

MANUAL
REGARDING HEADSHIP AND
ASSISTANT DIRECTOR POSITIONS
IN THE MALTA PUBLIC SERVICE

31 July 2024

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1.0 Filling of Headship and Assistant Director positions

The Senior Appointments Advisory Committee (SAAC), as defined in Art 10 of the Public Administration Act (PAA), and the Assistant Director Advisory Committee (ADAC), identify suitable public officers who could be recommended to fill Headship and Assistant Director positions respectively.

Headship positions include “Heads of Department” and “other offices with statutory powers” listed in the Second Schedule of the Public Administration Act (Cap. 595), as well as any other positions of Director General, Director, or equivalent, not listed therein.

Unless otherwise indicated in a Job Description the Assistant Director positions do not warrant a specialised/technical/sector-specific academic qualification or particular expertise. However, in such cases where an Assistant Director is to be appointed in a directorate where such sector-specific qualifications are required of the Director, then similarly the Assistant Director has at least to a lower level have the same due to the fact s/he shall be available to substitute the Director if and when, the need arises.

Appointments in these positions is made on the basis of a Performance Agreement for a period of the number of years as issued in calls from time to time, and will be subject to a one-year probation/trial period.

Being top management positions, these positions fall under Regulation 7(4)(b)(i) of Subsidiary Legislation 452.81 entitled “Contracts of Service for a Fixed Term Regulations”. Appointees will, however, be conceded Tenure in terms of the provisions of Section 1.5 hereunder.

1.1 Remuneration

The remuneration packages in respect of Headship and Assistant Director positions are as delineated in the respective performance agreements.

Any changes to the salary packages will unfailingly be a prerogative and require the approval of the Principal Permanent Secretary through Management Support at OPM.

Headships and Assistant Directors who pertain to specific Streams and the Class held adds value to the position and to performance of actual duties are appointed to positions to cover directorates/divisions/sectors where the sectoral agreements provide specific higher allowances and packages. The approval of the Principal Permanent Secretary will have to be invariably sought for the retention of current salary packages, albeit pegged with the salary scale of the position nominated for.

In such cases, whilst benefitting from the Communications Allowance and the provision of a fully expensed car or the all-inclusive transport allowance, all other benefits will be forfeited.

1.2 Probation/Trial period

The probation/trial period for such positions is of one year, in terms of the provisions of paragraph 1.8.2 of the Manual on Resourcing Policies and Procedures (available here).

In the case of a lateral move/change of designation at the request of the Administration in the interest of the Public Service (vide section 1.8), the officer concerned will not be subject to a fresh probation/trial period and will continue with his/her current term.

In the case of a lateral move through application, the officer concerned will be subject to a fresh probation/trial period and will commence a new term upon appointment.

In the case of an officer who is re-appointed in his/her current position, no fresh probation/trial period is applicable.

1.3 Confirmation of appointment

Officers in a Headship / Assistant Director position are to be confirmed in their role after proving satisfactory performance throughout the probation/trial period.

Confirmation of appointment letters are to be issued by the Management Support Directorate within OPM on recommendation of the respective Permanent Secretary or delegate, being the direct superior monitoring the incumbent's performance. The Management Support Directorate OPM will confirm that any obligations or further training assigned to the respective officer have been honoured, such as the completion of the Entry to Senior Management Programme prior to confirming incumbents in their position. If not, confirmation is delayed on a case-by-case basis.

The process leading to the confirmation of appointment is to commence at Ministry level by the respective Director responsible for People Management (DPM).

Directors responsible for People Management are to, after consulting the incumbent's direct superior on the performance of the officer concerned, recommend for or otherwise one's confirmation of appointment. Such requests are to be endorsed also by the respective Permanent Secretary or delegate

and are to reach the Management Support Directorate OPM, two months prior the lapse of the officer's probation/trial period.

