



# PUBLIC SERVICE COMMISSION

## Annual Report 2018



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<b>Contents</b>	<b>Page</b>
<b>Abstract</b>	<b>1</b>
<b>Foreword</b>	<b>2-4</b>
<b>I. The Remit of the Public Service Commission</b>	<b>5</b>
• Statutory basis	
<b>II. Members and Staff of the Commission</b>	<b>6-17</b>
• Composition	
• Membership	
• The Members of the Commission	
• Number of meetings held	
• The Office of the Public Service Commission	
• Method of work of the Commission	
• PSC website	
<b>III. Appointments</b>	<b>18-38</b>
• The role of the Commission within a Delegated scenario	
• Recommendations and advice to the Prime Minister	
• Notifications	
• Representations made to the Commission	
• Petitions relating to selection results	
• Oral hearings following the submission of petitions	
• Audits	
<b>IV. Discipline</b>	<b>39-55</b>
• Functions of the Commission relating to discipline	
• Disciplinary cases involving criminal proceedings against public officers	
• Oral hearings	
• Disciplinary cases leading to dismissal and appeals	
• Analysis of offences and penalties in cases decided by the Commission (both criminal and disciplinary cases)	
• Appeals dismissed by the Commission	
• Proceedings in breach of the Disciplinary Regulations	
• Reference back by the Prime Minister	
• Review of past disciplinary decisions	
• Absence without leave	
• The exercise of discipline through delegated authority	
<b>V. Selected Issues and Rulings by the Commission</b>	<b>56-65</b>
<b>A. Policy matters and issues relating to Recruitment and appointments</b>	
<b>B. Issues relating to disciplinary procedure</b>	
<b>VI. Other business of the Commission</b>	<b>66-75</b>

<b>Contents</b>	<b>Page</b>
<b>Appendices</b>	<b>76-109</b>
Appendix 1:	Public Service Commission Chairpersons
Appendix 2:	Secretaries to the Public Service Commission
Appendix 3:	Office of the Public Service Commission (i) Staff complement (ii) Commission's expenditure
Appendix 4:	Representations addressed by the Public Service Commission in 2018
Appendix 5:	Petitions addressed by the Public Service Commission in 2018

## List of Tables and Diagrams

Table 1:	Membership of the Commission as at 31.12.2018
Table 2:	Representations in 2018
Table 3:	Petitions in 2018
Table 4:	Disciplinary Action taken by Heads of Department
Diagram 1:	Withdrawal of calls for applications – by Ministry
Diagram 2:	Deviation from the Manual – Composition of Selection Boards – by Ministry
Diagram 3:	Deviation from the Manual – Semi-standard criteria – by Ministry
Diagram 4:	Disqualification of applicants – by Ministry
Diagram 5:	Revocation of appointments – by Ministry
Diagram 6:	Extension of result validity period – by Ministry
Diagram 7:	Nature of representations
Diagram 8:	Nature of Petitions
Diagram 9:	Recommendations to the Prime Minister concerning criminal cases
Diagram 10:	Recommendations to the Prime Minister in disciplinary cases
Diagram 11:	Disciplinary action by Heads of Department (outcome for 2018 – Minor Disciplinary Cases)
Diagram 12:	Disciplinary action by Heads of Department (outcome for 2018 – Serious Disciplinary Cases)
Diagram 13:	Disciplinary action by Heads of Department (outcome for 2018 – Serious and leading to Dismissal)

## **Acronyms**

<b>OPM</b>	Office of the Prime Minister
<b>MEAE</b>	Ministry for European Affairs and Equality
<b>MEDE</b>	Ministry for Education and Employment
<b>MFH</b>	Ministry for Health
<b>MEIB</b>	Ministry for the Economy, Investment and Small Businesses
<b>MESDC</b>	Ministry for the Environment, Sustainable Development and Climate Change
<b>MEW</b>	Ministry for Energy and Water Management
<b>MFCS</b>	Ministry for the Family, Children's Rights and Social Solidarity
<b>MFIN</b>	Ministry for Finance
<b>MFTP</b>	Ministry for Foreign Affairs and Trade Promotion
<b>MGOZ</b>	Ministry for Gozo
<b>MHAS</b>	Ministry for Home Affairs and National Security
<b>MJCL</b>	Ministry for Justice, Culture and Local Government
<b>MOT</b>	Ministry for Tourism
<b>MTIP</b>	Ministry for Transport, Infrastructure and Capital Projects
<b>MPS</b>	Malta Public Service
<b>PSC</b>	Public Service Commission



# 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.”*

## Abstract

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

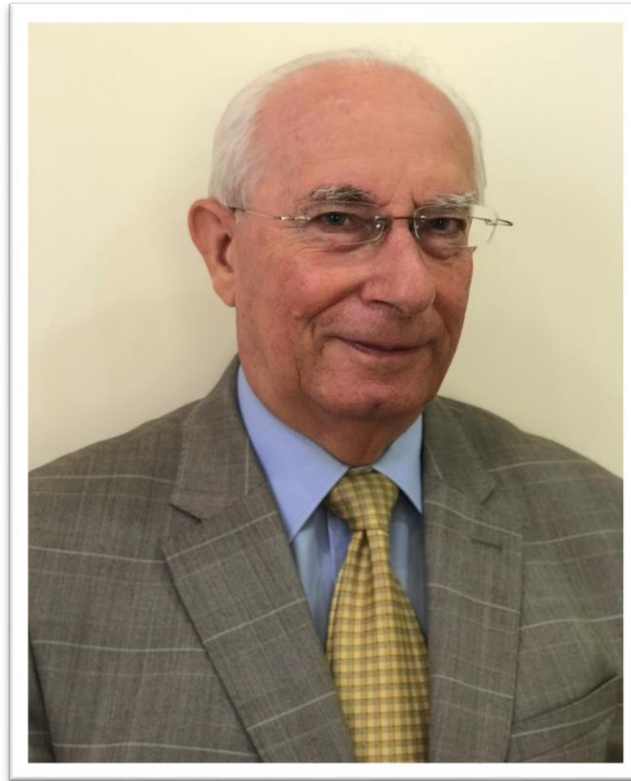
This is the 59<sup>th</sup> annual report of the Commission, submitted to the Prime Minister in terms of regulation 5 (1) of the Public Service Commission General Regulations.

The report provides a brief description of the main activities of the Commission during the year 2018 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.

The report may be accessed through the Public Service Commission's website at <https://psc.gov.mt>.



## Foreword



Mr Louis P Naudi (Chairman, Public Service Commission)

It is usual to associate the word ‘Audit’ with the examination of financial statements. The Economic Times defines the word as *“the examination or inspection of books of accounts by an auditor followed by physical checking of inventory to make sure that all departments are following documented system of recording transactions. It is done to ascertain the accuracy of financial statements provided by the organisation”*.

What relevance, one may legitimately ask, does all this have on the workings of the Public Service Commission? We do not, after all, pursue financial objectives. Nevertheless, as the constitutional watchdog entrusted with impartially overseeing meritorious employment and the correct legal and sagacious applicability of disciplinary procedures in

the Public Service, it is morally and legally imperative that the Commission acts in defence of the rights of each individual employee, whatever his/her grade in the government structure. I would go so far as to add that one of the objectives of the Commission, which I have been privileged to chair, is to safeguard the interests of public officers and of those aspiring for employment in the Public Service, with a view to shielding them from any form of injustice.

With the accelerated delegation of administrative processes to Permanent Secretaries in the years preceding this report, the Commission felt the need to set up a monitoring body within its office to ensure compliance on the ground, with all the directives governing employment and discipline throughout the Public Service.

For some, keeping up with compliance might be considered a burden. The Commission's vision was, and still is, to transform compliance from a burden to a benefit. The culture of compliance is highly promoted and, nowadays, is considered as an integral part of the Commission's functions. To this effect, a Compliance Unit was set up within the Commission's Office.

The role of a Compliance Officer within the Office of the Commission is to make sure that line Ministries conduct their functions, vis-à-vis selection processes and disciplinary proceedings, in full compliance with respective regulations. Compliance officers are crucial in helping the Commission to manage the number of petitions received, to maintain a positive reputation, and avoid lawsuits.

Compliance officers have an innate and intuitive knowledge of the Commission's goals and they are charged not just with investigating petitions received, but with educating the Public Service and recommending practices that will ensure the highest possible level of compliance. Staff is expected to stay on top of the regulations and is expected to be able to interpret them correctly.

Shortcomings identified throughout audits, along with recommendations for better administration of processes and accountability, are referred for the attention of Permanent Secretaries after each audit report has been thoroughly scrutinised by the members of the Commission who are committed to act in the defence of public officers against unfairness and injustice in the selection of public officers for the purpose of appointments.

It is for these reasons that the Commission relies on the effectiveness of all members of its staff, who are considered as the bedrock of the organisation.

## I. The Remit of the Public Service Commission

### Statutory basis

The Public Service Commission is an independent and autonomous body established under article 109 of the Constitution 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 office, the removal of staff from public office, and the exercise of discipline over 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 by subject to the parameters of classification agreements that exist between the Government and Trade Unions.

The procedures governing these functions are set out in the **Public Service Commission Appointments Regulations, 2015**, and in the **Public Service Commission Disciplinary Regulations, 2017**.

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. Members and Staff of the Commission



### Composition

Article 109 of the Constitution states that the Public Service Commission shall consist of a Chairperson, a Deputy Chairperson, and from one to three other members.

Members of the Commission are appointed by the President of Malta, acting on the advice given by the Prime Minister after consultation with the Leader of the Opposition.

## Membership

The Members of the Commission in office were appointed for a three-year period on 18 July 2016, as indicated in table 1.

**Table 1: Membership of the Commission as on 31 December 2018**

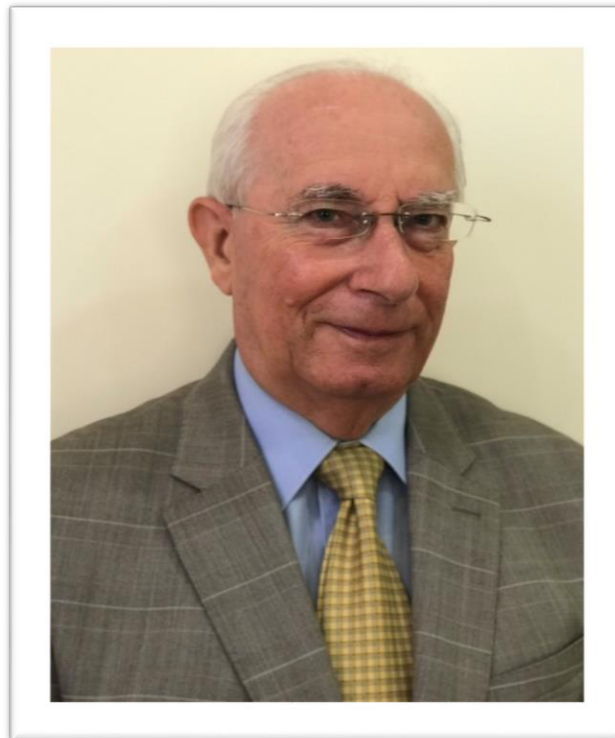
Chairman	Mr Louis P Naudi	(since 18 June 2013)
Deputy Chairperson	Ms Marie-Lourdes Grech	(since 18 July 2016)
Member	Mr Carmel Herrera	(since 18 June 2013)
Member	Mr Franco Masini	(since 18 June 2013)
Member	Mr Vincent Piccinino	(since 18 June 2013)

A list of the previous Chairpersons of the Public Service Commission is found at *Appendix 1*.

## **The Members of the Commission**

### **Mr Louis P Naudi**

*Chairman, Public Service Commission (re-appointed for a second term on 18 July 2016)*



Louis P Naudi is a former public officer. During his long career he occupied various positions in different areas and at different levels until, in 1997, Mr Naudi was appointed Permanent Secretary in the Ministry for Tourism and Culture and Chairman of the Inter-Ministerial Committee on Tourism.

In 1993, he was appointed as the first Director General in the Office of the Prime Minister. He was then principally responsible for drafting legislation and the setting up of Local Councils with the overall responsibility for all the departments falling within the Office of the Prime Minister. He had been previously considerably involved in the setting up of the Public Transport Authority, in the constitutional changes to the citizenship laws and in the setting

up of the Malta International Airport Company Ltd. He was also OPM's Coordinator on the Malta-EU Inter-Ministerial Steering Committee.

Earlier, in 1979, Mr Louis P Naudi had been appointed Deputy Director of Civil Aviation where he was mainly responsible for the handover of the airport complex from the British Authorities and for the registration of Air Malta's aircrafts in Malta.

He was, at various times, appointed Secretary to the Board of MEDSERV, Member of the Co-Operatives Board, Director on the Boards of Cargo Handling Company Ltd., Tigne' Development Company Ltd., Selmun Palace Hotel Company Ltd., Malta International Airport Company Ltd., the Gaming Board and the Malta Tourism Authority.



**Ms Marie-Lourdes Grech**

*Deputy Chairperson, Public Service Commission (appointed on 18 July 2016)*



Marie-Lourdes Grech is a former public officer. During her long career in the Malta Public Service, she served in a number of offices including the House of Representatives, even if for a brief period, and at the Embassy of Malta in Brussels for four years.

During the 37 years she spent at the Office of the Prime Minister, she occupied various posts and positions within different offices, including the Establishments Division, the Staff Development Organisation, the Operations and Programme Implementation Directorate and others. Before retiring from the Public Service in May 2016, Ms Marie-Lourdes Grech held the position of Director General at the Cabinet Office.

**Mr Carmel Herrera**

*Member, Public Service Commission (re-appointed for a second term on 18 July 2016)*



Carmel Herrera joined the Malta Civil Service in September 1968 and retired from the Public Service in August 2011. Between 1972 and 1990, he served at the Department of Social Services from where he moved to the Ministry of Foreign Affairs.

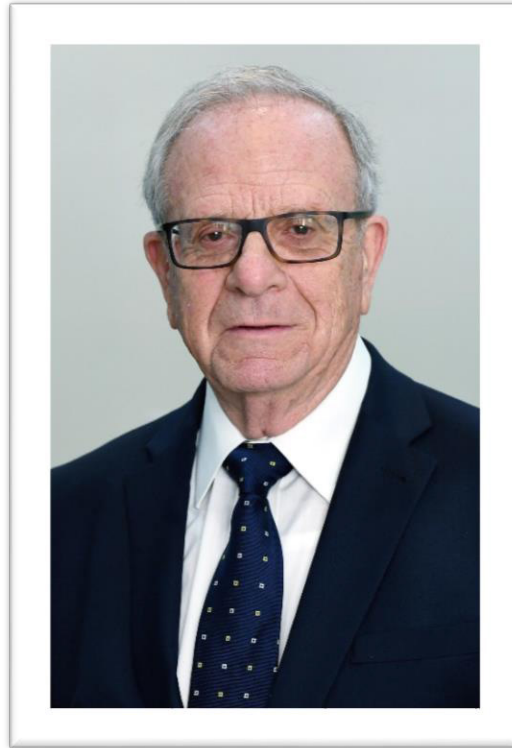
There, he served both at the Bilateral Affairs and the Multilateral Affairs Directorates and was Deputy Director of Protocol before moving to the Ministry of Health. He also served at the Ministry for Resources and Rural Affairs only to return to the Ministry of Foreign Affairs in 2008.

