applicant was eligible
25	Assistant Director	Directorate for Quality and Standards in Education	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
26	Principal Technical Officer	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
27	Assistant Technical Officer (Electrical)	Manufacturing and Services Directorate, MRRA	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that applicant was eligible
28	Technical Officer (Miscellaneous)	Manufacturing and Services Directorate	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
29	Public Cleansing Officer	Cleansing Directorate	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
30	Executive Officer	Malta Public Service	An applicant complained that her application had not been accepted	The Commission decided that applicant was eligible
31	Principal Technical Officer (Cleansing Services Section)	Directorate for Tourism and Economic Development, Ministry for Gozo	Complainant alleged that prior to the interviews, the Chairperson of the selection Board had disclosed the identity of the candidate that was to be appointed to the post.	In view of the very serious allegation made, the Commission agreed to suspend the interviews and requested the Permanent Secretary, Ministry for Gozo, to establish an investigatory board and submit the investigation report
32	Gardener	Parks and Initiatives Directorate, MRRA	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
33	Visa Officer	Central Visa Unit, Ministry of Foreign Affairs	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that applicant was eligible
34	Correctional Officer	Correctional Services Department	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
35	Executive Officer	Malta Public Service	An applicant complained that his application had not been accepted	The Commission decided that complainant was ineligible
36	Manager (Customer Care)	Ministry for Health, the Elderly and Community Care	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
37	Assistant Head (Aviation Security)	Ministry for Home Affairs	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
38	Tradesman/Senior Tradesman (Carpenter)	Precincts Management Unit	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
39	Supply Learning Support Assistant	Directorate for Educational Services	Appeal against decision by the Selection Board that complainant was ineligible	The Commission decided that complainant was ineligible
40	Senior Principal	Malta Public Service	Complainant claimed that the relative circular was not brought to his attention and requested to submit a late application	The Commission decided that complainant's application should be accepted on the basis that individuals should not bear the consequences of administrative shortcomings

Appendix 9 (b):

Other Representations relating to Appointments in the Public Service

No	Issue or post contested	Department or Entity concerned	Nature of Representations	Commission's Decision
1	Re-Employment in the Public Service	Re-employment and Reinstatement Committee (RRC)	Appeal against refusal by RRC concerning complainant's request for re-employment	The Commission upheld the conclusions of the RRC
2	Reinstatement in the Public Service	Re-employment and Reinstatement Committee (RRC)	Appeal against decision by RRC not to accept complainant's request for reinstatement on humanitarian grounds due to insufficient justification	The Commission agreed in principle to recommend the reinstatement of complainant subject to complainant's being found fit to resume work and capable of performing duties after undergoing the applicable assessments in terms of the PSMC
3	Appointment of Orthopaedic Nurse (Theatre)	Ministry for Health, the Elderly and Community Care	Complainant, who was appointed to the position, was objecting to being requested to renounce either the position of Orthopaedic Nurse or the grade of Nursing Officer	The Commission did not uphold the complainant's request, on the basis that one could not expect to hold a position if one was not willing to perform the duties of that position on a full-time basis
4	Centre Coordinator	Directorate for Educational Services	Complainant claimed that his employment as Adult Educator on a definite contact was not being extended as a new call for applications for Centre Coordinators had been issued. Complainant complained also that he had been considered ineligible in terms of the new call for applications on grounds that he was not a serving public officer in a state school	The Commission upheld the decision that the complainant was ineligible, on the basis of the explanations given by the department concerned
5	Re-Employment in the Public Service	Re-employment and Reinstatement Committee (RRC)	Appeal against refusal by RRC concerning complainant's request for re-employment	The Commission upheld the conclusions of the RRC
6	Re-Employment in the Public Service	Re-employment and Reinstatement Committee (RRC)	Appeal against refusal by RRC concerning complainant's request for re-employment	The Commission upheld the conclusions of the RRC