1.4 Appointment to a headship position in a designate capacity

In certain circumstances, SAAC may determine that appointments to a headship position, be made as Director General on scale 4 in a designate capacity for a trial period of one year, on which lapse such appointees are either confirmed in appointment for a further period of 3 years on scale 3 or in case where the performance of the appointees did not reach the desired level, their headship position is, *ipso facto*, terminated. This will also apply in cases of Director on Scale 4, whereby the designated capacity will be at scale 5. In both cases all allowances will be awarded.

1.5 Tenure in a higher grade

Public officers appointed to a Headship or Assistant Director position shall be tenured in the higher grade as Officer in Grade in the pertinent Class, corresponding to the applicable Scale, upon their re-appointment on the second term plus one (1) month in such position even if in a different remit. Officers within Ministries responsible for People Management are to formally inform the ManagementSupport Directorate OPM, one-month prior that such Officers that are to be tenured.

The following provisions are also applicable:

- (a) Public officers who, as from the 1st January 2016, were serving in a Headship or Assistant Director position, and who have served or will serve, successfully a full Headship/Assistant Directorship term, including such service given prior to 1st January 2016 as part of the first term, and who are or have been re-appointed for a second term since then, will be tenured in the higher grade as Officer in Grade corresponding to the applicable Scale with effect from the date of the commencement of the second term plus one (1) month;
- (b) Officers who were serving during the period starting 1st January 2016, and who will have an aggregate equivalent to one (1) term plus (one (1) month in the same Scale starting from 1st January 2012, will also be considered favourably. Furthermore, any break of up to the equivalence of one (1) term, from the end of one term to a subsequent new term in a Headship/Assistant Director position, albeit in a different remit, will also entitle officers to be tenured in the higher grade, provided they held an appointment to a Headship/Assistant Director position as from the 1st January 2016; and
- (c) Any periods spent in Headship/Assistant Director positions at different levels in Scales 1 – 5 are to be taken in aggregate for the purpose of the computation of the required equivalence of one (1) term plus one (1) month, as per sub-paragraph (b) above, for tenure as Officer in Grade in the lower scale. The equivalence of one (1) term plus one (1) month and the new appointment need not necessarily be continuous subject to the parameters stated at (b) above.

The following clarifications apply to points (b) and (c) above:

1. Officers who, following a selection process are selected for a position of Assistant Director after

having been confirmed in a position as Senior Manager Scale 5 without objective reason, shall be eligible for tenure as Officer in Grade 5, upon completion of an aggregate of the equivalence of one (1) term plus one (1) month from the date of their appointment as Senior Manager without objective reason;

2. (i) Officers who, following a selection process are selected for a position of Assistant Director after having been confirmed in an Assistant Directorship, albeit in a different remit, shall be eligible for tenure as Officer in Grade 5, upon completion of an aggregate of the equivalence of one (1) term plus one (1) month from the date of their first appointment as Assistant Director; and
 - (ii) Officers holding the position of Assistant Director who, for service delivery purposes, are moved laterally to a similar position during their term, shall be eligible for tenure as Officer in Grade 5, upon re-appointment to the position, albeit in a different remit, and after completion of an aggregate of the equivalence of one (1) term plus one (1) month from the date of their first appointment as Assistant Director.
3. The same criteria set in Point 2 above are also applicable for the positions of Director and Director General.

Recommendations for tenure are handled and communicated by the Management Support Directorate OPM. In this respect, Directors HR are to alert the Management Support Directorate OPM at least one (1) month prior to entitlement to tenure. Any other arrangements concerning officers in a Headship / Assistant Director position handled independently by line Ministries on their own initiative are not to be deemed as valid and therefore binding.

