

GOVERNANCE ACTION

on the Parliamentary Ombudsman
Annual Report 2023



GOVERNMENT OF MALTA
OFFICE OF THE PRINCIPAL PERMANENT SECRETARY
OFFICE OF THE PRIME MINISTER

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CONTENTS

List of abbreviations	6
Foreword	12
Statistics at a glance	14
Report in numbers	17
Follow-up action by the Public Administration	
Office of the Prime Minister	33
Office of the Prime Minister – EU Funds, Equality & Social Dialogue	39
Ministry for Agriculture, Fisheries and Animal Rights	43
Ministry for Education, Sport, Youth, Research and Innovation	49
Ministry for Finance	75
Ministry for Foreign and European Affairs and Trade	87
Ministry for Gozo and Planning	91
Ministry for Health and Active Ageing (Active Ageing)	111
Ministry for Health and Active Ageing (Health)	119
Ministry for Home Affairs, Security and Employment	159
Ministry for Justice and Reform of the Construction Sector	187
Ministry for Lands and the Implementation of the Electoral Programme	199
Ministry for Social and Affordable Accommodation	217
Ministry for Social Policy and Children’s Rights	227
Ministry for the Economy, Enterprise and Strategic Projects	241
Ministry for the Environment, Energy and Regeneration of the Grand Harbour	251
Ministry for the National Heritage, the Arts and Local Government	265
Ministry for Tourism and Public Cleanliness	281
Ministry for Transport, Infrastructure and Public Works	285

LIST OF
ABBREVIATIONS

Abbreviation	Full
AACC	Active Ageing and Community Care
ACHCB	Advisory Committee on Health Care Benefits
ADR	Adverse Drug Reaction
AFM	Armed Forces of Malta
ALPA	Airline Pilots Association
APEG	Advisory Psychiatrists' Expert Group
ARMS	Automated Revenue Management Services Limited
ARPA	Agricultural and Rural Payments Agency
ART	Assisted Reproductive Technology
AWAS	Agency for the Welfare of Asylum Seekers
BCA	Building and Construction Authority
BOV	Bank of Valletta
CBM	Central Bank of Malta
CCF	Corradino Correctional Facility
CCTV	Closed-Circuit Television
CEO	Chief Executive Officer
CEP	Commissioner for Environment and Planning
CfE	Commissioner for Education
CfH	Commissioner for Health
CfR	Commissioner for Revenue
CMO	Chief Medical Officer
COLA	Cost of Living Adjustment
CPD	Civil Protection Department
CPSU	Central Procurement & Supplies Unit
CRPD	Commission for the Rights of Persons with Disability
CSA	Correctional Services Agency
CSA	Court Services Agency
CTD	Capital Transfer Duty
DIER	Department for Industrial and Employment Relations
DG	Director General
DoC	Department of Contracts
DPA	Directorate for Pharmaceutical Affairs
DPSA	Danish Patient Safety Authority

8 LIST OF ABBREVIATIONS

DSS	Department of Social Security
ECG	Electrocardiogram
EFTA	European Free Trade Association
EHC	Entitlement Health Card
EHD	Environmental Health Directorate
EHIC	European Health Insurance Card
EHO	Environmental Health Officers
EMG	Electromyography
EMTC	Exceptional Medicinal Treatment Committee
EPA	Embryo Protection Authority
EPC	Energy Performance Certificate
EPD	Economic Policy Division
ERA	Environment and Resources Authority
ERL	Engineering Resources Limited
ESP	Employee Support Programme
EU	European Union
GAB	Governance of Agricultural Bioresources Agency
GAD	Governance Action Directorate
GCOL	Gozo Channel (Operations) Limited
GFL	Government Formulary List
GFLAC	Government Formulary List Advisory Committee
GGH	Gozo General Hospital
HA	Housing Authority
HCN	Head of College Network
HCPAC	Health Care Professions Appeals Committee
HPDP	Health Promotion and Disease Prevention Directorate
HR	Human Resources
HSBC	Hongkong and Shanghai Banking Corporation
IAEA	International Atomic Energy Agency
IBAN	International Bank Account Number
ICT	Information and Communication Technology
IFE	Institute for Education
IM	Infrastructure Malta
IMA	Identity Malta Agency (now known as Identità)

INDIS	Industrial Innovative Solutions
IPCB	Independent Police Complaints Board
IRU	Industrial Relations Unit
IT	Information Technology
ITU	Intensive Therapy Unit
IUI	Intrauterine insemination
IVF	In Vitro Fertilisation
JO	Joint Office
LA	Lands Authority
LC	Local Council
LEOC	Late Entry Officer's Commissioning Course
LESA	Local Enforcement Systems Agency
LESMC	Long and Efficient Service Medal and Clasp
LGD	Local Government Division
LO	Liaison Officer
LOI	Letter of Intent
LRA	Land Registration Agency
LSE	Learning Support Educators
MAFA	Ministry for Agriculture, Fisheries and Animal Rights
MATSEC	Matriculation and Secondary Education Certificate Examinations Board
MACAST	Malta College of Arts, Science and Technology
MCCAA	Malta Competition and Consumer Affairs Authority
MCCF	Malta Community Chest Fund
MCH	Mount Carmel Hospital
MCM	Medical Council Malta
MDH	Mater Dei Hospital
ME	Malta Enterprise
MEEP	Ministry for Economy, Enterprise and Strategic Projects
MEER	Ministry for the Environment, Energy and Regeneration of the Grand Harbour
MEES	Ministry for European Funds, Equality, Reforms and Social Dialogue
MESD	Ministry for Energy, Enterprise and Sustainable Development
MEYR	Ministry for Education, Sport, Youth, Research and Innovation
MFAA	Ministry for Active Ageing
MFAA	Malta Financial and Administration Authority
MFC	Malta Film Commission

10 LIST OF ABBREVIATIONS

MFH	Ministry for Health
MFHEA	Malta Further and Higher Education Authority
MFIN	Ministry for Finance
MGA	Malta Gaming Authority
MGP	Ministry for Gozo and Planning
MHA	Ministry for Health and Active Ageing
MHAL	Ministry for National Heritage, the Arts and Local Government
MHS	Mental Health Services
MHSE	Ministry for Home Affairs, Security and Employment
MIHA	Malta Industrial Heritage Association
MIMCOL	Malta Investment Management Company Limited
MITA	Malta Information Technology Agency
MITU	Medical Investigations and Treatment Unit
MJR	Ministry for Justice and Reform of the Construction Sector
MLI	Ministry for Lands and the Implementation of the Electoral Programme
MMA	Malta Medicines Authority
MMC	Malta Medical Council
MMMU	Medical Materials Management Unit
MPF	Malta Police Force
MRRA	Ministry for Resources, and Rural Affairs
MSA	Malta Standards Authority
MSA	Malta Statistics Authority
MSAA	Ministry for Social and Affordable Accommodation
MSPC	Ministry for Social Policy and Children's Rights
MTA	Malta Tourism Authority
MTCA	Malta Tax and Customs Administration
MTIP	Ministry for Transport, Infrastructure and Public Works
NPICU	Neonatal and Paediatric Intensive Care Unit
NSO	National Statistics Office
OAG	Office of the Attorney General
OBO	On Behalf Of
OHSA	Occupational Health and Safety Authority
OPM	Office of the Prime Minister

P&SD	People and Standards Division
PA	Planning Authority
PC	Planning Commission
PHC	Primary HealthCare
PhD	Doctor of Philosophy
PHEV	Plug-in Hybrid Electric Vehicles
PHL	Public Health Laboratory
PLC	Public Limited Company
PO	Parliamentary Ombudsman
POA	Purchase on Account
POYC	Pharmacy of Your Choice
PPE	Personal Protective Equipment
PPP	Public-Private Partnership
PPS	Principal Permanent Secretary
PRP	Personalised Reserved Parking
PSC	Public Service Commission
PSMC	Public Service Management Code
RELU	Real Estate Licencing Unit
REWS	Regulator for Energy and Water Services
RPC	Reserve Police Constable
RSSL	Resource Support and Services Limited
SOP	Standard Operating Procedure
SPH	Superintendent of Public Health
SVPR	St. Vincent de Paul Residence
TAC	Treatment Abroad Committee
TESS	Tertiary Education Scholarship Scheme
TM	Transport Malta
UK	United Kingdom
UM	University of Malta
VAT	Value Added Tax
WSC	Water Services Corporation

FOREWORD

The governance action exercise on Ombudsman cases is a key initiative for continuously improving public service delivery. By promptly implementing the Ombudsman's recommendations and suggestions, whenever possible, we aim to enhance transparency, equity, and timeliness in our processes while ensuring better service quality for the public.

This exercise serves as both an improvement mechanism and an accountability measure. It emphasises the importance of simplifying processes and striking a balance between meeting public expectations and maintaining fair administrative practices. To achieve this, the Governance Action Directorate has engaged in numerous consultations with ministries and entities, striving to implement optimal solutions.

Notably, this year's reporting and liaison processes with ministries have been streamlined through a dedicated digital system. Liaison officers received training on the system, which facilitates case tracking and documentation management, ensuring a more efficient and organised workflow.

Collaboration with oversight institutions, including the Office of the Ombudsman, has been reinforced through regular meetings and enhanced communication channels.

The effectiveness of these efforts is reflected in the closure rate of Ombudsman cases. 83.5% of Ombudsman cases received during 2023 were resolved.

I extend my gratitude to all public employees dedicated to improving service delivery and to everyone involved in this governance process. Your commitment is essential to our continued progress.

Tony Sultana

Principal Permanent Secretary

Statistics at a glance



350
new cases
registered in 2023



Closed
292 cases
83.5%



**Pending at
Ombudsman**
34 cases
9.7%



**Pending at
Ministry**
12 cases
3.4%



**Referred to
the Prime
Minister**
12 cases
3.4%

Rate of
closed cases
per year

2017	2018	2019	2020	2021	2022
76.6%	65.2%	66.4%	73.6%	85.5%	86.1%



70
cases carried forward
from previous years



Closed
38 cases
54.3%



**Pending at
Ombudsman**
21 cases
30%



**Pending at
Ministry**
8 cases
11.4%



**Referred to
the Prime
Minister**
3 cases
4.3%

REPORT IN NUMBERS

The Governance Action Directorate (GAD) conducted a comprehensive statistical analysis to evaluate the status and outcomes of the cases managed by the Office of the Ombudsman between January and December 2023.

Ministries and public entities* were requested by the GAD to submit details of the status and outcomes of each case identified in the Ombudsman's Annual Report for 2023. Each case was subsequently discussed in detail.

This introductory section provides an exhaustive statistical report of this analysis, offering an overview of the cases handled by the Parliamentary Ombudsman and the Commissioners during 2023, along with their status and outcome as of the end of October 2024.

*Ministerial portfolios as on 31 October 2024.

Overview

Cases received by the Office of the Parliamentary Ombudsman and Commissioners in 2023

Data available to the Public Administration, shows that during 2023 it had registered and investigated a total of 350 new cases received from the Office of the Ombudsman, comprising the Parliamentary Ombudsman and the three Commissioners. A total of 70 additional 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 420 cases. This represents an increase of 35 cases (or 9.1%) over the total caseload for 2022 which stood at 385 cases.

Diagram 1 depicts the total caseload pertaining to the Office of the Parliamentary Ombudsman and Commissioners in 2023.

Diagram 1 Summary of total caseload dealt with in 2023

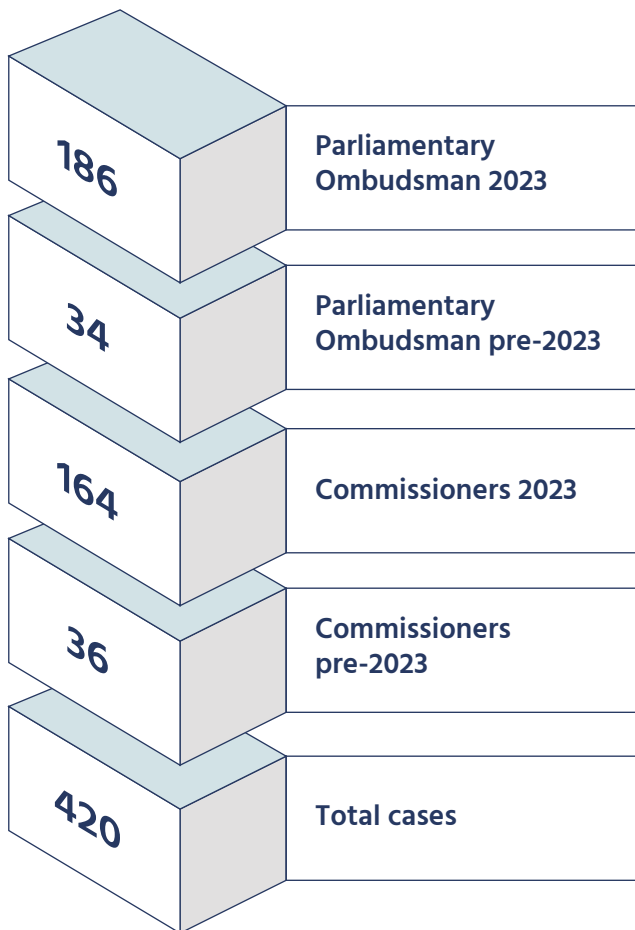


Diagram 2 indicates the status of complaints as at end of October 2024, handled by the Public Administration, which were referred by the Parliamentary Ombudsman and Commissioners in 2023, as well as the status of pre-2023 cases.

Diagram 2 Status of cases referred by Parliamentary Ombudsman and Commissioners

Years	2023	Pre-2023	Total cases	
Cases received	350	70	420	
Closed cases	292 83.5%	38 54.3%	330 78.6%	
Pending cases	46 13.1%	29 41.4%	75* 17.8%	*20 at Ministries 55 at Ombudsman
Referred to Prime Minister	12 3.4%	3 4.3%	15 3.6%	

Diagram 3 indicates the cases referred to the Prime Minister and the replies sent thereto.

Diagram 3 Outcome of cases which were referred to the Prime Minister

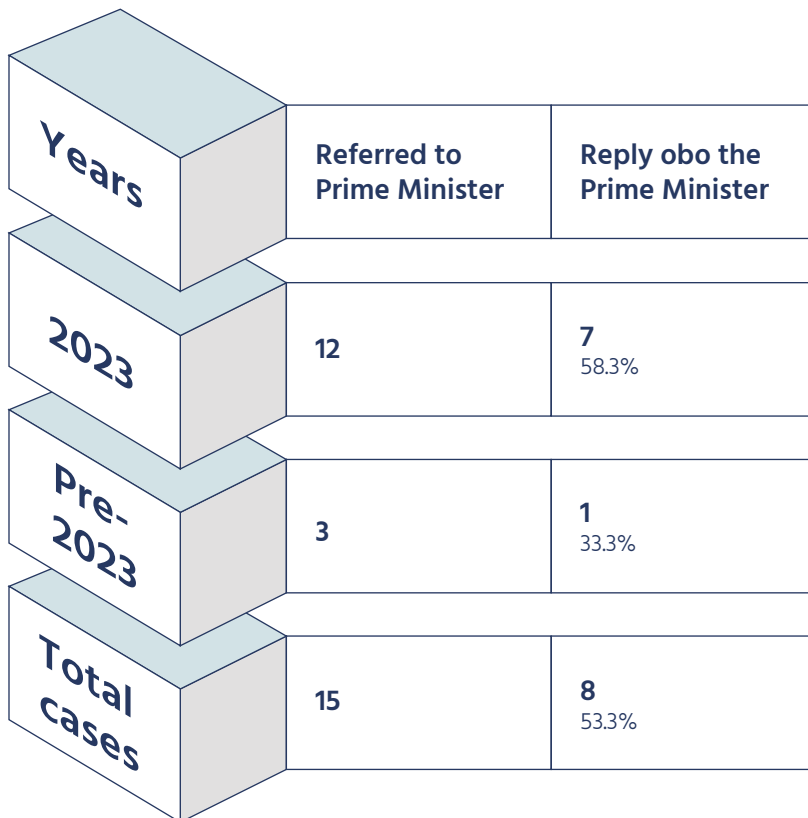
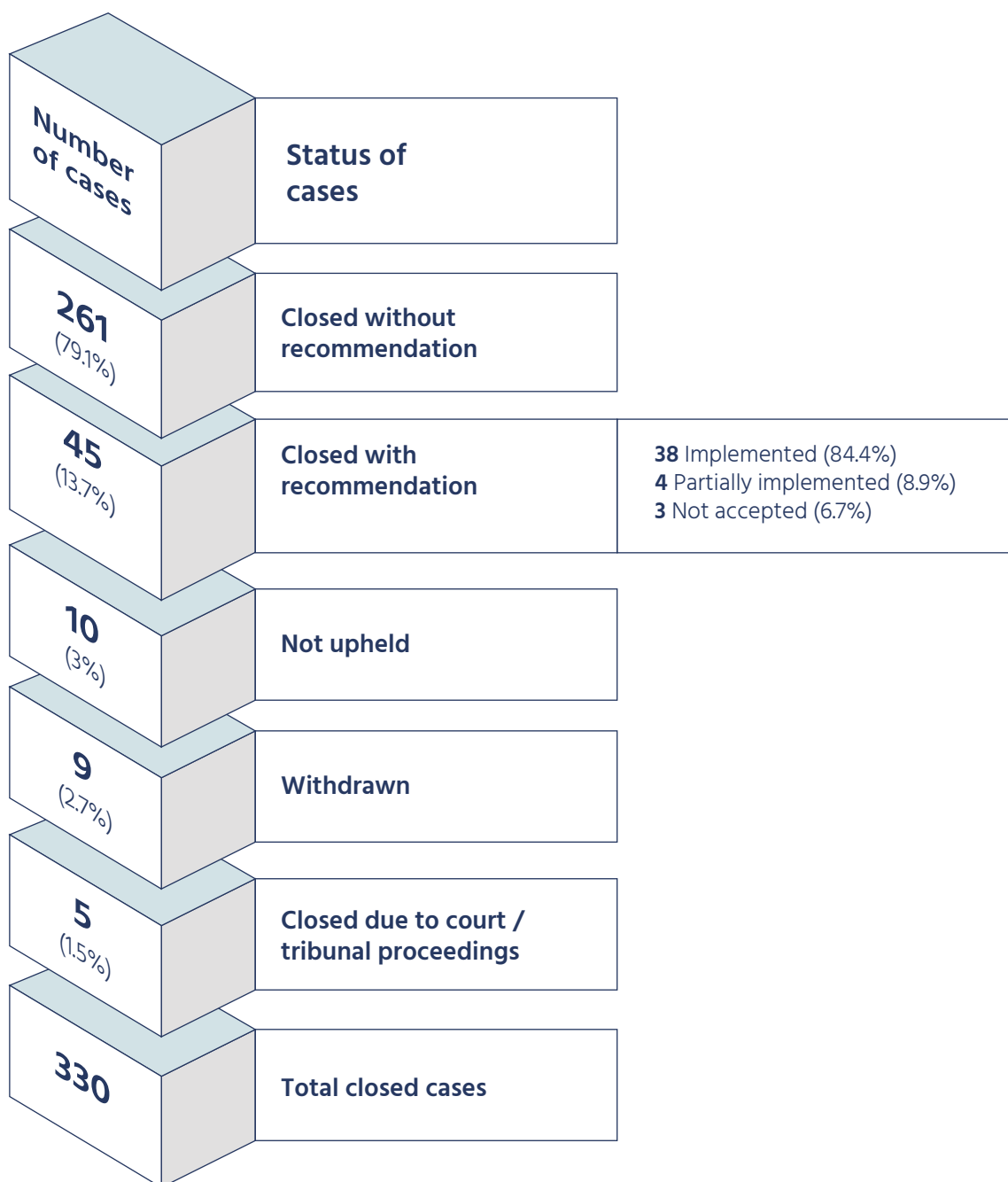


Diagram 4 indicates the categories of all closed cases.

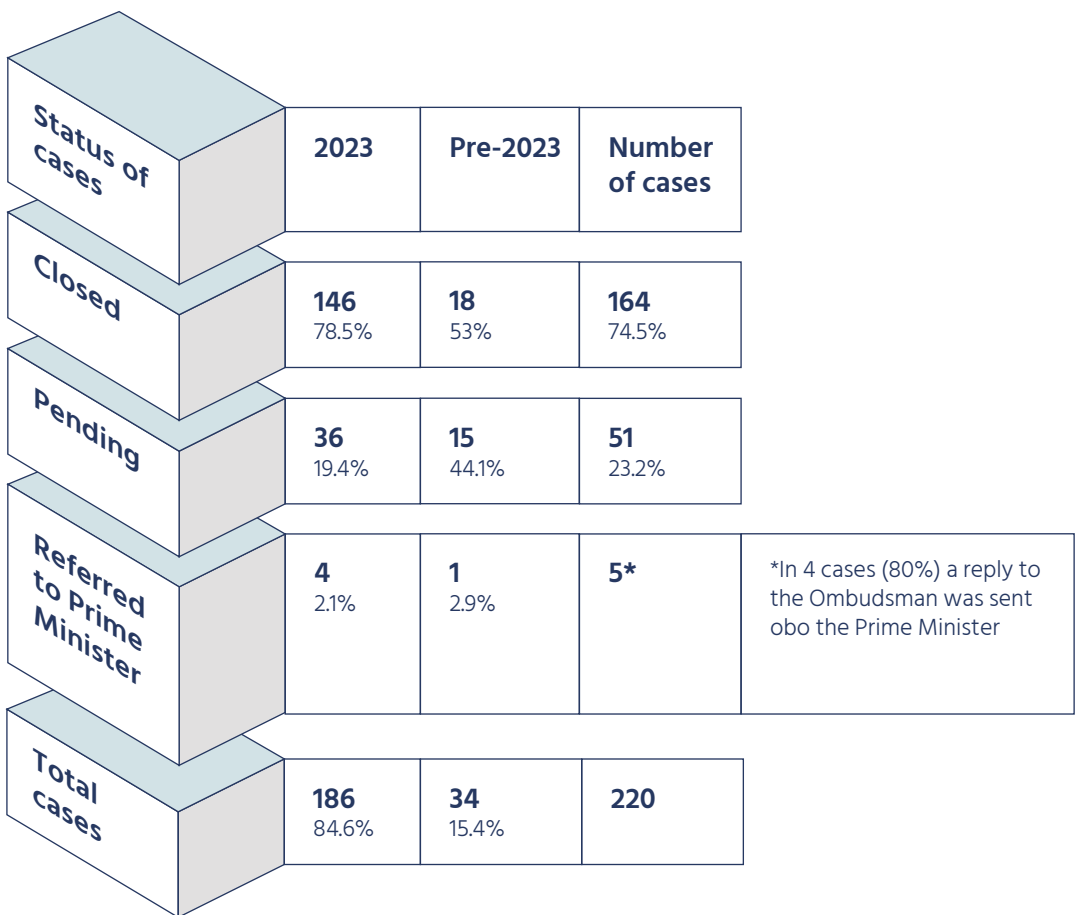
Diagram 4 Outcome of closed cases (2023 and pre-2023)



Cases handled by the Parliamentary Ombudsman

Based on the Public Administration’s data as on 31 October 2024, the status of the cases handled by the Parliamentary Ombudsman during 2023, are shown in diagram 5 below.

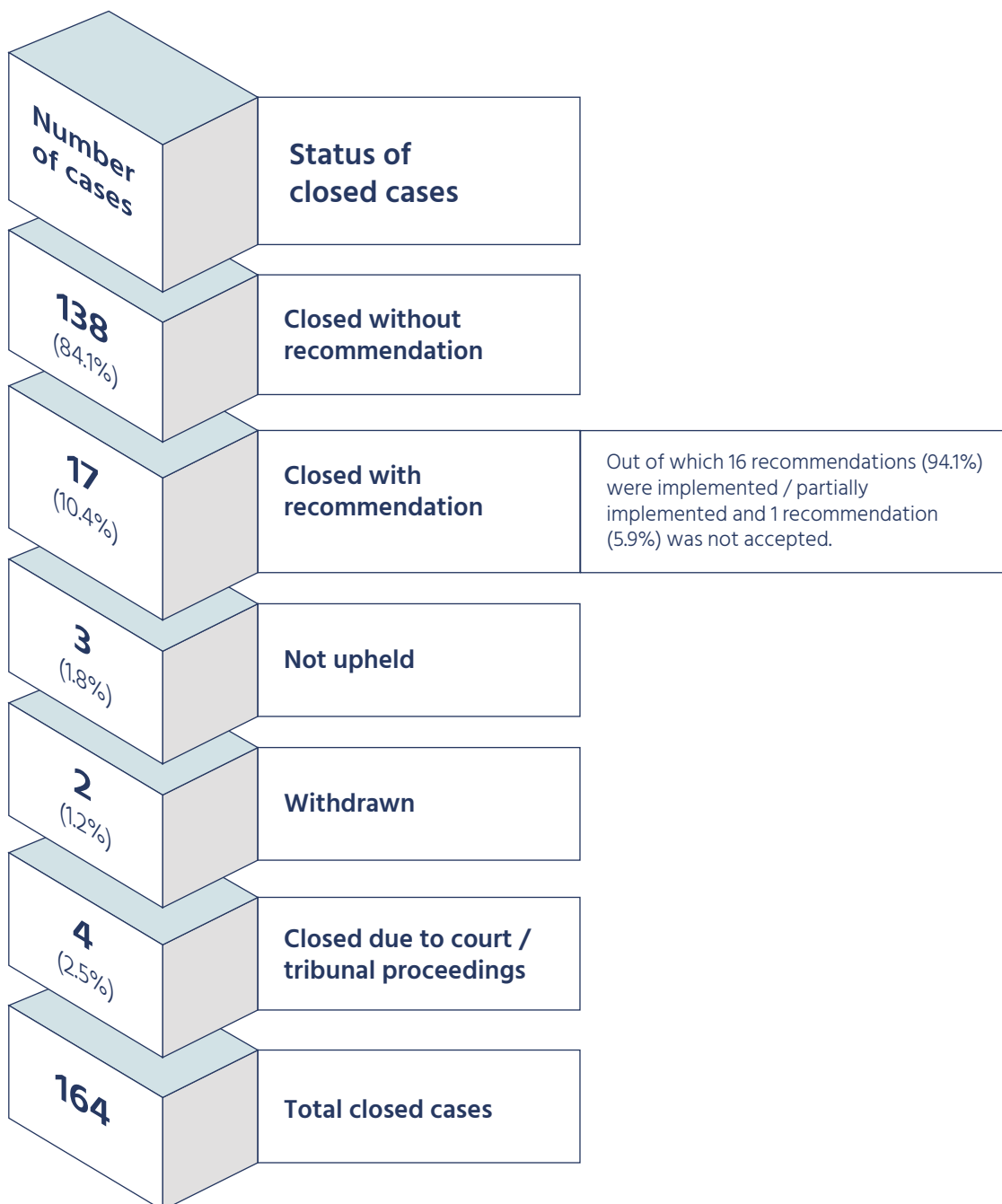
Diagram 5 Status of cases handled by the Parliamentary Ombudsman during 2023



Our analysis of the 164 cases closed from the total caseload of the Parliamentary Ombudsman, highlighted that a significant number of cases were concluded without requiring detailed investigation by the Parliamentary Ombudsman. Notably, of the 51 pending cases, only 7 cases (13.7%) were still being processed by the Public Administration. The remaining 44 cases (86.3%) are pending at the Ombudsman.

Diagram 6 gives details of the outcomes of cases concluded by the Parliamentary Ombudsman.

Diagram 6 Outcome of cases (2023 and pre-2023) concluded by the Parliamentary Ombudsman



It is with satisfaction to note that the analysis carried out indicates that in 138 of the closed cases (84.1%), the investigation was closed without the presentation of any recommendations for corrective action to be taken by the public entity concerned. 17 closed cases included recommendations made by the Parliamentary Ombudsman, 16 of which were accepted and implemented / are to be implemented by the Public Administration. In one case the Public Administration did not accept the recommendation. Other cases closed by the Parliamentary Ombudsman revealed either that the Public Administration was found to have acted correctly, or else the case had to be closed due to the initiation of court proceedings.

Overview

Cases handled by the Commissioner for Education, Commissioner for Environment & Planning and the Commissioner for Health

Data analysed by the Public Administration indicates that in 2023, the Commissioners collectively managed a total of 200 cases. This figure represents 47.6% of the overall caseload handled by the Office of the Ombudsman. The total number of cases managed by the Commissioners, and the distribution of the caseload, are illustrated in Diagrams 7 and 8, respectively.

Diagram 7 Cases referred to the Public Administration by the Commissioners

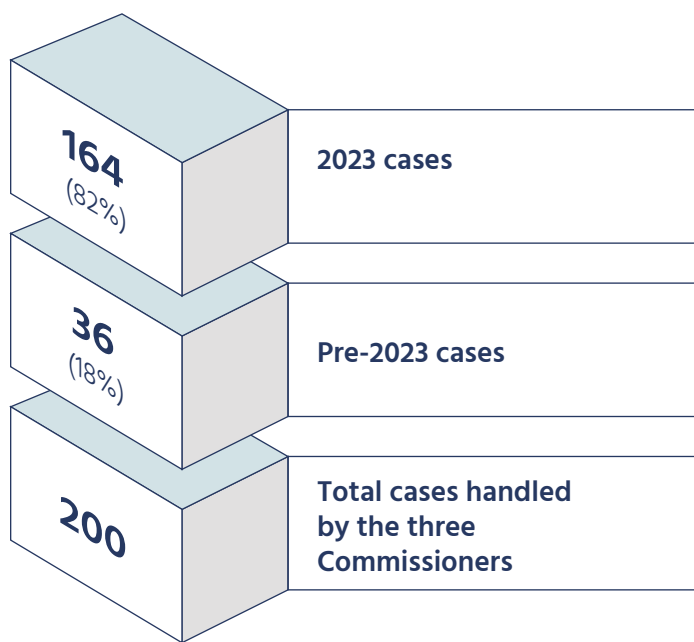


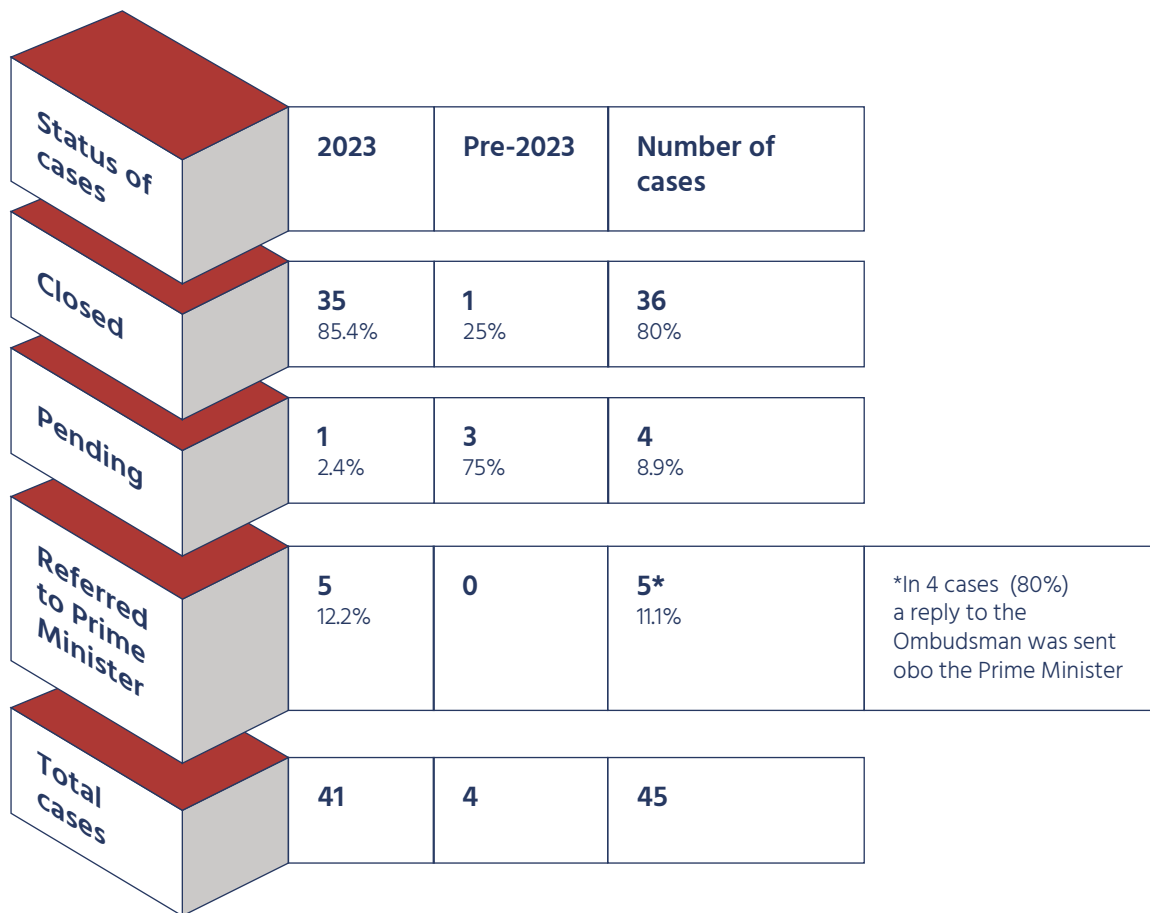
Diagram 8 Caseload handled by each Commissioner

Years	2023	Pre-2023	Total per Commissioner
Commissioner for Education	41	4	45
Commissioner for Environment and Planning	51	4	55
Commissioner for Health	72	28	100
Total cases	164	36	200

Cases handled by the Commissioner for Education

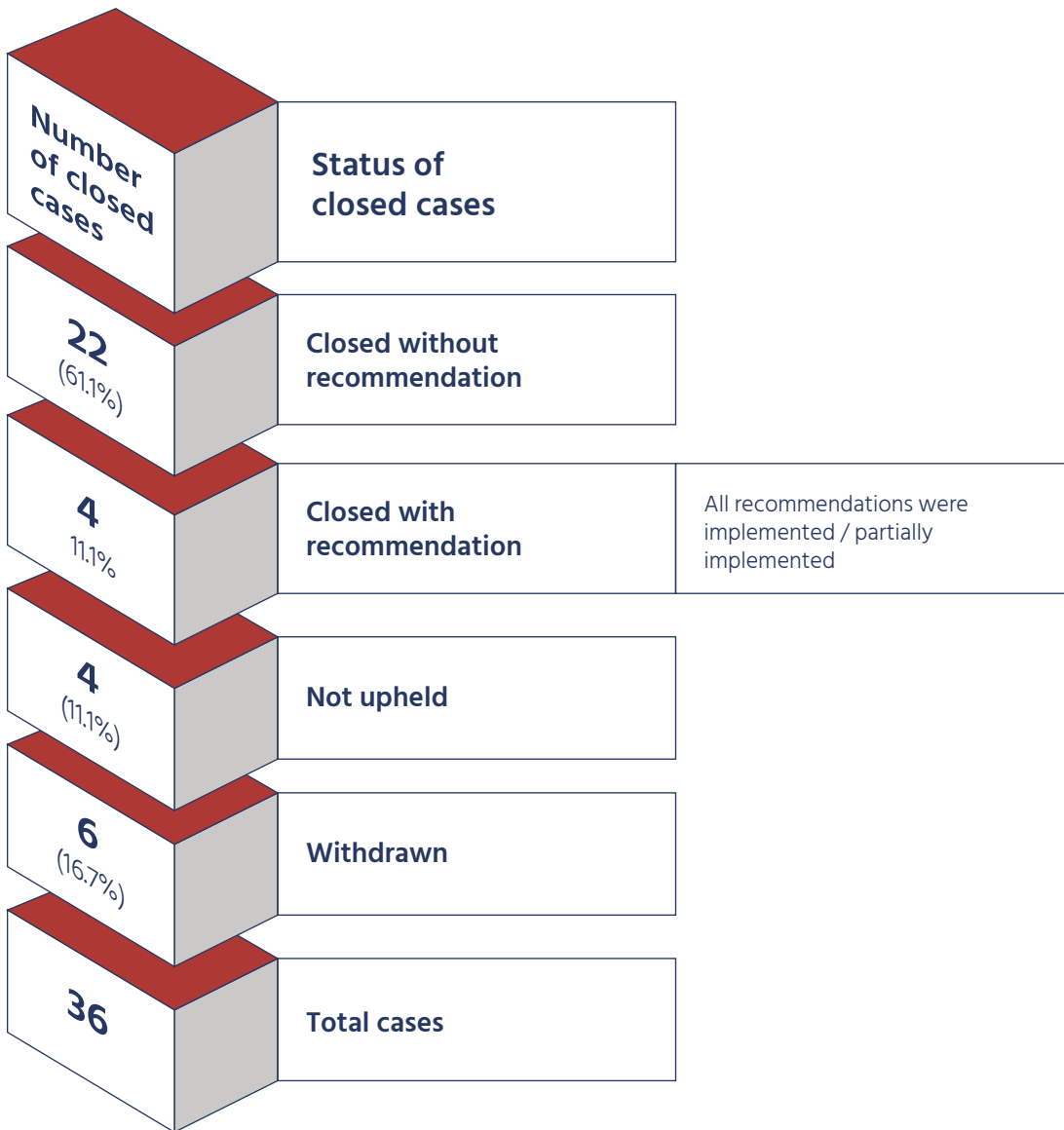
Data compiled by the Public Administration indicates that, during 2023, the Commissioner for Education (CfE) referred 41 new cases to the Ministry for Education, Sport, Youth, Research and Innovation. These cases are to be added to the 4 cases the Commissioner had on his caseload prior to 2023, adding up to a total of 45 cases. The status of the cases handled by the CfE is shown in Diagram 9 below:

Diagram 9 Cases handled by the Commissioner for Education



Details of the cases closed by the CfE are given in Diagram 10.

Diagram 10 Outcome of cases (2023 and pre-2023) concluded by the Commissioner for Education



Cases handled by the Commissioner for Environment and Planning

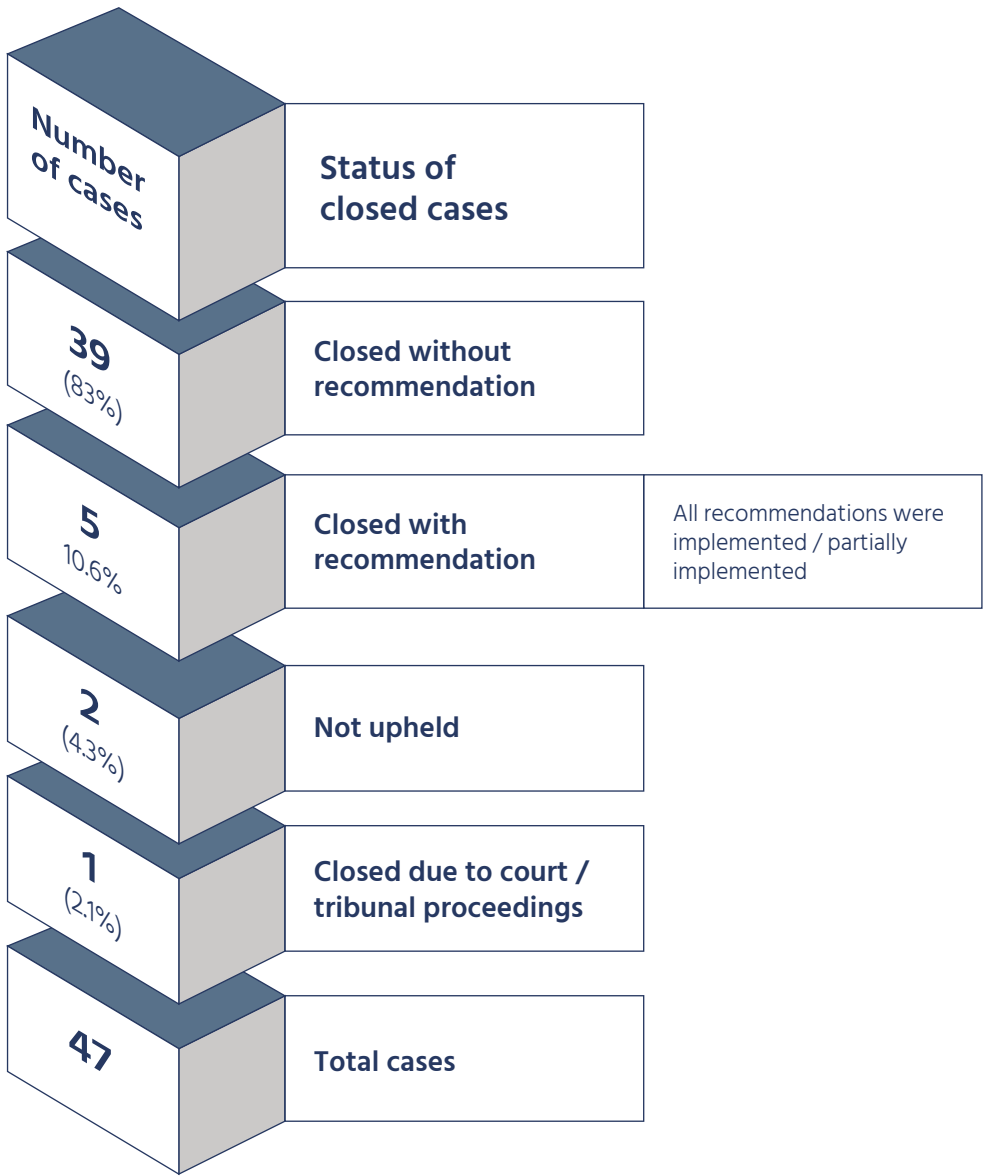
Data compiled by the Public Administration indicates that, during 2023, the Commissioner for Environment and Planning (CEP) referred 51 new cases to ministries / entities. These cases are to be added to the 4 cases the Commissioner had on his caseload prior to 2023, adding up to a total caseload of 55. The status of the cases handled by the CEP is given in Diagram 11.

