

GOVERNANCE ACTION

on the Parliamentary Ombudsman's
Annual Report 2019



OFFICE OF THE PRINCIPAL PERMANENT SECRETARY
OFFICE OF THE PRIME MINISTER

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FOREWORD

This report is being published in a very significant period for the Public Administration. The COVID-19 pandemic has brought to the fore the importance of having strong foundations and structures to weather such challenging, unprecedented and unpredictable circumstances.

The Public Administration continued serving the nation whilst adapting its operations and service delivery platforms to working remotely. It is facing and meeting the requirements of a dynamic environment in which it is expected to respond quickly and effectively in order to mitigate risks, build opportunities and offer the required customer-centric support.

The investments made in strengthening the Public Administration's governance and accountability framework, 24/7 service delivery platforms, technology infrastructure and, above all, the competency, flexibility and dedication of thousands of public employees, are indeed bearing the fruits I referred to in my foreword to last year's report.

It is in these circumstances that one can gauge the positive impact of the oversight of the Parliamentary Offices on the Public Administration. The rigour applied to the pursuit of continuous internal improvement is aimed at not just strengthening accountability and transparency but also strengthening the Public Administration's commitment towards quality public services. The achieved results attest it.

As expressed in last year's report, I am again very happy to note that the Public Administration was almost always either considered by the Office of the Ombudsman to have acted correctly or

otherwise has adopted and taken note of any recommendation presented to it.

I am also pleased to note the change in the approach adopted by the Office of the Ombudsman, with a greatly improved cooperation in the sharing of information about cases and status of same. This has supported the building of better channels of communication between the Ministerial liaison officers and the Ombudsman's Office investigating officers.

What remains unaddressed and of some concern is the fact that the Office of the Ombudsman does not have yet, at least not publicly available, standard procedures for dealing with the complaints it receives. This is in stark contrast with other local national institutions of oversight and with various Ombudsman Offices in other countries which publish their operating procedures - a shining example of transparency and accountability.

The lack of published operating procedures means that the criteria upon which a decision is taken to investigate or not a complaint are nebulous. We have come across several cases, all detailed in this report, where the investigation by the Ombudsman or the Commissioners was undertaken when the complainant went directly to the Ombudsman without having first addressed the complaint to the entity's customer care, who would have given the appropriate same redress. This is not right as it does away with the principle that the Ombudsman is the point of last resort. Accepting to investigate cases not as a last resort is tantamount to encouraging the circumventing of established complaints redress setups, hence encouraging useless and inefficient overlaps.

Overseers should also be overseen. At a time when the Ombudsman is pushing for the legal strengthening of the institution, the putting together of standard complaint procedures, and I dare say, procedures to be followed in transparent selection process of personnel in the Ombudsman Office, would be steps in the right direction.

Again I have to note that I am limiting myself to comment only on the administrative matters presented in the Ombudsman's Annual Report, which add up to some 50% of the report itself, and positively so.

It is inevitable that there will be instances where opinions diverge. Even here I am satisfied that the Public Administration has contested or otherwise not implemented the recommendations presented to it in only 2% of instances, which is consistent with the outcome registered last year. This is testimony to the commitment we have made to leave no stone unturned to effectively meet the expectations of our external auditors. Despite all our efforts to find amicable resolution there are instances when this is not possible due to legal or procedural constraints. It is therefore disappointing and disheartening to see that there were several clinical cases handled by the Commissioner for Health where, in reply to management stating that case was handled according to established protocols, the Commissioner replied that "protocols are discriminatory and against the law"; to say nothing of the point that clinical matters should be decided upon by clinicians. Here I must recommend that the Ombudsman changes the current

approach to investigating clinical cases by establishing a procedure that incorporates clinical advice to enhance the quality of its investigations and recommendations.

On the other hand, there were those cases that led to an entity reviewing its policy in a certain area, having been made aware of shortcomings through a case referred by the Ombudsman or the Commissioners. One such case was that of the Planning Authority that accepted to review and reissue the CTB (Category B Concession) Circular. Another such case was that of ARMS, who had introduced a 2% discount on Direct Debit payments for residential bills and the complainant claimed this to be discriminatory for non-residential bills. ARMS are internally discussing a change in policy to include non-residential bills.

Building on last year's accomplishments, this report provides further testimony to the significant investment made by the Public Administration to ensure that its commitment to greater accountability and transparency bears fruit.

In fact, outcomes of investigations by the Office of the Ombudsman and each of the Commissioners support our endeavours to achieve excellence. This requires that the Public Administration handles with utmost seriousness the recommendations for improvement presented to it as a result of these investigations and reports.

When one considers the number of cases referred to the Ombudsman in 2019 against the estimated 13 million annual public services' transactions by the Public Administration

in its circa 2000 services, the resulting figure is of 0.003%. A snapshot of the cases covered in this report is presented hereunder:

- Of the 538 cases (381 cases in 2019 plus 157 cases pre-2019) deemed as meriting further inquiry by the Parliamentary Ombudsman and the Commissioners, a substantial 62.6% (337 cases) were closed by September 2020.
- 253 new cases received in 2019 were closed by the Office of the Parliamentary Ombudsman and Commissioners by September 2020.
- In 207 cases (i.e. 82% of cases closed), the investigation was closed without the presentation of any recommendations for corrective action to be taken by the management of the concerned public entity. Last year, the figure stood at 80% of cases closed.
- Another 40 closed cases (16%), included recommendations which at the time of reporting had already been implemented or noted.
- Altogether, 98% of all closed cases (247 from 253 cases closed by September 2020) were closed with the complaint either deemed unjustified or otherwise being suitably addressed. The remaining 2% represent cases needing further and frequently complex analysis, statutory or policy considerations.
- Of the 92 cases still pending conclusion, only 16 are

pending at Ministry level, 8 of which pertain to the Commissioner for Health. 3 cases are suspended due to Court proceedings and the remaining 73 cases are pending at Ombudsman.

An important consideration is that there has been a marked increase in the caseload from the previous year. It is important to emphasise that despite the pandemic, a record number of cases were considered and closed until the end of September 2020. The merit of this notable accomplishment must be shared with the Office of the Ombudsman and Commissioners and all those public employees involved in addressing the caseload during the year.

I cannot conclude without respectfully mentioning the late Mr Charles Caruana Carabez, the Commissioner for Education, who passed away this October. He stood out in the way he handled the investigations, defending aggrieved complainants' interest while keeping good relations and communications with authorities and public institutions. He expected fairness and just redress and upheld complaints only if justified. This is evidenced by the outcome of his investigations as presented in this report.

I take the opportunity to promote and emphasise the message that in the case of dissatisfaction with a public service, our customers should consider the various customer care facilities, foremost amongst them servizz.gov, as their first port of call. As detailed in this report, many of the cases would have been satisfactorily resolved by

the department or entity concerned, had they been made aware, thus avoiding the unnecessary intervention from the Office of the Ombudsman.

I and the Public Administration I lead are committed to achieve excellence. It is our mission and a duty to be of service.

MARIO CUTAJAR

Principal Permanent Secretary and
Secretary to Cabinet



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LIST OF ABBREVIATIONS

A

AACCD	Active Ageing and Community Care Directorate
AAS	Air Malta Aviation Services Ltd
ACHCB	Action Committee on Health Care Benefits
ACM	Arts Council Malta
AFM	Armed Forces of Malta
AG	Attorney General
ARB	Asset Recovery Bureau
AWAS	Agency for the Welfare of Asylum Seekers

B

BAG	Bicycle Advocacy Group
BOV	Bank of Valletta
BRO	Building Regulation Office
BTI	Binding Tariff Information

C

CAE	Civil Aviation Engineering
CAPA	Corrective and Preventive Action
CCF	Corradino Correctional Facility
CCTV	Closed-circuit television
CEO	Chief Executive Officer
CEP	Commissioner for Environment and Planning
CfR	Commissioner for Revenue
CH	Commissioner of Health
CIO	Chief Information Officer
CMO	Chief Medical Officer
COLA	Cost of Living Allowance
CPD	Civil Protection Department
CPSU	Central Procurement and Supplies Unit
CSSD	Clinical Service Sterilization Department
CTB	Category B Concession
CTP	Council for the Teaching Profession

D

DG	Director General
DIER	Department of Industrial & Employment Relations
DNA	Deoxyribonucleic Acid
DOI	Department of Information
DPA	Directorate for Pharmaceutical Affairs
DPF	Development Planning Fund
DRILLE	Directorate for Research, Lifelong Learning and Employability
DSS	Department of Social Security

E

ECh	Executive Chair
ECO-TAX	Ecological Taxation
ECTS	European Credit Transfer System
ECVET	European Credit System for Vocational Education and Training
EESSI	Electronic Exchange of Social Security
EMR	Electromagnetic Radiation
EMTC	Exceptional Medicinal Treatment Committee
EPRT	Environment and Planning Review Tribunal
ERA	Environment and Resources Authority
EU	European Union

F

FBO	Family Business Owned
FES	Foundation for Educational Services
FOI	Freedom of Information
FSWS	Foundation for Social Welfare Services
FTS	Foundation for Tomorrow's Schools

G

GDPR	General Data Protection Regulation
GFL	Government Formulary List
GFLAC	Government Formulary List Advisory Committee
GGH	Gozo General Hospital
GP	General Practitioner
GWU	General Workers Union

H

HA	Housing Authority
HCS	Healthcare Services
HIV	Human Immunodeficiency Virus
HPU	Heritage Planning Unit
HR	Human Resources
HS	Harmonized System

I

IAID	Internal Audit & Investigations Department
ICT	Information & Communications Technology
IfE	Institute for Education
IM	Infrastructure Malta
IMA	Identity Malta Agency
IMU	Information Management Unit
IP	Intellectual Property
IPCB	Independent Police Complaints Board

IPPC	Integrated Pollution Prevention and Control
IRD	Inland Revenue Department
IRU	Industrial Relations Unit
IT	Information Technology
ITS	Institute of Tourism Studies

K

KGH	Karin Grech Hospital
KSU	Kunsill Studenti Universitarji

L

LESA	Law Enforcement System Authority
LGD	Local Government Department
LN	Legal Notice
LSA	Learning Support Assistant
LSE	Learning Support Educator

M

MA	Minor Amendment
MATSEC	Matriculation and Secondary Education Certificate
MCAST	Malta College of Arts, Science & Technology
MCCAA	Malta Competition & Consumer Affairs Authority
MCDMS	Ministry for Competitiveness & Digital, Maritime & Services Economy
MCH	Mount Carmel Hospital
MCVS	Malta Council for the Voluntary Sector
MDA	Malta Developers Association
MDH	Mater Dei Hospital
MEAE	Ministry for European Affairs and Equality
MECP	Ministry for the Environment, Climate Change and Planning
MEDE	Ministry for Education and Employment
MEIB	Ministry for the Economy, Investment & Small Businesses
MFCS	Ministry for the Family, Children's Rights and Social Solidarity
MFEA	Ministry for Foreign and European Affairs
MFH	Ministry for Health
MFIN	Ministry for Finance
MFSA	Malta Financial Service Authority
MFSS	Ministry for Family and Social Solidarity
MGA	Malta Gaming Authority
MGOZ	Ministry for Gozo
MHAL	Ministry for National Heritage, the Arts and Local Government
MHAS	Ministry for Home Affairs and National Security
MHEC	Ministry for Health, the Elderly and the Community Care
MHSE	Ministry for Home Affairs, National Security and Law Enforcement
MIP	Malta Industrial Parks
MJCL	Ministry for Justice, Culture and Local Government
MMA	Malta Medicines Authority
MoU	Memorandum of Understanding
MPF	Malta Police Force
MPPB	Malta Psychology Profession Board

MQF	Malta Qualifications Framework
MQRIC	Malta Qualifications Recognition Information Centre
MTA	Malta Tourism Authority
MTCP	Ministry for Tourism and Consumer Protection
MTIP	Ministry for Transport, Infrastructure and Capital Projects
MUMN	Malta Union for Midwives and Nurses
MUT	Malta Union of Teachers

N

NACE	Nomenclature of Economic Activities
NASH	Non-Alcoholic Steatohepatitis
NAT	Nucleic Acid Test
NCFHE	National Commission for Further and Higher Education
NCPE	National Commission for the Promotion of Equality
NHS	National Health Services
NI	National Insurance
NPICU	Neonatal Paediatric Intensive Care Unit

O

OPM	Office of the Prime Minister
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P

PA	Planning Authority
PBS	Public Broadcasting Services
PC	Planning Commission
PGDip	Post-Graduate Diploma
PHC	Primary Health Care
PhD	Doctor of Philosophy
PHL	Public Health Laboratory
PMD	Physiological Measurement Department
POYC	Pharmacy of Your Choice
PV	Photovoltaic
PR	Public Relations
PREU	Permanent Representation of Malta to the European Union in Brussels
PS	Permanent Secretary
PSC	Public Service Commission
P&SD	People & Standards Division
PSMC	Public Service Management Code

Q

QP	Quality Person
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R

REWS	Regulator for Energy and Water Services
RP	Retirement Pension
RSSL	Resource Support and Services Limited

S

SAMOC	Sir Anthony Mamo Oncology Centre
SAWTP	Sant Antnin Waste Treatment Plant
SCH	Superintendence of Cultural Heritage
SCSA	Social Care Standards Authority
S&I	Strategy & Implementation
SMGB	Students Maintenance Grants' Board
SMLP	South Malta Local Plan
SMS	Short Message Service
SNO	Senior Nursing Officer
SPH	Superintendence of Public Health
SS	Social Security
SSC	Social Security Contributions
SVPR	St. Vincent De Paule Residence

T

TAC	Treatment Abroad Committee
T&C	Terms & Conditions
TESS	Tertiary Education Scholarships Scheme
TM	Transport Malta
TMRSD	Traffic Management & Road Safety Department
TOIL	Time Off in Lieu
TP	Tax Payer

U

UCA	Urban Conservation Area
UHM	Union Haddiema Magħqudin
UK	United Kingdom
UNHCR	United Nations High Commissioner for Refugees
UoM	University of Malta
USA	United States of America

V

VAT	Value Added Tax
VL	Vacational Leave

W

WSC	Water Services Corporation
WSM	Wasteserv Malta

NB: Nomenclatures denoting gender are used interchangeably to refer to either male or female complainants.



THE REPORT IN NUMBERS

As for previous editions, the focus of this statistical analysis was directed at establishing the status and outcomes of the caseload handled by the Office of the Parliamentary Ombudsman, Commissioner for Education, the Commissioner for Environment & Planning and the Commissioner for Health during the period January to December 2019.

As is now customary for the Public Administration, Ministries and concerned public entities were requested to submit to the Office for Governance Action, a detailed outline of the status and outcome of each case identified in the Ombudsman's Annual Report for 2019. Where necessary, further clarification was requested and secured. The Office for Governance Action, reviewed each individual case, ensuring that details presented for publication respected the complainants' privacy and that each case was suitably managed by the Ministry concerned.

As a result of this intensive effort, this report presents the brief details of each case the action taken by the ministries concerned in the course of the investigation and the conclusions or the recommendations made by the Office of the Ombudsman, where applicable and how these were acted upon by the Public Administration. The full account of each case presented individually can be referred to in the main part of this report.

The introductory sections below present a consolidated snapshot of this analysis. They provide an overview of the cases handled by the Parliamentary Ombudsman and the Commissioners during 2019 and their status and / or outcomes as at September 2020.

OVERVIEW

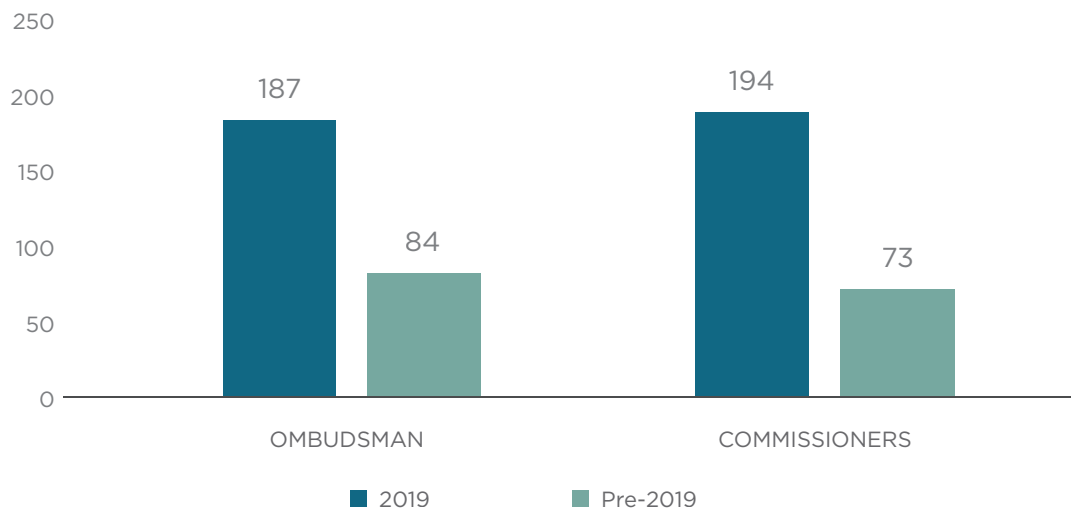
CASES RECEIVED BY THE OFFICE OF THE PARLIAMENTARY OMBUDSMAN AND COMMISSIONERS IN 2019

During 2019, the Office of the Ombudsman (that is, the Parliamentary Ombudsman and individual Commissioners) investigated a total of 381 new complaints. An additional 157 cases were carried forward from previous years. Hence, the total caseload for the Office of the Parliamentary Ombudsman and Commissioners was equivalent to a total of 538 cases. This is an increase of 124 cases (or 23%) over the total caseload in 2018 which stood at 414 cases. This is depicted in **Diagram 1** below.

Diagram 1 depicting the total caseload pertaining to the Office of the Parliamentary Ombudsman and Commissioners in 2019.

Diagram 1

Summary of Total Caseload by Year



Further investigation reveals that of the total caseload of 538 complaints:

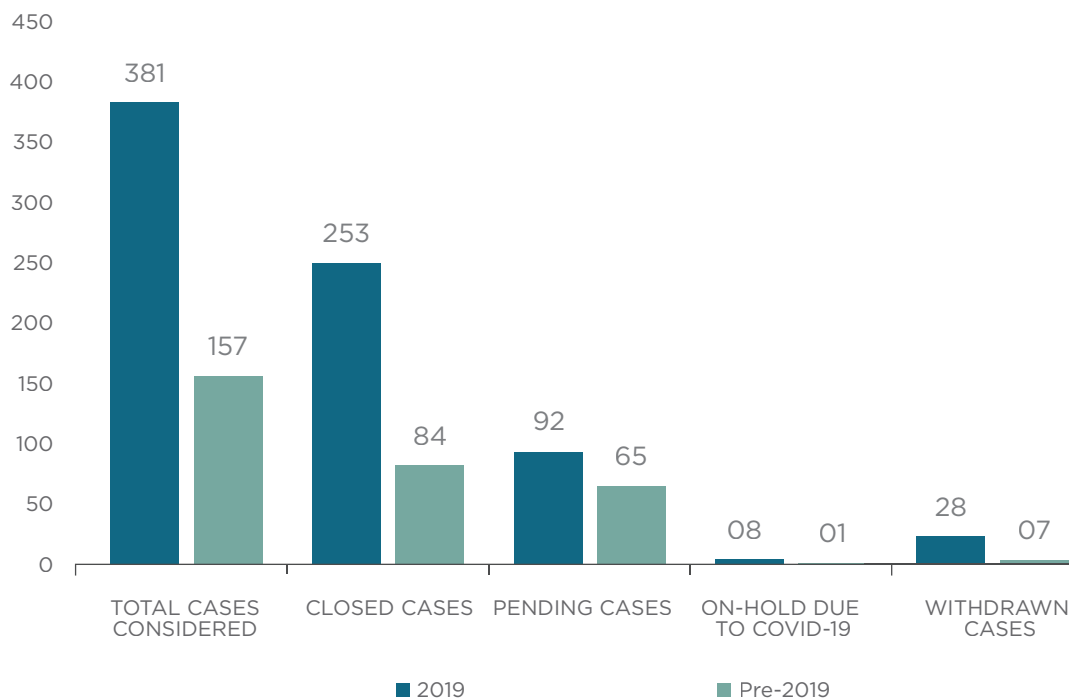
- 62.6% (337 cases) were closed during the reporting period. Of these:
 - 253 complaints made during 2019 were closed. This represents 66.4% of the total new (2019) caseload received of which 98% were resolved amicably.
 - Another 84 cases which pre-date 2019 were also closed. This represents a 53.5% reduction in the total pre-2019 pending cases.
- 29.2% (157 cases) remain pending, comprising 92 (24.1%) of the new complaints and 65 (41.4%) of the pre-2019 cases. 119 (75%) of these are pending at Ombudsman.
- 35 cases (6.5%) were deemed invalid or otherwise withdrawn.
- Just 9 cases (1.7%) were placed on-hold due to the impact of the COVID-19 pandemic.

This is summarised in **Diagram 2** below.

Diagram 2 depicting the status of complaints handled in 2019.

Diagram 2

Status of the Complaints Handled by the Office of the Ombudsman and Commissioners



Note: The pending cases include cases suspended due to referral to Courts or Tribunals. These amount to 3 cases from the cases submitted in 2019 and 6 cases from previous years' caseload.

Correspondingly, our analysis of the cases received in 2019 shows that in a significant number of cases, the Office of the Ombudsman and Commissioners concluded the investigation once they had received the management's explanation and technical considerations of the case as handled by the Public Administration.

In fact, in 258 cases (77%), the investigation was closed without the presenting of any recommendations for corrective action to be taken by the management of the concerned public entity. In these cases,

it can be concluded that the Office of the Ombudsman and Commissioners gave a vote of confidence to the way in which the Public Administration acted.

For another 17% of closed cases (i.e. 57 cases) by the time of reporting, the concerned public entity had already implemented the recommendations presented to it. This means that

for complaints considered by the Office of the Ombudsman and Commissioners in 2019, the complaint was suitably addressed in 94% of cases

which is indicative of the constant commitment towards the adherence to the most stringent quality levels by the Public Administration with an emphasis placed on implementation and accountability.

Another 12 cases (3.5%) were referred to the Prime Minister by the Office of the Ombudsman. These are cases that as provided for under the Ombudsman Act¹, the Ombudsman or Commissioner deemed unjustifiable that the management had exerted is discretionary power to not accept or implement recommendation, whether in part or in full.

It is only in a small number of cases (10 or 3%) that recommendations presented were not implemented. Generally, it was found that such recommendations needed further policy or in some instances, statutory analysis or revision that did not allow for their immediate adoption by the Public Administration.

It is however stressed that in none of these cases was the decision taken without diligent and responsible consideration.

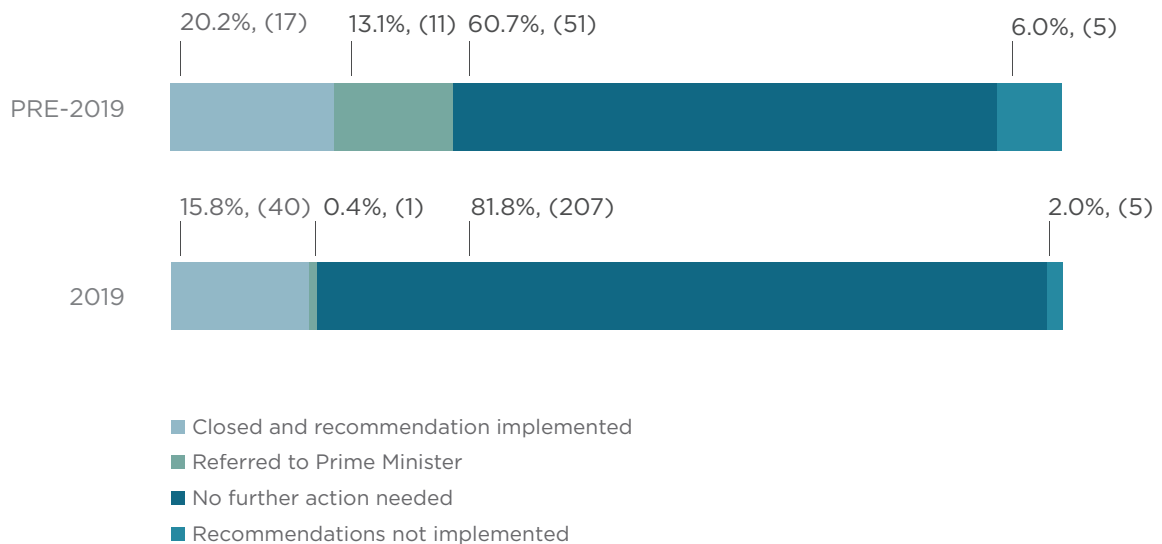
¹ CAP 385, Article 22(4).

This is summarised in **Diagram 3** below.

Diagram 3 depicting the status of the cases concluded by the Office of the Ombudsman.

Diagram 3

Status of Cases Concluded by the Office of the Ombudsman and Commissioners



Furthermore, a total of 157 cases remain pending at the time of reporting. This is equivalent to 29.1% of the total caseload. The increase in the number of cases lodged during 2019 and the challenges of the COVID-19 which the Public Administration had to react and adapt to may have had a bearing on this development – even though only 9 cases (1.7% of the total caseload) were specifically listed as suspended due to COVID-19.

Another 35 (6.5%) cases were withdrawn either because the complainant withdrew the complaint or the Ombudsman did not uphold it².

² CAP 385, Article 13 and Article 17.

In conclusion, it can be stated that despite the increase in new cases registered in 2019, the performance of the Public Administration has maintained the same levels as in the previous year with 77% of cases in fact needing no specific corrective action as opposed to a rate of 80% reached in 2018.

Where corrective action was necessary, the Public Administration generally adopted and implemented the Ombudsman's and the Commissioners' recommendations with relative expediency despite the increase in the number of cases registered in 2019.

This is an encouraging achievement in the light of the present challenges imposed by the pandemic on the public and the Public Administration itself.

CASES HANDLED BY THE PARLIAMENTARY OMBUDSMAN

Based on the Public Administration's findings, the Parliamentary Ombudsman, during the year 2019 handled a total caseload of 271 cases with 187 new cases (69% of the total caseload) and a further 84 pre-2019 cases (31% of the total caseload).

Further investigation reveals that of the total caseload of 271 complaints:

- 61.6% (167 cases) were closed during the reporting period. Of these:
 - 128 complaints made during 2019 were closed. This represents 68.4% of the total new (2019) caseload received.
 - Another 39 cases which pre-date 2019 were also closed. This represents a 46.4% reduction in the total pre-2019 pending cases.
- 35.1% (95 cases) remain pending comprising 55 (29.4%) of the new (2019) and 40 (47.6%) of the pre-2019 cases respectively.
- 3.3% (9 cases) were cases which were withdrawn. These comprise 4 (2.1%) of the new (2019) and 5 (5.9%) of the pre-2019 cases respectively.

Diagram 4 below maps the status (at the time of reporting) of the cases considered by the Parliamentary Ombudsman in 2019.

Diagram 4 mapping the status of the Parliamentary Ombudsman caseload in 2019

Diagram 4

Cases Handled by the Parliamentary Ombudsman

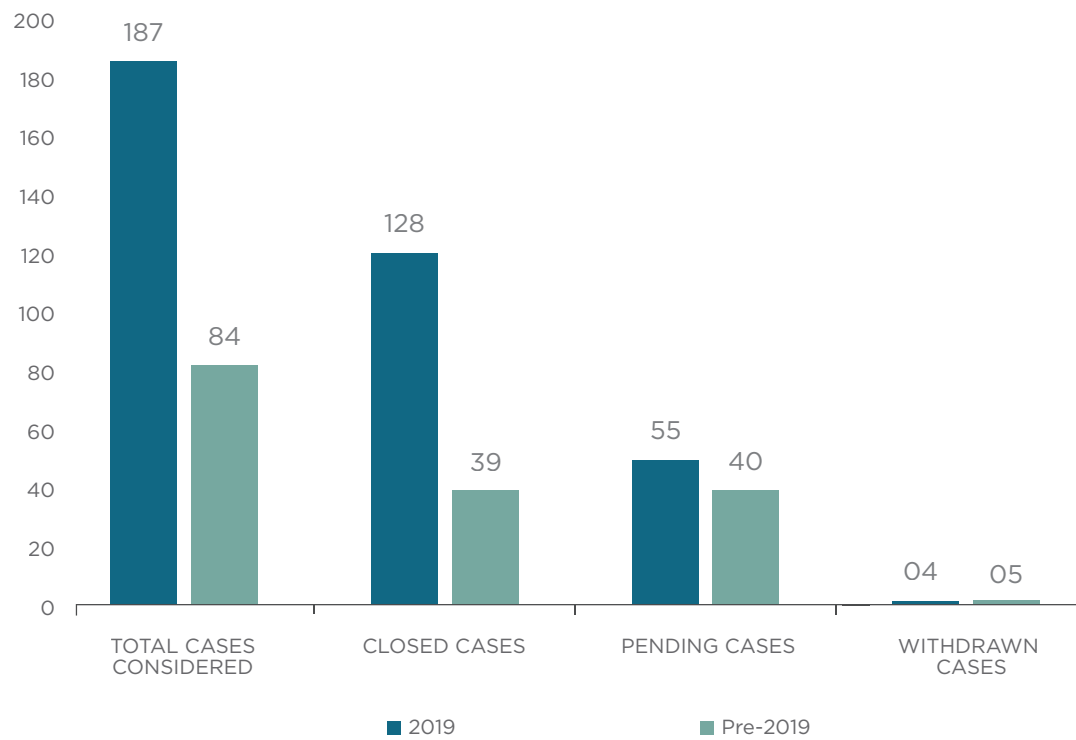


Diagram 5 mapping the status of the 2019-reported Parliamentary Ombudsman caseload in percentage terms.

Diagram 5

Cases Handled by the Parliamentary Ombudsman

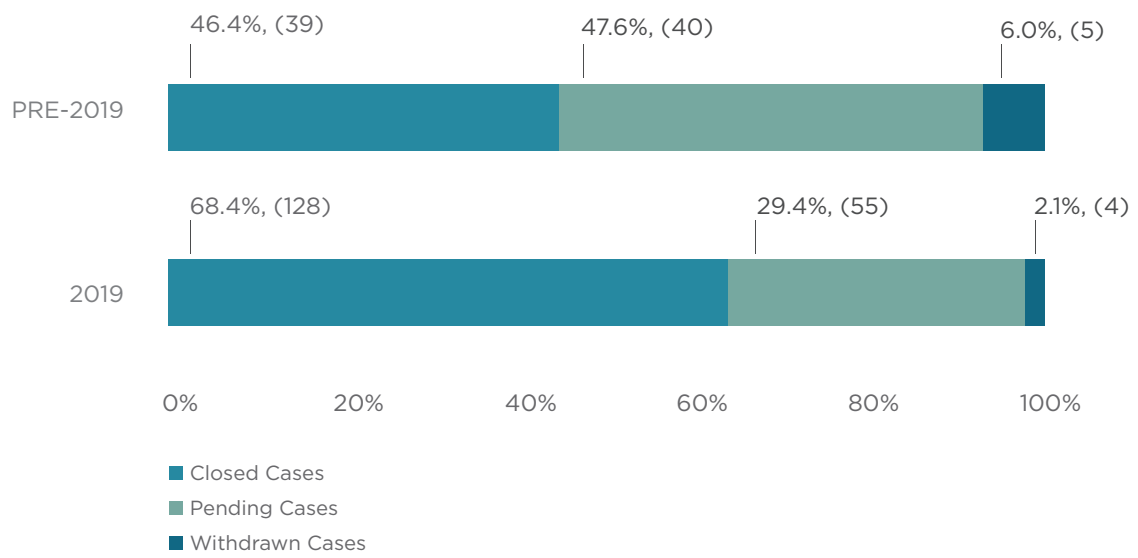
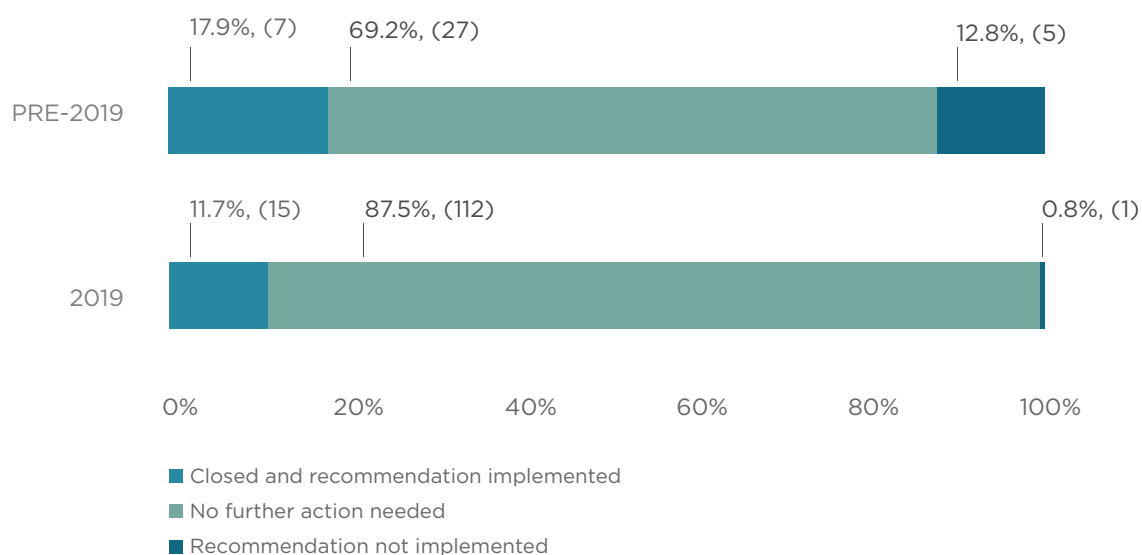


Diagram 6 identifying the outcome of cases investigated by the Parliamentary Ombudsman and the degree to which the Public Administration implemented recommendations made.

Diagram 6

Parliamentary Ombudsman Investigation Outcomes and Compliance



Our analysis of 167 cases closed from the total of the 2019 and pre-2019 caseload brings to the fore the significant number of cases that are concluded without the need for any detailed investigation on the part of the Parliamentary Ombudsman.

In fact, in 139 (83%) of the closed cases, the Parliamentary Ombudsman either deemed management’s first explanatory account as sufficient to close the case without any recommendation for corrective action being necessary or even closed the cases without any further action.

The Public Administration accepted and implemented the recommendations made in 22 instances (13% of the closed cases). In 6 instances (3.6%), the proposed implementation was not accepted.

Further investigation reveals that of the total caseload of 271 complaints:

- 95 cases (35.1% from the 2019 and pre-2019 caseload) remain pending conclusion. From our analysis, only 6 cases (2.2%) were still being processed by the Public Administration. A further four cases (1.5%) were classified pending due to referral to the Courts for consideration and, thus, any further deliberation by the Office of the Ombudsman was suspended.
- The remaining 85 cases are still pending action from the Ombudsman.
- 9 cases (3.3% from the 2019 and pre-2019 caseload) were complaints presented but which were withdrawn. In 5 cases, the Ombudsman withdrew the complaints whilst in the other four cases, it was the complainant who withdrew the case.

It is with some satisfaction that the analysis carried out evidences that in the great majority of cases investigated (i.e. 96%), either the Public Administration is found to have acted correctly or otherwise, where investigations have uncovered areas that could be improved on, the Public Administration implemented the recommendations made by the Parliamentary Ombudsman.

OVERVIEW: CASES RECEIVED OR HANDLED BY THE OFFICES OF THE COMMISSIONER FOR EDUCATION, COMMISSIONER FOR ENVIRONMENT & PLANNING AND THE COMMISSIONER FOR HEALTH.

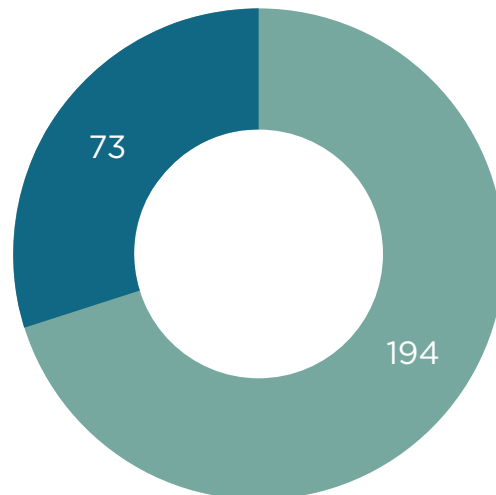
Data analysed by the Public Administration shows that in 2019, together the Commissioners handled a total of 267 cases (as opposed to 184 cases in 2018). Of these, 194 (73%) were new cases while the remaining 73 (27%) pre-date 2019.

Diagram 7 showing the status of Offices of the Commissioners caseload.

Diagram 7

Total Caseload

■ 2019 ■ Pre-2019



The caseload was distributed as follows:

- Commissioner for Education:
 - 59 cases or 30.4% of new (2019) cases lodged with the Commissioners.
 - 3 pre-2019 cases or 4.1% of the total pre-2019 caseload.
- Commissioner for Environment & Planning:
 - 52 cases or 26.8% of the new cases lodged in 2019.
 - 10 pre-2019 cases or 13.7% of the total pre-2019 caseload.
- Commissioner for Health:
 - 83 cases or 42.8% of the new cases lodged in 2019.
 - 60 pre-2019 cases or 82.2% of the total pre-2019 caseload.

An initial observation is that in 2019 whilst there was a level of stability in the cases lodged with the Commissioner for Education and the Commissioner for Environment & Planning, there was a marked increase in the number of cases lodged with the Commissioner for Health.

Further analysis sought to establish the current status of the total Commissioner caseload. As exhibited in Diagram O8, the majority of cases (170, 63.6%) had been closed by the time of reporting. Twelve of these cases (7.1%) were referred to the Prime Minister as is the right³ of the Office of the Ombudsman to do so where the Public Administration has exerted its right to not accept or implement the recommendations made, whether in part or in full.

Another 26 (9.7%) cases were withdrawn, either because the complaint was withdrawn by the complainant or otherwise the Commissioner's Offices exercised their discretion to not launch an investigation⁴.

A further 9 cases (3.4%) were placed on hold due to contingencies related with the COVID-19 pandemic.

The remaining 62 (23.2%) cases were pending at the time of reporting. Five (8%) cases were pending due to court proceedings, 23 (37%) were pending at Ministry while the remaining 34 (55%) were pending at the Commissioners' end.

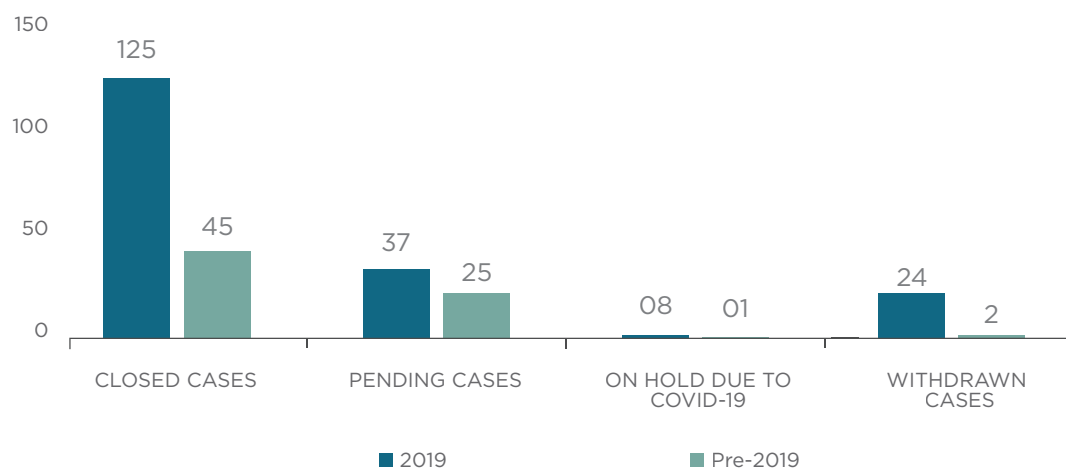
³ CAP 385, Article 22(4).

⁴ CAP 385, Article 13 and Article 17.

Diagram 8 identifying the status of the caseload handled by the Commissioners' Offices during 2019.

Diagram 8

Status of 2019 Caseload



The ensuing Sections present a more specific assessment of the caseload handled by each of the Commissioners.



OFFICE OF THE PRIME MINISTER

OFFICE OF THE PRIME MINISTER

In 2019, the Office of the Prime Minister dealt with a total of 15 cases referred to by the Parliamentary Ombudsman, twelve of which were opened in 2019 and three cases pre-dating 2019. Seven of these cases were closed, four without the receipt of a recommendation from the Ombudsman, two after OPM replied to one request for information and another case was closed and its recommendation implemented. The remaining eight cases are still open, all of which are pending at the Office of the Ombudsman. Two of these cases have been pending for less than 3 months, another three between 3 to 6 months while the remaining three have been pending between 6 to 12 months.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Industrial and Employment Relations Department	T 0072	<p>A case arising from a complaint lodged with the DIER by a complainant who experienced permanent disability following an injury at work. The Social Security Medical Board pays the complainant his SSC. However, his employer never refunded the complainant his SSC since he still considers this instance as sick leave. The complainant resigned from the company and opened a case with the DIER requesting reimbursement.</p>	<p>The Ombudsman informed the complainant about the status of the case. Given that this matter is now being dealt with within the courts, the Ombudsman decided not to continue with the investigation and closed this case in July 2019.</p>	<p>DIER to initiate court proceedings and informed the complainant accordingly. DIER case to be heard within court.</p>	Closed without recommendation.
Office of the Prime Minister	T 0097	<p>A complaint arising from the choice given to officers in an executive grade within an OPM department to either remain in the said grade within the Department's stream or be assimilated in the managerial stream on the basis of a document dated 23rd May 2018 and subsequent MoU dated 14th February 2019. Although both grades are pegged to Scale 7, they carry different salary packages in toto. The complainants were concerned about their indefinite status attained by virtue of their former position of manager and their future prospects of being transferred away from the Department should they file such a request.</p>		<p>The People and Standards Division replied to the complaint forwarded by the Ombudsman following which the Ombudsman's Office sought further clarifications which were forwarded by P&SD on 27th May 2020. Subsequently, no further feedback was received. P&SD stated that constant information was provided to the officers concerned, including the complainants, during the assimilation process. In their feedback, P&SD emphasised that, as per Public Service practice, one cannot concurrently hold two substantive grades, and that the salary is defined by the grade one holds.</p>	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
People & Standards Division	T 0050	Moreover, they complained that they were never provided with a job description of manager should they opt for this grade.		Furthermore, it was made clear to the assimilated officers that should they opt for the managerial stream, their current duties at the department would remain unchanged. It was also stated that the executive grade is specifically 'tied' to a department as its title shows, whereas transfers are carried out according to the exigencies of the Public Service; other than that, the Public Service takes notice of any humanitarian grounds that may justifiably exist in any request for transfer.	Pending at Ombudsman.
People & Standards Division	T 0127	The complaint refers to a Grievances Unit decision. The complainant felt discriminated against and referred to an ex-colleague and a favourable decision taken in the latter's regard.	No recommendation	P&SD explained that the Grievances Unit had not found any injustice with respect to the complainant.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
People & Standards Division	T 0128	A complaint concerning a group of ex-employees who applied for their respective posts prior to 15 th January 1979 but whose date of appointment was subsequent to this date.		The Office of the Ombudsman was informed that the effective date of employment with the Public Service is always regulated by the appointment date, as confirmed by the Public Service Commission. Pensions entitlement is awarded according to the Pensions Ordinance (Cap 93).	Pending at Ombudsman.
People & Standards Division	T 0130	The complaint relates to similar-sounding positions with different remuneration.	No recommendation	The Ombudsman requested documentation and subsequently closed the case.	Closed by the Ombudsman after the management replied to one request for information.
People & Standards Division	T 0131	The complaint arises from the consequences of the complainant being medically boarded out. The complainant draws comparisons with another officer who was unjustly discharged.		P&SD explained that, despite the claims of the complainant, the comparisons drawn with the case of the army official are not relevant given that the army official was unjustly discharged whereas the complainant was medically boarded out.	Pending at Ombudsman.
People & Standards Division	T 0198	The complainant claims to be entitled to allowances under a respective sectoral agreement as well as being deprived of being transferred elsewhere.		The complainant was assimilated into the managerial stream and therefore forfeited benefits under the respective class. With respect to the transfer, it was effected.	Pending at Ombudsman.
People & Standards Division	T 0251	The complaint concerns progression in the civil service.		P&SD explained procedures for progression.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
People & Standards Division	T 0269	The complaint relates to additional remuneration for extra hours worked.		P&SD provided the requested documentation to the Office of the Ombudsman on 5 th August 2020.	Pending at Ombudsman.
People & Standards Division	T 0293	The complaint concerns salary difference between officers with the same nomenclature in different ministries.		P&SD explained that the roles and duties involved were different. The duties associated with those of a higher salary were more onerous.	Pending at Ombudsman.
Public Broadcasting Services Ltd	T 0129	A complaint concerning a request for equal pay in arrears when compared to two other employees within the same grade of the collective agreement.	The Ombudsman recommended redress.	PBS appointed a Specific Committee tasked with investigating the case and making its recommendations. Such recommendations were presented to the Ombudsman, through the Permanent Secretary. An ex-gratia compensation to the complainant was recommended. The Ombudsman agreed about the outcome and closed the case.	Closed and recommendation implemented.



OFFICE OF THE PRIME MINISTER
PRE-2019

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
People & Standards Division	R 0250	The complainant asked the Office of the Ombudsman to investigate a revocation of detailing which resulted in a loss in salary.	No recommendation	The Ombudsman requested the views of P&SD. P&SD replied that the conditions of public officers detailed with public entities are governed by the provisions of the respective manual. A public officer reverting back to the public service will do so with the same conditions as when the detailing occurred. This means that the pay package and other conditions acquired from the agency cannot be retained. The Ombudsman proceeded to close the case.	Closed without recommendation.	Suspended due to referral to the Grievances Board/ EPRT Tribunal.
People & Standards Division	S 0141	The complainant alleged that when enquiring about entitlement to a Treasury pension he was given conflicting information by AACD and DSS.	No recommendation	The Office of the Ombudsman was informed that the complainant is not entitled to a Treasury pension as he joined the Public Service after 15 th January 1979. The lack of clarity was due to the fact that he was a student-worker before joining the public service.	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
People & Standards Division	S 0195	The complainant is contesting a backdated appointment.	No recommendation	The Office of the Ombudsman was provided with the requested information. A meeting was later held in May 2019 between P&SD and the Office of the Ombudsman. The Ombudsman accepted the explanations given and subsequently closed the case.	Closed without recommendation.	Pending at Ombudsman.



MINISTRY FOR THE ECONOMY, INVESTMENT
AND SMALL BUSINESSES

MINISTRY FOR THE ECONOMY, INVESTMENT AND SMALL BUSINESSES

In 2019, the Ministry for the Economy, Investment and Small Businesses dealt with a total of 10 cases referred to by the Parliamentary Ombudsman. From these 10 cases, 8 were opened in 2019 while the remaining 2 were opened prior to 2019. Half of these 10 cases have been closed while the remaining 5 are still pending.

From the 5 closed cases, 2 were closed without recommendation, 1 was closed and the recommendation implemented, another was closed and the recommendation partially implemented, whereas the final case was closed by the Ombudsman after the management replied to one request for information.

On the other hand, from the 5 cases that are still open, 3 of them are pending at the Ombudsman, with 2 of them having been pending for less than a month, while the remaining case has been pending for over 18 months. Conversely, the other 2 cases that are still pending at MEIB were opened in January and April 2020 respectively.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Commerce Department	T 0004	A representation claiming a breach of application conditions of an annual competition organised by the Commerce Department for local artisans and their commitment.	No recommendation	Upon receipt of the complaint, the Commerce Department met with the complainant who was informed that case will be investigated. Following that, a legal letter was received on behalf of the complainant. Upon seeking legal advice, the Commerce Department replied to the complainant on 18 th April 2019 confirming that it did not result that the winner within the category in question made a false declaration or did not adhere to the conditions. The legal letter was also sent to the Office of the Ombudsman. The case was subsequently closed.	Closed without recommendation.
MEIB	T 0107	A representation claiming a breach of application conditions of an annual competition organised by the Commerce Department for local artisans and their commitment.		On 10 th May 2019, the MEIB was informed that a new case number was issued in connection with the previous case (T 0004). Upon the Ombudsman's request, files and documentation in connection with this case were forwarded to this office on 24 th May 2019. Other queries were raised which were replied to on 17 th September 2019, providing details on the Selection Committee and clarifications related to some conditions of the competition.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
MEIB	T 0133	<p>A complaint lodged by three siblings in connection with the incentives available on the transfer (by way of donation) of shares in a family-run business to other members of the same family (descendants).</p>	<p>The Ombudsman recommended that the content available on the Family Business Office (FBO) website and on its printed promotional material be reviewed and amended as necessary.</p>	<p>Following clarifications with the Office of the Ombudsman, the FBO explained that there was only one publication of brochure since the establishment and no updates to the website were made since then. Incentives introduced in 2017 and 2018 were renewed. It was noted that claimant's accountant only requested information in relation to other businesses and not regarding the claimant. Yet, he was aware that an email should be sent to the FBO regulator to confirm the eligibility of a business or otherwise. In this case, no communication existed.</p> <p>Queries on technicalities were cleared, including one which was not administered by the FBO, nor does it relate to family businesses.</p> <p>The Ombudsman's final opinion was received on 30th April 2020 and the FBO confirmed to take it on board. Changes to the website were effected whilst printed marketing material is being updated.</p>	<p>Closed and recommendation partially implemented.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Malta Industrial Parks	T 0102	<p>The complainant claims that the MIP, through its legal advisor, has refused to take responsibility for the damage sustained to his vehicle, allegedly as a result of maintenance works of a road within an industrial estate, notwithstanding that it acknowledges that the industrial estate and the road in question are administered by the entity.</p>	<p>The Ombudsman recommended that the complainant be reimbursed the amount in settlement of the damages incurred by him while driving through the industrial estate.</p>	<p>On 29th May 2019, the Office of the Ombudsman was informed that the MIP will adhere to its position communicated to the appellant on 22nd April 2019, where any implied allegations of responsibility were rebutted as unfounded in fact and at law. The MIP advised that it cannot accept responsibility for the alleged incident.</p> <p>Following a meeting held between the MIP and the Office of the Ombudsman, the MIP confirmed on 17th September 2019 that no repairs whatsoever were effected, either in the area in question or to the relative pothole.</p> <p>The Ombudsman's final opinion was received on 31st January 2020 upon which the MIP confirmed that the complainant will be reimbursed in good faith, and hence payment was effected. The Ombudsman closed the case on 2nd March 2020.</p>	<p>Closed and recommendation implemented.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Air Malta	T 0024	A complaint from an Air Malta Aviation Services (AAS) employee who applied for a managerial position but was not selected for the position. The complainant argued that the selected candidate has far less qualifications than him.	<p>The Ombudsman is of the opinion that the claimant is correct in his claim that the appointee was not eligible in terms of the internal call for applications as he did not possess the required experience.</p> <p>The Ombudsman therefore recommended that the company takes immediate action to provide an adequate remedy to the injustice suffered by the complainant by appointing him in a comparable managerial position. Should this not be possible, then the complainant should be paid the difference between his current package and that of the managerial position applied for, as of the date of appointment of the appointee until the date of the final opinion as ex-gratia payment.</p>	<p>On 11th April 2019, the AAS replied to the Ombudsman's query with a thorough explanation of the selection process. Further clarifications were requested, including relevant documentation such as the internal call for applications, which were provided accordingly. On 18th April 2020, the AAS received the Ombudsman's final opinion.</p> <p>The AAS is negotiating with the complainant on a means of compensation, and is currently waiting for feedback from the appellant.</p>	Pending at Ministry.
Air Malta	T 0163	The complainant applied for cabin crew training and was called in to start the verification and selection process. At verification stage, he did not reach the required height. A third party protested to this on his behalf and confirmed that he checked himself and he had the desired height. Following a re-verification process, it was confirmed that the complainant had the required height and continued the selection process including an ability test and interview which he eventually failed.		<p>Upon receipt of complaint, Air Malta claimed that complaint is being lodged by a third party, not the original complainant. Upon a request for further information, Air Malta explained the selection process, which consisted of three steps. It was confirmed that the complainant failed the interview. The Office of the Ombudsman requested to peruse the file/s relevant to the process. A thorough compilation of data exercise is being carried out to provide information requested to the Ombudsman.</p>	Pending at Ministry.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Air Malta	T 0222	<p>A complaint concerning a Cabin Crew member who applied for Cabin Crew training which was successfully completed. The complainant was rostered to fly in December 2018. Due to operational reasons he was removed from the roster and his flights blanked. Following that, he sat for his recurrent training 2018-2019 which he eventually failed. Thus, his attestation was not renewed.</p>		<p>Following a request for comments on the case, Air Malta confirmed that the complainant failed the recurrent test and as per international flying rules, and as such the appellant could not work as cabin crew. A meeting was held between the Ombudsman Investigating Officer and Air Malta representatives who explained the case in more detail and the timeline of events. On 12th August 2020, the Office of the Ombudsman requested the complainant's file. Documentation was forwarded to the Office of the Ombudsman on 18th September 2020.</p>	Pending at Ombudsman.
Air Malta	T 0309	<p>The complainant alleged that he was successful in a selection for a vacant post. He was asked to start the relative training course on a Monday but three days before (Friday), which was his last working day before the course, he was informed that the company was 'not going to pursue with moving him to KM'. The complainant stated that the course still took place and other persons were selected and they replaced the selected candidate.</p> <p>Furthermore, the</p>		<p>On receipt of the complaint, Air Malta was requested detailed information on the persons who allegedly replaced the complainant and reasons why the complainant had not been appointed to the post despite being selected. Air Malta explained the situation in view of a restructuring process of the section concerned and following the call for applications, the places to be filled were reduced. Air Malta and the AAS worked around a solution which was accepted by the complainant. Air Malta informed the Office</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
		<p>complainant stated that: the arrangements for his transfer to the new post had been made; he had the qualifications for applying for the post; he sat for the written and oral exams; he was accepted to fill the position; and yet other individuals who did not have the requisite qualifications and did not go through the requisite procedures were chosen.</p> <p>The complainant alleged suffering from injustice which has impacted upon family commitments, his financial situation, and career progression.</p>		<p>of the Ombudsman about the remedy and the latter closed the case.</p>	



MINISTRY FOR THE ECONOMY, INVESTMENT
AND SMALL BUSINESSES
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SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
MEIB	S 0308	A complaint lodged by an employee following the undertaking of disciplinary procedures against him by a limited liability company under MEIB, leading to the employee being suspended without pay. He appeared before a board and until the date of the complaint there was no decision.	No recommendation	<p>The company met the employee in question together with union representatives and presented him with a proposal. To date, the company is still awaiting feedback on the proposal that may lead to an out-of-court settlement.</p> <p>The MEIB was informed that a proposal was finally accepted but agreement on a sum payable (if any) for the previous year, since employment was terminated, was still pending. A court sitting was scheduled for December where the matter should have been resolved.</p> <p>In May 2020, a very good settlement package was proposed to the complainant but it was refused.</p> <p>The Ombudsman considered this case closed in December 2019.</p>	Closed without recommendation.	Pending at Ministry.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Air Malta	S 0105	<p>The complaint refers to the selection process for a post at Air Malta. The complainant raised doubts about the selection process, its fairness and seriousness, and alleged that he was not made aware of the exact reasons of his failure, contrary to the agreement that the airline signed with the concerned association.</p>		<p>The Office of the Ombudsman requested comments from Air Malta and documentation, including the application forms of all the applicants, the agreement between Air Malta plc and CAE on the conduct of this selection process, an unabridged copy of the reports of the successful candidates and that of the complainant's, and any other documents which Air Malta thinks are relevant to the case. The company's lawyer provided a detailed explanation of how the selection process was carried out. All the requested documentation (and more) was provided to the Ombudsman to prove that the company followed a clean and fair process. A meeting, upon the request of the Ombudsman, was held on 18th December 2018 between both parties, and the case was discussed in detail. Awaiting the evaluation and final recommendation from the Ombudsman.</p>	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				Meanwhile, Air Malta received a court letter dated 12 th July 2019.		