1.6 A. Arrangements to be implemented for officers who hold tenure as Officer in Grade

- (i) Officers in Grade are considered to fall within the Class/Stream pertaining to their previous substantive grade and are to be assigned duties commensurate with the level of their grade. Moreover, they are to be on a personal basis deemed eligible to apply for a higher or equivalent grade within the Class/Stream.
- (ii) When applying for a higher or equivalent grade within the said Class/Stream, the Officer in Grade must be in the same scale as, or higher than, that required by the call for applications.
- (iii) Any other eligibility requisites (e.g. academic qualifications/warrant and/or years of service/experience) which might be mandatory at the level applied for, in terms of the pertinent Classification Agreement, must still be satisfied.
- (iv) Moreover, the years of service since the effective date of appointment as Officer in Grade are reckonable for the purpose of satisfying any requisite years of “service in the grade” as stipulated in the respective Classification Agreement. This prevails over eligibility requirements regarding “service in the grade” stipulated in said Agreements.
- (v) In the absence of a previous substantive grade, such officers will be appointed Officer in Grade in the Senior Public Officers Stream.

B. Officers who hold tenure as Officer in Grade and perform professional duties

Officers who hold tenure as Officer in Grade and are requested to perform regularly professional duties related to their Class/Stream at the level of their current scale, are on a personal basis entitled to receive any allowances emanating from their Class/Stream at the level of their current scale or the closest lower, as applicable upon approval of the Principal Permanent Secretary through the People & Standards Division.

Such claims are to be evaluated on a case by case basis by the respective Permanent Secretary and, where it transpires that officers are taking decisions and/or performing duties of a specialised and technical nature, and dependent on their profession, for which they are duly qualified and assume full responsibility, then these should be considered positively to benefit from the applicable allowances emanating from the respective Class/ Stream regulating the profession. Such officers, however, are not to benefit from duplicate allowances.

C. Duties of Officer in Grade 3/4 and Officer in Grade 5

With reference to A(i) above, generic job descriptions with respect to Officers in Grade 3/4 and Officers in Grade 5 are available at <https://intra.gov.mt/en/ManagementResources/Pages/default.aspx>.

1.7 Top-up salary of Officers in Grade whose Officer in Grade status was obtained on the basis of a previously held headship position, or other Officers in scale 4 or higher, who are performing duties pertaining to a sectoral agreement Class

- i) In cases where Officer in Grade status was attained on the basis of a previously held headship position, the allowances pertaining to the headship position are not retained.
- ii) If an officer is designated Officer in Grade in the Senior Public Officers Stream and is assigned duties by management pertaining to the class he/she was in before, but has a lower salary package (substantive salary + Class Allowance + Performance Bonus of the Class emerged from, if and as applicable) than that of the highest grade within the Class (when including benefits/allowances), the officer will be paid the difference so as to reach the salary package of that grade (example 2 below).
- iii) Hence, such Officers in Grade are to receive either their current salary point (example scale 4 if an Officer in Grade 4) augmented by the Class Allowance and Performance Bonus pertaining to the Class they emerged from, if and as applicable, **or** the maximum scale of the Class + the applicable allowances, whichever is the higher. Examples below refer.

Officer in Grade 4 in the Senior Public Officers Stream performing duties of a grade in a Class with the highest salary being scale 5:

Example 1:

Current salary = salary scale 4	Remuneration pertaining to highest grade within the class
€40,145*	Basic salary scale 5 max = €36,378*
Class allowance: €2,000 Performance bonus up to 15%: €4,015 (10%)	Class allowance pertaining to scale 5 grade = €2,000 Performance bonus up to 15%: €3,638 (10%) Other allowances: €2,500
Salary package = €46,160	Salary package = €44,516

Officer retains salary scale 4 i.e. € 46,160.

Example 2:

Current salary = salary scale 4	Remuneration pertaining to highest grade within the class
€40,145	Basic salary scale 5 max = €36,378
Class allowance: €2,000 Performance bonus up to 15%: €4,015 (10%)	Class allowance pertaining to scale 5 grade = €2,000 Performance bonus up to 15%: €3,638 (10%) Other allowances: €32,090
Salary package = €46,160	Salary package = €74,106

Officer receives higher salary package of €74,106 i.e. €46,160 + €27,946 (difference between higher salary package of €74,106 and current salary scale 4 package €46,160), and not the €46,160 + €32,090.

iv) For the sake of clarity, “allowances” includes all allowances with a direct financial impact. Qualification Allowance will not be considered in the summation, however, from which, they will continue to benefit. Performance and Disturbance allowances will be calculated following assessment on the maximum point of the highest grade in the class.

v) For such Officers in Grade to be entitled to the allowances emanating from the sectoral agreement, they must be actually performing Class related duties.