No	Issue or post contested	Department or Entity concerned	Nature of Representations	Commission's Decision
7	Re-engagement of retired Staff Nurses	Ministry for Health, the Elderly and Community Care	Complainant's request for re-engagement as Staff Nurse on attaining retirement age had been turned down by the MHEC. Complainant alleged also that a retired Staff Nurse was still in employment	The Commission concluded that MHEC had addressed complainant's claims in a satisfactory manner by replying that engagement/re-engagement of retired public officers and external recruits was currently on hold since no financial approval had been forthcoming, and that the alleged employment of a retired officer was unfounded
8	Candidate appointed to the post of Senior Technical Officer on special unpaid leave	Architectural Consultancy Services Unit	Complainant claimed an injustice in his regard, being the 2 nd placed candidate, since he was not recommended to fill the post in the absence of the first-placed candidate who went on unpaid leave following appointment	Complainant was informed that It was not the Commission's remit to question the arrangements adopted by the management since, following investigation, it transpired that the Ministry concerned had approved the request for the special unpaid leave in terms of the PSMC while it had considered also to re-distribute the duties pertaining to the grade of STO within the Unit until the officer concerned resumed duties
9	Appointment of Consultant (Accident and Emergency)	Ministry for Health, the Elderly and Community Care	Complainant requested confirmation that the successful candidate satisfied the eligibility requirements as stipulated in the call for applications	The Commission informed complainant that the successful candidate qualified in terms of the call for applications
10	Re-employment on grounds of public interest	Corradino Correctional Facility	Complainant questioned the legality of the re-employment of a Correctional Officer	The Commission informed complainant that the person concerned had been employed in a regular manner in terms of section 1.6 of the Public Service Management Code
11	Transfer of Deputy Nursing Officer	Ministry for Gozo	Complainant requested an oral hearing with the Commission to discuss transfer from Gozo General Hospital to the Rabat Health Centre, Gozo	The Commission did not uphold the complaint since staff postings were a matter of management discretion and did not fall within the remit of the Commission, provided that such postings involved work in the grade or position of the staff concerned

No	Issue or post contested	Department or Entity concerned	Nature of Representations	Commission's Decision
12	Withholding of progression of Butchers	Ministry for Resources and Rural Affairs	Appeal by UHM about the withholding of progression of Butchers who were performing duties other than those pertaining to their grade	The Commission informed the union that as a general rule, employees should fulfil the duties which they had been appointed to perform. The Commission would consider on a case-by-case basis whether or not any exceptions to this rule were justified
13	Next-in-line appointment to Post of Head of Department (Maltese)	Directorate for Quality and Standards in Education	MUT claimed on behalf of the 3 rd placed candidate that the first two successful candidates had been appointed to the post but complainant had still not been appointed to the post although a third vacancy existed. The union requested the intervention of the PSC on the matter	The Commission informed the union that the determination of the number of vacancies was an administrative matter that fell within the remit of the DQSE
14	Costs of documentation required to apply for the vacancy of Senior Systems Administrator	Government Property Department	Complainant raised issues relating to costs associated with the documentation required to apply for vacancies in the public service as well as data protection concerns, while requesting also a refund of the costs incurred	The Commission informed complainant that his request for refund could not be acceded to, while drawing his attention to the recruitment portal through which complainant could apply without incurring any photocopying costs
15	Appointment to the position of Orthopaedic Nurse (Theatre) after the expiry of result	Ministry for Health, the Elderly and Community Care	Complainant, who had placed second in the order of merit, objected that the first-placed candidate was trying to hold on to two posts. Complainant stated that he was directed by the Ombudsman to bring the matter directly to the attention of the PSC	Although the 1 st placed candidate decided to renounce the appointment after the date of expiry of the result, the Commission agreed to recommend the appointment of complainant, as the next-in-line candidate, on the basis that the position was still vacant during the validity period of the result
16	Withholding of promotion from Scientific Officer to Senior Scientific Officer	Ministry for Resources and Rural Affairs	Appeal against the decision to withhold promotion on grounds that the post-graduate qualification presented by complainant had been deemed as not appropriate while complainant's performance could not be considered as satisfactory	The Commission decided to recommend the withholding of complainant's promotion subject to review in two years' time

No	Issue or post contested	Department or Entity concerned	Nature of Representations	Commission's Decision
17	Revocation of appointment in a headship position	Government Property Department	Complainant requested to present submissions, legally assisted, during an oral hearing, to contest the Commission's proposal to revoke complainant's appointment to a directorship position	Following an oral hearing on the case, the Commission concluded that there were sufficient grounds to revoke complainant's appointment in the directorship position
18	Withholding of progression of Teacher to a higher grade	Ministry of Education and Employment	MUT claimed that complainant's progression to a higher grade had been withheld since 2007. The Commission was requested to investigate the matter	Following an oral hearing on the case, the Commission found that the Department had failed to observe the proper procedure for the withholding of complainant's progression. However the Commission considered that this administrative shortcoming did not justify granting complainant progression to a higher scale, given ample evidence of unsatisfactory performance on complainant's part
19	Revocation of appointment in the grade of Clerk	Malta Public Service	Complainant was appointed as Clerk in September 2012. PAHRO became aware that complainant had been released from prison some time before her appointment as Clerk, after serving a prison sentence in connection with a drug related conviction. PSC considered the dismissal of the officer concerned in terms of regulation 23(2)(f)	After granting the opportunity to complainant for an oral hearing, the Commission considered that complainant should not be dismissed from the Public Service but her employment was to be regulated by a set of conditions to monitor her progress in rehabilitation, and to safeguard against the risks of a relapse
20	Duties of Senior Technical Officer (Environmental Health)	Ministry for Health, the Elderly and Community Care	Complainant, who was in the grade of Technical Officer, claimed that although he had been performing the duties of Senior Technical Officer, he was never appointed to that post. Complainant also claimed an injustice in his regard when he was placed 2 nd in the respective selection process but was not appointed	The Commission found that according to the related job descriptions, the duties performed by complainant were those pertaining to the grade of Technical Officer

