

*PUBLIC SERVICE COMMISSION*

*ANNUAL REPORT 2003*

**MALTA**

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## Foreword

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This is the forty-fourth Annual Report of the Commission submitted to the Prime Minister in terms of Regulation 33 of the Public Service Commission Regulations 1960.

The report gives a brief description of the main activities of the Commission during the year 2003 in the execution of its constitutional functions of giving advice and making recommendations to the Prime Minister on matters relating to appointments, removal from office and discipline within the public service.

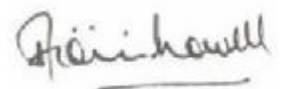
The present Commission was appointed on 12 June 2003. The expiry of the term of office of the Commission as previously constituted marked the end of the 6-year term of office as Chairman of the Commission of Mr Joseph Curmi MPA, DPA, FCIPD, during whose tenure various aspects of the procedures relating to appointments were substantially improved. That Commission was also responsible for the introduction of the Public Service Commission (Disciplinary Procedure) Regulations 1999 which launched a significant measure of devolution of authority in disciplinary matters to Heads of Department.

The present Commission is distinguished by the fact that it is the first Constitutional Commission, and indeed one of the first national or government institutions, to reflect a majority of female members in its composition.

Following the publication of the White Paper in October 2003 the Commission had the opportunity to examine and discuss the reforms proposed by the Administration in the White Paper on a Public Service Act, particularly in so far as they affect the operations of the Commission. The Commission submitted its reactions on the wide-ranging proposed reforms to the Government on 9 February 2004.

In 2004, in particular after the presentation of the Public Service Act to Parliament and its presumed approval, the Commission will continue to focus on the post-enactment scenario and on the changes that will need to parallel the implementation of the Act's provisions. In this task the Commission will necessarily continue to be guided by the responsibilities placed upon it by the Constitution.

The Commission wishes to record its appreciation of the competent and efficient support it received from the Secretary and his staff during the year.



A Fiorini Lowell  
Chairman

28 April 2004

The Palace Valletta

## **I. The Public Service Commission Remit**

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The Public Service Commission is an independent body established by the Constitution of Malta. It derives its authority and functions from sections 86, 92, 109, 110, 111, 112, 114, 115 and 121 of the Constitution.

The fundamental role of the Commission is to make recommendations and to tender advice to the Prime Minister in the making of appointments to public offices, the removal from public offices and in the exercise of discipline over public officers.

In fulfilling its role, the Commission is guided by the principles of merit, equality of opportunity, impartiality, non-discrimination, the exclusion of patronage, political or otherwise, and fair and open competition, the latter within the parameters of agreements that exist between the government and the trade unions.

The procedures governing these functions are set out in the Public Service Commission Regulations, 1960 and in the Public Service Commission (Disciplinary Procedure) Regulations, 1999.

The regulations of the Commission are made by the Commission with the consent of the Prime Minister in accordance with section 121(1) of the Constitution.

## II. Membership and Secretariat of the Commission

### Composition

In terms of section 109 of the Constitution of Malta, the Public Service Commission shall consist of a Chairman, a Deputy Chairman and from one to three other members.

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

### Membership

Membership of the Commission on 1 January 2003		
Chairman	Mr Joseph J M Curmi, MPA DPA FCIPD	(from 12 May 1997 to 11 June 2003)
Deputy Chairman	Brigadier (Rtd) John Spiteri MOM	(since 12 May 1996)
Members	Ms Yvonne Micallef Stafrace BA (Hons) MA	(since 12 May 1996)
	Dr Janet Mifsud B Pharm (Hons) PhD	(since 12 May 2000)
	Mr John A Scicluna DPA	(from 23 August 1999 to 11 June 2003)
The term of office of the Commission expired on 11 May 2003 but was extended for a period of one month with effect from 12 May 2003.		

The Commission was reconstituted as follows for a period of one year with effect from 12 June 2003:

Membership of the Commission as from 12 June 2003		
Chairman	Mr Alfred Fiorini Lowell	(since 12 June 2003)
Deputy Chairman	Brigadier (Rtd) John Spiteri MOM	(since 12 May 1996)
Members	Ms Yvonne Micallef Stafrace BA (Hons)	(since 12 May 1996)
	Dr Janet Mifsud B Pharm (Hons) PhD	(since 12 May 2000)
	Ms Mary Vella	(since 12 June 2003)
Short biographies of the Chairman and Members are at <i>Appendix 1</i> .		

## **Number of meetings held**

During the year 2003, the Commission held a total of fifty-two (52) meetings in which it dealt with various matters relating to appointments and discipline as outlined in more detail in this report.

## **Secretariat**

The Commission is served by a small and dedicated team of civil servants headed by the Secretary, Public Service Commission who is appointed on a performance agreement for three years and who is an Officer in Grade 5.

During 2003 the Commission continued to be ably advised, supported and serviced by its Secretary, Mr Richard Saliba. On 12 November 2003 Mr Paul Sammut was appointed Secretary-designate to take over the full duties of Secretary, Public Service Commission immediately upon the retirement of Mr Saliba which was due on 10 January 2004.

The staff complement and the total expenditure incurred in the running of the Office of the Public Service Commission are shown at *Appendices 2 and 3*.

## **Method of Work**

The business of the Commission is normally conducted through circulation of files. Meetings are held every Thursday with an Agenda that covers policy issues and cases which are complex or involve important points of principle and which require discussion.

One of the first items on the agenda is often an oral hearing. The hearings concern disciplinary cases that can lead to dismissal and where, as laid down in the Disciplinary Regulations, the officer concerned and the representative of the Department, together with their respective counsels if they so wish, are given the opportunity to plead their case before the Commission

Senior management from departments may also be invited to the meetings. Their input on matters of interest or concern helps the Commission to understand better the problems faced by departments.

The rest of the agenda of the meetings of the Commission is taken up with discussion on individual cases which merit an exchange of views between the members of the Commission before a decision is reached. This is generally done by consensus.

## **Homepage of the Commission**

The address of the Commission's website is:

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

The homepage can also be accessed through the section on the 'Public Service' under the Office of the Prime Minister in the website of the Government of Malta at:

<http://www.gov.mt>

The homepage provides basic information on the Commission's role and functions, its current membership, the way the Commission conducts its business and the organisation of the Commission's Secretariat. This Annual Report, and that for 2002, can also be viewed on the homepage and can be downloaded

## **III. Recruitment and Promotion**

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

The functions of the Commission in relation to appointments are:

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

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

In line with the above policy the Police Force is now following the same procedure as the rest of the public service even with regard to the appointment of Superintendents and Assistant Commissioners.

### **Calls for Applications**

In the course of the year 2003, the Commission issued 254 calls for applications for the filling of vacancies in the public service. Out of these 254 calls, 122 were calls for applications open also to applicants from outside the public service and were therefore advertised in the Government Gazette. 90 calls were restricted to serving public officers and were circulated through the Management and Personnel Office or Departmental Circulars, as applicable. The other 42 calls were issued by various Ministries for the filling of positions of Assistant Director.

The different calls for applications issued during 2003 are listed in *Appendices 4, 5 and 6*.

### **Selection Boards**

The Commission set up 267 selection boards and approved the selection methods and criteria in respect of each selection process.

These selection processes involved 4,408 applications, 2,550 from male applicants and 1,858 from female applicants. The selection boards interviewed 1,583 males and 1,265 females, a total of 2,848 candidates. The remaining 1,560 applicants were either found to be ineligible, withdrew their application or else failed to turn up for the interview.

The Commission is aware of the fact that the number of females on selection boards is still low and has taken up the matter with the Office of the Prime Minister.

## **Recommendations/Advices to the Prime Minister**

The Commission made 661 recommendations to the Prime Minister relating to appointments in terms of section 110 of the Constitution and advised the Prime Minister in 57 instances of appointment of Permanent Secretaries, Heads of Department and Ambassadors in terms of sections 92(3), 92(4) and 111 of the Constitution.

A statistical breakdown of these recommendations, which covered 2198 appointments, is given below:

<b>Appointments 2003</b>				
		<b>Males</b>	<b>Females</b>	<b>Total</b>
1.	Appointments following public calls for applications published in the Government Gazette	442	665	1107
2.	Appointments following service-wide calls for applications (MPO Circulars)	386	98	484
3.	Appointments following internal departmental calls for applications (Departmental Circulars)	85	32	117
4.	Other Appointments (eg engagement of foreigners on contract, promotion on basis of length of service and satisfactory performance, etc)	292	198	490
		<b>1205</b>	<b>993</b>	<b>2198</b>

Various other recommendations were made to the Prime Minister relating to the extension of performance agreements, renewal of contracts of employment, postponement of appointments, reversion to former posts, extension of probationary periods and withholding of increments.