MINISTRY FOR EDUCATION AND EMPLOYMENT

MINISTRY FOR EDUCATION AND EMPLOYMENT

In 2019, the Ministry for Education and Employment dealt with a total of 22 cases referred by the Parliamentary Ombudsman. Sixteen of these cases were new cases opened in 2019 whereas the remaining 6 cases were opened by the Ombudsman prior to 2019. From these 22 cases, 10 were closed while the other 12 cases are currently pending at the Office of the Ombudsman.

Out of the 10 closed cases, five were closed after only one request for information, 2 were closed and the recommendation noted, while another 2 cases were closed without recommendation. The remaining case was closed after the Ombudsman's recommendation was implemented.

From the other 12 cases that have not yet been closed, 3 have been pending at the Ombudsman between 12 to 18 months, 4 between 6 to 12 months, and another 4 between 3 to 6 months. The remaining case has been pending at the Ombudsman for less than 1 month.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Malta Council for the Voluntary Sector	T 0036	A complaint arising from the fact that a voluntary organisation did not receive funding under the Small Initiatives Support Scheme.	The MCVS should adopt a system wherein official record is kept of all steps through the process of evaluation and selection in order to follow correct and proper procedure as per guidelines.	The MCVS replied to the Office of the Ombudsman and sent copies of the documents requested on 12 th June 2019. On 16 th October 2019, the MCVS communicated with the aforesaid Office to clarify that the first ranking list presented to the Project Selection Committee was erroneous due to a genuine mistake in the formula, and therefore the results were immediately withdrawn. The two officers who vetted the marks were recently recruited with the MCVS and both made the same mistake when interpreting the formula. To this effect, another exercise was carried out to issue results that are in accordance with the funding guidelines. The Office of the Ombudsman concluded that complainant had suffered an injustice due to maladministration. The MCVS failed to exercise its functions with the required diligence. Furthermore, there was a lack of accuracies in details, a failure in keeping proper record of its own workings, and failing to act in line with the guidelines.	Closed and recommendation implemented.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Education Department	T 0053	<p>A complaint concerning the signing of an attendance sheet as the complainant claims that he was instructed to sign the attendance sheet even though he is in Salary Scale 5. The complainant adds that public officers in the same scale, such as Assistant Directors, are not obliged to do so. Therefore, he contends that this is discriminatory and that Officers in the same scale should be treated in the same manner.</p>		<p>MEDE replied to the Office of the Ombudsman on 21st June 2019 stating that the normal procedure is that Assistant Directors (Scale 5), Directors General (Scale 3) do not sign the attendance sheet. However, officers who are in Scale 5 or in a higher Scale but who are not Assistant Directors/Directors General are still required to sign the attendance sheet.</p> <p>Nonetheless, it is at the discretion of the head of section to decide whether all officers are to sign the attendance sheet. In this case, the head of section decided that all officers should sign the attendance sheet. Henceforth, there is no discrimination between the employees working within the section as it is the normal practice. All other officers are adhering to the instructions given by the head of section.</p>	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Education Department	T 0112	<p>A complaint filed by a lawyer on behalf of the complainant who used to work as a messenger in a state school. The complainant was transferred from his place of work due to the fact that a Learning Support Assistant (LSA) working within the same school made a number of allegations against him. The complainant's lawyer argues that although the Court found that such allegations are unfounded, the transfer has not been revoked. Moreover, it is being claimed that even though it resulted that the LSA made false allegations against the complainant, the LSA did not suffer any consequences and he is still working within the same school. To this effect, the complainant's lawyer adds that the complainant feels that the same course of action should be taken now that it resulted that the LSA made unfounded allegations.</p>	No recommendation	<p>MEDE replied to the Office of the Ombudsman stating that the Ministry transfers employees for three main reasons, namely</p> <ol style="list-style-type: none"> 1) when receiving requests from employees and when these requests can be accepted; 2) due to work exigencies; and 3) in cases where it is deemed necessary to do so due to the present circumstances. <p>The Court decision does in no way indicate that action is to be taken against the LSA. Moreover, to date, the Ministry is not aware that the police will be taking action against the LSA due to false allegations. Therefore, there are no grounds on which to transfer the LSA. The Office of the Ombudsman closed the case after meeting the complainant and reviewing all relevant documentation.</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Education Department	T 0158	<p>A complaint concerning school transport as the complainant is claiming that parents/guardians who could not avail themselves of free school transport just like him are to be compensated for the time and resources they have utilised to take their children to school and bring them home. He claims that he has done all he could to try and find a school transport provider, but it was all in vain. The complainant contends that he felt very disappointed when the Minister for Education and Employment declared that the government will not compensate parents who could not avail themselves of the free school transport scheme. The complainant finds this decision unjust because the government has promised free school transport to everyone.</p>	<p>No recommendation</p>	<p>MEDE replied to the Office of the Ombudsman stating that the Government is responsible for the logistical organisation of free transport for state schools only, and that the logistical organisation of transport for non-state schools is the responsibility of either the parents or the school. Having said that, MEDE still tries to help parents who do not manage to find a transport provider. In fact, the complainant declared that MEDE offered a solution to him, but he refused it as the time proposed was too early for his child. While the Ministry understands the complainant's point of view, one must also appreciate the fact that MEDE is not the transport provider, thus it has no control over the time at which service providers operate. MEDE pays transport providers rendering their service to parents, but it cannot submit payment when such a service is not being provided.</p>	<p>Closed by the Ombudsman after the management replied to <u>one</u> request for information.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Education Department	T 0189	<p>A complaint concerning an employee's resignation as the complainant is stating that following his resignation, MEDE sent him a letter requesting him to pay a sum of money as he did not work the eight weeks' notice period. However, he is claiming that</p> <ol style="list-style-type: none"> 1) he had given his notice and that he had also given a proper handover to his colleague who replaced him; 2) he availed himself of one year unpaid leave after obtaining the necessary approvals and therefore there is no need to refund the Ministry for the notice period; 3) he was asked if he wants to extend his leave by means of a correspondence sent by the Ministry on 23rd November 2018, hence when the 8-week notice period had already elapsed; 4) he was not informed that he had to work the 8-week notice period if he found alternative employment; and 	No recommendation	<p>MEDE replied to the Office of the Ombudsman stating that the complainant was granted a one-year leave to seek alternative employment, which can be extended annually up to five years. On 23rd November 2018, MEDE communicated with the complainant asking him if he would like to extend his leave, whereby the Ministry received a positive reply. In November 2018, MEDE asked the complainant to provide evidence that he is in employment since the complainant was granted leave to try an alternative employment. However, the Ministry did not receive a reply even after sending the complainant two reminders.</p> <p>In January 2019, the complainant informed MEDE that he will be resigning from his employment with MEDE. Therefore, the complainant was availing himself of unauthorised leave as from 2nd January 2019. Moreover, giving a proper handover and being on unpaid leave do not exclude him from working his notice period, and from having to pay for the notice period which he has not worked.</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT OMBUDSMAN CASE REFERENCE BRIEF DETAILS OF CASE RECOMMENDATION BY OMBUDSMAN ACTION TAKEN & MANAGEMENT COMMENTS STATUS

		<p>5) he does not owe any money to the Ministry as his resignation did not cause any "pecuniary damages" (para. 114.18 of the Manual on Resourcing Policies and Procedures).</p>			
<p>Education Department</p>	<p>T 0228</p>	<p>A complaint concerning the post of a Learning Support Educator III (LSE III) claiming that he was found ineligible for this post due to not being in possession of a recognised MQF Level 6 (or higher) qualification with 180 ECTS/ ECVET credits in Inclusive Education or a comparable professional qualification. The complainant is claiming that this decision is unjust because 60% of the ECTS covered by one of his MQF Level 7 qualifications are related to inclusive education.</p>		<p>MEDE replied to the Office of the Ombudsman stating that the complainant's MQF Level 7 qualification is in psychology and not in inclusive education, and thus it is not at par with a degree in Inclusive Education (Level 6). Furthermore, the Ministry is not in agreement with the complainant when he states that 60 ECTS covered by one of his qualifications deal with Inclusive Education.</p> <p>Moreover, MEDE states that although complainant is also in possession of a Masters degree in Inclusive Education, this cannot be taken into consideration since he has not presented its recognition issued by the NCFHE. Nevertheless, this degree will be taken into account once the complainant presents such a document.</p> <p>Finally, MEDE reassured the complainant, who is not Maltese, that it would not</p>	<p>Pending at Ombudsman.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>have acted differently if a Maltese applicant who is in possession of a PhD in psychology had applied for the same post.</p> <p>The Office of the Ombudsman communicated with MEDE stating that the call stipulated that applicants must be in possession of a recognised full qualification at MQF Level 6 or a comparable professional qualification. Henceforth, the Ombudsman asked for a clarification on the meaning of comparable professional qualification. MEDE clarified that comparable professional qualification was referring to a comparable academic qualification at Level 6.</p> <p>The Ombudsman's Office requested a meeting with MEDE to clarify certain issues with regard to the accreditation process. The meeting was held and the information requested by the Ombudsman was provided.</p>	

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Education Department	T 0239	A complaint concerning the selection process for the post of a head of department.		The Ombudsman requested information in relation to a list of candidates for the post. MEDE replied to the Office of the Ombudsman confirming that the persons included in the list did not include instructors who were assimilated to the grade of Teacher as per Clause 34(2) of the Sectoral Agreement signed on 23 rd August 2010.	Pending at Ombudsman.
Education Department	T 0255	A complaint concerning pension rights; as such, it was addressed to the Ministry for the Family, Children's Rights and Social Solidarity. However, since the complainants' academic and service records are kept at MEDE, the Office of the Ombudsman requested MEDE to provide information regarding the commencement and termination date of the complainants' studies at the UoM and a copy of the complainants' letter of appointment. Furthermore, the Office of the Ombudsman asked MEDE to confirm or otherwise whether the complainants were in the same course as that undertaken by 31 retired teachers shown in a list submitted by the Office of the Ombudsman, and to indicate which phase of		MEDE replied to the Office of the Ombudsman on 19 th February 2020 and provided it with further data regarding public officers who used to work at MEDE and who were in the same course undertaken by the complainants. On 23 rd December 2019, the MFCS had informed the Ombudsman that the effective date of employment with the Public Service is always regulated by the date on the appointment letter issued by the PSC. Thus, this Ministry cannot comment further.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Education Department	T 0256	<p>Worker Student Scheme 'covers' both groups.</p> <p>A complaint filed by a teacher who is now a retiree and who had two contracts of employment with MEDE. He stated that his pre-retirement scale was equivalent to the maximum of Salary Scale 7. However, as a retiree he was paid an amount equivalent to the minimum of Salary Scale 9. The complainant argued that retirees may either remain in employment as if they have never retired and then they would be entitled to a higher pension rate, or else they continue in employment and receive a salary and a pension. The complainant claimed that he can neither receive a higher pension rate because technically he had never given up his pension, nor a salary and a pension.</p> <p>Nonetheless, he claimed that in actual fact he had never received a salary and a pension because his salary was downgraded to the minimum of Salary Scale 9 and he was highly taxed. To this effect, he is asking MEDE to upgrade the remuneration in relation to the two contracts he had with the Ministry to Salary Scale 7.</p>	No recommendation	<p>MEDE replied to the Office of the Ombudsman stating that the complainant was offered two contracts in 2017 and 2018. At that time, the salary of retired teachers used to be pegged to Salary Scale 9, no matter their salary scale before they retired. However, as a result of a change in policy by the government in 2019, the salary paid to retired teachers started to be pegged at the Salary Scale pertaining to them before they retired. To this effect, the complainant's salary has now increased to Salary Scale 7. Nevertheless, this is not applicable to previous contracts as the conditions were changed in 2019.</p> <p>Additionally, MEDE is not responsible for pensions, and hence the Ministry will not go into this matter.</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Education Department	T 0327	<p>A complaint concerning a scholarship application as the complainant is alleging that his application was not accepted due to the late submission of a document; even though when contacting the Department several times before the closing date of the application to check whether he had everything in order, he was reassured that everything was in place. The complainant claims that he was informed about the missing document during his audition and that he was told that if he submits the document within a few hours his application would be accepted even though the deadline had already expired. However, the complainant claims that even though he submitted the necessary document within an hour, his application was refused.</p>	No recommendation	<p>MEDE replied to the Office of the Ombudsman stating that the board failed to approve his application because some documents which had to be uploaded with the application were missing.</p> <p>Additionally, the Ministry claims that his allegations against one of the staff members are false because the staff member did everything possible to help him. The Ministry adds that an informative meeting concerning the completion of the application, the documents that had to be uploaded, and the audition was held on 19th July 2019.</p> <p>Nonetheless, the complainant failed to attend this meeting or to send someone in his stead. The Ministry still provided the complainant with the necessary information during a telephone call. The Ministry postulates that the complainant has already filed an appeal with the Appeals Board, which appeal was not upheld. The Ombudsman communicated with the Ministry querying whether the complainant is able to apply for this year's scholarship scheme when taking into consideration that he has started the course abroad</p>	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Foundation for Tomorrow's Schools	T 0070	<p>A complaint filed by an employee of the Foundation for Tomorrow's Schools (FTS) claiming that his duties are more onerous when compared to the duties of other employees who are in the same grade.</p> <p>Additionally, the complainant claims that receiving the same salary as employees who have been employed with the Foundation for a shorter period of time and with responsibilities which are less burdensome is demotivating. To this effect, he is requesting a pay rise.</p>		<p>and thus in September 2020 he will be during his second year of studies. MEDE replied, providing the necessary information.</p> <p>The FTS replied to the Office of the Ombudsman stating that the job descriptions of employees with the same grade as that of the complainant are comparable and therefore the complainant's arguments are unfounded. Moreover, the FTS states that when Public Sector employees are promoted to a new grade, they are placed in the first step of that particular grade, and therefore giving the complainant a pay rise on the basis that he has more work experience within the Foundation than other employees in the same grade is unjustifiable. On various occasions, the FTS provided the Ombudsman with further clarifications as requested by the Office of the Ombudsman.</p>	Pending at Ombudsman.
Jobsplus	T 0022	<p>A complaint relating to a course for the elderly as the complainant is claiming that the course was carried out in English and not in Maltese.</p>	No recommendation	<p>The trainees were offered the opportunity to start the same course in Maltese in the future. However, the complainant argued that Jobsplus should have offered the course in Maltese simultaneously as the</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT **OMBUDSMAN CASE REFERENCE** **BRIEF DETAILS OF CASE** **RECOMMENDATION BY OMBUDSMAN** **ACTION TAKEN & MANAGEMENT COMMENTS** **STATUS**

				<p>foreign trainees will have an advantage in securing employment over the Maltese trainees. Jobsplus replied by stating that it planned to run the course in February 2018 but due to the low turnout for the course, it had to be postponed to September 2018. Jobsplus added that the entry requirements for this course demand that the trainees must be literate in English. Moreover, assessments and the course notes offered by Jobsplus are also in English. The reasons for delivering the course in English were told to the trainees. Furthermore, they were given the option of either continuing the course that started in September 2018 or else join the course starting in March 2019. The complainant did not apply for the course starting in March 2019.</p> <p>Jobsplus replied to the Office of the Ombudsman stating that complainant was put on the waiting list for the next course.</p>	
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SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Jobsplus	T 0216	A complaint filed by an employee of Jobsplus alleging that he was harassed at his workplace as he was threatened that he will be fired for no good reason. Moreover, the complainant is stating that he was belittled by his superiors, and that he was admitted to hospital because of the way he was treated.		The Office of the Ombudsman asked Jobsplus to submit its feedback and to provide the Office with the complainant's personal file. Jobsplus replied to the Office of the Ombudsman on 19 th September 2019, stating that although the complainant disagreed with his superiors very often, he never filed formal reports or provided any evidence to support his claims. The management requested the complainant to provide evidence that verifies his accusations since he is making serious allegations against Jobsplus.	Pending at Ombudsman.
National Commission for Further & Higher Education	T 0169	A complaint filed by a former employee of the National Commission for Further and Higher Education (NCFHE) claiming that when he started working at the NCFHE, he was told that he is entitled to receive a qualification allowance, but he was never informed that he had to submit a request in writing. To this effect, the NCFHE did not approve the complainant's request to be paid such an allowance as from his first day of employment. The complainant adds that the NCFHE informed him that		The NCFHE replied to the Office of the Ombudsman stating that during the interview, the complainant was informed that if he were to be selected for the post, he would be entitled to receive a qualification allowance. Moreover, the NCFHE states that the complainant was verbally informed that he has to put forward a request in writing to the CEO, who may either approve or refuse the request. Furthermore, the CEO reminded all staff members about this procedure during a staff meeting and also by means of a memo. In spite of this,	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
		<p>they failed to approve his request because they abided by the conditions stipulated in the PSMC stating that employees are to start receiving a qualification allowance as from the date on which they submit an application. As stated by the complainant, the NCFHE also informed him that, if they acted differently, they would have been discriminating against other employees who have not received a qualification allowance before they applied for it.</p>		<p>the complainant failed to submit a request to the CEO. On 30th April 2020, the Office of the Ombudsman requested documents related to the qualification allowance, the complainant's personal file, and any other files/documents related to the complainant. Requested documents were duly forwarded by the NCFHE.</p>	
<p>National Commission for Further & Higher Education</p>	<p>T 0250</p>	<p>A complaint concerning a sudden termination of employment which, according to the complainant, is unfair and without any grounds. Moreover, the complainant is claiming that he did not receive his performance bonus due to the fact that he did not complete his probation period satisfactorily.</p>		<p>The NCFHE replied to the Office of the Ombudsman stating that the complainant's contract was terminated while he was on probation. Moreover, the Commission states that even though there were valid reasons for terminating his contract, these reasons were not discussed with the employee because according to the Employment and Industrial Relations Act (Chapter 452, Section 41) they are not obliged to provide the complainant with any justifications. Furthermore, the Commission argues that the complainant was not given a performance</p>	<p>Pending at Ombudsman.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
University of Malta	T 0159	A complaint arising from the fact that the complainant was not selected for a post.		<p>bonus because his employment was terminated. The Commission declared that his performance appraisal was submitted and assessed but no marks were awarded to him.</p> <p>On 30th April 2020, the Office of the Ombudsman requested the personal file of the complainant, and any other files/documents related to the complainant. The NCFHE duly forwarded requested documents.</p>	Pending at Ombudsman.
				<p>The UoM replied to the Office of the Ombudsman on 29th January 2020 and provided the Ombudsman with the documents related to the process, including the letter of application and curriculum vitae of each applicant.</p> <p>The Ombudsman requested further clarifications in connection with the documentation provided by the UoM. The UoM noted that the selection board was reconvened to be able to clarify in detail the questions posed by the Ombudsman's office. The Selection Board considered the complainant's performance in all its aspects and dimensions and concluded that he was not the right fit for the organisation.</p>	



MINISTRY FOR EDUCATION AND EMPLOYMENT
PRE-2019

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Education Department	Q 0001	A complaint by two coordinators contesting the decision not to be awarded a qualification allowance.		MEDE put forward a number of reasons for not approving their Qualification Allowance. The Office of the Ombudsman requested a number of documents, including personal files. The Ministry provided the aforesaid office with such documents for further investigation. In June 2019, the Office of the Ombudsman informed MEDE that the investigation has been concluded and that they are currently reviewing all information and documentation they have in hand prior to making a decision.	Pending at Ombudsman.	Pending at Ombudsman.
Education Department	R 0055/ R 0063	The cases concerned the appointment of a number of officers in technical grades after a call for applications issued in 2012/13. A number of officers lodged a complaint with the Grievances Board alleging that the whole process was unjust. Their case was upheld, and it was recommended that those who suffered an injustice are to be appointed officers-in-	The Office of the Ombudsman has so far recommended (verbally) that MEDE issues a job description for the Officers in Scale and try and assimilate as many of these instead of issuing new calls.	On 26 th July 2019, MEDE provided the Office of the Ombudsman with a copy of the job description that was sent to officers in scale 11 and 12 in mid-September 2019. This is a very complicated case. Neither side is ready to accept that everyone suffered a degree of injustice and therefore deserves a degree of compensation. Suggestions made	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
		<p>scale. This prompted the group who were promoted through the interview to complain that it was not fair that the others are now being paid the same salary with different responsibilities and that the others were given the salary backdated when they were not performing the duties of the scale now given.</p>		<p>by MEDE were not accepted by the complainants. Various meetings were held with staff from the Ombudsman's office and by the Ombudsman's staff with both groups.</p>		
Education Department	S 0246	<p>The complainant argued that an injustice was suffered because the Ministry did not approve his request to revert to his previous post, even though the Ministry acted differently in the case of another officer.</p>	No recommendation	<p>MEDE replied to the Office of the Ombudsman stating that an employee would be able to revert to one's previous position if there is a vacancy. In this case, there was a vacancy, and in fact a colloquium was held. If there was no vacancy, the complainant would not have been given the opportunity to participate in the colloquium. It should also be noted that the colloquium is a separate matter from the call, and it is done in order to check whether the applicant is still deemed suitable for the position. In this case, the complainant was</p>	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Education Department	S 0271	A complaint regarding the selection process of part-time adult educators. The complainant contended that the application mislabeled candidates in thinking that they will be working for approximately 25 hours, and that he was not engaged.	The Ombudsman recommended that in future calls, the nature of rolling calls is explained and applicants are notified that they might not be immediately employed.	informed that the Colloquium Board did not find him suitable for the position in question. MEDE replied to the Office of the Ombudsman who came back with a request for further details. A second reply was sent to the Ombudsman on 24 th June 2019. MEDE informed the Office of the Ombudsman that the Directorate for Research, Lifelong Learning and Employability (DRLE) did inform participants that this was a rolling call. MEDE also confirmed that, currently, the DRLE is holding language lessons and that the teachers who were engaged to deliver these lessons are those who were engaged through previous calls and who have already been teaching with DRLE. If the need for teachers to teach language lessons arises, the complainant is first in line to be engaged.	Closed and recommendation noted.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Jobsplus	R 0326	<p>Jobsplus received an application for a temporary permit. At the time of application, the applicant was still within the 90-day entry visa and the application was accepted. However, on 31st August, Jobsplus received communication from the Police Immigration Office requesting an interim authorisation confirming that the applicant was in Malta legally. The client failed to obtain an interim authorisation from Identity Malta after his 90-day stay expired.</p>	<p>The Ombudsman recommended that the complainant is refunded the fee paid and that, in cases where an application is not straightforward, applicants are warned that it might take longer than usual and to remind applicants about their responsibility to have everything in order.</p>	<p>The Ombudsman did not find any maladministration or discrimination. The complainant was indeed offered a job but he refused.</p> <p>Representatives from various entities attended a meeting at the Office of the Ombudsman.</p> <p>There is ongoing correspondence between the Office of the Ombudsman, Jobsplus and Identity Malta. In August 2018, Jobsplus furnished the Ombudsman with information including timelines concerning the complainant's application for an employment licence. Jobsplus had clearly explained to the client that it was his responsibility to ensure that his stay in Malta was legal and that Jobsplus is not the entity responsible for issuing Interim Residence Permits. As regards the application for the issuing of licence, this is still pending, awaiting security clearance from the police.</p>	Closed and recommendation noted.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
SportMalta	Q 0150	<p>A senior employee at SportMalta claimed that his duties were a level above his grade. He stated that he was promised a promotion which never materialised. After the restructuring of SportMalta in 2017, the complainant was promoted, however, he is still asking for compensation.</p>		<p>The Office of the Ombudsman requested MEDE's views regarding this complaint following which MEDE forwarded feedback to the Ombudsman.</p>	Pending at Ombudsman.	Pending at Ombudsman.



MINISTRY FOR ENERGY
AND WATER MANAGEMENT

MINISTRY FOR ENERGY AND WATER MANAGEMENT

In 2019, the Ministry for Energy and Water Management has dealt with a total of 33 cases referred by the Parliamentary Ombudsman. From the mentioned cases, 32 were opened in 2019 whereas only 1 case was opened prior to 2019. The majority of these cases (27 in all) have been closed while the remaining 6 are still pending at the Office of the Ombudsman.

From the 27 closed cases, the Ombudsman closed 14 after the management replied to one request for information. Another 10 cases were closed without recommendation, 2 cases were closed and the recommendation implemented, while 1 case was closed and the recommendation noted.

Out of the remaining 6 cases that are still pending at the Ombudsman, 1 has been pending for less than 1 month, another 4 cases have been pending between 1 to 3 months, while another case has been pending between 6 to 12 months.

<p>ARMS</p>	<p>T 0002</p>	<p>A complaint related to the service charge on the PV system. The complainant has two PV systems, one with the Feed-In Tariff and the other was obtained through a government grant. The complaint refers to the extra charges received on the Feed-In Tariff.</p>	<p>No recommendation</p>	<p>A letter was sent to the client and the Ombudsman explaining that no extra charges are being applied to the client's account, thus no refund is due. Subsequently the Ombudsman closed the case.</p>	<p>Closed by the Ombudsman after the management replied to <u>one</u> request for information.</p>
<p>ARMS</p>	<p>T 0006</p>	<p>A complaint related to PV panel readings. Since there was a problem with the automated system, nil reading bills were being issued. A meter reader was sent to take the readings, and subsequently a revision of bills was affected.</p>	<p>No recommendation</p>	<p>The consumer was informed to fill in the relative form to start receiving the credit generated from the PVs directly to his bank account. An email from the Ombudsman dated 21st May 2019 stating that the case appears to be dealt with hence, the Ombudsman closed the case.</p>	<p>Closed by the Ombudsman after the management replied to <u>one</u> request for information.</p>
<p>ARMS</p>	<p>T 0014</p>	<p>A complaint related to meter reading bills. The last actual bill goes way back to 22nd February 2017. After numerous nil reading bills with low estimate, in August 2018 readings were taken and a bill with actual readings was issued.</p>	<p>No recommendation</p>	<p>Due to accumulated consumption, the invoice received has been reversed and consumption was divided accordingly. After the consumption was divided, the difference came out to be minimal. In addition, the meter was tested and resulted that it is working correctly. A letter was received on 12th April 2019 stating that the Ombudsman is closing the case.</p>	<p>Closed without recommendation.</p>

STATUS

ACTION TAKEN & MANAGEMENT COMMENTS

RECOMMENDATION BY OMBUDSMAN

BRIEF DETAILS OF CASE

OMBUDSMAN CASE REFERENCE

SECTOR/DEPARTMENT

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
ARMS	T 0042	A complaint relating to incorrect calculations made regarding water consumption.	No recommendation	<p>After investigating this case it resulted that consumer has a high consumption, especially when it comes to water consumption. This could be attributed to an internal leak.</p> <p>The WSC tried to effect an inspection on more than one occasion but access was never granted by the account holder. The complainant did not grant access to the WSC and hence they cannot confirm or otherwise what is being stated. From a billing point of view, ARMS stated that both meters are being read by the automated system hence invoices issued are correct. Moreover, complainant signed a monthly payment agreement which unfortunately was never honoured.</p> <p>After reviewing the above statement by ARMS, the Ombudsman closed the case as per letter dated 3rd May 2019.</p>	Closed without recommendation.
ARMS	T 0068	A complaint regarding incorrect bills. The complainant stated that the water meter was not working properly as it was giving nil readings, hence incorrect bills were received. A bill was received as a first attempt to settle the	No recommendation	<p>The complainant calculated all necessary units consumed according to the stated period and requested a credit note on the amount due.</p> <p>The complainant informed the Ombudsman that he is in agreement with the bill issued</p>	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
ARMS	T 0071	<p>difference, however, the complainant noticed that they were charged with higher rates, hence it was still incorrect.</p> <p>A complaint regarding accumulated interest and issuing of bills when the water meter was malfunctioning. The bill received concerns a rental property which according to the complainant is either rented on a yearly basis or in some cases it might have also been unoccupied.</p>	No recommendation	<p>by ARMS dated 7th May 2019. An email was sent by the Ombudsman on 30th May 2019 stating that case is closed.</p> <p>The complainant stated that the water meter was not working properly, and hence faulty meter was replaced. In addition, the complainant stated that all the bills received were being paid according to the tenants at that time.</p> <p>ARMS sent a letter stating that after consulting with WSC, the bills were revised and subsequently interests incurred, and the bill issued during the meter malfunction have been reversed.</p> <p>The Ombudsman proceeded to close the case.</p>	Closed by the Ombudsman after the management replied to one request for information.
ARMS	T 0078	A complaint regarding a bill received that was allegedly high due to water leakage. The complainant is strongly contesting units issued on in bill. The complainant stated that units are higher than usual due to damage reported beforehand and also due to the fact that the incorrect bill was received after the leakage had been	No recommendation	WSC personnel went on site and confirmed that no leakage or damage was found. Additionally, when case was discussed with the Advisory Board, it was concluded that consumption does not exceed the stipulated threshold. This is because consumption was not substantial as in the case of a leakage, thus could not	Closed by the Ombudsman after the management replied to one request for information.

STATUS

ACTION TAKEN & MANAGEMENT COMMENTS

RECOMMENDATION BY OMBUDSMAN

BRIEF DETAILS OF CASE

OMBUDSMAN CASE REFERENCE

SECTOR/DEPARTMENT

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
ARMS	T 0093	<p>repaired.</p> <p>A complaint relating to a pending bill received by the complainant which was not settled by his late spouse.</p>	No recommendation	<p>qualify for any adjustments in billing.</p> <p>A letter dated 4th September 2019 by the Ombudsman stated that the case has been closed.</p> <p>A meeting was scheduled with the complainant and an amicable solution was found. Letter dated 9th May 2019 by the Ombudsman stated that case is being closed.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>
ARMS	T 0100	A complaint regarding a water meter fault.	No recommendation	<p>An email dated 20th May 2019 was received from the Ombudsman stating that the complainant informed the Ombudsman that the matter was handled by ARMS and a settlement of dues owed was reached.</p> <p>The Ombudsman closed the case.</p>	<p>Closed by the Ombudsman after the management replied to <u>one</u> request for information.</p>
ARMS	T 0123	The complainant has allegedly received incorrect bills and has contested the threatened that services will be suspended if bills are not paid.	No recommendation	<p>Readings were not transmitted through the system and thus actual readings were not registered. In view of this, the bill in question was revised.</p> <p>The complainant is also claiming that he has been "double charged".</p>	<p>Closed without recommendation.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
ARMS	T 0144	A complaint relating to bills received that were allegedly high. The complainant noticed a discrepancy in certain bills and stated that he had never consumed such high amounts of units that he is being billed for.	No recommendation	<p>It transpired that the complainant's water and electricity meters were 'read' on different dates. The billing periods differ as readings are transmitted on different dates, and hence not consistent.</p> <p>ARMS stated that complainant may be misunderstanding the bill and suggested that if the complainant is of the opinion that the meter may be faulty, he may wish to apply for a test meter. ARMS stated that at this stage there are no grounds for adjustments.</p> <p>The Ombudsman closed the case on 6th September 2019.</p>	<p>Closed by the Ombudsman after the management replied to <u>one</u> request for information.</p>
ARMS	T 0145	A complaint relating to bills received that were allegedly high. The complainant notified ARMS that bills received were related to the old meter. The complainant	No recommendation	<p>The complainant's election stated that it is not possible to consume so much electricity on a single-phase meter with a 40amp circuit breaker.</p> <p>ARMS are suggesting that the</p>	<p>Closed without recommendation.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
ARMS	T 0146	<p>stated that the meter was replaced due to a defective circuit breaker. In addition, the complainant is stating that actual and current readings are incorrect.</p> <p>A complaint regarding bills received which are allegedly high. The complainant was informed that due to unpaid bills, there was the possibility of suspending services unless the amount claimed, including all interest accrued, was settled.</p>	No recommendation	<p>main issue would be the tariff rate used. ARMS claimed that the tenant has not registered the number of persons which will be using the service on the said account. In fact, ARMS presented the level of consumption between the two meters. Readings and data provided by ARMS concluded that the meter was working correctly.</p> <p>The Ombudsman closed the case on 20th April 2020.</p> <p>ARMS confirmed final readings on the old meter. By spreading the consumption, a revision of bills has been affected taking into account from December 2017 till December 2018. The amount due on account was reduced accordingly.</p> <p>The Ombudsman closed the case on 20th September 2019.</p>	<p>Closed by the Ombudsman after the management replied to <u>one</u> request for information.</p> <p>Closed by the Ombudsman after the management replied to <u>one</u> request for information.</p>
ARMS	T 0152	<p>The complainant claimed that a bill received was allegedly too high considering that consumption was for three days only.</p>	No recommendation	<p>After reviewing the case, it transpired that the complainant provided an incorrect reading. An actual reading was transmitted through the system which reflected the actual consumption and resulted in a higher bill.</p>	

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
ARMS	T 0154	A complaint relating to incorrect calculations regarding water and electricity consumption. When the complainant contacted ARMS, the operator replied that calculations are based on a pro-rata basis. The complainant worked out the consumption charges and sent all the required correspondence to the Ombudsman's office.	No recommendation	ARMS addressed the issue by replacing the consumer reading with an actual reading from the system, and the problem was resolved by issuing a revised bill. The Ombudsman closed the case on 24 th July 2019.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
ARMS	T 0166	A complaint with reference to discrepancy noticed by the complainant in the Auto Credit Refund tariff applied in the bills. The complainant uses special equipment subsidised from the government due to his condition. The complainant noticed that, during the past three years, there was a discrepancy between the Auto Credit Refund which he benefits from when using the solar panels, and the	No recommendation	ARMS stated that the credit generated from PV panels has been refunded and that the only pending credit remaining is related to vouchers deposited on account used to deduct pending dues. ARMS explained the process whereby credit units generated by solar panels are transferred directly to clients' bank account and not deducted from bills.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
ARMS	T 0193	<p>amount received in the bank account.</p> <p>A complaint relating to a bill received that was allegedly high. The complainant stated that the readings are incorrect due to a faulty water meter.</p>	<p>ARMS were requested to re-evaluate the complainant's bill due to a significant discrepancy found in the complainant's bill.</p>	<p>An email dated 8th October 2019 received from the Ombudsman stated that case had been closed.</p> <p>ARMS revised the bill once more and deducted the amount accordingly.</p> <p>Once the complainant agreed on the remaining outstanding balance, the Ombudsman proceeded to close the case on 3rd September 2019.</p>	<p>Closed and recommendation implemented.</p>
ARMS	T 0206	<p>A complaint regarding a direct debit system adopted by ARMS Ltd. The complainant referred to the 2% discount offered by ARMS to those clients paying by direct debit. In addition, complainant stated that ARMS changed the policy of the abovementioned discount so that only clients who are listed as residents are eligible.</p>		<p>The Ombudsman requested further clarifications on whether non-residential accounts/bills have previously qualified for discount and whether any discounts were given to non-residential accounts prior to the change in policy. The Ombudsman questioned on the way forward envisaged by ARMS vis-à-vis these cases.</p> <p>ARMS stated that non-residential accounts do not benefit and are not eligible for any discounts when paying through direct debit facility. Only domestic or residential accounts qualify for such discounts.</p> <p>ARMS specified that their internal policy stipulates that non-residential accounts do not qualify for any discounts. However, there are ongoing</p>	<p>Pending at Ombudsman.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
ARMS	T 0268	A complaint regarding the amount due on the complainant's bills, stating that they are incorrect. The complainant rented the house and the previous owner had informed ARMS that all outstanding balances relevant to water and electricity bills have been paid.	No recommendation	internal discussions to assess whether the policy should be amended or not. ARMS have suggested that the complainant may apply to change the applicable tariff in order to benefit from discounts by submitting Form R.	Closed without recommendation.
				The account in question was never transferred from one tenant to another, hence bills were not being paid and the amount due accumulated. The issue relating to this grievance is also connected with a decision of the Court of Magistrates in which the Court had commented that the complainant should pay as of June 2013. The complainant argued that the amount claimed by ARMS Ltd is excessive. The complainant requested that ARMS should deduct the amounts the complainant deposited in court, the interest charged, and any charge due for the transfer of the meter. A meeting was held between all concerned parties, and an amicable solution has been found. The Ombudsman closed the case on 17 th December 2019.	

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
ARMS	T 0283	A complaint stating that the bills received are based on estimate readings and are incorrect.	No recommendation	<p>The complainant requested that bills issued are based on actual readings, and has demanded an amendment of the bills accordingly.</p> <p>ARMS stated that complainant had an issue with the automated transmission of the meter readings and thus failed to transmit actual readings of the meter connected with his PV system.</p> <p>ARMS further claimed that the issue has been addressed and the system is transmitting actual and correct readings.</p> <p>An actual bill based on automated readings has been issued and sent by post.</p> <p>Email dated 11th February 2020 by the Ombudsman declared this case as closed.</p>	Closed without recommendation.
ARMS	T 0291	A complaint regarding incorrect bills. The complainant stated that readings taken are incorrect, hence he received incorrect bills.	No recommendation	<p>The complainant was convinced that the meter is working properly as it has already been replaced with a new one. The complainant requested that ARMS should investigate the matter and adjust the bills accordingly.</p> <p>ARMS revised the case wherein the complainant received a rebate bill. A letter was sent by the Ombudsman on 23rd December 2019</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
ARMS	T 0301	A complaint regarding incorrect readings, which subsequently lead to incorrect bills.	The Ombudsman instructed ARMS to send a letter to the complainant confirming that the previous outstanding balance was revised and deducted accordingly.	stating that they will be closing the case. Given that previous readings were deemed incorrect, the WSC replaced the old meter and readings were retaken. Subsequently, the bill has been revised and the balance was deducted accordingly. ARMS informed the Ombudsman that a letter was sent to the complainant informing him of the revised bill. An email dated 5 th December 2019 was sent by the Ombudsman stating that they are closing the case.	Closed and recommendation implemented.
ARMS	T 0305	A complaint regarding pending dues on a particular account between a landlord and a tenant. The account was on the tenant's name and since the pending dues on said account were not settled, ARMS could not proceed with the transfer of account.	No recommendation	Although the tenant vacated the premises before the stipulated end of contract date, the tenant argued that he had paid a deposit to make good for any water and electricity bills when signing the lease agreement. The tenant stated that the deposit paid should have been enough to cover all necessary expenses. A meeting was scheduled between the landlord and tenant wherein the tenant opted to pay amount due on account and have it	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Enemalta	T 0172	A complaint regarding extra charges included in ARMS bill. The said charges relate to disconnection fees of old meter. The complainant was informed of the extra charges for the new connection. Provision for electricity was temporarily suspended until a new smart meter is installed.		<p>transferred back on the landlord's name.</p> <p>Enemalta stated that no injustice had occurred and that the bills were accurate.</p> <p>The complainant was informed that the old electricity meter was to be replaced by a new smart meter. The complainant was not cooperative and was subsequently informed of liability for any damages, losses, claims, and other expenses. Enemalta reserves the right to initiate legal action and may also remove electricity supply.</p>	Pending at Ombudsman.
Enemalta	T 0208	A complaint stating that the complainant was wrongfully charged by ARMS for failing to apply for the changing of the account holder's details related to the meter.		<p>Enemalta stated that no injustice had occurred and that the bills were accurate.</p> <p>The complainant was informed that the old electricity meter was to be replaced by a new smart meter. The complainant was not cooperative and was subsequently informed of liability for any damages, losses, claims, and other expenses. Enemalta reserves the right to initiate legal action and may also remove electricity supply.</p>	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Enemalta	T 0317	A complaint stating that the complainant might have suffered discriminatory actions in his regard. The complainant claimed that a job vacancy was issued by Enemalta. The complainant's application was declined because, as stated by the HR department, it was not eligible.		<p>The complainant requested that:</p> <ul style="list-style-type: none"> • a salary payment is given for the work already done similar to the job vacancy; • he should have automatically qualified for the vacancy given that the same type of work was being done; • compensation should be given as complainant feels that there might have been discriminatory actions. <p>Enemalta sent a detailed structure explaining duties and performances carried out by the complainant. Enemalta also explained the process used for the call for applications.</p>	Pending at Ombudsman.
Engineering Resources Ltd	T 0178	A complaint regarding remuneration as compensation for additional hours worked by an Enemalta employee.	No recommendation	<p>Letter by the Ombudsman dated 23rd July 2019 requesting an intervention by the concerned entities.</p> <p>Email dated 9th September 2019 by the Ombudsman stating that the complaint will not be investigated further as this case is related to the Director for Industrial and Employment Relations rather than to the Ombudsman's Office, thus the case is being closed.</p>	Closed by the Ombudsman after the management replied to one request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Regulator for Energy and Water Services	T 0147	A complaint relating to an incorrect amount of double-glazing grant eligibility. The complainant stated that the supplier/installer of double-glazing apertures had applied for the grant issued by REWS and noticed that the supplier applied for the entire development rather than for one dwelling as per the terms and conditions of the grant.	No recommendation	The complainant requested another quotation from the supplier relevant to the grant's terms and conditions and sent them to REWS for approval. However, the complainant noticed that the amount deducted was not correct and had to notify REWS about this miscalculation. REWS reviewed the case and recognised that the application should have been withdrawn in order to re-apply. REWS accepted to make an ex-gratia payment. Given that a solution was found, the Ombudsman closed the case.	Closed without recommendation.
Water Services Corporation	T 0025	A complaint regarding the selection process for a managerial post with the Water Services Corporation.	Final opinion issued by the Ombudsman stating that WSC should have a standard selection process and recommending more transparency in the selection process in the future.	The Ombudsman requested a clarification regarding qualifications, duties, performance reviews, and HR records. The Ombudsman referred to another selection process wherein pre-set interview questions were used and enquired whether this was standard procedure. The Ombudsman further enquired whether any objective systems were put in place to assess candidates.	Closed and recommendation noted.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>The WSC sent a detailed structure of the present clauses in the collective agreement. The candidates were deemed eligible under Clause 2b thereof—7 years' experience within the corporation, related to water regional operations.</p> <p>The only standard procedure used is the scoring sheet.</p> <p>The 'Special relevant qualifications' sub-criterion allocation is always subjective to the respective member in giving his/her assessment.</p> <p>The case was closed by the Ombudsman on 27th August 2020.</p>	
Water Services Corporation	T 0088	A complaint over a manhole in Birbal Street, Attard, which led to damaging the complainant's front wheel of the car.	So far the Ombudsman recommended that the corporation should consider paying the complainant not on the basis of right but possibly on the basis of fairness.	<p>The WSC stated that the client cannot be reimbursed since road resurfacing was made by a contracting company chosen by Transport Malta.</p> <p>The claim was rejected, thus the WSC cannot be held responsible, and the claim should be settled by the responsible authority. Such compensations are intended to reimburse a claimant for losses incurred as a result of the wrongful or negligent conduct of the responsible party.</p>	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Water Services Corporation	T 0109	A complaint regarding a request by the complainant to continue working "beyond retirement age" with Water Services Corporation.	No recommendation	<p>The complainant had applied to benefit from a top-up as per circular letter number 9/2018. This top-up gives 65-year-olds the opportunity to keep on working within their entity after pension age. However, this must be approved by the CEO/Chairman as per the employment policy. In this case approval was not granted.</p> <p>The Ombudsman reviewed all the necessary documentation and decided to close the case.</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Water Services Corporation	T 0278	A complaint regarding an injustice suffered by the complainant for a management post at the Ćirkevwva Reverse Osmosis.		<p>The Ombudsman requested clarifications on:</p> <ul style="list-style-type: none"> • whether qualifications were assessed in terms of any objective assessment criteria; • at what stage of selection process were pre-set questions finalised; • whether the collective agreement relevant to the call is still in force; • whether specific assessment criteria had been established. 	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>The WSC provided a summary on how candidates were evaluated, together with a list of qualifications.</p> <p>Pre-set questions were structured relevant to the post and compiled prior to the commencement of the interview process.</p> <p>Present collective agreement is still in force and that same assessment criteria were used throughout all calls.</p>	



MINISTRY FOR ENERGY
AND WATER MANAGEMENT
PRE-2019

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
ARMS	S 0176	A case relating to missing meters and a pending transfer of account. The consumer is contesting the fact that the account remained in his name, even though it should have been transferred years ago.	No recommendation	It transpires that the consumer sold the property in December 2006 but a change of consumer was never submitted to ARMS. Moreover, the building was demolished and a block of flats was built. Although it is not within ARMS' remit, the new owner was informed to contact ARMS so a meeting could be held between the parties involved. The new owner never replied to the letter sent. The Ombudsman was informed accordingly. The case was discussed by ARMS and the Office of the Ombudsman on 23 rd August 2019. Both parties are doing their utmost to conclude this case and are trying to contact the prior owner and the present owner of the block despite the fact that this case is not the result of any shortcoming by ARMS. ARMS stated that the accounts in question were closed upon installation of the first meter dated 9 th May 2010.	Closed without recommendation.	Pending at Ministry.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>On 23rd January 2020, the Ombudsman informed ARMS that the complainant received the statement of account as required and has proceeded to close the case now that the matter is resolved.</p>		



MINISTRY FOR FOREIGN AND EUROPEAN AFFAIRS
PRE-2019

MINISTRY FOR FOREIGN AND EUROPEAN AFFAIRS

In 2019, the Ministry for Foreign and European Affairs dealt with a total of 5 cases referred to by the Parliamentary Ombudsman, all pre-dating 2019. Three of these cases were successfully closed, two of which after the Ministry took note and implemented the recommendation forwarded by the Ombudsman. The other case was closed without the receipt of a recommendation. The remaining two cases are on the other hand still open, both being pending at the Office of the Ombudsman. One of these cases has been pending at the Ombudsman between 12 to 18 months and the other for more than 18 months.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Foreign and European Affairs	R 0130	A complaint arising from a claim that an extension of the previous conditions of service to a new higher position was not consonant with the conditions of services of this new appointment and that this amounted to discriminatory treatment.		Feedback was sent by both Permanent Secretaries, MEAE to the Office of the Ombudsman in September 2019 in reply to the Ombudsman's letter of July 2019. The complainant's personal file was provided to the Ombudsman in September 2019.	Pending at Ombudsman.	Pending at Ombudsman.
Foreign and European Affairs	R 0211	A complaint by an officer who was not appointed to a higher position following a call for applications in which the preceding candidate was appointed and took up duties elsewhere. Furthermore, the complainant claimed that despite continuing to carry out the duties of this higher position, no deputising allowance was awarded.		The Ministry informed the Office of the Ombudsman that it made a request to P&SD for the complainant to be appointed on a back-to back basis, which was not approved as it did not conform with the applicable Manual and with P&SD Circular No. 05/2017 and, therefore, such a request could not be acceded to. The Ombudsman requested documentation, and this was submitted on 14 th March 2018. In the meantime, and in parallel with the Ombudsman's proceedings, the Ministry submitted a request for a deputising allowance in November 2018, which was acceded to as from 18 th	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>December 2018 for a period of 6 months or until the position is filled. Nevertheless, a subsequent request for P&SD reconsideration for a deputising allowance since 11th April 2017 has been submitted in view of the complainant's assertions (with which the Ministry agrees). This deputising allowance has not yet been granted. The officer has in the meantime moved to another section within the Directorate.</p> <p>The Ministry is presently awaiting feedback from the Office of the Ombudsman on this case.</p>		

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Foreign and European Affairs	R 0284	A complaint concerning a public officer who was transferred from one Ministry to another with immediate effect. The transfer was never discussed with the complainant and no reasons for the sudden change were given. The complainant contends that the transfer was unreasonable and unfair.	No recommendation	The Ministry provided a management letter to the Ombudsman's Office with an explanation in relation to HR requirements for people working on EU funds-related issues. A personal file was provided to the Ombudsman's Office in September 2019. Through communication made on 24 th April, 2020, the Office of the Ombudsman noted that, following a review of the case, it had decided not to proceed any further with its investigation. The Ombudsman therefore proceeded to close the case.	Closed without recommendation.	Pending at Ombudsman.
Foreign and European Affairs	S 0010	A complaint lodged by an employee performing duties at the Permanent Representation of Malta to the EU. The complainant is contesting that a 15% remuneration supplement owed to him in terms of the contract of employment was not settled despite various requests.	<p>i) The complainant is to be paid the 15% supplement as set out in the contract entered into between complainant and MHEC, dated 1st July 2011, with immediate effect.</p> <p>ii) The Ministry and PREU are to carry out a systematic overview of their personnel record keeping procedures, as well as contract renewal procedures, to identify deficiencies and failures and address such failings.</p>	The recommendations addressed in the memo of the former Permanent Representative of Malta to the EU dated 2 nd May 2012 were implemented. In fact, the 15% supplement, which was removed from that particular grade agreement, was provided in the 3 rd term extending agreement. It covered the period between 2012 and 2015.	Closed and recommendation implemented.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Foreign and European Affairs	S 0013	A complaint concerning an officer in Brussels requesting reimbursement for accommodation following a trip to Malta organised during the Maltese EU Presidency. The officer further contends that both the Duty Travel Request form and the Internal Clearance Form for Duty Travel were amended without his consent.	i) Policies in relation to expenses related to duty travel are to be made available to all employees in writing. Policies are to include how defective travel clearance applications will be treated. ii) Duty application forms are to include (a) a list of documents attached and (b) addition of fields to clearly indicate what is applied for and what is approved or not. iii) All applications, including ancillary documents, are to be kept as submitted.	The Ministry replied to the queries raised by the Ombudsman and also met with the Ombudsman to discuss this case. Necessary information was provided in March 2019, with a pending item to reply. The Ombudsman issued the final opinion, dated 26 th July 2020. The Ombudsman informed, through communication dated 17 th September 2020, that the recommendation in relation to the complainant was implemented.	Closed and recommendation noted.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>original travel file was forwarded to the Ombudsman on 8th November 2018 as per the request and in terms of Article 19 of the Ombudsman Act (Cap 385).</p> <p>The Ombudsman issued the final opinion, dated 1st July, 2020.</p>		



MINISTRY FOR THE FAMILY, CHILDREN'S RIGHTS
AND SOCIAL SOLIDARITY

MINISTRY FOR THE FAMILY, CHILDREN'S RIGHTS AND SOCIAL SOLIDARITY

In 2019, the Ministry for the Family, Children's Rights and Social Solidarity dealt with a total of 24 cases referred to by the Parliamentary Ombudsman. Twenty-two of these cases were new cases opened in 2019 whereas the remaining 2 cases were opened prior to 2019. The majority of these cases (19 in all) have been closed. From the other 5 cases, 4 are still pending at the Office of the Ombudsman while 1 case is suspended due to court proceedings.

Out of the 19 closed cases, 15 were closed by the Ombudsman after the management replied to one request for information. Another case was closed without recommendation while another one was closed and the recommendation not accepted by MFCS. The remaining 2 cases were withdrawn by the complainant and the Office of the Ombudsman respectively.

From the 4 cases that are still pending at the Ombudsman, 1 case has been pending between 3 to 6 months, 1 between 6 to 12 months, another between 12 to 18 months, and another case over 18 months.

