

Governance Action

on the Parliamentary Ombudsman's Annual Report 2020



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foreword

foreword

For the second year, this report was partially impacted by the unprecedented situation of the COVID-19 pandemic. Nonetheless, the strong foundations and permanent structures set up within the public administration have allowed for continuity in adverse conditions. The public administration has not only managed to adapt and nonetheless fulfil its obligations, but also to take innovative steps forward.

The public administration constantly seeks to strengthen its governance and accountability structures, through technology, directives and policies, and their implementation through the competence and ability of public employees. One significant initiative was the launch of the Integrity Awareness and Assessment Programme.

This programme is mandatory, by means of Directive 15, for categories of employees whose role and responsibilities are susceptible to high risk. The aim of this programme is to promote high integrity standards in the public administration, which are pivotal for good governance.

Accountability and good governance are enhanced by recommendations made by institutions of oversight. The public administration invariably adopts and takes on such recommendations provided their

implementation is possible. This valid contribution serves to identify areas for improvement, enhance service delivery, and to action long-term changes such as amendments to policy and legislation where required. Institutions of oversight and their recommendations also assist to set higher standards which further promote transparency, fairness and accountability - necessary ingredients for good administration.

It is for this reason that one expects these institutions to behave in the same way that they oblige others to do. These institutions ought to embrace the principles of good governance and practice, by operating according to the same standards they set for others. As an institution exerting public scrutiny, the Office of the Ombudsman ought to have in place standard operating procedures (SOPs) which set timeframes for each stage of investigations and for their conclusion. Good practice dictates that it is made clear to complainants what type of complaints are investigated by the Ombudsman. Another point of good practice which may be considered is that of establishing better cooperation between the Office of the Ombudsman, the ministerial liaison officers and the public administration with a view to achieving better results for the common good. In this regard, the Ombudsman would be well guided by the practices adopted and published by other ombudsmen.

foreword

As things stand today, the Office of the Ombudsman binds the investigated ministry to submit a reply within a set deadline. However, there are no standards which set a reasonable time limit upon the Office of the Ombudsman to conclude an investigation thus ensuring that justice is served, if due, without delay. At the time of reporting there were 84 cases which were accepted for investigation by the Ombudsman over two years ago, and are still pending. It is unacceptable that a complainant must wait for a decision on the complaint submitted for such an extended period. For 22 of these cases, no communication has been forthcoming from the Office of the Ombudsman for a period ranging between two and five years. These represent 26.1% of the cases which have been opened in 2019 or earlier, even as early as 2016, that are still pending at the Office of the Ombudsman. For the remaining 62 cases (73.8%), while still pending after two years or longer, the investigation is ongoing.

The lack of cooperation from the Office of the Ombudsman encountered by the public administration is disheartening albeit not defeating. In a substantial number of cases – all identified in the report – Permanent Secretaries or liaison officers are not even informed when the Ombudsman or one of the Commissioners close the case. Apart from good practice, it is mere courtesy to advise the ministry concerned of the closure of the case. The public administration is aware that the Ombudsman objects to the role of the

liaison officer. However, these objections are unfounded, particularly since all liaison officers are public officers, carrying out this role officially, and are held accountable for their performance. This is in stark contrast to the liaison officers who had been assigned this role in previous years and who included members of boards or committees, or even persons of trust.

As an institution of oversight which carries out investigations on selection and recruitment processes, among others, the Ombudsman should have clear and published standards on the criteria adopted for the recruitment of employees in his Office, and should definitely not resort to engagement of persons of trust. As already stated, it would be opportune also for the Office of the Ombudsman to clarify the types of complaints which are eligible for investigation, and to ensure that all means of redress are exhausted prior to accepting to investigate a complaint. With reference to new cases accepted for investigation by the Ombudsman in 2020, at least 85 cases, representing 26% of the total number of new cases investigated in 2020, were accepted by the Ombudsman without the complainants seeking prior redress from the ministry/entity concerned. It is considered good practice to allow the public administration to deal with complaints in the first instance prior to initiating an investigation. Otherwise, the role of the Ombudsman would be simply reduced to one of customer care instead of one investigating maladministration.

Furthermore, the investigation and subsequent recommendations, if any, made by the Ombudsman should be based on facts. If a policy is correct and the ministry concerned adhered to the established policy, there is no basis for remedial action by considering the case on its own merits.

Such action would be an injustice towards others going through the same circumstances, who had not lodged a complaint with the Ombudsman. On the other hand, the Ombudsman may propose changes to policies which, in his opinion need to be amended, by giving reasons for his proposal.

I cannot help but refer to incorrect statements issued publicly by the Office of the Ombudsman. One statement in the Ombudsman's annual report for 2020 (page 18) was that the length of time for the conclusion of investigations was lengthened due to COVID-19, as the Office of the Ombudsman, as well as government departments were closed with employees working remotely. It is to be noted that work by public employees continued in a practically normal manner even while on remote working, ensuring continuity of all services and functions. The only cases that were held in abeyance during 2020 were ones related to the health, enforcement and inspectorate

sectors, and these cases have since been re-activated. Here, it is worth underlining that the majority of pending cases (67.7%) are pending at Ombudsman, amounting to 107 out of 158 pending cases.

Another contentious statement, which was reported in one newspaper on 25 October 2021 based on information obtained from the Office of the Ombudsman, specifically stated that the public administration ignored 27% of the reports compiled by the Ombudsman and the three Commissioners. Such a statement gives the impression that a quarter of complaints are ignored. In actual fact, during 2020, the Ombudsman made only 57 recommendations. This represents just 11% of the total cases handled in 2020. Of these 57 recommendations, 45 (79%) have been accepted, implemented or noted. Furthermore, recommendations which are not accepted are by no means ignored. A valid reason invariably exists for not implementing a recommendation. Reasons include that the recommendation is contrary to law, or the recommendation made by the Ombudsman is simply incorrect and implementing it would create a dangerous precedent and an injustice to others. The Ombudsman is given reasons by the ministry/entity concerned why a recommendation cannot be implemented. This misleading information was also communicated to His Excellency, the President of Malta during the official visit to the Office of the Ombudsman.

It is also to be noted that the number of cases referred to the Ombudsman in 2020 against the 13 million annual public services' interaction by the public administration with its clients, whilst delivering its approximately 2000 services, the resulting figure is of 0.003%. This figure alone is testimony to the good service delivery provided by the public administration. A snapshot of the cases covered in this report is presented hereunder:

- Of the 506 cases (329 cases in 2020 plus 177 cases pre-2020) deemed as meriting further inquiry by the Parliamentary Ombudsman and the Commissioners, a substantial 65.4% (331 cases) were closed by the Ombudsman by the end of October 2021.
 - From the 329 new cases received in 2020, 242 cases (73.6%) were closed by the Office of the Parliamentary Ombudsman and Commissioners by the end of October 2021.
 - In 211 cases (that is 87.2% of closed cases), 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 82% of cases closed.
 - 25 other closed cases (10.3%) included recommendations which at the time of reporting had already been implemented or noted.
- Altogether, 97.5% of all closed cases (236 from 242 cases closed by the end of October 2021) were closed with the complaint being suitably addressed. The remaining 6 cases, representing 2.5% are cases requiring complex analysis, statutory or policy considerations.**
- Of the 74 cases still pending conclusion, only 18 are pending at Ministry level (out of which seven pertain to the Commissioner for Health and five cases pertain to the Commissioner for Environment and Planning). 50 cases are pending at Ombudsman, while the remaining six cases are suspended due to ongoing proceedings in a court or tribunal.
 - The remaining 13 cases opened in 2020 have been withdrawn either by the Ombudsman or the complainant.

foreword

The function of the Ombudsman is to safeguard the rights of the citizen by recommending remedial action to alleviate any grievance or injustice suffered. However, lack of standards places the credibility of this important institution in jeopardy. On the other hand, the Public Service continues to look ahead with optimism. In 2022 it will embark on the first 5-year holistic strategy in its history, with the vision to achieve a service of excellence. The three key principles underpinning the strategy – Quality, Accountability and Sustainability – should likewise be adopted by institutions of oversight.

MARIO CUTAJAR

Principal Permanent Secretary and
Secretary to Cabinet

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List of abbreviations

A

AACC	Active Ageing & Community Care
AACCD	Active Ageing and Community Care Directorate
AAS	Air Malta Aviation Services Ltd
ACHCB	Action Committee on Health Care Benefits
AFM	Armed Forces of Malta
AHWD	Animal Health & Welfare Department
ARB	Asset Recovery Bureau
ARMS	Automated Revenue Management Services Limited
ART	Assisted Reproductive Technology
AS	Agenzija Support
AWAS	Agency for the Welfare of Asylum Seekers
AWPSD	Animal Welfare & Promotional Services Directorate

B

B.A. (HONS)	Bachelor of Art (Honours)
BCA	Building and Construction Agency

C

CBM	Central Bank of Malta
CAE	Civil Aviation Engineering
CCF	Corradino Correctional Facility
CCTV	Closed-circuit television
CE	Commissioner for Education
CEO	Chief Executive Officer
CEP	Commissioner for Environment and Planning
CfR	Commissioner for Revenue
CGM	Continuous Glucose Monitoring
CGMS	Continuous Glucose Monitoring System
CfH	Commissioner for Health
CIO	Chief Information Officer
CMO	Chief Medical Officer
COLA	Cost of Living Allowance
CoS	Conditions of Services
COVID 19	Corona Virus Disease 2019
CPD	Civil Protection Department
CPD	Continuous Professional Development
CPCM	Council for Professions Complementary to Medicine
CPSU	Central Procurement and Supplies Unit
CRPD	Commission for Person with Disability
CSA	Correctional Services Authority
CT	Computerized Tomography
CTB	Category B Concession
CTD	Capital Transfer Department
CTP	Council for the Teaching Profession
CV	Curriculum Vitae

List of abbreviations

D

DCB	Deficiency Contribution Bonus
DEH	Department of Environmental Health
DG	Director General
DIER	Department of Industrial & Employment Relations
DH	Department of Health
DLG	Department of Local Government
DOH	Department of Health
DPA	Directorate for Pharmaceutical Affairs
DSS	Department of Social Security

E

EC	European Commission
ECh	Executive Chair
ECTS	European Credit Transfer System
ED	Enforcement Directorate
E-ID	Electronic identity
EHO	Environmental Health Officer
EHP	Environmental Health Personnel
EMA	European Medicines Agency
EMR	Electromagnetic Radiation
EIA	Environmental Impact Assessment
EMTC	Exceptional Medicinal Treatment Committee
EOI	Expression of Interest
EPA	Embryo Protection Authority
EPPS	Electronic Public Procurement System
EPRT	Environment and Planning Review Tribunal
ERA	Environment and Resources Authority
EU	European Union

F

FKNK	Federazzjoni Kaċċaturi, Nassaba u Konservazzjonisti
FMS	Foundation for Medical 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
GPD	Government Property Department
GWU	General Workers Union

List of abbreviations

H	HA	Housing Authority
	HIV	Human Immunodeficiency Virus
	HR	Human Resources
	HSTs	Higher Specialist Trainees
I	IAID	Internal Audit & Investigations Department
	ICT	Information & Communications Technology
	ID	Identity
	IM	Infrastructure Malta
	IMA	Identity Malta Agency
	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
	ITU	Intensive Care Unit
IVF	In Vitro Fertilisation	
J	JO	Joint Office
K	KGH	Karin Grech Hospital
	KSU	Kunsill Studenti Universitarji
L	LA	Lands Authority
	LC	Local Council
	LESA	Law Enforcement System Authority
	LGD	Local Government Department
	LN	Legal Notice
	LPG	Liquefied Petroleum Gas
	LSA	Learning Support Assistant
	LSE	Learning Support Educator
	LUISS	Libera Università Internazionale degli Studi Sociali

List of abbreviations

M

MA	Minor Amendment
MATSEC	Matriculation and Secondary Education Certificate
MBR	Malta Business Registry
MCAST	Malta College of Arts, Science & Technology
MCCAA	Malta Competition & Consumer Affairs Authority
MCST	Malta Council for Science and Technology
MCH	Mount Carmel Hospital
MDA	Malta Developers Association
MDD	Malta Drydocks
MDH	Mater Dei Hospital
ME	Malta Enterprise
MEMO	Memorandum
MEAE	Ministry for European Affairs and Equality
MECP	Ministry for the Environment, Climate Change and Planning
MEDE	Ministry for Education and Employment
MEI	Ministry for Economics & Industry
MEW	Ministry for Energy and Water
MEIB	Ministry for the Economy, Investment & Small Businesses
MFA	Malta Finance Authority
MFC	Malta Film Commissioner
MFE	Ministry for Finance and Employment
MFEA	Ministry for Foreign and European Affairs
MFED	Ministry for Education
MFCS	Ministry for the Family, Children's Rights and Social Solidarity
MFH	Ministry for Health
MFIN	Ministry for Finance
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
MHSE	Ministry for Home Affairs, National Security and Law Enforcement
MHS	Mental Health Services
MIMCOL	Malta Investment Management Company Limited
MJCL	Ministry for Justice, Culture and Local Government
MMA	Malta Medicine Authority
MMA	Malta Medicines Authority
MoU	Memorandum of Understanding
MPF	Malta Police Force
M.Phil	Master of Philosophy
MQF	Malta Qualifications Framework
MRI	Magnetic Resonance Imaging
MSD	Manufacturing and Service Directorate
MSFC	Ministry for Social Justice & Solidarity, the Family and Children's Rights
MTA	Malta Tourism Authority
MTCP	Ministry for Tourism and Consumer Protection
MTIP	Ministry for Transport, Infrastructure and Capital Projects
MUT	Malta Union of Teachers

List of abbreviations

N

NACE	Nomenclature of Economic Activities
NCFHE	National Commission for Further and Higher Education
NCPE	National Commission for the Promotion of Equality
NHS	National Health Services
NI	National Insurance
NGO	Non-Governmental Organisation
NOACS	Novel anticoagulants
NPICU	Neonatal Paediatric Intensive Care Unit
NSO	National Statistics Office

O

OCVO	Office of the Commissioner for Voluntary Organisation
OHS	Occupational Health & Safety Authority
OPM	Office of the Prime Minister
OWK	Ordnijet ta' Waqfien u Konformità (Stop & Compliance Order)

P

P&SD	People & Standards Division
PA	Planning Authority
PAF	Personal Assistant Fund
PHC	Primary Health Care
PhD	Doctor of Philosophy
PO	Parliamentary Ombudsman
POYC	Pharmacy of Your Choice
PR	Public Relations
PRF	Programme Review Form
PS	Permanent Secretary
PSCD	Personal Social & Career Development
PSMC	Public Service Management Code
PSU	Player Support Unit
PV	Photovoltaic

R

REWS	Regulator for Energy and Water Services
RHA	Reciprocal Health Agreement
RSSL	Resource Support and Services Limited

List of abbreviations

S

SAMOC	Sir Anthony Mamo Oncology Centre
SAR	Search and Rescue
SAWTP	Sant'Antnin Waste Treatment Plant
SCH	Superintendence of Cultural Heritage
SCSA	Social Care Standards Authority
S&I	Strategy and Implementation
SL	Subsidiary Legislation
SMB	Sanction Monitoring Board
SMGB	Students Maintenance Grants' Board
SMS	Short Message Service
SMT	Senior Management Team
SPH	Superintendence of Public Health
SVP	St Vincent De Paule
SVPR	St Vincent De Paule Residence

O

TAC	Treatment Abroad Committee
TESS	Tertiary Education Scholarships Scheme
TM	Transport Malta
TMRSD	Traffic Management & Road Safety Department
TRD	Technical Regulations Division

U

UHM	Union Haddiema Magħqudin
UK	United Kingdom
UM	University of Malta
UoM	University of Malta
UPE	Union of Professional Educators

V

VAT	Value Added Tax
VET	Vocational Education and Training
VL	Vocational Leave
VLU	Vehicle Licensing Unit
VO	Voluntary Organisation

Y

Y/A	Year of Assessment
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W

WEEE	Waste Electric & Electronic Equipment
WSC	Water Services Corporation
WSM	WasteServ Malta

The Report in Numbers

The Report in Numbers

A statistical analysis was carried out to establish the status and outcomes of the caseload handled by the Office of the Ombudsman, including the three Commissioners, during January to December 2020.

Ministries and public entities were requested to submit to the Governance Action Directorate, a detailed outline of the status and outcome of each case identified in the Ombudsman's Annual Report for 2020. Where necessary, further clarification was requested and secured. Each individual case was reviewed to ensure that details presented for publication respected the complainants' privacy and that each case was suitably managed by the Ministry concerned.

Subsequently, the brief details of each case, the action taken by the ministries or entities 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, have been compiled and presented in this report, giving a full account of each individual case.

This introductory section presents a consolidated snapshot of this analysis. It provides an overview of the cases handled by the Parliamentary Ombudsman and the Commissioners during 2020 and their status and / or outcomes by the end of October 2021.

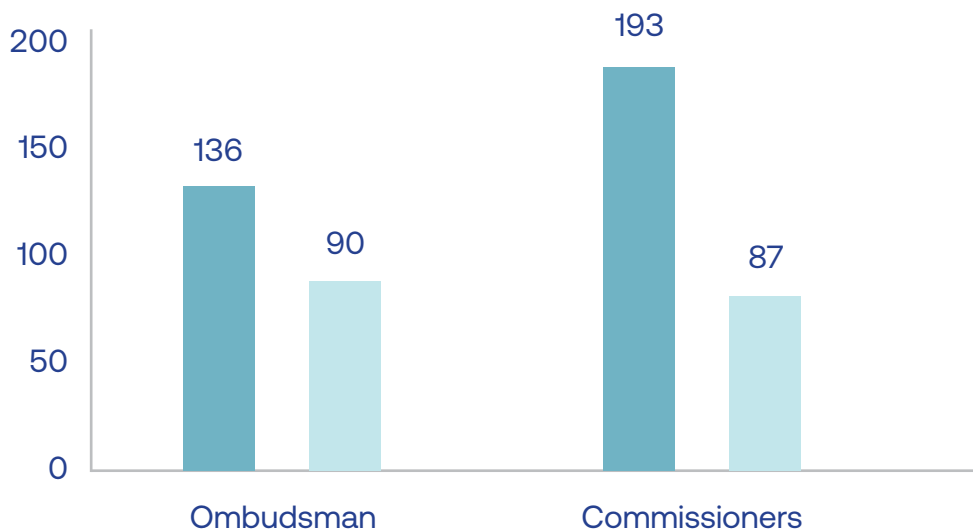
Overview

CASES RECEIVED BY THE OFFICE OF THE PARLIAMENTARY OMBUDSMAN AND COMMISSIONERS IN 2020

During 2020, the Office of the Ombudsman (that is, the Parliamentary Ombudsman and the three Commissioners) investigated a total of 329 new complaints. An additional 177 cases were carried forward from previous years. Hence, the total caseload for the Office of the Parliamentary Ombudsman and Commissioners amounted to a total of 506 cases. This represents a decrease by 32 cases (or 6%) over the total caseload for 2019 which stood at 538 cases. Diagram 1 depicts the total caseload pertaining to the Office of the Parliamentary Ombudsman and Commissioners in 2020.

Diagram 1

■ 2020 ■ Pre-2020



Summary of total caseload

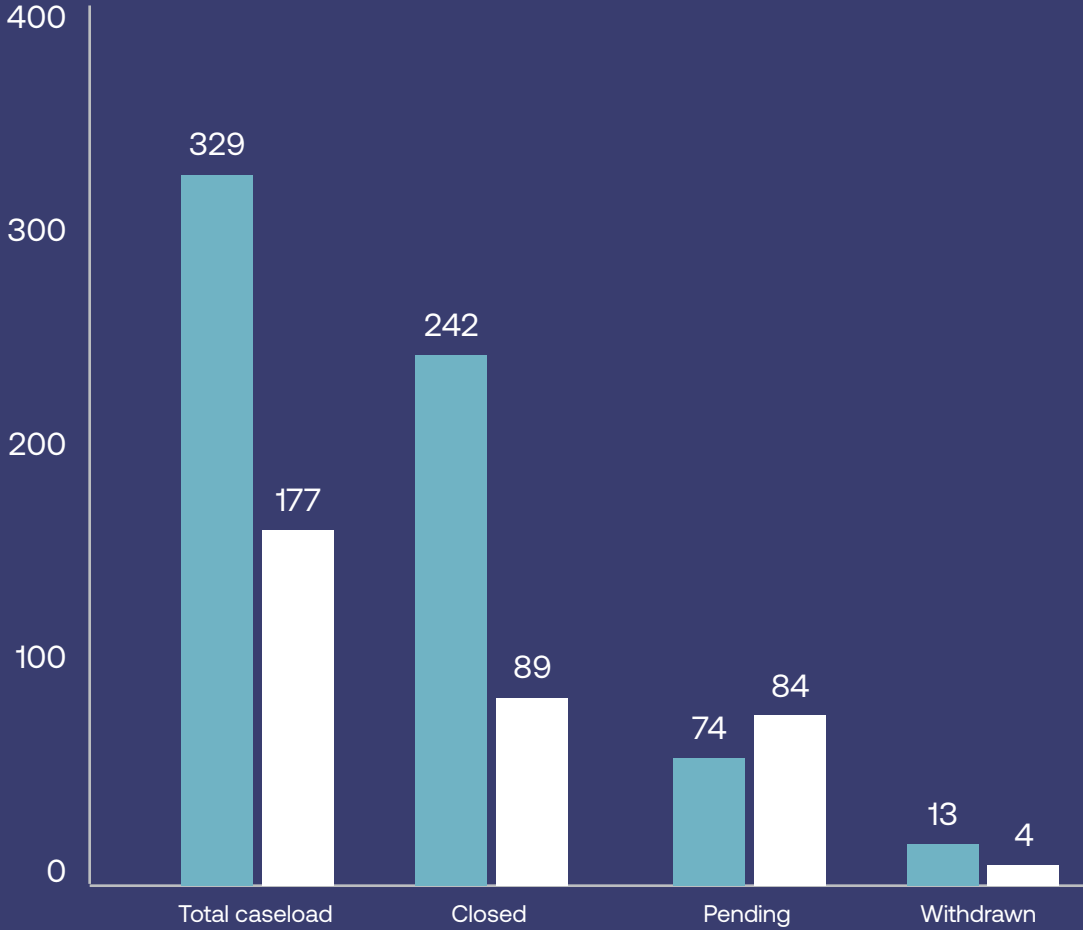
Further investigation reveals that of the total caseload of 506 complaints:

- 65.4% (331 cases) were closed during the reporting period. Of these:
 - 242 complaints made during 2020 were closed, representing 73.6% of the total new 2020 caseload received, of which 97.5% were resolved amicably.
 - 89 other cases which pre-date 2020 were also closed, representing a 50.3% decrease of the total pre-2020 pending cases.
- 31.2% (158 cases) remain pending, comprising 74 (22.5%) of the new complaints and 84 (47.5%) of the pre-2020 cases. 12 of these cases are suspended due to pending court proceedings. Of the remaining 146 pending cases, 107 (73.3%) are pending at Ombudsman and 39 (26.7%) are pending at Ministry.
- 17 cases (3.4%) were withdrawn by the Ombudsman or the complainant.

Diagram 2 indicates the status of complaints handled by the Ombudsman and Commissioners in 2020.

Diagram 2

2020 Pre-2020



Status of complaints

Diagram 3

2020 Pre-2020

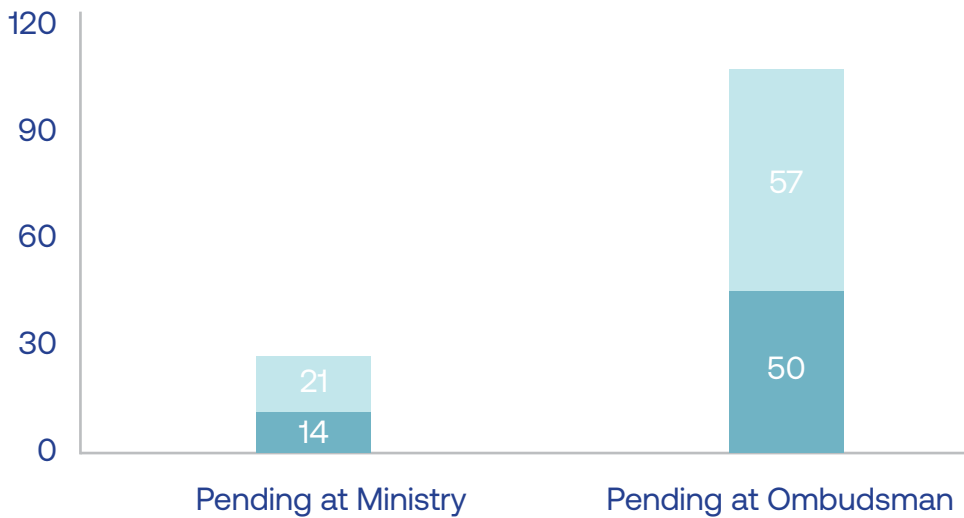


Diagram 3 indicates the status of pending cases.

The analysis carried out regarding cases handled in 2020 shows that a significant number of cases have been closed by the Ombudsman and Commissioners once they received the management’s explanation and technical considerations of the case as processed by the Public Administration. In fact, in 258 of closed cases (77.9%), the investigation was closed without any recommendations being presented for corrective action to be taken by the management of the concerned public entity.

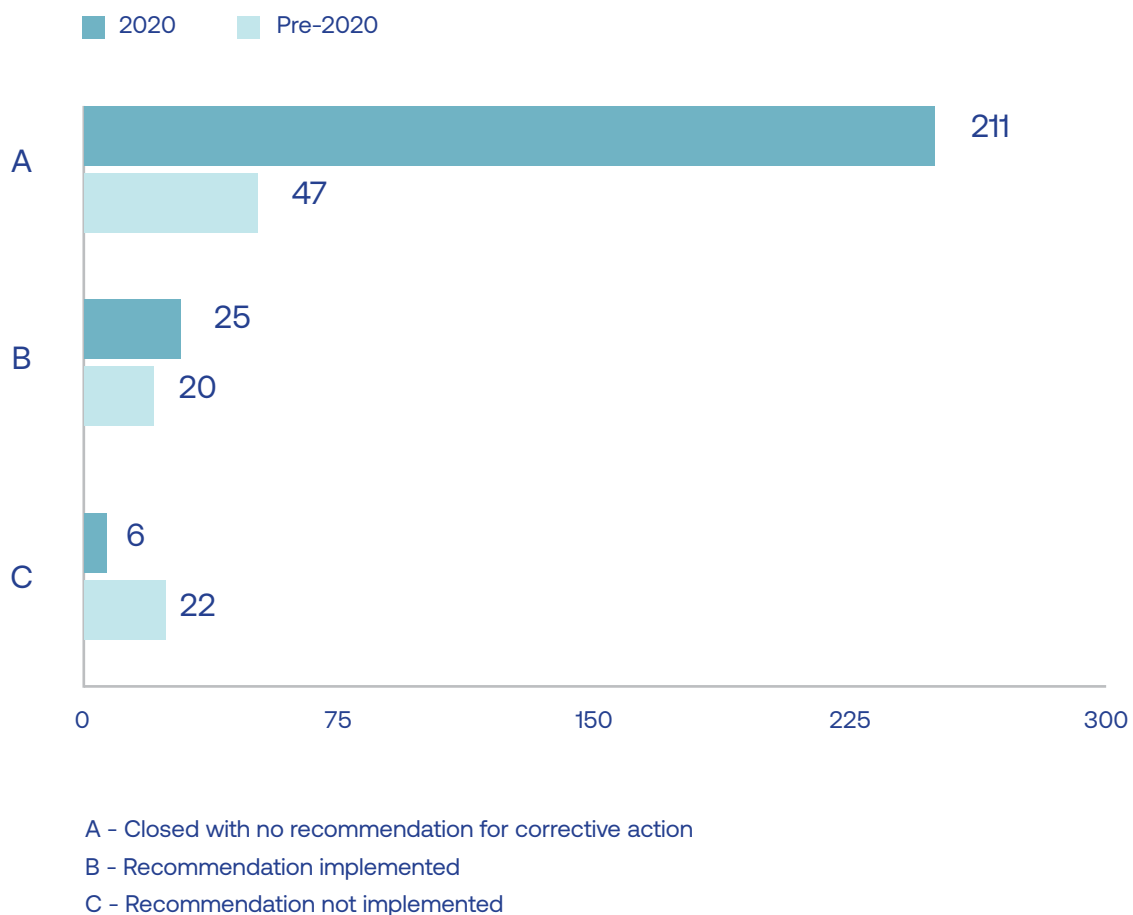
For another 13.6% of closed cases (that is 45 cases) by the time of reporting, the concerned public entity had implemented or noted the recommendations presented to it. Noted recommendations are adopted in future similar circumstances. This means that for all complaints considered by the Office of the Ombudsman and Commissioners in 2020, the complaint was suitably addressed in 91.5% of cases which is indicative of the level of quality exercised by the Public Administration in implementation, and of the accountability expected of each public employee.

The Report in Numbers

In the remaining number of cases (28 or 8.5%), the recommendations presented were not implemented. A valid reason invariably exists for not implementing a recommendation. Reasons include that further policy formulation or statutory analysis is required which hinders the immediate adoption of such recommendations. There are instances where the recommendation is contrary to law or the decision made by the Ombudsman is simply incorrect and implementing it would create a dangerous precedent and an injustice to others. The Ombudsman is given reasons by the ministry/entity concerned why a recommendation cannot be implemented, and in each of these cases the decision not to implement a recommendation was taken diligently after in-depth consideration.

Diagram 4

Diagram 4 depicts the status of the cases concluded by the Office of the Ombudsman.



In conclusion, it has been established that notwithstanding the challenges posed by the pandemic during 2020 and 2021, the performance of the Public Administration has achieved a high rate of cases which required no specific corrective action – an encouraging rate of 77.9%.

CASES HANDLED BY THE PARLIAMENTARY OMBUDSMAN

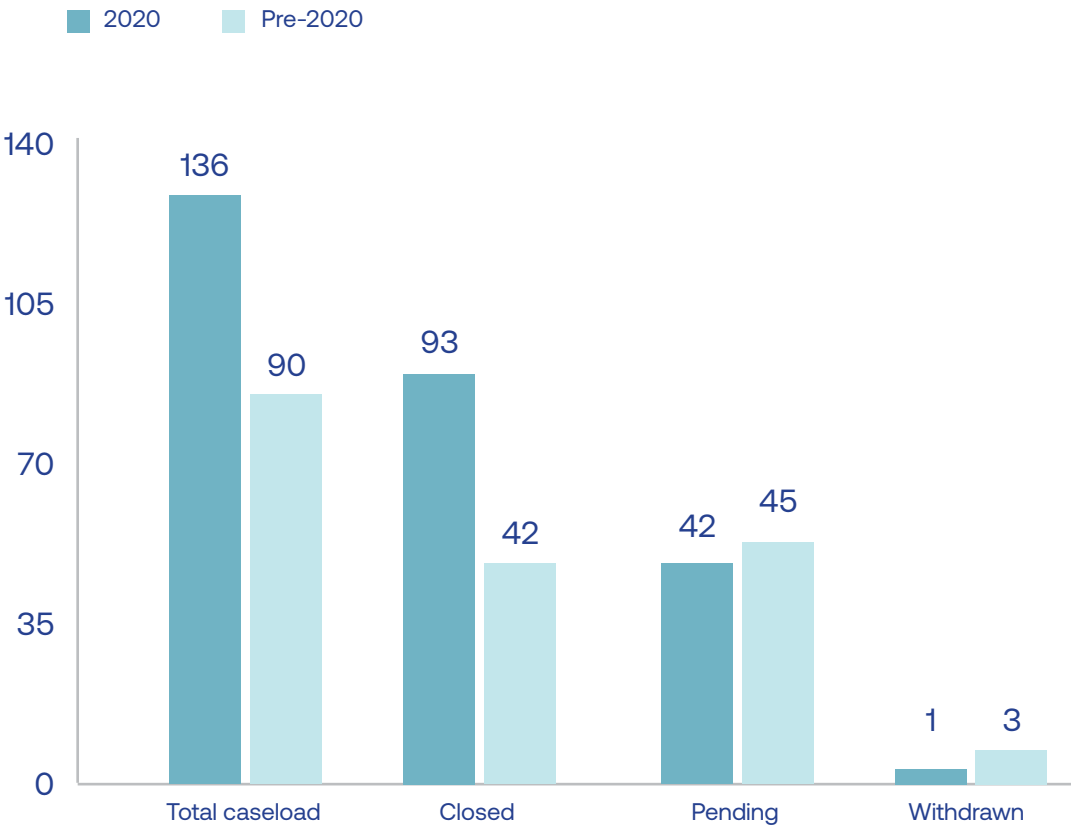
Based on the Public Administration's findings, the Parliamentary Ombudsman handled a total caseload of 226 cases during 2020, with 136 new cases (60% of the total caseload) and a further 90 cases from previous years (40% of the total caseload).

Further investigation reveals that of the total caseload of 226 complaints:

- 59.7% (135 cases) were closed during the reporting period. Of these:
 - 93 complaints made during 2020 were closed. This represents 68.9% of the total new 2020 caseload received.
 - Another 42 cases which pre-date 2020 were also closed, representing a 46.7% decrease in the pre-2020 pending cases.
- 38.5% (87 cases) remain pending comprising 42 (30.9%) of the new 2020 cases and 45 (50%) of the pre-2020 cases respectively.
- 1.8% (4 cases) were cases which were withdrawn by the complainant. These comprise 1 case (0.7%) of the new 2020 cases and 3 (3.3%) of the pre-2020 cases.

Diagram 5

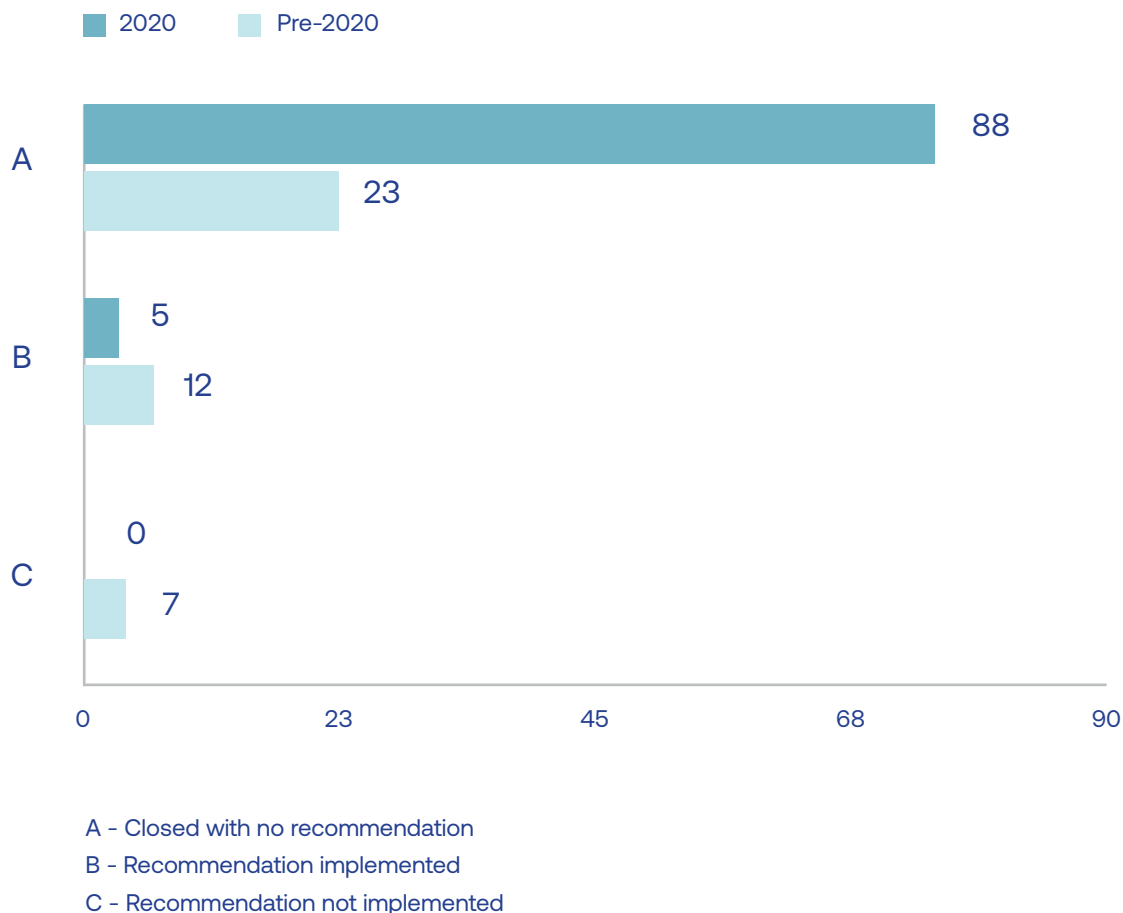
Diagram 5 below maps the status (at the time of reporting) of the cases considered by the Parliamentary Ombudsman in 2020.



Cases handled by the Parliamentary Ombudsman

Diagram 6

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



Our analysis of 135 cases closed from the total of the 2020 and pre-2020 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 111 (82.2%) 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 17 instances (12.6% of the closed cases). In 7 instances (5.2%), the proposed recommendation was not accepted.

The Report in Numbers

Further investigation reveals that of the total caseload of 226 complaints:

- 87 cases (38.5% from the 2020 and pre-2020 caseload) remain pending conclusion. Of these:
 - Only six cases (6.9%) were still being processed by the Public Administration;
 - Four cases (4.6%) are suspended pending the outcome of court/tribunal proceedings;
 - The remaining 77 (88.5%) cases are still pending action from the Ombudsman.

It is with satisfaction to note that the analysis carried out indicates that, in the great majority of closed cases 128 of 135 (94.8%), either the Public Administration was 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 2020, together the Commissioners handled a total of 280 cases. Of these, 193 (68.9%) were new cases while the remaining 87 (31.1%) pre-date 2020.

The caseload was distributed as follows:

- Commissioner for Education:
 - 40 new cases or 20.7% of new 2020 cases lodged with the three Commissioners.
 - 4 pre-2020 cases or 4.6% of the total pre-2020 caseload.
- Commissioner for Environment & Planning:
 - 64 cases or 33.2% of the new cases lodged in 2020.
 - 9 pre-2020 cases or 10.3% of the total pre-2020 caseload.
- Commissioner for Health:
 - 89 cases or 46.1% of the new cases lodged in 2020.
 - 74 pre-2020 cases or 85.1% of the total pre-2020 caseload.

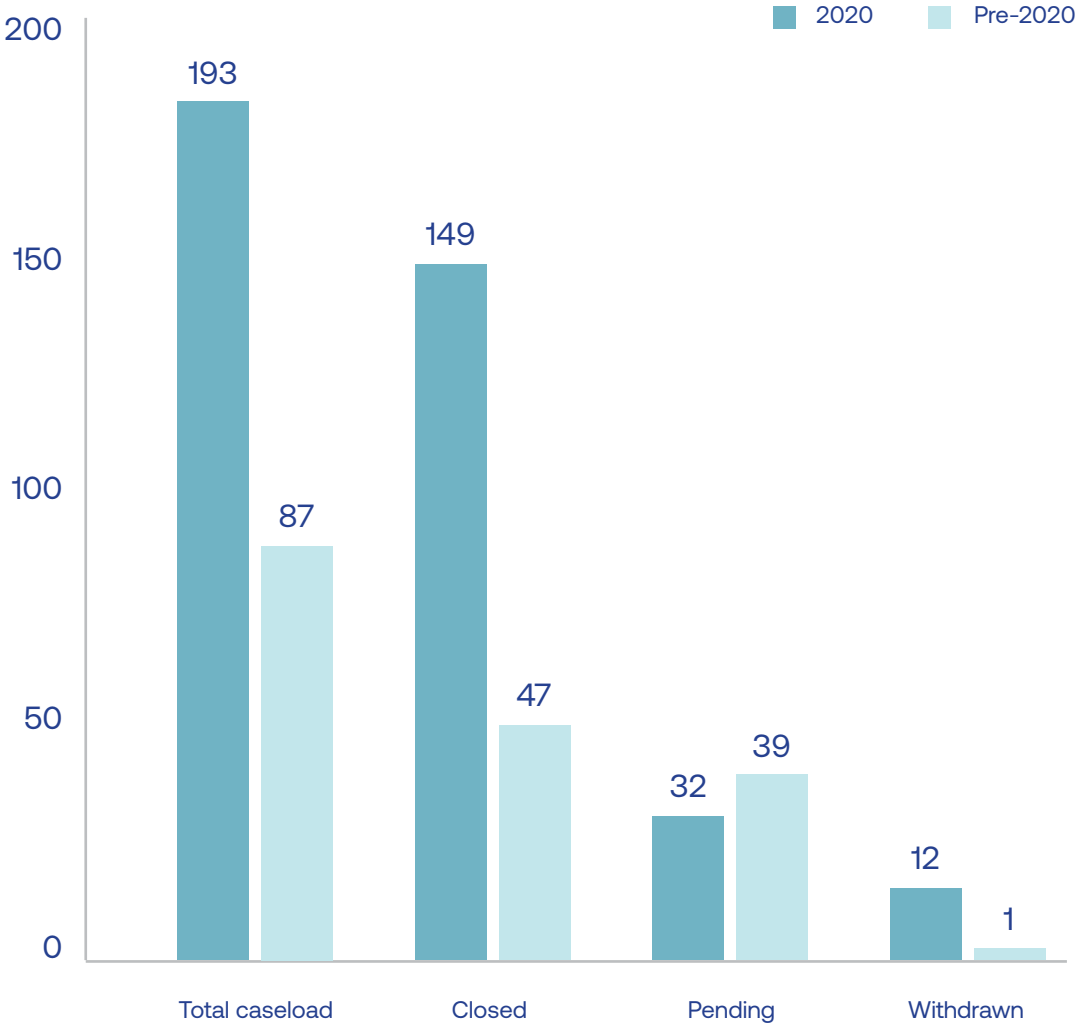
Further analysis sought to establish the current status of the total Commissioner caseload. As exhibited in Diagram 7, the majority of cases – 196 (70%) – had been closed by the time of reporting.

13 cases (4.6%) were withdrawn, either because the complaint was withdrawn by the complainant or otherwise the Commissioner's Offices exercised their discretion to not launch an investigation.

The remaining 71 (25.4%) cases were pending at the time of reporting, 33 (46.5%) were pending at Ministry while 30 (42.3%) were pending at the Commissioners' end. The remaining eight (11.3%) cases were suspended due to ongoing procedures in a court or tribunal.

Diagram 7

Diagram 7 identifies the status of the caseload handled by the Commissioners' Offices during 2020.



Status of 2020 caseload handled by Commissioners in 2020

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

OPM

Office of the Prime Minister

OPM

During 2020, the Office of the Prime Minister (OPM) dealt with a total of 20 cases. 12 cases were referred by the Parliamentary Ombudsman in 2020, while eight cases have been pending from previous years. Five of these cases were closed by the Ombudsman without giving a recommendation for three cases, one case was closed, and the recommendation made has been implemented, while another case has been closed but the recommendation was not implemented, for reasons explained in the report.

Of the remaining 15 cases, one case has been pending at Ministry for less than one month, while the other 14 cases are pending at the Office of the Ombudsman. 10 cases have been pending at the Office of the Ombudsman for a period between three to six months, three cases have been pending for a period between 12 to 18 months, and another case has been pending for over 24 months.

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Complainant is alleging that the decision given by the Tribunal for the Investigation of Injustices in 1999 was not given full effect. The Tribunal awarded the complainant a promotion and the sum of LM5000. The complainant lamented that only the compensation was paid. A recourse was submitted to the Grievances Board which indicated that the case was <i>sub judice</i> and did not give a decision.</p>	<p>No recommendation</p>	<p>The complaint was referred by the Office of the Ombudsman to P&SD on 15 October 2020. Information related to a Grievances case was requested. A reply was sent on 4 November 2020.</p> <p>P&SD requested the Ombudsman for an update on the status of the case, and on 15 February 2021, P&SD was informed that the case was closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
People and Standards Division	<p>Complaint related to change in salary following an appointment to a position with a lower salary scale. The complainant held a position in scale 13 and accepted an appointment for another position pegged to scale 16 and with the possibility to move to scale 15 on completion of 5 years of service subject to satisfactory performance. The complainant deemed it unfair that his salary decreased.</p>	<p>No recommendation</p>	<p>The complaint was referred by the Office of the Ombudsman to P&SD on 3 November 2020. On 27 November 2020, P&SD clarified that according to section 3.2 of the Manual on the Procedure and Computation of Salaries "Public Officers already in service, who enter a lower grade or position through an appointment, will retain their current salary of the highest scale of the new grade or position." P&SD asserted that the complainant was entitled to the highest step of the respective scale associated with the new position. No other redress could be given as this would run contrary to established policies.</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference	<p>U 0173</p>		<p>P&SD requested the Ombudsman for an update on the status of the case, and on 15 February 2021, P&SD was informed that the case was closed.</p>	

RSSL

Complaints were put forward by a number of employees stating that RSSL did not facilitate their redeployment with entities falling within the Public Sector. There was an agreement with the General Workers Union that such employees would be eligible to apply for a job with certain entities, subject that they retain the same working conditions they currently held. Such an agreement was valid for one year. Complainants argued that RSSL discriminated against them and some of them were not even asked to sit for an interview with the entities in question, whereas their colleagues had immediately been offered jobs. Others complained that they were asked to sit for an interview just once and were not chosen, where the endorsed agreement stated that they have to sit for at least three interviews. Complainants stated that they applied within the stipulated timeframe, and should therefore be redeployed.

The complaint was referred by the Office of the Ombudsman to RSSL on 26 August 2020. Pending at Ombudsman

Reply from RSSL stated that its duty was to facilitate redeployment. It had no say on the number of vacancies the entities had, or in the selection process. RSSL held a briefing with each applicant and subsequently communicated with P&SD, OPM to have an overview of the vacant positions within entities. A list of candidates was then sent to the entities according to the requisites needed by the entity and the skills of the employees. The entity in question coordinated the interview and the selection process. Once the entity selected a candidate, RSSL initiated the redeployment process according to the Employment and Training Services Act.

The complainants in question were not chosen by the entities for various reasons, including lack of skills, which made it hard to match the employee to a particular vacancy. One employee was abroad for a long period of time and could not be reached. Another complainant withdrew his application and then re-applied. One applied after the application was closed. Notwithstanding, RSSL tried to redeploy him without success. One employee wanted to work on a shift basis and no vacancy had such criterion. Another employee had health issues which made it difficult for him to be matched to a particular vacancy, and others were simply not chosen.

**Ombudsman
Case Reference**

U 0139 - U 0148

OPM

Office of the Prime Minister

Pre 2020

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Complaint arising from the choice given to officers in an executive grade within an OPM department to either remain in the grade they held within the Department's stream or be assimilated in the managerial stream based on Document dated 23 May 2018 and subsequent MoJ dated 14 February 2019. Although both grades were pegged to Scale 7, they carried different salary packages in toto. 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. Moreover, they complained that they were never provided with a job description of Manager should they opt for this grade.</p>		<p>The complaint was sent to OPM by the Office of the Ombudsman on 4 October 2019.</p> <p>The People and Standards Division (P&SD) replied to the complaint forwarded by the Ombudsman following which the Ombudsman's office sought further clarifications which were forwarded by the P&SD on the 27 May 2020. Subsequently no further feedback was received.</p> <p>P&SD clarified that constant information was provided to the officers concerned, including the complainants, during the assimilation process. In their feedback, P&SD emphasised that, in accordance with Public Service practice, one cannot concurrently hold two substantive grades, and that the salary was defined by the grade one held. 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 was specifically 'tied' to a department as its title indicated, whereas transfers were carried out according to the exigencies of the Public Service. In addition, the Public Service takes notice of any humanitarian grounds that may justify any request for transfer.</p>	Pending at Ombudsman	Pending at Ombudsman

**Sector /
Department**

Brief Detail of Case

**Recommendation
by Ombudsman**

**Action taken and
management comments**

Status Last Year

Status

**People and
Standards Division**

The complaint refers to a Grievances Unit decision. The complainant felt discriminated against and referred to a former colleague and a favourable decision taken in the latter's regard, who was given a backdated appointment.

The Ombudsman recommended that the complainant was to be given the opportunity to have his case heard.

It was approved that the complainant be given a backdated appointment.

Pending at Ombudsman

Closed and
recommendation
implemented

**Ombudsman
Case Reference**

T 0050

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
People and Standards Division	<p>A complaint concerning a group of 20 former employees who applied for their respective posts prior to 15 January 1979 but whose date of appointment was subsequent to this date. The call for applications stated that the post was a pensionable post, but the claimants were not treated as pensionable officers as their appointment to the Public Service was subsequent to 15 January 1979.</p>	<p>The Ombudsman recommended that the complainants be awarded a pension on an ex-gratia basis, on the grounds that the respective call for applications was for a pensionable post.</p>	<p>The Office of the Ombudsman was informed that the effective date of employment with the Public Service was regulated by the appointment date, as confirmed by the Public Service Commission. Pension entitlement was regulated by the Pensions Ordinance (Cap 93).</p> <p>As this case concerned the award of a pension, it was handled almost entirely by the Ministry for Social Justice and Solidarity, the Family and Children's Rights (MSFC) and Ombudsman communicated directly with MSFC.</p> <p>The Office of the Ombudsman communicated its recommendations on 17 February 2021, particularly, 'il l-amministrazzjoni tagħmel lista ta' dawk l-ufficjali fis-servizz Pubbliku li kienu wiegħbu għal xi sejha u għadew mill-proċess tas-selezzjoni qabel il-15 ta' Jannar 1979 imma li nġhataw l-appointment tagħhom wara din id-data.</p> <p>On 11 March 2021, MSFC replied to the Ombudsman implying that his recommendations cannot be implemented.</p> <p>On 28 April 2021, the Office of the Ombudsman communicated that the recommendations shall remain unaltered.</p> <p>On 28 May 2021, the Office of the Ombudsman communicated to the Prime and Minister (MSFC). This was followed up by the Office of the Minister (MSFC) directly.</p> <p>On 2 October 2021, the Permanent Secretary (MSFC) informed the Office of the Ombudsman that his recommendations cannot be implemented for the reasons stated in previous communications.</p> <p>On 21 October 2021, Office of the Ombudsman informed P&SD that the report was presented to the Speaker for the attention of the House of Representatives.</p>	<p>Closed and recommendation not implemented</p> <p>Status Last Year</p> <p>Pending at Ombudsman</p>
Ombudsman Case Reference	T 0128			

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
People and Standards Division Ombudsman Case Reference T 0131	<p>The complaint arises from the circumstances of the complainant after having been medically boarded out. The complainant draws comparisons with another officer who was found to have been unjustly discharged.</p>		<p>P&SD explained that, despite the claims of the complainant, the comparisons drawn with the case of the other officer were not relevant given that the latter officer had been unjustly discharged and compensated as a means of redress, whereas the complainant had been medically boarded out.</p>	Pending at Ombudsman	Pending at Ombudsman
People and Standards Division Ombudsman Case Reference T 0198	<p>The complainant claims to be entitled to allowances under a respective sectoral agreement as well as being deprived of being transferred elsewhere.</p>		<p>P&SD replied to the Ombudsman that the complainant was assimilated into the managerial stream and therefore forfeited benefits under the sectoral agreement of the grade held previously. The transfer requested was effected.</p>	Pending at Ombudsman	Pending at Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
People and Standards Division Ombudsman Case Reference T 0251	The complaint concerns progression in the public service.	No recommendation	P&SD explained procedures for progression.	Pending at Ombudsman	Closed without recommendation
People and Standards Division Ombudsman Case Reference T 0269	The complaint relates to claims for additional remuneration for extra hours worked.		P&SD provided the requested explanations and documentation to the Office of the Ombudsman on 5 August 2020.	Pending at Ombudsman	Pending at Ombudsman

People and Standards Division

Ombudsman Case Reference

T 0293

The complaint concerns claims of difference in salary paid to 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.

The Office of the Ombudsman sought further clarifications from P&SD on 1 October 2021 on the reasoning behind the decision of the Grievances Board.

Pending at Ombudsman

Pending at Ministry

MAFA

**Ministry for Agriculture, Fisheries,
Food and Animal Rights**

MAFA

During 2020, the Ministry for Agriculture, Fisheries, Food and Animal Rights (MAFA) dealt with one case referred by the Parliamentary Ombudsman. This case was closed without the receipt of a recommendation in less than three months.

MAFA had no cases pending cases from previous years.

Brief Detail of Case

A complaint submitted after a stray cat has been put to sleep. Complainant noticed that one of the stray cats looked ill. Since the complainant could not trap the cat, she called the Animal Welfare Directorate to take the cat to the private veterinary hospital, APH Veterinary Hospital at Ta' Qali. At the hospital, the cat was found to be suffering from several serious diseases and was put to sleep and the Animal Welfare Directorate informed the complainant of the reasons for this decision. Yet complainant had doubts about the way the APH Animal Hospital treated the case and described it as 'unfair, unjustified and unethical'. She believes that even a cat in the terminal stage has the right to be medicated till the last day.

**Recommendation
by Ombudsman**

No recommendation

**Action taken and
management comments**

The complaint was referred by the Ombudsman for the Department's comments on 4 January 2021. On 20 January 2021, the Department advised the Ombudsman that, if the complainant felt that the veterinary surgeon did not act in the best interest of the cat, the matter should be brought to the notice of the Veterinary Surgeons' Council to refer to the Veterinary Surgeons' Disciplinary Committee, to investigate the matter and take necessary actions as deemed fit, if it transpires that the veterinary surgeon's handling of the cat amounted to an act of misconduct.

APH Veterinary Hospital does not fall within the jurisdiction of the AHWD and the Department had no reason to doubt that the decision taken by the veterinary surgeon was in the best interest of the cat.

Status

Case closed without recommendation

On 16 February 2021, the Ombudsman informed the Department that the case was closed.

MEI

Ministry for the Economy and Industry

During 2020, the Ministry for the Economy and Industry (MEI) dealt with a total of 22 cases. 16 cases were referred by the Parliamentary Ombudsman in 2020 while six cases have been pending from previous years. 12 of these cases were closed by the Ombudsman without giving a recommendation.

The remaining 10 cases are all pending at the Office of the Ombudsman. Four cases have been pending at the Office of the Ombudsman for a period of less than 12 months, three cases have been pending for a period between 12 and 24 months, and three other cases have been pending for over 24 months.

Brief Detail of Case

The complainant resorted to the Office of the Ombudsman following receipt of a reply from the Joint Office (JO) dated 6 January 2020 in connection with a piece of land claiming that at the time of the first claim (T 0183) he had no documentation that confirmed him as the emptyteuta of the property in question. Documentation was then retrieved, and the complainant was alleging that the JO was still not recognising him as the emptyteuta of the property.

**Recommendation
by Ombudsman**

No recommendation

**Action taken and management
comments**

The official claim from the Office of the Ombudsman was received on 12 February 2020, requesting relevant documentation and files in connection with the case. The pertinent files and documentation were handed over to the Ombudsman Investigating Officer on 10 June 2020.

The Office of the Ombudsman confirmed closure of the case on 7 January 2021.