Appendix 10:

Petitions relating to Published Results of Selection Processes

No	Related Post	Department	Complaint	Commission's Decision
1	Teacher (Personal and Social Development)	Directorate for Educational Services	Complained that no marks were awarded for a drama course certificate as a level rating by the MQC was not issued	Petition could not be considered as it had been submitted after the 10 working days allowed for the submission of petitions
2	Supply Learning Support Assistant	Directorate for Educational Services	Complained for having failed in the selection process and requested an explanation.	Complainant's knowledge relating to the position was very limited and the marks awarded were fair and correct.
3	Nursing Officer	Ministry for Health, the Elderly and Community Care	Requested to know whether any marks had been allocated for seminars and conferences and whether the Pharmacy Technician Certificate had been considered as a post-graduate qualification	Marks for certificates of attendance at short courses and conferences had been awarded under the selection criterion of 'related professional knowledge'. The Pharmacy Technician Certificate had not been considered as relevant to the nursing profession and had not been given any weighting by the Selection Board
4	Security Guard	Ministry for Resources and Rural Affairs	Complained for having been successful in the written component of the selection process but having failed in the interview	Petition could not be considered as it had been submitted after the 10 working days allowed for the submission of petitions
5	EU Fund Officer	Malta Public Service	Complained about the marks awarded for 'related knowledge' and 'relevant work experience'	No valid reasons to justify a change in the result of the selection process
6	House Officer	Ministry for Health, the Elderly and Community Care	Complained about the low marks awarded in the interview	Following investigation it transpired that petitioner should have been given an extra 15 marks for decile ranking. The Commission approved a revised result
7	Technical Attaché (Trade), Permanent Representation of Malta to the EU	Ministry of Foreign Affairs	Contested the published result. Requested to know how the first placed candidate had been engaged while there was a petition	No valid reasons to justify a change in the result of the selection process. Petitioner informed about the procedure regarding appointments and the possible revocation of an appointment if a petition was upheld

No	Related Post	Department	Complaint	Commission's Decision
8	EU Fund Officer	Malta Public Service	Complained about the marks awarded for 'relevant work experience'	The Commission agreed that an additional 10 marks be awarded to petitioner. The Commission approved a revised result
9	Head of Department (German)	Directorate for Quality and Standards in Education	Complained about the marks awarded in the interview	No valid reasons to justify a change in the result of the selection process
10	Head of Department (Geography)	Directorate for Quality and Standards in Education	Complained about the marks awarded for 'experience/past achievements' and 'qualifications'	No valid reasons to justify a change in the result of the selection process
11	Assistant Director (Defence Matters)	Office of the Prime Minister	Complained about the poor result obtained	No valid reasons to justify a change in the result of the selection process
12	Higher Specialist Trainee (Haematology)	Ministry for Health, the Elderly and Community Care	Complained about the poor result obtained	No valid reasons to justify a change in the result of the selection process
13	Head of Department (History)	Directorate for Quality and Standards in Education	Objected to the result and claimed discrimination	No valid reasons to justify a change in the result of the selection process
14	Technical Attaché (Research, Development and Innovation)	Permanent Representation of Malta to the EU, Office of the Prime Minister	Complained that petitioner had not been asked direct questions on some sub-criteria through which the Selection Board could give an assessment	No valid reasons to justify a change in the result of the selection process
15	Head of Department (Mathematics)	Directorate for Quality and Standards in Education	Complained about the result. Requested to know why no marks had been allocated for Bachelor of Education degree	This qualification was an entry requirement and was therefore not considered as an additional qualification. No valid reason to justify a change in the result of the selection process
16	Head of Department (Home Economics)	Directorate for Quality and Standards in Education	Requested to know how marks had been awarded for 'experience/past achievements' and why no marks had been allocated for Bachelor of Education degree	Marks awarded for each year of teaching experience beyond the 10 years required for eligibility purposes, and for outstanding achievements related to the promotion of the subject applied for. No marks for B. Ed as this degree was an entry requirement. No valid reasons to justify a change in the result of the selection process
17	Kindergarten Assistant II	Directorate for Educational Services	Petitioner claimed having failed several times in the interviews and although complaints had been submitted to the Commission, a reply was never received	The Commission had never received a petition. If complainant wished to contest the result, the normal procedure should have been followed