Diagram 11 Cases handled by the Commissioner for Environment and Planning

Status of cases	2023	Pre-2023	Number of cases
Closed	45 88.2%	2 50%	47 85.4%
Pending	3 5.9%	1 25%	4 7.3%
Referred to Prime Minister	3 5.9%	1 25%	4 7.3%
Total Cases	51	4	55

Details on the 47 concluded investigations are given in Diagram 12:

Diagram 12 Outcome of cases (2023 and pre-2023) concluded by the Commissioner for Environment and Planning



Cases handled by the Commissioner for Health

The Commissioner for Health (CfH) referred 72 new cases to the Public Administration. These cases are to be added to the 28 cases the Commissioner had on his caseload prior to 2023, adding up to a total caseload of 100. Diagram 13 below gives details of the cases handled by the CfH:

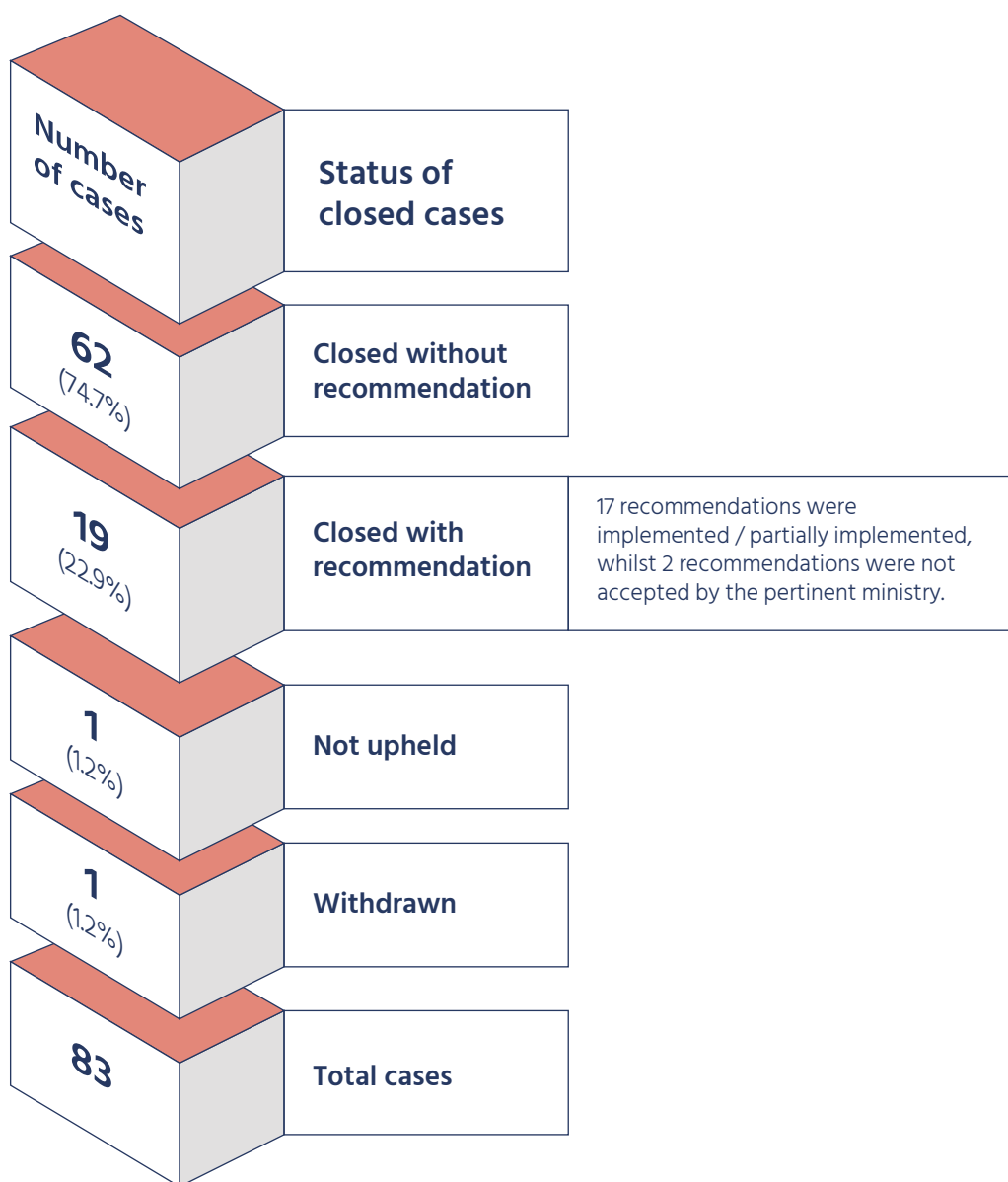
Diagram 13 Cases handled by the Commissioner for Health

Status of cases	2023	Pre-2023	Number of cases
Closed	66 91.7%	17 60.7%	83 83%
Pending	6 8.3%	10 35.7%	16 16%
Referred to Prime Minister	Nil	1 3.6%	1 1%
Total cases	72	28	100

At the time of reporting, the Commissioner had closed a total of 83 cases. 9 cases were still being investigated at the pertinent ministry, whilst 7 cases were pending at the CfH.

Diagram 14 shows the outcome of the cases closed by the CfH.

Diagram 14 Outcome of cases (2023 and pre-2023) concluded by the Commissioner for Health



The following sections of this report provide a comprehensive assessment of the caseload presented by the Parliamentary Ombudsman and each of the Commissioners and how these cases were addressed by the Public Administration.



OFFICE OF THE PRIME MINISTER

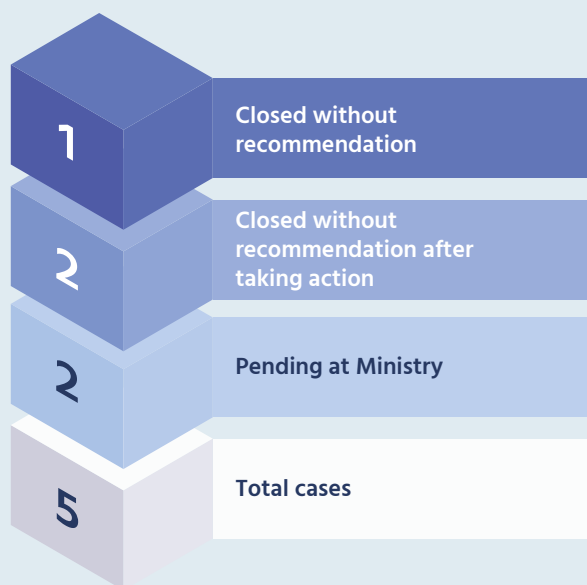
In 2023, five cases were referred by the Parliamentary Ombudsman to the Office of the Prime Minister. One case was closed without a recommendation, two cases were closed without recommendation after the necessary action had been taken, whilst two cases were pending at the Ministry.

There was one case which had been referred by the Ombudsman, forwarded from previous years, which was pending at the Office of the Ombudsman.

There was one case which had been referred by the Commissioner for Health, forwarded from previous years, which was pending at the Office of the Ombudsman.

OPM total cases 2023 - 5

OPM PARLIAMENTARY OMBUDSMAN



Case closed without recommendation

Sector/Department	Resource Support and Services Limited (RSSL)
Ombudsman case reference	OMB-23-4147
Brief details of case	A complaint regarding the entitlement of a performance bonus from RSSL.
Action taken and management comments	<p>RSSL had informed the entity where the complainant had been redeployed that, due to the ongoing restructuring, the Performance Management Process had been suspended, resulting in the non-disbursement of performance bonus. The complainant was also informed by RSSL that such a bonus was not warranted and therefore could not be granted.</p> <p>RSSL stated that the complainant had availed themselves of the Early Retirement Scheme and received a full settlement upon termination of their employment with RSSL, and they also had signed a declaration confirming that they do not have any further claims against RSSL.</p>

Cases closed without recommendation after action taken

Sector/Department	People and Standards Division (P&SD)
Ombudsman case reference	OMB-23-3733
Brief details of case	A complaint regarding delay in response to a query from Servizz.gov.
Action taken and management comments	<p>The complainant had requested info on the date when women were allowed to work after their marriage, and alleged that they received no feedback either from the Ministry for Social Policy and Children's Rights (MSPC) or Servizz.gov.</p> <p>However, MSPC provided a copy of the track record or correspondence between the complainant and Servizz.gov, showing that the requested information had been actually given promptly to the complainant.</p>

Sector/Department	People and Standards Division (P&SD)
Ombudsman case reference	OMB-23-3801
Brief details of case	A complaint relating to a wrong assimilation exercise.
Action taken and management comments	The P&SD explained that the complainant's appointment letter contained a genuine administrative error and immediate action was taken to rectify it and issue a fresh letter of appointment. However, the complainant had been remunerated correctly.

Cases pending at Ministry

Sector/Department	People and Standards Division (P&SD)
Ombudsman case reference	OMB-23-4039
Brief details of case	A complaint by a trade union on behalf of a public officer regarding the deduction of sick leave.
Action taken and management comments	During a meeting held between P&SD and the Office of the Ombudsman, it was agreed that the issue was to be discussed during the collective agreement negotiations with the trade unions.

Sector/Department	People and Standards Division (P&SD)
Ombudsman case reference	OMB-23-4075
Brief details of case	A complaint regarding the deduction of sick leave in hours for employees in the health sector.
Action taken and management comments	During a meeting held with the Office of the Ombudsman and a trade union, P&SD explained that this matter was to be discussed holistically during the negotiations of the Public Service Collective Agreement which would affect all the public officers, given that the issue impacted the wider public service.

OPM

PRE-2023 CASES

(for further information on the case: Governance Action on the Parliamentary Ombudsman Annual Report 2022)

Parliamentary Ombudsman

Pending at Ombudsman

Sector/Department	People and Standards Division (P&SD)
Ombudsman case reference	OMB-21-2391
Brief details of case	A complaint relating to the assimilation exercise in the Managerial Stream. The complainant claimed that they were subject to less beneficial conditions, owing to assimilation, in comparison to the substantive grade previously held.
Action taken and management comments	The P&SD furnished the Ombudsman with further details on the assimilation process.
Status last year	Pending at Ombudsman

Commissioner for Health

Pending at Ombudsman

Sector/Department	People and Standards Division (P&SD)
Ombudsman case reference	CH-22-3055
Brief details of case	A complaint relating to a request for compensation for the loss of allowances and overtime pay during the period when the complainant had been on precautionary suspension. Subsequently, the Disciplinary Board had acquitted the complainant of the charges brought against them.
Recommendation by the Ombudsman	The administrative decision that was taken and officially communicated by the Principal Permanent Secretary is to be honoured by Government.
Action taken and management comments	Following the Final Opinion, P&SD informed the Commissioner for Health of the intended course of action.
Status last year	Pending at Ombudsman

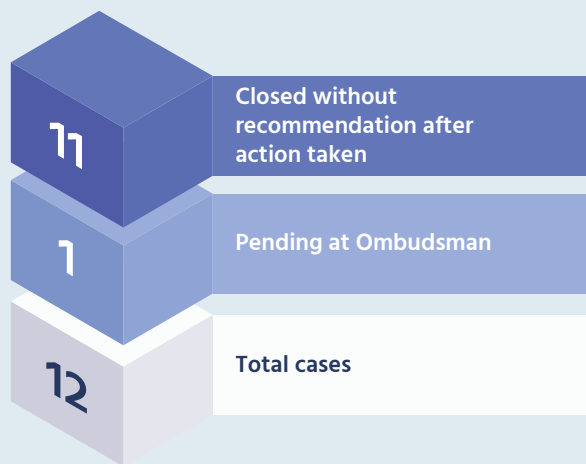
OFFICE OF THE **PRIME MINISTER**

European Funds, Equality, Reforms and Social Dialogue

In 2023, the Parliamentary Ombudsman referred twelve cases to the Ministry for EU Funds, Equality, Reforms and Social Dialogue which, at the time of publication, fell under the responsibility of the Office of the Prime Minister. Eleven cases were closed without a recommendation after the necessary action had been taken, whilst one case was pending at the Office of the Ombudsman.

OPM EES total cases 2023 - 12

OPM EES PARLIAMENTARY OMBUDSMAN



Cases closed without recommendation after action taken

Sector/Department	Department of Industrial and Employment Relations (DIER)
Ombudsman case reference	OMB-23-3875, OMB-23-3876, OMB-23-3881, OMB-23-3882, OMB-23-3883, OMB-23-3884, OMB-23-3885, OMB-23-3910, OMB-23-4053, OMB-23-4054, OMB-23-4076
Brief details of case	A complaint by a group of employees of a private firm, regarding lack of information provided by the DIER on applications submitted to the Board of the Guarantee Fund.
Action taken and management comments	<p>Since the number of effected employees was considerably high (over 100), DIER took between December 2022 and April 2023 to ensure that each employee lodged the claim with the necessary documentation, whilst explaining to them the necessary procedures to apply with the Guarantee Fund Administration Board, in the eventuality that the company becomes insolvent. One-to-one meetings were also held.</p> <p>One of the reasons as to why the process took until June 2023 to finalise was that in some of the instances the claimants failed to submit all the necessary documentation and thus had to be contacted numerous times to complete the claim.</p> <p>Once finalised, DIER initiated court proceedings.</p> <p>Concurrently, DIER was monitoring the mentioned company and as soon as it was declared insolvent, all employees were contacted individually to apply with the Guarantee Fund Administration Board. Such process was successfully completed for all employees within the deadline.</p> <p>DIER also pointed out that the Guarantee Fund Administration Board had to be reappointed, since it had not met in over four years, as no cases were being reported. Despite all this, it still managed to assist all employees within the stipulated time frames.</p>

Case pending at Ombudsman

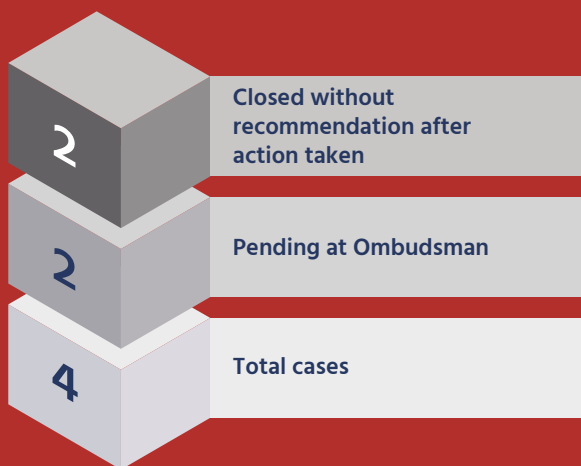
Sector/Department	Malta Competition and Consumer Affairs Authority (MCCAA)
Ombudsman case reference	OMB-23-3708
Brief details of case	A complaint concerning a recruitment process for an internal post that was claimed as having been awarded unjustly.
Action taken and management comments	<p>The complainant alleged that all applicants were promoted, except them. They argued that they deserved the promotion, especially when comparing their current duties to those of the applied-for position.</p> <p>Furthermore, they stated that they only learned of the published result when the other candidates received congratulatory emails.</p> <p>The MCCAA acknowledged a failure to inform the complainant of the result due to a technical error, and once they became aware they notified him immediately.</p> <p>MCCAA confirmed that the Selection Board had awarded marks fairly, with additional marks given for extra qualifications beyond the eligibility criteria and supported with evidential documents. MCCAA also highlighted the distinct differences between the complainant's current role and the job description of the call for applications in question.</p>

MINISTRY FOR **AGRICULTURE, FISHERIES AND ANIMAL RIGHTS**

In 2023, the Parliamentary Ombudsman referred four cases to the Ministry for Agriculture, Fisheries and Animal Rights (MAFA). Two cases were closed without any recommendation being submitted by the Ombudsman, but action was taken accordingly. The other two cases were pending at the Office of the Ombudsman.

MAFA total cases 2023 - 4

MAFA PARLIAMENTARY OMBUDSMAN



Cases closed without recommendation after action taken

Sector/Department	Agricultural and Rural Payments Agency (ARPA)
Ombudsman case reference	OMB-23-3735
Brief details of case	A complaint regarding an application for funds under the <i>Programm Nazzjonali Malti Għall-Apikoltura</i> (2022).
Action taken and management comments	<p>The complainant contested the rejection of a funding application due to discrepancies between the hives and nuclei declared and those found during an inspection. The complainant attributed the discrepancies to hive relocation caused by hornet attacks and filed a <i>force majeure</i> request and an Objection. They argued that the process was unfair, as they were not informed of a scheduled hearing, leading to their representative's absence.</p> <p>ARPA clarified that the inspection found a 21% discrepancy. As per guidelines, this led to the denial of funding. ARPA emphasised that it was the complainant's responsibility to monitor communications and report changes within 10 days. A second hearing was scheduled, with notifications sent via registered mail and email.</p> <p>The Objection Board reviewed the case and consulted with another department, following submissions made by the complainant during the board sitting. The complainant was eventually awarded a sum of money.</p> <p>ARPA confirmed that the payment was processed, and the Ombudsman confirmed the case as closed.</p>

Sector/Department	Agricultural and Rural Payments Agency (ARPA)
Ombudsman case reference	OMB-23-3904
Brief details of case	A complaint from a farm owner who applied for EU funding under Measure 10.1.
Action taken and management comments	<p>The case involved a farm owner applying for EU funding under Measure 10.1, AECM 6c, for their seven indigenous fruit trees. Payments were received until 2020 but ceased in 2021, and the complainant was later asked to refund payments for prior years.</p> <p>An objection filed in June 2021 was accepted in November 2022. By January 2023, the complainant was informed that payments for 2021 and 2022 would be issued, though they claimed these payments had not yet been received.</p> <p>ARPA clarified that non-eligible land within the parcel led to the closure of the commitment and a recovery order for payments from 2018 to 2020. However, the Objection Board upheld the complainant's case, cancelling the recovery order and approving the release of withheld amounts. ARPA processed and paid the withheld amount in March 2023, with assurances that the 2021 payment would follow.</p> <p>The Ombudsman confirmed the resolution, closing the case after the matter was resolved.</p>

Cases pending at Ombudsman

Sector/Department	Agricultural & Rural Payments Agency (ARPA)
Ombudsman case reference	OMB-23-3622
Brief details of case	A complaint regarding ARPA registration of two inherited fields yet to be divided among heirs.
Action taken and management comments	<p>The complainants raised concerns about ARPA registration, claiming that ARPA had not provided all the requested information, including the registration dates of the fields, despite repeated inquiries.</p> <p>ARPA had initially submitted comments and supporting documents to the Ombudsman but was later asked to clarify whether two of the complainants' relatives were registered as farmers. ARPA stated that such information could only be obtained from Jobsplus. The Ombudsman subsequently requested ARPA's original files related to the fields in question, which were provided in both physical and scanned formats. ARPA later submitted the requested registration data for the fields.</p> <p>The investigation is ongoing.</p>
Sector/Department	Governance of Agricultural Bioresources Agency (GAB)
Ombudsman case reference	OMB-23-4049
Brief details of case	A complaint regarding an application for an EU-funded scheme to construct a rubble wall.
Action taken and management comments	<p>The complainant contested that the cost estimate provided by the GAB was extremely high and exceeded the private quotations they had obtained. They argued that EU funds should be used efficiently and suggested that leveraging affordable local labour to extend the benefits for countryside project.</p> <p>GAB explained that the cost estimate represented market prices and was part of their process to help farmers apply for EU funding for rubble wall construction and restoration. They also clarified that final project costs would be determined through a public procurement process after the EU fund allocation. Additionally, no evidence to support claims of misuse related to the estimate were established.</p> <p>The investigation is ongoing.</p>





MINISTRY FOR EDUCATION, SPORT, YOUTH, RESEARCH, AND INNOVATION

In 2023, the Parliamentary Ombudsman referred one case to the Ministry for Education, Sport, Youth, Research, and Innovation (MEYR), which was closed due to court proceedings.

There was one case which was referred by the Parliamentary Ombudsman to MEYR which had been pending from previous years, and which was still pending at the office of the Ombudsman.

In 2023, the Commissioner for Education (CfE) referred thirteen cases to MEYR. One case was withdrawn by the CfE. Another case was not upheld by the CfE. Seven cases were closed without any recommendation being made. One case was closed with the recommendation being implemented, whilst one case was closed without recommendation after necessary action was taken. In two cases, a reply on behalf of the Prime Minister was sent to CfE.

The CfE referred six cases directly to the Malta College of Arts, Science and Technology (MCAST). Two of these cases were withdrawn by the complainant, whilst two other cases were withdrawn by the CfE. One case was pending at the Office of the Ombudsman, and another case was referred to the Prime Minister in terms of Article 22(4) of the Ombudsman Act.

The CfE referred twenty-two cases directly to the University of Malta (UM). Three cases were not upheld by the CfE. One case was withdrawn by the CfE. Nine cases were closed without any recommendation, whilst three cases were closed without recommendation after the necessary action was taken. One case was closed after the management replied to one request for information. Two cases were closed, and the recommendation made was implemented. One case was closed, and the recommendation made by the CfE was not accepted. On two cases, a reply on behalf of the Prime Minister was sent to CfE.

There were four cases which had been referred to MEYR by the CfE and which had been pending from previous years. One case was closed without any recommendation being submitted by the CfE. Three cases were still being investigated by the CfE.

MEYR total cases for 2023 – 14

MCAST total cases for 2023 – 6

UM total cases for 2023 - 22

MEYR

PARLIAMENTARY OMBUDSMAN



Case closed due to court proceedings

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	OMB-23-3427
Brief details of case	A complaint regarding the termination of a contract for service.
Action taken and management comments	<p>The complainant's employment was terminated under clause 5 of their contract for service. The complainant alleged they were not provided with reasons for the termination.</p> <p>The Office of the Ombudsman solicited MEYR to clarify the reasons for the termination of contract. MEYR explained that the decision was due to the complainant's attitude and bad behaviour, which had been discussed in two prior meetings. Despite attempts to resolve the issues, the situation worsened, prompting contract termination. MEYR provided the Ombudsman with a report from the Head of Centre, detailing these concerns.</p> <p>The Ombudsman guided MEYR to ensure the complainant was made aware of the reasons for the termination and to have access to the report's contents.</p> <p>MEYR responded that the concerns were communicated in October 2022, and the complainant was invited to a meeting in November 2022 to discuss the termination, but the complainant failed to attend. Additionally, MEYR noted that the complainant had also been contacted by phone.</p> <p>MEYR reported that during a separate meeting with their superiors, the complainant exhibited aggressive behaviour. The matter was currently before the Court. MEYR stated that, given the ongoing legal case and prior communication, no further contact with the complainant was made.</p> <p>The Ombudsman concluded the investigation and informed MEYR that the case was closed.</p>

MEYR

COMMISSIONER FOR EDUCATION



Cases withdrawn by complainant

Sector/Department	Malta College of Arts, Science and Technology (MCAST)
Ombudsman case reference	CEDUC-23-3936; CEDUC-23-3937
Brief details of case	<p>A complaint regarding alleged irregularities in recruitment procedures.</p> <p>The complaint was withdrawn by the applicant and the Commissioner for Education did not pursue the investigation.</p>

Cases withdrawn by the Commissioner for Education

Sector/Department	Malta College of Arts, Science and Technology (MCAST)
Ombudsman case reference	CEDUC-23-3859
Brief details of case	<p>A complaint regarding an alleged failure to be granted pre-retirement leave by the MCAST.</p> <p>The Commissioner for Education concluded that there was no evidence of any maladministration.</p>

Sector/Department	Malta College of Arts, Science and Technology (MCAST)
Ombudsman case reference	CEDUC-23-3938
Brief details of case	<p>A complaint regarding alleged verbal abuse by a staff member of the college management.</p> <p>Immediately after the case was registered, the Commissioner for Education withdrew it.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3756
Brief details of case	<p>A complaint regarding the borrowing of electronic books from the UM Library.</p> <p>Following a discussion with the UM Director of Library Services, the Commissioner for Education dismissed the case.</p>

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-23-4118
Brief details of case	<p>A complaint regarding an alleged refusal by MEYR to approve a temporary teacher's warrant on the basis of having a criminal conviction.</p> <p>After reviewing the details of the case, the Commissioner for Education declared that the complainant had adequate means of redress to contest the recommendation of the Council for the Teaching Profession.</p>

Complaints not upheld by the Commissioner for Education

Sector/Department	Institute for Education (IfE)
Ombudsman case reference	CEDUC-23-3768
Brief details of case	<p>A complaint regarding the late submission of a course dissertation.</p> <p>The Commissioner for Education was informed that the student had no case since all policies and regulations were followed correctly by the IfE.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3814
Brief details of case	<p>A complaint regarding alleged unfair treatment throughout a promotion application.</p> <p>After an intensive review of the documentation evidence presented by both the complainant and the UM, the Commissioner for Education determined that there was no evidence suggesting any instances of maladministration.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3983
Brief details of case	<p>A complaint regarding the assessment process during teaching practices.</p> <p>After a review of the case, the Commissioner for Education deemed the case as 'not sustained'.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-4109
Brief details of case	<p>A complaint regarding an alleged maladministration following a 'fail' mark in a dissertation.</p> <p>Subsequent to conducting investigations, the Commissioner for Education informed the complainant that their grievance could not be upheld.</p>

Cases closed without recommendation

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-23-3388
Brief details of case	A complaint regarding an alleged discriminatory treatment by the Scholarships Unit.
Action taken and management comments	<p>The complainant alleged that the Scholarships Unit had alerted some applicants to shortcomings in their applications but failed to notify them of similar shortcomings in their own application.</p> <p>MEYR clarified that reminders were sent only to applicants who had successfully passed the selection process.</p> <p>After the process ended, the complainant was reminded and encouraged to reapply in the next call, informing them that funding for successful candidates would cover both past and future expenses.</p> <p>In a later meeting, MEYR explained that the Scholarships Unit routinely informs applicants of extended deadlines, but the complainant was not contacted as the required document was already available.</p> <p>The Commissioner for Education informed MEYR that a Letter of Closure was issued to the complainant following an online meeting.</p> <p>The case was closed with no further investigation under Article 17(1) of the Ombudsman Act.</p>

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-23-3506
Brief details of case	A request for the refund of money paid for a school trip to the United Kingdom (UK).
Action taken and management comments	<p>The complainant had paid a deposit and the first instalment for their child to participate, following the school's instructions. While the first instalment was refunded, the deposit was not.</p> <p>The MEYR informed the Commissioner for Education (CfE) that discussions with the school were underway to resolve the matter.</p> <p>It transpired that the parents had confirmed their acceptance of the company's terms and conditions during the online registration and payment process. The issue of the deposit refund was deemed a civil matter between the parents and the company, outside the school's responsibility.</p> <p>The CfE concluded that the school was not at fault and proceeded to close the case.</p>

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-23-3517
Brief details of case	A complaint regarding the reimbursement of travelling expenses when travelling from Gozo to Malta.
Action taken and management comments	<p>The case involved a Gozo resident who delivered a weekly lesson in Malta and sought reimbursement for travel expenses, arguing that teachers travelling from Malta to Gozo on official duties are entitled to a refund. The complainant also highlighted unanswered emails regarding the issue.</p> <p>MEYR clarified to the Commissioner for Education (CfE) that the referenced scheme fell under the Ministry for Gozo and Planning, not MEYR, and required applicants to be full-time workers. MEYR provided the CfE with a link to the scheme.</p> <p>MEYR provided the CfE with the complainant's employment contract and the Letter of Definite Appointment.</p> <p>In the letter of closure, the CfE deemed the complaint unfounded. Regarding the lack of feedback by the Ministry, the Commissioner for Revenue (CfR) stated that the complainant was entitled to an explanation. Subsequently, the CfR proceeded to close the case.</p>

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-23-3612
Brief details of case	A complaint regarding the seniority of Learning Support Educators (LSEs).
Action taken and management comments	<p>The case involved an LSE who alleged unfair treatment, claiming they had previously passed interviews for Nurture Group and Learning Support Zone positions in 2017, but were overlooked in favour of a colleague with less seniority.</p> <p>MEYR clarified that LSEs in Nurture Classes are selected through a specific process involving interviews. However, the Nurture Class role is not a separate grade, and seniority is based on the original recruitment interview ranking and appointment date. MEYR emphasised that seniority specific to Nurture Class roles does not exist. The complainant had been informed of this policy multiple times but continued to argue that their deployment should account for Nurture Class-specific seniority.</p> <p>The Commissioner for Education issued a letter of closure, concluding that the complainant's claims were unfounded, as the deployment process does not consider Nurture Class-specific seniority. The case was closed with no further action required.</p>

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-23-3723
Brief details of case	A complaint regarding emails not being replied by the Ministry.
Action taken and management comments	<p>The case involved a complaint citing Directive 4.2, "Standards for Service of Excellence offered by the Public Administration to the Public and to Public Employees." The complainant alleged that their emails to MEYR regarding the Commercial Pilot course in Malta had gone unanswered.</p> <p>The Commissioner for Education (CfE) referred the matter to MEYR, seeking an explanation for the ignored communications.</p> <p>MEYR responded that a meeting had been held with the complainant to address the aspects of the complaint which fell within its remit. During the meeting, the complainant was informed of available funding options.</p> <p>The CfE closed the case, noting that it was resolved through actions taken prior to forming a final opinion.</p>

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-23-4022
Brief details of case	A complaint regarding the registration of a foreign student in a middle school.
Action taken and management comments	<p>The complainant lamented that while three children were confirmed for primary school, the middle school informed them that the registration for their fourth child was still pending.</p> <p>The Head of College Network (HCN) explained that the necessary documents for the middle school registration were not submitted on time. Moreover, they clarified that the registration process for middle and secondary students differs from that of primary students due to a higher number of students and ongoing registrations. The HCN assured the complainant that the student would be well-guided to integrate well with their peers.</p> <p>The complainant denied any delay in submitting the required documents and sought confirmation that the student would receive proper support.</p> <p>The Commissioner for Education (CfE) stressed that the primary concern was ensuring that the student could start school promptly and urged the system to accommodate exceptional circumstances to prioritise the student's interests.</p> <p>The complainant later informed the CfE that the school confirmed the student would begin classes in October 2023.</p> <p>The CfE subsequently closed the case.</p>

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-23-4199
Brief details of case	A complaint regarding a call for applications for a teaching post issued in 2023 within MEYR.
Action taken and management comments	<p>The complainant argued that the Selection Board did not take account of their two years teaching experience, resulting in lost marks.</p> <p>The complainant compared this call for applications to a similar one issued in 2020 call, that included 'proven relevant work experience' and provided applicants with assessment criteria ahead of the interview.</p> <p>The Commissioner for Education (CfE) sought input from MEYR. The Ministry clarified that the 2023 criteria were based on the updated Manual for Directive 9.1, which allocated 10 marks per year of teaching experience.</p> <p>The 2020 call had followed the previous criteria in place at the time. Directive 9.1 was updated in March 2021, specifying that applicants are only informed of the headings of assessment criteria, not the weightings.</p> <p>The CfE concluded that the criteria for the 2023 call complied with the updated directive and decided not to investigate further, closing the case under Article 17(1) of the Ombudsman Act.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3468
Brief details of case	A complaint regarding an alleged abusive and illegal behaviour by a non-academic staff member.
Action taken and management comments	<p>The complainant claimed this conduct led to their "forced withdrawal" from the Higher Diploma of Legal Procurator program.</p> <p>The Commissioner for Education (CfE) requested details from UM, including a timeline of the complainant's tenure, their current registration status, and specifics about their course and attendance.</p> <p>UM provided a timeline of the complainant's academic history, and clarified that the complainant was no longer enrolled, having withdrawn from the Higher Diploma of Legal Procurator in March 2022.</p> <p>The CfE acknowledged the information provided by UM, and subsequently closed the case.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3551
Brief details of case	A complaint regarding the refusal of a request to extend an appointment beyond retiring age.
Action taken and management comments	<p>The complainant alleged that the Committee for Extension of Appointments had refused their request to extend their position beyond the required age of 67 on the basis of complaints which had been made about their work and performance, without giving them an opportunity to respond.</p> <p>The Commissioner for Education (CfE) advised that the complainant be reinstated to their position prior to the Committee's decision and allowed to address the allegations before a newly constituted committee, which would then issue fresh recommendations for the University Council's consideration.</p> <p>Subsequently, an ad-hoc committee was established to reconsider the complainant's request for an extension.</p> <p>The ad-hoc committee later concluded, in line with Section 1.8.3 of the Manual of Conduct and Procedures, that the request for an extension of the complainant's appointment beyond the statutory retirement age could not be approved.</p> <p>The CfE proceeded to close the case.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3585
Brief details of case	A complaint against the Faculty of Laws, regarding lack of response to a PhD proposal application.
Action taken and management comments	<p>The case involved a student whose email and application were mistakenly disregarded by UM. UM acknowledged the oversight, apologised, and requested the student to provide a scanned copy of their degree to initiate the evaluation process.</p> <p>The student informed UM that they were unable to provide the required documentation due to ongoing criminal and civil proceedings.</p> <p>UM subsequently informed the student that the evaluation process could not proceed without the necessary academic records. They also stated that the student's course leading to a PhD in European Union Law would be withdrawn if the required documentation was not provided.</p> <p>After reviewing the case, the Commissioner for Education informed the complainant that there were no grounds for support, and the case was closed.</p>
Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3698
Brief details of case	A complaint regarding a student being precluded from sitting for an exam.
Action taken and management comments	<p>The case involved a student pursuing a Master's degree who was excluded from the examination due to absence from lectures. The student attributed their absence to work-related travel and alleged that repeated requests to attend lectures online were ignored.</p> <p>The Commissioner for Education (CfE) requested UM to review the matter.</p> <p>UM reviewed the case and decided to allow the student to sit for the examination session since absence occurred due to unavoidable work obligations.</p> <p>Subsequently the CfE closed the case.</p>
Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3732
Brief details of case	A complaint regarding an alleged delay in response from UM subsequent to a foreign student's application for an undergraduate course.
Action taken and management comments	<p>The complainant claimed to have received no feedback from UM several months after their interview.</p> <p>UM clarified that while the online application was submitted on time, the complainant sent copies of their certificates several months later. The evaluation process began only after the required documentation was received.</p> <p>After reviewing the correspondence and evidence provided by UM, the Commissioner for Education determined that the application was processed without undue delay and that there was no evidence of maladministration by UM.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3737
Brief details of case	A complaint regarding an application to undertake the Master of Advocacy course.
Action taken and management comments	<p>The complainant, who held a Bachelor of Laws degree from a different university, lamented that they received no response from UM to their application.</p> <p>UM informed the Commissioner for Education (CfE) that the application was under evaluation and assessing the comparability of the complainant's international qualifications and exploring alternative pathways.</p> <p>The CfE reviewed UM's explanation and advised the complainant to submit additional documentation to UM, regarding their application.</p> <p>However, additional documentation sent, still rendered the applicant ineligible to apply.</p> <p>The CfE closed the case, stating that it did not require further investigation.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3761
Brief details of case	A complaint regarding the alleged unjust refusal of an application for Academic Enhancement Leave.
Action taken and management comments	<p>The Commissioner for Education (CfE) requested documentation from UM, including minutes from the UM Staff Affairs Committee meetings and the administration regarding the application. UM provided the requested documents, and the CfE sought further clarification through meetings with UM representatives.</p> <p>Following developments during the investigation, the CfE informed UM that the complaint was no longer under investigation and the case was closed.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3861
Brief details of case	A complaint related to the conversion procedure of grades at UM after completing an exchange program.
Action taken and management comments	<p>The case involved a student who participated in an exchange program and upon their return, they learned that their grades were reduced by six points due to UM's Undergraduate Grading System Conversion. The complainant argued they were unaware of the grade conversion process before participating in the exchange.</p> <p>The Commissioner for Education (CfE) sought clarification from UM regarding whether students were informed about the grade conversion process and whether the conversion table was accessible at the time. UM explained that students were advised that their grades would be converted upon their return. They noted that UM revised its grading scale in 2019 to align with updates in grading criteria by various universities and countries. The conversion process, approved by the Registrar's Office, aimed to ensure fairness. UM provided a link to the webpage detailing the process and confirmed plans to revise its documentation to improve clarity.</p> <p>The CfE found that, while an email about the grade conversion sheets had been sent to Erasmus students, the complainant had not received this communication.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-4092
Brief details of case	A complaint related to a vacancy that was announced by the Faculty of Laws for the appointment of a student on the Faculty Board.
Action taken and management comments	<p>The case concerned a complaint about an email notification from the Faculty of Laws regarding a vacancy on its Board. The email failed to specify whether the vacancy was open exclusively to postgraduate students. However, the official notice had stated that only postgraduate students were eligible, effectively excluding undergraduates.</p> <p>The complainant highlighted that the Board already had two postgraduate representatives, meeting the required quota for such representation.</p> <p>The UM's Office of the Registrar informed the Commissioner for Education (CfE) that the issue had been resolved, and the call for applications was to be reissued without restrictions, based on graduate or undergraduate status.</p> <p>The CfE closed the case.</p>

Case closed after the management replied to one request for information

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3483
Brief details of case	<p>A complaint regarding an application for promotion to full Professor.</p> <p>The Commissioner for Education requested detailed information on the case and UM complied.</p> <p>With regard to the delay in processing the application, UM explained that according to Article 25.6.6 of the Collective Agreement for Academic Staff of the UM and the Academic Staff of the Junior College, "the Promotions Board shall endeavour to communicate its decision to the applicant not later than 18 months following his submission". This period is, therefore, indicative and not mandatory.</p>

Cases closed without recommendation after action taken

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-23-4229
Brief details of case	A complaint regarding a student not receiving the stipend.
Action taken and management comments	<p>The case involved a second-year student at Giovanni Curmi Higher Secondary School who did not receive their first-year stipend because they had submitted a sample school leaving certificate instead of the required original. The parent argued that the student had not been informed of this requirement and sought guidance from MEYR to recover the unpaid stipend.</p> <p>The Commissioner for Education (CfE) requested details from MEYR, and a meeting was held to clarify the procedures, and MEYR shared screenshots of the student's application and related correspondence with the CfE.</p> <p>The CfE concluded that the non-payment of the first-year stipend was due solely to the student's failure to meet the requirements outlined in the online documentation.</p> <p>The case was resolved with no further action necessary.</p>
Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3981; CEDUC-23-4023
Brief details of case	A complaint regarding the demotion of an academic staff after being granted an extension beyond the statutory retirement age.
Action taken and management comments	<p>The complainant argued that the decision violated the Manual of Conduct and Procedures and the Collective Agreement.</p> <p>The Commissioner for Education (CfE) requested documentation from UM, including the extension request, recommendations from the department's Head and Dean, meeting minutes on the extension of academic staff appointments, and clarification of the legal basis for a lower-grade extension.</p> <p>After reviewing the documents, the CfE advised that the complainant should be reinstated to their previous position and be provided an opportunity to contest the downgrade. A newly formed committee, independent of prior decisions, was to be tasked with reassessing the matter and issuing fresh recommendations to the UM Council.</p> <p>UM followed CfE's advice and set up a new committee and allowed the complainant to present their case.</p> <p>Following these developments, the CfE closed the case.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-4133
Brief details of case	A complaint regarding the refund amount due to a student resigning from the course.
Action taken and management comments	<p>The student argued that they were requested to repay an amount above what was indicated in the general information provided to students.</p> <p>The Commissioner for Education (CfE) sought clarification on the discrepancy between the repayment amount and the information provided to students.</p> <p>The UM explained and justified the discrepancy. The CfE inquired about the clarity of the grant information on UM's website.</p> <p>UM confirmed it had consulted with the Students Maintenance Grant Board at the Ministry for Education, Sport, Youth, Research and Innovation, and updated the website content for better transparency.</p>

Cases closed and recommendation implemented

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-23-4161
Brief details of case	A complaint regarding an improper and unfair treatment in an evaluation process for the post of Assistant Head.
Action taken and management comments	<p>The case involved a complaint about inconsistencies in the evaluation process for the post of Assistant Head of School. The complainant noted that in a previous application for a similar post, marks were awarded for their Master's degree and training and development. However, in this application, no marks were given for their Master's degree. The complainant also argued that the circular for this year's application process did not align with clause 29.2 of the 2017 collective agreement for teachers.</p> <p>The Commissioner for Education (CfE) requested a meeting with MEYR and noted parallels to a prior case. During the meeting, the evaluation process and discrepancies raised by the complainant were reviewed and discussed.</p> <p>After investigation, the CfE upheld the complaint in part, concluding that a lack of transparency in the evaluation process caused unnecessary anxiety for the complainant.</p> <p>MEYR confirmed that following discussions with the People and Standards Division (P&SD), action was taken to create clearer and more transparent templates for future calls. P&SD explained that the grade of Assistant Head was assimilated as Deputy Head. Assessment criteria templates have been updated in the pertinent manual dated 24 September 2024, whereby 'Training and Development' no longer features in any assessment criterion, and marks are only allocated for full qualifications.</p> <p>Subsequently, the case was formally closed.</p>
Recommendation by Ombudsman	The CfE stated that the recommendations made with respect to case number CEDUC-22-3035, which expressed that applications involving clause 29.2 of the collective agreement should always be clearly spelled out in the call for applications, be followed and adhered to.