Status

Closed without recommendation

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Joint Office</p> <p>Ombudsman Case Reference</p> <p>U 0081</p>	<p>A complaint regarding a request from the complainant to the Government Property Department (GPD), dated 18 November 2013, which till the date of this complaint remained unanswered.</p>	<p>No recommendation</p>	<p>A complaint from the Ombudsman was received on the 11 June 2020.</p> <p>On 17 June 2020, the Lands Authority informed the Office of the Ombudsman that the complainant's agricultural emphyteusis expired in 2013, and after its expiration, in accordance with GPD Policy, the ex-emphyteuta had the opportunity to apply for the conversion of the emphyteusis to agricultural lease. The ex-emphyteuta sent the request in November 2013, and such request remained pending till the date a complaint was submitted to the Ombudsman.</p> <p>The Office of the Ombudsman closed the case on 18 June 2020. Subsequently, on 28 August 2020, the Lands Authority informed the Office of the Ombudsman that the Authority was going to transfer the land in question by agricultural lease and that once the call for tenders was published, the complainant was going to be duly informed.</p>	<p>Closed without recommendation</p>
<p>Joint Office</p> <p>Ombudsman Case Reference</p> <p>U 0163</p>	<p>The complainant alleged that Lands Authority/Joint Office did not answer his queries on two issues concerning a site.</p>	<p>No recommendation</p>	<p>A complaint from the Ombudsman was received on the 11 September 2020.</p> <p>On 20 October 2020, the Joint Office (JO) replied to Ombudsman confirming that a verification exercise will be carried out regarding these queries and pertinent documentation was requested. JO stated that it will deal with these queries once all requirements have been satisfied and the necessary documentation was in hand.</p> <p>A meeting with the complainant was held in early 2021 to clarify pending issues and the way forward. Further documentation was necessary to proceed. Once all documents and approvals were available, the complainant would be informed accordingly.</p> <p>The Ombudsman closed the case.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Lands Authority Ombudsman Case Reference U 0004	<p>A complaint concerning a tendering process issued by the Lands Authority (LA) in May 2019.</p> <p>The complainant is alleging that up to the date of the complaint, notwithstanding that he was the only bidder, he did not receive any communication from the authority to sign the contract.</p>	<p>No recommendation</p>	<p>A complaint from the Ombudsman was received on the 28 January 2020.</p> <p>On 29 January 2020, the LA replied to the Ombudsman claiming that the tender in question was still under review hence the lack of communication with the bidder.</p> <p>On 21 May 2020, the Office of the Ombudsman enquired with the LA if the decision of the Board was subject to appeal and asked for a copy of said letter which was sent to the complainant.</p> <p>On 22 May 2020, a copy of the letter was provided to the Office of the Ombudsman upon which the case was closed without recommendation.</p>	<p>Closed without recommendation</p>
Lands Authority Ombudsman Case Reference U 0029	<p>A complaint regarding an agricultural lease.</p>	<p>No recommendation</p>	<p>No details of the case were forwarded but the Office of the Ombudsman confirmed that this case was closed.</p>	<p>Closed without recommendation</p>
Lands Authority Ombudsman Case Reference U 0041	<p>A complaint regarding a portion of land in Mellieha.</p>	<p>No recommendation</p>	<p>A complaint from the Ombudsman was received on 7 April 2020.</p> <p>The Lands Authority, in its reply, made reference to a public deed of sale dating back to 1886, which was subject to a suspensive condition. In this case, the contract stipulated that the land in question had to be built for residential purposes within five years, and if this did not take place, the other contractual conditions ceased to exist, so much so that the same contract further stipulated that the land was to return to the Government of Malta on its request. The contract of sale did not stipulate any period within which the government was to put forward such a request.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Lands Authority</p> <p>Ombudsman Case Reference</p> <p>U 0105</p>	<p>The complainant contended that the application fee for the redemption of the ground rent was unjust.</p>	<p>No recommendation</p>	<p>A complaint from the Ombudsman was received on the 21 July 2020.</p> <p>On 23 July 2020, the Lands Authority informed the Office of the Ombudsman that the application fee for the redemption of the ground rent was standard and mandatory for all applicants. The authority further reiterated that the payment of such fee cannot be considered as discriminatory. The Ombudsman closed the case on 12 November 2020.</p>	<p>Closed without recommendation</p>
<p>Lands Authority</p> <p>Ombudsman Case Reference</p> <p>U 0106</p>	<p>The complaint concerns the request for redemption of ground rent of the complainant's property, which was long overdue.</p>	<p>No recommendation</p>	<p>A complaint from the Ombudsman was received on 16 July 2020.</p> <p>On 4 August 2020, the Lands Authority informed the Office of the Ombudsman that the Authority was awaiting from the complainant's notary to fix an appointment to publish the relative deed. On 5 August 2020, the Office of the Ombudsman suggested that the Authority fixed the required appointment without undue delay. On the same day, the Authority informed the Office of the Ombudsman that a draft of the deed was sent to the complainant's notary for verifications, and once finalised, the relative public deed would be signed and published.</p> <p>On 13 October 2020, the Lands Authority informed the Office of the Ombudsman that the deed had been published on 16 September 2020. The Ombudsman closed the case on 13 October 2020.</p>	<p>Closed without recommendation</p>

Lands Authority**Ombudsman
Case Reference**

U 0165

The complaint relates to a piece of agricultural land whereby the complainant is alleging that, notwithstanding the long-term agricultural lease to his family, they got to know that the land had been acquired by a third party through a tender. The complainant reiterated that the land was still being utilised and was a source of income for his family. He also claimed that, notwithstanding discussions on the matter with different officers at the authority, his problem remained unsolved.

No recommendation

A complaint from the Ombudsman was received on 28 January 2021.

On 5 March 2021, a reply was sent to the Office of the Ombudsman, stating that the land in question was recognised as being utilised by the complainant's aunt who passed away without a will. In January 2020, the appellant filed an application for recognition instead of his aunt, as the land had been utilised by himself for several years. The application had been refused as he was not a linear descendant of the deceased, hence considered a third party. For an agriculture lease to be transferred to a third party, the person holding title of the agricultural lease should request a transfer on the basis that the third party is a bona fide farmer, full-time or part-time, registered with the Agricultural Directorate. No official request was made by the deceased.

In view of the above, the piece of land was considered vacant and a call for offers to transfer the land was issued. The complainant was informed of this call but did not tender his offer. Only one bidder submitted an offer which was within the established criteria and a contract for agricultural lease was effected.

The case was closed by the Office of the Ombudsman on 3 March 2021.

Closed by the Ombudsman after management replied to one request for information.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Lands Authority</p> <p>Ombudsman Case Reference</p> <p>U 0170</p>	<p>A complaint relating to a closed case bearing reference number U 0081.</p> <p>The complainant is asking why the recognition of agricultural lease has been pending for long, notwithstanding his right to the title. The complainant also requested the Lands Authority as to why a call for tenders for agricultural lease was issued for the site in question rather than recognising him.</p>		<p>As a follow-up to closed case U 0081, the Lands Authority informed the Office of the Ombudsman on 28 August 2020 that a call for tender for agricultural lease in connection with the land in question was being issued.</p> <p>On 18 September 2020, the Office of the Ombudsman informed that the case will be reopened on request of the complainant, bearing a new reference number.</p> <p>On 30 September 2020, the Office of the Ombudsman requested the Lands Authority's physical file, in line with Article 19 of the Ombudsman Act. Following a review of the file, on 19 November 2020, the Office of the Ombudsman requested a number of clarifications from the Lands Authority regarding the process of the case in question. The requested clarifications were provided to the Office of the Ombudsman on 3 December 2020.</p>	<p>Pending at Ombudsman</p>
<p>Lands Authority</p> <p>Ombudsman Case Reference</p> <p>U 0199</p>	<p>The complainant explained that back in 2012 he had requested a redemption which, however, was recognised in November 2020. In 2016, the annual fee increased so much so that due to delays in recognition, the total amount due for redemption increased. The complainant claimed that he was being requested to settle additional fees due to delays by the concerned party.</p>	<p>No recommendation</p>	<p>The complaint was received on 17 November 2020.</p> <p>On 23 November 2020, the LA informed the Office of the Ombudsman that the delays in processing the application did not affect the amount due in relation to the redemption of ground rent. The amount was worked out, without prejudice, on the submission date of application, and was bound by LN 249 of 2020.</p> <p>On 2 December 2020, the Office of the Ombudsman closed the case.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Lands Authority</p> <p>Ombudsman Case Reference</p> <p>U 0200</p>	<p>The complainant, a Lands Authority (LA) employee, alleged that he suffered an injustice when he was not chosen for a vacant managerial post on the grounds that he did not possess a specific licence, which was one of the requisites in the call for applications. He alleged that, notwithstanding his vast experience in the field, his application had been refused.</p>		<p>A claim was received on 3 December 2020.</p> <p>On 5 January 2021, the LA informed the investigating officer that it was the authority's policy that if an applicant did not possess all the required documentation which was requested in the call for applications, that particular applicant would be considered ineligible and would not be requested to attend an interview. The applicant in question was not in possession of a specific licence at the time of the submission of his application and therefore his application could not be considered by the Board.</p> <p>A meeting was held with the investigating officer to discuss the case in more detail. LA provided the documentation in relation to the selection process and personal files of employees involved, as requested by the investigating officer according to Article 19 of the Ombudsman Act.</p>	<p>Pending at Ombudsman</p>
<p>Lands Authority</p> <p>Ombudsman Case Reference</p> <p>U 0231</p>	<p>The complainant alleged that whenever his notary requested the Lands Authority (LA) for certain documents regarding the land in question, this request was being denied. The complainant was asking for permission to be granted to the notary to check the documents in relation to land in question.</p>	<p>No recommendation</p>	<p>A complaint was received on 12 January 2021.</p> <p>The LA replied that, with reference to an email from the complainant dated July 2020, the LA had guided a few days later that, for the process to continue, an online application should be submitted through the LA's website. At the time of reply to the Office of the Ombudsman, the complainant had not submitted the online form which would be processed upon submission.</p> <p>The Office of the Ombudsman closed the case on 21 April 2021.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Lands Authority	<p>A complaint in connection with a request submitted to the Lands Authority (LA) for the disposal of Government Property (Form GLA1). The complainant claimed that he did not receive any information regarding the status of his application submitted in November 2020.</p>		<p>A complaint was received on 11 February 2021.</p> <p>On 8 March 2021, the LA provided the investigating officer with a timeline of the process, indicating that at that point in time, the application was being handled by the Joint Office since the property in question was in the process of registration.</p>	<p>Pending at Ombudsman</p>
Ombudsman Case Reference	<p>U 0233</p>			
MIMCOL	<p>The complainant was receiving monthly remuneration through the Early Retirement Scheme till he reached his pensionable age. He alleged that two days were omitted from the last salary received, resulting in a decrease of €260. He confirmed that MIMCOL informed him that the salary was not worked out on a monthly basis. Yet, he reiterated that in terms of the agreements in hand, the salary was worked out at the end of the month and thus there was the possibility of an error from MIMCOL's side.</p>	<p>No recommendation</p>	<p>A complaint was received on 7 April 2020.</p> <p>On the 24 April 2020, the Ministry replied to the complaint. It was explained that the complainant was entitled to be paid through the Early Retirement Scheme until the date pensionable age was reached. The computation exercise of the salary was explained in detail to the Investigating Officer. Upon double-checking the calculations, the amount paid was reconfirmed.</p> <p>The Office of the Ombudsman closed the case on 8 April 2021.</p>	<p>Closed by the Ombudsman after management replied to one request for information.</p>
Ombudsman Case Reference	<p>U 0010</p>			

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>MIMCOL</p> <p>Ombudsman Case Reference</p> <p>U 0183</p>	<p>The complainant enquired about the government vouchers which were incidentally damaged on the barcode. He requested to return the tickets so that these could be re-issued or else that the application be amended. The complainant reiterated that since government issued the vouchers for redemption, he should be entitled to use them as a form of compensation for any lost income.</p>	<p>No recommendation</p>	<p>A complaint was received on 6 October 2020.</p> <p>On 16 October 2020, the Ministry replied explaining that as indicated on the terms and conditions on the website, and as repeatedly stated in interviews and articles, neither MIMCOL nor the government were responsible for any damages caused to the vouchers by the consumer. Hence, such a complaint cannot be entertained.</p>	<p>Closed by the Ombudsman after management replied to one request for information.</p>
<p>MIMCOL</p> <p>Ombudsman Case Reference</p> <p>U 0204</p>	<p>The complainant alleged that he had been enquiring with MIMCOL since August 2020 in relation to his wife's eligibility for the vouchers but MIMCOL failed to provide proper feedback.</p>	<p>No recommendation</p>	<p>A complaint was received on 29 October 2020.</p> <p>On 16 November 2020, a reply was sent to the Ombudsman, confirming that the wife's residency card was valid up to 17 May 2020. The cut-off date used for determining eligibility was set at 8 June 2020, thus she was not captured as eligible since the card had expired before the cut-off date. It was recommended that documents be renewed at the earliest to feature as eligible in the second round of the vouchers scheme.</p> <p>On 17 November 2020, the complainant replied confirming that Identity Malta had extended the residency period up to August 2020. Notwithstanding this, the extension was not recognised.</p> <p>Further explanations were provided by MIMCOL to the Office of the Ombudsman upon which the Ombudsman closed the case on 28 April 2021.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
MIMCOL	<p>A complaint lodged by a group of NGOs in connection with the concession granted to a private superyachts company.</p> <p>The complainants referred to an agreement that MIMCOL had to conduct a review to determine if the company was adhering to contractual obligations with respect to the government concession. They were enquiring on the overdue review and requested that the results be made public to respect the fundamental rights of the population.</p>		<p>A complaint was received on 9 December 2020.</p> <p>A reply was sent to the Ombudsman on 26 January 2021, pointing out that the complainants made erroneous assumptions and statements, both in the claim presented to the Ombudsman and in their communications with MIMCOL.</p> <p>It was explained that the concession agreements governing this arrangement did indeed provide for a review to take place but did not specify who or which entity was tasked with undertaking such a review. MIMCOL had been entrusted by government, on an ad hoc basis, to carry out a review in 2013 and 2020. The results emerging from the review had been referred to the pertinent authorities, but MIMCOL had no authority to decide whether or not to make the findings public. The claim that NGOs were being treated unfairly by MIMCOL was thus unfounded.</p>	Pending at Ombudsman
Ombudsman Case Reference	U 0227		<p>In a subsequent communication, it was also explained that the matters raised by the NGOs concerned were the direct competence of specific regulatory authorities whose duty was to verify operational compliance or otherwise in accordance with relevant laws and regulations on a regular basis.</p> <p>In reply to further requests by the Office of the Ombudsman, on 11 October 2021 MEI confirmed that the Lands Authority was the entity responsible to monitor the obligations and commitments emanating from the emphyteutical deed.</p>	

MEI

Ministry for the Economy and Industry

Pre 2020

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
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A complaint relating to the request for redemption of ground rent which was long overdue.

The complaint was received on 12 February 2019. On 14 February 2019, the LA replied to the Ombudsman stating that, 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 would be contacted once the process reached its final stages.

Pending at Ombudsman

The Office of the Ombudsman requested the LA to provide a timeframe within which the process was to be finalised to inform the complainant accordingly. The LA informed the Office of the Ombudsman that the relative file was at the Records Section to complete the registration process. Once registration was complete, the recognition process would be finalised by the Legal Section within the authority. The Office of the Ombudsman requested the LA to provide an estimated timeframe within which the redemption of the ground rent was to be finalised. The Office of the Ombudsman was informed on 15 September 2020 that the authority was waiting for the registration of land by the Joint Office. As further verifications were required, an estimated date could not be provided.

Status Last Year

Pending at the Ministry (LA)

On 26 May 2021, the LA informed the Office of the Ombudsman that plans had been completed by the Joint Office. Subsequently, on 11 June 2021, the LA advised that the registration was expected to be submitted by the end of June. Subsequently, the case was to proceed to the legal section to continue with the redemption process which was estimated to last about two months. Finally, the approval of the Board of Governors would be required. At that stage, the complainant would be contacted to finalise the process.

Lands Authority

A complaint relating to the transfer of a divided portion of land in Gozo. The complainant alleged that despite his interest in purchasing the land in question and his submission of a notice of first refusal, the Lands Authority (LA) was apparently preparing to transfer this land to another bidder.

**Ombudsman
Case Reference**

T 0247

Pending at Ombudsman

On 16 December 2019, the LA 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 through a meeting. The investigating officer requested the file in question and an explanation of the tender procedure. The requested documentation was referred to the investigating officer accordingly.

The case has been pending at the Office of the Ombudsman since 23 January 2020.

According to latest communication with the Office of the Ombudsman dated 17 August 2021, the case is still open and pending investigation.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Lands Authority</p> <p>Ombudsman Case Reference</p> <p>T 0302 (ex-T 0194)</p>	<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 with a different case reference. The case related to a tender was not accepted but the reasons given were considered to be unjustified.</p>		<p>The investigating officer was informed by the Legal Section within the Lands Authority (LA) with the reasons why the right of first refusal was not accepted in this tender, i.e. the tender was submitted in the name of a company whilst the request for right of first refusal was done in the name of an individual. The file relating to this case was referred to the investigating officer, as requested.</p> <p>The case has been pending at the Office of the Ombudsman since 4 March 2020.</p> <p>According to latest communication with the Office of the Ombudsman dated 17 August 2021, the case is still open and pending investigation.</p>	Pending at Ombudsman	Pending at Ombudsman
<p>Malta Gaming Authority (MGA)</p> <p>Ombudsman Case Reference</p> <p>S 0110 (N 0211)</p>	<p>The complainant complained to the MGA regarding dues owed when a gaming company became insolvent.</p>		<p>On 9 March 2019, the MGA provided clarifications to the Office of the Ombudsman. The case was re-opened in 2018 after it had been 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 who testified in court; hence his case was re-opened. The case is still being investigated by the Ombudsman.</p> <p>According to latest communication with Office of the Ombudsman dated 17 August 2021, the case is still open and pending investigation.</p>	Pending at Ombudsman	Pending at Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Malta Gaming Authority (MGA)</p> <p>Ombudsman Case Reference</p> <p>S 0111 (N 0281)</p>	<p>The complainant complained to the MGA regarding dues owed when a gaming company became insolvent.</p>		<p>On 9 March 2019, the MGA provided clarifications to the Office of the Ombudsman. The case was re-opened in 2018 after it had been 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 who testified in court; hence his case was re-opened. The case is still being investigated by the Ombudsman.</p> <p>According to latest communication with the Office of the Ombudsman dated 17 August 2021, the case is still open and pending investigation.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ombudsman</p>
<p>Malta Gaming Authority (MGA)</p> <p>Ombudsman Case Reference</p> <p>T 0263</p>	<p>A complaint regarding unfair treatment and lack of assistance.</p> <p>The complainant alleged that a betting company forfeited his money on false accusations. On referring his complaint to MGA, the latter stated that the complaint was re-checked and confirmed that the operator was right in his decision.</p>		<p>The Office of the Ombudsman sent a letter to the MGA on behalf of the complainant on 28 November 2019. The case required a thorough investigation by the MGA. The MGA's legal team worked on the reply and this was sent to the Ombudsman in May 2020.</p> <p>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 terms and conditions.</p> <p>According to latest communication with the Office of the Ombudsman dated 17 August 2021, the case is still open and pending investigation.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ombudsman</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Ministry for the Economy, Investment and Small Businesses	<p>A representation claiming breach of application conditions related to an annual competition organised by the Commerce Department for local artisans.</p> <p>This case was in connection with a previous case (T 0004) which was closed but then re-opened with a new case reference number.</p>		<p>On 10 May 2019, the Ministry was informed that a new case number was issued in connection with previous case (T0004).</p> <p>Upon the Ombudsman's request, files and documentation in connection with the case were forwarded to the Office of the Ombudsman on 24 May 2019. Other queries were raised which were replied to on 17 September 2019, providing details on the Selection Committee, and clarifications related to some conditions of the competition.</p>	Pending at Ombudsman	Pending at Ombudsman
Ombudsman Case Reference	T 0107		<p>According to the latest communication with Office of the Ombudsman dated 17 August 2021, the case is still open and pending investigation.</p>		

MFFED

Ministry for Education

MFED

During 2020, the Ministry for Education (MFED) dealt with a total of 13 cases which have been referred by the Parliamentary Ombudsman. Three cases were opened in 2020, while 10 cases have been pending from previous years. Three cases were closed by the Ombudsman with recommendations which were accepted and have been, or are in the process of being, implemented.

Nine of the remaining 10 cases are pending at the Office of the Ombudsman. Three cases have been pending for a period between 1 and 7 months, and six other cases have been pending for a period ranging between 20 and 30 months. The remaining case has been pending at the Ministry for six months.

Sector / Department

Life-long Learning

Ombudsman
Case Reference

U 0033

National Commission for Further and Higher Education

Ombudsman
Case Reference

U 0082

Education Department

Ombudsman
Case Reference

U 0191

Brief Detail of Case

A complaint filed by a part-time adult educator who is on a contract basis. The complainant alleged that he got to know from a website that his two evening lessons will be taught by another educator and that these lessons were reduced to one.

Complaint about the selection process for a particular Headship position. Complainant argued that he was not given the due marks despite his experience.

A complaint lodged regarding recognition of third country teaching experience.

Recommendation by Ombudsman

The Ombudsman recommended that MFED puts in place structures and procedures that would allow for the evaluation and recognition of US teaching experience as well as third country teaching experience.

Action taken and management comments

In relation to the case received on 2 March 2020, MFED replied to the Ombudsman on 21 May 2021. MFED provided details on how the employees at Lifelong Learning are engaged.

The NCFHE replied on the 22 June 2020, to the complaint received on the 12 June 2020. The NCFHE explained how the criteria marks were allocated and awarded.

On 10 September 2020, Ombudsman's office requested further documentation with regard to the selection process. NCFHE sent the necessary documents the following day. Then on the 16 September 2020, the Ombudsman requested a selection report which was provided by the NCFHE.

On 5 November 2020, MFED replied to a complaint received on 6 October 2020.

On 11 December 2020, the Ombudsman issued the final opinion.

On 21 July 2021, MFED informed Ombudsman that it will keep in consideration this recommendation once it is renegotiating the Bridging Agreement.

Status

Pending at Ombudsman

Pending at Ombudsman

Closed and
recommendation noted

MFFED

Ministry for Education

Pre 2020

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>A complaint by two coordinators contesting the decision not to be awarded a qualification allowance.</p>	<p>The Ombudsman did not uphold the complainants' request but recommended that no refund should be requested where it was ascertained that the qualification allowance was being erroneously paid following a decision of the competent body and subsequently halted.</p>	<p>MEDE put forward a number of reasons for not approving the requests for the payment of a qualification allowance.</p> <p>The Office of the Ombudsman requested several documents, including personal files. The Ministry provided the Ombudsman with the requested documents for further investigation.</p> <p>On 11 December 2020, the Ombudsman issued the final opinion together with the recommendations stating that the complainants were not entitled to a qualification allowance for their Postgraduate Diploma, and therefore the decision had been correct.</p>	<p>Pending at Ombudsman</p>	<p>Closed and recommendation implemented</p>
		<p>Following the final opinion, the payment of qualifications allowances was halted in cases where the recipient was not entitled to such allowances.</p>		

Sector / Department

Education Department

Ombudsman Case Reference

R 0055 / R 0063

Brief Detail of Case

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-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.

Recommendation by Ombudsman

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.

Action taken and management comments

On 26 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 by MEDE were not accepted by the complainants.

In March 2021 the Ombudsman's Office requested an update on the steps taken to mitigate the situation created by the 2012 appointments. MFED replied on the 4 November 2021, by providing information about the different recruitment processes involved, specifically with regard to the grades in question. MFED informed the Ombudsman with its plans of another recruitment process which will help to solve the issue.

Status Last Year

Pending at Ombudsman

Status

Pending at Ombudsman

Education Department

Ombudsman Case Reference

T 0053

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.

Pending at Ombudsman

Pending at Ombudsman

MEDE replied to the Office of the Ombudsman on 21 June 2019 stating that the normal procedure is that Assistant Directors (Scale 5), Directors (Scale 4) and 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/Directors General are still required to sign the attendance sheet. 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.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Education Department	<p>A complaint concerning the post of a Learning Support Educator III (LSE III) claiming that she 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>In the final opinion, the Ombudsman recommended that the complainant's application submitted is re-evaluated.</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 she stated that 60 ECTS credits covered by one of her 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 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> <p>On 16 February 2021, the Ombudsman issued the final opinion with certain recommendation, explaining that there was no evidence to suggest that the complainant was discriminated against by the Ministry for Education based on her nationality. Thus the complainant's claim in this regard was not sustained.</p> <p>On 7 May 2021, MFED replied to Ombudsman that the application was re-evaluated, but the qualifications are not equivalent to those requested in the call. Once again the Ombudsman requested MFED to re-evaluated the application. Thus, MFED is currently working to seek an independent advice on the evaluation of the qualifications.</p>	<p>Pending at Ministry</p>
Ombudsman Case Reference	<p>T 0228</p>	<p>Status Last Year</p>	<p>Pending at Ombudsman</p>	

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Education Department	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 23rd August 2010.	Pending at Ombudsman	Pending at Ombudsman
Ombudsman Case Reference					
T 0239					
Education Department	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 Worker Student Scheme 'covers' both groups.		MEDE replied to the Office of the Ombudsman on 19 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 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	Pending at Ombudsman
Ombudsman Case Reference					
T 0255					

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Foundation for Tomorrow's Schools	<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. 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>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	Pending at Ombudsman
Ombudsman Case Reference	T 0070				
			<p>Following further request for information, on 24 April 2020 the FTS informed the Ombudsman that the complainant communicated with the FTS through his lawyer.</p>		

National Commission for Further & Higher Education

Ombudsman Case Reference

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 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.

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, the complainant failed to submit a request to the CEO. On 30 April 2020, the Office of the Ombudsman requested documents related to the qualification allowance, the complainant's personal file, and any other files and documents related to the complainant. Requested documents were duly forwarded by the NCFHE.

Pending at
OmbudsmanPending at
Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
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National Commission for Further & Higher Education

Ombudsman Case Reference

T 0250

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.

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 bonus because his employment was terminated. The Commission declared that his performance appraisal was submitted and assessed but no marks were awarded to him.

On 30 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.

Pending at Ombudsman

Pending at Ombudsman

University of Malta**Ombudsman
Case Reference**

T 0159

A complaint arising from the fact that the complainant was not selected for a post.

The Ombudsman recommended that more transparency in its selection processes is introduced. The Ombudsman suggested that in the case of selection processes of administrative, technical and industrial staff, a system is implemented where formal and official marks are utilised and retained by the University in respect of the criteria and weightings adopted by Selection Boards.

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.

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.

On 23 November 2020, whilst the Ombudsman informed the University that the complainant's request could not be sustained, he issued several recommendations.

In December 2020, UoM informed the Commissioner's office that it is currently undergoing a review of its selection procedures and guidelines and will be updating its process. Furthermore, the University will also continue to provide relevant and specific feedback to applicants who request information concerning reasons for the decisions taken.

Pending at
Ombudsman

Closed and
recommendation
partially
implemented

MESD

**Ministry for Energy, Enterprise
and Sustainable Development**

MESD

During 2020, the Ministry for Energy, Enterprise and Sustainable Development (MESD) dealt with a total of 24 cases. 22 cases were referred by the Parliamentary Ombudsman in 2020 while two cases have been pending from previous years. 17 of these cases were closed by the Ombudsman, without giving a recommendation, another case was closed due to pending court proceedings and another case was not upheld by the Ombudsman.

The remaining five cases are all pending at the Office of the Ombudsman. One case has been pending for less than three months, three cases have been pending for a period between 6 and 12 months, and one case has been pending for over 20 months.

Sector / Department

Automated Revenue Management Systems (ARMS)

Ombudsman Case Reference

U 0023

Brief Detail of Case

Complaint regarding incorrect calculations. A new PV system had been installed with a capacity of 5kWp which was added to a previous PV installation with a capacity of 3.185kWp. The complainant stated that, from 2016 onwards, the energy generated recorded through the PV system was not being calculated correctly. Complainant stated that the 3.185kWp readings were being omitted from the calculations.

No recommendation

Recommendation by Ombudsman

Action taken and management comments

The complaint was received on 27 February 2020. The complainant was contacted by ARMS billing department and it was explained how the Partial PV tariff was calculated.

The complainant was on the Partial Export scheme which means that any units that are not consumed instantaneously will be exported to the grid. In addition, any electricity produced and consumed on site was not eligible for payment of the feed-in tariff. In this case, the complainant was not selling all units to Enemalta, and was ineligible for the full capacity.

The Ombudsman closed the case on 15 June 2020.

Status

Closed without recommendation

Automated Revenue Management Systems (ARMS)

Ombudsman Case Reference

U 0026

Complaint regarding an allegedly excessive bill.

No recommendation

The complaint was received on 3 February 2020. Adjustments to the complainant's account were carried out by ARMS. However, complainant was not satisfied as it was being claimed that further adjustments were required.

Given the claim made by complainant, ARMS requested a copy of the workings drawn up by the complainant to be reviewed by ARMS. The complainant presented several invoices relating to a period when the property was still vacant. Hence the readings were an estimate, not actual. The complainant claimed that these invoices were paid and were not taken into consideration, resulting in inaccurate, excessive billing.

ARMS confirmed that all payments were allocated, so they are not affecting the alleged excessive bills.

ARMS presented a breakdown of water and electricity consumption made between October 2006 and April 2009. It transpired that credit was still due. ARMS reanalysed the consumption and claims made by the complainant and bills were revised accordingly.

Following the information provided by ARMS, the complainant was satisfied and the Ombudsman closed the case on 3 March 2021.

Closed without recommendation

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Automated Revenue Management Systems (ARMS)</p> <p>Ombudsman Case Reference</p> <p>U 0108</p>	<p>A complaint regarding a reconnection to water and electricity at complainant's residence.</p> <p>The complainant stated that legal action should be instituted against his former wife as she was the one residing in the residence, following a court order (although she was not the account holder).</p>		<p>The complaint was received on 6 July 2020. The Ombudsman requested a reply from ARMS as to whether there was a policy applicable to similar cases. The Ombudsman was informed that ARMS reviewed the case, with the aim to restore services. However, a decision had to be made on the amount due, as the complainant was residing in the property.</p> <p>ARMS stated that they will be instituting court proceedings against account holder in view of the pending dues.</p> <p>According to ARMS's internal policy, a reduced electricity service was only provided in social cases. Since this case was not a social one, electricity could not be restored until the outcome of court proceedings or an agreement was reached.</p> <p>The Ombudsman closed the case on 4 August 2020 in view of pending judicial decisions.</p>	<p>Closed due to court proceedings</p>
<p>Automated Revenue Management Systems (ARMS)</p> <p>Ombudsman Case Reference</p> <p>U 0131</p>	<p>Complaint regarding incorrect bills issued by ARMS.</p>	<p>No recommendation</p>	<p>The complaint was received on 5 October 2020. It transpired that the property was not being used, hence estimated bills were being issued as meter reader did not have access to take readings accordingly. As soon as the electricity meter was changed, a revision with actual readings on the bills was made.</p> <p>It transpired that past payments made on the account in question were not reallocated resulting in inaccurate bills. ARMS resolved the issue by reallocating past payments and reissued bills accordingly. Moreover, ARMS informed the complainant of the matter and that the issue was resolved. The Ombudsman closed the case on 12 October 2020.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Automated Revenue Management Systems (ARMS)</p> <p>Ombudsman Case Reference</p> <p>U 0181</p>	<p>Complaint concerning water readings which were left out. The complainant stated that the transfer of accounts did not occur, and this omission led to high bills.</p>	<p>No recommendation</p>	<p>The complaint was received on 9 November 2020. It transpired that a technical issue occurred and ARMS had to replicate the transfer of accounts again. ARMS confirmed that the complainant was billed for the electrical consumption only, resulting in high water bills.</p> <p>The clarifications made by ARMS were sent to the complainant who fully understood and informed the Ombudsman that bills will be settled accordingly. The Ombudsman closed the case on 10 December 2020.</p>	<p>Closed without recommendation</p>
<p>Automated Revenue Management Systems (ARMS)</p> <p>Ombudsman Case Reference</p> <p>U 0184</p>	<p>Complaint regarding incorrect bills. Complainant stated that bills were being issued at a zero residents' tariff.</p>	<p>No recommendation</p>	<p>The complaint was received on 20 November 2020. The Ombudsman requested comments and feedback and a reversal of interest incurred by the complainant. A meeting was held between ARMS and the complainant. It was agreed that the complainant was to send to ARMS copies of all effected invoices and payments to be evaluated by ARMS.</p> <p>After a review was conducted, the complainant agreed to settle the bills. Interest incurred was reversed by ARMS as requested by the complainant. The Ombudsman closed the case on 9 February 2021.</p>	<p>Closed without recommendation</p>
<p>Automated Revenue Management Systems (ARMS)</p> <p>Ombudsman Case Reference</p> <p>U 0189</p>	<p>Complaint regarding an incorrect bill. Although the water meter number had been amended by WSC, the complainant presumed that ARMS did not update their system. This led to an incorrect bill.</p>	<p>No recommendation</p>	<p>The complaint was received on 2 November 2020. ARMS provided detailed information on this case, which was analysed accordingly. The Ombudsman was informed that after reviewing the case, interest charged was to be reversed. The Ombudsman closed the case on 1 March 2021.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Automated Revenue Management Systems (ARMS)</p> <p>Ombudsman Case Reference</p> <p>U 0208</p>	<p>Complaint wherein water consumption was left out, resulting in incorrect bills.</p>	<p>No recommendations</p>	<p>The complaint was received on 18 November 2020. A credit difference was sent to the complainant. The Ombudsman closed the case on 24 November 2020.</p>	<p>Closed without recommendation</p>
<p>Automated Revenue Management Systems (ARMS)</p> <p>Ombudsman Case Reference</p> <p>U 0213</p>	<p>A complaint regarding an alleged injustice when applying for two job posts. The complainant stated that all the requisites were in place and that he had the necessary experience to apply for both posts.</p>	<p>No recommendation</p>	<p>The complaint was received on 4 December 2020. The Ombudsman requested copies of the calls for applications, the CV of the complainant and of the selected candidates, the marks given, and the Selection Board Report.</p> <p>ARMS stated that other factors were applied in the selection criteria and not just candidates' experience. The selection criteria were sent to the Ombudsman accordingly. Moreover, ARMS informed the Ombudsman that the reasons given for the appeal made by complainant, were referring to performance, knowledge of role and suitability. The result obtained in the selection process did not imply that the complainant did not know how to use the system, but related to how the complainant fared during the interview.</p> <p>In addition, the complainant is being given a deputising allowance. This was an opportunity for the complainant to prove that they were capable for higher roles.</p> <p>In view of the feedback given by ARMS, the Ombudsman closed the case on 30 March 2021.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Automated Revenue Management Systems (ARMS)</p> <p>Ombudsman Case Reference</p> <p>U 0237</p>	<p>A complaint regarding incorrect bill.</p>	<p>No recommendations</p>	<p>The complaint was received on 19 January 2021. ARMS revised bill and an adjustment was made accordingly. The Ombudsman requested an explanation of how the bill had been adjusted.</p> <p>The issue related to generated units which were not measured accordingly. The number of units generated varied during the year, but overall yearly values were normally close, decreasing from year to year.</p> <p>Based on this assumption the generated and exported units were calculated and a new amount for the consumption was obtained. A new invoice was issued wherein the difference from the previous invoice was deducted, and the complainant was given a credit. The Ombudsman proceeded to close the case.</p>	<p>Closed by the Ombudsman after management replied to one request for information.</p>
<p>Automated Revenue Management Systems (ARMS)</p> <p>Ombudsman Case Reference</p> <p>U 0244</p>	<p>A complaint relating to incorrect calculations regarding water consumption.</p>	<p>No recommendations</p>	<p>The complaint was received on 21 January 2021. After investigating the case it transpired that the consumer had a high water consumption.</p> <p>Following an internal investigation conducted by Water Services Corporation, it emerged that the meter was faulty, and the Board decided to issue a rebate ex-gratia payment. The Ombudsman proceeded to close the case on 12 February 2021.</p>	<p>Closed without recommendation</p>
<p>Enemalta</p> <p>Ombudsman Case Reference</p> <p>U 0042</p>	<p>A complaint regarding damages that the complainant allegedly suffered due to a power surge.</p>	<p>No recommendations</p>	<p>The complaint was received on 9 April 2020. Enemalta stated that the complaint was being reviewed by the Advisory Board. Action was to be in accordance with the decision taken.</p> <p>The Advisory Board decided that the complainant was to receive an ex-gratia payment.</p> <p>The complainant accepted the proposed settlement and the Ombudsman closed the case on 4 December 2020.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Malta Enterprise (ME)</p> <p>Ombudsman Case Reference</p> <p>U 0055</p>	<p>A complaint regarding a NACE code not being compliant. The complainant was informed by Malta Enterprise (ME) that since the NACE code was for electrical and not security services, the complainant did not qualify for the Covid-19 Wage Supplement. The National Statistics Office (NSO) refused to revise complainant's NACE code.</p>	<p>No recommendation</p>	<p>The complaint was received on 8 April 2020. The Ombudsman asked whether there was a possibility to adjust the NACE code.</p> <p>On 27 April 2020, ME replied that NACE codes were established by the NSO and ME relied on the classification given by NSO. ME stated that when a business operated in a sector which was not included in Annex A or B of the Wage supplement scheme, applications for the scheme could still be submitted but the applicant must provide a justification why their business should be considered for the provision of wage supplements.</p>	<p>Pending at Ombudsman</p>
<p>Malta Enterprise (ME)</p> <p>Ombudsman Case Reference</p> <p>U 0062</p>	<p>Complaint regarding a refusal by Malta Enterprise (ME) of an application for the wage supplement. The complainant stated that the online form only accepted Maltese ID cards.</p>	<p>No recommendation</p>	<p>The complaint was received on 7 April 2020. ME replied that applicants could use their NI number as an alternative to an ID number. The scheme did not discriminate against other EU members or Third Country Nationals. ME received thousands of applications from non-Maltese applicants, and these were treated equally in line with the parameters of the scheme. Moreover, the scheme was still open on the date of the reply and the complainant could still apply for assistance under the scheme.</p> <p>After reviewing ME's reply, the Ombudsman closed the case on 28 April 2020.</p>	<p>Closed by the Ombudsman after management replied to one request for information.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Malta Enterprise (ME)</p> <p>Ombudsman Case Reference</p> <p>U 0156</p>	<p>A complaint regarding the Covid-19 wage supplement grants. The complainant stated that working hours were reduced significantly, until the workplace had to close completely due to the pandemic.</p>		<p>The complaint was received on 14 October 2020. Malta Enterprise (ME) sent an email to the complainant indicating the grants sent to complainant's employer. ME explained that the wage supplement was included with the usual payslip, not as a separate payment. ME presented all the payments which were sent to complainant's employer from March 2020 until August 2020.</p> <p>Moreover, it was noted that the complainant's job had been terminated during the month of August, at which point the wage supplement could not continue to be disbursed.</p> <p>ME requested copies of payslips between March and August to further investigate the complainant's case.</p> <p>The Ombudsman closed the case on 15 October 2020.</p>	Complaint not upheld
<p>Malta Enterprise (ME)</p> <p>Ombudsman Case Reference</p> <p>U 0159</p>	<p>A complaint regarding the COVID-19 wage supplement grants. The complainant stated that a request was made for financial remuneration for the period between March and June 2020.</p>		<p>The complaint was received on 5 October 2020. Malta Enterprise (ME) claimed that they never received applications from the complainant requesting a grant under the COVID-19 Wage Supplement Scheme or any other correspondence.</p> <p>Auditing activities as a business activity was not eligible for support under the COVID-19 Wage Supplement Scheme. However, this fact did not preclude the complainant from applying for support under the scheme. In such cases, the application would have been evaluated on its own merits.</p> <p>Given that complainant had never applied for assistance by the deadline of 26 June 2020, any support which ME may decide to grant to the complainant under the Scheme would constitute illegal aid which would be in breach of the notification made to the European Commission in relation to the Scheme.</p>	Pending at Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Regulator for Energy and Water Services (REWS) Ombudsman Case Reference U 0025	Complaint regarding the double glazing apertures scheme.		<p>The complaint was received on 4 February 2020. The Ombudsman requested an update on the status of the complainant's application. On 28 February 2020, REWS informed that Section 2 of the Government notice pertaining to this scheme stated <i>"Funds for the scheme are limited and therefore applications are processed on a first-come first-served basis. There is no guarantee that all applications will be successful, even if all eligibility criteria are met"</i>.</p> <p>The complainant had been erroneously informed that funds were still available in November. However, in December the complainant was informed of the error, and the complainant was placed on the waiting list for the next batch of grant schemes when funds were available.</p>	Pending at Ombudsman
Regulator for Energy and Water Services (REWS) Ombudsman Case Reference U 0043	The complainant stated that the MESD had failed to grant the rights and entitlements originating from the Public Service Obligation contract, hence infringing the complainant's economic interests. Payments had been withheld thus denying his compensation.	No recommendation	<p>The complaint was received on 12 March 2020. MESD replied that the Regulator had the right to investigate and carry out audit checks to ensure that the distributor was not being overcompensated. Therefore, the distributor must provide complete and correct information as neither the Regulator nor the Government had the right to authorise an unjustified payment.</p> <p>MESD further stated that the complainant's allegations were false and failed to present information to verify claim. A copy of the Public Service Obligation Agreement was sent to Ombudsman.</p> <p>Internal talks together with external consultants were carried out to evaluate proposals and possible way forward which needed to be evaluated by the Permanent Secretary together with other experts.</p>	Closed without recommendation
			Following the correspondence received, Ombudsman proceeded in closing the case on 24 February 2021.	

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Regulator for Energy and Water Services (REWS)</p> <p>Ombudsman Case Reference</p> <p>U 0121</p>	<p>Complaint regarding an improperly labelled meter of a property owned by the complainant and rented out. The complainant was receiving bills for consumption used by the occupiers of the neighbouring property.</p>	<p>No recommendation</p>	<p>The complaint was received on 26 August 2020. REWS determined that Enemalta was responsible to provide the meter and maintain it in proper working order. Moreover, the administrative error which led to incorrect readings was rectified and bills were revised by ARMS. However, neither the Electricity Supply Regulations nor the Customer Charter provide for any compensation or exemption from the payment of amounts due even if this is caused by an action or inaction.</p> <p>The complainant submitted Form H and a revision of bills was made from December 2015 covering the period during which the meters were interchanged. The revision resulted in a reduction in bills, hence an equivalent amount of compensation was granted.</p> <p>The Ombudsman closed the case on 12 February 2021.</p>	<p>Closed without recommendation</p>
<p>Water Services Corporation (WSC)</p> <p>Ombudsman Case Reference</p> <p>U 0054</p>	<p>Complaints by various households regarding a drainage problem which could have been of danger to drivers and other road users.</p>	<p>No recommendation</p>	<p>The complaint was received on 1 April 2020. The Ombudsman informed concerned parties that the WSC should take immediate action on the complaint received. An investigation was not necessary, thus case was considered closed.</p> <p>An investigation was conducted by WSC and several tests were organised and carried out on site, until the issue was resolved.</p>	<p>Closed without recommendation</p>

**Water Services
Corporation (WSC)**

A complaint regarding an injustice allegedly suffered related to a job interview.

Pending at
Ombudsman

**Ombudsman
Case Reference**

U 0195

**Recommendation
by Ombudsman**

On 11 November 2020, the WSC replied to the Ombudsman by sending documentation related to the selection process as requested. Moreover, as per WSC's Collective Agreement, no HR personnel were required to form part of the selection board. This practice was applied across the board in all internal recruitment cases. WSC stated an HR representative's presence (or lack thereof) did not impact in any way the board's impartiality. Changes to the eligibility criteria were made as the position did not require a degree at MQF level 6. A VET higher diploma or equivalent in years of experience were considered more appropriate requisites for the position. These requirements were applied for all positions in the same salary scale.

Following additional queries made by Ombudsman on 5 March 2021, WSC replied on 15 April 2021, that the two selection board members were replaced due to a conflict of interest with respect to one of the candidates. It transpired that both members had previously written reference letters for this candidate.

Additionally, questions used were kept standard for all candidates interviewed. These questions were formulated to grade all areas of the assessment criteria comfortably. Each score was given based on the replies provided by candidates during the interview.

With regard to eligibility criteria, these were listed under clause 1 and 2 of the call for applications. All candidates were considered on the set eligibility criteria, whilst the score sheet used was a standard one. All applications and CVs were sent to Ombudsman as requested.

This assessment was carried out concurrently, under the assessment criteria titled "knowledge of and suitability for the position" which included the sub-criteria, special relevant qualifications, knowledge of role, knowledge of broader environment, and suitability. Qualifications were assessed by means of objective assessment criteria (including the relevance to the job description of any qualification provided) and other selection criteria through a holistic approach. WSC notified the Ombudsman on 2 July 2021 that the document submitted in their previous correspondence related to all the CVs submitted by candidates, some of the candidates had also opted to include their certification. WSC stated also that all candidates who made it through to the interview stage were considered eligible. Moreover, the criteria used, and the grading assigned to each applicant has been provided.

On 30 September 2021, the Ombudsman requested additional information on the specific roles held by the selection board members. This information was sent by WSC on 5 October 2021.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Water Services Corporation (WSC)	<p>A complaint regarding water leakage. It was alleged that one of the Corporation's main water pipes had considerably damaged the complainant's garage.</p>	<p>No recommendation</p>	<p>The complaint was received on 18 November 2020. The Ombudsman requested a statement with reasons why the Corporation was refuting liability.</p> <p>Following an internal investigation, WSC informed the Ombudsman on 12 January 2021 that after a reconsideration of the facts, the complainant's request has been accepted.</p> <p>The Ombudsman closed the case on 14 January 2021.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>
Ombudsman Case Reference	<p>U 0205</p>			

MESD

**Ministry for Energy, Enterprise
and Sustainable Development**

Pre 2020

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
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Complaint regarding the direct debit system adopted by ARMS Ltd. The complainant referred to the 2% discount offered by ARMS to those clients paying by direct debit. Complainant stated that ARMS changed the policy related to this discount so that only clients who were listed as residents were eligible.

The complaint was received on 30 September 2019. ARMS replied that non-residential accounts did not benefit and were not eligible for any discounts when paying through direct debit facility. Only domestic or residential accounts qualified for such discounts.

The Ombudsman requested further clarifications on whether non-residential accounts/bills had previously qualified for a discount prior to the change in policy.

ARMS specified that their internal policy stated that non-residential accounts did not qualify for any discounts. However, internal discussions were ongoing to assess whether the policy should be amended. ARMS have suggested that the complainant may apply to change the applicable tariff to benefit from discounts by submitting Form R.

As requested by the Office of the Ombudsman, 'Direct Debit Mandate' applications submitted by the complainant in 2016 were provided by ARMS on 2 June 2021.

Pending at Ombudsman

Status Last Year

Pending at Ombudsman

**Water Services
Corporation (WSC)****Ombudsman
Case Reference**

T 0278

Complaint regarding an injustice allegedly suffered by the complainant when he had applied for the post of Team Leader at the Ćirkevwa Reverse Osmosis. Complainant alleged that the selection process had been skewed in favour of the successful candidate.

No recommendation

The complaint was received on 12 November 2019. WSC replied that the Selection Board chose to adopt a standard assessment criteria and weightings in the interviewing process. Hence, the allegation that the selection process had been skewed in favour of any candidate, was unfounded. Pre-set questions relevant to the post were structured prior to the commencement of the interviewing process.

After the Ombudsman reviewed the reply from WSC, it was recommended that in future selection processes, qualifications would be assessed by using objective parameters thus providing a system whereby qualifications could be quantified in terms of the marks awarded.

The Ombudsman proceeded to close the case on 16 March 2021.

Pending at Ombudsman

Closed by the Ombudsman after the management replied to one request for information.

MFER

Ministry for Equality, Research and Innovation

MFER

In 2020, the Ministry for Equality, Research and Innovation (MFER) received one case from the Office of the Ombudsman. The case was closed by the Parliamentary Ombudsman without giving any recommendation.

Brief Detail of Case

A complaint received by the CEO of MCST in connection with the recruitment process for a management position within Explora. The call for applications was issued by Explora in September 2019 and the complainant was not selected for the position.

**Recommendation
by Ombudsman**

No recommendation

Action taken and management comments

Case letter dated 26 February 2020 requested comments on the alleged grievance of the complainant; the file/s and documents referring to the vacancy; as well as the report on the selection process and the decision leading to the successful applicant. The reply and the requested documentation were forwarded to the Ombudsman on 14 April 2020. The case was closed by the Ombudsman on 13 November 2020.

Status

Closed without recommendation

MFE

Ministry for Finance and Employment

MFE

During 2020, the Ministry for Finance and Employment (MFE) dealt with a total of 25 cases. 15 cases were referred by the Parliamentary Ombudsman in 2020 while 10 cases have been pending from previous years. 14 of these cases were closed by the Ombudsman, without giving a recommendation, while two other cases have been closed with recommendations which have been accepted and have been, or are in the process of being, implemented. Another case has been withdrawn by the complainant.

The remaining eight cases are all pending at the Office of the Ombudsman. Three cases have been pending for a period between 6 and 9 months, three other cases have been pending for a period between 18 and 30 months, and two cases have been pending for over 36 months.

**Sector /
Department**

**Central Bank of
Malta (CBM)**

**Ombudsman
Case Reference**

U 0014

**Central Bank
of Malta
(CBM)**

**Ombudsman
Case Reference**

U 0177

Status

**Action taken and management
comments**

**Recommendation
by Ombudsman**

Brief Detail of Case

Closed without recommendation

In reply to the case received on 6 February 2020, the Central Bank provided the requested documentation to the Ombudsman office on 27 February 2020. The Central Bank explained that the public call was issued in May 2019, and the complainant's application was refused.

No recommendation

A complaint concerning an application for a scholarship.

The Ombudsman closed the case on 6 May 2021.

A confidential case

Pending at Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
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Commissioner for Revenue (Capital Transfer Duty)

A complaint raised by an individual regarding an unregistered deed published by the Notary. The respective duty was paid to the notary but, the amount was not paid to CfR.

The Ombudsman case letter was sent on 21 July 2020. The complainant acquired a property following a deed published by the notary and the vendors and on the same day of the deed, the complainant paid the respective duty and tax as required by law to the Notary. However, the latter failed to pass on the tax and duty payments to the pertinent authority, with the consequence that the transfer of property could not be registered in the Public Registry unless the stamp duty is paid again to the Commissioner for Revenue (CfR). The complainant insisted that the failure by the Notary should not prejudice the rights of the third parties who acted in line with the law.

Pending at Ombudsman

Ombudsman Case Reference

U 0098

Through a reply dated 2 September 2020, the CfR informed the Ombudsman that, in such cases, the taxpayer should seek remedy through Court proceedings against the Notary. Notice of transfer cannot be registered at CfR without the relative payment of tax and duty. Thus, the CfR should not be held responsible for the notary's failure to give notice of transfer and pay the taxes due.

On 7 January 2021, the Ombudsman remarked that the replies provided from CfR did not address the concern expressed in its previous letter. While there might be no legal provision allowing the CfR to waive the repayment of the tax and duty already paid by the contracting party to the notary, the principles of fairness and reasonableness dictate that the Public Administration implements policies so as to ensure that the failure of the notary does not prejudice those acting in accordance with the law. The Ombudsman encouraged the ministries concerned and the State Advocate to consider the difficulties and hardship encountered by those in complainant's situation and to discuss what can be done to implement procedures to protect and limit the prejudice suffered by contracting parties through no fault of their own.

In relation to these observations, the CfR replied to the Ombudsman on 7 April 2021.

**Commissioner for
Revenue (Capital
Transfer Duty)**

A complaint lodged by a notary on behalf of two companies, regarding unregistered deeds published by another notary on behalf of the afore-mentioned clients. The said transfers could not be registered in the Public Registry unless the tax due was paid to the Commissioner for Revenue (CFR).

**Ombudsman
Case Reference**

U 0123

The Ombudsman case letter was sent on 4 August 2020. In both cases the complainants acquired property following a deed published by a notary and the vendors and the buyers had paid the respective duty and tax as required by law to the notary on the date of publication of the deed. However, the notary failed to pass on the said payments to the pertinent authority, with the consequence that the property transfers could not be registered in the Public Registry as the CFR refused to pre-stamp the note of enrolment earmarked for registration, unless the tax and duty already paid to the notary by complainants was paid to the CFR. The CFR sent the reply to the Ombudsman on 24 August 2020.

Pending at
Ombudsman

A letter was sent to the Ombudsman's Office on 7 April 2021 in reply to the observations made by same office in a letter dated 7 January 2021. This letter stated that the replies provided by CFR did not address the concern expressed in its previous letter namely, that contracting parties acting in accordance with the law are being prejudiced and subjected to undue hardship because they are unable to register property legally acquired by them as a result of a failure of the notary public (who is carrying out the functions of a public officer when collecting funds in the name and on behalf of the CFR) to abide by the legal obligations imposed by law. While there might be no legal provision allowing the CFR to waive the repayment of the tax and duty already paid by the contracting party to the notary, the principles of fairness and reasonableness dictate that the Public Administration implements policies so as to ensure that the failure of the notary does not prejudice those acting in accordance with the law. The Ombudsman considered the claim that the notary was chosen by the parties and that therefore government cannot be held responsible as illogical, as the notary is a public officer and the parties could not have foreseen that the notary would not deposit the funds with the CFR. It also emerged that the insurance which notaries are required to have in line with the legislation introduced does not cover cases where the notary has fraudulently and intentionally misappropriated funds. The Ombudsman therefore encouraged the ministries concerned and the State Advocate to consider the difficulties and hardship encountered by those in the complainants' situation and to discuss what can be done to implement procedures to protect and limit the prejudice suffered by contracting parties through no fault of their own.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Commissioner for Revenue (Capital Transfer Duty)</p> <p>Ombudsman Case Reference</p> <p>U 0155</p>	<p>Complaint in connection with an application for refund of tax relating to the purchase of property.</p>	<p>No recommendation</p>	<p>The Commissioner for Revenue replied on 26 August 2020 in relation to the case letter sent on 24 August 2020. Subsequently, the complainant informed the Ombudsman that the tax refund was received, and since the matter was resolved, the Ombudsman closed the case on 1 September 2020.</p>	<p>Closed by Ombudsman after management replied to one request for information.</p>
<p>Commissioner for Revenue (Customs)</p> <p>Ombudsman Case Reference</p> <p>U 0018 (ex T 0124)</p>	<p>A complaint by a company requesting payment from MFIN, related to unloading of goods from a vessel moored at Laboratory Wharf. They claimed loss of income because the unloading was done by third party companies owning the goods instead of the port workers.</p>		<p>In relation to the complaint received on 20 May 2019, MFIN replied on 19 June 2019. A new request for information was received on 22 October 2019. The required 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, was forwarded on 6 December 2019. It was clarified that the Customs Department had acted according to Maltese Law, and therefore should not be held responsible.</p> <p>This case was closed by the Ombudsman in January 2020 and re-opened under a new case number with reference U 0018. A clarification meeting was carried out with the Ombudsman in March 2020.</p>	<p>Pending at Ombudsman</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Commissioner for Revenue (Inland Revenue)</p> <p>Ombudsman Case Reference</p> <p>U 0045</p>	<p>A complaint lodged in relation to a payment reference number.</p>	<p>No recommendation</p>	<p>On 16 March 2020, the Office of the Ombudsman, requested a payment reference number on behalf of a taxpayer. This was provided within the hour. Case was closed on the same day.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>
<p>Commissioner for Revenue (Inland Revenue)</p> <p>Ombudsman Case Reference</p> <p>U 0055</p>	<p>A complaint regarding the NACE classification of the complainant's business. Owing to the prevailing circumstances brought about by the COVID-19 virus, the complainant had applied with Malta Enterprise (ME) for financial assistance as his business was forced to close, but he did not qualify for financial aid due to the NACE code. The complainant was seeking a revision and change to his NACE Code.</p>		<p>On 13 April 2020, Cfr replied to Ombudsman in relation to the complaint received on the same day. The Ombudsman letter stated that the Ministry for the Economy, Investment and Small Businesses, had informed the complainant that a request for a change to his NACE code had to be made to the VAT Department. In their reply, Cfr stated that these schemes were administered and approved by ME not CFR. CFR would adjust the NACE code if it was changed by ME.</p>	<p>Pending at Ombudsman</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Commissioner for Revenue (Inland Revenue)</p> <p>Ombudsman Case Reference</p> <p>U 0091 (ex-U 0051)</p>	<p>A complaint raised by a legal services company on behalf of their client, where an apparent tax liability owed by the client to the Commissioner for Revenue (CfR) in circumstances when the client was not living in Malta nor did she work in Malta.</p>	<p>No recommendation</p>	<p>The case U 0051 was closed on 7 May 2020 and on 29 May 2020 it was reopened with new reference number and new communication</p> <p>The CfR explained that the complainant moved to Australia permanently but had never informed his Office that she should no longer be considered as resident in Malta for tax purposes. Since she had several tax returns which were missing, the CfR issued a tax assessment for a number of years. She transferred property in Malta and since she was selling as a non-resident, the notary was obliged to get clearance from the CfR Office prior to the sale. Following enquiries filed by the notary, it transpired that she had a tax balance which was due and several missing tax returns.</p> <p>The case was closed by the Ombudsman on 6 November 2020.</p>	<p>Closed without recommendation</p>
<p>Commissioner for Revenue (Inland Revenue)</p> <p>Ombudsman Case Reference</p> <p>U 0172</p>	<p>A case concerning special tax status and Maltese residence under the United Nations Pensions Programme.</p>	<p>No recommendation</p>	<p>Following a complaint received on 29 January 2021, the CfR provided the requested information on 5 February 2021. Following this information, the Ombudsman closed the case on 17 February 2021.</p>	<p>Closed by Ombudsman after management replied to one request for information.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Commissioner for Revenue (VAT) Ombudsman Case Reference U 0097	<p>A complaint by a customer who claimed that he did not receive the VAT receipt from the supplier.</p>	<p>No recommendation</p>	<p>The Ombudsman case letter was received on 22 June 2020. A complaint had initially been lodged with the CfR and the Ombudsman in April 2020. Prior to that complaint, the complainant had exchanged correspondence with the VAT Department in August 2019, and March 2020, but although he had been informed that he would be contacted shortly, he received no feedback regarding his request.</p> <p>The case was referred to the Technical section for onward criminal proceedings against the supplier for failing to issue the fiscal receipt when he was duty bound to do so upon receiving payment. The fiscal receipt was subsequently issued. The case was closed by the Ombudsman in March 2021.</p>	<p>Closed without recommendation</p>
Commissioner for Revenue (VAT) Ombudsman Case Reference U 0150	<p>A complaint concerning a VAT refund on funeral service expenses.</p>	<p>No recommendation</p>	<p>The Commissioner for Revenue (CfR) replied to the complaint sent by the Ombudsman on 10 September 2020. The CfR explained that the application had been sent to their offices around seven weeks after the lapse of the six-month period for the submission of an application for refund, and thus it was not accepted. The Ombudsman closed the case on 11 November 2020.</p>	<p>Closed by Ombudsman after the management replied to one request for information.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Commissioner for Revenue (VAT)</p> <p>Ombudsman Case Reference</p> <p>U 0158</p>	<p>A complaint lodged after an official VAT receipt in relation to a funeral service was not issued. The complainant also remarked that he would not be able to benefit from the 'Application for a Grant on Expenses connected with a Funeral' if the receipt was not issued within the set timeframe.</p>	<p>No recommendation</p>	<p>The Ombudsman requested information from the CfR on 16 October 2020. The complainant informed CfR that he was no longer interested in the grant, but his concern was that he did not receive the fiscal receipt. In the same month, a meeting was held with the registered person who admitted to not issuing the fiscal receipt. Following this meeting, the receipt was issued, and further action was taken against this registered person in terms of the relevant provisions of the VAT Act. A copy was forwarded to the complainant by CfR. The case was closed by the Ombudsman on 28 October 2020.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>
<p>Commissioner for Revenue (VAT)</p> <p>Ombudsman Case Reference</p> <p>U 0226</p>	<p>A complaint in connection with the non-payment of a wedding grant.</p>	<p>No recommendation</p>	<p>Following the complaint sent to the Commissioner for Revenue (CfR) on 15 December 2020, it was concluded that the cheque was lost as it had not been cashed. Thus, the Treasury were instructed to re-issue the cheque. The Ombudsman closed the case on 8 April 2021.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Jobsplus Ombudsman Case Reference U 0039	<p>A complaint from an employee claiming injustice in the career progression process, after he obtained a negative result. The complainant maintained that the pertinent clause in the collective agreement was breached and that there were shortcomings in the implementation of the career progression system.</p>	<p>No recommendation</p>	<p>In relation to the complaint received on 14 April 2020, Jobsplus replied to the Ombudsman on 24 April 2020. Jobsplus negated the claims made by complainant. The management provided a detailed reply regarding the career progression process and the implied procedures, and substantiated the facts by submitting no less than ten annexes including the correspondence exchanged with the complainant. The case was closed by the Ombudsman on 19 October 2020.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>

MFE

Ministry for Finance and Employment

Pre 2020

The complaint refers to the selection process for a post at Air Malta. The complainant raised doubts about the selection process, its fairness and reliability, 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 association.