No	Related Post	Department	Complaint	Commission's Decision
18	Director (Public Procurement Procedures)	Department of Contracts, MFEI	Petitioner had not been selected for the position and claimed bias	No valid reasons to justify a change in the result of the selection process
19	Director (Information Security and Administration)	Department of Contracts, MFEI	Petitioner had not been selected for the position and claimed bias	No valid reasons to justify a change in the result of the selection process
20	Head of Department (Maltese)	Directorate for Quality and Standards in Education	Complained about marks awarded for 'additional qualifications'	No valid reasons to justify a change in the result of the selection process
21	Head of Department (Maltese)	Directorate for Quality and Standards in Education	Complained about marks awarded in the interview and claimed that the selection process was unjust	No valid reasons to justify a change in the result of the selection process
22	Head of Department (Maltese)	Directorate for Quality and Standards in Education	Complained about the marks awarded in the interview	No valid reasons to justify a change in the result of the selection process
23	Dental Technologist	Ministry for Health, the Elderly and Community Care	Complained for having failed the interview	No valid reasons to justify a change in the result of the selection process
24	Dental Technologist	Ministry for Health, the Elderly and Community Care	Complained about the marks awarded in the interview	No valid reasons to justify a change in the result of the selection process
25	Nursing Officer	Ministry for Health, the Elderly and Community Care	Complained about the marks awarded in the interview	No valid reasons to justify a change in the result of the selection process
26	Head of Department (eLearning)	Directorate for Quality and Standards in Education	Objected to the marks awarded in the interview and complained that no marks were given for 'experience/past achievements'	No valid reasons to justify a change in the result of the selection process
27	Head of Department (ICT)	Directorate for Quality and Standards in Education	Objected to the marks awarded in the interview and contested the marks given for 'experience/past achievements'	No valid reasons to justify a change in the result of the selection process
28	Chief Information Officer	Malta Public Service	Complained about the marks awarded for all criteria	No valid reasons to justify a change in the result of the selection process
29	Medical Laboratory Technologist	Ministry for Health, the Elderly and Community Care	Complained about the poor result obtained and requested the Commission to reconsider the marks	No valid reasons to justify a change in the result of the selection process
30	Procurement Manager (Electronic)	Contracts Department, MFEI	Complained about the poor result obtained. Requested the Commission to halt all proceedings and investigate, and appoint a fresh Selection Board to repeat the process	Petitioner was entitled to an additional 3 marks for 'additional qualifications'. The Commission approved a revised result

No	Related Post	Department	Complaint	Commission's Decision
31	Deputy Director	Civil Protection Department	Claimed that as all applicants had failed the selection process the Commission could consider reviewing the results obtained as it seemed that, either the standards set by the Selection Board had been extremely high, or else the Board had decided to fail all applicants	The Commission noted that in its report, the Selection Board had given reasons for the result obtained by candidates. No candidate had been suitable to occupy the post as candidates lacked either operational knowledge or administrative experience
32	Head (Building Regulation Office)	Ministry for Resources and Rural Affairs	Complained that the eligibility criteria were inadequate, and the first-placed candidate did not satisfy the eligibility criteria for the position. Claimed also that the interview had been unfair	No valid reasons to justify a change in the result of the selection process
33	Head (Building Regulation Office)	Ministry for Resources and Rural Affairs	Claimed that the first-placed candidate did not satisfy the eligibility criteria. Requested the Commission to disqualify this candidate	No valid reasons to justify a change in the result of the selection process
34	Teacher (History)	Directorate for Educational Services	Objected to the marks awarded in the interview and contested the marks given for 'subject/syllabus', 'teaching experience' and 'additional qualifications'	Petition could not be considered as it had been submitted after the 10 working days allowed for the submission of petitions
35	Head (Building Regulation Office)	Ministry for Resources and Rural Affairs	The <i>Union Periti u Inginiera tas-Servizz Pubbliku</i> (UPISP) claimed that there was a number of public officers who had the necessary qualifications and experience to fill this position. The Union therefore could not understand the need to issue a public call for applications as this went against the merit principle resulting in demotivating architecture professionals to consider the Public Service as a potential career path. Requested that an internal call for applications be issued	The Commission informed the President UPISP that had the Union wished to submit any claims regarding the call for applications it should have raised the objection as soon as the call had been issued and not when the selection process had been finalised and the results issued
36	Regional Coordinator	Social Security Department	Complained about the marks awarded and requested a review of the selection process	No valid reasons to justify a change in the result of the selection process