## **Petitions relating to Appointments**

The Commission considered ninety-one written petitions submitted in terms of paragraph 1.1.10.1.(a) of the Public Service Management Code in respect of appointments made following calls for applications issued by the Commission. These included two petitions that were submitted by a Union on behalf of its various members and one collective petition signed by eighty-three candidates.

Fifty-five of these petitions were made directly to the Commission before the appointment was approved by the Prime Minister, while the other thirty-six petitions were submitted to the Prime Minister in terms of section 1.1.10 of the Public Service Management Code.

After carefully considering the petitions, the grounds for the complaints and where appropriate, the comments, of the respective selection boards, the Commission reached the following conclusions:

- the complaints in seventy-four of the petitions were not justified;

- one complaint was found to be justified and action was taken to remedy the situation;
- in one other case a candidate was first declared ineligible but, following clarification of his qualification, he was found to be eligible for interview. The Commission approved the revised result;
- three complaints led to the termination of two selection processes. In one case, numerous mistakes and inconsistencies emerged from the explanations given by the Selection Board; in the other case a Board Member had signed the Declaration Form even though he was related to one of the candidates. The Commission recommended that appropriate disciplinary action should be taken against the officer concerned. Moreover, the Chairman and Members of the Selection Board were suspended from being nominated to sit on other boards for five years.

Twelve petitions were still pending as at 31 December 2003.

A list of petitions received in 2003, showing also the complaints and the Commission's decisions, is given in *Appendix 7*.

## **IV. Discipline**

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### **Functions of Commission relating to Discipline**

Following the coming into force of the Public Service Commission (Disciplinary Procedure) Regulations, 1999 and the related Instrument of Delegation signed by the Prime Minister on 1 February, 2000, the exercise of discipline in the public service was, subject to appropriate safeguards, largely delegated to heads of government departments.

The Commission however continued to deal directly with requests for the interdiction and suspension from duties of public officers; the discipline of public officers found guilty of a criminal offence by the Courts; and other disciplinary cases conducted by the department where the officer was notified that the charge, if proved, could lead to dismissal.

The Commission also continued to make its recommendations in connection with the remaining cases initiated under the 1977 Disciplinary Regulations which, under the 1999 Regulations would have been delegated to the head of department. These cases continued to diminish in number.

The Commission further dealt with appeals from public officers against decisions made by heads of department under delegated authority, in terms of section 30 (1) of the Public Service Commission (Disciplinary Procedure) Regulations, 1999 and heard representations by heads of department who were dissatisfied with the findings of a disciplinary board (section 32 of the same Regulations).

### **Disciplinary Cases under the 1977 Regulations – Criminal Cases**

The Commission considered 10 cases involving criminal proceedings against public officers that had been initially referred to the Commission under the 1977 Disciplinary Regulations.

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

<b>Recommendations</b>	
Dismissal	2
Serious warning and forfeiture of salary withheld during interdiction	1
Serious warning and 3 days suspension without pay	1
Serious written warning, lifting of interdiction and forfeiture of salary withheld	1
Severe Reprimand	2
Written Warning	1
Reprimand	1
Lifting of Interdiction and refund of salary withheld	1
<b>Total</b>	<b>10</b>

### **Disciplinary Cases under the 1999 Regulations – Criminal Cases**

The Commission dealt with 41 disciplinary cases which were referred to it in terms of sections 12 and 16 of the Public Service Commission (Disciplinary Procedure) Regulations, 1999. These concerned suspension and interdiction during disciplinary proceedings and disciplinary action after conviction on a criminal charge.

The Commission made the following recommendations to the Prime Minister in respect of these cases:

<b>Recommendations</b>	
Dismissal	3
Warning of dismissal and 5 days suspension without pay	2
Suspension without pay (5 days)	8
Suspension without pay (2 days)	1
Severe Reprimand	2
Written Warning	4
Interdiction	19
Lifting of Interdiction	1
Refund of salary to heirs	1
<b>Total</b>	<b>41</b>

### **Disciplinary Cases under the 1999 Regulations – Non-Criminal Cases**

The Commission also considered 14 other disciplinary cases which were referred to it in terms of section 26(2) of the 1999 Regulations, i.e. cases where the officer charged had been notified that the charge, if proved, could lead to dismissal.

After giving the officers concerned and the respective heads of department an opportunity to make oral representations, the Commission made the following recommendations to the Prime Minister in respect of these cases:

<b>Recommendations</b>	
Dismissal	1
Warning of dismissal and 5 days suspension without pay	1
Severe reprimand	1
Written Warning	2
Acquittal	7
No punishment	2
<b>Total</b>	<b>14</b>

## **Oral Representations**

A list of the oral representations heard by the Commission, giving also the Regulation in terms of which the particular oral representation was allowed, is given at *Appendix 8*.

## **Analysis of Cases**

The following two tables and charts provide an analysis of the outcome of the above mentioned 65 cases and of the penalties of those 34 of them where the officer charged was found guilty.

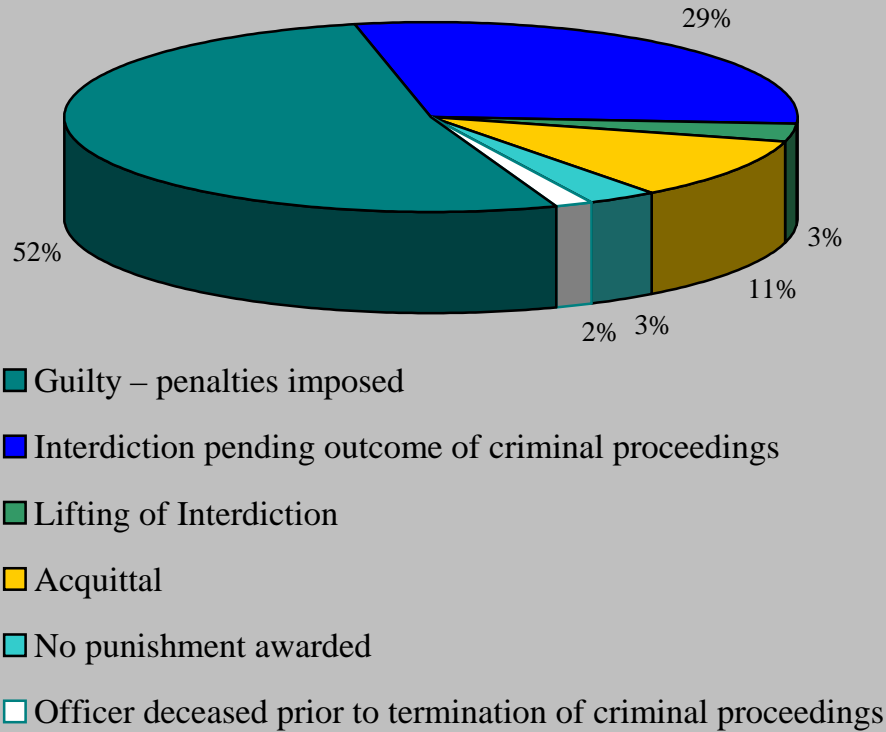
<b>Disciplinary Cases before the Commission</b>	
<b>Outcome</b>	
Guilty – penalties imposed	34
Interdiction pending outcome of criminal proceedings <sup>(1)</sup>	19
Lifting of Interdiction	2
Acquittal	7
No punishment awarded <sup>(2)</sup>	2
Officer deceased prior to termination of criminal proceedings <sup>(3)</sup>	1
<b>Total</b>	<b>65</b>

<sup>(1)</sup>2 of the 19 cases of Interdiction were referred to the Commission following disciplinary proceedings.

<sup>(2)</sup>In early 2004 the Commission recommended the minimum penalty possible in these two cases. This followed a reference back by the Prime Minister.

<sup>(3)</sup>Refund of salary to officer's heirs.

### Outcome of 65 cases before the Commission by percentage

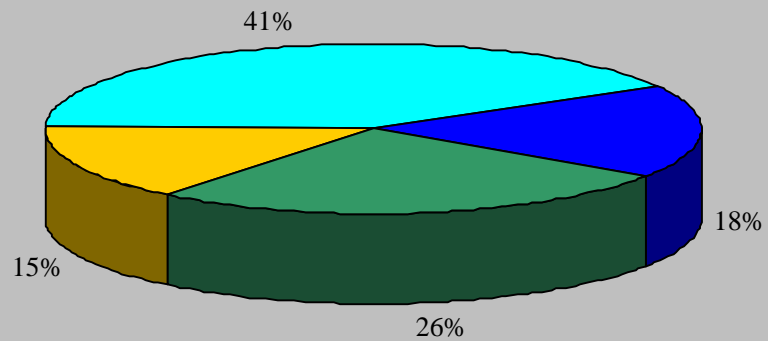


The following table shows the broad categories of offences and the penalties given in each case. The ensuing chart gives the percentage distribution of same.