He served overseas at the High Commission in Canberra and at the Consulate in Sydney as Consul General.

He also served at the Embassy of Malta in The Hague, the Netherlands, spending the last seven months of his career as Chargé d'Affaires, a.i.

**Mr Franco Masini**

*Member, Public Service Commission (re-appointed for a second term on 18 July 2016)*



Franco Masini, born in Victoria, Gozo, was educated at St Aloysius' College and the University of Malta where he read Arts (BA), Documentary Heritage (MA) and Law (Legal Procurator). He served in senior management and administrative positions in the private sector. He was active in organised business, occupying the post of President of the Federation of Industries, the Malta International Fair and the Malta Employers Association. He served on the board of directors of several major public companies including Air Malta plc, Bank of Valletta plc, APS Bank Ltd, Gozo Channel Co. Ltd and companies of the Farsons Group. He is a past member of the Broadcasting Authority, the Council of the University of Malta and the Malta Council for Economic and Social Development. In 2002, the President of Malta awarded him the Medal for Service to the Republic (MQR) for "exceptional service to Malta". In 2009 he was conferred with the Ġieħ Ġhawdex award.

Mr Masini had already served as a member of the Public Service Commission between 1996 and 1997.

**Mr Vincent Piccinino**

*Member, Public Service Commission (re-appointed for a second term on 18 July 2016)*



Vincent Piccinino is a retired public officer. Following a two-year course at St Michael's Teachers' Training College, he was appointed Teacher in 1969, but chose to take up a career within the Civil Service after obtaining a BA (Hons) degree in Public Administration from the University of Malta in 1983.

Mr Piccinino spent over 23 years at the Office of the Prime Minister and, between 1996 and 1998, he also served as Private Secretary to the Prime Minister. In 2002, Mr Piccinino was appointed Director (Finance and Administration) at the Education Division, from where he was superannuated in 2006 on reaching retirement age.

## **Number of meetings held**

During 2018, the Commission held a total of 45 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 dedicated public officers headed by Ms Christine Schembri, Executive Secretary (Public Service Commission), who is a senior public officer appointed to the position on a performance agreement for three years.

Throughout the year under review, Ms Schembri was assisted by Ms Jacqueline Bonnici, Assistant Director (PSC) and by Ms Angela Portelli, Assistant Director (Support Services).

A list of the previous Secretaries of the Public Service Commission is found at *Appendix 2*, while the staff complement and the total expenditure incurred in the running of the Office of the Public Service Commission for the year 2018 are shown in *Appendix 3*.

## 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 selection processes, promotions, or disciplinary matters that require discussion.

The Commission holds oral hearings in serious disciplinary cases that may lead to dismissal. As laid down in the Disciplinary Regulations, during these hearings, the accused officer and the representative of the department concerned, together with their respective counsel, 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 27 of the Disciplinary Regulations, after having been 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 such as the withholding of a progression, extension or termination of probationary period,

disqualification from a selection process, in cases of petitions, or the revocation of an appointment.

Meetings are occasionally held with the Principal Permanent Secretary to discuss Public Service policies, concerns and issues of common interest, 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 the problems faced by the Administration. Selection Boards may also be required to meet with the Commission when matters regarding selection processes arise.

### **PSC Website**

In 2018, the Public Service Commission's website was revamped and was given a refreshed and modern look. It may be accessed at <https://psc.gov.mt>.

The website provides basic information on the Commission's role and functions, its current composition, how the Commission conducts its business, and the organisation of the Office of the Public Service Commission.

Various documents and templates, mostly concerning instructions and guidelines issued by the Commission, are uploaded on the website periodically. The current Annual Report, as well as reports for the years 2004 to 2017, may also be viewed and downloaded from the website.



### III. Appointments



#### **The role of the Commission in a delegated scenario**

Directive 9 provides that Permanent Secretaries do not require the authority of the Public Service Commission to issue calls for applications, appoint selection boards, issue results and appoint. However, the involvement of the Public Service Commission is mandatory in various stages throughout the selection process. The following are a few instances when the intervention of the Public Service Commission is imperative:-

- **Eligibility benchmarks**

Eligibility benchmarks are set out by the People and Standards Division, OPM. Any departure from the established eligibility benchmarks, after being approved by the People and Standards Division, should be referred for the attention of the Public Service Commission. Moreover, in certain cases, the People and Standards Division may seek the Commission's approval for such departures.

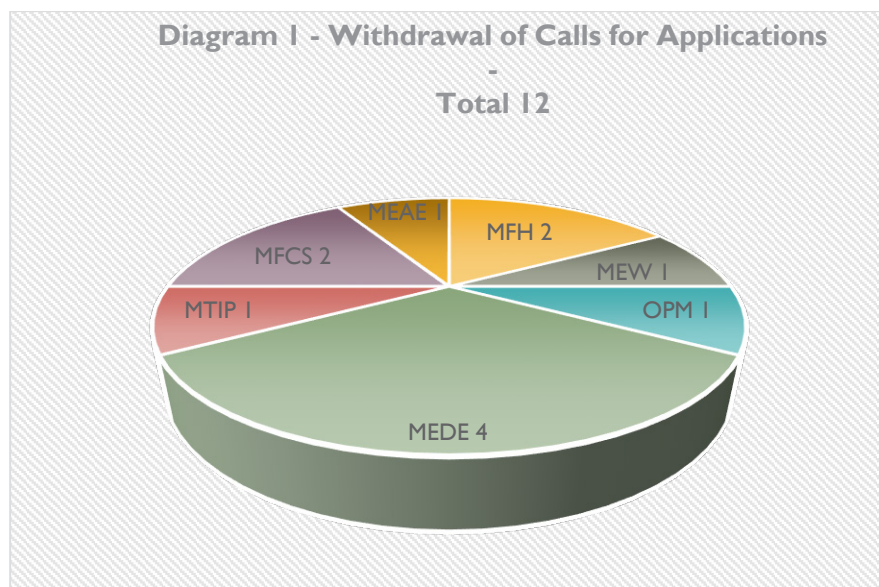
- **Submission of applications period**

At least ten working days should be allowed for the submission of applications. Justified requests for a shorter period must be authorised by the Commission.

- **Correction to, or withdrawal of, the call for applications**

Issuing Authorities may make corrections to a call for applications without the need for the Commission's approval, provided that the corrections are published and advertised with the same prominence as the original call. If such corrections impinge on the eligibility criteria, the Commission's approval is required. Moreover, if the corrections result in the widening of the eligibility parameters, the closing date should be extended by at least ten additional working days so that applicants who are rendered eligible are given the opportunity to apply.

The withdrawal of a call for applications must invariably be authorised by the PSC on the basis of a strong justification by the authorities. During 2018, the PSC authorised 12 of such requests as shown in diagram 1.



In instances where the Selection Board encounters difficulty in interpreting the provisions of the call for applications due to lack of clarity, or conflicts between the English and Maltese versions, or provisions which are in conflict with each other, it is the Maltese version which prevails. If the Selection Board considers that the Maltese text is incorrect, it shall seek the advice of the Public Service Commission. The Commission may direct that a correction to the call for applications be published, or that the call be withdrawn altogether and a fresh call be issued.

The Public Service Commission may also direct that a call for applications be corrected or withdrawn if, in its opinion, any of the provisions thereof are manifestly unfair or in breach of the principle of merit.

- **Late applications**

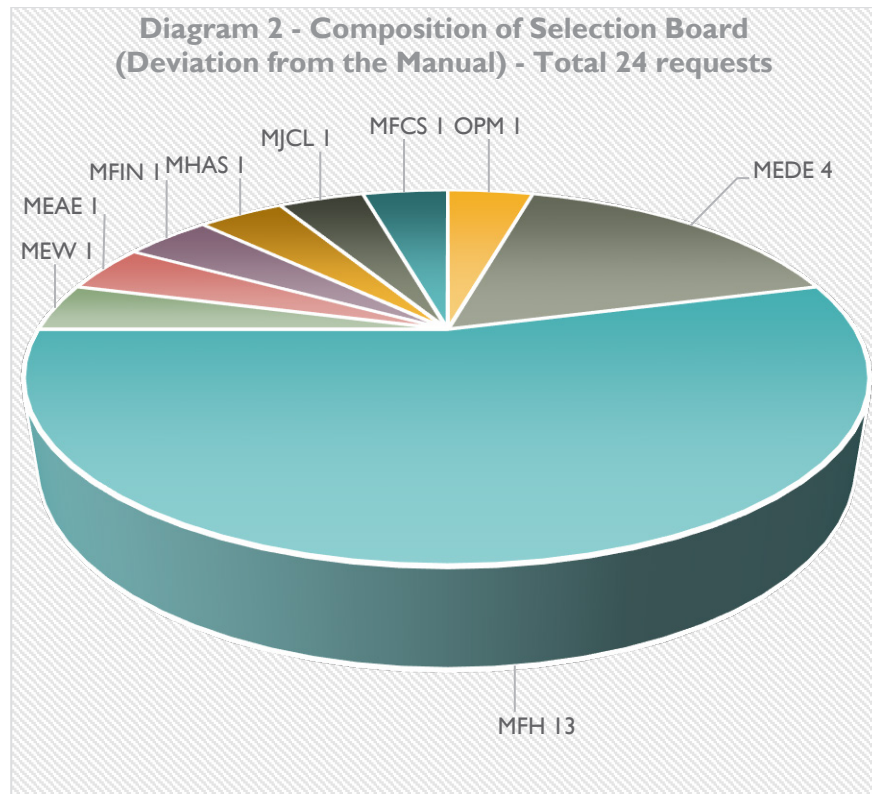
Applications received after the closing date and closing time should not be considered by Selection Boards unless the Public Service Commission grants concession to their acceptance on the basis of the justification given.

- **Composition of Selection Boards**

Selection Boards are comprised of three persons – the Chairperson who should be a serving public officer, and two persons appointed from the Standing Selection Panel of the respective Ministry.

If, for any reason, a person nominated to form part of a Selection Board is not a serving public officer in an appropriate grade or scale, or does not form part of the Standing Selection Panel of the respective Ministry, the prior approval of the Public Service Commission is required.

Throughout 2018, the Commission considered 24 cases where authorities considered that a deviation from the ***Manual on Industrial Relations and the Selection and Appointment Process under Delegated Authority in the Malta Public Service*** was justified. Diagram 2 outlines the requests received.



- **Waiver of eligibility requirements in the case of disabled applicants**

The general provisions pertaining to calls for applications, to which reference is usually made in each call, permit applicants who are registered as disabled to request reasonable accommodation on account of their disability. This means that disabled applicants who would otherwise be ineligible, may seek waivers of specific eligibility requirements.

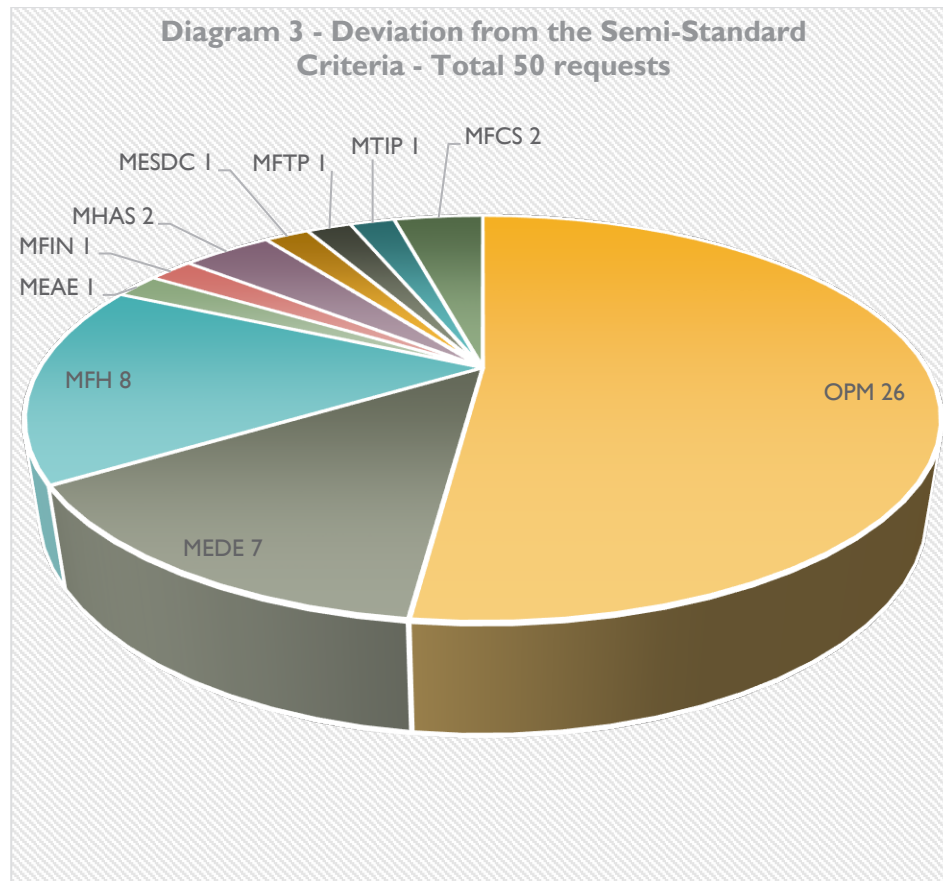
Requests for reasonable accommodation which are received by Selection Boards are to be referred for the consideration of the Public Service Commission.

- **Waiver of eligibility requirements due to administrative errors**

It is the Commission's policy that applicants should not be penalised for any administrative delays or errors over which applicants have no control. For this reason, any cases of apparent ineligibility due to administrative delays or errors are referred to the Public Service Commission for its consideration.

- **Deviation from the semi-standard criteria as set out in the Manual on Industrial Relations and the Selection and Appointment Process Under Delegated Authority**

If a deviation from the semi-standard criteria is contemplated, the delegated authority is to refer the selection criteria for the endorsement of the Public Service Commission prior to the start of the interviews. In 2018, the Commission considered a total of 50 such requests. Diagram 3 refers.



- **Representations period**

Before compiling and finalising its report, the Selection Board enquires with the Commission whether any representations, submitted by applicants who contested their ineligibility within the established time-frame of five working days, were still pending.

- **Petitions period**

When the 10 working days allowed for the submission of petitions expire, the authorities shall enquire in writing with the Public Service Commission whether the ministry may proceed with the making of appointments.

- **Minority reports**

When a member disagrees with the rest of the Selection Board on a matter of significant importance which renders him/her unable to sign the report, the member in disagreement may draw up a minority report. The guidance of the Commission may be sought by the pertinent Permanent Secretary in such cases.