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-4027
Brief details of case	A complaint regarding excessive noise during a resit advanced level examination.
Action taken and management comments	<p>The case involved a student who experienced disruptive excavation noise during a listening comprehension examination. Despite the disturbance, the examination proceeded, and the student attributed their poor performance to the noise, hoping the incident would be considered during the paper's revision.</p> <p>The Commissioner for Education (CfE) sought input from the Ministry for Education, Sport, Youth, Research and Innovation (MEYR), and the Matriculation and Secondary Education Certificate Examinations Board (MATSEC). MEYR stated that the Examinations Department was unaware of the excavation works before the exam. Officials intervened on the day, stopping the noise by 11:00AM, and the listening comprehension was repeated with technicians confirming sound quality was adequate. All candidates completed the exam on time, and no requests for additional time were received.</p> <p>MATSEC noted that the Examinations Department had alerted them of the issue and confirmed that "special consideration" was applied, following international awarding body procedures. Adjustments were made accordingly, and MATSEC also reviewed the complainant's exam timeline.</p> <p>The CfE continued to investigate, consulting MEYR officials and clarifying responsibilities for managing exam venues. MEYR provided a document, MATSEC Exam Centre Noise Management Measures, outlining measures to manage and minimise noise. The CfE issued the Interim Opinion and made recommendations to be considered to avoid future complaints.</p> <p>MEYR implemented these recommendations, and the updated document was published online.</p>
Recommendation by Ombudsman	The CfE recommended that clear protocols be drawn up to avoid recurrence of the disturbances.

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-4178
Brief details of case	A complaint regarding an alleged improper salary payment.
Action taken and management comments	<p>The complainant, on a TR4-level pay, argued that they had been wrongfully placed on sick leave, resulting in reduced or unpaid salary for a total of six months across 2015 and 2017. The complainant maintained that despite teaching nearly full schedules, the Human Resources Department's negligence caused unjustified salary deductions.</p> <p>The Commissioner for Education (CfE) investigated the matter, meeting with the Director of Finance and gathering input from the complainant's line manager. The UM contended that the complainant's teaching load during the disputed years (2014–2017) consistently fell below the expected level for their position, citing specific hours taught and reduced activity. UM offered compensation at a lower rate, but the complainant rejected, insisting on full TR4-level pay.</p> <p>After further review, the CfE issued an Interim Opinion and recommended full payment of the complainant's salary at the TR4 level.</p> <p>UM accepted the recommendation.</p>
Recommendation by Ombudsman	The CfE recommended UM to pay in full and final settlement to the complainant.

Case closed and recommendation not accepted

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-4216
Brief details of case	A complaint regarding an alleged unfair treatment during a course.
Action taken and management comments	<p>The complainant, a mature student applying for a course, had mistakenly reported an “A” grade in advanced level subject on their application form, whereas their MATSEC result was a “D.” After two months of attending lectures, UM accessed MATSEC records, confirmed the “D” grade, and terminated the student’s registration.</p> <p>The Commissioner for Education (CfE) investigated the matter and issued the Final Opinion, determining that the student had acted without bad faith. CfE also found UM’s actions to be maladministration, as the student had been allowed to enrol and attend classes despite the verification process being incomplete.</p> <p>UM clarified that immediate enrolment is granted to students during the initial weeks of October, enabling access to systems while document verification is pending—a policy explicitly outlined in acceptance letters. The student failed to respond to university requests for original certificates and did not submit the required documentation.</p> <p>An agreement was reached, allowing the student to continue their studies on the condition that they achieve a Grade “C” or higher by the end of July 2024, as stipulated by the course’s by-laws. If the requirement was unmet, the student was to be withdrawn from the course.</p> <p>The CfE informed UM that no further action would be taken, however recommendations were made regarding the verification process, to which such recommendations were rejected by UM.</p>
Recommendation by Ombudsman	The CfE recommended that the verification process should be conducted before the commencement of the course, or at the latest, during the initial two weeks of the academic year.

Case referred to the Prime Minister in terms of Article 22(4) of the Ombudsman Act

Sector/Department	Malta College of Arts, Science and Technology (MCAST)
Ombudsman case reference	CEDUC-23-4196
Brief details of case	A complaint regarding an evaluation process held for a Human Resources post.
Action taken and management comments	<p>The Commissioner for Education (CfE) informed MCAST of a complaint concerning a recruitment process, requesting documentation and information related to the call for applications, including approval from the Board of Governors, the assessment criteria, the composition of the Selection Board, and marks allocated to the applicants. The details of the complaint itself were not disclosed.</p> <p>MCAST provided the requested information and clarifications over several communications.</p> <p>The CfE issued a Final Opinion recommending improvements to MCAST's recruitment process.</p> <p>MCAST initially acknowledged the recommendations and informed the CfE of its intended actions, including reviewing the recommendations at the Senior Management level. Following this review, MCAST decided:</p> <ol style="list-style-type: none"> 1. To align with MEYR's practice of not disclosing Interviewing Board members' identities to candidates, with a provision allowing candidates to raise objections to the panel without prior disclosure of its composition. 2. To reject the recommendation for video recording interviews, citing GDPR concerns, technical challenges, and potential discomfort for candidates. 3. To amend the Appeals Board composition procedure to enhance impartiality and independence. <p>The CfE referred the case to the Prime Minister, in accordance with Article 22(4) of the Ombudsman Act, signalling unresolved concerns about the implementation of the recommendations.</p>
Recommendation by Ombudsman	<p>The recommendations of the CfE were as follows:</p> <ol style="list-style-type: none"> 1. That in the recruitment procedure for senior administrative posts within MCAST, the composition of the interviewing panel should be communicated in advance to all applicants to enable them to challenge for cause any member of the panel (the final decision whether to abstain or otherwise resting with panel collectively); 2. That all such interviews as well as interviews for teaching posts should be fully video recorded with the express permission of each interviewee, and the recording kept for a known and pre-determined period of time to enable applicants to appeal or to seek judicial or extra judicial (including recourse to the Ombudsman) redress; 3. That any and every Board of Appeal set up by the College to hear appeals from any administrative decision, including recruitment to senior administrative posts and to teaching posts, should be effectively and in practice independent of the parties, contrary to what happened in this case.

Reply on behalf of the Prime Minister sent to the Ombudsman

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-23-3501
Brief details of case	A complaint regarding a Tertiary Education Scholarship Scheme (TESS) scholarship not being awarded.
Action taken and management comments	<p>A complaint was lodged regarding the TESS Scholarship selection process. The complainant raised several issues, alleging:</p> <ul style="list-style-type: none"> • The online interview was conducted by only three board members, violating regulations. • Board members failed to review all documents provided. • The marks awarded were irrational compared to other candidates. • Limiting scholarships to 105 recipients despite obtaining a pass mark was arbitrary and breached regulations. • The Appeals Board wrongly applied and interpreted the applicable rules. <p>MEYR provided documentation addressing the complaint, and a meeting was held with the Commissioner for Education (CfE) to review the matter.</p> <p>After examining all documents and consulting the interviewing panel, the CfE concluded that the complaint was unfounded.</p> <p>The CfE issued the Final Opinion, where he found no evidence of maladministration. However, he made a recommendation, suggesting that interviews should be recorded.</p> <p>MEYR rejected this proposal. The CfE proceeded to refer the case to the Prime Minister in terms of Article 22(4) of the Ombudsman Act.</p>
Recommendation by Ombudsman	The CfE made reference to a previous case (UV 0008) wherein he recommended that the interviews be recorded. He remarked that if such recommendation had been implemented by MEYR, the investigation process would have taken a shorter time.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	<p>In his reply to the CfE, on behalf of the Prime Minister, the Principal Permanent Secretary concluded that recording interviews was disproportionate to the potential benefit and typically reserved for cases involving allegations or penalties. As such, no changes to the current procedure were recommended.</p> <p>The case was formally closed.</p>

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-23-3507
Brief details of case	A complaint regarding the transfer of a Head of School.
Action taken and management comments	<p>The complaint concerned an individual who alleged being transferred without a valid explanation or adequate prior notice.</p> <p>The Commissioner for Education (CfE) requested the complainant's personal file, which was reviewed. Upon finding no explanation for the transfer, the CfE asked MEYR for clarification on the reasons for the transfer and the procedures followed.</p> <p>MEYR explained the deployment procedure in a subsequent meeting and provided reasons specific to this case. The CfE requested additional documentation, including correspondence between the previous head of school and MEYR regarding their deployment request, and MEYR complied.</p> <p>The CfE issued a Final Opinion, but unresolved concerns led to the referral of the case to the Prime Minister for further consideration.</p>
Recommendation by Ombudsman	In the recommendation the CfE urged that the Education Department pays for all the medical expenses incurred by the complainant due to the unjust and oppressive action; and to refund the salary which they had to forgo when on sick leave for a long time.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	The Principal Permanent Secretary (PPS) explained that the recommendation could not be accepted, as the complainant's transfer was based on the exigencies of the service, with the complainant deemed the most suitable person to fill the vacancy. The complainant was informed of the transfer once the detailing process for the previous head of school was finalised. The PPS also highlighted that the complainant had access to the Employee Support Programme and had received continuous support from the Department, including legal assistance when needed.

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-3897
Brief details of case	A complaint regarding a promotion to the position of Full Professor.
Action taken and management comments	<p>A complaint was lodged by a member of the academic staff who applied for promotion to the position of Full Professor. The complainant was informed that they did not meet the eligibility criteria specified in the collective agreement as they had not served as Senior Lecturer and Associate Professor for eight years. Consequently, the application was deemed ineligible.</p> <p>The complainant requested reconsideration. In response, the UM reiterated that the eligibility requirements outlined in the collective agreement had not been met.</p> <p>The Commissioner for Education (CfE) reviewed the case, including extracts from the Promotions Board's meeting minutes, and issued a Final Opinion recommending reconsideration; however, UM informed the CfE that the Promotions Board's decision was deemed appropriate and in line with the established criteria.</p> <p>As a result, UM declined to implement the CfE's recommendation.</p> <p>The CfE proceeded to refer the case to the Prime Minister.</p>
Recommendation by Ombudsman	The Commissioner upheld the case and advised UM that the application should undergo re-evaluation by the Promotions Board, ensuring that the individuals who had previously deliberated are not included in the process. He added that the applicant's claimed compensatory criteria should be given particular consideration. Any decision, whether in favour or against, compensation should contain cogent reasons, which are also to be communicated to the complainant.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	<p>The Principal Permanent Secretary (PPS) communicated the rationale for the UM's decision to reject CfE's recommendation. The PPS clarified that the eligibility criterion of eight years' experience as an Associate Professor for the promotion to the rank of Full Professor is a mandatory requirement specified in the Collective Agreement. This criterion cannot be waived or substituted by other qualifications, including political or professional experience.</p> <p>It was further explained that the Promotions Board has consistently applied this requirement to all applicants without exception. The University emphasised that the requisite years of service as an Associate Professor are critical for candidates to gain the necessary academic maturity before being considered for the role of Full Professor.</p> <p>The PPS conveyed these explanations to both the CfE and the Ombudsman as part of the University's justification for its decision.</p>

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-23-4179
Brief details of case	A complaint related to an alleged violation of the University's Space Management Policy.
Action taken and management comments	<p>The complaint concerned an academic staff member at the Faculty of Medicine & Surgery who alleged being deprived of suitable office space at the Medical School, which they argued was occupied by the Faculty of Dental Surgery.</p> <p>The Commissioner for Education (CfE) reviewed the issue and conducted an on-site inspection. The UM clarified that the rooms in question were allocated to the Faculty of Dental Surgery and had been converted into changing areas for dental staff and students well before the approval of the Space Management Policy.</p> <p>In his Final Opinion, the CfE concluded that there was no evidence to substantiate the complainant's claims and dismissed the complaint.</p> <p>However, a recommendation was made regarding the allocation and use of space at the Medical School.</p> <p>UM responded, justifying the Faculty of Dental Surgery's use of the space, emphasising the limited resources available to the faculty and the potential demotivation of staff and students if the space were reallocated. The Commissioner maintained that the recommendation should be implemented, rejecting UM's reasoning.</p> <p>After further consultations, UM reaffirmed its position that the current space allocation was appropriate.</p> <p>The CfE referred the case to the Prime Minister for further consideration.</p>
Recommendation by Ombudsman	The CfE recommended that urgent steps to be taken by the Rector to eliminate the irrational use of the space within the Medical School occupied by the Faculty of Dental Surgery to the detriment of the common good.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	<p>UM reiterated its position as communicated to the CfE and provided photographic evidence to support its stance.</p> <p>The Principal Permanent Secretary later issued an official reply to the CfE in line with the UM's position.</p>

Case pending at Ombudsman

Sector/Department	Malta College of Arts, Science and Technology (MCAST)
Ombudsman case reference	CEDUC-23-4152
Brief details of case	A complaint regarding the allocation of marks at a selection process.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	<p>The Commissioner for Education (CfE) registered the case, but did not request any information regarding the matter.</p> <p>The CfE confirmed that the case remained open.</p>

MEYR

PRE-2023 CASES

(for further information on the case: Governance Action on the Parliamentary Ombudsman Annual Report 2022)

Parliamentary Ombudsman

Case pending at Ombudsman

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	OMB-22-3135
Brief details of case	A complaint regarding the allocation of marks at a selection process.
Action taken and management comments	<p>MEYR informed the Office of the Ombudsman that a meeting with the complainant had been held, during which the complainant was shown reports prepared by their superiors and was given an opportunity to provide their reactions for inclusion in their personal file. Despite this, the complainant sent multiple emails that the Ministry deemed to contain unacceptable tones and threats.</p> <p>MEYR stated that since the complainant had been granted access to all relevant reports and the chance to respond, the Ministry considered the matter resolved and saw no need to prolong the case, asserting that all possible steps had been exhausted.</p> <p>The Office of the Ombudsman confirmed that the case remains pending on their end.</p>
Status last year	Pending at Ombudsman

Commissioner for Education

Case closed without recommendation

Sector/Department	University of Malta (UM)
Ombudsman case reference	CEDUC-22-3261
Brief details of case	The complaint is related to allegations of plagiarism within a paper that had been published.
Action taken and management comments	On 16 February 2024, in a letter of closure to UM, the Commissioner categorised the case as "Resolved by developments or by the institution in the course of investigation before a Final Opinion is formed".
Status last year	Pending at Ministry

Cases pending at Ombudsman

Sector/Department	Malta College of Arts, Science and Technology (MCAST)
Ombudsman case reference	UU 0005
Brief details of case	A complaint from a Senior Lecturer, alleging that MCAST were hindering them from developing further their professional work at the institution by failing to put into practice appropriate procedures. Additionally, the complainant alleged malpractice when MCAST had withdrawn two internal calls for applications from the portal.
Action taken and management comments	The Commissioner for Education confirmed that investigations were still ongoing.
Status last year	Pending at Ombudsman

Sector/Department	Malta College of Arts, Science and Technology (MCAST)
Ombudsman case reference	CEDUC-21-2047
Brief details of case	A complaint regarding allegations of unjustified hindrance by the MCAST's Senior Management Team in the performance of an employee's duties.
Action taken and management comments	The Ombudsman confirmed investigations are still ongoing.
Status last year	Pending at Ombudsman

Sector/Department	Ministry for Education, Sport, Youth, Research and Innovation (MEYR)
Ombudsman case reference	CEDUC-21-2179
Brief details of case	A complaint regarding a contract for service.
Action taken and management comments	The Commissioner for Education confirmed that investigations were still ongoing.
Status last year	Pending at Ombudsman

MINISTRY FOR FINANCE

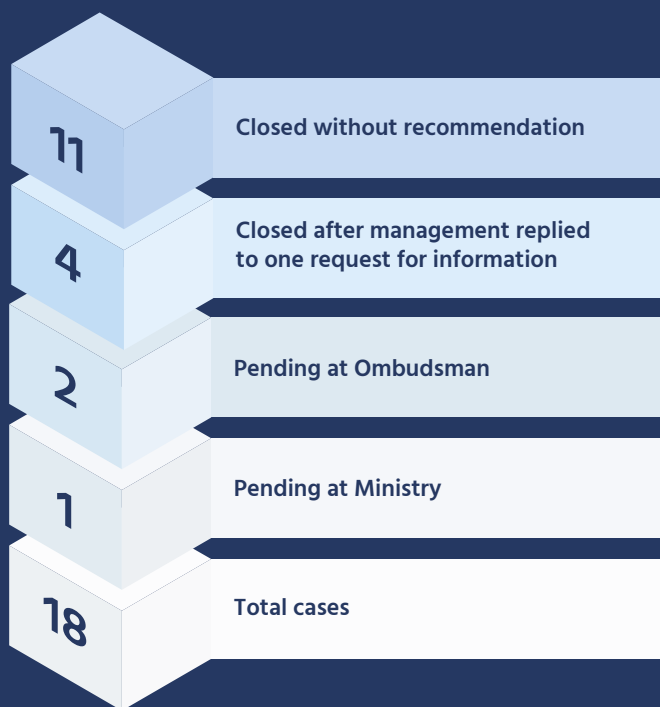
In 2023, the Parliamentary Ombudsman referred eighteen cases to the Ministry for Finance (MFIN). Eleven cases were closed without any recommendation being made. Four cases were closed after the management replied to one request for information. Two cases were pending at the Office of the Ombudsman, whilst another case was pending at the Ministry.

One case, which has been referred by the Parliamentary Ombudsman and was pending from previous years, was still being investigated by the Ombudsman.

MFIN total cases 2023 - 18

MFIN

PARLIAMENTARY OMBUDSMAN



Cases closed without recommendation

Sector/Department	Central Bank of Malta (CBM)
Ombudsman case reference	OMB-23-3920
Brief details of case	A confidential case
Action taken and management comments	MFIN was informed by the CBM on 8 November 2024, that the Ombudsman had closed the case.
Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	OMB-23-3403
Brief details of case	A complaint regarding alleged delay in the processing of the Get Qualified Refund Scheme.
Action taken and management comments	<p>The CfR clarified that there was no delay, as the complainant had only provided the complete documentation in September 2022. Under Article 48(2B) of the Income Tax Management Act, the refund was due six months later, in March 2023, and was, therefore, within the prescribed timeframe.</p> <p>The Ombudsman reviewed the case and found no evidence of maladministration, leading to its closure.</p>
Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	OMB-23-3722
Brief details of case	A complaint regarding a request for a refund of overpaid tax.
Action taken and management comments	CfR informed the Ombudsman that the refund was being processed and would be issued in due time. The Ombudsman subsequently closed the case after confirming that the refunds were paid to the complainant.
Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	OMB-23-3829
Brief details of case	A complaint regarding the procedure used by the Capital Transfer Duty (CTD) in valuating property.
Action taken and management comments	<p>A complaint was lodged regarding the valuation of a property donated to the complainant's siblings. The complainant disputed an increase in the valuation determined by the CTD, arguing that the original valuation by a private architect should have been accepted. The CTD engaged an architect to inspect the property. However, access to this property was never granted, requiring police protection, which resulted in the original valuation being upheld. The complainant later received a bill with penalties and interest, which they paid under protest, claiming their objection was not addressed promptly.</p> <p>CfR clarified that objections regarding the valuation had been filed, prompting the CTD to appoint another architect. Due to the lack of access to the property, the initial valuation was maintained, and the taxpayers were informed. Although the complainant retained the right to appeal the decision, they did not do so after paying the bill, making the assessment final.</p> <p>The Ombudsman concluded that the case was not sustained and closed it.</p>

Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	OMB-23-4142
Brief details of case	A complaint regarding the refusal of a third country national to benefit from the Global Residence Programme.
Action taken and management comments	<p>The complainant claimed that their application was unfairly rejected.</p> <p>CfR responded, explaining that the complainant did not meet the required thresholds for income and overall assets, as stipulated under the programme's legislation. The Ombudsman requested further clarification on CfR's evaluation process, to which CfR provided a detailed explanation of the procedure.</p> <p>The Ombudsman concluded that CfR's actions were fair and in alignment with its legislative mandate, subsequently closing the case.</p>

Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	OMB-23-4221
Brief details of case	A complaint regarding incorrect tax status of withholding tax.
Action taken and management comments	<p>The complainant alleged that tax for the 2022 basis year was incorrectly calculated using single rates, despite their ongoing maintenance payments for their child. The complainant argued that the tax should have been calculated at parent rates and requested a refund for the excess amount paid.</p> <p>The Malta Tax and Customs Administration (MTCA) clarified that under the Income Tax Act, "parent rates" do not apply when the child is gainfully employed, earning more than €3,400 annually, regardless of whether the parent is separated and paying maintenance.</p> <p>MTCA confirmed that single rates were correctly applied in this case, and no refund was due.</p> <p>The Ombudsman concluded the case and confirmed its closure.</p>

Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	OMB-23-3493
Brief details of case	A complaint regarding a request for refund of tax paid on property transfer.
Action taken and management comments	<p>The complaint lamented of lack of response from the CfR regarding a refund for tax erroneously paid on a property transfer.</p> <p>The CfR clarified that the complainant's notary needed to register a correction of the deed and submit a refund application through the tax system. As no documentation or application had been submitted, the CfR could not process the refund.</p> <p>The Ombudsman reviewed the explanation and concluded there was no further action required, closing the case.</p>

Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	OMB-23-3502
Brief details of case	A complaint in connection with the grant on expenses connected with a wedding function.
Action taken and management comments	<p>The complainants claimed that while following up on their application, the CfR informed them the application was not in the system. However, attempts to resubmit the application failed as the system indicated it had already been submitted.</p> <p>The CfR later confirmed that the grant was processed and paid. The Ombudsman, satisfied with the outcome, closed the case.</p>

Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	OMB-23-4180
Brief details of case	A complaint regarding interest charged on the correction of a Causa Mortis.
Action taken and management comments	<p>A complaint was raised regarding a tax correction on a causa mortis made in 2019. While the complainant acknowledged the additional tax requested in 2023, due to a reassessment of the property's value, they sought exemption from the interest charges applied.</p> <p>The Maltese Tax and Customs Administration clarified that the additional duty and corresponding interest were issued in line with the Duty on Documents and Transfers Act. It also noted that the heirs had the option to request a remission of interest but had not done so.</p> <p>The Ombudsman closed the case, concluding that the matter was handled in accordance with applicable legislation.</p>

Sector/Department	Department of Contracts (DoC)
Ombudsman case reference	OMB-23-4214
Brief details of case	A complaint regarding lack of feedback on the re-evaluation of tender subject to concluded court proceedings.
Action taken and management comments	<p>The complainant enquired about the delay in concluding the re-evaluation of a tender, which had been under court proceedings that ended in March 2023.</p> <p>The DoC explained that the evaluation was finalised in December 2023, but required vetting and approval by the General Contracts Committee. Despite follow-ups by the Ombudsman, delays persisted as the evaluation awaited completion by the Central Procurement and Supplies Unit.</p> <p>In April 2024, the DoC confirmed that the evaluation report had been finalised, and bidders were notified of the results.</p> <p>The Ombudsman subsequently closed the case, deeming the issue resolved.</p>

Sector/Department	Ministry for Finance (MFIN)
Ombudsman case reference	OMB-23-3692
Brief details of case	A complaint regarding a request for the re-issuance of a Government cheque.
Action taken and management comments	<p>The complainant requested MFIN to re-issue a Government cheque on another family member since their bank account was frozen. MFIN clarified that it could not issue cheques in someone else's name due to a freezing order on the complainant's bank account.</p> <p>The Ombudsman later informed MFIN that the case had been closed, and the complainant was advised that redress could only be pursued through legal proceedings.</p>

Cases closed after the management replied to one request for information

Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	OMB-23-3513
Brief details of case	<p>A complaint regarding an alleged overpayment of Income Tax.</p> <p>The CfR clarified that the payment in question had been made to the British High Commission, not to CfR. As a result, CfR stated that it was not responsible for payments made to third parties unrelated to its office and advised the complainant to seek redress directly from the British High Commission.</p>

Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	OMB-23-4026
Brief details of case	<p>A complaint regarding alleged overcharge of tax.</p> <p>The CfR clarified that the applicable tax rates were determined under Article 56 of the Income Tax Act, which required taxpayers to apply the tax bracket corresponding to their income.</p>

Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	OMB-23-4132
Brief details of case	<p>A complaint regarding pending tax issues.</p> <p>The CfR assured the Ombudsman that an officer from the Malta Tax and Customs Administration would contact the complainant to address the requests.</p>

Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	OMB-23-4143
Brief details of case	<p>A complaint regarding an allegedly unfair penalty for the late submission of Value Added Tax (VAT) returns.</p> <p>The CfR clarified that the complainant had a history of submitting multiple late returns, including delays of up to five years. The penalties imposed were in line with the VAT Act.</p>

Cases pending at Ombudsman

Sector/Department	Air Malta
Ombudsman case reference	OMB-23-4056
Brief details of case	A complaint regarding alleged discrimination by Air Malta and the Government.
Action taken and management comments	<p>The complainant, a medically grounded former Air Malta pilot, alleged discrimination after not being offered alternative employment, despite a Government guarantee referenced in a 2020 letter and similar assurances under an agreement with the Airline Pilots Association Malta (ALPA).</p> <p>Air Malta stated that the issue was unrelated to the company, as the complainant's employment ended in 2020 through a settlement agreement with substantial compensation and insurance payouts. The company asserted no involvement in the Government's employment guarantee, which predated the complainant's termination.</p> <p>The Ombudsman sought clarification from Air Malta and the Ministry for Finance and Employment (MFIN) and the People and Standards Division (P&SD), within OPM, about alternative employment for grounded pilots and requested details of payments made to the complainant and other affected pilots. P&SD stated that it was not involved in the matter.</p> <p>The Ombudsman requested documentation related to the agreement between the Government and ALPA. MFIN stated that it did not possess any documentation regarding the agreement between the Government and ALPA. Despite continued inquiries by the Ombudsman, no further documentation was discovered.</p> <p>Investigation on this case is still under way at the Office of the Ombudsman.</p>

Sector/Department	Malta Statistics Authority (MSA)
Ombudsman case reference	OMB-23-3400
Brief details of case	A complaint regarding the refusal of an application for a senior position at the National Statistics Office (NSO).
Action taken and management comments	<p>The complainant alleged unfair treatment, claiming they met the requirement of four years of managerial experience but were disqualified at the pre-interview stage.</p> <p>The MSA clarified that the complainant was 29 days short of the required experience and had not submitted a petition within the stipulated timeframe. The Authority explained that the call for applications had been issued in advance of the vacancy to ensure continuity and that its terms and processes adhered to applicable guidelines. It also noted that results for senior posts were published on the NSO intranet, not notice boards, and justified its methodology for issuing calls and evaluating applications.</p> <p>The Ombudsman sought further clarification on the issuance of advance calls, evaluation of managerial experience, and adherence to the Public Service Management Code. The MSA provided additional documentation and addressed the concerns raised.</p> <p>In the Final Opinion, the Ombudsman recommended adjustments to improve transparency and ensure procedural fairness in the recruitment process.</p> <p>The Ministry for Finance acknowledged these recommendations and confirmed they would be implemented in future calls issued by the MSA.</p>
Recommendation by Ombudsman	The Ombudsman recommended that the MSA was to provide clear information to applicants about their right to seek redress if they disagree with the Selection Board's decisions. This applies both at the eligibility stage and after the publication of interview results. The Ombudsman advised that future calls for applications should explicitly include details on the redress process, ensuring transparency and fair access to remedies for all applicants.

Case pending at Ministry

Sector/Department	Ministry for Finance (MFIN)
Ombudsman case reference	OMB-23-3886
Brief details of case	A complaint in connection with a grant issued for former port workers.
Action taken and management comments	<p>The Ombudsman investigated a complaint about the Ministry's failure to implement an Appeals Board recommendation regarding the Former Port Workers Grant. The complaint centred on cases where disagreements among heirs over appointing a representative blocked access to the grant for eligible beneficiaries.</p> <p>MFIN acknowledged the issue's complexity, citing ongoing efforts to resolve the issue.</p> <p>Later, MFIN announced plans to amend previous Government notices published in the Government Gazette from 2017 to 2022, pertaining to this 'once-only grant for persons who were formerly licenced port workers between 4 April 1973 and 1 June 2007, and who were not so licenced after such period'.</p> <p>The amendment, to be published in the Government Gazette, would retroactively apply to applications submitted within the original deadlines. It would allow heirs to designate a lawyer or notary of their choice to represent them, resolving disputes and facilitating access to the grant for eligible beneficiaries.</p>

MFIN

PRE-2023 CASES

(for further information on the case: Governance Action on the
Parliamentary Ombudsman Annual Report 2022)

Parliamentary Ombudsman

Case pending at Ombudsman

Sector/Department	Commissioner for Revenue (CfR)
Ombudsman case reference	S 0046
Brief details of case	A complaint in connection with the refusal by Customs Department to release a consignment of items.
Action taken and management comments	The Ombudsman confirmed that case was still being investigated.
Status last year	Pending at Ombudsman



MINISTRY FOR **FOREIGN AND EUROPEAN AFFAIRS AND TRADE**

In 2023 the Ministry for Foreign and European Affairs and Trade did not register any cases.

However, there was one case referred by the Parliamentary Ombudsman which had been pending from previous years. This case remained pending at the Office of the Ombudsman.

MFET **PRE-2023 case**

(for further information on the case: Governance Action on the
Parliamentary Ombudsman Annual Report 2022)

Parliamentary Ombudsman

Case pending at Ombudsman

Sector/Department	Office of the Deputy Prime Minister and Ministry for Foreign and European Affairs Trade
Ombudsman case reference	U 0218
Brief details of case	<p>A complaint regarding an officer posted abroad claiming that, as part of their remuneration package, they were entitled to allowances, mainly consisting of disbursements incurred for healthcare costs, as well as schooling fees. The allowances had been withheld with effect from August 2019.</p> <p>The complainant held that no adequate justification had been provided for such action.</p>
Action taken and management comments	The Office of the Ombudsman confirmed that the case was still pending from their end.
Status last year	Pending at Ombudsman



MINISTRY FOR GOZO AND PLANNING

In 2023, the Parliamentary Ombudsman referred fourteen cases to the Ministry for Gozo and Planning (MGP). Eleven cases were closed without recommendation after the necessary action was taken. Two cases were closed with the recommendation made by the Ombudsman being implemented. One case was pending at the Office of the Ombudsman.

The Commissioner for Environment and Planning (CEP) referred nineteen cases to MGP. One complaint was not upheld. Eight cases were closed without recommendation, whilst one case was closed without recommendation after the necessary action was taken. Two cases were closed after the management replied to one request for information. Two cases were closed with the recommendation being implemented. Three cases were referred to the Prime Minister in terms of Article 22(2) of the Ombudsman Act. Two cases were pending at the Ministry.

During the year under review, the Commissioner for Health referred one case to MGP, which was pending at the Office of the Ombudsman.

There were three cases referred by the CEP which were pending from previous years. One case was closed without any recommendation being made, one case was closed without recommendation after the necessary action was taken, whilst another case was referred to the Prime Minister in terms of Article 22(4) of the Ombudsman Act.

MGP total cases 2023 - 34

MGP

PARLIAMENTARY OMBUDSMAN



Cases closed without recommendation after action taken

Sector/Department	Gozo Channel (Operations) Limited (GCOL)
Ombudsman case reference	OMB-23-4237
Brief details of case	A complaint regarding a call for services.
Action taken and management comments	<p>The claimant expressed concerns about alleged unfair competition in the evaluation process. The company's legal representative informed the Office of the Ombudsman that the case concerned a call for offers that allegedly breached clause 3.5 of the conditions, prompting the company to terminate its contract with the successful bidder. Subsequently the parties entered arbitration procedures.</p> <p>The Office of the Ombudsman advised GCOL to address the claimant's queries directly, in line with principles of good governance. GCOL provided a response to the complainant, addressing all concerns and extending apologies for delays in communication.</p> <p>The Office of the Ombudsman confirmed the case as closed.</p>
Sector/Department	Ministry for Gozo and Planning (MGP)
Ombudsman case reference	OMB-23-3563, OMB-23-3577, OMB-23-3578, OMB-23-3579, OMB-23-3583, OMB-23-3588, OMB-23-3589, OMB-23-3590, OMB-23-3591, OMB-23-3592
Brief details of case	The cases involved a group of employees within the Public Cleansing Department who did not receive allowances for working on Sundays and public holidays.
Action taken and management comments	<p>After receiving the complaint, the MGP initiated the remuneration process and addressed the Ombudsman's inquiry about backdated payments.</p> <p>The MGP confirmed that computations were made to compensate the claimants for arrears due. Moreover, the Shift Allowance was allocated following approvals from People and Standards Division.</p> <p>The Ombudsman confirmed the case as closed after the payments were finalised.</p>

Cases closed and recommendation implemented

Sector/Department	Gozo Channel (Operations) Limited (GCOL)
Ombudsman case reference	OMBOI-23-3930
Brief details of case	Policies and procedures addressing idling vehicles during ferry crossings.
Action taken and management comments	<p>The Ministry for Gozo and Planning (MGP) provided the Ombudsman with the Gozo Channel's Shipboard Operating Procedures and a summary of measures on the car deck, including fleet letters, informing passengers of risks and instructions. As part of an enforcement initiative, police surveillance was assigned to the car deck area during specific hours.</p> <p>The Ombudsman issued a Final Opinion, which prompted further communication between MGP and the Ombudsman regarding proposed measures to address the situation.</p> <p>MGP informed the Ombudsman of actions taken, including a public press release emphasising the prohibition of staying inside vehicles during crossings and the deactivation of car alarms. A fleet directive was issued, requiring the Master or designated officer to ensure passengers vacate their vehicles during transit.</p> <p>The Ombudsman confirmed the closure of the case following the actions taken by GCOL.</p>
Recommendation by Ombudsman	<ul style="list-style-type: none"> • Police spot checks: Instead of a permanent police presence, unannounced spot checks could be conducted, particularly during high-traffic days. Non-compliant passengers identified during these checks could be fined. • Signage and awareness campaigns: Existing signage in garages was deemed insufficient. A more comprehensive awareness campaign, including repeated audio and video messages on ferries, was recommended to highlight the dangers of engine idling and the consequences of non-compliance. • Alternative enforcement strategies: Suggestions included training Gozo Channel employees in conflict resolution and enforcement, recording vehicle registration numbers of non-compliant passengers, and coordinating with police authorities for further action.
Sector/Department	Gozo Channel (Operations) Limited (GCOL)
Ombudsman case reference	OMBOI-23-4162
Brief details of case	Disturbances to immobile patients in ambulances caused by car alarms during ferry crossings for medical appointments.
Action taken and management comments	<p>The Ministry for Gozo and Planning (MGP) provided the Ombudsman with the policies and procedures related to the company and briefed him on the relevant circumstances.</p> <p>The Ombudsman issued a Final Opinion, prompting MGP to discuss proposals during company board meetings. MGP replied, informing the Ombudsman of the actions planned to implement the recommendation. In response, the Parliamentary Ombudsman acknowledged the updates and closed the case.</p>
Recommendation by Ombudsman	<p>The Ombudsman made the following recommendations:</p> <ul style="list-style-type: none"> • Deactivating car alarms: Encourage passengers to deactivate their car alarms during crossings, consistent with international ferry transport standards, to enhance the comfort of all passengers. • Improved communication and signage: Raise awareness of the impact of car alarms, especially on ambulance passengers, through targeted announcements, clear signage, and integrated information during ticketing and boarding procedures. • Pre-boarding procedures: Implement a process to remind car owners to disable alarms or set them to a less sensitive mode, especially when ambulances or patient buses are on board. This could include guidance on using a physical key instead of an electronic key fob to avoid activating motion sensors. • Staff training: Conduct regular training for ferry staff to handle situations involving car alarms distressing patients. Training should cover conflict resolution, basic car alarm technicalities, and effective communication strategies.

Case pending at Ombudsman

Sector/Department	Ministry for Gozo and Planning (MGP)
Ombudsman case reference	OMB-23-4141
Brief details of case	A request for financial compensation following damage caused to a car on a road that was under construction.
Action taken and management comments	<p>The claimant sought financial compensation for damage to their car, allegedly caused by a road under construction. A specially convened committee investigated the claim but rejected it as unjustified. The claimant later wrote to MGP seeking redress but received no response.</p> <p>MGP informed the Ombudsman that, based on submitted evidence, the damage was attributed to a third-party ramp. Consequently, the committee reaffirmed its original decision to repudiate the claim, citing that the damage was legally outside MGP's remit, and acceding to the request would be creating a precedent.</p> <p>This decision was communicated to the Office of the Ombudsman.</p>

MGP

COMMISSIONER FOR THE ENVIRONMENT AND PLANNING



Complaint not upheld

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-3375
Brief details of case	<p>A complaint regarding a blocked access to a garage following the approval of the permit.</p> <p>Following the review of documents provided by PA, the Commissioner for Environment and Planning rejected the complaint.</p>

Cases closed without recommendation

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-3498
Brief details of case	A complaint regarding a revocation request for development.
Action taken and management comments	<p>The case was discussed during an Executive Council meeting, where technical issues were raised, leading to the case being deferred for further consultations. Once the consultations were completed and an opinion was formed, the case was placed on the Board's agenda and the Commissioner for Environment and Planning (CEP) was informed accordingly.</p> <p>Eventually, the CEP closed the case.</p>

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-3679
Brief details of case	A complaint regarding overlooking third-party windows.
Action taken and management comments	<p>An investigation was initiated to explore the possibility of invoking Article 80 of the Development Planning Act. The Development Management Directorate agreed to review the case, and it was initially discussed at an informal board meeting.</p> <p>During the informal meeting, it was determined that grounds existed for permit revocation. However, at the formal board meeting, the applicant presented additional evidence (<i>Ligi tas-servitu</i>), leading the Board to decide against invoking Article 80.</p> <p>This decision was communicated to the Commissioner for Environment and Planning, who subsequently closed the case.</p>

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-3813
Brief details of case	A complaint related to excavation works.
Action taken and management comments	<p>The case involved soil removal for subsoil investigations, which the Superintendence for Cultural Heritage confirmed was required before any development permits could be issued. An archaeologist from the Superintendence oversaw the works to ensure compliance.</p> <p>The Commissioner for Environment and Planning confirmed that the ongoing works adhered to the Development Planning Act (Cap 552) and subsequently closed the case.</p>

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-3907
Brief details of case	A complaint regarding alleged irregular works on a rubble wall.
Action taken and management comments	<p>The alleged dumping was determined to be loose irregular dressed stone intended for the reconstruction and maintenance of an existing rubble wall. PA had already initiated an investigation in response to complaints prior to receiving the formal complaint from the Commissioner for Environment and Planning (CEP).</p> <p>PA provided the requested documentation and reports to the CEP, who reviewed the findings and subsequently closed the case.</p>

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-3979
Brief details of case	A complaint regarding alleged irregular processing of a PA development permit.
Action taken and management comments	<p>The case concerned the processing of a PA application, which was reviewed through internal consultations and searches. No irregularities were identified, and the application resulted in the issuance of a planning permit.</p> <p>The findings were discussed with the Commissioner for Environment and Planning, who agreed with the outcome. The case was subsequently closed, with no further action required.</p>

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-4015
Brief details of case	A complaint regarding an application for the placement of tables and chairs in Valletta.
Action taken and management comments	<p>The case involved a pending application concerning Policy P18, which addresses Outdoor Catering Areas on Public Open Space. PA clarified that the policy applies only to the placement of tables and chairs adjacent to third-party property, not to installations in the middle of pedestrian zones.</p> <p>The Commissioner for Environment and Planning accepted this clarification and subsequently closed the case.</p>

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-4024
Brief details of case	A complaint regarding alleged maladministration by the Authority due to missing documents (permit and plans) for a development.
Action taken and management comments	An attempt to retrieve the enforcement file which dated back to 1995, resulted futile and subsequently, the Commissioner for Environment and Planning closed the case.

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEPOI-23-3509
Brief details of case	A complaint alleging illegal dumping of waste.
Action taken and management comments	<p>The case concerned the topping up of arable land with inert material and soil. PA, in consultation with the Enforcement Directorate, concluded that the activity was permissible under the Development Planning Act.</p> <p>The Commissioner for Environment and Planning reviewed the findings and proceeded to close the case.</p>

Cases closed after management replied to one request for information

Sector/Department	Ministry for Gozo and Planning (MGP)
Ombudsman case reference	CEP-23-3396
Brief details of case	<p>A complaint regarding the surfacing of a street in Gozo.</p> <p>The Commissioner for Environment and Planning (CEP) investigated a complaint regarding the construction and surfacing of a street in Xlendi. MGP clarified that its responsibilities were limited to public roads under the Agency for Infrastructure Malta Act [CAP 588], and no obligation existed to surface private roads as per Article 5(1)(c) of the Act.</p> <p>The CEP concluded that the street in question was private, confirming that MGP was not required to intervene.</p>

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-4172
Brief details of case	<p>A complaint regarding the approval of a Planning Development Permit.</p> <p>The case involved a dwelling within an alleged Outside Development Zone. PA explained that a valid building permit from 1969 covered the dwelling. Based on this permit, a new development application was processed and, consequently, the permit was issued.</p> <p>The Commissioner for Environment and Planning reviewed the case and proceeded to close it.</p>

Case closed without recommendation after action taken

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-4058
Brief details of case	A complaint related to an irregular structure.
Action taken and management comments	<p>Originally, two complaints which were previously lodged with the PA, were resolved by the submission of an application for sanctioning, which had been pending a decision. The Commissioner for Environment and Planning (CEP) informed the complainant that the case would remain active until the publication of a site notice, which would then allow the complainant to submit their representations.</p> <p>Following the publication of the site notice, the CEP closed the case.</p>

Cases closed and recommendation implemented

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-3457
Brief details of case	A complaint regarding a regularisation application for the subdivision of a villa into apartments.
Action taken and management comments	<p>The PA sought clarification from the Development Control Directorate and later agreed to place the matter on the agenda for discussion.</p> <p>The Commissioner for Environment and Planning (CEP) issued a Final Opinion.</p> <p>The Planning Commission reviewed the case and revoked the regularisation permit in accordance with Article 80 of the Development Planning Act.</p> <p>Following these developments, the CEP formally closed the case.</p>
Recommendation by Ombudsman	The CEP recommended PA to invoke Article 80.
Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-4002
Brief details of case	A complaint regarding the reactivation process of a hotel application.
Action taken and management comments	<p>The case concerned multiple withdrawals and reactivations of a Development Planning Application, which was under investigation by the PA. The Commissioner for Environment and Planning issued a Final Opinion.</p> <p>Following the withdrawal of the application in line with his recommendation, the Commissioner confirmed the closure of the case, noting that no further action was required.</p>
Recommendation by Ombudsman	CEP recommended that no further processing of application should take place.