Categories of Offences and penalties recommended						
	Category of Offence	Drugs/ Alcohol related	Theft/ Fraud	Corruption related	Others (causing voluntary damage/bodily harm, dereliction of duties, carrying unlicensed firearm, writing anonymous letters, tampering with computerised system)	Total
<b>Penalties</b>						
	Dismissal			4	2	6
	Warning of dismissal + 5 days suspension		2		1	3
	Serious warning + forfeiture of salary	1		1		2
	Suspension without pay for between 2 to 5 days	2	3		5	10
	Severe Reprimand/Written Warning/Warning	3	4		6	13
	<b>Total</b>	<b>6</b>	<b>9</b>	<b>5</b>	<b>14</b>	<b>34</b>

29 of the 34 cases involved disciplinary action following criminal conviction.

### Categories of 34 Offences by percentage



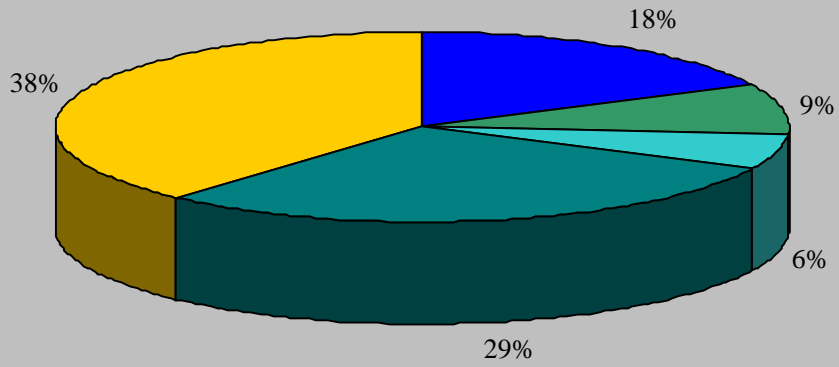
■ Drugs/Alcohol related

■ Theft/Fraud

■ Corruption related

■ Others (causing voluntary damage bodily harm dereliction of duties, carrying unlicensed firearm writing anonymous letters tampering with computerised system)

### Penalties imposed in 34 cases by percentage



- Dismissal
- Warning of dismissal + 5 days suspension
- Serious warning + forfeiture of salary
- Suspension without pay for 2 to 5 days
- Severe Reprimand/Written Warning/Warning

5 cases involved only disciplinary proceedings.

## The exercise of Discipline through delegated authority

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

The following Table gives a breakdown of disciplinary action taken by heads of department during 2003 compared with the year 2002:

Number of Cases		
	2002	2003
Penalties awarded:		
Warning of dismissal and suspension from duty without pay	5	19
Suspension from duty without pay	90	84
Written Warning (section 20)	156	94
Written Warning (section 19)	178	309
Cases discontinued	104	88
Not Guilty	208	168
Pending Cases	207	85
<b>Total</b>	<b>948</b>	<b>847</b>

After analysing, jointly with the responsible Directorate within the Management and Personnel Office of the Office of the Prime Minister, the returns submitted on disciplinary action by heads of department, the Commission indicated certain corrective measures that needed to be taken for the better application of the disciplinary rules and procedures by heads of departments and disciplinary boards.

## Appeals and Representations on Disciplinary Cases in terms of Sections 30 and 32

Two appeals from disciplinary decisions made by heads of department were submitted to the Commission in terms of section 30 of the Public Service Commission (Disciplinary Procedure) Regulations, 1999.

In considering these appeals the Commission gave the opportunity to the heads of the department and to the officers charged to make oral representations.

In both cases the Commission upheld the appeals and recommended that the punishments inflicted by the heads of department be revoked and the accused officers be acquitted of the charges preferred against them.

There was also one disciplinary case where the head of department made representations to the Commission in terms of section 32 of the Disciplinary Regulations, as he was dissatisfied with the findings of the Disciplinary Board.

After hearing the head of the department and the officer charged, the Commission agreed to uphold the representations made and recommended that the accused be found not guilty of the charge preferred against him.

## **Review of Past Disciplinary Decisions**

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

The Commission considered three petitions made under this Regulation and found that there was no *prima facie* case of gross disregard of the disciplinary regulations or a serious miscarriage of justice in any of the three cases.

The Commission could not consider one another petition for the review of a past disciplinary case as the petitioner had already made a similar request. In terms of the Disciplinary Regulations a past disciplinary case can only be reviewed once unless new evidence is produced.

## **Withholding of Pension**

The Commission tendered its advice to the Prime Minister in terms of section 114 (1) of the Constitution in respect of the withholding of half of the uncommuted pension to an officer pending the final outcome of proceedings against him.

## **V. Retirement on Proved Medical Grounds**

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The Commission considered one request for the compulsory retirement on proved medical grounds of an officer who had been found unfit for further service by a Medical Board and who had declined to request permission to retire.

The Commission concurred that the officer in question be retired on proved medical grounds. It submitted its advice to the Prime Minister in terms of Sections 114 (1) and 124 (7) (b) of the Constitution.

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

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### **Investigation of Injustices**

During the year 2003, the Commission considered six decisions of the Tribunal for the Investigation of Injustices established by Act No VII of 1997. These decisions, which related to appointments in the public service, required a formal recommendation by the Commission in terms of section 110 of the Constitution in order to be implemented.

In four of the six cases the Commission made the necessary recommendations to the Prime Minister for the implementation of the Tribunal's decisions.

### **Ombudsman**

In the course of the year, the Ombudsman referred to the Commission twenty-one complaints relating to appointments in the public service that had been referred to him by aggrieved persons. The Commission noted that in twenty of these cases, the Ombudsman had found that the complaint had not been justified or could not be sustained.

In the remaining case, relating to the interpretation of Regulation 26 (1) of the Public Service Commission (Disciplinary Procedure) Regulations 1999, the Commission agreed with the Ombudsman that a clear ruling was necessary. Action for the circulation of this interpretation to heads of department of the interpretation given by the Commission was taken with the Permanent Secretary (OPM) after the Commission had recommended that that be done.

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

## **Consultations with, and Presentation to, Commission during its Meetings**

As also envisaged in the Public Service Commission Regulations, 1960, the Commission regularly consults heads of the department and selection boards whenever this is considered necessary. This was also done on a number of occasions during 2003 through *ad hoc* meetings with the Commission.

*Appendix 10* gives details of the consultations/meetings held with Heads of Department and with selection boards and refers to two presentations made to the Commission while in session.

## **White Paper on the Public Service Act**

The Commission had occasion to discuss the implication of the reforms proposed in the White Paper after its publication by the Administration in November 2003.

The members of the Commission also attended as observers a seminar on the subject organised by the Office of the Prime Minister on 21 January 2004.

The Commission's comments on the White Paper were subsequently forwarded to Permanent Secretary OPM in early 2004.

## **Setting of Guidelines Relating to the Lifting of Interdiction of Public Officers**

The Commission noted that there existed a number of court cases involving public officers where criminal procedures took a substantial number of years to be finalised and during which time the officers concerned were interdicted from the exercise of the functions of their office. Apart from the obvious negative impact on the employees themselves because of the prolonged delay in the conclusion of the criminal proceedings against them, in terms of the Disciplinary Regulations the Government is bound to continue paying half salary during the periods of interdiction without getting any return for its outlay. This applies even if the officer is eventually found guilty.

The Commission analysed the situation and adopted written internal guidelines on the maximum number of years that public officers charged with specific criminal charges should remain interdicted in those cases where the Court will not yet have handed down its judgement. At the same time the guidelines also stipulates that persons charged with committing certain serious crimes (eg. corruption of minors and drug trafficking) are to remain interdicted indefinitely.

The Commission asked that the fact that the impression was a wrong one should be made known to the Ministry concerned.

## **VII. Some General Observations and Recommendations made by the Commission in particular Cases**

### **Recruitment**

#### **Employment of Persons with Disability in the Public Service**

The Commission considered and agreed that disabled persons who do not satisfy the eligibility requirements but who are capable of carrying out the duties attached to particular advertised posts/positions in Government Service, should, subject to a procedure also involving certification by the National Commission Persons with Disability, be given special consideration when applying for the post or position in question.

The actual issue of the OPM circular instructing heads of department to include in all calls for applications the relative standard clauses giving positive discrimination in favour of persons with disability was issued in early 2004. The actual approval of the clauses by the Commission was given in 2003, the European Year of Persons with Disabilities.

#### **Absorption of Casual Typists and Casual Cleaners**

The Commission considered at length the submissions of Permanent Secretary (OPM) in favour of the regularisation of the remaining Casual Typists and Casual Cleaners who had been recruited in Government Service a number of years previously.

After careful deliberation, the Commission agreed to the absorption of the 135 remaining Casual Typists and that this should be made on the basis of a once-only competitive selection process. The Commission also agreed that the Casual Cleaners who had over ten years casual employment with Government in the last 15 years should be absorbed in the public service, again following a suitable selection exercise.