<p>Department of Social Security</p>	<p>T 0003</p>	<p>A complaint relating the Once-Only Grant Scheme (Labour Corps). The complainant stated that although he was employed with CORPS before 16th November 1979, he never received the one-time benefit offered by the government, even though he submitted an application.</p>	<p>No recommendation</p>	<p>On 27th November 2019, MFCS informed the Ombudsman that the complainant was not eligible for the "Once-Only Grant Scheme" as he was a CORPS employee and not a public officer prior to 1979.</p> <p>On 24th May 2019, a new scheme for CORPS employees was launched, for which the complainant submitted an application. Workings have been revised, including also the period of employment with the government, and arrears are being paid to the complainant.</p>	<p>Closed by the Ombudsman after the management replied to <u>one</u> request for information.</p>
<p>Department of Social Security</p>	<p>T 0013</p>	<p>A complaint arising from not being entitled for a widow's pension following the demise of spouse in February 1995 until the complainant retired in 2004. The complainant was gainfully occupied and the children at the time were over the age of 16. That was the current law back then and this fact was acknowledged by the complainant. However, he is now claiming that he suffered an injustice and is requesting to be paid the widow's pension backdated from 1995 to 2004.</p>	<p>No recommendation</p>	<p>On 28th January 2019, MFCS explained that, pre-2007, no income from a gainful occupation of a widow with children under the age of 16 years was taken into consideration. With effect from 6th January 2007, if a widow in a gainful occupation and income did not exceed the National Minimum Wage, with children between the age of 16 and 21 years who were either studying full-time or registering as unemployed under Part 1 of the register and not receiving any benefits, s/he is still entitled to a widow's pension.</p>	<p>Closed by the Ombudsman after the management replied to <u>one</u> request for information.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>Therefore, with effect from 6th January 2014, a widow's pension was awarded, irrespective of the income earned or whether claimant had any children. Furthermore, with effect from 2nd January 2016, a widow was entitled to the spouse's pension if s/he was entitled to a pension on his/her own merits.</p> <p>Considering the fact that when the complainant's spouse passed away in February 1995, the children were already over the age of 16 years, and therefore, besides the fact that he was in a gainful occupation the children were also over 16 years of age. Moreover, the complainant is to understand that the enactment of a law is never retrospective and, therefore, complainant's request to be awarded a widow's pension from 1995 to 2004 cannot be accepted.</p>	

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Department of Social Security	T 0029	A complaint concerning a query regarding the future pension entitlement of the complainant's spouse.	No recommendation	On 6 th February 2019, the case was closed by the Office of the Ombudsman without having the need to be investigated further. This was a query and not a complaint.	Closed, case withdrawn by the Office of the Ombudsman.
Department of Social Security	T 0032	A complaint arising from an overpayment which occurred 10 years ago, and which is still being refunded by monthly instalments. The complainant insisted that although an amount of money is deducted from his benefit entitlements, the balance of the amount overpaid remained the same. He therefore requested a statement of all the deductions made and the current balance of overpayment.	No recommendation	On 15 th February 2019, MFCS gave a very detailed and exhaustive explanation regarding the amount overpaid and how it was being refunded from complainant's Social Assistance entitlement. MFCS provided the Investigating Officer with the amount, including a breakdown of how the overpayment occurred. The overpayment is being deducted at 10% from any benefit for which complainant is entitled to. This information (including amount details) is being communicated to the complainant every time he receives a benefit to which he is entitled.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Department of Social Security	T 0056	A complaint relating to a budget measure for contributions to be paid in arrears by employees who worked abroad, which stated that social security contributions paid abroad	No recommendation	The measure being referred to by the complainant concerns those employees who used to work and pay social security contributions in Libya, and for some reason they did not pay the	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Department of Social Security	T 0064	<p>are now being calculated for the social security pension. The complainant paid social security contributions in Malta and abroad and claimed that he should be refunded for his double payment.</p>	<p>No recommendation</p>	<p>same contributions in Malta. This resulted in less contributions, as stipulated in the Social Security Act, thus these employees are not receiving the full contributory retirement pension. It is important to note that this measure was not aimed to refund the contributions paid in Malta, but to give an opportunity to the above-mentioned employees to settle unpaid contributions.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Department of Social Security	T 0086	A complaint concerning the amount of pension being received. The complainant is alleging that his pension was reduced as he continued to work after he was discharged from Malta Drydocks in 2003.		On 28 th May 2019 MFCS informed the Investigating Officer that the pension rate received by complainant is correct. The complainant's pension rate was adjusted as from January 2019 by virtue of the relevant Budget 2019 measure which is effective from the mentioned date.	Pending at Ombudsman.
Department of Social Security	T 0092	The complainant referred to an application for unemployment benefit which has been pending since February 2019.	No recommendation	On 2 nd May 2019, MFCS informed the Investigating Officer that the complainant's claim for Unemployment Assistance has been pending since February 2019 because the DSS needs to carry out further investigation due to the fact that the complainant: (i) submitted the required forms in connection with his company directorships on 12 th March 2019; and (ii) he provided conflicting information regarding his rent agreement. When asked to clarify his state of affairs by the officer at the District Office, he got angry and stated that he will not sign any documents before seeking the Ombudsman's advice.	Closed, case withdrawn by complainant.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Department of Social Security	T 0101	A complaint concerning pension entitlement.	No recommendation	On 4 th June 2019, the Investigating Officer was informed that the case is still pending at the DSS Umpire. Subsequently, the Investigating Officer informed the complainant that should he feel that there is unreasonable delay in his case before the umpire, he may revert to the Ombudsman for assistance.	Suspended due to Umpire proceedings.
Department of Social Security	T 0132	A complaint relating to alleged unfair apportionment of pension. The complainant further contended that the DSS should take into consideration all the years of cohabitation and not from the date of registration of the contract of cohabitation.	No recommendation	On 6 th May 2019, the complainant withdrew claims for the unemployment benefit and therefore the case is considered closed from the Ministry's end. On 17 th June 2019, MFCS informed the Investigating Officer that by virtue of the divorce legislation, amendments were implemented to the Social Security Act (Cap 318). Such amendments to Articles 2, 16, 42, and 46 had the objective to provide new definitions of divorced widows and of actual widows, and to safeguard their rights vis-à-vis eligibility to a Widows' Pension under the said Act. Furthermore, with the introduction of the Cohabitation Act (Cap 571) in 2017, registered cohabitants acquired rights to several	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Department of Social Security	T 0135	A complaint related to an application for a Social Security Retirement Pension from Malta, submitted by a Maltese citizen residing in the UK.	No recommendation	benefits / pensions / allowances / assistances due by virtue of the SS Act (Cap 318). In view of the above-mentioned amendments and of the new legislation on cohabitation, the DSS informed the Ombudsman that the apportionment of the pension was done according to the above-mentioned amendments and according to the new legislation on cohabitation.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Department of Social Security	T 0137	A complaint concerning arrears in respect of the contributory retirement pension.	No recommendation	On 28 th June 2019 MFCS sent a very detailed and technical reply to the Investigating Officer wherein it was explained how the DSS arrived at the rate of pension due to the complainant. Subsequently, the Ombudsman closed the case. On 28 th May 2019, MFCS informed the Investigating Officer that although all the facts showed that the pension claim made in 2011 was rejected due to a lack of contributions, and that staff at the District Office correctly based their replies on the actual data available to them at the time, the DSS was, in good faith, willing to award 104 weeks of arrears.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Department of Social Security	T 0161	A complaint related to Social Security Pension and tax imposed on pensioners. The complainant, who is in receipt of a Treasury Pension and a DSS Retirement Pension, complained that the rate of the DSS RP is very low. The complainant also complained about the tax which is imposed on pensioners.	No recommendation	Arrears were paid with the following pension payment. On 31 st July 2019, MFCS informed the Ombudsman that although the income tax does not fall under MFCS, it is to be noted that the first €13,434 (which is increasing every year) income from pension is not taxable. MFCS added that the complainant paid €476 less income tax during 2018 than that paid in 2015. The Department further explained that the complainant's pension is assessed according to the provisions of Article 56 of the DSS Act and consequently, he is receiving the correct amount.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Department of Social Security	T 0168	A complaint related to rate of payment towards Pension and Severe Disability Assistance.	No recommendation	On 31 st July 2019, MFCS gave a detailed and very technical reply to address all the issues lodged by the complainant.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Department of Social Security	T 0207	A complaint relating to the pension given to government employees who occupied a scale from 1 to 10. The complainant asked for another revision of pension since during the last revision of pensions, the capping amount for the maximum		On 21 st November 2019, MFCS stated that the complainant is already in receipt of the maximum two-thirds pension, which is the highest rate of the two-thirds pension payable under the Social Security Act. It was also noted that the	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Department of Social Security	T 0237	pension incorporated employees who classified in lower grades and contributed less than those who held higher scales.	No recommendation	government has been giving a yearly increase to all pensioners, over and above the cost of living (COLA). The complainant's pension cannot be revised as he cannot receive a higher amount than that he is currently receiving, this being the maximum amount.	Closed by the Ombudsman after the management replied to one request for information.
Department of Social Security	T 0264	A complaint related to the assessment towards retirement pension. The complainant alleged that the years 2017 and 2018 were not taken into consideration when assessing his retirement pension and therefore requested a revision.	No recommendation	On 23 rd September 2019, MFCS replied to the complainant's email sent on 20 th September 2019, whereby the complainant was informed that arrears due from 15 th April 2019 to 18 th October 2019 are to be received in the following payment due on 19 th October 2019. A copy of these arrears was attached to the same email.	Closed by the Ombudsman after the management replied to one request for information.
Department of Social Security	T 0264	A complaint arising from not receiving a service pension. The complainant stated that he should be entitled for a service pension since his position was always assimilated with that of the Public Service.	No recommendation	On 30 th October 2019, MFCS replied to the Ombudsman saying that the DSS replied to the complainant's request four times and repeatedly informed him that according to the Pensions Ordinance (Cap 93), the complainant was not eligible for a service pension as per the following reasons:	Closed by the Ombudsman after the management replied to one request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>1. The definition of an officer is indicated as 'a person substantively appointed to an office in respect of which a pension or retiring allowance may be granted under this Ordinance'.</p> <p>2. Furthermore, Article 21 states that 'the provisions of this Ordinance shall apply to officers appointed to the public service of Malta after the commencement of this Ordinance but prior to 15th January 1979, and no pension, gratuity or allowance shall be payable under this Ordinance, nor shall any other payment be made thereunder, to any person who was not an officer before the date aforesaid, or to the widow, child or other relative of any such person'.</p> <p>3. It is also to be noted that Article 2 of the Pensions Regulation states that 'every officer holding a pensionable office in Malta who has been in the service of Malta in a civil capacity of 10 years or upwards, may be granted a pension'. This indicates that even a public officer who did not work for at least 10 years, such an officer will not be entitled to a Service Pension.</p>	

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Department of Social Security	T 0266	A complaint relating to a request for a revision of his and his spouse's pension. The complainant requested an explanation regarding deduction in his pension, after his spouse started to receive her pension.	No recommendation	The reply was deemed to be satisfactory and the Ombudsman closed the case. On 7 th November 2019, MFCS informed the Ombudsman that the complainant receives the Social Security Pension as well as the Treasury Pension, since he was employed with the government prior to January 1979. When he started receiving the pension, this was calculated at a married rate since his spouse was not a pensioner yet. Once the spouse became a pensioner and started to receive her own pension, the complainant's pension was revised from married to single, as per normal procedure. Today, the couple are in receipt of two Social Security pensions, resulting in a higher amount than that received at first by the complainant.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Department of Social Security	T 0279	A complaint arising from an overpayment in pension. The complainants are alleging that they were never notified of any overpayment due by their late father until after his demise. In addition, the complainants claimed that they asked for further		On 17 th January 2020, MFCS replied to the Ombudsman and presented a detailed breakdown of how such overpayments occurred, including payments already settled by the complainants. Such overpayments occurred due to the fact that the complainants' parents went	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
		<p>details of this overpayment and are still awaiting such details.</p>		<p>to live in a residential home and rate of contributions were received at a later stage. Since then, the policy in this regard has been changed and, upon admission of elderly in a residential home, 60% of the pension is automatically deducted. This policy was implemented to avoid huge amounts of overpayments.</p> <p>On 27th March 2020, the Investigating Officer informed MFCS that the complainants' lawyer is requesting further explanation as the amounts due stated by the DSS do not tally with those given by the IRD.</p> <p>The Investigating Officer asked the Department to explain further and to be provided with all the correspondence sent to the complainants' late father.</p> <p>On 27th August 2020, MFCS informed the Ombudsman that investigations with the IRD and the DSS Pensions Section were once again made. Both departments confirmed that amounts shown on the first report given by MFCS were correct. The complainants were given a copy of all the relevant documents. MFCS reiterated that the DSS is always</p>	

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Department of Social Security	T 0300	<p>A complaint concerning sickness benefit.</p> <p>A foreigner who worked and resided in Malta for two years complained that due to information not provided by the DSS, he could not fill and send the application to benefit from sickness allowance covering the period of his employment in Malta.</p>	No recommendation	<p>open (as it already did with complainants) to clarify any misinterpretation that complainants may have.</p> <p>On 27th November 2019 MFCS informed the Ombudsman that application S040 had to be sent from the authorities of the respective country that is an EU member. All EU countries have the relevant information on the DSS in Malta.</p> <p>MFCS stated that the application can now be forwarded through the Electronic Exchange of Social Security Information (EESSI) system which has been created for the exchange of information to be effected in a more rapid and secure manner. Subsequently, the Ombudsman closed the case.</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Department of Social Security	T 0322	<p>A complaint relating to the amount of contributions the complainant was asked to pay (nearly the same amount he earned) for being a part-time self-employed and part-time student. The complainant referred to this as an injustice, as women have two options of contributions when being part-time self-employed and part-time students.</p>	The Office of the Ombudsman recommended that the DSS revises the 2019 contributions on the pro rata rate.	<p>On 24th January 2020, MFCS informed the Investigating Officer that the complainant could not pay contributions pro rata, as stated by law.</p> <p>The policy was changed in January 2020 to allow for pro rata NI contributions. Hence, with effect from 1st January 2020, the complainant can pay contributions pro rata.</p>	Closed and recommendation not accepted.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Department of Social Security	T 0332	<p>A complaint related to injury on duty benefit.</p> <p>The complainant stated that his employer refused to fill in the NI 30 correctly and, consequently, his request for injury on duty benefit was rejected by the DSS (application not completed).</p> <p>The complainant wrote to the DSS asking what measures could be taken when employers refuse to fill out the NI 30 correctly.</p>	No recommendation	<p>On 28th April 2020, MFCS replied to the Ombudsman's recommendation and pointed out that, legally, this cannot be accepted as amendments on pro rata NI contributions came into effect in January 2020.</p> <p>On 16th April 2020, MFCS informed the Investigating Officer that the complainant submitted application for injury on duty benefit with no details filled in by the employer. The DSS tried to communicate with the employer to no avail.</p> <p>Complainant filed an appeal with the Umpire (DSS) where he testified that he resumed duty the day after he was injured. Benefit for injury on duty is given from the 4th day of injury until the employee resumes duty. Hence, this appeal was lost.</p> <p>All this took place prior to the Ombudsman opening the case.</p>	Closed by the Ombudsman after the management replied to one request for information.



MINISTRY FOR THE FAMILY, CHILDREN'S RIGHTS
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SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Department of Social Security	R 0231	<p>A complaint regarding the contributory old-age pension. The complainant alleged that the National Insurance contributions for the years spent in gainful occupation until 1985 were not being considered. The complainant further alleged that only the National Insurance contributions credited to him are those pertaining to years 1995 to 2001 when he was receiving a carer's allowance for taking care of a parent. Following the parent's death, the complainant started receiving a non-contributory pension. However, the amount received is also being contested.</p>	No recommendation	<p>The Ombudsman requested the comments of the Permanent Secretary about this complaint, together with any documents related to this matter. He also asked whether the complainant could benefit from Section 126 of the Social Security Act.</p> <p>Following the first reply by the Permanent Secretary in October 2017, the Ombudsman presented further allegations from the complainant and requested that, in line with Section 19 of the Ombudsman Act, any file, documentation, and investigation papers in the claimant's name be sent to his Office. The files were referred on 17th November 2017 as requested. On 17th April 2018, the Ombudsman requested a meeting with the Director, Non-Contributory Benefits, to further discuss this complaint. The meeting was held on 24th April 2018 and nothing has been received from the Ombudsman since.</p>	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>In its reply to the Ombudsman, the DSS explained in great detail the possible permutations under contributory and non-contributory pension entitlement that the complainant could benefit from. The provisions of Section 126 of the Social Security Act do not apply in this case.</p> <p>The conclusion is that, with or without the contributory pension, the complainant would still get the same pension.</p> <p>The Office of the Ombudsman closed the case on 11th October 2019.</p>		
Foundation for Social Welfare Services	R 0225	A client who was undergoing a rehabilitation programme for a dependency claimed discrimination when discharged from the programme as a disciplinary measure.		<p>On 27th June 2018, the Ombudsman requested further contact details of individuals who were undergoing a rehabilitation programme. Information requested was given in emails dated 3rd July 2018 and 9th July 2018 respectively. Following further investigations, the Ministry forwarded</p>	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				feedback to the Office of the Ombudsman in April 2019. No reply has yet been received.		



MINISTRY FOR FINANCE AND FINANCIAL SERVICES

MINISTRY FOR FINANCE AND FINANCIAL SERVICES

In 2019, the Ministry for Finance and Financial Services dealt with a total of 23 cases referred to the Parliamentary Ombudsman. Fourteen cases were opened in 2019, while the remaining 9 cases were opened before 2019. From these 23 cases, 15 cases have been closed, 7 cases are pending at the Office of the Ombudsman, while another case was suspended due to court proceedings.

Out of the 15 closed cases, 6 of them were closed by the Ombudsman after the management replied to one request for information, whilst another 6 cases were closed without recommendation. Moreover, 2 cases were closed and the recommendation implemented, whilst another case was closed as the case was withdrawn by the complainant.

On the other hand, from the 7 cases that are still open, 2 have been pending between 3 to 6 months, another case has been pending between 12 to 18 months, while the remaining 4 cases have been pending over 18 months.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Commissioner for Revenue (Capital Gains Tax)	T 0125	A complaint by a couple claiming unfair treatment when applying to benefit from a reduced tax rate on the purchase of property in an Urban Conservation Area.	No recommendation	The Office of the Ombudsman requested information from MFIN on 22 nd August 2019. Following necessary consultations, information was provided by the CFR regarding the required subsidiary legislations/schemes, and this was forwarded to the Office of the Ombudsman on 5 th September 2019. The purchase of the property occurred upon the lapse of the first scheme and before the introduction of the next one, therefore there was no unfair treatment. The notice of the promise of sale was also handed after the submission deadline. The Ombudsman closed the case on 3 rd December 2019. No further action by the CFR was necessary since the Office of the Ombudsman accepted MFIN's submissions. The Ombudsman's intervention may not have been necessary, but it helped to clarify the matter.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Commissioner for Revenue (Capital Gains Tax)	T 0280	A complaint regarding a request for the exemption from payment of interest related to the declaration Causa Mortis.	No recommendation	The Office of the Ombudsman requested information from the CFR and MFIN on 4 th December 2019. CFR replied on 16 th December 2019, quoting reasons as to why the complainant was not exempted.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Commissioner for Revenue (Customs)	T 0124	A complaint by a company requesting payment from MFIN related to unloading of goods from a vessel moored at Laboratory Wharf. They are claiming loss of income due to the fact that the unloading was done by the third party company/ies owning the goods instead of the port workers.	No recommendation	<p>The Ombudsman closed the case on 6th January 2020. No further action by the CFR was necessary since the Office of the Ombudsman accepted the CFR's submissions. The Ombudsman's intervention in the case may not have been necessary but it helped to clarify the matter.</p> <p>The Office of the Ombudsman requested information from MFIN on 20th May 2019.</p> <p>MFIN sent a reply to the complainant on 10th June 2019, cc the Office of the Ombudsman. The case was closed by the Ombudsman on 21st June 2019, however, a new request for information dated 22nd October 2019 was received. The same file reference was retained. Following the necessary consultations with the Customs Department, MFIN replied on 6th December 2019 with information, explaining the facts and listing those vehicles used for transportation that had a licence to transport goods, those that did not exist, and those that were not authorised to transport the goods and did not belong to the importers in this case.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Commissioner for Revenue (Customs)	T 0246	A complaint by a foreign resident in connection with a tax refund. On departure from Malta, the validation stamp on the form was not done as the Customs office was closed at the time. The form was left at the provided letterbox; however, the complainant was later informed that the form was not stamped and so the refund could not be processed.	No recommendation	<p>Thus, according to Maltese Law, the Customs Department did not act incorrectly and therefore should not be held responsible. A clarification meeting was later requested by the Ombudsman.</p> <p>This case was closed by the Office of the Ombudsman in January 2020 and re-opened under a new case number with reference U 0018.</p>	Closed by the Ombudsman after the management replied to one request for information.
				<p>The Office of the Ombudsman requested information from the CFR and MFIN on 20th November 2019. Upon consultation with the Customs Department and the CFR, the relevant form was endorsed once verified correct and was processed for payment on the 11th December 2019. The reply, together with the required documentation, were sent to the Office of the Ombudsman on 16th December 2019.</p> <p>The Ombudsman closed the case on 19th December 2019. The Ombudsman's intervention in the case helped to settle the matter.</p>	

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Commissioner for Revenue (Inland Revenue)	T 0281	A complaint lodged by a taxpayer following the receipt of a revised tax statement requesting the payment of tax on a salary lump sum payment.	No recommendation	The Office of the Ombudsman requested information from the CFR on 11 th November 2019 and the CFR replied on 22 nd January 2020 with the requested information. The Ombudsman requested further information on 23 rd January 2020. On the same date, a reply was sent by the CFR with the required documentation. The relevant provisions in the Income Tax Acts together with established case law and publications were forwarded to the Office of the Ombudsman for their perusal. The said taxpayer forwarded a proposal for a change in the provisions of the law and wanted such an amendment to be applied retroactively to apply to his case. The Ombudsman did not agree with the proposal and in fact did not suggest that the provisions of the law are amended to take into account the complainant's situation. The Office of the Ombudsman closed the case on 13 th February 2020.	Closed without recommendation.
Commissioner for Revenue (Inland Revenue)	T 0303	A case concerning a complainant alleging that his request to be provided with FS3 documentation covering a number of years remained pending for a number		The Office of the Ombudsman requested information from the CFR on 19 th November 2019. The complainant required the said documentation to present it	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
		of months with the Department.		<p>in court in connection with a court case scheduled to be heard on 11th December 2019.</p> <p>The complainant filed his request with the CfR on 16th July 2019 but did not receive a reply until 4th November 2019. The Ombudsman was informed that the requested information was sent to the complainant as confirmed by CfR on 6th December 2019. The requested FS3s were sent directly to the taxpayer once the file was retrieved from the archives. This was agreed upon with the Office of the Ombudsman. (The normal procedure for the request of documents during court proceedings is to issue a writ-of-summons for the CfR to testify and submit relevant documentation during proceedings).</p> <p>The Ombudsman closed the case on 6th December 2019. The complainant would have achieved redress without the Ombudsman's intervention.</p>	
Commissioner for Revenue (Inland Revenue)	T 0330	A case concerning a letter sent by the CfR to the complainant in connection with the Retirement Pension scheme.	No recommendation	<p>The Office of the Ombudsman requested information from the CfR on 22nd January, for which the CfR replied on 18th March 2020. The information given to the complainant by the CfR on 16th October 2019</p>	Closed by the Ombudsman after the management replied to one request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Commissioner for Revenue (VAT)	T 0060	A complaint submitted by a taxpayer who had two grievances. The first concerned the fact that the complainant was not given any information regarding his VAT de-registration process. It emerged that the CfR sent a letter informing the complainant that he was de-registered, but the complainant did not receive this letter. The second grievance concerned the fact that the complainant was advised by the Police (Administrative Law Enforcement Unit) to attend	The Office of the Ombudsman recommended that the CfR informs the complainant that he is de-registered and that there is no need to attend this court sitting.	<p>(prior to the filing of complaint with the Office of the Ombudsman) was correct. This was also confirmed in the reply forwarded by the CfR.</p> <p>To date, the complainant has not requested further clarifications from the Office of the Ombudsman, since redress was already given by the CfR. The taxpayer (TP) did not agree with the facts of the case as per the tax file of the same TP and the request submitted to the Office of the Ombudsman is therefore frivolous. The Ombudsman closed the case on 3rd June 2020.</p>	Closed and recommended implemented.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Finance	T 0299	<p>for a criminal court sitting following a summons issued against him for failing to submit a VAT return.</p> <p>A complaint by an employee requesting approval of payment of arrears related to a standby allowance.</p>		<p>The case was closed by the Ombudsman in May 2019. The Ombudsman's intervention in the case may not have been necessary, but it helped to clarify the matter.</p> <p>The Office of the Ombudsman requested information from MFIN on 9th December 2019. The reply was prepared in conjunction with the CFR and, following the necessary consultations, the reply letter was sent on 17th March 2020.</p> <p>The management confirmed that in the claim period there was no formal agreement in place pertaining to the standby allowance, but the contact persons/officers entrusted with the task used to be contacted and one would attend. That person attending would be paid on overtime rate for the attendance time. Thus, no official approval was granted for the payment of such an allowance during the claim period.</p> <p>The Office of the Ombudsman requested a copy of the Manual on Allowances on 18th May 2020, which was duly forwarded.</p>	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
<p>Malta Financial Services Authority</p>	<p>T 0164</p>	<p>A complaint lodged by a depositor of a local bank, claiming that his email communication to the MFSA enquiring about funds he was still owed by the bank was not replied to by the MFSA.</p>	<p>The Ombudsman recommended that the Authority directs the competent person/administrator to regularly update depositors and those having an interest about the bank's current situation. The Ombudsman's final opinion was dated the 20th November 2019.</p>	<p>The Office of the Ombudsman requested information from the MFSA on 1st July 2019, to which the MFSA replied on 30th September 2019.</p> <p>An email seeking clarifications from the Office of the Ombudsman was received on 15th October 2019. The MFSA replied to this communication on 22nd October 2019, stating that the Authority requested the competent person to regularly update depositors about the bank's situation.</p> <p>On 16th January 2020, the MFSA was informed that the Office of the Ombudsman will be closing the complaint. In view of the specificities of this case, which were previously outlined in the case's file, the Ombudsman's action was relevant for the resolution of this case.</p>	<p>Closed and recommendation implemented.</p>
<p>Malta Gaming Authority</p>	<p>T 0087</p>	<p>A complaint relating to the early retirement of an MGA employee.</p>	<p>No recommendation</p>	<p>The Office of the Ombudsman requested details on 15th May 2019; a first reminder was issued on 24th June 2019, and a reply was issued to the Ombudsman on 27th June 2019.</p>	<p>Closed, case withdrawn by complainant.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Malta Gaming Authority	T 0114	A complaint by an employee concerning a promotion. The complainant alleged being denied the opportunity for career advancement due to unfair practices within the MGA.	No recommendation	<p>On 14th November 2019, the Ombudsman requested additional information and documentation. The MGA's legal consultant worked on the case and a detailed reply providing all the required information was sent to the Ombudsman. The delay in replies was due to a change in the person who was taking care of the case, resulting in the new person having to catch up from scratch on the case.</p> <p>The Ombudsman concluded the investigation and closed the case on 27th May 2020 after the complainant retracted the case with the said Office.</p>	Closed without recommendation.
				<p>The Office of the Ombudsman requested information on 10th June 2019 and a reply was sent by the MGA on 3rd July 2019. The MGA pointed out that the letter sent by the Ombudsman contained numerous inaccuracies. The Ombudsman reverted with queries in a letter dated 3rd September 2019, and a reply was provided by the MGA, together with the requested documentation on 6th September 2019. The Ombudsman found no basis</p>	

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Malta Gaming Authority	T 0176	<p>The complainant explained that he was owed money from three operators who are licensed with the Authority, and further seemed to argue that once the Authority has not recovered the funds due to him from these operators, the Authority should compensate him. From the documentation available, it appears that the Authority is taking action to ensure the return of the money due to players and has in fact instituted civil proceedings.</p>	<p>No recommendation</p>	<p>The Office of the Ombudsman requested information from the MGA on 29th July 2019, and a reminder was issued on 2nd October 2019. A reply by the MGA detailing the various actions taken by the MGA on the case was sent on 21st October 2019. The case was closed by the Ombudsman on 1st December 2019 after reviewing information submitted by the MGA. The Office of the Ombudsman found no basis to proceed based on the reply submitted by the MGA, and the complainant was informed accordingly.</p> <p>The Ombudsman's investigation determined that the MGA acted fairly and directed the complainant to seek redress through appropriate MGA channels.</p>	<p>Closed by the Ombudsman after the management replied to <u>one</u> request for information.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Malta Gaming Authority	T 0263	A complaint regarding unfair treatment and lack of assistance. The complainant alleged that he was forfeited an amount of money by a company on false accusations and that the MGA had informed him that the operator had acted correctly.		The Office of the Ombudsman sent a letter to the MGA on behalf of the complainant on 28 th November 2019. Reminders were issued by the Ombudsman on 7 th February 2020 and 12 th March 2020. The case required a thorough investigation by the MGA, including data gathering, and therefore it took longer to send feedback. The MGA's legal team worked on the reply and this was sent to the Ombudsman in May 2020. The Authority noted that, after having considered both the complainant's initial complaint and the licensee's documentation, the licensee's decision to close the complainant's account was in line with its applicable T&Cs.	Pending at Ombudsman.



MINISTRY FOR FINANCE AND FINANCIAL SERVICES
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SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Commissioner for Revenue (Customs)	O 0339	The complainant is one of three company directors who were found to be in possession of alcoholic consignments on which neither VAT nor excise duty had been paid. The complainant was then refused an importation licence on the basis that he and the other two company directors did not pass the 'fit and proper test' as defined by the Customs Ordinance.	No recommendation	When the taxable imported goods were seized by Customs officials via the relevant seizure notes, the complainant chose to settle out of court by signing an agreement to admit to the non-payment of tax and to settle that same tax due. However, such an incident made complainant fail the definition of the 'fit and proper' test as defined by the Customs Ordinance. This resulted in a refusal by the Customs Department to grant a further importation licence to the complainant. The case is still pending due to court proceedings.	Suspended due to Court proceedings.	Suspended due to Court proceedings.
Commissioner for Revenue (VAT)	R 0103	The complainant is an undertaking of imported products that were classified under one particular NACE code. The undertaking feels that these products could be classified under a different NACE code which does not incur tax. The undertaking's request to be reimbursed tax was refused.	No recommendation	ECO-tax is assessed through the taxpayer's self-declaration, whereby the HS (NACE) code relevant to a product on which tax is due is specified on the relevant forms. In this case, the taxpayer indicated a given HS (NACE) code and even provided documentation which supports the fact that these products may be classified under this	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>HS (NACE) code. After a significant lapse of time after the self-declaration was made and the tax paid, the taxpayer was informed that these products could possibly be classified under a different HS (NACE) code. A taxpayer who is unsure what HS (NACE) code to assign to a product may request a ruling by the Customs Department which has the facility of scientifically inspecting each product and determining the correct HS (NACE). The ensuing Binding Tariff Information (BTI) is valid across the EU and will remain valid for a certain period of time to ensure certainty for the importer. In this case, a BTI was not obtained by the taxpayer and the taxpayer provided no evidence confirming the claim that the products were classified under this HS (NACE) code erroneously. The Ombudsman's office notified the complainant that investigations would be concluded and that, unless otherwise confirmed, the case would be closed. The case was closed in October 2019.</p>		

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Commissioner for Revenue (VAT)	R 0229	Complaint by an undertaking alleging that it was wrongfully treated by the VAT Department when it insisted that the directors of a foreign company who applied for registration had to be present in person. However, the CfR (VAT) Department did not require that the directors of another company be present in Malta when the latter applied for VAT registration under the same criteria.		<p>The VAT Department informed that the classification of NACE codes is carried out by the Customs Office within the Commissioner for Revenue. To date, no hard evidence was brought showing that these products could be classified under a different NACE code.</p> <p>The case was closed by the Ombudsman in October 2019.</p>	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Commissioner for Revenue (Inland Revenue)	R 0237	Complaint arising from a refund due by the International Tax Unit, which was not issued to the company.	No recommendation	<p>requested feedback for a number of clarifications, a reply for which was sent on 14th May 2019.</p> <p>The complainant did not produce a power of attorney to represent the clients abroad. A power of attorney is necessary in these cases. The investigation is ongoing.</p>	Closed without recommendation.	Pending at Ombudsman.
				<p>Refunds are due to the shareholders of the company and not to the company. The company cannot rely on such refunds to pay tax due as the company and its shareholders are two separate legal entities. Furthermore, the refund was not due as such amount has been absorbed by interest generated after lack of payment (offsetting).</p> <p>The Office of the Ombudsman will not investigate this matter any further and the Ombudsman proceeded to close the case on 25th September 2020.</p>		

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Commissioner for Revenue (Inland Revenue)	R 0258	Claim of capital losses against employment income.	No recommendation	<p>The CfR explained to the Ombudsman that capital allowances may be claimed only against the relative business income. Therefore, a number of losses claimed were not allowable. This resulted in tax due [including additional tax and interest]. Article 5 (10) of the Income Tax Act specifies that there is an upper limit to the number of allowances that may be claimed against earnings derived from an undertaking. The complainant made claims in excess of what is lawfully allowed, and incurred tax and interest from non-payment. The Ombudsman accepted the CfR decision, whereby the complainant was informed accordingly. The complainant would have had the same redress/decision without the Ombudsman's intervention. The case was closed by the Ombudsman in December 2019.</p>	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Commissioner for Revenue (Customs)	S 0046	Complaint lodged in connection with the refusal by Customs to release the consignment of items.		On 16 th April 2018 the Ombudsman was informed that, as guided by the Sanctions Monitoring Board on the basis of Council Decision 1333/2015 of the 31 st July 2015, enhanced due diligence was being exercised by the Malta Customs. On the particular export consignment, direction was sought from the Sanctions Monitoring Board, in view of the restrictive measures. Customs adhered to the advice of the Sanctions Monitoring Board. The management replied to 3 requests for information from the Office of the Ombudsman, up to July 2018. On 25 th April 2019, the Ombudsman confirmed that the file is being reviewed to verify whether further information is required. No further progress was reported, however, the Ombudsman confirmed that the case is still pending. This was reconfirmed at the end of April 2020.	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Finance	S 0217	The complainant contested not being awarded a disturbance allowance on resuming duties after long leave.		<p>On 30th October 2018, the Office of the Ombudsman referred the complaint to the Permanent Secretary (Merger and Administration) and a detailed reply was given on 9th November 2018. The request for a disturbance allowance was not upheld by MFIN because the officer was not required to perform work after office hours and thus did not qualify for a disturbance allowance.</p> <p>On 25th April 2019 the Office of the Ombudsman confirmed that file is being reviewed to verify whether further information is required. No further progress was reported; however, the Ombudsman confirmed that the case is still pending. This was reconfirmed at the end of April 2020.</p>	Pending at Ombudsman.	Pending at Ombudsman.
Malta Gaming Authority	S 0110 (N 0211)	The complainant is one of a number of players who complained to MGA since they were left with dues owed to them when a gaming company became		<p>The MGA provided clarifications requested by the Office of the Ombudsman on the 9th of April 2019 but the investigation by Ombudsman is still ongoing as per the correspondence with the</p>	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
		insolvent.		Office of the Ombudsman dated 25 th July 2019. In this regard, the case in question was re-opened in 2018 after it was closed due to pending criminal proceedings against the former director of the insolvent company. It was the Ombudsman's office decision to postpone such cases until the related criminal proceedings were over. The complainant was not amongst those that testified in court; hence his case was re-opened. The case is still being investigated by the Ombudsman.	Pending at Ombudsman.	Pending at Ombudsman.
Malta Gaming Authority	S 0111 (N 0281)	The complainant is one of a number of players who complained to the MGA since they were left with dues owed to them when a gaming company became insolvent.		The MGA provided clarifications requested by the Office of the Ombudsman on the 9 th of April 2019 but the investigation by the Ombudsman is still ongoing as per correspondence with the Office of the Ombudsman dated 25 th July 2019. In this regard, the case in question was re-opened in 2018 after it was closed due to pending criminal proceedings against the former director of the insolvent company. It was the Office of the	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>Ombudsman's decision to postpone such cases until the related criminal proceedings were over. The complainant was not amongst those that testified in court; hence his case was re-opened. The case is still being investigated by the Ombudsman.</p>		



MINISTRY FOR GOZO

MINISTRY FOR GOZO

In 2019, the Ministry for Gozo dealt with a total of 5 cases referred to by the Parliamentary Ombudsman, 4 of which were opened prior to 2019. The remaining case was a new case which was opened in 2019.

Presently, 2 cases are still pending at the Office of the Ombudsman. The last feedback received from the Ombudsman for these 2 cases was in January 2019 and June 2019 respectively. Another case was suspended in view of court proceedings while the other 2 cases were closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Projects and Development Directorate	T 0019	A complaint lodged by a person alleging that the government "illegally" expropriated a divided portion of land. This person also claimed that he has unsuccessfully tried to reach a redress with the directorate.	No recommendation	<p>In March 2019 the Office of the Ombudsman sought the management's comments on this complaint and information on these allegations.</p> <p>The management informed the Ombudsman that the complainant had been informed of the procedure but did not submit the formal request.</p> <p>In August 2019, the management informed the Ombudsman that on 18th June 2019 the complainant had made an official request with the <i>Direttur Tal-Artijiet</i> for the commencement of expropriation procedures. Subsequently, the management submitted a request to the CEO of the Lands Authority for expropriation.</p> <p>In September 2019, the Ombudsman informed this Ministry that the case had been closed. This investigation had prompted the complainant to file the formal request, an action which the Ministry for Gozo had already recommended earlier.</p>	Closed without recommendation.



MINISTRY FOR GOZO
PRE-2019

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Gozo Channel Operations Ltd	S 0255	A complaint lodged by a Maltese citizen contending that the way Gozo Channel concession fares are applied is unjust and discriminatory against Malta-born Gozo residents.		<p>The Office of the Ombudsman sought the management's comments and views on this complaint, in addition to requesting the policy documents or information regarding the provision that governs the payment of such fares.</p> <p>The Office of the Ombudsman was informed by Gozo Channel Operations Ltd that it is not responsible for the issue of regulations or policies that regularise reduced or subsidised ferry tickets. Gozo Channel Operations Ltd must abide by the tender conditions issued and awarded by MTIP.</p> <p>On 23rd January 2019, the Ombudsman referred this case to MTIP whereby he was informed that the Ministry for Transport, Infrastructure and Capital Projects is the contracting authority administering the public service obligation, whilst the fares are regulated by means of a legal notice found under the Authority for Transport in Malta Act, which are usually communicated by the</p>	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Projects and Development Directorate	S 0274	A complaint lodged by a retired civil servant who contends that, between 2006 and 2018, he was assigned duties and responsibilities commensurate to a higher grade and not to his actual grade. The complainant maintains that he has suffered an injustice and is therefore claiming compensation.		<p>government, specifically by the Ministry for Gozo.</p> <p>In March 2019, the Ombudsman sought the management's comments and views as well as the claimant's personal file, which were submitted on 3rd April 2019. A query was consequently raised by the Ombudsman on 24th May 2019, which was replied to by MGOZ on 3rd June 2019.</p> <p>MGOZ maintains that the claimant never complained to the MGOZ administration, which moreover deemed his grade as commensurate with the duties he was carrying out. The case has been pending at Ombudsman since June 2019.</p>	Pending at Ombudsman.	Pending at Ombudsman.
Services Gozo	S 0269	A complaint by an employee who felt aggrieved after being transferred within the same Directorate. The employee claims that this transfer is unjust and an abuse of power, also referring to poor marks given for personal attributes in the Performance superior's response.	No recommendation	<p>In January 2019 the Ombudsman sought the management's comments to this complaint. MGOZ replied to the Ombudsman in February 2019. On 5th March 2019, the Ombudsman requested clarification regarding the transfer due to exigencies of the Public Service a reply to which was sent on 21st</p>	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
		<p>Appraisal for a particular period. The employee alleged that she objected in writing to this appraisal but never received her superior's response.</p>		<p>March 2019.</p> <p>MGOZ maintained that this transfer, similar to other transfers during the same period, was necessary in order to man a number of sections that were under-staffed.</p> <p>With regard to the performance appraisal, MGOZ declared that, in the relevant appraisal, the complainant did not state any reasons why she was disagreeing with the ratings.</p> <p>On 15th July 2020, the Office of the Ombudsman informed both parties that he did not consider this transfer to be unjust or that it was issued to prejudice in any way the complainant and thus was closing this case.</p>		
Ministry for Gozo	R 0099	<p>A complaint lodged by an employee who felt aggrieved after missing out on a promotion for a particular position. Some time after the publication of the interview results, two officers were transferred on a temporary basis to</p>	<p>The Ombudsman recommended to MGOZ to review the case with the aim of providing redress.</p>	<p>MGOZ could not implement the Ombudsman's recommendation since there were no vacancies for the position in question. Two other officers in this grade were moved temporarily to the site where the complainant had applied for due to the</p>	Suspended due to Court proceedings.	Suspended due to Court proceedings.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
		<p>fill in vacancies in the grade for which the complainant had applied. The complainant claimed that he should have been promoted to fill the vacancy instead of such temporary redeployments.</p>		<p>seasonality of their work, and in accordance with the principle of flexibility of employees and exigencies of the service.</p> <p>The complainant filed a judicial protest and the matter is now at the Law Courts.</p> <p>Awaiting the outcome of court proceedings.</p>		



MINISTRY FOR THE NATIONAL HERITAGE,
THE ARTS AND LOCAL GOVERNMENT

MINISTRY FOR THE NATIONAL HERITAGE, THE ARTS AND LOCAL GOVERNMENT

In 2019, the Ministry for the National Heritage, the Arts and Local Government reported a total of 15 cases referred to the Parliamentary Ombudsman. Out of these 15 cases, 9 were opened in 2019 while the other 6 were opened prior to 2019. Eleven out of these 15 cases were closed, while the other 4 are still pending.

Five of the cases were closed without a recommendation, while another 3 cases were closed as the case was not upheld. Another 2 cases were closed with the recommendation given being implemented and the other case was closed by the Ombudsman after the management replied to one request for information.

The 4 cases which are still open are all pending at the Office of the Ombudsman, with each case being pending between 1 to 3 months, 3 to 6 months, 6 to 12 months, and 12 to 18 months respectively.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
National Library	T 0336	A complaint in connection with the selection processes issued by the National Library for the positions of Deputy Librarian - National Library and Deputy Librarian - Public Libraries. The complainant was allegedly not notified about the vacancies.	No recommendation	The Ministry (MHAL) replied to the Office of the Ombudsman's queries and sent the relative documentation on 15 th April 2020. In April 2020, the Office of the Ombudsman informed the complainant that it found no fault in the procedures followed by Malta Libraries in advertising the calls in question.	Closed without recommendation.
Heritage Malta	T 0073	A complaint regarding a request for compensation for the work done prior to the actual appointment. The complainant alleged that he has been carrying out responsibilities for the post of technician since 2016, yet he was promoted to this grade during 2018.	No recommendation	Heritage Malta submitted all the necessary feedback to the Office of the Ombudsman, including information about the complainant's employment history.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Heritage Malta	T 0325	The complainant deals with two grievances, one dealing with the disciplinary proceedings that were instituted against the complainant, and the second dealing with his transfer to another section within the same agency. As far as the disciplinary proceedings are concerned, the complainant contends that he was not given the opportunity during the said proceedings to state his case. In addition, the complainant is contesting his transfer, as he belongs	No recommendation	The Office of the Ombudsman asked for various documents relating to the case, and Heritage Malta duly forwarded them. This was followed by correspondence between the Ombudsman and the legal adviser of Heritage Malta. The legal adviser prepared its reply to the latest set of questions which the Ombudsman had asked, however, there was no reply following the latest communication with the Ombudsman as of July	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Justice, Culture and Local Government	T 0059	<p>to a particular professional class of employee. He contends that he was in effect transferred out of his professional class.</p> <p>A complaint relating to rubber stoppers found in streets which were considered dangerous.</p>	No recommendation	<p>2020. The case is still open, and an investigation is still being carried out.</p> <p>A letter dated 22nd March 2019 from the Office of the Ombudsman to the then Permanent Secretary MJCL. Considering that in his letter the complainant stated that he had brought his grievance to the attention of the Local Government Division (LGD), the Ombudsman enquired as to whether the matter was being investigated by the LGD. The LGD asked the Local Council whether it had the necessary permits from the regulatory authority to install such rubber stoppers.</p> <p>On 12th April 2019, the Council informed the LGD that it was awaiting a decision from TM as to whether the rubber stoppers in question were to be retained or removed.</p> <p>On 25th April 2019, the Office of the Ombudsman noted that once the matter was being dealt with by the LGD, the Ombudsman would proceed to close the case. The case was resolved</p>	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Local Councils	T 0110	A complaint concerned a football ground in the locality which, due to excessive noise from activities held there, was causing a nuisance to the complainant.	The Ombudsman recommended that visible warning signs be made available so that users of the ground are notified that the area in the vicinity of the ground is a residential area and that no nuisance should be caused by excessive noise.	through the cooperation of the LGD. The Birzebbuga Local Council proposed to resolve the issue by planting trees around the ground to reduce noise, but this was deemed insufficient by the Office of the Ombudsman. The Ombudsman recommended additional measures. After the necessary follow-up, the Ombudsman closed the case in March 2020.	Closed and recommendation implemented.
Local Councils	T 0141	A complaint regarding damages sustained to vehicle tyres while driving in St Julian's.		The Local Council replied to the Office of the Ombudsman on 31 st July 2019. On 16 th September 2019, the Ombudsman requested more details regarding other cases which were similar to the one sustained by the complainant. The Local Council's legal adviser replied on 11 th November 2019, providing a detailed letter about similar situations and cases, whilst insisting that no refund was to be given by the Local Council. Correspondence concerning this case was exchanged directly with the local council and the complainant himself in March 2020. The	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Local Councils	T 0199	A complaint in connection with a claim for reimbursement following damages sustained by a vehicle as a result of lack of road maintenance. The local council had refused to reimburse expenses since the complainant had not submitted the police report within 24 hours.		<p>case is still open, and an investigation is being carried out by the Office of the Ombudsman.</p> <p>The Birkirkara Local Council's legal adviser replied to the Office of the Ombudsman on 18th September 2019 indicating that the request for reimbursement was rejected by the council in view of the fact that the council could not verify the claim presented. After seeking further information from the local council, in November 2019, the Ombudsman decided the case in favour of the Local Council and provided a final opinion attesting that: <i>"the Local Council should implement its policy of requiring those claiming reimbursement to tender a Police Report filed within 24 hours of the occurrence of an incident, and to ensure that this information is readily available in a prominent place at the Council's offices and on its website"</i>. The Office of the Ombudsman closed this case during 2019.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Local Councils	T 0235	A complaint in connection with a letter that was sent to the Naxxar Local Council in July 2019 which remained unanswered by the council. The claim dealt with a light fixture which did not give sufficient light in an alley.	No recommendation	The Naxxar Local Council's executive secretary replied to the Ombudsman indicating that the local council was in communication with the complainant. The council contacted an engineer who confirmed that the level of light was acceptable. Even the executive secretary and the Mayor visited the alley and confirmed that this was the case. The lighting that was originally installed, had been shifted towards the centre of the alley to light up the alley more evenly. It was only 11 metres away from complainant's front door. The council suggested that the complainant installs a small lamp on the facade of his house, as was the case with the other houses, but the complainant had rejected the idea. The Office of the Ombudsman closed the case in January 2020.	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Local Councils	T 0277	<p>A case relating to a Facebook post which was posted by the local council after several trees in the locality of Zurrieg were found damaged through an act of vandalism. The complainant argued that through this post the council had revealed the identity of his relatives who could have caused the damage, therefore resulting in a breach of data protection.</p>		<p>The Zurrieg Local Council sought advice from their lawyer and replied to the Office of the Ombudsman in May 2020, stating that: <i>“Complainants cannot state that their children were in some way identified and since months have passed, they consider this case as closed”</i>. Following this communication, no feedback was received from the Office of the Ombudsman. The case is still being investigated.</p>	<p>Pending at Ombudsman.</p>



MINISTRY FOR THE NATIONAL HERITAGE,
THE ARTS AND LOCAL GOVERNMENT
PRE-2019

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Arts Council Malta	S 0018	A complaint concerning a recruitment process.	No recommendation	The Office of the Ombudsman requested that the ACM forward the file related to the selection process in view of the fact that the complainant was contending that marks awarded to him were not fair. In April 2019, the Ombudsman requested further clarifications and the ACM replied to all queries in May 2019. The Ombudsman found no evidence of wrongdoing in the selection proceedings and closed the case in April 2020.	Complaint not upheld.	Pending at Ombudsman.
Local Government Division	S 0121	A complaint by a former public employee concerning the wrong computation of his pension. It was claimed that his service within a local council was disregarded, which led to his pension being calculated on a lower salary.	The Ombudsman recommended to MFCS - Pensions to review the pension workings and adjust as required.	In October 2018, the Ombudsman met with the DG (Local Government) to discuss complaint in question. Ombudsman asked for the DG's views and details on the procedure adopted by the department with regard to public officers who work within the councils holding the position similar to that of the complainant.	Closed and recommendation implemented.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>On 22nd October 2018, the DG sent an email to the Office of Ombudsman explaining the timeline of facts relating to the complainant's secondment with the Local Council.</p> <p>In February 2020, copies of the complainant's contracts of employment were forwarded to the Ombudsman, as had been requested. In March 2020, DG Local Government was contacted regarding this case by the Ombudsman, and on 13th March 2020, the DG sent the relevant information requested.</p> <p>Following this, the Office of the Ombudsman replied that the case was reviewed and closed it with a recommendation to the Social Security Department to adjust the complainant's pension. The recommendation was accepted by the Pensions Office and final communication was provided by P&SD to MFCS on 17th September 2020. The Pensions Office are reviewing the workings in order to compensate the complainant the arrears from 2009.</p>		

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Local Councils	S 0131	<p>A complaint by a civilian against the Mosta Local Council wherein the complainant made reference to correspondence exchanged with the Council subsequent to a collision with a bollard affixed at the corner of a road. The complainant claimed that the bollard was not authorised according to what officials at TM had informed. The complainant also stated that despite filing a complaint with the council requesting payment for damages, the latter remained without a reply, thus being treated in an unfair and prejudicial matter.</p>	No recommendation	<p>The Ombudsman requested the Council's comments and in particular the reasons for the placement of the bollards and any permits related thereto. The Council replied, stating that bollards were installed way back in 2003, when the re-construction of roads was done, and when no approvals were required by Transport Malta. The Council argued that back then local councils implemented and approved all traffic management signs and road fixtures at a council level.</p> <p>In December 2018, the Ombudsman stated that he had taken the matter up with Transport Malta, with the Traffic Management and Road Safety Department of the Authority informing that the local council did not have any authorisation to install the bollards in that location — the location was in fact unsuitable, if not dangerous for both pedestrians and motor vehicles, and the street was too narrow for their installation.</p>	Complaint not upheld.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Local Councils	S 0193	A complaint by a civilian against the Munxar Local Council alleging a delay by the Local Council in removing ducks in Xlendi Bay following the direction of the Gozo Health Inspectorate Services. The complainant was alleging that ducks were being given free rein in the bay with detrimental effects on the persons who swim there.	No recommendation	The council stood its ground and insisted that the installation of the bollards was legal and thus the council did not consent to their removal. After taking into consideration the arguments made by the local council, the Ombudsman closed the case in favour of the local council in December 2019.	Complaint not upheld.	Pending at Ombudsman

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>Animal Welfare would again try to remove these ducks. In June 2019, the Ombudsman informed the Munxar Local Council that it had received a similar complaint from the same complainant. The Council replied that it would be forwarding the complaint to Animal Welfare again, considering that the matter fell within their competence. On 1st August 2019, the Local Council forwarded the complaint to Animal Welfare, but the latter replied stating that the ducks in question were considered as wildlife and as such this case did not fall within the responsibility of Animal Welfare Department. The Local Council informed the Ombudsman about this on 5th September 2019.</p> <p>The case was reviewed further by the Ombudsman, who closed the case without recommendation on 10th December 2019.</p>		

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Local Councils	S 0294	A complaint by a civilian against the Żejtun Local Council regarding the removal of the yellow lines which were in front of a garage in a particular street.	No recommendation	A letter was sent by the Office of the Ombudsman to the Permanent Secretary, MJCL, and the Żejtun Local Council regarding this case. The council was asked to provide information with the aim of reaching an amicable agreement. On 4 th June 2019, the Local Government Division asked the local council to provide the necessary details. The case was closed during December 2019 by the Ombudsman following action taken by Transport Malta against the Local Council.	Closed without recommendation.	Pending at Ombudsman.
Local Councils	S 0307	A complaint against the Gormi Local Council in relation to damage caused to a vehicle when this hit a pothole in Triq l-Imdina, Gormi.		In January 2019, the Office of the Ombudsman sent a letter to the Gormi Local Council regarding the complaint and asked the Council to communicate with the complainant, possibly by 5 th February 2019, with a view to reaching an amicable solution on the matter.	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>On 24th January 2019, the Office of the Ombudsman communicated with Transport Malta informing it of the case and any assistance that may be given by the Legal Unit on the case. The council sent letter to the Office of the Ombudsman on 28th January 2019, claiming that Triq l-Imdina falls under the responsibility of Infrastructure Malta, and in fact restructuring of the said road was carried out by Infrastructure Malta in 2018. The council stated that, without prejudice, it reserved its position to refuse the request of complainant and refer case to Transport Malta.</p> <p>On 12th February 2019, the Ombudsman informed the local council that since the council stated that the road in question falls under the responsibility of Infrastructure Malta, the case was referred to the latter. The local council informed the Ombudsman on</p>		

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>27th May 2019 that it is still discussing the case and will raise correspondence for the attention of the council, following which it informed the Ombudsman that it will not accept responsibility for the damages claimed by the complainant due to the fact that, contrary to what has been decided by Transport Malta, the spot in Triq l-Imdina where the accident occurred was never within the council's responsibility. The local council informed the Ombudsman of its decision on 21st August 2019.</p> <p>Shortly after, a letter was sent by the Ombudsman to inform the complainant. The Ombudsman is still awaiting a reply from complainant.</p> <p>On 16th September 2020, the Office of the Ombudsman wrote to the Gormi Local Council informing them that after verifications with Infrastructure Malta and the Local Government Division, the Office of the Ombudsman had confirmation that the part</p>		

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>of Mdina Road where the incident allegedly causing damages to complainant's vehicle happened, falls under the responsibility of Gormi Local Council and in view of this it recommended to the Gormi Local Council that they communicate with the complainant with a view to conclude the issue. On the 17th September 2020, the council's executive secretary replied back to the Office of the Ombudsman that she will inform the council accordingly in the council's next meeting dated 5th October 2020.</p>		



MINISTRY FOR HOME AFFAIRS, NATIONAL SECURITY
AND LAW ENFORCEMENT

MINISTRY FOR HOME AFFAIRS, NATIONAL SECURITY AND LAW ENFORCEMENT

In 2019, the Ministry for Home Affairs, National Security and Law Enforcement reported a total of 64 cases referred by the Parliamentary Ombudsman. From these cases, 31 were opened in 2019 while the other 33 cases were opened before 2019. Thirty-four cases were closed throughout 2019 while the other 30 cases are still open.