Cases referred to the Prime Minister in terms of Article 22(4) of the Ombudsman Act

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-3743
Brief details of case	A complaint regarding tables and chairs blocking the promenade in Marsaxlokk.
Action taken and management comments	<p>The case was referred for investigation. The Commissioner for Environment and Planning (CEP) issued a Final Opinion.</p> <p>The PA disagreed with the recommendations, prompting the CEP to refer the case to the Office of the Prime Minister, suggesting that an on-site visit should be done at noon rather than in the morning to address concerns about irregular development. The CEP also suggested issuing a new Enforcement Notice and imposing fines if the irregularities continued.</p>
Recommendation by Ombudsman	<ol style="list-style-type: none"> 1. The PA should initiate new enforcement procedures against the illegalities in Marsaxlokk and eventually apply fines in accordance with the regulations. 2. The PA should never withdraw an enforcement notice without first verifying whether the same illegality persists up until the notice is withdrawn.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	Several meetings were held with stakeholders who are working together to develop and implement a master plan, featuring, amongst other aspects, the irregular placing of tables and chairs on public land.

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-3888
Brief details of case	A complaint regarding an illegal structure for tables and chairs in Sliema.
Action taken and management comments	<p>The case involved ongoing investigations by the PA. The Commissioner for Environment and Planning (CEP) issued a Final Opinion, recommending deferral of the case for six weeks in line with SL 552.13 (4)(b). The PA agreed and deferred the application accordingly. However, a second deferral decision by the PA was not accepted by the CEP, who disagreed with extending the timeline further.</p> <p>Due to the disagreement, the Commissioner referred the case to the Prime Minister.</p>
Recommendation by Ombudsman	The CEP recommended that the Planning Commission (PC) immediately establishes a date for the second hearing strictly in line with Article 13(4b) of SL 552.13, during which hearing the PC shall determine this application.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	Several meetings were held with stakeholders who are working together to develop and implement a master plan, featuring, amongst other aspects, the irregular placing of tables and chairs on public land.

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-3984
Brief details of case	A complaint regarding alleged irregular developments in an outside catering area.
Action taken and management comments	<p>The Commissioner for Environment and Planning (CEP) requested the PA to confirm the regularity of the developments, whether any enforcement action had been taken or warning notices had been issued, and whether the complainant had been informed. The developments consisted of the placing of tables and chairs and roof services placed on a historical building that extended beyond the stipulated height.</p> <p>The CEP issued a Final Opinion, wherein it was highlighted that while the minutes of the meeting indicated a request for sanctioning the outside tables, the application did not include sanctioning. The CEP emphasised that enforcement action could still be pursued, particularly as tables and chairs were left outside even when the restaurant was closed.</p> <p>After not receiving any response, the CEP referred the case to the Prime Minister for further action.</p>
Recommendation by Ombudsman	The CEP recommended that the PA issues a stop and enforcement notice in line with Article 97 of the Development Planning Act.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	Several meetings were held with stakeholders who are working together to develop and implement a holistic master plan, addressing amongst other factors, standards for the placing of tables and chairs on public land.

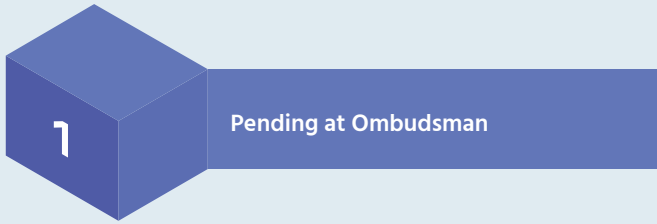
Pending at Ministry

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-3552
Brief details of case	A complaint related to the lack of action by the PA following a court decision which revoked the development permission.
Action taken and management comments	Investigations are still underway by the PA.

Sector/Department	Planning Authority (PA)
Ombudsman case reference	CEP-23-4203
Brief details of case	A complaint regarding the regulations on penalty schedules (SL 552.25) under the Development Planning Act.
Action taken and management comments	<p>The investigation focused on whether the existing maximum fine of €50,000 for illegal developments was sufficient, especially for serious infractions like unlawful construction or tree removal. It also explored whether new regulations were needed to address enforcement challenges related to temporary structures such as kiosks and tables. The Ministry was asked to provide input to assist the Commissioner for Environment and Planning in formulating recommendations.</p> <p>The PA informed the Ministry for Gozo and Planning that the case required discussion at the policy-making level before feedback could be given.</p> <p>Discussions are still underway by the Ministry.</p>

MGP

COMMISSIONER FOR HEALTH



Pending at Ombudsman

Sector/Department	Ministry for Gozo and Planning (MGP)
Ombudsman case reference	CH-23-4113
Brief details of case	A complaint regarding the non-payment of specific allowances.
Action taken and management comments	<p>The complainant, who was transferred to MGP from the Ministry for Health (Active Ageing), lamented that they were not receiving any allowances pertaining to their grade. The Commissioner for Health (CfH) was informed that the claimant was not performing duties exclusively related to their respective grade, rendering them ineligible for these allowances.</p> <p>The Industrial Relation Unit (IRU) within the People and Standards Division advised that the allowances requested would only be reinstated if the claimant resumed performing duties related to their grade.</p> <p>CfH issued the Final Opinion and made his recommendation.</p> <p>MGP agreed with parts of the recommendation and, following guidance from IRU, a one-time payment of €500 was effected to the complainant.</p> <p>Case was still being investigated by the CfH.</p>
Recommendation by Ombudsman	The CfH outlined several allowances and specified whether the complainant was eligible to receive them.

MGP

PRE-2023 CASES

(for further information on the case: Governance Action on the
Parliamentary Ombudsman Annual Report 2022)

Commissioner for Environment and Planning

Case closed without recommendation

Sector/Department	Wild Birds Regulation Unit
Ombudsman case reference	CEP-21-1932
Brief details of case	A complaint regarding alleged unfair treatment in authorising bird-related research by Birdlife.
Action taken and management comments	Commissioner for Environment and Planning informed the Ministry that the case was closed.
Status last year	Pending at Ombudsman

Case closed without recommendation after action taken

Sector/Department	Planning Authority (PA)
Ombudsman case reference	EU 0046
Brief details of case	A complaint regarding no direct action on a structure in an internal yard in Sliema.
Action taken and management comments	The illegal structure was removed by the owner under the supervision of the Enforcement Directorate. Following this action, the Commissioner for Environment and Planning closed the case.
Status last year	Pending at Ministry

Case referred to the Prime Minister in terms of Article 22(4) of the Ombudsman Act

Sector/Department	Ministry for Gozo and Planning (MGP)
Ombudsman case reference	CEPOI-22-2958
Brief details of case	The Commissioner for Environment and Planning (CEP) opened an investigation regarding the absence of the possibility for third parties to appeal from decisions regarding the regularisation of a development. The CEP requested the Ministry's comments as to whether there was the intention to amend SL 552.26 to allow third parties to appeal from such decisions.
Action taken and management comments	The CEP referred the case to the Prime Minister.
Recommendation by Ombudsman	In the Final Opinion, the CEP had recommended that CAP 551 of the Laws of Malta be amended to grant the right to appeal permits issued under the regularisation process. The recommendation also emphasised the need to reflect this right in the Regularisation of Existing Development Regulations.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	<p>MGP explained that existing provisions under Regulation 5(1) of SL 552.26 already allow appeals for registered interested parties but only under specific conditions, such as enforcement notices linked to third-party complaints.</p> <p>MGP was reviewing all subsidiary legislations under Chapter 552, including SL 552.26, to consider broader rights for third parties during regularisation application reviews. Amendments to Regulations 5(1) and 5(5) were being assessed to align with the Commissioner's recommendations and Court of Appeal decisions.</p>
Status last year	Pending at Ministry



MINISTRY FOR HEALTH AND ACTIVE AGEING (ACTIVE AGEING)

In 2023, the Commissioner for Health referred three cases to the Ministry for Health and Active Ageing (Active Ageing) (MHA). Two cases were closed without recommendation, whilst one case was pending at the Office of the Ombudsman.

The Commissioner for the Environment and Planning referred one case to MHA which was closed without recommendation after taking the necessary action.

MHA total cases 2023 - 4

MHA (Active Ageing) **COMMISSIONER FOR ENVIRONMENT AND PLANNING 2023**

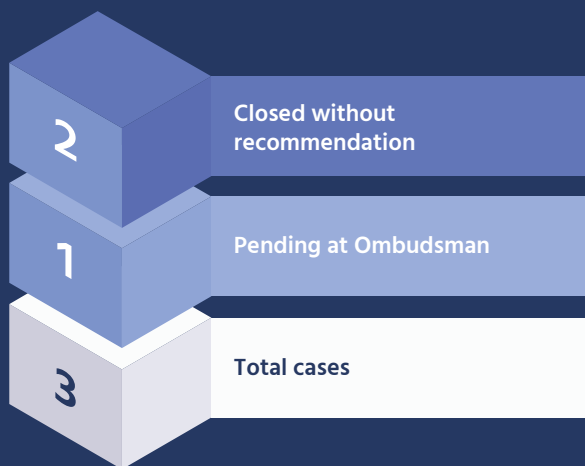


Closed without
recommendation after
action taken

Closed without recommendation after action taken

Sector/Department	Active Ageing and Community Care (AACC)
Ombudsman case reference	CEP-23-3969
Brief details of case	A complaint regarding a boundary wall at Żammit Clapp Home, allegedly posing a danger to passers-by.
Action taken and management comments	<p>The case highlighted a safety risk due to deteriorating conditions.</p> <p>Arrangements were made with the Public Works Department to complete the required repairs.</p> <p>Following confirmation that the necessary works were carried out, the Commissioner for Environment and Planning later informed the Ministry that the case was closed.</p>

MHA (Active Ageing) **COMMISSIONER FOR HEALTH**



Cases closed without recommendation

Sector/Department	Older Persons Standards Authority
Ombudsman case reference	CH-23-3807
Brief details of case	A confidential case
Action taken and management comments	<p>The Ministry provided a clear explanation to the Commissioner for Health (CfH) regarding a complaint lodged by the management of an elderly home. The CfH also met with the relevant members of staff and requested necessary documents. Eventually, he also conducted an on-site meeting to gather further insights.</p> <p>The Ministry agreed to review the case.</p> <p>Ultimately, the Ministry confirmed that the issue was resolved, and the CfH proceeded to close the case.</p>

Sector/Department	St. Vincent De Paul Residence (SVPR)
Ombudsman case reference	CH-23-3629
Brief details of case	A complaint regarding an employee stating that they were performing duties of a higher grade.
Action taken and management comments	<p>The Commissioner for Health (CfH) informed the Ministry, prompting clarification on certain job roles at SVPR. It was explained that shared tasks within the Medical Materials Management Unit had raised union concerns.</p> <p>SVPR subsequently issued a standard operating procedure to clarify responsibilities.</p> <p>CfH queried about a call for applications for a specific post which had been advertised but later was put on hold. CfH was informed that the call had been suppressed following the Ministry's reorganisation.</p> <p>The Ministry explained that the position was deferred based on a valid order of merit from a prior recruitment in December 2021. After a review by new leadership, the call for applications was cancelled due to no additional vacancies.</p> <p>CfH subsequently informed the Ministry that this case was considered closed.</p>

Case pending at Ombudsman

Sector/Department	St. Vincent De Paul Residence (SVPR)
Ombudsman case reference	CH-23-4055
Brief details of case	A complaint by an employee expressing dissatisfaction with the calculation of the vacation leave entitlement following a period of suspension.
Action taken and management comments	<p>The Ministry clarified that during a precautionary suspension, vacation leave does not accrue, but if the suspension is lifted, it is calculated pro-rata.</p> <p>The Commissioner for Health (CfH) reiterated that since the officer would receive back pay and retained allowances during suspension, vacation leave should also be granted. The Ministry responded, confirming with the People & Standards Division (P&SD), Office of the Prime Minister (OPM), that no vacation leave is due during suspension; if the suspension is lifted, vacation leave is calculated on a pro-rata basis.</p> <p>The Ministry later informed CfH that the final decision regarding the complainant's vacation leave would be deferred until the outcome of the ongoing court proceedings.</p> <p>CfH informed the Ministry that discussions with the P&SD, OPM, were ongoing regarding the case.</p>



MINISTRY FOR HEALTH AND ACTIVE AGEING (HEALTH)

In 2023, two cases were referred by the Parliamentary Ombudsman to the Ministry for Health and Active Ageing (MHA). One case was not upheld by the Ombudsman and the other case was closed after the management replied to one request for information.

The Commissioner for Health (CfH) referred sixty-seven cases to MHA. One case was not upheld by the CfH, one case was withdrawn by the complainant and five cases were closed after the management replied to one request for information. Thirty cases were closed without a recommendation, fifteen cases were closed without recommendation after taking the necessary action, and eleven cases were closed and recommendation implemented. Two cases were pending at Ministry and two cases were pending at the Office of the Ombudsman.

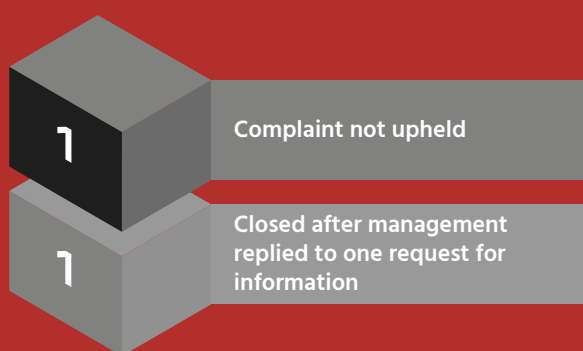
The Commissioner for Environment and Planning referred one case to MHA which was closed without recommendation after action taken.

There were twenty-seven cases which had been referred by the CfH and were forwarded from previous years. Two cases were closed without recommendation, eight cases were closed without recommendation after action taken, and five cases were closed and recommendation implemented. Two cases were closed and recommendation was not accepted by the Ministry. One case was referred to the Prime Minister in terms of Article 22(4) of the Ombudsman Act. Seven cases were pending at the Ministry whilst two cases were pending at the Ombudsman.

MHA total cases 2023 - 70

MHA (Health)

PARLIAMENTARY OMBUDSMAN



Complaint not upheld

Ombudsman case reference	Sector / Department	Brief details of case
OMB-23-4025	Medical Council of Malta	<p>A complaint regarding issues of accreditation by the Medical Council of Malta of a course provided by EduMalta, as licenced by the Malta Further and Higher Education Authority.</p> <p>From the documentation examined by the Commissioner for Education and the Commissioner for Health, it was clear that EduMalta was actually and fully aware of the legislative framework regarding professional recognition of its courses.</p> <p>EduMalta could not claim that either the medical authorities or any public educational authority was at fault in terms of the Ombudsman Act, Cap. 385 Article 22 (1) and (2).</p>

Case closed after management replied to one request for information

Ombudsman case reference	Sector / Department	Brief details of case
OMB-23-4232	Health Care Funding	<p>A complaint stating that the Entitlement Unit refused to issue the European Health Insurance Card (EHIC) unless the applicants were registered with Identity Malta.</p> <p>The Office of the Ombudsman was informed that the EHIC was issued to citizens who were insured in Malta and had registered their residence in Malta through Identità.</p>

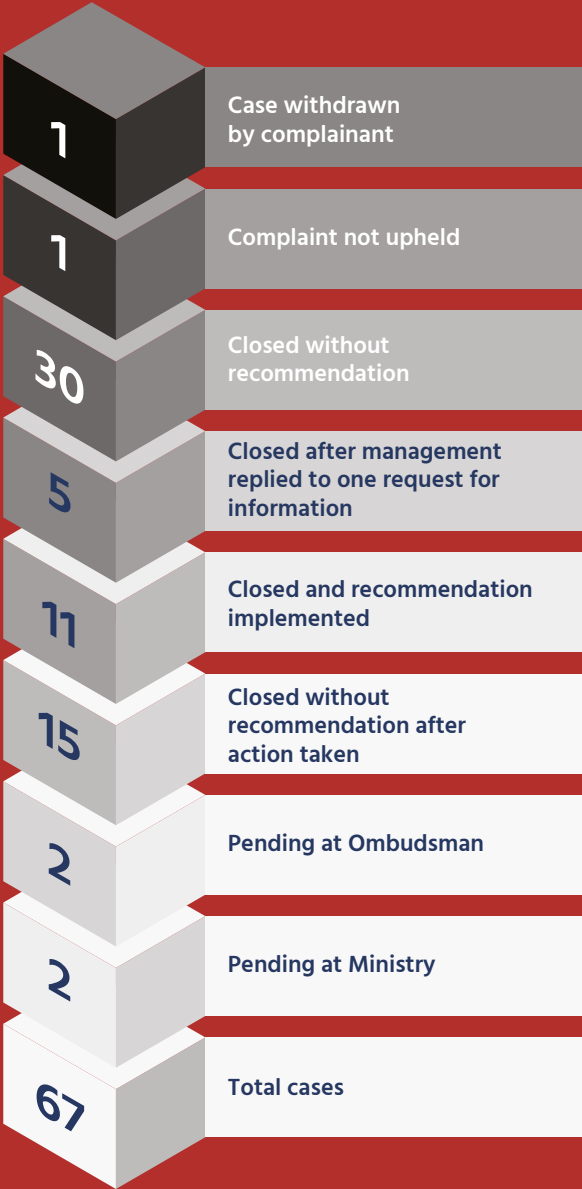
MHA (Health)
**COMMISSIONER FOR ENVIRONMENT
AND PLANNING**



Case closed without recommendation after action taken

Sector/Department	Environmental Health Directorate (EHD)
Ombudsman case reference	CEP-23-3899
Brief details of case	A complaint regarding a sewage leak that was affecting garages.
Action taken and management comments	<p>The Commissioner for Environment and Planning was informed that a Health Inspector's investigation revealed defects in the drainage system, which resulted in a nuisance report. A subsequent CCTV inspection confirmed that the defects had been repaired. While one complaint was resolved, another remained under investigation. The procedure for addressing similar issues was outlined, involving physical infiltration for sample collection, dye testing, and additional CCTV inspections.</p> <p>EHD explained that without physical infiltration, they were unable to collect samples or pinpoint the source of the leak. The claimant was kept informed throughout, and the investigation would resume if infiltration were to reoccur.</p>

MHA (H) COMMISSIONER FOR HEALTH



Case withdrawn by complainant

Ombudsman case reference	Sector/Department	Brief details of case
CH-23-3851	Office of the Superintendent of Public Health	A complaint regarding a family grave at the Addolorata Cemetery.

Complaint not upheld

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3978
Brief details of case	A complaint was filed regarding adverse effects experienced following treatment received abroad.
Action taken and management comments	<p>The Ministry for Health and Active Ageing (MHA) informed the Commissioner that the complainant should contact the United Kingdom centre where the treatment was provided, as they had the necessary expertise to address the patient's complications. Since the issues arose from the procedure performed at this centre, it was recommended to seek further assistance there.</p> <p>MHA received the Commissioner's Final Opinion Report, which included no recommendations.</p> <p>The report concluded that MHA could not be held responsible for treatment provided by third parties, as stated in the consent form signed by the claimant before the treatment abroad. Thus, the Commissioner concluded that the claim could not be upheld and closed the case.</p>

Cases closed without a recommendation

Sector/Department	Gozo General Hospital (GGH)
Ombudsman case reference	CH-23-3383
Brief details of case	A complaint regarding an inquiry conducted at GGH concerning the death of a family member.
Action taken and management comments	The Commissioner for Health (CfH) was notified that the inquiry's outcome was under review by the Office of the Attorney General; consequently, the CfH closed the case.

Sector/Department	Gozo General Hospital (GGH)
Ombudsman case reference	CH-23-4019
Brief details of case	A complaint regarding discrimination at the place of work.
Action taken and management comments	<p>The Ministry for Health and Active Ageing (MHA) informed the Commissioner for Health (CfH) that the matter was undergoing an internal review, with witnesses being interviewed to validate the claimant's allegations.</p> <p>Subsequently, MHA submitted a report to the CfH, detailing the findings of the investigation, which ultimately resulted in the case being closed.</p>

Sector/Department	Gozo General Hospital (GGH)
Ombudsman case reference	CH/5/P82
Brief details of case	A preliminary investigation regarding the cancellation at short notice of a chemotherapy session.
Action taken and management comments	<p>The case involved a rescheduled oncology session due to both oncology nurses reporting sick on the same day, an event described as unprecedented since oncology services began at GGH.</p> <p>The Ministry for Health and Active Ageing (MHA) informed the Commissioner for Health about this rescheduling and confirmed that such an occurrence had not recurred.</p>

Sector/Department	Human Resources (HR)
Ombudsman case reference	CH-23-4181, CH-23-4182, CH-23-4195, CH-23-4218
Brief details of case	A complaint regarding insufficient information provided in a call for applications and the number of available vacancies.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that there was no obligation to appoint all successful candidates, as positions were filled according to service requirements. The results remained valid for one year, with additional vacancies potentially arising due to factors such as service expansion or employee turnover.</p> <p>The CfH concluded that the claim could not be sustained. The investigation found no evidence of maladministration or discrimination in the appointment process.</p>

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3534
Brief details of case	A complaint regarding reimbursement for the claimant's hip surgery performed in the United Kingdom (UK).
Action taken and management comments	The Ministry for Health and Active Ageing (MHA) informed the Commissioner that the claimant had opted for private surgery in the UK, making reimbursement unfeasible. MHA clarified that medical expenses are only covered if patients are referred by a local consultant and approved by the Treatment Abroad Committee. Additionally, following Brexit, Directive 2011/24/EU on cross-border healthcare no longer applied to the UK, further preventing reimbursement.

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3573
Brief details of case	A complaint regarding the postponement of a medical surgery.
Action taken and management comments	The Commissioner for Health (CfH) was informed that the claimant's surgery was cancelled on the scheduled day due to union directives, despite the surgeon and medical team being available. The surgeon had also expressed willingness to proceed later that day if the situation improved. Upon inquiring about the rescheduling, the CfH was informed that the surgery had been successfully completed.

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3796
Brief details of case	A complaint regarding a patient who refused to be treated by the designated consultant.
Action taken and management comments	The Commissioner for Health was informed that the claimant had previously declined an operation scheduled by the same consultant prior to the pandemic. Another surgery was scheduled in the United Kingdom (UK), but the claimant refused to sign the consent form and declined to undergo the required pre-operative tests. Consequently, the UK hospital notified the claimant that no further options would be provided. Following this, a review appointment was scheduled with the consultant in Malta, but the claimant did not attend, citing health reasons.

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3831
Brief details of case	A claim by an employee regarding the refusal of a request to extend employment beyond the retirement age.
Action taken and management comments	<p>It was noted that the claimant had retired in August 2021, at a time when the MDH policy for the extension of employment in the grade the complainant held did not permit employment extensions.</p> <p>However, the policy was revised in July 2023, allowing employees in the same grade the complainant held to apply for extensions up to the age of 65, provided they successfully pass the required medical evaluations.</p> <p>The Commissioner for Health acknowledged that the claimant had applied for an extension, which was not feasible at that time.</p>

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3943
Brief details of case	A complaint by a patient, alleging that their surgery had to be postponed to prioritise another patient.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that the claimant had been on the waiting list since September 2022, and therefore, the 18-month timeframe outlined in the Quality Service Charter had not yet been exceeded. Elective surgeries were occasionally postponed to prioritise urgent trauma cases. Although the claimant had initially been placed on the incorrect waiting list, the error was quickly rectified, and no preferential treatment was provided to other patients.</p> <p>Eventually, the claimant had successfully undergone surgery, and the CfH proceeded to close the case.</p>

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-4183
Brief details of case	A complaint concerning the postponement of an urgent surgical procedure.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that the trauma operations list is dynamic and may shift based on the urgency of cases and staff availability. The Ministry explained that the patient in question required Major Variant Surgery, but the procedure could not take place on the scheduled date due to scheduling conflicts involving the specialists.</p> <p>The CfH concluded that the complaint could not be sustained, and the case was subsequently closed.</p>

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-4190
Brief details of case	A complaint regarding the lack of response from the Customer Care Unit.
Action taken and management comments	The Commissioner for Health (CfH) obtained information on the procurement status of the treatment the claimant had inquired about. However, after learning that the patient had passed away, the CfH notified the Ministry, resulting in the closure of the case.

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-4204
Brief details of case	A complaint regarding treatment received at MDH.
Action taken and management comments	<p>The Commissioner for Health (CfH) sought clarification regarding an unexpected change in the patient's consultant.</p> <p>It was explained that the initial consultant chose not to proceed with surgery due to potential risks involved. Following a formal complaint, the patient was reassigned to a new consultant to ensure continued quality care.</p> <p>The Ministry noted that a miscommunication had occurred but assured that the patient's care had been seamlessly transferred to a new consultant.</p> <p>The CfH closed the case after the patient expressed satisfaction with the care and service received.</p>

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH/5/P84
Brief details of case	A preliminary investigation regarding Electromyography (EMG) testing.
Action taken and management comments	<p>The case involved a complaint regarding the availability of EMG testing. The Office of the Chief Medical Officer (CMO) and MDH informed the Commissioner for Health (CfH) that EMG testing was available at MDH, with a new EMG service being established at Gozo General Hospital (GGH). Equipment had been purchased, and identified patients requiring nerve conduction tests were to receive appointment letters for to attend EMG clinics at the GGH.</p> <p>The CfH closed the investigation.</p>

Sector/Department	Mental Health Services (MHS)
Ombudsman case reference	CH-23-3497
Brief details of case	A complaint by a patient alleging that they were denied the right to communicate freely.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that all patients at Mount Carmel Hospital had access to laptops, with restrictions imposed solely for valid medical reasons.</p> <p>The CfH enquired if the claimant's communication restriction was still active and received a confidential response, which led to the closure of the case.</p>

Sector/Department	Mental Health Services (MHS)
Ombudsman case reference	CH-23-3531
Brief details of case	A complaint by a patient at Mount Carmel Hospital alleging that a social worker had failed to apply for social security benefits on their behalf.
Action taken and management comments	<p>The Ministry informed the Commissioner for Health (CfH) that the social worker had applied for all the benefits and allowances the patient was eligible for.</p> <p>It was confirmed that the case was sensitive and was being managed collaboratively between the CfH and the Commissioner for the Promotion of Rights of Persons with Mental Disorders.</p> <p>The CfH concluded that the clinical team had appropriately handled the situation, finding no evidence of maladministration; therefore, the complaint could not be sustained.</p>

Sector/Department	Mental Health Services (MHS)
Ombudsman case reference	CH-23-3822
Brief details of case	A complaint by a patient of Mount Carmel Hospital, alleging various events that occurred in the hospital which were also reported to the Office of the Commissioner for the Rights of Persons with Mental Disorders.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that the patient's medical report had been reviewed by the Clinical Chair of Psychiatry. The patient's admission to the hospital way back in 2020 was following a period of non-compliance with medication that had resulted into a relapse of their condition.</p> <p>The allegations brought forward by the complainant could not be substantiated, and the CfH proceeded to close the case.</p>

Sector/Department	Mental Health Services (MHS)
Ombudsman case reference	CH-23-4153
Brief details of case	A complaint from an ex-employee concerning the accumulation of vacation leave and the excessive buildup of time off in lieu.
Action taken and management comments	<p>A detailed report was submitted to the Commissioner for Health (CfH), providing a comprehensive timeline of events and explaining why the claimant was not eligible for specific benefits.</p> <p>The report highlighted that the claimant had been repeatedly advised to utilise their accrued time off and vacation leave prior to retirement but the employee did not take action within the recommended timeframe.</p> <p>The CfH proceeded to close the case.</p>

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-3395
Brief details of case	A complaint regarding the refusal of a request to the Exceptional Medicinal Treatment Committee (EMTC).
Action taken and management comments	<p>The patient requested the EMTC to reconsider their case.</p> <p>The Commissioner for Health (CfH) was informed that there were no plans or funds allocated to expand the medicine in question.</p> <p>Seeking more details, the CfH was informed by the Ministry that there were plans to present this medication to the Advisory Committee for Health Care Benefits in 2024.</p> <p>The CfH proceeded to close the case.</p>

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-3705
Brief details of case	A complaint regarding the refusal of an Entitlement Health Card (EHC).
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that the claimant had been granted an EHC valid for one year, in accordance with the policy, as five-year European Health Insurance cards (EHIC) are reserved solely for individuals with permanent residency.</p> <p>The CfH enquired whether the same rule applied to European Union (EU) citizens. The ministry confirmed that EHIC cards are issued strictly based on one's residency status.</p> <p>The CfH was informed that, under Article 15 of the Withdrawal Agreement, only United Kingdom (UK) citizens who have legally resided in an EU Member State for 5 years or as specified in Article 17 of Directive 2004/38/EC have the right to permanent residence. UK permanent residents with the appropriate documentation are entitled to state healthcare equivalent to EU citizens; and Identità is the competent authority to assess and grant these rights.</p> <p>The CfH proceeded to close the case.</p>

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-3734
Brief details of case	A complaint regarding adverse side effects experienced by a patient following a change in treatment regimen.
Action taken and management comments	<p>The Ministry informed the Commissioner for Health (CfH) that the claimant should have followed the standard protocol by discussing the side effects with their clinician. If the clinician determined that the medication had adverse side effects, they would then have submitted an Adverse Drug Reaction Report for further investigation by the Directorate for Pharmaceutical Affairs.</p> <p>The CfH ultimately closed the case, as the clinician declined to file the event report.</p>
Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-3935
Brief details of case	A complaint regarding uncoated tablets dispensed by the Pharmacy of Your Choice which were leading to discomfort.
Action taken and management comments	<p>The Ministry for Health and Active Ageing (MHA) informed the Commissioner for Health (CfH) that no prior complaints had been received regarding this issue. They confirmed that the tablets met all technical specifications. However, for the Medicines Authority to conduct a detailed investigation, an Adverse Drug Reaction report would need to be submitted by the consultant or prescriber.</p> <p>The CfH proceeded to close the case.</p>
Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-4028
Brief details of case	A complaint from a patient stating that the treatment being given was not working as expected.
Action taken and management comments	<p>The complainant requested a referral to a centre of excellence abroad.</p> <p>The Commissioner for Health (CfH) was informed that the CMO had spoken with the patient, the Medical Doctor, and the Consultant Rheumatologist. An appointment was scheduled for the patient. It was noted that the claimant had requested an overseas opinion before being reviewed by the consultant, contrary to the usual policy, which follows the reverse order.</p> <p>The Commissioner confirmed the case as closed.</p>
Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-4144
Brief details of case	A complaint regarding out-of-stock medicine.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that the medication in question was available, but its supply had been temporarily suspended following an incident report.</p> <p>Later, the CfH was updated that the medication was once again being dispensed through the Pharmacy of your Choice programme, in line with standard procedures.</p> <p>The CfH proceeded to close the case.</p>

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-4170
Brief details of case	A claim regarding an urgent need for oncological treatment.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that the treatment for the medical condition in question was costly and not funded in the United Kingdom (UK), with availability limited to Germany and Austria, pending insurance approval.</p> <p>Following discussions at the Treatment Abroad Committee meeting, it was confirmed that the patient's treatment expenses were fully covered.</p> <p>The CfH proceeded to close the case.</p>

Sector/Department	Office of the Superintendent of Public Health (SPH)
Ombudsman case reference	CH-23-3823
Brief details of case	A complaint by a Ministry for Health and Active Ageing (MHA) employee regarding a request for transfer which was refused.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that claimant had in fact made two requests for transfer, which could not be approved as there was no one who could perform the duties pertaining to that particular grade. Several calls for applications for the filling of the complainant's post had proved fruitless.</p> <p>Eventually, the claimant moved to another ministry, as they were selected for a new position through an open call. In the meantime, MHA continued to issue calls for the vacant post.</p> <p>The CfH proceeded to close the case.</p>

Sector/Department	Office of the Superintendent of Public Health (SPH)
Ombudsman case reference	CH-23-4048
Brief details of case	A complaint about alleged emission of toxic fumes from an asphalt plant in Iklin.
Action taken and management comments	<p>The Commissioner for Health set up a meeting with the SPH and the Director of Environmental Health.</p> <p>Meanwhile, the Commissioner for Environment and Planning also reported that proposals for amendments to Environmental Permit regulations had been approved, and an Interim Opinion Report with recommendations was submitted to the Iklin Local Council and the Environment and Resources Authority.</p> <p>A Final Opinion Report was subsequently issued, which included no recommendations to the Ministry for Health and Active Ageing.</p> <p>The case was closed.</p>

Sector/Department	Primary Health Care (PHC)
Ombudsman case reference	CH/5/P86
Brief details of case	A Preliminary Investigation regarding allocation of appointments at the Speciality Clinics in Health Centres.
Action taken and management comments	The Ministry for Health and Active Ageing (MHA) furnished the Commissioner for Health with the relevant information, following which the Commissioner informed MHA that case was to be considered as closed.

Cases closed after management replied to one request for information

Ombudsman case reference	Sector / Department	Brief details of case
CH-23-4188	Human Resources (HR)	<p>A complaint regarding a call for applications, highlighting a lack of transparency about the number of available vacancies.</p> <p>The Commissioner was informed that there was no commitment to appoint all successful applicants and vacancies were filled in line with the exigencies of the service.</p>
CH-23-3575	Mater Dei Hospital (MDH)	<p>A complaint regarding bad treatment by MDH Customer Care.</p> <p>MDH forwarded a report to the Commissioner for Health explaining trail of events. The Ministry also apologised for any misunderstanding that could have misled claimant.</p>
CH-23-3664	Mater Dei Hospital (MDH)	<p>A claim by a private hospital regarding lack of access to patients' blood test results via the online software.</p> <p>The Commissioner for Health was informed that MDH IT teams including MITA were working diligently on the matter to resolve the problem at the earliest.</p>
CH-23-4007	Office of the Chief Medical Officer (CMO)	<p>A complaint regarding a specific dosage of a particular medication which was unavailable through the Pharmacy of your Choice system.</p> <p>The Commissioner for Health was informed that the requested medication had been authorised for the prevention of embolisation in patients with cardiac arrhythmias and malignant diseases. However, the claimant's specific required dosage of this medication was not yet approved.</p>
CH-23-3399	Office of the Superintendent of Public Health (SPH)	<p>A complaint regarding a local theatre company's advertisement that depicted tobacco smoking.</p> <p>The Commissioner for Health was informed that whilst regulation 4 of the Tobacco Act, prohibited the advertisement of cigarettes and tobacco products, it did not apply in the case in question, as the main purpose was to promote the play, not smoking. However, regulation 14 prohibited smoking in venues such as cinemas, theatres, etc, meaning that the actors were not permitted to smoke at any point while inside the theatre. The producer and the theatre were informed accordingly by the Environmental Health Directorate.</p>

Cases closed without recommendation after action taken

Sector/Department	Human Resources (HR)
Ombudsman case reference	CH-23-3559
Brief details of case	A complaint regarding alleged unfair treatment because claimant was not receiving allowances pertaining to their class.
Action taken and management comments	The Commissioner for Health was informed that the claimant's Head of Department confirmed they were carrying out duties equivalent to those of their counterparts, which resulted in an agreement to compensate the claimant with the salary difference.

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3488
Brief details of case	A complaint on the lack of response from the Customer Care Unit at MDH, regarding a patient's lost denture.
Action taken and management comments	The Commissioner for Health was informed that the complaint was reconsidered after the claimant highlighted the relative's disability. Despite the hospital's policy stating they were not liable for lost valuables, MDH decided to provide new dentures. The claimant confirmed that the Dental Department had reached out and was in the process of arranging the new dentures.

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3643
Brief details of case	A complaint regarding difficulties encountered in accessing treatment for a particular condition.
Action taken and management comments	The Commissioner was informed that the necessary treatment for this condition was considered an exceptional item not routinely stocked, requiring procurement on a named-patient basis due to its rare usage and absence from the Government Formulary. Upon receiving the Exceptional Medicinal Treatment Committee request, the Central Procurement and Supplies Unit promptly initiated the procurement process through an accelerated procedure. The Ministry for Health and Active Ageing (MHA) confirmed that all possible avenues had been explored to secure the treatment as swiftly as possible.

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3757
Brief details of case	A complaint by a Ministry for Health and Active Ageing (MHA) employee requesting an alternative work placement due to a medical condition.
Action taken and management comments	The Commissioner for Health was informed that an agreement had been reached between the claimant and MDH management to transfer the complainant to a different department.

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3799
Brief details of case	A complaint concerning the unavailability of an orthopaedic implant required for an ankle fusion procedure.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that delays from the supplier were due to manufacturing issues. In response, Central Procurement and Supplies Unit initiated a Purchase on Account (POA) process.</p> <p>It was further clarified that the two alternatives provided by the default supplier did not meet the original specifications outlined in the tender dossier, prompting the initiation of the POA.</p> <p>The CfH was later updated that the necessary implant instruments had been received, and the supplier assured that the implants would be available by the end of December 2023.</p> <p>Upon inquiring about the operation date, the Ministry confirmed that the procedure was successfully completed in January 2024.</p>

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3994
Brief details of case	A complaint regarding alleged unprofessional behaviour by a staff member at the Medical and Treatment Unit (MITU).
Action taken and management comments	<p>The Ministry for Health and Active Ageing (MHA) informed the Commissioner for Health (CfH) that the claimant arrived at the hospital with a contagious illness. Since the ward treats immunocompromised patients, safety precautions were immediately taken, and staff were advised to avoid the area. MHA stated that the situation could have been avoided if the claimant had informed them of their condition beforehand.</p> <p>To prevent similar incidents, MHA issued a policy requiring MITU patients to contact their doctors before attending. A copy of the new policy was forwarded to the CfH.</p>

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-4247
Brief details of case	A complaint by an employee, alleging bullying at the place of work, and a pending request to be transferred to another entity.
Action taken and management comments	<p>The Ministry for Health and Active Ageing (Health) informed the Commissioner for Health (CfH) that the only formal complaint on record was submitted in July 2022, following a conflict with the complainant's colleague, which resulted in mutual reports and formal warnings for both parties involved. Since that incident, no additional grievances, including allegations of bullying, have been reported by the complainant.</p> <p>Moreover, the claimant's initial transfer request could not be accommodated due to the absence of openings at St Vincent de Paul Residence.</p> <p>However, once a suitable position became available, the CfH was promptly notified, and the claimant's transfer was approved accordingly.</p>

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH/5/P87
Brief details of case	An own initiative investigation on personal information being evident on envelopes sent to patients by MDH.
Action taken and management comments	The Ministry for Health and Active Ageing (Health) informed the Commissioner for Health (CfH) that MDH had begun a process to standardise rubber stamps across all Units, ensuring that patient correspondence would display MDH as the sender without identifying specific Clinics or Units. The CfH informed MHA that the investigation was considered closed.

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-3401
Brief details of case	A complaint regarding delay in the delivery of a particular medication.
Action taken and management comments	In January and February 2023, the Commissioner for Health (CfH) received regular updates on the procurement process and logistical arrangements for administering the medication in question. Shortly after, the first dose was successfully administered without any reported adverse effects. Subsequently, the CfH confirmed the closure of the case.

Sector/Department	Office of the Chief Medical Officer
Ombudsman case reference	CH-23-3418
Brief details of case	A complaint regarding the failure to provide two essential treatments over a two-month period.
Action taken and management comments	The Commissioner for Health (CfH) was informed that one of the requested treatments had been successfully procured and was available in pharmacies. However, the second treatment was out of stock. The CfH was immediately informed that the Ministry for Health and Active Ageing (Health) was continuously trying to find a source of supply for this item. After several unsuccessful procurement attempts, an alternative medication was made available. The approval and procurement process was initiated to ensure the availability of the alternative treatment. Once in stock the patient resumed the treatments.

Sector/Department	Office of the Chief Medical Officer
Ombudsman case reference	CH-23-3514
Brief details of case	A complaint regarding a refusal by a consultant to sign a document which would allow the patient to purchase specific medication on a named-patient basis.
Action taken and management comments	The Ministry conducted an investigation into the case, after which the consultant signed the required documents, enabling the patient to purchase the medication on a named-patient basis.