#### **Eligibility of candidates**

When considering one particular relevant case, the Commission discussed the current policy regarding instances where an officer serving in Malta applied to fill a lateral post in Gozo.

The Commission decided that one of the vacancies could be filled through the lateral transfer of the applicant concerned.

#### **Setting of time limit for submission of petitions**

The Commission noted that petitions were often being received after the appointments to which they referred are made. There were also cases when petitions were received even after the expiry of the eligibility period of the relative result, normally twelve months. A number of petitions in fact referred to selection processes that had taken place a number of years before.

The Commission suggested that calls for applications should include a standard clause indicating that petitions relating to appointments and made in terms of section 1.1.10 of the Public Service Management Code should be made within ten working days from the publication of the relevant result.

## **Appointments to be accepted by Appointees within a reasonable time limit**

An officer who had been approved for appointment to a position on a Performance Agreement did not move to his new duties. After the lapse of several months the officer wrote to say that he was refusing the post.

The Commission considered the case and decided that officers who were offered an appointment on a performance agreement should be given a reasonable time-limit within which to decide whether they wished to accept the appointment or otherwise, since such delays were detrimental to other officers aspiring for promotion.

## **Objective Assessment Criteria not given proper consideration**

The Commission came across several instances where selection boards did not give proper consideration to objective criteria such as the evaluation of qualifications.

The Commission was not satisfied with the situation and, apart from taking suitable action in the individual cases where this irregularity was brought to its notice, recommend to Government that the necessary training should be provided on the identified issue to officers selected to serve as members of selection boards.

## **Shortcomings of Selection Boards (Case 1)**

The Commission observed that there had been a number of shortcomings during a particular selection process. It considered explanations given by the selection board as lacking in credibility and was dissatisfied with the way the board had dealt with a specific request by the Commission to reallocate the marks according to the approved criteria.

The Commission found that the process had been seriously flawed and decided that a new selection process was to be carried out.

## **Shortcomings of Selection Boards (Case 2)**

When investigating representations made by a number of applicants in another selection process, the Commission considered that it could not disregard the numerous mistakes and inconsistencies that emerged from the explanations given by the selection board over a period of several months. There were instances when replies given by the Board were inadequate, incorrect or inconsistent.

The Commission considered that the selection process had been seriously flawed and decided that no new appointments were to be made under that particular call. However, in the light of legal advice given on by the Attorney General some years previously on another case, the Commission decided that the appointments that had already been made were to stand.

## **Shortcomings of Selection Boards (Case 3)**

The Commission noted that, in two identical cases of selection, the respective calls for applications invited applicants for the filling of one technical post in two distinct areas. As worded, the calls left no doubt that at least two vacancies, one for each area, were to be filled. When the selection boards submitted its report, a recommendation was made for only one post and in fact only one vacancy was verified.

The Commission considered that this constituted an unfair competition and that, consequently, the selection processes should be discontinued and a fresh call for applications issued that would clearly and unequivocally indicate the requirements of the department and the duties of the advertised post/s.

## **Shortcomings of Selection Boards (Case 4)**

In another case, after the result of a selection interview had been published and a number of candidates had been recommended for appointment, it transpired that a candidate who had been interviewed was listed as a late applicant. Following investigation, it emerged that a mistake had been made when two names had been switched. The mistake by the Selection Board had clearly been a genuine one. The Commission, however, instructed the selection board to rectify its original report.

The Commission approved the revised result sheet and this was published. The result was to remain valid for a period of one year from the date of publication of the first result.

## **Discipline**

### **Adherence to Disciplinary Regulations**

A request for an extension of the time limit for a departmental disciplinary board to conclude its report was not submitted for the approval of the Commission before the expiration of the period specified in Regulation 22 (4) of the Public Service Commission (Disciplinary Procedure) Regulations 1999. The case was as a result automatically time-barred and could not be continued.

The Commission deplored the fact that the provisions of the disciplinary regulations had not been observed with the result that the charges had to be dropped.

### **Right to Oral Hearing where Head of Department changes verdict of Disciplinary Board**

The Commission agreed that, as a matter of general procedure, where individuals were not found guilty by disciplinary boards of charges preferred against them and the head of department endorsed the board's decision, the Secretary was to write forthwith to the person charged and to the head of department, even before submitting the case for the Commission's consideration, asking them whether they wished to take the opportunity to make oral representations in terms of Regulation 26 (2) (b) of the Public Service Commission (Disciplinary Procedure) Regulations 1999.

### **Definition of duties of Watchmen**

In a disciplinary case relating to a Watchman, the Commission drew the attention of the particular head of department to the unsatisfactory arrangements in force in his department whereby watchmen were not given a clear definition of their duties and where there existed no effective system of hand-over between one shift and another with the result that it was extremely difficult to attribute responsibility to who should in fact be on duty at a given time.

### **No Appointment pending conclusion of Criminal Proceedings**

A candidate recommended for appointment had pending criminal proceedings against him. The Commission felt it would be inappropriate for it to recommend his appointment. The Head of Department was invited to submit a recommendation for the appointment of the next candidate in order of merit.

## **Delegation of Certain Powers**

### **Delegation regarding Acting Appointments**

The Commission recommended that power to make acting appointments should be delegated to the Permanent Secretary of the Ministry concerned without reference to the Commission provided that:

- (a) the public officer to be appointed was the most senior public officer in the department;
- (b) he/she was in a grade which was not below that of Senior Principal if the officer was in the General Service Class, or in the highest grade of the respective career stream if the officer was in a departmental grade not below salary scale 7; and
- (c) the position of head of department to which the acting appointment was being made was not vacant.

### **Delegation regarding Confirmation of Appointments**

The Commission also recommended that the Instrument of Delegation dated 6th April 1998, which provided for the power to confirm appointments in the public service to be exercisable by the individual heads of department for a period of three years renewable for further periods of three years, should be extended indefinitely. The delegation of power was not to apply if the head of department was of the opinion that the probationary service of an officer in the Public Service should be extended or terminated.

### **Authorisation given to Chairman PSC**

After endorsing a request for a change in the composition of a particular selection board, the Commission agreed that, in the interest of expeditiousness, the general authorisation that had been delegated to the Chairman on 23 December 1994 in connection with panel member nominated for appointment on selection boards by the Management and Personnel Office, should be extended to cover not only the appointment of the Chairperson of selection boards and of all the other members of the selection board but also any subsequent proposed changes to the composition of the board.

## Appendix 1

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

#### **Mr Alfred Fiorini Lowell**

*Chairman, Public Service Commission (appointed on 12 June 2003)*

Mr Fiorini Lowell is a retired Public Officer. He joined the Executive Class of the Public Service in 1964. Senior positions held before his retirement in 2003 included Permanent Secretary in the Ministry of Education and Human Resources (1992 -1995), Permanent Secretary in the Ministry of Housing and Local Government (1996 - 1998) and Cabinet Secretary (1995-1996 and 1998-2003).

#### **Brigadier (Rtd) John Spiteri**

*Deputy Chairman, Public Service Commission (appointed on 12 May 1996)*

Brigadier Spiteri is a retired Army Officer. After having served in the British Army from 1949 he joined the Armed Forces of Malta in 1971. In 1979 he was appointed Commander AFM. Brigadier Spiteri was also called upon to assume the responsibilities of Commissioner of Police between 1987 and 1988.

#### **Ms Yvonne Micallef Stafrace**

*Member, Public Service Commission (appointed on 12 May 1996)*

Ms Micallef Stafrace was employed in the General Workers' Union Secretariat between 1955 and 1962. In 1961 she married Dr Joseph Micallef Stafrace and they have three children. Ms Micallef Stafrace obtained a BA from the University of Malta in 1992, a BA (Hons) History in 1993 and an MA in 1996. She has published "Reggie Miller and the Post-War Socio-Political Challenges" (1998) and "The Growth of Trade Unionism in Malta 1943 - 1952" (2000).

#### **Dr Janet Mifsud**

*Member, Public Service Commission (appointed on 12 May 2000)*

Dr Janet Mifsud is a Senior Lecturer in the Department of Clinical Pharmacology and Therapeutics, University of Malta (1990 - ). She has recently been appointed Commissioner for the National Commissioner for the Promotion of Equality for Men and Women (2004 - ). Dr Mifsud has also chaired the Gender Issues Committee for the University of Malta (2000 - 2002) and was chair of the National Focal Point for the EU FP5 Programme for Research and Development (2000 - 2003). Has various publications to her name.

#### **Ms Mary Vella**

*Member, Public Service Commission (appointed on 12 June 2003)*

Ms Vella has recently retired from a career in Education that included a long service as teacher and as Head of School, and six years as the Head of the Department for Curriculum Management.