From the closed cases, 15 were closed without a recommendation while another 12 cases were closed by the Ombudsman after the management replied to one request of information. Furthermore, five cases were closed but the recommendation was not implemented, whereas another 2 were closed by the Ombudsman after the Ministry implemented its recommendation.

Out of the 30 cases which are still open, 28 are still pending at the Ombudsman's end. Two of these cases have been pending for less than 1 month, while another 8 have been pending between 6 to 12 months. Additionally, 2 cases have been pending between 12 to 18 months, while the remaining 12 cases have been pending at the Ombudsman for over 18 months.

The remaining 2 cases have been pending at the Ministry and at the Police respectively. The 2019 case is pending at the Police and has been pending between 12 to 18 months. The other case was opened prior to 2019 and is currently pending at the Ministry. The case in question has been pending for over 18 months.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
AWAS	T 0069	A case relating to a request for cooperation from the Office of a Spanish Defensor, concerning an unaccompanied minor from Cameroon who currently resides in Malta after departing from Libya. UNHCR Spain and UNHCR Malta have been dealing with the case so as to reunite the minor with his family.	No recommendation	MHSE replied to the Ombudsman, coordinated the necessary arrangements with AWAS, and delivered the DNA samples.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Correctional Services	T 0038	The Office of the Ombudsman complained that he received correspondence from an inmate not under confidential cover. The complainant's relative alleged that the complainant was "starving", that he had been seventeen days without eating, and that the prison authorities persistently ignored and refused to send him to hospital "because they fear doctors will see a shoulder fracture".	No recommendation	MHSE replied to the Ombudsman, addressing the points being raised in this case, and submitted the requested documentation. The Ombudsman informed MHSE that the case was closed in December 2019, although the investigating officer is still following upon the case.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Correctional Services	T 0117	A case concerning alleged degrading and inhumane treatment.	No recommendation	MHSE replied to the Ombudsman, addressing the points being raised in this case, and submitted the requested documentation.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Correctional Services	T 0119	The complainant made a verbal complaint to the Office of the Ombudsman against the CCF. He alleged that the CCF authorities did not give him his Drug Control Card and other medical papers when he was released from the CCF some time before. He alleged that he was not able to take his medication, which are psychiatric medicines.	No recommendation	MHSE replied to the Ombudsman, addressing the points being raised in this case, and submitted the requested documentation.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Detention Services	T 0148	A complainant raised issues about general conditions in the detention centre.		MHSE replied to the Ombudsman on the 15 th April 2020, addressing the points raised by the complainant.	Pending at Ombudsman.
Home Affairs and National Security	T 0160	A complainant alleged that the decision to terminate his employment was abusive and oppressive.		The Office of the Permanent Secretary MHSE provided the Office of the Ombudsman with the requested information. The Ombudsman requested further information on 21 st August 2020, and the Office of the Perm Sec replied on 1 st September 2020 to the observations raised by the Ombudsman.	Pending at Ombudsman.
Home Affairs and National Security	T 0182	A case regarding a backdated pension issue.		MHSE/CPD received correspondence from the Office of the Ombudsman and replied with the requested information on 12 th October 2020.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Home Affairs and National Security	T 0192	A complaint regarding a request for an extension of service beyond the retirement age which was not approved.	No recommendation	MHSE provided the Office of the Ombudsman with the requested information.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Home Affairs and National Security	T 0233	A complainant is alleging that the Commissioner's refusal to award him the medal clasp is based on improper and unreasonable considerations.		MHSE sent the requested documents to the Office of the Ombudsman on 8 th January 2020.	Pending at Ombudsman.
Home Affairs and National Security	T 0297	A complainant has sought redress over promotion issues and expenses incurred when employed by AFM.	No recommendation	Correspondence was received from the Office of the Ombudsman requesting comments and documentation from AFM. Documentation and information were forwarded to the Office of the Ombudsman as requested. The Ombudsman closed the case as he deemed the action taken by the Ministry was correct.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Home Affairs and National Security	T 0321	A case concerning a complainant who felt aggrieved that he was unjustly arrested for an offence he did not know about. The complainant said he left Malta in 2008 with his family, but the police file with his name was dated in 2013. He is alleging he was never notified of any pending criminal offences.	No recommendation	MHSE replied to the Ombudsman, addressing the points and explaining the incident.	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Independent Police Complaints Board	T 0328	A case concerning an alleged lack of reply.		The Investigating Officer is corresponding directly with the Independent Police Complaints Board (IPCB).	Pending at the Independent Police Complaints Board.
Police	T 0061	A request for a refund of the expenses paid on humanitarian grounds.	To consider refund of expenses on humanitarian grounds.	MPF have reconsidered the complainant's case and issued a refund.	Closed and recommendation implemented.
Police	T 0077	A complainant alleged that he was not engaged as part-time police officer, despite his prior experience in the Malta Police Force.	No recommendation	The Malta Police Force provided the Office of the Ombudsman with the requested information.	Closed without recommendation.
Police	T 0085	A complainant referred to a police investigation where two personal devices were seized from his residence in October 2018. He wrote that he has been trying to retrieve these items from the Vice Squad.	No recommendation	The Malta Police Force provided the Office of the Ombudsman with the requested information. The Ombudsman closed the case in July 2019.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Police	T 0319	A complainant opened a case on issues he raised to the police and to the subsequent investigation which the Internal Affairs Unit had carried out. He stated that the police is unreasonably refusing to give him details of the investigation.	No recommendation	A copy of the investigation was sent to the Ombudsman's Office. The Ombudsman closed the case on 27 th December 2019.	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Identity Malta	T 0314 T 0315	The case refers to a letter by the Ombudsman dated 18 th December 2019 regarding a complaint submitted in connection with a selection process.		The Office of the Ombudsman requested access to peruse the relevant file related to the selection process by invoking Article 19 of the Ombudsman Act. The relevant documentation and reply were sent to the Office of the Ombudsman on 21 st May 2020, following communication exchanges between ID Malta and the Office of the Ombudsman.	Pending at Ombudsman.
Identity Malta (Central Visa Unit)	T 0248	A case regarding a complainant's grievance regarding the undue delay in issuing the single permit which is compromising his ability to travel out of the country.	No recommendation	Identity Malta replied to the Ombudsman, addressing the points being raised in this case, and submitted the requested documentation.	Closed without recommendation.
Identity Malta (Citizenship & Expatriate Affairs)	T 0017	The Office of the Ombudsman informed IMA of a complaint lodged by a person who maintains he is a Maltese citizen. He is complaining that IMA has refused to register the birth of his children, grant them Maltese citizenship, register his marriage, and grant freedom of movement to his wife. He alleged that IMA rejected his requests due to discrimination.	No recommendation	IMA replied to the Office of the Ombudsman that the complainant has a pending criminal case before the Court of Magistrates (Malta). The charges brought against him relate to documents which he presented to the Director of Public Registry in 2007, which fake documents show that he was born in Malta. IMA was informed that the case was closed because of pending lawsuits. Section 13(5) of the Ombudsman Act prevents the Office from investigating cases	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
<p>Identity Malta (Citizenship & Expatriate Affairs)</p>	<p>T 0049</p>	<p>The Office of the Ombudsman informed IMA of a complaint lodged by an EU citizen in connection with the application for a Residence Card. The complainant contended that IMA have imposed burdensome documentary requirements for the processing of the said application that are not required by law. Furthermore, the complainant contended that the considerable delays experienced in issuing the said card have resulted in a breach of the complainant's rights of free movement within the European Union.</p>		<p>which are being treated by the Courts. The Ombudsman may use his discretion here to either suspend the case until the outcome of the court proceedings, or to close the case. The case was closed.</p> <p>In March 2019, the IMA informed the Office of the Ombudsman that the complainant is entitled to be issued with the residence documentation in question. The process was finalised, and a notification was sent to the complainant to collect the said document.</p> <p>However, the Office of the Ombudsman informed IMA that the complainant collected his residence document. Moreover, the Ombudsman requested why the issue of the residence document was delayed to such an extent and also requested an explanation on how the complainant was asked to open a bank account (before receiving his residence documentation) and deposit an established minimum amount of funds and to provide proof of local bank transfers and transactions.</p>	<p>Pending at Ombudsman.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Identity Malta (Citizenship & Expatriate Affairs)	T O116	A complainant opened a case before the Office of the Ombudsman, alleging discrimination by IMA in its decision not to grant a permanent residence permit to the partner.		<p>IMA replied to the Office of the Ombudsman that additional documentation requested from the complainant was not required, although it was demanded in good faith. The agency, having acknowledged that there was undue delay in the document in question, will ensure that similar delays will not be repeated.</p> <p>IMA contacted the Office of the Ombudsman and provided further details on the case.</p> <p>The Office of the Ombudsman informed IMA on 29th November 2019 that it will close the case if the complainant did not proceed to provide requested details, which he did not. The Office of the Ombudsman closed the case on 29th November 2019.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Identity Malta (Citizenship & Expatriate Affairs)	T 0171	A complainant opened a case before the Office of the Ombudsman regarding a residence permit.	No recommendation	IMA replied to the Office of the Ombudsman that the complainant's request to be issued with a residence permit was examined. Given the particular circumstances of their situation in Malta, their requests have been acceded to and the residence permits have been issued.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Identity Malta (Citizenship & Expatriate Affairs)	T 0177	A complainant opened a case before the Office of the Ombudsman regarding a residence permit.	No recommendation	IMA replied to the Office of the Ombudsman that the complainant's request to be issued with a residence permit have been examined. Given the particular circumstances of their situation in Malta, their requests have been acceded to and the residence permits have been issued.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Identity Malta (Citizenship & Expatriate Affairs)	T 0180	A complainant opened a case before the Office of the Ombudsman regarding a residence permit.	No recommendation	IMA replied to the Office of the Ombudsman that the complainant's request to be issued with a residence permit was examined. Given the particular circumstances of their situation in Malta, their requests have been acceded to and the residence permits have been issued.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Identity Malta (Citizenship & Expatriate Affairs)	T 0200	A complaint raised in connection with a citizenship application with IMA.	No recommendation	Whilst IMA was still carrying out its investigations, the complainant informed the Office of the Ombudsman that the matter was resolved. IMA was informed on 26 th August 2019 that the Ombudsman closed the case.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Identity Malta (Citizenship & Expatriate Affairs)	T 0231	A complaint lodged by a third country national who was not allowed to apply for a permanent residence card.	No recommendation	The complainant's request has been acceded to and the relative card, reflecting the authority to reside here for the purpose of work, and not on the grounds that he is accompanying an EU national exercising his right of free movement in Malta. An email and a letter addressed to his place of residence as registered with IMA, notifying him to collect the said card, was also sent to him.	Closed without recommendation.
Identity Malta (Citizenship & Expatriate Affairs)	T 0253	The case refers to a letter by the Ombudsman received on the 5 th November 2019 in connection with an application for citizenship submitted in 2017, which to date is still pending.	No recommendation	IMA replied to the Office of the Ombudsman on 15 th November 2019, addressing the points being raised in this case, and submitted the requested documentation/information.	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Identity Malta (Citizenship & Expatriate Affairs)	T 0290	The case refers to a letter by the Ombudsman received on 19 th November 2019, regarding the complainant's allegation that the undue delay in issuing the Single Permit, which is being stated was applied for on 5 th October 2019, is causing undue financial hardship.	No recommendation	The reply to the Office of the Ombudsman dated 26 th November 2019 remarked amongst others that the complainant has collected the said work/residence permit and within a considerably shorter period which is established by law. The Office of the Ombudsman took note of the contents of the subjoined email and proceeded to close this grievance.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Land Registry	T 0229	The complaint refers to a public deed which was signed by the complainant at the Curia of Gozo in 2018. This deed ratified an emphyteutic concession published in a public deed in Acts of Notary of 17 th October 1960 together with subsequent transfers of the land in question.		The Gozo Land Registrar made his comments with regard to this complaint and replied to the Office of the Ombudsman on 25 th November 2019. The case is still under investigation.	Pending at Ombudsman.
LESA	T 0334	A complainant lodged a case before the Office of the Ombudsman on 8 th January 2020 and alleged that he had not been able to contest a contravention that he was given on 18 th September 2019, as he was never notified with the notification of the date of the sitting in front of the Tribunal.		MHSE replied to the Office of the Ombudsman on 20 th February 2020 addressing the points and explaining the incident. LESEA even invited the complainant at the Agency to discuss further and to clarify any points where the complainant believed his points were not answered.	Pending at Ombudsman.



MINISTRY FOR HOME AFFAIRS, NATIONAL SECURITY
AND LAW ENFORCEMENT
PRE-2019

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Armed Forces of Malta	N 0272	A senior officer complained that he was passed over for promotion to a higher rank by individuals who were less qualified, less experienced, and less senior.	The Ombudsman recommended that the complainant be awarded €15,000 by way of compensation for the injustice received.	MHAS replied to the Ombudsman, addressing the points being raised in this case, and submitted the requested documentation. The Ombudsman gave his final opinion on 10 th June 2020.	Closed and recommendation not implemented.	Pending at Ombudsman.
Armed Forces of Malta	N 0296	A senior officer complained that he was passed over for promotion to a higher rank by individuals who, in his view, had lower professional and academic qualifications and who were less qualified, less experienced, and less senior.	The Ombudsman recommended that complainant be awarded €15,000 by way of compensation for the injustice received.	MHAS replied to the Ombudsman, addressing the points being raised in this case, and submitted the requested documentation. The Ombudsman gave his final opinion on 10 th June 2020.	Closed and recommendation not implemented.	Pending at Ombudsman.
Armed Forces of Malta	N 0307	A senior officer complained that he was passed over for promotion to a higher rank by individuals who were less qualified, less experienced, and less senior.	The Ombudsman recommended that the complainant be awarded €15,000 by way of compensation for the injustice received.	MHAS replied to the Ombudsman, addressing the points being raised in this case, and submitted the requested documentation. The Ombudsman gave his final opinion on 10 th June 2020.	Closed and recommendation not implemented.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Armed Forces of Malta	N 0310	A senior officer complained that he was passed over for promotion to a higher rank by individuals who were less qualified, less experienced, and less senior.	The Ombudsman recommended that the complainant be awarded €15,000 by way of compensation for the injustice received.	MHAS replied to the Ombudsman, addressing the points being raised in this case, and submitted the requested documentation. The Ombudsman gave his final opinion on 10 th June 2020.	Closed and recommendation not implemented.	Pending at Ombudsman.
Armed Forces of Malta	P 0008	The grievance arises out of a General Order whereby the complainant's appointment was relinquished. He was later informed that he would be transferred to another place and was allegedly given no operational reason for this.		On the 28 th March 2017, the Ministry explained to the Office of the Ombudsman that the complainant was transferred in view of the exigencies of the service.	Pending at Ombudsman.	Pending at Ombudsman.
Armed Forces of Malta	P 0022	The complainant is claiming that he suffered an injustice following the relinquishment of his appointment.		On 28 th March 2017, the Ministry explained that the complainant was transferred in view of the exigencies of the service.	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Armed Forces of Malta	P 0230	An officer in the grade of Warrant Officer II complained with respect to the accelerated promotion granted to Warrant Officer I in 2014.	No recommendation	The AFM provided the Ombudsman with documentation with respect to a previous identical case in which the Ombudsman stated that the AFM can be flexible and that it did not exceed its powers or abuse the discretion afforded to it at law when promoting personnel on an accelerated basis. The Office of the Ombudsman closed the case on 20 th August 2019.	Closed without recommendation.	Pending at Ombudsman.
Armed Forces of Malta	Q 0349	Grievance following the promotions to the rank of Colonel.	No recommendation	Appointments and subsequent promotions are governed by the Malta Armed Forces Act. Rule 4 (1) (a) and (c) of the Appointments and Conditions of Service of the Regular Force Regulation, S.L. 220.03 of the Laws of Malta state that "Appointments to the staff in the rank of Colonel and above shall be made by the Minister and the qualifications and procedure for staff appointment, the tenure of appointment on the staff and the termination of such appointment shall be such as the Minister may from time to time determine." The	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Armed Forces of Malta	R 0048	The officer complained that he was not promoted in the 2015 promotion exercise because there was no vacancy in his section. The officer expected to be treated as a special case due to duties performed.		appointments referred to by the complainant were made in accordance with powers vested at law as stated above. MHAS replied to the Office of the Ombudsman on 5 th June 2017, addressing the points being raised in this case, and submitted the requested documentation.	Pending at Ombudsman.	Pending at Ombudsman.
Armed Forces of Malta	R 0052	Claim of alleged injustice consequent to the promotion exercise to a higher rank.		Promotions were carried out in accordance with the Malta Armed Forces Act as well as the related policy on the promotion process to a higher rank. Last correspondence sent by MHSE to the Ombudsman is dated 15 th July 2017.	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Armed Forces of Malta	R 0318	A complaint with respect to a number of promotions issued following complaints submitted to the AFM Complaints Board set up by the Ministry. It was alleged that promotions were given to junior officers following the recommendations of the AFM Complaints Board.		MHAS replied to the Ombudsman on 2 nd August 2019, addressing the points being raised in this case, and submitted the requested documentation.	Pending at Ombudsman.	Pending at Ombudsman.
Armed Forces of Malta	S 0056	A complaint regarding the promotion of an individual who was less senior than the complainant.		MHSE replied on 15 th June 2018 that personnel are awarded points for seniority but are not promoted exclusively on the basis of seniority. In addition, officers in the complainant's particular grade need to satisfy certain criteria and a vacancy needs to be available for the promotion in question.	Pending at Ombudsman.	Pending at Ombudsman.
AWAS	R 0249	A confidential case concerning professional services to AWAS.		The Ministry replied to the Ombudsman on 12 th December 2018. Meetings have been held with AWAS and the complainant to determine whether payments are actually due to the complainant. However, no agreement could	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Home Affairs and National Security	Q 0288	A complaint by an officer with regard to the decision of the Commission for Injustices in the Armed Forces of Malta that a favourable redress could not be given. The complainant was not satisfied with the decision of the Commission for Injustices in the Armed Forces of Malta, and thus initiated a case with the Ombudsman.		be reached, and legal procedures have been initiated. MHAS replied to the Ombudsman, addressing the points being raised in this case, and submitted the requested documentation. The case has been pending at the Office of the Ombudsman since 25 th February 2020.	Pending at Ombudsman.	Pending at Ombudsman.
Police	O 0237	A complaint filed by a foreign couple with regard to abuse of power by the Divisional Police following a wrongful arrest.		The investigator assigned to the case in question has presented the Ombudsman with all the information requested. Last correspondence dates back to 2016.	Pending at Ombudsman.	Pending at Ombudsman.
Police	R 0146	A complaint filed by a high-ranking officer alleging discrimination in the selection process for a higher rank.		The Malta Police Force replied with remarks and documentation to the Office of the Ombudsman. The case has been pending at the Office of the Ombudsman since 30 th June 2017.	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Police	R 0186	A complaint by an officer regarding an on-call allowance.		All the information requested was forwarded to the Office of the Ombudsman. The case has been pending at the Office of the Ombudsman since January 2018.	Pending at Ombudsman.	Pending at Ombudsman.
Police	R 0199	A complaint about the lack of replies by the Police Board.		The Independent Police Board has reviewed case and recommended reimbursement to the complainant.	Closed without recommendation.	Pending at Ombudsman.
Police	R 0261	A complaint filed by a police officer claiming discrimination after asking to be transferred for medical reasons.		The complainant was transferred according to the exigencies of the services. The case has been pending at the Office of the Ombudsman since 10 th October 2019.	Pending at Ombudsman.	Pending at Ombudsman.
Police	R 0281	A complaint filed by an officer claiming discrimination in the selection process to a higher rank.		Following the submission of replies to the Ombudsman, the police are considering this case closed.	Pending at Police.	Pending at Police.
Police	R 0312	A complaint filed by a shop owner in the absence of police action against a fixed hawkker.	No recommendation	The police took action against the fixed hawkker. Court proceedings are at an appeals stage.	Closed without recommendation.	Suspended due to Court proceedings.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Police	S 0153	The complainant stated that he was refused the third pip in line with Police Circular 16/81 due to an appeal instituted in front of the Courts of Justice.	The Ombudsman recommended that the complainant be awarded the third pip and backdated increments.	The Office of the Permanent Secretary does not agree with the Ombudsman's recommendation.	Closed and recommendation not implemented.	Suspended due to court proceedings.
Correctional Services	S 0075	The inmate is alleging that he is not receiving prompt medical treatment.		CCF cooperated with the Office of the Ombudsman case officer by providing requested details on the provided medical treatment. The case has been pending at the Office of the Ombudsman since 11 th October 2019.	Pending at Ombudsman.	Pending at Ombudsman.
Office of the Permanent Secretary	S 0117	A complaint arising from a request for the payment of overtime carried out by police officers from 1 st September 1993 to 31 st December 2009. Such a request for overtime by the complainant was turned down after he applied for the scheme after the application's deadline.		The Office of the Ombudsman was informed that the application period for the submission of requests was extended but the complainant still applied over two months after the closure of scheme extension.	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
LESA	S 0007	A complaint lodged by a private company complaining that it had acquired vehicles by virtue of a judicial sale by auction (<i>subbasta</i>) but that, since there are several fines imposed on the vehicles from previous owners, the vehicles could not be released to enable their re-sale accordingly.	The Ombudsman recommended the release of the vehicles from the previous owners so the complainant could re-sell the vehicles.	After a lengthy correspondence exchange between the Office of the Ombudsman, the LESA legal counsel and the complainant's lawyer, the contraventions were lifted by LESA as recommended by Office of the Ombudsman.	Closed and recommendation implemented.	Pending at Ombudsman.
LESA	S 0236	A complaint lodged in connection with a request for CCTV footage which was not provided following the theft of a mobile phone.		The complainant filed a police report on 6 th June 2018 stating that his mobile phone had been stolen, indicating that the area from where it was stolen was equipped with CCTV cameras pertaining to LESA. The complainant called LESA Offices and requested a copy of the footage, as guided by the Police. It was established that the CCTV cameras were the property of G4S but were leased to LESA. G4S was in this regard solely responsible for the storage of footage. Due to data protection issues, only the police have the authority to request the footage and not the complainant. The complainant	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
LESA	S 0282	A complainant claiming that due to a take-away outlet in Triq ix-Xatt, Kalkara, double parking has become a constant problem when clients stop in this two-way street to collect their orders and so he suggested the fixing of bollards in this area.		<p>communicated with LESA on 22nd June 2018 but, by that time, the footage had already been deleted. The Ombudsman requested an explanation as to why the LESA employee had failed to act in time.</p> <p>The issue was outside LESA's remit since the complainant was misguided, and when the request for footage was made, this had already been deleted. LESA replied to the Office of the Ombudsman on 6th December 2018.</p>	Pending at Ombudsman.	Pending at Ombudsman.
				<p>The Office of the Ombudsman was informed that TM had discussed this matter with the Safety Audit Department and concluded that bollards cannot be fixed as these would be dangerous to buses and heavy vehicles. However, they have come up with a temporary measure for the area which includes cat eyes in the middle of the road and a road hump which will be installed by TMRSD. It was highlighted again that the area</p>		

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>needs to be monitored by Community Officers. The Office of the Ombudsman informed TM that the complaint has been referred to LESA.</p> <p>LESA collated feedback from the local council and related departments. The Agency continued to provide enforcement during the operative hours to eliminate any illegal parking which could be hazardous to other drivers and passers-by.</p> <p>LESA replied to the Ombudsman on the 20th of May. The agency is considering extending the operative hours till 22:00hrs. The Office of the Ombudsman replied on the 4th July 2019 asking whether it was possible to install CCTV cameras. LESA replied on the 23rd July of 2019 stating that installation of CCTV is to be handled by the Local Council and LESA should monitor the footage.</p>		

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>The Office of the Ombudsman replied on the 10th September so as to find a solution. LESA replied on the 15th September stating that from their end they will continue to monitor the place, but CCTV installation is within the Local Council's remit which will not solve the situation.</p> <p>Another letter was received from the Office of the Ombudsman with instructions to install the CCTV. LESA replied on the 24th September that such remit falls under the local council.</p>		
Identity Malta Agency	S 0119	<p>A complaint lodged by a private company contracted by IMA to provide staff for IMA. The complainant contends that for the months of May, June, and July 2018 payments were made directly to the individuals instead of the service provider being paid as per contract.</p>		<p>IMA replied that the contract signed with the private company stipulated the payment at a certain rate per hour for each worker.</p> <p>For the months of June and July 2017, the private company failed to pay the respective wages to the staff concerned and eventually the Department of Industrial Relations (DIER) instituted criminal proceedings against the private company for</p>	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>failing to pay these two employees for the work carried out during their employment during these two months.</p> <p>Criminal proceedings found the private company guilty of the charges brought against it and the court judgment stated that it had to pay all outstanding salaries to the employees concerned.</p> <p>Despite this court judgment, the cheques given to the employees concerned bounced back when they tried to cash them, and it was only recently that one of the employees was paid the amount due.</p> <p>The other employee, however, has still not been paid. Due to the fact that the private company was failing to pay these employees, IMA decided to start issuing direct salary payments to them and the remaining outstanding amounts to the private company. No remaining amounts are due to the private company. Further clarifications with the Office of the Ombudsman</p>		

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Identity Malta Agency	S 0221	A complaint by an IMA officer who was deemed ineligible and whose qualifications were not recognised, and hence the said officer was not promoted to a higher grade.		<p>were made after exchanges of email.</p> <p>The case has been pending at the Office of the Ombudsman since 20th February 2020.</p> <p>The Office of the Ombudsman requested IMA comments on this alleged grievance. IMA replied by explaining that the internal call was issued on 27th February 2018 but by the closing date the applicant had failed to prove satisfaction of the eligibility criteria in respect of the qualifications required for this call. In December 2018 the Office of the Ombudsman communicated to IMA following IMA letter dated 2nd November 2018. The Ombudsman pointed out that the applicant is already in possession of two qualifications which are equivalent to the eligibility requirements of the call. IMA, however, does not agree that the complainant is in possession of the requisite qualifications. It is also to be noted that by the closing date of call, the applicant failed</p>	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Identity Malta (Expatriates)	S 0175	A complaint received by IMA in August 2018 lodged on behalf of a third country national who has been living in Malta for a number of years and who is the father of a Maltese citizen. He complained with regard to the failure of IMA to take a decision and to issue a residence document in accordance with the law.	No recommendation	<p>to provide the necessary proof of qualifications. The clarifications on the certificates were only provided five months after the closing date.</p> <p>The case has been pending at the Office of the Ombudsman since 14th January 2019.</p> <p>In September 2018, IMA informed the Office of the Ombudsman that only the application for employment is still pending. The said application was being examined on grounds of current labour market policies, whereby consideration was given to community legislation and the individual's background regarding his immigration position and conduct in Malta. In October 2018, IMA replied that the agency was still examining the individual's request, taking also into consideration the fact that he was a repeat offender and having already been convicted twice. In April 2019, IMA informed the Office of the Ombudsman that the agency was still examining the case in</p>	Closed without recommendation.	Pending at Ministry.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>view that other entities are involved in the process and therefore IMA required more time in order to finalize the case. In April 2019, IMA wrote to the Malta Police Force requesting their views on the case. In June 2019, IMA again wrote to them stating that in the circumstances, a work/residence permit which has been pending for such a long period of time, should be issued. They were further asked by IMA to review their position. Given that a reply was not yet received, in August 2019, IMA wrote to the Malta Police Force again. In October 2019, IMA informed the Office of the Ombudsman that the application has been acceded to and a residence permit was issued to the complainant. IMA was informed on the 4th October 2019 that the Ombudsman will proceed to close the case.</p>		

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Identity Malta Agency	S 0205	<p>A complaint lodged in October 2018 by a third country national in connection with his application for EU Permanent Residence. The complainant applied for an EU Permanent Residence Card in March 2018 and experienced considerable delays and contends that the application process was badly administered. The residence document which was eventually issued is valid for five years. He claims that this goes against Regulation 7 of SL 460.17 wherein it is stated that the EU Permanent Residence Card should have a validity of ten years. He is therefore requesting that the EU Permanent Card be issued with the correct period of validity as indicated by law without needing to go through the entire process again.</p>		<p>Identity Malta replied to the Ombudsman in April 2019, addressing the points being raised in this case, and submitted the requested documentation.</p>	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Identity Malta Agency	R 0326	A complaint lodged regarding an application for the issue of a working visa, which was still pending after 146 days.		<p>The complainant had actually applied for an employment licence directly at Jobsplus. Therefore, before he could apply for a residence permit with Identity Malta, he had to be in possession of an employment licence issued by Jobsplus. Identity Malta was made aware about this issue when the complainant had already exhausted his original authorisation period to stay in Malta, and therefore he was in Malta illegally.</p> <p>In February 2018, Identity Malta replied to the Office of the Ombudsman informing of all the above. A meeting involving Identity Malta, the Office of the Ombudsman, Jobsplus and the Immigration Police consequently took place in May 2018.</p>	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Identity Malta (Expatriates)	R 0195	<p>A complaint by an EU citizen on behalf of his partner alleging an injustice in the application of Directive 2004/38 on the freedom of movement of EU nationals and members of their family. It was claimed that his relationship with a third country national outside the European Union is depriving his partner of legitimate rights and is causing prejudice even with respect to an indefinite work permit and to foster a stable family relationship with him. The complainant insisted that being an EU national residing in Malta entitled his partner to all EU family membership rights.</p>	<p>No recommendation</p>	<p>The Ombudsman requested IMA views on the matter and any documents related to the case.</p> <p>The IMA replied to the Office of the Ombudsman that the request for admittance and residence of the complainant's partner cannot be considered under the provisions of Directive 2004/38, which were transposed into the Maltese Legislation by SL 460.17 - Free Movement of European Nationals and their Family Members Order. The IMA submitted links to documents in its reply to the Ombudsman to show that the request can only be considered under national legislation and policies.</p> <p>A meeting between IMA and the Office of the Ombudsman was also held in May 2019 following which, on 19th September 2019, the IMA was informed by the Ombudsman that the case is closed.</p>	<p>Closed without recommendation.</p>	<p>Pending at Ombudsman.</p>



MINISTRY FOR JUSTICE, EQUALITY AND GOVERNANCE

MINISTRY FOR JUSTICE, EQUALITY AND GOVERNANCE

In 2019, the Ministry for Justice, Equality and Governance reported a total of 5 cases referred by the Parliamentary Ombudsman. Three of these cases were opened in 2019, while the remaining 2 cases were opened prior to 2019. Four of these 5 cases are closed, while the remaining case is suspended due to court proceedings. From the closed cases, 2 of these cases were closed without a recommendation, another case was closed by the Ombudsman after the management replied to one request for information, while the other case was closed as the case was withdrawn by the complainant.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Justice, Culture and Local Government	T 0215	A complaint concerning a foreign national in connection with an online platform used in submission of an FOI.	No recommendation	<p>The Office of the Ombudsman requested information on 4th September 2019. The requested information was obtained from the FOI section within the Ministry and a detailed explanation was forwarded by the Permanent Secretary to the Office of the Ombudsman on the 6th September 2019. The Ombudsman replied on 13th September requesting more details regarding the case. On 24th September the Office of the PS MJCL replied with further details. The Ombudsman asked the Ministry's liaison officer whether the situation was resolved. A reply was provided on the 8th of November 2019.</p> <p>During the entire proceedings, the FOI system still allowed users to submit online requests, albeit without the use of eID registration. However, the Strategy Support Directorate, together with the Office of the CIO within the MJCL, were in constant communication with the supplier with regard to the matter of the eID sign in, who in turn made the necessary inspections to be able to address these issues. The eID issue and other website requirements will be</p>	Close without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Justice, Culture and Local Government	T 0240	A confidential case concerning ARB.	No recommendation	<p>worked upon and resolved by the supplier. The Ombudsman closed the case on 22nd November 2019.</p> <p>The Office of the Ombudsman requested information from the ARB on the 23rd September 2019. A reply was prepared, however, in the meantime the complainant withdrew the case.</p>	Closed, case withdrawn by complainant.
Malta Arbitration Centre	T 0292	A complaint was lodged by the claimant in an arbitration case, contending that there is a failure on the part of the Malta Arbitration Centre to administratively proceed with an arbitration application filed with the Centre in 2012.	No recommendation	<p>The Office of the Ombudsman requested information on 6th November 2019. A letter was sent by the Centre on 12th November 2019 to explain the Centre's position - proceedings are ongoing and the case is now pending the delivery of the award. The Ombudsman closed the case on 20th November 2019.</p>	Closed by the Ombudsman after the management replied to one request for information.



MINISTRY FOR JUSTICE, EQUALITY AND GOVERNANCE
PRE-2019

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
<p>The National Commission for the Promotion of Equality</p>	<p>Q 0025</p>	<p>The complainant filed a complaint with the Office of the Ombudsman after he had already referred his case to the NCPE which had provided a decision in 2015 with which the complainant did not agree. This case arose after complainant was not allowed to be deployed to a foreign posting.</p>	<p>The Office of the Ombudsman provided his 'Final Opinion' in October 2019 stating that no recommendations will be provided because the complainant went on deployment.</p>	<p>The NCPE provided feedback to the Ombudsman in 2016 and since then the case is still open. Feedback from the Ombudsman was provided on 1st August 2019, indicating that they are in the process of drafting a final opinion.</p> <p>Following the Ombudsman's 'Final Opinion', no other action was taken. The Ombudsman closed the case on 21st October 2019.</p>	<p>Closed without recommendation.</p>	<p>Pending at Ombudsman.</p>
<p>Law Courts</p>	<p>R 0246</p>	<p>A member of the public lodged a complaint that the refusal on the part of the Law Courts Registry to accept the application for self-representation was in breach of a right which is prescribed within the provisions of Article 48(2) of the EU Chapter and Article 6 (3)(b) of the European Convention of Human Rights.</p>	<p>The same grievance was raised before the First Hall Civil Court in its Constitutional Jurisdiction and the Office of the Ombudsman suspended the investigation in terms of Article 13(5) of the Ombudsman Act.</p>	<p>No action was taken as the case was suspended.</p> <p>The complaint is before the First Hall Civil Court in its Constitutional Jurisdiction.</p>	<p>Suspended due to Court proceedings.</p>	<p>Suspended due to Court proceedings.</p>



MINISTRY FOR TOURISM
AND CONSUMER PROTECTION

MINISTRY FOR TOURISM AND CONSUMER PROTECTION

In 2019, the Ministry for Tourism and Consumer Protection dealt with a total of four cases referred to by the Parliamentary Ombudsman, two of which were opened in 2019 while the other two pre-date 2019. Three of these four cases were in this regard successfully closed, two without the receipt of any recommendation and the other after the Ministry implemented the recommendation forwarded by the Ombudsman. The remaining case is still pending at the Ombudsman and has been so for over 18 months.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Malta Tourism Authority	T 0096	A complaint regarding a vacancy call issued within the Authority. The complainant is stating that even though he did well in the interview, the post was given to another employee who joined the Authority after him and was less qualified. The complainant is alleging that he fared better on the objective criteria when compared to the selected candidate.	No recommendation	The MTA held a meeting with the Office of the Ombudsman on 19 th June 2019. Following this meeting, the Office of the Ombudsman informed MTA that the case was being closed without further investigation.	Closed without recommendation.
Ministry for Tourism and Consumer Protection	T 0205	The complainant claimed compensation of frozen salary increments during the complainant's employment with Air Malta between 2004 and 2012, which claim the Review Board decided was not justified. The complainant is claiming that other employees who had an identical situation received compensation.	No recommendation	A thorough explanation was provided to the Office of the Ombudsman justifying why the complainant's decision differed from the others. It was mainly related to the pension adjustment. Pension adjustments result from last salaries on the termination date and in this case the aggrieved person has approximately 25 years to retire. Therefore, there is sufficient time for his pension to be adjusted. The Ombudsman accepted this justification and closed the case.	Closed without recommendation.



MINISTRY FOR TOURISM
AND CONSUMER PROTECTION
PRE-2019

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
<p>Malta Competition and Consumer Affairs Authority</p>	<p>S 0197</p>	<p>A complaint concerning a recruitment process.</p>	<p>In his final opinion, the Ombudsman noted that there are no grounds for administrative malpractice. However, the Ombudsman also noted that the minutes or notes should be taken during the interview process and the outcome of the interviews should be communicated to candidates without undue delay.</p>	<p>The Office of the Ombudsman requested various documents such as the qualifications of the top two candidates, as well as the report drawn up by the selection board. The Authority provided all the required documentation and replied to the questions forwarded by the Office of the Ombudsman. Further feedback and documentation was requested by the Ombudsman between October 2018 and June 2019.</p> <p>The Authority is committed to improve the current recruitment process by means of an ad hoc policy which goes beyond the recommendation of the Ombudsman to ensure that principles of good governance and fairness are maintained throughout the recruitment process. The recruitment policy will require (i) that the outcome of the interviews are communicated within 20 working days from the date of the last interview, ii) that selection criteria and questions are agreed to by the interviewing</p>	<p>Closed and recommendation implemented.</p>	<p>Pending at Ombudsman.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Malta Competition and Consumer Affairs Authority	S 0213	A complaint by a candidate claiming that the recruitment process was irregular.		<p>board prior to the short-listing of candidates so as to ensure that criteria or questions are not altered to favour a particular candidate, (iii) that notes be taken during the interviewing process and a copy of such notes be kept in the respective recruitment file, and that (iv) a report of the interviewing process be drawn up by the interviewing board and signed by each member. The report should contain justifications for the allocation of marks.</p> <p>The actions the Authority is taking were communicated to the Ombudsman on the 23rd December 2019. These actions take on board the Ombudsman's recommendations and subsequently the case was closed.</p>	Pending at Ombudsman.	Pending at Ombudsman.
				<p>The Office of the Ombudsman requested the file containing all the documentation related to this particular call for applications. The Authority provided all the required documentation and</p>	Pending at Ombudsman.	

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>replied to the questions posed by the Office of the Ombudsman. The final feedback was provided by the Authority in April 2019.</p>		



MINISTRY FOR TRANSPORT,
INFRASTRUCTURE AND CAPITAL PROJECTS

MINISTRY FOR TRANSPORT, INFRASTRUCTURE AND CAPITAL PROJECTS

In 2019, the Ministry for Transport, Infrastructure and Capital Projects dealt with a total of 36 cases referred to by the Parliamentary Ombudsman. Out of these 36 cases, 29 of them were opened in 2019 while the remaining 7 cases were opened prior to 2019. In 2019, 27 cases were deemed closed while 9 cases are still open.

From the closed cases, 18 were closed without a recommendation, while another 3 were closed after the management replied to one request information. Two cases were closed and the recommendation implemented, and another two cases were closed and the recommendation noted. Two more cases were closed as both the complainant and the Office of the Ombudsman respectively withdrew the cases.

On the other hand, 7 cases from the mentioned opened cases are pending at the Ombudsman. Three from these 7 cases have been pending at the Ombudsman between 3 to 6 months, while another 4 have been pending between 6 to 12 months. One of the remaining two cases has been pending at the Ministry for less than a month, while the other case has been pending between 6 to 12 months.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Infrastructure Malta Agency	T 0021	The case relates to a review conducted by the Office of the Ombudsman on the decision which the CEP gave on 23 rd January 2019 regarding the formation of a private road and the consequent adjustment made to Louis Wettinger Street, Mellieħa (Mellieħa By-pass).		On 8 th April 2019, the Office of the Ombudsman requested a meeting with different officials from TM, IM, the Planning Authority, and the Lands Authority. Information and documentation requested by the investigating officer were all passed to the latter. Moreover, a meeting with the investigating officer and the IM architect was also requested by the Office of the Ombudsman. After the meeting, further clarifications were sought by the investigating officer and they were also asked to re-send a file which had already been handed to him earlier. Further questions were submitted by the Office of the Ombudsman on the 12 th November 2019, which were replied to on 30 th December 2019. The case has been pending at the Ombudsman since then.	Pending at Ombudsman.
Infrastructure Malta Agency	T 0108	A complaint relating to a claim for compensation which was refused by Infrastructure Malta.	The Office of the Ombudsman recommended that the claim is settled.	The Office of the Ombudsman was informed that a 'release and discharge' form will be sent to the complainant, which must be signed and returned to IM. The Office of the Ombudsman was also informed that upon receipt of the required documentation the relevant cheque will be sent to the complainant.	Closed and recommendation implemented.

STATUS

ACTION TAKEN & MANAGEMENT COMMENTS

RECOMMENDATION BY OMBUDSMAN

BRIEF DETAILS OF CASE

OMBUDSMAN CASE REFERENCE

SECTOR/DEPARTMENT

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
<p>Infrastructure Malta Agency</p>	<p>T 0155</p>	<p>A complaint regarding a claim for compensation for damages caused to the complainant's vehicle.</p>	<p>The Office of the Ombudsman recommended that the claim is settled.</p>	<p>Following Infrastructure Malta's reply, the Office of the Ombudsman closed off the case. Redress was achieved through the Ombudsman's intervention.</p> <p>The Office of the Ombudsman was informed that the claim brought forward by the complainant was not relatively reasonable for IM to accept it. To this reply, the Ombudsman requested further clarifications and also the copy of the relevant file. The requested documentation was provided accordingly. The Office of the Ombudsman submitted its final opinion and recommended that the claimant is reimbursed the sum of €198.47. Infrastructure Malta complied with this recommendation and sent a cheque to the claimant with the said amount. The case was closed off by the Office of the Ombudsman.</p> <p>Redress was achieved through the Ombudsman's intervention.</p>	<p>Closed and recommendation implemented.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Infrastructure Malta Agency	T 0214	A complaint relating to a claim for compensation for damages caused to his vehicle.	The Office of the Ombudsman recommended that the claim is settled.	Infrastructure Malta discussed this complaint through a meeting with the Investigating Officer. The Office of the Ombudsman requested documentation and comments about this claim which were provided by Infrastructure Malta. After analysing the documents provided, the Ombudsman requested further comments about the case. The Office of the Ombudsman was informed that the Claims Committee revised the claim and it was agreed that the claim is justified. The claimant was reimbursed accordingly before the Office of the Ombudsman submitted the recommendations. Redress was not achieved through the Ombudsman's intervention.	Closed and recommendation noted.
Infrastructure Malta Agency	T 0238	A complaint regarding a claim for compensation for damages which was refused by Infrastructure Malta.		Infrastructure Malta provided the Office of the Ombudsman with documentation and information on the reasons for rebuttal of this claim. The case has been pending at the Office of the Ombudsman since 7 th February 2020.	Pending at Ombudsman.
Lands Authority	T 0010	A complaint relating to the request for redemption of ground rent which is long overdue.		On 14 th February 2019, the Lands Authority replied to the Office of the Ombudsman's initial letter, dated 12 th February 2019, stating that	Pending at Ministry.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>since the property pertaining to the complainant formed part of a larger tenement, the ground rent had to be apportioned, hence the process was lengthier and the complainant will be contacted once the process reaches its final stages.</p> <p>The Office of the Ombudsman requested the Lands Authority to provide a timeframe within which the said process was going to be finalised in order to inform the complainant accordingly. As such, the Lands Authority informed the Office of the Ombudsman that the relative file was at the Records Section's end in order to complete registration process.</p> <p>Moreover, the Office of the Ombudsman was informed that once such a process was complete, the recognition process would be finalised by the Legal Section within the Lands Authority. The Office of the Ombudsman once again requested the Lands Authority to provide an estimated timeframe within which the redemption of the ground rent was to be finalised. The Expropriation and Contracts Section within the Lands Authority advised that the file is at the</p>	

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>Joint Office for registration purposes, and before the registration is finalised the request for redemption cannot proceed further.</p> <p>The Office of the Ombudsman was informed on the 15th September 2020 that Lands Authority is still awaiting the registration of land by the Joint Office. The Office of the Ombudsman was also informed that although they are processing this registration, further verification is required, thus they cannot provide an estimated date when this process will be finalised.</p> <p>The case has been pending at the Lands Authority since 15th September 2020.</p>	
Lands Authority	T 0033	A complaint concerning the lack of compensation for a site which has been used by the government for public development.	No recommendation	<p>The Lands Authority informed the Office of the Ombudsman that it is not the entity responsible for the Local Plans, hence the complainant's request should not have been addressed to the Lands Authority. On 16th May 2019, the Office of the Ombudsman informed the Lands Authority that the case was closed off.</p>	Closed by the Ombudsman after the management replied to one request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Lands Authority	T 0090	A complaint concerning the redemption of ground rent.	No recommendation	The Lands Authority informed the Office of the Ombudsman that the complainants' request for the redemption of their property's ground rent was approved by the Board of Governors of the Lands Authority, and the complainants will be contacted in due course for the publication of the final contract. The Office of the Ombudsman closed off the case. The case was not settled due to the Ombudsman's intervention.	Closed without recommendation.
Lands Authority	T 0095	A complaint relating to a decision taken by the Lands Authority in regard to an application for the lease or purchase of a portion of land requesting the right of first refusal.	No recommendation	The Lands Authority informed the Office of the Ombudsman that by virtue of a letter dated 11 th March 2019, the complainants were informed that it is the Administrative Review Tribunal's competence to hear and determine cases lodged by persons who feel aggrieved by a decision taken by the Lands Authority. On 27 th June 2019, the Lands Authority was informed that the Office of the Ombudsman was closing off the case. The case was closed as such cases are not the remit of the Ombudsman but the remit of the Administrative Review Tribunal.	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Lands Authority	T O111	A complaint relating to the redemption of ground rent to which the complainant's properties are subjected to.	No recommendation	<p>Communication from the Office of the Ombudsman was received on 14th May 2019. The Lands Authority informed the Ombudsman that due to ongoing verifications being carried out by officers within the Lands Authority, the process takes longer to finalise. The Ombudsman requested the Lands Authority to provide an estimated timeframe within which the redemption of the ground rent was to be finalised. It later transpired that the file was missing the registration thus redemption could not be finalised. The file was sent to the Joint Office for the registration, but this could not be effected as the documentation needed from the complainant was missing. The complainant was contacted by the joint office so as to provide the necessary documentation. The investigating officer was informed about this update and closed off the case.</p> <p>The case was not settled due to the Ombudsman's intervention.</p>	Closed without recommendation.

STATUS

ACTION TAKEN & MANAGEMENT COMMENTS

RECOMMENDATION BY OMBUDSMAN

BRIEF DETAILS OF CASE

OMBUDSMAN CASE REFERENCE

SECTOR/DEPARTMENT

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Lands Authority	T 0122	A case relating to a complaint in connection with an application for the development of land in Mellieħa.	No recommendation	The Lands Authority informed the Office of the Ombudsman that on 11 th June 2018, the applicants' architect was notified by the Lands Authority's officials that the PLA application was closed off since the documentation requested on 8 th May 2018 were not submitted within the stipulated timeframe. However, the architect was notified that a new application may be submitted. On 10 th June 2019, the Office of the Ombudsman requested the notification that was sent to the architect, dated 11 th June 2018. The notification was provided accordingly. The case has been closed by the Office of the Ombudsman. The case was not settled due to the Ombudsman's intervention.	Closed without recommendation.
Lands Authority	T 0156	A complaint relating to a property being possessed by the Government for €34,94 a year. The complainants alleged that this amount is meagre at this day and age and requested the Lands Authority to increase the rental value.	No recommendation	The Office of the Ombudsman was informed that Chapter 573 of the Laws of Malta provides that the compensation due in cases of possession of use is issued after the architects compile an estimate of the property before it is demolished. However, in the majority of these cases, the authority does not have a plan of the property before its	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Lands Authority	T 0183	A complaint relating to unanswered letters addressed to the Joint Office regarding land in Delimara.	No recommendation	The joint office replied to the complainant and kept in copy the Office of the Ombudsman, whereas it was explained that an Ombudsman case had already been opened and closed related to same matter, and that unless the complainant proves that the property in question belongs to his family by means of a deed, the joint office's position will not change. On 12 th February 2020, the joint office was informed that this case has been closed off and re-opened with a new reference, i.e. U 0028.	demolishing, therefore, the provisions of Chapter 573 cannot be applied. Moreover, the Office of the Ombudsman was also informed that a number of court cases were lodged against the authority for the recuperation of the compensation due and the authority is awaiting a court judgment in order to follow a consistent line of action. The case has been closed by the Office of the Ombudsman.
Lands Authority	T 0191	A complaint relating to the request for redemption of ground rent which is long overdue.	No recommendation	The Lands Authority informed the Office of the Ombudsman that the Legal Section within the Lands Authority were waiting for the provision of	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Lands Authority	T 0194	A complaint relating to a tender published in relation to a property in Valletta. The tender was not awarded in favour of the complainant's and after requesting an explanation from the Lands Authority, they remained without an answer.	No recommendation	<p>several documents from the complainant's end in order to proceed with the recognition process. The Office of the Ombudsman was further informed that once these documents are provided, the recognition process would be finalised and the process relating to the redemption of the ground rent would commence. The case has been closed by the Office of the Ombudsman.</p> <p>The case was settled not due to the Ombudsman's intervention.</p> <p>The Lands Authority informed the Office of the Ombudsman that, by virtue of a letter dated 6th August 2019, the Lands Authority replied to the lawyer representing the complainants, providing the reasons as to why the complainants were not awarded the tender. The case has been closed by the Office of the Ombudsman.</p> <p>The case was settled not due to the Ombudsman's intervention.</p>	Closed by the Ombudsman after the management replied to one request for information.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Lands Authority	T 0195	A complaint relating to a request which remained unanswered, notwithstanding several reminders from the complainant's end.	No recommendation	The Office of the Ombudsman requested the Lands Authority to reply to the complainant's letter dated 22 nd June 2017 by 9th October 2019. The Lands Authority informed the Ombudsman that the land in question was in the process of registration and that once registration was finalised, the authority would be able to provide a reply to the complainant. On 9 th October 2019, the complainant was informed that the relative file was being vetted by the Legal Section within the Lands Authority and that the authority would contact him once process of vetting is finalised. The Office of the Ombudsman was informed about this update and the case was closed by the Office of the Ombudsman. The case was settled not due to the Ombudsman's intervention	Closed without recommendation.
Lands Authority	T 0234	A complaint relating to the request for redemption of ground rent which is long overdue. The complainant also alleged unfair discrimination due to the fact that tenants of other properties which formed part of the same ground	No recommendation	Communication from the Office of the Ombudsman was received on 4 th September 2019. The Lands Authority informed the Ombudsman that the reason why the process is taking longer to finalise is due to the fact that the complainant	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Lands Authority	T 0247	<p>rent as the complainant had already redeemed the ground rent.</p> <p>A complaint relating to the transfer of a divided portion of land in Gozo. The complaint is alleging that despite his interest in purchasing the land in question and his submission of a notice of first refusal, the Authority has apparently been preparing to transfer this land to another bidder.</p>		<p>converted part of his residence for commercial purpose as per two separate licences issued to two separate individuals as confirmed by the Commerce Department.</p> <p>The case was closed by the Ombudsman in August 2020.</p> <p>On 16th December 2019, the Lands Authority informed the Office of the Ombudsman that the complainant had lodged the application requesting the right of first refusal after the tender had been adjudicated. Further clarifications were sought by the Office of the Ombudsman, also throughout a meeting. The investigating officer requested the file in question and to explain the tender procedure. Requested documentation was passed to the investigating officer accordingly.</p> <p>The case has been pending at the Office of the Ombudsman since 23rd January 2020.</p>	<p>Pending at Ombudsman.</p>
Lands Authority	T 0302	<p>A complaint relating to another case which was handled by the Office of the Ombudsman earlier the same year and which was closed off but re-opened</p>		<p>The investigating officer was informed by the Legal Section within the Lands Authority with the reasons why the right of first refusal was not accepted in this tender, i.e. the</p>	<p>Pending at Ombudsman.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
<p>Transport, Infrastructure and Capital Projects</p>	<p>T 0196</p>	<p>with a different number. The case relates to the justification as to why the tender was not accepted which was not justified.</p> <p>A complaint regarding On Duty Call Allowance not being paid for the period of July 2018 till January 2019, whilst other employees had been paid.</p>	<p>No recommendation</p>	<p>tender was in name of a company whilst the right of first refusal was done in the name of an individual. The file relating to this case was requested by the investigating officer, which was sent to the latter as requested.</p> <p>The case has been pending at the Office of the Ombudsman since 4th March 2020.</p> <p>MTIP informed the Office of the Ombudsman that the complainant's on duty call allowance was endorsed by his director, but later, through a P&SD audit, it transpired that the request was being filed under the wrong section. A new request under the correct section had been submitted but was refused by the P&SD. A request for reconsideration of the decision was made by the Ministry but P&SD confirmed their decision.</p> <p>Documentation was requested by the Office of the Ombudsman which was duly passed. On 9th December 2019, the Ombudsman was informed that the complainant will be paid the on duty call allowance for the period of July 2018 till January 2019. The Office of</p>	<p>Closed without recommendation.</p>