No	Related Post	Department	Complaint	Commission's Decision
37	Medical Laboratory Technologist	Ministry for Health, the Elderly and Community Care	Complained about the poor result obtained and requested the Commission to reconsider his marks	No valid reasons to justify a change in the result of the selection process
38	Teacher (Religion)	Directorate for Educational Services	Contested the result with particular reference to "qualifications"	No valid reasons to justify a change in the result of the selection process
39	Teacher (Personal and Social Development)	Directorate for Educational Services	Complained about the marks awarded for "teaching experience"	Complainant had been given full marks for "teaching experience". No valid reasons to justify a change in the result of the selection process
40	Teacher (Personal and Social Development)	Directorate for Educational Services	Objected to the marks obtained, claiming a higher ranking	No valid reasons to justify a change in the result of the selection process
41	Teacher (Personal and Social Development)	Directorate for Educational Services	Complained about the marks awarded for "qualifications"	Petition could not be considered as it had been submitted after the 10 working days allowed for the submission of petitions
42	Assistant Head of School (Secondary), Malta	Directorate for Educational Services	Objected to the marks awarded and enquired why no marks were given for Bachelor of Arts degree	The Selection Board gave no marks for qualifications on the basis of which candidates were appointed as Teachers. No valid reasons to justify a change in the result of the selection process
43	Assistant Head of School (Secondary), Malta	Directorate for Educational Services	Complained about the marks awarded	No valid reasons to justify a change in the result of the selection process
44	Assistant Head of School (Secondary), Malta	Directorate for Educational Services	Complained that no marks had been awarded for Bachelor's degree and requested a revision of the result	The Selection Board gave no marks for qualifications on the basis of which candidates were appointed as Teachers. No valid reasons to justify a change in the result of the selection process
45	Assistant Head of School (Secondary), Malta	Directorate for Educational Services	Claimed that in a previous selection process petitioner had obtained a better placing. Since then more credentials had been acquired.	Results of two separate selection processes cannot be compared. Petitioner's accomplishments had been given due consideration. No valid reasons to justify a change in the result of the selection process
46	Assistant Head of School (Secondary), Malta	Directorate for Educational Services	Queried whether the period worked as a supply teacher had been considered as teaching experience	Experience as a supply teacher was taken into account in awarding marks for teaching experience. No valid reasons to justify a change in the result of the selection process

No	Related Post	Department	Complaint	Commission's Decision
47	Assistant Head of School (Secondary), Malta	Directorate for Educational Services	Enquired on what basis were the marks for "Teaching experience - general", "knowledge and suitability" and "qualifications" awarded	No valid reasons to justify a change in the result of the selection process
48	Consultant (Public Health)	Ministry for Health, the Elderly and Community Care	Complained about the marks awarded and requested reconsideration of the result	No valid reasons to justify a change in the result of the selection process
49	Consultant Medicine (General/ Acute Medicine)	Ministry for Health, the Elderly and Community Care	Petitioner objected to the marks awarded and claimed a better placing	No valid reasons to justify a change in the result of the selection process
50	Director (Finance)	Ministry of Education and Employment	Complained for not being selected for the position for the second time. Objected to the result claiming that the Selection Board had not given due weight to work experience and academic qualifications	No valid reasons to justify a change in the result of the selection process
51	Director (School Resources)	Directorate for Educational Services	Complained for not being selected for the position even though in possession of the appropriate academic qualifications, competencies and skills and 30 years' relevant experience	No valid reasons to justify a change in the result of the selection process
52	Assistant Director (Administration), Primary Health Care Directorate	Ministry for Health, the Elderly and Community Care	Complained about the poor result obtained in the interview	No valid reasons to justify a change in the result of the selection process
53	Teacher (Integrated Science)	Directorate for Educational Services	Complained about the marks awarded and requested that reconsideration be given so that mark would be upgraded to at least a pass mark	No valid reasons to justify a change in the result of the selection process
54	Director (School Resources)	Directorate for Educational Services	Complained for not being short-listed following a preliminary interview. Reserved the right to request the replacement of two of the members of the board since petitioner had a pending civil court case against them. Requested also that the result be annulled	Petitioner had been specifically asked whether he preferred that MEDE officers did not form part of the interviewing panel. Petitioner had expressed the view that MEDE officers should remain on the panel for the interview as the legal action had been instituted against the Ministry rather than against individuals. No valid reasons to justify a change in the result of the selection process