## Appendix 2

### Staff Complement

Complement as on 31st December 2003	
Grade	No of Employees in post
Secretary, PSC	1
Secretary-designate wef 12/11/03	1
Assistant Director	1
Senior Principal	Vacant
Principal	1
Assistant Principals	2
Executive Officer	1
Postperson	1
Clerks	7
Casual Typist	1
Messenger	1
General Hands	2
<b>Total</b>	<b>19</b>

## Appendix 3

### Commission Expenditure

#### Expenditure for the Year 2003

Item	Lm
Emoluments of the Chairman, Deputy Chairman and Members of the Commission	25,164
Emoluments of the public officers attached to the Commission's staff	87,823
Social Security contributions	7,845
Operational and maintenance expenses	13,638
Special Items	813
Capital	NIL
<b>Total</b>	<b>135,283</b>

## Appendix 4

# Calls for Applications advertised in the Government Gazette 2003

### Office of the Prime Minister

Consultant, Strategy and Planning, Central Information Management Unit  
Head, Strategy and Planning, Central Information Management Unit  
Head, ICT Governance Department, Central Information Management Unit  
Head, Information Security, Central Information Management Unit  
Programme Manager, Planning and Priorities Co-Ordination Directorate  
Information Management Officer in the Public Service  
EU ICT in Public Administration Co-Ordinator, Central Information Management Unit  
Scientific Officer (Geologist), Oil Exploration  
Policy Officer in the Public Service  
Compliance Manager, Central Information Management Unit  
Manager, Agent Management, Central Information Management Unit

### Ministry for Social Policy

Manager (Social Policy Information Centre)  
Operations Executive (Social Policy Information Centre)  
Telecommunications Officer (Social Policy Information Centre)  
Compliance and Assurance Officer  
Co-Ordinator (Corporate Information Systems), Information Management Unit  
Internet Technical Executive, Information Management Unit  
Manager (Social Policy Information Centre)  
Engineer (Electrical) or Junior Engineer (Electrical)  
Compliance and Assurance Officer

### Ministry of Education

Executive Secretary (EU Culture 2000 Programme), European Union Programmes Unit  
Facilitator, Education Division  
Executive Secretary (EU Leonardo da Vinci Programme), European Union Programmes Unit  
Junior Legal Officer/Legal Officer  
Executive Secretary (EU Youth Programme), European Union Programmes Unit  
Teacher, Education Division  
Activity Teacher, Education Division  
Projects Officer (EU Leonardo da Vinci and Youth Programme), European Union Programmes Unit  
Communications Officer (Part-Time), European Union Programmes Unit  
Programme Assistant (Part-Time), European Union Programmes Unit

### Ministry for Justice and Home Affairs

Case Worker, Office of the Commissioner for Refugees

## **Ministry of Finance and Economic Affairs**

Programme Manager (Paying Authority), International Relations, Finance  
Senior Legal Officer, Consumer and Competition Division  
Programme Manager (Paying Authority), International Relations  
Senior Accountant, Tax Compliance Unit  
Senior Manager Tax Audits and Investigations, Tax Compliance Unit  
Accountant, Tax Compliance Unit  
Senior Economist  
Case Officer  
Product Safety Inspector  
Junior Legal Officer/Legal Officer, Consumer and Competition Division

## **Ministry for Gozo**

Staff Nurse (Special Unit, Sannat Primary School), Customer Services  
Information Management Officer  
Assistant Registrar (Land Registry - Gozo), Customer Services

## **Ministry for Health**

Senior House Officer, Department of Psychiatry, Health Division  
Senior House Officer, Department of Radiology, Health Division  
Senior House Officer, Department of Surgery, Health Division  
Senior House Officer (Obstetrics and Gynaecology), Health Division  
Senior House Officer, Department of Paediatrics, Health Division  
Senior House Officer, Department of Pathology, Health Division  
Senior House Officer, Accident and Emergency Department, Health Division  
Senior House Officer, Anaesthesia Department, Health Division  
Senior House Officer, Department of Orthopaedics, Health Division  
Senior House Officer, Department of Medicine, Health Division  
Senior House Officer, Department of Dermatology and Venereology, Health Division  
Medical Officer (Public Health Medicine), Administrative Stream, Health Division  
Medical Officer (Primary Health Care), Health Division  
Chairman, Department of Dentistry, Health Division  
Scientific Officer (Radiotherapy Physicist), Health Division  
Scientific Officer (Radiodiagnostic Physicist), Health Division  
Principal Medical Officer (Epidemiology), Administrative Stream, Health Division  
Economics Officer, Health Division  
Consultant (Accident and Emergency Department), Health Division  
Senior Registrar in Audiological Medical Otolaryngology, Department of ENT, Health Division  
Registrar in Audiological Medical Otolaryngology, Department of ENT, Health Division  
Consultant Physician (Primary Health Care Services), Health Division  
Radiographer (Therapy), Health Division  
Principal Medical Officer (Disaster Preparedness and Emergency Services), Health Division  
Principal Medical Officer (Primary Health Care Services), Administrative Stream, Health Division  
Dental Surgeon, Health Division  
Registrar, Accident and Emergency Department, Health Division  
Senior Registrar (Accident and Emergency), Health Division  
Consultant Public Health Medicine (Director General's Office), Administrative Stream, Health Division  
Scientific Officer (Dietetics), Health Division  
Principal Health Promotion Officer, Health Division

Consultant Radiologist, Health Division  
Engineer (Electrical) or Junior Engineer (Electrical), Health Division  
Speech Therapist, Health Division  
Engineer (Mechanical) or Junior Engineer (Mechanical), Health Division  
Scientific Officer (Prosthetist/Orthotist), Health Division  
Pharmacist, Health Division  
Senior Registrar (Psychiatry), Health Division  
Senior Registrar (Anaesthesia), Health Division  
Senior Registrar (Orthopaedics), Health Division  
Registrar, Specialist Accreditation Committee, Health Division  
Radiographer (Therapy), Health Division  
Registrar, Department of Medicine, Health Division  
Senior House Officer, Department of Psychiatry, Health Division  
Health Inspector, Health Division  
Medical Officer (Primary Health Care), Health Division  
Occupational Therapist, Health Division  
Medical Laboratory Technologist, Health Division  
Registrar, Department of Surgery, Health Division  
Psychologist (Clinical), Health Division  
Enrolled Nurse, Health Division  
Co-Ordinator of Family Doctor Training Scheme (Part-Time), Health Division  
Staff Nurse Health Division  
Senior Registrar (Dermatology and Venereology), Health Division  
Senior House Officer, Department of Ophthalmology, Health Division  
Temporary Principal Scientific Officer (Nutrition), Health Division  
Consultant Clinical Haematologist, Health Division  
Midwife, Health Division  
Senior Registrar (Cardiology), Health Division  
Senior Registrar (Cardiothoracic Surgery), Health Division  
General Practitioner, Health Division

## **Ministry of Foreign Affairs**

Research Analyst, Malta-EU Information Centre

## **Ministry for Rural Affairs and the Environment**

Technician (Laboratory), Fisheries Conservation and Control Division  
Principal Aquaculture Officer, Fisheries Conservation and Control Division  
Senior Aquaculture Officer, Fisheries Conservation and Control Division  
Fisheries Protection Officer, Fisheries Conservation and Control Division  
Aquaculture Officer, Fisheries Conservation and Control Division  
Assistant Manager responsible for the Payments Function within the Paying Agency  
Assistant Manager responsible for the Authorisation Function within the Paying Agency  
Programme Manager, Rural Development Department, Agricultural Services and Rural Development Division  
Scientific Officer, Food and Veterinary Regulation Division  
Agricultural Officer, Agricultural Services and Rural Development Division  
Butcher, Food and Veterinary Regulation Division  
Scientific Officer, Agricultural Services and Rural Development Division  
Change Manager at the Pitkali Markets, Agricultural Services and Rural Development Division  
Economics Officer  
Junior Legal Officer/Legal Officer  
Head, Malta Centre for Fisheries Sciences, Fisheries Conservation and Control Division

## Appendix 5

### Calls for Applications issued through MPO Circulars

#### Office of the Prime Minister

Technical Officer, Government Printing Press

#### Ministry for Social Policy

Operational Support Worker (Group III), Social Security  
Technical Officer, Corporate Services  
Customer Relationship Officer, Social Policy Information Centre  
Co-ordinator (IT Training and Development)  
Deputy Nursing Officer, Elderly and Community Services  
Senior Technical Officer, Investigations Section, Social Housing  
Technical Officer (Machinery and Manpower Unit), Housing Construction and Maintenance  
Assistant Technical Officer (Stores, Machinery and Manpower), Housing Construction and Maintenance

#### Ministry of Education

Motor Transport Driver (Group III), Education Division  
Gardener, Education Division  
ECDL Co-Ordinator, Education Division  
School Transport Co-Ordinator, Education Division  
SchoolNet Internet Portal Co-Ordinator, Education Division