(*Salaries based on 2024 figures)

1.8 Notice of Termination

Notice/penalty provisions in force, in terms of Section 1.14 of the Manual on Resourcing Policies and Procedures, do not apply to incumbents in Headship or Assistant Director positions. Such incumbents are governed by the provisions stipulated in their respective Performance Agreement.

Letters of resignation need the prior approval of the Principal Permanent Secretary for such to be

considered accepted or otherwise. These are to be communicated by the officer concerned through the respective Permanent Secretary and addressed to the Principal Permanent Secretary.

Letters are to reach the Management Support Directorate OPM, through the official email address on managementsupport.opm@gov.mt .

Letters of resignation are not to be considered as accepted prior to confirmation or otherwise issued by the Management Support Directorate OPM.

1.9 Family Friendly Measures

Officers occupying a Headship or an Assistant Director position are entitled to avail themselves of a period of up to four (4) months unpaid parental leave on the grounds of birth, adoption, fostering or legal custody of a child, until the child has attained the age of ten (10) years, in terms of the provisions of the Manual on Work-Life Balance Measures. The following provisions apply:-

- up to 4 months unpaid parental leave may be availed of in respect of each child;
- the Headship/Assistant Directorship need not be terminated;
- any period taken as unpaid parental leave will be reckonable as forming part of the number of years in the Headship/Assistant Directorship position required for tenure in a higher grade;
- this leave shall be availed of in established periods of one month each and, in agreement between the Permanent Secretary and the officer, may be taken on a full-time or a part-time basis or in a piecemeal way.

Officers who utilise any other form of unpaid leave will have their Performance Agreement terminated.

Employees who are engaged on a performance agreement in a Headship or Assistant Director position will have the period of time of the performance agreement and the satisfactory service required for them to be tenured in the grade of their position extended pro-rata if on a reduced hour time-table.

1.10 Lateral move / Change of designation

A lateral move, or even a change of designation, may occur at the request of the Administration in the interest of the Public Service. Such requests are strictly processed by the Management Support Directorate, OPM.

Any lateral move/change of designation requires invariably the prior approval of the Principal Permanent Secretary.

1.11 Eligibility for Headship and Assistant Director positions

Eligibility requisites for positions of Head of Department as listed in the Second Schedule of the Public Administration Act are available at Appendix 1.

Eligibility requisites for other offices with statutory powers listed in the Second Schedule of the Public Administration Act and other positions of Director General and Director not so listed are available at Appendix 2.

Eligibility requisites for positions of Assistant Director are available at Appendix 3.

1.12 Applications for Headship and Assistant Director positions

Headship and Assistant Director positions across the Public Service are filled through a central call for applications issued by the Office of the Prime Minister as required.

Eligible candidates may apply for two (2) positions in order of preference, as requested in the respective Circular.

1.13 Submission of Applications and Complete Application Checklist

Eligible public officers who consider themselves suitable for any of the advertised positions are invited to apply through the Recruitment Portal only at the following address: <https://recruitment.gov.mt>.

Guidelines to assist officers in the submission of on-line applications may be viewed at:- <https://recruitmentintra.gov.mt/manual/Recruitment%20Manual.pdf>.

Applications are to include:

- a. a detailed curriculum vitae (Europass format) which will include the continuous professional development record and attainment of qualifications; and
- b. an updated Service and Leave Record Sheet (GP47) issued not earlier than one (1) month from the date of application.

Documents mentioned at (a) and (b) above are to be scanned and sent through the recruitment portal at www.recruitment.gov.mt by not later than the closing time and date of the call for applications.