- **Appointment of successful candidates**

Appointments may only be made after the 10 working days allowed for the submission of petitions expire, unless clearance is obtained from the Public Service Commission to proceed with appointments on grounds of public interest.

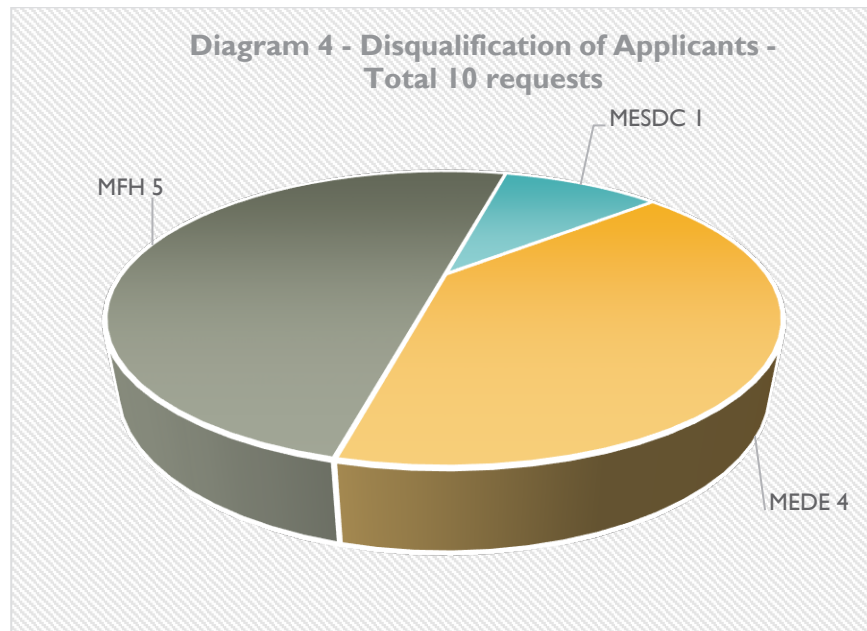
- **Regulation 20 (Power of the Commission to disqualify applicants)**

If for any reason, as stipulated in regulation 20, the authorities are of the opinion that a successful candidate in the order of merit should not be appointed, they shall submit the matter, together with all the relevant documentation, for consideration of the Public Service Commission in terms of the same sub-regulation.

The Public Service Commission, after giving the candidate concerned the opportunity to submit representations, and after considering the matter, directs the authorities on how to proceed.



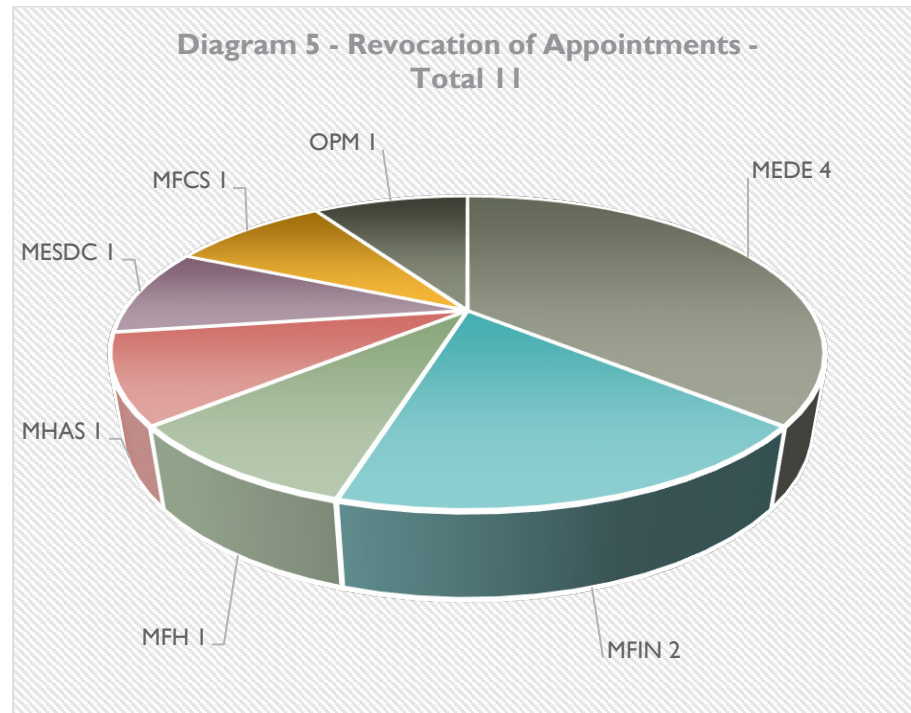
Diagram 4 denotes 10 requests for the disqualification of applicants.



- **Regulation 32 (Power of the Commission to recommend the revocation of appointments)**

In exercising its power to change and/or annul any wrong decision, the Commission may recommend to the Prime Minister that an appointment be withdrawn in terms of sub-regulation 32 of the PSC Appointments Regulations.

In 2018, the Commission recommended the revocation of 11 appointments as shown in diagram 5.



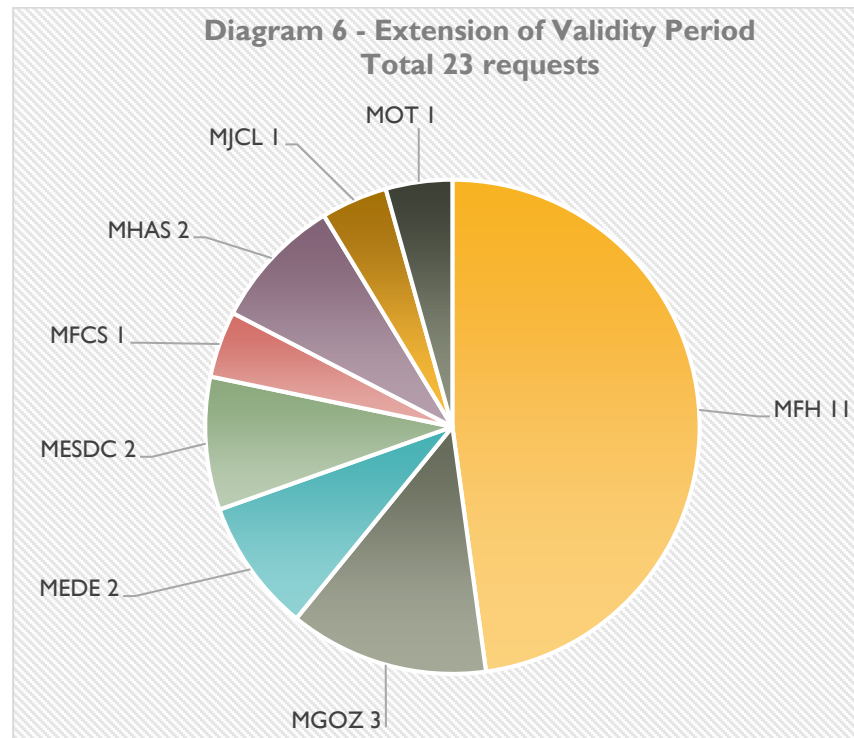
In the case of a flawed selection exercise, the Commission retains the right to order a fresh selection process by a fresh Selection Board.

- **Validity period of the result**

The validity period of a selection process shall be one year from the date of publication of the result, or the date the result is sent to candidates in the case of posts/positions in salary scale 5 or higher, unless otherwise stated in the call for applications. The result of the interview will serve to fill vacancies recurring in that particular post/position during the validity period. In cases where a revised result is issued, the validity period of the result, nonetheless, starts from the date of the original result.

The Public Service Commission may, if it deems it necessary and appropriate, authorise the extension of the validity period.

During the year under review the Commission approved 23 requests for the extension of the validity period of results, as delineated in diagram 6.



In recapitulation of the foregoing analysis, during the course of the year under review, the Commission considered and decided upon six corrigenda, 12 withdrawals of calls for application, three suppressions of calls for application, 50 requests for deviations from the set criteria of the Manual on Industrial Relations and the Selection and Appointments Process Under Delegated Authority in the Malta Public Service and 24 requests for compositions of selection boards which deviated from the provisions of the same manual.

During 2018, the Commission also annulled six selection processes and recommended the revocation of 11 appointments and 10 disqualifications of applicants.

The Commission approved 23 extensions to the validity period of results.

### **Recommendations and advice to the Prime Minister**

With regard to appointments, the Commission referred 105 recommendations to the Prime Minister, during the year under review. These recommendations related to appointments to headship positions, re-designation of positions, extension of performance agreements, termination of performance agreements and lateral moves. Other recommendations related to reversion to previous grades, revocation of appointments, re-employment/reinstatement, appointments of Executive Secretaries within Local Councils as public officers, regularisation of employment of staff in the Public Service and appointments as a result of decisions by the Grievances Unit.

On 16 occasions throughout the year, the Commission gave its advice to the Prime Minister in terms of articles 92(3), 92(4) and 111(1) of the Constitution for the appointments of Permanent Secretaries, Heads or Acting Heads of Department, and Resident Ambassadors abroad.

## **Notifications**

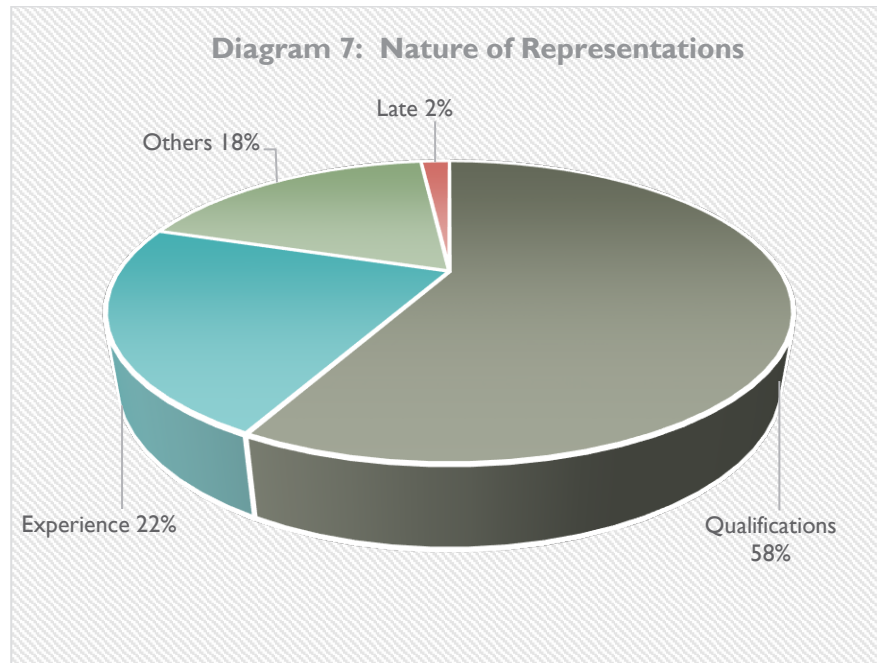
The Commission issued 306 notifications relating to appointments following selection processes, extensions of performance agreements, the grant of indefinite status, assimilations/promotions in terms of classification agreements, postponement/backdating of appointments, engagement/renewal of contracts, revocation of appointments and withholding of progressions/promotions.

## **Representations made to the Commission**

Regulation 23 of the Public Service Commission Appointments Regulations provides that an applicant for a vacant post/position who is found by the selection board not to satisfy the eligibility requirements for the post/position, or who is disqualified by the selection board for any other reason and who is of the view that the selection board has decided wrongly in his/her regard, may submit representations to the Commission within five working days from the date when action was taken to inform him/her that s/he has been found ineligible or otherwise disqualified.

In 2018, the Commission considered a total of 391 written representations addressed directly to the Commission on matters regarding selection processes relating to appointments in the Public Service. Most of the representations received were lodged by applicants prior to the publication of the results and these mainly involved complaints by applicants who were declared ineligible by selection boards after applying for a particular vacancy.

From the following diagram, one may note that the majority of the representations were made by applicants who were deemed ineligible on basis of their qualification (58%), followed by lack of experience (22%), 'others' (18%) and 'late application' (2%).



During 2018, the contested calls for applications amounted to 199. These calls for applications attracted 5,227 applications. 391 applicants out of those who were deemed to be ineligible by the Selection Boards submitted representations to the Commission, contesting their ineligibility. Table 2 below refers.

**Table 2: Representations in 2018**

<b>Ministry</b>	<b>No. of Contested Selection Processes</b>	<b>No. of Applications Submitted</b>	<b>No. of Representations Submitted</b>
OPM	13	174	13
OPM (Malta Public Service)	1	58	3
MEAE	15	403	33
MEDE	70	1521	124
MEIB	1	7	1
MESDC	21	355	27
MEW	2	16	2
MFCS	4	39	7
MFH	25	879	65
MFH/MFCS	7	494	37
MFIN	7	368	15
MFTP	4	65	6
MGOZ	7	61	8
MHAS	8	625	29
MJCL	7	92	11
MTIP	7	70	10
<b>Total</b>	<b>199</b>	<b>5,227</b>	<b>391</b>

After investigating the submissions received, the Commission ruled in favour of 69 applicants whom it deemed to be eligible. The other 322 representations were not upheld.

A detailed account of the representations addressed by the Commission during 2018, may be found in Appendix 4 of the report.

### **Petitions relating to selection results**

Regulation 24 of the Public Service Commission Appointments Regulations states that an applicant for a vacant post/position, who goes through all the stages of the selection process and who feels aggrieved by the result of the selection board on the grounds that the result does not reflect the merit principle, may petition the Commission for redress. A petition under this regulation should be submitted by the applicant within 10 working days from the date when action is taken to make the outcome of the selection process known to him/her.

With regard to posts or positions in Salary Scale 6 or below, the period of 10 working days starts from the day after a notification appears on the website of the respective Ministry, stating that the result has been published. In the case of vacancies in Scale 5 or higher, where results are sent directly to applicants, the 10 working days start to count from the day after the result is received by the applicants concerned.

In 2018, the Commission received a total of 162 petitions in respect of the results obtained by individuals who believed that the result of the selection process was not a fair reflection of their merits.



The following diagram shows that the majority of the petitions received in 2018 related to complaints about marks given by selection boards for qualifications (26%), followed by experience (24%), knowledge (21%), others (15%) and skills and abilities (14%).