#### Ministry of Finance and Economic Affairs

Supervisor, Tax Compliance Unit

#### Ministry of Tourism

Tradesman/Senior Tradesman (Electrician)

#### Ministry for Justice and Home Affairs

Monitoring Officer, Justice and Local Government  
Security Guard, Justice and Local Government

#### Ministry for Resources and Infrastructure

Operations Manager (Technical Section-Rehabilitation Projects Office), Bldg & Eng, Works Division  
Technician/Senior Technician (Junior Draughtsman-Civil), Parks and Landscape Construction, Works Division  
Technical Officer (Draughtsman-Restoration Unit), Construction and Maintenance, Works Division  
Assistant Foreman, Embellishment Services Unit, Works Division  
Principal Technical Officer (Restoration Unit), Construction and Maintenance, Works Division  
Foreman (Districts Workshop), Construction and Maintenance, Works Division

Technical Officer (Design Unit), Building and Engineering, Works Division  
Principal Technical Officer (Marine Section), Construction and Maintenance, Works Division  
Chief Engineer (Manufacturing), Manufacturing and Services, Works Division  
Technical Officer, Embellishment Services Unit, Works Division  
Technical Officer (Rehabilitation Projects), Building and Engineering, Works Division  
Technical Officer (Policy and Planning), Parks and Landscape Conservation, Works Division  
Chief Architect and Civil Engineer, Works Division  
Principal Public Cleansing Officer, Waste Management Strategy Implementation, Works Division  
Technical Officer (Cataloguing-Restoration), Construction and Maintenance, Works Division  
Senior Engineer (Mechanical-Building Regulations Unit), Building Construction Industry, Works Division  
Public Cleansing Officer (Maintenance), Waste Management Strategy Implementation, Works Division  
Principal Inspector (Health and Safety), Building Construction Industry, Works Division

## **Ministry for Gozo**

Operative (Libraries) (Gozo Public Library), Customer Services  
Assistant Technical Officer (Motor Transport Section) - Gozo General Hospital, Customer Services  
Principal Technical Officer (Manufacturing and Services Section), Projects and Development  
Principal Technical Officer (Technical Administration Section), Projects and Development  
Principal Technical Officer (Drainage Section), Projects and Development  
Senior Technical Officer (Works Branch), Projects and Development  
Operations Manager, Works Branch, Projects and Development  
Property Registration Officers 'A' & 'B', Land and Property Registration, Customer Services  
Senior ECG Technician (Gozo General Hospital), Customer Services  
Property Registration Manager (Land and Public Registry), Customer Services

## **Ministry of Health**

Tradesman/Senior Tradesman (Engine Driver), Health Division  
Assistant Technical Officer (Electrical), Health Division  
Senior Engineer (Mechanical), Health Division  
Manager, Catering Services at St Luke's Hospital, Health Division  
Supervisor (Addolorata Cemetery), Health Division  
Senior Technical Officer (Mechanical Workshop), Health Division  
Technical Officer (Mechanical Workshop), Health Division  
Senior Technical Officer (Electronics), Biomedical Engineering (General Electronics), Health Division  
Tissue Viability Nurse, Health Division  
Haematology Nurse, Health Division  
Assistant Principal Speech Therapist, Health Division  
Security Officer, Health Division  
Assistant Principal Health Inspector, Health Division  
Motor Transport Driver (Group III), Health Division  
Manager, Catering Services at St Luke's Hospital, Health Division  
Assistant Principal Medical Laboratory Technologist, Health Division  
Assistant Technical Officer (Mechanical Workshop), Health Division  
System Manager (Patient Administration Stream), Information Management Unit  
Principal Health Inspector, Health Division  
Ophthalmic Nurse, Health Division

## **Ministry for Rural Affairs and the Environment**

Vulcaniser (Group IV), Agricultural Services and Rural Development  
Tradesman/Senior Tradesman (Mason), Agricultural Services and Rural Development  
Principal Agricultural Foreman, Agricultural Services and Rural Development  
Motor Transport Driver (Group III), Office of the Permanent Secretary  
Assistant Technical Officer (Mechanical), Fisheries Conservation and Control  
Tradesman/Senior Tradesman (Fitter), Agricultural Services and Rural Development  
Assistant Technical Officer (Plant Biotechnology Centre), Plant Health  
Assistant Technical Officer (Refrigeration), Food and Veterinary Regulation  
Assistant Technical Officer (Electrical), Agricultural Services and Rural Development  
Operative (Phytosanitary), Plant Health  
Principal Technical Officer (Maintenance Section), Food and Veterinary Regulation Division  
Farmer, Agriculture

## **Appendix 6**

### **Departmental Calls for Application**

#### **(i) Calls for applications advertised through Departmental Circulars**

##### **Office of the Prime Minister**

Chief Printer, Government Printing Press  
Assistant Chief Printer, Government Printing Press

##### **Ministry of Education**

Assistant Head of School (Primary) - Gozo  
Education Officers  
Head of School (Malta)  
Head of School (Gozo)  
Assistant Director of Education (Training and Staff Development), Curriculum Management  
Subject Co-ordinator (Secondary Sector)  
Subject Co-ordinator (Primary Sector)  
Assistant Head of School (Secondary) - Malta  
Assistant Head of School (Secondary) - Gozo

##### **Ministry of Foreign Affairs**

First Counsellor

#### **(ii) Calls for applications issued by Ministries for the filling of Assistant Director Positions in terms of delegation by PSC**

##### **Office of the Prime Minister**

Assistant Director (EU Affairs), Strategy and Planning Directorate  
Assistant Director (Customer Care), Strategy and Planning Directorate

##### **Ministry for Social Policy**

Assistant Director (EU Affairs), Office of Review  
Assistant Director (International Affairs), Social Security  
Assistant Director (Customer Care), Social Security  
Assistant Director (Finance), Corporate Services  
Assistant Director (Human Resources and Administration), Corporate Services  
Assistant Director (Employment Protection), Industrial and Employment Relations

##### **Ministry of Finance and Economic Affairs**

Assistant Director (EU Affairs), Office of Review, Economic Services  
Assistant Director (Customer Care), Office of Review, Economic Services

Assistant Director (Government Accounting Operations), Treasury, Finance  
Assistant Director (Processing Services), Customs, Finance  
Assistant Director (EU Related Procurement), Contracts, Finance  
Assistant Director (EU Affairs), Office of Review, Finance  
Assistant Director (Human Resources), Customs, Finance  
Assistant Director (Capital Expenditure), Budget Office, Finance

## **Ministry of Tourism**

Assistant Director (EU Affairs)

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

Assistant Director (Office of the Permanent Secretary), Home Affairs and the Environment  
Assistant Director (EU Affairs), Office of Review, Home Affairs and the Environment  
Assistant Director (Customer Care), Office of Review, Home Affairs and the Environment  
Assistant Director (Finance and Administration), Land and Public Registry, Justice and Home Affairs  
Assistant Director (Finance and Administration), Correctional Services, Justice and Home Affairs  
Assistant Director (Field Services Branch), Local Councils, Justice and Home Affairs  
Assistant Director (Government Immoveable Property Register) (T), Estate Management, Government Property Division

## **Ministry for Resources and Infrastructure**

Assistant Director (Finance), Finance and Administration, Works Division

## **Ministry for Gozo**

Assistant Director (Office of the Permanent Secretary)  
Assistant Director (Direct Labour and Utilities), Projects and Development  
Assistant Director (EU Affairs), Office of Review  
Assistant Director (Customer Care), Office of Review

## **Ministry of Health**

Assistant Director (Director General's Office), Health Division

## **Ministry for Information Technology and Investment**

Assistant Director (EU Affairs)  
Assistant Director (Customer Care), Policy Development and Programme Implementation

## **Ministry of Foreign Affairs**

Assistant Director (Administration), Office of the Permanent Secretary

## **Ministry for Rural Affairs and the Environment**

Assistant Director (Office of the Permanent Secretary)  
Assistant Director (Fruit Trees and Crop Husbandry) (T), Agriculture  
Assistant Director (Animal Husbandry and Forage Crops) (T), Agriculture  
Assistant Director (Operations), Agricultural Services and Rural Development

Assistant Director (Human Resources), Corporate Services  
Assistant Director (Policy Development), Policy Development  
Assistant Director (Customer Care), Programme Implementation  
Assistant Director (EU Affairs)

## **Ministry for Youth and the Arts**

Assistant Director (Permanent Secretary's Office)

## Appendix 7

### Petitions relating to Appointments

No	Related Post	Department	Complaint	Commission's Decision
1	Supervisor (Districts)	Construction and Maintenance Department, Works Division	Alleged political discrimination.	No grounds for a revision of the approved result.
2-3	Technical Officer (Machinery and Vehicles - Districts)	Construction and Maintenance Department, Works Division	Final classification was not fair, both candidates claimed to have seven years experience as Deputy District Officers.	No grounds for a revision of the approved result.
4-5	Leading Assistant and Rescue Officers	Department of Civil Protection	Both officers claimed that they merited promotion in view of experience and qualifications.	Selection process terminated. No new appointments to be made. Appointments already made should however stand.
6	Principal Scientific Officer, Public Health Laboratory	Health Division	Less experienced and less qualified officers obtained a better placing.	No grounds for a revision of the approved results.
7	Principal Medical Laboratory Technologist	Health Division	Deserved better rating.	No reason for the approved result to be revised.
8	Inspector of Police	Police Department	Contested his ineligibility.	To be considered ineligible since the certificate submitted was not comparable to requirement.