Sector/Department	Office of the Chief Medical Officer
Ombudsman case reference	CH-23-3586
Brief details of case	A complaint regarding signs of deterioration following a change in a patient's oncological treatment.
Action taken and management comments	<p>The consultant explained that the switch to another medicine was not the cause of the patient's disease progression. However, due to signs of allergic reactions to the generic product, the consultant recommended reverting to the previous medication, and the request was processed as a priority.</p> <p>The Commissioner for Health was later informed that the medication had been successfully procured following the Exceptional Medicinal Treatment Committee's approval and supplied accordingly.</p>

Sector/Department	Office of the Chief Medical Officer
Ombudsman case reference	CH-23-3599
Brief details of case	A complaint regarding a medication which was out-of-stock.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that the appeal hearing related to the tender award had been scheduled. Following the hearing, the CfH was notified that the medication had been approved by the Appeals Board, and the Ministry for Health and Active Ageing (Health) was awaiting final clearance from the Department of Contracts (DoC) to proceed with the order.</p> <p>Later, the CfH received an update confirming that DoC's approval had been granted, enabling the medication to be ordered, with delivery anticipated in due course.</p> <p>Shortly thereafter, the CfH confirmed that the requested medication had been delivered, the database updated, and the Pharmacy of your Choice had forwarded the stock to the patient's designated pharmacy.</p>

Sector/Department	Office of the Chief Medical Officer
Ombudsman case reference	CH-23-4008
Brief details of case	A request by a patient suffering from a particular condition to be given a specific treatment.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that the Ministry for Health and Active Ageing (Health) (MHA-H) could only provide items listed on the existent formulary and was unable to supply branded items for the condition in question.</p> <p>Nine months later, the CfH was informed that the requested treatment was approved for the claimant and that it had been included in the Voucher Pilot Project.</p> <p>MHA-H confirmed that the medication had been supplied to the patient, allowing the CfH to close the case.</p>

Sector/Department	Office of the Superintendent of Public Health (SPH)
Ombudsman case reference	CH-23-3808
Brief details of case	A complaint concerning the delay in finalising and signing the contract of sale for a burial site at the Mosta Cemetery.
Action taken and management comments	<p>The Environmental Health Directorate had been awaiting feedback from the Lands Authority on a policy change that had temporarily halted the Ministry for Health and Active Ageing (Health) from proceeding with grave sales at the Mosta Cemetery.</p> <p>The Commissioner for Health noted that the Lands Authority (LA) stated that the cemetery was fully government-owned and that the Health Department had never required their consent for transferring individual graves in any Maltese cemetery. A meeting was held between the LA and the Environmental Health Office to address the issue.</p> <p>During the meeting it was confirmed that the cemetery was fully government-owned. The cemetery extension included both government and expropriated land, but transfers in the expropriated area was restricted. However, concessions for use to individual families remained available.</p> <p>Following consultation with the Office of the State Advocate, it was determined that cemetery administration rights under Chapter 17 of the Laws of Malta allowed the Superintendent of Public Health to manage grave transfers without the LA's involvement.</p>

Cases closed and recommendation implemented

Sector/Department	Human Resources (HR)
Ombudsman case reference	CH-23-4240
Brief details of case	A complaint from a Ministry for Health and Active Ageing (Health) employee alleging that they were not assigned duties pertaining to their grade.
Action taken and management comments	<p>The claimant raised concerns about not receiving a response from the Ministry after submitting a complaint through the union.</p> <p>MHA clarified that the union initially handled the correspondence and shared a copy with the Ministry. Verbal discussions were held with the claimant, who appeared to have adjusted to their new role. Since the union did not escalate the matter further, it was presumed to be resolved.</p> <p>However, as the issues persisted, MHA sought guidance on the way forward.</p> <p>The Commissioner for Health issued a Final Opinion Report, and it was confirmed that the recommendations were positively received.</p> <p>The Primary Health Care management offered the claimant the opportunity to take over the duties of an outgoing employee who had the same grade as theirs.</p>
Recommendation by Ombudsman	The complainant should be assigned a position that aligns with their training and qualifications, enabling them to carry out the duties and responsibilities corresponding to their grade for which they are being compensated.

Sector/Department	Malta Medicines Authority (MMA)
Ombudsman case reference	CH-23-3637 CH-23-3656 CH-23-3697
Brief details of case	An employee filed three complaints against the MMA. These complaints included not receiving any responses to emails sent regarding the performance appraisal, not receiving any answers to inquiries about the percentage mark assigned for the performance bonus, and the revocation of specific resources that had been assigned to the complainant.
Action taken and management comments	<p>The complainant had raised concerns regarding MMA's failure to revise their performance appraisal. It transpired that the complainant had bypassed the proper managerial hierarchy and had not followed the formal complaint protocol.</p> <p>The Commissioner for Health (CfH) requested a meeting with both the Permanent Secretary and the MMA Chief Executive Officer to address the issue. During this meeting, it was agreed that the employee's personal file would be forwarded to the CfH for further review.</p> <p>The CfH noted that the employee had not received any communication from either MMA or the Ministry regarding the matter. MMA responded by clarifying its willingness to arrange a meeting involving the employee, the CfH, and the MMA. However, the complainant refused the meeting, maintaining the request for all communication to be conducted in writing.</p> <p>Additionally, MMA explained the rationale behind the termination of the employee's access to specific resources and proposed a practical solution where the employee would be allowed to submit 'Requests for Service' through MITA.</p> <p>Ultimately, the CfH issued a Final Opinion, recommending several actions. The ministry responded in agreement with these recommendations.</p>
Recommendation by Ombudsman	<p>CH-23-3637 Recommendations:</p> <ul style="list-style-type: none"> • Performance appraisals are to be clearly defined and thoroughly documented to ensure all stakeholders are well-informed. • MMA should promptly respond to emails and communications from both clients and employees. <p>CH-23-3656 Recommendations:</p> <ul style="list-style-type: none"> • The CfH recommended that the MMA, like all public entities, respond promptly to requests from clients and employees. • Additionally, procedures for handling internal complaints and disputes should be clearly defined, documented, and communicated to all employees to ensure clarity on the appropriate channels for raising issues and appeals. It was emphasised that employees must respect the managerial hierarchy, as a lack of proper communication can cause frustration. <p>CH-23-3697 Recommendation:</p> <ul style="list-style-type: none"> • The CfH strongly recommended taking immediate and credible steps to improve the strained employee-employer relationship, emphasising that it would benefit all parties, including the Authority itself.

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3503
Brief details of case	A complaint by an employee regarding a transfer which was effected without their prior notification.
Action taken and management comments	<p>The complainant lamented that they were transferred without prior notification or consultation. Moreover, they claimed that their skills and expertise were underutilised in the new position.</p> <p>The Commissioner for Health (CfH) requested the claimant's personal file.</p> <p>In response to the Final Opinion Report, the Ministry for Health and Active Ageing (MHA) clarified that the claimant's main concern had been their preference to work in the Health Promotion and Disease Prevention Directorate (HPDP).</p> <p>MHA confirmed that the claimant had been assigned a suitable role and, in fact, they were carrying out their duties diligently and had also integrated well within the team.</p> <p>Furthermore, MHA highlighted that a replacement would be necessary if the claimant were to be reassigned elsewhere, apart from the fact that vacancies at the HPDP were unavailable.</p>
Recommendation by Ombudsman	<p>The relevant authorities should ensure that the claimant is entrusted with responsibilities that correspond to their substantive grade.</p> <p>Furthermore, if a vacancy arises in the HPDP or in any other area related to the claimant's expertise, they should be duly considered for redeployment.</p>

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3803
Brief details of case	A complaint regarding MDH Customer Care Department.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that MDH Customer Care representatives and management advised the complainant to submit an official complaint via email. The case was escalated to senior management, who considered the allegations serious enough to advise the complainant to file a report with the police.</p> <p>MDH Management had established a fact-finding board, led by a senior professional, to investigate a particular case. The findings were only shared with the family after the patient's relative persistently demanded answers.</p> <p>The CfH requested a copy of the internal inquiry conducted by MDH.</p> <p>The Ministry for Health and Active Ageing (MHA) explained that the patient's relative had filed a complaint alleging misconduct by nurses in the Intensive Therapy Unit (ITU). An investigation concluded that the ITU team had followed the proper protocol.</p> <p>The CfH was informed that the Medical Director's Office at MDH had attempted to contact the claimant to schedule an appointment but received no response. A report containing sensitive details about the patient's situation was sent to the CfH, addressing the patient's concerns.</p> <p>The CfH forwarded the Final Opinion Report, and MHA subsequently responded, addressing the recommendations.</p>
Recommendation by Ombudsman	Findings should always be communicated promptly and professionally to ensure their impact is understood. The hospital should handle these sensitive matters with its most experienced staff, promoting teamwork while upholding empathy and professionalism.

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-23-3898
Brief details of case	A complaint regarding poor treatment by MDH staff which, allegedly, led to the death of a patient.
Action taken and management comments	<p>The Ministry for Health and Active Ageing (MHA) informed the Commissioner for Health (CfH) that the MDH Medical Director and Risk Management team reviewed the case and found that the patient had complex issues. Multiple investigations were conducted and discussed with specialists, however an earlier diagnosis was not possible, and the outcome could not have been altered.</p> <p>The CfH shared the Final Opinion Report, stressing the need for improved communication between healthcare staff and patients.</p> <p>MDH incorporated this issue into all levels of training, organising talks for various units to emphasise the importance of timely and effective communication. This topic was also added to mandatory postgraduate training for doctors, while Nursing Management included it in the training for nursing recruits.</p> <p>In instances where communication issues were identified and reported, both regarding healthcare contractual staff and health care employees, the person concerned was immediately approached by their senior to address and solve the matter.</p>
Recommendation by Ombudsman	<ol style="list-style-type: none"> 1. Effective communication between healthcare professionals, patients, and their families is vital. 2. The Ministry for Health should continue to prioritise enhancing the communication skills of its staff.

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-3821
Brief details of case	A complaint regarding the unavailability of a specific branded medication.
Action taken and management comments	<p>The Ministry for Health and Active Ageing (MHA) stated that it could not procure all different brands upon request. The direction was to open branded items to competition by generics. The Commissioner for Health (CfH) stated that the medicine in question was already being procured by MHA, albeit for a limited number of patients. The CfH emphasised the need for flexibility in special cases.</p> <p>It was reported that accommodating numerous small requests for branded items would strain resources and delay acquiring larger supplies or adding new drugs to the formulary. Given limited human resources, the main focus was on bulk procurement and formulary expansion.</p> <p>Determined to ensure patients received appropriate treatment, the CfH appealed that alternative solutions should be sought.</p> <p>The MHA responded to the recommendations in the Final Opinion, highlighting the creation of the Advisory Psychiatrists' Expert Group, whose role is to provide expert opinions, recommendations and insights to aid the Exceptional Medicinal Treatment Committee in making well-informed decisions regarding the access to and usage of exceptional medicines.</p>
Recommendation by Ombudsman	<p>A dedicated structure was to be established to identify and manage cases experiencing adverse events related to treatments. This multidisciplinary team must include stakeholders with relevant expertise.</p> <p>The Commissioner also recommended that the patient was to be assessed by this specialised team.</p>

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-3963
Brief details of case	A complaint regarding an in vitro fertilisation (IVF) treatment at the Assisted Reproductive Therapy (ART) clinic.
Action taken and management comments	<p>The Commissioner for Health (CfH) received a detailed report on the patient's case, including sensitive medical details. The report clarified that treatment was not denied; instead, the ART Clinic facilitated access to care at a specialised fertility clinic abroad, in line with EU practices, with ongoing support from the CMO, the Embryo Protection Authority, and the ART Clinic.</p> <p>The CfH then issued his Final Opinion Report, to which the Ministry for Health and Active Ageing (MHA) responded, outlining the specific treatments required due to the patient's condition.</p> <p>MHA confirmed that full reimbursement was provided for expenses incurred, including travel, accommodation, and treatment costs at the foreign IVF centre, in line with Directive 2011/24/EU on patients' rights in cross-border healthcare. It was also confirmed that future IVF treatments at this centre would be reimbursed through Cross-Border Healthcare and Treatment Abroad provisions.</p>
Recommendation by Ombudsman	<ol style="list-style-type: none"> 1. The claimant required specialised treatment for the condition, and since the ART Clinic was unable to provide it locally due to logistical constraints, they should be referred abroad for the necessary care. 2. This referral should adhere to the established protocols for other patients sent abroad under the National Highly Specialised Overseas Referrals Programme, requiring approval from the Treatment Abroad Committee instead of using the Cross-Border Healthcare route. Not following this process would result in unfair discrimination against the claimant and their partner. 3. It is MHA's responsibility to identify the most suitable facility for the claimant's treatment. The selection of the appropriate centre should be managed by the Treatment Abroad Coordination Office in collaboration with relevant clinical healthcare professionals.

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-4106
Brief details of case	A complaint regarding the refusal of a request by the Exceptional Medicinal Treatment Committee (EMTC).
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that the request for the medication had been denied. The EMTC had reviewed it but ultimately rejected the approval. Additionally, reimbursement for the consultation expenses with a United Kingdom specialist was also refused, as there was no local legal mechanism to support such claims, and the Cross-Border Healthcare Directive no longer applied following Brexit.</p> <p>It transpired that, while the Ministry for Health and Active Ageing (MHA) should have initiated the proper Treatment Abroad Committee protocol, on the other hand the patient did not formally notify the Ministry regarding deviations from the standard procedure.</p> <p>The CfH later issued the Final Opinion Report, which included two recommendations, to which MHA responded as follows:</p> <ol style="list-style-type: none"> 1. Any future treatments or consultations for the claimant could be conducted at the family's chosen hospital, with the necessary arrangements made to accommodate their preferences. 2. MHA agreed that expenses should be shared between MHA and the claimant's family. <p>To implement this recommendation effectively, MHA requested additional documentation, including receipts, to ensure compliance with established protocols.</p>
Recommendation by Ombudsman	<ol style="list-style-type: none"> 1. Any future treatments or consultations required by the patient will be conducted at the hospital chosen by the family. 2. The expenses incurred will be shared between both parties.

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-4131
Brief details of case	A claim for the reimbursement of medication expenses for an in vitro fertilisation (IVF) procedure carried out at a private facility.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that IVF medication refunds were only available to patients treated through the National Health Service at the Mater Dei Hospital Assisted Reproductive Technology Clinic or those referred abroad via the Cross-Border or Treatment Abroad Committee. Patients receiving treatment at private facilities were not eligible for reimbursement.</p> <p>The CfH issued his Final Opinion Report, recommending a reconsideration of the policy.</p> <p>On 15 April 2024, Ministry announced that reimbursement for IVF medications would be extended to patients receiving treatment in the private sector, retroactive with effect January 1, 2023. This change is to apply to prospective parents undergoing IVF, Intrauterine Insemination, or embryo transfer at private clinics.</p>
Recommendation by Ombudsman	Patients undergoing fertility treatment in the private sector should have equal rights to those treated at the Assisted Reproductive Technology Clinic at Mater Dei Hospital. This includes the entitlement to reimbursement for infertility medication expenses, provided that valid receipts are submitted.

Cases pending at Ombudsman

Sector/Department	Human Resources (HR)
Ombudsman case reference	CH-23-3901
Brief details of case	A complaint regarding the ineligibility to a Mater Dei Hospital (MDH) call for applications for the post of Staff Nurse.
Action taken and management comments	<p>The Commissioner for Health was informed that claimant was found ineligible by the selection board as complainant was not registered with the Council for Nurses and Midwives.</p> <p>The Ministry for Health and Active Ageing (MHA) informed the Commissioner that no third country nationals were found eligible unless they presented a registration certificate with the Council for Nurses and Midwives dated not later than the closing date of the call for applications.</p> <p>After obtaining the required documentation, the Selection Board contacted the claimant and they were called for an interview.</p>

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-3961
Brief details of case	A complaint regarding adverse reactions to medication.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that the case had been reviewed twice by the Adverse Reaction Report but it was refused on both occasions.</p> <p>The CfH requested the Exceptional Medicinal Treatment Committee (EMTC) to revisit the case.</p> <p>The CfH was further informed that since an alternative medication was available on the Government Formulary List, regretfully, as in previous instances, the EMTC refused the request.</p>

Cases pending at Ministry

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-3420
Brief details of case	A complaint by an association regarding the availability of a specific medication.
Action taken and management comments	<p>The Commissioner for Health (CfH) was informed that the matter was being considered by the Advisory Committee on Health Care Benefits (ACHCB) agenda. Following discussions, the CfH was informed that the medication in question was approved at ACHCB and funds were also approved for its procurement.</p> <p>Meetings between all stakeholders are ongoing.</p>

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-23-4130
Brief details of case	A complaint regarding the refusal of a request for an exceptional medicine by the Exceptional Medicinal Treatment Committee.
Action taken and management comments	<p>The complainant stated that other patients with identical conditions to theirs were receiving the medication in question.</p> <p>Ministry for Health and Active Ageing (MHA) informed the Commissioner for Health that it was planned that the treatment protocols be passed through Advisory Committee on Health Care Benefits (ACHCB) once the substantial budget for these drugs was approved. It was further noted that when the number of patients was small and the treatment was still novel, there were instances when patients were approved to receive this treatment.</p> <p>However, the treatment was available only for patients who were already entitled and unfortunately no new patients were to be added until financial approval was obtained, and treatment was approved by ACHCB.</p>

MHA (Health)

PRE-2023 CASES

(for further information on the case: Governance Action on the Parliamentary Ombudsman Annual Report 2022)

Commissioner for Health (CfH)

Cases closed without recommendation

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-22-3382
Brief details of case	Complaint about a medical intervention that was problematic at MDH and claimant had to seek other means of care at a private institution.
Action taken and management comments	The Commissioner requested access to the patient's file, with no further requests received. The Ministry for Health and Active Ageing (Health) responded, stating that after reviewing the case, the MDH Medical Director and Clinical Chair concluded the patient received appropriate care according to best standards. The Commissioner later confirmed the case as closed.
Status last year	N.B. The case was received by the Ministry in 2023, but was registered by the Commissioner in 2022.

Sector/Department	Office of the Superintendent of Public Health (SPH)
Ombudsman case reference	CH-22-3283
Brief details of case	The claimant reported a prolonged wait for communication from the Malta Medical Council regarding their application for registration as a doctor in Malta.
Action taken and management comments	The Commissioner for Health (CfH) was notified that the appeal had been rejected, affirming the Medical Council's decision to deny registration. The CfH proceeded to close the case.
Status last year	Pending at Ombudsman

Cases closed without recommendation after action taken

Sector/Department	Human Resources (HR)
Ombudsman case reference	CH-22-2767
Brief details of case	The claimant reported that despite being recognised at Scale 13 since August 2018, they had not received the additional pay for Sundays, public holidays, and overtime.
Action taken and management comments	The Commissioner was informed that the reimbursement process had been completed and all necessary procedures finalised. The claimant along with other employees, received their arrears with the first pay of 2024. The Commissioner later confirmed the case as closed.
Status last year	Pending at Ministry

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-22-3340
Brief details of case	The claimant reported not receiving a follow-up appointment from the Orthopaedics Department.
Action taken and management comments	The Commissioner for Health (CfH) informed the Ministry for Health and Active Ageing (MHA) that his office was in direct contact with MDH management due to the complexity and sensitivity of the case, and that CfH would keep MHA updated on any developments. Later, MHA was notified that the sensitive issue had been resolved, and the case was considered closed.
Status last year	N.B. The case was received by the Ministry in 2023 but was registered by the CfH in 2022.

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH/5/P31
Brief details of case	A case related to the treatment of macular degeneration.
Action taken and management comments	Up until June 2024, the Ministry for Health and Active Ageing (Health) repeatedly contacted the Commissioner, requesting closure since the treatment had been introduced. With no further issues raised and the preliminary investigation addressed, the case was officially closed.
Status last year	Pending at Ombudsman

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH/5/P68
Brief details of case	An inquiry by the Commissioner for Health (CfH) regarding new high-efficacy medicines not included on the Government Formulary List.
Action taken and management comments	In January 2024, the CfH was informed that the tender was at the Department of Contracts for vetting and would proceed upon approval. Later on, the CfH was notified that the treatment was available as per DH Circular 68/2024, and the case was subsequently confirmed as closed.
Status last year	Pending at Ministry

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	HP 0014
Brief details of case	A complaint regarding a request for a branded drug approved by the Directorate for Pharmaceutical Affairs in 2015, which was never procured for the patient.
Action taken and management comments	<p>In January 2024, the Commissioner was informed that the medication in question was expected to be available by the end of March 2024.</p> <p>Subsequently, the medication was added to the Government Formulary List, and the patient received a partial supply, with the remaining entitlement to be delivered upon receipt of additional stock.</p> <p>The Commissioner closed the case upon the delivery of the patient's complete entitlement.</p>
Status last year	Pending at Ministry

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	HT 0022
Brief details of case	A complaint regarding a rejected submission to the Exceptional Medicinal Treatment Committee, with the complainant requesting a reconsideration of the decision.
Action taken and management comments	The Commissioner informed the Ministry that the case was considered closed as the claimant's concerns had been resolved.
Status last year	Pending at Ombudsman

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	HT 0038
Brief details of case	A complaint was raised regarding a submission to the Exceptional Medicinal Treatment Committee that was not approved. The patient requested a reconsideration of the decision.
Action taken and management comments	<p>In March 2024, the Commissioner was informed that additional stock for the medication in question was received and a circular was issued by the Policy Department to alert Healthcare Professionals that the new indications have been approved. For a patient to receive this medication, the consultant needs to apply for the Schedule V entitlement.</p> <p>The case was eventually confirmed as closed.</p>
Status last year	Pending at Ministry

Sector/Department	Office of the Superintendent of Public Health (SPH)
Ombudsman case reference	CH-22-2696
Brief details of case	The claimant reported that, despite receiving a warrant to practice from the Medical Council and holding Maltese citizenship, they were still waiting to be employed.
Action taken and management comments	The Commissioner informed Ministry for Health and Active Ageing (MHA) that the claimant had been employed for several months. The Malta Medical Council requested that the head of the department maintained a logbook of all the claimant's activities, which would be regularly reviewed by the Council. The case was then confirmed as closed.
Status last year	Pending at Ombudsman

Cases closed and recommendation implemented

Sector/Department	Human Resources (HR)
Ombudsman case reference	CH-21-1989
Brief details of case	A complaint was raised by a group of Mater Dei Hospital employees questioning why they were sent by the Department to attend a course in the United Kingdom (UK), only to find out that the certificates awarded were not recognised within the UK or the European Qualification Network.
Action taken and management comments	The Ministry for Health and Active Ageing updated the Commissioner that an Expression of Interest was issued to public officers in the Class in question, as per a Memorandum of Understanding signed in September 2023. All eligible applicants were assimilated, except for one who declined.
Status last year	Pending at Ministry

Sector/Department	Mater Dei Hospital (MDH)
Ombudsman case reference	CH-22-3169
Brief details of case	The claimant reported being suspended from work due to a diagnosis indicating they required support from the Employment Support Program. They also noted that their Performance Appraisal report had been pending for two years.
Action taken and management comments	<p>In January 2024, a final meeting between the Commissioner for Health and the Ministry for Health and Active Ageing's management was held to address the Commissioner for Health's (CfH) clarifications. The CfH then issued his Final Opinion, which included two recommendations. He also suggested that an internal memo addressed to all employees undergoing performance appraisals, informing them of the existence of a focal point in case assistance should be needed.</p> <p>People & Standards Division informed the CfH that his recommendation was addressed at the Directors' Corporate Services Forum, advising all Directors to remind employees of these contact points. A memo was also circulated to all Directors to reinforce this communication.</p> <p>The CfH confirmed the case as closed.</p>
Recommendation by the Ombudsman	<ol style="list-style-type: none"> 1. Performance Appraisals processes should be initiated immediately both for closure and for commencement of an employment. 2. Someone from the department (head office) should be responsible for following Performance Appraisal processes physically once it has been implemented.
Status last year	Pending at Ombudsman

Sector/Department	Malta Medicines Authority (MMA)
Ombudsman case reference	HU 0009 & HU 0026
Brief details of case	A complaint concerning the Collective Agreement pertaining to the registered Pharmacists
Action taken and management comments	<p>The MMA stated that the recommendations were taken on board and were to be discussed during the next Collective Agreement discussions.</p> <p>The Ombudsman informed the Ministry that, since all recommendations had been accepted, the Office of the Ombudsman proceeded to close these cases.</p>
Status last year	Pending at Ministry

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-21-2552
Brief details of case	A complaint was lodged regarding a rejected submission to the Exceptional Medicinal Treatment Committee (EMTC), with the complainant requesting a reconsideration of the decision.
Action taken and management comments	<p>In 2024, the case was discussed at a high level, involving the Commissioner for Health and the Ministry.</p> <p>To ensure thorough assessments of submissions related to psychiatric conditions, an Advisory Psychiatrists' Expert Group was established. This group, composed of psychiatrists, is to provide specialised insights and recommendations to the EMTC as needed, aiding in more informed decision-making regarding exceptional medicines for psychiatric treatment.</p> <p>Following this response, the Commissioner confirmed the case as closed.</p>
Status last year	Pending at Ministry

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-22-2955
Brief details of case	A complaint regarding a new nutritional product which was causing severe discomfort to a child due to its unpleasant smell and taste.
Action taken and management comments	<p>The complainant requested to be supplied with the previous product.</p> <p>Several meetings with stakeholders were held, and subsequently the Commissioner for Health (CfH) issued his Final Opinion Report.</p> <p>The CfH also raised concern regarding a local newspaper report, alleging serious issues with the product in question. In response, the Ministry for Health and Active Ageing (MHA) clarified that the product's removal was a precautionary measure by the manufacturer and the Health Regulator. Later, the Central Procurement and Supplies Unit (CPSU) confirmed two separate orders for replacements and was expediting part of the shipment through air courier.</p> <p>MHA then informed the CfH that, in line with their agreement, the claimant would receive a refund for expenses incurred to procure the product privately, based on proof of purchase. This arrangement would continue until the item was sourced, added to CPSU's medicinal regime, and made available through Pharmacy of Your Choice distribution.</p> <p>Eventually the Commissioner officially closed the case.</p>
Recommendation by the Ombudsman	It was highly recommended that such cases not falling within the norm are assessed on a case-by-case basis. This can and should be done by the appropriate regulatory committee, possibly the Exceptional Medicinal Treatment Committee, but the criteria governing such a committee have to be adequately specified.
Status last year	Pending at Ministry

Closed and recommendation not accepted

Sector/Department	Office of the Superintendent of Public Health (SPH)
Ombudsman case reference	HR 0054, HR 0055, HR 0056, HR 0057, HR 0058
Brief details of case	Complaints by public officers regarding a management issue at their workplace.
Action taken and management comments	<p>The Commissioner met with Ministry for Health and Active Ageing (MHA) officials to revisit the details of the Final Opinion report. During the meeting, it was agreed that MHA would prepare a response to the recommendations and submit it to the Commissioner.</p> <p>Later, MHA informed the Commissioner that none of the recommendations outlined in the 2020 Final Opinion could be accepted.</p> <p>MHA explained that the Management Board structure within the Environmental Health Directorate was designed to enhance the efficiency and oversight of the Public Health Laboratory (PHL) based on the accreditation authority's previous recommendations.</p> <p>The board was to be chaired by the Director of Environmental Health (Scale 4) and was to include key members essential to the laboratory's effective operation. It was to be composed of the Executive Allied Health Medical Laboratory Scientist (Scale 5), overseeing PHL operations, along with representatives (Scale 6) from both the Chemistry and Microbiology Sections, who manage their respective areas. A representative from the Scientific Officers grade (Scale 6) was to be included, along with a designated secretary to handle administrative functions.</p> <p>Thus, the above structure was implemented to strengthen PHL's management and address operational concerns.</p> <p>The Commissioner subsequently confirmed the case as closed.</p>
Status last year	Pending at Ombudsman

Sector/Department	Office of the Superintendent of Public Health (SPH)
Ombudsman case reference	CH-21-2239
Brief details of case	A query on a report submitted by the Council for the Professions Complementary to Medicine regarding the registration of Clinical Physiologists.
Action taken and management comments	A meeting between the Ministry for Health and Active Ageing (MHA) and the Commissioner for Health (CfH) was held to address the recommendations in the Final Opinion Report. MHA then provided a detailed response to the CfH, addressing the recommendations. MHA emphasized that, as a European Union (EU) Member State, the Ministry has the discretion to decide if a profession should be regulated. However, regulating a profession not recognized in other Member States could be seen by the European Commission as a barrier to access, potentially imposing unnecessary burdens on professionals seeking to work in Malta. The Proportionality Assessment aims to prevent disproportionate restrictions on access to regulated professions across Member States. If the European Commission perceives the regulation as restrictive, it may not endorse it, and any enforcement could be viewed as an infringement. The CfH eventually confirmed the case as closed.
Recommendation by Ombudsman	<ol style="list-style-type: none"> 1. A register held by the Council for the Professions Complimentary to Medicine for Clinical Physiologists should be created at the earliest. 2. All the necessary steps for this registration to materialise should be implemented without further delay by the responsible authorities.
Status last year	Pending at Ministry

Case referred to the Prime Minister in terms of Article 22(4) of the Ombudsman Act

Sector/Department	Human Resources (HR)
Ombudsman case reference	CH-21-2509
Brief details of case	A group of Environmental Health Practitioners filed a complaint, claiming they were adversely impacted by the sectoral agreement for Environmental Health Officers signed in October 2021.
Action taken and management comments	<p>In 2024, multiple meetings were held between all stakeholders to discuss further the case.</p> <p>The Ministry for Health and Active Ageing (MHA) held internal meetings to gather the necessary information to address additional queries raised by the Commissioner.</p> <p>MHA submitted a comprehensive response, addressing all issues discussed in prior meetings and reiterated that both MHA and the Industrial Relations Unit (IRU) were maintaining their shared positions on the matter.</p> <p>On 3 October 2024, the Commissioner for Health referred the case to the Prime Minister in terms of Article 22(4) of Ombudsman Act.</p>
Status last year	Pending at Ombudsman

Pending at Ministry

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	HT 0010
Brief details of case	An Own Initiative Investigation by the Commissioner for Health (CfH) about patient safety at the Neonatal Paediatric Intensive Care Unit (NPICU).
Action taken and management comments	<p>The call for the Post of Scientific Officer at NPICU had been issued twice without successfully finding any candidates.</p> <p>The CfH was informed that the call was published once again in October 2024.</p>
Status last year	Pending at Ministry

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	HT 0026
Brief details of case	A complaint regarding adverse reactions resulting from a change-over from a branded to a generic anti-epileptic drug
Action taken and management comments	<p>The Commissioner was informed that further to the agreement reached between the Ministry for Health and Active Ageing (MHA) and his office, claimant was to start receiving a refund of expenses, at the cost of purchase incurred to procure the required medication privately. Such refunds would be effected against proof of payment and were to remain effective unless otherwise substituted by the introduction of a voucher system; the sourcing and inclusion of this item under the Central Procurement and Supplies Unit medicinal regime, and its subsequent distribution via Pharmacy of Your Choice.</p> <p>Subsequently, the Commissioner informed MHA that complainant was requesting retroactive reimbursement.</p>
Status last year	Pending at Ministry

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	HT 0042
Brief details of case	A complaint regarding the refusal of a medication by the Exceptional Medical Treatment Committee.
Action taken and management comments	The Commissioner was informed that the procurement process was at the tender evaluation stage.
Status last year	Pending at Ministry

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	HT 0087
Brief details of case	A complaint regarding the refusal of a medication by the Exceptional Medical Treatment Committee.
Action taken and management comments	The Commissioner for Health was informed that the procurement process was at the tender evaluation stage.
Status last year	Pending at Ministry

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-22-3301
Brief details of case	A request for a specific medicine to be supplied by the National Health Service.
Action taken and management comments	The Commissioner for Health was informed that the procurement process was ongoing. However, due to newly appointed personnel in the Central Procurement and Supplies Unit, the process had generated some delays. Such key changes warranted the establishment of dedicated period during which the new appointees could acquire a proper handover and gain an informed understanding of the processes and issues tied with their area of responsibility.
Status last year	Pending at Ministry

Sector/Department	Office of the Chief Medical Officer (CMO)
Ombudsman case reference	CH-22-3317
Brief details of case	A complaint regarding the refusal of a medication by the Exceptional Medical Treatment Committee.
Action taken and management comments	<p>The assessment was reviewed by the Government Formulary List Advisory Committee (GFLAC), wherein it was suggested to pause consideration and examine the complete treatment pathway, including a review of new epileptic drugs. Approval for the necessary funds would be requested thereafter.</p> <p>Discussions regarding the holistic pathway which was drawn up and concluded with Consultants have resumed with the GFLAC, as per Ministry's procedure.</p>
Status last year	Pending at Ministry
Sector/Department	Office of the Superintendent of Public Health (SPH)
Ombudsman case reference	CH-21-2395
Brief details of case	A complaint by an Association, contesting the qualifications required for registration as Medical Physicist in view of the established recommendations by the European Union and the International Atomic Energy Agency.
Action taken and management comments	<p>The Commissioner was presented with the Council for Professions Complementary to Medicine's reply addressing further queries received from his office.</p> <p>Various meetings including different stakeholders were held.</p> <p>The Ministry for Health and Active Ageing (MHA) informed the Commissioner that the Call for Tenders for the provision of a Proportionality Test for an amendment in the Benchmarking Document for Medical Physics had been published.</p> <p>Subsequently, the Commissioner was informed that the evaluation report was submitted to the Department of Contracts and the MHA was awaiting approval for the tender award.</p>
Status last year	Pending at Ombudsman

Pending at Ombudsman

Sector/Department	Human Resources (HR)
Ombudsman case reference	HU 0057
Brief details of case	A complaint regarding an ambiguous working environment resulting from unclarified definitions of roles and responsibilities related to physiological measurements.
Action taken and management comments	<p>Various high-level meetings took place, following which the Ministry for Health and Active Ageing (MHA) (MHA) forwarded a detailed reply to the Commissioner, addressing the recommendation outlined in the Final Opinion Report. MHA informed also the Commissioner that, whilst as a European Union member state, it was the Ministry's prerogative and discretion to decide whether the profession in question would be regulated, however, the fact that Malta wanted to regulate a profession which was not regulated in any of the other member states, could be perceived by the European Commission as a restriction to the access, or pursuit of, such profession, as it would put an additional burden on such professionals wanting to move to Malta.</p> <p>Essentially, the Proportionality Assessment was intended to avoid disproportionate restrictions on individuals seeking access of professions across member states.</p>
Status last year	Pending at Ministry
Sector/Department	Office of the Superintendent of Public Health (SPH)
Ombudsman case reference	CH-22-3184
Brief details of case	Claimants stating that although they were electrocardiogram Technicians, they were performing duties pertaining to the Physiological Measures Class.
Action taken and management comments	<p>The Ministry for Health and Active Ageing (MHA) forwarded a detailed reply to the Commissioner for Health addressing the recommendations outlined in the Final Opinion Report. MHA informed also the Commissioner that, whilst as a European Union member state, it was the MHA's prerogative and discretion to decide whether the profession in question would be regulated, however, the fact that Malta wanted to regulate a profession which was not regulated in any of the other member states, could be perceived by the European Commission as a restriction to the access, or pursuit of, such profession, as it would put an additional burden on such professionals wanting to move to Malta.</p> <p>Essentially, the Proportionality Assessment was intended to avoid disproportionate restrictions on individuals seeking access of professions across member states.</p>
Status last year	Pending at Ministry





MINISTRY FOR HOME AFFAIRS, SECURITY AND EMPLOYMENT

In 2023, the Parliamentary Ombudsman referred thirty-nine cases to the Ministry for Home Affairs, Security and Employment (MHSE). One case was not upheld. Fourteen cases were closed without any recommendation being made. Four cases were closed after the management replied to one request for information. Eight cases were closed without any recommendation made, but action was taken accordingly. Three cases were closed with the recommendation being implemented. One case was referred to the Prime Minister in terms of Article 22(4) of the Ombudsman Act, whilst one case had a reply on behalf of the Prime Minister sent to the Ombudsman. One case was pending at the Ministry, while six cases were pending at the Office of the Ombudsman.

The Parliamentary Ombudsman had twelve cases which were forwarded from previous years, out of which six cases were closed without recommendation. One case was closed with the Ombudsman's recommendation not accepted. One case had a reply on behalf of the Prime Minister sent to the Ombudsman. One case was closed due to court proceedings. Three cases were still pending at the Office of the Ombudsman.

The Commissioner for Environment and Planning (CEP) referred two cases to MHSE, both of which were closed without any recommendation made by CEP.