On 23 October 2018, the Office of the Ombudsman requested comments and documentation from Air Malta, 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 considered 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 18 December 2018 between both parties, and the case was discussed in detail. Awaiting the evaluation and final recommendation from the Ombudsman.

Pending at
Ombudsman

Pending at
Ombudsman

Air Malta

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 had far less qualifications than him.

The Ombudsman concluded that the claimant was correct to state that the appointee was not eligible in terms of the internal call for applications as he did not possess the required experience. 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 an ex-gratia payment.

Closed and
recommendation
implemented

Pending at the
Ministry

On 11 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 18 April 2020, the AAS received the Ombudsman's final opinion.

**Ombudsman
Case Reference**

T 0024

In April 2021, Air Malta was working on a plan to introduce the worker in a managerial position following the retirement of another person. The restructuring plans were submitted to the EU Commission. Once approved, the Company gave a managerial position to the complainant on 21 June 2021. Thus, the case was considered as closed with the recommendation implemented.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Air Malta	<p>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>	<p>No Recommendation</p>	<p>Upon receipt of the complaint, Air Malta claimed that the complaint had been 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. On 21 January 2020, the Office of the Ombudsman requested to peruse the file/s relevant to the process. A thorough exercise for the compilation of data was carried out to provide the information requested by the Ombudsman.</p> <p>On 7 May 2021 the investigating officer at the Office of the Ombudsman was informed that any proceedings instituted against Air Malta were being withdrawn. On 11 May 2021 the case was confirmed as closed.</p>	<p>Pending at Ministry</p>	<p>Closed, case withdrawn by the complainant</p>
Ombudsman Case Reference	T 0163				
Air Malta	<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. Subsequently, he sat for the recurrent training during 2018-2019 which he eventually failed. Thus, his attestation was not renewed.</p>	<p>No Recommendation</p>	<p>Following a request for comments on the case, Air Malta confirmed that the complainant had failed the recurrent test and, in accordance with international flying rules, 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 12 August 2020, the Office of the Ombudsman requested the complainant's file. Documentation was forwarded to the Office of the Ombudsman on 18 September 2020. On 20 January 2021 the Office of the Ombudsman requested further documentation, which have been duly forwarded on 29 January 2021. The Ombudsman closed the case on 23 February 2021.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference	T 0222				

**Commissioner for
Revenue
(Customs)****Ombudsman
Case Reference**

O 0339

The complainant was 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 subsequently 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 by means of the pertinent 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 the tax due. However, such an incident led the complainant to fail 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.

In April 2019 a meeting was held between Customs and the complainant's lawyer. During the meeting it was explained that the complainant was not entitled to benefit from the amended legislation. To be eligible as an Authorised Tax Warehouse Keeper, the Excise Duty Act (Chapter 382) stipulates, amongst other provisions, that no "out of court settlement agreements" have been entered into by an applicant during the last 12 months. Any fresh applications must be taken into consideration under Article 29 (A) Chapter 382. In past instances, since 2008, whenever the complainant applied for an Authorised Tax Warehouse Keeper, the former was never found eligible according to the legislation in force at the time of each application.

On 29 April 2021, the Ombudsman informed the Customs Department that the case was considered as closed.

Closed without
recommendation

Suspended
due to Court
proceedings

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Commissioner for Revenue (Customs)	Complaint lodged in connection with the refusal by Customs to release the consignment of items.		On 16 April 2018 the Ombudsman was informed that, as guided by the Sanctions Monitoring Board (SMB) on the basis of Council Decision 1333/2015 of 31 July 2015, enhanced due diligence was being exercised by Malta Customs. On the particular export consignment, direction was sought from the SMB, in view of the restrictive measures. Customs adhered to the advice of the SMB.	Pending at Ombudsman	Pending at Ombudsman
Ombudsman Case Reference	S 0046		The management replied to three requests for information from the Office of the Ombudsman, up to July 2018. On 25 April 2019, the Ombudsman confirmed that the file was being reviewed to verify whether further information was required. No further progress was reported. The Ombudsman confirmed that the case was still pending.		
Commissioner for Revenue (VAT)	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. It was claimed that the VAT Department did not require the directors of another company be present in Malta when the latter applied for VAT registration under the same criteria.		The complainant wished to obtain a VAT registration number on behalf of their client, in terms of Articles 10 to 17 of the VAT Act. The complainant made reference to a case of another undertaking known to have obtained the same registration without its foreign clients having been present. This was possible as the latter company had presented all documentation — including the power of attorney — required for registration, whilst the complainant had failed to provide all the necessary documentation.	Pending at Ombudsman	Pending at Ombudsman
Ombudsman Case Reference	R 0229		On 9 April 2019, the Ombudsman Office requested feedback for a number of clarifications, a reply for which was sent on 14 May 2019.		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Jobsplus	<p>A complaint filed by an employee of Jobsplus, alleging that he was harassed at his workplace. He was threatened that he will be fired for no good reason. Moreover, the complainant stated that he was belittled by his superiors, and that he was admitted to hospital because of the way he was treated.</p>	<p>No recommendation</p>	<p>The Office of the Ombudsman asked Jobsplus to submit its feedback on the complaint and to provide the complainant's personal file. Jobsplus replied to the Office of the Ombudsman on 19 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 confirmed the accusations since he was making serious allegations against Jobsplus.</p> <p>The complainant was not right in the allegations brought to the attention of the Ombudsman. The Ombudsman confirmed the case as closed in September 2020.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference	T 0216				

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Ministry for Finance and Employment (MFE)	<p>The complainant contested the measure of not being awarded a disturbance allowance upon resuming duties after long leave.</p>	<p>The Ombudsman recommended that the rules regulating the manner and instances that the disturbance allowances were paid be properly and consistently applied across board. The allowance should not be paid automatically.</p>	<p>On 30 October 2018, the Office of the Ombudsman referred the complaint to Permanent Secretary (Merger and Administration) and a detailed reply was sent on 9 November 2018. The request for a disturbance allowance was not upheld by MFE because the officer was not required to perform work after office hours and thus did not qualify for a disturbance allowance.</p>	<p>Pending at Ombudsman</p>	<p>Closed, recommendation to be implemented</p>
Ombudsman Case Reference	<p>S 0217</p>	<p>The Office of the Ombudsman also indicated that there were no technological tools that allowed for work after normal hours to be monitored. It was therefore recommended that these tools should be put in place in order to ensure transparency and fairness.</p>	<p>On 9 September 2020, the Office of the Ombudsman issued the final opinion. The Ombudsman stated that the payment of a disturbance allowance was by no means automatic and various conditions must be satisfied before the disbursement can be made. The complainant did not provide concrete evidence that regular work was carried out after hours, therefore the Ombudsman did not recommend the payment of the allowance simply on the basis that the contract allowed for the possibility for the allowance to be paid.</p>		
			<p>On 6 November 2020, the MFE replied to the Office of the Ombudsman in view of the final opinion received. The MFE stated that it was as a result of a review that the disturbance allowance had been withheld in this case. The Office of the Ombudsman was also advised that the ministry will be deploying a new Time and Attendance module within the Ministry and its Line Departments which will allow the monitoring of work performed by employees on teleworking.</p>		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Ministry for Finance and Employment (MFE)	<p>A complaint by an employee requesting approval of payment of arrears related to a standby allowance.</p>	<p>No recommendation</p>	<p>The Office of the Ombudsman requested information from the Ministry for Finance (MFIN) on 9 December 2019. The reply was prepared in conjunction with the Commissioner for Revenue (CfR) and, following the necessary consultations, the reply letter was sent on 17 March 2020.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference	<p>T 0299</p>	<p>The Management confirmed that in the claim period, there was no formal agreement in place, but if the contact persons/officers attended, they would be paid an overtime rate for this time.</p> <p>The Office of the Ombudsman requested a copy of the Manual on Allowances on 18 May 2020, which was duly forwarded.</p> <p>On 11 February 2021, the Ombudsman closed the case.</p>			

MFEA

Ministry for Foreign and European Affairs

MFEA

During 2020, the Ministry for Foreign and European Affairs (MFEA) dealt with three cases. One case was referred by the Parliamentary Ombudsman in 2020, while two cases have been pending from previous years. None of these cases have been closed by the Ombudsman.

All three cases are pending at the Office of the Ombudsman. One case has been pending at the Office of the Ombudsman for over 24 months.

Brief Detail of Case

A complaint was submitted by an officer posted abroad claiming that, as part of his remuneration package, he is entitled to allowances mainly consisting of disbursements incurred for his and his family's healthcare costs, as well as schooling fees. The allowances had been withheld with effect from August 2019. Complainant held that no adequate written reasoned replies have been provided for such action.

Recommendation by Ombudsman

Status

Pending at
Ombudsman

Action taken and management comments

The Ministry was already addressing the contractual matter, that is, that the employment was not covered with a contract beyond August 2019. The mission's administration contended that allowances were withheld since the officer had not completed and signed the employment agreement and MFA Form 1, in accordance with established practice.

The complaint was referred to the Ministry by the Ombudsman on 24 November 2020. On 1 December 2020, a reply was sent by the Ministry to the Ombudsman, pointing out that the reasons for withholding allowances were stated in the documents provided by complainant himself, that is that allowances are only paid if the officer has a legal contractual employment agreement and a completed MFA Form 1, in accordance with various provisions within the Conditions of Service for Officers serving Overseas (CoS).

On the same date, 1 December 2020, a letter was issued to complainant requesting the signing of the contract of employment with effect from August 2019 to regulate his position.

On 9 December 2020, the Ombudsman requested to be informed of the legal basis for withholding allowances.

Following a meeting held on 10 December 2020 between complainant and Permanent Secretary (MFEA), an agreement was reached, and the complainant signed the employment contract.

On 9 February 2021, a reply was sent to the Ombudsman, informing him of this development and that payment was to be issued.

Nonetheless, the Ombudsman insisted to be provided with the legal basis for withholding allowances. On 26 February 2021, the Ministry replied that basis for withholding payment of allowances is the CoS. The Ministry informed further that allowances were withheld in view of complainant's failure to comply with procedures. Following the signing of the pertinent contract, the Ministry approved the payment of the allowances.

All allowances were paid to the officer concerned between 16 March 2021 and 9 April 2021.

On 13 July 2021, the Ombudsman requested to view the complainant's personal file. This request was complied with on 22 September 2021. File was returned to the Ministry on 5 October 2021.

On 7 October 2021, the Ombudsman requested clarification on a remaining balance the complainant is claiming as being due to him.

On 15 October 2021, MFEA replied that the latter claims were raised by the complainant after the complaint originally made with the Ombudsman. The Ministry has nonetheless informed the Ombudsman that complainant was reimbursed allowances on 8 October 2021, and a small amount remained pending as certain information was still unavailable as at that date.

MFEA

Ministry for Foreign and European Affairs

Pre 2020

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>A complaint regarding conditions of service pertaining to a position the complainant held previously, and which had not been extended to the new higher position to which the complainant was subsequently appointed. Complainant is using this basis to claim discriminatory treatment.</p>		<p>The complainant's personal file was provided to the Ombudsman in September 2019.</p> <p>No communication has been received from the Ombudsman during the last two years.</p> <p>The Office of Ombudsman was informed on 6 October 2021 that the case is considered as closed on the part of MFEA.</p> <p>On 13 October 2021, Ombudsman informed MFEA that the case was still under review, and that a final report is to be submitted in the coming months.</p>	Pending at Ombudsman	Pending at Ombudsman

Foreign and European Affairs

Ombudsman Case Reference

R 0211

A complaint by an officer who was not appointed to a higher position, when the selected candidate took up duties elsewhere.

Furthermore, the complainant claimed that despite continuing to carry out the duties of this higher position, no deputising allowance was granted.

The Ministry informed the Office of the Ombudsman that it made a request to P&SD for the complainant to be appointed to the higher position on a back-to-back basis. This request was not approved as it did not conform with the applicable Manual and with P&SD Circular No 05/2017 dated 8 February 2017. The Ombudsman had requested further documentation relating to the complaint on 13 August 2017, and this was submitted on 14 March 2018. The case had been pending at Ombudsman for 33 months without any further communication, notwithstanding that on 14 August 2020, the Ministry had enquired on the status of the case.

On 4 January 2021, the Ombudsman requested further clarifications. After verifying information with the P&SD, the Ministry informed the Ombudsman on 24 March 2021 regarding the applicability of back-to-back appointments, a policy which has been discontinued in early 2017.

On the same day, the Office of the Ombudsman came back to the Ministry posing the same request for clarification.

On 12 October 2021, the Ministry informed the Ombudsman's Office that back-to-back contracts were filled on a temporary basis. The Ministry reiterated that the procedure was implemented by P&SD, and that it was not in a position to provide the information being requested.

In the meantime, and in parallel with the Ombudsman's proceedings, the Ministry submitted a request to P&SD for a deputising allowance in November 2018, which was approved with effect from 18 December 2018 for a period of 6 months or until the position was filled. A subsequent request to P&SD to consider granting the deputising allowance with effect from 11 April 2017, has not been approved, as the officer had not made a request for a deputising allowance and P&SD did not agree to the retroactive payment of the allowance.

Pending at
Ombudsman

Pending at
Ombudsman

MGOZ

Ministry for Gozo



MGOZ

During 2020, the Ministry for Gozo (MGOZ) dealt with five cases.

Two cases were referred by the Parliamentary Ombudsman in 2020 while three cases have been pending from previous years. One case was closed without recommendation being made, another was withdrawn by the complainant, and another case has been suspended due to court proceedings.

The Ombudsman referred the other two cases to the Prime Minister, in terms of article 22(4) of the Ombudsman Act.

Brief Detail of Case

A complaint lodged by a Local Council's lawyer to various entities, including the Ministry for Gozo, complaining that a case of water leaking into residents' yards and on to a road was dangerous for both the yard owners and drivers.

**Recommendation
by Ombudsman**

No recommendation

Action taken and management comments

On 1 April 2020, the Ombudsman enquired whether this complaint fell within the competence of the Ministry for Gozo. In its reply dated 2 April 2020, the management stated that the complaint was not within the remit of MGOZ but should be tackled by the Water Services Corporation.

On the Ombudsman's request for more details, the management replied on 3 May 2020 that the Ministry's architect had visited the location and could not trace any leakage. He had suggested that the road needed to be opened. The Ombudsman replied on 4 May 2020 that he had informed the Local Council's lawyer accordingly.

After enquiring with the Ombudsman regarding the status of the case, on 25 August 2020 MGOZ was informed that the case had been closed.

Status

Closed without recommendation

A complaint lodged by a person alleging that her secondment with the Unit had been abruptly terminated and that this was unfair, unjust and discriminatory.

No recommendation

On 2 April 2020, the Office of the Ombudsman sought the management's comments about the issues raised by the complainant and what led to the Ministry's decision

The management replied that the correspondence between the complainant and her superior officer clearly indicated an incompatibility, making it almost impossible for these two officers to work together. This was also confirmed by the complainant in the same correspondence.

On 21 April 2020, the Office of the Ombudsman informed the management that the complainant was not pursuing this complaint further and that thus the case was considered closed by the Ombudsman

Closed, case withdrawn
by complainant

MGOZ

Ministry for Gozo

Pre 2020

Brief Detail of Case	Action taken and management comments	Status Last Year	Status
<p>A complaint lodged by a Maltese citizen contending that the way Gozo Channel concession fares were applied was unjust and discriminatory against Malta-born Gozo residents.</p>	<p>On 9 November 2018, the Office of the Ombudsman sought the management's views on this complaint and requested the policy documents or information regarding the provision that governed the payment of such fares.</p> <p>On 26 November 2018, Gozo Channel Ltd informed the Ombudsman that this matter did not fall under its remit. Gozo Channel Ltd abided by the tender awarded by the Ministry for Transport, Infrastructure and Capital Projects (MTIP).</p>	Pending at Ombudsman	Ombudsman stated that this case was referred to the Prime Minister as provided in the Ombudsman Act.
<p>Recommendation by Ombudsman</p> <p>Recommendations towards measures to rectify rules for the 'family pass' were raised.</p>	<p>On 23 January 2019, the Ombudsman referred this case to MTIP. He was subsequently informed that the MTIP was the contracting authority administering the public service obligation, whilst the fares were regulated by means of a legal notice found under the Authority for Transport in Malta Act, which were usually communicated by the government, specifically by the Ministry for Gozo.</p> <p>In his Final Opinion dated 8 March 2021, the Ombudsman held that the complaint was justified and concluded that the 'family pass' applied by Gozo Channel was discriminatory against Gozo permanent residents.</p> <p>On 28 March 2021, the Permanent Secretary (MGOZ) informed the Ombudsman that the concession fares were in accordance with the Legal Notice entitled Gozo Passenger and Good Service (Fares) Regulations, which was the current state of law.</p>		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Projects and Development Directorate	<p>A complaint lodged by a retired civil servant, maintaining that he had suffered an injustice and claimed compensation. He held that between 2006 and 2018, he had been assigned duties and responsibilities commensurate to a higher grade and not to his actual grade.</p>	<p>In his Final Opinion dated 22 February 2021, the Ombudsman recommended that complaint be awarded an ex- gratia payment.</p>	<p>On 14 March 2019, the Ombudsman sought the management's comments and views and requested the claimant's personal file. These were submitted on 3 April 2019.</p> <p>On 18 March 2021, the Permanent Secretary (MGOZ) informed the Ombudsman that the recommendation forwarded in his final opinion, specifically the award of an ex-gratia payment could not be entertained, as the complainant never raised such complaints prior to his retirement.</p>	<p>Pending at Ombudsman</p>	<p>Ombudsman stated that this case was referred to the Prime Minister as provided in the Ombudsman Act.</p>
Ombudsman Case Reference S 0274					
Strategy & Support Division	<p>A complainant who felt aggrieved after missing out on a promotion. Two officers were transferred on a temporary basis to 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>The Ombudsman recommended that the case be reviewed with the aim of providing redress.</p>	<p>MGOZ could not implement the Ombudsman's recommendation dated 1 December 2017 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, due to the 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 pending at the Law Courts.</p>	<p>Suspended due to Court proceedings</p>	<p>Suspended due to Court proceedings</p>
Ombudsman Case Reference R 0099					

MHSE

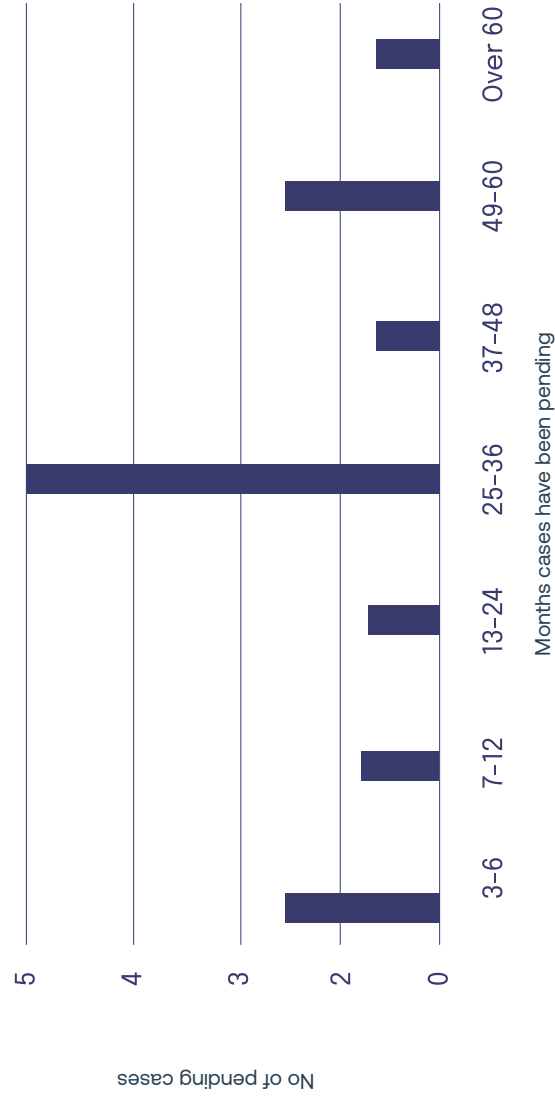
**Ministry for Home Affairs,
National Security and Law Enforcement**

MHSE

During 2020, the Ministry for Home Affairs, National Security and Law Enforcement (MHSE) dealt with a total of 39 cases. 10 cases were referred by the Parliamentary Ombudsman in 2020, while 29 cases have been pending from previous years. One of these cases was withdrawn by complainant. Moreover, 25 cases were closed by the Ombudsman: 18 cases were closed without a recommendation being given, two cases were closed and the recommendation implemented, the recommendations of four other cases were not implemented, and the recommendation linked to one other case was noted.

The remaining 13 cases are all pending at the Office of the Ombudsman. These have been pending for the periods indicated in diagram 8 below:

Diagram 8 : MHSE cases pending at the Office of the Ombudsman



Sector / Department

Armed Forces of Malta (AFM)

Ombudsman
Case Reference

U 0119

Correctional Services Agency (CSA)

Ombudsman
Case Reference

U 0088

Detention Services

Ombudsman
Case Reference

U 0235

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>The complainant claimed that he suffered discriminatory and unfair treatment.</p>	<p>No recommendation</p>	<p>The Ombudsman referred complaint to AFM on 12 August 2020. MHSE replied to the Ombudsman on the 28 August 2020, addressing the points raised and submitted the Annual Confidential Reports and AFM Soldier's Career Handbook.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>
<p>An inmate complained that despite his alleged indigence, he was purchasing medicines out of his own pocket and that his pleas for medical assistance were not always heeded. The complainant also alleged that his job at the CCF, which was his only source of income, had been discontinued and he was unfairly punished when he was transferred to Division 6.</p>	<p>No recommendation</p>	<p>MHSE and CSA received this complaint on 10 June 2020.</p> <p>On 19 June 2020, MHSE replied to the Ombudsman, addressing the points raised in this case. MHSE and CSA refuted all allegations made by the complainant, and CSA declared that the complainant was always assisted to deal with his health issues.</p> <p>Through a reconciliation exercise with the Office of the Ombudsman on 17 August 2021, it emerged that this case had been closed.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>
<p>Complainant alleged that he was not granted special quarantine leave as other public officers were, and that his leave of absence was deducted from his sick leave entitlement.</p>		<p>This case was referred by the Ombudsman on 4 January 2021. MHSE replied to the Ombudsman on the 29 January 2021, clarifying that the complainant was suffering from COVID-19, and therefore he was on sick leave.</p>	<p>Pending at Ombudsman</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Identity Malta</p> <p>Ombudsman Case Reference</p> <p>U 0015</p>	<p>Complaint in connection with the selection process following an internal call for applications for the post of Junior Administrative Officer within Identity Malta.</p>	<p>Ombudsman recommended the restructuring of the selection board report for future selection processes by carrying out changes regarding qualifications in selection processes at all levels. It was also recommended that a balance between objective and subjective criteria in the selection of applicants need be ensured, and that a selection board report to be prepared for every selection process.</p>	<p>This case was referred by the Ombudsman to Identity Malta on 11 February 2020.</p> <p>The Office of the Ombudsman requested files and documentation related to the selection process. The requested documentation was sent to the Office of the Ombudsman on 19 February 2020.</p> <p>On 17 March 2021, the Ombudsman issued his final opinion that the decision of the Selection Board was not unreasonable, or improperly discriminatory. The Ombudsman also issued a recommendation to be considered for future selection processes.</p> <p>On 6 May 2021, MHSE forwarded documentation which was to be used for future selection processes in line with the Ombudsman's recommendation.</p> <p>On 12 May 2021, the Ombudsman informed MHSE that the action taken by the Ministry has been noted, and the case was considered closed.</p>	<p>Closed and recommendation implemented</p>
<p>Identity Malta (Citizenship and Expatriates)</p> <p>Ombudsman Case Reference</p> <p>U 0069</p>	<p>The complainant alleged that his applications for a residence permit and for a passport had been pending for a considerable amount of time.</p>	<p>No recommendation</p>	<p>This case was referred by the Ombudsman to MHSE and Identity Malta on 26 May 2020.</p> <p>MHSE replied to the Office of the Ombudsman on 4 June 2020 that the complainant's case was being considered against the background of his criminal record which may have negative implications to public policy and public security. Following further processing with IMA's stakeholders - namely the Police and the Refugee Commissioner - it was decided that the person concerned should be issued with a residence permit.</p> <p>On 17 June 2020, the Office of the Ombudsman closed the case.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Law Enforcement and System Authority (LESA)</p> <p>Ombudsman Case Reference</p> <p>U 0153</p>	<p>A complainant alleged that he was not contacted or notified either before or after his vehicle was towed and as a result, he incurred additional storage fees.</p>	<p>The Ombudsman concluded that the refund of the towing penalty cannot be sustained but the storage fees amounting to €90 must be refunded since it was a direct consequence of the inaction of the public administration. The law did not currently provide an effective remedy to owners of vehicles that have been towed. The Ombudsman recommended that consideration be given for amendments to the law to provide an effective and fair remedy to such registered owners.</p>	<p>This case was referred by the Ombudsman to MHSE on 15 September 2020.</p> <p>MHSE replied to the Office of the Ombudsman on 18 September 2020 explaining that no parking towaway notices were placed on site two days before complainant's car was towed away. Furthermore, LESA officers had no access to the personal data of the driver, but physical attempts were made to contact the vehicle owner.</p> <p>The Ombudsman issued his final opinion, including recommendations, on 1 December 2020.</p> <p>LESA complied with this recommendation and reimbursed the claimant on 29 December 2021 with the amount of the storage fee paid.</p>	<p>Closed and recommendation implemented</p>
<p>Ministry for Home Affairs, National Security and Law Enforcement (MHSE)</p> <p>Ombudsman Case Reference</p> <p>U 0040</p>	<p>A complaint concerning the alleged refoulement which occurred on 18 October 2019 when immigrants who found themselves in difficulties in the Maltese Search and Rescue (SAR) were not rescued and brought to Malta but were returned to Libya following the intervention of Libyan personnel.</p>	<p>No recommendation</p>	<p>This case was referred by the Ombudsman on 6 May 2020. The Permanent Secretary (MHSE) replied to the Ombudsman on 12 June 2020 that the Ombudsman Act, Chapter 385, was unequivocal in that it applied to the AFM 'in respect only of appointments, promotions, pay and pension rights of officers and men of the Force', thereby limiting requests for information in connection with the AFM strictly to those related to the aforementioned specific matters.</p> <p>On 16 June 2020, the Office of the Ombudsman indicated disagreement with this argument.</p> <p>A meeting was held on 27 July 2020 between the Office of the Ombudsman and Permanent Secretary (MHSE).</p> <p>Subsequently, the Ombudsman closed the case.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Parole Board</p> <p>Ombudsman Case Reference</p> <p>U 0115</p>	<p>A Correctional Services Agency (CSA) former inmate claimed that he had been discriminated against when he applied for parole.</p>		<p>This case was referred by the Ombudsman to MHSE on 3 February 2021.</p> <p>MHSE replied to the Ombudsman on 9 July 2021, that all relevant stakeholders were consulted and prepared their reports concerning the inmate. The Parole Board met to examine the results and comments contained in these documents and, following a discussion, reached a decision on the application.</p>	<p>Pending at Ombudsman</p>
<p>Police</p> <p>Ombudsman Case Reference</p> <p>U 0017</p>	<p>A complaint concerning alleged unfair treatment in relation to vacation leave.</p>	<p>No recommendation</p>	<p>This case was referred by the Ombudsman to MHSE and Police on 3 February 2020.</p> <p>MHSE replied to the Ombudsman on 30 March 2020, stating that reasonable provisions for the grant of vacation leave to all officers have always been taken seriously and fairly. Release from duty was always subject to scheduling requirements in the interest of the efficient operation of the District, but never arbitrarily refused. There were only three instances where vacation leave was not granted to complainant.</p> <p>The Ombudsman did not sustain this complaint, and closed the case.</p>	<p>Closed after the management replied to one request for information.</p>
<p>Police</p> <p>Ombudsman Case Reference</p> <p>U 0100</p>	<p>The complainant alleged unjust treatment by their superior.</p>	<p>No recommendation</p>	<p>In relation to the case received on 4 August 2020, MHSE replied to the Ombudsman on 31 August 2020, addressing the points raised by the complainant.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>

MHSE

**Ministry for Home Affairs,
National Security and Law Enforcement**

Pre 2020

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Confidential case concerning professional services to AWAS.		The Ministry replied to the Ombudsman on 12 December 2018. MHSE held meetings with AWAS and the complainant to determine whether payments were actually due to the complainant. However, no agreement could be reached, and legal procedures have been initiated. Complainant filed a judicial protest on 9 July 2021. MHSE replied by a counter protest on 12 July 2021.	Pending at Ombudsman Status Last Year Pending at Ombudsman
A grievance following a General Order whereby the complainant's appointment was relinquished by AFM. He was later informed that he would be transferred and was allegedly given no operational reason for this.	Ombudsman upheld complainant's claim on his appointment being relinquished and advised AFM and Ministry to stay within the strict confines of the law when officers are deployed or are ordered to assume any responsibility in their service.	On 28 March 2017, the Ministry explained that the complainant had been transferred in view of the exigencies of the service.	Status Closed and recommendation noted Status Last Year Pending at Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Armed Forces of Malta (AFM) Ombudsman Case Reference P 0022	<p>The complainant claimed that he suffered an injustice after his appointment was relinquished by AFM.</p>		<p>This case was communicated to MHAS on 15 July 2015. MHAS replied, addressing the right of redress of commissioned officers.</p> <p>On 8 March 2017, the Office of the Ombudsman requested that information pertinent to the grievance raised by the complainant be provided.</p> <p>On 28 March 2017, the Ministry explained that the complainant had been transferred in view of the exigencies of the service.</p>	Pending at Ombudsman	Pending at Ombudsman
Armed Forces of Malta (AFM) Ombudsman Case Reference R 0048	<p>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.</p>	No recommendation	<p>MHAS replied to the Office of the Ombudsman, addressing the points raised in this case, and submitted the requested documentation.</p>	Pending at Ombudsman	Closed by the Ombudsman after the management replied to one request for information.
Armed Forces of Malta (AFM) Ombudsman Case Reference R 0052	<p>A claim of alleged injustice following the promotion exercise to a higher rank.</p>		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 was dated 15 July 2017.	Pending at Ombudsman	Pending at Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Armed Forces of Malta (AFM)</p> <p>Ombudsman Case Reference</p> <p>R 0318</p>	<p>A complaint concerning 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.</p>	<p>No recommendation</p>	<p>MHAS replied to the Ombudsman on 2 August 2019, addressing the points raised in this case, and submitted the requested documentation.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ombudsman</p>
<p>Armed Forces of Malta (AFM)</p> <p>Ombudsman Case Reference</p> <p>S 0056</p>	<p>A complaint regarding the promotion of an individual who was less senior than the complainant.</p>	<p>No recommendation</p>	<p>MHSE replied to the Ombudsman on 15 June 2018, stating that officers were awarded points for seniority but were not promoted exclusively on the basis of seniority. In addition, officers in the complainant's particular grade must satisfy certain criteria and a vacancy must be available for the promotion in question.</p>	<p>Pending at Ombudsman</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>
<p>Correctional Services</p> <p>Ombudsman Case Reference</p> <p>R 0075</p>	<p>An inmate alleged that he was not receiving prompt medical treatment.</p>	<p>No recommendation</p>	<p>CCF cooperated with the Office of the Ombudsman case officer by providing requested details on the medical treatment provided.</p> <p>The case has been pending at the Office of the Ombudsman since 11 October 2019.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ombudsman</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Detention Services					
Ombudsman Case Reference					
T 0148	A complaint raising issues about general conditions in detention centres.	No recommendation	MHSE replied to the Ombudsman on 15 April 2020, addressing the points raised by the complainant.	Pending at Ombudsman	Closed by the Ombudsman after the Management replied to one request for information.
Identity Malta Agency					
Ombudsman Case Reference					
R 0326	A complaint regarding an application for the issue of a working visa, which was still pending after 146 days.	No recommendation	In February 2018, Identity Malta replied to the Office of the Ombudsman, stating that the complainant had actually applied for an employment licence directly with Jobsplus. 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 complainant had already exhausted his original authorisation period to stay in Malta, and therefore he was in Malta illegally. A meeting involving Identity Malta, the Office of the Ombudsman, Jobsplus and the Immigration Police consequently took place in May 2018. Through a reconciliation exercise with the Office of the Ombudsman on 29 September 2021, it transpired that this case has been closed.	Pending at Ombudsman	Closed without recommendation

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Identity Malta Agency	<p>A complaint lodged by a private company contracted by IMA to provide employees for IMA. The complainant claimed that for the months of May, June, and July 2018 payments were made directly to the employees instead of the service provider, in breach of the 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 salary to the employees concerned.</p> <p>Criminal proceedings instituted by the Department of Industrial and Employment Relations (DIER) 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>	Pending at Ombudsman	Pending at Ombudsman
Ombudsman Case Reference	S 0119		<p>Despite this court judgment, the cheques issued to the employees concerned could not be cashed due to lack of funds, and it was only recently that one of the employees was paid the amount due.</p> <p>The other employee however was not 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. No remaining amounts were due to the private company. The case has been pending at the Office of the Ombudsman since 20 February 2020.</p>		

Identity Malta Agency

Ombudsman Case Reference

S 0205

A complaint lodged in October 2018 by a third country national in connection with his application for EU Permanent Residence, submitted in March 2018. The complainant claimed considerable delays and contended that the application process was badly administered. The residence document which was eventually issued was valid for five years. He claimed that this was in breach of regulation 7 of SL 460.17, which stated that the EU Permanent Residence Card should have a validity of ten years. He requested that the EU Permanent Card be issued with the correct validity period as indicated by law without having to re-apply.

Following the submission of further documents, the complainant's right to permanent residence was confirmed. The document issued in this case was a permanent residence certificate in terms of SL 460.17 sub-article 7(8), which did not indicate a specific validity or specific format. The card issued also served as an identification document that enables access to online government services with embedded electronic features. In view of such technical features, the card, not the status, needs to be renewed every five years.

With reference to the delay claimed while processing complainant's application, IMA clarified that it acted in accordance with the provisions of the EU directive and the document in caption was, as stipulated in the said Directive, issued as soon as possible.

In March 2019, the Office of the Ombudsman requested copies of correspondence sent to the complainant, which were forwarded by IMA in April 2019.

Pending at
Ombudsman

Pending at
Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Identity Malta Agency</p> <p>Ombudsman Case Reference</p> <p>S 0221</p>	<p>A complaint by an IMA officer who was deemed ineligible and whose qualifications were not recognised, and hence the officer was not promoted to a higher grade.</p>	<p>No recommendation</p>	<p>The Office of the Ombudsman requested IMA comments on this alleged grievance. IMA replied that by the closing date of the call for applications, the applicant had failed to satisfy the eligibility criteria in respect of the qualifications required.</p> <p>In December 2018, the Office of the Ombudsman pointed out that the applicant was already in possession of two qualifications which were equivalent to the eligibility requirements of the call. IMA was not in agreement. It was also pointed out that by the closing date of call, applicant had failed to provide the necessary proof of qualifications claimed. The proof was only provided five months after the closing date.</p>	<p>Pending at Ombudsman</p>	<p>Close without recommendation</p>
<p>Identity Malta</p> <p>Ombudsman Case Reference</p> <p>T 0314 T 0315</p>	<p>The case was referred by the Ombudsman on 18 December 2019, regarding a complaint submitted in connection with a selection process.</p>		<p>The Office of the Ombudsman requested access to peruse the pertinent file related to the selection process by invoking article 19 of the Ombudsman Act. The relevant documentation and reply were provided to the Office of the Ombudsman. After various communication exchanges, the Office of the Ombudsman requested further documentation which was provided by MHSE on 13 November 2020.</p> <p>Following a review of the information relevant to this selection process, the Office of the Ombudsman discussed the complaints raised with complainant. Subsequently, the complainant informed the Office of the Ombudsman that the grievance was being dropped.</p>	<p>Pending at Ombudsman</p>	<p>Closed, case withdrawn by complainant.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Identity Malta (Citizenship & Expatriate Affairs)	<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 imposed burdensome documentary requirements for the processing of the application that were not required by law. Furthermore, the complainant contended that the considerable delays experienced in issuing the card have resulted in a breach of the complainant's rights of free movement within the European Union.</p>		<p>In March 2019, the IMA informed the Office of the Ombudsman that the complainant was 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>The Office of the Ombudsman informed IMA that the complainant collected the residence document. Moreover, the Ombudsman enquired why the issue of the residence document was delayed to such an extent and why complainant was asked to open a bank account, and deposit an established minimum amount of funds and to provide proof of local bank transfers and transactions, before receiving residence documentation.</p> <p>IMA replied on 7 March 2019 to the Office of the Ombudsman, stating that additional documentation requested from complainant was not required, although it had been demanded in good faith. IMA, having acknowledged that there was undue delay for the issue of the document in question, will ensure that similar delays will not be repeated.</p>	Pending at Ombudsman	Pending at Ombudsman
Independent Police Complaints Board	<p>A case concerning an alleged lack of reply by the Independent Police Complaints Board (IPC) regarding a decision on a case concerning complainant.</p>	No recommendation	The Investigating Officer corresponded directly with the IPCB.	Pending at the Independent Police Complaints Board	Closed by the Ombudsman after management replied to one request for information
Ombudsman Case Reference	T 0028				

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Land Registry Ombudsman Case Reference T 0229	<p>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 October 1960 together with subsequent transfers of the land in question.</p>	<p>No recommendation</p>	<p>The Gozo Land Registrar made his comments with regard to this complaint and replied to the Office of the Ombudsman on 25 November 2019.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
Law Enforcement System Authority (LESA) Ombudsman Case Reference S 0236	<p>A complaint lodged in connection with a request for CCTV footage which was not provided following the theft of a mobile phone.</p>	<p>No recommendation</p>	<p>The complainant filed a report with the police on 6 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. However, LESA explained that due to data protection issues only the Police had the authority to request the footage. By the time a formal request was made, the footage could not be obtained since it had already been deleted. The Ombudsman requested an explanation as to why the LESA employee had failed to act in time.</p> <p>In its reply LESA explained that the issue was outside its remit since the complainant had been misguided on the procedure to be followed.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Law Enforcement System Authority (LESA) Ombudsman Case Reference</p>	<p>A complainant claiming that due to a take-away outlet in Triq ix-Xatt, Kalkara, double parking was a constant problem when clients stopped in this two-way street to collect their orders. It was suggested that bollards be fixed in this area.</p>	<p>No recommendation</p>	<p>LESA obtained feedback on the case from the Local Council and other stakeholders. 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>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
<p>S 0282</p>	<p>LESA replied to the Ombudsman on 20 May 2019, stating that the agency was considering extending the operative hours till 22:00hrs. Ombudsman replied on 4 July 2019, enquiring about the possibility of installing CCTV cameras. LESA replied on 23 July 2019, informing that installation of CCTV cameras is to be handled by the Local Council and LESA would monitor the footage.</p>	<p>The Office of the Ombudsman replied on 10 September 2019, requesting a solution. LESA replied on 15 September 2019, stating that the Agency would continue to monitor the area but that the installation of CCTV cameras was the remit of the Local Council.</p>	<p>MHSE replied to the Office of the Ombudsman on 20 February 2020, addressing the points raised and explaining the incident. LESA invited the complainant at the Agency to discuss further and to clarify any points where the complainant believed his points were not answered.</p>	<p>Pending at Ombudsman</p>	<p>Closed by Ombudsman after management replied to one request for information</p>
<p>Law Enforcement System Authority (LESA) Ombudsman Case Reference</p>	<p>A complainant lodged a case with the Office of the Ombudsman on 8 January 2020 and alleged that he had not been able to contest a contravention that he was given on 18 September 2019, as he was never notified with the date of the sitting in front of the Tribunal.</p>	<p>No recommendation</p>	<p>MHSE replied to the Office of the Ombudsman on 20 February 2020, addressing the points raised and explaining the incident. LESA invited the complainant at the Agency to discuss further and to clarify any points where the complainant believed his points were not answered.</p>	<p>Pending at Ombudsman</p>	<p>Closed by Ombudsman after management replied to one request for information</p>
<p>T 0334</p>					

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Ministry for Home Affairs and National Security</p> <p>Ombudsman Case Reference</p> <p>Q 0288</p>	<p>A complaint by an officer regarding the decision of the Commission for Injustices in the Armed Forces of Malta that 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.</p>	<p>No recommendation</p>	<p>MHAS replied to the Ombudsman, addressing the points raised in this case, and submitted the requested documentation. An explanation was given why redress could not be given.</p>	<p>Pending at Ombudsman</p>	<p>Close without recommendation</p>
<p>Ministry for Home Affairs and National Security</p> <p>Ombudsman Case Reference</p> <p>T 0160</p>	<p>A complainant alleged that the decision to terminate his employment was abusive and oppressive.</p>	<p>The Ombudsman recommended that the complainant should be given a pro-rata pension.</p>	<p>The Office of the Permanent Secretary (MHSE) provided the Office of the Ombudsman with the personal and disciplinary file of the complainant.</p> <p>The Ombudsman issued his final opinion, stating that the complainant had suffered due to the Disciplinary Board composition.</p> <p>The Office of Permanent Secretary (MHSE) replied to the observations raised by the Ombudsman.</p>	<p>Pending at Ombudsman</p>	<p>Closed and recommendation not accepted</p>
<p>Ministry for Home Affairs and National Security</p> <p>Ombudsman Case Reference</p> <p>T 0182</p>	<p>A case regarding a claim for the backdating of a pension.</p>		<p>MHSE received correspondence from the Office of the Ombudsman and replied with the requested information on 12 October 2020.</p> <p>MHSE replied that the payment of the pension could not be backdated since complainant had to undergo a Medical Board exam and appear before the Injuries Board to be medically boarded out.</p> <p>The Office of the Ombudsman requested the complainant's medical report and the personal file of the complainant which were forwarded by MHSE on 13 August 2021.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ombudsman</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Ministry for Home Affairs and National Security</p> <p>Ombudsman Case Reference</p> <p>T 0233</p>	<p>A complainant alleged that the Commissioner's refusal to award him the medal clasp was based on improper and unreasonable considerations.</p>	<p>The Ombudsman recommended that complainant be awarded medal clasp.</p>	<p>MHSE sent the requested documents to the Office of the Ombudsman on 8 January 2020.</p> <p>The Ministry has accepted the Ombudsman's recommendation issued on 23 September 2020 and awarded the medal clasp to complainant.</p>	<p>Pending at Ombudsman</p>	<p>Closed and recommendation implemented</p>
<p>Police</p> <p>Ombudsman Case Reference</p> <p>O 0237</p>	<p>A complaint filed by a foreign couple, alleging abuse of power by the Divisional Police following a wrongful arrest.</p>		<p>The investigator assigned to the case in question presented the Ombudsman with all the information requested. Last correspondence dated back to 2016.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ombudsman</p>
<p>Police</p> <p>Ombudsman Case Reference</p> <p>R 0146</p>	<p>A complaint filed by a high-ranking officer alleging discrimination in the selection process for a higher rank.</p>	<p>The Ombudsman recommended the reopening of the selection process so that complainant can apply for the position. In the absence of this, complainant should be awarded €15,000.</p>	<p>The Malta Police Force replied with remarks and documentation to the Office of the Ombudsman.</p> <p>In his final opinion issued on 26 May 2021, the Ombudsman remarked that the selection process was vitiated, and that complainant should be given redress.</p> <p>MHSE replied to Office of the Ombudsman that vacancies for the position will be issued in the opportune time.</p>	<p>Pending at Ombudsman</p>	<p>Closed and recommendation not accepted</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Police</p> <p>Ombudsman Case Reference</p> <p>R 0186</p>	<p>A complaint by an officer regarding an on-call allowance.</p>		<p>All the information requested was forwarded to the Office of the Ombudsman.</p> <p>The case has been pending at the Office of the Ombudsman since January 2018.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ombudsman</p>
<p>Police</p> <p>Ombudsman Case Reference</p> <p>R 0261</p>	<p>A complaint filed by a police officer claiming discrimination in the selection process to a higher rank, after having requested to be transferred for medical reasons.</p>	<p>Ombudsman recommended the reopening of the selection process so that complainant can apply for the position. In the absence of this, complainant should be awarded €15,000.</p>	<p>The Ombudsman was informed that complainant had been transferred according to the exigencies of the services.</p> <p>In his final opinion issued on 25 June 2021, the Ombudsman remarked that the selection process was vitiated, and that complainant should be given redress.</p> <p>Following the Ombudsman's final opinion, MHSE replied to Office of the Ombudsman that vacancies for the position will be issued in the opportune time.</p>	<p>Pending at Ombudsman</p>	<p>Closed and recommendation not accepted</p>
<p>Police</p> <p>Ombudsman Case Reference</p> <p>R 0281</p>	<p>A complaint filed by an officer claiming discrimination in the selection process to a higher rank.</p>	<p>Ombudsman recommended the reopening of the selection process so that complainant can apply for the position. In the absence of this, complainant should be awarded €15,000.</p>	<p>The Malta Police Force replied with remarks and documentation to the Office of the Ombudsman.</p> <p>In his final opinion issued on 5 July 2021, the Ombudsman remarked that the selection process was vitiated, and that complainant should be given redress.</p> <p>MHSE replied to Office of the Ombudsman that vacancies for the position will be issued in the opportune time.</p>	<p>Pending at Ombudsman</p>	<p>Closed and recommendation not accepted</p>

MISW

Ministry for Inclusion and Social Wellbeing

MISW

During 2020, the Ministry for Inclusion and Social Wellbeing (MISW) dealt with three cases referred by the Parliamentary Ombudsman.

Two cases were opened in 2020, while one case was pending from previous years. Two cases have been closed, one with a recommendation which has been noted, and the other without any recommendation being given.

The other case is pending at the Office of the Ombudsman.

**Sector /
Department**

**Malta Council
for the Voluntary
Sector**

**Ombudsman
Case Reference**

U 0031

Brief Detail of Case

A complaint by a Voluntary Organisation (VO), stating that it was not included in the database of the Council, thus possibly missing out on funding opportunities.

**Recommendation
by Ombudsman**

**Action taken and
management comments**

Complaint was forwarded to the Malta Council for the Voluntary Sector on 13 April 2020. A reply by the Council was provided on 29 April 2020, indicating that the complaint raised was the result of human error when inputting the email address of the VO in the mailing list. The Parliamentary Ombudsman closed the case on 13 July 2020.

Status

Closed without recommendation

**Aġenzija Sapport
(AS)**

**Ombudsman
Case Reference**

U 0095

A complaint relating to refunds not given by AS, to cover expenses for the replacement of a carer assigned to a person with disability, while the assigned carer was abroad. Complainant alleged that he had been directed by an AS representative to find a carer and then send invoices for reimbursement. However, AS informed complainant, through their legal advisors, that such reimbursement could not be effected as he was benefitting from the Personal Assistant Fund (PAF).

On 9 September 2020, the Ombudsman referred the complaint to AS. The Agency replied on 19 October 2020, stating that AS had fully honoured its commitments in accordance with established rules. On 11 November 2020, PAF documentation requested was provided to the Ombudsman.

Subsequently, on 18 February 2021, AS submitted an explanation to the Ombudsman on the concept of the Roving Fund and on 1 March 2021, CRPD provided more details and clarification regarding the Roving Fund. Through various exchanges of correspondence, the Ombudsman was provided with policy documents governing the PAF and the Empowerment Scheme, which subsidises 70 – 75 % of expenses.

Pending at Ombudsman

MISW

Ministry for Inclusion and Social Wellbeing

Pre 2020

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<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 was still expecting compensation.</p>	<p>The Ombudsman did not uphold the complaint. It was however recommended that the decisions regarding the conditions of employment and well-being of employees were dealt with in an expeditious manner and communicated within a reasonably short time.</p>	<p>The Office of the Ombudsman requested the views of the then Ministry for Education and Employment (MEDE) regarding this complaint, following which MEDE forwarded feedback to the Ombudsman.</p>	<p>Pending at Ombudsman</p>	<p>Closed and Recommendation noted</p>

MFJG

Ministry for Justice and Governance

MFJG

During 2020, the Ministry for Justice, Equality and Governance (MJEG) dealt with four cases. Three cases were referred by the Parliamentary Ombudsman in 2020 while one case has been pending from previous years. Investigation on the latter case has been suspended by the Office of the Ombudsman in terms of article 13(5) of the Ombudsman Act, as the same grievance was raised in Court.

One of the three cases referred to MJEG by the Office of the Ombudsman in 2020 has been closed. The other two cases are pending at Ministry as the necessary action requires extensive consultations and input from various ministries and entities.

Brief Detail of Case

Complaint relating to equality and rights for fighting unequal pay.

**Recommendation
by Ombudsman**

No recommendation

**Action taken and
management comments**

The complaint was referred to the National Commission for the Promotion of Equality (NCPE) by the Ombudsman on 3 March 2020. The NCPE had previously replied to this complainant. However, its letters were never acknowledged. On the same date the complaint from the Ombudsman was received, NCPE replied to the complainant. On 9 March 2020, Permanent Secretary (MJEG) informed the Ombudsman of the reply sent by NCPE to the complainant. The Office of the Ombudsman sent a reply to NCPE on 10 March 2020 that the case was being closed. The case was officially closed on 12 March 2020.

Status

Case closed without recommendation

Complaint relating to a failure by a Notary Public to register and settle duty and taxes following the signing of the deed of a property.

On 7 January 2021, the Ombudsman recommended that the Ministries concerned, and the State Advocate meet and discuss what can be done to implement procedures to protect and limit the prejudice suffered by contracting parties.

The complaint was received from the Ombudsman on 21 July 2020. This case is amalgamated with U 0123 (below). This case involves other ministries and departments, including the Ministry for Finance and Employment, the Ministry for Home Affairs, National Security and Law Enforcement, the State Advocate, and the Commissioner for Revenue. Every office submitted feedback accordingly. Permanent Secretary (MJEG) replied on 25 September 2020. The Ombudsman provided feedback and submitted recommendations on 7 January 2021.

Pending at Ministry

The office of the State Advocate conducted several meetings internally and discussed this matter with the Notary to Government, the President of Notarial Council, and with other respective stakeholders to devise a possible solution.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Ministry for Justice, Equality and Governance	<p>A complaint relating to a failure by a Notary Public to register and settle duty and taxes following the signing of the deed of a property.</p>	<p>On 7 January 2021, the Ombudsman recommended that the Ministries concerned, and the State Advocate meet and discuss what can be done to implement procedures to protect and limit the prejudice suffered by contracting parties.</p>	<p>The complaint was received from the Ombudsman on 4 August 2020. This case is amalgamated with U 0098 (above). This case involves other ministries and departments, including the Ministry for Finance and Employment, the Ministry for Home Affairs, National Security and Law Enforcement, the State Advocate and the Commissioner for Revenue. Every office submitted feedback accordingly. Permanent Secretary (MJEG) replied on 25 September 2020. The Ombudsman provided feedback and submitted recommendations on 7 January 2021.</p>	<p>Pending at Ministry</p>
Ombudsman Case Reference	<p>U 0123</p>		<p>The office of the State Advocate conducted several meetings internally and discussed this matter with the Notary to Government, the President of Notarial Council, and with other respective stakeholders to devise a possible solution.</p>	

MFJG

Ministry for Justice and Governance

Pre 2020

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<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 in the provisions of article 48(2) of the EU Charter and article 6(3)(b) of the European Convention on Human Rights.</p>		<p>The same grievance was raised before the First Hall Civil Court in its Constitutional jurisdiction. In the circumstances, the Office of the Ombudsman suspended the investigation in terms of article 13(5) of the Ombudsman Act.</p> <p>No action was taken by MJEG as the case was suspended.</p>	<p>Suspended due to Court proceedings</p>	<p>Suspended due to Court proceedings</p>

MHAL

**Ministry for the National Heritage,
the Arts and Local Government**

MHAL

During 2020, the Ministry for the National Heritage, the Arts and Local Government (MHAL) dealt with 16 Ombudsman cases. 12 cases were received from the Office of the Ombudsman during 2020, while four cases were pending from previous years.

13 cases were closed by the Ombudsman. Eight of these cases were closed without a recommendation being given, while the other five cases were closed with recommendations which have been implemented.

Two of the three pending cases are pending at the Office of the Ombudsman and one case is pending at the Ministry.

Brief Detail of Case

Complaint lodged against the Office of the Chief Herald of Malta. Complainant contended that the Chief Herald did not have the appropriate authority to regulate heraldry, grant new armorial bearings or to register and matriculate existing foreign armorial bearings that have no cultural or heritage connection with Malta.

**Recommendation
by Ombudsman**

In his final opinion issued on 21 July 2021, the Ombudsman recommended the establishment of the Office of the Chief Herald in an appropriate manner (be it legislative or otherwise) and underlined that Cap 445 did not include regulation of heraldry. It was therefore recommended that the law provides ground for the powers and functions of the Office of the Chief Herald.

Action taken and management comments

The complaint was received in June 2020. HM replied on 16 February 2021 stating that the National Strategy for Cultural Heritage did not include the Office of the Chief Herald of Malta. However, an updated strategy which included Heraldry and the Office of the Chief Herald of Malta, was due for public consultation. HM pointed out that legislative intervention was required, and action will be taken to update the legislation to include the function of the Chief Herald of Malta to regulate the duties, powers and functions of the latter. This will eliminate the need for interpretation, and justification of the powers of this Office.

On 11 August 2021, the Ministry replied to the Office of the Ombudsman stating that with regard to the first recommendation, the Ministry had coordinated the drafting of amendments of the Cultural Heritage Act which were subsequently presented to Parliament on 22 June 2021 and published as Act XLI of 2021 on 20 July 2021.

As regards the second recommendation, the functions and powers of the Office of the Chief Herald will be promulgated through a legal notice, whereby the regulations will ensure that, while the law clarified that the Agency had the function to set up and manage the Office of the Chief Herald of Arms of Malta and, in consequence, had the competence on heraldry, the functions of the Office of the Chief Herald, its *vires* and duties, and relevant regulatory procedures together with operational regulation will be stipulated by law.

On 10 September 2021, the Ombudsman replied to MHAL requesting to be notified once the subsidiary legislation was in place. With reference to the recommendations, he asked the Ministry what measures will be put in place to deal with actions taken by the Office of the Chief Herald of Arms of Malta prior to the amendment of the Cultural Heritage Act.

On 5 October 2021, the Permanent Secretary (MHAL) replied that the proposed Regulations will provide a transitory provision which, in brief, will regulate retroactively that any action taken under the authority published in the Government Gazette of 25 June 2019, until the publication of the Regulations, will be deemed to have been issued under the proposed Regulations. In addition, MHAL will inform the Ombudsman of the publication of the proposed Regulations.

Status

Pending at
Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Local Councils (LC)	A complaint lodged against a Local Council in connection with an accident that happened on the road. The complainant contended that he suffered personal injury due to bad paving conditions. Complainant was seeking compensation from the Council.	No recommendation	The complaint was received on 18 March 2020. On 16 October 2020 the Council's legal advisor replied, maintaining that issues related to street levels fell under the remit of the Planning Authority. In November 2020, the Ombudsman informed the complainant that the decision of the LC had been reasonable and there had been no procedural or administrative mistakes. The LC was informed that case has been closed.	Closed without recommendation
Ombudsman Case Reference	U 0034			
Local Councils (LC)	A complaint regarding damages to a vehicle due to a pothole.	No recommendation	This case was opened against the LC in 2020 and closed within the same month since the Office of the Ombudsman was aware that the case was being tackled by Infrastructure Malta (IM) and the complainant had been advised to wait for the outcome. Eventually the complainant was not satisfied with the outcome and reverted to the Office of the Ombudsman. The latter opened another case, this time against IM.	Closed without recommendation
Ombudsman Case Reference	U 0061			
Local Councils (LC)	A complaint concerning a 'no entry' sign into a street 'except for permit holders'. Such a permit could not be issued to the complainant since his ID card was registered on another address.	No recommendation	Following a request for feedback by the Office of the Ombudsman on 3 September 2020, the LC provided feedback on 9 September 2020, stating that permission was being denied as the complainant's address was not in the street in question. The LC referred to a letter from Transport Malta, granting approval in 2018 to change the 'no entry' condition to 'no entry except for permit holders'.	Closed without recommendation
Ombudsman Case Reference	U 0067		On 14 April 2021, the Office of the Ombudsman informed the Ministry and the Local Council that case has been closed.	