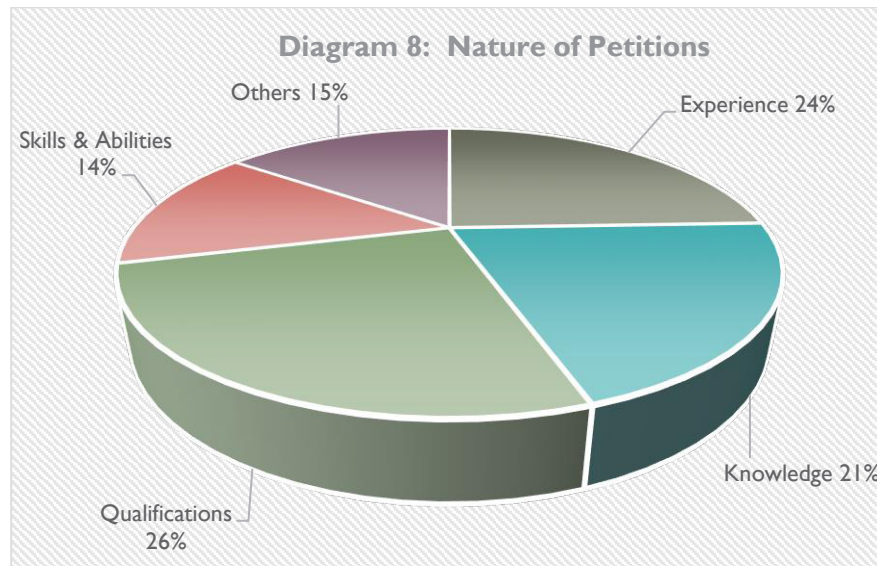


Table 3 below shows that during 2018, the contested selection processes amounted to 68 out of 1,224 calls for applications. A total of 162 candidates, out of 2,347 who were interviewed, appealed against the published results.

**Table 3: Petitions in 2018**

<b>Ministry</b>	<b>No. of Contested Selection Processes</b>	<b>No. of Interviewed Candidates</b>	<b>No. of Petitions Submitted</b>
MEDE	29	1094	72
MEW	1	3	1
MFCS	2	11	2
MFCS/MFH	1	63	4
OPM	2	8	2
SERVICE-WIDE	1	282	13
MEAE	11	234	17
MESDC	3	31	3
MFH	4	107	8
MFTP	2	52	14
MFIN	2	91	2
MGOZ	2	13	2
MHAS	3	325	14
MJCL	5	33	8
<b>Total</b>	<b>68</b>	<b>2,347</b>	<b>162</b>

As on 31 December 2018, out of the 162 petitions received, the Commission ruled in favour of 32, ruled against 126, whilst four petitions were still pending.

A detailed account of the petitions investigated by the Commission may be found at Appendix 5.

## **Oral Hearings following the submission of petitions**

In 2018, the Commission held 12 oral hearings with petitioners. In addition, two Selection Boards were summoned by the Commission. Once summoned, members of selection boards are expected to attend before the Commission and to answer fully and satisfactorily, to the best of their knowledge and belief, all questions put to them.

## **Audits**

Regulation 19(1) of the Public Service Commission Appointments Regulations 2015 authorises the Commission to inquire into and investigate any selection process.

To carry out these investigations, the Commission relies on the compliance team and the Commission's support unit, which is made up of seven Compliance Officers and two Principals.



Three rounds of audits were carried out during the year under review. Audits involve the review, analysis and the evaluation of selection processes which are chosen randomly from within each ministry.

The main objectives of these audits are to ensure that:

- a) selection processes are conducted in accordance with the merit principle;
- b) selection boards interpret the eligibility requirements and the selection criteria in a reasonable manner and are not influenced by any considerations extraneous thereto; and
- c) selection boards do not commit any irregularities of procedure or errors in their appreciation of facts that have material effect on the outcome of the selection process.

Any shortcomings identified by the Compliance Officers during these audits will be referred to the Permanent Secretary of the respective Ministry for remedial action with a view to addressing and rectifying any flaws identified during the course of the audit. If required, meetings with the respective authority are held with a view to clarifying and explaining better any grey areas which remain unclear.



## IV. Discipline



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

The primary role of the Commission within the disciplinary scenario remains that of a regulator. It is empowered to rule upon and give direction about the interpretation of its regulations and to enquire into the disciplinary control exercised by heads of department.

If it transpires that a Head of Department or any other officer has abused his delegated authority, or has failed to exercise proper disciplinary control in accordance with the Disciplinary Regulations or the manual appended to the regulations, or did not comply with any PSC ruling or directive, the Commission may recommend to the Prime Minister that the delegated authority is withdrawn and/or that disciplinary action is taken against the officer concerned.

The following matters also fall within the direct responsibility of the Commission:

- Recommending the suspension for precautionary purposes 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.

Precautionary suspension is imposed whenever it is considered that, due to the nature of the charges against the officer, s/he should not continue to attend work until the case against him/her is decided upon. Precautionary suspension is not a penalty, but a precautionary measure in the public interest and does not imply any judgement as to the guilt or otherwise of the officer facing charges.

Whenever an officer is acquitted of the disciplinary/criminal charges brought against him/her, the Commission recommends that the precautionary suspension is immediately lifted and that s/he is reimbursed the half-salary withheld during the suspension. If, on the other hand, the officer is found guilty, then the half-salary withheld is, usually, forfeited.

- The imposition of disciplinary penalties on public officers who are found guilty of a criminal offence by the Courts.
- The decisions as to the guilt or otherwise of officers and as to the penalties to be imposed, where the officers were notified that the charges against them could, if proved, lead to dismissal. Such cases are heard before a disciplinary board. However, they are then referred to the Commission in terms of regulation 23(2) of the Disciplinary Regulations, since Heads of Department do not have the authority to dismiss an employee on disciplinary grounds. A finding of guilt does not automatically result in the dismissal of the officer. The Commission

may recommend an alternative penalty after considering the findings of the Disciplinary Board and after giving the officer charged and the Head of Department the opportunity to make representations, in writing or orally.

- The hearing of appeals from public officers against decisions taken by Heads of Department under delegated authority, in terms of regulation 27(1) of the Public Service Commission Disciplinary Regulations, 2017.
- The hearing of appeals made by Heads of Department against the findings of Disciplinary Boards, in terms of regulation 29(1).

### **Disciplinary cases involving criminal proceedings against public officers**

In terms of article 110 of the Constitution, during 2018, the Commission made recommendations to the Prime Minister in respect of 58 cases involving criminal proceedings against public officers. A more detailed account of these recommendations is shown in Diagram 9:



Diagram 9: Recommendations made by the Public Service Commission to the Prime Minister concerning criminal cases - Total 58



The Commission also submitted its advice to the Prime Minister, in terms of section 114(1) of the Constitution, on two cases:

- (i) for the withholding of the uncommuted service pension of a public officer, pending the conclusion of the criminal case against him/her; and
- (ii) for the forfeiture of the half service pension withheld from an officer during criminal proceedings, after being found guilty by the Court but had since retired from the Public Service.

### **Oral Hearings**

The Public Service Commission Disciplinary Regulations, 2017 provide that, in its consideration of a case under certain circumstances, the Commission may give the opportunity of an oral hearing to the parties involved.

Regulation 15(2), which deals with disciplinary action after conviction on a criminal charge, stipulates that, if the Commission considers that the appropriate penalty following conviction on a criminal charge shall be dismissal, or a warning of dismissal, or the forfeiture of any salary withheld, it shall inform the officer of his/her right to make written representations to the Commission within a period of 10 working days from such notification and the Commission shall consider such representations and may give the officer the opportunity of an oral hearing before making a recommendation to the Prime Minister.

Whenever the Head of Department notifies an officer charged of a serious offence that, if proved, the charge could potentially lead to dismissal, the Commission may give an opportunity to the officer charged and to the Head of Department to make oral representations before it, as required by

regulation 23(2)(c).

Regulation 27(5), of the Public Service Commission Disciplinary Regulations, 2017, titled **Appeals from Disciplinary Decisions** also requires that, in giving consideration to an appeal under this regulation, the Commission shall give an opportunity to the Head of Department and to the appellant to make oral representations.

Regulation 29 stipulates that a Head of Department, who is dissatisfied with either the proceedings or findings of a Disciplinary Board, may appeal to the Commission. If the Commission is of the opinion that the appeal merits consideration, it shall give an opportunity to the officer charged and to the Head of Department to make oral representations.

In terms of Regulation 30, any person who had been penalised under the Disciplinary Regulations by means of a PSC recommendation, s/he may petition the Commission to review his/her case for the purpose of revoking or amending the recommendation which the Commission had tendered against him/her. In its consideration of the petition the Commission may, at its discretion and within the parameters of the provisions of the regulation, give the petitioner the opportunity to make oral representations, and may also seek the views of the respective Head of Department, in writing or orally.

One other instance where the Commission may, at its discretion, give the opportunity of an oral hearing is when a public officer appeals to the Public Service Commission against the decision of the Head of Department to consider him/her as having resigned from the public service with effect from the eleventh day following his/her absence without leave for ten consecutive working days, in terms of regulation 32(5) of the Public Service Commission Disciplinary Regulations, 2017.

On its own initiative, the Commission may also give the opportunity of an oral hearing when it considers it appropriate. During 2018, the Commission

convened 16 oral hearings relating to disciplinary procedures.

### **Disciplinary cases leading to dismissal and appeals**

During 2018, the Commission considered 18 disciplinary cases which were referred to it in terms of:

- (i) regulation 12 of the Public Service Commission Disciplinary Regulations, 2017, where the Head of Department considers it necessary and in the public interest that an officer, who may have committed a serious disciplinary offence, or is to be arraigned in court or is being investigated or has been arrested by the police in connection with a criminal offence, should be suspended for precautionary purposes; or
- (ii) regulation 23(2) of the Public Service Commission Disciplinary Regulations, 2017, where the officers involved had been notified that the charges, if proven, could lead to their dismissal; or
- (iii) regulation 27 of the Public Service Commission Disciplinary Regulations, 2017, where the officers involved appealed against a finding of guilt and any corresponding penalty imposed by the Head of Department or where the officer could prove that there had been a gross disregard of the procedures laid down in the Regulations which prejudiced his/her interests.

A detailed account of these recommendations is shown in Diagram 10:

Diagram 10: Recommendations made by the Public Service Commission to the Prime Minister concerning disciplinary cases - Total 18



### **Analysis of offences and penalties in cases decided by the Commission (both criminal and disciplinary cases)**

The 58 criminal cases referred to in Diagram 9 include 20 cases where the Commission recommended the precautionary suspension of the officers concerned; nine cases where the Commission recommended the lifting of the precautionary suspension pending any potential penalties that may be imposed; and six cases where the officers concerned were not found guilty. The remaining criminal cases were all served with a penalty as indicated in Diagram 9. Similarly, the 18 disciplinary cases listed in Diagram 10 include one case where the Commission recommended the precautionary suspension of the officer concerned and one case which was declared null. Thus, the total number of cases in which officers were served with a penalty by the Commission amounted to 39.

### **Appeals dismissed by the Commission**

Regulation 27(8) empowers the Commission to summarily dismiss or disallow an appeal without hearing it, or without hearing it any further, as the case may be, on the grounds that an appeal is frivolous or vexatious or one that should not otherwise have been brought or made.

During the year under review, the Commission dismissed four appeals submitted by the accused officers, on grounds that the arguments presented were unfounded or insufficient to merit consideration. As the Commission found no grounds which justified the submission of an appeal, the said appeals were dismissed.

## **Proceedings in breach of the Disciplinary Regulations**

During the year under review, the Commission declared five cases as null since timeframes stipulated in the Public Service Commission Disciplinary Regulations, 2017, had not been adhered to. The Commission took a serious view of the shortcomings by the Heads of Department concerned and reported the matter to the respective Permanent Secretaries.

## **Reference back by the Prime Minister**

The Prime Minister may, acting in accordance with article 86(1)(a) of the Constitution, refer a recommendation back, once, to the Commission for reconsideration. During 2018 the Commission considered four similar cases.

In one case, the Commission agreed to withhold its recommendation for the penalty to be imposed and give the accused officer the opportunity to seek professional assistance. Since the accused officer refused to seek professional assistance, the Commission re-submitted its original recommendation for the penalty. The Prime Minister approved the Commission's recommendation.

In another case, the Commission also agreed to withhold its recommendation for the penalty to be imposed pending the outcome of the assessment of the officer concerned by a Medical Board. Since the accused officer was medically boarded out, the Commission agreed not to proceed with its recommendation. No penalty was imposed but a note was entered in the officer's record of service stating that at the time of leaving the service, s/he

had a pending disciplinary case.

In the other two cases, the Commission re-submitted its original recommendation. One recommendation was approved by the Prime Minister. The other one was still pending by the end of the year under review.

### **Review of Past Disciplinary Decisions**

Regulation 30 of the Public Service Commission Disciplinary Regulations, 2017, provides for a review of past recommendations. The Commission may allow a review of the case if:

- a) in its discretion, it is satisfied that there was a prima facie case of gross disregard of the disciplinary regulations or a serious miscarriage of justice resulting in a violation of natural justice or fundamental rights; or
- b) the case arose from a criminal conviction which was subsequently annulled or discontinued by a decision of a higher court.

During the year under review, the Commission considered two petitions under this Regulation. In one case, the Commission considered that the penalty that had been imposed upon the officer was disproportionate. Whilst confirming the finding of guilt, the Commission amended its previous recommendation on the penalty. The Commission considered that the penalty imposed upon the officer in another case was fair and proportionate. It found no grounds upon which to allow a review of its recommendation and confirmed its previous recommendation.



## **Absence without leave**

Regulation 32 of the Public Service Commission Disciplinary Regulations, 2017, stipulates that a public officer who absents himself without leave for ten consecutive working days shall be considered as having resigned from the public service with effect from the eleventh working day of unauthorised absence. The Head of Department shall, immediately after the expiration of the time-limit, notify the officer concerned that s/he considers the officer as having resigned from the public service with effect from the eleventh day of his/her unauthorised absence and that the officer shall be liable to pay Government, as stipulated in the Public Service Agreement in force from time to time, half the salary that s/he would have earned during the applicable notice period. If the officer considers that the decision of the Head of Department is unjust in his/her regard, s/he may appeal to the Public Service Commission within ten working days starting from the day after s/he receives the notification from the Head of Department, setting out the reasons why s/he considers that the decision in his/her respect was unjust. The Commission shall seek the views of the Head of Department thereon and may, at its discretion, give the officer concerned and the Head of Department the opportunity to make oral representations.

During 2018, the Commission considered one appeal which was referred to it in terms of Regulation 32 of the Public Service Commission Disciplinary Regulations, 2017.

In view of the particular nature of the case, the Commission agreed to give the officer concerned the opportunity of an oral hearing to submit his/her arguments. Neither the officer nor his legal representative attended the meeting. In the circumstances, the Commission confirmed the decision of the Head of Department that the officer concerned was to be considered as having resigned.

### **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 twice a year to the Commission, and which contained information about all disciplinary measures taken by them against public officers in terms of the Disciplinary Regulations.

Table 4, which follows, gives a breakdown of disciplinary action taken by Heads of Department within various Ministries between 1 January and 31 December 2018, in accordance with the PSC Disciplinary Regulations, 2017, which totalled to 172 charges.