MHSE total cases 2023 - 41

MHSE PARLIAMENTARY OMBUDSMAN



Complaint not upheld

Sector/Department	Correctional Services Agency (CSA)
Ombudsman case reference	OMB-23-3564
Brief details of case	A complaint by an inmate alleging that their transfer from one division to another, and the loss of a twenty-eight-day remission were unjust.
Action taken and management comments	<p>The Ministry for Home Affairs, Security and Employment (MHSE) stated that Division transfers are managed as required on a case-by-case basis.</p> <p>The complainant consistently refused therapy, fully aware that this lack of engagement may affect future opportunities in the care plan, including work prospects. Additionally, the 28-day remission loss was linked to a disciplinary offence.</p> <p>The Office of the Ombudsman reviewed the case and ultimately concluded it without the need for further investigation.</p>

Cases closed without recommendation

Sector/Department	Agency for the Welfare of Asylum Seekers (AWAS)
Ombudsman case reference	OMB-23-4021
Brief details of case	A complaint regarding lack of response regarding a Tender for the Provision of Security Services.
Action taken and management comments	<p>The complaint was lodged against AWAS and two other entities.</p> <p>The Parliamentary Ombudsman office sought the Ministry's views on the delay and requested a timeline for a substantive reply.</p> <p>A legal officer from the Department of Contracts responded to the complainant's lawyer, on behalf of the entities involved including AWAS, confirming that evaluations for the calls were conducted diligently and in accordance with the call requirements.</p>

Sector/Department	Armed Forces of Malta (AFM)
Ombudsman case reference	OMB-23-4127
Brief details of case	A complaint regarding lack of response by the AFM Complaints Board.
Action taken and management comments	<p>The Ministry informed the Ombudsman's Office that a reply could not be issued until all decisions were published, as the matter was categorised as a grievance.</p> <p>The Parliamentary Ombudsman requested the complainant's detailed service record and HR reports from AFM, and the documents were provided.</p> <p>The Ombudsman closed the case.</p>

Sector/Department	Civil Protection Department (CPD)
Ombudsman case reference	OMB-23-4148
Brief details of case	A complaint regarding the salary of a newly appointed Assistant Rescue Officer.
Action taken and management comments	<p>The complainant requested to retain their previous salary/grade during the six-month recruitment course at the CPD and to be placed on Scale 11, Step 7, upon completion of the course.</p> <p>The CPD declined the request, and the Ombudsman closed the case.</p>
Sector/Department	Correctional Services Agency (CSA)
Ombudsman case reference	OMB-23-3428
Brief details of case	A complaint from an inmate claiming to be a victim of abuse of power, humiliation, and trauma.
Action taken and management comments	<p>The Ombudsman's office requested CSA's views on the allegations concerning the search that was carried on the inmate. CSA responded to the Ombudsman's query.</p> <p>The CSA also advised that the inmate could access support by contacting the care plan and request an appointment with a psychologist or a referral to a psychiatrist through the doctor. Furthermore, the complainant could contact the duty officer regarding police matters.</p>
Sector/Department	Identità
Ombudsman case reference	OMB-23-3557
Brief details of case	A complaint regarding difficulties encountered by a Maltese national and their foreign ex-spouse who had since reconciled and wanted to remarry.
Action taken and management comments	<p>The case involved a Singaporean national born in Malaysia, seeking guidance on marriage registration in Malta after a divorce, as per the Marriage Act (Chapter 255 of Malta's Laws). The Marriage Registrar required the complainant's birth certificate or confirmation from Singaporean authorities that it could not be issued. Furthermore, a third-party declaration was also required. The scope of the third-party declaration that is taken under oath before a Marriage Registry Officer by a relative or friend attests to the best of the declarer's knowledge and belief that (in this case foreign complainant) had not contracted any marriage or union of equivalent status after spouse's divorce and therefore free to marry. The Marriage Registrar required this third-party declaration from all non-Maltese residents even if the applicant declared that they have not left Malta for any appreciable period.</p> <p>Previously married to a Maltese citizen and divorced, the complainant had renounced Maltese citizenship and held a residence permit linked to their marriage. Post-divorce, the complainant was no longer eligible for exemptions and, without applying for long-term residence, their domicile was classified as Singapore, leading to the revocation of their residence permit.</p> <p>A meeting was held between the Office of the Ombudsman and the Ministry, wherein all points were addressed and explained in detail.</p> <p>The Ombudsman's office reviewed the case and closed the case.</p>

Sector/Department	Identità
Ombudsman case reference	OMB-23-4202
Brief details of case	A complaint by an Ethiopian citizen whose identity card had expired.
Action taken and management comments	<p>The case concerned a complainant alleging that Identità refused to renew their spouse's identity card, claiming the decision was discriminatory and unjust. The complainant argued that their spouse was entitled to the renewal based on their marriage, which was registered in 2019.</p> <p>MHSE explained that the Agency had scheduled an interview for the permit renewal and provided a list of required documents. However, the complainant refused to attend, insisting that a prior interview conducted three years earlier was sufficient. Despite multiple reminders and flexible scheduling options, the complainant declined to cooperate.</p> <p>The complainant filed a court protest, reiterating their objections. The Agency clarified that it did not obstruct the spouse's right to a residence permit and had taken steps to ensure all requirements for the renewal were met.</p> <p>The Ombudsman concluded that Identità had acted appropriately, emphasising the State's responsibility to prevent abuse in the public interest. No evidence of maladministration or injustice by Identità was found.</p> <p>Subsequently, the case was closed.</p>

Sector/Department	Independent Police Complaints Board (IPCB)
Ombudsman case reference	OMB-23-3487
Brief details of case	The complainant alleged an injustice coming from their superior.
Action taken and management comments	<p>The complainant maintained that they were given a vindictive transfer after a conflict with their superior.</p> <p>The IPCB had determined that the complainant's actions were not appropriate and ruled that the transfer could not be considered unjust.</p>

Sector/Department	Independent Police Complaint Board (IPCB)
Ombudsman case reference	OMB-23-3593
Brief details of case	A complaint concerning lack of feedback to a request for the waiving off a licence fee.
Action taken and management comments	<p>The complainant submitted a second petition after the first was untraceable and alleged that the IPCB had not responded. The Ombudsman requested an update from IPCB on the status of the investigation.</p> <p>Eventually, the Ombudsman informed the IPCB that the case was closed. Subsequently IPCB notified the complainant that the board would not proceed with its investigation following the Ombudsman's conclusion.</p>

Sector/Department	Jobsplus
Ombudsman case reference	OMB-23-3584
Brief details of case	A complaint regarding a refusal of the In-Work-Benefit Government Grant.
Action taken and management comments	<p>The complainant stated that a Jobsplus officer confirmed their eligibility for the In-Work Benefit Government Grant and informed them that they would receive it in due course. The complainant was later informed that they were not eligible.</p> <p>Jobsplus clarified to the Ombudsman that the grant was intended for private sector employees working shifts, night shifts, and weekends in their primary job, which could be part-time or full-time. Upon investigating the case, Jobsplus confirmed that the complainant's full-time primary job was with the public service, and therefore, they did not meet the eligibility criteria.</p>

Sector/Department	Local Enforcement Systems Agency (LESA)
Ombudsman case reference	OMB-23-3915
Brief details of case	A complaint regarding the towing of a vehicle.
Action taken and management comments	<p>The complainant stated that the car was parked legally before traveling overseas and that the no-parking/tow zone designation was implemented after the vehicle was parked. The towing occurred during the complainant's absence, and the application for the no-parking zone was submitted the same day the complainant left. The complainant appealed the towing decision but received a standard rejection letter.</p> <p>The Ombudsman's Office requested clarification on the legislation regarding the required notice period for designating a tow-away zone and evidence that notices were displayed 48 hours before the designation took effect.</p> <p>The Ministry for Home Affairs, Security and Employment clarified that the law requires an area to be indicated as a tow-away zone but does not mandate specific timeframes. However, stakeholders, including the Malta Police Force, Local Councils Association, Transport Malta, and the Local Government Division, agreed on a 48-hour minimum notice as a safeguard. This guideline was documented in a circular, and evidence from the incident, including photographs, was provided.</p> <p>The case was closed by the Parliamentary Ombudsman.</p>

Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-23-3415
Brief details of case	A complaint regarding alleged bad treatment and discrimination by the Police.
Action taken and management comments	<p>The Ombudsman suggested that the complainant, who alleged bad treatment and discrimination, receives a reply. If a reply was provided, the PO would not pursue further investigation.</p> <p>The Ministry informed the Ombudsman that MPF had contacted the complainant to discuss the matter, and the case was closed.</p>

Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-23-3809
Brief details of case	A complaint concerning the towing of a car in front of a Police Station.
Action taken and management comments	<p>The complainant incurred a €200 towing fee and a €100 fine, which was later revoked after it was found to have been issued erroneously. The complainant argued that even the towing was improper as the area was not designated as a tow zone.</p> <p>The Ministry clarified that the car was parked in a space clearly marked with road signs and markings as reserved for police vehicles.</p> <p>When the Ombudsman's office questioned why the police did not contact the complainant before towing the car, MHSE explained that there is no obligation for the police to contact vehicle owners in such cases. Drivers are responsible for ensuring they park legally and avoid obstructing reserved spaces.</p> <p>The Ombudsman closed the case, affirming that the towing action was in line with regulations.</p>
Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-23-4020
Brief details of case	A complaint alleging that the Police Records Office mistakenly included a crime which complainant insisted was not perpetrated by them.
Action taken and management comments	<p>The case involved a complaint regarding the registration in Malta of a criminal conviction issued by an Italian authority. The Ministry confirmed that such registrations are carried out in accordance with Regulations 4 and 9, and the conviction was registered accurately as transmitted. Under Regulation 4(2), Malta is required to record the information exactly as received.</p> <p>The Ministry advised that if the complainant disputed the conviction, concerns should be addressed to the Italian authorities. The Police stated they had no reason to doubt the accuracy of the registered conviction.</p> <p>The Ombudsman's office requested a copy of the registered information received from the Italian authorities, subsequently closing the case.</p>
Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-23-4246
Brief details of case	A complaint regarding the Police's alleged inaction in addressing the persistent issue of loud music and disturbances from bars in Valletta.
Action taken and management comments	<p>The complainant alleged police inaction, resulting in nightly disturbances from bars, loud music, and shouting patrons, severely impacting residents.</p> <p>Whilst MPF acknowledged the issue, the Ministry for Home Affairs, Security and Employment (MHSE) informed the Ombudsman that submissions involving related investigations were handled confidentially, with public information passing through the Ministry under strict confidentiality.</p> <p>The Ombudsman informed MHSE that the case was closed.</p>

Cases closed after management replied to one request for information

Sector/Department	Civil Protection Department (CPD)
Ombudsman case reference	OMB-23-3556
Brief details of case	<p>A complaint regarding unpaid salary increases and increments whilst the employee was suspended from work.</p> <p>Ministry for Home Affairs, Security and Employment (MHSE) replied that complainant was not entitled to salary increases and increments since they were eventually dismissed from the Public Service.</p>
Sector/Department	Civil Protection Department (CPD)
Ombudsman case reference	OMB-23-3927
Brief details of case	<p>A complaint regarding alleged unfair treatment in the selection process for a particular post within the department.</p> <p>Ministry for Home Affairs, Security and Employment (MHSE) replied that after internal discussions, it was agreed that 12 officers were to be appointed in the post in question, and the remaining 4 candidates were to be appointed through replacements in the following two years.</p>
Sector/Department	Correctional Services Agency (CSA)
Ombudsman case reference	OMB-23-3492
Brief details of case	<p>A complainant by an inmate alleging that they were being discriminated against.</p> <p>The Ministry for Home Affairs, Security and Employment, replied that the complainant was not under orders for division confinement. In fact, they were allowed to attend the central gym for inmates in the same manner and under the same conditions as other inmates.</p>
Sector/Department	Identità
Ombudsman case reference	OMB-23-3423
Brief details of case	<p>A complaint expressing dissatisfaction that Identità was refusing to carry out an agreement it reached with complainant.</p> <p>Identità informed the Ombudsman that it believed that the complaint lodged was frivolous and vexatious and had been filed for no reason other than to avoid paying Identità the amount actually due to it for services rendered in connection with searches and should, therefore, be dismissed.</p>

Cases closed without recommendation after action taken

Sector/Department	Identità
Ombudsman case reference	OMB-23-3453
Brief details of case	A complaint regarding the registration of a newborn child with the Public Registry.
Action taken and management comments	<p>The case involved two German nationals residing in Malta, whose child, born in Malta, was denied registration by the Public Registry, of the chosen two-lettered name, due to a rule under Article 278A of the Civil Code requiring names to be at least three letters long.</p> <p>The Ombudsman's Office sought clarification from the Public Registry, particularly on the discretion provided by Article 278A. The Public Registry stated that while the article uses the word "may," the Director is obliged to refuse names shorter than three letters to avoid potential discriminatory treatment against other parents. The Director maintained that accepting such names would undermine the law's intent.</p> <p>However, during a meeting between the Ombudsman and Identità, it was suggested that official documentation from foreign authorities could be considered in such cases.</p> <p>Subsequently, the Public Registry agreed to accept names shorter than three letters for non-Maltese parents if validated by a foreign authority, as in this case with a German birth certificate. The two-lettered name was approved and registered. Maltese parents remain subject to the three-letter rule.</p> <p>The Ombudsman's confirmed that the complainants were informed of the outcome, and then closed the case.</p>

Sector/Department	Identità
Ombudsman case reference	OMB-23-3611
Brief details of case	A complaint regarding a long due pending application for a Single Work Permit.
Action taken and management comments	<p>The complainant stated that their application had been pending for several months with no apparent progress, despite being informed by Identità that it had been forwarded to external stakeholders for vetting.</p> <p>The Ministry for Home Affairs, Security and Employment informed the Ombudsman that Identità had acted diligently and notified the complainant about inconsistencies in their application, instead of refusing it outright. The delays were due to the complexity of the case and the need for two sets of due diligence checks caused by errors in the initial submission. It was pointed out that, had the complainant provided accurate documentation initially, a decision would have already been issued.</p> <p>Later, the Ombudsman's Office was informed by the complainant that a decision on the application had been issued, and the case was closed.</p>

Sector/Department	Identità
Ombudsman case reference	OMB-23-4074
Brief details of case	A complaint re alleged discrimination and a breach of European Directive 2003/86/EC.
Action taken and management comments	<p>The case involved a complainant with a Long-Term Residence Permit who claimed discrimination when their two minor children, who were born in Malta, were granted one-year temporary permits instead of five-year permits as established under the Family Reunification Rules.</p> <p>After investigating the case, Identità agreed to grant a five-year permit, renewable if the policy criteria were met.</p> <p>The Ombudsman confirmed that the complainant was informed of the resolution, and the case was closed.</p>

Sector/Department	Local Enforcement Systems Agency (LESA)
Ombudsman case reference	OMB-23-3922
Brief details of case	A complaint in connection with the towing of a vehicle, despite it being parked legally.
Action taken and management comments	<p>The Ministry for Home Affairs, Security and Employment clarified that the agency follows the legal provisions of SL 65.13 regarding areas designated as Tow Away Zones by Local Councils, based on permits issued by the councils. Notices are placed at least 48 hours in advance, in line with standard towing enforcement procedures.</p> <p>For vehicle owners who are abroad, the agency stated that responsibility for the vehicle remains with the owner. The agency is legally required to tow vehicles causing inconvenience or obstruction. However, recognising the owner's inability to retrieve the vehicle immediately since they were abroad, the agency waived the storage fees up to a maximum of 15 days.</p> <p>The Ombudsman proceed to close the case.</p>

Sector/Department	Local Enforcement Systems Agency (LESA)
Ombudsman case reference	OMB-23-3929
Brief details of case	A complaint regarding the towing of a vehicle.
Action taken and management comments	<p>The case involved a complainant whose legally parked vehicle was towed while they were abroad. The complainant argued they were unaware of the tow zone notices because they had travelled before the notices were posted.</p> <p>LESA clarified that the towing was conducted under SL 65.13, with the local council declaring the area a Tow Away Zone due to a permit. Standard towing enforcement procedures were followed. The agency emphasised that vehicle ownership responsibility remains with the owner, even when abroad, and it is legally required to remove obstructions.</p> <p>The Ombudsman found no breach of good administration principles in the towing action. Since the complainant was unable to retrieve the vehicle while abroad, storage fees were refunded.</p> <p>The case was closed by the Ombudsman, affirming that the towing by LESA had been justified.</p>

Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-23-3397
Brief details of case	A complaint regarding the towing of a vehicle.
Action taken and management comments	<p>The complainant claimed there were no notices indicating that the area was designated as a restricted zone to traffic, and thus no parking was allowed.</p> <p>The Ombudsman's Office requested a copy of the Police Notice as published in the Government Gazette or the legal basis for the towing action.</p> <p>Upon review, the Ministry for Home Affairs, Security and Employment confirmed that the complainant's claim for reimbursement was justified because the street in question was not included in Police Notice published in the Government Gazette.</p> <p>The Ombudsman confirmed that the complainant had received the reimbursement and closed the case.</p>
Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-23-3688
Brief details of case	A complaint regarding lack of action by the Police to investigate a case of harassment.
Action taken and management comments	<p>The case involved a complainant alleging that a report submitted to the police appeared to have been ignored and no investigation initiated.</p> <p>MPF confirmed that an investigation had started against the individuals involved.</p> <p>The case was closed by the Ombudsman, as the matter was being addressed through a police investigation.</p>
Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-23-3957
Brief details of case	A complaint regarding the towing of a vehicle and the payment of a towing fee.
Action taken and management comments	<p>The case involved a complainant seeking a refund of €200 paid for the towing of their vehicle.</p> <p>Following an internal reassessment of the case, the Ministry for Home Affairs, Security and Employment agreed to approve the refund request. MPF contacted the complainant directly to process the reimbursement.</p> <p>The case was closed by the Ombudsman after confirming the case resolution.</p>

Cases closed and recommendation implemented

Sector/Department	Local Enforcement Systems Agency (LESA)
Ombudsman case reference	OMB-23-3742
Brief details of case	A complaint in connection with the towing of a vehicle.
Action taken and management comments	<p>The case involved a complainant whose vehicle was towed, alleging they were not notified beforehand despite registering their details on the LESA website. The complainant stated they only discovered about the towing days later through inquiries and incurred €60 in storage fees.</p> <p>The agency clarified that an enforcement does not require advance notification, but LESA allows clients to provide contact details for notifications. Notifications are sent within two hours of towing if contact information is provided. LESA also reports towing to the police for circulation and sends letters if vehicles remain uncollected. In this case, the complainant had partially updated their information but completed the online registration only after the towing occurred.</p> <p>Following the Ombudsman's Final Opinion, it was confirmed that the towing had been legitimate, and no act of bad administration was identified. However the notification procedure was found to be ineffective, and the distinction between registered and non-registered users was unfair and discriminatory.</p> <p>LESA implemented the Ombudsman's recommendation by reimbursing the complainant with the storage fees incurred. LESA also increased its promotional efforts highlighting its services on TV, radio, email campaigns, website pop-ups, and events.</p> <p>It was also confirmed that LESA's online system sends confirmation emails for registrations.</p> <p>The Ombudsman proceeded to close the case.</p>
Recommendation by Ombudsman	<ul style="list-style-type: none"> • The complainant should be reimbursed for the storage fees. • Notification procedures for non-registered users should be reviewed to eliminate inefficiencies and ensure equal treatment of registered and non-registered users. • Online Portal: It was recommended that the online registration process be reviewed to address and prevent issues like the one experienced by the complainant from occurring again.

Sector/Department	Local Enforcement Systems Agency (LESA)
Ombudsman case reference	OMB-23-3965
Brief details of case	A complaint regarding the towing of a vehicle.
Action taken and management comments	<p>The complainant contended that their vehicle was unfairly towed, as no clear evidence was provided that showed that the vehicle was parked in a designated tow-away zone.</p> <p>The Ombudsman's office requested evidence that notices were posted on-site at least 48 hours before the area was designated a temporary tow-away zone, along with the specific legislation mandating such notice. The Ministry clarified that the towing was carried out in accordance with SL 65.13, following a permit issued by the Local Council. Although the 48-hour requirement is not legislated, it is an operational standard formalised through a Local Councils' Association circular.</p> <p>For this case, evidence confirmed that the tow-away notice exceeded the 48-hour standard before towing occurred. The complainant's appeal was not upheld, as the towing was deemed lawful under SL 65.13 and the operational guidelines.</p> <p>Following the Ombudsman's recommendations, LESA took into consideration that there could have been shortcomings from its end and implemented the following actions:</p> <ul style="list-style-type: none"> - Adjusted conditions for permits issued by Local Councils. - Issued new internal directions for Community Officers. - Refunded the €200 penalty to the complainant. <p>The case was closed after these measures were implemented, as confirmed by LESA and the Ombudsman.</p>
Recommendation by Ombudsman	<p>The P.O. Office recommended the following actions in response to the case:</p> <ol style="list-style-type: none"> 1. The complainant should be reimbursed the €200 penalty for the towing. 2. Clear guidelines should be issued and made publicly available regarding how photographic evidence of properly affixed 'tow zone' notices should be taken. These guidelines should include: <ul style="list-style-type: none"> • Photos must be time-stamped. • Photos should clearly display all details of the notice, ensuring they are visible and legible. • Photos should include the notice along with the 'zone' it is meant to cover, allowing the address to be easily verified.

Sector/Department	Local Enforcement Systems Agency (LESA)
Ombudsman case reference	OMB-23-4193
Brief details of case	A complaint regarding the towing of a vehicle.
Action taken and management comments	<p>The case involved a complaint about the towing of the complainant's vehicle, with the complainant alleging unfair treatment due to a last-minute change in the "tow zone" designation. The complainant appealed through LESA's internal mechanism, receiving a standard rejection letter, and claimed the towing was unjust after a follow-up inquiry went unanswered.</p> <p>The Ministry for Home Affairs, Security and Employment (MHSE) provided the Ombudsman with a photo of the affixed permit and explained that the Government Gazette notice superseded the 48-hour notice requirement. The Ombudsman sought additional clarifications, including legal provisions authorising local councils and other entities to designate tow zones, to which MHSE complied.</p> <p>From the investigation carried out, it transpired that there had been an administrative error, with conflicting versions of the same notice posted at the site, resulting in the unjust towing of the complainant's vehicle. In his Final Opinion, the Ombudsman concluded that the complainant should not bear the consequences of public administration errors.</p> <p>Shortly after, MHSE informed the Ombudsman that the complainant had been refunded the towing fine, resolving the matter and concluding the case.</p>
Recommendation by Ombudsman	The Ombudsman recommended that the towing fine be reimbursed to the complainant.

Case referred to the Prime Minister in terms of Article 22(4) of the Ombudsman Act

Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-23-3511
Brief details of case	A complaint by a retired Police Officer regarding a mislaid Long and Efficient Service Medal.
Action taken and management comments	<p>The case involved a complainant seeking a replacement medal awarded under the <i>Ġieħ ir-Repubblika</i> Act (Chapter 251 of the Laws of Malta). The Ministry for Home Affairs, Security and Employment (MHSE) clarified that the MPF does not hold such medals, and following verification with the Cabinet Office, it was confirmed that these medals are awarded only once, with no replacements or copies issued.</p> <p>The Ombudsman issued a Final Opinion recommending a policy change to allow for the replacement of such medals and suggested that the complainant be presented with a replacement. MHSE responded that the decision to change this policy ultimately rests with the Cabinet Office.</p> <p>Subsequently, the Ombudsman informed MHSE that the case was being referred to the Prime Minister.</p>
Recommendation by Ombudsman	The Ombudsman recommend that the complainant should be presented with a replacement medal forthwith.

Reply on behalf of the Prime Minister sent to the Ombudsman

Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-23-3601
Brief details of case	A complaint by a retired Police Officer, regarding the denial to be awarded the Long and Efficient Service Medal and the first Clasp (LES MC).
Action taken and management comments	<p>The complainant argued that their years as a Reserve Police Constable (RPC) should be considered for the award. MPF informed the complainant that such years could not be reckoned for the award of the medal.</p> <p>The Ombudsman queried the disciplinary record of the complainant and sought clarification on whether the criteria for awarding the medal had been revised. The applicable criteria were provided to the Ombudsman.</p> <p>In the Final Opinion, the Ombudsman concluded that the complainant suffered an injustice by not being awarded the medal. However, MHSE disagreed, emphasising the distinction between RPCs and full-time officers. MHSE clarified that RPCs have a different legal status, terms of engagement, authority, and pension benefits. MHSE informed the Ombudsman that the recommendations could not be implemented.</p> <p>The case was subsequently referred to the Prime Minister's Office in terms of Article 22(4) of the Ombudsman Act.</p>
Recommendation by Ombudsman	The Ombudsman recommended that the complainant's total service within the Police Corps, including their years as a RPC, be recognised. It was further suggested that the Commissioner of Police reassess the complainant's suitability for the LES MC based on their complete service record.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	<p>The Principal Permanent Secretary replied to the Ombudsman, on behalf of the Prime Minister, explaining that the terms of employment of an RPC are of a temporary nature, and the service rendered is not reckonable for pension purposes. An RPC continues to receive the service pension granted upon retirement. Moreover, if the RPC is dismissed because of a disciplinary action or performs poorly, the service pension received is not adversely affected.</p> <p>By contrast, re-instated police officers stop receiving the service pension upon their re-instatement.</p> <p>If the service rendered while holding the position of RPC is recognised as service in the MPF, this may lead to claims that this service be also reckoned for pension purposes, leading to negative consequences.</p>

Pending at Ombudsman

Sector/Department	Correctional Services Agency (CSA)
Ombudsman case reference	OMB-23-3490
Brief details of case	<p>A confidential case</p> <p>Allegations that prison authorities did not take any action to a report made with prison authorities.</p>
Action taken and management comments	<p>The case involved a complaint regarding serious matters requiring investigation, with the details deemed sensitive and confidential.</p> <p>The Ministry for Home Affairs, Security and Employment, responded to the complaint, addressing the issues raised. The Ombudsman later inquired with the Police whether proceedings had been initiated. The Police replied that the matter was not of a criminal nature and did not merit prosecution.</p> <p>The Ombudsman confirmed that a senior investigating officer was still following up on the case, and the investigation remained open. The Ombudsman later noted that while no further active investigation was underway, a report on the case would be issued in due course.</p> <p>It was subsequently reaffirmed that the case remained open and under review.</p>
Sector/Department	Correctional Services Agency (CSA)
Ombudsman case reference	OMB-23-3824
Brief details of case	Complaints by an inmate regarding the refusal of a release on parole, and an issue to access their medical file.
Action taken and management comments	<p>The CSA clarified that the Parole Board operates independently, and queries regarding its decisions should be directed to the Chairperson of the Board.</p> <p>With regard the access to the inmate's medical file, CSA had no objection to the granting of access to the complainant's data, but an administrative fee would apply, covering photocopying service, and other consumables. Additionally, the request had to be made directly by the inmate and not through their lawyer.</p> <p>The Ombudsman indicated that the investigation was still in progress.</p>

Sector/Department	Identità
Ombudsman case reference	OMB-23-4194
Brief details of case	A complaint regarding the refusal of a request to deregister a lessee.
Action taken and management comments	<p>The case involved a lessor whose request for deregistration of a lessee from their property was allegedly refused, preventing the premises from being leased and causing a financial loss. The complainant also claimed that they were unaware that the lessee had been registered at the property.</p> <p>Identità confirmed that the request for deregistration was not official and thus it could not be completed.</p> <p>To facilitate the process, the Ministry for Home Affairs, Security and Employment informed the Ombudsman that the complainant could contact the ID Cards Unit for guidance.</p>

Sector/Department	Local Enforcement Systems Agency (LESA)
Ombudsman case reference	OMB-23-4256
Brief details of case	A complaint regarding a vehicle towed from a parking space in Sliema.
Action taken and management comments	<p>The case involved a complaint regarding a €200 charge for the release of a towed vehicle. The complainant argued that the space was not appropriately marked as “No Parking” at the time of towing and received no response after appealing to the Commissioner of Police.</p> <p>The Ministry for Home Affairs, Security and Employment (MHSE) explained that:</p> <ul style="list-style-type: none"> • Regulation 77(2) of the Motor Vehicles Regulations (S.L. 65.11) prohibits vehicles from obstructing access to marked garages. • Regulation 3 of the Clamping and Removal of Motor Vehicles and Encumbering Objects Regulations (S.L. 65.13) governs towing for obstructions. • A photo provided showed a “Garage in Use” sign on the premises. <p>The Ombudsman noted that no “No Parking” markings were present when the vehicle was parked and questioned the towing decision. MHSE maintained that the “Garage in Use” sign indicated a requirement for unobstructed access and that any vehicle blocking such access violated Regulation 77(2). They emphasised that drivers are responsible for ensuring their vehicles do not block access, regardless of additional markings.</p>

Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-23-3455
Brief details of case	A complaint from five officers regarding an injustice they suffered through a particular selection process.
Action taken and management comments	<p>The officers alleged that despite passing the selection process for a particular rank, they were not appointed to the grade.</p> <p>The Ministry for Home Affairs, Security and Employment (MHSE) clarified that the MPF rebutted the complainants' claims. It emphasized that achieving a pass mark does not automatically guarantee promotion, as appointments are determined by the order of merit and the MPF's needs to fill vacancies.</p> <p>The Ombudsman requested the selection process files, which were provided by MHSE.</p>

Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-23-3909
Brief details of case	A complaint regarding alleged mistreatment.
Action taken and management comments	<p>The complainant had already sought redress with the Grievance Board in 2018 and was informed that the petition could not be concluded due to prescription. The complainant, a former Probationary Police Constable, claimed discrimination during their brief service and subsequent reinstatement requests.</p> <p>The MPF stated that no record of a complaint existed, and the officers mentioned by the complainant were no longer with the force, making verification impossible. The complainant resigned, was briefly reinstated, and resigned again. Repeated reinstatement requests were mostly denied due to the complainant's history of unreliable service. MPF argued that the complainant's claims were unsubstantiated, noting that the repeated requests for reinstatement contradicted the allegations of mistreatment.</p> <p>Documentation, including service and leave records and reinstatement criteria, was submitted to the Ombudsman. A meeting between the Police and the Parliamentary Ombudsman revealed that conversations which allegedly took place, dating back nearly 20 years, could not be verified.</p> <p>The case remains open, with the investigation ongoing.</p>

Pending at Ministry

Sector/Department	Armed Forces of Malta (AFM)
Ombudsman case reference	OMB-23-4213
Brief details of case	A complaint regarding alleged discriminatory treatment with respect to the procedures adopted by the Army for advancement to Officer rank.
Action taken and management comments	<p>The Ministry for Home Affairs, Security and Employment explained that the Late Entry Officer's Commissioning Course (LEOC) was introduced in 2011 to ensure that officers meet essential skills requirements. The complainant did not meet the educational criteria, specifically failing Mathematics at MQF Level 3, which is required for promotion.</p> <p>The Ombudsman requested further information, including the personal files of the three officers.</p> <p>AFM provided the requested soft copies but was later asked to submit the actual paper files.</p>

MHSE
**COMMISSIONER FOR
ENVIRONMENT AND PLANNING**



Cases closed without a recommendation

Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	CEP-23-3836
Brief details of case	A complaint regarding lack of action from the Police against a car that was wrongly parked.
Action taken and management comments	<p>The case involved a complaint regarding the interpretation of traffic laws by the Police concerning vehicles parked on yellow lines next to a garage. The complainant alleged that the Police stated no contravention occurred because the wheels of the vehicle did not cross the yellow lines.</p> <p>MPF requested specific details about the incidents, including reports made to the Police, the frequency of occurrences, and any complaints filed to internal units or other authorities. The Commissioner for Environment and Planning (CEP) clarified that the investigation was focused solely on the interpretation of the contravention. MPF explained that the entire vehicle is considered when determining if a contravention has occurred, as blocking a passage involves more than just the position of the wheels.</p> <p>CEP informed the complainant of the Police's position and proceeded to close the case.</p>

Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	CEP-23-3877
Brief details of case	An investigation was initiated following a complaint regarding the opening hours of a mini-market.
Action taken and management comments	<p>The case involved a complaint about a mini-market operating 24/7 and disturbing residents during night-time.</p> <p>A query was raised regarding how the mini-market's operations conformed to the Trading Licenses Regulations (S.L. 441.07) and Business Hours Regulations (S.L. 441.08), particularly concerning business hours beyond 7:00PM, and whether any action had been or would be taken.</p> <p>The Ministry for Home Affairs, Security and Employment responded, clarifying that the activity in question likely fell under point 11 of the First Schedule to the Business Hours Regulations, which covers commercial activities with unrestricted business hours. It was suggested that further inquiries should be directed to the Commerce Department as the competent authority.</p> <p>The case was closed following this clarification.</p>

MHSE

PRE-2023 CASES

(for further information on the case: Governance Action on the
Parliamentary Ombudsman Annual Report 2022)

Parliamentary Ombudsman

Cases closed without recommendation

Sector/Department	Correctional Services Agency (CSA)
Ombudsman case reference	OMB-22-3173
Brief details of case	A complaint regarding an inmate at Corradino Correctional Facility, alleging theft of personal belongings from the facility.
Action taken and management comments	<p>The Ministry for Home Affairs, Security and Employment (MHSE) informed the Ombudsman that the complainant had reported the theft on 22 January 2023, involving a bag of clothes which was stolen on 15 July 2022, whilst they were being transferred.</p> <p>An inspector requested CCTV footage from CCF, but it was confirmed that recordings from such a distant date were unavailable. The Police noted that identifying anyone involved after such a delay was impossible, emphasising the need for immediate reporting to preserve evidence.</p> <p>The Ombudsman informed MHSE that the case was closed.</p>
Status last year	Pending at Ministry
Sector/Department	Correctional Services Agency (CSA)
Ombudsman case reference	OMB-22-3294
Brief details of case	<p>A complaint regarding an inmate at the Corradino Correctional Facility (CCF) who alleged that they had been subjected to:</p> <ul style="list-style-type: none"> • racist comments, rudeness and disrespect towards them by the “new officers”, • solitary confinement for ten days without explanation, • spraying pepper spray directly in their eyes, • having been locked up in their cell for three days, • vaccination without their consent.
Action taken and management comments	On February 7 2024, the Office of the Ombudsman informed the Ministry that the case was closed.
Status last year	Pending at Ombudsman
Sector/Department	Identity Malta Agency (IMA) (now known as Identitá)
Ombudsman case reference	S 0119
Brief details of case	A complaint lodged by a private company contracted by IMA to provide employees for IMA, claiming 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.
Action taken and management comments	On 30 November 2023, PO notified that they will not proceed any further with its investigation into the matter and proceeded to close the case.
Status last year	Pending at Ombudsman

Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-21-2539
Brief details of case	<p>A complaint from a Police Sergeant who alleged that they had been subjected to discriminatory treatment in the selection process for the post of Detail Officer.</p> <p>They complained that they were not selected to fill this post when the police officers who preceded them in the order or merit did not remain in the post.</p>
Action taken and management comments	On 9 February 2024, Ombudsman informed the Ministry for Home Affairs, Security and Employment that the case was closed.
Status last year	Pending at Ombudsman

Sector/Department	Malta Police Force (MPF)
Ombudsman case reference	OMB-22-2750
Brief details of case	A complaint by an officer who felt that MPF was preventing them from benefiting from time-off-in-lieu before retiring from the Force.
Action taken and management comments	On February 29 2024, the Office of the Ombudsman informed the Ministry that the case was closed.
Status last year	Pending at Ombudsman

Sector/Department	Ministry for Home Affairs, Security and Employment (MHSE)
Ombudsman case reference	OMB-21-2072
Brief details of case	A complaint from an officer who alleged that their assignment to the Academy for Disciplined Forces from the Correctional Services Agency, following the conclusion of disciplinary proceedings, was irregular and contrary to the provisions regulating the Prison Service.
Action taken and management comments	On 20 February 2024, Ombudsman informed the Ministry that the case had been closed.
Status last year	Pending at Ministry

Case closed and recommendation not accepted

Sector/Department	Identity Malta Agency (now known as Identità)
Ombudsman case reference	OMB-22-3227
Brief details of case	The complainant, who had been residing in Malta for over 16 years, was seeking to obtain a regular status in the country.
Action taken and management comments	<p>On 9 February 2024, the Ombudsman issued the Final Opinion.</p> <p>It was agreed that Identità should allow the complainant to reapply under the original scheme.</p> <p>The complainant's legal representative contacted the Agency to submit the application, with instructions to provide a hard copy of all documentation at Identità's offices.</p> <p>After analysing the submitted documentation, the Ministry for Home Affairs, Security and Employment (MHSE) informed the Ombudsman that the application was redened due to the complainant's failure to meet the policy requirements. Specifically, the complainant had only 167 weeks of gainful employment from 2013 to 2018, falling short of the required 195 weeks.</p> <p>The Ombudsman's office responded, advising the complainant to appeal the decision with the Immigration Appeals Board.</p> <p>On 18 September 2024, the Ombudsman informed MHSE that the case was officially closed.</p>
Recommendation by Ombudsman	The Ombudsman's Office recommended that the authorities concerned should grant the complainant immigration status in line with the Specific Residence Authorisation Policy which was in force until the end of year 2020.
Status last year	Pending at Ombudsman

Case closed due to court proceedings

Sector/Department	Identity Malta Agency (now known as Identità)
Ombudsman case reference	OMB-22-2593
Brief details of case	A complaint regarding an expired identity card which was not renewed by the Non-EU section of Identity Malta Agency (IMA), notwithstanding that all the documents requested by the Agency had been provided and the Court judgement, convicting the complainant had been res judicata for two years.
Action taken and management comments	On 29 April 2024, the Ministry for Home Affairs, Security and Employment (MHSE) informed the Ombudsman that court proceedings had been initiated regarding the complainant's case. Consequently, the Ombudsman notified Identità and MHSE that, under Article 13(5) of the Ombudsman Act, he lacked jurisdiction to investigate complaints that are already being addressed in court or by a Tribunal.
Status last year	Pending at Ministry

Reply on behalf of the Prime Minister sent to the Ombudsman

Sector/Department	Ministry for Home Affairs, Security and Employment (MHSE)
Ombudsman case reference	OMB-22-3337
Brief details of case	The complainant asserted of being owed backdated salary and salary for the three months of pre-retirement leave.
Action taken and management comments	On 27 December 2023, the Ombudsman referred the Final Opinion to the Prime Minister in terms of Article 22(4) of the Ombudsman Act.
Recommendation by Ombudsman	The Ombudsman found no administrative or procedural errors in the case but recommended compensating the complainant for the three-month pre-retirement leave due to the particular circumstances.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	On 18 September 2024, the Principal Permanent Secretary replied to the Ombudsman, explaining that while the case had been thoroughly discussed between the MHSE, and the Coordination and Implementation Division, accepting the recommendation to compensate for unused leave would set a costly precedent for public administration. Thus, the recommendation in the Final Opinion could not be accepted.
Status last year	Closed and recommendation not accepted

Cases pending at Ombudsman

Sector/Department	Armed Forces of Malta (AFM)
Ombudsman case reference	OMB-22-2824
Brief details of case	A complainant, through their lawyer, argued that two warrant officers were given backdated promotions to Lieutenant even though they did not attend the Late Entry Officer Course.
Action taken and management comments	On 30 October 2024, the Ombudsman informed the Ministry for Home Affairs, Security and Employment that the case was still under investigation.
Status last year	Pending at Ombudsman

Sector/Department	Identity Malta Agency (now known as Identità)
Ombudsman case reference	OMB-22-2772
Brief details of case	The complainant requested a refund for research that they did not order.
Action taken and management comments	The Office of the Ombudsman informed the Ministry that the investigation was ongoing.
Status last year	Pending at Ombudsman

Sector/Department	Ministry for Home Affairs, Security and Employment (MHSE)
Ombudsman case reference	OMB-21-2461
Brief details of case	The Office of the Ombudsman requested the whole list of prisoners and staff with contact details who have worked at the Correctional Services Agency in the last five years.
Action taken and management comments	The Office of the Ombudsman informed MHSE that the investigation was ongoing.
Status last year	Pending at Ombudsman



MINISTRY FOR JUSTICE AND REFORM OF THE CONSTRUCTION SECTOR

In 2023, the Parliamentary Ombudsman referred eight cases to the Ministry for Justice and Reform of the Construction Sector (MJR). One case was not upheld. Two cases were closed without any recommendation being made. One case was closed after the management replied to one request for information. One case was closed due to court proceedings. Three cases were pending at the Office of the Ombudsman.

There was one case referred by the Parliamentary Ombudsman which was pending from previous years. During the course of the year under review the case was closed without any recommendation being made, after the necessary action was taken.

The Commissioner for Environment and Planning (CEP) referred two cases to MJR, one of which was closed after the management replied to one request for information, whilst the other case was closed without any recommendation.

There was one case which had been referred by the CEP in previous years, which case was pending at the ministry.

MJR total cases 2023 - 10

MJR

PARLIAMENTARY OMBUDSMAN



Complaint not upheld

Sector/Department	Building and Construction Authority (BCA)
Ombudsman case reference	OMB-23-3587
Brief details of case	<p>A complaint lodged by a former employee in connection with dues allegedly owed.</p> <p>On the basis of the information provided by BCA, the Ombudsman did not find the complainant's claims to be justified.</p>

Cases closed without recommendation

Sector/Department	Court Services Agency (CSA)
Ombudsman case reference	OMB-23-4010
Brief details of case	A complaint regarding failed attempts to obtain a copy of the court judgment for a case they had initiated.
Action taken and management comments	The Ombudsman was informed that the judgement was made available online, shortly afterwards.

Sector/Department	Office of the Attorney General
Ombudsman case reference	OMB-23-3416
Brief details of case	A complaint raised by an employee regarding their salary.
Action taken and management comments	<p>The officer lamented about their unchanged salary over the years and compared it to that of other employees, who had received salary increases in 2022, through trade union negotiations.</p> <p>The Ministry, after consulting the Industrial Relations Unit, explained to the Ombudsman that the officer's salary fell under administrative grades and was not comparable to Legal Class Officers, who also benefit from a class allowance due to their profession.</p> <p>The Ombudsman informed the Ministry that the complainant reported the issue as resolved, subsequently the case was closed.</p>

Case closed after the management replied to one request for information

Sector/Department	Legal Aid Agency
Ombudsman case reference	OMB-23-4091
Brief details of case	<p>A complaint regarding lack of assistance in procuring legal aid assistance.</p> <p>The Agency explained that legal aid had been offered multiple times, contingent on the complainant submitting required documentation, including a means test and a release letter from their previous lawyer. However, the complainant did not provide the necessary documents, preventing the Agency from proceeding.</p> <p>The Ombudsman advised the complainant to comply with the submission requirements to enable an eligibility assessment. After reviewing the matter, the Ombudsman found that the Agency had acted appropriately within its administrative responsibilities and saw no justification to compel the provision of legal aid.</p>

Case closed due to court proceedings

Sector/Department	Legal Aid Agency
Ombudsman case reference	OMB-23-3919
Brief details of case	A complaint regarding denied legal aid assistance.
Action taken and management comments	<p>The Agency explained that the complainant was deemed ineligible for legal aid under the merits test in Article 926 of Chapter 12. The complainant challenged this decision and requested reconsideration. In response, the Agency filed a recourse with the Civil Court First Hall, as required by Article 917 of Chapter 12, for the court to determine legal aid eligibility.</p> <p>After reviewing the details, the Ombudsman informed the complainant that the case could not be investigated since it was already before the court. The Ombudsman closed the case.</p>

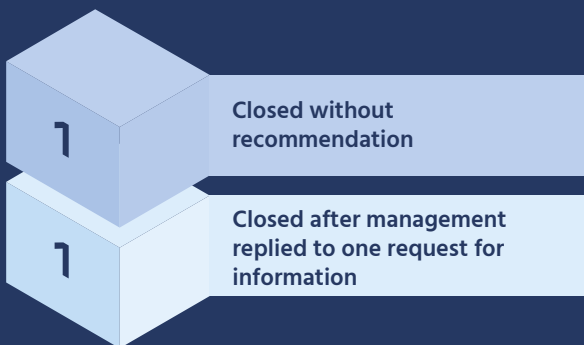
Cases pending at Ombudsman

Sector/Department	Office of the State Advocate
Ombudsman case reference	OMB-23-3408
Brief details of case	A refusal to transfer and pay the funds awarded by the Courts of Justice in several judgements directly to the complainant and their family.
Action taken and management comments	<p>The Ombudsman sought clarification regarding the procedures for compensation payments, the legality of deductions, and the rationale for paying parties other than the injured individual.</p> <p>The Office of the State Advocate explained that compensation, legal fees, or VAT are forwarded in good faith to the lawyer or law firm representing the plaintiffs. Agreements regarding legal fees or deductions fall under lawyer-client privilege. In inherited property cases, compensation is awarded as a lump sum without allocation to specific plaintiffs, making it the lawyer's responsibility to distribute the funds correctly.</p> <p>The Ombudsman was advised to consult the complainant's lawyer for further details about the financial arrangements, as only the lawyer could clarify the deductions or distributions.</p> <p>The investigation is ongoing.</p>

Sector/Department	Real Estate Licencing Unit (RELU)
Ombudsman case reference	OMB-23-4047
Brief details of case	A complaint by an officer regarding an annual allowance paid to Economic Officers.
Action taken and management comments	<p>The complainant argued that the annual allowance provided to Economics Officers within the Economic Policy Division (EPD) of the Ministry for Finance, was not extended to Economics Officer within their entity. The complainant alleged unfair exclusion from this “market connectivity allowance,” arguing it was restricted to EPD officers despite similar roles being performed elsewhere in the public sector.</p> <p>The Ministry’s People Management Directorate clarified that the allowance was exclusive to EPD officers under the Sectoral Agreement for the Economics Class. They emphasized that the term “market correctively allowance” was a misnomer and that the correct term was “EPD Allowance,” directly tied to EPD-specific duties.</p> <p>The Ombudsman requested and eventually reviewed the Sectoral Agreement. The agreement confirmed the exclusivity of the allowance to EPD officers. The Ministry for Justice and Reforms of the Construction Sector, now responsible for the RELU where the complainant worked, agreed that the complainant was not eligible for the allowance under the agreement.</p> <p>The investigation is ongoing.</p>

Sector/Department	Real Estate Licencing Unit (RELU)
Ombudsman case reference	OMB-23-4108
Brief details of case	A complaint regarding the RELU’s handling of the real estate licensing process.
Action taken and management comments	<p>The complainant lamented about alleged undue delays in obtaining a basic real estate broker licence. They argued that the nearly two-year delay was unreasonable, especially after completing the mandatory training and incurring associated costs.</p> <p>RELU responded that the licensing process includes thorough due diligence and risk assessments due to the high-risk nature of real estate roles concerning money laundering, adhering to the Financial Action Task Force and Moneyval standards. RELU refuted the complainant’s claim that the process was merely procedural and attributed the delay to the complainant’s incomplete application. RELU noted that essential documents, such as the Police conduct certificate and academic qualifications, were provided only after multiple follow-ups, which prolonged the process.</p> <p>RELU also asserted that the complainant was treated equitably and experienced no undue delay compared to other applicants. The complainant’s licence had already been issued by the time the Ombudsman became involved.</p> <p>The Ombudsman confirms that the investigation is ongoing.</p>

MJR
**COMMISSIONER FOR THE
ENVIRONMENT AND PLANNING**



Case closed without recommendation

Sector/Department	Building and Construction Authority (BCA)
Ombudsman case reference	CEP-23-3500
Brief details of case	A complaint alleging irregularities carried out by a geotechnical services company.
Action taken and management comments	<p>The case involved a complaint about a method statement approved by the BCA, which allegedly failed to meet the required standards. They also alleged that the samples were not taken from the intended site, but from a different location. The complaint prompted a review of the method statement and associated geotechnical reports.</p> <p>The complainant was invited to submit a report from their Perit for review. In the meantime, BCA re-evaluated the method statement but upheld their original decision, confirming compliance with Subsidiary Law 623.06. Legal advice obtained by BCA supported their decision to proceed, and the complainant was informed of the option to appeal to the Building and Construction Tribunal.</p> <p>The complainant later questioned the source of geotechnical samples referenced in the report. The Commissioner for Environment and Planning (CEP) responded that the geotechnical report had been publicly accessible on the Planning Authority's website since. The CEP also noted that the complainant had not submitted a report from their Perit despite being invited to do so.</p> <p>With no further evidence from the complainant, CEP concluded that additional investigation into BCA was unwarranted and informed BCA that the case was closed.</p>

Case closed after management replied to one request for information

Sector/Department	Building and Construction Authority (BCA)
Ombudsman case reference	CEP-23-3887
Brief details of case	<p>A query regarding the processing of a complaint by the BCA.</p> <p>Complainant enquired about the BCA's system for handling complaints, particularly regarding accessibility for individuals without computer literacy or filing complaints outside working hours. The complainant also raised concerns about a specific permit and alleged irregularities at a construction site.</p> <p>In response to the Commissioner for Environment and Planning's (CEP) inquiries, the BCA provided details on the manning hours of the Freephone Service Operation, and it also explained how incoming complaints are managed and processed through its Customer Relationship Management System.</p> <p>With regard the alleged irregularities at a construction site, BCA informed the CEP that it had carried out various inspections, where it was confirmed that the works had not yet commenced. Subsequent inspections, following clearance for excavation and building works, had confirmed proper adherence to instructions.</p>

MJR

PRE-2023 CASES

(for further information on the case: Governance Action on the
Parliamentary Ombudsman Annual Report 2022)

Parliamentary Ombudsman

Case closed without recommendation after action taken

Sector/Department	Court Services Agency (CSA)
Ombudsman case reference	OMB-22-2780
Brief details of case	A complaint by a retired ex-CSA (Gozo) court officer who had executed a warrant evicting a private company from the premises they had been occupying, following a court order.
Action taken and management comments	<p>In October 2023, the complainant was requested to provide bank account details to facilitate the settlement of the payment by the CSA. The complainant submitted the necessary details, and the payment was processed accordingly.</p> <p>The Ombudsman confirmed that the complainant had received the funds, subsequently closing the case.</p>
Status last year	Pending at Ministry

Commissioner for Environment and Planning

Case pending at Ministry

Sector/Department	Building and Construction Authority (BCA)
Ombudsman case reference	CEP-21-2333
Brief details of case	An investigation regarding the publication of advertisements for the sale of property without the indication of the energy performance of the building.
Action taken and management comments	<p>The case concerned compliance with the Energy Performance Certificate (EPC) requirements for properties listed for sale or rent.</p> <p>The Commissioner for Environment and Planning (CEP) issued a Final Opinion with recommendations. In its reply, BCA outlined the following:</p> <ul style="list-style-type: none"> • Agreement had been reached to enforce EPC inclusion in advertisements from 1 August 2024. • A six-month awareness campaign would be launched to inform the public about the legal requirement for EPCs when advertising properties. <p>While BCA declined a recommendation to apply discounts on registrations, it proposed alternative measures, including:</p> <ul style="list-style-type: none"> • Taking a snapshot of the current database of properties listed before August 2024. • Requesting missing EPC information from lessors through collaboration with the Housing Authority and Malta Tourism Authority. • Contacting property sellers through data obtained from the Public Registry and Central Database to ensure EPC compliance. • Reviewing non-compliant advertisements on platforms such as Facebook and requesting their removal. <p>BCA also committed to providing licensed estate agents with access to updated EPC information monthly, aiming to address the 40,000 properties currently listed.</p> <p>CEP welcomed BCA's commitments and noted that the case would be closed once the outlined actions were fully implemented.</p>
Recommendation by Ombudsman	<p>It was recommended that BCA takes proactive measures to improve compliance with EPC requirements in property advertisements. These included continuing discussions with EAS to ensure registered estate agents display EPC ratings in their advertisements, thereby setting an example for the industry.</p> <p>It was also advised that BCA engage with media houses to inform advertisers about this regulatory requirement.</p> <p>Another suggestion was to incentivize compliance by offering discounts on registration fees for those who provide advertisements showing the EPC rating.</p>
Status last year	Pending at Ministry



MINISTRY FOR LANDS AND THE IMPLEMENTATION OF THE ELECTORAL PROGRAMME

In 2023, the Parliamentary Ombudsman referred eleven cases to the Ministry for Lands and the Implementation of the Electoral Programme (MLI). Five cases were closed without any recommendation being made. Three cases were closed without any recommendation, after the necessary action was taken. One case was closed due to tribunal proceedings. In one case a reply on behalf of the Prime Minister was sent to the Ombudsman. One case was pending at the Ministry.