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Local Councils (LC) Ombudsman Case Reference U 0077	<p>A complaint in connection with restrictions to enter a house since the complainant was finding a commercial van parked by the side of the house. The complainant argued that other alleyways in the same locality were designated as "No Parking Zones". Moreover, the complainant stated that Transport Malta had instructed the LC to install the necessary signage to make the alley a "No Parking Zone". However, the LC refused to do so based on the outcome of a survey sent to residents.</p>	<p>No recommendation</p>	<p>The Ombudsman requested feedback from the LC in June 2020. The case was followed by the Legal Unit of the Department of Local Government.</p> <p>On 18 September 2020, the Ombudsman was informed by Transport Malta that in line with the Permanent Traffic Management Policies and Guidelines (Section 5) and Regulation 122 of SL 65.11, 'no parking' signs had been installed at the entrance of this alley. In the circumstances, the Ombudsman considered this case as resolved and closed the case on 18 September 2020.</p>	<p>Closed without recommendation</p>
Local Councils (LC) Ombudsman Case Reference U 0112	<p>A complaint regarding damages to the tyre of a vehicle while the car was parked.</p>	<p>No recommendation</p>	<p>On 30 July 2020 the Ombudsman asked the LC to keep the complainant informed about his case. The LC replied to the Ombudsman on 23 December 2020, informing him that the person who filed the police report was not the same person who filed the case with the LC. In view of this discrepancy, the LC will not be compensating for the alleged damages.</p> <p>The Office of the Ombudsman corresponded with the LC and requested that they address the complainant's request. On 8 February 2021 the Office of the Ombudsman communicated with the complainant directly regarding an update on this case and informed him that the LC would be providing a reply. The complainant was advised to revert to the Ombudsman should assistance be required.</p> <p>The complainant was contacted several times. The Ombudsman proceeded to close this case on 29 July 2020.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Local Councils (LC) Ombudsman Case Reference U 0132	<p>A complaint concerning a claim for compensation for damages, allegedly caused to one of the tyres of the complainant's vehicle, which was declined by IM.</p>	<p>No recommendation</p>	<p>The complaint was received on 16 November 2020. The Local Council informed the Ombudsman, on 20 November 2020, that a policy was in place stating that claims must be opened with Infrastructure Malta (IM) within one month from the date of the incident. In this case the allegedly damaged vehicle had been used for a period of three months after the incident before the claim was lodged.</p> <p>On 18 December 2020 the Ombudsman closed the case.</p>	<p>Closed without recommendation</p>
Local Councils (LC) Ombudsman Case Reference U 0190	<p>Complaint arising from several residents due to the change of the street name where the residents live. They had neither been informed nor consulted about the change by the LC. Moreover, the residents claimed that the name of the street had a historical element. The change to the street name caused several inconveniences.</p>	<p>No recommendation</p>	<p>On 12 October 2020, the Ombudsman wrote to the Principal Permanent Secretary, the Chief Electoral Office and the Local Council Mayor asking for their comments on this case.</p> <p>On 19 October 2020, the Electoral Office replied to the Ombudsman stating that a number of preliminary discussions had been held with the LC, following which a formal standard application to change the name of the street was subsequently submitted by the latter. A reply was also sent by the LC to the Ombudsman on 23 October 2020. It was explained that this change was effected after a resident of the street had complained to the Street Naming Committee, in 2019, that the mail was being misplaced, as it was being delivered to another residence, bearing the same door number. A similar issue occurred in 2016. At that time, the Street Naming Committee had limited its action to setting boundaries where both roads begin and end. After various discussions with the Street Naming Committee, a decision was taken in favour of changing the street name. This decision was taken as a last resort, as at first, the Street Naming Committee had renumbered the doors. However, this measure did not solve the issue, and the Street Naming Committee decided that the only plausible solution was to change the name of the street. The oldest name was chosen, to conform with the notice issued in the Government Gazette in 1987. After the petition was presented, two further meetings were held between the Local Council and the residents and the proposal of reversing the naming of the street was forwarded to the Street Naming Committee. However, such request was refused and the residents were informed accordingly.</p> <p>On 17 November 2020, the Ombudsman closed the case.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Local Councils (LC) Ombudsman Case Reference U 0192	<p>A complaint lodged against a Local Council in relation to damages caused to the complainant's vehicle on 7 May 2019 due to a pothole . It was claimed that although the matter had been taken up with the LC, the complainant was still awaiting the Council's reply.</p>		<p>Feedback was provided by the LC, following the Ombudsman's request of 4 November 2020 for comments on the matter raised by the complainant.</p> <p>On 24 March 2021, the LC confirmed that the claimant's request for payment for a new tyre was rejected since the claimant was not taking into consideration the wear and tear of the previous tyre, and proof should have been provided about the state of the tyre which the claimant was claiming. Moreover, the LC argued that the pothole was not within the Council's remit and that the driver was driving at an excessive velocity to have suffered such damages.</p> <p>On 16 June 2021 the Office of the Ombudsman informed the Ministry that a reply from the LC was still being awaited.</p>	Pending at Ministry
Local Councils (LC) Ombudsman Case Reference U 0219	<p>The complainant alleged that, on 20 October 2020, while driving through a main road , a tyre of his vehicle burst due to a deep pothole. The tyre had to be replaced, costing him €85.</p>		<p>On 15 September 2021, the LC replied to the Ombudsman that, after investigating, it emerged that the hole had been caused by heavy rain and the incident occurred during or right after it rained. Furthermore, the hole did not seem deep enough to slash a tyre. The hole was repaired immediately.</p>	Pending at Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Malta Libraries (ML)	<p>The complainant held a grade in the Library Grades, a class regulated by the pertinent classification agreement. S/he was a public officer who had been detailed with the Malta Libraries.</p>	<p>On 5 April 2021, the Office of the Ombudsman recommended that as the complainant was in possession of another first cycle degree which was not a requisite for the post currently held, a qualification allowance should be payable. It was also recommended that the complainant be paid the qualification allowance as from the date of the application for a qualification allowance following the promotion to the higher post.</p>	<p>On 6 August 2020, ML replied to the Ombudsman, stating that the complainant was no longer paid a Qualification Allowance since a first-class degree was a pre-requisite for the new post. Moreover, the other degree was unrelated to the post and did not attract a qualification allowance. ML argued that the classification agreement pertaining to the Library Grades (Section 2.6 Qualification Allowance) referred to by the complainant, did not apply to ML since the latter had an independent salary structure, which was forwarded to the Ombudsman on 10 August 2020, as requested.</p>	<p>Closed and recommended implemented</p>
Ombudsman Case Reference	<p>The complainant claimed that following an appointment to a higher grade within the Library Grades, the payment of a Qualification Allowance ceased.</p>	<p>On 24 August 2020, the Office of the Ombudsman queried whether the Industrial Relations Unit (IRU) had been contacted to determine whether the qualification allowance (in terms of clause 5.3 of the Manual for Public Sector Entities) should be paid or not. The Ministry replied on 3 September 2020, stating that: 1) allowances had been discussed with IRU prior to the approval of the independent salary structure; and 2) MEDE had also confirmed that no qualification allowance was to be paid since the qualification was a prerequisite for the post. Moreover, the conditions for the payment of a qualification allowance set out in the PSMC were to be adhered to since ML did not have a Collective Agreement.</p>	<p>On 15 September 2020, a copy of the first agreement with PACBU was forwarded to the Office of the Ombudsman, including notes on the salary structure and bonuses, the complainant's letter of detailing and approval. It was also highlighted that all staff had been informed about the new salary structure which would result in changes in their respective nomenclature, and also that their rights as public officers were to remain in accordance with the provisions of the PSMC. During March 2021, the Office of the Ombudsman requested further details on the dates of the officer's detailing and promotion. This information was provided on 22 March 2021.</p>	
U 0126	<p>The complainant stated the s/he was in possession of two bachelor degrees. One of the degrees had been a requisite for the promotion and therefore no qualification allowance could be paid for this degree. The second degree was not considered to be relevant to the post and thus the payment of a qualification allowance was stopped.</p>	<p>On 5 April 2021, the Ombudsman provided the Ministry with the Final Opinion on the complaint following their investigation. The Ministry provided feedback on the Final Opinion and informed the Ombudsman that the complainant will be paid the qualification allowance according to the Agreement pertaining to the Library Grades of 1995.</p> <p>The Office of the Ombudsman proceeded to close the case on 7 May 2021.</p>		

**Superintendence
of Cultural
Heritage****Ombudsman
Case Reference**

U 0103

On 14 July 2020, a complaint was lodged against the Superintendence of Cultural Heritage in connection with fossils which were elevated by the Police in 2010 and which the complainant contended belonged to his/her late father. The fossil collection was retrieved by the Police, prior to it being auctioned, in 2010.

The Ombudsman recommended that, in line with the rules of good administration, the Superintendence was to officially inform the complainant about its decision.

In July 2020 the Ombudsman requested feedback from the Superintendence of Cultural Heritage in connection with this case. Feedback was provided on 12 October 2020 stating that the case concerned artefacts stolen (undocumented acquisition of palaeontological items) from Ghar Dalam, which were eventually seized by the Police on the request of the Superintendence of Cultural Heritage when the collector's son, as heir, was trying to sell them. The Superintendence of Cultural Heritage argued that both the father and son, knowing the provenance and the value of the said collection, had the duty to report these items to the Superintendence or the Police, in line with regulation 2 of the Antiquities Protection Act. However, both failed to do so.

On 5 November 2020, the Office of the Ombudsman stated that the Office had updated the complainant about the contents of their reply and informed the latter that the case was closed.

Closed and
recommendation
implemented

MHAL

**Ministry for the National Heritage,
the Arts and Local Government**

Pre 2020

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>The complaint deals with two grievances. One grievance concerns disciplinary proceedings that were instituted against the complainant following damage made to objects of significant historical value, and the second dealing with his transfer to another section within the same agency.</p> <p>As far as the disciplinary proceedings are concerned, the complainant contended that he was not given the opportunity to state his case during the proceedings.</p> <p>In addition, the complainant contested his transfer, as he belonged to a particular professional class of employees. He claimed that he had been transferred out of his professional class.</p>	<p>The Office of the Ombudsman recommended that all actions that were taken in consequence of the disciplinary process be annulled or reversed and that the complainant's personal file be updated accordingly. Moreover, measures were to be adopted to avoid irregular disciplinary proceedings and that the complainant was to be given duties that were more commensurate to his/her qualifications, skills and competencies.</p>	<p>HM replied to all requests from the Ombudsman. During July 2020, the legal adviser replied to the latest set of questions posed by the Ombudsman.</p> <p>The final opinion by the Ombudsman was received on 4 December 2020, requesting HM to submit their feedback in line with their recommendations. On 4 January 2021, HM replied that the recommendations will be followed and correspondence will be inserted in the complainant's file. HM evaluated the skills and competence of the complainant and on 6 May 2021, a meeting was held with the complainant and offered the role of Executive (Post-Excavation), which the complainant did not accept.</p> <p>Moreover, measures were established to enable HM to act in terms of good governance if disciplinary proceedings were to be instituted against any officer in future.</p> <p>The Ombudsman closed the case on 8 January 2021.</p>	<p>Closed and recommendation implemented</p> <hr/> <p>Status Last Year</p> <hr/> <p>Pending at Ombudsman</p>

Local Councils (LC)**Ombudsman
Case Reference**

S 0307

A complaint against Local Council in relation to damage caused to a vehicle when it hit a pothole while driving.

No recommendation

In January 2019, the Office of the Ombudsman sent a letter to the LC to communicate with the complainant, preferably by 5 February 2019, with a view to find an amicable solution on the matter.

Pending at Ombudsman

Closed without recommendation

On 24 January 2019, the Office of the Ombudsman communicated with Transport Malta (TM) to seek assistance related to the case from the legal unit.

The LC replied on 28 January 2019, claiming that the main road fell under the responsibility of Infrastructure Malta (IM).

On 12 February 2019, the Ombudsman informed the LC that the case had been referred to IM. On 16 September 2020, the Ombudsman wrote to the LC that after verifications with IM and the Local Government Division, it was confirmed that the part of road where the incident allegedly causing damages to complainant's vehicle happened, fell under the responsibility of the LC.

The LC replied that the complainant's case was to be brought up in a Council meeting on 5 October 2020.

The Office of the Ombudsman closed this case in September 2020.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Local Councils (LC)	A complaint regarding damages sustained to vehicle tyres while driving.	<p>The Ombudsman recommended that the Local Council must regularly inspect the roads that fall under its responsibility to avoid, and reduce, the risk of accidents related to the poor condition of roads. In addition, the LC was to reimburse the complainant the amount of €160 for expenses incurred.</p>	<p>On 31 July 2019, the LC replied to the Ombudsman. Upon a request for additional details, the LC's legal adviser replied on 11 November 2019. Furthermore, correspondence was exchanged directly between the LC and the complainant in March 2020.</p> <p>On 29 July 2021, the Ombudsman issued his final opinion with recommendations. The LC has abided by the Ombudsman's recommendation of refunding the complainant for damages incurred and the case was closed.</p>	Pending at Ombudsman	Closed and recommendation implemented
Ombudsman Case Reference	T 0141				
Local Councils (LC)	<p>A case relating to a Facebook post which was posted by the Local Council (LC) after several trees in the locality were found damaged through an act of vandalism. This post was uploaded to create awareness of such an act.</p> <p>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 Ombudsman remarked that the public should have been kept informed of the outcome of police investigations following the police report lodged by the LC.</p>	<p>On May 2020, after having sought advice from their lawyer, the LC stated that the complainants could not state that their children were in some way identified and since months have passed, they considered this case as closed.</p> <p>On 3 March 2021 the Ombudsman made an observation and closed the case.</p>	Pending at Ombudsman	Closed and recommendation noted
Ombudsman Case Reference	T 0277				

MTTCP

Ministry for Tourism and Consumer Protection

MTCP

During 2020, the Ministry for Tourism and Consumer Protection (MTCP) dealt with nine cases referred by the Parliamentary Ombudsman.

Eight were new cases opened in 2020 while one case was pending from previous years. Five cases were closed by the Parliamentary Ombudsman without making a recommendation while one case was not upheld. The remaining three cases are all pending at the Ombudsman, one of them has been pending for over 24 months, while two other cases have been pending for 12 months or less.

Brief Detail of Case

A complaint concerning the Technical Regulations Division (TRD). The complainant alleged that the TRD had not carried out an in-depth investigation on the safety of a product (mattress) and had reached a premature conclusion that the product is unsafe.

**Recommendation
by Ombudsman**

No recommendation

**Action taken and management
comments**

The complaint was received on 28 December 2020. TRD officials analysed the documentation provided by the manufacturer attesting to the safety of the product in question. An authentic certificate issued by a qualified independent textile testing institute certified body was presented by the importer to verify that the products of the manufacturer concerned, including the mattress had been tested and found to be compliant.

The PO was informed with the reply issued by MCCAA and the case was considered closed on 7 January 2021.

Status

Closed without recommendations

The complainant, who was not reappointed in the position held previously, contended that the selection process had been irregular and unfair as the outcome had been determined before the process was carried out. The complainant objected about the fact that he was neither provided with the full breakdown of marks nor his ranking, and that the authority had, upon terminating his contract, deducted the allowances attached to the position held previously.

The complaint was received on 13 January 2021. The Chairperson replied on 18 May 2021. The Ombudsman requested further clarification. A request was made by HR to the Selection Board to provide the requested information including on the questions asked to candidates during the interview and whether notes/minutes were taken. MCCAA replied to the Ombudsman's queries on 20 October 2021.

Pending at Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Malta Film Commission (MFC) and the Ministry for Tourism and Consumer Protection (MTCP) Ombudsman Case Reference U 0049	A complaint regarding alleged discrimination by the MFC.		On 24 April 2020 the Ministry received the case from the Ombudsman. A reply to the queries and requests for information made by the Ombudsman, including the submission of supporting documentation, was sent on 9 December 2020.	Pending at Ombudsman
Malta Medicines Authority (MMA) Ombudsman Case Reference U 0128 & U 0138	Two complaints received from two employees occupying a headship position within the MMA, concerning alleged discrimination in view of the allowance given to warranted pharmacists in the same grade. The complainants appealed the decision of the Commissioner for Health in respect of Cases Nos HU 0025 and HU 0027.		The complaint was received on 6 November 2020. Both MMA and the People and Standards Division (P&SD) replied respectively to the Ombudsman. A final opinion was issued on 23 September 2021, stating that after the Ombudsman reviewed the salient facts and the documents provided, it was concluded that the decision given by the Commissioner for Health (which was appealed) did not warrant a reconsideration for any discriminatory treatment.	Complaint not upheld

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Malta Medicines Authority (MMA)</p> <p>Ombudsman Case Reference</p> <p>U 0137</p>	<p>A complaint related to the Continuous Professional Development (CPD) allowance within the MMA. The complainant objected to having to present receipts to be paid the CPD allowance, stating that Directors in the Public Service received this allowance without providing any receipts.</p>	<p>No recommendation</p>	<p>The complaint was received at P&SD on 31 August 2020. On 5 October 2020, the P&SD clarified that it was the respective entity's prerogative to establish procedures on how to process and certify allowances. Entities were entitled to establish their own policies. It was clarified that Directors in the Public Service did not receive a CPD allowance but a Training allowance. The latter was strictly applicable only to officers appointed through the Public Service Commission. The complainant was reimbursed on condition that the training attended had to be related with the complainant's area of work.</p>	<p>Closed by the Ombudsman after management replied to one request for information.</p>
<p>Ministry for Tourism and Consumer Protection (MTCP)</p> <p>Ombudsman Case Reference</p> <p>U 0118</p>	<p>A complaint relating to the compensation of frozen salary increments during complainants' employment with Air Malta between 2004 and 2012. The Grievance Board had not accepted this request.</p>	<p>No recommendation</p>	<p>The complaint was received on 5 August 2020. The Office of the Ombudsman asked to see the relevant grievance files. The request was complied with on 16 December 2020. The case was closed on 18 March 2021.</p>	<p>Closed without recommendation</p>
<p>Ministry for Tourism and Consumer Protection (MTCP)</p> <p>Ombudsman Case Reference</p> <p>U 0122</p>	<p>A complaint relating to the compensation of frozen salary increments during complainants' employment with Air Malta between 2004 and 2012. The Grievance Board had not accepted this request.</p>	<p>No recommendation</p>	<p>The complaint was received on 5 August 2020. The Office of the Ombudsman asked to see the relevant grievance files. The request was complied with on 16 December 2020. The case was closed on 18 March 2021.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Ministry for Tourism and Consumer Protection (MTCP) Ombudsman Case Reference	<p>A complaint lodged with the Office of the Ombudsman pertaining to a group of Air Malta cabin crew members who alleged that they were discriminated against by a Grievance Board decision.</p>	<p>No recommendation</p>	<p>The complaint was received on 1 February 2021. An explanation was provided to the Office of the Ombudsman on 14 April 2021. The Ministry took the necessary measures to rectify the situation. The case was closed on 20 April 2021.</p>	<p>Closed without recommendation</p>
<p style="text-align: center;">U 0220</p>				

MTTCP

Ministry for Tourism and Consumer Protection

Pre 2020

Brief Detail of Case

A complaint by a candidate claiming that the recruitment process for a post applied for had been irregular.

Recommendation by Ombudsman

The Office of the Ombudsman requested the file containing all the documentation related to this selection process. The authority provided all the required documentation and replied to the questions posed by the Office of the Ombudsman. The last feedback was provided by the authority in April 2019.

Action taken and management comments

Pending at Ombudsman

Status Last Year

Pending at Ombudsman

Status

MTIP

**Ministry for Transport,
Infrastructure and Capital Projects**

MTIP

In 2020, the Ministry for the Transport, Infrastructure and Capital Projects (MTIP) dealt with a total of 19 cases referred to it by the Parliamentary Ombudsman. Thirteen of these cases were new cases opened in 2020, whereas the remaining six cases were opened prior to 2020. Out of these 19 cases, 13 cases were closed by the Ombudsman – 11 without any recommendation being given, and one case has been closed and the recommendation has been implemented. The remaining case was closed after the complainant withdrew the case.

Out of the remaining six cases, five cases are pending at the Ombudsman, whilst one case is pending at the Ministry. One case has been pending at Ombudsman for less than six months, whilst two other cases have been pending for a period between six to 12 months. The other two cases have been pending for a period ranging between 13 and 24 months. The case pending at the Ministry has been pending for less than three months.

**Sector /
Department**

**Infrastructure
Malta (IM)**

Ombudsman
Case Reference

U 0083

**Infrastructure
Malta (IM)**

Ombudsman
Case Reference

U 0167

**Infrastructure
Malta (IM)**

Ombudsman
Case Reference

U 0234

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
A complaint relating to a request for reimbursement of damages, which were sustained by complainant whilst driving in Triq is-Salina.	No recommendation	In his initial email dated 28 May 2020, the Ombudsman asked IM to reconsider this case and settle this claim. IM reviewed the case and agreed that the claim was justified. The claimant was reimbursed 75% of the expenses incurred on 23 June 2020.	Closed without recommendations
A complaint concerning a claim for compensation for damages sustained to vehicle as a result of alleged lack of maintenance in Gżira.	No recommendation	In an initial email dated 6 October 2020, the Ombudsman asked the Gżira Local Council (LC), and IM to explain why they claimed not to be responsible for these damages. On 3 November 2020, IM replied that the place where the accident occurred, which was also indicated on a site plan from Chapter 363 of the Laws of Malta, fell under the remit of the Gżira LC. IM also informed the Office of the Ombudsman that it had obtained a confirmation from the Department of Local Government that the spot where the accident occurred fell under the remit of the Gżira LC. The latter was to reimburse the claimant for the damages suffered. Since the claimant had been paid by the LC on 20 April 2021, the Ombudsman closed the case.	Closed without recommendations
A complaint concerning a claim for compensation for damages sustained in an accident that occurred in Triq il-Mosta, Lija.	No recommendation	On 15 January 2021 IM replied to a complaint received on 8 January 2021. IM stated that the Claims Committee had reassessed the claim and that it was accepted. On 18 January 2021, the Ombudsman replied, stating that complainant had been informed of the decision and subsequently the case was closed.	Closed without recommendations

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Infrastructure Malta (IM) Ombudsman Case Reference	U 0240	<p>A complaint concerning a claim for compensation concerning an accident that occurred in Triq il-Belt Valletta, Attard.</p> <p>No recommendation</p>	<p>In his initial email dated 28 December 2020, the Ombudsman asked IM to submit its comments regarding this case.</p> <p>On 19 January 2021, the Ombudsman was informed that the reason for refusing the claim was due to the claimant having crossed over the white line marking on the road, which should have not been crossed.</p> <p>On 16 March 2021, the Office of the Ombudsman requested further information from IM.</p> <p>On 23 March 2021, IM provided the requested information and reiterated its reasons for rejecting this claim, whilst adding that there was no other claim for compensation, apart from the claim in question, in connection with this particular stretch of road. In view of the foregoing, the Office of the Ombudsman closed the case on 2 June 2021.</p>	Closed without recommendations
Ministry for Transport, Infrastructure and Capital Projects (MTIP) Ombudsman Case Reference	U 0241	<p>A complaint concerning a number of hours worked at the Manufacturing and Services Directorate (MSD), for which the employees concerned were not paid.</p> <p>No recommendation</p>	<p>In his initial letter dated 12 February 2021, the Ombudsman asked Permanent Secretary (MTIP) for his comments.</p> <p>On 30 March 2021, MTIP replied that breaks were included in MSD shifts. Article 5(3) of SL 452.87 'Organisation of Working Time Regulations' stated that every worker was entitled to a rest break for an uninterrupted period of not less than 15 minutes where the working day was longer than six hours. This was irrespective of whether the employee wanted the rest break or not, and thus an employee cannot expect to be paid for the 15-minute break since the break was not considered as working time.</p>	Pending at Ombudsman
Transport Malta (TM) Ombudsman Case Reference	U 0038	<p>A complaint relating to the clamping of a vehicle with foreign number plates.</p> <p>No recommendation</p>	<p>A reply relating to the complaint received on 3 March 2020 was sent by TM on 14 April 2020. According to TM, the vehicle in question had been towed as it was in violation of Subsidiary Legislation (SL) 65.13. Justification was also provided to the investigating officer on why other vehicles parked in same street, bearing a Maltese registration number plate, were not fined or clamped. The investigating officer was informed that the car had been clamped due to having foreign number plates and for not being adequately licensed to be used on Maltese roads. The fine was issued in accordance with sub-regulation (a) of regulation 9 of the aforementioned SL.</p> <p>On 30 March 2021, the Ombudsman informed TM that the case has been closed.</p>	Closed without recommendations

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Transport Malta (TM) Ombudsman Case Reference U 0072	<p>A complaint concerning an allegation of discrimination after not having been selected for the post of senior manager and in breach of the Collective Agreement.</p>		<p>In his initial email dated 7 July 2020, the Ombudsman requested TM to forward the relevant documentation.</p> <p>On 3 September 2020, the requested documentation was forwarded to the Office of the Ombudsman.</p> <p>On 8 October 2020, the Ombudsman presented further questions to TM, to which the authority replied.</p> <p>On 10 June 2021, the Ombudsman requested the complainant's personal file and the qualifications presented by all candidates during the interview to evaluate the marks awarded according to the set selection criteria. This information was presented by TM on 28 June 2021.</p>	<p>Pending at Ombudsman</p>
Transport Malta (TM) Ombudsman Case Reference U 0077	<p>A complaint relating to parking in an alley which restricted access to a private residence.</p>	<p>No recommendation</p>	<p>On 28 July 2020, TM replied to the Ombudsman regarding a complaint sent on the 1 July 2020. TM stated that it had instructed the Għarb Local Council (LC) to install a 'No Parking' sign, but the LC refused.</p> <p>On 11 September 2020, the investigating officer was informed that, following correspondence with the LC, the signs were affixed. The Ombudsman closed the case on 18 September 2020.</p>	<p>Closed without recommendations</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Transport Malta (TM)	<p>A complaint concerning the refusal to provide reasons as to why complainant's request for secondment was not approved.</p>	<p>No recommendation</p>	<p>In his initial email dated 10 July 2020, the Ombudsman asked TM to provide reasons for its decision.</p> <p>On 21 July 2020, TM replied that the refusal of the complainant's application was due to a financial burden that this secondment would have on the authority, since the authority must also cover the salaries of those workers who were on secondment. Reference was made to the pertinent clauses in Collective Agreement.</p> <p>On 30 July 2020, the investigating officer requested the costings of expenses incurred by TM should this application be accepted.</p> <p>On 17 August 2020, TM informed the Office of the Ombudsman that the justifications provided were believed to be sufficient, and informed the investigating officer that the authority had already allowed this employee to undertake such an experience with significant expense. The authority could not afford to bear such a burden for a second secondment period.</p> <p>The case was closed by the Ombudsman on 28 May 2021.</p>	<p>Closed without recommendations</p>
Ombudsman Case Reference	<p>U 0116</p>			

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Transport Malta (TM)	<p>A complaint relating to penalties incurred for an unlicensed vehicle.</p>	<p>No recommendation</p>	<p>In an initial email dated 30 September 2020, the Ombudsman asked TM to submit its comments on this case.</p> <p>On 13 November 2020, TM replied that complainant was eligible for the garaging scheme under SL 65.24, and since the vehicle was de-garaged for a period of three months, an applicable fee was due.</p> <p>On 23 November 2020, the investigating officer requested a reconsideration of the expenses and a breakdown of the applicable fee.</p> <p>A breakdown of the fee was provided according to the regularisation scheme under SL 65.24. The investigating officer was also informed that the responsibilities and liabilities of the complainant were defined in Chapter 65 of the Laws of Malta.</p> <p>On 13 April 2021, the Ombudsman closed the case.</p>	<p>Closed without recommendations</p>
Ombudsman Case Reference	<p>U 0135</p>			

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Transport Malta (TM) Ombudsman Case Reference U 0210	<p>A complaint concerning a number of employees in a managerial position complaining that the Collective Agreement expired and that other employees were directly appointed and/or promoted to higher grades.</p>		<p>In an initial email dated 2 December 2020, the Ombudsman requested TM to provide information in relation to the case.</p> <p>On 16 December 2020, TM replied that most of the complainants had their contracts and financial packages negotiated and revised in the past few months. Information regarding the current financial packages of complainants was also provided.</p> <p>The investigating officer asked TM to provide all documents which had been requested in the initial email.</p> <p>On 29 December 2020, TM replied that complainants had recently signed renewal agreements with the authority and hence the issue that constituted the basis of their complaint has been resolved. Therefore, there was no reason to continue the investigation. TM requested closure of the case.</p> <p>However, on 20 January 2021, the investigating officer pointed out that the complaint had not been dropped by the complainants, and therefore the Office of the Ombudsman shall continue to investigate the matter.</p> <p>On 1 March 2021, TM replied that the authority was in the process of negotiating new Collective Agreements with the respective Unions.</p>	<p>Pending at Ombudsman</p>
Transport Malta (TM) Ombudsman Case Reference U 0223	<p>A complaint concerning the double payment of road licence.</p>	<p>No recommendation</p>	<p>On 11 December 2020, TM replied to the complaint received the previous day. TM stated that their records showed that a refund on complainant's credit card had been effected by the authority on 14 October 2020.</p> <p>The investigating officer confirmed receipt of the refund by the complainant and closed the case on 11 December 2020.</p>	<p>Closed without recommendations</p>

**Transport Malta
(TM)****Ombudsman
Case Reference**

U 0242

A complaint relating to payments requested by TM in view of a Motoring School Permit.

The Ombudsman is recommended that:

- i) Complainant should pay half of the amount due in arrears, and consequently the Motoring School Permit is cancelled.
- ii) The Authority reviews all operators to ensure that they are compliant and paying their respective annual fees.
- iii) The Authority establishes procedures to ensure that similar cases are avoided in the future.

On 7 January 2021, the Ombudsman asked TM to comment on the case.

On 19 January 2021, TM replied that the operator of a Motor School was obliged in terms of Regulation 66 of SL 65:18 – Motor Vehicles (Driving Licences) Regulations, to inform the authority by means of a notice which indicates the date after which the operator does not intend to continue to act as an authorised operator under any of the authorisations granted or under such authorisation as may be specified in the notice. If this notice was not received by the authority, the licence remained valid, and the motoring school could have been operating. Therefore, the annual fee must be paid until the termination date.

On 27 January 2021, the Ombudsman requested information on whether TM had a procedure in place to send reminders to motoring schools for payment of this fee, stating that the complainant never received a reminder.

On 2 July 2021, TM informed the Ombudsman that the authority was under no legal or procedural obligation to remind authorised operators with approved permits of the fees due, operational costs, or related commitments. Consequently, unless a formal request from operator was made that such a pre-approved and agreed operational permit was to be stopped, TM was obliged to keep requesting these fees under the assumption that such operations never ceased.

On 24 September 2021, the Ombudsman issued his Final Opinion with the recommendations on the case. TM replied on 29 October, reiterating their reply of 2 July 2021.

On 1 November 2021, the Ombudsman asked TM to reconsider their position. Should TM's position remain unchanged, the Ombudsman will proceed in line with Article 22(4) of the Ombudsman Act.

Pending at Ministry
– Transport Malta

MTIP

**Ministry for Transport,
Infrastructure and Capital Projects**

Pre 2020

The case relates to a review conducted by the Office of the Ombudsman on the decision of the Commissioner for the Environment and Planning (CEP), delivered on 23 January 2019, regarding the formation of a private road and the consequent adjustment made to the main road.

On 8 April 2019, the Ombudsman requested a meeting with different officials from Transport Malta (TM), IM, the Planning Authority (PA), and the Lands Authority (LA). Information and documentation requested by the investigating officer were all forwarded 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, including a file which had already been sent earlier on in the investigation.

Additional questions were submitted by the Office of the Ombudsman on 12 November 2019, which were replied to on 30 December 2019. The case has been pending at the Ombudsman since then.

Pending at
Ombudsman

Pending at
Ombudsman

A complaint regarding a claim for compensation for damages which was refused by IM.

IM provided the Office of the Ombudsman with documentation and information on the reasons for refusing the claim. This case has been pending at the Office of the Ombudsman since 7 February 2020.

Pending at
Ombudsman

Pending at
Ombudsman

**Transport Malta
(TM)****Ombudsman
Case Reference**

S 0282

The complainant claimed that due to a take-away outlet in Kalkara, double parking has become a constant problem when clients stopped in the two-way street to collect their orders. It was suggested that bollards be fixed in this area.

No recommendation

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 that includes cat eyes in the middle of the road, and a road hump which will be installed by the Traffic Management and Road Safety Department (TMRSD).

Pending at Ombudsman

Closed without
recommendation

It was highlighted again that the area needs to be monitored by LESA Community Officers. The Office of the Ombudsman informed TM that the complaint had been referred to LESA.

LESA continued to provide enforcement during the operative hours to eliminate any illegal parking which could be hazardous to other drivers and passers-by.

Through a request for information with the Office of the Ombudsman, it transpired that this case has been closed.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Transport Malta (TM)	A complaint relating to lack of compensation with respect to assuming duties of a higher grade.		<p>The Office of the Ombudsman was informed that, in terms of the collective agreement, an employee holding a management role was not entitled to payment for work in a higher grade. A copy of the collective agreement was requested and forwarded to the Ombudsman accordingly.</p>	Pending at Ombudsman	Closed without recommendation
Ombudsman Case Reference			<p>The investigating officer wrote to TM, referring to a meeting which was conducted between complainant and TM management, during which the complainant claimed to have been informed that he was entitled to compensation. Whilst TM acknowledged that a meeting was held, the complainant was never promised compensation. TM referred to Clause 2.1.6. of the Collective Agreement which provided for an automatic assimilation from the Manager C Grade to Manager B Grade. The claimant had benefitted from this assimilation on 30 September 2019, with effect from 1 January 2018. TM stated that the assimilation exercise was more than fair towards its employees and declared that it will not be offering any other form of compensation. TM reiterated that the complainant may always apply for future calls for applications should he be interested in progressing further.</p>		
					On 8 April 2021, TM was informed that case has been closed.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Transport Malta (TM)	<p>A complaint relating to a refusal of exchanging a British driving licence with a Maltese driving licence.</p>	<p>The Ombudsman recommended that complainants be immediately given an appointment to carry out a practical driving test so that the Driving and Licences Unit (DLU) can proceed with the exchange of their driving licences without further delay.</p>	<p>The complainant's British driving licence was originally a Hong Kong driving licence. As Hong Kong was not an EU-harmonised country as stipulated in Maltese legislation, the driving licence could not be exchanged for a Maltese driving licence.</p> <p>Subsequently a meeting was held between TM officials, the Investigating Officer, and the complainant. An agreement was reached that TM would contact the Australian authorities to obtain information and transfer the complainant's Australian driving licence into a Maltese driving licence, at the expense of TM.</p>	<p>Closed, case withdrawn by complainant</p>
Ombudsman Case Reference	<p>T 0210</p>		<p>TM informed the investigating officer that the DLU managed to access the Australian system to submit a request on behalf of the complainant and was informed that no driving history was found for the complainant. Therefore, the only option left was for the complainant to take a driving test to obtain a Maltese driving licence or to keep sending reminders to the Australian authorities to retrieve the required information.</p>	<p>Status Last Year</p> <p>Pending at Ombudsman</p>
			<p>The investigating officer informed TM that the complainant was not willing to take the test and requested further clarifications on the use of Code 70 on driving licences, on the application SL 65.18 Regulation 7(3) and the proviso thereto. On 30 June 2021, the Ombudsman issued his final opinion on the case.</p>	
			<p>On 6 September 2021, TM replied, stating that the authority was willing to waive the administrative fees involved. Nonetheless, the complainant and her husband were required to apply for a practical test and follow standard TM procedures with all related steps.</p>	
			<p>On 13 September 2021, the Office of the Ombudsman replied and asked TM to reconsider their stance and implement the recommendations in full.</p>	
			<p>On 30 September 2021, TM replied that the authority had contacted the complainants and the latter were no longer interested in obtaining a driving licence or finalising the exchange.</p>	
			<p>In the light of this development, the case was closed by the Ombudsman on 1 October 2021.</p>	

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Transport Malta (TM)	<p>A complaint related to clamping and the refusal of an explanation when contacting TM.</p>	<p>To refund the clamping fee paid by the complainant on 11 October 2019, since complainant's vehicle was correctly licensed and should not have been clamped.</p>	<p>TM replied to the Ombudsman with the timeline of events when the clamping took place, together with photos for clarification purposes. The Ombudsman was also informed that the Chairman (TM) had communicated with the complainant and explained that the enforcement officers carried out their duties in a correct manner.</p>	<p>Pending at Ombudsman</p>	<p>Closed and recommendation implemented</p>
Ombudsman Case Reference	<p>T 0275</p>	<p>The investigating officer submitted recommendations in view that complainant had not been in breach of clamping regulations in SL 65:13. TM informed the investigating officer that following a re-evaluation of the case, the authority recognised that the complainant was not in breach of SL 65:13 and shall be refunded for the clamping fee in full. The Office of the Ombudsman informed TM about the closure of the case.</p>			

MISA

Ministry for Social Accommodation



MSA

During 2020, the Ministry for Social Accommodation (MSA) dealt with four cases.

Three cases were referred by the Parliamentary Ombudsman in 2020, while one case has been pending from previous years. All four cases were closed by the Ombudsman without making a recommendation.

Sector / Department

Housing Authority (HA)

Ombudsman Case Reference

U 0133

Housing Authority (HA)

Ombudsman Case Reference

U 0202

Housing Authority (HA)

Ombudsman Case Reference

U 0203

Brief Detail of Case

A complaint by an elderly person who requested alternative accommodation after she had been informed by the landlord that the lease contract would not be renewed. The complainant requested a ground floor accommodation due to mobility problems.

A complaint regarding an order of eviction by the Housing Authority of the complainant from their present tenement.

A complaint regarding a request for access to the common area of the garages found beneath the block of apartments the complainant resided at.

Action taken and management comments

On 4 September 2020, the Ministry replied to the Ombudsman on 14 August 2020. It reiterated that the Housing Authority had offered an alternative accommodation, but the complainant had refused it. The Office of the Ombudsman reverted on 7 October 2020, enquiring whether there were other schemes which the complainant could benefit from. An exhaustive reply with available schemes was issued on 20 November 2020.

On 27 November 2020, the Office of the Ombudsman communicated that following a review of the replies provided, the case has been closed.

A reply relating to complaint received on 17 November 2020 was sent by MSA the following day. HA replied that that there was an ongoing court case regarding this matter. On 19 November 2020, the Office of the Ombudsman requested a copy of the lease agreement which was provided on the same date. The Ombudsman closed the case on 30 November 2020.

On 24 November 2020, the Office of the Ombudsman requested the policy applicable to the common parts belonging to the garage areas as well as confirmation on whether the residents had been informed that access to the garages and their common parts would be restricted once these were sold.

On the same day, the HA replied that it could not oblige the owners of the garages to grant the complainant access to the common driveway since a share of the driveway was sold with each garage and was therefore owned by private owners.

On 6 January 2021, HA sent a copy of all contracts of each sale as requested by the Ombudsman, who subsequently closed the case on 20 January 2021.

Status

Closed without recommendation

Closed without recommendation

Closed without recommendation

MISA

Ministry for Social Accommodation

Pre 2020

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>A complaint regarding damage caused to the complainant's government-owned apartment where the complainant resided. The complainant was dissatisfied about the fact that the Housing Authority refused to send a representative to see the damage caused by the water which was seeping from behind the main switch box following structural changes carried out in the flat above that of the complainant's.</p>		<p>The Ombudsman referred the complaint to the Housing Authority on 3 June 2019. On 17 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 was no evidence of water penetration. The damage referred to in the complaint referred to previous water penetration which was in the process of drying up. The HA was to continue following the case.</p>	Pending at Ombudsman	Closed without recommendation
		<p>In November 2019, the Ombudsman requested all files related to this complaint, which were duly forwarded. In July 2021, the Ombudsman confirmed that the case was closed.</p>		

MSFC

**Ministry for Social Justice and Solidarity,
The Family and Children's Rights**

MSFC

In 2020, the Ministry for the Social Justice and Solidarity, the Family and Children's Rights (MSFC) dealt with a total of 15 cases referred by the Parliamentary Ombudsman. 10 cases were opened in 2020 whereas the remaining five cases had been pending from previous years. From the total of 15 cases, 12 have been closed while the remaining three cases are pending at the Office of the Ombudsman.

Nine of the 12 cases closed by the Ombudsman have been closed after the management replied to one request for information. Two cases were closed without a recommendation being made and the remaining case was closed due to Umpire proceedings.

Of the three cases that are still pending at the Office of the Ombudsman, two cases have been pending for a period between six to 12 months, while one case has been pending for more than 24 months.

Brief Detail of Case

A complaint arising after not having received the Cost-of-Living Allowance (COLA) pursuant to budget measures, since the complainant's pension was non-contributory.

**Recommendation
by Ombudsman**

No recommendation

Action taken and management comments

On 17 April 2020, MSFC replied to the complaint received on 16 March 2020. The Investigating Officer was informed that the complainant received the Service Pension awarded under the Pension Ordinance (Chapter 55), which did not refer to any increase in pension related to the COLA. This pension was not funded by the social security contributions but through the public service revenue taxes. Following this information, the Ombudsman closed this case on 13 November 2020.

Status

Closed by Ombudsman after the management replied to one request for information.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Department of Social Security (DSS)</p> <p>Ombudsman Case Reference</p> <p>U 0074</p>	<p>A complaint relating to an alleged incorrect calculation of pension. The complainant also remarked that Drydocks employees were receiving a pension calculated on the years they worked at the Drydocks and not on their most recent job, even though they were paid a hefty end-of-employment benefit.</p>	<p>No recommendation</p>	<p>On 23 September 2020, MSFC replied to the Ombudsman in relation to a complaint received on 15 September 2020. MSFC informed the Ombudsman that contributory retirement pensions were assessed as provided in Article 2, in Part V and in Schedule 13 of the Social Security Act, whereby article 2 determined when a pension was assessed as employed, self-employed, or self-occupied according to the number of contributions paid during the last ten years prior to retirement.</p> <p>According to DSS records, the complainant paid contributions as a self-occupied person for the most part of the ten years prior to retirement. Thus, the pension assessment was due as a self-occupied person and the pensionable income was assessed on the contributions paid and incomes declared with the Commissioner for Revenue.</p> <p>Furthermore, according to the records held by Jobs Plus, the complainant was never employed with Malta Drydocks (MDD), therefore his pension could never be compared to that of MDD employees.</p> <p>The Ombudsman was satisfied with this information and the case was closed on 12 November 2020.</p>	<p>Closed by Ombudsman after the management replied to one request for information.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Department of Social Security (DSS)</p> <p>Ombudsman Case Reference</p> <p>U 0085</p>	<p>A complaint relating to a disagreement regarding an overpayment incurred due to contributions which were due by an elderly person when residing in a home for the elderly.</p>	<p>No recommendation</p>	<p>A reply relating to the complaint received on 3 August 2020 was sent by MSFC on 26 October 2020. MSFC compiled a detailed report showing the overpayments calculations and explained the procedure of deduction rates for the elderly in residential homes. The deduction rate was primarily computed by the Active Ageing and Community Care Directorate, and the DSS calculated any resultant overpayments. This information was sufficient for the Ombudsman who subsequently closed the case on 12 November 2020.</p>	<p>Closed by Ombudsman after the management replied to one request for information.</p>
<p>Department of Social Security (DSS)</p> <p>Ombudsman Case Reference</p> <p>U 0175</p>	<p>A complaint concerning the service pension which was not granted to former Gas Board employees.</p>	<p>No recommendation</p>	<p>Following a complaint received on 16 November 2020, a meeting was held with the Ombudsman on 15 December 2020. During this meeting, MSFC provided a detailed explanation, (supported by related documentation) on the employment of Gas Board Employees. Since these employees were never public officers, they were not entitled to a service pension. Subsequently, the Ombudsman closed the case on 15 March 2021.</p>	<p>Closed by Ombudsman after the management replied to one request for information.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Department of Social Security (DSS)</p> <p>Ombudsman Case Reference</p> <p>U 0198</p>	<p>A complaint relating to the 3% increase to pensions, which was one of the budget measures in 2016. The complainant felt discriminated against since he did not benefit from this increase.</p>	<p>No recommendation</p>	<p>On 4 November 2020, MSFC replied to the complaint sent by the Ombudsman on 18 October 2020. MSFC informed the Office of the Ombudsman that the complainant was not entitled to the increase in pension since this measure entered in force on 1 January 2016 and this was applicable to persons claiming pension as from 2016. On 16 November 2020, the Ombudsman informed MSFC that the case had been closed, after having informed complainant that the DSS had correctly applied the law (L.N. 289 of 2016) when his request to receive the increase was refused.</p>	<p>Closed by Ombudsman after the management replied to one request for information.</p>
<p>Department of Social Security (DSS)</p> <p>Ombudsman Case Reference</p> <p>U 0207</p>	<p>A complaint arising from the rejection of a request to be granted a service pension in terms of the Government Scheme PR 200873. The complainant had been employed with the Malta Electricity Board.</p>	<p>No recommendation</p>	<p>On 1 December 2020, MSFC replied to the complaint sent by Ombudsman on 17 November 2020. MSFC informed Ombudsman that the complainant started his employment with Enemalta Corporation with effect from 1 January 1979. The Malta Electricity Board had been dissolved in October 1977. Thus, the complainant was never an employee of the Malta Electricity Board as he was employed with Enemalta Corporation in 1979. MSFC pointed out that Scheme (PR 200873) did not make any reference to the entitlement of a service pension.</p> <p>The Ombudsman was satisfied with the reply and subsequently closed the case on 28 January 2021.</p>	<p>Closed by Ombudsman after the management replied to one request for information.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Department of Social Security (DSS)</p> <p>Ombudsman Case Reference</p> <p>U 0209</p>	<p>A complaint lodged after having failed to receive the Treasury Pension from May 2020 onwards. The complainant was a foreigner who worked in the Public Service and was entitled to a Treasury Pension.</p>	<p>No recommendation</p>	<p>The complaint was received by MSFC on 31 October 2020. A reply was sent to the Ombudsman on 2 November 2020, stating that this pension had been stopped as DSS had no personal details of the complainant, except for an incorrect ID number. In the circumstances, MSFC could not get in touch with the complainant and inform him to provide bank details, after the Malta High Commission in London ceased to offer its support to pensioners living in the UK. MSFC asked the Ombudsman to provide the correct details of the complainant to activate his pension and pay him arrears for the past months. On 5 November 2020, the Ombudsman forwarded the required details and his pension was issued accordingly. The case was closed on the same day.</p>	<p>Closed without recommendation</p>
<p>Department of Social Security (DSS)</p> <p>Ombudsman Case Reference</p> <p>U 0214</p>	<p>A complaint concerning overpayments due from the heirs of an elderly person, who had been a resident in an elderly home under the Government Public-Private Partnership (PPP) Scheme.</p>		<p>On 15 January 2021, DSS sent a reply to the Ombudsman relating to a complaint sent on 17 November 2020, including a detailed report which indicated that workings for contributions were correct.</p> <p>On 5 March 2021, the Ombudsman requested a clarification as to why claims for overpayments dated back to 2010, since the elderly had been admitted to a residence under the Government PPP scheme.</p> <p>On 8 March 2021, MSFC explained that deductions by the DSS were made according to Legal Notice No 259 of 2004. Furthermore, MSFC explained that overpayments dated back to 2010 as contributions started when the elderly person had been admitted to Karen Grech Rehabilitation Hospital.</p>	<p>Pending at Ombudsman</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Department of Social Security (DSS)</p> <p>Ombudsman Case Reference</p> <p>U 0217</p>	<p>A complaint related to the Deficiency Contribution Bonus (DCB). The complainant maintained that it was unfair that those benefitting from a Widows' Pension were not entitled to DCB.</p>	<p>No recommendation</p>	<p>On 1 December 2020, MSFC replied to the complaint sent by Ombudsman dated 18 November 2020, explaining that all widows who were entitled to a Widows' Pension were not entitled to the DCB, as stated in the Retirement Pensions Act , Articles 85(4) to (6). The Ombudsman closed the case on 8 April 2021.</p>	<p>Closed by Ombudsman after the management replied to one request for information.</p>
<p>Department of Social Security (DSS)</p> <p>Ombudsman Case Reference</p> <p>U 0232</p>	<p>A complaint stating that the DSS did not accept his request to revise the amount of pension granted, claiming that he was not receiving two-thirds of the Cost-of-Living Allowance (COLA), in terms of the pertinent collective agreement reached in 2014 and sustained in 2018.</p> <p>The complainant said that he had been informed by DSS that the pension was being increased to make up for the increase in COLA.</p>	<p>No recommendation</p>	<p>The Ombudsman sent a complaint on 19 January 2021. On 17 February 2021, MSFC stated that workings for the complainant's pension had been based on the calculations stipulated in the Social Security Act, Article 59. A detailed explanation of these workings was included in this reply.</p> <p>The Ombudsman was satisfied with the reply and closed the case on 23 February 2021.</p>	<p>Closed by Ombudsman after the management replied to one request for information.</p>

MSFC

**Ministry for Social Justice and Solidarity,
The Family and Children's Rights**

Pre 2020

**Sector /
Department**

**Foundation for
Social Welfare
Services
(FSWS)**

Ombudsman
Case Reference

R 0225

Brief Detail of Case

A client who was undergoing a rehabilitation programme for a dependency claimed discrimination for having been discharged from the programme as a disciplinary measure.

**Recommendation
by Ombudsman**

On 27 June 2018, the Ombudsman requested contact details of individuals who were undergoing the rehabilitation programme. The information requested was sent in emails dated 3 and 9 July 2018. Following further investigation, the Ministry forwarded feedback to the Office of the Ombudsman in April 2019. No further communication was received.

Action taken and management comments

Pending at
Ombudsman

Status

Pending at
Ombudsman

Status Last Year

**Department of
Social Security
(DSS)**

Ombudsman
Case Reference

T 0086

A complaint concerning the amount of pension being received. The complainant alleged that their pension was reduced as he had continued to work after he had been discharged from Malta Drydocks in 2003.

The complaint was received on 27 May 2019. The following day, MFCS informed the Investigating Officer that the pension rate received by complainant was correct. The complainant's pension rate had been adjusted with effect from January 2019 by virtue of the pertinent Budget 2019 measure, and not because there was an error as stated by the complainant.

On 20 January 2021, the Ombudsman argued that Act VII of 2019 reflected the claim made by the complainant. Furthermore, the complainant and his union representative believed that the same benefits were to be awarded to those who retired in 2003 as the Act referred to those who retired in 2008. The Ombudsman asked for further clarification on these issues.

On the same day, the Permanent Secretary (MSFC) clarified that as he had explained to the complainant and union representatives many times, arrears were not due for the period preceding the law amendments, and the Act had not been amended retrospectively. By virtue of the law amendment, employees who opted for the early retirement scheme in 2008 or after, could be awarded the most favourable pension. The complainant could not benefit from this amendment as he had retired in 2003.

Pending at
Ombudsman

Pending at
Ombudsman

Pending at
Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Department of Social Security (DSS)</p> <p>Ombudsman Case Reference</p> <p>T 0101</p>	<p>A complaint concerning pension entitlement.</p>		<p>On 3 June 2019, the Investigating Officer informed the MSFC that it was closing the case since it was being heard by the DSS Umpire. Subsequently, the Investigating Officer informed the complainant that should he feel that there was unreasonable delay in his case before the Umpire, he could revert to the Ombudsman for assistance.</p>	<p>Suspended due to Umpire proceedings</p>	<p>Closed due to Umpire proceedings</p>
<p>Department of Social Security (DSS)</p> <p>Ombudsman Case Reference</p> <p>T 0207</p>	<p>A complaint relating to the pension awarded to government employees who occupied a scale from 1 to 10.</p> <p>The complainant asked for another revision of the pension since during the last revision of pensions, the capping amount for the maximum pension incorporated employees who classified in lower grades and contributed less than those who held higher salaries.</p>		<p>The complaint was received on 18 November 2019. On 21 November 2019, MFCS stated that the complainant was already in receipt of the maximum two-thirds pension, which was the highest rate of the two-thirds pension payable in terms of the Social Security Act.</p> <p>It was also noted that the Government has given a yearly increase to all pensioners, over and above the cost-of-living increase (COLA). The complainant could not receive a higher amount than that he was receiving, which was the maximum amount.</p> <p>This information was sufficient for the Ombudsman, who subsequently closed the case on 15 December 2020.</p>	<p>Pending at Ombudsman</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Department of Social Security (DSS)</p> <p>Ombudsman Case Reference</p> <p>T 0279</p>	<p>A complaint arising from an overpayment in pension. The complainants maintained that they had never been notified of an overpayment due by their late father until after his demise. In addition, the complainants claimed that they asked for further details of this overpayment, and were still waiting for these details.</p>		<p>The complaint was received on 22 November 2019. On 17 January 2020, DSS replied to the Ombudsman and presented a detailed breakdown of how the overpayments occurred, including payments already settled by complainants. These overpayments occurred due to the fact that complainants' parents went to live in a residential home and the rate of contributions had been received at a later stage. Since then, the policy in this regard was changed, and upon admission in a residential home, 60% of the pension was automatically deducted. This policy was implemented to avoid large amounts of overpayments.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
			<p>On 27 March 2020, the Investigating Officer informed MSFC that the complainants' lawyer was requesting further explanations as the amounts due as stated by the DSS did not tally with those given by the Inland Revenue Department (IRD). 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>Following further investigations, on 14 January 2021, MSFC informed the Ombudsman and the complainants that a discrepancy in the amount due had been identified. Subsequently, this amount was deducted from the outstanding balance.</p>		
			<p>On 21 January 2021, the complainants were satisfied with the reply and the Ombudsman subsequently closed the case.</p>		

Commissioner for Education 2020

Follow-up on Annual Report 2020
Commissioners

Cases handled by the Commissioner for Education

Data compiled by the Public Administration indicates that, during 2020, the Commissioner for Education (CE) referred 39 new cases to the Ministry for Education and 1 new case to the Office of the Prime Minister. In addition, four other cases from previous years, amount to a total caseload of 44 cases handled by the Commissioner for Education during 2020.

31 cases (28 new and 3 from previous years) from the total caseload handled in 2020 have been closed. This represents 70.5% of the 2020 caseload for the Commissioner.

Six cases (13.6%) have been withdrawn by the complainants concerned.

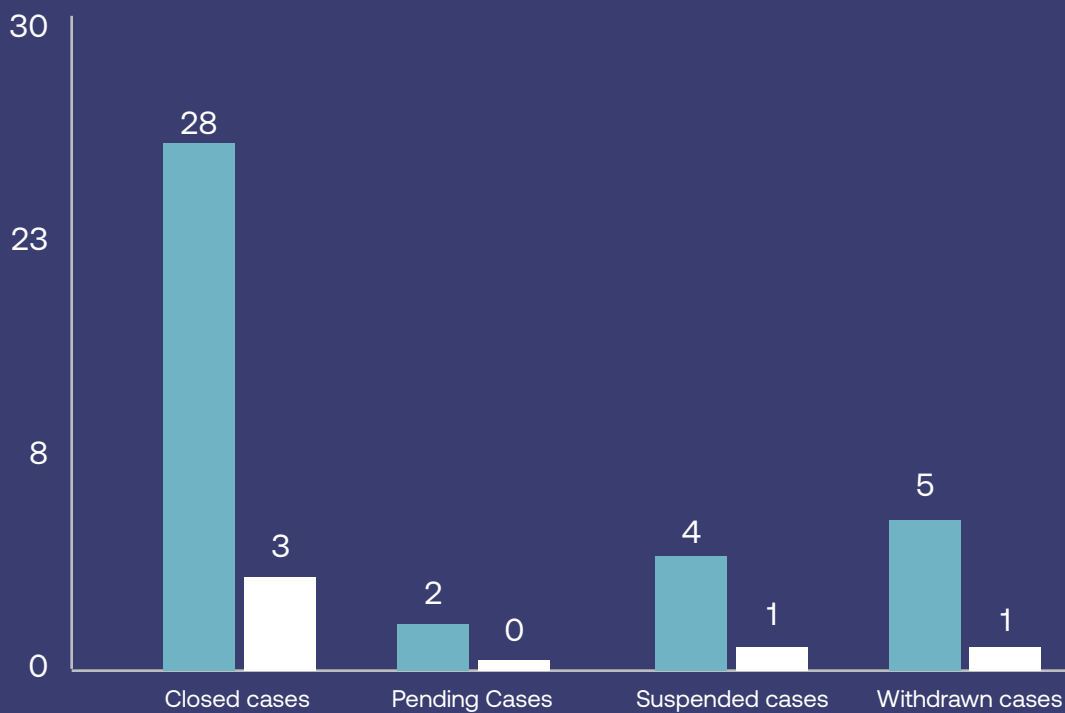
Five (11.4%) case have been suspended by the Commissioner due to pending court or disciplinary proceedings.

Two cases (4.5%) of the caseload remain pending at the time of reporting. Two of these cases are pending at Ministry and one case is pending at the Commissioner. One of these cases pre-date 2020.

Diagram 9 gives a breakdown of the status of cases handled by the Commissioner for Education.

Diagram 9

■ 2020 ■ Pre-2020



Of the of the 31 concluded investigations:

- In 21 instances (67.7%), no recommendations were made by the Commissioner or the case was closed upon receipt of the initial explanation by the Ministry concerned.
- In 7 cases (22.6%), the recommendations made were either implemented (6 cases) at the time of reporting, or otherwise the recommendations were noted (1 case).
- In 3 cases (9.7%), the recommendations made by the Commissioner were not accepted.

This represents a significant rate of 90% of recommendations, or requests made by the CE, which were adopted and complied with, by the Public Administration.

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>A complaint filed by a teacher who used to teach in a state school claiming that his child attending the same school was being labelled without a solid foundation. The complainant claimed he did not find any support from MFED.</p>	<p>No recommendation</p>	<p>On 19 February 2020, MFED replied to the complaint received on 15 January 2020. MFED elaborated that the suggestion of the Senior Management Team (SMT) that the child needs to undergo a screening process was refused by the complainant and his wife. Instead, the parents made the request so that the SMT changes the child's class. MFED explained that the school's intention was not to label the complainant's son but to act in the best interest of the child. Moreover, the Ministry claims that the complainant and his son changed the school upon request made by the complainant himself.</p>	<p>Closed after the management replied to one request for information.</p>
		<p>In the final opinion, the Commissioner stated that the complainant refused to take the professionals' advice, and that he did not provide sound evidence to substantiate his arguments. Additionally, the Commissioner claimed that he did not find any misbehaviour or lack of honesty on the part of the SMT. Therefore, the Commissioner did not uphold the complaint and closed the case on 8 May 2020.</p>	

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
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Ministry for Education

Ombudsman Case Reference

UU 0002

A complaint concerning refusal of the provision of services to children suffering from autism spectrum disorder.