Completed applications should include a statement for each position applied for, highlighting the applicants':

- a. motivation; and
- b. the vision and what action needs to be taken to implement such vision

not exceeding a thousand words for both (a) and (b) which are to be submitted through the system.

IPS certification confirming successful completion of the Entry to Senior Management Level Programme (previously Public Management Toolkit Programme) or current official status of attendance will be obtained directly from the Institute for the Public Services (IPS) by the Administration. Preference will be given to those officers who have successfully completed the Programme. Should an officer who has not yet attended the Programme be nominated for a Headship / Assistant Director Position, s/he would

be required to attend and successfully complete the Programme within the first twelve (12) months of appointment.

Conversely, officers who by the time of this call for applications have successfully completed the Management Toolkit, on being nominated for a Headship Position, they will be required to attend to and successfully complete a top-up course to the Management Toolkit within the first twelve months of appointment.

Late applications will not be considered. Applicants who are deemed ineligible in terms of the respective call for applications will be informed accordingly.

Applicants are reminded that it is their responsibility to ensure the completeness and correct details of their application, as well as the submission of all required documentation. In case of any difficulties, applicants are to seek support.

Prior to being called for the interview, prospective applicants would be required to fill a declaration indicating any possible or potential conflict of interest (e.g. business interests, private work, etc.). The declaration form is to be sent by email before attending the interview.

1.14 SAAC/ADAC Interview Procedure

Eligible applicants who have not sat for a psychometric test in the past two (2) years will be required to sit for such a test which will be held at the Institute for the Public Services (IPS). Subsequently they will be called for an individual interview where focus is laid on possession of analytical skills and competencies. Applicants will be called for an individual interview at the discretion of SAAC.

Further details regarding the preliminary shortlisting, the SAAC/ADAC interview process and additional information may be viewed separately in these guidelines - *The Nomination Process for Headship Positions – Notes for Prospective Applicants* and *The Nomination Process for Assistant Directorship Positions – Notes for Prospective Applicants* here.

The SAAC/ADAC will assess the candidates for all the Headships/Assistant Director positions, respectively, applied for during the same interview.

The SAAC/ADAC will consider who, from among any of the eligible candidates, is suitable for the position. It is the SAAC's / ADAC's prerogative to nominate any candidate to the position advertised.

1.15 Drawing up of Performance Agreement and Letter of Appointment

The Management Support Directorate OPM through the Office of the Principal Permanent Secretary shall inform the officer of his/her appointment with an email of Congrats, copying the People & Standards Division, and the respective Ministry which, on its part, will make the necessary

arrangements for the drawing up of the applicable Performance Agreement. The Performance Agreement should be concluded and submitted by the appointee to the Management Support Directorate OPM, by not later than 6 weeks from the date of when the officer is informed of his/her appointment. Upon receipt of the Performance Agreement the Management Support Directorate OPM proceeds with the issuing of the Letter of Appointment

1.16 Succession Planning

In order to ensure adequate succession planning, an OPM central call will be issued, as and when necessary, to address vacancies of Headship and Assistant Director positions occurring as a result of retiring incumbents . Consequently, the selected applicants will:

- be initially appointed in a designate capacity;
- retain their current substantive remuneration package; and
- be actually appointed in the Headship / Assistant Director position and will start receiving the perquisites attached to their Headship / Assistant Directorship on the retirement of the incumbent concerned or on onset of pre-retirement leave, as applicable.

1.17 Extension of service beyond statutory retirement age

As from 1st July 2023 , the following policy applies to officers who are nearing, or are of retirement age, and who are holders of, or candidates to, a Headship/Directorship position:-

1. In order to be eligible to apply for, or to be appointed in, a Category “A” position, the candidates who have reached the statutory retirement age would need the written approval of the Principal Permanent Secretary following the endorsement of the Permanent Secretary so as to work beyond the statutory retirement age;
2. In the case of officers holding a Category “A” position, or officers selected for a Category “A” position, who are nearing statutory retirement age, the performance agreement will cease to be in effect when the officer reaches such age if no endorsement by the respective Permanent Secretary has been given;
3. However, at the officer’s own request, the remaining term of the performance agreement may be completed, if such term does not exceed a period of twelve (12) months;
4. In all other instances, where the officer, or the Administration, requests that the full term is completed, the matter is to be referred for the approval by the Principal Permanent Secretary upon the recommendation of the respective Permanent Secretary, and
5. In line with current regulations, any new application, appointment or extension beyond the age of 65 years will unfailingly require the approval of the Prime Minister following endorsement by the Principal Permanent Secretary.