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Transport, Infrastructure and Capital Projects	T 0221	A complaint relating to the refusal of extension of a contract of work with respect to a Senior Operator.	No recommendation	<p>The Ombudsman closed the case on the 30th December 2019.</p> <p>The Ombudsman's intervention for this case was crucial.</p> <p>The Office of the Ombudsman was informed that the reason for the refusal of extension was based on the fact that work in the section that the complainant worked in has diminished since the service legal agreements are now replacing the in-house human resources. The case was closed by the Office of the Ombudsman on 1st November 2019.</p> <p>The complainant did not achieve redress for his case.</p>	Closed by the Ombudsman after the management replied to one request for information.
Transport Malta	T 0018	A case relating to a complaint lodged by a Transport Malta employee in connection with a headship position within the same entity.	The Office of the Ombudsman recommended that TM should consider offering an opportunity to the complainant for his progression with the Authority to use his full potential and for an active role in projects and expert groups as he was entrusted with before suspension.	<p>On 7th March 2019, TM forwarded the requested documentation, i.e. the recruitment file required to the Office of the Ombudsman. On 14th June 2019, the Investigating Officer wrote that he analysed the relative file which was sent to him earlier but requested further clarifications. Requested clarifications were sent to the Ombudsman on 24th July. On 15th November 2019, the Investigating</p>	Closed and recommendation noted.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>Officer wrote directly to TM's Chairman requesting his comments on the complaint in question. TM's lawyer replied to the investigating officer on the 24th December 2019 in which he explained that the complainant was part of a fair interview process for the post of Head Port Operations, in which he passed, however, he placed second. The complainant was placed on the waiting list for a year, since only one candidate was required for the post. On 15th May 2020, the Ombudsman sent the final opinion to TM's Chairman, also including his recommendations. TM acknowledged the Ombudsman's recommendations and stated that should any future opportunities would arise within the complainant's area of expertise, he will be considered.</p> <p>The complainant did not achieve redress for this case.</p>	
Transport Malta	T 0055	A complaint concerning the refusal to sit for the Driving Practical Test although the claimant was accepted to sit for the Driving Theory Test.	No recommendation	<p>Transport Malta informed the Office of the Ombudsman that only holders of a valid ID card or residence permit are eligible to apply for the process of obtaining a Maltese driving licence.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Transport Malta	T 0134	A case relating to a complaint concerning a vehicle that was imported listed as N1 in its logbook, but the vehicle was originally manufactured as private, hence it is to be registered as M1.	No recommendation	Therefore, a practical test cannot be applied for since no learner's permit can be issued. The fact that the complainant sat for and passed the theory test is inconsequential to the matter. The Office of the Ombudsman closed off the case on the 2 nd January 2020.	Closed without recommendation.
Transport Malta	T 0142	A complaint related to the lengthy process with regard to the renewal of a licence.	No recommendation	Transport Malta informed the Office of the Ombudsman that the process of the renewal of the licence has not been finalised yet due to pending documentation which is to be submitted by the applicant. The complainant did not achieve redress for this case.	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Transport Malta	T 0165	A complaint relating to lack of compensation with respect to assuming duties of a higher grade.		<p>The Ombudsman's intervention was beneficial for the complainant to receive better justification and feedback on TM's decision.</p> <p>The Office of the Ombudsman was informed that as per the collective agreement an employee who occupies a management role is not entitled to Payment for Work in a Higher Grade. A copy of the collective agreement was requested and forwarded to the Ombudsman Office accordingly.</p> <p>The case has been pending at the Ombudsman since 29th May 2020.</p>	Pending at Ombudsman.
Transport Malta	T 0188	On 20 th August 2019, a complaint was received in conjunction with an HR issue pertaining to roles and responsibilities to a particular grade within Transport Malta.	No recommendation	<p>On 29th August 2019, TM's lawyer wrote to the Head of Investigations of the Office of the Ombudsman explaining the reasons behind the change in role of the complainant.</p> <p>On 5th November 2019, the investigating officer requested a meeting with TM's Chairman to discuss this matter further, which was set on the 13th November 2019. On 19th December 2019, the investigating officer requested feedback on the matters discussed in the</p>	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>meeting and indications of the steps that will be taken by the authority regarding the complainant's job description and reporting lines.</p> <p>On 9th September 2020, the Office of the Ombudsman was informed that the management of Transport Malta is currently holding regular meetings with the complainant with the aim of solving his grievance and achieving a more positive and productive work environment, for the mutual benefit of the Authority and the Employee.</p> <p>After the authority's reply, the Office of the Ombudsman discussed the progress made with the complainant and closed off the case.</p>	
Transport Malta	T 0210	A complaint relating to a refusal of exchanging a British Driving Licence with a Maltese Driving Licence.		<p>The complainant's British Driving License was originally a Hong Kong Driving License which, in view that Hong Kong is not an EU-harmonised country as stipulated in Maltese legislation, could not be exchanged to a Maltese Driving License.</p> <p>Subsequently, a meeting was held between TM Officials, the investigating officer and the complainant where an</p>	Pending at Ministry.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Transport Malta	T 0275	A complaint related to clamping and the refusal of an explanation when contacting Transport Malta.		<p>agreement was reached that TM would contact Australian authorities to obtain information and transfer the complainant's Australian Driving Licence into a Maltese Driving Licence, at the expense of TM. The case is still pending as Transport Malta is still awaiting feedback from Australian Authorities. The case has been pending at the Ministry since 7th February 2020.</p>	Pending at Ombudsman.
				<p>Transport Malta replied to the Office of the Ombudsman with the information of the events when the clamping took place, together with photos for clarification purposes. The Ombudsman was also informed that the Chairman had communicated with the complainant and explained that the enforcement officers carried out their duties in a correct manner.</p> <p>The case has been pending at the Office of the Ombudsman since 7th January 2020.</p>	



MINISTRY FOR TRANSPORT,
INFRASTRUCTURE AND CAPITAL PROJECTS
PRE-2019

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Lands Authority	R 0335	Confidential case concerning the contestation of an eviction order from two properties following the demise of a parent.	No recommendation	The authority informed the Office of the Ombudsman that the complainant was advised on more than one occasion that he was occupying the property without title and that the complainant was aware that a call for tenders was about to be issued. Moreover, it was also contended that eviction notice was erroneously affixed to the wrong door. An on-site inspection was carried out by the Office of the Ombudsman in the presence of Lands Authority's officials. To date, the Lands Authority is still awaiting feedback from the Office of the Ombudsman. Since the case with the Office of the Ombudsman is still pending, the Lands Authority chose not to proceed with the issuance of the tender until the case is closed by the former. In this case, the delay from the Office of the Ombudsman is hindering the Lands Authority from taking further actions related to this case.	Closed, case withdrawn by complainant.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Lands Authority	S 0014	<p>The complaint relates to a plot in a housing estate which was built on expropriated land. The acquisition process relating to such expropriated land is not yet finalised. The complainants entered into a promise of sale agreement with the Housing Authority to reside in such a property. However, since the land is not yet government-owned, such a property cannot be transferred to the complainants. Communication from the Office of the Ombudsman was received on 20th April 2018.</p>	No recommendation	<p>The Office of the Ombudsman informed the Lands Authority that the case was closed off on the 16th October 2019 after the complainant noted that he does not wish to pursue his complaint any further.</p> <p>On 3rd May 2018, the Office of the Ombudsman was informed that the land on which the complainant's property is located is not yet expropriated by the government and it is not the authority's intention to acquire the said plot of land in the near future, whilst also informing the Office of the Ombudsman that there is no policy in place. However, once the process of land acquisition is finalised, the Housing Authority will be informed accordingly, and the complainants would be contacted for the publication of the final contract.</p> <p>The Office of the Ombudsman was informed that, currently, the Lands Authority is awaiting a strategic decision with regard to</p>	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Lands Authority	S 0152	The complaint relates to the acquisition of premises under the Sir Sid Darek scheme issued by the Housing Authority. The HA would require a clearance for the transfer of the said property from the Lands Authority. The Housing Authority claimed that to date they had not received clearance from the Lands Authority.	No recommendation	The Office of the Ombudsman requested feedback on this case from the Lands Authority in December 2018 following which the Ombudsman was informed that the said clearance cannot be issued since firstly it is the authority's policy not to transfer government-owned properties in Valletta and Pembroke, the property in question was scheduled, and finally Article 12 of the Sir Sid Darek scheme conditions stipulated that historical properties cannot be sold. The Lands Authority also forwarded to the Office of the Ombudsman the policy's background, together with the relevant information.	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>The Office of the Ombudsman was informed that the policy was in fact a Ministerial Directive and that the Housing Authority's officials were informed of such directive.</p> <p>This request was investigated on its own merits prior to the taking of the final decision. It resulted that this block of flats is listed in the list of the Planning Authority Scheduled Properties, and that it is scheduled as Level 1, which is the highest level of protection. Due to this fact, it was decided that this property falls within the category of properties that should be retained by the government.</p> <p>Through a reconciliation with the Office of the Ombudsman on 24th August 2020 it transpired that this case has been closed off.</p>		

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Lands Authority	S 0232	<p>A complaint referring to the acquisition on lease or by outright purchase of a parcel of government land adjoining the complainant's property which had been left abandoned following the demise of its occupiers. The complainants claimed that the Lands Authority never formally replied to their request. The complainants claimed that this land was given to a third party who started developing the land and allegedly building a swimming pool within its confines.</p>	No recommendation	<p>The Office of the Ombudsman requested feedback on this case from the Lands Authority in October 2018 following which the Lands Authority informed that the site was granted on encroachment terms to a third party. The Lands Authority informed the Office of the Ombudsman that encroachment permits are extended on a yearly basis, hence if the complainants are still interested in acquiring the land by lease or outright purchase, they need to make a request via the Lands Authority's website. It is then the Board of Governors of the Lands Authority that takes the final decision with regard to such requests. The Office of the Ombudsman was informed that the complainant had submitted another online application through Lands Authority's website, which was consequently forwarded to the Ombudsman upon his request.</p> <p>On 19th September 2019, the Lands Authority was informed that the case was closed-off by the</p>	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Transport Malta	S 0030	A complaint regarding the inaction of TM to place a sleeping policeman in a street in Rabat. The dangerous passage of vehicles, especially trucks, compelled the complainant to complain with TM and Rabat Local Council.	No recommendation	<p>Office of the Ombudsman. However, on the 20th January 2020 the Lands Authority was informed that this case is still being followed by the Ombudsman.</p> <p>In July 2018, the Office of the Ombudsman requested information regarding this case following which there is ongoing communication between Ombudsman and Ministry. Infrastructure Malta has in this regard written to TM and Ombudsman informing that IM architects will go ahead with the construction of the humped zebra crossing, which is planned to be completed by end of November 2019.</p> <p>The works were completed by end December 2019 and the case was closed off by the Office of the Ombudsman on 16th January 2019.</p> <p>The Ombudsman's intervention was important as it helped with communication with Infrastructure Malta.</p>	Closed without recommendation.	Pending at Ministry.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Transport Malta	S 0250	A complaint concerning the Humanitarian Pilots Initiative Foundation. The complainants maintain that the Directorate had not provided a justification for its decision that they would no longer be allowed to enter the Flight Information Region of Libya and further allege, that the Directorate had acted abusively and in an arbitrary manner as the decision was not based on any local or international applicable legislation.	No recommendation	After communication was done between the Office of the Ombudsman, Transport Malta and the Ministry for Foreign Affairs, and all the requested documentation was passed by the latter, the office of the Ombudsman withdrew the case on the 7 th November 2019.	Closed, case withdrawn by Office of the Ombudsman.	Pending at Ministry.
Transport Malta	S 0282	The complainant claims that due to a take-away outlet in Kalkara, double parking has become a constant problem when clients stop in the two-way street to collect their orders and thus, suggested the fixing of bollards in this area.		The Office of the Ombudsman was informed that TM had discussed this matter with the Safety Audit Department and concluded that bollards cannot be fixed as these would be dangerous to buses and heavy vehicles. However, they have come up with a temporary measure for the area which includes cat eyes in the middle of the road and a road hump which will be installed by TMRSD.	Pending at Ombudsman.	Pending at Ministry.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>It was highlighted again that the area needs to be monitored by Community Officers. The Office of the Ombudsman informed TM that the complainant has been referred to LESA.</p> <p>This case is being handled between the Office of the Ombudsman and the Local Council. The latter informed the Office of the Ombudsman that this complaint could only be addressed through the enforcement authorities.</p> <p>The case has been pending at the Office of the Ombudsman since 6th March 2020.</p>		



MINISTRY FOR SOCIAL ACCOMMODATION

MINISTRY FOR SOCIAL ACCOMMODATION

In 2019, a total of ten Ombudsman cases concerning social accommodation were dealt with by the public administration, eight of which were opened in 2019, while the other two pre-date 2019. Most significantly, nine of these cases were successfully closed, eight without the receipt of a recommendation, and the other after the management sent feedback to the Ombudsman after his first request for information. Only one case concerning social accommodation is thus still open, this being pending at the Ombudsman since November 2019.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Housing Authority	T 0012	A complaint lodged by a parent with children who complained about living in a garage and, despite various representations with Housing Authority officials, no assistance was received.	No recommendation	<p>The HA replied on 13th March 2019 and informed the Office of the Ombudsman that the complainant had applied for social accommodation but the application was cancelled due to the fact that complainant had changed the ID Card on another address but failed to update the application.</p> <p>On 10th May 2019, the Office of the Ombudsman informed the HA that the complainant was informed to update the information the authority holds and lodge the necessary application.</p> <p>In July 2019, the HA informed the Office of the Ombudsman that on 5th April 2019, a social assessment was carried out, and during the home visit the social worker suggested that complainant amends the application. However, until 4th July 2019, no amendment had been carried out, which is of utmost importance for the application to be considered eligible. On 12th July 2019, the Ombudsman closed the case without any recommendations.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Housing Authority	T 0057	<p>A complaint received in March 2019 regarding the release of funds which were deposited in court by the Bank of Valletta following the issue of an executive garnishee order by the Court of Magistrates on 30th October 2018. The complainants contend that they had paid the refund due to the Housing Authority in terms of the GFR Scheme on 5th November 2018 without being informed that an executive garnishee order had been issued. The complainants added that even though their lawyer had written to the HA's legal advisor for the necessary action to be taken, they received no reply.</p>	No recommendation	<p>On 1st April 2019, the management informed the Office of the Ombudsman that they can confirm that the amount due to the Housing Authority was repaid by the complainants directly to the HA. Regarding the sum deposited by BOV, the HA did not claim or retrieve such a sum from the courts. The management therefore wrote to the complainants' lawyer informing him to contact the authority's lawyer in order to finalise the signing of counter-warrants. In April 2019, the Ombudsman closed the case without any recommendations.</p>	Closed without recommendation.
Housing Authority	T 0066	<p>A complaint lodged on 21st March 2019 by the complainant who requested that the lease of the residence is transferred from his late parent to him since he lived with his parent until his demise. His complaint refers to the fact that the Housing Authority has not indicated its decision in this regard yet.</p>	No recommendation	<p>On 25th April 2019, the Housing Authority noted the Office of the Ombudsman that since there is a substantial number of persons registered on the same address, further investigation is needed. Eventually, it is the Housing Authority board that evaluates and decides such cases. On 15th May 2019, the Ombudsman closed the case without any recommendations.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Housing Authority	T 0104	A complainant lodged on 14 th May 2019 contesting the price of a garage in St Julian's which was not that established by the scheme issued by the Government Property Division in 2015.	No recommendation	<p>The HA clarified that the scheme in question was issued in 2015 for the sale of garages owned by the government. Furthermore, the scheme is applicable for garages within government housing estates. The garage in question is not located in a housing estate. Its value cannot be the same as that of a garage in a housing estate.</p> <p>In August 2019, the Office of the Ombudsman proceeded to note that the complaint was not justified and therefore closed the case. On 26th September 2019, the Ombudsman re-opened case as the complainant appealed the decision, maintaining that since his intention was to purchase a garage for parking purposes and not to open a business, the price should be the same as that stated in the mentioned scheme.</p> <p>On 3rd October 2019, the HA replied to Ombudsman noting that it is not the HA's policy to sell a property at the quoted price. If the complainant does not agree with the selling price, the complainant can continue renting the mentioned garage. Following that</p>	Closed without recommendation.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Housing Authority	T 0139	<p>A complaint lodged on 3rd June 2019 regarding damage caused to the complainant's government-owned apartment where complainant resides. The complainant was dissatisfied about the fact that the Housing Authority does not want to send a representative to see the damage caused by the water which is seeping from behind the main switch box following structural changes carried out in the flat above that of the complainant's.</p>		<p>reply, the Office of the Ombudsman proceeded to close the case.</p> <p>On 17th June 2019, the Housing Authority informed the Office of the Ombudsman that the Inspectorate Section of the authority carried out several inspections related to this complaint and as indicated by the Manager of the Repairs and Improvements Section, there is no evidence of water penetration at the moment. The damage referred to in the complaint refers to previous water penetration which is now in the process of drying up. The HA will continue to follow up the case.</p> <p>In November 2019, the Ombudsman requested all files relevant to complainant's case, which were consequently forwarded. Communication with the Office of the Ombudsman as on 26th August 2020 confirms that the investigation is still in progress.</p>	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Housing Authority	T 0211	A complaint lodged against the Housing Authority (HA) on 5 th August 2019 regarding a reduction in the subsidy amount from the promised amount on maintenance and repairs. The complainant had asked the HA the amount he was entitled for to carry out such repairs and followed all respective procedures as indicated by the HA.	No recommendation	On 3 rd September 2019, the HA checked the matter and found out that, erroneously, charges overdue by the complainant to the HA were deducted twice. Thus, the HA issued a cheque to the complainant with the said amount. The Office of the Ombudsman consequently proceeded to close the case.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Housing Authority	T 0288	A complaint dated 19 th November 2019 in connection with the <i>Sir Sid Darek</i> scheme. The complainant alleges that he was never contacted by the HA regarding the application submitted. The complainant requested an appointment with the Housing Authority administration but was never contacted back.	No recommendation	In November 2019, the HA informed the Office of the Ombudsman that the application submitted by the complainant for <i>Sir Sid Darek</i> scheme could not be processed. Through investigations, the HA found out that the complainant does not reside in the property mentioned on application submitted. Therefore the HA started legal procedures to terminate the lease according to Cap 573 of the Laws of Malta. The HA also said that CEO does not give appointments to any person who is being legally investigated. On 16 th December 2019, the Ombudsman requested further clarification from HA, whether judicial proceedings have been filed in court and requested a copy of all	Closed without recommendation.

STATUS

ACTION TAKEN & MANAGEMENT COMMENTS

RECOMMENDATION BY OMBUDSMAN

BRIEF DETAILS OF CASE

OMBUDSMAN CASE REFERENCE

SECTOR/DEPARTMENT

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Housing Authority	T 0331	A complaint lodged on 30 th December 2019 concerning solar panels which were installed on the roof by one of the residents residing in a block, without permits and without any agreement with other residents. These panels are dangerous especially in windy conditions and may cause damage to the roof.	No recommendation	<p>correspondence with the complainant. These were provided and the case has been closed.</p> <p>On 30th January 2020, the HA wrote to the Office of the Ombudsman noting that instructions given to the resident to remove the solar panels were not adhered to and hence the HA was considering any possible legal action. On the 12th February 2020, the Office of the Ombudsman requested the HA's policy concerning solar panel installation and being informed about the action the authority intends to take to ensure observance with contractual obligations and the authority's policy. On 13th April 2020, the HA replied that it has all the proceedings ready to be presented in court, in order to open a court case. On 31st July 2020, the Office of the Ombudsman was informed that in May 2020, the Authority filed a court case against the individual who has installed the solar panels. On 3rd August 2020, the Office of the Ombudsman informed the HA that the case is being closed.</p>	Closed without recommendation.



MINISTRY FOR SOCIAL ACCOMMODATION
PRE-2019

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Housing Authority	P 0161	A complaint received regarding sub-standard housing in Valletta, requesting alternative accommodation by the complainant.	No recommendation	The HA carried out the necessary evaluation, including a social assessment, and it was confirmed that this was a deserving case. The complainant was allocated a property in Mriehel but refused to take it. The complainant's application for social accommodation is still pending. The Office of the Ombudsman was informed that the complainant refused the allocated property even though this property was in good condition and suitable for his needs. On 1 st April 2019, the Ombudsman closed the case without any recommendations.	Closed without recommendation.	Pending at Ombudsman.
Housing Authority	R 0248	A complaint lodged by a client who benefitted from a shared ownership scheme, specifically on the valuation regarding the rescission of contract. Clients have the right emanating from the contract to sell back their share of the property to the HA. The Housing Authority then appoints its architect to carry out a	No recommendation	The estimates were carried out as per contract requirements and valuations indicated in the same contract of sale. The Office of the Ombudsman was informed accordingly. On 5 th February 2019, the Ombudsman closed the case without any recommendations.	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	OMBUDSMAN CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY OMBUDSMAN	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
		valuation of the share to be returned, together with a valuation of the works carried out in the property. The complainants did not agree with this valuation.				



COMMISSIONER FOR EDUCATION 2019

CASES HANDLED BY THE COMMISSIONER FOR EDUCATION

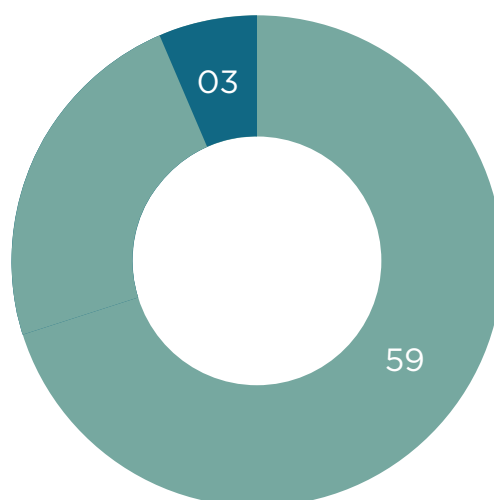
Data analysed by the Public Administration indicates that the Commissioner for Education received 59 new cases during 2019 whilst also inheriting 3 cases that pre-dated 2019 resulting in a total caseload of 62 for the period being reported upon.

Diagram 9 showing the status of Commissioner for Education caseload.

Diagram 9

Commissioner for Education Total Caseload

■ 2019 ■ Pre-2019



A further analysis of the 62 cases received in 2019 revealed that 21 cases were withdrawn from the investigated caseload. In 18 of these cases, the Commissioner decided that the complaint was not upheld. Thus, a significant 29% of complaints were withdrawn as there was no case.

Of the remaining 41 cases (66%):

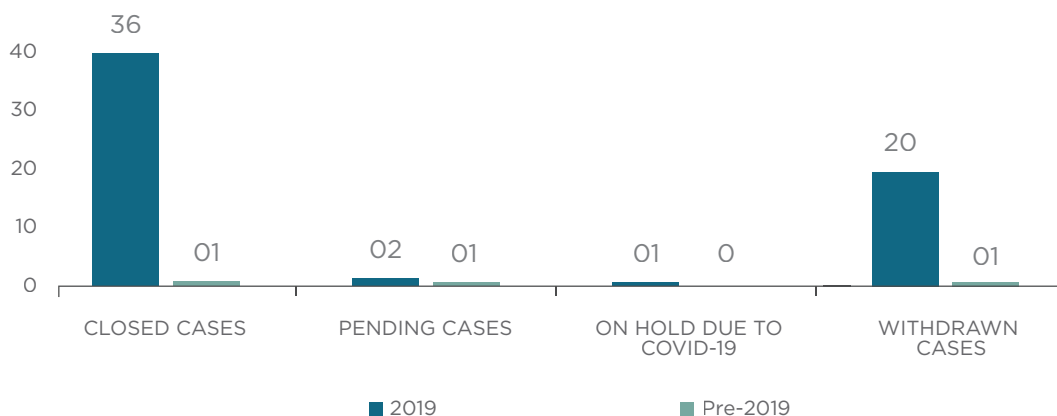
- 37 cases (59.6% of the total caseload) have been closed. Of these:
 - 12 (19.4% of the total caseload) have been closed without any recommendation.
 - 14 (22.6% of the total caseload) were closed on receipt by the Commissioner of the public entity’s first explanatory note. This was deemed as sufficient for the case to be closed and archived.
 - 2 cases (3.2%) in which the the recommendations made were not accepted.
 - In the remaining 15 cases (14.4%), the recommendation was already implemented by the time of reporting (6 cases or 9.6%) or otherwise noted to be actioned (3 cases or 4.8%).
- No cases were suspended or referred to the Prime Minister by the Commissioner for Education during the reporting period.
- 1 case (1.6%) was placed on hold as a result of the COVID-19 pandemic.
- 3 cases (4.8% of total caseload) remain pending, 1 suspended due to Court proceedings and the other two pending at Commissioner.

This is depicted in **Diagram 10** below.

Diagram 10 showing the status of concluded investigations of the Commissioner for Education in 2019.

Diagram 10

Cases Handled by the Commissioner for Education



SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
University of Malta	UT 0004	A complaint relating to an unjust delay in the re-consideration of an academic member of staff for a promotion.	The Commissioner for Education recommended that the Promotions Board re-considers the complainant's application favourably with urgency.	The UoM replied to the Commissioner for Education stating that the Council agreed with the Promotions Board that the complainant is to be promoted to Senior Lecturer.	Closed and recommendation implemented.
University of Malta	UT 0011	A complaint filed by a retired member of staff concerning ill-advised changes in a language B.A. (Hons.) syllabus relegating linguistics to optional status from a compulsory one.	The Commissioner for Education recommended that an attempt is to be made by both sides to restore a healthy relationship and to see whether a compromise could be reached so that the university does not lose the complainant's expertise. <i>On 18th May 2020, the Commissioner informed the UoM that he received a letter from the complainant stating that the recommendations put forward by the Commissioner have not been implemented. Accordingly, the Commissioner asked the university to provide him with an explanation regarding the actions that have been taken and the ones that will be taken during the forthcoming academic year in relation to this matter.</i>	The UoM replied to the Commissioner for Education stating that it is the prerogative of the university to determine the programme of studies and the Commissioner closed the case.	Closed by the Ombudsman after the management replied to one request for information.
University of Malta	UT 0022	A complaint filed by a student alleging unfair expulsion from the UoM.	No recommendation	The UoM replied to the Commissioner for Education stating that the student was expelled because he failed to adhere to regulations and was found guilty of plagiarised work.	Complaint not upheld.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
University of Malta	UT 0023	A complaint concerning an alleged unfair treatment of a prospective foreign student applying for a course with the UoM.	No recommendation	<p>The Commissioner informed the complainant that he did not find any maladministration on the part of the UoM and that he is closing the case without upholding his complaint.</p> <p>The UoM replied to the Commissioner for Education stating that the complainant is not in possession of the necessary qualifications, and thus cannot be considered for the course.</p> <p>The Commissioner for Education did not uphold the complaint and closed the case.</p>	Complaint not upheld.
University of Malta	UT 0031	A complaint concerning no provision by MATSEC for revision of course work marks.	No recommendation	<p>The UoM replied to the Commissioner for Education and provided him with information related to the examinations process and regulations regarding revision of papers. The Commissioner did not find any procedural error on the part of MATSEC. Therefore, he did not uphold the complainant's request and closed the case.</p>	Complaint not upheld.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
University of Malta	UT 0033	A complaint concerning alleged discrimination by a faculty when failing a student's thesis project.	<p>The Commissioner for Education recommended that the faculty should start vetting applications for a Masters course before accepting or rejecting them. Moreover, he suggested that staff members should start conducting meetings to discuss cases where students are facing major difficulties and that staff members should start setting meetings in order to communicate verbally with students in case of unfavourable decisions. The Commissioner also suggested that the faculty should put into practice its plan for the introduction of a technical degree leading to a warrant. Finally, the Commissioner recommended that the faculty should refrain from making use of terms like 'tutorial' and 'tutor' when communicating with students undertaking a Masters degree, and that students should be made familiar with MQF 7 descriptors issued by the NCFHE. Subsequently, the Commissioner for Education communicated with the UoM stating that he is considering the appeal from the UoM as an appeal which the Commissioner upholds. He is convinced that the UoM will execute its commitments without necessitating further enquiry about the progress achieved. To this effect, the Commissioner closed the case.</p>	<p>The UoM replied to the Commissioner for Education stating that the application of graduates with the UoM are vetted according to internal processes. However, students whose first degree was not awarded by the UoM are asked to present also a work portfolio. As regards the second recommendation put forward by the Commissioner, the UoM stated that this procedure is already in place as the faculty already discusses the progression of students facing difficulties during meetings with students themselves. Moreover, the UoM declares that the faculty is also introducing another meeting held with students facing difficulties towards the end of their first year of studies after assessing their overall performance throughout such year. The UoM added that for the sake of fairness, students showing that they are unlikely to be successful in the Masters degree are offered other opportunities. The UoM reassured the Commissioner that the Dean of the Faculty will continue pressing so that the relevant regulations will be amended.</p>	Closed and recommendation noted.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>Furthermore, the UoM stated that the Commissioner's final recommendation will be implemented by making the necessary changes in all official documentation. Nonetheless, the UoM added that when it comes to such field, the words 'tutor' and 'tutorial' are used worldwide.</p>	
University of Malta	UT 0039	<p>A complaint concerning MATSEC examination procedures, as a student failed to sit for an exam and MATSEC declined the possibility to reschedule.</p>	<p>The Commissioner for Education recommended that MATSEC should revise the way its rules and regulations are presented to the public as they should be more clearly defined. The Commissioner added that the MATSEC FAQ Section related to absence during examinations should be deleted or altered so that candidates are made aware that in such cases there is nothing much that can be done.</p>	<p>The UoM replied to the Commissioner for Education and provided him with reasons for declining to reschedule the examination. The Commissioner did not uphold the complaint and closed the case.</p>	Complaint not upheld.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
University of Malta	UT 0040	A complaint filed by a student after failing the design component of his thesis alleging that he has received little or no guidance during the course.	No recommendation	The UoM replied to the Commissioner for Education and provided him with information related to the General Regulations for University Postgraduate Awards, the Bye-Laws for the Award of a Master Degree in the relevant field, and the criteria for the successful completion of the final project. Moreover, the student was given the opportunity to re-submit his work in September 2018 and July 2019, but unfortunately the student did not improve the quality of his work. The Commissioner for Education did not detect any breach of procedures on the part of the Faculty. Therefore, the Commissioner did not uphold the complaint and closed the case.	Complaint not upheld.
University of Malta	UT 0043	A complaint concerning parking permits as a student is alleging malpractice on the part of the KSU when it comes to the issuance of such permits.	No recommendation	The UoM replied to the Commissioner for Education and informed him that the KSU agreed to hand over the parking permit to the Registrar's Office in order to be collected by the student. The permit was picked up by the student.	Closed by the Ombudsman after the management replied to one request for information.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
University of Malta	UT 0044	A complaint concerning a promotion as the complainant applied for such a promotion and was not selected.		<p>The UoM replied to the Commissioner for Education on 1st November 2019 and forwarded all the information requested regarding the promotion exercise in question. Furthermore, the Commissioner was provided with a report compiled by the Director for Human Resources, Management and Development incorporating further details regarding the complainant's case.</p> <p>On 5th June 2020, the Commissioner requested to be presented with suitability reports emanating from both the Faculty of Engineering and the Faculty of ICT before any promotion interview sessions are started. On 15th June 2020, the University Rector informed the Commissioner that due to the impact of COVID-19, no interviews for internal promotion have been held and that suitability reports have not yet been requested for the complainant or any other candidates.</p>	On hold due to COVID-19 exigencies.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
University of Malta	UT 0048	A complaint filed by a student concerning a sudden change in unit components resulting in a loss of freedom of choice for the following year.	No recommendation	The UoM replied to the Commissioner for Education stating that the programme was amended since recruiting academic employees with expertise in relation to such unit components proved to be futile. Henceforth, the programme had to be amended so that the programme offered to the students would cover 60 ECTS as required by the regulations. Moreover, the UoM contended that the programme was altered prior the beginning of the academic year, that the Faculty and Department concerned tried to recruit qualified staff members for a number of months, and that, despite the amendments, the programme offered to students is on the same level of difficulty as the one previously offered. The Commissioner for Education closed the case since the student never replied to the correspondence sent by the Commissioner whereby he asked the students to provide him with feedback regarding the reply submitted by the UoM.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
University of Malta	UT 0049	A complaint filed by a lecturer concerning an alleged unfair termination of engagement.	No recommendation	The UoM replied to the Commissioner for Education and informed him that in accordance with the Law, the UoM is not required to indicate any reason for termination, and that the complainant was subject to a probationary period, as stipulated in the call for application and in the Collective Agreement for Academic Staff. The Commissioner received an email from the complainant asking him to withdraw the case.	Closed, case withdrawn by complainant.
University of Malta	UT 0051	A complaint filed by an applicant for a Masters Degree top-up in order to be able to apply for a warrant, but whose previous Masters Degree awarded by another university was not recognised by the UoM.	No recommendation	The Commissioner for Education decided that this case should be dealt with by the Commissioner for Health. Therefore, the Commissioner closed the case.	Closed without recommendation.
University of Malta	UT 0052	A complaint filed by a student failing a number of credits but who insisted that he was entitled to progress to his next year of studies.	No recommendation	The UoM replied to the Commissioner for Education stating that the student failed in 12 ECTS credits. The UoM adds that under previous regulations, the student would have had to repeat the year. Under the present regulations, the student is eligible for the ex-gratia concession allowed by the Senate, thus he can either	Complaint not upheld.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
University of Malta	UT 0053	A complaint concerning an alleged unfair decision taken by the Malta Psychology Profession Board (MPPB). The complainant is not being allowed to progress in his career as his degree awarded by another university is not being accepted for warranting purposes.	No recommendation	The Commissioner for Education decided that this case should be dealt with by the Commissioner for Health. Therefore, the Commissioner closed the case.	Closed without recommendation.
University of Malta	UT 0057	A complaint concerning an alleged unfair decision taken by a Faculty and the Registrar as the complainant is being asked to repeat the whole year of studies instead of repeating the failed module.	No recommendation	The UoM replied to the Commissioner for Education stating that the postgraduate diploma can be awarded only to students who pass in the taught study-units which are assigned 60 ECTS credits. The student failed twice in one compulsory unit of 5 ECTS credits, and hence he did not obtain the required 60 ECTS credits. To this effect, the student failed the course.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
University of Malta	UT 0058	A complaint filed by a student alleging that he was unfairly penalised for leaving during a group presentation session because of a medical condition.	The Commissioner for Education concluded that decision to deduct all the marks in relation to the complainant's written work because of this incident is unjust, and recommended that the complainant should be awarded a minimum pass.	The Commissioner informed the UoM that after examining the correspondence submitted by the complainant, he did not find any breach of procedures nor any maladministration on the part of the UoM when applying the bye-law in question.	Closed and recommendation implemented.
University of Malta	UT 0062	A complaint filed by an academic alleging that an extension of his appointment was unfairly denied on the grounds that he did not have enough workload. However, the complainant claims that a major part of his workload was distributed to part-timers.	On 18 th August 2020, the Commissioner informed the UoM that after perusing correspondence received from both parties, it was found out that the matter rested on two issues, namely, whether or not the complainant had a significant teaching load which justified his retention beyond retiring age, and, if not, whether this had been purposely generated to make him redundant. Following investigations, the Commissioner also noted that the complainant's protest at not being given a substantial teaching load at the UoM is unsustainable, since no faculty was bound to provide him with one and	The UoM replied to the Commissioner for Education stating that the lecturer's allegations that a major part of his workload was distributed to part-timers are false. The lecturer was delivering the study unit on a casual basis, thus his request for an extension could not be accepted since the lecturer did not have enough workload for a resident academic as specified in the collective agreement. The complainant informed the Commissioner that he merited an extension	Complaint not upheld.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
			<p>that after the JC declared him unsuitable to be a member of its teaching staff, his status became that of a casual lecturer at the UoM and such status has no automatic claims to any teaching load from any faculty. At this stage the Commissioner did not uphold the complainant's request.</p>	<p>of appointment beyond the age of 65 as when he was promoted to the grade of Associated Professor, his status changed and therefore he had the right to apply for an extension of appointment. Moreover, he claims that by being 'granted' an extension he would have been able to continue providing his service as a resident academic. The UoM provided the Commissioner with information related to the complainant's workload for the academic year 2019/20. It was also specified that on the basis of this workload the complainant merits a Visiting Associate Professor post at the level of T2.</p>	
University of Malta	UT 0063	<p>A complaint filed by three students claiming that the UoM abused of its discretion when it comes to the Degree Classification Process, and downgraded the final classification of their degree.</p>	<p>No recommendation</p>	<p>The UoM replied to the Commissioner for Education stating that upon instructions received from the Senate, the Faculty Board met to discuss the matter further and that it was agreed that the final classification of the three students should be downgraded as per Clause 11(5) of the regulations related to their course. Furthermore, the Commissioner was informed that on 8th November 2019, the Registrar informed the students about the final decision taken during the Senate's meeting</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
University of Malta	UT 0066	A complaint concerning the refusal of calling the complainant for an interview since his qualifications did not fully meet the requirements stipulated in the call for applications.	No recommendation	<p>held on 24th October 2019. The Commissioner closed the case as the complainants did not reply to the feedback submitted by the UoM.</p> <p>The UoM replied to the Commissioner for Education stating that the complainant was not short-listed for an interview since he is not in possession of a first degree and a post-graduate qualification. The UoM informed the Commissioner that a suitable qualified candidate having the necessary teaching experience was selected for the post. The Commissioner has gone through the call for applications issued by the UoM and the complainant's academic qualifications and confirmed what had been stated by the UoM. Therefore, the Commissioner did not uphold the complaint and closed the case.</p>	Complaint not upheld.
University of Malta	UT 0068	A complaint filed by a part-time student undertaking a course which obliges students to conduct 300 hours of work as summer placements. The complainant argues that part-time students should be remunerated for such work just like full-time students.	No recommendation	<p>MEDE replied to the Commissioner for Education stating that, in accordance with Regulation 4 of SL 327178, only students undertaking full-time post-secondary, vocational, and tertiary courses, including apprenticeship courses, are entitled to receive students'</p>	Complaint not upheld.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
<p>Malta College of Arts, Science and Technology</p>	<p>UT 0010</p>	<p>A complaint filed by an MCAST employee claiming that as from the issuance of the first collective agreement, teachers with and without a degree have always been treated in the same manner; and that even though he does not have a first academic degree, he believes that he is still at par with his co-workers because of his teaching experience</p>	<p>No recommendation</p>	<p>maintenance grant. However, the UoM received feedback from the Commissioner on 2nd March 2020 stating that the complaint is about a placement grant and not the maintenance grant. To this effect, MEDE communicated with the Commissioner on 27th May 2020 stating that MEDE has been informed that students who are eligible for the receipt of students' maintenance grant are also eligible for the receipt of the placement grant, whereas those ineligible for students' maintenance grant are also ineligible for the receipt of the placement grant. The Commissioner communicated on 4th June 2020 stating that he is not upholding the complainant's request and declares that MEDE has committed no act of discrimination in his regard.</p>	<p>Complaint not upheld.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Malta College of Arts, Science and Technology	UT 0015	<p>at MCAST and industrial experience. He claims that lecturers who hold a first degree and with 12 years lecturing experience were promoted to Senior Lecturer 1 even though they did not further their studies. To this effect, he feels that he also should be given this opportunity. Moreover, the complainant denies that he has been offered the opportunity to undertake a "Top up Degree" or a Masters Degree. Additionally, the complainant is alleging that some lecturers were promoted to a higher position without having the necessary qualifications.</p>		<p>has never utilised such opportunities. MCAST emphasises that they followed the criteria established in the collective agreement between MCAST and the MUT. In his final opinion, the Commissioner stated that MCAST would be breaching the agreement if they promoted the complainant on the basis of seniority and work experience. Furthermore, the Commissioner could not identify any cases where personnel got a promotion without the necessary qualifications. Therefore, the Commissioner did not uphold the complaint and closed the case.</p>	Complaint not upheld.
		<p>A complaint concerning the post of Senior Lecturer 1 and 2, as the complainants are claiming that they applied for the post of Senior Lecturer according to the 'Fast Track Progression Policy' put into practice by MCAST until 30th September 2018. According to the application, one could progress from Lecturer to Senior Lecturer through 3 progression routes. The complainants applied to progress to the post of Senior Lecturer 1 or 2 through one route since</p>	No recommendation	<p>MCAST replied to the Commissioner for Education stating that the collective agreement between MCAST and the Malta Union of Teachers (MUT) stipulates clearly that to be eligible for progression through the route referred to by the complainants one must have a Post-Graduate Diploma (PGDip), a Masters Degree and 10 years relevant work experience. Finally, MCAST emphasised that all applications for progressions were dealt with according to the parameters/criteria listed</p>	

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Malta College of Arts, Science and Technology	UT 0016	<p>their credentials meet the criteria. Subsequently, the complainants were asked to provide a transcript of the Masters Degree but were told that their application was accepted. They submitted the necessary documentation and were reassured that there was nothing wrong with their application. However, then they were informed that their progression has been revoked since the Fast Track Application Policy implemented by the previous administration was no longer applicable; and hence they had to follow the progression route stipulated in the current Collective Agreement. The complainants feel that they were discriminated.</p>	<p>No recommendation</p>	<p>in the collective agreement. MCAST stated that the complainants are not in possession of a first degree and therefore they have to complete successfully the PGDip. In his final opinion, the Commissioner stated that a sectoral agreement enshrines conditions which have been agreed by both parties and which regulate the operations of the institution. He added that since the date of the agreement precedes the dates stipulated in the applications submitted by the complainants, and the agreement has already been public when the complainants submitted their applications, the complainants' claim that they were discriminated is null and void. The Commissioner did not uphold the complaint and closed the case.</p>	<p>Closed without recommendation.</p>
		<p>A complaint filed by a student also on behalf of six other MCAST students claiming that they are experiencing problems with one of the modules. According to the complainants, the lecturer responsible for the delivery of such module is aware of such complaints. They add that the lecturer was instructed by the Malta</p>		<p>MCAST replied to the Commissioner for Education stating that during a meeting between the six complainants and five officers from MCAST, the complainants re-confirmed that the lecturer has not been conducting his lecturing duties as expected, that he was failing to provide them with adequate support throughout his lectures, and that he has not provided</p>	

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		<p>Union of Teachers (MUT) not to have any contact with them. As a result, they are not having any lectures related to the relevant module and are not receiving any feedback in relation to their queries. The complainants argue that this is hindering their progress in pursuit of their studies.</p>		<p>them with the result of their first assignment. Following this meeting, a director from the institute concerned who was present for the meeting wrote to the lecturer and informed him about the students' complaints (this was in line with the collective agreement between MCAST and the MUT). The lecturer failed to reply to this letter within the timeframe stipulated in the agreement, namely ten days. Consequently, MCAST proceeded with a disciplinary hearing which was held in August 2019. The Commissioner received an email from one of the complainants stating that they are satisfied with the feedback received from MCAST. Therefore, the Commissioner closed the case.</p>	

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
<p>Malta College of Arts, Science and Technology</p>	<p>UT 0026</p>	<p>A complaint concerning an application for the post of Senior Lecturer 1, as the complainant was informed that he is ineligible for such post because he is not in possession of a first-degree. However, the complainant claims that his MQF Level 6 qualification, including proof of 2 years work experience, are equivalent to a first-degree.</p>	<p>The Commissioner for Education recommended that MCAST should reward the complainant for his contribution to both the institution and society at large by giving him a sum of money.</p>	<p>MCAST replied to the Commissioner for Education on 9th March 2020 stating that his recommendation will be presented to the MCAST Board of Governors for their approval in the next board meeting which was going to be held on 18th June 2020.</p> <p>MCAST informed the Commissioner that a decision was reached during the Board of Governors meeting, wherein a meeting with the Commissioner was also requested to explain further. Following this meeting the Commissioner informed complainant that MCAST was not ready to give a one off sum of money.</p>	<p>Closed and recommendation not accepted.</p>
<p>Malta College of Arts, Science and Technology</p>	<p>UT 0029</p>	<p>A complaint filed by a student claiming that during his first year at MCAST he could not sit for the first session of examinations as he was sick. The complainant declares that he was told that he can sit for one of the examinations as a part-synoptic. However, he failed this examination and thus he put forward a request for a revision of paper; but to date he has not received a reply. Henceforth, he made an appointment with the director of the Institute</p>	<p>No recommendation</p>	<p>The complainant informed the Commissioner for Education that MCAST resolved the case in his favour. Therefore, the Commissioner closed the case.</p>	<p>Closed without recommendation.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Malta College of Arts, Science and Technology	UT 0055	<p>to discuss other options. Later, the complainant was informed that he was awarded a compensatory pass and that he will be receiving a confirmation by post endorsed by the Director. However, following this, the complainant received a phone call from the Director telling him that he made a mistake as he did not know the school policy and that he will not be awarded a compensatory pass. The complainant now wants the Director to keep his word and grants him a compensatory pass.</p> <p>A complaint filed by an applicant for a course with MCAST showing dissatisfaction with the lack of delivery of the final unit of a course for which he had paid €600.</p>	No recommendation	<p>MCAST replied to the Commissioner for Education stating that MCAST communicated with all course participants to inform them that they will be commencing the pen-ultimate unit, which unit had to be followed by the final unit. The former was delivered and completed, whereas the latter could not be delivered as the three lecturers who were asked to deliver this unit refused to do so. To this extent, in November 2019, MCAST issued a call to recruit lecturers and carried out interviews. MCAST is awaiting approval from the HR Department within MCAST to</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

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Malta College of Arts, Science and Technology	UT 0060	A complaint concerning alleged unfair treatment as the complainant is claiming that he was not receiving proper remuneration. The complainant claims that he had to resign after several attempts to solve this issue with people in key managerial roles proved futile.	No recommendation	<p>appoint one of the candidates who passed the interview. Following this, MCAST will agree with the new lecturer about the commencement date of the course, and the students will be informed accordingly by the end of year 2019. The final unit will start to be delivered shortly afterwards.</p> <p>The complainant accepted the recommendations put forward by the MCAST Grievance Office. Therefore, the Commissioner closed the case.</p>	Suspended due to Tribunal proceedings.
Ministry for Education and Employment	UT 0001	A complaint concerning delay in the publication of results awaited by the complainant.		The results were published shortly after the complainant opened the case with the Commissioner for Education. Therefore, the case was withdrawn.	Closed, case withdrawn by complainant.

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Ministry for Education and Employment	UT 0003	<p>The complainant lodged a complaint on behalf of his son who intended to undertake a Masters degree with a foreign university and, therefore, he applied for a scholarship grant. Meanwhile, he was informed that he was not short-listed for the scheme. The complainant added that his son, who was already abroad, sent an email to appeal the Board's decision but he did not receive an acknowledgement.</p>	<p>In his final opinion, the Commissioner for Education stated that he had detected no maladministrative practices on the part of the Interviewing Board, and therefore he cannot uphold the request made by the complainant. Nevertheless, the Commissioner put forward two recommendations.</p> <p>Firstly, that MEDE should obtain the necessary approvals for the recruitment of temporary advisers. He added that MEDE should engage in discussions with the JoM, MCAST, and the ITS as this will enable the Ministry to select board members with the necessary expertise before commencing the interviewing process.</p> <p>Secondly, the Commissioner recommended that, each year, MEDE should establish a number of scholarships to be reserved for undergraduates, and that applicants with a work experience of a general nature are to be given one mark for each year, whereas applicants with work experience directly related to the study area are to be given 4 marks for each year.</p>	<p>MEDE replied to the Commissioner for Education stating that finding a pool of board members according to the areas of specialisation is rather impossible as one of the main initiatives of the Scholarships Unit is to encourage applicants to explore new specialised fields. Having said this, the Ministry still does its utmost to identify board members whose areas of specialisation are similar to those stipulated in the applications.</p> <p>Additionally, the Ministry contends that related work experience is required so that the applicant would be able to relate work experiences with one's studies. Having employees whose duties are directly related to their studies is also in the best interest of the country as they would be in a position to make the best use of their skills and knowledge.</p>	Closed and recommendation noted.

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<p>Ministry for Education and Employment</p>	<p>UT 0007</p>	<p>A complaint relating to a salary payment as even though the complainant returned to work as from the beginning of scholastic year 2018/2019 after availing himself of one year parental leave, he was paid with effect from 15th September 2018. The complainant added that even the new sectoral agreement stipulates that the scholastic year starts from 1st September, and that he started preparing for the new scholastic year on 1st September 2018.</p>	<p>No recommendation</p>	<p>MEDE replied to the Commissioner for Education stating that the Ministry reimburses Church schools by processing tranches. When a staff member is on parental leave, MEDE pays the salary of the person replacing the staff member who is on leave. In such cases, both the Ministry and the Church School ensure that no double payment is affected. The complainant applied for parental leave from 25th September 2017 to 25th September 2018. Subsequently, the Commissioner examined the application form submitted by the complainant and confirmed that he applied for parental leave for the period covering 25th September 2017 to 25th September 2018, and that he never made a request to change such dates. On the basis of this, the complainant was expected to resume with his duties on 26th September 2018 and not on the 1st of September. The Commissioner did not uphold the complainant's claim and closed the case.</p>	<p>Complaint not upheld.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Ministry for Education and Employment	UT 0012	<p>A complaint arising from the fact that the Stipends Office refused to issue a stipend and grant to the complainant. The latter is currently undertaking a Bachelors degree at the UoM and is claiming that the Stipends Office refused to issue his stipend and the maintenance grant for books after presenting them with a letter from a high-ranking official confirming that he does not work for more than 20 hours per week, after providing them with his time sheet and also after changing his contract in order to show that he is not exceeding 20 working hours per week.</p> <p>Additionally, the complainant argues that he has not been provided with guidelines outlining which documents he is expected to submit as a proof that he does not work for more than 20 hours per week. The complainant also declared that the Stipends Office acted differently in similar situations.</p>	No recommendation	<p>MEDE replied to the Commissioner for Education stating that the complainant was found ineligible for the receipt of a students' maintenance grant as he was working for more than 20 hours per week. The complainant contested the decision and hence the case was referred to the Students' Maintenance Grant Board (SMGB). The Board confirmed that the complainant was working for more than 20 hours in a week, thus breaching the regulations. Subsequently, MEDE confirmed that the complainant has been receiving a stipend since October 2019 after relinquishing his full-time employment with a private company, which employment also featured in his employment history issued by Jobsplus. In his final opinion, the Commissioner contended that one of the employer's declarations illustrate that the complainant was breaching the regulations, and that he could not detect any maladministration on the part of MEDE and the SMGB. Thus, the Commissioner did not uphold the complaint and closed the case.</p>	Complaint not upheld.

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<p>Ministry for Education and Employment</p>	<p>UT 0013</p>	<p>A complaint arising from the fact that the complainant's application for a supplementary allowance was left pending for several months even though he provided the Stipends Office with the necessary information. The complainant adds that after several months he received an email stipulating that he did not submit enough information even though he had already provided such information in 2018. He adds that once again his application was left pending and then he received an email stating that he failed to submit his father's FS3 for the year 2018. The complainant claims that as a result of this, he is struggling to continue with his studies at the UoM.</p>	<p>No recommendation</p>	<p>MEDE replied to the Commissioner for Education stating that the complainant is receiving the Students' Maintenance Grant. The Ministry adds that during the academic year (2018-2019) the complainant also submitted a request for a supplementary allowance. Nonetheless, he failed to submit the necessary documents even though the application indicates which documents have to be submitted. Applications for a supplementary allowance are vetted and assessed by a member of the Students' Maintenance Grants Board on behalf of the aforesaid Board or by a designated representative. The complainant's application was vetted three times, but in all instances it did not incorporate the necessary documents. Each time the complainant was contacted by means of an email and SMS and was told which documents are missing. On the first two occasions, he had to clarify his income, his parents' income, and work status. Therefore, the students' application was left pending since without this information it was not possible to decide whether he is eligible or otherwise.</p>	<p>Closed by the Ombudsman after the management replied to <u>one</u> request for information.</p>

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Ministry for Education and Employment	UT 0014	A complaint concerning a request to conduct private work. However, the complainant was not granted permission to conduct private practice, and thus he filed a complaint as he wants justification for the refusal of his request.	No recommendation	<p>The complainant's request for a supplementary allowance was then approved and an email and SMS were sent to him. The student will receive all payments, including backdated ones.</p> <p>MEDE replied to the Commissioner for Education stating that employees wanting to start a part-time job have to obtain approval from their superiors beforehand to avoid any conflict of interest, be it perceived or potential. In this light, the Ministry could not grant approval to the complainant to provide consultancy services during his private practice. The complainant wrote to the Commissioner stating that he understood the procedure and reasoning behind such. In view of this, the Commissioner closed the case.</p>	Closed by the Ombudsman after the management replied to one request for information.
Ministry for Education and Employment	UT 0017	A complaint relating to the Students' Maintenance Grant as the complainant claims that even though he provided the SMGB with three payslips, his job employment history, his internship contract, and a declaration submitted by his HR Director as evidence	<p>The Commissioner for Education sent his final opinion to MEDE on 3rd September 2019, recommending that the Students' Maintenance Grants Board should reverse its decision and settle any pending payments to the complainant.</p> <p>On 24th October 2019, the Commissioner communicated with</p>	<p>MEDE replied to the Commissioner for Education stating that the complainant put forward a request to receive a supplementary allowance throughout his third academic year. The Board informed the student that he will be receiving the supplementary allowance on</p>	Closed and recommendation implemented.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
		<p>that he did not work for more than 20 hours a week, the SMGB decided that he should repay the full grant. Moreover, he argues that the Board decided accordingly as one of the payslips illustrates that he worked 93 hours. Nonetheless, the complainant states that the reason for this is that he started a new job in mid-November and his employer decided to include three days' pay in the payslip for the month of December instead of issuing a separate payment/payslip for these three days.</p>	<p>the Ministry stating that after going through the documents provided by the Ministry, it was decided that his recommendation should stand.</p>	<p>throughout his third academic year. The Board informed the student that he will be receiving the supplementary allowance on humanitarian grounds but made it clear that he must not work for more than 20 hours per week. Additionally, the student was informed that the Board carries out periodic spot checks to verify that conditions for eligibility are being respected. In fact, the Board carried out a spot check and it resulted that up to 19th November 2018 the complainant had two jobs. The December 2018 payslip for one of his jobs showed that the student worked 93 hours. Therefore, the Board decided that the complainant should no longer receive the Students' Maintenance Grant and informed the complainant accordingly. The Board re-discussed the case in May and June 2019 and upheld previous decisions. In October 2019, MEDE provided the Commissioner with documents supporting the argument that the complainant was in breach of the regulations, and thus the decision taken by the Board should stand.</p>	

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Ministry for Education and Employment	UT 0019	A complaint concerning a transfer as the complainant has been successful in an interview for a higher post and was informed that he will be transferred to another school. However, he argues that he is in charge of several projects and therefore it might be the case that if his transfer materialises, the projects will be terminated. He contends that this will negatively impact the students and other staff members.	No recommendation	<p>The Commissioner insisted that his decision should be respected. The Board reconsidered the Commissioner's recommendation and accepted to implement it.</p> <p>MEDE replied to the Commissioner for Education stating that postings are at the discretion of the management and that in such cases public officers are very often transferred to a new school.</p> <p>Additionally, the Ministry claims that the complainant will be transferred to another school following a decision taken by a Board. Subsequently, the Commissioner informed the Ministry that he could not uphold the complainant's request as the complainant's transfer to another school was not the result of maladministration. To this effect, he informed the complainant about this and advised him to accept the promotion and move on. The complainant followed the Commissioner's advice.</p>	Complaint not upheld.