In relation to the complaint received from the Commissioner on 15 January 2020, MFED replied on 26 February 2020 stating that after undergoing the necessary screening, it resulted that one of the complainant's children needs to have transport supervision and a Learning Support Educator (LSE), while both sons are to be assigned an LSE. Last summer, the complainants put forward a request for supervised transport for their two sons, and for two separate school officials to accompany them along the way, thus meeting them at their residence and being with them throughout the whole journey. MFED explained to the complainants that the Ministry provides solely on-board supervision and that having one-to-one support in class does not necessarily mean that the student should have transport supervision. Besides, there have never been any complaints regarding their sons' behaviour while being on the bus. MFED also provided the Commissioner with a copy of correspondence received from the CRPD confirming that the Ministry has conducted the necessary assessments.

Closed, case withdrawn by the complainant

On 22 October 2020, the Commissioner informed the Ministry that the complainants do not intend to pursue their complaint further and therefore closed the case.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Ministry for Education</p> <p>Ombudsman Case Reference</p> <p>UU 0003</p>	<p>A complaint arising from the fact that the complainant's stipend and grant were not going to be issued until the Students' Maintenance Grants Board (SMGB) verifies whether she is eligible for the receipt of such grant. The reason was that she spent one year abroad during which she has not undertaken any courses or worked in Malta.</p>	<p>No recommendation</p>	<p>On 22 May 2020, MFED replied to the Commissioner for Education in relation to the complaint filed on 20 January 2020. MFED explained that in accordance with the regulations, one of the eligibility criteria is a 5-year residence period in Malta before commencing the course. The complainant was on holiday for a whole year, and therefore the SMGB could not approve the complainant's application for students' maintenance grant. Additionally, the Ministry stated that the complainant compared her case with that of other applicants who did not have the same issue. MFED stresses that the Board did not act differently when dealing with cases similar to that of the complainant.</p> <p>The Commissioner closed the case on 8 June 2020 since complainant did not reply to his request for a reaction to MFED's reply.</p>	<p>Closed without recommendation</p>
<p>Ministry for Education</p> <p>Ombudsman Case Reference</p> <p>UU 0004</p>	<p>A complaint filed by a student writing also on behalf of other students who are undertaking the same course with the UoM. The complainants were informed that they are not eligible for the receipt of students' maintenance grant since their course is classified as MQF Level 5. The students were informed that according to Legal Notice 308 of 2016, one of the eligibility criteria to receive a stipend is undertaking a course classified as MQF Level 6 (or higher). Furthermore, the complainants claimed that sixth form students receive a stipend even though the subjects they study are classified as MQF Level 5. The complainants added that students conducting a similar course with UoM classified as MQF Level 5 do receive a stipend.</p>	<p>No recommendation</p>	<p>On the 24 March 2020, the Ministry communicated with the Commissioner for Education in relation to the complaint received on 28 January 2020, stating that the case has been solved because their stipend application was accepted.</p> <p>On 8 April 2020, the Commissioner for Education confirmed the case as closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Ministry for Education	<p>A complaint relating to students' maintenance grant. The complainant claims that he was found ineligible for the receipt of this grant since his income exceeds the stipulated threshold.</p>	<p>The Commissioner upheld the complainant's request to be rendered eligible for the maintenance grant from the date of his original application and is to be reimbursed the amounts that are due to him till the date of his letter.</p>	<p>In relation to the complaint lodged on 10 March 2020, MFED replied to the Commissioner for Education on 14 April 2020 stating that the complainant failed to submit a profit and loss statement endorsed by a certified accountant. The Ministry added that once the complainant uploads the aforementioned document, the SMGB will reconsider the application. On 16 April 2020, the Commissioner provided MFED with a copy of the complainant's profit and loss document. As per Commissioner's request MFED supplied the Commissioner with the reasons and documentation backing its original decision, mainly memos issued by the Board regulating self-employed students.</p> <p>The Commissioner replied on the 16 June 2020 stating that memos were not public and that the memo covering the self-employed had no legal basis since the Regulations did not make any reference to such limits or empower the board to regulate such matter.</p> <p>In his final opinion issued on 10 July 2020, the Commissioner explained that SMGB was <i>ultra vires</i> when it introduced the €3k threshold since it does not emanate from the regulations and was never made public.</p> <p>The Commissioner, moreover, entreats MFED to refrain from the unfair process of exceeding its authority with regard to the assessment of the financial position of applicants and their disqualification if they exceed arbitrary limits forthwith.</p> <p>MFED replied to Commissioner informing him that his recommendation will be implemented.</p>	<p>Closed and recommended implemented</p>
Ombudsman Case Reference	<p>UU 0012</p>			

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Ministry for Education</p> <p>Ombudsman Case Reference</p> <p>UU 0014</p>	<p>A complaint concerning loss of salary scale progression and increments after the complainant, who is a qualified teacher, moved from a church school to a government school.</p>	<p>No recommendation</p>	<p>In relation to the complaint received on 16 March 2020, MFED replied on the 31 August 2020 to the Commissioner. MFED explained that the Bridging agreement was put into force well after complainant's move to a State School. This was also the case with the sectoral agreement, and both were not retroactive. Commissioner agreed that both agreements could not be applied retroactively and closed the case on 15 September 2020.</p>	<p>Closed without recommendation</p>
<p>Ministry for Education (MFED)</p> <p>Ombudsman Case Reference</p> <p>UU 0015</p>	<p>A complaint relating to students' maintenance grant. The complainant claimed that even though she provided the necessary information when applying for this grant in November 2019, she has not received a conclusive reply as yet.</p>	<p>No recommendation</p>	<p>MFED replied on 23 March 2020, to the Commissioner for Education stating that the complainant's application was not refused but she was asked to provide evidence that she has been living in Malta for a period of 5 years. Subsequently, the Ministry informed the Commissioner that the complainant's residence period could not be verified completely by means of the documents she presented. However, the SMGB decided that since the discrepancies are small it would be ready to accept an affidavit. On the 26 May 2020, MFED informed the Commissioner that the complainant submitted the necessary document and therefore he will be eligible for the maintenance grant. As a result the Commissioner closed the case the following day.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
University of Malta	<p>A complaint arising from the fact that a Master of Advocacy student is claiming that the examiners did not consult his final draft of work thereby ascribing a lower mark than merited.</p>	<p>No recommendation</p>	<p>On 25 March 2020, MFED sent a reply to Commissioner relating to complaint lodged on 14 February 2020.</p> <p>On 29 April 2020, the Commissioner for Education was informed that the student has carried out several changes to the term paper, after being asked to do so by the Dean of the Faculty of Laws. In relation to this the students are sometimes asked to amend the text to improve the academic output, but this does not automatically lead to an increase in the mark.</p> <p>On 9 June 2020, the Commissioner sent a letter of closure to the complainant informing him that through correspondence received from the University it was observed that the Institution followed the correct procedure stipulated by its published regulations and committed no act which can be considered as being prejudicial to the complainant's interests. The Commissioner also drew the complainant's attention to S.L. 385.01 of the Laws of Malta, Article 18 (2) which bars him from evaluating the appropriateness of marks assigned to students' academic work by the pertinent Boards of the University. As a result, the Commissioner could not sustain the claim and closed the case.</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference	<p>UU 0006</p>			

University of Malta**Ombudsman
Case Reference**

UU 0011

A complaint lodged by a law student who claimed that an arbitrary change of thesis title by the Doctoral Board of the University prejudiced his chances of it being accepted for a Ph.D. The Complainant had submitted his proposal for the award of a Ph.D. Degree to the Faculty of Laws in 2011 by registering for an M.Phil. and then requested transfer of his work to Ph.D. level. Following an acceptance letter, the Board of Examiners asked him to revise and crop his title, giving him 12 months to terminate his thesis. The complainant presented the thesis to the Board of Examiners with the revised title and was told that his work would not qualify for an M.Phil.

No recommendation

On 29 April 2020, UoM sent a reply to Commissioner relating to complaint lodged by the law student on 9 March 2020. UoM elaborated about a letter received on 24 February 2020 from the complainant explaining in detail the chronology of events after the Ph.D. application was accepted by University Senate on 17 May 2012 and a subsequent letter of acceptance that was issued with effect from 1 June 2012 informing the complainant that the University Senate had accepted the Ph.D. application. The letter also refers to the procedural arrangements that were followed when the complainant submitted thesis for examination. After the said letter, UoM clarified that Regulation 37 of the Ph.D. Regulations stipulates that at this stage a transfer of registration from M. Phil. Degree to the Ph.D. Degree is allowed if an ad hoc board appointed by the Faculty Board of Laws considers that the work performed so far has the potential to reach Ph.D. standard. It does not in any way mean that the student is definitely going to be awarded the Ph.D. degree.

On 30 April 2020 Commissioner notified the complainant about the University's response to his letter.

On 8 July 2020 the Commissioner informed the UoM that the complaint is partly upheld and expressed his final opinion by pointing out that UoM failed in drawing the complainant's attention to the inadequacy of his suggested title in timely fashion, and that the lateness of the demand for a more appropriate title caused disappointment and a certain amount of consternation to the complainant. However, such lateness did not in any material sense impinge on the quality of his final draft. The Commissioner suggested that the UoM gives more importance to the suitability of the thesis titles.

Closed without recommendation

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
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University of Malta

Ombudsman Case Reference

UU 0013

<p>A complaint lodged by a Master of Advocacy student who alleged that the Chairperson failed her dissertation twice due to personal motives.</p>	<p>No recommendation</p>	<p>UoM replied to the Commissioner for Education on 17 April 2020 in relation to the complaint received on 10 March 2020. The UoM, stated that the Board of Examiners concluded that the dissertation does not address all the required aspects. The student was asked to resubmit the dissertation according to the changes mentioned in the report. However, following resubmission, the Board of Examiners concluded that even though the student tried to address the aspects mentioned in the previous report, overall, the dissertation was still below standard. An additional examiner confirmed in a detailed report that there are no solid grounds justifying a change in the original mark. Moreover, UoM claimed that the allegations that the Chair of the Board of Examiners acted unprofessionally and has a conflict of interest are unfounded as the mark given to the student both after the first and second submission was endorsed by all the members of the Board of Examiners, and the result was confirmed also by an additional examiner.</p> <p>On 26 May 2020 the Commissioner notified UoM that investigations into the case are being discontinued since the complainant has failed to reply twice to requests for her response to emails sent by UoM. Therefore, the case is considered as closed.</p>	<p>Closed after the management replied to one request for information.</p>
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A complaint filed by two students' representatives claiming that the Dean rejected the working arrangements for the June 2020 examinations which were put forward by a Department within the same Faculty. They also claim that the postponement of all examinations to September 2020 is based on conjecture and will mitigate their chances of graduating in November 2020, and of obtaining their warrant to practice their profession within the expected timeframes.

On 27 May 2020 the Commissioner forwarded UoM an email received from the complainants in relation to the complaint filed on 22 April 2020. The complainants thanked the Commissioner for his involvement and informed him of their decision not to proceed with their complaint on the grounds that the situation within the Faculty had generally improved. In view of this, the Commissioner considered the case closed.

Closed, case withdrawn by the complainants.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Malta College of Arts, Science and Technology</p> <p>Ombudsman Case Reference</p> <p>UU 0005</p>	<p>A complaint filed by a Senior Lecturer alleging that MCAST were obstructing him from developing further his professional work at MCAST by failing to put into practice the appropriate procedures. Additionally, the complainant is alleging that MCAST has engaged in malpractices when it withdrew two internal calls from the portal for applications.</p>		<p>On 25 February 2020, MCAST replied to the complaint received on 11 February 2020, stating that research is a priority within the College, and that the College constantly invests in human and financial resources required for research purposes. MCAST claims that the College must put into practice several checks and balances and has to abide by the regulations. As regards the internal calls for application, MCAST states that the complainant acknowledged that two internal call were withdrawn and not just the one he was interested in.</p> <p>Moreover, MCAST states that the reason for withdrawing this call is that the former Director withdrew his resignation letter.</p> <p>The Commissioner for Education communicated with MCAST on 25 May 2020 recommending that a meeting is set up between all concerned parties. Commissioner received an email from complainant stating that following a meeting with MCAST management no agreement was reached. On 15 June 2020, Commissioner requested further information about this meeting. MCAST informed the Commissioner that the meeting did not yield any results.</p> <p>The case was suspended due to disciplinary proceedings in connection with other cases concerning the same complainant.</p>	<p>Suspended due to disciplinary proceedings</p>

**Malta College of
Arts, Science and
Technology****Ombudsman
Case Reference**

UU 0007

A complaint filed by a Senior Lecturer claiming that she was dismissed from her post because of a negative evaluation report formulated by her Director. The complainant is alleging that her dismissal is unjustified because it was the outcome of her Director's personal agenda which was based on disagreements between the two parties.

No recommendation

On the 7 March 2020, MCAST replied related to complaint received by the Commissioner for Education on 22 February 2020. MCAST explained that the termination of the complainant's employment contract is in accordance with local legislation regarding the probation period which states that during the probation period, both the employer and the employee can terminate an employment contract without giving any justification for terminating the contract. Furthermore, MCAST refuted the accusation that her employment was terminated on the basis of her Director's report. MFED adds that her employment was terminated after acquiring information on her overall performance as a full-time lecturer while she was still on probation.

Closed without
recommendation

In his final opinion on 28 April 2020, the Commissioner informed the complainant that it is not within his jurisdiction to delve into matters related to academic marks, and that the Employment and Industrial Relations Act (Chap. 452 36(2)) clearly states that during the probation period, both the employer and the employee can terminate an employment contract without giving any justification. To this effect, the Commissioner declares that he found no maladministration on the part of MCAST.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Malta College of Arts, Science and Technology	<p>A complaint related to a study unit whereby a Senior Lecturer is claiming that the syllabus approved by the MCAST Curriculum Department was not up to standard. To this extent, the lecturer decided to revise and amend the syllabus, but the revised version was rejected. The complainant adds that he was not consulted before being assigned this study unit, and that there are other instances where syllabi had to be revised and amended by lecturers.</p>		<p>MCAST replied to the Commissioner for Education on the 3 August 2020 in relation to the complaint received on 20 July 2020. MCAST stated that the Deputy Principal for Curriculum within MCAST sent a copy of the Programme Review Form (PRF) to the complainant. Moreover, the Deputy met the complainant and explained the procedure that had to be followed. However, MCAST states that the complainant did not abide by the procedures as he never discussed the PRF with his coordinator, Deputy Director and the Board of Studies before sending it to the Curriculum Department. MCAST adds that the complainant was asked to discuss the changes, but the complainant never replied or met with the competent authorities.</p>	<p>Case closed due to disciplinary proceedings</p>
Ombudsman Case Reference	UU 0017		<p>MCAST adds that the study unit was assigned to the complainant because of his knowledge and expertise in the field. On 26 May 2020 and 2 June 2020, the Commissioner provided MCAST with letters received from the complainant as a reaction to the feedback received from MCAST.</p>	
			<p>In relation to the letters of the complaint MCAST explained that complainant refused to accept procedures to change syllabus; and refused to hold discussion in relation to this unit. The complainant's approach towards the administration was also unsatisfactory. Commissioner informed complainant that since disciplinary action will be instituted by MCAST against complainant, investigation has been closed. This was confirmed by Commissioner to complainant on 5 August 2020.</p>	

**Ministry for
Education****Ombudsman
Case Reference**

UU 0018

A complaint concerning the marks awarded to a complainant during an interview for a scholarship. Complainant argued that the marks awarded during the 2019 interview varied from those in another similar interview in 2018. To sustain his claim the complainant presented breakdown of marks for both interviews.

No recommendation

In relation to a complaint received on 12 May 2020, MFED replied to Commissioner on 16 June 2020. MFED explained that the two endeavours schemes complainant applied for are two distinct schemes and marks obtained in one interview cannot be compared with the other, especially considering the larger number of candidates in the 2019 call. MFED also explained that in the 2018 call, the complainant obtained a good place but due to a missing document, scholarship could not be granted.

Closed without
recommendation

On 22 January 2021, the Commissioner requested MFED to identify the members of the board and to indicate their qualification and area of expertise, to which MFED provided such documentation.

A meeting between MFED and the Commissioner was held on 22 February 2021.

On 24 March 2021 the Commissioner sent his final opinion. The Commissioner dismissed the complaint because from a global examination of all the facts available to the Commissioner one cannot say that the assessment process or the ranking of the complainant was unreasonable, unjust, oppressive, or improperly discriminatory.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Ministry for Education	<p>The Union of Professional Educators (UPE) complained that as minority union they are not being allowed to meet members on the work premises and to attach notices on the notice boards of State Schools.</p>	<p>The Commissioner recommended that, except and in so far as a facility is strictly linked to collective bargaining, the complainant union be accorded the same facilities as are or may be accorded to any one or more other unions representing teachers in the public service.</p>	<p>Following a complaint received on 4 June 2020, a meeting was held between MFED and Commissioner for Education on the 11 February 2021. MFED recognises that union has been given the possibility to discuss with the Ministry however it does not go in the merits of how a particular union communicates with its members.</p> <p>In the final opinion together with the recommendation on 18 May 2021, the Commissioner stated that the complaint was justified in so far and to the extent that improper discrimination has been exercised with respect to the complainant union by the Education Authorities. The Commissioner recommended that schools are accorded to both unions. MFED confirms this availability, but it is to be noted that one of the unions is the one officially recognised and can hold meetings strictly linked to collective bargaining. Both unions have to request MFED prior holding any meetings in schools.</p>	<p>Closed and recommended implemented</p>
Ombudsman Case Reference	<p>UU 0020</p>			

University of Malta**Ombudsman
Case Reference**

UU 0022

A complaint filed by nine students claiming that despite completing an Advanced Diploma in Health Sciences at MCAST, the University informed them that they do not qualify for the B.A. (Hons) Science Nursing course because they need to follow a one-year preparatory course at the UoM. They claim that this was contrary to what they had been told by UoM at a careers fair two years before. The Rector states that all changes are made public two years in advance, but the students claim they were never informed by MCAST.

In relation to the complaint received on 8 July 2020, the Commissioner has advised the complainants to apply for the preparatory course offered by the University without prejudice and made it clear that the applications do not exonerate any party found guilty of malpractice from any form of redress he shall deem fit in the circumstances. On the 30 July 2020 the students thanked the Commissioner for all the work and cooperation and informed him that they do not wish to proceed further with the complaint.

On 31 July 2020 the Commissioner informed UoM about the correspondence received from the complainants confirming that the case has been resolved. In view of this, the Commissioner considered the case closed.

Closed, case withdrawn by complainant

**Ministry for
Education****Ombudsman
Case Reference**

UU 0023

A complaint arising from the fact that MFED changed regulations for TESS scholarships without any notifications. Complainant stated that according to MFED the regulations were changed before the selection process.

No recommendation

In relation to the complaint received on 31 August 2020, MFED explained on the 18 September 2020 that the change was only administrative and that it had nothing to do with the eligibility of the complainant. In fact, he was chosen for the scholarship. It was only the method of how reimbursement will take place that was changed, and this was also explained to complainant and other scholarship winners during an online meeting. The changes were mainly affected to avoid abuses which were putting MFED in a difficult position vis-à-vis its obligations with foreign institutions and its contractual obligations. In view of this, the Commissioner closed the case on 22 January 2021.

Closed without recommendation

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Ministry for Education</p> <p>Ombudsman Case Reference</p> <p>UU 0024</p>	<p>A complaint by an LSE concerning a failed application for a PSCD teacher. The complainant claimed her ineligibility is unjust considering the number of years and experience she has.</p>	<p>No recommendation</p>	<p>MFED replied on the 30 July 2020 explaining that although she is qualified as an LSE, she is not qualified as a teacher since she does not have a warrant or a Level 6 Degree and thus can only apply for a supply teacher. Salaries of a supply teacher cannot go beyond the minimum of the scale as per sectoral agreement and as stipulated in the call. Commissioner concluded his investigations on 18 August 2020 by explaining to the complainant that MFED was acting according to laws, regulations and sectoral agreements and thus neither his Office nor MFED could act otherwise.</p>	<p>Closed without recommendation</p>
<p>Malta College of Arts, Science and Technology</p> <p>Ombudsman Case Reference</p> <p>UU 0025</p>	<p>A complaint concerning the composition of an Institute Board of Studies.</p>		<p>On 13 August 2020, MCAST replied to Commissioner related to the complaint received on 28 July 2020. In the reply MCAST listed in detail the names of the persons who were members of the IE&T Board of Studies according to law with the only exceptions being a few nominations that were meant to be made by the MFED. In another correspondence, MCAST also provided the full, updated list of all the MCAST Boards of Studies members across MCAST, including MFED'S representatives. The Commissioner suspended the case due to inquiry proceedings.</p>	<p>Case suspended due to inquiry proceedings</p>
<p>Ministry for Education</p> <p>Ombudsman Case Reference</p> <p>UU 0027</p>	<p>A complaint arising from the fact that UoM requested the complainant to refund the annual and one-time grant since he resigned from the Engineering course to follow a course leading to a pilot licence.</p>	<p>No recommendation</p>	<p>On 1 October 2020 MFED explained to the Commissioner that the Students Maintenance Grants Regulations states that students who fail or resign shall be obliged to refund the initial yearly grant and the one-time course grant. The Board or MFED do not have the authority to waive such obligation. Following this reply the case was closed on 13 January 2021.</p>	<p>Closed after the Management replied to one request for information</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Ministry for Education and Employment</p> <p>Ombudsman Case Reference</p> <p>UU 0026</p>	<p>A complaint filed by two teachers against their direct superior, alleging bullying and exclusion to the detriment of their health.</p>	<p>Commissioner recommended that employees being promoted should be moved to a new school.</p>	<p>In relation to complaint received on the 25 August 2020, MFED explained to the Commissioner during a telephone conversation that this was more of a personal issue between work colleagues rather than an administrative issue. Commissioner met with Head College Network, head of school, and the persons involved where the situation and possible solutions were discussed.</p> <p>In his final opinion on 2 October 2020, the Commissioner claimed that it would be useless to try and find the origins of the issue between the colleagues and that the SMT should monitor the employees involved. MFED asked for further clarification and after examining this case with all the persons involved decided to hold regular meetings with the SMT as recommended by the Commissioner. However, the recommendation made by the Commissioner to shift one of the persons involved could not be upheld since there were no vacancies.</p>	<p>Case closed and recommendation not accepted</p>
<p>Malta College of Arts, Science and Technology</p> <p>Ombudsman Case Reference</p> <p>UU 0021</p>	<p>A complaint by certain students against their lecturer over unsatisfactory performance.</p>		<p>MCAST replied on the 21 July 2020 to the complaint filed on 19 June 2020. MCAST explained that in view of the conflicting versions offered by the complainants and the lecturer, MCAST set up a Board of Inquiry to investigate these allegations. MCAST informed the Commissioner that internal disciplinary proceedings were underway against the lecturer concerned. The Commissioner informed MCAST that he will await the outcome of disciplinary proceedings.</p>	<p>Case suspended due to inquiry proceedings</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Ministry for Education</p> <p>Ombudsman Case Reference</p> <p>UU 0028</p>	<p>A complaint filed by students claiming that they are not receiving the same amount of maintenance grant when compared to other students following a similar course.</p>	<p>No recommendation</p>	<p>In its reply MFED on the 1 October 2021, explained that those prescribed courses which get a higher maintenance grant are selected according to the needs of the country and lastly held through an exercise carried out with Jobsplus. In his final opinion sent on the 27 October 2020 the Commissioner explained to complainants that the regulations and procedures were adopted by MFED before the complainants started the course and there was nothing procedurally wrong in the way MFED had acted.</p>	<p>Closed without recommendation</p>
<p>University of Malta</p> <p>Ombudsman Case Reference</p> <p>UU 0029</p>	<p>A complaint lodged by a student concerning her final year results of the Bachelor of Commerce Degree obtained from LUISS University. The student claims that the system adopted by the University of Malta for the transcript marks by foreign entities gave a distorted picture and downgraded her from an overall First Class to a Second Upper.</p>		<p>On 22 October 2020 the Commissioner for Education notified UoM that the complainant does not wish to pursue the complaint further. Therefore, the case is considered closed.</p>	<p>Closed, case withdrawn by complainant</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
University of Malta Ombudsman Case Reference	A complaint lodged by an academic member of staff claiming that substantial funds for an officially accepted project are still due from the University of Malta.	No recommendation	<p>In relation to a complaint received by the Commissioner on 22 September 2020, the UoM replied on 11 November 2020. The UoM stated that, the total number of funds have been transferred to the complainant's research votes. UoM also explained that the complainant has failed to recognise that out of the amounts transferred he had already incurred expenditure for his research projects and, therefore, his calculations are factually incorrect and so, concludes that the complainant's claims are frivolous.</p> <p>On 13 November 2020 the Commissioner notified UoM that the complainant is not satisfied with the explanation provided in the communication dated 11 November 2020. The complainant remarked that UoM should support this claim by making the official expenditure statement available.</p> <p>Commissioner asked UoM to provide his office with a copy of the said statement.</p> <p>On 15 April 2021, following an exchange of correspondence with the Commissioner's office by all concerned and following a re-computation and deeper examination of records by the University authorities, UoM notified the Commissioner that the case has been resolved. This was then confirmed by the complainant who also considered the matter to be closed.</p> <p>On 3 May 2021 the Commissioner informed the complainant that in the circumstances no further investigation is called for and closed the case.</p>	Closed without recommendation
University of Malta Ombudsman Case Reference	A complaint lodged by a student claiming that the grade awarded for her thesis is inappropriate because the Chairperson's assessment is unjust.		<p>On 27 October 2020, two months after the complaint was lodged, the Commissioner informed UoM that the student does not wish to pursue the complaint further and that the case is considered as closed.</p>	Closed, case withdrawn by complainant
UU 0031				

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
University of Malta	<p>A complaint lodged by an academic member of staff who applied for a full-time post at the School of Performing Arts of University. Complainant claimed that although he had all the requirements, his application was rejected with no reasons offered.</p>	<p>The Commissioner recommended that, unless this exists, a clear system should be implemented to enable failed applicants to obtain some reason why they have not been shortlisted or selected for the applied position. Another recommendation is that UoM should conclude at the earliest possible the process of updating the guidelines concerning details of successful candidates which are no longer being published on the University website because of GDPR-related issues.</p>	<p>On 15 October 2020, UoM replied to a complaint received by the Commissioner on 24 September 2020. UoM explained that the call for the Resident Academic post in Music drew strong interest. Consequently, the call was highly competitive, and the short-listing process was rigorous.</p> <p>Following consultation with the Selection Board members, the UoM explained that the complainant's application did not match the requirements found in the call for application and the covering letter lacked concrete detail. Since the complainant did not provide the level of detail required, he could not be shortlisted.</p> <p>On 3 December 2020 the Commissioner's Office requested the call for application together with all the documentation related to the shortlisting of candidates in the selection process. These documentations were forwarded to the Commissioner on the 19 January 2021.</p>	<p>Closed and recommendations implemented</p>
Ombudsman Case Reference	UU 0032			

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Malta College of Arts, Science and Technology</p> <p>Ombudsman Case Reference</p> <p>UU 0033</p>	<p>A complaint by a lecturer complaining that he was not assigned any lecturing and mentoring duties.</p>	<p>No recommendation</p>	<p>On 4 November 2020, MCAST replied to the complaint lodged on 6 October 2020, explaining the reason behind its decisions. MCAST started the process of detailing revocation.</p> <p>In the meantime, MCAST did not assign duties to complainant as not to disrupt students at MCAST by having to change their lecturer mid-semester.</p> <p>The Commissioner upheld the complaint because MCAST did not assign any teaching duties whilst still on the books of MCAST. Given the time that has elapsed from the beginning of the current academic year, no recommendations as advertised by the complainant are being made.</p>	<p>Closed without recommendations</p>
<p>Institute for Education</p> <p>Ombudsman Case Reference</p> <p>UU 0034</p>	<p>A complaint lodged regarding the final grading. The complainant alleged that the lecturer was not allowed to discuss the grades with him.</p>	<p>The Commissioner recommended that the participant should have the opportunity to discuss feedback and assessment mark with the lecturer who has published the marks of that particular assignment.</p>	<p>The IfE provided the documents on the 25 November 2020 to Ombudsman's Office in relation to the complaint lodged on 4 November 2020. On the 2 December 2020, Ombudsman's Office requested a breakdown of marks which was provided on the 9th December. On 15 February 2021, the Commissioner wrote his final opinion to the Institute of Education. On 16 March 2021, the Institute agreed with recommendation of the Commissioner.</p>	<p>Closed and recommendation implemented</p>

University of Malta

Ombudsman Case Reference

UU 0035

A complaint lodged by a post graduate student residing abroad against the University of Malta. The complainant expressed his concerns about the decisions taken by the Registrar's office following the submission of her thesis and seeks to appeal the said decision. The student also complained about the selection of an allegedly unsuitable external examiner, without adequate qualifications or experience in the specialised paradigm of the research in question.

The Commissioner recommended that the complainant should be granted the necessary extension requested as per Senate decision of 26 March 2020. The student needs to travel freely to and from Malta to consult with her supervisor, and to be able to work serenely to bring her nine years of work to fruition and for this purpose, suggests an initial extension of nine months from the date of report.

On 7 January 2021, the UoM replied to the complaint filed by the complainant on 20 November 2020. The UoM outlined a number of points as a matter of clarification to the issues raised by the complainant that included information with regards to the appointment of Board of Examiners and their role and that of the Principal Supervisor, the structure of the thesis and the newly introduced workshops, and the assessment process conducted during the transfer from one level to another. It was also notified that the complainant was provided with a copy of all individual and collective reports and therefore she has access to all comments put forward by the Board of Examiners. On 27 January 2021 Commissioner replied to UoM requesting further information and detail regarding the areas of specialization and expertise of each member of the Board of examiners to determine how it was concluded that the said examiners were qualified to examine the complainant's thesis. The Commissioner is also asking UoM to elaborate on how Senate and the Principal Supervisor concluded that the said examiner was qualified in the area covered by the complainant's thesis.

On 2 February 2021 UoM provided the Commissioner with the clarifications required.

On 23 March 2021 following further investigations and findings, the Commissioner dismissed the case but at the same time issued certain recommendations.

On 8 April 2021 the UoM informed the Commissioner of a letter sent to the complainant wherein she was granted a further period of one year to submit the revised thesis for the award of the degree.

On 16 April 2021 the Commissioner closed the case since UoM had implemented in substance his recommendations.

Closed and
recommended
implemented

University of Malta**Ombudsman
Case Reference**

UU 0038

A complaint lodged by a law student contesting the decision of the Faculty to consider his third attempt to re-sit an examination as a failed attempt when his work could not be retrieved due to a computer failure which was confirmed by the University's IT Services department. Complainant claims that he should be given the opportunity to sit for this exam in June as his final attempt.

The Commissioner recommended that the complainant should be placed in the position as if the June 2020 examination had to be cancelled due to a circumstance that could not have been anticipated and that therefore the complainant should be allowed to carry out a re-sit. It was also advised that the UoM should adopt clearer guidelines and, if necessary, regulations having the force of law on the use of computers and laptops for online examinations and on the procedures to be followed in the event of such devices malfunctioning in the course of online examinations.

In relation to the case filed on 2 November 2020, the UoM provided the Commissioner of Education with a detailed explanation related to the case on 6 January 2021. During the exam held on 10 June 2020, the student reported to the Faculty of Laws that his laptop crashed, and he could not retrieve his work. The Faculty Manager advised the student to take the laptop to the University's IT Services to be checked. The student took his laptop to the IT Services on 17 June 2020.

On 16 July 2020, the Faculty sent an email to the student informing him that the IT Services confirmed that the internal magnetic hard disk suffered a mechanical failure and recovering data from this fault was not possible without the use of forensic techniques used by industry professionals. Therefore, the student was deemed as having failed the examination. UoM also explained how students are allowed four attempts to pass each study-unit and with regard to the study-unit in question, the complainant had exhausted all his attempts. Since the complainant has no other possibility of sitting for the failed unit, he cannot complete the preparatory programme.

On 19 January 2021, in his final opinion the Commissioner informed UoM that it was unreasonable to shift the blame on the student simply because his computer failed and that he knew or ought to have known that his computer was not in good working order. On 16 February 2021 the Commissioner considered the case as closed following an email received from UM informing that his recommendation has been implemented.

Closed and recommendation implemented.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Ministry for Education and Employment	<p>A complaint lodged regarding recognition of third country teaching experience.</p>	<p>The Commissioner recommended that the Ministry for Education should consider putting in place structures and procedures that would allow for the evaluation and recognition of US teaching experience as well as other third country teaching experience and that the addendum to the sectoral agreement be amended accordingly. The ultimate aim being that teaching professionals such as complainant be granted the opportunity to also benefit from an enhanced remuneration package pegged to their teaching experience.</p>	<p>In relation to the complaint issued on the 6 October 2020, MFED replied on the 5 November explaining that such recognition is regulated by an agreement. Therefore MFED cannot depart from what was signed in an agreement. The Commissioner issued its final opinion on 11 December 2020.</p> <p>MFED responded that the present bridging agreement refers to recognition of EU countries, but MFED is taking into consideration during the renegotiation of the bridging agreement.</p>	<p>Closed and recommendation noted</p>
Ombudsman Case Reference	<p>UU 0191</p>			

University of Malta**Ombudsman
Case Reference**

UU 0040

A complaint lodged by an independent student who applied for two Advanced Level exams, one of which was cancelled without prior notice. The student did not accept MATSEC clarification that he must have cancelled the application himself. Complainant alleges that the Department did not in fact provide any correspondence to sustain its stance and prove the cancellation. In this regard, the student insists to be given the opportunity to sit for his A Level exam.

The Commissioner recommended that the complainant should be given the opportunity to be allowed to sit for the Advanced Level Spanish examination, which opportunity had been unjustly denied to him. It is also recommended that the MATSEC Examinations Board grant a special session to the complainant for this purpose as soon as possible

In relation to a complaint filed on 20 November 2020, on 17 February 2021 UoM notified the Commissioner about the outcome of a thorough investigation from IT Services which were responsible for MATSEC's online application platform. The IT Services concluded that the complainant might have missed the warnings that appear on screen during the application process and that the application was cancelled as soon as he selected 'Restart the application'. UoM also informed the Commissioner that the IT Services will work on implementing a much clearer notification system during the online application process.

On 19 February 2021 the Commissioner upheld the case and issued recommendations.

On 12 March 2021 the UoM requested the Commissioner to reconsider the recommendation of granting the complainant a special examination session. UoM explained how MATSEC regulations make no provisions for the possibility of special sessions to be held on an ad hoc basis. In this respect, MATSEC Office confirmed that the complainant applied to do the exam in question in June 2021, therefore effectively being given the opportunity to sit for the exam in the coming months.

On 23 March 2021, the Commissioner remarked that special and exceptional circumstances may arise which may require, out of a sense of justice, a departure from rules and regulations.

In June 2021, the student reapplied to sit for the examination. The UoM is holding discussion to decide if regulation can be changed.

Closed and recommendation not accepted

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
University of Malta	<p>A complaint concerning a late registration for an examination resit. The complainant was unable to view the time of the deadline included in the printed information sent to her residence by MATSEC as she was temporarily residing at another address. The student however alleges that the Department was also at fault as the time of the deadline was not included in the two text messages sent to her by MATSEC and on MATSEC's Facebook page.</p>	<p>No recommendation</p>	<p>On 1 December 2020 the UoM replied to the Commissioner on the complaint received on the same day explaining that regulations state that registrations should be completed by the published date and that even though results are sent both by post and SMS, the text message does not contain details about resit registrations deadline. Information about the deadline is enclosed with the result slip, which candidates receive by post. UoM also informed that late applications are normally possible. However, during these unprecedented circumstances the timeframe was very short and late applications were not accepted. In view of this, reminders were sent to the eligible candidates indicating the last day of the registration period and clearly stated that there is no late registration period. The MATSEC Examinations Board is fully aware of the candidate's situation but there was no breach of the procedures as per the Candidate's Guidebook, Section 9.07.</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference	<p>UU 0041</p>			
			<p>On 10 December 2020, following UoM's reply, the Commissioner informed UoM that the case is considered as closed.</p>	

University of Malta**Ombudsman
Case Reference**

UU 0042

A complaint lodged by a student who feels aggrieved by the University's decision to decline his application to follow a master's degree in Family Therapy and Systemic Practice because his undergraduate degree was third class. The complainant claims that the University failed to acknowledge the higher level of education he possesses in the same subject. The student also claims that when he obtained his bachelor's degree in Youth and Community Studies, there was no option for an Honours in this subject area and thus he furthered his expertise in the subject by graduating with a master's degree in the same field.

The Commissioner for Education recommended that the complainant is re-examined considering all other relevant criteria and considerations applicable to the applicants who were originally considered as 'fully eligible' and if after such re-examination, he was to be ranked 17th, he should be admitted to the course notwithstanding the numerus clausus determined by Senate.

On 7 January 2021, UoM replied to the complaint sent by Commissioner on 11 December 2020. The UoM provided the Commissioner with a link related to the Byelaws for the course leading to the Master in Family Therapy and Systemic Practice. It was explained that given that the complainant's first cycle degree was obtained with Category III it cannot be considered comparable to the entry requirements as specified during Byelaws. Also, if UoM had to take into consideration the fact that there was no honours option at the time the complainant followed the bachelor's degree, the final classification would need to be at least Category IIB. The Faculty would have considered applicants like the complainant only if the number of qualified applicants was not reached. However, on this occasion the number of qualified applicants was greater than the numerus clausus. In fact, some applicants who fully satisfied the criteria as laid down in the Byelaws were not selected.

On 27 January 2021 the Commissioner for Education upheld the complaint and remarked that the UoM should reconsider the complainant's application since he had satisfied the entry (eligibility) criteria.

On 6 April 2021, the UoM proposed an amendment to the University's Postgraduate General Regulations. Thus, with the new amendments the complainant will be able to benefit from the amended regulation.

Pending at
Ministry –
University of
Malta

University of Malta

Ombudsman Case Reference

UU 0045

A complaint lodged by an academic member stating that the University had cancelled the initially approved six-month sabbatical to run between 1 August 2020 and 31 January 2021, following the refusal of his application for extension of employment dated 20 December 2019 after he reached the age of sixty-five. Complainant insists that he had earned this sabbatical with three years of service and that it should not have been withdrawn on the eve of its commencement. Complainant also feels aggrieved by UoM's decision to cancel his application from Associate Professor to Full Professor.

The Commissioner recommended that the University pay to the complainant on an equitable basis the difference in salary between associate professor and full-time professor.

On 21 January 2021, the UoM replied to the Commissioner in relation to the case filed on 18 December 2020 to explain that the complainant's request for 6 months sabbatical leave was confirmed by Council on 8 November 2019. It was also notified that, meanwhile, during a meeting of the Committee to consider extension of appointments of Academic Staff, both the Head of Department and the Dean of the Faculty did not recommend that the complainant's services be retained beyond the age of sixty-five. In view of this decision, the complainant was informed that the previously approved Sabbatical Leave could not be utilised. This recommendation was later confirmed by Council on 18 June 2020. Furthermore, the pending application for Full Professor was no longer in process once the applicant had retired from the University. In this case, the complainant was already past his statutory retirement age and Sabbatical Leave and extensions of appointments are not 'rights' but concessions by the University subject to recommendation and approval by Council.

On 27 January 2021, the Commissioner requested further clarifications following UM's reply.

On 4 February 2021, the UoM provided the Commissioner with copies of letters and emails which were sent to the complainant as well as the minutes of the Committee meeting and the confirmation by Council. A copy of the Manual of Conduct and Procedures which is part of the Collective Agreement for Academic Staff of the University of Malta, was also enclosed with the documentation provided.

On 3 May 2021, the Commissioner upheld the complaint in relation to the application of full professor and issued a recommendation. The Commissioner however dismissed the complaint made in relation to the cancellation of the sabbatical.

Pending at
Ministry –
University of
Malta

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Ministry for Education and Employment Ombudsman Case Reference UU 0043	A complaint filed by an LSE alleging that she was not being paid for her break despite being prohibited from leaving the classroom.	On the 23 March 2021, the Commissioner recommended that all LSEs who are prevented from taking the 15-minute break because of COVID-health protocol should be compensated.	In relation to a complaint filed on 18 December 2020, MFED replied on 22 February 2021. According to the sectorial agreement only the one-to-one LSEs were entitled to be paid for a break. In this particular case the complainant maintained that she was not able to take her break and therefore MFED agreed to compensate against a submission or declaration from Head of School. However the Head of School, explained that the complainant was not eligible for the break as per agreement with Union.	Closed and recommendation not accepted.
Ministry for Education and Employment Ombudsman Case Reference UU 0044	A complaint lodged by two teachers because they could not teach what they studied for.	No recommendation	On 26 January 2021, MFED replied to a complaint received on 15 December 2020 by arguing that due to present circumstances, Covid-19 related extraordinary measures had to be taken according to the ad-hoc agreement to address the momentary exigencies. Commissioner closed case on the 19th February 2021.	Closed without recommendation
Office of the Prime Minister Ombudsman Case Reference T 0159	The complainant held that he was not selected for a post, following a call for applications, because he worked with a particular department and the organisation did not want to deplete government ranks through the selection process. The complainant argued that the selection process for the post he applied for had been defective, unjust, and unreasonable.	No recommendation	The complainant lodged a complaint with the Commissioner for Education (CE) and subsequently with the Parliamentary Ombudsman. The complaint was never referred to the Ministry and was decided by the CE. After carrying out a review, the Commissioner found the complaint to be unjustified.	Closed without recommendation

Commissioner for Education 2020

Follow-up on Annual Report 2020
Commissioners

Pre 2020

**Sector /
Department**

**Council for
Teaching
Profession**

**Ombudsman
Case Reference**

US 0050

**Ministry for
Education and
Employment**

**Ombudsman
Case Reference**

UT 0038

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>A case with confidential details, concerning the loss of a temporary teaching warrant.</p>	<p>No recommendation</p>	<p>Confidential details. After re-examining the case, the Commissioner for Education (CE) decided there is no need to further the investigation and decided to close the case.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
<p>An investigation on the shortage of teachers. The Commissioner opened this investigation on a personal initiative and put forward a request for a list of teachers' shortages in all primary and secondary schools, in all subjects.</p>	<p>No recommendation</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 30 April 2020, the Commissioner communicated with MEDE requesting information illustrating:</p> <ol style="list-style-type: none">1) the shortfall of teaching personnel per subject per school at secondary level, and2) 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>The Commissioner closed the case on 20 October 2020.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
University of Malta	<p>A complaint concerning a promotion as the complainant applied for such a promotion and was not selected.</p>		<p>The JoM 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 hold due to Covid-19 exigencies</p>	<p>Closed, case withdrawn by complainant</p>
Ombudsman Case Reference	<p>UT 0044</p>		<p>On 21 December 2020, the Commissioner's office informed JoM that the complainant does not want to pursue the complaint further and that the case is considered closed.</p>		
Malta College of Arts, Science and Technology	<p>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.</p>		<p>The complainant had already opened a case with the Employment Tribunal of Malta. Therefore, the Commissioner closed the case.</p>	<p>Suspended due to Tribunal proceedings</p>	<p>Closed due to Tribunal proceedings</p>
Ombudsman Case Reference	<p>UT 0060</p>				

CEP

Cases Handled by the Commissioner for Environment and Planning

Follow-up on Annual Report 2020
Commissioners

Cases handled by the Commissioner for Environment and Planning

Data compiled by the Public Administration indicates that, during 2020, the Commissioner for Environment & Planning (CEP) referred 64 new cases to ministries/entities. These cases are to be added to the nine cases the Commissioner had on his caseload which pre-dated 2020, adding up to a total caseload of 73.

55 cases (50 new and 5 from previous years) from the total caseload handled in 2020 have been closed. This represents 75.3% of the 2020 caseload for the Commissioner.

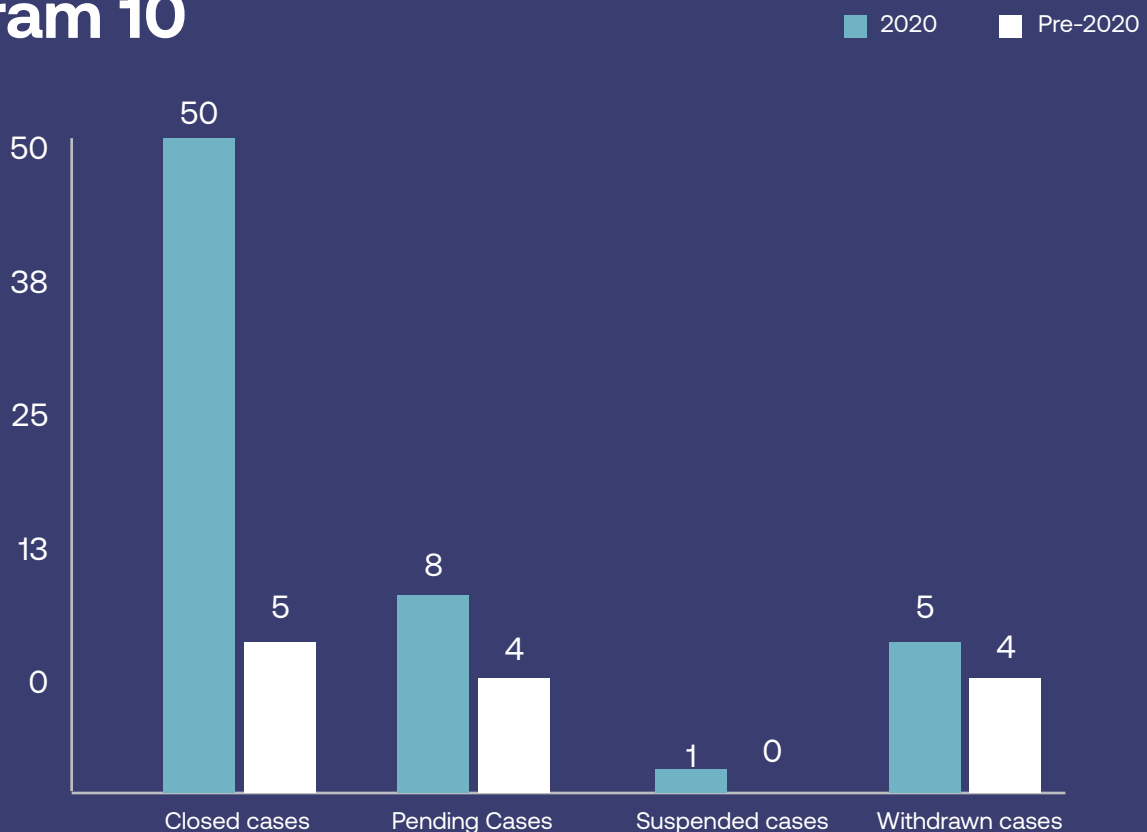
Five cases (6.9%) were withdrawn following a decision by the Commissioner.

One (1.4%) case has been suspended due to pending tribunal proceedings.

12 cases (16.4%) of the caseload remain pending at the time of reporting. Seven of these cases are pending at Ministry and five are pending at the Commissioner. Four of these cases pre-date 2020.

Diagram 10 gives a breakdown of the status of cases handled by the CEP.

Diagram 10



On closer inspection, it emerges that of the 55 concluded investigations:

- In 42 instances (76.3%), no recommendations were made by the Commissioner or the case was closed upon receipt of the initial explanation by the Ministry concerned.
- In 12 cases (21.8%), the recommendations made were either implemented (9 cases) at the time of reporting, or otherwise the recommendations were noted (3 cases).
- In 1 case (1.8%), the recommendation made by the Commissioner was not implemented.

This represents a continuation of the established trend with the highest level of recommendations, or requests made by the CEP, adopted and complied with, by the Public Administration.

MECP

**Ministry for Environment,
Climate Change and Planning**

Follow-up on Annual Report 2020
Commissioners

MECP

During 2020, the Ministry for the Environment, Climate Change and Planning (MECP) dealt with a total of 41 cases. 38 cases were referred by the Commissioner for Environment and Planning (CEP) in 2020 while three cases have been pending from previous years. 22 of these cases were closed by the CEP without giving a recommendation, while seven cases were closed with recommendations, five of which have been implemented, one was partially implemented, and another was not implemented. One other case was closed due to pending tribunal proceedings, two complaints were not upheld by the CEP, while four other cases have been withdrawn by the CEP.

Four of the remaining five cases are pending at the Ministry, two of these four cases have been pending for a period of between three to six months, while the other two have been pending for nine to 12 months. The remaining case has been pending at the CEP for four years.

Sector / Department

Building and Construction Agency (BCA)

Ombudsman Case Reference

EU 0055

Brief Detail of Case

Complaint regarding the inconvenience and noise caused by pneumatic tools, brushing or drilling before 7:00 a.m.

Recommendation by Ombudsman

No recommendation

Action taken and management comments

The complaint from CEP was received on 24 April 2020. The Commissioner for the Environment and Planning (CEP) recommended that the BCA take the necessary action regarding works that are starting before 7:00 a.m.

Building Inspectors visited the site seven times between 22 April and 16 July 2020, following various complaints regarding the use of pneumatic tools before 8.00am. The Area Building Inspector instructed the Site Manager to cover apertures, clean the immediate vicinity of site and display the site notice. The Site Manager was also instructed not to allow the use of any pneumatic tools before 8:00 a.m. On 29 July 2020, the BCA informed the CEP of the inspections carried out on site. On 21 August 2020, the case was closed by the CEP.

Status

Closed by the Ombudsman after the management replied to one request for information.

Environment & Resources Authority (ERA)

Ombudsman Case Reference

EU 0018

Complaint relating to a Waste Electric and Electronic Equipment (WEEE) late renewal fee

No recommendation

The ERA was informed of the complaint on 23 March 2020. On 26 March 2020, the ERA informed the complainant that the paperwork pertaining to the 2017 case has been reviewed and the respective fee has been waived on the grounds that the intent of the applicant to deregister had been clearly manifested albeit not properly executed. The complainant was informed that he was being considered as a deregistered producer as of the date of application in 2017 and that should he wish to become a producer again, he must apply to be registered as a new producer. The case was closed by the CEP on 26 March 2020.

Closed without recommendation

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Environment & Resources Authority (ERA) Ombudsman Case Reference EU 0037	Complaint relating to sea pollution emanating from emergency works carried out in Balluta	No recommendation	The ERA was informed of the complaint by the CEP on 18 May 2020. The CEP was informed that ERA had been proactively monitoring and inspecting the project in question since January 2020 on a regular basis and maintained contact with operators. Works were stopped by ERA's enforcement officers several times, mainly because of spillage of construction waste into the sea and an inefficient silt curtain, leading to severe turbidity of water. The contractor was informed of the mitigation measures necessary to prevent such recurrences. The ERA remained in continuous contact with the contractor to ensure compliance with permit conditions. The case was closed by the CEP on 16 October 2020.	Closed without recommendation
Environment & Resources Authority (ERA) Ombudsman Case Reference EU 0096	Complaint relating to Environmental Impact Assessment (EIA) on a development at Manoel Island.		The ERA was informed of the complaint by the Commissioner for Environment and Planning (CEP) on 26 November 2020. The ERA replied on 30 November 2020. No action was required. The CEP communicated his Final Opinion to ERA on 17 December 2020. The allegations of irregularities in the compilation of a new EIA on a development at Manoel Island have not been sustained.	Complaint not upheld
Planning Authority (PA) Ombudsman Case Reference EU 0003	Complaint relating to the construction of a bridge and road works carried out by Infrastructure Malta in Wied Qirda - Żebbuġ.	No recommendation	The complaint was received on 14 January 2020. The PA replied on 17 January 2020, stating that works carried out by a government agency did not require a planning permit. However, the Environment and Resources Authority (ERA) monitored the work to check the impact the works might have on the biodiversity of the valley and take the necessary actions. The CEP closed the case on 17 June 2020.	Closed by the Ombudsman after the management replied to one request for information.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0005</p>	<p>Complaint regarding the fixing of a banner in a front garden.</p>	<p>No recommendation</p>	<p>The complaint was received on 23 January 2020. The CEP was informed that the PA had issued an enforcement notice for the site, which was still active, regarding signage without a permit. The owner had also been ordered to remove the banner and he complied immediately. The case was closed by CEP on 31 January 2020.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0013</p>	<p>Complaint concerning a permit for tables and chairs on parking spaces.</p>		<p>The complaint was received on 17 February 2020. The CEP investigated the electronic file together with the reply from the Lands Authority (LA) and the architect of the permit. It did not result that the PA made an administrative error since at the time of issuing of the permit it was not aware of any objection by the LA.</p> <p>The CEP issued a final opinion on 3 March 2020. The complaint was not upheld.</p>	<p>Complaint not upheld</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0015</p>	<p>Complaint concerning a refused application for an LPG gas tank at a waterpolo pitch.</p>	<p>No recommendation</p>	<p>On 29 May 2020, the CEP drew the attention of the PA that the Regulator for Energy and Water Services (REWS) were waiting for a PA permit and compliance certificate, whilst the PA was waiting for REWS to reply. On 26 June 2020, the CEP was informed that the Executable permit was to be issued in due course. On 13 July 2020, the CEP informed the complainant of the PA decision. The permit was subsequently issued on 4 August 2021.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0019</p>	<p>Complaint relating to inaction by the PA in relation to tables and chairs blocking the pavement and access to private residences by a restaurant in Marsaxlokk.</p>	<p>No recommendation</p>	<p>The complaint was received on 4 March 2020. An inspection was carried out on site on 6 March 2020 by the Enforcement Directorate. The operator complied immediately with the order to remove the tables and chairs. The CEP closed the case.</p>	<p>Closed without recommendation</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0020</p>	<p>Complaint relating to a fine in connection with a permit for a development in Marsa.</p>	<p>To correct the original reason for which the fine was issued and refund the fine paid under protest.</p>	<p>The complaint was received on 11 March 2020. The PA replied on 23 March 2020 stating that the Architect was fined in line with the permit conditions. The site was located between two streets and posed alignment issues. The architect should have made the request prior to the commencement of any works, not when the road level was reached.</p> <p>On 24 March 2020 the CEP stated that he agreed fully with the reasons given by the PA but stated that the original reason for which the fine had been issued was that the architect did not submit an initial setting out before the commencement of works. This should be corrected by the PA. The Executive Chairman replied that the case was being referred to the Director of Enforcement to take the necessary action in line with CEP's recommendation. On 29 May 2020, the CEP requested that the fine be refunded. On 26 June 2020, the CEP wa informed that the Executive Chairman had directed to issue a refund. On 6 July 2020 the CEP informed complainant that a refund was being issued by the PA and that the case was being closed accordingly.</p>	<p>Closed and recommendation implemented</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0021</p>	<p>Complaint relating to the processing of a regularisation application for a shop at Swieqi.</p>	<p>i) Article 80 should be applied by the PA to initiate revocation procedures.</p> <p>ii) Administrative procedures to publish all planning reports and informing interested third parties of the Planning Board sittings must be adopted for all regularisation applications.</p>	<p>The complaint was received on 13 March 2020. During a meeting held on 29 May 2020, the Executive Chairman informed the CEP that the PA was awaiting legal advice on the matter. The CEP issued his final opinion on 5 June 2020.</p> <p>During another meeting held on 4 September 2020, the PA informed CEP that it was accepting the recommendations made and it was being determined whether an amendment to the regulation was required. As the recommendations were not implemented by the PA, on 22 October 2020, the CEP referred case to the Prime Minister. The case was closed on 18 February 2021.</p>	<p>Closed and recommendation not implemented</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0023</p>	<p>Complaint relating to an article in the press regarding a PA Board meeting held on 26 March 2020 in relation to Government measures on COVID-19.</p>	<p>No recommendation</p>	<p>The complaint was received on 26 March 2020. The PA listed the precautions being taken with regard to employees and board meetings in the light of COVID-19. The CEP replied on same day confirming that no public meetings were to be held. The case was closed by CEP on 30 June 2020.</p>	<p>Closed by the Ombudsman after management replied to one request for information.</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0024</p>	<p>Complaint relating to an Environment Planning Appeal Tribunal regarding a planning permit and documents which were not accessible to the appellants.</p>	<p>No recommendation</p>	<p>The CEP stated that the appellants had requested access to specific documents, through a letter dated 15 April 2020. The documents were made available to the appellants on 2 July 2020. The case was subsequently closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0025</p>	<p>Complaint relating to the Outside Catering Area Policy 2016, and whether the Transport Malta permit should be reintroduced.</p>	<p>No recommendation</p>	<p>The complaint was received on 30 March 2020. The Executive Chairman and Malta Tourism Authority (MTA) CEO replied that any permit with the Lands encroachment concession was easily withdrawn by the Lands Authority (LA). It was agreed that all entities were to be consulted by the PA during the processing of such applications and if a reply was not received within a stipulated period, it was to be considered as a no objection.</p> <p>On 6 April 2020, the CEP stated that the applicants should be required to obtain permits from Transport Malta (TM) and LA. On 17 April 2020, TM made a number of suggestions for new conditions establishing responsibilities for each entity involved in the matter. However, the use of outdoor tables and chairs was not permissible unless applicants obtained all permits/clearances beforehand.</p> <p>On 9 February 2021, the CEP informed PA that this case has been closed following the action taken by the LA in consultation with TM before issuing a no objection on Outside Catering Areas.</p>	<p>Closed without recommendation</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0026</p>	<p>Complaint relating to a delay in processing a request for a revocation of permit.</p>	<p>No recommendation</p>	<p>The complaint was received on 2 April 2020. The Commissioner for Environment and Planning (CEP) stated that the PA had concluded the report on 14 October 2019. However, the applicants were not informed of the stage reached in the processing of this application for revocation. Furthermore, the PA did not follow up on the report.</p> <p>On 7 May 2020, the CEP informed the complainant that his case was to be heard by the PA Board on 14 May 2020 and closed the case.</p>	<p>Closed by the Ombudsman after management replied to one request for information</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0028</p>	<p>Complaint relating to the processing of three development applications.</p>		<p>The complaint was received on 11 May 2020. The CEP stated in a letter to the complainant that it was not within his office's remit to decide on the application or interpretation of policies. There were representations in the other two applications and the interested parties had adequate means of redress. The case was closed on 9 June 2020.</p>	<p>Closed, case withdrawn by the Office of the Ombudsman</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0031</p>	<p>Complaint concerning irregularities in the planning permit.</p>	<p>No recommendation</p>	<p>The complaint was received on 7 May 2020. The CEP stated that on 7 February 2020 he had recommended that an enforcement notice be issued regarding several irregularities. The CEP pointed out that the notice had not been issued, and that the applicant submitted another application without including any sanctioning.</p> <p>On 31 July 2020, the CEP stated that compliance was issued but according to the related photos, the certificate related to a field while the permit related to a building. On 6 August 2020, the CEP was informed that the wrong photos had been uploaded and the correct photos of the site were available. On 21 August 2020, the CEP wrote to the complainant and informed him that the PA and the Superintendence for Cultural Heritage had acted and rectified the situation on the site. The case was closed on 21 August 2020.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0032</p>	<p>Complaint relating to the processing of applications.</p>		<p>The complaint was received on 6 May 2020. The CEP conducted a preliminary investigation on the two applications in question. A number of discrepancies have been noted in the processing with regard to the zoning and the policies applied.</p> <p>On 26 May 2020, the CEP stated that since a request for revocation in relation to permit has been submitted, his office will desist from proceeding further with this investigation.</p>	<p>Closed, case withdrawn by the office of the Ombudsman.</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0033</p>	<p>Complaint relating to planning applications.</p>		<p>The complaint was received on 6 May 2020. The CEP conducted a preliminary investigation on the two applications in question. A number of discrepancies have been noted in the processing with regard to the zoning and the policies applied.</p> <p>On 26 May 2020, the CEP stated that since a request for revocation in relation to permit has been submitted, his office will desist from proceeding further with this investigation.</p>	<p>Closed, case withdrawn by the office of the Ombudsman.</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0035</p>	<p>Complaint relating to a five-year delay in the scheduling of Tigné Barracks Officers' Mess by the Executive Council.</p>		<p>The complaint was received on 11 May 2020. The Superintendent for Cultural Heritage submitted the application regarding the scheduling. During a meeting held on 29 May 2020 between the Executive Chairman and CEP, the latter was informed that discussions between all parties involved are ongoing.</p>	<p>Pending at Ministry</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0044</p>	<p>Complaint concerning the delay in processing the request for revocation of a planning permit.</p>	<p>No recommendation</p>	<p>The complaint was received on 17 June 2020. The CEP stated that a request for revocation had been submitted on the 22 January 2020 but nothing had been done.</p> <p>The CEP informed the complainant, on 2 July 2020, that the PA was to conclude the report on the revocation once all planning/legal considerations are made. The Executive Chairman had informed the applicant on 3 March 2020 to stop all works until the works at basement level were sanctioned or removed. During a meeting held on 24 July 2020, the PA informed the CEP that it will be seeking legal advice on the matter.</p> <p>On 24 August 2020, the CEP informed the complainant that the case was being closed since the PA had informed the latter of the date of the meeting to discuss the revocation.</p>	<p>Closed without recommendation</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0046</p>	<p>Complaint relating to no direct action regarding a structure.</p>		<p>The complaint was received on 11 August 2020. The CEP was informed that the PA had contacted the owner of the illegality and that the contravener was in the process of removing the illegality.</p> <p>On 5 January 2021, the Enforcement Directorate carried out an inspection and it resulted that the adjacent site had finished excavation, but due to the Covid-19 situation, time frames were shifted. The Enforcement Directorate reported, on 19 August 2021, that the situation on site remained the same as direct action was difficult since the site was not accessible. To avoid unnecessary and unjustified expenses, the PA was awaiting the erection of a tower crane by a third party for the removal of the illegality.</p>	<p>Pending at Ministry</p>

**Planning
Authority (PA)****Ombudsman
Case Reference**

EU 0051

Complaint relating to height limitation issues.