No	Related Post	Department	Complaint	Commission's Decision
55	Director (Student Services)	Directorate for Educational Services	Complained for not being short-listed following a preliminary interview. Reserved the right to request the replacement of two of the members of the board since petitioner had a pending civil court case against them. Requested also that the result be annulled	Petitioner had been specifically asked whether he preferred that MEDE officers did not form part of the interviewing panel. Petitioner had expressed the view that MEDE officers should remain on the panel for the interview as the legal action had been instituted against the Ministry rather than against individuals. No valid reasons to justify a change in the result of the selection process
56	Teacher (Biology and/or Integrated Science)	Directorate for Educational Services	Complained about the marks awarded and requested that reconsideration be given so that mark would be upgraded to at least a pass mark	No valid reasons to justify a change in the result of the selection process
57	National Identity Management Officer	Land and Public Registry	Claimed that the selection process had been unfair from the outset. Requested an opportunity to be interviewed by a new Selection Board	No valid reasons to justify a change in the result of the selection process. Petitioner's claim considered frivolous, vexatious and highly unbecoming of a public officer
58	Radiographer (Diagnostic)	Ministry for Health, the Elderly and Community Care	A number of newly-qualified radiographers complained that the published result did not distinguish between the students who had successfully completed the course leading to a BSc in Radiography and those who were not yet qualified by the time of the interview. Consequently, this difference was not reflected in the order of merit since some candidates who had a re-sit had placed before other candidates who had already obtained the degree in radiography. Petitioners requested the PSC that this injustice be redressed through their being classified before those students who had yet to pass their re-sit exam	Complaint upheld. Result restructured in the form of two separate orders of merit, one for those who qualified for the award of their degree by the date of the interviews, and the other for those who qualified later. Those in the first order of merit were given precedence for appointment purposes over those in the second
59	Director (Curriculum Management and eLearning)	Directorate for Quality and Standards in Education	Complained for not being appointed to the position.	No valid reasons to justify a change in the decisions made by the SAAC

No	Related Post	Department	Complaint	Commission's Decision
60	Director (Quality Assurance)	Directorate for Quality and Standards in Education	Complained for not being appointed to the position.	No valid reasons to justify a change in the decisions made by the SAAC
61	Education Officer	Directorate for Quality and Standards in Education	Complained for having failed the interview in spite of strong academic background in addition to professional teaching experience	No valid reasons to justify a change in the result of the selection process
62	Manager (Revenue)	Government Property Department, Ministry for Fair Competition, Small Business and Consumers	Objected to the marks awarded by the Selection Board. Claimed discrimination prior, during and subsequent to the interview	No valid reasons to justify a change in the result of the selection process
63	Senior Systems Administrator	Government Property Department	Complained that the Selection Board had not given due recognition to qualifications, specialised IT knowledge and seniority	No valid reasons to justify a change in the result of the selection process
64	Deputy Nursing Officer	Directorate of Customer Services (Gozo General Hospital), Ministry for Gozo	Complained about the result and requested a revision of marks claiming an injustice in failing in the selection process	No valid reasons to justify a change in the result of the selection process
65	Head of School (Gozo)	Directorate for Educational Services	Complained about the result and requested a revision of marks.	No valid reasons to justify a change in the result of the selection process
66	Teacher (Home Economics)	Directorate for Educational Services	Complained about the marks awarded during the interview	No valid reasons to justify a change in the result of the selection process
67	Head of School (Malta)	Directorate for Educational Services	Complained for not being awarded marks for qualifications	Petition could not be upheld as it had been submitted after the ten working days allowed for the submission of petitions
68	Consultant Geriatrician	Ministry for Health, the Elderly and Community Care	Complained that more marks should have been awarded for each criterion	No valid reasons to justify a change in the result of the selection process
69	Teacher (Maltese)	Directorate for Educational Services	Complained about the marks awarded	No valid reasons to justify a change in the result of the selection process
70	Teacher (Maltese)	Directorate for Educational Services	Complained that the marks awarded did not reflect performance during the interview	No valid reasons to justify a change in the result of the selection process
71	Manager (District Offices)	Social Security Department	Complained about the marks awarded. Felt unjustly assessed	No valid reasons to justify a change in the result of the selection process
72	Senior Manager (Administration and Finance), Malta Qualifications Council	Ministry of Education, Employment and the Family	Alleged that the candidate appointed to the position had not been eligible to apply	The selected candidate satisfied the requirements of the call for applications