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Ministry for Education and Employment	UT 0020	A complaint concerning a transfer which is viewed by the complainant as unjust. The complainant is alleging that he was informed that he will be transferred to another school since his son, who suffers from a condition, attends the same school, and that it is not 'healthy' for him to teach in the same school. He claims that he was also informed that he will not be able to take his son to the 'new' school.	No recommendation	MEDE replied to the Commissioner for Education stating that the Ministry will use its discretion and will deploy the complainant at another school as it has been decided that, in the circumstances, this is the best way forward. However, the Ministry made it clear that no disciplinary action is to be taken against the complainant because this would make matters worse. The Commissioner informed the Ministry that the complainant withdrew the case. Subsequently, the Commissioner closed the case.	Closed, case withdrawn by complainant.
Ministry for Education and Employment	UT 0021	A complaint concerning a transfer of three teachers. The complainants claim that they were transferred to Gozo for scholastic year 2018/2019 and that in June 2019, they received a call from MEDE whereby they were informed that they will be transferred to Malta since they are no longer required to teach in Gozo. Nonetheless, the complainants contend that they are senior to five teachers who will continue to teach in Gozo.	No recommendation	MEDE replied to the Commissioner for Education stating that the three teachers submitting the complaint were deployed from Malta to Gozo to replace teachers who were availing themselves of parental and maternal leave. It is a standard procedure to place teachers returning to work after availing themselves of parental or maternity leave in the school where they used to teach, and to deploy teachers who replaced them elsewhere. The complainants were aware of this and they still accepted to be deployed to Gozo.	Complaint not upheld.

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				<p>In his final opinion, the Commissioner for Education stated that when the complainants expressed their willingness to be deployed to Gozo they signed a contract and were fully informed that the deployment was temporary. The Commissioner added that this deployment is to be distinguished from 'normal' deployments on two grounds, namely</p> <ol style="list-style-type: none"> 1) in cases of normal deployments, MEDE does not seek approval from staff members; and 2) normal deployments do not have a specific operational time-period. <p>Moreover, the Commissioner confirmed that MEDE did not breach the contract with the complainants. In this light, the Commissioner did not uphold the complaint and closed the case.</p>	

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Education and Employment	UT 0024	<p>A complaint relating to a request for an extension so that the complainant would be able to avail himself of parental leave. The complainant sent a formal request to the Scholarships Board but he never received an acknowledgement or a reply. After sending several reminders, the complainant was verbally informed that the Board has approved his extension. However, he never received this in writing. Hence, the complainant sent another reminder and was informed that the person with whom he was communicating is no longer working within the Unit, and that the request has to go through the Board once again. Accordingly, the complainant claims that he finds it unjust that his request has to be reviewed again due to change of personnel. Moreover, the complainant contends that he is worried because his scholarship deadline will soon expire and the university is still awaiting a reply from his end, and because he has no evidence (in writing) that the Board has accepted his request.</p>	<p>The Commissioner for Education communicated his final opinion with MEDE on 3rd February 2020, recommending that</p> <ol style="list-style-type: none"> 1) the complainant is not to repay any funds to the Ministry; 2) that MEDE should bring to the attention of the Scholarships Board the Commissioner's final opinion and inform the Board that it should abide by this decision by issuing a back-dated approval for the complainant's first request for an extension; and 3) that MEDE should communicate with the complainant to ensure that there are no outstanding payments due to the complainant. 	<p>MEDE replied to the Commissioner for Education stating that the Ministry will communicate with the complainant immediately to confirm that he will not be suffering any consequences due to administrative issues on the part of MEDE. The Ministry stated that the complainant's request for extension have been approved, and that his final payment will be processed once he submits his end of studies deliverables.</p>	<p>Closed and recommendation implemented.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Ministry for Education and Employment	UT 0028	A complaint filed by a group of individuals working as LSEs and who are eagerly waiting for their chance to be transferred to Gozo in accordance with the list of seniority. However, they are alleging that there are employees who are being transferred to Gozo on humanitarian grounds after presenting a medical certificate without taking into account their years of service and they are therefore being given the chance to be transferred to Gozo before others who are ahead of them on the waiting list.	No recommendation	MEDE replied to the Commissioner for Education stating that when a vacancy for an LSE arises in Gozo and therefore the Ministry has to deploy people, MEDE has to take into account two main factors, namely the list of seniority and section 1.2.4 of the Manual on Resourcing Policies and Procedures. Thus, certain clauses in the manual might exert influence on this process. Moreover, the Directorate also receives requests from employees to be transferred to Gozo for various reasons, but mainly due to medical conditions, both physical and mental. In such cases, MEDE has to abide by the recommendations put forward by the Medical Board. The Commissioner decided that MEDE cannot interfere with the decisions of the Medical Board. Furthermore, the Commissioner remarked that, unfortunately, he cannot resolve the matter when there are people who are abusing of the system since such a matter lies beyond his jurisdiction, and closed the case.	Closed without recommendation.

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<p>Ministry for Education and Employment</p>	<p>UT 0030</p>	<p>A complaint arising from the fact that a group of individuals are alleging that they are suffering injustice as even though they perform the same duties as other workers, their salary scale and position is not the same. To this effect, the complainants are claiming that since they perform similar tasks and have similar responsibilities to other workers who enjoy better pay and working conditions, their nomenclature and working conditions such as salary scale, allowances, leave, and working hours should be the same as those enjoyed by the other workers.</p>	<p>The Commissioner for Education put forward a number of recommendations such as that the complainants should enjoy the same salary package and benefits as the other workers as they have similar responsibilities and perform similar tasks. Moreover, he recommended that the complainants should be provided with the same material and human resources found in other schools, and that such changes should be brought into effect as from the date of such correspondence.</p>	<p>MEDE replied to the Commissioner for Education stating that the management met the complainants in February 2020. During this meeting, it was explained that the Ministry is currently discussing a reform in connection with the college/schools where the complainants work as there needs to be a structure in place. The Commissioner was informed that the Ministry has already shown its commitment to add value to the college and to ameliorate the complainants' working conditions by, among others, improving their salary package by increasing their performance bonus; by opening other schools specialised in the field; by investing in further development of such schools; and by discussing a master plan. The Ministry also informed the Commissioner that during the meeting the management informed the complainants that they are currently working on a proposal.</p>	<p>Closed and recommendation noted.</p>

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Ministry for Education and Employment	UT 0032	A complaint filed by a teacher writing also on behalf of two other teachers. The complainants make reference to four cases whereby teachers were transferred to Gozo even though, according to the seniority list, it was not their turn to be transferred to Gozo. They claim that they spent 12 years teaching in Malta and that they were transferred to teach in Gozo for scholastic year 2018/2019. Nonetheless, in June 2019 they received a call from MEDE whereby they were informed that they will be transferred to Malta since they are no longer required to teach in Gozo.		MEDE stresses that in cases where the Medical Board puts forward recommendations to transfer employees to Gozo on humanitarian grounds, the Ministry has to abide by such recommendations. The Commissioner replied with complainant's reaction and requested more information on issues raised by complainant on the methodology employed in transferring Gozitan employees. MEDE replied with the requested explanations. The case was closed by the Ombudsman due to a lack of interest from the complainants.	Closed without recommendation.
Ministry for Education and Employment	UT 0034	A complaint filed by the Malta Union of Teachers (MUT) on behalf of MUT members who were originally employed as Kindergarten Educators (Special Needs). An agreement which came into force in 2007 introduced the grades of Learning Support Assistants (LSA) - LSA, LSA I and LSA II, and another agreement which came into force in 2010 stipulates that LSAs are able to progress to the grade of LSA II by being	No recommendation	MEDE replied to the Commissioner for Education stating that complainants undertook the course at the UoM together with other course participants. Those who decided to finish the course were assimilated to the grade of LSA II, whereas those who decided to stop, including the complainants, were assimilated to the grade of Learning Support Assistants. Those who stopped were given the opportunity to undertake	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
		<p>in possession of the course Certificate in Education (Learning Support Facilitators), a top-up course organised by the Education Division and the UoM, and by having 15 years work experience. The four complainants undertook the top-up course in 2011 since such a course was not offered between 2005 and 2011, but were promoted to the grade of LSA II between 2014 and 2016 - after gaining 15 years work experience. Thus, all LSAs II recruited before 2014 and 2016 are now considered as senior to the complainants. In this light, the complainants are alleging that they suffered injustice because of the agreements coming into force in 2007 and 2010, and the assimilation which took place in 2008. Henceforth, the complainants are requesting that their assimilation to the grade of LSE II comes into effect as from the date completed the top-up course.</p>		<p>a top-up course in order to be able to progress to the grade of LSA II. However, the number of training hours that had to be taken by the participants depended on years of work experience. Henceforth, since the complainants had less than 15 years of work experience, they had to undertake a 210-hour course but were allowed to advance to LSE II after gaining 15 years of work experience. Subsequently, the Commissioner communicated with MEDE seeking clarifications to further queries put forward by the MUT. The Commissioner issued his final opinion. The Commissioner found that the situation was caused by multiple changes in the nomenclature of the complainants and terms agreed between MEDE and the MUT. The Commissioner remarked that MEDE cannot be held accountable for adhering to the agreement between the Ministry and the Union. The Commissioner stated that he could not issue recommendations since the remedial actions should be done by the MUT. The Commissioner opined that MEDE cannot be held accountable for adhering to the agreement with the</p>	

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Ministry for Education and Employment	UT 0035	<p>A complaint filed by foster parents on behalf of their fostered son as he was accused of sharing pornographic pictures three years ago. They added that both the Education Department and the school have not taken any serious action to support their son. The complainants state that this year history is repeating itself.</p>	No recommendation	<p>Union. He further concluded that he cannot go against the agreement and such a complaint would have been better addressed to the Union rather than to MEDE.</p> <p>MEDE replied to the Commissioner for Education stating that the complainants' allegations are false as MEDE did its utmost to help and provide support to the complainants' son. Way back in 2016, the complainants asked the school to help their son. During a conference regarding the case it was decided that the complainants' son needs therapy. Therefore, it was decided that Appogg will find a therapist who could give therapy to the complainants' son. Moreover, it was decided that the school is to support the complainants' son to deal with his everyday difficulties. This support continued even when the complainants' son moved to secondary school. MEDE provided the Commissioner for Education with documentation providing details regarding the support, intervention and work done for the benefit of the complainants' son.</p>	Closed without recommendation.

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<p>Ministry for Education and Employment</p>	<p>UT 0038</p>	<p>Investigation on the shortage of teachers. The Commissioner opened this investigation on a personal initiative and put forward a request for a list of teacher shortages in all primary and secondary schools, in all subjects.</p>		<p>Subsequently, the Commissioner informed MEDE that he is closing the case as the parents filing the case on behalf of the student are no longer officially recognised as his foster parents.</p>	<p>Pending at Ombudsman.</p>
				<p>A meeting between the Commissioner for Education and officers from MEDE was held on 16th October 2019 whereby it was agreed that since statistical data changes constantly, MEDE will provide the Commissioner with this information should the need for such data arises at a particular point in time.</p>	
				<p>On 30th April 2020, the Commissioner communicated with MEDE requesting information illustrating:</p>	
				<p>1) the shortfall of teaching personnel per subject per school at secondary level, and</p>	
				<p>2) the shortfall of teaching personnel per school at primary level. This data should cover the period from the beginning of the current scholastic year until the day on which the Ministry announced that the schools will be closed because of the spread of COVID-19.</p>	

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Ministry for Education and Employment	UT 0054	<p>A complaint filed by a full-time student in his third year of study with the UoM and who is on unpaid study leave. He filed a complaint as the Students' Maintenance Grants Board (SMGB) informed him that in accordance with Regulation 13 of LN 308 (2016) he will be eligible for students' maintenance grant once he commences his fourth year of study as he had already undertaken a course at the same level. However, the complainant disagrees with the Board's decision and claims that in accordance with the proviso incorporated within regulation 13(c) he is eligible for the students' maintenance grant.</p>	<p>The Commissioner for Education recommended that the SMGB should pay the complainant a stipend, and that the Board should settle any outstanding arrears from the date of the complainant's application.</p>	<p>MEDE replied to the Commissioner for Education stating that sub-regulation 13(c) applies in the case of courses where students have to successfully progress from one course to another, thus completing the first course is a pre-requisite. Henceforth, the aforementioned sub-regulation does not apply to the complainant because his first course in MQF Level 6 is not related to the course he is currently undertaking. To this effect, the complainant is entitled to receive a stipend only for that period of time exceeding the number of years he had already spent studying while undertaking his previous MQF Level 6 course, or courses at a higher level.</p> <p>Subsequently, the Commissioner communicated with MEDE stating that the Ministry failed to abide by Regulation 13(c). To this effect, the Commissioner informed MEDE that the case will be presented to the House of Representatives if the Ministry does not change its position. MEDE replied to the Commissioner for Education on 16th April 2020 stating that the Ministry will be consulting an expert on the interpretation of the law.</p>	Closed and recommendation implemented.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Ministry for Education and Employment	UT 0056	A complaint filed by an individual on behalf of his sons, attending a state school, who selected Computer Studies as an option. The complainant is alleging that his sons were left without a Computer Studies teacher since the beginning of the current scholastic year (2019-2020).	No recommendation	MEDE informed the Commissioner that the recommendation will be implemented. MEDE replied to the Commissioner for Education stating that the issue was for a short span of time after two teachers of Computer Studies left the school. Eventually, MEDE reached an agreement with the MUT so that Support Teachers start delivering 16 lessons during the week starting 18 th November 2019, and another eight lessons during the week starting 25 th November 2019. Subsequently, the complainant communicated with the Commissioner for Education and with MEDE stating that the issue has been solved. The Commissioner for Education closed the case.	Closed by the Ombudsman after the management replied to one request for information.
Ministry for Education and Employment	UT 0059	A complainant arising from the fact that a Learning Support Educator II (LSE II) is receiving less pay than another LSE II who graduated a year after him. Moreover, he is alleging that his contract states that he will progress to Salary Scale 10 but to date this has not materialised.	No recommendation	MEDE replied to the Commissioner for Education stating that this case was solved by means of an agreement between the Ministry and the MUT concerning cases similar to that filed by the complainants.	Closed by the Ombudsman after the management replied to one request for information.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Ministry for Education and Employment	UT 0061	<p>A complaint relating to the students' maintenance grant, as the complainant states that he is not being paid students' maintenance grant as this is the third time applying for such a grant.</p> <p>Nevertheless, he declares that although this is the third time applying for this grant, he has refunded the funds received in the other instances.</p>	No recommendation	<p>MEDE replied to the Commissioner for Education stating that the complainant had already started two courses and refrained from completing such courses. Furthermore, MEDE states that the decision made by the SMGB is based on Regulation 13. Such a regulation states that students following a subsequent course at a lower level or completing in full or part of a course at the same level shall not receive a stipend for that period of time which is equivalent to the time spent studying while undertaking their previous course, except in cases where students make a one-time shift from one course to another of the same level. Moreover, MEDE claims that the sum refunded by the complainant amounts to only half of the grant he received. The Commissioner for Education agreed with the decision made by the Students' Maintenance Grants Board which is based on the law.</p> <p>Therefore, the Commissioner did not uphold the complaint and closed the case.</p>	Complaint not upheld.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Ministry for Education and Employment	UT 0064	<p>A complaint concerning an application for a scholarship as the complainant claims that while he was submitting the application about 20 minutes before the closing of the application, the system crashed. The complainant states that he called MEDE for assistance and provided them with the necessary documents via email. However, officers from MEDE informed him that they could not accept the application because he did not apply through the system, and that he should have applied earlier. Nevertheless, the complainant claims that he should not be blamed for this because he could not submit the application due to a technical fault in the system.</p>	No recommendation	<p>MEDE replied to the Commissioner for Education stating that the Information Management Unit (IMU) confirmed that there were no technical faults in the system. MEDE also refers to Clauses 8.1, 8.7 and 8.8 of the TESS Regulations. Moreover, MEDE states that in accordance with Clause 4.1.5, applicants were expected to commence their course by the end of December 2019. Thus, the complainant's application still would not have been considered for the selection process taking place in 2019 since the complainant declared that his course is to commence in January 2020. Subsequently, the Commissioner informed MEDE that the complainant is thinking of reapplying during the year 2020 if the opportunity arises. Therefore, the Commissioner closed the case.</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Ministry for Education and Employment	UT 0065	<p>A complaint arising from the fact that a Learning Support Educator II (LSE II) is claiming that his contract of employment is not being honoured by MEDE and that his salary payment is less than that received by other LSEs II who graduated a year after him.</p>	No recommendation	<p>MEDE replied to the Commissioner stating that this case was solved by means of an agreement between the Ministry and the MUT concerning cases similar to that filed by the complainant.</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Ministry for Education and Employment	UT 0067	A complaint concerning students' maintenance grant as the complainant was found to be ineligible for the receipt of such grant because he worked for more hours than that allowed by the law. However, the complainant is alleging that this decision is unjust because the documents presented to the Students' Maintenance Grant Board (SMGB) prove otherwise.	No recommendation	MEDE replied to the Commissioner for Education stating that the SMGB has reconsidered the complainant's application and that his application has been approved. Subsequently, the complainant informed the Commissioner that this case has been solved. Therefore, the Commissioner closed the case.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
The Council for Teaching Profession	UT 0008 UT 0009	A complaint concerning an alleged unfair treatment of two teachers. The latter claim that they received a formal communication from the Council for Teaching Profession (CTP) stating that because of past reviews, their current Heads of School and an Education Officer have to write a detailed report regarding their pedagogy, which report has to be presented to the CTP. However, the lawyer representing the complainants claims that this praxis counters the agreement between the Malta Union of Teachers (MUT) and the Church Schools postulating that such a procedure is to be implemented only if the	No recommendation	The CTP replied to the Commissioner for Education on 16 th May 2019 stating that the complainants' reports prepared by an Educational Officer illustrate a number of shortcomings in their pedagogy. In spite of this, the CTP recommended the complainants for a temporary warrant. However, the CTP requested a detailed report from their current Heads of School and from another Education Officer to ensure that the shortcomings were being addressed. The CTP claims that requesting a detailed report from the complainants' current Heads of School and an Education Officer does not breach the agreement between the MUT and Church Schools, as it is the responsibility of the Council to oversee teachers	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
<p>Foundation for Educational Services</p>	<p>UT 0037</p>	<p>Head of School makes a formal request, which is not the case. They also claim that reports written by their current Heads of School highly oppose the remarks listed in previous reports. Additionally, the complainants argue that the CTP made such a request without reviewing their files. The complainants also claim that such a situation is putting a lot of pressure on them since if the case is not resolved, their temporary warrant will not be renewed and hence they will not be awarded a permanent warrant.</p>	<p>No recommendation</p>	<p>providing services in Church schools, to provide them with the necessary support and guidance, and to ensure that students are receiving education of good quality. The Council adds that if the reports submitted by the complainants' present Heads of School and the Education Officer confirm that now they are equipped with the necessary teaching skills, the Council will renew their temporary warrant.</p>	<p>Closed without recommendation.</p>
		<p>A complaint arising from the fact that an employee of the Foundation for Educational Services (FES) is claiming that, according to the law and to the contract with the aforesaid foundation, he should have been paid for four weeks, but in actual fact he was paid for three weeks and one day. Additionally, he argues that he should have been paid for 100 working hours and not 74 working hours. The complainant is claiming that the FES made repetitive mistakes when it comes to the computation of his wage.</p>		<p>The FES replied to the Commissioner for Education stating that the matter has been resolved. The FES also provided a copy of the correspondence received from the complainant verifying that the case is resolved. On 31st January 2020, the FES replied to further queries put forward by the Commissioner and clarified that the complainant's first pay did not cover a period of four weeks since the complainant signed his contract with the FES in July 2019, and that the complainant started working with FES in between the</p>	

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Institute for Education	UT 0027	<p>A complaint concerning an online application for a Masters course administered by the Institute for Education (IFE). One of the eligibility criteria is having an MQF Level 3 (Grade 1-5, or equivalent) in the Maltese language, the English Language, and Mathematics. The complainant was informed that he is ineligible since he does not meet these criteria due to the fact that he has an MQF Level 3 Grade 7 in the English Language. The complainant claims that he sat for the O-Level examinations way back in 2000 and that since then he obtained a Bachelors Degree and also a Masters Degree.</p> <p>Henceforth, the complainant argues that his application should be reviewed by an eligibility board.</p>	No recommendation	<p>timesheet period covering 18th June 2019 and 22nd July 2019. Moreover, the FES explained the procedure and claimed that the foundation always abides by the established payroll dates.</p> <p>The case was closed as the complainant left the FES.</p> <p>The IFE replied to the Commissioner for Education stating that the Letter Circular IFE 40/2019 shows clearly that one of the eligibility criteria is that applicants should have an MQF Level 3 in English Language (Grade 1-5, or equivalent). To this effect, the complainant is not eligible as he does not satisfy this requirement.</p> <p>Subsequently, the Commissioner recommended to the complainant to sit for the O-Level English Language examination to get a better grade. The complainant accepted the Commissioner's recommendation, thus the Commissioner closed the case.</p>	Closed by the Ombudsman after the management replied to one request for information.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Institute of Tourism Studies	UT 0002	A complaint from a student that the exam paper did not match the learning outcomes and that the assessment should have been a test and an assignment. The student failed and was requested to do the resit. The student considered this situation as unfair.	No recommendation	Following a meeting between the complainant and the CEO of Institute for Tourism Studies, the issue was resolved and the case subsequently closed.	Closed without recommendation.
Institute of Tourism Studies	UT 0005	A complaint by a member of the academic staff about not being paid for overtime worked between January and February 2018.	No recommendation	ITS replied to the Commissioner by providing evidence on the overtime procedure laid out in the memo and circulated amongst all staff. The complainant failed to abide by the instructions provided in the aforementioned memo. The Ombudsman replied back to the complainant informing him that contrary to what he claimed, it was the latter who failed to follow the established procedures and, from the evidence provided by the Management of the Institute, it did not transpire that there was any maladministration or discrimination in the complainant's regard.	Complaint not upheld.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Institute of Tourism Studies	UT 0006	A complaint relating to a request for transfer.	The Commissioner urged P&SD to facilitate the transfer and grant ITS the possibility to seek a replacement.	The applicant was transferred and the P&SD gave the go-ahead to ITS to seek a replacement for the position that became vacant.	Closed and recommendation implemented.
Malta Qualifications Recognition Information Centre	UT 0047	A complaint concerning an application for the post of Senior Lecturer 1 within MCAST, as the complainant was informed that he is ineligible for such post because he is not in possession of a first-degree. However, the complainant claims that his MQF Level 6 qualification, including proof of 2 years work experience, are equivalent to a first-degree. The complainant sent several emails to MQRIC to provide him with evidence that his qualification is equivalent to MQF Level 6 and not 5. However, he received a reply after three months stating that his qualification is comparable to MQF Level 5, that such statement supersedes the one issued by MQRIC in November 2012, and that he is to refrain from making use of the previous statement which incorporates incorrect and outdated information as MQRIC may proceed legally against anyone who make use of an invalid document.	The Commissioner recommended that complainant is given a one-time grant as gratitude for his service.	MQRIC replied to the Commissioner for Education stating that although the period during which one can file an appeal is that of ten days, MQRIC will find no objection if this appeal is accepted by the Appeals Board. Henceforth, MQRIC suggested that the Office of the Commissioner should communicate with the complainant to inform him that he can file an appeal by using the email address indicated in the same correspondence. Furthermore, MQRIC recommended that the Office of the Commissioner for Education should inform the Appeals Board regarding the communication between MQRIC and the Commissioner's Office, keeping in mind the 10-day timeframe. The Commissioner put forward his recommendations to MCAST and closed the case.	Closed and recommendation not accepted.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
		<p>Moreover, MQRIC informed the complainant that he can file an appeal within ten days of the issuance of the statement. Accordingly, the complainant is complaining that he could not lodge an appeal since three months have elapsed before he received the statement.</p>			



COMMISSIONER FOR EDUCATION
FOLLOW-UP ON PRE-2019 CASES

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
University of Malta	US 0010	The complainant had applied for a higher position and was informed that at that stage he was not recommended for promotion.	The Commissioner for Education advised the complainant to request reconsideration.	The complainant was given the opportunity to address queries/concerns put forward by the assessors and to submit any updates to his application. The complainant resubmitted an updated application which was to be reconsidered by the Promotions Board. The Commissioner for Education advised the complainant to request reconsideration.	Closed without recommendation.	Pending at Ministry.
University of Malta	US 0038	The complainant, who submitted a PhD research proposal, claimed that there was undue and avoidable delay in taking the decision and in replying to correspondence. Moreover, he argued that there was an inequitable application of rules and		On 9 th March 2020, the Promotions Board considered the case and a recommendation was brought to the attention of the Council. The Council approved the promotion of the complainant.	Complaint not upheld.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
		<p>and procedures as well as a failure to observe correct procedures. The complainant also argued that the University of Malta failed to make good for any damaged caused by the University of Malta.</p>		<p>A revised proposal had not been submitted by the applicant and therefore the University could not proceed any further with the application. A revised proposal was submitted by the complainant soon after. The Doctoral Academic Committee recommended to the Senate that the applicant be accepted to commence studies as a PhD candidate. The applicant was informed accordingly.</p> <p>On 1st April, 2020, the Commissioner forwarded an email which he had received from the complainant, stating that although now he is registered with the UoM he has not yet enrolled, meaning that he cannot have access to the University's IT system nor attend workshops or seminars, as the necessary documentation will not be made available until he is enrolled.</p>		

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>Moreover, the complainant is alleging that the draft IP Agreement that he has received from the University does not address many significant aspects and is therefore still being analysed by his lawyer. Accordingly, the complainant is leaving the case open and will revert to the Commissioner once he has news to report about the matter.</p> <p>Notwithstanding this, the Commissioner for Education found that the University of Malta did not breach any regulations and concluded the case without sustaining the complainant's claim.</p>	<p>Pending at Ombudsman.</p>	<p>Pending at Ombudsman.</p>
Council for the Teaching Profession	US 0050	Case with confidential details, concerning the loss of a temporary teaching warrant.		Confidential details.	<p>Pending at Ombudsman.</p>	<p>Pending at Ombudsman.</p>



COMMISSIONER FOR ENVIRONMENT & PLANNING 2019

CASES HANDLED BY THE COMMISSIONER FOR ENVIRONMENT & PLANNING

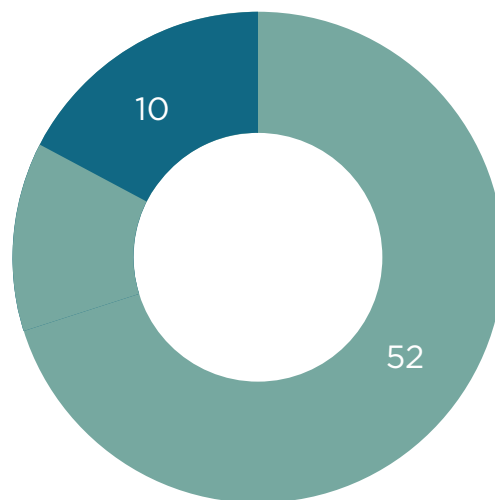
Data compiled by the Public Administration shows that the Commissioner for Environment & Planning was presented with 52 new cases in 2019. This is to be added to the 10 cases the Commissioner had on his caseload which pre-dated 2019, adding up to a total caseload of 62.

Diagram 11 showing the status of Commissioner for Environment & Planning caseload.

Diagram 11

Commissioner for Environment & Planning Total Caseload

■ 2019 ■ Pre-2019



As identified in Diagram 12, 49 cases (44 new and 5 pending from pre-2019) were closed during the reporting period. This represents 79% of the 2019 caseload for the Commissioner. It is also a further improvement on 75% of cases closed during the previous reporting period (i.e. cases identified in the last report).

A total of 4 (6%) cases were withdrawn following a decision by the Commissioner or by the complainant. Of these, one case pre-dated 2019.

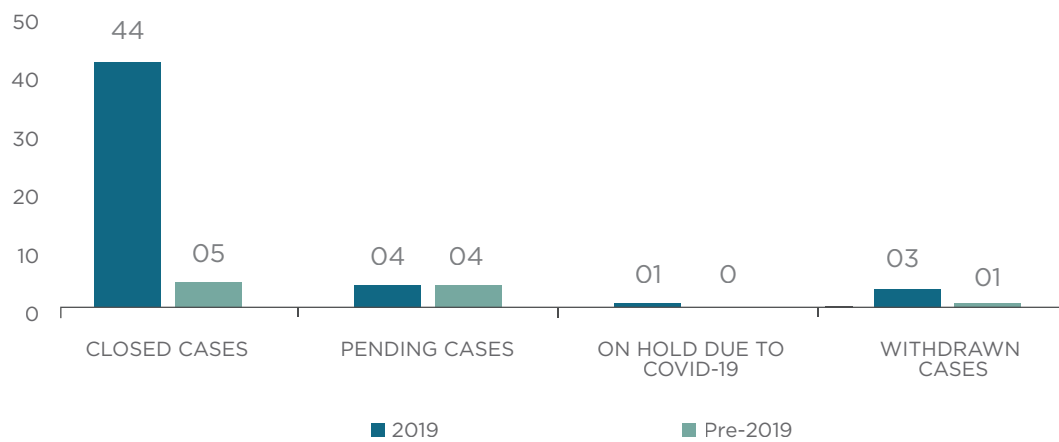
One case was placed on hold due to the COVID-19 pandemic.

Eight cases or 13% of the caseload remain pending at the time of reporting. Six of these cases are pending at Ministry and the remaining two are pending at Commissioner. Four of these cases pre-date 2019.

Diagram 12 identifying the status of the Commissioner for Environment & Planning caseload.

Diagram 12

Commissioner for Environment & Planning Status of Caseload



On closer inspection, it emerges that of the 49 concluded investigations:

- In 35 instances (71.4%), no recommendations were made or the case was closed by the Commissioner on receipt of the initial explanation by the concerned Ministry.
- In 13 cases (26.5%), the recommendations were either already implemented (9 cases) at the time of reporting or otherwise the recommendations were noted (4 cases) at the time of reporting.
- In 1 case (2.0%), the recommendation was not accepted.

This represents a continuation of the trend seen in last year's report which registered a significant improvement in terms of the adoption of recommendations by the Public Administration.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Building Regulation Office	ET 0026	A complaint related to lack of action against dust generation from a development site in Sliema.	No recommendation	The CEP was informed that the enforcement section within BRO conducted several inspections during the current period and was also informed that there were instances that the officers noted infringements related to dispersion of fine dust particles. On every such occurrence, the officers verbally reprimanded either the culprit himself or the responsible site manager. Through a reconciliation with the CEP office, it transpired that case has been closed off.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Building Regulation Office	ET 0045	A complaint regarding damages sustained by a tenant due to works carried out adjacent to his residence.	The Commissioner for Environment and Planning recommended that a site inspection at the complainant's residence is carried out by BRO.	The CEP was informed that the enforcement section of the BRO took the possible action within its remit; the offender's bank guarantee was put on hold, and instructions to the complainant on how to proceed with the claim were given by the BRO. The Commissioner for the Environment and Planning found no maladministration from the BRO in the handling of this complaint. The CEP closed off this case and opened another case with reference ET 0073.	Closed and recommendation not accepted.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
<p>Building Regulation Office</p>	<p>ET 0050</p>	<p>A complaint related to the delegation from BRO to MDA to compile the register of contractors to MDA.</p>	<p>The Commissioner for Environment and Planning recommended that <i>'The BRO should immediately remove its adverts on the media wherein the BRO mentions that it has reached an agreement with and authorized a non-government organisation to compile such a register and BRO is to provide information on the same media correcting this; and the BRO should compile its own register as established by law without considering any other registers compiled by any other body except for those registers that are authorised according to law.'</i></p>	<p>On 21st August 2019, a reply was sent to the CEP with the requested comments and clarifications. In view of the feedback given, the CEP recommended that BRO stop delegating the register to the MDA and that the general public is to be informed about this. The CEP also recommended that the BRO should draw up its own register. Further to the CEP's recommendations, the information about the register and link to the MDA's website were also promptly removed from the BRO portal.</p> <p>As not all the CEP recommendations were implemented by the BRO, the CEP escalated this case to the Office of the Prime Minister.</p> <p>Through a reconciliation with the office of the CEP on 11th May 2020, the case was closed.</p>	<p>Closed and recommendation partially implemented.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Building Regulation Office	ET 0065	A complaint in connection with the raising of a party-wall at Għarb, Gozo.	The Commissioner for Environment and Planning recommended that BRO informs the architect in charge to resubmit this declaration form.	The architect in charge admitted that the proposed development abuts the boundary wall of the backyard of the third-party property, however, in his declaration, he omitted to mention the third-party property. Furthermore, the architect failed to include his name and the warrant number on the form. The architect was informed to resubmit the declaration form.	Closed and recommendation implemented.
Building Regulation Office	ET 0073	A complaint regarding water infiltration issues and excess dust from an overlying development in Tarxien.	No recommendation	The CEP was informed that the enforcement section of the BRO took the possible action within its remit and the offender's bank guarantee was put on hold and instructions to the complainant on how to proceed with the claim were given by the BRO. The Commissioner for Environment and Planning recommended that the applicant seeks legal advice as the BRO had done everything possible within its remit and closed the case accordingly.	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Housing Authority	ET 0003	A complaint lodged regarding the removal of an illegal washroom from the roof of a Valletta residence.	No recommendation	<p>On 22nd January 2019, the Office of the Ombudsman communicated with the HA regarding the investigation they were carrying out concerning the roof of this residence. The Ombudsman requested information regarding ownership of the roof and what action the HA is taking to remedy this situation.</p> <p>In June 2019, the Office of the Ombudsman was informed that the HA was investigating all cases of structures built on the roof of the block and that, as a policy, ownership of airspace is not transferred but since there were multiple transfers, even to third parties, the contracts needed to be viewed individually. On 4th September 2019, the Office of the Ombudsman was informed that the HA started to take action in terms of Cap 573 Government Lands Act. Since there were 14 rooms, the HA had decided to start with periodic actions against the residents. At the same time, following a joint proposal by the residents, the HA offered them that if they voluntarily sign a declaration and transfer the vacant possession of this</p>	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Housing Authority	ET 0075	A complaint arising from the fact that the complainant's application was withdrawn by the HA.	No recommendation	<p>room to the HA, the Housing Authority would remove the washrooms at its own expense. This information was passed on to the Ombudsman on 9th October 2019. In the meantime, the HA has also started legal proceedings against those with whom it did not manage to settle the manner amicably. Court cases are still ongoing. The Office of the Ombudsman proceeded to close the case.</p> <p>The Housing Authority replied on 13th March 2020, informing the Office of the Ombudsman that the schemes' conditions are clear and accessible on the HA's website and hence it is easily ascertained as to why the complainant's application was withdrawn. The Office of the Ombudsman hence proceeded to close the case.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
<p>Infrastructure Malta Agency</p>	<p>ET 0021</p>	<p>A complaint concerning flooding in a locality square.</p>	<p>The CEP recommended that: (i) changes in street levels should be carried out, and (ii) a water culvert should be constructed.</p>	<p>A survey to identify the levels presently on site was carried out in order to identify the source of the flooding problem. It has been agreed that the cleaning of existing culverts will be carried out by the end of August 2019. If the problem persists, Infrastructure Malta will consider alternative measures. The CEP was informed of the foregoing via an email dated 10th June 2019. On 16th September 2019 and on 9th October 2019, the IM Liaison Officer informed the CEP that the cleaning of culverts was carried out. Notwithstanding this, the CEP sent another email dated 14th November 2019 wherein he requested that the culvert in another street is to be cleaned and that the reservoir underneath the square is to be emptied from water.</p> <p>On 25th August 2020 the CEP was informed that the cleaning of the mentioned culverts will be done soon, whilst pointing out that the reservoir does not fall under IM remit. On 26th August 2020, the CEP directly emailed the Minister for Transport, Infrastructure</p>	<p>Pending at Ministry.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Infrastructure Malta Agency	ET 0032	A complaint related to the lack of crossings for bicycles in the area of Balzan/Attard.	No recommendation	<p>and Capital Projects and submitted his recommendations about this case. On 7th September 2020, the CEP was informed that the cleaning of culverts was carried out.</p> <p>A meeting will be scheduled between the CEP and IM to further discuss this case.</p>	Closed without recommendation.
				<p>The CEP requested IM to confirm whether it will incorporate crossings, such as a pedestrian bridge or an underpass and whether the speed limit of 50km/hr in that area will remain. On 1st July 2019, the IM Liaison Officer informed the CEP that IM is considering changing the cycle lane's position to be placed on the residential side, thus, eliminating the need for a crossing. Consequently, on 21st August 2019, IM informed CEP that the speed limit of 50km/hr will be retained. On 23rd March 2020, the CEP asked what the new plans for the positioning of the cycle lane are. IM's Liaison Officer replied that following discussions between IM and BAG, it has been agreed that incorporated on the residents' side to eliminate unnecessary crossings.</p>	

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
<p>Infrastructure Malta Agency</p>	<p>ET 0033</p>	<p>A complaint relating to the size of the lifts proposed to be installed in relation to the Marsa project.</p>	<p>The CEP requested IM to consider enlarging the size of the lift cabin.</p>	<p>Through a reconciliation with the CEP it transpired that the case has been closed. No redress was achieved through this case. On 27th June 2019, the CEP was informed that each lift has a capacity of six persons and thus, the size of the cabin is approximately 1.2m by 1.0m. In view of the feedback given, the CEP requested IM to consider enlarging the size of the lift cabin. During a meeting between IM and the CEP, the latter was informed that the recommendation will be entertained. The depth of the lift shafts was constructed internally measuring 2.20m. Through the CEP's intervention, the lift was constructed in a bigger size.</p>	<p>Closed and recommendation implemented.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Infrastructure Malta Agency	ET 0046	A complaint related to lack of access for pedestrians in relation to works being carried out as the pavement in the main road between Rabat and Mosta is practically inexistent. The CEP further stated that pedestrians and cyclists coming from Triq l-Imtarfa cannot cross safely to Ta' Qali.	No recommendation	The CEP was informed that a temporary road crossing has been implemented on site to allow for crossings and that another temporary crossing will be implemented. The CEP was informed that the Mtarfa roundabout has been re-opened and thus, cyclists can use such a roundabout normally as they used to do prior to the commencement of works. On 17 th September 2019, the CEP further asked whether IM will provide for any pedestrian crossings linking Mtarfa to the Ta' Qali side in the proximity of Mtarfa roundabout. On 18 th September 2019 it was confirmed that the project will entail a crossing near the Mtarfa roundabout and another crossing in a road leading to Buqana; thus, there is going to be a link between Mtarfa and Ta' Qali.	Closed without recommendation.
				Through a reconciliation with the CEP office on the 20 th March 2020, this case was confirmed as closed.	No redress was achieved through this case.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Infrastructure Malta Agency	ET 0062	A complaint related to the lack of information available to the public in relation to a project planned for Swieqi.	No recommendation	<p>Infrastructure Malta informed the CEP that the relevant plans have been published by the Planning Authority.</p> <p>The case was closed off by the CEP on the 9th October 2019.</p> <p>No redress was achieved through this case - the CEP was informed that the competent Authority to publish the plans is the Planning Authority.</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Infrastructure Malta Agency	ET 0080	A complaint related to works carried out at Wied Qirda, Siggiewi/Żebbug.	No recommendation	<p>The CEP requested information on whether IM was carrying out works in the mentioned area and also whether IM is following other authorities' instructions. Communications took place between IM and ERA and an agreement was reached between these two entities.</p> <p>Through a reconciliation with the CEP's office on 17th August 2020, it transpired that this case was closed off.</p>	Closed without recommendation.
Lands Authority	ET 0009	A complaint concerning restricted access in an area in Gozo, with particular reference to a sign which states that a parking area is only reserved for hotel guests and restaurant patrons.	No recommendation	<p>The Lands Authority informed the CEP that the site where the parking area is located forms part of a private registered area and also provided the CEP with a site-plan clearly showing the registration area and</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Lands Authority	ET 0027	A complaint related to unfair treatment in the processing of an application to adjoin an unutilised enclosed space in Valletta.		<p>indicating the area that is privately owned.</p> <p>The case was closed by the CEP on 12th February 2019.</p> <p>The case was not related to the Lands Authority's remit.</p>	Pending at Ombudsman.
				<p>The Lands Authority informed the CEP that the complainant was already informed by the Board of Governors of the Authority by virtue of a letter dated 11th December 2018, that his request to adjoin an unutilised enclosed space could not be approved, with the reason being that the property beneath the complainant's was enclosed illegally. Furthermore, the CEP was also informed that the occupier of the property beneath the complainant's was requested to remove all irregularities which were in place, namely reverting the internal yard to its original state.</p> <p>The case has been pending at the CEP since 21st August 2019.</p>	

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Local Council	ET 0074	A case relating to parking and waste issues at a location in Mosta.	No recommendation	<p>The CEP opened the case on 4th November 2019.</p> <p>On 8th November 2019, the CEP informed the complainant that the Office will not be providing recommendations on the case and to lodge the complaint with the relevant authorities so that the law can be enforced. Furthermore, the CEP forwarded a number of suggestions to the complainant keeping in copy the Mosta Local Council, Transport Malta, LESA, and the Police. On 11th November 2019, Transport Malta acknowledged receipt of the email and suggested a way forward for this case. No further actions on the suggestions made by the CEP were taken and the case was closed by the Office of the Ombudsman.</p>	Closed without recommendation.
Ministry for Transport, Infrastructure and Capital Projects	ET 0008	The CEP drew the attention of IM with regard to the state of the rural roads at Wied il-Ghasel, Mosta, where urgent works are required in order to re-establish access.	The CEP recommended that immediate action is taken in order to help alleviate problems faced by the citizens who must use these roads as access to their properties.	<p>On 28th February 2019 IM's Liaison Officer requested the relevant site plans of these rural roads from the CEP.</p> <p>IM applied for the necessary permit with ERA, which permit was refused. As a result, the CEP called for a meeting between IM and ERA on 20th May 2019 wherein it was agreed that ERA will contact the complainant in</p>	On hold due to COVID-19 exigencies.

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Ministry for Transport, Infrastructure and Capital Projects	ET 0058	The Commissioner started an investigation regarding access to information held by the Planning Authority.	The CEP recommended that all documentation regarding Planning applications are made available to the general public, always subject to Data Protection Regulations.	<p>order to investigate his concerns and update the CEP accordingly. Two follow-up meetings were also held between IM and ERA on 2nd October 2019 and 25th February 2020. The two entities agreed that a site visit will be held so as to discuss the way forward. ERA, IM and the CEP had agreed to meet on site on 17th March 2020. Notwithstanding this, the CEP had cancelled the site visit due to COVID-19 and a new date will be proposed by him.</p>	Closed and recommendation noted.
				<p>The CEP was informed that the Authority has made no changes to the type of information being published and the timing of the publication but has only made changes to its online electronic application systems, e-Apps, to ensure that applications are made available for viewing by the general public in line with the definitions and timings specified in LN 162 of 2016 and not beforehand. The CEP informed the Minister for Transport, Infrastructure and Capital Projects of this case and the recommendations submitted to the PA. The CEP was informed by the PA that it agrees with his recommendations to publish the engineer's reports and</p>	

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Planning Authority	ET 0002	A complaint relating to the minor amendment approval dated 7th December, 2018 PA 7969/16 for a development in Merchants Street, Valletta.	No recommendation	<p>other authorisations that directly affect decisions of the same applications and make them available to the public. The CEP was also informed that the PA gives access to the public to photographs taken by the Authority or its contractors with the exceptions to the cases where such photos are uploaded with the wrong description. However, when such an error is noted the Authority takes immediate actions to rectify these errors.</p> <p>The CEP closed the case after he was informed that his recommendation was noted.</p>	Closed without recommendation.
				<p>A reply was sent to the Commissioner on 17th January, 2019 indicating that there is nothing that precludes the authority from considering a minor amendment although the matter was raised by the objectors. The Board considered this as not acceptable and requested fresh drawings. On its part, the Planning Directorate failed to note this and the Executive Chairman instructed the Directorate to initiate the provisions of Article 80. The CEP was also informed that the Directorate followed the provisions of the LN by informing the objectors</p>	

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				<p>that the minor amendment had been submitted. The LN however does not mention anything when fresh plans are submitted. This issue was discussed internally and whilst there is no breach of the regulations, the procedure is not satisfactory. To this effect directions were given to the officers that once a minor amendment is submitted and there are registered objectors, no changes to the plans are to be allowed and a decision has to be taken on the plans submitted. The CEP was also informed that applicant should be informed either to withdraw the Minor Amendment if changes are necessary and re-submit a new MA or it will be refused. The CEP acknowledged receipt of a letter dated 17th January, 2019 and conveyed his utter satisfaction for the expeditious intervention in addressing this complaint.</p>	
Planning Authority	ET 0004	A complaint regarding no action taken against illegal use of shop in Pembroke.	No recommendation	<p>Consultation was carried out with the PA lawyer regarding Article 13(5) of S.L. 552:13 in connection with the failure of the submission of payments requested from the applicant within the stipulated period. The standard wording in letters issued by the Planning Authority which state that 'failure to submit this</p>	Closed without recommendation.

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<p>Planning Authority</p>	<p>ET 0007</p>	<p>A complaint relating to PA 10932/18. The matter revolved around the publishing of this application and matter required to be treated urgently in view that this application was scheduled to be heard on 5th February, 2019.</p>	<p>No recommendation</p>	<p>payment the permit shall be withdrawn and the application automatically dismissed' shall be replaced by 'following lapse of 6 month period the file will be referred to the Board'. The CEP hence proceeded to close this case.</p>	<p>Closed without recommendation.</p>
				<p>A reply was sent to the Commissioner on 14th February, 2019 indicating that although the site notice gave a deadline of 15th March, 2019, the notice published on the DOI website indicated that the deadline was 20th February, 2019. The CEP was informed that the PA will re-publish the case on the DOI website on 20th February, 2019 to alert the public that the actual deadline for submissions is that stated in the Site Notice. The CEP referred back on 15th February, 2019 noting that the day before, the PC Chairperson moved the hearing date from 21st March to 28th February, which irregularly precedes the representation expiry date. In view of the Commissioner's reply, the latter was informed that the hearing date was re-scheduled to the original date, that of 21st March 2019, where the application was actually granted.</p>	

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Planning Authority	ET 0011	A complaint relating to the use of the University Sports Ground as a parking area.	No recommendation	The CEP was informed that the Construction Management Plan in PA7823/17 R195 was not accepted by Transport Malta in R205 and the ground is no longer being utilised as a car park. The CEP hence proceeded to close this case.	Closed without recommendation.
Planning Authority	ET 0012	A complaint relating to failure to take enforcement action against a roof structure on a hotel at Valletta.	No recommendation	The CEP was informed that a decision was taken by the PA Board to overturn the Directorate's recommendation for revocation. The CEP was also informed that the minor amendment was withdrawn and a new application was submitted to sanction all illegalities. The CEP hence proceeded to close this case.	Closed without recommendation.
Planning Authority	ET 0016	A complaint relating to the failure to republish an application for a development at University Sports Ground.	No recommendation	The CEP was informed that the Executive Chairman of the PA agreed that the Directorate will not process further the proposed additional plans that include the extensive carpark. Such plans would also not be considered by the Board since they constituted a material change. The CEP was also informed that the PA is finalising an agreement to fund this parking area, following which an appropriate application will be pursued. PA 1402/17 was granted on the	Closed without recommendation.

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<p>Planning Authority</p>	<p>ET 0018</p>	<p>A complaint relating to the validity of CTB (Category B concessions) concessions following the issue of PA Circular 1/19.</p>		<p>14th October 2019 covering developments at University Sports Ground. The CEP was informed accordingly and proceeded to close this case.</p> <p>The CEP was informed that the requirement of regularisation emanates from Circular 2/98 section 2.4. The CEP was also informed that the PA does not understand that further clarifications were meant to be issued because the requested clarification transpires from the Law itself through the application of the proviso to sub-regulation 14(1) of Legal Notice 514 of 2010, read in conjunction with sub-regulation 1(3)(d) of LN 162 of 2016. The MTIP Minister was informed and his intervention was requested by the CEP as the PA had not implemented the requested recommendation. Emails were exchanged between the MTIP Minister and the CEP following which the CEP informed the MTIP Minister on 17th December 2019 that he will escalate such a case with the Office of the Prime Minister. On 4th February 2020, the CEP office informed the MTIP Ministerial liaison officer that a copy of the final opinion was sent to MECP Minister and a meeting to discuss further this case</p>	<p>Pending at Ministry.</p>

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Planning Authority	ET 0023	A complaint relating to a lack of action by the PA against a construction protruding onto a street.	No recommendation	<p>was requested. On 29th May 2020, the CEP was informed that an amendment to PA Circular 1/19 has been drafted and will be put on the Executive Council's agenda, whereby the Council decided that the Authority should seek another legal advice due to misinterpretation of the same circular. The PA will be issuing the corrected circular.</p>	Closed without recommendation.
				<p>Following a request for feedback, the CEP was informed that an illegal wall was erected to close off an existing garden, forming part of a dwelling, when the street had been formed. Another wall and the room on the same site are visible on the 1968 aerial photos and thus no action by the PA may be taken against them. In fact, the enforcement notice ECF228/17 covers only the wall erected to close off the said garden. Thus, should action be taken by the PA to demolish this wall, there would still remain another wall jutting into the street and a room. The CEP closed this case but is now investigating with Infrastructure Malta.</p>	

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Planning Authority	ET 0024	A complaint relating to the levy and processing of requests for revocation of the modification of permission.	No recommendation	The documentation requested by the CEP including a list of relative requests for 2017 and 2018 was duly submitted by the Planning Authority on the 28 th of May 2019. The CEP hence proceeded to close the case.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Planning Authority	ET 0025	A complaint relating to the accessibility to minutes of the Executive Council meetings online.	No recommendation	The CEP was informed that the minutes of all public meetings are accessible through a request. Whilst the minutes for publication for PC applications are available on the website, the CEP was also informed that the de-scheduling minutes published can be accessed on "Scheduled Property" from the PA home portal.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Planning Authority	ET 0028	A complaint relating to access of information held by the PA.	Engineer's reports should be published and other authorisations that directly affect decisions of the same applications should be made available to the public.	The CEP was informed that the PA has made no changes to the type of information being published and the timing of the publication but has only made changes to its online electronic application systems, e-Apps, to ensure that applications are made available for viewing by the general public in line with the definitions and timings specified in LN T62 of 2016 and not beforehand. This is to ensure that all the necessary information is complete with the inclusion of all studies	Closed and recommended implemented.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>required by the Planning process. The previous practice was not in line with the same legal notice as the information was not complete. The CEP requested actions from the MTIP Minister with regard to the recommendations given.</p> <p>The CEP was informed by the PA that it agrees with his recommendations to publish the engineer's reports and other authorisations that directly affect decisions of the same applications and make them available to the public. The PA gives access to the public to photographs taken by the Authority or its contractors, but cannot give access to photos submitted by third parties, such as architects, due to the GDPR. It is to be noted that documents are uploaded by the architects and if the description is wrong it may not be available. However, in these cases, when the Authority notices such errors, the document is made immediately available. If this does not take place, the public may inform the Authority and the document will be made available in an appropriate manner.</p>	

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Planning Authority	ET 0029	A complaint concerning a case about a fine imposed following a lack of archaeological monitoring.	No recommendation	The CEP was informed that this is a Superintendence of Cultural Heritage condition and that the applicant may opt not to pay the fine and agree on a way forward with the SCH or through sanctioning. The CEP was also informed that the PA will only issue an enforcement if the premises are brought into use without abiding to all permit conditions. The CEP hence proceeded to close this case.	Closed without recommendation.
Planning Authority	ET 0034	A complaint relating to the lack of action against illegalities at Wied Hazrun, Rabat.	No recommendation	The CEP was informed that an Enforcement ECF72/19 was issued with regard to this site. The CEP hence proceeded to close this case.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Planning Authority	ET 0037	A complaint relating to the Planning Authority acknowledging only correspondence which is received by electronic means.	No recommendation	The CEP was informed that although the Planning Authority accepts all correspondence, being in written form or electronically, the Authority only replies by electronic means. Whilst electronic replies are environment friendly and also provide the sender with a means of delivery notification, the law clearly stipulates that communication will be made by electronic means. The general public which is not e-conversant has other options by providing an email address either through	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

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Planning Authority	ET 0040	A complaint relating to PA 10613/18 concerning a development adjoining the UCA boundary in Gudja.	No recommendation	<p>family or friends, either through the local council or else through any service-provider in order to be in a position to receive a reply. Furthermore, if the same correspondents do not wish to divulge the reply to third parties, they also have the option to indicate to the Authority that the reply on the quoted email address will only indicate that the correspondence is available at the Authority's front office for collection. The CEP hence proceeded to close this case.</p>	Closed without recommendation.
				<p>The CEP informed the Authority that the investigation will establish if there are grounds for the invocation of Article 80 with regards to this permit. It is to be established whether the case officer report provided the correct information when it stated that the development complies with policy P6 when in actual fact this policy was applied to half of the development. One such issue concerns building elements such as the <i>opramorta</i>, which was not mentioned in the report but which is higher than the predominant building within the UCA and much closer.</p>	

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Planning Authority	ET 0048	A complaint relating to a delay in tabling a report about land from Baħar ic-Cagħaq to Pembroke to be designated for the public domain.	No recommendation	<p>On 31st July 2019, the CEP informed the complainant that the investigation was being suspended since an appeal was filed in front of the Environment and Planning Review Tribunal (EPRT) on the same subject.</p> <p>On 2nd March 2020, the Tribunal declared that the appeal has been revoked by the legal counsel representing the complainant. The CEP hence proceeded to close this case.</p>	Closed without recommendation.
Planning Authority	ET 0052	A complaint relating to the issue of an enforcement notice on a development in Żebbuġ.	The CEP recommended (1) that the Planning Authority will not take enforcement action on any development included in any regularisation application, whether this application is in the initial processing or after the non-executable permit has been issued and	<p>The CEP was informed that the enforcement EC/00062/19 has been withdrawn by the Authority since regularisation permission RG 575/17 had already been issued covering the irregularities mentioned in the enforcement.</p>	Closed and recommendation implemented.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Planning Authority	ET 0056	A complaint relating to PA 10985/17 for a development adjoining a listed property at Tarxien.	(2) the Planning Authority pays the person against whom the enforcement notice in question has been issued the sum of two hundred euros as a recognition of the consequences suffered by the same person in this regard.	The case was closed as per the CEP email dated 10 th March 2020. The CEP stated that the Authority was not approached during the investigation since the electronic file provided sufficient information for this complaint not to be sustained.	Complaint not upheld.
Planning Authority	ET 0059	A complaint concerning Planning Directorate reports leading to the approval of a development at Balluta Bay, St Julian's.	No recommendation	The CEP was informed that the overall height (in metres) of the building on site was not increased from the development as approved and shown on the section. However, since the internal heights of each floor were constructed lower than approved, an extra floor was included. Enforcement Notice ECF189/19 was issued in this regard, as well as in PA 10786/18 to sanction the development as built, and was refused by the Authority. The CEP proceeded to close the case.	Closed without recommendation.