1) The PA should invoke Article 80 of the Development Planning Act onto the permit since the Authority failed to consider the lesser height limitation rightly adjacent to the site in question. Had this material information been correctly made available to the Commission, the decision would have been different.

(2) This procedure should lead to the modification of this permit for that part of the development that exceeds the lesser height limitation of 2 floors.

(3) In line with the same Article 80 and the basic principles of audi et alteram partem, the Office of the Ombudsman should be involved in the whole Planning process leading to the eventual decision of the Planning Board.

The complaint was received on 1 July 2020. The CEP referred to a drawing which was not showing the correct height limitation for the area as set out in the M'Xlokk Bay Local Plan and Development Control 2015. This incorrect information appeared also in the case officer report. This error misled the Board in taking an incorrect decision.

On 4 September 2020, the PA replied to the CEP that there were grounds for a modification/revocation on the basis of the error on the face of the record. On 10 September 2020, CEP wrote to the applicant/architect informing them of the findings of the PA and inviting them to make written submissions prior to 25 September 2020 following which a Final Opinion would be issued.

On 13 October 2020, the CEP sent his Final Opinion, stating that the difference in height limitation between the sites had not been highlighted to the Commission by the case officer and thus the Commission could have taken a different decision. Thus Article 80 was invoked since, had this material information been available at the time of the decision, the decision would have been different. The PA informed the CEP on 22 February 2021 that the report in terms of Article 80 was referred to the PA Board on 17 February 2021. Subsequently, the CEP was informed that the case has been set on the PA Board agenda for 20 May 2021 and on the agenda for 4 November 2021 of the Environment and Planning Commission for a decision.

Pending at Ministry

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Planning Authority (PA) Ombudsman Case Reference EU 0053	Complaint relating to a change in alignment.	No recommendation	<p>The complaint was received on 3 July 2021. The CEP stated that St Francis Street was neither mentioned in the application nor in the site notice, and the latter was only fixed on the eastern side of the site. The CEP requested a correction and that the application be republished in terms Circular 4/16 paragraph 3.1F(i).</p> <p>On 13 July 2020, the CEP was informed that the application address was to be changed and republished.</p> <p>The CEP closed the case on 17 July 2020.</p>	Closed by the Ombudsman after management replied to one request for information.
Planning Authority (PA) Ombudsman Case Reference EU 0057	Complaint relating to minor amendment application in the Central Link Project.	No recommendation	<p>The complaint was received on 22 July 2020. The CEP informed the complainant on the same date that the Minor Amendment (MA) had not yet been validated by the PA and the latter was to notify all representees in accordance with LN162/16, once it was validated.</p> <p>During a meeting held on 24 July 2020, the CEP explained the inconsistency on e-apps between drawings submitted with full applications and drawings submitted with MA applications.</p> <p>On 28 August 2020, the CEP confirmed that the complainant informed him that he had received all the necessary documents, and thus case has been closed.</p>	Closed without recommendation

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Planning Authority (PA)	<p>Complaint relating to approved building heights higher than the height limitation. The case has been reopened by the Commissioner for Planning and the Environment (CEP) following a letter of complaint and assigned case number EU 0062. The case is interlinked with CEP/1/2/P1.</p>	<p>No recommendation</p>	<p>The complaint was received on 3 August 2020. The CEP stated that according to LN 162/16, this was a material change requiring republication in terms of article 5(4) of the same LN. He maintained that there was no conflict between Development Control 2015 policies and the Strategic Plan for the Environment and Development, and thus there was no reason not to apply policies P35 and G18. He pointed out repercussions since other development in the vicinity would have the right for the same treatment in terms of article 72(2d) of the principal act.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>
Ombudsman Case Reference	<p>EU 0062 CEP/1/2/P1</p>		<p>During a meeting held on 29 May 2020, the CEP was informed that the Enforcement Directorate had conveyed the message to the Commission/Board members regarding this issue and stated that any procedural defect could be contested through revocation procedures as long as this defect would have been material to the decision. The CEP confirmed the case as closed on 30 June 2020.</p>	

**Planning
Authority (PA)****Ombudsman
Case Reference**

EU 0063

Complaint relating to the erection of a chimney.

The complaint was received on 31 July 2020. The CEP informed the PA that the complainant was informed that an application to sanction had been submitted. On 18 August 2020, the CEP was given the information requested and it was also explained that, since an application to sanction had been submitted, the complaint was closed by the Enforcement Directorate (ED) in line with the established protocol.

Closed, case withdrawn by the Office of the Ombudsman.

On 19 August 2020, the CEP commented that the complaint concerned also a yard in relation to which no investigation or application had been made. Therefore, the case could not be closed. The case was referred to the ED to check the change of use of the back yard. On 16 September 2020, the CEP wrote to the Commissioner of Police to investigate the illegal operation of the restaurant. On 18 September 2020, the ED ascertained that the permit covered the use of the backyard as class 4C, while another permit extended the area of the backyard used as class 4C. The ED verified on site that the backyard had been enlarged as proposed in a pending application, roofed over with sandwich panels and used as class 4D. The ED ordered the use as class 4D be stopped and the architect to submit updated plans. An enforcement notice with daily fines was issued.

An appeal was submitted against the enforcement notice on 7 November 2020. The CEP wrote on 30 November 2020, stating that his office will not continue investigating further due to the pending procedures in the Appeals Tribunal.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0072</p>	<p>Complaint relating to a minor amendment in a permit</p>	<ol style="list-style-type: none"> The PA was to notify the representees by 16 November 2020 with the minor amendment decision notice dated 28 July 2020. The PA shall adopt this procedure as a general rule for all minor amendment applications decided, where representees were registered in the system in relation to each development application it received; thus notifying at the same time the architect, the applicant and all representees with the same decision. 	<p>The complaint was received on 25 September 2020. The CEP stated that a minor amendment constituted a decision, and the objector, being a registered party, had the right to be notified with this decision. Internal discussions on the matter were ongoing. On 16 October 2020, the CEP sent his final opinion and recommendations.</p> <p>On 24 November 2020, the CEP informed the complainant that the case was being closed since the PA implemented the recommendations.</p>	<p>Closed and recommendations implemented</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0074</p>	<p>Complaint relating to the requirement to submit requests under Article 80 through an architect or a lawyer.</p>	<ol style="list-style-type: none"> The PA shall accept requests for revocation or modification of permission under Article 80 of the Development Planning Act from any person, without the requirement to submit this request through an architect, lawyer or any other representative. To this effect the PA was to make the necessary modifications to the drop-down menu on its e-applications platform so that anyone can submit a request under Article 80. 	<p>The complaint was received on 16 September 2020. The CEP stated that there was no record that this type of request must be submitted through an architect or a lawyer and that this requirement restricted people's rights. On 20 October 2020, the CEP sent his final opinion and recommendations. On 23 November 2020, the PA informed the CEP that it was implementing the recommendation and accepting requests, in terms of Article 80, by post and email and these would be subsequently uploaded by the PA in the respective file through a system similar to the representation submission system for applications. This measure eliminated the need to go through a Lawyer or Architect. The CEP informed the complainant of this development and closed the case.</p>	<p>Closed and recommendation partially implemented</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0075</p>	<p>Complaint relating to a delay in the processing of two requests for revocation of permits at Gala Gozo.</p>	<p>No recommendation</p>	<p>The complaint was received on 18 September 2020. The CEP stated that these requests had been submitted on 1 May 2020 but they were still pending.</p> <p>On 12 October 2020, the CEP closed the case since the reports were finalised by the PA.</p>	<p>Closed without recommendation</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0080</p>	<p>Complaint relating to requests under Article 80 from 2019 to date.</p>	<p>No recommendation</p>	<p>The complaint was received on 6 October 2020. The CEP requested a list of requests made under Article 80 from 2019, in relation to a preliminary investigation following a general query.</p> <p>The requested information was sent to the CEP.</p> <p>On 20 October 2020, the CEP wrote to the complainant that Article 85(2)(a) allowed the Parliamentary Secretary for Planning to make regulations, charges and fees that may be levied by the PA for services rendered under the Act or any matter where it was considered that a fee should be payable. The €500 fee was fully refundable should the request be justified. Moreover, the PA had acted in line with these regulations when imposing the levy established by LN 21/2019 and did not act illegally or ultra vires.</p> <p>On 26 October 2020, the CEP informed the PA that this complaint has been closed.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0083</p>	<p>Complaint relating to a report submitted to the PA regarding illegal hunting structures at il-Mizieb.</p>		<p>The complaint was received on 14 October 2020. The CEP stated that following a report submitted to the PA, the complainant alleged that the PA did not reply with information as to what action had been taken.</p> <p>On 22 January 2021, the PA started discussions with the Federazzjoni Kaċċaturi, Nassaba u Konservazzjonisti (FKNK) through the Enforcement Directorate, to start a gradual clean-up of the area.</p> <p>The CEP wrote to the complainant on 22 January 2021 with the discussion details and stating that his office will continue to monitor the situation to arrive to a positive closure of the case. Mapping of the structures was being compiled by FKNK, after which the report will be evaluated by the PA.</p>	<p>Pending at Ministry</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0084</p>	<p>Complaint relating to inaction against a room on a roof in Hamrun.</p>	<p>No recommendation</p>	<p>The complaint was received on 14 October 2020. The CEP stated that the PA had replied that the room had been built prior to 1967, that there was no planning history, and that it had been built in line with standard conditions issued with permits at that time. The CEP maintained that the reply should have been based on the General Development Order 1997 applicable at the time which permitted the erection of the room without a permit, since the complainant had stated that the room had been built 17 years ago.</p> <p>On 19 November 2020, the PA confirmed that the structure was permitted under the General Development Order at the time of construction. On 26 November 2020, the CEP confirmed that the case had been closed.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>

**Planning
Authority (PA)****Ombudsman
Case Reference**

EU 0086

Complaint relating to lack of enforcement at Palazzo Caraffa, Valletta.

No recommendation

The complaint was received on 16 October 2020. The CEP stated that in September 2020 the complainant had identified concerns regarding the historical stage in the main hall but the PA did not reply with the enforcement action taken.

Closed without recommendation

On 20 October 2020, the PA informed the CEP that the complainant had sent a reply to the Development Planning Application Report rather than a formal complaint, so this was never forwarded to the Enforcement Directorate. The PA also noted that the stage was considered as a fixture in a historic building and not part of the structure itself. Therefore the Superintendence for Cultural Heritage had the legal remit to protect it, similar to the theatre balcony in the same building.

On 26 October 2020, the CEP replied that documentation indicated that the complaint had been forwarded to enforcement. During a meeting held on 26 February 2021, the PA informed the CEP that the applicant was liaising with the Superintendence for Cultural Heritage. The case was closed on 24 September 2021 following the issuing of a development permit.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0091</p>	<p>Complaint relating to a report regarding no information given to interested parties.</p>		<p>The complaint was received on 27 October 2020. The CEP stated that the PA had failed to inform the interested third parties of the Planning Board sitting, in line with Article 71(8) of the Development Planning Act, and that in consequence this application should be revoked in line with Article 80 of the Act.</p> <p>On 10 November 2020, the CEP suspended the case due to an appeal submitted to the Environment and Planning Review Tribunal.</p>	<p>Suspended due to tribunal proceedings</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0103</p>	<p>Complaint relating to the PA not allowing representations following the Development Planning Act reports.</p>	<p>1. Representations submitted by interested persons following the updated case officer reports should not be rejected by the Executive Chairperson.</p> <p>2. A time frame within which such representations may be submitted should be established in order to give an adequate direction to the Board/Commission whether such representations should be considered.</p>	<p>The complaint was received on 17 December 2020. The CEP stated that the PA was to comment with regard to section 12(6)(m) of SL 552:13, and the fact that the PA allowed submission of fresh plans by the applicant following updated Development Planning Act reports.</p> <p>The Authority replied on 18 December 2020, explaining how the system worked but on 22 December 2020, the CEP reiterated that all involved in the application were to be given the same possibility to submit their views preceding the dumb period before the hearing.</p> <p>The CEP issued his final opinion on 22 January 2021 and gave his recommendations. On 8 March 2021, the CEP confirmed closure of the case as the PA was to implement the recommendations made.</p>	<p>Closed and recommendation implemented</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0104</p>	<p>Complaint relating to lack of notification of decision notice.</p>	<p>No recommendation</p>	<p>The complaint was received on 17 December 2020. The CEP stated that although the Planning Commission had approved the application on 16 October 2020, the permit had not yet been issued due to a pending matter to be settled by the applicant. The PA was bound to publish a non-executable permit within 15 days of the decision in terms of SL 552:13.</p> <p>On 4 January 2021, The PA replied that the drawings requested by the Board during its decision had to be vetted by the Sanità officers and a decision notice was to be issued once a list of correct, endorsed drawing/document numbers were identified.</p> <p>On 22 January 2021, the CEP wrote to the complainant that the case was being closed since the PA had notified the relevant decision on the 19 January 2021.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>
<p>Planning Authority (PA)</p> <p>Ombudsman Case Reference</p> <p>EU 0105</p>	<p>Complaint relating to lack of timely notification of a decision notice to official representees.</p>	<p>No recommendation</p>	<p>The complaint was received on 17 December 2020. The CEP stated that the applicant and consultees were notified of the non-executable decision notice on 6 October 2020, but the representees were informed of the full development permission on 18 November 2020. The CEP asked if this action was in line with SL 552:13.</p> <p>The PA replied that it was not, and listed the measures taken by the PA to ensure that all stakeholders were treated equally. At the time of the incident, the PA had not been aware of a malfunction in the system which led to the failure in sending such notification. The PA became aware of this fault through another complaint, and this was immediately rectified.</p> <p>On 22 January 2021, the CEP informed the complainant accordingly. The CEP stated that his office did not see the need for further investigation and thus closed the case, also because the representee could have appealed from the decision taken, having been aware of the decision date and the decision content following the publication of such decision by the PA.</p>	<p>Closed without recommendation</p>

MECP

**Ministry for Environment,
Climate Change and Planning**

Follow-up on Annual Report 2020
Commissioners

Pre 2020

**Sector /
Department**

**Planning Authority
(PA)**

**Ombudsman
Case Reference**

ET 0018

Brief Detail of Case

Complaint relating to the validity of Category B (CTB) Concessions following the issue of PA Circular 1/19.

**Recommendation
by Ombudsman**

On 7 May 2019, the Commissioner for Environment and Planning (CEP) recommended that the Planning Authority was to issue a corrected circular.

Action taken and management comments

On 29 May 2020, the CEP was informed that an amendment to PA Circular 1/19 has been drafted and was to be placed on the agenda for the Executive Council. On 4 August 2020, the Council decided that the Authority should seek further legal advice on the interpretation of the circular.

CEP informed MECP that the case was closed on 26 April 2021.

Status

Closed and recommendation noted

Status Last Year

Pending at Ministry

**Planning Authority
(PA)**

**Ombudsman
Case Reference**

ET 0070

Complaint relating to changes in development proposals.

All applications falling within the 1st Schedule should be seen by the Planning Board.

On 20 May 2020, the Executive Chair (ECh) confirmed to CEP that the application in question qualified as a major project in terms of LN 162/16. The policy within the South Malta Local Plan requires the PA to support and encourage Transport Malta and other bodies to undertake similar works. The landscaping scheme had been submitted and approved.

The CEP forwarded his final opinion on 29 May 2020, affirming that there was no maladministration by the PA in the processing of the permit, leading to the approval of the underpass in St. Lucia. During a meeting held on 24 July 2020, the ECh informed the CEP that he agreed with his recommendation. On 29 September 2020, the ECh brought up this issue at Executive Board level and it was approved.

On 24 November 2020, CEP confirmed closure of case.

Status Last Year

Pending at Ministry

**Wasteserv
Malta Ltd
(WSM)****Ombudsman
Case Reference**

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.

The Ombudsman requested WSM to provide:

1. Air-monitoring procedures carried out around Triq il-Gemmugħa 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.

The complaint from the CEP was received on 6 October 2017. On 17 October 2017, Wasteserv Malta (WSM) provided all details required by CEP. Site monitoring and off-site air and water monitoring were carried out. WSM must abide by the operative framework provided through the IPPC permit (IP 005/13/A). The CEP was also informed that WSM took all precautions to minimise inconveniences as much as possible.

On 15 October 2021 WSM contacted the CEP Office for updates on the case. WSM was requested to contact the complainant for an update. WSM wrote to the complainant asking for feedback and updates following the implementation of a number of mitigation measures within the site concerned, to see if the situation had improved since October 2017. A reply from the complainant was awaited by WSM.

Pending at Ministry

Pending at Ombudsman

MTIP

**Ministry for Transport,
Infrastructure and Capital Projects**

Follow-up on Annual Report 2020
Commissioners

MTIP

During 2020, the Ministry for Transport, Infrastructure and Capital Projects (MTIP) dealt with a total of 17 cases referred by the Commissioner for Environment and Planning (CEP). Out of these 17 cases, 14 cases were opened in 2020, whilst the remaining three cases were pending from previous years. 16 cases have been closed, whilst the remaining case is pending at the CEP. The case that is still pending at the CEP has been pending for less than three months.

The 16 closed cases include nine cases which were closed without a recommendation being given. Six cases were closed with recommendations which have been implemented. The remaining case was closed after the CEP withdrew the case.

**Sector /
Department**

**Infrastructure
Malta (IM)**

Ombudsman
Case Reference

EU 0004

Brief Detail of Case

Complaint relating to the lack of information provided to the public regarding the works planned between Rabat and Marsalforn, Gozo.

**Recommendation
by Ombudsman**

No recommendation

Action taken and management comments

In his initial email dated 23 January 2020, the Commissioner for Environment and Planning (CEP) requested that this information is made available to the public. On the same day, the CEO of IM informed the CEP that the Agency did not submit any application in relation to such works. On the 23 March 2020, the CEP informed IM that since it was not involved, this case was closed with respect to the Agency.

Status

Closed without
recommendations

**Infrastructure
Malta (IM)**

Ombudsman
Case Reference

EU 0027

Complaint relating to an investigation following allegations of illegal dumping at Pembroke Natura 2000 site.

No recommendation

In his initial email dated 6 April 2020, the CEP requested IM and the Environment and Resources Authority to provide information on the situation and of any related action taken. On the same day, IM replied that it had not commissioned anyone to dump material at Pembroke Natura 2000. On the 20 April 2020, the CEP acknowledged this reply, and stated that the complaint against IM was not justified.

Closed without
recommendations

**Infrastructure
Malta (IM)**

Ombudsman
Case Reference

EU 0029

Complaint arising from a letter received at CEP's office regarding the culvert at Triq il-Keffa corner with Triq S. Cannataci, Swieqi.

No recommendation

In his initial email dated 14 April 2020, the CEP addressed the complainant, and not IM, and advised the former to contact the health authorities first to be able to tackle the situation in an orderly manner. IM was copied in to take action once the health authorities issued their advice. The case was closed by CEP on 28 April 2020, without any further correspondence.

Closed without
recommendations

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Infrastructure Malta (IM) Ombudsman Case Reference EU 0047	<p>The complaint, which was brought forth by the CEP, related to the construction of a seawall at Dawwret it-Tunnara, Mellieħa</p>	<p>No recommendation</p>	<p>On 30 September 2020, IM presented the plans to the CEP, which were to the satisfaction of the latter. On 22 June 2021, the CEP requested IM to replace a Two-Way sign with a No-Entry sign in a street leading to Triq Dawwret it-Tunnara, Mellieħa and also asked about an opening in the wall, which was built in Triq Dawwret it-Tunnara. On the 23 June 2021, IM replied that the necessary action regarding the signage had been taken. However, the opening in the wall could not be reduced further in view that IM received several complaints related to the area. The CEP closed the case on the same day.</p>	<p>Closed without recommendations</p>
Infrastructure Malta (IM) Ombudsman Case Reference EU 0058	<p>Complaint regarding no vehicular access during road works at Fredrick Inglott Street, Attard.</p>	<p>No recommendation</p>	<p>In his email dated 29 July 2020, the CEP informed the complainant that there was pedestrian access along the pavement, and that the contractor padlocked the gate in question for safety reasons to assure that the site was clear of any vehicles or other obstructions daily. In this regard, the CEP stated that there was no need for an investigation against Infrastructure Malta.</p> <p>The Ministry, Transport Malta and IM have been in constant contact regarding this case. On 23 November 2020, IM Liaison Officer informed the respective entities that works were nearing completion and that the gate was to be removed as soon as the site was rendered safe for use by the public.</p> <p>The CEP closed the case on 15 January 2021.</p>	<p>Closed without recommendations</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Infrastructure Malta (IM)	Complaint relating to loss of commercial water sports activity and revenue during works on the Balluta Jetty by IM.	No recommendation	<p>In his initial email dated 5 November 2020, the CEP requested IM to find an appropriate solution.</p> <p>On 16 November 2020, IM stated that whilst the Agency was the implementer of these works, the complainant had some sort of agreement with Transport Malta (TM), which was the pertinent authority to handle claims for compensation.</p> <p>On 19 November 2020, the CEP contacted TM and asked the Authority to consider either postponing payment of dues by six months, or renewing licences for free as a means of compensation. On 26 November 2020, TM requested further information about the complainant and informed CEP that licences could not be renewed without payment since the fees were stipulated in the pertinent legislation. However, the Authority was willing to allow a re-payment plan in this case. This information had been forwarded to the complainant.</p> <p>On 30 December 2020, TM replied to the CEP, giving a breakdown of all payments due, and also informed CEP that TM will not renew any certificates or licences before a re-payment plan agreement was signed by the complainant. The case was closed by the CEP on 9 June 2021.</p>	Closed without recommendations
Ombudsman Case Reference EU 0076				
Infrastructure Malta (IM)	Complaint regarding roadworks on private land at Burmarrad.	No recommendation	In an email dated 12 October 2020, addressed to the complainant, the CEP pointed out that the roadworks required a development permit, and thus no action was required from IM's end. The case was closed by the CEP on 10 November 2020.	Closed without recommendations
Ombudsman Case Reference EU 0082				

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Infrastructure Malta (IM) Ombudsman Case Reference EU 0106	<p>Complaint concerning car damages due to seawater flooding at Birzebbuga.</p>	<p>The CEP recommended that:</p> <ol style="list-style-type: none"> 1) Transport Malta should recognise its responsibilities in connection with the claim put forward by the complainant; and 2) Transport Malta should reply to this claim and not abdicate its responsibilities by simply referring the claimant to another entity. 	<p>In his initial email dated 13 May 2021, the CEP asked Transport Malta (TM) to clarify how IM was responsible for this complaint, considering that the complaint was not related to a maintenance issue but to the low level of an old road with respect to the sea level, and considering that TM still retained the ownership of this road.</p> <p>On 7 July 2021, TM replied that whilst it was acknowledging that sea water overrides the road in Birzebbuga, any proposed projects related to the quay or the road in this area were within the remit of IM.</p> <p>On 12 July 2021, the CEP replied that TM was nonetheless obliged to provide the complainant with a reasoned reply why this claim was or was not justified and not simply rejecting outright the request on the premise that IM was responsible. CEP asked TM to submit its comments in this regard.</p> <p>On 17 September 2021, TM refuted any responsibility for the damages. On the same day, the CEP issued his Final Opinion with the recommendations.</p> <p>On 2 November 2021, TM replied to the Final Opinion issued by the CEP, whereby the Authority stated that such claims for damages should be decided by the Courts, where the Authority would have the opportunity to defend itself.</p>	<p>Pending at Ombudsman</p>
Transport Malta (TM) Ombudsman Case Reference EU 0001	<p>Complaint relating to a double yellow line in Swieqi which was erased.</p>	<p>No recommendation</p>	<p>In his initial email dated 7 January 2020, the CEP asked TM to clarify why this double yellow line had been erased.</p> <p>On 25 February 2020, TM stated that the authority stood by its initial decision taken in 2018 on the removal of double yellow lines, since such yellow lines were causing considerable prejudice to third party rights without sufficient justification.</p> <p>On 2 April 2020, the CEP sent a letter to the complainant, informing him that there had been no maladministration by TM when it requested the removal of the double yellow line in question. The case was closed by the CEP on the same day.</p>	<p>Closed without recommendations</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Transport Malta (TM)	<p>Complaint related to speed control measures at Reggie Miller Street, Gżira.</p>	<p>CEP recommended that road humps were to be adjusted according to TM policy.</p>	<p>On 6 February 2020, TM replied to a complaint received on 27 January 2020. TM explained that it had acted following requests for road safety by the Local Council (LC) and the Police.</p> <p>On 17 February 2020, the CEP requested further clarifications regarding the installation of six humps placed close to one another. The Local Council replied that these humps were installed following a petition by the residents.</p> <p>On 28 April 2020, the CEP informed TM that the proposed plans to resolve the matter were noted but that the case will remain open until implementation of the required works was complete.</p> <p>On 15 October 2020, IM informed the CEP that the road markings and road signage were in place. However, the existing humps were not replaced since IM encountered opposition from the LC.</p> <p>On 16 November 2020, the CEP sent his Final Opinion to TM, recommending that existing road humps be removed and replaced in accordance with the authority's policies and guidelines.</p> <p>On 17 December 2020, TM replied to the CEP, informing him that the authority agreed with his recommendations and had requested IM to carry out the necessary works.</p> <p>On 5 March 2021, the CEP was informed that works were carried out in line with his recommendations. On 8 March 2021, the CEP acknowledged the implementation of the works and closed the case.</p>	<p>Closed and recommendations implemented</p>
Ombudsman Case Reference	<p>EU 0006</p>			
Transport Malta (TM)	<p>Complaint concerning the permit of tables and chairs instead of parking spaces at St Julian's.</p>			<p>Closed, case withdrawn by the Office of the Ombudsman</p>
Ombudsman Case Reference	<p>EU 0040</p>			

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Transport Malta (TM)	Complaint relating to discrimination against residents by taking their parking spaces in favour of a hotel.	All road markings in Triq Santu Wistin and Sqaq Lourdes should be rectified in accordance with TM's plans and permits.	<p>In his initial email dated 29 October 2020, the CEP asked TM to provide the relevant plan of the existing and proposed scheme.</p> <p>On 25 November 2020, TM explained that the authority did not issue any approval for traffic signs or road markings in Sqaq Santu Wistin. These road markings were implemented without TM's authorisation.</p> <p>In an email dated 26 November 2020, the CEP brought to the attention of TM the fact that the un/loading bay should have been located within the site as imposed by the Planning Authority permit.</p> <p>On 10 December 2020, TM confirmed that the authority had refused the request submitted by the company concerned and had instructed that all road markings in Triq Santu Wistin and Sqaq Lourdes be rectified in accordance with the authority's plans and permits</p> <p>On 21 December 2020, the CEP was informed that the road markings had been adjusted and closed the case.</p>	Closed and recommendations implemented
Ombudsman Case Reference	EU 0094			
Transport Malta (TM)	Complaint related to a fine of €6,650 imposed on three house connections.	No recommendation	<p>In his initial email dated 1 December 2020, the CEP stated that the fee was excessive and not according to standards.</p> <p>On 19 January 2021, TM replied that the ordinal fine for non-observance of permit conditions was originally €50. However, the fine continued to accrue due to continuous non-observance of permit conditions and failure of the contractor to rectify the situation for the period August 2019 to December 2019.</p> <p>The CEP had advised complainant to seek legal advice. TM held a meeting with the complainant in March 2021.</p> <p>Since no further correspondence had been received from the complainant, the CEP closed the case on 9 June 2021.</p>	Closed without recommendations
Ombudsman Case Reference	EU 0097			

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Transport Malta (TM)	<p>Complaint concerning the oil rigs berthed at the Palumbo Shipyards in the Grand Harbour.</p>	<p>The CEP requested TM to take the necessary action according to law for the removal of oil rigs from Palumbo Shipyard.</p>	<p>In his initial email dated 1 December 2020, the CEP asked TM to find a reasonable solution to the matter.</p> <p>On the same day, TM replied that the owners of the oil rigs at Palumbo Shipyards had been given formal notice to vacate their berth within the Grand Harbour by the end of 2020.</p> <p>On 25 January 2021, the CEP wrote to TM, requesting the authority to take the necessary action to remove all rigs from the Grand Harbour and to impose hefty fines in case of non-compliance.</p> <p>On 30 March 2021, TM informed the Ministry that the oil rigs had departed and that a reply to the CEP was being drafted. However, the reply was never sent to the CEP, as the latter closed the case on 12 April 2021.</p>	<p>Closed and recommendations implemented</p>
Ombudsman Case Reference	<p>EU 0098</p>			

MTIP

**Ministry for Transport,
Infrastructure and Capital Projects**

Follow-up on Annual Report 2020
Commissioners

Pre 2020

Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>The Commissioner for the Environment and Planning (CEP) drew the attention of Transport Malta (TM) regarding a bottleneck in Mellieħa, where the width of this part of the road was deemed to be too narrow in contrast with the rest.</p>	<p>On 17 July 2018, CEP recommended that TM take the necessary action so that accidents in this part of the road are avoided.</p>	<p>IM architects agreed that the street in question could be widened. In this regard, the relevant application was submitted to the Planning Authority on 17 February 2020 in order to initiate the process. IM's application for development permission was confirmed as complete on 1 April 2020. The CEP was duly informed about this update.</p> <p>On 22 January 2021, IM Liaison Officer was informed that a non-executable permit had been issued. The permit became executable by PA once the nature permit by the Environment and Resources Authority was issued. The works were carried out in April 2021.</p> <p>Through a reconciliation exercise with the office of the CEP, it transpired that the case had been closed.</p>	<p>Pending at Ministry</p>	<p>Closed and recommendations implemented</p>

**Infrastructure
Malta (IM)**

A complaint concerning flooding in a locality square.

The CEP recommended that: (i) changes in street levels should be carried out, and (ii) a water culvert should be constructed.

A survey to identify the levels presently on site was carried out to identify the source of the flooding problem. It was agreed to clean existing culverts by the end of August 2019. If the problem were to persist, alternative measures would be considered by IM. The CEP was informed of the foregoing via an email dated 10 June 2019.

Pending at Ministry

Closed and recommendations noted

**Ombudsman
Case Reference**

ET 0021

On 16 September 2019 and on 9 October 2019, the IM Liaison Officer informed CEP that the cleaning of the culverts had been carried out. Notwithstanding this, the CEP sent another email dated 14 November 2019, requesting that a culvert in another street be cleaned and that the reservoir underneath the square be emptied from water.

On 25 August 2020 the CEP was informed that the cleaning of the mentioned culverts will be carried out soon, whilst pointing out that the reservoir did not fall under IM's remit. On 26 August 2020, the CEP contacted the Minister for Transport, Infrastructure and Capital Projects directly and submitted his recommendations about this case. On 7 September 2020, the CEP was informed that cleaning of culverts had been carried out. A meeting was held on the 30 September 2020 between IM and the CEP where it was established that the CEP will liaise directly with the Planning Authority regarding street levels.

The recommendations made by CEP were not implemented as the issue had been resolved by the action taken by IM. The existing water culverts were cleaned around November 2019 and September 2020, and no further complaints were received. Through a reconciliation exercise with the office of the CEP on 15 April 2020, it transpired that the case had been closed.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Transport, Infrastructure and Capital Projects (MTIP)	<p>The CEP drew the attention of IM regarding the state of the rural roads at Wied il-Ghazel, Mosta, where urgent works were required to re-establish access.</p>	<p>The CEP recommended that immediate action be taken to help alleviate problems faced by citizens who have to make use of these roads as access to their properties.</p>	<p>On 28 February 2019, IM Liaison Officer requested the relevant site plans of these rural roads from the CEP. IM applied for the necessary permit with (Environment and Resources Authority (ERA), but the application was refused.</p>	<p>On hold due to COVID-19 exigencies</p>	<p>Closed and recommendations noted</p>
Ombudsman Case Reference	<p>ET 0008</p>	<p>As a result, the CEP called for a meeting between IM and ERA on 20 May 2019. During the meeting it was agreed that ERA was to contact the complainant to investigate his concerns and update the CEP accordingly. Two follow-up meetings were also held between IM and ERA on 2 October 2019 and 25 February 2020. The two entities agreed to hold a site visit to discuss the way forward. ERA, IM, and CEP agreed to meet on-site on 17 March 2020.</p>	<p>A site inspection was eventually held at Wied il-Ghazel, Mosta on 13 November 2020. IM was informed that the necessary works were to be carried out by PARKS Malta. The majority of the works in the valley had been completed by September 2020.</p>	<p>The case was closed off by the CEP on the 20 November 2020.</p>	

CEP

Other Ministries

Follow-up on Annual Report 2020
Commissioners

**Sector /
Department**

**MEI - Lands
Authority**

**Ombudsman
Case Reference**

EU 0017

**MEI - Lands
Authority**

**Ombudsman
Case Reference**

EU 0039

**MEI - Lands
Authority**

**Ombudsman
Case Reference**

EU 0054

Brief Detail of Case

A complaint related to a piece of land. The complainant enquired whether the land was government-owned and, if so, whether it was occupied by third parties under a concession or any other agreement.

A case pertaining to the Lands Authority (LA) concerning an outlet's tables and chairs in a public place. The CEP requested Transport Malta (TM) to consider changing an un/loading bay to a public parking space for the disabled.

An investigation following a complaint against an irregular development in Paceville that consisted of two seating areas and canopies in front and close to a commercial establishment. The Lands Authority (LA) was asked to investigate whether an encroachment permit was issued as it appeared that the development had been encroaching on public land since February 2020.

**Recommendation
by Ombudsman**

No recommendation

No recommendation

No recommendation

Action taken and management comments

Upon receipt of complaint, on 28 February 2020, internal action to obtain the necessary information was taken immediately.

On 4 March 2020, the Commissioner for Environment and Planning (CEP) was informed that the land in question was not government owned. The case was closed by CEP on same day.

In its reply to CEP, TM has accepted the CEP's suggestion and changed the un/loading bay to a parking space for persons with disabilities, attaching photos of implemented changes. A meeting was also held to discuss this matter.

On 24 September 2020, CEP informed LA that the case had been closed.

On 6 July 2020, the CEP opened the investigation.

On 5 August 2020, LA informed the CEP that the authority's officials were verifying whether the sites as indicated on the plans submitted to the Planning Authority were covered by an LA encroachment permit or otherwise.

On 7 August 2020, LA informed the CEP that the plans submitted with the applications showed sites regulated by an encroachment permit issued by the authority.

The complainant was informed of the outcome on 12 August 2020 and the case was closed on 26 August 2020.

Status

Closed without recommendation

Closed without recommendation

Closed without recommendation

Sector / Department

Brief Detail of Case

Recommendation by Ombudsman

Action taken and management comments

Status

MEI - Lands Authority

Ombudsman Case Reference

EU 0081

A complaint relating to an approved development in San Pawl il-Baħar. CEP requested whether the Lands Authority (LA) issued the necessary concessions for the development to take place.

Pending at Ministry

On 30 October 2020, the LA informed the CEP that a superimposition of the relative plans was carried out to verify whether the developer had a legal title over the land in question to be able to carry out the development in question. The CEP was further informed that after carrying out the above mentioned exercise, it resulted that the developer did not possess a legal title on some parts of the development and that this was brought to the attention of the LA administration to take necessary actions.

On 29 January 2021, CEP asked LA about the action taken in relation to the matter. On 15 September 2021, LA informed CEP that the case was referred to the authority's Legal Section to take necessary action so that matters concerning the developer would be regularised.

MESD - Enemalta

Ombudsman Case Reference

EU 0030

Complainant applied for a new supply of electricity. However, there was a problem regarding access to complainant's residential road.

Pending at Ombudsman

The complaint was received on 23 April 2020. Enemalta replied that a third party disagreed that the meter should be installed near the main switch. Usually, the meter was placed as close as possible to the road and not in the consumer's home.

Moreover, a third party claimed that if any services should be routed through the said passage, then this third party should always be involved and consulted in relative decisions.

The Commissioner noted that installation of the meter on the road was contrary to Article 51 of subsidiary legislation 423.01 which stated that the meter must be installed at the home or place of the consumer and therefore in the premises of the applicant.

Enemalta sought assistance from the Regulator for Energy and Water Services (REWS) regarding the matter at hand. REWS stated that they had no objection for an electricity service to be given in accordance with the permit. This no objection related strictly to the case under consideration and the pertaining circumstances only. The CEP was informed accordingly on 30 June 2021.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
MESD - Water Services Corporation (WSC) Ombudsman Case Reference EU 0034	<p>A complaint regarding drainage seepage into a warehouse at basement level.</p>		<p>The complaint was received on 26 May 2020. The Commissioner enquired on the possibility of changing the drain which the complainant reported as overloaded with rainwater and hence the seepage into the complainant's warehouse.</p> <p>On 20 June 2020, WSC reported that, with the cooperation of Infrastructure Malta, a stretch of 13 metres of the sewer network in front of the property in question was replaced. WSC stated that this should alleviate the complaints raised.</p>	Pending at Ombudsman
MHAL - Local Councils (LC) Ombudsman Case Reference EU 0012	<p>A complaint regarding a new booth assigned after a regeneration project. Complainant argued that the size of the booth was reduced from 17 feet to 15 feet.</p>		<p>The Local Council provided no information.</p>	Closed by the Ombudsman
MHAL - Local Councils (LC) Ombudsman Case Reference EU 0014	<p>A complaint regarding double-yellow lines near garage.</p>		<p>The Local Council provided no information.</p>	Closed by the Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>MHAL - Local Councils (LC)</p> <p>Ombudsman Case Reference</p> <p>EU 0056</p>	<p>A complaint concerning a permit which was granted to local club during July 2020, including the setting up of tables and chairs in the location. The complainant contended that his request for a similar permit had been refused by the Local Council.</p>	<p>No recommendation</p>	<p>On 23 July 2020, the Commissioner for Environment and Planning (CEP) requested details on this case from the LC and to state why the complainant's permit for the setting up of tables and chairs had been refused, when a similar application for the same period, and for the same scope, had been accepted.</p> <p>On 29 January 2021, the LC informed the Commissioner that one applicant had applied for a permit to set up tables and chairs for a specific social activity while the complainant wanted to extend his establishment by making use of a public parking area.</p> <p>The CEP considered this case as closed on 11 February 2021, noting that no form of discrimination had been practised against the complainant.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>
<p>MHAL - Local Councils (LC)</p> <p>Ombudsman Case Reference</p> <p>EU 0073</p>	<p>A complaint regarding the painting of double lines near garage.</p>	<p>No recommendation</p>	<p>The Local Council provided no information.</p>	<p>Closed by the Ombudsman without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
MHAL - Local Councils (LC) Ombudsman Case Reference EU 0079	<p>The case concerned a restriction to the access a block of flats by motor vehicle.</p>	<p>No recommendation</p>	<p>The LC received a letter from the CEP on 5 October 2020, regarding several complaints received due to this restriction of access imposed by the Council through the installation of two bollards. The comments of the Council were requested.</p> <p>On 14 October 2020 the LC explained that this action was taken after complaints from residents that parked vehicles were of danger to the flat owners, particularly to vulnerable persons. The bollards never obstructed the entrance to the flats. The Ombudsman proceeded to close the case on 5 November 2020.</p>	<p>Closed by the Ombudsman after the management replied to one request for information.</p>
MHAL - Local Councils (LC) Ombudsman Case Reference EU 0107	<p>A complaint concerning health and safety issues in a main road. The matter was referred to the Local Council to take necessary action and implement measures of "traffic calming" and to install signs indicating that a roundabout was close.</p>	<p>No recommendation</p>	<p>On 15 January 2021, the CEP requested the LC for feedback regarding this case. A reply was sent by the LC on 22 March 2021. The following day, the CEP requested further clarifications.</p> <p>On 12 April 2021, the CEP sent a letter to the complainant stating that the LC had issued a detailed reply to his request.</p> <p>The case was closed on 12 April 2021.</p>	<p>Closed without recommendation</p>

CEP

Other Ministries

Follow-up on Annual Report 2020
Commissioners

Pre 2020

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
MEI - Lands Authority	A complaint lodged in connection with the alleged occupation of public land in Floriana.		<p>The Lands Authority (LA) informed the Commissioner that all actions were on hold pending the decision of a Planning Authority (PA) application that was lodged to sanction irregularities.</p> <p>Various on-site inspections were carried out by the LA's Inspectorate, Enforcement and Compliance Directorate.</p> <p>During a meeting held with CEP on 15 January 2020, the CEP requested to be informed whether the applicant had filed an application with the PA so as to regularise the development. Clarifications were sought on this matter so as to inform the CEP.</p> <p>On 9 February 2021, CEP referred to the LA's suspension on all actions pending the outcome of PA permit. CEP confirmed that no development application has been filed and an enforcement order was pending for direct action and accruing fines imposed by the PA. CEP asked LA what action it has taken against the appropriator to reach a closure to this case.</p> <p>In its reply dated 3 March 2021, LA noted that discussions were underway on the possibility of transferring the property in question to Sport Malta in accordance with the Sports Act.</p>	Pending at Ministry	Pending at Ministry
Ombudsman Case Reference	ES 0051				

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
MEI - Lands Authority	<p>A complaint relating to a borehole not indicated on a Lands Authority (LA) 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</p>		<p>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 LA to amend the description of the expropriated site. On 15 March 2019, the Lands Authority informed CEP that it was determined that Infrastructure Malta (IM) was going to provide the necessary funds for the expropriation of the borehole after it was confirmed that there had been a borehole before the expropriation. CEP was also informed that after the valuation of the borehole, the complainant would be contacted by LA for the publication of the contract.</p>	Pending at Ministry	Pending at Ombudsman
Ombudsman Case Reference	ES 0053	<p>On 20 November 2019, the CEP was informed that the LA had requested IM to transfer the necessary funds for the expropriation of the borehole to compensate the owners. On 8 January 2020, the Contracts Section informed that the funds in connection with the payment for the water source (<i>spiera</i>) had been received.</p>	<p>The LA was finalising the necessary research to eventually publish the relative public deeds, following the approval of the Board of Governors.</p>	<p>The Authority informed part of the owners on the value of the water source (<i>spiera</i>). However, they were not in agreement and did not sign the contract. The owners are entitled to contest the valuation with the Arbiters Board.</p>	<p>As recommended by CEP, LA contacted the complainant on the developments of the case. The claimant had to revert to CEP accordingly to proceed to closure of case.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
MEI - Lands Authority	A complaint related to alleged unfair treatment in the processing of an application to adjoin an unutilised enclosed space in Valletta		The Lands Authority (LA) informed CEP that the complainant had been informed by the Board of Governors of the Authority, on 11 December 2018, that his request to adjoin an unutilised enclosed space could not be approved as the property beneath the complainant's was enclosed illegally. The CEP was also informed that the occupier of the property beneath the complainant's had requested to remove all irregularities which were in place, namely reverting the internal yard to its original state.	Pending at Ombudsman	Pending at Ombudsman
Ombudsman Case Reference	ET 0027		On 4 March 2020, the LA informed the CEP that the case had been referred to the Chief Officer Enforcement for necessary actions.		

Commissioner for Health

Follow-up on Annual Report 2020
Commissioners

Cases handled by the Commissioner for Health

The Public Administration's findings indicate that during 2020 the Commissioner for Health handled a total of 163 cases. Of these, 89 were new cases, while the remaining 74 cases have been pending cases from previous years.

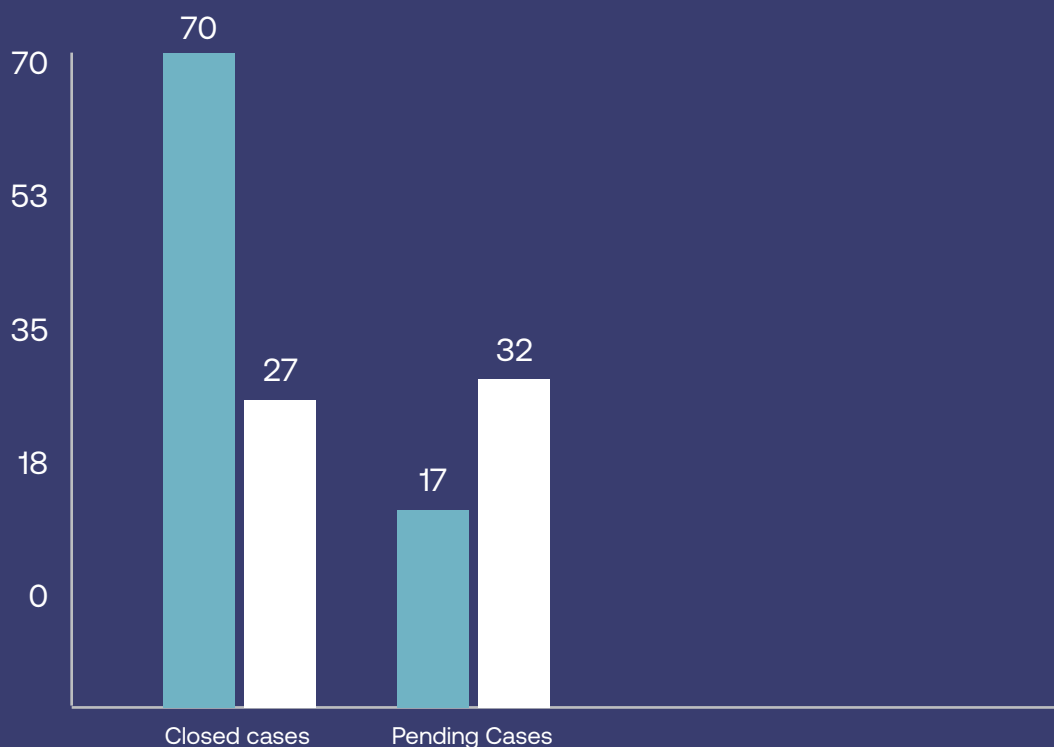
An analysis of the total caseload of 163 cases handled by the Commissioner of Health in 2020 reveals:

- **97** cases (59.5% of the total caseload) were closed by the time of reporting. Of these:
- **84** cases (51.5%) were closed either without the Commissioner presenting any recommendation or otherwise after accepting the Ministry's initial explanatory submission. This is a significant and positive statistic.
- In addition, for nine other cases (5.5%) the recommendations have been implemented by the time of reporting. In three other cases (1.8%), the recommendations made were not accepted.
- **14** cases (8.6% of total caseload) were referred to the Prime Minister for consideration. 13 of these cases pre-dated 2020.
- **One** case was withdrawn by the complainant and two other cases have been suspended due to pending court proceedings. These cases represent (1.8%) of the total caseload.
- The remaining **49** cases (30.1% of the total caseload) were pending at the time of reporting. 24 cases are pending at the pertinent Ministry, while 25 cases were pending at the Commissioner for Health.

Diagram 11

■ 2020 ■ Pre-2020

Status of case load handled by the Commissioner for Health



MFH

Ministry for Health



MFH

During 2020, the Ministry for Health (MFH) dealt with a total of 141 cases. 73 cases were referred by the Commissioner for Health in 2020 while 68 cases have been pending from previous years. 72 of these 141 cases were closed by the Ombudsman without a recommendation being given.

The following is a breakdown of the remaining 69 cases:

- 23 cases are pending at the Ministry;
- 21 cases are pending at the Commissioner for Health;
- 12 cases have been referred to the Prime Minister in terms of article 22(4) of the Ombudsman Act;
- 7 cases have been closed and the recommendations made by the Commissioner for Health were implemented;
- 3 cases have been closed but the recommendations made were not accepted;
- 2 cases have been suspended due to court proceedings
- 1 case was withdrawn by the complainant.

A company complained that after an order confirmation, the order was cancelled by CPSU.

On 9 November 2020, the Commissioner was informed that a reply was being prepared but it was to be vetted legally prior to submitting. On 22 January 2021, an endorsed report was forwarded to the Commissioner.

Pending at Ombudsman

On 26 March 2021, the Commissioner informed MFH that claimant had referred the case to Police. On 7 April 2021, the Commissioner was informed that CPSU had sought legal advice on the matter. It was decided that since the pursuit of multiple lines of communication could potentially prejudice MFH's position, only requests for information from the police would be entertained. MFH's position was to be revised once it was formally notified that the police would not be investigating the case and that the matter was closed from their end.

A complaint from a vending machine company regarding the specifications of the new tender issued.

On 16 December 2020, the Commissioner was informed that in view of research-based evidence of possible contamination of fresh orange juice when squeezed by machines, such a risk could not be taken, particularly in view that this machine was for the only acute hospital in Malta.

Pending at Ministry

On 5 January 2021, the Commissioner requested a copy of the documentation regarding the research-based evidence of possible contamination of orange juice when squeezed by machines. On 12 January 2021, the Commissioner was forwarded the requested documentation research.

On 13 January 2021, the Commissioner requested further clarification regarding vending machines from the Superintendent of Public Health.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>CH/5/P57</p>	<p>The case refers to a British family (pensioners) who have been living in Malta for 12 years asking whether they would still be entitled to free hospitalisation and free supply of medicine after Brexit.</p>	<p>No recommendation</p>	<p>On 20 October 2020, the Commissioner for Health (CfH) was informed that an EU citizen permanently residing in Malta for more than five years has the right to apply for a permanent residency status in Malta which entitled the holder to healthcare on the same basis of Maltese citizens. Furthermore, CfH was informed that negotiations were still ongoing between EU and UK regarding the rights of British nationals residing in Malta post Brexit. On 27 April 2021, CfH confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>CH/5/P59</p>	<p>The Commissioner enquired whether University of Malta (UoM) medical students were being deprived of furthering their education because their places are being taken over by Barts medical students.</p>	<p>No recommendation</p>	<p>On 20 October 2020, the Commissioner was informed that UoM medical students were not being deprived of furthering their education as alleged. Various meetings were held between both medical schools to ensure better collaboration between the two when allocating medical students. Any decrease in numbers attending sessions was for infection control purposes but this applied also to other professions, not just medical students.</p> <p>On 20 April 2021, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0007</p>	<p>The case related to a request for exceptional medicine "Olanzapine depot".</p>	<p>No recommendation</p>	<p>On 2 December 2020, the Commissioner (CfH) was informed that the pertinent data was being requested from the Clinical Chairperson (Psychiatry), in anticipation of the discussion regarding the medicine in the Government Formulary List Advisory Appeals Committee (GFLAC). Based on GFLAC's deliberations and related funds availability (in line with the provisions of the Fiscal Responsibility Act), the matter would subsequently need to be discussed within the Advisory Committee for Health Care Benefits (ACHCB).</p> <p>On 12 April 2021, CfH was informed that the request for Olanzapine depot injection for the claimant had been approved.</p> <p>On 19 August 2021, CfH informed MFH that the medicine was being supplied to the claimant and therefore confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0008</p>	<p>The case related to a request for exceptional medicine "Olanzapine depot".</p>	<p>No recommendation</p>	<p>On 2 December 2020, the Commissioner (CfH) was informed that the pertinent data was being requested from the Clinical Chairperson (Psychiatry) in anticipation of the discussion regarding the medicine in the Government Formulary List Advisory Appeals Committee (GFLAC). Based on GFLAC's deliberations and related funds availability (in line with the provisions of the Fiscal Responsibility Act), the matter would subsequently need to be discussed within the Advisory Committee for Health Care Benefits (ACHCB).</p> <p>On 12 April 2021, CfH was informed that the request for Olanzapine depot injection for one of claimants had been approved.</p> <p>On 10 August 2021, CfH informed MFH that the medicine was being supplied to the claimant and therefore confirmed the case as closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Chief Medical Officer (CMO) Ombudsman Case Reference	<p>A case relating to a UK citizen residing in Malta and who has been working in this country for the past 10 years. The claimant requested to be sent to UK as a government-sponsored patient since treatment in the UK was considered to be an extension of treatment provided under the local National Health Service (NHS).</p>	<p>No recommendation</p>	<p>On 12 October 2020, the Commissioner (CfH) was informed that the Bilateral Agreement between Malta and the United Kingdom, and related memos, specified that Reciprocal Health Agreement (RHA) card holders were not entitled to treatment abroad. EU nationals, including the claimant, could apply for Permanent Residence Status in Malta if they had been residing in Malta for more than five years. Once acquired, holders of a Permanent Residence Status are entitled to the same free public health care as the Maltese.</p>	<p>Closed without recommendation</p>
HU 0015			<p>On 23 March 2021, CfH enquired why a patient who was treated for free at Mater Dei was not entitled to treatment abroad as well.</p>	
			<p>On 1 April 2021, CfH was informed that as the claimant was a British national residing in Malta, unemployed at the time, and not holding a residence permit, he was issued with a RHA Card by the Entitlement Unit. Through the RHA Card, he was entitled to hospital care, as specified in the Reciprocal Health Agreement between Malta and the UK. However, he was not entitled to free medicines and treatment abroad (DH Circular 264/2009). Furthermore, CfH was informed that potential cases pertaining to 'patients' of a nationality other than British and/or British nationals who have a residence permit will be entitled to benefit from the Entitlement Unit's related protocols.</p>	
			<p>On 16 April 2021, CfH confirmed the case as closed.</p>	

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0018</p>	<p>The Health Care Professions Appeals Committee expired on 5 January 2020 and the new Committee was not yet appointed on the date the complaint was submitted. CfH requested that steps are taken for the appointment of the Committee.</p>	<p>No recommendation</p>	<p>On 10 November 2020, the Commissioner (CfH) was informed that the Health Care Professions Appeals Committee has been reappointed with effect from July 2020.</p> <p>On 1 December 2020, CfH confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0019</p>	<p>The claimant requested a refund for medical procedures carried out privately. The patient had X-rays done at MDH and health centres, but she was only referred to physiotherapy. Subsequently, the patient went to her GP who referred her for an MRI which had to be done privately. Following the MRI result, she had to be operated privately as well.</p>	<p>No recommendation</p>	<p>On 12 October 2020, the Commissioner was informed that unless the procedures had been authorised by a specialist during the performance of one's official duties at MDH, expenses incurred for diagnostic interventions and tests on one's own initiative were not refundable.</p> <p>On 18 January 2021, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0040</p>	<p>Case relating to a Schedule V patient, claiming that she was entitled to a specific medicine.</p>	<p>No recommendation</p>	<p>On 12 October 2020, the Commissioner was informed that the patient had been approved for the treatment by the Exceptional Medical Treatment Committee (EMTC) and started treatment on 1 September 2020.</p> <p>On 13 October 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0049</p>	<p>Claimant stating that he was not being remunerated for on-call duty.</p>	<p>No recommendation</p>	<p>On 6 October 2020, the Commissioner informed MFH that the complaint had been withdrawn by the claimant and the case was closed.</p>	<p>Closed without recommendation</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0055</p>	<p>The Maltese Diabetes Association complaining that continuous glucose monitoring (CGM) has not been introduced on the national health system and that several persons were purchasing the device themselves.</p>	<p>No recommendation</p>	<p>On 11 November 2020, the Commissioner was informed that the issue of Blood Glucose Continuous Monitoring has been circumvented and was to be launched as a pilot project for Type 1 diabetics by the end of 2020.</p> <p>On 18 January 2021, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0060</p>	<p>A complaint relating to an appointment for a CT scan which was cancelled. The complainant stated that this scan was very important to indicate the way forward for treatment.</p>	<p>No recommendation</p>	<p>On 12 August 2020, the Commissioner was informed that the appointment had been postponed for the following day as patient had to undergo a Covid-19 swab test, in line with established procedures.</p> <p>On 29 September 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed after the management replied to one request for information.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0063</p>	<p>A complainant stating that the recommended medicine was urgently required after her child had a renal transplant two years earlier.</p>	<p>No recommendation</p>	<p>On 21 August 2020, the Commissioner was informed that stock arrived in Malta and was released by SPH. The medicine was to be released to MDH pharmacy within days. The clinician had been alerted to send prescription of the medicine required so that it could be picked up without delay.</p> <p>On 23 September 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed after the management replied to one request for information.</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0067</p>	<p>The claimant was not receiving treatment and stated that Enbrel 50mg was not available to be purchased from the retail pharmacy.</p>	<p>No recommendation</p>	<p>On 29 September 2020, the MFH confirmed that the medicine had been provided. The Commissioner confirmed the case as closed on the same day.</p>	<p>Closed after the management replied to one request for information.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Chief Medical Officer (CMO)	<p>The claimant requested at least seven blood glucose test strips per day as she needed to test her child's blood sugar levels very often.</p>	<p>No recommendation</p>	<p>On 14 April 2021, the Commissioner (CfH) was informed that entitlement for blood glucose test strips was based on the provisions of DH Circular 442/2016.</p> <p>On 16 April 2021, CfH requested if the case could be considered on its own merits. On 16 July and 3 August 2021, the Commissioner was informed that policy provisions, as regulated by DH Circular 442/2016 in this case, were intended to regulate and secure equity of distribution to all entitled patients, within a financial scenario of finite resources. Furthermore, expenditure beyond approved budgetary allocations would be in breach of the Fiscal Responsibility Act.</p> <p>On 23 September 2021, CfH was informed that after the meeting held between the CMO and the CfH, it was understood that the rationale underpinning MFH's reply dated 3 August 2021 had been duly explained and therefore there was nothing further to add.</p> <p>On 29 October 2021, CfH confirmed case as closed.</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference	<p>HU 0072</p>			

**Chief Medical
Officer (CMO)**

A Maltese association requested clarification regarding biological and biosimilar medicines

No recommendation

On 24 November 2020, the Commissioner (CfH) was informed about facts regarding the introduction of biosimilar in the pharmaceutical market, and biosimilar approved through the European Medicines Agency (EMA). On 18 January 2021, CfH confirmed the case as closed.