**Table 4: Disciplinary Action taken by Heads of Department**

Ministry	No. of Minor Disciplinary Charges	No. of Serious Disciplinary Charges	No. of Charges - Serious leading to Dismissal
OPM	0	1	1
MEDE	0	5	9
MEIB	1	0	0
MEW	10	0	0
MESDC	2	1	0
MFCS	6	5	1
MFH	6	27	2
MFIN	1	2	0
MHAS	18	7	0
MJCL	16	49	1
MTIP	0	1	0
<b>Total</b>	<b>60</b>	<b>98</b>	<b>14</b>

The following diagrams (11, 12 and 13) analyse the outcome of the aforementioned disciplinary charges issued by Heads of Department.

Diagram 11: Disciplinary Action by Heads of Department in 2018 (Outcome on Minor Disciplinary Cases)

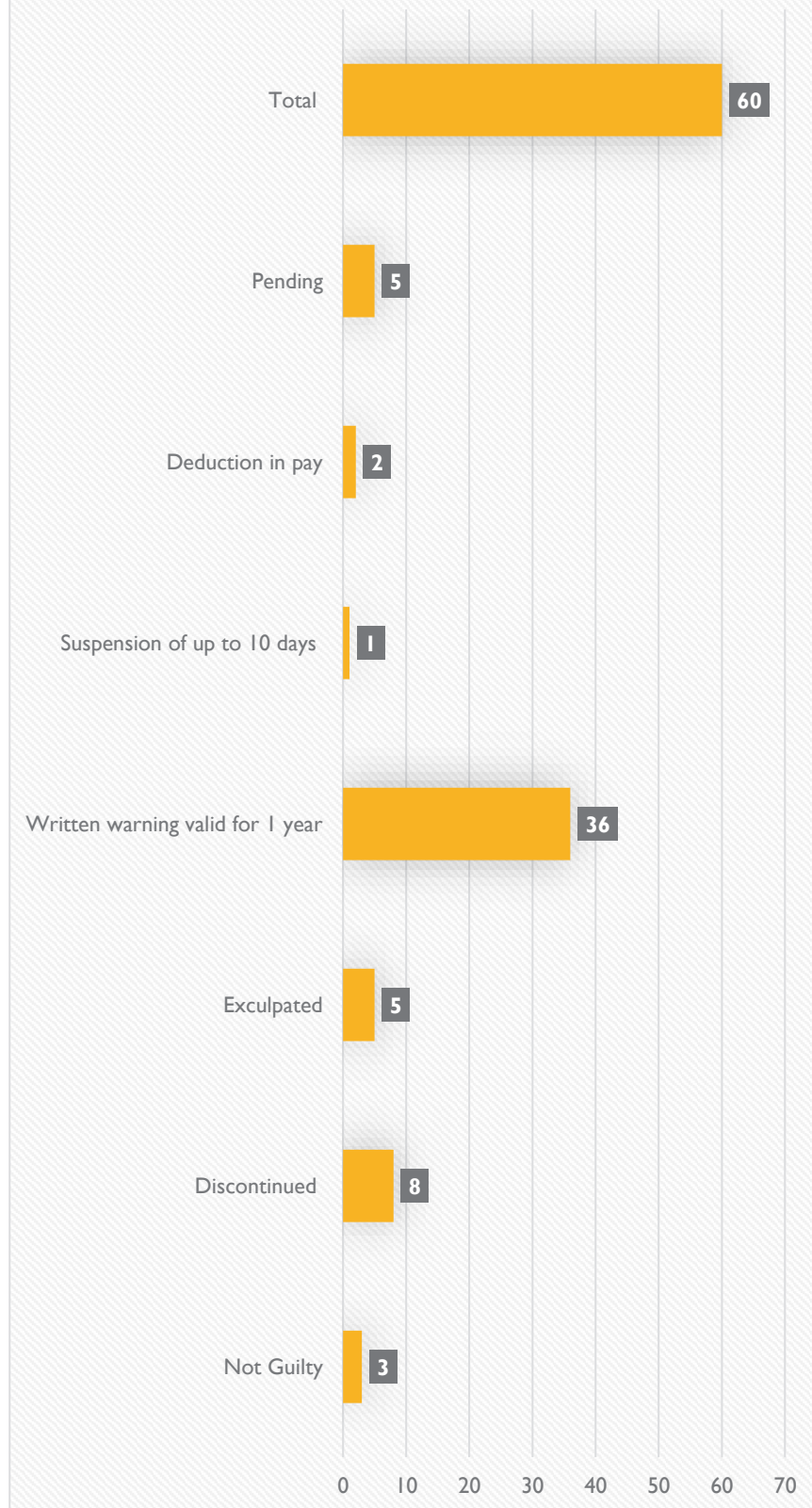


Diagram 12: Disciplinary Action by Heads of Department in 2018  
(Outcome on Serious Disciplinary Cases)

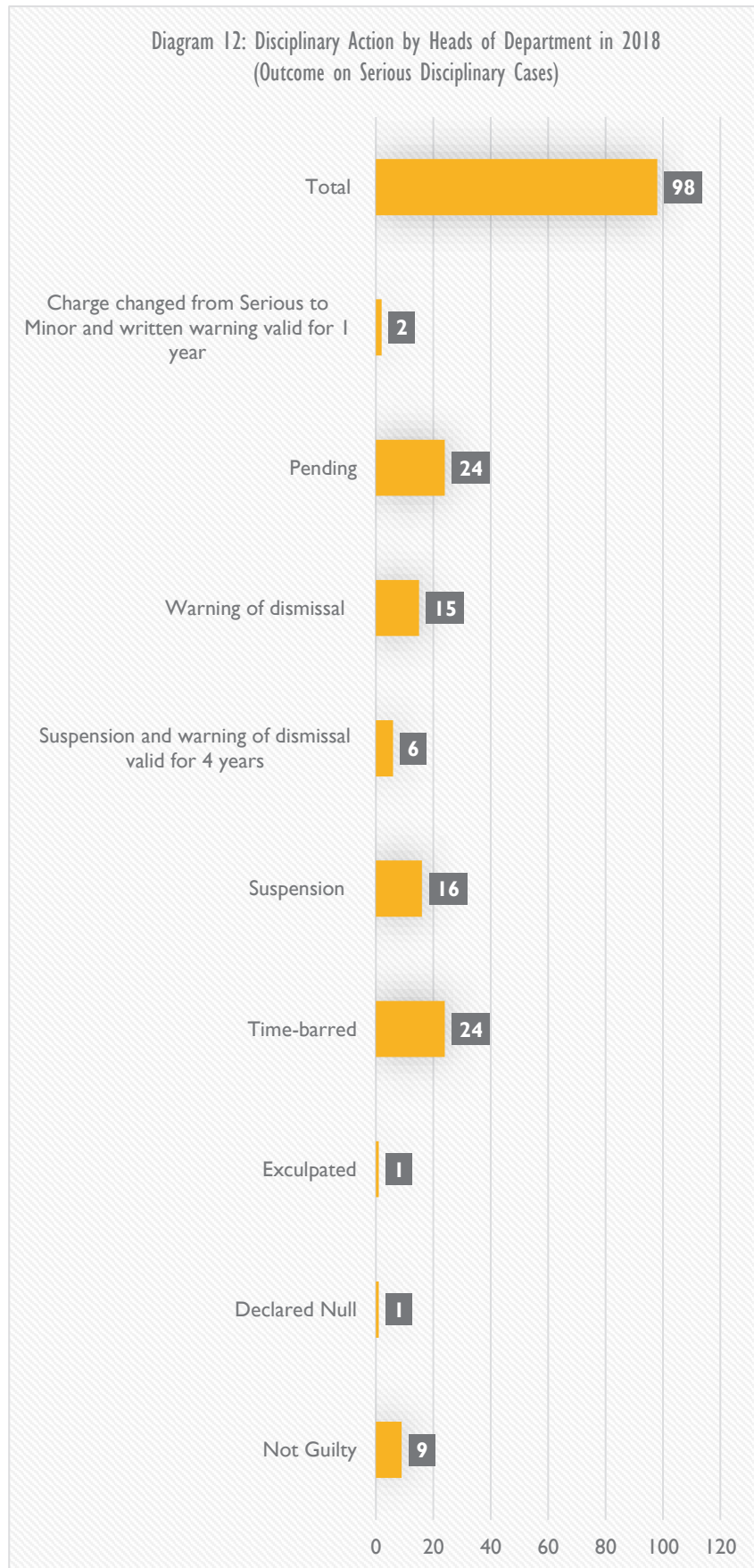
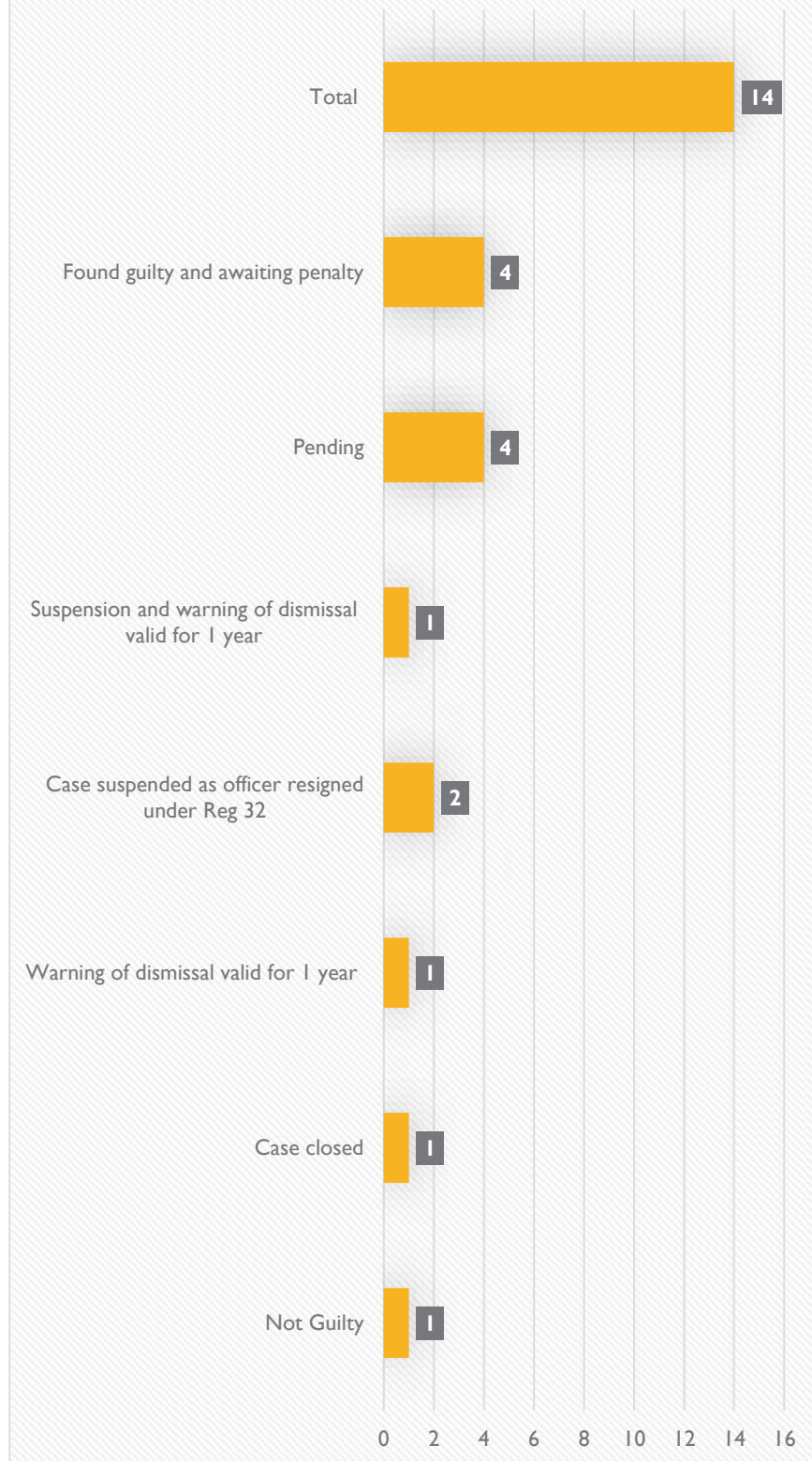


Diagram 13: Disciplinary Action by Heads of Department in 2018 (Outcome on Serious Disciplinary Cases leading to dismissal)



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

### **A. Policy Matters and issues relating to recruitment and appointments**

#### **Retention policy for files and minutes of the Commission**

During the year under review, the Commission considered that it was time for a revision of its policy for the retention of files and other documents held at its office, since its last update had been in 2015. The Commission was aware that, due to the delegation of authority through Directive 9, any decision taken was applicable to line Ministries as well, since they also held files which related to selection processes. To that effect, a meeting was held with the Office of the National Archives.

The revised retention policy, which is in line with the General Data Protection Regulation, aims to achieve a good balance between the retention of useful and meaningful information and the disposal of data which is no longer required but is being retained unnecessarily. Data that needed to be destroyed was disposed of in an efficient, eco friendly and protected manner.

A copy of the revised retention policy may be found on the Public Service Commission's website at <https://psc.gov.mt>.

## **The coming into force of the General Data Protection Regulation**

In order to ensure compliance with the General Data Protection Regulation, the Commission made certain that forms used within its Office were revised accordingly. Data subjects are informed that all personal information processed by the Commission is protected in accordance with the principles illustrated in the General Data Protection Regulation and the Data Protection Act (CAP 586) and that personal data will not be shared with third parties unless authorised by law.

Bearing in mind that the GDPR promotes the principle that personal data and sensitive personal data should not be retained for longer periods than necessary, the Commission approved and adopted a policy aimed to regulate the retention of documentation within its Office.

The main objectives are to regulate the retention and disposal of the various types of documentation, whether held in manual or automated filing systems; to dispose of unnecessary documentation that is no longer relevant; and to promote the digitisation of documentation, as much as possible, in order to minimise the use of storage space and to promote the sustainable use of paper and printing consumables.

## **Transformation of positions without an objective reason into positions of an indefinite status in the Malta Public Service**

*Assistance and Rescue Officers within the Department for Civil Protection*

Following the publication of OPM Circular No 4 of 2017, the Commission had embarked on an exercise to transform positions of a definite nature which were not in a senior management level and did not carry an objective reason, to positions on an indefinite basis.



Following discussions held between the Ministry for Home Affairs and National Security and the People and Standards Division, within OPM, it was agreed that the provisions from the Collective Agreement for Employees in the Malta Public Service regarding the probation period and the contents of OPM Circular No. 4 of 2017, were to be applicable also to officers deployed within the Civil Protection Department and those within the Correctional Services.

In the circumstances, those Assistance and Rescue Officers who were deployed within the Department for Civil Protection were granted indefinite status with effect from 11 April 2017.

### **Public Officers holding EU-related positions**

In recognition of, and to consolidate the invaluable experience, expertise and exposure acquired by public officers who had performed duties related to EU Fund Management in central agencies within the Ministry for the Environment, Sustainable Development and Climate Change and the Ministry for European Affairs and Equality, the Public Service Commission had, in February 2018, approved that employees who had proven relevant work experience, would, on completion of four (4) years of successful service, in aggregate, in the EU-related position and, subject to its consent, be entitled to attain *Officer in Grade* status on a notional basis.