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<p>Planning Authority</p>	<p>ET 0064</p>	<p>A complaint relating to the irregular fixing of a site notice and raising of a party wall at Gharb.</p>	<p>The CEP recommended that the Executive Chairman instructs the site notice contractor to literally 'advertise' the site notice and 'post' the printed notices to the neighbours (whether their property adjoins the site from a different road or not) in order to avoid similar occurrences and related complaints.</p>	<p>The CEP was informed that the raising of the back party-wall to this development by more than eight courses is permitted. Photos indicating that site notice could not be affixed abutting the road onto the property in question without affixing to third party property, were also submitted to the CEP. The CEP was informed that in this particular case the contractor affixed the site notice in the closest available place that is visible to the general public. The application is also plotted on PA's Geoserver and published on the Government Gazette, both available via the internet. Application details can thus be obtained, including the applicant, the location and the proposal, once one is aware that a development is proposed on site. The CEP requested further clarifications regarding why the avoidance of damage to third party properties regulations is not open for view by the public. The PA replied that the document was not available to the public as, when it was submitted, only the Summary Responsibility Form and the Method Statement for Demolition / Excavation / Construction were being made available to the</p>	<p>Closed and recommendation implemented.</p>

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Planning Authority	ET 0067	A complaint relating to boundary walls constructed by Infrastructure Malta at Tal-Batal.	No recommendation	The CEP was further informed that eventually the BRO had requested that other document types be made available. The CEP was finally informed that the recommendations will be duly implemented and the contractor was informed accordingly. The CEP hence proceeded to close this case.	Closed without recommendation.
Planning Authority	ET 0068	A complaint relating to the change in the rules of <i>Irristawra Darek</i> Scheme.	No recommendation	The CEP was informed that the applicant in question had requested only one item in the submitted bill of quantities for the "restoration of the façade". The item was split into 8 categories	Closed without recommendation.

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Planning Authority	ET 0069	A complaint relating to no action taken against an illegal billboard at the Luxol Sports Club, Swieqi.	No recommendation	<p>(Removals, Cleaning, Treatments, Pointing and rendering, Reinstatement, Repairs, Finishes, Scaffolding). Originally, the amount requested was €6,207.51, of which €5,486.21 were deemed eligible (according to the scheme criteria).</p> <p>All works were carried out satisfactorily as confirmed by HPU. However, the receipts were considerably higher, being equal to 1.56 times the original request. The amount awarded was 70% of the original eligible sections. The beneficiary complained in writing through an email submitted on 29th November 2018. His complaint was reviewed by DPF committee but it did not approve his request for a refund on the actual final bill. The request was then deferred, awaiting the way forward from the Executive Council, however, this request was not affected by the decision and the original refund stood and was awarded. The CEP hence proceeded to close this case.</p>	Closed without recommendation.

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Planning Authority	ET 0070	A complaint relating to changes in development proposals of applications (Law ignored in processing permit for underpass at Santa Lucija).	All applications falling within the 1 st Schedule should be seen by the Planning Board.	<p>it, it cannot be considered as an advert, thus no action can be taken by the Planning Authority as decided by the Constitutional Court.</p> <p>On 20th May 2020, the Executive Chair (ECh) confirmed a letter dated 6th November 2019 by the former ECh. It was explained that the application qualified as a major project as per LN 162/16. The policy within the South Malta Local Plan requires the PA to support and encourage TM and other bodies to undertake similar works. The landscaping scheme has been submitted and approved. The CEP forwarded his final opinion on 29th May 2020, where he affirmed that there was no maladministration by the PA in the processing of PA 9084/17, leading to the approval of the underpass in Santa Lucija. The CEP recommended that all applications falling within the First Schedule of LN 162/16 should not be delegated to the Commission for consistency's sake and to place everyone on a level playing field. ECh decided to obtain legal advice regarding the final opinion on 24th June 2020. During a meeting on 24th July 2020, the ECh</p>	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Planning Authority	ET 0071	A complaint relating to the procedure in case of termination of employment after a complaint was received by a former employee of the authority.	The CEP requested that the termination letters issued by the Planning Authority in the future are to be more detailed.	<p>informed the CEP that he agrees with his recommendation that all applications within the First Schedule are to be seen by the Planning Board unless it is delegated by the Board.</p> <p>The CEP was informed that the termination letter was sent to the employee by registered mail, which was duly received as per provided documentation. The CEP referred back and recommended that termination letters should be more detailed. The CEP was duly informed that his recommendations were noted. The CEP replied to the complainant and noted that his case has been closed as it was not sustained.</p>	Closed and recommendation implemented.
Planning Authority	ET 0072	A complaint relating to allegations that errors were committed by the Planning Authority when marking the official alignment of the building line with regard to PA 1444/18.	No recommendation	The CEP informed the complainant that when the original building line was given back in 1989, this was done according to the 1988 schemes whilst PA1444/18 is regulated by the Local Plans of 2006, which have not adopted the 1988 schemes. The CEP also informed the complainant that currently	Closed without recommendation.

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Planning Authority	ET 0076	A complaint relating to a change of the proposal descriptions of applications. The matter regards the change in proposal description without any action taken by the Authority to republish or to effect re-consultation.	No recommendation	<p>there is no planning control which could change the alignments as per the existing local plans thus it does not result that the Planning Authority has made any errors when it marked the official alignments as those in the local plans. The CEP informed the authority of the closure of this investigation by an email dated 11th November 2019 in connection with PA 1444/18.</p> <p>The CEP, through an email dated 2nd April 2020, stated that the PA should agree that any changes to the proposal should be followed by a new application or re-publication as the case may be.</p> <p>On 29th May 2020, the CEP was informed that the ECh is in agreement that the architect cannot change the proposal description except where this constitutes a minor amendment.</p>	Closed without recommendation.
Planning Authority	ET 0077	A complaint relating to deferrals of hearings by the Planning Authority.	<p>The CEP's recommendations are the following:</p> <p>a) The Board should decide in the first meeting except when there is an overturning which should be decided within the second meeting.</p> <p>b) In the eventuality of an overturning, reasons such as policies and laws should be listed.</p>	<p>LN 162/16 considers a deferral not only in the case of a negative recommendation, but also when the Board/Commission feels that there is a need for a revision of plans or more documents are needed or that there is a need for consultation. One needs to also consider the fact that</p>	Closed and recommendation implemented.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Planning Authority	ET 0079	A complaint about the lack of adoption by the Planning Authority of the agreed procedure after a decision has been taken.	<p>c) The first meeting should only be deferred prior to the hearing for specific reasons.</p> <p>d) The notification for the date of the meeting should be issued at least seven days prior to the meeting date.</p> <p>e) Submissions should be submitted six days prior to the hearing. If this is not the case, then the meeting should be automatically postponed.</p> <p>f) In case of missing information, the board should defer the hearing beforehand so that all the stakeholders are notified.</p> <p>g) If the law is impractical or it is felt that there is a stumbling stone for the planning regime, changes to the law should be proposed.</p> <p>The CEP did not agree with the reasons given by the PA and thus made a number of recommendations.</p>	<p>although the LN states that a decision should be taken during the first hearing, this is in order to avoid unnecessary prolongation of the case. Should the PA adopt the principle of one hearing, this would impinge on the fair hearing of the same application.</p> <p>The CEP, by an email dated 2nd April 2020, stated that following discussions with the ECh and having considered the procedures, he agrees with the PA's position to hold two different sittings. In this case, the boards are expected to give detailed reasons when voting against the Authority's recommendation, whether refusing or granting a permit.</p> <p>The PA confirmed on 29th May 2020 to the CEP that it is in agreement with his conclusion and that it has been communicated to the PA board and commissions.</p>	Closed, case withdrawn by the Office of the Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Planning Authority	ET 0081	A complaint relating to the processing of an application and a minor amendment in connection with PA 6358/18.		<p>while the PA rectified the printing error. The CEP closed the case on 2nd December 2019.</p> <p>The CEP informed the complainant that his office checked the processing of the minor amendment by the Planning Authority and found no maladministration vis-à-vis LN 162/16. The Commissioner informed the Authority regarding the closure of this investigation via an email dated 19th November 2019.</p>	Complaint not upheld.
Superintendence of Cultural Heritage	ET 0057	A complaint concerning the destruction of a vernacular building in Gozo.	No recommendation	<p>The complainant referred the case directly to the CEP.</p> <p>On 27th August 2019, the Commissioner for Environment and Planning informed the complainant to follow the relative procedures with the Superintendence of Cultural Heritage. Furthermore, the Commissioner argued that should the complainant find that the SCH is in breach/did not follow the procedures, the latter is to contact them again. The complainant has not submitted another complaint on this case to the Office of the Ombudsman and the case was closed by the CEP in October 2019.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
<p>Transport Malta</p>	<p>ET 0083</p>	<p>A complaint related to an investigation concerning a reserved parking bay located in Valletta. The CEP wrote to question the conformity of such a parking bay with the 'Permanent Traffic Management Policies and Guidelines' issued by Transport Malta.</p>	<p>The Commissioner for Environment and Planning recommended that the mentioned reserved parking bay is reserved only within office hours.</p>	<p>The Commissioner sent a letter to TM, stating that deadline was not adhered to and giving recommendations that the parking bay is removed, and that any future similar requests are granted in accordance with the established policies and guidelines. TM replied that the Authority acted in accordance with SL 65.05, although it could not follow the "Permanent Traffic Management Policies and Guidelines" in their entirety; however, this was an exceptional case and the document is merely a guideline which the Authority can deviate from in exceptional cases like this one.</p> <p>The CEP wrote to the Prime Minister and the Minister for Transport, Infrastructure and Capital Projects, keeping the TM Chairman in copy, whereby the CEP stated that he was not satisfied with the reply provided by TM since this was contrary to policy. Further, the CEP stated that the least TM could do was to keep this as a reserved parking bay only within office hours. The CEP was informed by TM's Chairman that the mentioned reserved parking was to become accessible to</p>	<p>Closed and recommendation implemented.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Water Services Corporation	ET 0022	A complaint regarding inconveniences from tunnel excavation blowers at Tai-Balal regarding works allegedly being carried out during the night. These works form part of the upgrading of the primary water network between Tai Qali/San Gwann reservoirs and Pembroke Reverse Osmosis.	Technical solutions: <ul style="list-style-type: none"> • Additional silencers • Additional deflectors 	<p>residents out of office hours as recommended.</p> <p>Redress was achieved through the CEP's intervention.</p> <p>The Construction Management Plan in PA 00977/17 states that no crushing works will take place between 19:00 and 07:00 unless with the express consent of the project leader.</p> <p>Mitigation measures functioned, but complainant stated that inconveniences had resumed.</p> <p>The WSC stated that blower is in-operational after 10.00pm.</p> <p>However, said blower provides ventilation for the workers inside the tunnel until the project is finalised.</p> <p>The Commissioner proceeded in closing the case on 9th May 2019 as complainant reported that a resolution was found.</p>	Closed and recommendation implemented.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Water Services Corporation	ET 0082	A complaint over a substantial amount of noise generated by the underground excavation from Ta' Gali to Pembroke.	No recommendation	<p>The Commissioner stated that technical investigation should be carried out by the Planning Authority, Building Regulation Office/ Environment Authority.</p> <p>The Project Description Statement states that no works should be carried out at night. The Construction Management Plan authorises such works. As per Construction Site Environmental Management Regulations the latter prevails.</p> <p>The Commissioner stated that no entity is in breach of said regulations.</p> <p>Given that works were completed, the Commissioner closed the case on 21st January 2020.</p>	Closed without recommendation.



COMMISSIONER FOR ENVIRONMENT AND PLANNING
FOLLOW-UP ON PRE-2019 CASES

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Housing Authority	ES 0028	A complaint concerning drainage manholes located in the front garden of a maisonette in Ta' Xbiex which were frequently blocking up, causing a great inconvenience to the tenants.	No recommendation	<p>The Commissioner asked whether the HA still has any jurisdiction on the common parts of the said block and whether the authority can provide a solution to this problem by moving the same manholes onto the adjoining pavement.</p> <p>The Housing Authority informed the Commissioner that the common drainage system pertaining to all the apartments in question was originally constructed with a number of manholes in the side gardens of the ground floor unit. In view of the fact that the system was frequently blocking up, the HA took action to repair the system, including shifting the inspection manholes onto the pavement. This work could only be executed once permits were obtained from Transport Malta.</p> <p>The Housing Authority implemented the Commissioner's request to move the manholes onto the pavement</p>	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Infrastructure Malta Agency	CEP/3/P1	The CEP drew the attention of TM with regard to a bottleneck in Mellieha, where the width of this part of the road is deemed to be too narrow in contrast with the rest.	On 17 th July 2018, CEP recommended that TM takes the necessary action so that accidents in this part of the road are avoided.	<p>and thus the flooding problem was solved.</p> <p>IM architects agreed that the mentioned street can be widened and a project description report was submitted to the Planning Authority to initiate the process.</p> <p>In this regard, the relevant application was submitted to Planning Authority on 17th February 2020 in order to initiate the process. Infrastructure Malta's application for development permission has been confirmed as complete on 1st April 2020 and the application reference number is PA/02363/20. The CEP was duly informed about this update. The case is currently being viewed by the case officer, thus it is still pending at the Planning Authority.</p>	Pending at Ministry.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Lands Authority	ES 0051	A complaint was lodged in connection with the alleged occupation of public land in Floriana.		<p>The Lands Authority informed the Commissioner that all actions were on hold pending the decision of a PA application that was lodged to sanction irregularities. The Lands Authority forwarded to the Commissioner a site plan with an area edged in red indicating the site transferred to the Kunsill Malti għall-Isport and a further area marked in yellow showing area outside that allocated, while confirming that no construction was being carried out in the area edged in yellow. On 26th October 2018, the Lands Authority was instructed to take action with regard to the quantity of timber pallets placed in the area edged in yellow. On 20th February 2019, the Commissioner was informed that the timber pallets were removed.</p> <p>Various on-site inspections were carried out by the Lands Authority's Inspectorate, Enforcement and Compliance Directorate to:</p>	Pending at Ministry.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>(1) compile documentary evidence;</p> <p>(2) stop illegal construction works; and</p> <p>(3) remove timber pallets which were obstructing government-owned land (i.e. not transferred to the Kunsill Malti għall-Isport).</p> <p>Throughout a meeting held with CEP on the 15th January 2020, the CEP requested to be informed whether the applicant had filed his PA application so as to regularise the development. Clarifications are being sought on this matter so as to inform the CEP.</p>		

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Lands Authority	ES 0053	A complaint relating to a borehole not indicated on a Lands Authority site plan, which might prejudice the complainant's position with respect to the compensation due to him or in the eventual restitution of the same borehole.		After confirming that the borehole was in fact registered with the Malta Resources Authority, the relative file was passed on to the Contracts Section within the Lands Authority to amend the description of the expropriated site. On 15 th March 2019, the Lands Authority informed CEP that following various correspondence with Infrastructure Malta, it was determined that IM was going to provide the necessary funds for the expropriation of the borehole after it confirms that in actual fact there was a borehole before the expropriation. CEP was informed that after the architect prepares the valuation of the borehole, the complainant would be contacted by the Lands Authority for the publication of the contract. On 20 th November 2019, the CEP was informed that the Lands Authority requested Infrastructure Malta to transfer the necessary funds for the	Pending at Ministry.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Lands Authority	ES 0079	A complaint relating to the occupation of government-owned land as an extension to a restaurant in Marsamxett, Valletta. The complainant alleged that such an area can no longer be used as a passageway by a number of boathouse tenants since it has been covered with tiles causing an elevation difference.		<p>expropriation of the borehole in order to compensate the owners.</p> <p>On 8th January 2020, the Contracts Section informed that the relative funds in connection with the payment for the water source (<i>Spjiera</i>) were received. The complainant will be informed after appropriate verifications are conducted by the Lands Authority.</p>	Closed without recommendation.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>that free passage is maintained all the time for the general public and for the occupants of the adjacent boathouses.</p> <p>On 20th November 2019, the CEP was informed that the Lands Authority will be conducting an exercise so that encroachments permits in the area would be subject to time restrictions so as to safeguard the needs of those individuals frequenting and using the area, whilst at the same time ensuring the best use of government land. Through a reconciliation with the CEP office, it transpired that the same case has been closed off.</p>		

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Local Councils	ES 0017	A complaint by a civilian against the Swieqi Local Council requesting the reinstallation of the timed parking signs which were temporarily installed in 2012.	No recommendation	<p>The council received correspondence from the Ombudsman on 1st March 2019 stating that the complainant was requesting the council to regularise itself and reinstall the timed parking signs. The Chairman of the Traffic Control Committee provided a written statement wherein it was stated that the request from the Ombudsman could not be acceded to as the timed parking in the alley in question was not regularised.</p> <p>The case was closed by the Ombudsman, who decided in favour of the local council. Both parties were informed on 5th September 2019.</p>	Complaint not upheld.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
<p>Planning Authority</p>	<p>EQ 0028</p>	<p>A complaint against an alleged failure to take remedial action against incorrect information supplied with a particular planning application on a site in Qormi.</p>	<p>It is recommended that the authority should recall application PA 294/13 and reassess the application in the light of the foregoing so that the board can be in possession of the full facts before it when taking a decision on this application.</p>	<p>In an EPRT meeting held on 29th January, 2019 it was noted that <i>'It-Tribunal jilqa' t-talba u jiddiferixxi dan l-appell għall-aħħar darba, għas-16 ta' April 2019 fis-2.00 p.m. It-Tribunal qed jestendi t-terminu għal decizjoni b'sitt xhur skont il-Liġi.</i></p> <p>During the EPRT meeting held on 16th April 2019 it was noted that <i>'It-Tribunal jiddiferixxi dan l-appell għall-finali trattazzjoni għat-23 ta' Lulju 2019 fis-2.00 p.m.'</i></p> <p>During the EPRT meeting held on the 23rd July 2019, it was noted that <i>'It-Tribunal jiddeferixxi dan l-appell għal decizjoni b'dana illi l-Awtorità u l-permit holder għandhom sal-aħħar ta' Settembru sabiex jipprezentaw nota ta' sottomissjonijiet.</i></p> <p>PA 294/13 has been decided by the Tribunal on 7th November 2019.</p> <p>On 2nd December 2019 CEP verified that the case has been closed.</p>	<p>Closed and recommendation noted.</p>	<p>On hold.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
<p>Planning Authority</p>	<p>ER 0056</p>	<p>A complaint for failure to abide by law in approving the demolition of an ex-Sea Malta building.</p>	<p>The complaint lodged against the Planning Authority on the alleged failure to abide by the law in authorising the demolition of the ex-Sea Malta building at Marsa is sustained.</p> <p>The authorisation issued by the Planning Authority on 27th October 2017 for the demolition of part of the Sea Malta Building at <i>Xatt l-Ghassara tal-Gheneb</i>, Marsa should be rendered null and void since the Planning Authority did not appoint an architect to inspect the site.</p> <p>The appointment of an architect by the Planning Authority to inspect the site should be done at the very early stages of the processing of similar applications for the removal of dangerous structures.</p> <p>A minor amendment to the relative application form for the removal of dangerous structures is being suggested, requiring applicants to state whether the building, rather than the site, is scheduled.</p>	<p>The Commissioner opened an investigation on 22nd November 2017.</p> <p>The reply by the Planning Authority to the final opinion noted the conclusions and the recommendations therein, however the PA stated that it was not in agreement with the Commissioner's opinion that the authorisation issued by the Authority for the demolition of part of the Sea Malta Building should be rendered null and void.</p> <p>The Commissioner was also informed that the Authority appointed an architect in private practice to carry out inspections of properties to be demolished and to report thereon before it authorises their demolition.</p> <p>On 2nd December 2019, CEP verified that the case has been closed, however, proceedings in court are still ongoing.</p>	<p>Closed and recommendation noted.</p>	<p>Suspended, due to Court proceedings.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Wasteserv Malta Ltd	ER 0043	A complaint by one Marsascala resident on issues relating to toxic fumes, noise, abnormal operating times, and fire hazards, allegedly all emanating from the plant. Request by the Ombudsman received on 6 th October 2017.	<p>The Ombudsman requested WSM to provide:</p> <ol style="list-style-type: none"> 1. Air-monitoring procedures that are carried out around Triq il-Gemmugha area and relative results. 2. Noise pollution mitigation measures. 3. Fire prevention measures. 4. Risk management operations, particularly near gas-production and gas-storage facilities. 5. Operating times. 	<p>The information requested was submitted to the Ombudsman on 17th October 2017, providing all details required. Site monitoring and off-site air and water monitoring were conducted. WSM has to abide by the operative framework provided through the IPPC permit (IP 005/13/A), to which they are subjected.</p> <p>WSM continues to take all precautions to minimise inconveniences as much as is physically possible. The case is still open at CEP for monitoring of the situation with the relevant authorities. This case stems from one resident's complaints—dating back to previous years—with a view to have the SAWTP closed for good.</p>	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	
<p>Superintendence of Cultural Heritage</p>	<p>ER 0025</p>	<p>A case about the alleged improper assessment of the heritage cultural value of a site in Gozo.</p>	<p>No recommendation</p>	<p>The Superintendence of Cultural Heritage issued an order of conservation and protection on 1st September 2017 and contacted the complainant several times to submit a minor amendment application with the Planning Authority to regularise his position. The minor amendment was submitted by the applicant on 19th September 2019. The SCH found no objection. The Commissioner for Environment and Planning closed the case in the Superintendence of Cultural Heritage's favour on 18th October 2019.</p>	<p>Closed without recommendation.</p>	<p>Pending at Ministry.</p>



COMMISSIONER FOR HEALTH 2019

CASES HANDLED BY THE COMMISSIONER FOR HEALTH

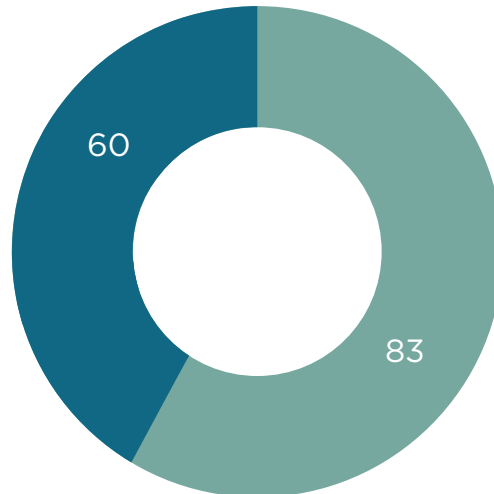
The Public Administration's findings indicate that during 2019 the Commissioner for Health handled a total of 143 cases (this compares with 82 cases in 2018). Of these, 83 (58%) were new cases (43 in 2018) with the remaining 60 (42%) being cases pre-dating 2019 (43 pre-dated cases in 2018). This is presented in **Diagram 13** below.

Diagram 13 identifying the caseload for the Commissioner for Health.

Diagram 13

Commissioner for Health Total Caseload

■ 2019 ■ Pre-2019



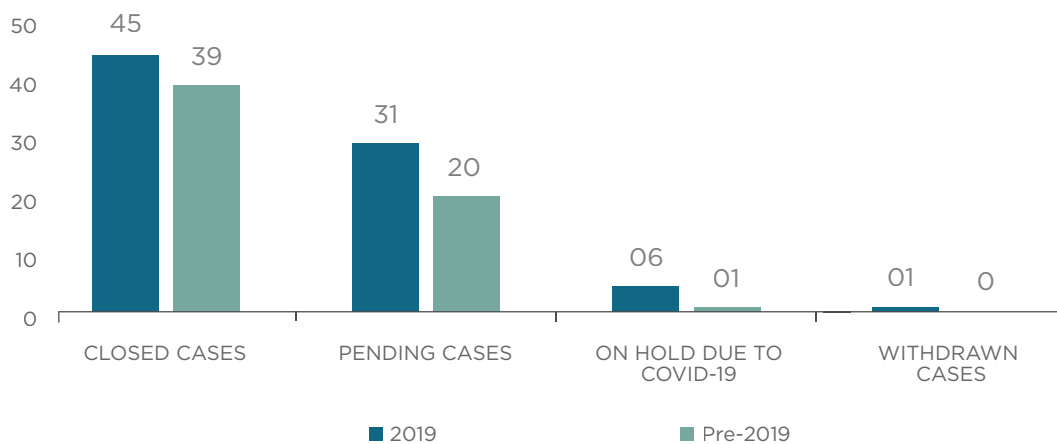
An analysis of the total caseload of 143 cases handled by the Commissioner of Health in 2019 reveals:

- Except for 1 case, all other complaints were deemed to merit further investigation. Thus only one case was not upheld by the Commissioner.
- 84 cases (58.7% of total caseload) were closed by the time of reporting. Of these:
 - 58 cases (40.5%) were closed either without the Commissioner presenting any recommendation(s) or otherwise after accepting the Ministry's initial explanatory submission. This is a significant and positive statistic.
 - In addition, for another 13 cases (9.1%) the recommendations were fully implemented by the time of reporting. In one further case, the recommendation was not accepted.
 - 12 cases (8.4% of total caseload) were referred to the Prime Minister for consideration. Eleven of these cases pre-dated 2019.
- Just 7 cases (4.9% of total cases) were placed on hold due to the COVID-19 pandemic which is in itself a clear indication of the commitment and dedication of the health authorities and administration, that even under the pressing contingency of a pandemic, they still endeavoured to the rigours and discipline needed to maintain the set standards of governance and accountability.
- This leaves 51 cases (35.7% of the total caseload) which remain pending at the time of reporting. Four of these cases (2.8% of total cases) refer to cases suspended due to court proceedings while 17 are pending at the Ministry. The remaining 30 cases are pending at the Commissioner.

Diagram 14 identifying the status of the Commissioner for Health caseload.

Diagram 14

Commissioner for Health Status of Caseload



SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	CH/5/P10	The Commissioner is requesting a copy of regulations concerning insured persons under Chapter 528 of the Laws of Malta – (Act XI of 2013).		MFH is seeking legal advice regarding the terms of reply.	Pending at Ministry.
Health	CH/5/P36	The Commissioner is requesting information regarding the expansion of the POYC scheme announced in the media.	No recommendation	The case was referred to Head of Communications & PR within MFH, who sent feedback to the Commissioner, following which the Commissioner forwarded further queries. In February 2020, the Commissioner was informed that the list submitted by his Office was correct. The case was subsequently closed by the Office of the Ombudsman.	Closed without recommendation.
Health	CH/5/P54	The Commissioner is referring to report in a local newspaper about the cost of meningitis vaccines that are only available for procurement in the private market.	The Commissioner requested that all available meningitis vaccines are made available on the NHS due to their high cost.	Following the submission of his query, the Commissioner was informed "...that the Department of Health has initiated the process for the pneumococcus, Meningitis B and Meningitis ACWY vaccines to be procured in 2019." In August 2020, the Commissioner was informed that between 15 th May and 14 th July 2020 all the mentioned vaccines were introduced onto the National Immunisation Schedule and are being distributed accordingly.	Closed and recommendation implemented.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	CH/5/P55	The case refers to a complaint raised by the family of a deceased person regarding the shrouding/clothing choices of the deceased person.	No recommendation	Following this communication, the Commissioner confirmed that the case has been closed. MFH informed the Office of the Ombudsman that the responsibility to honour the wishes of the family (including clothing choices) rests exclusively with the appointed funeral director, who in most cases serves as the only contact between the MDH mortuary and relatives. Following this communication, the Office of the Ombudsman proceeded to close the case.	Closed without recommendation.
Health	CH/5/P56	The Commissioner is requesting the CMO's Approval for the issue of call for retired GPs.	No recommendation	In January 2020, the Commissioner was informed that an agreement had been reached to issue a call for retired GPs. CMO also approved the issue of call. In August 2020, the Commissioner confirmed the closure of the case.	Closed without recommendation.
Health	HT 0004	A complaint concerning a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. The patient is requesting a reconsideration of the case.		On 17 th June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in terms of Section 4.5 of the EMTC policy and DH circular 22/2019 is followed. Decisions taken by the	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0006	A complaint concerning a request for the government to sponsor complainant for treatment overseas. The patient had to undergo an operation for liver cancer but was informed that he would remain with colostomy bags for life. He was informed by the treating hospital in UK that he can undergo another operation to get rid of the	No recommendation	<p>EMTC will be final unless there is new evidence that was not previously available or considered. The Office of the Ombudsman replied on 20th June 2019 contesting the reply and the decision.</p> <p>The matter needs to be discussed with legal counsel and the EMTC chair before replying.</p> <p>On 24th September 2019, the Commissioner was informed again that cases have been decided within the parameters of the relevant legal notice and according to the published and established policy. The Commissioner, however, is still contesting the decision. In January 2020, the Commissioner was informed once again that the request cannot be acceded to.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0010	<p>colostomy bags and have a normal life again. He is requesting that the government sponsors him since he is alleging that there was a mistake from MDH's side.</p> <p>The Commissioner informed MFH that he will be carrying out an Own Initiative Investigation about patient safety at the Neonatal Paediatric Intensive Care Unit (NPICU).</p>		<p>On 24th May 2019, MFH notified MDH administration about the Ombudsman's report, showing findings carried out and including recommendations. Feedback was requested from MFH.</p> <p>In July 2019, the report was forwarded to relevant MFH stakeholders for feedback.</p> <p>In December 2019, a reply with all the related information was sent to Commissioner, following which the latter requested further clarification.</p> <p>In June 2020, the Commissioner inquired about the use of dexamethasone for neonatal use.</p> <p>The CMO replied that a number of initiatives taken to source the product had all proved unsuccessful. In September 2020, CPSU reconfirmed that</p>	Pending at Ministry.

STATUS

ACTION TAKEN & MANAGEMENT COMMENTS

RECOMMENDATION BY COMMISSIONER

BRIEF DETAILS OF CASE

COMMISSIONER CASE REFERENCE

SECTOR/DEPARTMENT

<p>Health</p>	<p>HT 0011</p>	<p>A complaint concerning a submission to the Exceptional Medicinal Treatment Committee (EMTC), which was not approved. The patient is requesting a reconsideration of the case.</p>	<p>The Commissioner is requesting copies of the patient's medical records from the Treatment Abroad Committee.</p>	<p>procurement processes issued to date have proved futile since no quotes on the suggested brands have been received. Data on what other countries are using is currently being compiled. MFH, however, currently has stocks of dexamehasone injections of a different brand name.</p> <p>On 17th June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in terms of Section 4.5 of the EMTC policy and DH circular 22/2019 is followed. Decisions taken by the EMTC will be final unless there is new evidence that was not previously available or considered. The Office of the Ombudsman replied on 20th June 2019 contesting the reply and the decision.</p> <p>The matter needs to be discussed with legal Counsel and the EMTC chair before replying.</p> <p>On 24th September 2019, the Commissioner was informed again that cases have been decided within the parameters of the relevant Legal Notice and according to the published</p>	<p>Pending at Ombudsman.</p>
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SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0013	The case refers to MDH's request to a claimant to refund a sum on the basis that he received the 25-year-service premium allowance to which he was not entitled.	No recommendation	<p>and established policy. The Commissioner, however, is still contesting the decision. In January 2020, the Commissioner was informed once again that the request cannot be acceded to.</p> <p>MFH made reference to Government Refund Policy following also guidelines from P&SD that the refund needs to be collected over a period of two years commencing from the date when the error had been established. The Commissioner is challenging the fact that clauses 2.2 and 2.3 in the Refund Policy refer to ex-employees. On 18th November 2019, a meeting was held with the AG's Office to seek legal advice, following which the Commissioner was informed that departments have a legal obligation to recoup overpaid funds within 2 years from when the error is discovered. He was also informed that any related reservations on his part would need to be raised with the Office of the Attorney General also in view that legal backing with respect to the Government Refund Policy which had been sought from the Office of the Attorney General</p>	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0014	A complaint concerning a submission for a branded product approved through the exceptional route in April 2017. The drug has not been procured to date and the patient's mother is requesting that the drug be procured and expenses of treatment bought out of pocket refunded.		<p>prior to publication. In January 2020, in reply to his query, the Commissioner was again informed that legal expertise lies within the remit of the Attorney General's Office.</p> <p>Following this communication, in March 2020, the Commissioner proceeded to close the case.</p>	Pending at Ombudsman.
Health	HT 0015	The case refers to a claimant requesting deputising allowance from 17 th August	No recommendation	<p>The issue related to the procurement of branded products is being discussed internally within MFH. In February 2019, the Commissioner was verbally notified accordingly.</p> <p>On 5th November 2019, the Commissioner was informed that following EMTC's reassessment, the request was not approved. The Commissioner, however, is insisting on the approval of the case.</p> <p>In November 2019, an exchange of communication took place between the MFH and the Commissioner regarding missing documentation to enable a proper case review.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0016	<p>2016 following the retirement of a senior officer in his class and also the issuing of the relative call for application for this post.</p> <p>A complaint submitted in view of the lack of payment of an on-call allowance for a particular period of time.</p>		<p>paid to the claimant following which the Commissioner confirmed the closure of that issue. The Commissioner was subsequently informed that the claimant was appointed in the grade for which he requested a deputising allowance. The Commissioner hence proceeded to close the case.</p> <p>Following the inquiry from the Commissioner, the Ministry confirmed that the claimant's request for payment of arrears of an on-call allowance was made for a period when his services were not required.</p> <p>On 29th November 2020, a reply was sent to Commissioner together with personal file and requested documentation.</p> <p>On 11th May 2020, the Commissioner was informed again that the position taken by Ministry still stood. Internal communication took place between MFH and P&SD since the latter approves back-dated allowances. A request for arrears in this regard was favourably considered and the Commissioner informed accordingly.</p>	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0018	The case refers to an employee claiming a deputising allowance for performing duties above his grade.	No recommendation	MFH confirmed that the case in question is not related to the present job of the complainant. This was duly confirmed by the claimant and thus no further request was received. In January 2020, the Commissioner proceeded to close the case.	Closed without recommendation.
Health	HT 0019	The case refers to a request by an employee to be transferred elsewhere in view of medical reasons.	No recommendation	Following communication between the Commissioner and the management, arrangements were made to transfer the claimant to one of the hospitals, once there is an intake of new recruits. The complainant was consequently transferred in July 2019 following which the case was closed.	Closed without recommendation.
Health	HT 0022	A complaint concerning a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. The patient is requesting a reconsideration of the case.		In April 2019, this request was discussed with the Chairperson of the EMTC, following which the Commissioner was informed about the appropriate procedure for reassessment of cases by the EMTC and was thus referred to the relevant policy for guidance.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0023	A complaint concerning a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. The patient is requesting a reconsideration of the case.	No recommendation	On 17 th June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in terms of Section 4.5 of the EMTC policy and DH circular 22/2019 is followed. Decisions taken by the EMTC will be final unless there is new evidence that was not previously available or considered. The Office of the Ombudsman replied on 20 th June 2019 contesting the reply and the decision. The matter needs to be discussed with legal counsel and the EMTC chair before replying. On 14 th November 2019, the Commissioner was again informed that the case had been reassessed and approved. The Commissioner thus proceeded to close the case.	Closed without recommendation.
Health	HT 0025	A complaint concerning an adhesive remover for colostomy bags. It is being alleged that it is of inferior quality.	No recommendation	On 28 th May 2019, the Commissioner was informed that a new tender for the supply of such products would be awarded soon. In September 2019, the Commissioner was consequently informed that stocks were in supply for inpatient use.	Pending at Ombudsman.

STATUS

ACTION TAKEN & MANAGEMENT COMMENTS

RECOMMENDATION BY COMMISSIONER

BRIEF DETAILS OF CASE

COMMISSIONER CASE REFERENCE

SECTOR/DEPARTMENT

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0026	A complainant claiming that since changing from a branded to a generic anti-epileptic drug, his daughter's epilepsy control deteriorated.		<p>On 23rd January 2020, the Commissioner was informed that the patient in question was receiving the required medicine.</p> <p>However, on 18th February 2020, the Commissioner requested feedback as to why the patient had still to make their own arrangements to purchase medication from Belgium and the UK, following which the Commissioner was informed that MFH had no further comments to add to the communication dated 23rd January 2020. In September 2020, the Commissioner was further notified of all actions taken to assist patient and also that the patient had managed to secure the required medicine. MFH thus requested the closure of the case.</p>	Pending at Ombudsman.
Health	HT 0027	The case refers to refund of overpayments.	Recommendation to seek guidance from the People and Standards Division, OPM.	<p>MFH acquired ruling from P&SD re Refunds Policy since, according to Commissioner, it refers only to former public service employees.</p> <p>On 18th November 2019, a meeting was held with the AG's Office to seek legal advice, following which the Commissioner was informed that departments have a legal obligation to recoup overpaid funds within 2 years from</p>	Closed and recommendation implemented.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>when the error is discovered. He was also informed that any related reservations on his part would need to be raised with the Office of the Attorney General also in view that legal backing in respect of the Government Refund Policy had been sought from the Office of the Attorney General prior to publication.</p> <p>In January 2020, in reply to his query, the Commissioner was again informed that legal expertise lies within the remit of the Attorney General's Office.</p> <p>Following this communication, in March 2020, the Commissioner proceeded to close the case.</p>	

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0028	A complaint concerning a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. The patient is requesting a reconsideration of the case.	Urgent intervention requested.	<p>The case was reviewed by the EMTC which communicated with the clinician regarding alternative therapy that could first be attempted.</p> <p>In April 2019, the Commissioner was informed that the clinician had been guided to try alternative treatment as advised, but he was not convinced it would work. In May 2019, the EMTC approved request for treatment, pending allocation of funds; however, in June 2019, in view of the importance of case, CMO decided to fund medicine from his own vote and the Commissioner was informed accordingly.</p> <p>In August 2019, the Commissioner was further informed that medicine was available for the patient's use, following which he proceeded to close the case.</p>	Closed and recommendation implemented.
Health	HT 0030	A request for consideration of the introduction of Continuous Glucose Monitoring for children with Type 1 Diabetes Mellitus.	The Commissioner is requesting approval of treatment.	Following an exchange of communication on this request, the Commissioner was informed that the process involving the introduction of Continuous Glucose Monitoring is in its initial stages.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0032	A request by the complainant for treatment not yet provided which was prescribed for a particular condition.	No recommendation	On 24 th July 2019, the Commissioner was informed that medicine would be funded from CMO vote. In November 2019, the Commissioner was further informed that the medicine was now being given, following which the case was closed.	Closed without recommendation.
Health	HT 0034	A complaint arising from an e-mail sent by an environmental group expressing concern about the introduction of 5G technology and possible associated health implications, thus requesting an investigation or risk assessment.	No recommendation	Following feedback sent from SPH to the Commissioner on this matter, in July 2020, the latter confirmed closure of case.	Closed without recommendation.
Health	HT 0035	A clinician requesting the provision of a drug in a particular formulation to improve patient compliance.		On 6 th November 2019, the Commissioner was informed that the drugs in question are to be applied for through the exceptional route. The Commissioner replied that this medicine is needed as a general rule not for this patient only. On 14 th November 2019, the Commissioner was further informed that DPA is already in the process of liaising with psychiatrists in order to review treatment available on GFL and update it in line with the Mental Health Strategy.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0036	A complaint concerning the overflow of sewage/dirty water on to his property, which is also causing damage.	The Commissioner is requesting reimbursement of expenses incurred in carrying out the works concerned.	<p>Following the receipt of this complaint, the Environmental Health Directorate forwarded the report to Commissioner. The latter wrote to the claimant stating that health inspectors had called to inspect 48 times. The claimant referred the case to a lawyer and on 28th November 2019, SPH confirmed that the claimant conducted repair works himself and for the same reason asked the Commissioner to close case.</p> <p>However, on 2nd December 2019, the Commissioner referred a copy of letter dated 27th August 2019 from the claimant's lawyer, stating that the complainant had to carry out works himself to avoid further damages to his property. He was thus claiming a refund for the works carried out as well as inquiring why the Environmental Health Inspector concerned failed to proceed legally against the occupier of the premises from where the nuisance originated.</p> <p>By September 2020, an internal informal investigation was in process but in view of COVID-19 exigencies, action had to be suspended.</p>	On hold due to COVID-19 exigencies.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0038	A complaint concerning a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. The patient is requesting reconsideration of the case.	The Commissioner is requesting the reconsideration of the decision.	<p>On 17th June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in terms of Section 4.5 of the EMTC policy and DH circular 22/2019 is followed. Decisions taken by the EMTC will be final unless there is new evidence that was not previously available or considered. The Office of the Ombudsman replied on 20th June 2019 contesting the reply and the decision.</p> <p>The matter needs to be discussed with legal counsel and the EMTC chair before replying.</p> <p>On 24th September 2019, the Commissioner was informed again that cases have been decided within the parameters of the relevant Legal Notice and according to the published and established policy. The Commissioner, however, is still contesting decision. In January 2020, the Commissioner was informed once again that the request cannot be acceded to.</p>	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0040	The case refers to the signing of a contract 23 years ago regarding the allocation of a cemetery burial site.		MFH was informed that a meeting was held between SPH and Lands Authority. A reply will be issued shortly by SPH but in view of COVID-19 exigencies, action had to be suspended.	On hold due to COVID-19 exigencies.
Health	HT 0041	The case refers to discrimination between the Public Service and RSSL employees. The latter is claiming that he should receive a similar allowance to that of Public Service employees.	No recommendation	On 25 th November 2019, the Commissioner was informed that request could not be acceded to as it would be in clear breach of the applicable sectoral agreement. Following this communication, the Commissioner proceeded to close the case.	Closed without recommendation.
Health	HT 0042	A complaint concerning a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. The patient is requesting reconsideration of the case.	The Commissioner is requesting the reconsideration of the decision.	On 17 th June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in terms of Section 4.5 of the EMTC policy and DH circular 22/2019 is followed. Decisions taken by the EMTC will be final unless there is new evidence that was not previously available or considered. The Office of the Ombudsman replied on 20 th June 2019 contesting the reply and the decision. The matter needs to be discussed with legal counsel and EMTC chair before replying.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0043	A complaint concerning a request by a patient to be reimbursed for a test made overseas since it was not available in Malta. The test was sent at its own expense and the patient is thus requesting reimbursement.		<p>On 24th September 2019, the Commissioner was informed again that cases have been decided within the parameters of the relevant Legal Notice and according to the published and established policy. The Commissioner, however, is still contesting the decision. In January 2020, the Commissioner was informed once again that the request cannot be acceded to.</p> <p>On 22nd August 2019, a reply was sent to the Commissioner informing him that the Ministry does not refund tests carried out on own initiative overseas. On 22nd January 2020, the Commissioner was further informed that the claimant agreed to self-fund tests as these are not available on the Maltese NHS.</p> <p>The Commissioner is, however, contesting that it was not the claimant who decided on such tests but the consultant oncologist and consultant surgeon. The Commissioner thus requested that the case be reconsidered.</p> <p>On 30th January 2020, the Commissioner was informed that the claimant was notified by the oncologists that test in question was not provided through the NHS in Malta and</p>	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0044	A couple who lost their baby at 9 months' pregnancy claiming certain protocols within MDH need to be reviewed.		<p>would have to be privately closed the case. funded. Claimant had agreed to this. On 2nd February 2020, the Commissioner requested clarification on the test and the treatment. A reply was forwarded on 8th February 2020.</p> <p>In August 2020, the Commissioner was finally informed that MFH had no further comments to add to its last communication and thus requested the closure of case.</p>	Suspended due to Court proceedings.
				<p>The Commissioner sent a number of queries related to this case, which was referred to CEO MDH who replied, copying in legal counsel, that since the case is under magisterial inquiry, MDH will refrain from making any comments for the time-being. The Commissioner replied that his query does not impact a magisterial inquiry. A reply was sent by MFH on 9th August 2019 after consulting with legal counsel that no comments will be made.</p>	