Closed without recommendation

**Ombudsman
Case Reference**

HU 0079

On 18 March 2021, CfH forwarded a copy of reply from the Maltese Association requesting further clarifications. On 3 August 2021, the Commissioner was informed that switching from biologicals to biosimilar was not based on the cheapness of the latter but was a process carried out in line with Public Procurement Regulations, as guided by the principles of transparency and competition. The switch-over process involved several stakeholders, including the patient. In cases where clinicians observed any adverse effects, the matter was reported to the Malta Medicines Authority for the necessary investigations and any exceptional cases were considered by the Exceptional Medical Treatment Committee. Finally, it was pointed out that medical research was not contraindicative to this switch. Indeed, the UK patient lobby group supported the switch, fully cognizant of the fact that, besides equal efficacy, any cost savings would be invested in new medicines. Similarly, Nordic countries also mandated such switches as did Canada whose political direction espoused this rationale.

On 23 August 2021, CfH confirmed the case as closed.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Chief Medical Officer (CMO)	A complaint about a tender that was not published.	No recommendation	<p>On 12 October 2020, the Commissioner (CfH) was informed that the tender in question had been cancelled and all bidders were notified accordingly via the Electronic Public Procurement System (EPPS), in accordance with established procedure.</p> <p>On 13 October 2020, CfH forwarded the claimant's request for further clarifications. On 20 October 2020, CfH was forwarded documentary evidence to clarify the MFH's position. He was also informed that the Audit Trail Report did not exhibit any uploaded offers or attempts to upload an offer by the claimant.</p> <p>On 18 January 2021, CfH confirmed the case as closed.</p>	Closed without recommendation
Ombudsman Case Reference	HU 0080			
Chief Medical Officer (CMO)	A complaint relating to the conduct, treatment received, action and/or inaction from the Assisted Reproductive Technology (ART) Clinic at Mater Dei Hospital and the Embryo Protection Authority (EPA).		<p>On 27 September 2021, the Commissioner was informed that female patients over 40 up to 43 years of age were entitled to benefit from two IVF cycles. From the timeline of the events presented, it emerged that on 18 March 2020, the claimant notified the ART Clinic of her first day of her menstrual cycle, and she was informed that the stimulation process would start the following day. Unfortunately, the March 2020 cycle was the claimant's last entitlement before attaining the age of 43, so the ART Clinic had no other option but to initiate treatment immediately, as the EPA's decision to award a six-month extension had been on 22 March 2020. On 14 April 2020, EPA notified the claimant of the possibility of performing another IVF cycle up to 23 October 2020.</p> <p>On 4 October 2021, the Commissioner replied requesting comments from ART Clinic and /or from the Chairperson of the EPA.</p>	Pending at Ministry
Ombudsman Case Reference	HU 0083			

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0084</p>	<p>A complaint concerning a Primary Health Care doctor who gave an application form to a patient and told him to take it to MDH. The claimant stated that the doctor should have sent the application himself as a soft copy to MDH. The Commissioner quoted circular DH 67/2020 issued on 30 September 2020, stating "... or forwarded as soft copy to ...".</p>	<p>No recommendation</p>	<p>On 6 January 2021, the Commissioner was informed that arrangements have been made so that applications would be scanned and sent electronically to MDH by the administration focal point in each health centre. Moreover, the online application has been updated so that it could be completed electronically and sent to MDH by any general practitioner.</p> <p>On 18 January 2021, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0085</p>	<p>The claimant requested to be given a certificate confirming their status as a vulnerable person.</p>	<p>No recommendation</p>	<p>On 19 November 2020, the Commissioner was informed that the claimant was required to submit a request to the Chief Executive Officer of the entity involved to seek shielding from exposure to Covid-19 infection.</p> <p>On 23 November 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0096</p>	<p>A complaint regarding swab tests at SAMOC having been stopped. Consequently, the patient had to go to the MDH Testing Centre and had to wait along with other persons even though the patient was very vulnerable.</p>	<p>No recommendation</p>	<p>On 16 April 2021, the Commissioner was informed that a safer and more efficient procedure had been introduced, whereby all swabbing on MDH out-patients was being done at the MDH Swabbing Hub and appropriate precautions were taken to minimise cross-infection. The problem of long queues of patients to be swabbed for Covid-19 had been successfully addressed through the introduction of a 'drive-through' system, whereby oncology patients were swabbed in the mornings, while symptomatic patients were swabbed in the afternoon. The case was closed by the Commissioner thereafter.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0097</p>	<p>A complaint concerning a patient suffering from Primary Progressive Multiple Sclerosis who required treatment that was not listed in the government formulary. The patient's condition was deteriorating, and the neurologist certified that this treatment was urgently required.</p>	<p>No recommendation</p>	<p>The Commissioner was verbally informed that the medicine had been approved by the Exceptional Medical Treatment Committee (EMTC) and the CMO office agreed to meet the expense. The patient's relatives were informed accordingly.</p> <p>On 30 April 2021, the Commissioner informed MFH that the case has been closed.</p>	<p>Closed without recommendation</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HU 0099</p>	<p>A case relating to a patient who applied for the EU cross-border healthcare scheme after undergoing treatment abroad. The application was approved and the patient was told to pay for the treatment and that he would be reimbursed upon presentation of the receipts. After 18 months the patient had not been reimbursed.</p>	<p>No recommendation</p>	<p>On 6 April 2021, the Commissioner was informed that the claimant's application had been considered and reimbursement had been issued accordingly.</p> <p>On 16 April 2021, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Foundation for Medical Services (FMS)</p> <p>Ombudsman Case Reference</p> <p>HU 0011</p>	<p>The claimant asked for a review of a selection process and a revision of the result sheet of the same selection process.</p>	<p>No recommendation</p>	<p>On 25 June 2020, CEO (FMS) replied directly to the Commissioner (CfH), explaining the selection procedure.</p> <p>On 24 August 2021, following a meeting with CfH, the latter was notified that FMS had nothing further to add to its original communication and that the selected candidate had resigned from the position in question and a fresh call for applications had been issued.</p> <p>On 26 August 2021, CfH requested a copy of the internal FMS call for applications issued and MFH forwarded a copy.</p> <p>On 7 September 2021, CfH requested MFH to inform him as soon as the external call was published.</p> <p>On 27 September 2021, the Commissioner was informed that the external call had been published on 26 September 2021 and requested closure of the case.</p>	<p>Pending at Ombudsman</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Gozo General Hospital (GGH)</p> <p>Ombudsman Case Reference</p> <p>HU 0003</p>	<p>The case refers to claimant who had not been paid the December bonus due to having been on unpaid sick leave. The claimant also disagreed with the pro-rata payment given.</p>	<p>No recommendation</p>	<p>On 22 January 2020, the Commissioner was informed that the December bonus was to be paid in Pay 1 of 2020. On 10 June 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Gozo General Hospital (GGH)</p> <p>Ombudsman Case Reference</p> <p>HU 0029</p>	<p>A claim regarding entitlement to a special duty allowance for covering ITU while on-call duty.</p>		<p>In October 2020, the Commissioner (CfH) was informed that all dues owed to the claimant had been fully settled. Following further queries on 28 April 2021, the Commissioner was informed that revised job plans were concluded and approved in January 2020. In the claimant's case, a confirmation of the number of hours to be worked was sufficient to design the job plan.</p> <p>On 30 April 2021, CfH forwarded further comments from the claimant and requested further clarifications. Following this request, GGH sought legal advice. On 24 September 2021, CfH was informed that only claims for payment related to duties carried out on or after 16 October 2019 may be actively considered.</p> <p>On 29 September 2021, the Commissioner forwarded correspondence from the claimant, stating that duties had started in February 2017.</p> <p>On 5 October 2021, a reply was sent to the Commissioner, reiterating that arrangements concerning remuneration for these duties had been formalised and finalised through an agreement reached between the government and MAM on 16 October 2019. Entitlement to payment became effective on that date. Furthermore, the Commissioner was informed that MFH had nothing further to add in this case and requested the closure of the case.</p>	<p>Pending at Ombudsman</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Human Resources	The claimant requested a deputising allowance as he was currently in Scale 13 but claimed that he was performing the duties of a Scale 7 employee.	No recommendation	On 13 January 2021, the Commissioner was informed that the claimant was carrying out his duties in line with his job description. On 26 January 2020, the Commissioner confirmed the case as closed.	Closed after the management replied to one request for information.
Ombudsman Case Reference	HU 0042			
Human Resources	A case relating to a consultant requesting to work after reaching the age of 65 years, quoting budget speech 2018.	No recommendation	On 13 January 2021, the Commissioner was informed that, in line with the provisions of paragraph 1.11 of the Sectoral Agreement, endorsed by the Ministry for Health and the Medical Association, the People Management Division published a call for applications for the potential identification of a suitable candidate to replace the consultant. The claimant was to be considered for retention beyond the retirement age and working on a 20-hour week basis, subject to the outcome of the call for applications.	Closed without recommendation
Ombudsman Case Reference	HU 0044		On 4 May 2021, the Commissioner was informed that the claimant's request to work beyond his statutory retirement age has been approved on a 20-hour week basis. This decision was in line with the applicable internal policy. On 24 May 2021, the Commissioner confirmed the case as closed.	

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Human Resources	A clarification regarding the Higher Specialist Trainees (HSTs) in various specialities, including Geriatric Medicine.	No recommendation	<p>On 5 October 2021, the Commissioner (CfH) was informed that various exchanges were held between the Department of Medicine, the Department of Geriatrics, representatives from the Geriatric Medicine Society of Malta and the Malta Post-Graduate Medical Training Centre. It appeared that the letter addressed to CfH was triggered by worries from HSTs in geriatric medicine. A detailed report about the agreements between the various stakeholders was attached to this communication, clarifying these uncertainties.</p> <p>On 29 October 2021, CfH confirmed case as closed.</p>	Closed without recommendation
Ombudsman Case Reference	HU 0054			
Human Resources	Claimant stating that there was an ambiguous working environment resulting from unclarified definitions of roles and responsibilities with regard to physiological measurements.		<p>On 5 January 2021, the Commissioner (CfH) was informed that the setting up of a new register for Physiological Measurements was in process. Several officers, including the claimant, requested the Council for Professions Complimentary to Medicine (CPCM) to consider their inclusion in the said register. It was proposed that the claimant's request be kept in abeyance until the necessary legislation was approved. Upon conclusion of this process and subsequent approval of claimant's request, he will then be considered as forming part of the Allied Health stream.</p> <p>On 23 July 2021, CfH enquired about the fact that whilst the call for Electrocardiography Technicians had been issued, that for Scientific Officers (Physiological Measures) was still pending. On 5 October 2021, CfH was informed that CPCM approved the request for the setting up of a List for Physiological Measurements, within CPCM. The CPCM's recommendation was referred to the Superintendence of Public Health. CfH was to be kept informed of further developments.</p>	Pending at Ombudsman
Ombudsman Case Reference	HU 0057			

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Human Resources</p> <p>Ombudsman Case Reference</p> <p>HU 0066</p>	<p>The claimant stated that her part-time contract as a staff nurse with Primary Health Care had not been renewed. She was advised to stay at home during the Covid-19 pandemic and her contract expired during this period.</p>	<p>No recommendation</p>	<p>On 9 September 2020, the Commissioner was informed that the claimant had been contacted to resume duties. The Commissioner confirmed the case as closed.</p>	<p>Closed after the management replied to one request for information.</p>
<p>Human Resources</p> <p>Ombudsman Case Reference</p> <p>HU 0070</p>	<p>A complaint relating to an application for a redeployment which had been pending since June 2020.</p>	<p>No recommendation</p>	<p>On 7 January 2021, the Commissioner (CfH) was informed that following the signing of an MoU in 2020, the management of the Central Procurement and Supplies Unit approached respective employees to declare, by a stipulated deadline, whether they wished to benefit from the provisions of the agreement or otherwise. The claimant refused to benefit from the provisions of the agreement. Documentary evidence was provided to CfH. On 24 May 2021, CfH confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Human Resources</p> <p>Ombudsman Case Reference</p> <p>HU 0081</p>	<p>The claimant has been waiting for a long time to be assigned caring duties.</p>	<p>No recommendation</p>	<p>On 26 October 2020, the Commissioner was informed that the claimant had been deployed to a caring area and was thus eligible to benefit from the agreement pertaining to health carers. On 11 November 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Human Resources</p> <p>Ombudsman Case Reference</p> <p>HU 0082</p>	<p>The claimant requested that the post of Assistant Director, Allied Health Services, be included in the pertinent sectoral agreement, so that the post would be a promotion with the Allied Health Services class.</p>	<p>No recommendation</p>	<p>On 19 October 2020, the Commissioner was informed that this request was one of the proposals presented by UHM as part of the negotiations of the new Allied Health Agreement. However, this proposal was refused by the management and therefore was not included in the document which MFH and UHM signed on 15 October 2020.</p> <p>On 11 November 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Human Resources</p> <p>Ombudsman Case Reference</p> <p>HU 0090</p>	<p>The claimant complained that the position for a Principal Occupational Health and Safety Officer should not require an engineering warrant as such a warrant was obtained after three years' experience.</p>	<p>No recommendation</p>	<p>On 26 November 2020, the Commissioner was handed a detailed reply about the importance of the requirements listed in the call for application. On 18 January 2021, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Human Resources</p> <p>Ombudsman Case Reference</p> <p>HU 0093</p>	<p>The claimant complained that, although requested to be on call, the related allowance was not being paid. The claimant also stated that the contact with patient allowance was not being paid and was requesting a compensation backdated from 27 May 2015, when he started duties as porter.</p>		<p>In November 2020, the complaint was referred to the People Management Division for draft terms of reply. Internal communication between People Management Division and MDH was ongoing regarding entitlement due to the claimant, if any.</p>	<p>Pending at Ministry</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Human Resources Ombudsman Case Reference HU 0101	<p>Officers of a specific category complained that their specialities were omitted from the agreement between the government and union.</p>		<p>On 13 January 2021, the Commissioner (CfH) was informed that the Scientific Officer Category was covered by the agreement pertaining to the Scientific class not by the agreement pertaining to the Allied Health class.</p> <p>On 19 January 2021, CfH forwarded a communication received from claimants, requesting further investigation as they were left out from the assimilation exercise. On 10 June 2021, CfH was informed that the Union disagreed with any amendments to the sectoral agreement.</p> <p>On 16 July 2021, the Commissioner was informed that the Ministry was implementing a sectoral agreement and that no departure from its provisions could be made, unless agreement regarding claims raised by the officers concerned was reached with the respective Union. As already stated in previous communications, the union disagreed with any related amendments to the sectoral agreement.</p>	<p>Pending at Ombudsman</p>
Human Resources – MCH Ombudsman Case Reference HU 0050	<p>A case relating to a third country national who was married to a Maltese citizen, stating that she should be entitled to free healthcare similar to other Maltese citizens. She also submitted the residence permit valid up to 20 November 2021.</p>	<p>No recommendation</p>	<p>On 1 September 2020, the Commissioner was informed that the Billing Section within MDH were informed regarding this issue. On 5 September 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed after the management replied to one request for information.</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Karen Grech Hospital Ombudsman Case Reference HU 0088	A complaint relating to a patient who was not transferred to the rehabilitation area but kept in the quarantine area more than necessary because of UHM's directive linked to industrial action against Steward Healthcare.	No recommendation	<p>On 6 November 2020, the Commissioner (CfH) was informed that MFH was to take prompt action to safeguard the patient's right to treatment.</p> <p>On 12 November 2020, CfH was informed that the ward where the patient was being kept was no longer in quarantine and that the patient's needs were being attended to by healthcare specialists.</p> <p>On 2 December 2020, CfH confirmed the case as closed.</p>	Closed without recommendation
Mater Dei Hospital (MDH) Ombudsman Case Reference CH/5/P62	The Commissioner enquired who was the person responsible to transfer patients from MDH to homes for the elderly which accommodate patients according to contracts.	No recommendation	On 2 September 2020, the Commissioner informed MFH that he had traced the officer responsible for the transfer of patients from MDH to the homes for the elderly and therefore the case was to be considered as closed.	Closed without recommendation
Mater Dei Hospital (MDH) Ombudsman Case Reference HU 0001	A case relating to a British citizen who, while on holiday, was given free treatment on presentation of the EU Health Insurance Card but was charged €100 as a registration fee.	The Commissioner (CfH) requested that the registration fee be refunded to the complainant.	<p>On 17 January 2020, the Billing Section at MDH informed MFH that the registration fee had to be paid as the claimant did not present the E111 card when she had been admitted to MDH. The process for refunding the fee was initiated as soon as the claimant presented her valid card and it was confirmed that all necessary paperwork for a refund had been passed on to the Treasury Department.</p> <p>On 29 January 2020, the Commissioner was informed that the refund was due to be issued. On 6 March 2020, the Commissioner confirmed that the case was closed.</p>	Closed and recommendation implemented

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HU 0002</p>	<p>The claimant requested an earlier date as the first appointment was given for the year 2021.</p>	<p>The Commissioner (CfH) requested that claimant be given an earlier appointment.</p>	<p>On 25 February 2020, the CfH was informed that an appointment had been scheduled for 12 March 2020.</p> <p>On 6 April 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed and recommendation implemented</p>
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HU 0006</p>	<p>A complaint concerning a mishap in the Government Recruitment Portal.</p>	<p>No recommendation</p>	<p>On 30 July 2020, the Commissioner was informed that P&SD, OPM confirmed that the Recruitment Portal was compatible with the Windows 7 Operating System and therefore it was possible for the claimant to submit the application from his home computer. The same office confirmed that there was no record attesting to the submission of an application in the name of the claimant.</p> <p>On 15 September 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HU 0010</p>	<p>Claimant stating that he had been working 46.66 hours per week since 2015. His roster was then changed to a 40-hour week without justification.</p>	<p>No recommendation</p>	<p>On 19 August 2020, people management at MFH informed that, after assessing the case it resulted that claimant was not in the nursing profession which was the only category of employees who were officially entitled to work a 46.66 hr/week roster. The claimant was thus to work a 40 hr/week roster.</p> <p>On 12 October 2020, the Commissioner (CfH) was informed that the decision to deploy the claimant on a 40hr/week roster was based on the assessment of the respective Head of Department who confirmed that a 40-hour roster sufficed for the efficient performance of the claimant's respective duties.</p> <p>On 11 November 2020, CfH informed MFH that the case had been closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HU 0012</p>	<p>A complaint regarding alleged arrogant behaviour by the staff at the Day Care Department and payment procedures at the Billing Section.</p>	<p>No recommendation</p>	<p>On 9 September 2020, the Commissioner was informed that, in terms of the pertinent legal notice and related internal policies, any person unable to provide exemption documentation would be required to pay treatment fees. An extended apology regarding arrogant behaviour of MDH staff was also forwarded.</p> <p>On 15 September 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HU 0013</p>	<p>Complainant stating that, having been a midwife, she was not given permission to continue working on a part-time basis after retiring, but such permission was given to nurses.</p>	<p>No recommendation</p>	<p>On 9 March 2020, the Commissioner was informed that the claimant has been offered engagement beyond retirement in the nursing category as there was a shortage in that area, but the claimant refused.</p> <p>On 10 June 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HU 0014</p>	<p>CfH enquired whether FMS followed procedures set out in the PSMC or whether it has issued its own procedures.</p>	<p>No recommendation</p>	<p>On 11 May 2020, the Commissioner was informed that FMS determined its own policy and procedures as stated in the FMS statute. The Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HU 0016</p>	<p>A complaint regarding progression of salary Scale 7. Claimants are stating that a) they are receiving an unjust payment when compared to other colleagues with the same qualifications, years of service and date of appointment; b) arrears were not given; c) junior nurses were receiving a higher salary.</p>	<p>No recommendation</p>	<p>On 12 October 2020, the Commissioner was informed that after an internal investigation, it transpired that an Extension of Scales of claimants had been erroneously omitted in 2014, thus affecting 2018 workings and basic pay. A review of the Extension of Scale documents was carried out and all arrears due to claimants were settled. MFH requested closure of case.</p> <p>On 11 November 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HU 0033</p>	<p>A case relating to a patient who had been waiting for more than two years for a hernia operation.</p>	<p>CfH requested an earlier appointment.</p>	<p>On 6 May 2020, the Commissioner was informed that an appointment had been set for the claimant with the consultant for 28 May 2020.</p> <p>On 19 October 2020, the Commissioner informed MFH that the claimant had been operated upon and therefore the case was closed.</p>	<p>Closed and recommendation implemented</p>
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HU 0034</p>	<p>A case relating to a patient requesting that dentures be replaced free of charge. The denture came out of his mouth and got wrapped with the bed sheets and sent to the laundry.</p>	<p>CfH requested that denture be replaced free of charge.</p>	<p>On 28 May 2020, the Commissioner was informed that as the denture had been placed in a vomit bag by the patient himself, MDH was not at fault and should not be held responsible for the missing denture.</p> <p>On 23 June 2020, the Commissioner informed that the case has been closed.</p>	<p>Closed and recommendation not implemented</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p>	<p>A case relating to an appointment scheduled for 5 May 2020 but had been postponed. A new appointment was never given. The claimant had been waiting for this appointment since December 2019. An urgent appointment was requested.</p>	<p>No recommendation</p>	<p>On 15 June 2020, the Commissioner was informed that at the time of his communication, an appointment had already been scheduled for 1 July 2020.</p> <p>On 29 September 2020, the Commissioner informed MFH that the claimant attended appointment and the case was closed.</p>	<p>Closed after the management replied to one request for information.</p>
<p>HU 0039</p>				
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p>	<p>A case relating to a previous complaint (HR0071) and to the complainant's application for an Expression of Interest (EOI) that was refused.</p>	<p>No recommendation</p>	<p>On 1 March 2021, the Commissioner (CfH) was informed that the claimant could only work in areas where sufficient monitoring was possible. On 5 March 2021, CfH informed MFH that the claimant was stating that the two-year suspended sentence had expired. He also provided a certificate of conduct.</p> <p>On 24 March 2021, the Commissioner was informed that MDH Management had advised that allowing a staff member, who had breached the ethos of the profession he was exercising and consequently the job he was employed to perform, to perform certain duties would go counter to MDH's primary duty to safeguard patients' safety and provide a secure working environment for MDH staff.</p> <p>On 12 May 2021, the Commissioner informed MFH that the claimant wished to be transferred in terms of Circular MDH/108/2021. On 31 May 2021, CfH was informed that nursing duties at the Accident and Emergency Department were not limited to the performance of functions within the ambulance control unit but included patient care. The Expression of Interest captured all these functions. On the other hand, patients in the Unit where the claimant was currently employed were continuously monitored by CCTV cameras and, therefore, the claimant's transfer to his current deployment has far from rendered the rationale to safeguard patients' safety obsolete.</p> <p>On 28 July 2021, CfH confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>HU 0051</p>				

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HU 0058</p>	<p>Claimant stating that although his father-in-law was the holder of the invalidity card, his car had been clamped.</p>	<p>No recommendation</p>	<p>On 13 August 2020, the Commissioner was informed that the parking contractor had been verbally informed not to park the car in the area, which was temporarily being left clear for the flow of cars that visited the COVID-19 swab centre. He was also informed that the car was not parked within the parking lines and it was parked haphazardly.</p> <p>On 11 November 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HU 0064</p>	<p>Claimant stating that on retirement he was not paid the NI pension to reflect the years of service during a specific period.</p>		<p>First correspondence about the case was received by MDH in March 2021. The Commissioner for Health (CFH) forwarded the final report to both MFH and MSFC and asked them to coordinate on the matter. On 6 April 2021, DG (Finance), MFH, requested MDH to investigate the matter and report on the NI contributions paid to make up for arrear NI payments.</p> <p>On 31 May 2021, a copy of the reply submitted by the Department of Social Security was forwarded to MFH. On 28 July 2021, another report, together with further documentation, was submitted by CFH to MFH. The report was forwarded to MDH for terms of reply. Legal advice was sought on the matter.</p> <p>On 29 September 2021, the Commissioner was informed that MFH had requested a meeting with MSFC with a view to discuss and determine a streamlined way forward with a view to the early resolution of this matter.</p>	<p>Pending at Ministry</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
Mater Dei Hospital (MDH) Ombudsman Case Reference HU 0069	<p>Claimant requesting reimbursement of Continuous Professional Development (CPD) allowance, vacation leave, and time in lieu not availed of after having been boarded out. The claimant had been on injury leave for 11 months. During this period, the claimant had been diagnosed with a serious condition and boarded out.</p>	<p>No recommendation</p>	<p>On 28 April 2021, the Commissioner (CfH) was informed that MDH conducted a review. It emerged that an amount was due on the part of MDH. Furthermore, since the responsible MDH office had not been notified in time—to effect the necessary salary adjustments—that the claimant had been boarded out, the salary was paid beyond the date of boarding out and this led to an overpayment. The net amount due to the claimant was to be paid in May 2021.</p> <p>On 3 May 2021, further to a request for clarification, CfH was informed that the claimant had requested to benefit from provisions set out in the PSMC regarding accumulation of sick leave. This request was approved, and sick leave data was amended and a sick leave refund was raised in the claimant's favour.</p> <p>On 7 May 2021, the Commissioner forwarded a query from the claimant questioning about the pending hours (period 2017–2018). She stated that she would have utilised those hours, if she was given the chance, but her career ended with injury on duty.</p> <p>On 23 August 2021, the Commissioner was informed that MDH proceeded with the payment due to the claimant for unutilised vacation leave owing to an abrupt end to the officer's career after injury. Subsequently, the case was closed.</p>	<p>Closed without recommendation</p>
Mater Dei Hospital (MDH) Ombudsman Case Reference HU 0017	<p>The claimant felt unjustly treated as he was the only one transferred to another ward, even though he had been told that both employees involved or none would leave the ward.</p>	<p>No recommendation</p>	<p>During March 2020, MFH was awaiting confirmation regarding the transfer from MCH, following a meeting between MCH management and General Workers' Union (GWU).</p> <p>On 19 May 2020, the Commissioner was informed that the claimant not only refused to go back to the ward where he used to work but refused all other offers made by the management for his deployment in other wards. The claimant was retained in the retainers' pool so long as his roster was maintained.</p> <p>On 20 May 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Mount Carmel Hospital (MCH)</p> <p>Ombudsman Case Reference</p> <p>HU 0065</p>	<p>A complaint concerning an inmate at MCH who was allegedly being punished every time he reported an abuse.</p>	<p>No recommendation</p>	<p>On 9 September 2020, the Commissioner for Health (CfH) was informed that an Investigation Board had been set up to look into the matter and upon reporting findings to the management, CfH would be provided with the outcomes. On 26 October 2020, the Commissioner was informed that the Investigation Board had concluded its report and recommended that the matter be referred to the police authorities for further investigation. MCH proceeded accordingly. The case was confirmed as closed by CfH.</p>	<p>Closed without recommendation</p>
<p>Mount Carmel Hospital (MCH)</p> <p>Ombudsman Case Reference</p> <p>HU 0075</p>	<p>The claimant alleged various abuses that she had been exposed to years ago when she had been admitted to the Mental Health Services (MHS).</p>		<p>As soon as the complaint was received by MFH in January 2021, it was referred to MHS for investigation and draft terms of reply. On 7 April 2021, a report with replies regarding the alleged abuses, was forwarded to the Commissioner.</p> <p>On 13 April 2021, the Commissioner requested further clarifications regarding certain procedures. On 23 August 2021, the Commissioner was presented with a detailed reply addressing all the queries raised on the matter.</p>	<p>Pending at Ombudsman</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Mount Carmel Hospital (MCH)</p> <p>Ombudsman Case Reference</p> <p>HU 0100</p>	<p>A complaint concerning a patient who was given the wrong treatment twice by mistake, leading to the patient's demise.</p>		<p>On 30 March 2021, a confidential report drawn up by the consultant psychiatrist responsible for the late patient was forwarded to the Commissioner (CfH). He was also informed that from the investigation carried out by the Incident Review Board, it resulted that the incident had not been an act of negligence and no further disciplinary action was deemed necessary. As a way forward, all staff were notified about the introduction of methods for systems improvement. An SOP for the Auditing of Storage and Administration of Medicinal Products was introduced in March 2020 and the SOP for patient imaging, aimed at reducing treatment errors, was subsequently revised and re-circulated. Officers responsible for wards/units were also informed that any particular areas requiring attention, and recommendations related thereto, were to be raised for discussion and for the necessary follow-up to be undertaken by the nursing management.</p>	<p>Pending at Ombudsman</p>
<p>National Blood Transfusion Centre</p> <p>Ombudsman Case Reference</p> <p>HU 0105</p>	<p>A complaint by persons over the age of 66 who were being rejected as blood donors.</p>	<p>No recommendation</p>	<p>On 6 January 2021, the Commissioner (CfH) was informed that the reason of having a maximum age for donation of blood was to protect the donor from hidden risks such as cardiac issues and circulatory conditions. It was regularly ensured that the donation of blood would not harm the donor.</p> <p>On 6 January 2021, CfH confirmed the case as closed.</p>	<p>Closed after the management replied to one request for information.</p>
<p>Pharmacy of Your Choice (POYC)</p> <p>Ombudsman Case Reference</p> <p>HU 0061</p>	<p>The claimant stated that pen needles being supplied every eight weeks were not enough to cover his needs and needles became blunt or broke during injection. The claimant requested to change pharmacy.</p>	<p>CfH requested approval to claimant to change pharmacy and confirmation that claimant would be supplied with a sufficient amount of pen needles.</p>	<p>On 19 August 2020, the Commissioner (CfH) was informed that the change in pharmacy had been effected and the claimant had been informed accordingly. The previous pharmacy had been willing to top up the balance of needles before the due date. However, this could not materialise owing to a change in pharmacy.</p>	<p>Closed and recommendation implemented</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Sir Paul Boffa Hospital</p> <p>Ombudsman Case Reference</p> <p>HU 0052</p>	<p>The claimant alleged that he was being discriminated against as he had to sign a document stating that he must be transferred if he accepted a promotion from Scale 14 to 13. He stated that others working in health centres were not forced to sign such a document.</p>	<p>No recommendation</p>	<p>On 6 October 2020, the Commissioner (CfH) was informed that following an assessment exercise based on specific criteria applicable across MFH, it had been agreed with Primary Health Care (PHC) management that officers working within reception areas were to perform caring duties to be eligible for assimilation.</p> <p>Following a further request for clarification, CfH was informed, on 19 October 2020, that officers performing reception duties at PHC were also assisting with caring duties within clinics, after the assessment exercise and their eligibility to be assimilated in the health carer stream resulted as a consequence. It was also confirmed that the claimant would be assimilated as soon as he starts performing caring duties as established in the agreement and also after attending the related training sessions.</p> <p>On 11 November 2020, CfH confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Sir Paul Boffa Hospital</p> <p>Ombudsman Case Reference</p> <p>HU 0056</p>	<p>The complainant stated that he was performing long hours that were causing him great stress, and requested to be transferred.</p>	<p>No recommendation</p>	<p>On 12 October 2020, the Commissioner was informed that all vacation leave that the claimant had asked for had been granted and there was no record of a request for transfer at the Head Office, MFH.</p> <p>Following further clarifications, the Commissioner confirmed the case as closed on 11 August 2021.</p>	<p>Closed without recommendation</p>
<p>Sir Paul Boffa Hospital</p> <p>Ombudsman Case Reference</p> <p>HU 0078</p>	<p>Claimant stating that after having been transferred, the on-call allowance had been stopped despite being called and disturbed at all hours during off-duty.</p>		<p>On 3 November 2020, the Commissioner (CfH) was informed that the hospital management had requested claimant to submit proof of having been called after normal working hours. The claimant never submitted tangible proof and instead opted to lodge a claim with the Commissioner. Requests to close the case were frequently sent to CfH but these were always refused.</p>	<p>Pending at Ombudsman</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HU 0005</p>	<p>It was being requested that Epiopen form part of the mandatory emergency kit on board Air Malta flights.</p>	<p>No recommendation</p>	<p>On 2 April 2021, the Commissioner informed MFH that the Ombudsman dealt directly with Air Malta and that the case was closed.</p>	<p>Closed without recommendation</p>
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HU 0030</p>	<p>A complaint appealing the decision of the Medical Council. The latter declined the claimant's request to be registered in the pertinent professional register. The complainant had been informed that her application would be considered favourably on submission of documented evidence attesting to three years formal experience in the profession in a member state which recognised the evidence of formal qualification.</p>	<p>No recommendation</p>	<p>On 24 April 2020, the reply from the Medical Council was forwarded to the Commissioner (CfH), stating that decision was taken in accordance with the provisions of the Healthcare Professions Act (Cap 464).</p> <p>On 18 January 2021, CfH confirmed the case as closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HU 0035</p>	<p>The case refers to a complaint about an accumulation of animal dung and other waste in a field.</p>	<p>CfH requested an investigation.</p>	<p>On 9 June 2020, the Commissioner (CfH) was informed that Health Inspectorate Services had investigated and established that an accumulation of animal dung had accumulated in the indicated area. The responsible person had been directed to remove the waste within a stipulated timeframe. Subsequently, legal action had been instituted against the person responsible following the failure to carry out the removal as directed.</p> <p>On 2 December 2020, the Commissioner was informed that the accused failed to appear for the court hearing. However, the court was informed that during an on-site inspection carried out by officials of the Environmental Health Directorate on 22 October 2020, the waste had been removed. The presiding magistrate declared the case time-barred, on account of the fact that the police had failed to summon the accused within the time limit prescribed by the pertinent law.</p> <p>On 3 December 2020, the CfH confirmed the case as closed.</p>	<p>Closed and recommendation implemented</p>
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HU 0041</p>	<p>A case relating to an employee who was transferred from Zebbug Cemetery to Addolorata Cemetery without any reason.</p>	<p>No recommendation</p>	<p>On 15 June 2021, the Commissioner was informed that on 25 January 2016, the claimant had applied to be transferred from St Luke's Hospital to the Environmental Health Directorate. His transfer to Addolorata Cemetery was approved on 27 January 2016 to replace a retiring employee from the same cemetery; and on grounds of service exigencies. In the meantime, the claimant had been deployed to the Central Procurement and Supplies Unit (CPSU) with effect from 1 June 2021 after having been successful in a selection process following a call for applications.</p> <p>On 15 July 2021, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HU 0059</p>	<p>Claimant stating that there was a lack of adherence to Public Health directives regarding Covid-19 measures in the Public Health Laboratory.</p>	<p>No recommendation</p>	<p>On 12 August 2020, the Assistant Director (Environmental Health) issued notification to Public Health to ensure that 1) breaks were staggered in groups of 4; 2) surfaces were disinfected after breaks; and 3) mitigation measures were observed at the workplace.</p> <p>On 11 November 2020, the Commissioner confirmed the case as closed.</p>	<p>Closed without recommendation</p>
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HU 0094</p>	<p>A complaint relating to the distance between beds at hospital which allegedly was not in line with regulations. The claimant stated that it was almost impossible to communicate with relatives.</p>	<p>No recommendation</p>	<p>On 8 January 2021, the Commissioner (CfH) was informed that inspections were carried out and a full report of findings were communicated. On 19 January 2021, CfH requested further clarifications on the report submitted by MFH.</p> <p>On 1 March 2021, CfH was informed that the hospital concerned did not have an information booklet which was made available upon admission. It was also pointed out that one had to bear in mind the urgency and speediness with which this facility had to be inspected and licensed so as to provide proper care to Covid 19-positive patients hailing from elderly homes and thereby prevent disease transmission and potential mortality.</p> <p>On 28 April 2021, the CfH confirmed the case as closed.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
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Superintendent of Public Health (SPH)

Ombudsman Case Reference

HU 0102

Claimant stating that his son's swab test was lost and they both had to postpone travel and do the test privately. The claimant was requesting reimbursement of the expenses as the services promised had not been provided.

In December 2020 the complaint was referred to SPH for draft terms of reply. Subsequently, SPH sought legal advice.

On 23 August 2021, the Commissioner was informed that the Government of Malta and its authorities could not be held responsible for personal travel arrangements and any consequential losses or inconvenience caused by the timing of test results. Whilst all competent authorities were continuously working towards ensuring that all COVID-19 test results—offered free-of-charge to all persons ordinarily resident in Malta—were swiftly processed in the interest of public health, the government was neither legally bound to provide such tests free-of-charge nor within a stipulated period mandated by law. The timing attached to the issue of test results was variable on account of various factors which extended beyond the control of the health authorities.

On 24 August 2021, the Commissioner replied that the claimant's query had not been addressed.

The matter is being considered further.

Pending at Ministry

**Superintendent
of Public Health
(SPH)****Ombudsman
Case Reference**

HU 0103

Claimant stating that a specific area which was declared unhygienic by the Environmental Health Officer was still full of rubbish and rat-infested.

No recommendation

On 1 February 2021, the Commissioner (CfH) was informed that soon after the complaint was lodged with the Environmental Health Directorate, on 30 September 2020, investigations to trace the owner/s of the open space were immediately initiated. Attempts to contact the owners proved futile until mid-January, when the Environmental Health Officer (EHO) succeeded in contacting one of the owners and instructed him, both verbally and in writing, to undertake the necessary cleaning without delay.

Closed without
recommendation

On 30 March 2021, CfH was further informed that following investigations by the EHO concerned, legal action was initiated against the owner of the open space. On 2 August 2021, the Commissioner confirmed the case was heard on 23 July 2021 and was confirmed exhausted (ezawrit) as the cleaning of accumulated rubbish had been carried out by the owner.

On 6 August 2021, the Commissioner informed MFH that the claimant stated that only 10% of the accumulated rubbish had been removed and requested that an EHO visit the site again and take any action considered necessary.

On 17 September 2021, the Commissioner was informed that following a court sentence delivered against the landlord, another onsite inspection was carried out by an EHO on 10 August 2021. Another small accumulation of rubbish, close to both the street and to the accumulation reported earlier, was noted. However, this part of land was owned by a different landlord. The EHO concerned contacted the owner and instructed him to clean the area. During an onsite inspection undertaken by an EHP, it was confirmed that the accumulation of rubbish had not been removed. A nuisance report, ordering the owner to clean the area was issued and followed up until the accumulation of rubbish was removed.

On 29 October 2021, CfH confirmed the case as closed.

MFH

Ministry for Health

Pre 2020

Sector / Department

Chief Medical Officer (CMO)

Ombudsman Case Reference

CH/5/P10

Brief Detail of Case

The Commissioner for Health (CfH) requested a copy of the regulations concerning insured persons under Chapter 528 of the Laws of Malta (Act XI of 2013).

Recommendation by Ombudsman

No recommendation

Action taken and management comments

MFH sought legal advice regarding the terms of reply. On 4 October 2021, the Commissioner was informed that article 24(1) of the Health Act applied to Maltese citizens. The Social Security Act defined an insured person as any person entitled to a benefit or pension under the Social Security Act, their dependents and, where applicable, their survivors. Moreover, the provisions in SL 35.28 Health Care (Fees) Regulations provided the legal basis for the persons exempt from paying healthcare fees in Malta when accessing the National Health Service.

Status Last Year

Pending at Ministry

Status

Pending at Ombudsman

Chief Medical Officer (CMO)

Ombudsman Case Reference

CH/5/P31

The case concerns treatment for macular degeneration.

Recommendation by Ombudsman

On 8 June 2021, the Commissioner forwarded a copy of an article published in one of the local newspapers and enquired about the fact that all different types of anti-VEGF medications were available in Malta but only the oldest form was free.

On 26 August 2021, the Commissioner was informed that the government formulary list included a medicine that catered for most cases—Bevacizumab injections. However, there were a number of complicated cases where the formulary drug was contraindicated. Requests for the introduction of an alternative product were received from ophthalmologists. The respective Health Technology Assessment was performed and discussed during the GFLAC meeting held on 23 August 2021. The inclusion of the alternative product was approved for entry into the GFL. A request for dedicated funds, under the Rare Diseases line item, was drawn up.

On 25 July 2019, the Director (Pharmaceutical Affairs) informed CMO that macular degeneration is to be discussed during the Government Formulary List Advisory Appeals Committee (GFLAC) meeting.

Pending at Ministry

Pending at Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO) Ombudsman Case Reference CH/5/P36	<p>A case arising from communication sent by the Office of the Commissioner for Health (CfH) requesting that a number of cases be assessed by the Exceptional Medical Treatment Committee (EMTC).</p>	<p>No recommendation</p>	<p>This case was opened by the CfH, incorporating several individual complaints of a similar nature. On 29 May 2018, the Commissioner was informed of procedure to be undertaken for cases to be assessed by the EMTC.</p> <p>On 20 April 2021, the Commissioner informed MFH that the case was to be considered closed as the case had been referred to the Prime Minister and no further action was awaited from MFH.</p>	<p>Pending at Ombudsman</p>	<p>Ombudsman stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.</p>
Chief Medical Officer (CMO) Ombudsman Case Reference CH/5/P45	<p>A case arising from a newspaper article stating that the Maltese National Health Service (NHS) was giving outdated HIV treatment to patients.</p>	<p>No recommendation</p>	<p>CfH requested feedback regarding this article. In March 2019, CfH was informed that the government had initiated the process to update the HIV treatment that was available on the GFL. The tender process was underway. In October 2019, the Commissioner was further informed that submissions for tender for HIV treatment were at an evaluation stage.</p> <p>By September 2020, CPSU was in the final stage of negotiations, but Covid-19 issues affected sourcing. CPSU once again negotiated with two other companies but the acquisition of generic medicine also resulted to be problematic. On 13 October 2020, the Commissioner was informed accordingly.</p> <p>In August 2021, MFH verbally followed up with the Commissioner whereby it was confirmed that HIV treatment had been given to the patients concerned. On 19 August 2021, the Commissioner confirmed case as closed.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	A case concerning decisions taken by the Exceptional Medical Treatment Committee (EMTC).		The Commissioner requested the terms of reference of the EMTC which were duly provided. The case was discussed verbally with the Office of the Commissioner in February 2019, following which a reply was sent to the Commissioner in March 2019. Other various correspondence was received thereafter referring to individual cases related to EMTC.	Pending at Ministry	Pending at Ministry
Ombudsman Case Reference			On 12 August 2021, a letter was received from the Commissioner regarding one of its cases (HR0007) and concerning requests for medicines which were refused on the basis of the applicable protocol and the related EMTC decision.		
CH/5/P51			A reply is being drawn up to address the Commissioner's query which involved a long list of medicines.		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	<p>The case concerns a request for the setting up of a screening programme of infant hearing.</p>		<p>On 24 September 2019, the Commissioner was informed that the procurement of screening equipment and the drawing up of the programme was being finalised.</p> <p>In July 2020, MFH informed the Commissioner that the project would soon be launched after having engaged Allied Assistants. On 6 January 2021, the Commissioner was informed that the Bio-Medical Section at MDH confirmed that the additional equipment to be used for this screening programme in Gozo General Hospital (GGH) was expected by the end of January 2021. Once available, the screening programme would be launched nationwide in Malta and Gozo. On 17 March 2021, the Commissioner was informed that the equipment has been installed and commissioned. A pilot project was being implemented prior to the official launch of the screening programme. On 29 September 2021, the Commissioner was informed that the neonatal hearing screening programme was up and running, with services being provided at NPICU and GGH. MFH requested closure of the case.</p>	<p>Pending at Ministry</p>	<p>Pending at Ministry</p>
Ombudsman Case Reference	<p>HN 0004</p>				

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	<p>A complaint arising from a request for a branded drug which was approved by the Directorate for Pharmaceutical Affairs (DPA) in 2015 but was never procured for the patient.</p>	<p>The Commissioner requested that the branded drug be procured for the patient.</p>	<p>In February 2019, the Commissioner was informed that the issue concerning branded products was being discussed internally within MFH. In July 2019, the Commissioner sent a further request for the medicine to be provided to the patient, following which he was informed that the case will be reconsidered by the Exceptional Medical Treatment Committee (EMTC) within the parameters of the new policy, as well as the Branded Medicines policy. In November 2019, the Commissioner was informed that the psychiatric drugs on GFL was to be updated. This would address not only the case of the claimant but of all psychiatric patients in general.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ombudsman</p>
Ombudsman Case Reference	<p>HP 0014</p>		<p>In April 2021, the Commissioner was informed that the branded drug has been approved and funds have been requested.</p>		
			<p>On 17 September 2021, the Commissioner enquired about the possibility of providing generic drugs produced by particular companies. On 29 September 2021, the Commissioner was informed with details of the currently procured drug. Moreover, the claimant was to liaise with her caring consultant to determine the response to the drug on the formulary. If there were clinical issues to the contrary, these would need to be reported to the EMTC via DPA for further investigation and followed up and through the presentation of an Adverse Drug Reaction Report.</p>		
			<p>On 5 October 2021, the Commissioner was informed that a budgetary request for 2022 has been made and was agreed to in principle. The respective procurement process was to be initiated in 2022 once funds were allocated.</p>		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	A claim for the reimbursement of Hepatitis C treatment bought by patients who were not on the priority list for such treatment.	The Commissioner requested that the patients be refunded for the treatment bought.	This case was closed, and the recommendation made by CfH was not accepted. The Commissioner referred the case to the Prime Minister as provided for in the Ombudsman Act.	Pending at Ombudsman	Commissioner stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.
Ombudsman Case Reference	HP 0032 & HQ 0078 HO 0076 HR 0036		On 16 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 medicine being included on the Government Formulary List (GFL) have been entertained.		
Chief Medical Officer (CMO)	A complaint arising from a request by a patient for treatment which was turned down as it was not according to protocol.	The Commissioner recommended that protocols should be removed and that each case was to be considered on its own merits as protocols were discriminatory and in breach of law.	On 20 April 2021, the Commissioner informed MFH that case is to be considered closed as the case had been referred to the Prime Minister and no further action was awaited from MFH.	Pending at Ombudsman	Commissioner stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.
Ombudsman Case Reference	HQ 0016 HR 0065 HR 0006		On 10 June 2019, the Commissioner was informed that following recent amendments to article 23 of the Social Security Act (Cap 318), 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." On 21 August 2019, this case was discussed with legal counsel in view of Commissioner's feedback.		
			On 20 April 2021, the Commissioner informed MFH that the case was to be considered closed as the case had been referred to the Prime Minister and no further action was awaited from MFH.		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HQ.0024</p>	<p>A patient with Hepatitis C who used to be employed by the national health service claimed that the infection had been contracted through occupational exposure many years ago. Hence a refund of hepatitis treatment was requested.</p>	<p>The Commissioner requested that the patient be fully refunded with treatment expenses.</p>	<p>As advised by the Office of the Attorney General in June 2017, the patient had been reimbursed with part of the costs. The Commissioner, however, requested full reimbursement. On 28 August 2018, the case was referred to the Prime Minister, requesting his consideration since MFH declined to comply with the recommendation to reimburse cost fully.</p> <p>On 20 April 2021, the Commissioner informed MFH that the case was to be considered closed as the case had been referred to the Prime Minister and no further action was awaited from MFH.</p>	<p>Pending at Ombudsman</p>	<p>Commissioner stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HQ.0061</p>	<p>Confidential case</p>		<p>On 28 February 2019, the Ombudsman was verbally notified that MDH administration was discussing the issue to finalise the case.</p> <p>In September 2021, the Commissioner was informed that this sensitive case has been resolved internally and requested closure of the case.</p>	<p>Pending at Ministry</p>	<p>Pending at Ombudsman</p>

**Chief Medical
Officer (CMO)****Ombudsman
Case Reference**

HR 0077

The complainant claimed reduced efficacy of a generic drug, and that he must buy the branded drug out-of-pocket. The request to be provided with the branded drug was not approved by the Exceptional Medical Treatment Committee (EMTC) but the patient requested reconsideration of the case.

The Commissioner requested that case be reviewed.

This case was referred to EMTC for reconsideration. On 22 March 2018, the Commissioner was informed that the EMTC stood by its original decision. The Commissioner requested a reconsideration of the case and was repeatedly informed that EMTC's decision was final. On 17 June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in Section 4.5 of the EMTC policy and DH circular 22/2019 was followed. Decisions taken by the EMTC were final unless new evidence was submitted that was not previously available or considered.

The Commissioner replied, contesting the decision. On 24 September 2019, the Commissioner was informed once again that cases have been decided within the parameters of the pertinent Legal Notice and according to the published and established policy, and that the request could not be acceded to.

On 30 January 2021, the Commissioner informed MFH that he would be referring the matter to the Prime Minister. He did not and wrote to MFH afresh on 12 August 2021, providing a list of claims which were either refused on account of protocol regulations or on the basis of EMTC refusal.

A reply is being drawn up to address the Commissioner's query which involved a long list of medicines.

Pending at
Ministry

Pending at
Ministry

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	Confidential details	The Commissioner requested that patient's requests be agreed to.	<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. The Commissioner requested that the complainant's requests be agreed to and in March 2019 requested the terms of reference of TAC and the minutes of the TAC meeting concerning this case.</p>	Pending at Ombudsman	Closed and recommendation not accepted
Ombudsman Case Reference	HS 0030	<p>In April 2019, the Office of the Ombudsman sent a final opinion on the case with recommendations. In June 2019, MFH sent a reply to the Commissioner confirming the previous decision and in July 2019 the Office of the Ombudsman replied contesting the decision and asking for a reply about whether his recommendations would be implemented or not by 10 July 2019. MFH discussed the case with legal counsel but MFH's previous position was maintained. Thus, the Ombudsman's recommendations could not be accepted.</p>	<p>In January 2020, the complainant proceeded to open a court case and thus the case was suspended due to court proceedings. On 19 August 2021, the Commissioner informed MFH that case was to be considered as closed.</p>		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	A complaint arising from a request by a patient for treatment which was turned down as it was not according to protocol.	The Commissioner recommended that protocols should be removed and that each case was to be considered on its own merits as protocols were discriminatory and in breach of law.	On 10 June 2019, the Commissioner was informed that following recent amendments to article 23 of the Social Security Act (Cap 318), 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." On 21 August 2019, this case was discussed with legal counsel in view of Commissioner's feedback.	Pending at Ombudsman	Commissioner stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.
Ombudsman Case Reference	HS 0039 HS 0067		On 20 April 2021, the Commissioner informed MFH that the case was to be considered closed as the case had been referred to the Prime Minister and no further action was awaited from MFH.		
Chief Medical Officer (CMO)	A complaint arising from a request by a patient for treatment which was turned down as it was not according to protocol.	The Commissioner recommended that protocols should be removed, and that each case was to be considered on its own merits as protocols were discriminatory and in breach of law.	On 10 June 2019, the Commissioner was informed that following recent amendments to article 23 of the Social Security Act (Cap 318), 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." On 21 August 2019, this case was discussed with legal counsel in view of the Commissioner's feedback.	Pending at Ombudsman	Commissioner stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.
Ombudsman Case Reference	HS 0044		On 20 April 2021, the Commissioner informed MFH that the case was to be considered closed as the case had been referred to the Prime Minister and no further action was awaited from MFH.		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	<p>The complaint concerns a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. Patient was requesting a reconsideration of the case.</p>	<p>The Commissioner requested that the case be reviewed and that the requested drug be included in the Government Formulary List (GFL).</p>	<p>The case was referred to EMTC for consideration. The office of the Ombudsman was verbally informed on 28 February 2019 and in writing on 14 March 2019 that the case had been reconsidered and that the original decision was being confirmed. Furthermore, drugs will be considered for inclusion by the Government Formulary List Advisory Appeals Committee (GFLAC) once clinicians submit the application in accordance with established procedure.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ombudsman</p>
Ombudsman Case Reference	<p>HS 0061</p>	<p>In April 2021, the Commissioner was informed that the branded drug had been approved and funds have been requested. On 5 October 2021, the Commissioner was informed that a budgetary request for 2022 has been made and was agreed to in principle. The respective procurement process was to be initiated in 2022, once funds were allocated.</p>			

**Chief Medical
Officer (CMO)**

The complaint concerns a submission to the Exceptional Medical Treatment Committee (EMTC) which was not approved. The patient was requesting a reconsideration of the case.

The Commissioner requested that the case be reviewed.

This case was referred to EMTC for reconsideration. On 28 February 2019, the Commissioner was informed that the EMTC stood by its original decision. The Commissioner requested a reconsideration of the case and was repeatedly informed that EMTC's decision was final. On 17 June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in Section 4.5 of the EMTC policy and DH circular 22/2019 was followed. Decisions taken by the EMTC were final unless new evidence was submitted that was not previously available or considered.

Pending at
Ministry

Pending at
Ombudsman

**Ombudsman
Case Reference**

HS 0071

The Commissioner replied, contesting the decision. On 30 January 2021, the Commissioner informed MFH that he would be referring the matter to the Prime Minister. He did not and wrote to MFH afresh on 12 August 2021, providing a list of claims which were either refused on account of protocol regulations or on the basis of EMTC refusal.