### **Local Government Reform Process – Appointments of Mayors**

The Commission was informed that, as part of the Local Government Reform Process, it was being considered that a Mayor could opt to work on full-time basis with the respective Council. The Commission was approached for its advice as to whether, in such a circumstance, the Mayor could be considered a *public officer*.

The Commission acknowledged that the function of a Mayor was a very important one, as attested by the nature and functions attached to his office. It also acknowledged that the holder of such office was required to dedicate a lot of his time to the Council. That notwithstanding, the Commission considered that Mayors could not be considered *public officers*.

Article 110 of the Constitution clearly defines the way appointments to public offices are made. As a matter of fact, Article 110(2)(c) of the Constitution states that:

*“in respect of recruitment to public officers from outside the public service, shall, unless such recruitment is made after a public examination advertised in the Gazette, be exercised only through an employment service provided out of public funds which ensures that no distinction, exclusion or preference is made or given in favour or against any person by reason of his political opinion and which provides the opportunity for employment solely in the best interests of the public service and of the nation generally.”*

The Commission considered that the fact that Mayors were elected representatives was reason enough to debar them from holding an appointment to public office. The election to the post of Mayor did not satisfy article 110 of the Constitution and, consequently, a full time Mayor was not to be considered a *public officer*.

### **Entitlement of Public Officers elected to Parliament and appointed as Minister/Parliamentary Secretary to tenure arrangements**

The Commission considered a set of proposals presented by the Administration regarding the entitlement of public officers who are elected to Parliament and appointed as Minister/Parliamentary Secretary to tenure arrangements.

Clause 4.3 of Directive 5 entitled *Political Participation and Communication with the Media* provides that:

- 4.3 *Officers who are elected to Parliament shall have an option to:*
- (a) *return to their duties from electoral leave as public officers in terms of the Members of Parliament (Public Employment) Act; or*
  - (b) *remain on unpaid leave.*

After giving due consideration to the contents of Directive 5 and Schedule A-1 of Directive 5-1, and after examining carefully the proposals submitted, the Commission concurred with the recommended action. It considered that the suggested parameters were fair and reasonable.

### **Meeting with the Evaluation Team of GRECO**

On 2 October 2018, the Commission met the Evaluation Team from GRECO (Group of States Against Corruption) whose objective was to evaluate the effectiveness of the measures adopted by the authorities of Malta to prevent corruption and promote integrity in central governments and law enforcement agencies.

During the meeting, which was a cordial one, the Commission was asked to expand on its role vis-à-vis the making of appointments, the exercise of disciplinary control over public officers and its role as an appellant body. The members of the group found the explanations given interesting and, by

the end of the meeting, they affirmed that they had gained a better idea of how appointments to public offices were made and of the mechanisms used to curb malfeasance.

### **Meeting with the Principal Permanent Secretary**

On 30 October 2018, the Commission met with the Principal Permanent Secretary to discuss certain issues which, in its opinion, merited consideration.

Amongst other issues, parties exchanged opinions on the provisions in the ***Manual on Industrial Relations and the Selection and Appointment Process under Delegated Authority in the Malta Public Service***. The appointment of Selection Boards for specialised posts/positions was also thoroughly debated.



## B. Issues relating to disciplinary procedure

### Retention schedule for disciplinary penalties

Late in the year under review, the Public Service Commission considered a proposal prepared by its Executive Staff and staff within the People & Standards Division, OPM, for a revision of the retention schedule for disciplinary penalties.

It was of concern that disciplinary penalties remained recorded indefinitely in an officer's Personal Record Sheet (PRS) and GP 47, even more when criminal offences were removed from a person's conduct certificate after a number of years.

As a matter of fact, Article 6 of the Conduct Certificates Ordinance states that:

*'... no conviction against the person to whom a conduct certificate refers shall be entered in such certificate after the lapse of the period specified in the Second Schedule hereto to be reckoned from the date of the expiration of the punishment or from the date of the payment of the fine.'*

*'Provided that if during such period that person is again sentenced in respect of any other crime, including a suspended sentence, any previous conviction or convictions which have not expired according to the Second Schedule, shall continue to be recorded in the Conduct Certificate ... until the expiration of the period required for the non-registration of the last conviction.'*

The Second Schedule of the Conduct Certificates Ordinance states the duration of the Court Sentence and the corresponding period required for the non-registration of a conviction after the expiry of the punishment.

The Commission pondered on the possibility of adopting the concept for criminal convictions and apply same to the retention period of disciplinary penalties.

By the end of the year, the proposal was still under discussion. However, the Commission had agreed that its contents were to be discussed further with the Administration with a view to exploring the possibility of their inclusion in the current policy regulating the retention of documentation relating to Human Resources.

## **Rulings by the Public Service Commission regarding Disciplinary Proceedings**

### **Transcription of disciplinary hearings**

The Commission was asked to give its advice as to whether an audio recording of a disciplinary hearing was sufficient as a record of the hearing, or whether a transcript was still required for all sessions.

The Commission considered that a transcript need not be kept for all hearings and that an audio recording was sufficient. The audio recording of the Disciplinary Board hearing was to be made available to the officer charged. However, if the latter were to specifically request a transcript of the proceedings, the transcript was to be drawn up, in accordance with the provision of regulation 14(1)(e) of the Disciplinary Regulations.

### **Retention of data regarding penalties in terms of the PSC (Disciplinary Procedure) Regulations 1977**

The Commission was aware that, in line with the current applicable HR Data Retention Policy, written warnings/admonishments were destroyed after the lapse of a stipulated period.

The Commission was asked for its direction as to the retention of disciplinary cases which had been dealt with under the 1977 Regulations, also in view of the GDPR. The queries related to penalties given for minor offences (e.g. absence from the workplace) whereby the officer charged had been given a fine as a penalty. The terminology used at that time for such penalties was “*found guilty of charge and reprimanded*”. The 1977 Regulations stated that a record of such an offence was to be kept in the officer’s personal record sheet. However, given that ‘*reprimanded*’ may be linked with an ‘*admonishment*’ as per regulation 18 of the 1999 Disciplinary Regulations, and which had an ephemeral expiry date, it was considered that records of cases of ‘*reprimands*’ in terms of the 1977 Disciplinary Regulations, were also to be destroyed.

The Commission considered that, in accordance with the current HR Retention Policy, penalties for minor and serious offences were to be retained in the officer’s record of service until s/he reached 75 years of age. The only exception to that rule related to admonishments and written warnings given in terms of regulations 18 and 19 of the PSC Disciplinary Regulations 1999, and written warnings given as a penalty following a first minor offence which remained valid for 12 months.

Regulation 25(4) of the PSC Disciplinary Regulations 1977 listed the penalties that could be awarded by a Head of Department. These varied from the most severe ‘*a fine not exceeding one week’s salary*’ to the least severe penalty ‘*reprimand.*’ The Commission considered a reprimand to be equivalent to a written warning which was to remain valid for 12 months from the date it was administered.

In the circumstances, the Commission directed that, in accordance with the prevailing retention policy, all penalties were to be retained in an officer’s record of service until s/he reached 75 years of age, except for a reprimand given in terms of the 1977 Disciplinary Regulations, and written warnings given in terms regulations 27(1) and 19 of the 1977 and 1999 Disciplinary Regulations respectively.

These penalties were to be deleted 12 months after being administered. Furthermore, no record was to be kept of admonishments made in terms of regulations 27(2) and 18 of the same respective Regulations.

### **Report drawn up following a preliminary investigation**

The Commission's direction was sought as to whether an officer charged had the right to have a copy of the report of any preliminary investigation carried out by a Head of Department in his/her regard.

The Commission considered that the report drawn against an officer regarding a breach of conduct was not to be handed to the officer charged, since such a report could include information which related to third parties. Regulation 6(1) of the Disciplinary Regulations, 2017, gave the officer charged the right to have access to documentary evidence and not to the whole report of the preliminary investigation.



## **VI. Other Business of the Commission**

### **Training and Development of Staff**

The Office of the Commission considers that responding to employees' need for on-going learning is a prudent investment of its resources. Although the Office is, all too often, jam-packed with other activities, the training and development of staff is still considered a priority and staff are encouraged to attend courses with a view to acquiring better skills and enhancing their professional performance.

During 2018, five officers from the Office of the Commission completed successfully the Public Management Toolkit. Other members of staff attended various courses organised by the Institute for Public Services.

In August 2018, the administration felt it was propitious to hold an information session on GDPR with a view to getting acquainted with the implications of the new regulation. A seminar, in collaboration with the Data Protection Unit, was organised and held at the Commission's Office. Ms Samantha Muscat, Information and Data Protection Analyst from the Data Protection Unit, gave an overview of the General Data Protection Regulation. Following the presentation, a discussion was held where members of staff had the opportunity to raise their concerns about the subject with Ms Muscat.

## In-house Training

During 2018, a new concept of in-house training was introduced. Members of staff were required to prepare and deliver a presentation to explain to the rest of the staff, their role within the Office, highlighting their function within the Office's line of work.

During sessions held for the purpose, members of staff could appreciate better each other's role and the importance of working as a team. Members of staff realised that they formed part of something bigger than themselves, that the team was greater than the sum of its parts and that as a team, they could overcome obstacles and meet deadlines which are an important factor at the Office.



## Outreach Information Sessions delivered by PSC Staff

During the year under review, the Office of the Public Service Commission kept in contact with ministries and line departments by offering ongoing support in the interpretation and applicability of both the PSC (Appointments) Regulations 2015 and the PSC (Disciplinary) Regulations 2017.

During the month of May 2018, a programme entitled **Training for prospective Selection Boards – Interviewing Skills**, was organised by the Institute for Public Services for the benefit of prospective members of selection boards within the Ministry of Education and Employment. This programme was co-ordinated between the Public Service Commission and the People & Standards Division, within OPM. Ms Jacqueline Bonnici, Assistant Director (PSC), and members of staff within the Compliance Unit delivered information sessions to prospective members of selection boards.



Other information sessions regarding disciplinary procedures were held upon request of various ministries. These sessions, which were delivered by Ms Jacqueline Bonnici, Assistant Director (PSC) and Ms Josephine Attard, Compliance Officer (PSC), were targeted at key persons such as directors and officers within the human resources sections, so that same could eventually train and guide appropriately members of staff falling under their responsibility.

## **Team Building Event**

The much-awaited annual team building event for the staff of the Public Service Commission for 2018 was held on 20 November at the Limestone Heritage.

This time around, a learn-through-games approach was adopted. The organisation was left in the hands of Jugsmalta, whose concept was that a team was a group of people who worked towards a common goal and team building was the process of enabling the team to achieve that goal.

Jugsmalta coordinators prepared a fun-filled day of activities, involving all members of the team who had to work in total synergy, even if in a very relaxed atmosphere, in order to be able to conclude the tasks successfully.

The rationale behind the team building event was to improve teamwork at the place of work and, eventually, to increase group effectiveness. Members of staff realised that if everyone moved forward together, then success took care of itself.





## Social Activities

### Pink October 2018

To commemorate the breast cancer awareness month, on Tuesday, 23 October 2018, the staff at the Office of the PSC organised a pink-dress-down day. A survivor of breast cancer, who is a member of **The Foundation for Action for Breast Cancer**, was invited to the Office and, amongst others, she shared her experience of how she had lived through the bad experience and how she overcame the battle.

Donations received from the members of staff and members of the Commission, were later presented by Assistant Director (PSC) and Assistant Director (Support Services) to Mrs Michelle Muscat, President of **The Pink October Team** at Villa Francia, Lija, on 30 October 2018.



### **Movember 2018 Fund Raising Activity**

Another fund-raising activity was held on 23 November 2018. Members of staff were encouraged to dress down for the day, wearing blue, against a monetary donation. Ms Anna Frendo, from the **Malta Hospice Movement**, was invited to deliver a speech about the functions of the organisation and the services offered which extended not only to patients of cancer but also to their immediate families.





## **Data Protection at the Office of the Public Service Commission**

During the first quarter of 2018, the Data Protection Officer and Assistant Director (Support Services) from the Office of the Public Service Commission held several meetings with the Data Protection Unit within MJCL, in order to gear up for the General Data Protection Regulation (GDPR) and the Data Protection Act, which were to come into full force on 25 May 2018.

The Office of the Public Service Commission collects and processes information in order to carry out its obligations in accordance with present legislation and processes data in accordance with Data Protection Legislation and the PSC General Regulations (S.L. Const. 01), the PSC Appointments Regulations (S.L. Const. 05) and the PSC Disciplinary Regulations (S.L. Const. 03).

According to the GDPR, data subjects have the right to be informed of the way in which their personal data is processed, for how long it is retained, as well as their rights with regard to access requests.

As a first step towards conformity, the Public Service Commission drew up a Data Protection Policy and a Freedom of Information Notice. The retention policy was also revised ensuring that documentation was retained for the shortest period possible.

On 29 August 2018, the Commission held a meeting with the Information and Data Protection Commissioner (IDPC) with a view to clarifying some issues which it encountered in the course of its work since the introduction of the GDPR, in May 2018. Topics such as the retention periods for documents held and the right of information to third parties were deliberated upon.

During the year under review, the Data Protection Officer for the office of the PSC responded to three requests from data subjects concerning data protection issues.

The Data Protection Policy, the Freedom of Information Notice and the Retention Policy of the Public Service Commission may be accessed through the Commission's website at <https://psc.gov.mt>.