No	Related Post	Department	Complaint	Commission's Decision
73	Clinical Chairperson, Department of Child Adolescent Health	Ministry for Health, the Elderly and Community Care	Objected to the result. Alleged that the first-placed candidate was the current holder of the position and recounted in detail various shortcomings in management and planning due to failure on incumbent's part to achieve the necessary goals during years of office	No valid reasons to justify a change in the result of the selection process
74	Service Manager (School Resources Management)	Directorate for Educational Services	Complained about the selection criteria adopted by the Selection Board, which were considered by petitioner to be subjective and could lead to irregularities to the extent that academic qualifications had not been given due weighting	No valid reasons to justify a change in the result of the selection process
75	Adult Educators	Ministry of Education and Employment	Complained that the result was not placed on the notice board; alleged that the selected candidate had no teaching certificate or warrant, etc.	No valid reasons to justify a change in the result of the selection process
76	Physiotherapist	Ministry for Health, the Elderly and Community Care	Objected to the marks awarded	Petition could not be upheld as it had been submitted after the ten working days allowed for the submission of petitions
77	School Transport Coordinator	Directorate for Educational Services	Objected to the marks awarded. Alleged that the selected candidate had less experience	No valid reasons to justify a change in the result of the selection process
78	Higher Specialist Trainee (Psychiatry)	Ministry for Health, the Elderly and Community Care	Complained about the marks awarded	No valid reasons to justify a change in the result of the selection process
79	Higher Specialist Trainee (Psychiatry)	Ministry for Health, the Elderly and Community Care	Complained about the marks awarded	No valid reasons to justify a change in the result of the selection process
80	Higher Specialist Trainee (Psychiatry)	Ministry for Health, the Elderly and Community Care	Complained that the MRCPsych membership should have been given due weight	No valid reasons to justify a change in the result of the selection process
81	Economics Officer	Ministry of Finance, the Economy and Investment	Complained about the marks awarded	No valid reasons to justify a change in the result of the selection process.
82	Economics Officer	Ministry of Finance, the Economy and Investment	Complained about the marks awarded	No valid reasons to justify a change in the result of the selection process

No	Related Post	Department	Complaint	Commission's Decision
83	Public Cleansing Foreman, Cleansing Directorate	Ministry for Resources and Rural Affairs	Complained that the marks awarded were low considering the knowledge and expertise gained over a period of years	No valid reasons to justify a change in the result of the selection process
84	Scientific Officer	Ministry for Resources and Rural Affairs	Complained of being unfairly treated	No valid reasons to justify a change in the result of the selection process
85	Green Public Procurement Officer	Ministry for Tourism, Culture and the Environment	Complained about the marks awarded	Petition could not be upheld as it had been submitted after the ten working days allowed for the submission of petitions
86	Assistant Head of School (Secondary - Malta)	Directorate for Educational Services	Petitioner claimed unfair treatment when the second revision of the published selection result had prejudiced petitioner's chances of being appointed due to a lower placing in the order of merit	Marks reviewed, as a result of which the complainant's placing in the order of merit was upgraded and therefore candidate merited to be appointed to the post

Appendix 11:

Oral Representations on Disciplinary or Criminal Cases heard by the Commission

No	Grade of officer charged	Present for oral hearing	Regulation
1	Police Constable	Officer charged, assisted by legal adviser	Criminal case: representations in terms of Regulation 16 (2)
2	Police Constable	Officer charged, assisted by legal adviser	Criminal case: representations in terms of Regulation 16 (2)
3	Teacher, Directorate for Educational Services	Officer charged, assisted by two legal advisers	Criminal case: representations in terms of Regulation 16 (2)
4	Medical Officer, Ministry for Health, the Elderly and Community Care	Officer charged, assisted by legal adviser and a Union representative; one departmental representative and Chairman of the Disciplinary Board	Discipline: representations in terms of regulation 26 (2) (b)
5	Senior Operative, Ministry of Education and Employment	Officer charged, assisted by legal adviser; three departmental representatives and Chairman of the Disciplinary Board	Discipline: representations in terms of regulation 26 (2) (b)
6	General Hand, Ministry for Health, the Elderly and Community Care	Officer charged, assisted by legal adviser and two Union representatives and one departmental representative	Discipline: representations in terms of regulation 26 (2) (b)
7	Supply Learning Support Assistant, Ministry of Education and Employment	Officer charged assisted by legal adviser; two departmental representatives and Chairperson of the Disciplinary Board	Discipline: representations in terms of regulation 26 (2) (b)
8	Enrolled Nurse, Ministry for Health, the Elderly and Community Care	Officer charged, unassisted	Discipline: representations in terms of regulation 26 (2) (b)
9	General Hand, Ministry of Education and Employment	Officer charged, assisted by legal adviser; and three departmental representatives	Discipline: representations in terms of regulation 26 (2) (b)
10	General Hand, Department of Social Security	Officer charged, assisted by legal adviser; and one departmental representative	Discipline: representations in terms of regulation 26 (2) (b)
11	Senior Clerk, Ministry of Finance, the Economy and Investment	Officer charged, assisted by legal adviser; and three departmental representatives	Discipline: representations in terms of regulation 26 (2) (b)
12	Detention Service Officer, Ministry for Home Affairs	Officer charged, assisted by legal adviser; and three departmental representatives	Discipline: representations in terms of regulation 26 (2) (b)
13	Clerk, Ministry of Education and Employment	Officer charged, assisted by Union representative; three departmental representatives and Chairman, Disciplinary Board	Discipline: appeal in terms of regulation 30 (6)
14	Learning Support Assistant, Ministry of Education and Employment	Officer charged, assisted by legal advisor and Union representative; and four departmental representatives	Discipline: appeal in terms of regulation 30 (6)
15	Senior Clerk, VAT Department	Officer charged, assisted by Union representative; and one departmental representative	Discipline: appeal in terms of regulation 30 (6)

Appendix 12:**Cases involving an Exchange of Correspondence with the Ombudsman**

No	Subject of complaint	Query by Ombudsman	PSC Comments	Final position of Ombudsman	Action by PSC
1	Next-in-line appointment to the post of Assistant Principal Medical Laboratory Technologist	-	-	The Ombudsman upheld the complaint of the candidate who was next in line in the order of merit but had not been recommended for appointment by the health authorities when one of the selected candidates refused the appointment. Since the validity of the result of the related selection process had expired, the Commission was asked to take note of the Ombudsman's report when considering any future recommendation in respect of the candidate concerned.	While the Ombudsman's opinion was noted, the Commission eventually recommended the appointment of the candidate concerned on the basis that the vacancy to be filled had been created before the expiry of the result relating to the post in question.

No	Subject of complaint	Query by Ombudsman	PSC Comments	Final position of Ombudsman	Action by PSC
2	Appointment of Executive Secretaries with Local Councils	The Ombudsman advised complainant to seek redress from PSC in respect of (i) the alleged deviation by the Department for Local Government from the terms of the call for expression of interest; and (ii) the alleged failure of the Northern Regional Committee to inform complainant about the details of the interview.	PSC upheld complainant's arguments regarding the first complaint and admonished the Department for unilaterally departing from the terms approved by the Commission. However, considering the circumstances, the Commission gave retrospective approval to this departure. With regard to the second complaint, the Commission explained that its jurisdiction was limited only to the initial stage of the process and that the interviews involved were not within its remit.	In his reply to complainant the Ombudsman noted the action taken by the Commission and acknowledged that the Commission had acted within its jurisdiction and mandate at law. The Ombudsman also criticised the Department for Local Government for not addressing the grievance appropriately and with urgency, stating that the Department should have taken appropriate action to ensure that correct procedures were in place in respect of communicating important notifications.	The Ombudsman's opinion was noted.
3	Complainant was selected as Supply Teacher (Music) but was later found to be ineligible for the position	The Commission was asked to comment on complainant's request for payment for services rendered to the Directorate for Educational Services	The Commission replied to the Office of the Ombudsman stating that, in the particular circumstances, the PSC was of the view that the complainant should be paid for the period during which he had actually worked.	–	–
4	Alleged harassment at place of work	The Office of the Ombudsman requested to peruse the PSC file dealing with complainant's petitions to PSC	The Commission provided the requested documents to the Office of the Ombudsman.	The Ombudsman concluded that complainant's claims could not be sustained.	The Ombudsman's opinion was noted.
5	Post of Assistant Director (Public Service Commission)	The Ombudsman requested a review of the PSC file in connection with the selection process for the position in question.	The Commission provided the requested documents to the Office of the Ombudsman.	The Ombudsman concluded that the complaint could not be sustained.	The Ombudsman's opinion was noted.