On 29 September 2021, the Commissioner was informed that a budgetary request for 2022 has been made and was agreed to in principle. The respective procurement process was to be initiated in 2022, once funds were allocated.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HS 0080</p>	<p>A complaint by an officer in the healthcare profession claiming that, due to an ongoing court case, the health authorities failed to appoint him to a higher grade despite having placed first in the selection process.</p>		<p>The Commissioner requested MFH's feedback regarding this case.</p> <p>In February 2019, the Commissioner was informed that subject to satisfactory performance, the Public Service Commission would be requested to extend the validity period/s of the results of the call for applications in question. Appointment was subject to court decision, exculpating the complainant concerned.</p>	<p>Suspended due to court proceedings</p>	<p>Suspended due to court proceedings</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HS 0084</p>	<p>The complaint concerns a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. The patient was requesting a reconsideration of the case.</p>	<p>The Commissioner requested that the case be reviewed.</p>	<p>On 17 June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in Section 4.5 of the EMTC policy and DH circular 22/2019 was followed. Decisions taken by the EMTC were final unless new evidence was submitted that was not previously available or considered.</p> <p>The Commissioner replied, contesting the decision. On 24 September 2019, the Commissioner was informed once again that cases have been decided within the parameters of the pertinent Legal Notice and according to the published and established policy.</p> <p>On 30 January 2021, the Commissioner informed MFH that he would be referring the matter to the Prime Minister. He did not and wrote to MFH afresh on 12 August 2021, providing a list of claims which were either refused on account of protocol regulations or on the basis of EMTC refusal.</p> <p>A reply is being drawn up to address the Commissioner's query which involved a long list of medicines.</p>	<p>Pending at Ministry</p>	<p>Pending at Ministry</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	A case concerning a request for the procurement of a branded product made to the Exceptional Medical Treatment Committee (EMTC).	No recommendation	The Commissioner requested feedback regarding this complaint. The drug was extremely costly and MFH was attempting to source the necessary funds to enable its procurement. On 24 September 2020, the Commissioner was informed that the medicine was to be provided shortly.	Pending at Ministry	Closed without recommendation
Ombudsman Case Reference	HS 0100		On 5 May 2021, the Commissioner was informed that after going through great lengths, the CMO managed to secure the provision of the particular drug. The claimant was receiving treatment on a fortnightly basis. On 10 May 2021, the Commissioner confirmed the case as closed.		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HS 0102</p>	<p>A complaint concerns a submission to the Exceptional Medical Treatment Committee (EMTC) which was not approved. The patient was requesting a reconsideration of the case.</p>		<p>The Commissioner requested that the case be reviewed and also queried the process by which drugs were introduced on the Government Formulary List (GFL). In January 2019, the Commissioner was informed that EMTC had reviewed the case and confirmed its original decision. The Commissioner contested this decision. A reply was sent to the Commissioner in June 2019 regarding the procedure for reconsideration of EMTC decisions, as drafted by the legal counsel and EMTC chair. The Commissioner replied that he was still contesting EMTC decisions.</p> <p>In June 2021, MFH verbally discussed this case with the Commissioner. After contacting the claimant, the Commissioner informed MFH that the patient was being provided with another medicine that was available on Schedule V.</p> <p>On 6 August 2021, the Commissioner informed MFH that this medicine was out of stock. The Commissioner was informed verbally that the patient was entitled to the original medicine which was available, and his schedule V was valid until 2021.</p> <p>On 30 September 2021, the Commissioner requested a direct order be issued to provide medication. On 5 October 2021, the Commissioner was informed that since (i) a tender for the procurement of the medicine was underway and (ii) the same medicine in another form was in supply, the request for procurement through a direct order could not be favourably considered. If the patient were to react adversely to form of medicine in stock, the caring consultant should be informed so as to submit an Adverse Drug Reaction Report to the EMTC, through the Directorate for Pharmaceutical Affairs (DPA), for further investigation and follow up.</p>	<p>Pending at Ministry</p>	<p>Pending at Ombudsman</p>

**Sector /
Department****Brief Detail of Case****Recommendation
by Ombudsman****Action taken and management
comments****Status Last Year****Status****Chief Medical
Officer (CMO)****Ombudsman
Case Reference**

HT 0004

The complaint concerns a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. The patient was requesting a reconsideration of the case.

No recommendation

On 17 June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in Section 4.5 of the EMTC policy and DH circular 22/2019 was followed. Decisions taken by the EMTC were final unless new evidence was submitted that was not previously available or considered. The Commissioner replied contesting the decision. On 24 September 2019, the Commissioner was informed once again that cases have been decided within the parameters of the pertinent Legal Notice and according to the published and established policy.

Pending at Ombudsman
Closed without recommendation

On 30 January 2021, the Commissioner informed MIFH that he would be referring the matter to the Prime Minister but he did not. On 15 June 2021, CMO requested EMTC to review the case on the basis of approval of a similar case.

On 10 August 2021, the Commissioner was verbally informed that the caring consultant of the patient was to reactivate the case so that approval could be granted for the medicine requested. On 17 August 2021, the Commissioner enquired about the expected delivery date of the medicine requested. On 24 September 2021, the Commissioner was informed that the claimant had been started on the treatment.

On 29 September 2021, the Commissioner confirmed the case as closed.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Chief Medical Officer (CMO)</p>	<p>The Commissioner informed MFH that he was carrying out an Own Initiative Investigation about patient safety at the Neonatal Paediatric Intensive Care Unit (NPICU).</p>		<p>On 24 May 2019, MFH notified the MDH administration about the Ombudsman's report, showing findings of the investigation carried out and recommendations. Feedback was requested from MFH. In July 2019, the report was forwarded to relevant MFH stakeholders for feedback.</p>	<p>Pending at Ministry</p>	<p>Pending at Ministry</p>
<p>Ombudsman Case Reference</p>			<p>In December 2019, a reply with all the related information was sent to CfH, following which the latter requested further clarification. In June 2020, the Commissioner enquired about the use of dexamethasone for neonatal use. The CMO replied that the number of initiatives taken to source the product had all proved unsuccessful. In September 2020, the Central Procurement and Supplies Unit (CPSU) reconfirmed that procurement processes issued to date have proved futile since no quotations on the suggested brands have been received. Data on what other countries were using was being compiled. MFH had a supply of dexamethasone injections of a different brand.</p>		
<p>HT 0010</p>			<p>On 26 August 2021, the Commissioner informed MFH that the sensitive matter was still pending. He requested that a meeting is held between CMO, CPSU and MDH Pharmacy to try to conclude the matter. A reply was immediately forwarded to the Commissioner stating that MDH pharmacy was also called in for the meeting, but this process has been stalled because of union interventions. However, the CMO still gave direction to hold the meeting. Developments on the matter were to be communicated to CfH.</p>		

**Chief Medical
Officer (CMO)**

The complaint concerns a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. The patient was requesting a reconsideration of the case.

The Commissioner requested copies of the patient's medical records from the Treatment Abroad Committee.

On 17 June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in Section 4.5 of the EMTC policy and DH circular 22/2019 was followed. Decisions taken by the EMTC were final unless new evidence was submitted that was not previously available or considered. The Commissioner replied contesting the decision.

Pending at
Ministry

Pending at
Ombudsman

**Ombudsman
Case Reference**

HT 0011

On 24 September 2019, the Commissioner was informed once again that cases have been decided within the parameters of the pertinent Legal Notice and according to the published and established policy.

On 30 January 2021, the Commissioner informed MFH that he would be referring the matter to the Prime Minister. He did not and wrote to MFH afresh on 12 August 2021, providing a list of claims which were either refused on account of protocol regulations or on the basis of EMTC refusal.

A reply is being drawn up to address the Commissioner's query which involved a long list of medicines.

**Chief Medical
Officer (CMO)**

A complaint concerning a request for a branded product approved through the exceptional route in April 2017. The drug had not been procured until the date of the complaint and the claimant was requesting that the drug be procured and that expenses of the treatment bought out of pocket be refunded.

**Ombudsman
Case Reference**

HT 0014

The issue related to the procurement of branded products was being discussed internally within MFH. In February 2019, the Commissioner was verbally notified accordingly. On 5 November 2019, the Commissioner was informed that following EMTC's reassessment, the request had not been approved. The Commissioner, however, insisted that the request be approved. In November 2019, an exchange of communication took place between MFH and the Commissioner regarding missing documentation to enable a proper case review.

On 23 July 2020, the Commissioner lamented with MFH that not only the medicine had not been procured after more than two years, but the approval had been withdrawn.

On 30 January 2021, the Commissioner informed MFH that he would be referring the matter to the Prime Minister. He did not and wrote to MFH afresh on 12 August 2021, providing a list of claims which were either refused on account of protocol regulations or on the basis of EMTC refusal. A reply is being drawn up.

Pending at
MinistryPending at
Ministry

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HT 0022</p>	<p>A complaint concerning a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. The complainant requested reconsideration of the case.</p>		<p>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 pertinent policy for guidance.</p> <p>On 30 January 2021, the Commissioner informed MFH that he would be referring the matter to the Prime Minister. He did not and wrote to MFH afresh on 12 August 2021, providing a list of claims which were either refused on account of protocol regulations or on the basis of EMTC refusal.</p> <p>A reply is being drawn up to address the Commissioner's query which involved a long list of medicines.</p>	<p>Pending at Ministry</p>	<p>Pending at Ministry</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HT 0025</p>	<p>A complaint concerning an adhesive remover for colostomy bags. It was being alleged that the product was of inferior quality.</p>	<p>No recommendation</p>	<p>On 28 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.</p> <p>On 15 January 2021, the Commissioner confirmed the case as closed.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	A complaint claiming that since changing from a branded to a generic anti-epileptic drug, epilepsy control deteriorated.		On 23 January 2020, the Commissioner was informed that the patient was receiving the required medicine. However, on 18 February 2020, the Commissioner requested feedback as to why the patients had to make their own arrangements to purchase medication from Belgium and UK, following which the Commissioner was informed that MFH had no further comments to add to communication dated 23 January 2020.	Pending at Ministry	Pending at Ministry
Ombudsman Case Reference	HT 0026		In September 2020, the Commissioner was further notified of all actions taken to assist the claimant and also that the patient had managed to secure the required medicine. MFH thus requested the closure of the case.		
			On 25 August 2021, after a meeting held at the Office of the Commissioner during which this case was discussed, an internal query was raised as to why the clinician concerned had been unable to switch medication to the branded product.		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO) Ombudsman Case Reference HT 0030	<p>A request for consideration regarding the introduction of Continuous Glucose Monitoring for children with Type 1 Diabetes Mellitus.</p>	<p>The Commissioner requested approval of treatment</p>	<p>Following an exchange of communication on the request, the Commissioner was informed that the process involving the introduction of Continuous Glucose Monitoring was in its initial stages.</p> <p>On 11 November 2020, the Commissioner was informed that the issue of Continuous Glucose Monitoring has been circumvented and will be launched as a pilot project for Type 1 diabetics. The Commissioner was informed accordingly.</p> <p>On 20 April 2021, the Commissioner informed MFH that the case is to be considered closed as the request had been implemented.</p>	Pending at Ombudsman	Closed and recommendation implemented
Chief Medical Officer (CMO) Ombudsman Case Reference HT 0035	<p>A clinician requested the provision of a drug in a particular formulation to improve patient compliance.</p>		<p>On 12 September 2019, the Commissioner was informed that no request for the mentioned drug had been received by the Directorate for Pharmaceutical Affairs (DPA). Meanwhile, the Directorate was awaiting feedback from the clinicians in order to review and update psychiatric medicines that were available on the General Formulary List before being brought forward to GFLA and the ACHCB for their committees' assessment.</p> <p>In April 2021, the Commissioner was informed that the branded drug had been approved and funds requested. On 24 September 2021, the Commissioner was informed that the claimant's consultant confirmed that the claimant has started taking the oral medication and was against the switch to injection form. On 29 September 2021, the Commissioner confirmed the case as closed.</p>	Pending at Ministry	Closed without recommendation

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	<p>The complaint concerns a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. The patient was requesting a reconsideration of the case.</p>	<p>The Commissioner requested that the decision be reconsidered.</p>	<p>On 17 June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in Section 4.5 of the EMTC policy and DH circular 22/2019 was followed. Decisions taken by the EMTC were final unless new evidence was submitted that was not previously available or considered. The Commissioner replied contesting the decision. On 24 September 2019, the Commissioner was informed once again that cases have been decided within the parameters of the pertinent Legal Notice and according to the published and established policy.</p> <p>On 30 January 2020, the Commissioner was informed once again that the request cannot be acceded to. In reply to this communication, the Commissioner informed MFH that the case will be referred to the Prime Minister. On 30 January 2021, the Commissioner informed MFH that he would be referring the matter to the Prime Minister, but he did not.</p> <p>On 5 February 2021, the Commissioner was informed once again that the request cannot be acceded to as it did not satisfy the criteria for approval as established by the Schedule of Review Criteria.</p> <p>CfH wrote to MFH afresh on 12 August 2021, providing a list of claims which were either refused on account of protocol regulations or on the basis of EMTC refusal.</p> <p>A reply is being drawn up to address the Commissioner's query which involved a long list of medicines.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ministry</p>
Ombudsman Case Reference	<p>HT 0038</p>				

**Chief Medical
Officer (CMO)**

The complaint concerns a submission to the Exceptional Medicinal Treatment Committee (EMTC) which was not approved. The patient was requesting a reconsideration of the case.

The Commissioner requested that the decision be reconsidered.

On 17 June 2019, the Commissioner was informed that submissions would only be reassessed if the procedure established in Section 4.5 of the EMTC policy and DH circular 22/2019 was followed. Decisions taken by the EMTC were final unless new evidence was submitted that was not previously available or considered.

Pending at
Ombudsman

**Ombudsman
Case Reference**

HT 0042

The Commissioner replied contesting the decision. On 24 September 2019, the Commissioner was informed once again that cases have been decided within the parameters of the pertinent Legal Notice and according to the published and established policy.

On 30 January 2020, the Commissioner was informed once again that the request cannot be acceded to. In reply to this communication, the Commissioner informed MFH that case will be referred to the Prime Minister. On 30 January 2021, the Commissioner informed MFH that he would be referring the matter to the Prime Minister. He did not and wrote to MFH afresh on 12 August 2021, providing a list of claims which were either refused on account of protocol regulations or on the basis of EMTC refusal.

On 29 September 2021, the Commissioner was informed that a budgetary request for 2022 has been made and this was agreed to in principle. The respective procurement process was to be initiated in 2022, once funds were allocated.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	<p>A complaint concerning reimbursement for a test made overseas since it was not available in Malta. The test was made at own expense and the patient was thus requesting reimbursement.</p>		<p>On 22 August 2019, a reply was sent to the Commissioner informing him that the Ministry did not refund tests carried out on one's own initiative overseas. On 22 January 2020, the Commissioner was further informed that the claimant agreed to self-fund the tests as these were not available on the Maltese NHS. The Commissioner, however, contended that it was not the claimant who had decided on such tests but the caring consultants. The Commissioner thus requested that the case be reconsidered.</p>	Pending at Ombudsman	Pending at Ombudsman
Ombudsman Case Reference	HT 0043		<p>On 30 January 2020, the Commissioner was informed that the claimant had been notified by the caring consultants that the test was not provided through the NHS in Malta and that it would have to be privately funded. The claimant had agreed to this. On 20 February 2020, the Commissioner requested clarification on the test and the treatment.</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 the case. In January 2021, the case was discussed during a meeting with the Commissioner whereby CMO was requested to reconfirm that no authorisation can be given to funding of treatment outside the European Union. On 27 April 2021, the Commissioner requested reconsideration of case.</p>		
			<p>On 24 September 2021, the Commissioner was informed that the Pathology Department at MDH never received a request from the claimant's caring clinician to refer the test to the laboratory overseas. Since the matter had been pursued on the patient's own volition, not through the proper MFH channels and without the health authorities' formal consent, reimbursement could not be effected.</p>		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	A complaint concerning certain protocols within MDH which it was claimed required review.		<p>The Commissioner sent a number of queries related to this case. These queries were referred to CEO (MDH) who replied, copying in legal counsel, and stating that since the case was under a magisterial inquiry, MDH will refrain from making any comments for the time being. The Commissioner replied that his query did not impact the magisterial inquiry. A reply was sent by MFH on 9 August 2019, after consulting with legal counsel that no comments will be made at that stage.</p> <p>On 3 August 2021, the Commissioner informed MFH that the magisterial enquiry had been concluded and requested a reply to his first communication dated 25 June 2019. Legal Officer MFH filed an application in order to be given the relative results and the outcome of magisterial enquiry is awaited.</p>	Pending at Ministry	Pending at Ministry
Ombudsman Case Reference	HT 0044				
Chief Medical Officer (CMO)	A complaint concerning a patient who required the use of both pink and yellow cards but was told to choose which one to keep, thus forfeiting benefits provided by the other one.	No recommendation	<p>The Commissioner requested urgent comments on this case. On 7 August 2019, POYC informed CMO that it would be consulting legal counsel for guidance. On 12 September 2019, following discussions with legal counsel and clarifications with MFSS, a reply was sent to the Commissioner, informing him that the claimant was to apply to DSS to determine whether they were 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 the communication dated 12 September 2019 and thus requested closure of the case. On 28 September 2021, MFH was informed that Cfh was discussing the case with the claimant and was to revert with a reply.</p>	Pending at Ombudsman	Pending at Ombudsman
Ombudsman Case Reference	HT 0045				

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HT 0050</p>	<p>CfH requested details regarding a tender for the supply of a specific medicine.</p>		<p>First communication was received from the Office of the Ombudsman on 12 January 2021. On 26 August 2021, the Commissioner was informed that the Central Procurement and Supplies Unit (CPSU) had already notified his office that procurement under the respective tender was to be made according to medical indications covered by the current protocol. Procurement to cover new indications was not permissible unless otherwise approved.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ombudsman</p>
<p>Chief Medical Officer (CMO)</p> <p>Ombudsman Case Reference</p> <p>HT 0066</p>	<p>A complaint concerning a patient who was operated in his eyes several times in Malta. The parents were informed that MDH would soon communicate the way forward. However, the parents decided to take him to the UK where he was re-operated several times. The parents were requesting reimbursement of expenses.</p>	<p>No recommendation</p>	<p>On 23 August 2019, the Commissioner informed MFH that the claimant had been approved as a government-sponsored patient, following which, on 11 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 the UK for treatment privately without obtaining prior authorisation. On 13 November 2019, the Commissioner inquired whether MFH had carried out an investigation following the unsuccessful operation. The Commissioner was provided with a trail of events as presented by the Consultant Surgeon concerned.</p> <p>The Commissioner maintained that the patient should be reimbursed, but internal communication dated 24 April 2020 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. The position of MFH was confirmed on 20 April 2021, and on 24 May 2021, the Commissioner confirmed the case as closed.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	<p>A complaint concerning a request to the Exceptional Medical Treatment Committee (EMTC), which was not approved. The patient requested a reconsideration of the case.</p>	<p>No recommendation</p>	<p>On 25 November 2019, the case was referred to EMTC for reconsideration. In December 2019, the Commissioner was informed that the request for treatment had been approved.</p> <p>On 27 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 informed the Commissioner that no request for new treatment had been submitted for consideration. Internal communication from the Central Procurement and Supplies Unit (CPSU) dated 7 April 2020 noted that a tender was still open. In September 2020, CPSU noted that the contract was issued to a supplier enabling the medicine to be available to the patient.</p> <p>On 20 April 2021, the Commissioner informed MFH that the case was to be considered closed as the medicine had been provided.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference HT 0069					
Chief Medical Officer (CMO)	<p>A complaint from a patient who was not given treatment because he was not entitled according to protocol.</p>	<p>No recommendation</p>	<p>The Commissioner requested feedback on the case. The issue was 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 was not entitled according to the established protocol.</p> <p>Following internal developments, in January 2021, MFH approved the procurement of the required treatment.</p> <p>On 20 April 2021, the Commissioner informed MFH that the case was to be considered closed as medicine had been provided.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference HT 0077					

**Sector /
Department**

Brief Detail of Case

**Recommendation
by Ombudsman**

Action taken and management comments

Status Last Year

Status

**Chief Medical
Officer (CMO)**

A complaint concerning a patient who required treatment on a permanent basis.

The Commissioner requested that treatment be included in patient's Schedule V Card.

On 23 October 2019, the Commissioner requested that the treatment was to be included in the patient's Schedule V Card. The drug was unavailable under the pertinent protocol and further discussions were required.

Pending at Ministry

Closed and recommendation implemented

**Ombudsman
Case Reference**

HT 0082

In view that no other exchange of communications ensued, MFH proceeded to enquire with the Commissioner on the status of the case. On 10 August 2021, the Commissioner informed MFH that the case was to be considered closed.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	A complaint concerning a patient who was requesting to be sent abroad for treatment/ surgery despite treatment being available in Malta.	The Commissioner requested that patient be sent abroad.	On 7 November 2019, the Commissioner was informed that the patient should discuss their clinical condition with the caring consultant who could refer them 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.	Pending at Ministry	Closed and recommendation not implemented
Ombudsman Case Reference	HT 0084		On 22 January 2020, the Commissioner was informed that it was the patient's consultant who decided if treatment was to be given in Malta or not. The patient's surgery had been scheduled in Malta. In March 2020, the Commissioner insisted that the patient be sent abroad for treatment as, despite various local consultations, no solution had been found. On 24 August 2020, the Commissioner was informed that local specialists did not deem it necessary for the patient to be sent abroad for treatment. On 26 August 2020, the Commissioner replied by stating that the patient had not been seen by any consultant since December 2019 and was thus requesting a review of the case once again.		
			On 12 October 2020, the Commissioner was informed that the patient had been seeing various specialists. It was suggested that they visit a health centre doctor / private GP to establish the health problem / concern, thus enabling MFH to focus its attention on the patient's actual health problem and related concerns. On 11 December 2020, the Commissioner requested that the patient be sent abroad as he had been seen by at least 10 consultants and they could not find an answer to his problem.		
			On 26 August 2021, the Commissioner was informed that the claimant was recently seen by a consultant physician who ordered an Ultrasound. Once the result of the ultrasound was determined, CfH was to be informed accordingly.		
			On 29 October 2021, the Commissioner informed MFH that the claimant was being followed by local specialists and confirmed the case as closed.		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	A complaint concerning medicines which were not approved by the Exceptional Medical Treatment Committee (EMTC).		On 15 November 2019, the Commissioner was informed about the EMTC protocol for reconsideration of decisions. The Commissioner, however, insisted that EMTC should reconsider the case based on his request.	Pending at Ministry	Pending at Ombudsman
Ombudsman Case Reference	HT 0087		On 30 January 2021, the Commissioner informed MFH that he would be referring the matter to the Prime Minister. He did not and wrote to MFH afresh on 12 August 2021, providing a list of claims which were either refused on account of protocol regulations or on the basis of EMTC refusal.		
Chief Medical Officer (CMO)	A complainant requesting reimbursement of expenses incurred for treatment in the UK which was not provided in Malta.	No recommendation	On 29 September 2021, the Commissioner was informed that a budgetary request for 2022 has been made and was agreed to in principle. The respective procurement process was to be initiated in 2022, once funds were allocated.	Pending at Ombudsman	Closed without recommendation
Ombudsman Case Reference	HT 0090		On 20 October 2020, another detailed report regarding the case was forwarded to the Commissioner.		
			On 15 January 2021, the Commissioner confirmed the case as closed.		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	<p>A case concerning a request for the approval of a medicine which was refused by the Exceptional Medical Treatment Committee (EMTC).</p>		<p>The EMTC did not approve the requested medicine and the Commissioner was informed accordingly.</p> <p>On 30 January 2021, the Commissioner informed MFH that he would be referring the matter to the Prime Minister. He did not and wrote to MFH afresh on 12 August 2021, providing a list of claims which were either refused on account of protocol regulations or on the basis of EMTC refusal.</p> <p>A reply was being drawn up to address the Commissioner's query which involved a long list of medicines.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ministry</p>
Ombudsman Case Reference HT 0093					
Chief Medical Officer (CMO)	<p>A complaint concerning a request for the approval of treatment.</p>	<p>No recommendation</p>	<p>On 22 January 2020, the Commissioner was informed that the EMTC had approved the request in November 2019. On 28 January 2020, the Commissioner stated that the name of the patient was not on the list of entitled patients. He also informed the Ministry that court proceedings had been initiated. On 13 March 2020, the Commissioner communicated that although the medicine had been approved by the EMTC in November 2019, it has not yet been procured and enquired about the expected date when the medicine would be received.</p> <p>In August 2020, internal discussions were held regarding procurement issues and the court case.</p> <p>On 19 August 2021, the Commissioner confirmed the case as closed.</p>	<p>Pending at Ministry</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference HT 0094					

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Chief Medical Officer (CMO)	A complaint arising from a decision by the Exceptional Medical Treatment Committee (EMTC) not to approve a particular medicine.		On 28 January 2020, the Commissioner was informed about the EMTC's decision not to approve the request. In terms of the protocol, the pharmacists at the Pharmaceutical Affairs Directorate were informed of this decision and the patient's consultant should have been notified.	Pending at Ombudsman	Pending at Ministry
Ombudsman Case Reference			On 30 January 2021, the Commissioner informed MFH that he would be referring the matter to the Prime Minister. He did not and wrote to MFH afresh on 12 August 2021, providing a list of claims which were either refused on account of protocol regulations or on the basis of EMTC refusal.		
HT 0102			A reply was being drawn up to address the Commissioner's query which involved a long list of medicines.		
Human Resources	Case relating to alleged discrimination between public service and RSSL employees. The latter claimed that they should receive similar allowances as Public Service employees.		On 25 November 2019, the Commissioner was informed that the request cannot be acceded to as it would be in clear breach of the applicable sectoral agreement. The case was closed on 29 January 2020. The case was re-opened under OPM. On 19 April 2021, P&SD informed the Commissioner that the claimant was remunerated at a basic salary which was higher than that paid to public officers performing the same duties. Therefore, the requested remuneration was not deemed justified.	Closed without recommendation but re-opened under OPM.	Commissioner stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.
Ombudsman Case Reference					
HT 0041			On 17 June 2021, the Commissioner informed P&SD that the case had been referred to the Prime Minister in accordance with article 22(4) of the Ombudsman Act.		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Mater Dei Hospital (MDH)	<p>The complainant contested the management's decision to assign duties that limited contact with patients, after the complainant had been 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 did not reflect the job description.</p>	<p>No recommendation</p>	<p>The claim raised by the Commissioner ignored the criminal court ruling and the subsequent initiative by MFH to limit patient contact to avoid a possible recurrence of the incident. The case was delayed at the MFH due to deployment problems arising from the criminal court decision and also from union directives regarding the individual's work placement. It was agreed that the individual submit the latest report from his Probation Officer. On 17 June 2019, a meeting was 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 were monitored, therefore safeguarding both the complainant and patients. The probation officer agreed with this suggestion. In September 2019, the Commissioner was informed that the transfer could not be acceded to.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference	<p>HR 0071</p>		<p>On 1 July 2020, the Commissioner requested that a meeting be held between the complainant and MDH management. The Commissioner was informed, on 15 September 2020, that a meeting was held and that MDH management were looking into the case again.</p>		
			<p>On 1 March 2021, the Commissioner was informed that during a meeting between COO and Head HR, it was reaffirmed that the claimant could only work in areas where sufficient monitoring was possible to safeguard the complainant, patients, as well as other staff (case related to HU 0051).</p>		
			<p>On 28 April 2021, the Commissioner informed MFH that case was considered closed.</p>		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Mater Dei Hospital (MDH)	<p>Issue concerning MCAST certification at MQF level 3 which was not deemed as sufficient when candidates applied for a particular technical post.</p>	<p>No recommendation</p>	<p>On 12 December 2019, a reply was sent to the Commissioner together with the two requested files. In July 2020, the Commissioner was informed that internal discussions with MDH management were ongoing concerning working conditions, including MCAST certifications of staff in this technical post. It was also being discussed that once a shift pattern was agreed upon internally, it would be communicated to the respective union.</p> <p>In August 2020, MDH's management informed the Ministry that if the shift patterns were changed, MDH would not need any recruitment of staff in this technical post for the next 12 months at least. COVID-19 and a change in union representation derailed the exercise.</p> <p>On 23 March 2021, the Commissioner was informed that the process of establishing a shift pattern was awaiting finalisation but until this was agreed upon by all stakeholders, no calls for applications for vacancies in the post will be issued.</p> <p>On 16 September 2021 the Commissioner queried whether the group of technicians making the claim could be taken into consideration and a pertinent clause be included in the agreement. On 27 September 2021, the Commissioner was informed that in order to progress in the stream, public officers will be granted every opportunity to follow recognised top-up courses that will take cognizance of prior learning and experience. On 4 October 2021, the Commissioner requested further clarification with regard to the call for applications.</p>	<p>Pending at Ombudsman</p>	<p>Pending at Ministry</p>
Ombudsman Case Reference	<p>HS 0075</p>				

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HT 0061</p>	<p>A complaint concerning an allegation of discrimination by a superior officer towards an employee.</p>	<p>No recommendation</p>	<p>On 24 September 2019, the Commissioner was informed that the transfer requested by the complainant could not be acceded to. The case was kept on hold since the complainant was to be referred for a review by a medical board.</p> <p>On 6 May 2021, the Commissioner was forwarded a detailed trail of events. On 2 August 2021, the Commissioner was informed that during a meeting held on 8 July 2021, between the MDH management and the claimant, the latter refused to take up the vacant position at the Waste Management Department and insisted to be transferred to other MDH departments where no vacancies were available. During another meeting which took place on 19 July 2021, the claimant accepted to be transferred to the Waste Management Department and returned to work on Wednesday 21 July 2021.</p> <p>On 10 August 2021, the Commissioner confirmed the case as closed.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
<p>Mater Dei Hospital (MDH)</p> <p>Ombudsman Case Reference</p> <p>HT 0086</p>	<p>A complainant requesting to be transferred to another hospital after having completed the Health Care</p>	<p>No recommendation</p>	<p>On 9 March 2020, the Commissioner was informed that an assimilation exercise commenced in January 2020 and the complainant's deployment formed part of this exercise. By June 2020, the assimilation exercise was implemented and finalised.</p> <p>On 3 August 2020, the Commissioner was informed that the complainant was presently working in a reception area and HR was in the process of identifying an officer as a replacement, following which the complainant would be assimilated with effect from August 2018. On 26 October 2020, the Commissioner was informed that the claimant had been deployed to a caring area and thus will be able to benefit from the agreement pertaining to health carers.</p> <p>On 11 November 2020, the Commissioner confirmed the case as closed.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Mater Dei Hospital (MDH)	<p>The Commissioner requested the claimant's personal file. He did not state why the file was being requested. No further requests were sent by CFH.</p>	<p>No recommendation</p>	<p>Personal file forwarded to CfH on 14 January 2020. On 4 March 2020, CfH informed MFH that he was awaiting feedback from P&SD. The case was being dealt with by OPM and MFH had no further details. The case was confirmed closed by the Commissioner on 22 July 2020.</p>	<p>Case closed by the Commissioner but was reopened under OPM</p>	<p>Ombudsman stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act</p>
Ombudsman Case Reference			<p>P&SD explained that, according to testimonials provided, the complainant was not acting in a recognised position/grade within the respective agreement. Furthermore, during the period in question, a significant restructuring process was underway in this stream. The fact that a former incumbent was receiving a deputising allowance was not enough to justify the award to the complainant. Such allowances were awarded due to the needs of the respective period. In fact, there was no written direction by the complainant's superiors to carry out deputising duties, as necessary in terms of the Manual on Allowances. On 19 April 2021, P&SD informed the Commissioner that issues cannot be addressed on individual bases but rather on adherence to the collective agreement and established procedures. Hence, the previous position was maintained.</p>		
HT 0089			<p>On 17 June 2021, the Commissioner informed P&SD that the case has been referred to the Prime Minister in terms of article 22(4) of the Ombudsman Act.</p>		

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Sir Paul Boffa Hospital</p> <p>Ombudsman Case Reference</p> <p>HT 0016</p>	<p>A claim concerning non-payment of an on-call allowance for a particular period.</p>	<p>No recommendation</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 had not been required. On 29 November 2019, a reply was sent to the Commissioner together with a personal file and requested documentation.</p> <p>Internal communication took place between MFH and P&SD since the latter considered requests for backdated allowances. A request for arrears in this regard was favourably considered and the Commissioner was informed accordingly.</p> <p>On 11 November 2020, the Commissioner confirmed case as closed.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
<p>Steward Health Care</p> <p>Ombudsman Case Reference</p> <p>CH/5/P33</p>	<p>Request by the Office of the Commissioner for contracts concerning Steward Healthcare and the confidentiality aspect of such contracts.</p>	<p>No recommendation</p>	<p>On 15 February 2019, the Commissioner was informed that hospital concession agreements included confidentiality undertakings in terms of which information that was sensitive in nature may not be disclosed. In this regard, the redacted documents were provided to the Commissioner for his perusal. MFH was not in a position to provide further information regarding this case.</p>	<p>Pending at Ministry</p>	<p>Closed without recommendation</p>
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HR 0017</p>	<p>A claim by three individuals who stated that their pay was pegged below their role and responsibility.</p>	<p>No recommendation</p>	<p>MFH communicated repeatedly with the Commissioner informing him that the outcome of this claim was dependent on ongoing negotiations with the pertinent union. The case was delayed for this reason. On 14 August 2018, the Commissioner was informed that the case was on hold, given that the union concerned was requesting arbitration as opposed to the conciliation meeting proposed by the Industrial Relations Unit (IRU). Discussions with the union were in process. A solution was being explored in view of potential ramifications.</p>	<p>Pending at Ministry</p>	<p>Pending at Ministry</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HR 0054, 55, 56, 57, 58</p>	<p>Cases raised by two complainants concerning a management issue at the place of work.</p>	<ol style="list-style-type: none"> 1. A new post of Director Public Health Laboratory be created. 2. A call for applications be issued as soon as possible. 3. The Public Health Laboratory be under the responsibility of the Superintendent of Public Health. 	<p>MFH stated that case outcome was dependent on negotiations with the pertinent union, which were 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. Restructuring initiatives have been taken to ensure that the place of work was accredited, and for all staff to work coherently.</p> <p>The Commissioner's final opinion was referred to MFH in May 2020. The Commissioner requested feedback on the action which MFH intended to take in line with his recommendations. In June 2020, a board of inquiry was set up to review the case.</p>	<p>Pending at Ministry</p>	<p>Pending at Ministry</p>
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HS 0031</p>	<p>A case relating to a query on whether the frozen breast milk that the complainant attempted to import to Malta was to be deemed as food in accordance with the Food Safety Act of 2002.</p>		<p>The Ministry referred the case to SPH and informed the Commissioner that it would be discussing the possibility to issue a Legal Notice. In July 2020, the Commissioner suggested that SPH confirm their position that a Legal Notice was not to be issued.</p> <p>In September 2021, the case was again discussed with CfH and it was agreed that the Commissioner communicate with the claimant's lawyer to clarify if the case was still being pursued by the claimant. On 4 October 2021, MFH was informed that the Commissioner for Health was still awaiting a reply from the claimant's lawyer.</p>	<p>Pending at Ministry</p>	<p>Pending at Ombudsman</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HT 0036</p>	<p>A complaint relating to an overflow of sewage/dirty water onto the claimant's property and causing damage.</p>	<p>The Commissioner requested reimbursement of expenses incurred in carrying out the work concerned.</p>	<p>Following the receipt of this complaint, the Environmental Health Directorate forwarded a report to CfH. 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 28 November 2019, SPH confirmed that the claimant had carried out the works themselves and for the same reason asked the Commissioner to close the case.</p> <p>On 2 December 2019, the Commissioner referred a copy of letter dated 27 August 2019 from the claimant's lawyer, stating that the complainant had to carry out works themselves to avoid further damages to their property. The claimant was thus claiming a refund for the works carried out as well as enquiring why the Environmental Health inspector concerned had failed to proceed legally against the occupier of the premises from where the overflow had originated.</p> <p>By September 2020, an internal investigation was in process but in view of COVID-19 exigencies, action had to be suspended. On 10 September 2021, MFH forwarded a reply to the Commissioner that was drawn up by the MFH's lawyers, including a detailed report explaining the trail of events.</p>	<p>Pending at Ministry</p>	<p>Pending at Ombudsman</p>
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HT 0040</p>	<p>A complaint relating to the signing of a contract 23 years ago regarding the allocation of a cemetery burial site.</p>	<p>No recommendation</p>	<p>MFH was informed that a meeting was held between SPH and the Lands Authority (LA). In view of COVID-19 exigencies, action had to be suspended. On 12 July 2021, the Commissioner was informed that the matter was still under discussion with the LA in view that the latter imposed a condition concerning the non-sale of graves to third parties, thereby rendering the allocation letter—issued on 15 May 1996—problematic to execute. On 10 August 2021, the Commissioner confirmed the case as closed.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HT 0046</p>	<p>A complaint concerning the delivery of a registered parcel that was delayed and sent to a wrong address. The complainant was claiming compensation against both Maltapost and the Port Health Services.</p>	<p>No recommendation</p>	<p>Action on this issue had to be suspended in view of COVID-19 exigencies. On 12 July 2021, the Commissioner was informed that the Environmental Health Directorate (DEH) reported that the Port Health services received two parcels bearing the same reference number but containing different supplies. A remark that the product (chocolate and coffee) could not be released had been erroneously entered by the Environmental Health Officer (EHO) on the document accompanying the parcel. This remark had been intended for another parcel. Subsequently, the EHO entered another remark on the same Maltapost form to correct the error. The product was then released. CfH was also informed that parcels were delivered by Maltapost employees and were checked by the EHO in the former's presence. Once examined, the parcels were sealed in their original packaging and the EHO's remarks were entered on the Maltapost document accompanying the parcel. Both parcel and document were then handed back to the Maltapost employee. Parcels were never retained by the DEH. Even if the product was not released, the parcel is given back to the Maltapost employee in waiting. Therefore, delivery to the designated address fell squarely within Maltapost's responsibility.</p> <p>On 10 August 2021, the Commissioner confirmed the case as closed.</p>	<p>Pending at Ministry</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
Superintendent of Public Health (SPH)	<p>A complaint concerning an application submitted in 1997 for a tomb at Addolorata cemetery against a payment of €2,500 which was paid in 2013. However, the tomb has not been allocated.</p>	<p>No recommendation</p>	<p>On 29 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 was included in the grave allotment list. In view of COVID-19 exigencies, action had to be suspended.</p> <p>On 20 January 2021, the Commissioner was informed that following arrangements with the Government Public Notary, contracts of sale of the first 380 graves were in progress and the complainant was to receive notification in this regard.</p> <p>On 5 February 2021, the Commissioner informed MFH that complainants signed the contract and that the case was to be considered as closed.</p>	<p>Pending at Ministry</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference HT 0048	<p>A case concerning a letter from a lawyer of a private company sent to the Food Safety Commission and the Director Environmental Health in relation to Regulation EC1935 of 2004.</p>	<p>A copy of the letter was forwarded to Director (Environmental Health) on 13 August 2019. On 5 November 2019, the Commissioner was informed about the Environmental Health Directorate's obligations regarding the level of food safety in the manufacture of paper napkins as well as the raw materials used. On 7 December 2019, the Commissioner requested further clarifications but in view of COVID-19 exigencies, action had to be suspended.</p> <p>On 13 July 2021, the Commissioner was informed that during inspections carried out by the Environmental Health Directorate (DEH) at food premises, Environmental Health Officers ensure that any material intended to come in contact with the food complied with Regulation EC1935/2004. The regulation did not require the labelling of each individual item since package labelling was considered sufficient.</p> <p>On 27 September 2021, the Commissioner forwarded to MFH further clarifications which were being sought by the advocates of the claiming company.</p>	<p>A copy of the letter was forwarded to Director (Environmental Health) on 13 August 2019. On 5 November 2019, the Commissioner was informed about the Environmental Health Directorate's obligations regarding the level of food safety in the manufacture of paper napkins as well as the raw materials used. On 7 December 2019, the Commissioner requested further clarifications but in view of COVID-19 exigencies, action had to be suspended.</p> <p>On 13 July 2021, the Commissioner was informed that during inspections carried out by the Environmental Health Directorate (DEH) at food premises, Environmental Health Officers ensure that any material intended to come in contact with the food complied with Regulation EC1935/2004. The regulation did not require the labelling of each individual item since package labelling was considered sufficient.</p> <p>On 27 September 2021, the Commissioner forwarded to MFH further clarifications which were being sought by the advocates of the claiming company.</p>	<p>Pending at Ministry</p>	<p>Pending at Ministry</p>
Ombudsman Case Reference HT 0058					

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HT 0063</p>	<p>A complaint concerning leakage from a sewer which was contaminating a private property.</p>	<p>No recommendation</p>	<p>On 9 August 2019, the Commissioner requested MFH to look into the matter, following which, in October 2019, health inspectors inspected the place, noting that works were to be completed by the neighbour of the complainant. However, in view of Covid-19 exigencies, action concerning this case had to be suspended.</p> <p>On 18 June 2021, the Commissioner was informed that following investigations by the Environmental Health Officer, legal action had been initiated against the owners of the flats on 6 November 2019 as the common drains were defective. The case was appointed for the first Health Sitting on 6 December 2019, but had to be deferred several times in view that the works had not been carried out.</p>	<p>Pending at Ministry</p>	<p>Suspended due to court proceedings</p>
<p>Superintendent of Public Health (SPH)</p> <p>Ombudsman Case Reference</p> <p>HT 0067</p>	<p>A complaint concerning an application for telework which was not approved.</p>	<p>No recommendation</p>	<p>SPH investigated the case and in January 2020 and the Commissioner was informed with outcome of the investigation. On 6 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. On 1 September 2020, the investigation report was presented to the Permanent Secretary (MFH) with recommendations. On 24 September 2020, the Investigation Board Report was also sent to CfH upon his request</p> <p>On 12 October 2020, the Commissioner was informed about the transfer of the complainant and that telework was to be considered once necessary experience in the new role was gained. The complainant agreed to this arrangement.</p> <p>On 11 November 2020, the Commissioner confirmed the case as closed.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>

Commissioner for Health Other Ministries

Follow-up on Annual Report 2020
Commissioners

Sector / Department

MHSE - Office of the Permanent Secretary

Ombudsman Case Reference

HU 0047

MSCA- Active Ageing & Community Care (AACC)

Ombudsman Case Reference

HU 0062

MSCA - Saint Vincent de Paul Residence (SVP)

Ombudsman Case Reference

HU 0043

Brief Detail of Case

The Office of the Ombudsman informed the Office of the Permanent Secretary-MHSE about a complaint received from an Officer about threats received from the Correctional Services Agency.

A complaint concerning an incident between the complainant and the management of a residential home for the elderly regarding the immediate discharge of an elderly person.

A complaint arising from unpaid salary due to late communication of the commencement date for redeployment.

Recommendation by Ombudsman

No recommendation

No recommendation

Action taken and management comments

The Office of the Permanent Secretary replied on 7 October 2020 with comments on the points raised by complainant.

The complaint was referred by the Commissioner for Health (CfH) to AACC on 9 August 2020.

On 14 August 2020, CEO (AACC) replied that the residential home did not fall within the remit of AACC.

On 9 September 2020, CfH asked for further investigations as complainant insinuated that the elderly person had been accepted at the residential home on a respite basis, funded through public funds. When the complainant took the elderly person to another home, the latter had to pay for this service.

AACC informed the CfH on 15 September 2020 that the respite service is free of charge only when admission to the respite centre is through a government scheme. This person decided to leave and went to a private residential home therefore payment for respite was incurred.

AACC was informed by the CfH that case was closed in January 2021.

The CfH referred the complaint to SVP on 7 July 2020. On 10 August 2020, SVP informed CfH that the complainant was deployed from one entity to another resulting in an overpayment in the salary. This amount had to be deducted from the complainant's salary. Nonetheless, the complainant was to be reimbursed with the amount due. SVP was informed by CfH that case was closed in January 2021.

Status

Pending at Ombudsman

Closed without recommendation

Closed by Ombudsman after management replied to one request for information.

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
MSCA- Saint Vincent de Paul Residence - (SVP) Ombudsman Case Reference HU 0087	<p>Complaint arising from placement of successful physiotherapy candidates. Complainant argued that he was the next one up to be placed at SVPR but this placement was given to another candidate who placed next in the order of merit.</p>		<p>On 29 October 2020, CfH referred the complaint to SVP. SVP confirmed that all the candidates had been contacted. On 19 November 2020, complainant informed SVP that he was withdrawing the complaint, since he wished to keep his current employment.</p> <p>On 23 November 2020, the Commissioner for Health confirmed that case has been withdrawn by complainant and that the case was closed.</p>	<p>Closed, case withdrawn by complainant</p>
MSCA-Saint Vincent de Paul Residence - (SVP) Ombudsman Case Reference HU 0089	<p>A complaint arising from the refusal of a request for cultural leave. The complainant alleged that the correct application was sent on time, although HR stated otherwise and thus refused the application.</p>	<p>The manager (HR) was requested to reconsider the decision.</p>	<p>On 6 November 2020, CfH referred the complaint to SVP. SVP replied to CfH on 16 November 2020, confirming that the request for Cultural Leave was submitted late and application was rejected. A copy of the application was attached to this reply.</p> <p>On 19 November 2020, CfH pointed out that complainant had submitted the application to HR, 15 days in advance.</p> <p>On 28 December 2020, SVP replied to CfH, confirming that cultural leave was being granted to complainant. SVP was informed by CfH that case was closed in December 2020.</p>	<p>Closed and recommendation implemented</p>
MSCA- Social Care Standards Authority (SCSA) Ombudsman Case Reference HU 0106	<p>A complaint regarding lack of care given to patient.</p>		<p>On 30 December 2020, CfH referred the complaint to the SCSA. The case was investigated by SCSA and findings were forwarded to the Office of the Ombudsman.</p>	<p>Pending at Ombudsman</p>

MSFC- Department of Social Security (DSS)

Ombudsman
Case Reference

HU 0064

The complaint related to NI contributions paid. The complainant had been informed that he was not entitled to a social security pension due to a shortfall of NI contributions. The complainant started his work as an expatriate and signed a contract that stated that he was to receive a net salary and the employer had to pay his NI contributions. The Inland Revenue Department (IRD) noticed that such payments were not being paid by the employer and requested the latter to pay such contributions. The complainant alleged that a public officer told him to pay a rate of 24% to make up for the shortfall in contributions. However, the DSS informed him that he was not eligible for a social security pension as he had missing NI contributions.

On 18 March 2021, the Commissioner sent the following recommendations after reiterating that the Public Administration was responsible for errors made by public officers:

Recommendation 8.1 – The complainant was to be given the full pension for the years the complainant was in government employment, between 1 April 1995 and 12 March 2020.

Recommendation 8.2 - DSS was to transfer the “unauthorised” money in its coffers that should cover the years when contributions were not paid.

Recommendation 8.3 – If, for some reason, the DSS would not be in a position to implement the recommendation at 8.2, it should refund to the complainant the extra money paid. The deduction in pension should be borne by the employing department. DSS was to inform the employing department what payments were to be made monthly.

Recommendation 8.4 – In order to be compliant with the provision of the Social Security Act, the DSS was to inform the employing department of the amount deducted as service pension so that the latter would affect payment to the complainant on a regular basis.

Recommendation 8.5 - The overpayment claimed by DSS regarding the service pension should be claimed from the employing department.

On 21 August 2020, MFCS replied to the complaint received from the Ombudsman on 19 August 2020. It was clarified that the Social Security Act did not provide that one paid double the rate of contribution to make up for missing contributions. DSS requested a copy of the document by which the complainant had been instructed to pay a double rate of NI.

On 21 May 2021, DSS replied to the Commissioner’s recommendations as follows:

8.1 The complainant paid Social Security Contributions in Malta from January 2004 to March 2020, thus it was not possible to pay the recommended pension. From investigations carried out, it transpired that the complainant paid contributions in the UK up to 5 April 2009. In the circumstances, the DSS agreed to re-assess the pension on the contributions paid in Malta despite the overlap of voluntary contributions paid in the UK.

8.2. DSS clarified that it did not hold any unauthorised money in its coffers as these were made at the office of the Commissioner for Revenue and subsequently were made available to the consolidated fund.

8.3. In view of the reply to recommendation 8.1, social security contributions paid from 2004 to April 2009 should not be refunded as these were to be taken into consideration for the re-assessment of pension.

8.4. The complainant’s contributory pension was being abated by €17.54 per week. The amount was reassessed and reduced annually, with the employing department paying the difference. The employing department was to communicate with DSS every January to establish the new rate due to complainant.

8.5. This recommendation was to be discussed between the Department of Social Security and the employing department.

Pending at
Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
<p>MTCP - Malta Medicines Authority (MMA)</p> <p>Ombudsman Case Reference</p> <p>HU0009 & HU0026</p>	<p>The complainants claimed that the revised market corrector allowance should not be restricted to registered pharmacists only.</p>	<p>The Commissioner recommended that an allowance should be introduced for Medical Doctors who were carrying out pharmaceutical duties.</p>	<p>The complaint was received on 20 February 2020. The MMA informed the Ombudsman that the recommendations shall be taken into consideration during negotiations of the new Collective Agreement that initiated on 25 June 2021 and were ongoing.</p>	<p>Pending at Ministry</p>
<p>MTCP - Malta Medicines Authority (MMA)</p> <p>Ombudsman Case Reference</p> <p>HU0025 & HU0027</p>	<p>A complaint lodged by two officials within the MMA. They claimed that they were being discriminated against since they were not being paid an allowance reserved for warranted pharmacists carrying out exclusively pharmaceutical duties, whilst the same allowance was being paid to other Heads.</p>		<p>The complaints were received on 20 April 2020. On 20 July 2020, the Commissioner for Health agreed with the Malta Medicines Authority's position and it was considered that the complainants' claims could not be sustained.</p>	<p>Complaint not upheld</p>
<p>MTIP- Ministry for Transport, Infrastructure and Capital Projects</p> <p>Ombudsman Case Reference</p> <p>HU0046</p>	<p>Complaint related to the transfer of an employee from the Manufacturing and Services Directorate (MSD) at Kordin to Ta' Gali Park.</p>	<p>No recommendation</p>	<p>In his initial letter dated 21 July 2020, the Commissioner for Health (CfH) informed MTIP that complainant had produced medical certificates to sustain his claim that the Ta' Gali environment was not conducive to his condition.</p> <p>On 11 August 2020, the CfH was informed that complainant had never been transferred from MSD to Ta' Gali Park but had only been asked by his superiors to work at Ta' Gali Park on a roster basis. However, when complainant produced evidence that he was unable to work at the Ta' Gali environment due to his condition, he was allowed to continue to carry out his duties from MSD Kordin.</p> <p>Through a reconciliation exercise with the CfH it transpired that the case was closed off.</p>	<p>Closed without recommendation</p>

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
OPM – People and Standards Division	A complaint related to a contention as to whether sick leave entitlement recommences once a new calendar year begins for those who are on continuous sick leave.	No recommendation	<p>The complaint was referred by the Commissioner for Health (CfH) to P&SD on 23 January 2020.</p> <p>Prior to receiving the complaint, P&SD had addressed this issue extensively and verbally communicated the resolution to the Commissioner.</p> <p>P&SD requested CfH for an update on the status of the case, and on 15 February 2021, CfH informed P&SD that the case was closed.</p>	Closed without recommendation
Ombudsman Case Reference	HU 0004			
OPM – People and Standards Division	A complaint related to performance appraisal. The complainant claimed that the performance appraisal rating was less than previously awarded. The complainant held that the reason seemed to be disciplinary action taken against her where a penalty had been awarded. The officer claimed that the disciplinary case was not related to performance.	No recommendation	<p>The complaint was referred by the Commissioner for Health (CfH) to P&SD on 25 February 2020.</p> <p>On 28 February 2020, P&SD replied that it is the respective superior who is in the position of evaluating an employee's performance. Nevertheless, the fact that a penalty was given means that there was a breach of regulations in some way.</p> <p>P&SD requested CfH for an update on the status of the case, and on 15 February 2021, CfH informed P&SD that the case was closed.</p>	Closed without recommendation
Ombudsman Case Reference	HU 0014			

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
OPM – People and Standards Division	Complaints related to the expertise allowance granted by the Malta Medicines Authority (MMA) to specific warranted professionals. Two individuals working within the Authority felt aggrieved because they claimed discrimination between professions.	No recommendation	<p>The complaint was referred by the Commissioner for Health (CfH) to P&SD on 9 April 2020.</p> <p>A reply was sent on 16 April 2020, explaining that the allowance was based on similar agreements applicable to the public service. On 18 April 2020, CfH requested related job descriptions. On 21 April 2020, P&SD recommended that the request be referred to the MMA.</p> <p>P&SD requested CfH for an update on the status of these two cases, and on 15 February 2021, CfH informed P&SD that the cases were closed.</p>	Closed without recommendation
Ombudsman Case Reference	HU 0025 / HU 0027			
OPM – People and Standards Division	A complaint related to calls for applications where two candidates placed first and third but were subsequently found ineligible. The reason was stipulated in the Manual on Resourcing Policies and Procedures but was not included in the respective call for applications.	No recommendation	<p>The complaint was referred by the Commissioner for Health (CfH) to P&SD on 10 June 2020.</p> <p>P&SD was addressing the issue when the Commissioner commented that the respective provision be included in calls for applications. On 13 July 2020, P&SD informed CfH that amendments to calls for applications had been affected.</p> <p>P&SD requested CfH for an update on the status of the case, and on 15 February 2021, CfH informed P&SD that the case was closed.</p>	Closed after management replied to one request for information.
Ombudsman Case Reference	HU 0031 / HU 0032			
OPM – People and Standards Division	A complaint related to a call issued at Mater Dei Hospital in 2008 and excluded Gozo General Hospital. The call was subsequently issued in 2012 for Gozo General Hospital and the complainant was successful. The complainant claimed that he was deprived of subsequent promotions and suffered injustice because he had been unable to apply in 2008. In November 2018, the Grievances Board found no injustice against the claimant.	No recommendation	<p>The complaint was referred by the Commissioner for Health (CfH) to P&SD on 25 September 2020.</p> <p>On 19 October 2020, P&SD explained that nothing precluded the complainant from applying for the call which was issued for Mater Dei Hospital. CfH subsequently requested confirmation whether, in 2008, there had been a request to issue the related call at the Gozo General Hospital. P&SD confirmed that no such request had been received by MGOZ at the time.</p> <p>P&SD requested CfH for an update on the status of the case, and on 15 February 2021, CfH informed P&SD that the case was closed.</p>	Closed without recommendation
Ombudsman Case Reference	HU0071			

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status
OPM – People and Standards Division	<p>The complaint concerns the payment of sectorial allowances to an employee who took up a performance agreement</p>	<p>MFH does not have records of prior communication.</p>	<p>The complaint was referred by the Commissioner for Health (CfH) to P&SD on 22 September 2020.</p> <p>On 20 November 2020, P&SD explained that the complainant was bound by the respective performance agreement and conditions of the current position. Moreover, the position of Assistant Director was administrative in nature and previously appointed Assistant Directors were not recipients of the mentioned allowance. After further correspondence, wherein CfH continued to restate the same position, on 24 March 2021, P&SD explained that it cannot consider such matters on individuals but on established standards.</p>	<p>CfH stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.</p>
Ombudsman Case Reference	HU 0074			

MFH

**Commissioner for Health
Other Ministries**

Follow-up on Annual Report 2020
Commissioners

Pre 2020

**Sector /
Department**

**MSCA - Saint
Vincent De Paul
Residence (SVPR)**

**Ombudsman
Case Reference**

HS 0057
HS 0073
HS 0096

Brief Detail of Case

The complainant lodged three complaints referring to the ongoing disciplinary proceedings against him regarding an incident which occurred in August 2018.

**Recommendation
by Ombudsman**

On 9 September 2019, the Commissioner for Health (CfH) sent his final report on the case HS 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.

Action taken and management comments

Case HS 0073 was closed by the CfH since this was being investigated by the Disciplinary Board.

HS 0096: An investigation by the management resulted that there was no case for disciplinary action against the employees mentioned by the complainant. The Commissioner was updated accordingly.

Case HS 0057: The management held a meeting with the CfH, and in August 2019 referred to the final report of the disciplinary proceedings to the CfH. Further documentation was also forwarded in September 2019. The CfH sent final report on 23 October 2019.

MFCS replied that recommendations (a) and (c) were implemented prior to the CfH final report. Regarding recommendation (b) this was forwarded to the competent authority.

Status

Cases HS0073 and HS0096 closed by Ombudsman without recommendations

HS 0073 & HS 0096 - Pending at Ombudsman.

HS 0057 - Pending at Ombudsman

Status Last Year

HS 0073 & HS 0096 - Pending at Ombudsman.

HS 0057 - Pending at Ombudsman

**MSFC -
Department of
Social Security
(DSS)**

**Ombudsman
Case Reference**

HT 0095

Complaint arising from an overpayment to a pension. The complainant stated that an overpayment on his parents' pension occurred after they had been transferred to a residential home. The complainant tried to settle this overpayment to no avail.

On 11 February 2020, MFCS informed the Commissioner for Health that a meeting was held with the complainant on 3 January 2020. Since the complainant had difficulties to understand the situation, another meeting was being held to explain the matter further.

On 13 April 2020, MFCS informed the Commissioner for Health that another meeting had been held with the complainant on 5 March 2020. This was followed with another meeting with the presence of the Commissioner, where the complainant was satisfied with the information provided by the DSS.

Pending at Ombudsman

Pending at Ombudsman

Sector / Department	Brief Detail of Case	Recommendation by Ombudsman	Action taken and management comments	Status Last Year	Status
MTCP - Malta Medicines Authority (MAA)	<p>The complaint relates to promotions and collective agreement discussions at the MMA.</p>	<p>No recommendation</p>	<p>On 27 September 2019, this case was received by the People and Standard Division (P&SD). It was clarified that discussions relating to salary scales for senior management and other issues, were the management's prerogative and responsibility. The Commissioner for Health (CfH) was advised to refer the case to MTCP.</p>	<p>Pending at Ombudsman</p>	<p>Closed without recommendation</p>
Ombudsman Case Reference	<p>HT 0074</p>		<p>The case was referred to MTCP on the 21 July 2020. In October 2020, the MMA replied to the CfH stating that the complainant's salary increases following negotiations amounted to 4%, while the claimant's proposals amounted to a 31% increase which was not justifiable. The case was closed by the Commissioner for Health in November 2020.</p>		
OPM - People & Standards Division	<p>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>	<p>The Commissioner for Health (CfH) recommended that the officer be remunerated for Sundays and public holidays while he was on precautionary suspension.</p>	<p>P&SD replied to CfH, stating that allowances for shift, Sundays and public holidays cannot be remunerated as the related duties were not carried out and there was no way of quantifying which days the officer would have attended to work.</p>	<p>Pending at Ombudsman</p>	<p>Ombudsman stated that this case was referred to the Prime Minister as provided for in the Ombudsman Act.</p>
Ombudsman Case Reference	<p>HT 0003</p>				