## Appendix 1

### Public Service Commission Chairpersons

**Mr L H Gorsuch, CBE**

05.08.1960 - 31.10.1963

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

05.11.1963 - 04.11.1971

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

05.11.1971 - 31.10.1977

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

20.01.1978 - 19.01.1980

**Mr C Giuliano**

20.01.1980 - 31.12.1981

**Mr G Craig**

12.01.1982 - 25.02.1984

**Mr M J V Bonello**

01.04.1984 - 08.08.1986

**Mr P V Attard**

01.09.1986 - 11.08.1987

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

12.08.1987 - 11.08.1992

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

12.08.1992 - 11.05.1996

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

12.05.1996 - 28.02.1997

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

12.05.1997 - 11.06.2003

**Mr A Fiorini Lowell**

12.06.2003 - 11.06.2010

**Mr P A Attard, Dip Educ (Admin & Mgt)**

12.06.2010 - 17.06.2013

**Mr L P Naudi**

18.06.2013 -

## Appendix 2

### 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**

01.01.1984 - 16.09.1985

**Mr R V Mifsud, Secretary**

23.12.1985 - 31.12.1988

**Mr N Scicluna, Secretary**

05.01.1989 - 26.11.1993

**Mr J Bonello, Acting Secretary**

27.11.1993 - 15.10.1995

**Mr G Saliba, Acting Secretary**

16.10.1995 - 03.12.1995

**Mr J Bonello, Acting Secretary**

04.12.1995 - 02.05.1996

**Mr N Worley, Acting Secretary**

03.05.1996 - 18.02.1999

**Mr N Worley, Secretary**

19.02.1999 - 12.04.2001

**Mr R Saliba, Acting Secretary**

13.04.2001 - 20.06.2001

**Mr R Saliba, Secretary**

21.06.2001 - 09.01.2004

**Mr P Sammut, Secretary**

10.01.2004 – 08.01.2010

**Mr P Sammut, Executive Secretary**

09.01.2010 – 16.04.2010

**Mr C Polidano, Executive Secretary**

17.04.2010 – 28.02.2014

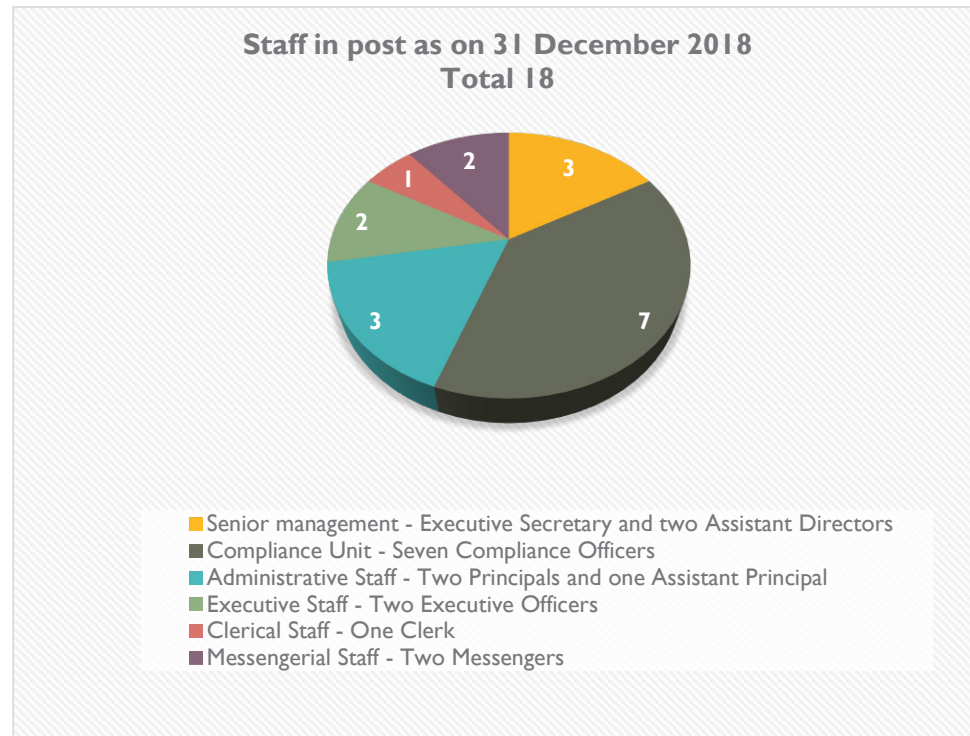
**Ms C Schembri, Executive Secretary**

01.03.2014 –

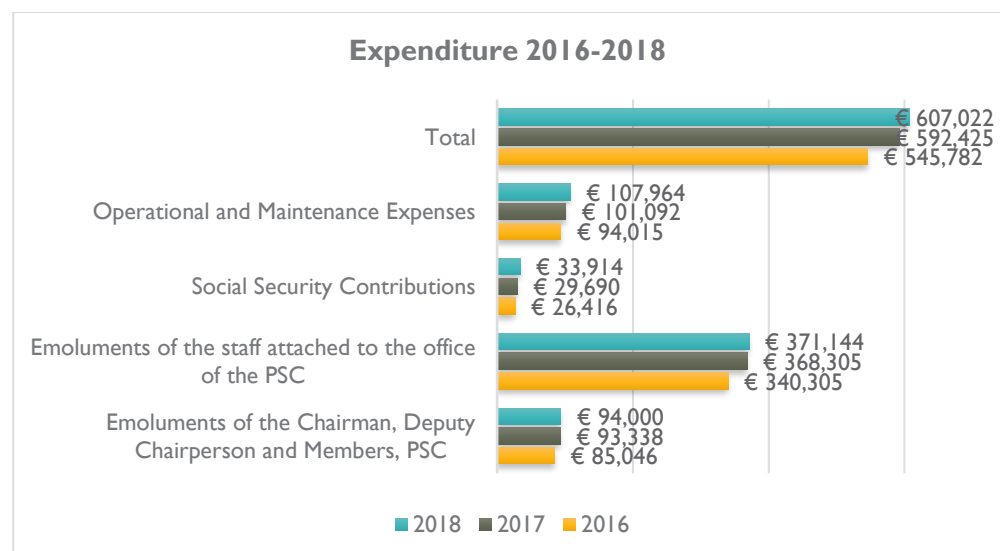
## Appendix 3

### Office of the Public Service Commission

#### (i) Staff complement



#### (ii) Commission's expenditure



## Appendix 4

### Representations addressed by the Public Service Commission in 2018

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
OPM	Procurement Officer	19	1	1	0	
OPM	Manager (Archives and Records)	28	1	1	0	
OPM	Senior Manager (People Development)	27	1	1	0	
OPM	Senior Events Coordinator	9	1	1	0	
OPM	Manager II (Communications & Events)	16	1	0	1	The applicant was found to be eligible as s/he was in possession of a relevant qualification and the necessary relevant work experience
OPM	Assistant Manager (Accounting and Finance)	14	1	1	0	
OPM	Senior Systems Administrator	6	1	1	0	
OPM	Manager I (People Management)	6	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
OPM/Public Service	ICT Support Assistant	58	3	3	0	
OPM	Assistant Director (Strategy & Implementation)	10	1	1	0	
OPM	Audit Support Officer - IAID	7	1	1	0	
OPM	Senior Manager (People Development)	12	1	1	0	
OPM	Manager II (People Management)	10	1	1	0	
OPM	Assistant Manager (People Management)	10	1	1	0	
MEAE	EU Funds Support Officer	26	3	3	0	
MEAE	Senior Manager (EU Funds)	76	6	4	2	The Commission considered that two of the applicants were to be considered eligible since they satisfied the eligibility requirements.
MEAE	Technical Attaché (Climate Change)	20	1	1	0	
MEAE	Technical Attaché (Environment)	13	1	1	0	



Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MEAE	Technical Attaché (Environment – Horizontal Issues)	13	1	1	0	
MEAE	EIRA Inspector	16	3	2	1	One applicant was found to be eligible as s/he satisfied the eligibility criteria set out in the call.
MEAE	Programme Officer (EU Funds)	39	4	4	0	
MEAE	Manager II (Human Rights and Integration)	18	3	3	0	
MEAE	Chief Coordinator	20	1	1	0	
MEAE	Programme Officer (EU Funds)	39	1	1	0	
MEAE	Manager (Break cycle of violence)	23	2	1	1	One applicant was found to be eligible as s/he was in possession of the required qualification.
MEAE	EU Funds Support Officer	26	1	1	0	
MEAE	Programme Manager (EU Funds)	44	3	2	1	One applicant was found to be eligible as s/he satisfied the required number of years of experience

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MEAE	Manager II (Procurement)	8	1	1	0	
MEAE	Manager I (Human Rights and Integration)	22	2	1	1	One applicant was found to be eligible as s/he was in possession of the required qualifications.
MEDE	Part-Time Adult Educator (Saxophone)	3	1	1	0	
MEDE	Part-Time Adult Educator (Jazz Improvisation)	1	1	1	0	
MEDE	Assistant Director (Scholarships)	11	3	2	1	One applicant was found to be eligible as s/he satisfied the eligibility criteria.
MEDE	Manager (Support Services)	22	5	5	0	
MEDE	Assistant Director (Learning and Assessment Programmes)	15	1	0	1	The applicant was found to be eligible as s/he satisfied the required number of years of experience.
MEDE	Head (Migrant Learners and Education Support)	5	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MEDE	Vocational Support Officer (Agribusiness)	9	1	1	0	
MEDE	Post of Regular Teacher (Primary General)	57	9	8	1	One applicant was found to be eligible as s/he was in possession of the qualifications required in the call.
MEDE	Regular Teacher (Chemistry)	6	1	1	0	
MEDE	Regular Teacher (Physics)	5	1	1	0	
MEDE	Assistant Director (Scholarships)	17	1	1	0	
MEDE	Technician/Senior Technician (Design and Technology)	16	1	0	1	The applicant was found to be eligible as s/he was in possession of the qualification required in the call
MEDE	Senior Customer Care Officer	9	2	2	0	
MEDE	Assistant Head of School (Primary)	119	5	5	0	
MEDE	Education Officer (English)	8	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MEDE	Education Officer (Maltese)	1	1	1	0	
MEDE	Education Officer (Early Years)	11	3	3	0	
MEDE	Education Officer (Curriculum)	19	1	1	0	
MEDE	Education Officer (Quality Assurance)	15	1	1	0	
MEDE	Education Officer (Art)	3	2	2	0	
MEDE	Supply Learning Support Educator	85	3	3	0	
MEDE	Supply Learning Support Educator	67	2	2	0	
MEDE	Supply Teacher (English)	1	1	0	1	
MEDE	Supply Teacher Primary Education (Migrant Induction Programme)	1	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MEDE	Teacher (Primary Education General)	13	2	2	0	
MEDE	Senior Manager (People Management)	9	1	1	0	
MEDE	Supply Teacher (PSCD)	3	1	1	0	
MEDE	Teacher (Primary Education General)	1	1	0	1	The applicant was found to be eligible as s/he was in possession of the qualifications required in the call.
MEDE	Supply Learning Support Assistant	50	2	2	0	
MEDE	Part-time Adult Educator (Cookery and Nutrition)	10	1	1	0	
MEDE	Psychology Assistant	33	1	0	1	The applicant was deemed eligible after submitting a transcript of the qualification presented.
MEDE	Principal Education Support Practitioner (Career Advisor)	10	1	1	0	
MEDE	Education Support Practitioner (Career Advisor)	23	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MEDE	Supply Teacher (Primary General)	3	2	0	2	Both applicants were declared eligible as the qualification they held was deemed relevant to the area required in the call.
MEDE	Supply Teacher (Religion)	2	1	1	0	
MEDE	Learning Support Assistant I	410	1	1	0	
MEDE	Senior Manager (EU Programmes)	9	1	1	0	
MEDE	Supply Teacher (ECEC)	3	1	1	0	
MEDE	Supply Learning Support Assistant	47	5	5	0	
MEDE	Supply Teacher (Italian)	4	1	1	0	
MEDE	Teacher (Arabic)	3	1	1	0	
MEDE	Supply Teacher (Engineering Technology)	2	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MEDE	Teacher (English)	16	1	1	0	
MEDE	Supply Teacher (Primary Migrant Induction)	5	1	1	0	
MEDE	Technician/Senior Technician	10	3	1	2	Two applicants were found to be eligible as they were in possession of the required qualification.
MEDE	Statistician/Senior Statistician	5	2	1	1	One applicant was declared eligible since s/he was in possession of the required qualification.
MEDE	Supply Teacher (Sheetmetal/ Blacksmith)	1	1	1	0	
MEDE	Teacher (Music)	4	2	1	1	One applicant was declared eligible after submitting the requested documents.
MEDE	Teacher (Care work)	1	1	1	0	
MEDE	Teacher (Customer Care & Sales)	1	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MEDE	Teacher (Hairdressing)	1	1	1	0	
MEDE	Teacher (Carpentry)	1	1	1	0	
MEDE	Teacher (PSCD)	7	1	1	0	
MEDE	Teacher (Primary Migrant Induction)	17	2	2	0	
MEDE	Teacher (Media Literacy)	2	1	0	1	The applicant was declared eligible as s/he was in possession of the required documents and warrant.
MEDE	Head of Department (Arabic)	3	1	1	0	
MEDE	Head of Department (Assessment for Learning)	23	1	0	1	
MEDE	Head of Department (Home Economics)	8	2	2	0	
MEDE	Head of School	25	8	8	0	
MEDE	Head of Department (Geography)	12	1	1	0	



Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MEDE	Supply Teacher (ECEC)	9	1	1	0	
MEDE	Post of Customer Care Assistant	14	1	1	0	
MEDE	Assistant Head of School (Secondary/Upper Secondary)	76	8	5	3	Three applicants were declared eligible since they satisfied the required number of years of experience.
MEDE	Assistant Director in International Affairs, Strategy and Programme Implementation	13	1	1	0	
MEDE	Scholarships Officer	11	1	1	0	
MEDE	Supply Teacher (Migrant Induction Programme)	20	1	0	1	The applicant was found to be eligible as s/he satisfied the requirements set in the call.
MEDE	Supply Teacher (Electrical Installations)	1	1	0	1	
MEDE	Supply Learning Support Educator	86	3	3	0	
MEDE	Social Worker	4	1	1	0	
MEDE	Assistant Manager (Logistics)	4	1	1	0	
MEIB	ICT & Business Analyst	7	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MESDC	Manager (Paying Agency)	37	4	4	0	
MESDC	Senior Manager (Paying Agency)	32	1	1	0	
MESDC	Principal Technical Officer (Draughtsman)	7	1	0	1	Applicant was found to be eligible upon presentation of proof that s/he was in possession of the required qualifications
MESDC	Research Officer (Hydrology)	14	1	1	0	
MESDC	Research Officer (Ecology)	25	1	1	0	
MESDC	Research Officer (Geology)	15	1	1	0	
MESDC	Principal Scientific Officer in the Department of Fisheries and Aquaculture	12	2	1	1	One applicant was declared eligible since s/he was in possession of the required qualification and satisfied the required number of years of service.
MESDC	Environment Officer	46	2	2	0	
MESDC	Senior Manager (Project Management)	6	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MESDC	Chief Scientific Officer	8	1	1	0	
MESDC	Principal Scientific Officer in the Veterinary and Phytosanitary Regulation Division	8	1	1	0	
MESDC	Senior Technical Officer	12	1	1	0	
MESDC	Scientific Officer in the Veterinary and Phytosanitary Regulation Division	17	1	0	1	The applicant was found to be eligible upon presentation of the required documents.
MESDC	Gardener	32	1	1	0	
MESDC	Senior Manager (Valley Management)	23	1	1	0	
MESDC	Manager (Valley Management)	16	1	0	1	Applicant was found to be eligible as s/he was in possession of the required qualification.
MESDC	Principal Technical Officer	11	2	2	0	
MESDC	Post of Economic Officer	11	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MESDC	Manager II (Procurement)	7	1	1	0	
MESDC	Senior Manager (EU Affairs)	11	1	1	0	
MESDC	Senior Architect & Civil Engineer	5	1	0	1	
MEW	Assistant Manager (Procurement)	7	1	1	0	
MEW	Manager I (Procurement)	9	1	1	0	
MFCS	Principal Technical Officer	4	1	1	0	
MFCS	Senior Customer Care Officer	15	4	4	0	
MFCS	Manager I (Elderly Care Services)	13	1	1	0	
MFCS	Assistant Manager (People Management)	7	1	1	0	
MFH	Allied Health Practitioner (Medical Lab/Science)	7	3	3	0	
MFH	Allied Health Practitioner (Speech and Lang Pathology)	7	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MFH	Procurement Manager (Operations)	8	1	1	0	
MFH	Staff Nurse on Full- Time/Part-Time Basis	349	6	5	1	One applicant was found to be eligible as s/he provided proof that s/he was a Maltese citizen.
MFH	Basic Specialist Trainee Haematology	3	1	1	0	
MFH	Basic Specialist Trainee Emergency Medicine	41	1	1	0	
MFH	Competency and Framework Evaluation Programme for Staff Nurses and Midwives Leading to the Post of Senior Staff Nurses or Senior Midwives	5	3	1	2	Two applicants were found to be eligible as they had the required number of years of service in scale 9.
MFH	Dental Surgery Assistants on a Casual Basis	3	1	1	0	
MFH	Project Support Officer for the ESF Project: 'Reform in the Public Health System to Maximise Efficiency Gains and Enhance Governance'	17	2	2	0	
MFH	Assistant Manager (Project Management)	17	3	3	0	
MFH	Assistant Manager (Data and Communication)	21	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MFH	Decontamination and Sterilization Technician at Mater Dei Hospital	35	13	13	0	
MFH	Practice Nurse within Gozo General Hospital	25	1	1	0	
MFH	Allied Health Professional (Audiology) on a Full-Time/Part-Time Basis	6	1	1	0	
MFH	General Practitioner on a Locum Basis on Part-Time/Full-Time	19	1	1	0	
MFH	Charge Nurse within Gozo General Hospital	3	1	1	0	
MFH	House Officer	189	15	15	0	
MFH	Principal Inspector (Health & Safety)	3	1	1	0	
MFH	Senior Systems Analyst	14	1	1	0	
MFH	Midwife	18	2	2	0	
MFH	Practice Nurse (Rehabilitation)	18	1	1	0	
MFH	Junior Staff Grade (Medical Class)	8	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MFH	Senior Systems Administrator	9	1	0	1	Applicant was declared eligible since his qualification had the required number of ECTS credits.
MFH	Motor Transport Driver (Group III)	7	1	1	0	
MFH	Post of Foreman	47	2	1	1	One applicant was declared eligible since s/he was in the salary scale as that required in the call.
MFH/MFCS	Competency and Framework Evaluation - Allied Health Professionals	55	1	1	0	
MFH/MFCS	Allied Health Professional (Medical Lab Science)	30	2	2	0	
MFH/MFCS	Phlebotomist/ Phlebotomy Assistant	111	18	18	0	
MFH/MFCS	Allied Health Professional (Radiography)	15	2	2	0	
MFH/MFCS	Staff Nurse	167	9	3	6	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MFH/MFCS	Competency and Framework Evaluation - Allied Health Professionals - Fourth call (Medical Lab Science)	13	1	1	0	
MFH/MFCS	Psychologist & Psychology Assistant	103	4	4	0	
MFIN	Senior Accountant and Finance Manager (MFIN)	15	1	1	0	
MFIN	Senior Manager (Concession Contracts) in the Department of Contracts	4	1	1	0	
MFIN	Procurement Officer	16	1	1	0	
MFIN	Customs Officer in the Customs Department	264	8	7	1	One applicant was found to be eligible as s/he was in possession of a qualification at MQF Level4, as required in the call.
MFIN	Assistant Manager (Accounting and Finance)	22	1	1	0	
MFIN	Manager (Accounting and Finance)	32	2	1	1	One applicant was declared eligible as s/he was in possession of a Masters qualification as required in the call.



Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MFIN	Assistant Manager (People Management)	15	1	1	0	
MFTP	Project Officer (EU Funds)	20	1	1	0	Applicant was declared eligible as s/he was in possession of the required qualification.
MFTP	HR Support Officer	24	1	0	1	Information on GP47 provided was correct.
MFTP	Manager II (People Management)	8	2	2	0	
MFTP	Senior Manager (People Management)	13	2	1	1	One applicant was found to be eligible as s/he was in possession of the required qualification.
MGOZ	Farmer	4	1	1	0	
MGOZ	Assistant Director (Public Cleansing)	16	1	1	0	
MGOZ	Senior Coordinating Officer	11	1	0	1	Applicant was declared eligible as s/he was in possession of the required qualification.
MGOZ	Public Cleansing Officer	5	1	1	0	
MGOZ	Tradesman (Mechanic)	6	1	1	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MGOZ	Tradesman (Blacksmith)	5	1	1	0	
MGOZ	Manager II (Procurement)	14	2	1	1	One applicant was declared eligible as s/he was in possession of the required qualification.
MHAS	Post of Tradesman (Blacksmith/ Welder)	5	1	1	0	
MHAS	Detention Service Officer	553	19	1	18	18 applicants presented proof that they had completed the required number of years of secondary schooling and were deemed eligible.
MHAS	Deputy Charge Nurse in the Department of Correctional Services	5	1	1	0	
MHAS	Project Manager in the Department of Correctional Services	9	2	2	0	
MHAS	Tradesman/Senior Tradesman (Auto Electrician) in the Police Department	3	1	1	0	
MHAS	Administrative Officer	31	1	1	0	
MHAS	Tradesman/ Senior Tradesman (Mechanic)	6	2	2	0	

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MHAS	1st line Border Control Officer	13	2	1	1	One applicant satisfied the required number of years of experience.
MJCL	Court Messenger	15	2	2	0	
MJCL	Assistant Director in the Strategy and Policy Implementation Directorate (DLG)	12	2	2	0	
MJCL	Assistant Director (Support Services)	11	1	1	0	
MJCL	Assistant Director (HR Courts)	16	1	1	0	
MJCL	Assistant Director (Conducts & Operations)	10	1	1	0	
MJCL	Assistant Director (Operations)	13	2	2	0	
MJCL	Tradesman/ Senior Tradesman (Carpenter)	15	2	2	0	
MTIP	Tradesman/ Senior Tradesman (Marbler)	2	1	1	0	
MTIP	Assistant Director (Policy Development and Programme Implementation)	12	1	0	1	Applicant satisfied the requirement of being a public officer.

Ministry	Post/ Position Applied for	Number of Applicants	Number of Representations Received	Number of Representations not upheld	Number of Representations upheld	Remarks
MTIP	Manager I (Procurement)	10	1	1	0	
MTIP	Post of Assistant Manager (Procurement)	15	3	3	0	
MTIP	Manager (Transport)	6	1	1	0	
MTIP	Assistant Director (BICC)	16	1	1	0	
MTIP	ICT & Business Analyst	9	2	2	0	

## Appendix 5

### Petitions addressed by the Public Service Commission in 2018

Ministry	Post/Position applied for	Number of Interviewed Candidates	Number of Petitions received	Number of Petitions not upheld	Number of Petitions upheld	Remarks
OPM	Senior Payroll Governance Officer	2	1	1	0	
OPM	Director (IAID)	6	1	1	0	
OPM (Service-wide call)	Executive Officer	282	13	8	5	A revised result was issued. 1 petition partially upheld - marks given for certificates relating to training & development. 1 petition partially upheld - correction due to rounding of GAT test.
MEAE	Technical Attaché (State Aid and Fiscal Affairs)	3	1	1	0	
MEAE	Technical Attaché in the MEAE – Nicolaidis	9	1	1	0	
MEAE	Technical Attaché in the MEAE - Environment - horizontal issues	9	1	1	0	
MEAE	Technical Attaché in the MEAE - Climate change	16	1	1	0	
MEAE	Programme Manager EU Funds	96	5	5	0	

Ministry	Post/Position applied for	Number of Interviewed Candidates	Number of Petitions received	Number of Petitions not upheld	Number of Petitions upheld	Remarks
MEAE	Assistant Director (International Relations) in the Department of Industrial and Employment Relations	6	1	1	0	
MEAE	Programme Manager (EU Funds) within PPCD, FPD, SID, MSD	22	2	2	0	
MEAE	Technical Attaché (Competitiveness)	14	1	1	0	
MEAE	Senior Manager (EU Funds) within the PPCD, FPD, SID and MSD	43	2	2	0	A revised result was issued to reflect re-allocation of marks for qualifications.
MEAE	Technical Attaché in the MEAE - Environment	10	1	1	0	
MEAE	Technical Attaché in the MEAE - Competitiveness Industry and Innovation	6	1	1	0	
MEDE	Learning Support Centre Co-Ordinator	15	1	1	0	
MEDE	Teacher (Biology & Integrated Science)	18	2	2	0	
MEDE	Assistant Head of School	66	5	5	0	
MEDE	Teacher (Marketing/Health & Social Care/Ethics)	16	3	2	1	A revised result was issued to reflect re-allocation of marks for qualifications.
MEDE	Learning Support Assistant	238	2	2	0	

Ministry	Post/Position applied for	Number of Interviewed Candidates	Number of Petitions received	Number of Petitions not upheld	Number of Petitions upheld	Remarks
MEDE	Head of Department (Maltese)	7	1	1	0	
MEDE	Head of Department (PSCD)	11	1	0	1	A revised result was issued to reflect re-allocation of marks for sub-criterion <b>'Teaching Experience in Field'</b> .
MEDE	Head of Department (Geography)	11	3	3	0	
MEDE	Assistant Director (Scholarships)	7	1	1	0	
MEDE	Assistant Technical Officer	14	2	2	0	
MEDE	Head of School to serve in Malta	12	1	1	0	
MEDE	Teacher (Secondary / Post-Secondary) Religion	8	1	1	0	
MEDE	Post of Learning Support Assistant	255	3	3	0	
MEDE	Assistant Head of School (Primary) to serve in Malta	110	11	10	1	A revised result was issued. Erroneously one candidate was not awarded marks for an MQF level 7 qualification.
MEDE	Supply Teacher – (Physics)	2	1	1	0	A revised result was issued - marks for qualifications were to be adjusted.
MEDE	Supply Teacher – (Integrated Science)	3	1	1	0	A revised result was issued - marks for qualifications were to be adjusted.

Ministry	Post/Position applied for	Number of Interviewed Candidates	Number of Petitions received	Number of Petitions not upheld	Number of Petitions upheld	Remarks
MEDE	Supply Teacher – (Chemistry)	2	1	1	0	A revised result was issued - marks for qualifications were to be adjusted.
MEDE	Supply Teacher – (Biology)	2	1	1	0	A revised result was issued - marks for qualifications were to be adjusted.
MEDE	Teacher (Italian)	13	1	1	0	
MEDE	Technician/ Senior Technician	2	1	1	0	A revised result was issued - Petitioner should have been considered ineligible.
MEDE	Kindergarten Assistant II (KGA II)	244	21	18	3	A revised result was issued - Marks not awarded according to level of qualifications.
MEDE	College Precincts Officer	10	1	0	1	A revised result was issued following a revision of marks for qualifications .
MEDE	Supply Teacher - Primary Education (General)	6	1	1	0	
MEDE	Teacher - (Business Studies)	5	1	1	0	
MEDE	Post of Teacher - (Physics)	4	1	1	0	
MEDE	Supply Teacher - Secondary/Post-Secondary Education (Biology)	2	1	0	0	Pending as on 31 December 2018.
MEDE	Supply Teacher - Secondary/Post-Secondary Education (Physics)	1	1	0	0	Pending as on 31 December 2018.



Ministry	Post/Position applied for	Number of Interviewed Candidates	Number of Petitions received	Number of Petitions not upheld	Number of Petitions upheld	Remarks
MEDE	Supply Teacher - Secondary/Post-Secondary Education (Chemistry)	2	1	0	0	Pending as on 31 December 2018.
MEDE	Technical/Senior Technician	8	1	1	0	
MESDC	Manager (Paying Agency), Agriculture and Rural Paying Agency	20	1	1	0	
MESDC	Assistant Director (Project and Research Funding)	2	1	1	0	
MESDC	Senior Veterinary Support Officer	9	1	0	0	Pending as on 31 December 2018.
MEW	Manager I (Procurement)	3	1	1	0	
MFCS	Senior Nursing Manager	6	1	1	0	
MFCS	Senior Nursing Manager in the Active Ageing and Community Care Department within the Parliamentary Secretariat for the Rights of Persons with Disability and Active Ageing	5	1	1	0	
MFH/ MFCS	Psychologist/ Psychology Assistant on FT/PT basis	63	4	4	0	

Ministry	Post/Position applied for	Number of Interviewed Candidates	Number of Petitions received	Number of Petitions not upheld	Number of Petitions upheld	Remarks
MFH	Allied Health Professional	84	4	3	1	A revised result was issued to reflect re-allocation of marks for Conferences/ Seminars attended.
MFH	CAF for Staff Nurses and Midwives leading to the Post of Senior Staff Nurses and Senior Midwives	5	1	1	0	
MFH	Basic Specialist Trainee (Radiology)	12	1	0	1	A revised result was issued to reflect re-allocation of marks for additional qualifications.
MFIN	Customs Assistant	76	1	1	0	
MFIN	Senior Manager (Accounting and Finance)	15	1	1	0	
MFTP	Second Secretary	18	1	1	0	
MFTP	Counsellor	34	13	10	3	A revised result was issued to reflect re-allocation of marks for qualifications and experience.
MGOZ	Assistant Director (Operations) in the Office of the Permanent Secretary, Ministry for Gozo	7	1	1	0	

Ministry	Post/Position applied for	Number of Interviewed Candidates	Number of Petitions received	Number of Petitions not upheld	Number of Petitions upheld	Remarks
MGOZ	Assistant Director (Policy, Planning, Monitoring and Evaluating) in the Office of the Permanent Secretary, Ministry for Gozo	6	1	1	0	
MHAS	Assistance and Rescue Officer in the Civil Protection Department	0	4	4	0	Petitions were filed following first part of the Selection Process prior to the interviews.
MHAS	Detention Service Officer	311	6	0	6	A revised result was issued to address shortcomings identified during the selection process.
MHAS	Correctional Supervisor	14	4	0	4	A revised result was issued to address shortcomings identified in the selection process.
MJCL	Director (Criminal Courts and Criminal Tribunals, Malta) Courts of Justice Department	3	1	1	0	
MJCL	Tradesman/ Senior Tradesman in the Restoration Directorate (Masonry Heritage Skills)	0	4	0	4	<b>ANNULLED</b> – The written test was not in line with provisions of the call. These petitions were filed following Part 1 of the selection process prior to the interviews.
MJCL	Part time Judicial Assistant	25	1	1	0	A revised result was issued - marks for qualifications were amended

Ministry	Post/Position applied for	Number of Interviewed Candidates	Number of Petitions received	Number of Petitions not upheld	Number of Petitions upheld	Remarks
MJCL	Operations Support Assistant	2	1	0	1	A revised result was issued to address shortcomings identified in the selection process.
MJCL	Senior Technical Officer (Stores) in the Restoration Directorate	3	1	1	0	