1.18 Provisions applicable to Headship positions under the Pensions Ordinance (Cap. 93 of the Laws of Malta)

An officer entitled to a pension under the Pensions Ordinance shall, subject to creditable performance, be entitled to a pension based on the higher of:

- a. the salary attached to the Headship position held under a performance agreement by that officer on retirement, provided that the officer has served for a period of one (1) year in that position immediately before retirement; or
- b. the salary which attached to any Headship position, higher than the substantive grade, which the officer previously held for at least three years under a performance agreement.

In cases where (a) and (b) are inapplicable, pension will be based on the salary attached to the substantive grade of the officer on retirement.

Appendix 1

Eligibility requisites for positions of Head of Department listed in the Second Schedule of the Public Administration Act

For applicants to be eligible in respect of these positions, they must be:-

- (a) senior public officers who have a confirmed substantive grade in Scale 7 or higher or who have served for an aggregate of six (6) years in the Public Service/Public Sector in positions classified in Scale 7 or higher;

AND

- (b) proficient and able to communicate effectively, both verbally and in writing, in the Maltese and English languages.

Officers occupying a Headship Position, and who have served at least one (1) year of the term of their current Performance Agreement, may apply laterally, subject to having satisfied the pertinent eligibility requirements. The one (1) year term eligibility criterion does not apply when one is applying for a higher position.

Appendix 2

Eligibility requisites for other offices with statutory powers listed in the Second Schedule of the Public Administration Act and other positions of Director General and Director not so listed

For applicants to be eligible in respect of these positions, they must be:-

a (i) senior public officers who have a confirmed substantive grade in Scale 7 or higher or

OR

a (ii) senior public officers who have served for an aggregate of four (4) years in the Public Service/Public Sector in positions classified in Scale 7 or higher;

AND

b proficient and able to communicate effectively, both verbally and in writing, in the Maltese and English languages.

Officers occupying a Headship Position, and who have served at least one (1) year of the term of their current Performance Agreement, may apply laterally, subject to having satisfied the pertinent eligibility requirements. The one (1) year term eligibility criterion does not apply when one is applying for a higher position.

If a position is issued from outside the Public Service or is identified as extended to public employees within the Public Administration * eligibility will specify 4 consecutive years experience analogous to Scale 7 of the Public Service in addition to a pertinent MQF Level 7 or above as determined by SAAC.

*In this respect, SAAC may request the input of the Director responsible for the HR function within the public entity from where the public employee applies to determine the required comparability for the purpose of eligibility.

Appendix 3

Eligibility requisites for Assistant Director positions

For applicants to be eligible in respect of Assistant Director positions, they must be:-

- (i) Proficient and able to communicate effectively, both verbally and in writing, in the Maltese and English languages;

AND

- (ii) (a) Public Officers who have a confirmed substantive grade in scale 8 or higher;

Or
- (b) Public Officers with an aggregate of five (5) years in a position in the Public Service/Public Sector in scale 8 or higher (this refers to Objective Reason positions).

In the case of officers currently occupying an Assistant Director position, such officers must have served for at least two (2) years of the term of their current performance agreement.

If a position is identified as extended for public employees within the Public Administration*, eligibility will specify an aggregate of five (5) years' experience at a level comparable to scale 8 in the Public Service in addition to a pertinent MQF Level 6 or above as determined by ADAC.

*In this respect, ADAC may request the input of the Director responsible for the HR function within the public entity from where the public employee applies to determine the required comparability for the purpose of eligibility.