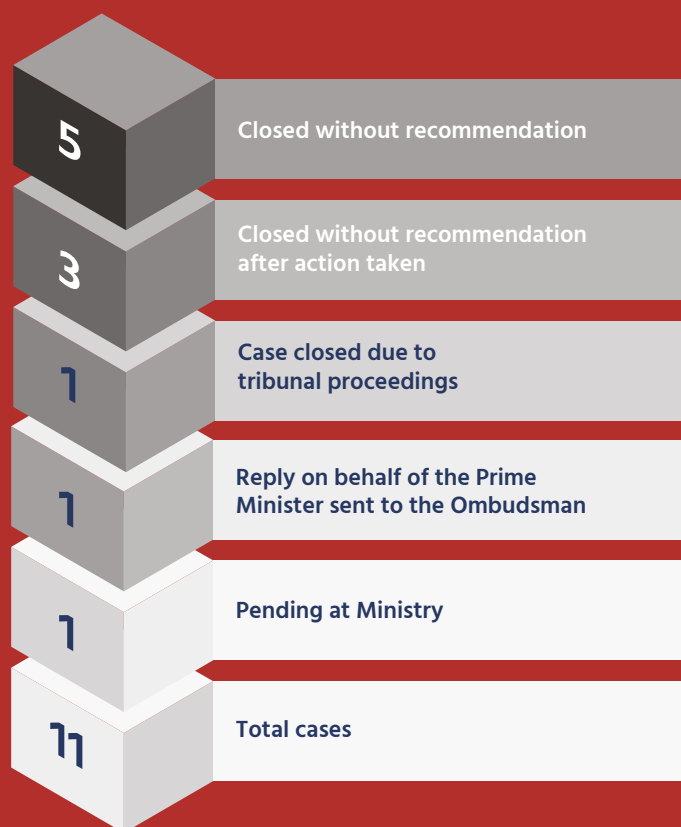
There were nine cases referred by the Parliamentary Ombudsman which were pending from previous years. During the course of the year under review two cases were closed without any recommendation being made, two cases were closed with the recommendation being partially implemented, whilst two cases were closed and the recommendation was fully implemented. Three cases were pending at the Office of the Ombudsman.

The Commissioner for Environment and Planning (CEP) referred three cases to MLI. Two cases were closed without any recommendation being made, whilst one case was closed due to tribunal proceedings.

MLI total cases 2023 - 14

MLI

PARLIAMENTARY OMBUDSMAN



Cases closed without recommendation

Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-23-3495
Brief details of case	A complaint regarding compensation for the value of agricultural crop land expropriated for the expansion of roads.
Action taken and management comments	<p>The Ombudsman received a complaint regarding unpaid compensation for the value of an agricultural crop land on expropriated land inherited by the complainant through their father's will. While compensation for the land had been settled, the payment for the crop's value remained outstanding. The complainant provided supporting documentation to the Lands Authority's notary, referencing a commitment made in 2018 to pay this amount.</p> <p>The Ombudsman confirmed that the complainant later acknowledged receipt of the payment, and the case was subsequently closed.</p>

Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-23-3661
Brief details of case	A complaint regarding the recognition process (emphyteuta) of properties.
Action taken and management comments	<p>The complainant requested to be recognised as the tenant of two apartments following the passing of their parents. The complainant stated that communication with the LA had not yielded any response.</p> <p>The Ombudsman had been informed by the Joint Office that the properties were registered with the Land Registry and that its involvement in the case was complete, advising the complainant to proceed with the LA for the recognition process.</p> <p>The Ombudsman contacted the LA to confirm the status of the recognition applications. Shortly afterward, the complainant received correspondence from the LA, confirming their recognition as the emphyteuta.</p> <p>With the matter resolved, the Ombudsman closed the case.</p>

Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-23-3687
Brief details of case	A complaint regarding an application for the rent of a garage.
Action taken and management comments	<p>The complainant alleged that repeated requests for updates on the application had gone unanswered.</p> <p>The LA responded that the application had been processed and placed on the Tenders Committee Agenda. However, the application was rejected as the property had already been awarded to third parties through a prior tender. The LA explained that applications are processed in the order they are received, noting the high volume of applications handled by the department.</p> <p>Following a request from the Ombudsman, the LA provided a copy of the issued tender. With this information, the Ombudsman closed the case.</p>

Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-23-3977
Brief details of case	A complaint regarding an alleged forced entry into a garage.
Action taken and management comments	<p>The complainant alleged illegal use of the garage after forced entry and claimed the LA had not responded to their report. The Ombudsman inquired about verifications on the alleged illegal occupation and actions taken if the occupation was unlawful.</p> <p>The LA clarified that an expression of offers for the garage had been published in the Government Gazette, and the current occupants were officially recognised, confirming no illegal occupation. The complainant's application was submitted after the expression of offers was issued.</p> <p>The Ombudsman noted that the LA had failed to inform the complainant of the garage's status after their report and commented that the LA should take timely action to process applications and to inform applicants whether the property is available, to avoid poor administrative practice.</p> <p>The LA responded that the complainant's application was still being processed and the standard 90-day timeframe for a reply had not lapsed. They maintained that applications were processed in order and within the established timelines, disputing any administrative shortcomings.</p> <p>The Ombudsman, satisfied with the LA's clarifications and adherence to procedure, closed the case.</p>

Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-23-4050
Brief details of case	A complaint regarding a decision to terminate an agricultural lease.
Action taken and management comments	<p>The case involved a complaint on behalf of a couple regarding the LA's failure to act after a court judgement annulled a prior decision and referred the matter back to the LA for reconsideration. Despite follow-ups from the complainants' lawyer, the LA had taken no formal action, prompting significant prejudice to the complainants. The Ombudsman sought the LA's comments.</p> <p>The LA responded that a second site inspection had been conducted, and its investigation led the Board of Governors to determine that a private agreement concerning payment for renunciation of rights over government land was illicit. Consequently, the Board decided to reject the complainants' applications under the ALS 2001 scheme and initiated steps to reclaim the land.</p> <p>Formal letters of refusal and lease termination were sent via registered post, informing the complainants of their right to appeal under Article 57 of the Lands Authority Act (Cap 563).</p> <p>The Ombudsman confirmed that the letters were delivered and that the complainants were aware of their right to appeal. With all necessary actions completed, the case was closed.</p>

Cases closed without recommendation after action taken

Sector/Department	Joint Office (JO)
Ombudsman case reference	OMB-23-3797
Brief details of case	A complaint regarding the recognition of a transfer of ownership of a divided portion of a field.
Action taken and management comments	<p>The case involved a complaint about delays in the registration and recognition of a property. The JO explained that it had requested documentation from the complainant and was registering the property with the Lands Registry as part of a broader batch of registrations.</p> <p>The JO later confirmed that the registration application had been submitted and was undergoing verification and approval. Following this, the verification process was completed, and the file was prepared for final reconciliation before being forwarded to the Lands Authority's legal office.</p> <p>The Ombudsman closed the case after receiving assurances that the necessary processes were progressing appropriately.</p>
Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-23-3834
Brief details of case	A complaint regarding an application for the redemption of ground rent of a sold property.
Action taken and management comments	<p>The complainant who had sold the property stated that, despite the notary sending a letter to the LA no response had been received.</p> <p>The LA informed the Ombudsman that the recognition process was almost complete, with all required documentation in place. The recognition would be in the buyer's name, and the buyer had been informed of the necessary steps for ground rent redemption.</p> <p>The Ombudsman later confirmed that the buyer was officially recognised and had applied for ground rent redemption. Subsequently, LA's Legal section provided the notary with a draft contract and guidelines for finalisation.</p> <p>The Ombudsman proceeded to close the case.</p>
Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-23-4149
Brief details of case	A complaint regarding an application for the recognition process (emphyteuta) of a property.
Action taken and management comments	<p>The Ombudsman sought an explanation for the four-year delay and requested an estimated completion timeframe.</p> <p>The LA attributed the delay to the complexity of the case, which involved extensive research to identify accurately the plot. Issues included the duplication in property numbering in the area in question. The LA assured that the process was complete. The recognition letter was uploaded on the online system, and the applicant was notified accordingly.</p> <p>Thereafter, the Ombudsman closed the case.</p>

Closed case due to tribunal proceedings

Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-23-3721
Brief details of case	A complaint regarding the lease of a store.
Action taken and management comments	<p>The complaint concerned the lease of a store, where court proceedings had required the Lands Authority (LA) to recognise the complainant as a co-tenant. Despite the court's decision, the complainant's lawyer reported inaction from the LA.</p> <p>The LA stated that the matter had been referred to its Board of Governors for a final decision.</p> <p>Further complexity arose when the complainant's spouse appealed the LA's actions before the Administrative Review Tribunal. With tribunal proceedings underway, the Ombudsman concluded that further investigation was not possible and closed the case.</p>

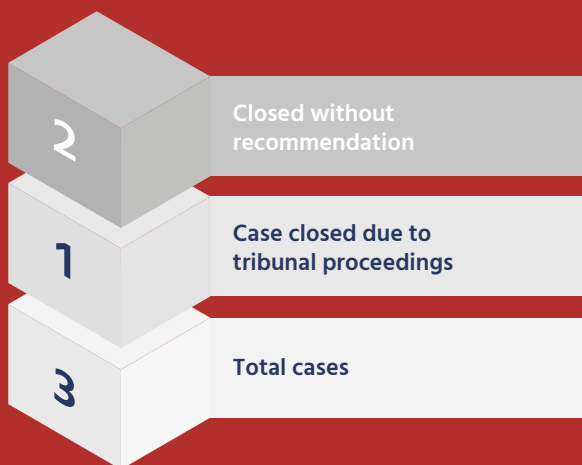
Reply on behalf of the Prime Minister sent to the Ombudsman

Sector/Department	Land Registration Agency (LRA)
Ombudsman case reference	OMB-23-4222
Brief details of case	A complaint regarding administration and registration fees on properties.
Action taken and management comments	<p>The complaint regarded the anomalies which existed within the LRA's dual-branch registration structure for Malta and Gozo. The issue centred on the separate administration and registration fees applied for properties in the two regions which, the complainant argued, created inconsistencies and discrimination.</p> <p>The LRA acknowledged the anomaly, attributing it to the separate administrative systems of Malta and Gozo. It highlighted plans to address the issue through the implementation of a new online registration platform that would unify the Registers of both regions, enabling seamless registration through a single portal. This initiative was expected to resolve the inconsistency by ensuring all entries were recorded consecutively within a single Register. The LRA also clarified that the current tariffs, based on existing legislation, required separate fees for registrations in each region.</p> <p>The Ombudsman referred the matter to the Prime Minister in terms of Article 22(4) of the Ombudsman Act, to ensure that the necessary legislative updates and systemic changes would be prioritised to address the root cause of the issue effectively.</p>
Recommendation by Ombudsman	The Ombudsman recommended that Tariff No. 7, found in the Schedule of Tariffs of S.L. 296.01, be applied as found in the law without distinction on whether properties against which the charge needs to be registered are situated on one island or on both Malta and Gozo.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	The Ministry for Lands and Infrastructure (MLI) prepared and consolidated the draft Legal Notice amending Schedule II of Chapter 296, aimed to eliminate regional discrepancies and provide clarity for affected parties. The proposal was discussed during a Cabinet session, where legal clearance was obtained. Subsequently, the Legal Notice was published in July 2024.

Case pending at Ministry

Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-23-3905
Brief details of case	A complaint regarding the low rent from LA on properties located in Valletta.
Action taken and management comments	<p>The complainant raised concerns about receiving minimal and outdated rent from the LA for three properties located in Valletta, which had been demolished and rebuilt without the consent of all the involved parties. The complainant requested fair compensation, based on the current property value.</p> <p>The LA informed the Ombudsman that it was in the process of acquiring the properties and would notify the complainant once compensation, reflecting market value, was published in the Government Gazette. However, the Authority could not provide a specific timeline for the completion of the process, given the volume of similar ongoing cases being managed.</p>

MLI COMMISSIONER FOR THE ENVIRONMENT AND PLANNING



Cases closed without any recommendation

Sector/Department	Lands Authority (LA)
Ombudsman case reference	CEP-23-3744
Brief details of case	A complaint regarding the blockage of a passage with tables and chairs in M'Xlokk.
Action taken and management comments	<p>The Ombudsman referred a case involving a site in question to the LA, which confirmed that no concession had been granted to third parties for the area.</p> <p>Subsequently, the Planning Authority, LA, Malta Tourism Authority, and Transport Malta informed the Ombudsman that they were collaborating on an impact assessment of the area. This assessment aimed to develop a comprehensive plan addressing various concerns, including the placement of tables and chairs.</p> <p>The Commissioner for the Environment and Planning closed the case following these updates.</p>

Sector/Department	Lands Authority (LA)
Ombudsman case reference	CEP-23-4112
Brief details of case	A complaint regarding a parcel of public land in Sliema which was allegedly being used irregularly, exceeding the area granted under a concession.
Action taken and management comments	<p>Following inspections carried out on site, LA confirmed that the placement of tables and chairs, as well as the boundary wall on the site, were within the area covered by the granted encroachment. LA also noted that the alignment of the boundary wall fell under the Planning Authority's responsibility.</p> <p>After reviewing the findings, the Commissioner for the Environment and Planning concluded that there was no evidence that the encroached public land exceeded the area conceded by the LA.</p> <p>With no further investigation required, the case was closed.</p>

Case closed due to tribunal proceedings

Sector/Department	Lands Authority (LA)
Ombudsman case reference	CEP-23-4016
Brief details of case	A complaint regarding the refusal of consent for the placing of tables and chairs in Valletta.
Action taken and management comments	<p>The complainant argued that the areas in question had been the subject of recent court proceedings, during which LA communicated its decision to withdraw the consent for the placing of tables and chairs. The Commissioner for the Environment and Planning (CEP) requested details, including the email documenting the decision and clarification on whether the practice adhered to Policy P18 of the Outside Catering Areas Policy.</p> <p>The LA responded, explaining that concessions were granted based on a Planning Authority Masterplan and that Policy P18 did not apply. The response included supporting correspondence.</p> <p>The CEP later noted that the relevant permit had expired in 2016.</p> <p>Ultimately, the CEP decided not to proceed with the investigation, as the matter was already under review by the Administrative Review Tribunal.</p>

MLI

PRE-2023 CASES

(for further information on the case: Governance Action on the
Parliamentary Ombudsman Annual Report 2022)

Parliamentary Ombudsman

Cases closed without recommendation

Sector/Department	Lands Authority (LA)
Ombudsman case reference	T 0010
Brief details of case	A complaint regarding the redemption of ground rent. This case had been closed in November 2021, but it was reopened under the same reference number in May 2022.
Action taken and management comments	<p>The Ombudsman informed the Ministry for the Environment, Energy, and Projects that the case concerning the Lands Authority had been closed. However, the LA continued to keep the Ombudsman updated on the communications exchanged with the complainant.</p> <p>Subsequently, the LA confirmed to the Ombudsman that the contract in question had been signed by all parties, bringing the matter to a closure.</p>
Status last year	Pending at Ministry

Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-21-2256
Brief details of case	A complaint relating to a portion of land in Gozo.
Action taken and management comments	<p>The Ombudsman continued investigating the case and requested a summary from the relevant authorities regarding the status and outcome regarding the plots involved in the complaint. The information was requested to provide the complainant with an update on each plot's situation and finalise the case.</p> <p>After receiving the necessary information from the LA, the Ombudsman concluded the investigation and closed the case.</p>
Status last year	Pending at Ombudsman

Cases closed and recommendation implemented

Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-21-2329
Brief details of case	A complaint regarding a bill issued by LA in March 2021, in connection with the rent of a property.
Action taken and management comments	<p>The complaint involved a dispute over payments related to ground rent arrears, laudemium, and associated fees. The Ombudsman's Final Opinion requested clarity and resolution on amounts owed, urging LA to cover court expenses and address the outstanding balances.</p> <p>The LA clarified its stance, stating that it is standard practice for applicants to bear the costs of ground rent schedules, and provided detailed accounts of payments and arrears. The LA noted that a promissory note from the complainant was insufficient to cover all dues, leaving a remaining balance.</p> <p>Subsequent correspondence involved clarifications, an attempt to schedule a meeting, and a request for a detailed breakdown of the amounts owed. Ultimately, the LA adjusted the invoice, offsetting the uncontested amount from the total balance. The remaining sums were resolved in line with the Ombudsman's recommendations.</p> <p>With all matters addressed, including the issuance of the final invoice, the Ombudsman concluded the case.</p>
Recommendation by the Ombudsman	The Ombudsman recommended that court expenses should be reimbursed by the LA, and that the complainant should not re-pay laudemium.
Status last year	Pending at Ombudsman

Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-21-2421
Brief details of case	A complaint lodged by an employee of the Authority regarding a selection process held for a senior managerial position. The complainant felt aggrieved by the marks awarded and alleged that the appointee did not satisfy the eligibility criteria stipulated in the call for applications.
Action taken and management comments	<p>The Ombudsman continued investigating the case and issued the Final Opinion, to which LA responded with detailed feedback addressing the Ombudsman's recommendations for improving selection procedures:</p> <ol style="list-style-type: none"> 1. The Selection Board would receive a preliminary report from the HR Office, and candidates would only be interviewed after the shortlisting was approved. 2. Approved preliminary reports would be recorded, specifying eligibility criteria for each candidate. 3. Eligibility criteria would be clarified to avoid ambiguity. 4. Detailed notes or minutes on applicants' performance would be maintained by the Selection Board to enhance transparency and accountability. These records would be available to the HR Office for clarification if needed. 5. The final recommendation was duly acknowledged and noted. <p>Following the LA's response, the Ombudsman declared the case closed.</p>
Recommendation by the Ombudsman	<p>The recommendations emphasised the importance of adherence to eligibility criteria, transparency, and fairness.</p> <ol style="list-style-type: none"> 1. Preliminary Screening: A thorough preliminary screening of applicants should be conducted at the application stage to ensure that all eligibility criteria are met. 2. Detailed Record-Keeping: For calls with multiple eligibility criteria, records should indicate the specific criterion under which each candidate qualifies. Additionally, for applicants evaluated based on their experience or lack thereof, clear documentation should outline how each candidate satisfies or fails to meet the eligibility requirements. 3. Clarity in Criteria: Eligibility criteria should be explicit and avoid generic or vague terms. Qualifications or experience requirements must be precise, and ambiguous terms like "similar," "comparable," or "analogous" should be avoided to ensure transparency and certainty. 4. Board Minutes and Performance Notes: The selection process file should include detailed notes or minutes of the board's assessment of each applicant's performance. These records should form part of the board's report, alongside the marking sheet of scores awarded. 5. Recognition of Experience: The complainant's technical experience and years of dedicated service should be valued. The Ombudsman emphasised that the complainant should be given an opportunity to apply their skills and expertise for the benefit of the organisation to which they have shown years of loyalty.
Status last year	Pending at Ombudsman

Case closed and recommendation partially implemented

Sector/Department	Joint Office (JO)
Ombudsman case reference	OMB-22-3333, OMB-22-3696
Brief details of case	A complaint regarding a request to benefit from pre-retirement leave.
Action taken and management comments	<p>The Ministry for Lands and the Implementation of the Electoral Programme stated that the case was being followed with the People and Standards Division (P&SD), within the Office of the Prime Minister, to ensure that no consequential precedent occurred.</p> <p>The Ombudsman issued a Final Opinion. Whilst the Ministry confirmed that its position remained unchanged and did not accept Ombudsman's recommendation to grant the pre-retirement leave. Regarding the second part of the recommendation, the P&SD reviewed the matter and agreed to amend the Manual on Resourcing Policies and Procedures. The revisions clarified the applicability of pre-retirement leave for public officers detailed with entities.</p> <p>With the procedural updates and policy amendments completed, the case was concluded.</p>
Recommendation by Ombudsman	<p>The Ombudsman upheld the complainant's request to be granted pre-retirement leave by the LA. If the complainant is unable to benefit from this leave due to the Authority's refusal, the Ombudsman recommended monetary compensation equivalent to the days of pre-retirement leave entitlement.</p> <p>The Ombudsman further advised that P&SD ensure clear and unambiguous information is included in the PSMC and relevant manuals regarding the entitlement of detailed and deployed employees to pre-retirement leave. This would guarantee consistent interpretation and application of regulations and policies. Additionally, the Ombudsman recommended that the matter be clarified in collective agreements, as well as in the regulations of authorities and public entities, to avoid similar disputes in the future.</p>
Status last year	<p>N.B.</p> <p>Case OMB-22-3333 was pending at the Ombudsman.</p> <p>Case OMB-22-3696 was received by MLI in 2023 but was registered at the Office of the Ombudsman in 2022.</p>

Cases pending at Ombudsman

Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-22-3229
Brief details of case	A complaint regarding tenders for <i>çens perpetwu rivedibbli</i> payable to the LA.
Action taken and management comments	<p>The complaint concerned a price discrepancy in tenders issued by the LA for plots of land within the same area. The complainant sought an explanation for the inconsistency.</p> <p>The LA provided an in-depth explanation, and further clarifications were requested by the Ombudsman. Despite the exchanges, the case has remained under investigation at the Office of the Ombudsman, with no resolution reported to date.</p>
Status last Year	Pending at Ombudsman

Sector/Department	Lands Authority (LA)
Ombudsman case reference	U 0227
Brief details of case	<p>A complaint lodged by a group of Non-Governmental Organisations in connection with the concession granted to a private shipyard.</p> <p>The complainants referred to an agreement that Malta Investment Management Co. Ltd had to review to determine whether the company was adhering to contractual obligations tied to the concession. The complainants were enquiring on the overdue review and requested that the results be published to respect the fundamental rights of the population.</p>
Action taken and management comments	<p>In February 2024, the Ombudsman requested signed copies of the concession agreements and sought confirmation from the LA on any enforcement notices from the Environment and Resources Authority (ERA). The LA provided the agreements and confirmed no such notices had been received.</p> <p>An Interim Report with recommendations was issued to stakeholders, including the Principal Permanent Secretary (PPS), the Ministry for Lands and the Implementation of the Electoral Programme (MLI), the LA, and ERA, with a deadline for feedback. Several meetings were held to discuss the recommendations.</p> <p>The MLI provided a reply confirming that the LA held full responsibility for ensuring compliance with the concession's terms.</p> <p>The Ombudsman issued a final opinion seeking confirmation of actions to address the recommendations.</p> <p>In its response, the MLI reiterated the LA's accountability for the concession, emphasising that it must ensure that the concessionaire meets its contractual obligations.</p> <p>The case remained under review for further updates on the implementation of the recommendations.</p>
Recommendation by Ombudsman	<p>The Ombudsman issued recommendations to ensure clear oversight and accountability regarding concessions granted to entities like Palumbo Shipyard Limited and Palumbo Malta Superyachts Limited. These recommendations emphasised:</p> <ol style="list-style-type: none"> 1. Clear Responsibility: The central public administration should explicitly identify and publicly disclose which Ministry, entity, or department holds overall responsibility for managing such concessions. 2. Annual Certification Accountability: The central public administration should appoint and publicly announce the Ministry, department, or entity tasked with conducting the required annual certification for the concessions. 3. Transparency in Oversight: The responsible body should publish an annual report detailing: <ul style="list-style-type: none"> • Whether the annual certification exercise was conducted. • Whether a condition report was requested and submitted to the Government. • Any additional actions taken by the Government to ensure proper oversight of the emphyteuta's use of the tenement, including compliance with the rights and obligations stemming from the concessions. <p>These measures were recommended to enhance transparency, ensure adherence to contractual terms, and promote accountability in the administration of public land concessions.</p>
Status last year	Pending at Ombudsman

Sector/Department	Lands Authority (LA)
Ombudsman case reference	OMB-21-2163
Brief details of case	A complaint in connection with the transfer of an agricultural lease.
Action taken and management comments	The case is still being investigation by the Ombudsman.
Status last year	Pending at Ombudsman





MINISTRY FOR **SOCIAL AND AFFORDABLE ACCOMMODATION**

In 2023, eleven cases were referred by the Parliamentary Ombudsman to the Ministry for Social and Affordable Accommodation (MSAA). Six cases were closed without recommendation. Three cases were closed without recommendation after the necessary action was taken. Two cases were pending at the Office of the Ombudsman.

There was one case which had been referred by the Parliamentary Ombudsman, forwarded from previous years. The case was still pending at the Office of the Ombudsman.

MSAA total cases 2023 - 11

MSAA PARLIAMENTARY OMBUDSMAN



Cases closed without recommendation

Sector/Department	Housing Authority (HA)
Ombudsman case reference	OMB-23-3504
Brief details of case	A complaint regarding the rejection of an application under the <i>Skema Garaxxijiet</i> .
Action taken and management comments	<p>The complainant alleged that HA had initially approved their application but later decided to lease the garage to another applicant through a ballot, which the complainant argued was discriminatory, lacking transparency and without being notified.</p> <p>HA replied to the Ombudsman, stating its policy of allocating one garage per household for fairness' sake, and confirming that applicants were informed of HA's right to decide that, in the event that no timely response was received, it had the right to conduct a ballot, with results recorded for transparency.</p> <p>When the complainant missed the deadline to send their feedback, HA proceeded with the ballot and allocated the garage to another applicant.</p> <p>The Ombudsman found no evidence of maladministration by HA and closed the case.</p>

Sector/Department	Housing Authority (HA)
Ombudsman case reference	OMB-23-3574
Brief details of case	A complaint regarding unanswered queries by the HA.
Action taken and management comments	<p>The complainant stated that HA had not responded to an inquiry about whether their family's property, previously leased by the Authority to a now-deceased tenant, had been returned back to the original owners.</p> <p>HA provided the Ombudsman with a copy of its response to the complainant's lawyer, along with documentation confirming that the property had been released.</p> <p>Following the Ombudsman's request for further clarification, HA submitted additional information, showing that rent from the property had been deposited with the Department of Housing. Records also indicated that the original property owner had died, with no next-of-kin identified despite an inquiry through the Police Commissioner. HA confirmed that rent collection had ceased after a derequisition order.</p> <p>The Ombudsman subsequently confirmed the case as closed.</p>

Sector/Department	Housing Authority (HA)
Ombudsman case reference	OMB-23-3707
Brief details of case	A complaint by a HA employee regarding their performance rating.
Action taken and management comments	<p>The Office of the Ombudsman reported unexplained absences by the complainant, leading to a dispute over the timing of these absences. The Ombudsman requested HA's comments and relevant documentation.</p> <p>HA responded by outlining its annual performance review process, managed by the Executive Head, which set objectives aligned with budget and performance indicators.</p> <p>HA allowed the complainant to present a case to the Board of Directors for a higher bonus, with the Chief Executive Officer justifying the mark awarded. Board minutes were sent to the Ombudsman.</p> <p>Additionally, the Ombudsman requested clarification regarding garage surveillance footage, specifically asking about HA's monitoring policy, whether staff were informed, and if surveillance signs were posted.</p> <p>HA confirmed a surveillance policy was in place, communicated to staff via email, and that visible signs were posted in the garage.</p> <p>The Ombudsman subsequently confirmed the case was closed.</p>

Sector/Department	Housing Authority (HA)
Ombudsman case reference	OMB-23-3825
Brief details of case	A complaint by a person with disability regarding the difficulty in accessing their garage, due to unauthorised parking.
Action taken and management comments	<p>The complainant, who acquired the garage through the HA, reported that unauthorised parking by other garage users in the common driveway repeatedly caused them stress and made manoeuvring a minivan difficult.</p> <p>Despite multiple complaints to HA, the problem persisted, leading to ongoing conflicts among the individuals involved.</p> <p>HA issued notices warning that legal action would follow if violations continued. Responding to the Ombudsman's inquiries, HA clarified that it is empowered to address complaints by reminding tenants of their obligations. However, enforcement decisions lie with the residents' associations. HA explained it has no authority to enforce or mediate on such matters, as associations are responsible for pursuing the necessary legal action.</p> <p>The Ombudsman concluded that HA had acted neither unjustly nor in a discriminatory manner and proceeded to close the case.</p>

Sector/Department	Housing Authority (HA)
Ombudsman case reference	OMB-23-3934
Brief details of case	A complaint regarding the incorrect registration of a property.
Action taken and management comments	<p>The case involved a property in Žebbuġ acquired by the complainant in 2011, before the area became a designated land registration zone in May 2013. In 2020, HA was mistakenly registered as the property's owner.</p> <p>Initially, the complainant's notary contacted the Lands Registry (LR) and was informed that the matter had been referred to HA.</p> <p>The Ombudsman requested LR's input, particularly about compliance with Article 51(f) of the Lands Registration Act. LR furnished the Ombudsman with the requested information.</p> <p>LR also advised the complainant to seek voluntary registration through their notary under Article 17 of Chapter 296, involving the submission of relevant contracts and deeds to establish ownership and allow for property registration in the complainant's name.</p> <p>The Ombudsman communicated this resolution to the complainant and closed the case.</p>

Sector/Department	Housing Authority (HA)
Ombudsman case reference	OMBOI-23-3862
Brief details of case	A request for information by the Parliamentary Ombudsman following a news article that reported a social housing block left with a gaping hole and piling rubble.
Action taken and management comments	<p>A site inspection was conducted by the Health and Safety Executive. In response to the Ombudsman's questions, HA explained that locating the rock face beneath the building was necessary for lift installation. Initially, excavation reached 2 metres deep without finding the rock, prompting a method adjustment. A core test was carried out which located the rock face at 5 metres depth, allowing work to proceed.</p> <p>The next day, the Ombudsman enquired whether health and safety concerns were addressed, and resident inconvenience minimised. HA confirmed that the contractor was notified, and all the required health and safety measures were implemented.</p> <p>Subsequently, the Ombudsman closed the case.</p>

Cases closed without recommendation after action taken

Sector/Department	Housing Authority (HA)
Ombudsman case reference	OMB-23-3426
Brief details of case	A complaint regarding a pending application for alternative accommodation.
Action taken and management comments	<p>The case involved a complaint regarding a HA application initially submitted in 2015, which had been closed and later reopened. The complainant reported living in precarious conditions and claimed they were not updated on their application status. HA confirmed that the application was accepted in 2017 but was closed in December 2021 after the complainant failed to provide requested information due to hospitalisation. Following this, the application was reactivated, and assessments were conducted in January 2021 and January 2023.</p> <p>Throughout the process, HA suggested that the complainant could rent privately with a rent subsidy while the Allocation Board sought suitable housing. The Ombudsman requested clarification on benefits for rent and security deposits, which HA confirmed would be provided as a loan. HA accommodated the complainant's removal of location restrictions to expedite the allocation.</p> <p>By April 2023, HA allocated premises, provided a grant for finishings, and finalised an agreement with the complainant.</p> <p>Eventually, the Ombudsman closed the case.</p>

Sector/Department	Housing Authority (HA)
Ombudsman case reference	OMB-23-3715
Brief details of case	A complaint in connection with an application for social housing.
Action taken and management comments	<p>The complainant requested an update on their housing application status but had not received feedback. The Ombudsman requested the HA for a status update and reviewed the application file.</p> <p>HA reported that the complainant had applied for alternative accommodation in March 2022 and had been receiving rent subsidy support since June 2021 on a three-year lease starting in March 2021.</p> <p>Social assessments were conducted, and it transpired that the complainant, reliant on social benefits, was unable to work due to health issues.</p> <p>The complainant was assigned social housing and entered into a lease agreement with HA.</p> <p>The Ombudsman deemed the issue resolved and closed the case.</p>

Sector/Department	Housing Authority (HA)
Ombudsman case reference	OMB-23-3989
Brief details of case	A complaint regarding a property offered by the HA.
Action taken and management comments	<p>The complainant alleged that the properties offered by the HA were not at a habitable state. HA explained that the complainant had been allocated a sum of money to carry out additional works to meet their requirements.</p> <p>The Board of Allocations addressed the complaint by offering another property. The complainant was notified of the decision and an appointment was scheduled for the viewing of the allocated apartment.</p> <p>The complainant accepted the property, and the Ombudsman subsequently closed the case.</p>

Cases pending at Ombudsman

Sector/Department	Housing Authority (HA)
Ombudsman case reference	OMB-23-4043
Brief details of case	A complaint regarding a family unable to sell or rent their apartment due to unresolved title issues between the HA and the Lands Authority (LA).
Action taken and management comments	<p>The case involved complainants who signed a Promise of Sale for an apartment from the HA in 1999, but the final deed was never executed. Due to accessibility needs for their child, the complainants sought to sell the apartment to purchase a more accessible property. However, banks refused to provide a mortgage without a proper title.</p> <p>When the complainants enquired about completing the sale, they were informed that the title transfer was still pending with the LA due to prolonged <i>causa mortis</i> procedures. The complainants requested permission to rent the apartment in the interim but were informed that the Promise of Sale prohibited renting.</p> <p>The HA acknowledged the rental restriction due to a clause prohibiting commercial use but proposed an alternative - leasing the apartment back to the Authority under the <i>Nikru biex Nassistu</i> scheme. The complainants accepted.</p>

Sector/Department	Housing Authority (HA)
Ombudsman case reference	OMB-23-3759
Brief details of case	A complaint in connection with a long residential lease registered with the HA.
Action taken and management comments	<p>The case involved a complainant alleging issues with the return of a security deposit and utility bills deposit, as well as forgery of their signature on the inventory and termination letter.</p> <p>Responding to the Ombudsman's inquiry, HA explained that registration processes are conducted online, with the required documents uploaded digitally by the lessor. Both parties (lessor and lessee) must sign the inventory for mutual acknowledgment, and email addresses provided during registration trigger automated notifications. HA confirmed that notifications acknowledge document submissions but do not include attachments, and documents cannot be edited post-registration due to blockchain-based security, with all actions recorded in an internal audit trail.</p>

MSAA **PRE-2023**

(for further information on the case: Governance Action on the
Parliamentary Ombudsman Annual Report 2022)



Parliamentary Ombudsman

Case pending at Ombudsman

Sector/Department	Housing Authority (HA)
Ombudsman case reference	OMB-21-2364
Brief details of case	A case related to the engagement of a Senior Officer at the HA without a call for applications. The complainant claimed that this was an unfair treatment towards them and other employees who were not given the opportunity to apply for the post.
Action taken and management comments	Further clarification was requested by the Ombudsman, to which HA reiterated that the respective post was filled through redeployment procedures.
Status last year	Pending at Ombudsman



MINISTRY FOR SOCIAL POLICY AND CHILDREN'S RIGHTS

In 2023, the Parliamentary Ombudsman referred sixteen cases to the Ministry for Social Policy and Children's Rights (MSPC). Seven cases were closed without any recommendation being made. Five cases were closed after the management replied to one request for information. Four cases were pending at the Office of the Ombudsman.

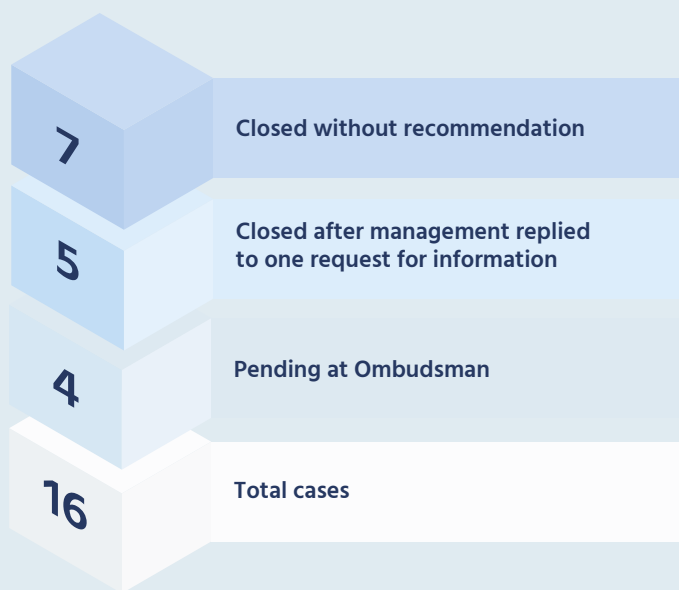
The Parliamentary Ombudsman had one case which was forwarded from previous years. During the course of the year under review the case was closed without any recommendation being made.

The Commissioner for Health referred one case to MSPC, which was closed with the recommendation being implemented.