<b>No</b>	<b>Related Post</b>	<b>Department</b>	<b>Complaint</b>	<b>Commission's Decision</b>
9	Inspector of Police	Police Department	Contested his ineligibility.	To be considered ineligible since he did not satisfy a compulsory requirement
10	Deputy Nursing Officer	Gozo General Hospital	Alleged prejudice against him	Selection process correctly carried out.
11	Female Security Guard	Courts of Justice (Malta)	Alleged attempt to fail her as she had placed first in the written test but failed in the interview.	No grounds to revise the approved result.
12	Director (Tourism)	Tourism	Complained on the way the interview was conducted.	Complaint not justified.
13	Principal Technical Officer	Drainage Department, Works Division	Alleged unfair treatment to prevent applicant from being promoted.	No grounds for a revision of the approved result
14	Headship positions	Various	Claimed that he should have been granted promotions.	Not in a position to make any recommendation. To be provided with regular six-monthly assessments of his performance.
15-56	Senior Principals	General Service	Requests for revision of marks (41 Principals + Union).	No justification to revise the approved result.
57	Deputy Nursing Officer	Health Division	Complained on the marks allotted for Relevant Experience and Qualifications.	No grounds for a revision of the result.

<b>No</b>	<b>Related Post</b>	<b>Department</b>	<b>Complaint</b>	<b>Commission's Decision</b>
58	Repairer of Records	Works Division	Requested revision of assessment.	No reason to revise the approved result.
59	Director (Bilateral Affairs)	Ministry of Foreign Affairs	Position was offered to an officer with much less experience.	No grounds to disagree with the assessment made by the Senior Appointments Advisory Committee.
60	Supervisor (Maintenance of Sewers), Drainage Department	Works Division	Disappointed with the marks awarded. Felt unjustly treated.	No reason to revise the approved result.
61	Senior Principals	General Service	Complained that they had been asked to write their names on the paper, etc (1 collective petition signed by 83 Principals).	No grounds for a revision of the approved result.
62	Principal Security Officer	Health Division	Deserved a better placing. Less experienced candidates were given the post.	Copy of petition sent to Selection Board for its comments – Still pending
63	Deputy Nursing Officer	Health Division	Deserved better placing etc.	Complaint not accepted
64	Deputy Nursing Officer	Health Division	Deserved better placing etc.	Complaint not accepted
65	Deputy Nursing Officer	Health Division	Deserved better placing etc.	Awarded 3 extra marks

## No Related Post Department

## Complaint

## Commission's Decision

<b>66</b>	Engagement on contract of Revenue Officers	Inland Revenue	Contested his ineligibility.	Qualifications submitted were not sufficient to be considered eligible to apply.
<b>67-70</b>	Senior Principals	General Service	Requests for revision of marks.	No grounds for any changes to the approved result.
<b>71</b>	Principal Security Officer	Health Division	Claimed that his experience and capabilities had not been properly evaluated.	Copy of petition sent to Selection Board for its comments – Still pending.
<b>72</b>	Foreman (Discharge Permit Unit)	Drainage Department, Works Division	Unjustly treated. Applicants appointed were less qualified.	No grounds to revise the approved result.
<b>73</b>	Assistant Technical Officer (Refrigeration and Airconditioning)	Health Division	Contested his ineligibility.	Complaint justified. Considered eligible and interviewed. Approved revised result.
<b>74</b>	Supervisor (Districts)	Construction and Maintenance Department, Works Division	Unjustly treated; deserved a better placing.	Copy sent to Selection Board for its comments – Still pending
<b>75</b>	Supervisor (Districts)	Construction and Maintenance Department, Works Division	Appealed to the Commission to investigate the selection process.	Copy sent to Selection Board for its comments – Still pending.
<b>76</b>	Director (Customer Services)	Ministry for Gozo	Claimed favouritism and discrimination.	No reason why the petition should be favourably entertained.

No	Related Post	Department	Complaint	Commission's Decision
77	Director (Third Country Nationals)	Ministry for Justice and Home Affairs	Claimed that he had the necessary qualifications required for the post.	No grounds to entertain the representations made.
78	Property Registration Manager	Land and Public Registry Division	Complained that he should have been placed in a higher position.	Selection Board's comments requested – Still pending.
79	Appointment in the diplomatic grade of Counsellor	Ministry of Foreign Affairs	Requested to be given the grade of Counsellor and promoted to First Counsellor in view of his transfer back to Foreign Affairs.	The Commission informed complainant that appointments in the grade of Counsellor could only be made in accordance with the provisions of the Agreement on the Classification and Grading of the Diplomatic Class.
81	Foreman (Discharge Permit Unit)	Drainage Department, Works Division	Complained that the marks allotted to him were not fair.	Selection Board requested to give a more detailed explanation – Still pending.
82	Foreman (Discharge Permit Unit)	Drainage Department, Works Division	Deserved a better placing.	MPO to provide complainant with breakdown of marks.
83	Assistant Technical Officer (Emergency Shift) St Luke's Hospital	Health Division	Selection process was not just or transparent, a Board Member was related to a candidate, candidates placed in the first four positions had either no experience or related qualifications.	Commission agreed that no further recommendations would be accepted to fill these posts. The Board Member was imprudent when he signed the declaration form and his action was deplored - appropriate disciplinary action against complainant was recommended. The Chairman and Members of Selection Board were not to be nominated to sit on other boards for the next five years.

No	Related Post	Department	Complaint	Commission's Decision
84	Principal Technical Officer (Design Unit)	Building and Engineering Department, Works Division	Complained of discrimination.	Selection Board requested to clarify – Still pending.
85	Principal Technical Officer (Drawing Office)	Housing Construction and Maintenance Department, Social Policy	Complained of discrimination.	Selection Board requested to clarify – Still pending.
86	Consultant in Public Health Medicine (Director General's Office)	Health Division	Contested her ineligibility.	To be considered ineligible. Qualifications did not satisfy the eligibility requirements.
87	Registrar, Accident and Emergency	Health Division	Contested his ineligibility.	To be considered ineligible. Qualification not equivalent to requirement
88	Senior Technical Officer	Drainage Department, Works Division	Person promoted had less knowledge and experience.	Selection Board requested to clarify – Still pending.
89	Senior Technical Officer	Drainage Department, Works Division	Marks for knowledge and experience were too low: employed with department for 25 years.	Selection Board requested to clarify – Still pending.

**No Related Post Department**

**Complaint**

**Commission's Decision**

**90** Principal Technical Construction and Maintenance  
Officer (Districts) Department, Works Division

Complained on composition of  
Selection Board, felt unjustly treated  
etc.

Selection Board's comments requested – Still pending.

**91** Superintendent of Police Department  
Police

Merited promotion. Requested  
revision of marks.

Selection Board's comments requested – Still pending.

## Appendix 8

### Oral Representations heard by the Commission

<b>Grade of Officer Charged</b>	<b>Present for Oral Hearing</b>	<b>Regulation</b>
Security Guard, Health Division	Officer charged, assisted by Legal Adviser.	Criminal Case: Representations in terms of Regulation 16 (2)
General Hand, Health Division	Officer charged, assisted by Legal Adviser.	Criminal Case: Representations in terms of Regulation 16 (2)
Health Assistant, Health Division	Officer charged, unassisted.	Criminal Case: Representations in terms of Regulation 16 (2)
Immigration Officer, Police Department	Officer charged, assisted by Legal Adviser.	Criminal Case: Representations in terms of Regulation 16 (2)
Staff Nurse, Health Division	Officer charged, assisted by Legal Adviser.	Criminal Case: Representations in terms of Regulation 16 (2)
Watchman, Works Division	Officer charged, unassisted + Departmental representative.	Discipline: Representations in terms of Regulation 26 (2) (b)
Watchman, Works Division	Officer charged, unassisted + Departmental representative.	Discipline: Representations in terms of Regulation 26 (2) (b)