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0045	The patient requiring use of both pink and yellow cards complaining that he was told to choose which one to keep thus forfeiting benefits provided by the other one.		<p>The Commissioner requested urgent comments on this case. On 7th August 2019, POYC informed CMO that it would be consulting legal counsel for guidance.</p> <p>On 12th September 2019, following discussions with legal counsel and clarifications with MFSS, a reply was sent to Commissioner informing him that the claimant is to apply to DSS to see whether he is eligible for Free Medical Aid as laid down in Part II of the Social Security Act.</p> <p>In August 2020, the Commissioner was informed that MFH had no further comments to add to communication dated 12th September 2019 and thus requested closure of case.</p>	Pending at Ombudsman.
Health	HT 0046	The case refers to the delivery of registered parcel post that was delayed and sent to the wrong address. The complainant is claiming compensation against both Malta Post and Port Health Services.		<p>The Environmental Health Directorate will be forwarding feedback on this issue but in view of COVID-19 exigencies, action had to be suspended.</p>	On hold due to COVID-19 exigencies.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0047	A health professional claiming unfair processing of an application for admission onto specialist register and requesting backdating of the registration date.	No recommendation	Case referred to Health Care Professions Appeals Committee, who took final decision that is being contested. Following feedback received from this committee, a reply was sent to Commissioner on 22 nd August 2019. In January 2020, the Commissioner confirmed closure of case.	Closed without recommendation.
Health	HT 0048	The case refers to application made for a tomb at Addolorata Cemetery in 1997 and, following the payment of €2,500 in 2013, the said tomb has not yet been allocated.		On 29 th November 2019, the Commissioner was informed regarding the maximum period of construction established by the concession agreement of the Addolorata Cemetery. In December 2019, the Commissioner requested confirmation that the complainant's name is included in the grave allotment list, however in view of COVID19 exigencies, action had concerning this case had to be suspended.	On hold due to COVID-19 exigencies.
Health	HT 0049	The case refers to a complaint with MDH emergency services about an emergency call made in October, 2018. The complainant spoke in English and the customer care representative asked him to speak in Maltese.	No recommendation	On 13 th November 2019, the Commissioner was informed regarding the trail of events and explained normal procedures. Following this communication, the Commissioner proceeded to close the case.	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0054	A complaint concerning a patient who is presently being given a branded drug instead of a generic one and is requesting not to be switched over to the generic drug.	The Commissioner is recommending that the CPSU continues to procure this branded drug for all patients needing it.	On 10 th September 2019, the Commissioner was informed that the patient would continue receiving the treatment he was previously receiving. Following this communication, the Commissioner confirmed closure of the case.	Closed and recommendation implemented.
Health	HT 0056	The case concerns a request by the Commissioner for the personal file of a claimant without forwarding any particular requests.	No recommendation	Both personal and discipline files were sent to the Commissioner as requested. The Commissioner assessed whether there are grounds for investigation but no further requests were received.	Closed without recommendation.
Health	HT 0058	The case concerns a letter from a lawyer of a private company sent to the Food Safety Commission and the Director Environmental Health in relation to Regulation EC 1935 of 2004.		Copy of the letter forwarded to Director Environmental Health on 13 th August, 2019. On 5 th November 2019, the Commissioner was informed about the Environment Health Directorate's obligations with respect to the level of food safety in the manufacture of paper napkins as well as the raw materials used. On 7 th December 2019, the Commissioner requested further clarifications but in view of COVID-19 exigencies, action had to be suspended.	On hold due to COVID-19 exigencies.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0061	A complaint concerning an employee who is stating that his superior is discriminating against him.		On 24 th September 2019, the Commissioner was informed that the transfer which the complainant is requesting cannot be acceded to. The case is presently pending since the complainant will be referred for a review by a medical board.	Pending at Ministry.
Health	HT 0063	A complaint concerning the leakage of a sewer which is contaminating the citizen's property.		On 9 th August 2019, the Commissioner requested MFH to look into the matter, following which, in October 2019, health inspectors inspected the place, noting that works would be completed by the neighbour of the complainant. However, in view of Covid-19 exigencies, action concerning this case had to be suspended.	On hold due to COVID-19 exigencies.
Health	HT 0065	A complainant within the Primary Health Care asserting that he was given duties that he was not qualified to perform.	No recommendation	On 4 th November 2019, a copy of Declaration from Estate Manager Primary Health Care was forwarded to the Commissioner following which the Commissioner proceeded to close the case.	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0066	<p>A complaint concerning a patient who was operated in Malta several times in his eyes. The parents were informed that MDH would soon come back with way forward. But the parents decided to take him to the UK where he was re-operated several times. The parents are thus requesting reimbursements of expenses.</p>		<p>On 23rd August 2019, the Commissioner informed MFH that the claimant had been approved as a Government Sponsored Patient following which, on 11th November 2019, MFH noted that the claimant had to apply for reimbursement of expenses through the Cross Border Directive as he chose to travel to UK for treatment privately without obtaining prior authorisation.</p> <p>On 13th November 2019, the Commissioner inquired whether MFH had investigated following the unsuccessful operation that led the complainant to lose one eye. The Commissioner was consequently provided with a trail of events as presented by the Consultant Surgeon concerned.</p> <p>The Commissioner is still insisting that the patient should be reimbursed but internal communication dated 24th April 2020 once again confirmed that since the patient had decided to travel to UK as a private patient, Health Authorities could not reimburse private treatment without having given any prior authorisation.</p>	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0067	The complaint concerns an application for telework which was not approved.		<p>In August 2020, the Commissioner was informed that the MFH's position still stands and requested closure of the case.</p> <p>In September 2019, SPH investigated the case and the Commissioner was informed in January with outcome of investigation and forwarded a report.</p> <p>On 6th May 2020, the Commissioner was informed that the case was being investigated by a Preliminary Investigation Board appointed by the Permanent Secretary, MFH in April 2020.</p> <p>On 1st September 2020, the report was presented to the Permanent Secretary, MFH with recommendations which were being considered.</p> <p>On 24th September 2020, the Investigation Board Report was also sent to Commissioner following his request.</p>	Pending at Ombudsman.
Health	HT 0068	The case refers to a Technician whose on call overtime was stopped.	No recommendation	<p>On call allowance was stopped as it resulted that claimant was not answering calls. On 29th January 2020, the Commissioner confirmed closure of the case.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0069	A complaint concerning a submission to the Exceptional Medicinal Treatment Committee (EMTC), which was not approved. The patient is requesting reconsideration of the case.	The Commissioner is requesting the approval of treatment.	<p>On 25th November 2019, the case was referred to EMTC for reconsideration following which, in December 2019, the Commissioner was informed that the request for treatment had been approved.</p> <p>But on 27th January 2020, the Commissioner requested approval of a different branded medicine as the patient was not responding to the one approved in December.</p> <p>In February 2020, MFH replied by informing the Commissioner that no request for new treatment was submitted for consideration. Internal communication from CPSU dated 7th April 2020 notes that a tender is still open. In September 2020, CPSU noted that the contract was issued to a supplier and would be signed in the near future enabling the medicine to be available to patient.</p>	Pending at Ombudsman.
Health	HT 0070	A complaint concerning a third country national who needed treatment at SAMOC and is being issued with bills for the treatment received.	The Commissioner is requesting the waiving of fees.	<p>Waiver of fees was not approved according to legislation parameters and the Commissioner was informed accordingly.</p> <p>In January 2020, the Commissioner confirmed closure of case.</p>	Closed and recommendation not accepted.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0076	The case refers to complaints by 3 officers in a particular professional class regarding assimilation in the grade.	No recommendation	The Commissioner was informed that the amendment was made to list of officers in Appendix A of the MoU signed in July 2019 and the 3 complainants were included. Following this communication, the Commissioner proceeded to close the case.	Closed without recommendation.
Health	HT 0077	A complaint from a patient who was not given treatment because he was not entitled according to protocol.		The Commissioner requested feedback on this case. The issue is related to protocols, and a meeting was held between the Commissioner, the CMO, and the Legal Advisor to discuss this matter but no progress was made since the patient is not entitled according to the established protocol.	Pending at Ministry.
Health	HT 0080	The Commissioner requested MFH grievance files the regarding complainant.		Requested grievance files were sent to the Commissioner and consequently sent back to MFH. On 2 nd January 2020, the Commissioner confirmed closure of the case.	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0082	A complaint concerning a patient who needs treatment for life.	The Commissioner is requesting treatment to be included in her Schedule V Card.	On 23 rd October 2019, the Commissioner requested that treatment is included in Schedule V Card of patient. The drug is, however, not on protocol and further discussions are required.	Pending at Ministry.
Health	HT 0084	A complaint concerning a patient who is requesting to be sent abroad for treatment/surgery despite treatment being available in Malta.	Requesting that the patient be sent abroad.	On 7 th November 2019, the Commissioner was informed that the patient should discuss his clinical condition with his caring consultant who can refer him for treatment abroad. The Commissioner replied by requesting MFH to contact the consultant since no way forward had been communicated to the patient despite various attempts. On 22 nd January 2020, the Commissioner was informed that it is the patient's consultant who decides if treatment is to be given in Malta or not. The complainant has, in this regard, been booked an appointment with a plastic surgeon. In March 2020, the Commissioner again insisted that the patient be sent abroad as, despite various local consultations, no solution was found. Following this	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0085	A complaint concerning the exclusion of clinical chairpersons from selection boards.	No recommendation	<p>communication, on 24th August 2020, the Commissioner was informed that local specialists did not deem it necessary for the patient to be sent abroad for treatment.</p> <p>On 26th August 2020, the Commissioner replied by stating that the patient has not been seen by any consultant since December 2019 and is thus requesting a review of the case once again.</p> <p>Following an inquiry from the Office of the Ombudsman, the Commissioner was informed that the nomination for the selected board members is made at random, ideally from people within the same speciality.</p> <p>On 29th January 2020, the Commissioner confirmed closure of the case.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0086	A complainant completed the Health Care Course organised by the Ministry and is requesting to be transferred to another hospital.		<p>On 9th March 2020, the Commissioner was informed that an assimilation exercise commenced in January 2020 and the complainant's deployment forms part of this exercise.</p> <p>By June 2020, the assimilation exercise was implemented and finalised.</p> <p>On 3rd August 2020, the Commissioner was informed that the complainant is presently working in a reception area and HR is in the process of identifying replacements for such cases, following which they will be assimilated backdated from August 2018.</p> <p>By September 2020, MFH was still in the process of identifying a replacement.</p>	Pending at Ministry.
Health	HT 0087	A complaint concerning medicines which were not approved by EMTC.		<p>On 15th November 2019, the Commissioner was informed about EMTC Protocol for reconsideration of decisions.</p> <p>The Commissioner, however, is still insisting that EMTC should reconsider the case based on his request.</p>	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0088	A complaint regarding a request for a transfer which has not been accepted.	No recommendation	On 23 rd December 2019, a reply was sent directly to the Commissioner by CEO GGH informing him that no request for transfer was received from the complainant. Furthermore, telework cannot be approved due to work exigencies. The Commissioner confirmed closure of the case on 10 th June 2020.	Closed without recommendation.
Health	HT 0089	The Commissioner requested the personal file of a complainant without stating the reason for this request. No further requests were received from the Commissioner.	No recommendation	The personal file was forwarded to the Commissioner who assessed whether there were grounds for investigation. The case was dealt with the OPM and MFH. The Commissioner confirmed the closure of the case on 22 nd July 2020.	Closed without recommendation.
Health	HT 0090	A complainant requesting reimbursement of expenses incurred for treatment in the UK which was not provided in Malta.		The Commissioner informed MFH about the patient's further complications following treatment received in the UK. On 6 th July 2020, CMO informed Commissioner that the urologist was communicating with the complainant and he was discussing the case directly with him with a view to settle the issue of reimbursement.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0093	A complaint from parents of a child requesting the approval of a medicine already refused approval by EMTC.	No recommendation	<p>On 24th August 2020, the Commissioner was informed that MFH has no further comments to add to communication dated 6th July 2020.</p> <p>EMTC has not approved the requested medicine and the Commissioner was informed accordingly.</p>	The Ombudsman stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.
Health	HT 0094	A complaint concerning a request for the approval of treatment for a child.		<p>On 22nd January 2020, the Commissioner was informed that the EMTC had approved request on in November 2019.</p> <p>On 28th January 2020, the Commissioner stated, however, that the name of the patient was not on the list of entitled patients.</p> <p>He also informed the Ministry that court proceedings had been initiated. On 13th March 2020, the Commissioner communicated that although the medicine had been approved by EMTC in November 2019, it had not yet been procured and requested expected date when the medicine would be received.</p> <p>In the meantime, in August 2020, internal discussions were being held regarding procurement issues and the court case.</p>	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0097	The Commissioner requesting a meeting with a parking company.	No recommendation	<p>A letter from Commissioner requesting a meeting with a parking company.</p> <p>After the Commissioner's request, a meeting was set with the parking company and the case confirmed closed by the Commissioner on 22nd July 2020.</p>	Closed without recommendation.
Health	HT 0101	A complainant requesting reimbursement of expenses he incurred to receive treatment in the UK for remedial treatment.	No recommendation	<p>On 13th February 2020, MFH informed the Commissioner that the claimant had to apply for reimbursement of expenses through the Cross Border Directive as he travelled to the UK for treatment privately without obtaining prior authorisation.</p> <p>The Commissioner was informed that according to clinical opinion, the patient's case was being properly managed in Malta and did not need to travel overseas.</p> <p>On 17th July 2020 the Commissioner confirmed closure of the case.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Health	HT 0102	A complaint arising from a decision by EMTC not to approve a particular medicine.		<p>On 28th January 2020, the Commissioner was informed about the EMTC's decision not to approve the request. As per protocol, the pharmacists at the DPA were informed of this decision and the patient's consultant was notified.</p> <p>In February 2020, the Commissioner was hence informed that the decision taken by EMTC still stands.</p>	Pending at Ombudsman.
Active Ageing and Community Care Department	HT 0005	A complaint relating to less salary for the same job. The complainant is employed by the RSSL and moved to the AACCD in April 2016, when the Green Travel ceased operations. Since then he was assigned the duties of driver and messenger. His complaint is that he is performing the same work as that performed by his colleague who works in the same section, but earns €57 less.	No recommendation	<p>On 5th February 2019, the AACCD confirmed that the complainant performs duties which are similar to colleagues within the AACCD transport section and that he takes pride in the execution of his job, which is performed with very high levels of professionalism. Yet, the department is not in a position to address the disparity in pay, also due to the fact that the complainant is not a public service employee and could therefore fall under a different collective agreement. Other alternatives with the involvement of the P&SD and the RSSL may be considered.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>On 19th February 2019, the Permanent Secretary received a copy of a letter sent to the Commissioner from the Permanent Secretary, P&SD. On 27th March 2019 the Commissioner for Health informed the Ministry that the P&SD asked the Commissioner to address the matter with the RSSL. He added that the RSSL replied that they asked for information from the AACCD.</p> <p>On 17th April 2019, MFCS was notified that the AACCD informed the RSSL that the complainant is currently performing driving and messengerial duties and that he is also in charge of the upkeep of the cars.</p> <p>Subsequently, the Ombudsman closed the case.</p>	<p>Closed without recommendation.</p>
<p>Active Ageing and Community Care Department</p>	<p>HT 0029</p>	<p>A complaint relating to the Telecare Service. An elderly person with various problems and who lives on his own complained about the fact that the Telecare Service is given free for GO subscribers but not to other persons who are subscribed with other telephone companies.</p> <p>The Commissioner for Health requested further</p>	<p>No recommendation</p>	<p>MFCS informed the Commissioner for Health that at present the only agreement for the provision of the Telecare Service that MFCS has is with GO plc.</p> <p>On 25th April 2019, MFCS informed the Commissioner that GO plc. is the company that has assumed the Universal Service Obligation under the Universal Services Directive 2002/22/EC.</p>	<p>Closed without recommendation.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Active Ageing and Community Care Department	HT 0059	<p>clarification.</p> <p>A complaint relating to alleged misbehaviour by some of the staff at one of the homes for the elderly where complainant resides with his spouse. The complainant further alleged that there are times when there is not enough food for all residents.</p> <p>In this light, the complainant is asking that they are transferred to another residential home as they are living a stressful life.</p>	No recommendation	<p>Nevertheless, the Ministry will, in the coming months, enter into discussion with Melita and Vodafone to explore the possibility of them offering the Telecare service free of charge to Pink Card holders.</p> <p>On 30th July 2019, MFCS informed the Commissioner for Health that the Quality and Assurance Team within the AACCD were following the case and during a meeting it transpired that there was one incident where a staff member mistreated a complainant. Disciplinary action was taken and a written warning was given.</p> <p>The AACCD investigated if there were incidents where there was not enough food and found out that this only happened once. The AACCD referred the case to the Social Care Standards Authority (SCSA) for further investigations.</p> <p>As regards to home transfer, the AACCD never received the relocation form by the complainant but is taking the initiative to contact the complainant to provide him with the said form.</p>	Closed by the Ombudsman after the management replied to one request for information.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
<p>Department of Social Security</p>	<p>HT 0056</p>	<p>A complaint arising from dismissal from work after not submitting sick leave certificates on time. The complainant declared that he was seen by a Medical Board and was advised by the Board to provide a sick leave certificate every four weeks. The complainant suffers from an injury to his spine which leaves him partially disabled.</p>	<p>No recommendation</p>	<p>The Commissioner for Health was also informed that the complainant has been transferred to another residential home.</p> <p>On 31st July 2019, MFCS informed the Commissioner that the complainant claimed injury benefits in June 2003 and after one year he received sickness benefit upon presentation of medical certificates on weekly basis. The complainant was last examined by a medical board on 4th March 2014 as he failed to turn up for the following appointments.</p> <p>The Commissioner for Health requested a copy of decision by the Medical Board in 2016.</p> <p>Due to the retention policy, documents related to cases in 2014 were destroyed after five years, therefore a copy of the decision is not available. The Permanent Secretary remarked that the remit of the Medical Board is solely to give its opinion on the medical condition and never recommends on how to submit medical certificates.</p> <p>The Sickness Benefit was terminated on 25th June 2019 and the complainant became a paid beneficiary of a Severe Disability Allowance.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Department of Social Security	HT 0072	<p>A complaint arising from not receiving sickness benefits. The complainant stated he has been suffering from depression for the past ten years. Consequently, he could not go to work and presented sick leave certificates and was eventually examined by the Medical Board. The complainant never received any sickness benefits. Last year he tried to resume work but due to his depression he injured himself and got two fingers amputated and another one severely injured. His wife is also not fit for work and needs to buy medicine every month, as this medicine is not offered by the government. So far, their only income is the wife's invalidity pension. The complainant is asking if there are any allowances from which he can benefit.</p>	No recommendation	<p>On 3rd October 2019, MFCS informed the Commissioner that the complainant received sickness benefit since 2013. On 19th February 2019, the complainant was informed (through an official letter) that this benefit is being terminated as his contributions were all exhausted.</p> <p>On 2nd October 2019, the complainant applied for the Invalidity Pension and will be examined by the Medical Board who will decide or otherwise whether complainant is entitled for such pension.</p> <p>MFCS informed the Commissioner that according to the Social Security Act (Cap 318), the complainant may also be advised to apply for Medical Assistance and Disability Assistance subject to a medical review by a medical board.</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Department of Social Security	HT 0083	<p>A complaint arising from an overpayment in contribution. The complainant said that his spouse, who is a resident in a state-financed home, is being asked for further payments besides the contributory payments.</p>	The Commissioner suggested that a meeting is to be set with the complainant's son.	<p>MFCS replied to the Commissioner for Health saying that contributory rates are calculated by the Contributory Section of the respective residential home. These rates are sent to the DSS to be deducted from pension. Residents or their next of kin are presented</p>	Closed and recommendation implemented.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>with a breakdown of how rates were calculated by the Contributory Section of the residential home.</p> <p>Rates were reviewed by the Contributory Section together with the complainant's son in March 2019.</p> <p>On 6th November 2019 the Commissioner suggested that a meeting is to be set with the complainant's son.</p> <p>On 19th December 2019 MFCS informed the Commissioner that a meeting was held and claimant was satisfied with explanation given. The claimant settled outstanding overpayment accordingly.</p>	
Department of Social Security	HT 0095	<p>A complaint arising from overpayment in contribution. The complainant stated that an overpayment on his parents' pension occurred after they were transferred to a residential home.</p> <p>The complainant said he tried to check and settle this overpayment to no avail.</p>		<p>On 11th February 2020, MFCS informed the Commissioner for Health that a meeting was held with complainant on 3rd January 2020. Since the complainant had difficulties to understand the situation, another meeting was being held to explain the matter further.</p> <p>On 13th April 2020, MFCS informed the Health Commissioner that another meeting was held with complainant on 5th March 2020. This was followed with another meeting with the</p>	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Malta Psychology Profession Board	HT 0091	A complaint concerning the award of a warrant. The complainant remarked that he is not being given the opportunity to top up his existing ECTS, in order to get enough credits to obtain the warrant and also to be promoted to Scale 9. The complainant got his Masters from a foreign university and the ECTS are not equivalent to those of the UoM.	No recommendation	presence of the Commissioner, where the complainant was satisfied with the information provided by the DSS. On 2 nd January 2020, the MPPB explained to the Commissioner that complainant's Masters is research based. In order to be awarded a warrant, the applicant must complete a Masters which consists in research, theory, and practice. The complainant may top up his Masters with the UoM or any other recognised university.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
Malta Psychology Profession Board	HT 0092	A complaint concerning a warrant not given by the MPPB, because a Masters Degree in Developmental Psychology obtained from a foreign university was not recognised. The complainant reiterated that there are no opportunities to obtain a warrant after completing two to three years supervised experience and thus the complainant could not progress to scale 9.	No recommendation	On 2 nd February 2020, the MPPB informed the Commissioner that it only awards warrants for Clinical, Counselling, Health, Forensic, Community, Neuropsychology, Educational, Social, Sports and Organisational Psychology. Furthermore, the MPPB also pointed out that not all degrees are equivalent and the complainant may wish to consider the UoM or any other recognised University.	Closed by the Ombudsman after the management replied to one request for information.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
St Vincent De Paul Residence	HT 0008	<p>A complaint relating to less pay for the same job. The complainant has been an Assistant Care Worker at St Vincent De Paul Long Term Care Facility for the past 12 years. He is complaining about the fact that Nursing Aides, Health Assistants, Care Workers and Assistant Care Workers are performing the same work but are paid different salary scales.</p> <p>Referring to an agreement signed between the Government, the GWU, and the UHM on 24th May 2018, he is going to progress to Salary Scale 16 after he undergoes a course as stipulated in the said agreement. Furthermore, he was going to progress to Salary Scale 16 in March of 2019 and therefore he was not going to gain anything from the said agreement.</p>	No recommendation	<p>On 25th March 2019, MFCS informed the Commissioner for Health that all employees who, on the date of signing of the said agreement were in the grade of Nursing Aide, Health Assistant, Assistant Care Worker, Care Worker, and Senior Care Worker were invited to express their interest to form part of the Health Care Class within MFCS by signing a declaration. The complainant has in fact signed this declaration to form part of the Health Care Stream, thus accepting all the provisions laid down in the said agreement.</p> <p>By virtue of the agreement signed between the government, the GWU and the UHM on 24th August 2019, there is a clear job distinction between the various grades. The anomaly of equal pay for equal work is addressed via the development of the new caring stream.</p>	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
St Vincent De Paul Residence	HT 0096	A complaint arising from a request for an electric bed for the complainant's parent who is residing at SVPR.		<p>On 11th December 2019, the SVPR informed the Commissioner for Health that electric beds are given after a full assessment has been carried out by an interdisciplinary team. This was done twice on a</p>	Closed by the Ombudsman after the management replied to one request for information.

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Foundation for Social Welfare Services	HT 0099	<p>A complaint concerning the award of an appointment. The complainant applied for an internal call, to which he said that he had all the necessary requirements and was not given this appointment.</p> <p>Furthermore, the complainant remarked that appointment was given to another applicant with less qualifications.</p>	No recommendation	<p>complainant's parent and it resulted that the complainant's parent can still move and walk independently. The complainant and his family refused to have an air mattress twice, even though this was recommended by the Tissue Nurse. The interdisciplinary team met with the complainant and his family to explain the recommended procedures adopted for the wellbeing of the parent.</p>	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
Identity Malta (Expatriates)	HT 0037	The Office of the Ombudsman informed the IMA of a request by a Swedish national who is being asked by the Mater Dei Hospital, Billing Section, to present proof that the patient, who needs treatment, is his family member. The complainant informed the office that he has been living in Malta for nine years, is employed, and has always paid the NI contributions. He also stated that in Sweden a certificate of birth is not issued.	No recommendation	The Office of the Ombudsman requested the IMA to confirm from the IMA's records that the patient is the family member of the complainant, so that a note to this effect will be given to present to the hospital authorities whenever treatment is requested.	Closed by the Ombudsman after the management replied to <u>one</u> request for information.
People & Standards Division	HT 0003	The complaint arises from a reduction of allowances. The complainant is contesting that shift and Sunday allowances are to be remunerated even though he did not perform the duties concerned.		P&SD replied that allowances for shift, Sundays and public holidays cannot be remunerated as the related duties were not carried out. Another allowance was remunerated but only as from the date of the necessary declaration signed by the complainant.	Pending at Ombudsman.
People & Standards Division	HT 0053	The complainant is contesting the decision for not being appointed to a post.	No recommendation	P&SD informed the Ombudsman that the call in question had not been in the HR plan or approved according to regulations. The Ombudsman accepted the explanation and proceeded to close the case.	Closed without recommendation.

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People & Standards Division	HT 0057	A complaint arising from pending proceedings regarding assessment by the Medical Board.	No recommendation	P&SD provided requested updates. CfH only requested updates on ongoing proceedings. The Medical Board proceedings were ongoing, notwithstanding Ombudsman's input.	Closed without recommendation.
People & Standards Division	HT 0074	The complaint relates to promotions and collective agreement discussions at the Medicines Authority.		P&SD clarified the salary scales of the respective heads and directors, and that any further discussions are the management's prerogative and responsibility. The Medicines Authority has forwarded its feedback to the Office of the Ombudsman.	Pending at Ombudsman.
People & Standards Division	HT 0075	The complaint was made on different conditions of service when moving to a new department.		P&SD provided the requested documents. The Ombudsman accepted the explanation and did not uphold the complaint.	Complaint not upheld.
Malta Medicines Authority	HT 0021	A complaint received by the Malta Medicines Authority regarding page 6 of the guidelines (General Guidelines on the Production of Cannabis for Medicinal and Research Purposes) claiming that it unjustly favours pharmacists and that it is discriminatory since only pharmacists can act as a Quality Person (QP) for cannabis manufacturers.	No recommendation	The CEO replied to the Ombudsman on 6th March 2019 stating that the clause that a pharmacist should act as a Quality Person was included following extensive consultation. This clause was endorsed by technical professionals and experts at the Authority. The CEO also informed the Ombudsman that cannabis products for medicinal use are not similar to medicines and such products would not have undergone clinical trials,	Closed by the Ombudsman after the management replied to <u>one</u> request for information.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS
				<p>regulatory assessment, and been granted a marketing authorisation. The Office of the Ombudsman proceeded to close the case.</p>	



COMMISSIONER FOR HEALTH
FOLLOW-UP ON PRE-2019 CASES

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	CH/5/P31	The case concerns treatment for macular degeneration.		On 25 th July 2019, Director Pharmaceutical Affairs informed CMO that macular degeneration is "...to be discussed soon at GFLAC." Presently, the case is awaiting to be discussed during the GFLAC meeting.	Pending at Ministry.	Pending at Ministry.
Health	CH/5/P33	Request by the Office of the Ombudsman for contracts concerning Steward Healthcare and the confidentiality aspect of such contracts.		On 15 th February 2019, the Commissioner was informed that hospital concession agreements include confidentiality undertakings in terms of which information that is sensitive in nature may not be disclosed. In this regard, the redacted documents have already been provided to the Commissioner for his perusal. MFH is not in a position to provide further information regarding this case.	Pending at Ombudsman.	Pending at Ministry.
Health	CH/5/P36	Case arising from communication sent by the Office of the Ombudsman regarding the recently set-up EMTC, requesting a number of cases to be assessed by the EMTC.		This is a generic case opened by the Commissioner which incorporates several individual complaints of a similar nature. On 29 th May 2018, the Commissioner was informed of the procedure to be undertaken for cases to be assessed by EMTC.	Pending at Ombudsman.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	CH/5/P42	The Office of the Ombudsman highlights its concern about a case where a care worker performs the duties of a nurse. The Ombudsman is stating that this is not legally permitted.	The Ombudsman recommended that this matter should be discussed with the MUMN.	On 21 st August 2019, Director Resourcing reviewed outcome of meeting with MUMN and with Director, Nursing. In September 2019, the Commissioner noted that in view of the fact that care workers do not perform any nursing duties, concerns of a breach in the Healthcare Professions Act do not arise. The Office of the Ombudsman proceeded to close the case.	Closed and recommendation implemented.	Pending at Ombudsman.
Health	CH/5/P45	A case arising from a newspaper article stating that the Maltese NHS is giving outdated HIV treatment to NHS patients.		The Commissioner requested feedback regarding this article. In March 2019, the Office of the Commissioner was informed that the government had initiated the process to update the HIV treatment that is available on the GFL. The tender process is currently underway. In October 2019, the Commissioner was further informed that submissions for the tender for HIV treatment were in the evaluation process.	Pending at Ministry.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	CH/5/P48	The Office of the Ombudsman is raising issue regarding quotes published in local newspapers stating "the risk of transmission is heavily reduced" and "reduces the risk of transfusion transmitted infections". The Office of the Ombudsman is stating that MFH should put	No recommendation	<p>Further communications with Commissioner entailed the forwarding of statistics regarding HIV cases since 2015 and feedback regarding negotiations with economic operators, which had been concluded with agreements in the process of being finalised.</p> <p>By September 2020, CPSU was in the final stage of negotiations, but due to Covid-19 issues concerning manufacturing delays and job cuttings arose which effected sourcing. CPSU is once again negotiating and is awaiting a counter proposal from two companies.</p>	Closed without recommendation.	Pending at Ministry.

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		<p>the public's mind at rest that the blood product to be transfused is in such circumstances 100% safe.</p>		<p>regarding the Nucleic Acid Testing (NAT) This is a generic case opened by the Commissioner which incorporates several individual complaints of a similar nature.</p> <p>On 29th May 2018, the Commissioner was informed of the procedure to be and other donation statistics following which he was informed that NAT is used by various countries as it is a very sensitive test.</p> <p>In August 2019, the Commissioner further requested information regarding any introduction of category of donors, following which he was informed that homosexual men who will fit in the donor acceptance guidelines will be eligible to donate blood as from September 2019.</p> <p>In October 2019, the Office of the Ombudsman confirmed that the case had been closed.</p>		

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Health	CH/5/P50	A case arising from an email received from a foreign consultant in Childhood Disability regarding damage caused to fetuses, babies, and children who are exposed to long-term electromagnetic radiation (EMR).	No recommendation	<p>The Commissioner queried whether any guidelines on the subject have been issued to the public. The Commissioner was informed that in view of the uncertainty of risks arising from exposure to 5G, more time is required for international studies to be carried out.</p> <p>In August 2020, the Office of the Ombudsman confirmed the closure of the case.</p>	Closed without recommendation.	Pending at Ministry.
Health	CH/5/P51	A case concerning the querying of decisions being taken by EMTC.		<p>The Commissioner requested the Terms of Reference of EMTC which were duly provided. The case was discussed verbally with the Office of the Commissioner in February 2019, following which a reply was drafted by the EMTC and sent to the Commissioner in March 2019. Other various correspondence was received thereafter referring to individual cases related to EMTC.</p>	Ombudsman stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.	Pending at Ministry.

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Health	HM 0029	The Ombudsman requested the introduction of the drug Abiraterone for the Government Formulary List (GFL).	The Commissioner recommended the introduction of the drug Abiraterone onto the GFL.	On 22 nd March 2019, the Commissioner was informed that GFLAC had been asked to reconsider an application of the drug Abiraterone and would be doing so during the next meeting. Such a drug was recommended by GFLAC but the Commissioner was informed in July 2019 that it is still to be discussed by ACHCB in its next meeting. In January 2020, the Commissioner was informed that this medicine is now available on the Government Formulary List (DH Circular 5/2020) following which the Office of the Ombudsman confirmed the closure of case.	Closed and recommendation implemented.	Pending at Ministry.
Health	HN 0004	Case concerns a request for the setting-up of screening programme of infant hearing.		On 24 th September 2019, the Commissioner was informed that the procurement of screening equipment and the drawing up of programme was being finalised. In July 2020, MFH informed the Commissioner that this	Pending at Ministry.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HN 0030	A complaint concerning discrimination in treatment protocols as analogue insulin is not given to all diabetics.	The Commissioner is claiming that protocols are discriminatory and that all diabetics should have access to analogue insulins.	<p>project would soon be launched after the successful recruitment of Allied Assistants since they were awaiting the outcome of the medical pre-employment exam and subsequently training would be given. By August 2020, the launching of project was due to take place shortly pending the delivery of equipment procured for Gozo.</p> <p>In March 2019, the Commissioner was informed that the protocol for analogue insulins will be extended to include all diabetics. Such a protocol will be updated accordingly once insulins are available. The recommendation was subsequently implemented, following which the Office of the Ombudsman confirmed the closure of the case.</p>	Closed and recommendation implemented.	Recommendation to be implemented.
Health	HP 0014	A complaint arising from a request for a branded drug which was approved by DPA in 2015 but never procured for the patient.	The Commissioner is requesting that branded drug be procured for the patient.	In February 2019, the Commissioner was informed that the issue concerning branded products was being discussed internally within MFH.	Pending at Ombudsman.	Pending at Ministry.

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				<p>In July 2019, the Commissioner sent a further request for medicine to be provided to patients following which he was informed that the case will be reconsidered by EMTC within the parameters of the new policy.</p> <p>Legal advice obtained by EMTC on this matter, confirmed that since a policy review was drawn up on the basis of the Legal Notice through which EMTC was created, previously approved cases whose related procurement was never effected, including this request, had to be reviewed by EMTC. In addition, since this is a branded product, a decision regarding its procurement is also pending finalisation of internal discussions concerning the drawing up of the 'Branded Medicines' policy, which is in its final preparatory stages.</p> <p>In November 2019, the Commissioner was reminded that the EMTC had still not received an application for the</p>		

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HQ 0009	A complaint concerning a patient who suffered anaphylactic shock while in hospital claiming that this was due to negligence.	The Commissioner recommended the investigation of the case.	<p>medicine required by the patient concerned, thereby precluding the assessment of the case. He was also informed that the psychiatric drugs on GFL had to be updated. This would address not only the case of the claimant concerned but of all psychiatric patients in general.</p> <p>The MFH informed Commissioner that the case had been referred for court proceedings is now sub-judice.</p> <p>The Commissioner confirmed the closure of case.</p>	Closed and recommendation implemented.	Suspended due to Court proceedings.
Health	HQ 0024	A patient with Hepatitis C who used to be employed by the national health service claimed that the infection was contracted through occupational exposure many years ago. Hence, a refund of Hepatitis treatment bought out-of-pocket was requested.	The Commissioner is requesting that the patient is fully refunded.	<p>As advised by the Office of the Attorney General in June 2017, the patient was reimbursed with part of the costs. The Commissioner, however, requested a full reimbursement.</p> <p>On 28th August 2018, the case was referred to the Prime Minister requesting his consideration since MFH declined to comply with recommendation to reimburse the full cost.</p>	Ombudsman stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.	Ombudsman stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HQ 0025	<p>The case concerned a complaint by an officer that two posts he was interested in were not included in the memorandum of understanding of the pertinent class as had been promised by his superiors.</p> <p>A second claim refers to the payment of a deputising allowance following the retirement of a previous incumbent.</p>	No recommendation	<p>On 26th February 2019, the Commissioner informed the MFH that the summary of the case, together with legal counsel, were sent to the Prime Minister.</p> <p>Communication sent to the Commissioner on 27th August 2018 clarified that the role of the positions referred to by the complainant do not fall under the indicated class in substance and function and therefore could not be included therein. Following this communication, this claim was closed in February 2019.</p> <p>In a separate claim, the Commissioner raised the point that the complainant is requesting a Deputising Allowance for acting in a higher position during the period from August 2013 to June 2014. MFH is investigating this matter in the light that the individual concerned has already received compensation via the Grievance Unit.</p>	Closed without recommendation.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HQ 0061	Confidential case.	Requesting that the issue be addressed and resolved.	Following requests for documented proof of request and approval to act in a higher capacity, the claimant failed to produce solid proof and the Commissioner was informed that a deputising allowance could not be favourably considered. The Office of the Ombudsman proceeded to close the case in June 2020.	Pending at Ministry.	Pending at Ministry.
Health	HQ 0063	An officer raised a complaint with the Commissioner after receiving compensation from the Grievance Unit on 18 th December, 2015 as full and final settlement to a claim. It is understood that the claim presented to the Grievance Unit regarding the reinstatement was also part of the full and final settlement decision reached by the Grievance Unit.	No recommendation	The case was reviewed, and it was established that this claim was settled through the Grievance Unit. The Commissioner was informed accordingly on 19 th July, 2018. The last communication from MFH was referred to the Commissioner on 20 th March, 2019 whereby the Ministry informed the Commissioner that compensation issued by the Grievance Board was in full and final settlement. Reply received from the	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				Commissioner raised the point that past correspondence only dealt with payment and not full and final settlement. The last reply was sent to the Commissioner on 22 nd August 2019 following which the Office of the Ombudsman proceeded to close the case.		
Health	HQ 0078 HO 0076 HR 0036	A claim for the reimbursement of Hepatitis C treatment bought out-of-pocket by patient/patients who were not on the priority list for such treatment.	The Ombudsman is requesting that the patient be refunded for the treatment bought.	The Commissioner stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act. On 16 th September 2020, OPM requested justification regarding the MDH's refusal to reimburse expenses incurred by claimants. MDH replied that no requests for refund prior to the medicinal being included on the GFL had been entertained.	The Ombudsman stated that these 3 cases were referred to the Prime Minister as provided for in the Ombudsman Act.	The Ombudsman stated that these 3 cases were referred to the Prime Minister as provided for in the Ombudsman Act.
Health	HR 0015	A staff member at MFH who referred a case to the Grievances Unit on 28 th October 2014 stating that his case was not heard, that he was told that the file was lost, and	No recommendation	MFH met with Commissioner on this case and stated that the matter concerned miscommunication as the file was not lost. The individual has submitted another claim to the	Closed without recommendation.	Suspended due to being forwarded to Grievances Unit.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HR 0017	<p>that it is not known whether case will be investigated or not.</p> <p>A claim by three individuals who stated that their pay is pegged below their role and responsibility.</p>		<p>Grievances Unit, MFH and the Commissioner agreed to put this case on hold and to await the outcome from the Grievances Unit.</p> <p>In July 2020, the Commissioner confirmed that no further action was needed from the MFH, following which he proceeded to close the case.</p> <p>MFH communicated repeatedly with the Commissioner informing him that the outcome of this claim is dependent on ongoing negotiations with the relevant union. The case is delayed for this reason.</p> <p>On 14th August 2018, the Commissioner was informed that the case is on hold, given that the union concerned is requesting arbitration as opposed to the conciliation meeting proposed by the IRU. Discussions with the union are currently in process. A solution is still being explored in view of potential ramifications.</p>	Pending at Ministry.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HR 0023	The complainant stated that sizes of elastic stockings are only available up to size XL and requested that stockings in larger sizes for obese patients be stocked.	The Commissioner is requesting that this complaint be considered, and that all sizes of stockings should be stocked at MDH.	Following exchange of correspondence between the Office of the Ombudsman and MFH highlighting procurement and tendering issues arising from this request, MFH finally informed the Commissioner that elastic stockings were now available in small, medium, large, and extra large sizes with the CPSU confirming that a supply of all stocking sizes was available.	Closed and recommendation implemented.	Pending at Ministry.
Health	HR 0047	Claim by a patient for financial compensation due to alleged negligence and mismanagement following surgery.	The Commissioner requested an investigation into the case and recommended financial compensation.	An investigation was carried out. After obtaining legal advice, the Commissioner was informed that allegations have been rebutted and that the claim for compensation is unfounded. The Commissioner was also informed on 22 nd March 2018 that the patient is now under the care of a different consultant. The Commissioner subsequently proceeded to close the case.	Closed and recommendation implemented.	Suspended due to Court proceedings.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HR 0054 HR 0055 HR 0056 HR 0057 HR 0058	Cases raised by two complainants and concerned management issue at the place of work.		<p>MFH stated that the case outcome is dependent on negotiations with the union, which are ongoing. Various meetings have been held with the officers and union representing them to find a solution. The delay resulted from a complicated case which required the involvement of meetings with the OPM Industrial Relations Unit to address the issues raised.</p> <p>Initiatives have been taken to restructure to ensure that the place of work is accredited, and all the staff need to work coherently.</p> <p>The Commissioner's final opinion was referred to the MFH in May 2020. The Commissioner requested feedback on the action which the MFH intends to take in line with his recommendations.</p> <p>In June 2020, a board of inquiry was set up to review the case and it has reached its conclusions.</p>	Pending at Ministry.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HR 0065 HQ 0016 HR 0006	A complaint arising from a request by a patient for treatment which was turned down. The indication was that it was not according to described protocol.	The Ombudsman recommended that protocols should be removed, and that each case is to be considered on its own merits as protocols are discriminatory and in breach of the law.	On 10 th June 2019, the Commissioner was informed that following recent amendments to Article 23 of the Social Security Act (Cap 318), via Article 30 of Act VII of 2019 (Omnibus Act to implement Budget Measures for the financial year 2019 and other administrative measures), the entitlement of patients to free medical aid was made subject to the provisions of the Health Act which gives the Advisory Committee on Healthcare Benefits (ACHCB) "...the right to advise the Minister to restrict any form of entitlement on the basis of protocols." Thus Article 22(5) of the Health Act., Part VII, Healthcare Benefits and Entitlement refers. On 21 st August 2019, this case was discussed with legal counsel in view of Commissioner's feedback. On 22 nd January 2020, the Commissioner stated that the issue had been raised with Prime Minister.	Ombudsman stated that these 3 cases were referred to the Prime Minister as provided for in the Ombudsman Act.	Ombudsman stated that these 3 cases were referred to the Prime Minister as provided for in the Ombudsman Act.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HR 0070	The claimant contested not being awarded the 'contact with patient' allowance which was granted to employees posted within the Ambulance Garage from 1 st April 2014.	No recommendation	<p>The case was reviewed and found as not aligned with respective sectoral agreements, and therefore a claim for the award of the allowance could not be accepted. The Commissioner was notified accordingly; however, he was not in agreement with the contents of the sectoral agreement regarding the entitlement of Category A. Repeated communications sent to the Commissioner ensued, stating that the Category A allowance is paid to employees in the eligible categories who perform 'primarily nursing duties', and not 'contact with patient' as erroneously stated in the complainant's claim. This is reflected in the respective sectoral agreements.</p> <p>In June 2018, the Commissioner was informed that the case was considered as addressed following which he confirmed that no other action was needed from MFH; the complainant had taken up the case independently.</p>	Closed without recommendation.	Suspended due to being forwarded to Grievances Unit.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HR 0071	<p>The complainant contested the management's decision to assign duties that limited contact with patients, given that this particular staff member was found guilty by the criminal court of committing violent indecent assault and committing a crime which the person was duty bound to prevent against a patient. The court handed down a suspended two-year sentence. It was claimed that the assigned duties do not reflect the job description.</p>		<p>In September 2020, the Commissioner confirmed the closure of the case.</p> <p>The claim raised by the Commissioner ignores the Criminal Court ruling and the subsequent initiative by the MFH to limit patient contact to avoid a possible recurrence of the violent assault leading to the court sentence. The case was delayed at the MFH due to the deployment problems arising from the criminal court decision and also from Union directives regarding the individual's work placement.</p> <p>In a meeting, it was agreed that the individual submits the latest report from his Probation Officer. On 17th June 2019, a meeting was also held in the presence of the Probation Officer and it was suggested to transfer the claimant to a particular unit where the nurses and patients are monitored, therefore safeguarding both the complainant and patients.</p>	Pending at Ministry.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HR 0077	The complainant claimed reduced efficacy of a generic drug, and that he must buy branded drug out-of-pocket. The request was not approved by the EMTC but patient requested reconsideration of the case.	The Office of the Ombudsman is requesting that the case be reviewed.	<p>The Probation Officer agreed with this suggestion and the case is now pending at the Commissioner.</p> <p>In September 2019, the Commissioner was informed that MUMN's insistence regarding the transfer could not be acceded to.</p> <p>On 1st July 2020, the Commissioner requested a meeting between the complainant and the MDH management and on 15th September 2020 he was informed that an initial meeting had been held and that the MDH management are looking into the case again.</p>	Pending at Ombudsman.	Pending at Ministry.
				<p>This case was referred to EMTC for consideration.</p> <p>On 22nd March 2018, the Commissioner was informed that the original decision still stands. The Commissioner requested a reconsideration of case and was repeatedly informed that EMTC's decision is final.</p>		

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>On 17th June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in terms of Section 4.5 of the EMTC policy and DH circular 22/2019 is followed. Decisions taken by the EMTC will be final unless there is new evidence that was not previously available or considered.</p> <p>The Commissioner replied contesting the decision and the case was referred to legal counsel and EMTC for feedback.</p> <p>On 24th September 2019, the Commissioner was informed once again that the cases have been decided within the parameters of the relevant Legal Notice and according to the published and established policy, following which, in January 2020, he was informed once again that request could not be acceded to.</p>		

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0002	The case refers to a complainant who requested one year unpaid leave to work overseas to do voluntary work.	No recommendation	The management position on this matter is aligned to the Public Service Management Code and the decision taken is according to the exigencies of the service. Mater Dei Hospital could only approve 6 months unpaid leave which is also in line with Ministry policy across the board. The case was closed, as confirmed by the Ombudsman on 8 th January 2020.	Closed without recommendation.	Closed without recommendation.
Health	HS 0022	The case refers to a request by Mater Dei Hospital to an officer to refund allowances paid which were not due.	No recommendation	The Office of the Ombudsman is challenging the fact that clauses 2.2 and 2.3 of the Refund Policy refer to former employees. The Ministry informed the Commissioner that the interpretation of Clauses 2.2. and 2.3 in the Refund Policy applies to both Public Officers and former Public Officers. The Commissioner was informed that Departments have a legal obligation to recoup overpaid funds within two years from when the error is discovered. He was also informed that any	Closed without recommendation.	Closed without recommendation.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0030	Confidential details.	The Office of the Ombudsman requested that the complainant's requests be agreed to.	<p>to publication.</p> <p>On 22nd January 2020, in reply to his query, the Commissioner was informed again that legal expertise lies with the remit of the Attorney General's Office, following which, in March 2020, he confirmed closure of case.</p> <p>The case was reviewed by the Treatment Abroad Committee (TAC). The Complainant and the Commissioner were informed in writing in February 2019 about the established policy in such cases.</p> <p>The Commissioner requested that the complainant's requests be agreed to and in March 2019 requested Terms of Reference of TAC and minutes from TAC meeting where this case was discussed.</p> <p>Furthermore, in March, the Commissioner requested further information and in April 2019 the Office of the Ombudsman sent a final opinion on</p>	Suspended due to Court proceedings.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>case with report and recommendations.</p> <p>In June 2019, MFH sent a reply to the Commissioner confirming previous decision and in July 2019 the Office of the Ombudsman replied contesting the decision and asking for a reply about whether his recommendations about this case would be implemented or not by 10th July 2019. On 13th July 2019, the Office of the Ombudsman requested an update of this case. MFH discussed the case with legal counsel on 21st August 2019. MFH's previous position still stands and the Ombudsman's recommendations cannot be accepted.</p> <p>In January 2020, the complainant proceeded to open a court case and thus case is suspended due to court proceedings.</p>		

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0031	The case refers to a query on whether the frozen breast milk that the complainant attempted to import in Malta is to be deemed as food in accordance to the Food Safety Act of 2002.		<p>The Ministry referred the case to the Superintendent of Public Health and informed the Commissioner that it would be discussing the possibility to issue a Legal Notice.</p> <p>In July 2020, during a meeting, the Commissioner suggested that the SPH confirms the position that the Legal Notice cannot be issued in a possibility to close the case.</p> <p>In view of COVID-19 exigencies, action had to be suspended.</p>	On hold due to COVID-19 exigencies.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0039 HS 0044 HS 0067	A complaint arising from a request by a patient for treatment which was turned down. The indication was that is was not according to the described protocol.	The Ombudsman is recommending that protocols should be removed, and that each case is to be considered on its own merits as protocols are discriminatory and in breach of the law.	On 10 th June 2019, the Commissioner was informed that following recent amendments to Article 23 of the Social Security Act (CAP 318), via Article 30 of Act VII of 2019 (Omnibus Act to implement Budget Measures for the financial year 2019 and other administrative measures), the entitlement of patients to free medical aid was made subject to the provisions of the Health Act which gives the Advisory Committee on Healthcare Benefits (ACHCB) "...the right to advise the Minister to restrict any form of entitlement on the basis of protocols." Thus, Article 22(5) of the Health Act., Part VII, Healthcare Benefits and Entitlement refers. On 12th June 2019, the Office of the Ombudsman replied requesting information. Discussed with legal counsel on 21 st August 2019. In view of Ombudsman's feedback stating that issue has been raised with Prime Minister, no further action can be taken.	Ombudsman stated that these 3 cases were referred to the Prime Minister as provided for in the Ombudsman Act.	Ombudsman stated that these 3 cases were referred to the Prime Minister as provided for in the Ombudsman Act.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0045	A complaint concerning a patient who was sent abroad to be given treatment to her yet unborn baby and other treatments thereafter. The complainant is requesting a refund arising from treatment abroad.	The Office of the Ombudsman recommended that expenses should be paid by MFH.	The Commissioner requested that expenses should be covered by MFH, following which the Ministry proceeded to settle the expenses of the flights of both the patient and the parents. The Commissioner thus proceeded to close the case.	Closed and recommendation implemented.	Pending at Ombudsman.
Health	HS 0048	The case refers to a claim raised by an officer who is stating that duties assigned to him are not related to job nomenclature and therefore is requesting a transfer to be able to carry out the duties related to his grade.	No recommendation	MDH agreed that the claimant should be transferred following the delivery of equipment, the effect of which would enable MDH to release two employees one of which is the claimant. The Ministry issued a reply to the Commissioner in September 2019. On 24 th September 2019, however, the Commissioner was informed that the transfer could not be affected in view of operational circumstances beyond the MDH's control. He was also informed that once operational circumstances are successfully addressed, his request would be acceded to should he still be interested in being transferred.	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0050	The complainants employed within a state hospital contested the request by the management to refund an allowance received since 2013 following their promotion to a higher grade in which they were no longer entitled to an allowance.	No recommendation	On 16 th July 2020, the Commissioner was finally informed that the transfer had been effected as requested, with the complainant being happy in his new role at MDH. Following this communication, the Commissioner confirmed closure of case. The Ministry made reference to the Government refund policy, also following guidelines from the People & Standards Division that refunds needs to be collected over a period of two years commencing from the date that the error has been established. The Commissioner is challenging the fact that clauses 2.2 and 2.3 in the Refund Policy refer to former employees. The Ministry informed the Commissioner that the interpretation of Clauses 2.2. and 2.3 in Refund Policy applies to both Public Officers and former Public Officers.	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0054	The case refers to the merit scheme award pro-rata. A Complainant raised THE case with Ombudsman on the basis that the Quality Assurance Committee informed him that he will not be eligible on a pro-rata basis.	No recommendation	<p>legal advice on this matter following which the Commissioner was informed regarding what is stated in Article 2115, Paragraph 2 of the Civil Code.</p> <p>In January 2020, the Commissioner was informed that legal expertise lies within the remit of the Attorney General's Office. Following this communication, in March 2020, he confirmed that case has been closed.</p> <p>This matter was discussed with the Merit Award Committee and it was agreed that employees exercising a profession similar to that of the complainant would become eligible for the Merit Award pro-rata for the period in which they opt to serve on a 'Contract B' basis.</p> <p>In January 2020, the Office of the Ombudsman confirmed the closure of the case.</p>	Closed without recommendation.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0061	Submission to Exceptional Medicinal Treatment Committee (EMTC) not approved - patient requesting reconsideration of case.	The Commissioner requested that the case be reviewed and that the requested drug be included onto the GFL for whole population.	The case was referred to EMTC for consideration. The Office of the Ombudsman was verbally informed on 28 th February 2019 and in writing on 14 th March 2019 that the case was reviewed and that the original decision still stands. Furthermore, the drug will be considered for inclusion onto the GFL for the whole population once clinicians submit the application as per normal procedure.	Pending at Ombudsman.	Pending at Ombudsman.
Health	HS 0062	The case concerns alleged malpractice regarding processing of medical prescriptions in pharmacies.	No recommendation	MFH requested the Office of the Ombudsman to provide more details in order to aid the investigation. The Commissioner clarified that the issue was related to private pharmacies and that he had written to the Pharmacy Council on this matter. Following various communications from the Ministry requesting closure of the case, the Office of the Ombudsman confirmed its closure in January 2020.	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0068	<p>The case refers to patients who are admitted to beds contracted by the government to private old people's homes and the percentage income deducted. In this regard, the Commissioner received a complaint with respect to the fact that those who are admitted to beds contracted by the Ministry for Health have an 80% deduction whilst those who are admitted to beds contracted by the Department for the Elderly and Community Care within the Ministry for the Family, Children's Rights and Social Solidarity have a 60% deduction. The patients have no say on this matter and do not know to which Ministry they should turn to in case of need.</p>	No recommendation	<p>MFH has inquired with MDH regarding the procedure being used and reference was also made to Subsidiary Legislation 318.13 which refers to State Financed Residential Services Rates Regulations. The Ministry issued a reply to Commissioner in September 2019.</p> <p>In November 2019, a meeting was held with Commissioner in which clarifications on this matter were provided. In May 2020, MDH confirmed that copies of contracts were forwarded to Commissioner and in July 2020, the Commissioner was informed that MDH confirmed that all calculations are being made in accordance with Legal Notice S.L. 318.13. Following further clarification from MFH on the Commissioner's queries, the Office of the Ombudsman proceeded to close the case.</p>	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0071	Case arising from a submission to EMTC which was not approved. The patient is requesting a reconsideration of the case.		<p>The case was referred to the EMTC for consideration. The Office of the Ombudsman was informed verbally on 28th February 2019 that the case was reviewed and that the original decision still stands. On 15th April 2019, the Office of the Ombudsman replied that it does not agree with the EMTC's decision and requested reconsideration of case. A reply sent to Ombudsman on 17th June 2019, and the Commissioner was informed that submissions would only be reassessed if the procedure established in terms of Section 4.5 of the EMTC policy and DH circular 22/2019 is followed. Decisions taken by the EMTC will be final unless there is new evidence that was not previously available or considered. The Office of the Ombudsman replied on 20th June 2019 with a contesting reply and decision. The Ministry's position still stands.</p>	Pending at Ombudsman.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0072	Complaint from a health care professional alleging discrimination with regard to the job plan and the assignment of a post within a clinical department.	No recommendation	<p>The Commissioner requested that this long-standing issue be addressed and that a meeting between complainant and administration be held to clarify issues. In this regard, several meetings between the complainant and the management including CMO were held. In April 2019, the Commissioner requested an update on this case, following which he was informed that it was clearly explained to the complainant that the alleged injustices were assessed by the Grievances Unit which was set up by OPM and they are not subject to further discussions.</p> <p>In November 2019, the Commissioner was informed in writing about the discussion between CMO and Commissioner during which it was mutually agreed not to pursue case further. He was also informed that the complainant can apply when the call is issued and the relative Job Plan would be revised if</p>	Closed without recommendation.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0075	Issue concerning MCAST certification at MQF level 3 which is not deemed as sufficient when candidates apply for a particular technical post.		<p>tasks increase.</p> <p>On 17th July 2020, the Commissioner confirmed the case as closed during a meeting.</p> <p>On 12th December 2019, a reply was sent to the Commissioner together with the submission of two requested files.</p> <p>In July 2020, the Commissioner was informed that internal discussions with MDH management are ongoing concerning working conditions, including MCAST certifications of staff, in this technical post. It is also being discussed that once a shift pattern is agreed upon internally it will be communicated to the respective union.</p> <p>In August 2020, MDH's management informed the Ministry that if the shift patterns of such staff are changed, MDH will not need any recruitment of staff in this technical post for the next 12 months at least. COVID-19 derailed the exercise but MDH are in the process of concluding their proposal which will</p>	Pending at Ministry.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0080	A complaint by an officer in the health care profession claiming that due to an ongoing court case the health authorities failed to appoint him to a higher grade despite placing first in a selection process.	No recommendation	<p>be discussed with the respective union. MFH will inform the Commissioner when this process is finalised.</p> <p>The Commissioner requested the MFH's feedback regarding this case.</p> <p>In February 2019, the Commissioner was informed that subject to satisfactory performance, MFH will request the Public Service Commission to extend the validity period/s of the order of merit results of the call for applications in question. Appointment is thus subject to a court decision exculpating the complainant concerned.</p>	Suspended due to Court proceedings.	Suspended due to Court proceedings.
Health	HS 0084	Submission to Exceptional Medical Treatment Committee (EMTC) not approved - patient requesting reconsideration of case.	Requested that the case be reviewed.	<p>On 17th June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in terms of Section 4.5 of the EMTC policy and DH circular 22/2019 is followed. Decisions taken by the EMTC will be final unless there is new evidence that was not previously available</p>	Pending at Ombudsman.	Pending in Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>or considered. The Office of the Ombudsman replied on 20th June 2019 contesting the reply and decision. Matter needs to be discussed with Legal Counsel and EMTC chair before replying.</p> <p>On 24th September 2019, the Commissioner was informed again that cases have been decided within the parameters of the relevant Legal Notice and according to the published and established policy. The Commissioner, however, is still contesting the decision.</p>		
Health	HS 0086	A complaint concerns orders online which exceed the legal limit of certain products.	No recommendation	The MFH has requested feedback from the Environmental Health Directorate on this matter following which feedback was forwarded leading to the closure of case by the Office of the Ombudsman.	Closed without recommendation.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0089	<p>The Office of the Ombudsman is requesting whether medical marijuana is available under the NHS and whether patients suffering from fibromyalgia will be given this drug for free.</p> <p>A case concerns a request for a branded product which was approved by EMTC in January 2019 but the drug has not been procured to date. The patient is requesting procurement of drug and a refund for treatment bought and paid for by himself. In July 2019, the Office of the Ombudsman requested that the medicine be bought by direct order.</p>	No recommendation	In January 2019, the Commissioner was informed that medical marijuana is not available to patients under the NHS following which he proceeded to close the case.	Closed without recommendation.	Pending at Ombudsman.
Health	HS 0099	<p>A case concerns a request for a branded product which was approved by EMTC in January 2019 but the drug has not been procured to date. The patient is requesting procurement of drug and a refund for treatment bought and paid for by himself. In July 2019, the Office of the Ombudsman requested that the medicine be bought by direct order.</p>	No recommendation	In August 2019, this drug was procured and delivered to the patient at home via courier services. MFH is thus now procuring medicine and delivering it to patient. Reimbursement for payments effected by the patient for treatment bought and paid by himself has also been effected. The Office of the Ombudsman thus proceeded to close the case.	Closed without recommendation.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Health	HS 0100	A case concerning a request for a branded product made to EMTC, whereby the patient's parent is requesting a drug to be procured.		The Commissioner requested feedback regarding this complaint. In this regard, the drug is extremely costly and the MFH is attempting to source the necessary funds to enable its procurement. On 24 th September 2020, the Commissioner was informed that medicine will be provided shortly.	Pending at Ministry.	Pending at Ministry.
Health	HS 0102	Case arising from a submission to EMTC which was not approved. The patient is requesting a reconsideration of the case.		The Commissioner requested that the case be reviewed and also queried the process by which drugs are introduced onto the Government Formulary List (GFL). In January 2019, the Commissioner was informed that EMTC had reviewed case and that the original decision still stands. The Commissioner is still challenging this decision and thus a reply was sent to the Commissioner in June 2019 regarding procedure for reconsideration of EMTC decisions, as drafted by the legal counsel and the EMTC chair. The Commissioner replied that it is still contesting EMTC decisions.	Pending at Ombudsman.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Department of Social Security	HS 0024	The complainant claimed that he was not paid for 36 days sick leave after he had utilised all his sick leave entitlement (15 days) due to treatment for cancer which entailed a three-day stay in hospital each time he had to take a chemotherapy cycle.	The Commissioner for Health requested that the Ministry may wish to consider whether such cases merit special consideration instead of strictly adhering to the wording of the law.	In May 2018, the Commissioner was informed by the DG (SS) that, whatever the medical condition, the wording of the law has to be adhered to. Nonetheless, in April 2019, the Commissioner was further informed that the situation of this particular case has been noted and consideration is being given to propose possible policy changes. In September 2019, the Commissioner was informed that there was no change in policy. In October 2019, the policy changed to cater for patients undergoing such treatment.	Closed and recommendation implemented.	Pending at Ombudsman.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
<p>St Vincent De Paul Residence</p>	<p>HS 0057 HS 0073 HS 0096</p>	<p>The complainant lodged three complaints referring to ongoing disciplinary proceedings against him regarding an incident which occurred in August 2018.</p>	<p>On 9th September 2019, the Commissioner sent his final report on the case HT 0057 together with three recommendations, namely that (a) the complainant is to be refunded with all remuneration; (b) the Manual of Disciplinary Procedures should be amended; (c) the Investigating Board is to be composed of three senior officers.</p>	<p>HS 0073 & HS 0096 - The management investigated this complaint and it resulted that it was not a case for disciplinary action against the employees mentioned by the complainant. The Commissioner was updated accordingly. HS 0057 - The management held a meeting with the Commissioner, and in August 2019 referred to the final report of the disciplinary proceedings to the Commissioner. Further documentation was also forwarded in September. The Commissioner sent a final report together with some recommendations. MFCS replied that recommendations (a) and (c) were already effected prior to his final report, while recommendation (b) could not be accepted as it goes against the Manual of Disciplinary Procedures.</p>	<p>HS 0073 & HS 0096 - Closed without recommendation.</p> <p>HS 0057 - Suspended due to Court proceedings.</p>	<p>HS 0073 & HS 0096 - Pending at Ombudsman.</p> <p>HS 0057 - Pending at Ombudsman.</p>

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
Malta Medicines Authority	HR 0072	A complaint received by the Malta Medicine's Authority requesting a copy of the inspection report of the In-Patient Pharmacy at Mater Dei Hospital. It was sent to MDH as per Section 19(1) of the Ombudsman Act.	No recommendation	The report was sent to the Office of the Ombudsman in May 2018, following which in June the Ombudsman queried whether deficiencies identified were corrected as per Malta Medicine Authority (MMA) standards. In their reply, the MMA noted that while some findings had been addressed, others were still being followed up. The Office of the Ombudsman continued requesting updates to which the MMA replied by stating that most of the findings had been addressed bar the remaining ones and that MDH was requesting an extension of timeframes. In this regard, the MMA continued following up on corrective actions in response to the inspection report in line with commitments given by the MDH's pharmacy management. Timelines were being continually delayed by the pharmacy management in view of human resources constraints. On 25 th November 2019, a meeting was held	Closed without recommendation.	Pending at Ministry.

SECTOR/DEPARTMENT	COMMISSIONER CASE REFERENCE	BRIEF DETAILS OF CASE	RECOMMENDATION BY COMMISSIONER	ACTION TAKEN & MANAGEMENT COMMENTS	STATUS	STATUS LAST YEAR
				<p>with MDH pharmacy management and members from the Quality Assurance Unit to discuss further the Corrective and Preventive Actions (CAPAs). All CAPAs have been addressed following which the Office of the Ombudsman proceeded to close the case.</p>		



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