<b>Grade of Officer Charged</b>	<b>Present for Oral Hearing</b>	<b>Regulation</b>
Watchman, Works Division	Departmental representative only.	Discipline: Representations in terms of Regulation 26 (2) (b)
General Hand, Works Division	Officer charged, unassisted + Departmental representative.	Discipline: Representations in terms of Regulation 26 (2) (b)
General Hand, Works Division	Officer charged, assisted by Legal Adviser + Departmental representative.	Discipline: Representations in terms of Regulation 26 (2) (b)
Labourer, Education Division	Officer charged, assisted by Union representative + Departmental representative.	Discipline: Representations in terms of Regulation 26 (2) (b)
Hospital Auxiliary, Health Division	Officer charged, assisted by 2 Legal Advisers + 2 Departmental representatives.	Discipline: Representations in terms of Regulation 26 (2) (b)
General Hand, Works Division	Officer charged, unassisted + Departmental representative.	Discipline: Representations in terms of Regulation 26 (2) (b)
General Hand, Works Division	Officer charged, assisted by Legal Adviser + Departmental representative.	Discipline: Representations in terms of Regulation 26 (2) (b)
Police Constable, Police Department	Officer charged, assisted by Legal Adviser + Departmental representative.	Discipline: Representations in terms of Regulation 26 (2) (b)

<b>Grade of Officer Charged</b>	<b>Present for Oral Hearing</b>	<b>Regulation</b>
General Hand, Works Division	Officer charged, assisted by Legal Adviser + Departmental representative.	Discipline: Representations in terms of Regulation 26 (2) (b)
Labourer, Works Division	Officer charged, unassisted + Departmental representative.	Discipline: Representations in terms of Regulation 26 (2) (b)
General Hand, Works Division	Officer charged, assisted by Legal Adviser + Departmental representative.	Discipline: Representations in terms of Regulation 26 (2) (b)
General Hand, Works Division	Officer charged, assisted by Legal Adviser + Departmental representative.	Discipline: Appeal in terms of Regulation 30 (6)
Operative, Projects and Development, Gozo	Officer charged, assisted by Legal Adviser + Departmental representative, assisted by Legal Adviser.	Discipline: Appeal in terms of Regulation 30 (6)
Enrolled Nurse, Health Division	Officer charged, assisted by Union representative + Departmental representative.	Discipline: Appeal in terms of Regulation 30 (6)
Health Attendant II, Ministry for Resources and Infrastructure	Officer charged, assisted by 2 Union representatives + Departmental representative.	Discipline: Representations by the Head of Department in terms of Regulation 32 (3).

## Appendix 9

### Cases involving an exchange of correspondence with the Ombudsman

<b>Selection Process</b>	<b>Query by Ombudsman</b>	<b>PSC Comments</b>	<b>Final position of Ombudsman</b>	<b>Decision by PSC</b>
Nursing Officer, Health Division	-	-	Complaint not sustained. Case closed.	Noted
Assistant Head of School (Secondary), Education Division	-	-	Agreed with PSC decision. Case closed.	Noted
Deputy Nursing Officer, Health Division	The Commission was asked to investigate the marks awarded by the Selection Board.	Selection Board's explanations forwarded to the Ombudsman. Ombudsman's observations referred to Selection Board. Selection Board's explanation sent to Ombudsman.	Ombudsman accepted explanation even though he held a different opinion.	Commission informed Ombudsman that it was satisfied with explanations given by Selection Board and there were no grounds for further inquiry into the result.

<b>Selection Process</b>	<b>Query by Ombudsman</b>	<b>PSC Comments</b>	<b>Final position of Ombudsman</b>	<b>Decision by PSC</b>
Deputy Nursing Officer, Health Division	The Commission was asked to investigate the marks awarded by the Selection Board.	Ombudsman's observations sent to Selection Board. Selection Board's explanation sent to Ombudsman.	Ombudsman accepted explanation even though he held a different opinion.	Candidate failed to produce certificate as requested. It would not be correct or fair to revise result.
Deputy Nursing Officer, Health Division	The Commission was asked to investigate the marks awarded by the Selection Board.	Ombudsman's observations sent to Selection Board. Selection Board's reply forwarded to Ombudsman.	Ombudsman informed complainant that he found no evidence that she had been discriminated against or wrongly assessed.	Noted
School Counsellor, Secondary/ Post Secondary Sector, Education Division	-	-	Complaint not upheld. Case closed.	Noted
Senior Principals	-	-	No evidence of irregularity was found which justified a change in the final results. Case closed.	Noted

<b>Selection Process</b>	<b>Query by Ombudsman</b>	<b>PSC Comments</b>	<b>Final position of Ombudsman</b>	<b>Decision by PSC</b>
Principal Security Officer, Health Division	Ombudsman felt morally convinced that complainant had not been properly assessed and merited promotion.	Relevant extracts from Ombudsman's letter were referred to the Selection Board. Selection Board's remarks referred to the Ombudsman.	Ombudsman informed complainant that the Commission had requested information from the Selection Board and was satisfied that there was no justification for any further intervention on its part in this case.	Noted
Leading Assistance and Rescue Officers, Civil Protection	Ombudsman requested the Commission to reconsider complainant's petition.	In view of numerous mistakes and inconsistencies by the Board, the selection process was to be terminated and no new appointments be made.	Ombudsman informed complainant accordingly and closed the case.	No new appointments to be made. Appointments already approved were to stand.
Leading Assistance and Rescue Officers, Civil Protection	Ombudsman requested the Commission to reconsider complainant's petition.	In view of numerous mistakes and inconsistencies by the Board, the selection process was to be terminated and no new appointments be made.	Ombudsman informed complainant accordingly and closed the case.	No new appointments to be made. Appointments already approved were to stand.

<b>Selection Process</b>	<b>Query by Ombudsman</b>	<b>PSC Comments</b>	<b>Final position of Ombudsman</b>	<b>Decision by PSC</b>
Director of Tourism	-	-	Complainant informed by Ombudsman that his petition had been given proper consideration and that no irregularities had resulted.	Noted
Female Security Guard, Courts of Justice (Malta)	Selection Board's evaluation was much lower than complainant's potential to perform security guard duties. Recommended early re-issue of a fresh call for applications.	Ombudsman's remarks referred to the Director General (Courts) for his comments. Ombudsman informed that his suggestions had been taken up with the Management and Personnel Office.	-	No grounds to revise the approved result.
Senior Principals	-	-	Complainant informed that there was no justification for a change in the result. Case closed.	Noted
Senior Principals	-	-	Agreed with Commission's decision. Suggested the use of index numbers and publication of marks for separate sections (Group discussion, written, interview).	Noted

<b>Selection Process</b>	<b>Query by Ombudsman</b>	<b>PSC Comments</b>	<b>Final position of Ombudsman</b>	<b>Decision by PSC</b>
Engagement of Revenue Officers, Inland Revenue Division	-	-	Complainant informed that there was no justification for upholding his complaint.	Noted
Director (Customer Services), Ministry for Gozo	-	-	Complaint not sustained. Case closed.	Noted
Technical Officer (Machinery and Vehicles - Districts), Works Division	-	-	Complaint not justified. Case closed.	Noted
Technical Officer (Machinery and Vehicles – Districts), Works Division	-	-	Complaint not justified. Case closed.	Noted
Supervisor (Maintenance of Sewers), Works Division	-	-	Complaint not justified. Case closed.	Noted
Discipline: General Hand, Projects and Development, Gozo	-	-	Regulation 26 of the Public Service Commission (Disciplinary Procedure) Regulations 1999 needed a clear ruling.	Agreed with Ombudsman. PS (OPM) to circulate Commission interpretation to Heads of Department.

## Appendix 10

### Consultations and Meetings with and Presentations to the Commission

#### Consultations

Director (Employee Relations),  
Director (Resourcing), Management and  
Personnel Office

Legal Adviser to the Commission

Permanent Secretary (OPM),  
Director General (MPO)

Permanent Secretary (OPM),  
Director General (MPO)

Acting Director General (Education)  
Director (Operations), Education

Director General (Health)

Commissioner of Police,  
Police Superintendent

#### Meetings

Selection Board

Selection Board

Selection Board

Selection Board

Selection Board

#### Presentations

Director (Further Studies and Adult  
Education)

Permanent Secretary (OPM)

#### Subject

Employment of Persons with disability in the  
Public Service

Disciplinary action against a General Hand, Works  
Division – interpretation of pertinent Regulation

Absorption of Casual Typists and Casual  
Cleaners

Absorption into the Public Service of Non-  
Public Officers seconded to Ministries/Departments

Posts of Teacher 2003

Appointment of Chairman in the Department of  
Pathology in the Health Division

Interdiction of Police Officers

#### Calls for applications

Leading Assistance and Rescue Officer, Department  
of Civil Protection

Engagement of Correctional Officers

Principal in the Malta Public Service (from  
Management Graduates)

Station Officers, Department of Civil Protection

Chairman in the Department of Pathology in the  
Health Division

#### Subject

Presentation regarding the functions of the Malta  
Qualifications Recognition Information Centre -  
Act No XVIII of 2002

Presentation on the “White Paper on a Public  
Service Act”