MSPC total cases 2023 - 17

MSPC

PARLIAMENTARY OMBUDSMAN



Cases closed without recommendation

Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-3576
Brief details of case	A complaint concerning social security benefits which were withheld without notification.
Action taken and management comments	<p>The case involved a complaint regarding entitlement under the Social Security Act. The Department of Social Security (DSS) informed the Ombudsman that the complainant had submitted an appeal to the Umpire, but the proceedings were withdrawn by the appellant before a judgment was delivered.</p> <p>Following internal discussions within the Income and Compliance Division, DSS Management agreed that the complainant's entitlement should be reinstated from the date of interruption. DSS confirmed that arrears covering the relevant period were processed, and the complainant received a notification explaining the payment of arrears.</p> <p>The Ombudsman subsequently closed the case.</p>
Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-3704
Brief details of case	A complaint relating to a Service Pension entitlement
Action taken and management comments	<p>The complainant alleged that their employment within the Public Service and Public Entities had exceeded 30 years' service because they had withdrawn their letter of resignation before commencing employment with the private sector. The Office of the Ombudsman asked the Department of Social Security (DSS) to verify whether there was evidence of an interruption in service and to explain the purpose of the NI 12 form.</p> <p>DSS provided the complainant's employment history, which showed that they had resigned from the Public Service and immediately began employment in the private sector. DSS stated that the People and Standards Division had confirmed that the complainant's personal file contained no evidence that the letter of resignation had been withdrawn.</p> <p>In addition, DSS clarified that the NI 12 form is completed when public officers commence employment, allowing government departments to post their social contributions directly. For private sector employees, social contributions are paid by their employers to the Inland Revenue.</p> <p>Additionally, DSS explained the NI 13 form, which, in this case, had a handwritten annotation, is used to record termination dates in the Bulk Payment System for government and entity social contributions.</p> <p>After receiving and reviewing these clarifications, the Ombudsman closed the case.</p>
Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-3712
Brief details of case	A complaint relating to the disclosure of Medical Board members' names.
Action taken and management comments	<p>The case involved a complainant who felt aggrieved because the names of the Medical Board members were not provided despite requests made prior to and during the Board meeting.</p> <p>DSS explained that the complainant had been instructed to submit a formal request through a lawyer to obtain the names of the Medical Board.</p> <p>The names of the Medical Board members were subsequently provided to the Office of the Ombudsman, who, in turn, closed the case after informing the complainant there had been no maladministration by the DSS.</p>

Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-3800
Brief details of case	A complaint regarding a rejected application for a Severe Disability Pension.
Action taken and management comments	<p>The case involved a complainant unable to work for 30 years due to health issues, who received an invalidity pension. After reporting worsening health, the complainant applied for a Severe Disability Pension, which was rejected.</p> <p>DSS clarified that the Medical Board found the complainant's condition did not meet the criteria for the Severe Disability Pension. The complainant's consultant had recommended that they could work limited hours remotely. Additionally, the consultant confirmed that the complainant's condition was not enlisted in the Severe Disability Pension application.</p> <p>DSS explained that the Invalidity Pension is only granted if an individual is entirely unable to work, based on specific medical evaluations.</p> <p>During a meeting, DSS provided the Ombudsman Investigating Officer with legal documents outlining the Medical Board's assessment criteria. They noted that new medical evidence, such as hospital certificates documenting new conditions, could support a reconsideration of the Invalidity Pension application.</p> <p>The Ombudsman agreed to relay these options to the complainant. DSS subsequently confirmed the case was closed.</p>

Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-3828
Brief details of case	A complaint relating to a low Social Security Pension.
Action taken and management comments	<p>The complainant alleged that despite having paid all the required contributions, the contributions for three specific years had been reduced, resulting in a low pension.</p> <p>DSS investigated and discovered an error in the contribution category. It was found that while the contributions were not income-related, they were initially attributed to a higher income than the claimant had declared. A reassessment had to be conducted, recalculating the contributions as full payments based on the declared income. This revealed an overpayment in the claimant's pension due to the earlier category misattribution.</p> <p>The Ombudsman's Office confirmed that the case was closed, as DSS had provided comprehensive information which had been passed on to the complainant.</p>

Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-3956
Brief details of case	A complaint relating to a refused application for Disability Assistance.
Action taken and management comments	<p>The case involved a complainant, a self-employed individual with impaired arm mobility, who applied for benefit assistance to hire an assistant to maintain their business.</p> <p>DSS informed the Ombudsman that the application was rejected as it did not meet the eligibility criteria. The complainant had previously been awarded a Disability Gratuity in 2003, after being certified with an invalidity at that time.</p> <p>The Ombudsman requested and received relevant documents related to the application and the procedures for applying for Disability Allowance and Invalidity Pension. DSS provided all requested documents and clarified the procedures.</p> <p>The Ombudsman confirmed that the case had been closed following DSS's cooperation and the information provided.</p>

Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-4228
Brief details of case	A complaint related to a Service Pension not being awarded.
Action taken and management comments	<p>The complainant felt discriminated by the DSS for not awarding the service pension even though being employed with the Malta Electricity Board and was later listed on the Enemalta books until 1989.</p> <p>Complainant had filed a case with the Courts of Malta, and subsequently with the Courts of Appeal, both of which decided that the complainant was not entitled for the service pension.</p> <p>The Ombudsman requested a copy of the decision taken to authorise Service Pension to ex-Enemalta employees.</p> <p>DSS provided the requested decision to the Ombudsman, who subsequently closed the case.</p>

Cases closed after management replied to one request for information

Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-3716
Brief details of case	<p>A complaint concerning revision of pension and the additional Cost of Living Adjustment (COLA) mentioned in the budget speech.</p> <p>DSS clarified that it had explained to the complainant, both in writing and via telephone, that they were receiving the maximum pension amount. DSS explained that differences in net pay between pensioners could arise due to variations in COLA, which depends on the type of pension. It was also confirmed that the complainant's pension could not be increased further.</p> <p>DSS further explained that the complainant was receiving a weekly bonus, a fixed amount for all pensioners, and a weekly COLA that increases gradually through yearly budget measures to ensure parity over time.</p>
Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-3849
Brief details of case	<p>A complaint relating to retirement pension and opt-out at age 61 scheme.</p> <p>The Ministry for Social Policy and Children's Rights (MSPC) clarified that the policy permits early retirement from age 61 for those with sufficient contributions paid but does not prevent employees from continuing to work. Those who work beyond the statutory retirement age can increase their pension through additional contributions.</p>
Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-3964
Brief details of case	<p>The complaint concerns the Widows' Pension, which the complainant had lost upon remarriage.</p> <p>The case concerned a complainant who discovered a 2013 measure allowing widows remarried before 2007 to regain their pension entitlement. Although the complainant was granted the pension, they sought arrears dating back to 2013.</p> <p>The Department of Social Security (DSS) explained that arrears could only cover a maximum of two years, citing Article 97 of CAP. 318. Under Article 97(2)(ii), delayed claims not caused by negligence may be treated as timely, but arrears are limited to a 104-week period.</p>

Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-4160
Brief details of case	<p>A complaint relating to the Additional Cost of Living Bonus distributed in December 2022.</p> <p>The case involved a complaint about the non-receipt of an Additional Cost of Living bonus. Initially, DSS informed the complainant that the bonus was withheld due to unpaid taxes, which the complainant disputed, asserting no tax liabilities.</p> <p>DSS informed the Ombudsman that the bonus is provided to individuals with low income, contingent on their household income staying within a specified threshold. A review revealed that the complainant's household income exceeded the threshold, making them ineligible for the bonus. DSS supported their determination with income figures for the past two years and the applicable thresholds.</p>
Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-4227
Brief details of case	<p>A case relating to overpayments on two-thirds pension as well as invalidity pension.</p> <p>The case involved a complaint from an individual who disagreed with decisions made by the Department of Social Security (DSS) and claimed that official letters from DSS did not reference a court sentence that found them guilty of receiving overpayments.</p> <p>DSS informed the Ombudsman that the matter was sub judice before the Umpire and referenced Article 13(5) of the Ombudsman Act, which applies to cases under judicial consideration. DSS also explained that the overpayments resulted from the complainant's failure to notify the Department of changes in employment circumstances and to register income received.</p>

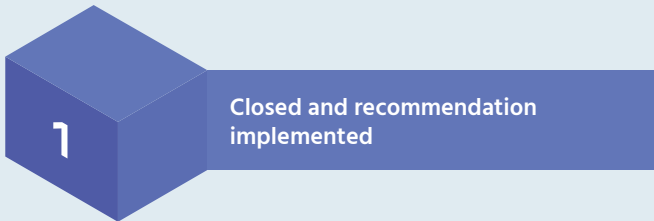
Cases pending at Ombudsman

Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-3520
Brief details of case	A complaint related to a revision of the Social Security and the Treasury Pension.
Action taken and management comments	<p>The case involved a complaint from an individual who alleged that there had been no increase in either of their pensions since 2014 and requested a revision.</p> <p>DSS confirmed that the complainant had been receiving the correct amounts for both pensions. It clarified that the complainant had opted to commute their Treasury pension, receiving a gratuity and monthly payments from the date of the service pension award. DSS also verified that the Social Security pension was correct and reflected all applicable budgetary increases, providing detailed amounts to substantiate the increases.</p> <p>The case remains under investigation as confirmed by the Office of the Ombudsman.</p>
Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-3690
Brief details of case	A complaint related to overpayment of non-contributory benefits to be settled by heirs.
Action taken and management comments	<p>The complainant alleged that the DSS demanded an overpayment settlement without providing a clear explanation.</p> <p>DSS explained the origins of the overpayment as follows:</p> <ul style="list-style-type: none"> - The first overpayment was registered two weeks after the individual was admitted to Saint Vincent de Paul Residence to avoid excessive overpayments. - A second overpayment occurred due to a higher-than-anticipated contribution rate reported by the Malta Financial and Administration Authority (MFAA). - Pension payments issued four weeks in advance were included in the overpayment because the individual passed away during that period. - Research confirmed the complainant as the sole heir responsible for the repayment. <p>The Ombudsman inquired if individuals admitted to elderly residences are informed about potential overpayments and repayment obligations, and DSS confirmed the accuracy of the overpayment calculation but noted that information about contribution procedures fell under a different Ministry.</p> <p>The case was being investigated by the Ombudsman.</p>

Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-3694
Brief details of case	A complaint concerning the request for a revision of the Contributory Pension.
Action taken and management comments	<p>Despite assurances from Servizz.gov representatives that the pension was correct, the complainant believed there was an error.</p> <p>The Department of Social Security (DSS) clarified that individuals with a Service Pension receive a flat-rate Contributory Pension. While the Contributory Pension increases annually through COLA and adjustments, the Service Pension remains fixed once awarded. DSS confirmed the complainant's Contributory Pension was correctly calculated and was higher than pensions for individuals with lower Service Pensions, which are based on terminal salary.</p> <p>The Ombudsman requested further clarification regarding the flat-rate calculation. DSS responded with detailed information about the flat rates and their application to the complainant's pension. This was elaborated upon during a subsequent meeting between DSS and the Ombudsman.</p> <p>The case was still being investigated.</p>

Sector/Department	Department of Social Security (DSS)
Ombudsman case reference	OMB-23-4033
Brief details of case	A complaint relating to the social assistance benefit awarded against a Temporary Protection Status.
Action taken and management comments	<p>The complainant requested clarification as to why the benefit awarded to them did not cover the waiting period between the application date and the issuance of the status.</p> <p>DSS clarified that the Social Assistance benefits are granted based on the date of the Temporary Protection certificate and are paid weekly, not daily, in accordance with Article 97 of the Social Security Act (CAP. 318). DSS explained that the benefit adheres to the EU Temporary Protection Directive, which mandates the provision of core benefits, such as Social Assistance.</p> <p>The Ombudsman requested further clarification on the alignment of the benefit with the certificate issuance date and sought documentation linking "core benefit/social assistance" to "unemployment benefit", and DSS provided a copy of the official Temporary Protection Directive issued by the European Union.</p> <p>The case remained under investigation.</p>

MSPC **COMMISSIONER FOR HEALTH**



Closed and recommendation
implemented

Case closed and recommendation implemented

Sector/Department	Department of Social Security (DSS)
Ombudsman Case Reference	CH-23-3555
Brief Details of Case	A complaint regarding a decision taken by the Medical Board, refusing an application for severe disability assistance.
Action taken and management comments	<p>The Medical Board rejected the application based on existing regulations. The Commissioner for Health (CfH) requested a review of the case and sought clarification on the Medical Board's discretion regarding unlisted medical conditions.</p> <p>The DSS explained that the Medical Board's decisions are binding under the Social Security Act and that a new application could only proceed if additional evidence of disabilities was submitted.</p> <p>Following CfH's interim report to DSS, the latter responded that it was already working on an initiative to address to introduce new initiatives aimed at addressing similar cases.</p> <p>Subsequently the CfH issued the Final Opinion.</p> <p>Amendments to the Social Security Act (Cap 318), by way of the new Article 106 (g), were enacted through the Budget 2024 Implementation Bill, and a reform of application was performed to reflect this amendment.</p> <p>The Office of the Ombudsman confirmed that the case was closed after these legislative updates and reforms were enacted.</p>
Recommendation by Ombudsman	The CfH recommended that the legislation be amended to include health conditions that hinder individuals from maintaining employment within the eligibility criteria for Severe Disability Assistance.

MSPC

PRE-2023 CASES

(for further information on the case: Governance Action on the
Parliamentary Ombudsman Annual Report 2022)



Parliamentary Ombudsman

Case closed without recommendation

Sector/Department	Department of Social Security (DSS)
Ombudsman Case Reference	U 0214
Brief Details of Case	A complaint related to a refund for overpayments to be paid by the heirs of an elderly, who had been a resident in an elderly home under the Government Public-Private Partnership Scheme.
Action taken and management comments	On 23 April 2024, the Office of the Ombudsman informed DSS that case was closed.
Status Last Year	Pending at Ombudsman

MINISTRY FOR ECONOMY, ENTERPRISE AND STRATEGIC PROJECTS

In 2023, there were seven cases referred by the Parliamentary Ombudsman to the Ministry for Economy, Enterprise and Strategic Projects (MEEP). One case was withdrawn by the Ombudsman. Four cases were closed without recommendation. One case was closed after the management replied to one request for information. One case was pending at the Ministry.

There was also one case referred by the Commissioner for Environment and Planning to MEEP, which was closed with the Commissioner's recommendation being implemented.

There were two cases which had been referred by the Parliamentary Ombudsman, forwarded from previous years. The cases were still pending at the Office of the Ombudsman.

MEEP total cases 2023 - 8

MEEP

PARLIAMENTARY OMBUDSMAN



Case withdrawn by the Ombudsman

Sector/Department	Malta Enterprise (ME)
Ombudsman case reference	OMB-23-3847
Brief details of case	<p>A complaint regarding undue delay in the vetting carried out by the Get Qualified Scheme Unit within ME.</p> <p>The Ombudsman confirmed that the Ministry had recognised all the courses under the Scheme, resolving the issue, and the case was closed without further investigation.</p>

Cases closed without recommendation

Sector/Department	Industrial Innovative Solutions (INDIS) Malta Ltd.
Ombudsman Case Reference	OMB-23-3960
Brief details of case	A complaint regarding the extension of operations at Ta' Dbiegi Crafts Village, Gozo.
Action taken and management comments	<p>INDIS Malta Ltd. provided the Parliamentary Ombudsman with a timeline of events, who, in turn, informed INDIS that the complainant disagreed with their line of thought. To clarify the situation, the Ombudsman requested further details about the complainant's application, including relevant policies and site plans.</p> <p>INDIS held a meeting with the Ombudsman to clarify the case points, explaining in detail the complainant's proposal and plans. The relevant documents were then forwarded to the Ombudsman. Following the meeting, the Ombudsman requested detailed information about the complainant's application, including site plans the scheme or policy they intended to benefit from.</p> <p>The Ombudsman proceeded to close the case.</p>

Sector/Department	Malta Enterprise (ME)
Ombudsman case reference	OMB-23-4231
Brief details of case	A complaint regarding the Get Qualified Scheme
Action taken and management comments	<p>The case concerned a complaint regarding a tax credit awarded by ME. The complainant argued that the tax credit was less than the entitled 70% refund for course expenses, as specified under S.L. 123.107.</p> <p>ME clarified that, while 70% of student-paid expenses were refundable, no refunds were provided for costs covered by third parties. In this case, the complainant's employer had sponsored 30% of the course costs. To prevent double funding, ME deducted the amount of the sponsorship from the requested amount, a decision which was confirmed, by senior officials and Tax Department lawyers, as compliant with the pertinent policy.</p> <p>The Ombudsman proceeded to close the case.</p>

Sector/Department	Malta Gaming Authority (MGA)
Ombudsman case reference	OMB-23-3458
Brief details of case	A complaint regarding gaming licenses issued by the MGA.
Action taken and management comments	<p>The complaint concerned the issuance of licenses by the MGA to gaming companies operating in jurisdictions with strict state gaming monopolies. The complainant argued that they were not provided with the legal basis for MGA's actions or lack thereof.</p> <p>MGA furnished the Ombudsman with the relevant information, which was deemed satisfactory and was subsequently forwarded to the complainant.</p> <p>The case was closed by the Ombudsman following this resolution.</p>

Sector/Department	Malta Gaming Authority (MGA)
Ombudsman case reference	OMB-23-3818
Brief details of case	A complaint concerning an online bookmaker contesting an amount of money.
Action taken and management comments	<p>The MGA provided the Ombudsman with the relevant information concerning the case. MGA explained that, after verification, it transpired that the amount contested by the complainant was incorrect. The correct sum of money was eventually transferred to the complainant.</p> <p>Once the complainant confirmed receipt of the funds, the Ombudsman closed the case.</p>

Case closed after the management replied to one request for information.

Sector/Department	Malta Enterprise (ME)
Ombudsman case reference	OMB-23-3811
Brief details of case	A complaint regarding the MicroInvest Scheme of 2020.
Action taken and management comments	<p>The complainant purchased a commercial van which had arrived later than expected due to COVID-19 delays. Although the vehicle was registered in December 2020 and fully paid by the end of 2021, the complainant missed the December 2021 application deadline for the MicroInvest Scheme. When applying in 2022, ME rejected the application due to late submission.</p> <p>The Ministry explained to the Ombudsman that the 2020 MicroInvest Scheme received applications up to the end of December 2021, giving applicants a full year post-registration timeframe to submit their application. Due to strict deadline policies, the late application could not be accepted.</p> <p>The Ombudsman reviewed the case and subsequently closed it.</p>

Case pending at Ministry

Sector/Department	Malta Gaming Authority (MGA)
Ombudsman case reference	OMB-23-3985
Brief details of case	A complaint regarding online casinos.
Action taken and management comments	<p>The grievance involved two MGA licensees who permitted the complainant to access their gaming services. MGA conducted a thorough evaluation to determine the appropriate remedial action.</p> <p>The Authority communicated with the relevant licensees to discuss the way forward, aiming to reach a settlement with the complainant. The MGA monitored ongoing negotiations between the complainant and the licensee to ensure a timely resolution.</p> <p>MGA informed the Ombudsman that the operator had presented a settlement offer to the complainant. However, the Office of the Ombudsman requested the MGA to liaise with the operator and bring the complainant's counter-offer to the licensee's attention, as the complainant had refused the original offer made by the licensee.</p> <p>Negotiations are ongoing.</p>

MEEP
**COMMISSIONER FOR
ENVIRONMENT AND PLANNING**



Case closed and recommendation implemented

Sector/Department	Malta Enterprise (ME)
Ombudsman case reference	CEP-23-3419
Brief details of case	A complaint regarding alleged mismanagement and unfair treatment by Industrial Innovative Solutions (INDIS) Malta Ltd. in relation to the allocation of public land at Ta' Qali Crafts Village.
Action taken and management comments	<p>The case related to another case (CEP-22-3219), and the Ministry was reacting to the Commissioner for Environment and Planning's (CEP) Final Opinion.</p> <p>The Ministry later confirmed that it would explore enhancements to the Letter of Intent (LOI) in line with the Ombudsman's recommendations. The Ombudsman then informed the Ministry that the case would be closed and the complainant notified.</p> <p>The CEP subsequently confirmed the case closure.</p>
Recommendation by Ombudsman	<p>When issuing a LOI, ME should clearly outline the scope of its approval, specifying that it only covers matters within its jurisdiction. If additional approvals from INDIS are necessary, this requirement should be stated in the LOI to inform the applicant.</p> <p>The CEP also recommended closer collaboration between ME and INDIS Malta Ltd. to ensure that land allocation approvals from Malta Enterprise align with the actual land available at INDIS.</p>

MEEP

PRE-2023 CASES

(for further information on the case: Governance Action on the
Parliamentary Ombudsman Annual Report 2022)

Parliamentary Ombudsman

Cases pending at Ombudsman

Sector/Department	Malta Gaming Authority (MGA)
Ombudsman case reference	S 0110 (ex-N0211) S 0111 (ex-N0281)
Brief details of case	Complaints regarding dues owed when a gaming company became insolvent.
Action taken and management comments	Both cases are still being investigated by the Parliamentary Ombudsman.
Status last year	Pending at Ombudsman



MINISTRY FOR THE ENVIRONMENT, ENERGY AND REGENERATION OF THE GRAND HARBOUR

In 2023, ten cases were referred by the Ombudsman to the Ministry for the Environment, Energy and Regeneration of the Grand Harbour (MEER). One case was withdrawn by complainant. Three cases were closed after the management replied to one request for information, three cases were closed without recommendation after the necessary action had been taken, whilst two cases were closed with recommendation implemented. One case was pending at the Office of the Ombudsman.

There was one case which had been referred by the Ombudsman, forwarded from previous years, which was still pending at the Office of the Ombudsman.

The Commissioner for the Environment and Planning (CEP) referred four cases to MEER. One case was closed after the management replied to one request for information, two cases were closed without recommendation after taking the necessary action, and one case was closed and recommendation implemented.

MEER total cases 2023 - 14

MEER PARLIAMENTARY OMBUDSMAN



Case withdrawn by complainant

Ombudsman case reference	Sector/ Department	Brief details of case
OMB-23-3741	Automated Revenue Management Services Limited (ARMS Ltd.)	A complaint regarding ARMS Advisory Board refusal to consider a readjustment of the water consumption (and bills issued) as a result of an alleged water leakage.

Cases closed after management replied to one request for information

Ombudsman case reference	Sector/ Department	Brief details of case
OMB-23-3695	Automated Revenue Management Services Limited (ARMS Ltd.)	<p>A complaint regarding an outstanding bill for the common parts of a condominium.</p> <p>The Ombudsman closed the case after ARMS replied to one request for information.</p>
OMB-23-3680	Enemalta plc	<p>A complaint stating that electricity voltage being supplied to a residence not being within the legal parameters.</p> <p>Enemalta replied that there was a probability that it was the complainant's photovoltaic system itself which was causing the voltage fluctuation within their premises.</p>
OMB-23-4088	Enemalta plc	<p>A complaint in connection with a contract agreement between the Ministry for Energy, Enterprise and Sustainable Development and the complainant, who had applied for the Award of Financial Support for Electricity from Renewable Sources.</p> <p>Whilst the delay in providing a conclusive reply to the complainant was regretted, the complexity of the case, including instances where the complainant had failed to communicate with the Contracting Authority in a formal and timely manner, had not allowed for a rapid response.</p>

Cases closed without recommendation after action taken

Sector/Department	Automated Revenue Management Services Limited (ARMS Ltd.)
Ombudsman case reference	OMB-23-3639
Brief details of case	A complaint regarding the alleged unjustified charge of a direct debit fee.
Action taken and management comments	<p>ARMS replied that the client had requested their IBAN to be changed from one bank to another, but they had failed to specify that this request was related to the direct debit mandate.</p> <p>As ARMS had not received specific instructions to change the direct debit IBAN, it did not effect any changes until the client submitted the appropriate form.</p> <p>The Ombudsman requested whether ARMS would consider refunding the fee on an <i>ex-gratia</i> basis. ARMS accepted to waive the fee, however without any admission of fault from its end.</p> <p>The Ombudsman closed the case, and ARMS informed the Ombudsman that the refund had been effected.</p>
Sector/Department	Enemalta plc
Ombudsman case reference	OMB-23-3512
Brief details of case	A complaint regarding repeated power cuts to a residence, allegedly claiming damages to electrical appliances.
Action taken and management comments	<p>Enemalta replied that between 23 to 28 June 2023 it had analysed the complainant's voltage profile for the indicated period and established that it was within the set parameters for 99.4% of the time, thus in line with Malta Standards Authority EM 50160 operating standard, not defective or otherwise inadequate, nor that Enemalta has not acted on the complaint.</p> <p>Since the problem complained about did not appear to have persisted and the complainant did not raise any further concerns, the Ombudsman proceeded to close the case.</p>
Sector/Department	Enemalta plc
Ombudsman case reference	OMB-23-3850
Brief details of case	A complaint regarding unstable electricity supply to a residence.
Action taken and management comments	<p>Enemalta replied to the Ombudsman stating that it was planning reinforcement works in the area to improve service provision and also provide a 3-phase supply and a better load distribution.</p> <p>The Ombudsman closed the case.</p>

Cases closed and recommendation implemented

Sector/Department	Parks Malta
Ombudsman case reference	OMB-23-3832
Brief details of case	An ex-employee of Parks Malta alleged that they did not receive the “communication allowance” related to telework.
Action taken and management comments	<p>The Ministry replied to the Ombudsman, stating that the terms and conditions associated with telework arrangements never provided for the payment of a “communication allowance”. However, at the time, Ministry for Resources, and Rural Affairs had in place an alternative arrangement introduced in 2010, whereby teleworkers were reimbursed for the use of private ICT connectivity at a fixed rate per month. Under this arrangement the complainant had been in receipt of a monthly reimbursement for using private connectivity. In 2021, the introduction of a harmonised system for remote data connectivity to all officers working remotely rendered the previous arrangement superfluous.</p> <p>The Ombudsman requested confirmation that the complainant had been paid the monthly reimbursement between June and 20 October 2022 (the date that they received the mobile device).</p> <p>The Ministry replied that in January 2023, payment for this period had been issued, but the complainant had refused it on the basis that they were entitled to receive reimbursement until April 2023 (the expiry of their telework agreement) and that the mobile device was returned.</p> <p>Upon the issue of the Final Opinion by the Ombudsman, the Ministry replied that it agreed with recommendations therein and that payment had been effected as recommended.</p> <p>Subsequently, the Ombudsman closed the case.</p>
Recommendation by Ombudsman	<p>For the period between June and 20 October 2022 the complainant should be reimbursed at the established monthly rate.</p> <p>For the period 21 October 2022 to the end January 2023 the complainant was not entitled to any reimbursement.</p> <p>For the period between the end of January and 3 April 2023 (period during which complainant voluntarily surrendered mobile device provided by the employer) the complainant was not entitled to any reimbursement.</p>

Sector/Department	Regulator for Energy and Water Services (REWS)
Ombudsman case reference	OMB-23-4051
Brief details of case	A complaint regarding alleged unstable voltage supply and power cuts.
Action taken and management comments	<p>The case was addressed to Enemalta and the REWS. Enemalta replied that the case was being discussed with their lawyers.</p> <p>The complainant alleged unstable voltage supply and power cuts during the past two years, claiming damage to appliances. The complainant also claimed that the family had to move out of their residence for extended periods of time due to this inconvenience. However, Enemalta only paid for part of the damages caused. The complainant requested a permanent solution, however, Enemalta replied that the claim could not be upheld as the voltage supplied was within limits.</p> <p>The Ombudsman was informed that Enemalta was considering awarding compensation. The Ombudsman also requested recommendations for a permanent solution.</p> <p>REWS informed the Ombudsman that as a durable solution Enemalta had installed a low voltage regulator to automatically compensate for voltage fluctuations.</p> <p>Subsequently, the Ombudsman issued the Final Opinion to both REWS and Enemalta.</p> <p>REWS informed the Ombudsman that Enemalta would be issuing compensation.</p> <p>Subsequently the complainant confirmed that Enemalta had settled their claim for damages.</p> <p>The Ombudsman proceeded to close the case.</p>
Recommendation by Ombudsman	REWS to proceed with the issuing of a formal decision in line with the powers granted to it by applicable law and regulations and communicate same to Enemalta and complainant accordingly.

Case pending at Ombudsman

Sector/Department	Water Services Corporation (WSC)
Ombudsman case reference	OMB-23-4220
Brief details of case	A complaint by a WSC employee whose request to avail themselves from injury leave after they sustained an injury at the place of work was not approved.
Action taken and management comments	<p>The complainant alleged that they slipped on uneven tiles in the restroom at work and fractured their hand. The Injury Board refused to consider the absence from work as injury leave on the basis that appropriate personal protective equipment had not been worn. The complainant disagreed but was informed that they either presented the relative medical certificates covering the period in question, thus claiming sick leave, or a deduction in pay would be applied. The complainant had no option but to present medical certificates.</p> <p>The WSC forwarded to the Ombudsman the Injury Report, a site photograph, and redacted Injury Board meeting minutes, stating that the accident had not resulted from 'uneven' tiles but from a small step that the complainant must have been aware of as they had worked at the premises for years. It was the Corporation's view that the incident was unrelated to the nature of the complainant's employment.</p> <p>The Ombudsman requested to be provided with an update on the implementation of the various recommendations made by the Injury Board, including the outcome of the Occupational Health and Safety Authority's investigation.</p> <p>WSC replied that following the recommendations by the Injury Board, WSC Health and Safety ensured that the works were carried out to remove the step.</p> <p>The Ombudsman asked whether there were regulations in place that governed what employees should wear in the rest/changing/shower area. WSC replied in the negative.</p> <p>The case is still being investigated.</p>

MEER COMMISSIONER FOR ENVIRONMENT AND PLANNING



Case closed after Management replied to one request for information

Ombudsman case reference	Sector/ Department	Brief details of case
CEP-23-3431	Environment and Resources Authority (ERA)	<p>A complaint by the Swieqi Local Council (LC), stating that it had not received a response from the ERA concerning an earlier complaint related to fine dust in Swieqi.</p> <p>ERA explained that the reply had not been delivered due to a fault in the system. ERA had notified the Swieqi LC, that following an investigation, no notable amount of dust was detected.</p>

Cases closed without recommendation after action taken

Sector/Department	Enemalta plc
Ombudsman case reference	CEP-23-3604
Brief details of case	A complaint regarding delays in surfacing of road after service works carried out by Enemalta.
Action taken and management comments	<p>Enemalta confirmed that works had been completed so that Infrastructure Malta could proceed with the surfacing of the road.</p> <p>Subsequently, the Commissioner for Environment and Planning closed the case.</p>

Sector/Department	Environment and Resources Authority (ERA)
Ombudsman case reference	CEP-23-3908
Brief details of case	A complaint regarding alleged irregular deposit of truckloads of <i>franka</i> stone and the demolition of a rubble wall at a Special Area of Conservation (<i>Natura 2000</i> site) at <i>Wied Żażrun</i> .
Action taken and management comments	ERA replied that, following a site inspection, it was confirmed that the construction material was intended to construct a boundary wall and was related to ongoing works, and could not be considered as waste dumping.

Case closed and recommendation implemented

Sector/Department	Environment and Resources Authority (ERA)
Ombudsman case reference	CEP-23-4044
Brief details of case	A complaint regarding alleged emission of toxic fumes from an asphalt plant in Iklin.
Action taken and management comments	<p>The Commissioner for Environment and Planning (CEP) sent a communication to ERA and the Public Health Department, requesting their views with regard to proposals for changes in the pertinent regulations, particularly those concerning environmental permits. These changes were to include the addition of similar plants to the annex and schedules to the regulations".</p> <p>ERA replied that the results to date showed no exceedances in the benzene limit value. Nonetheless, ERA had increased the sampling locations closer to the asphalt plant, to acquire air quality data over a longer period of time. ERA also submitted that it was in receipt of a report commissioned by the Iklin local council, whereby, with the exception of the one site exceeding the benzene limit value due to unconfirmed reasons which may be unrelated to industrial operations, the results of the report generally corroborated data from ERA's long-term monitoring programme at two sites in Iklin.</p> <p>CEP issued his final opinion and recommendations to ERA, copied to Superintendent of Public Health and Iklin local council.</p> <p>ERA replied that the proposed draft legislation entitled Environmental Permitting (Procedure for Applications and their Determination) Regulations, 2024) had been issued for public consultation by the Ministry for the Environment, Energy and Regeneration of the Grand Harbour (MEER), in which new activities, such as asphalt plants, had been included.</p> <p>Following the publication of legislation, in line with the recommendations in the final opinion, the CEP closed the case.</p>
Recommendation by Ombudsman	Whilst ERA should continue with its long-term monitoring programme at the original sites at Iklin and also the additional locations closer to the asphalt plant in question, it is being recommended that ERA proposes specific regulations related to asphalt plants to the Minister responsible for the Environment within a reasonable period.

MEER

PRE-2023 CASES

(for further information on the case: Governance Action on the
Parliamentary Ombudsman Annual Report 2022)

Parliamentary Ombudsman

Case pending at Ombudsman

Sector/Department	Water Services Corporation (WSC)
Ombudsman case reference	OMB-21-2482
Brief details of case	A complaint regarding alleged inequality of pay for equal work. The complainant carried out the same duties as higher scaled employees who benefitted from a higher remuneration package.
Action taken and management comments	The case is still being investigated by the Ombudsman.
Status last year	Pending at Ombudsman



MINISTRY FOR NATIONAL HERITAGE, THE ARTS AND LOCAL GOVERNMENT

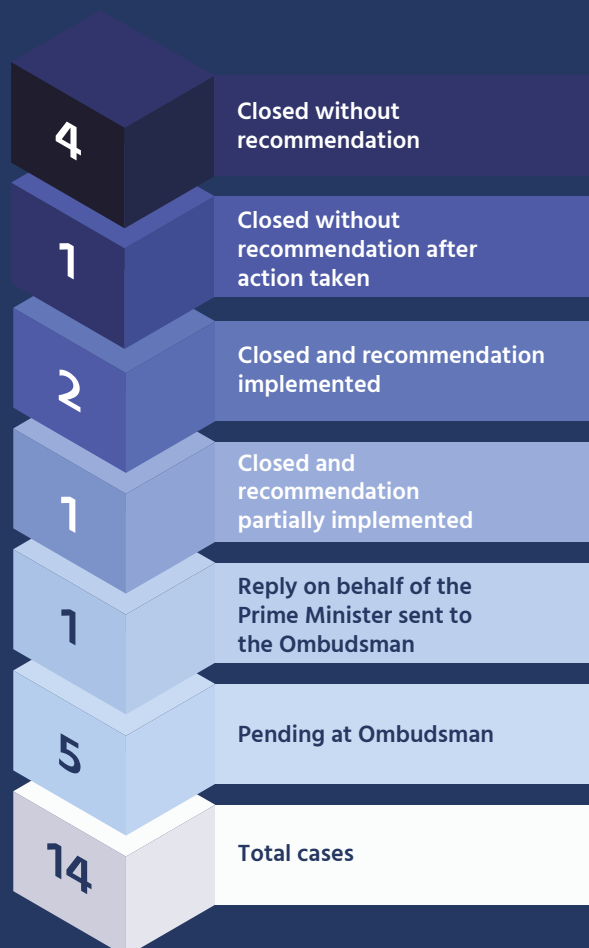
In 2023, the Parliamentary Ombudsman referred fourteen cases to the Ministry for National Heritage, the Arts and Local Government (MHAL). Four cases were closed without any recommendation being made by the Ombudsman. One case was closed without any recommendation made, but action was taken accordingly, whilst another case was closed with the recommendation partially implemented. Two cases were closed with the recommendation being implemented. One case had a reply sent to the Ombudsman on behalf of the Prime Minister. Five cases were pending at Ombudsman.

The Parliamentary Ombudsman had one case forwarded from previous years, which was still pending at the Office of the Ombudsman.

The Commissioner for Environment and Planning (CEP) referred two cases to MHAL. One case was closed without any recommendations, whilst the other case was closed with the CEP's recommendation being implemented.

MHAL total cases 2023 - 16

MHAL PARLIAMENTARY OMBUDSMAN



Cases closed without a recommendation

Sector/Department	Local Councils (LC)
Ombudsman case reference	OMB-23-3432
Brief details of case	A complaint against the Marsaskala LC regarding the poor condition of an unfinished road surface.
Action taken and management comments	<p>The Ombudsman enquired the Marsaskala LC why it had referred the complainant to the Water Services Corporation (WSC) and if it planned to address the surfacing issue.</p> <p>The LC explained that the road works were managed by a WSC contractor who had his contract suspended, causing undue delays. Once a new contractor was selected, the street was resurfaced. The LC provided meeting minutes and the correspondence exchanged with WSC, as requested by the Ombudsman.</p> <p>The LC also clarified that it only accepted damage claims for large potholes causing immediate damage, not for wear and tear. In the case in question, the poor road condition was due to prolonged, incomplete work by the previous contractor.</p> <p>The Ombudsman proceeded to close the case.</p>
Sector/Department	Local Government (LC)
Ombudsman case reference	OMB-23-4102
Brief details of case	A grievance concerning salary discrepancies for Regional Council Managers.
Action taken and management comments	<p>The case revolved around the varied interpretations of the funding scheme for Regional Council Managers.</p> <p>After several meetings involving all the stakeholders, it was agreed that a clarification statement was to be issued to ensure consistent interpretation across the regions. This clarification aimed to address salary discrepancies and provide compensation to managers disadvantaged by previous interpretations. The Local Government Division also allocated additional funds to support these adjustments.</p> <p>The Ombudsman closed the case, considering the matter resolved.</p>
Sector/Department	Local Councils (LC)
Ombudsman case reference	OMB-23-4233
Brief details of case	A complaint regarding lack of information on a tender for services issued by San Lawrenz LC.
Action taken and management comments	<p>San Lawrenz LC informed the complainant and the Office of the Ombudsman that the tender had been cancelled.</p> <p>The Ombudsman closed the case without investigating further.</p>

Sector/Department	Local Councils (LC)
Ombudsman case reference	OMB-23-4253
Brief details of case	A complaint regarding lack of information on a tender for services issued by Ghajnsielem LC.
Action taken and management comments	<p>The case involved a query regarding a tender for cleaning and attendance of a public convenience. Ghajnsielem LC informed the complainant and the Office of the Ombudsman that the tender had been cancelled.</p> <p>The case was subsequently closed.</p>

Case closed without recommendation after action taken

Sector/Department	Local Councils (LC)
Ombudsman case reference	OMB-23-4154
Brief details of case	A complaint against the Marsa LC regarding traffic cameras and speed bumps.
Action taken and management comments	<p>A speed bump was installed in front of the complainant's residence, reportedly causing inconvenience. The Ombudsman's Office sought input from Marsa LC, the relevant ministries, and TM on the complainant's suggestion to instal speed cameras instead of the speed bump.</p> <p>TM reported that the speed bump did not meet the required specifications. Subsequently, LC confirmed it would remove the existing bump and replace it with a compliant rubber bump. LC worked with TM to ensure correct specifications and placement, with TM appointing an architect to coordinate with LC.</p> <p>The Ombudsman closed the case, noting that the newly-installed speed bump had resolved the complainant's inconvenience.</p>

Case closed and recommendation partially implemented

Sector/Department	Festivals Malta
Ombudsman case reference	OMB-23-3580
Brief details of case	A complaint in connection with the allocation of funds following the issue of the Rock 'N Malta Fund call for applications.
Action taken and management comments	<p>The case involved a delayed response to a funding application for the Gozo Rock Festival. The Ombudsman's Office sought explanation from Festivals Malta regarding funds allocation, notification processes, and delays in the publication of results.</p> <p>Festivals Malta provided initial feedback on the evaluation criteria, noting that the complainant's proposal was deemed ineligible due to budget and content concerns. The Ombudsman requested further details, including the complainant's application file, evaluation criteria, and committee structure. Festivals Malta eventually forwarded all requested information, including evaluation scores and the qualifications of committee members.</p> <p>The Ombudsman raised further questions about budget discrepancies and the allocation methodology for the Rock 'N Malta Fund. Festivals Malta clarified the budget adjustments and explained that funding was awarded based on the artistic value and content of each project.</p> <p>The Ombudsman issued a final opinion and Festivals Malta confirmed partial implementation of the Ombudsman's recommendations. Festivals Malta did not accept recommendations (d) and (f).</p> <p>Upon receiving additional clarifications from Festivals Malta on the Rock 'N Malta Fund, the Ombudsman closed the case.</p>
Recommendation by Ombudsman	<p>The Ombudsman recommended that the complainant receives €1,000 in compensation for the treatment experienced. Additionally, to address systemic issues identified during the investigation, the Ombudsman issued the following recommendations:</p> <ul style="list-style-type: none"> a) Notes or minutes justifying the marks allocated under each assessment criterion should be kept on file; b) The process for determining eligibility should remain distinct from the evaluation of the application as a whole; c) Staff should be made aware of Directive 4.2, with measures in place to ensure compliance. d) Set a cap on the number of applications a single applicant and its beneficiary can submit in one session. e) Impose a cap on the funds that can be disbursed to a single project. f) Set a cap on the total funds made available to the same applicant and its beneficiary across different successful projects.

Cases closed and recommendation implemented

Sector/Department	Local Councils (LC)
Ombudsman case reference	OMB-23-3760
Brief details of case	A complaint against the Siġġiewi LC, requesting reimbursement of expenses incurred following damages caused to a vehicle due to a pothole.
Action taken and management comments	Following the issue of the Ombudsman's final opinion, the LC subsequently accepted and implemented the recommendation.
Recommendation by Ombudsman	<p>The Ombudsman concluded that the complainant's grievance was justified and recommended that the Siġġiewi LC:</p> <p>a) Follow the procedure outlined in the Circular issued by the Director General (Local Government) to all LC in April 2024, whenever handling claims for compensation.</p> <p>b) Reimburse the complainant €90 for the cost of the replacement tyre.</p>
Sector/Department	Superintendence of Cultural Heritage
Ombudsman case reference	OMB-23-3477 (SCH)
Brief details of case	A complaint with regards to the 5% inspection fee which was paid (under protest) to the SCH for the inspection of a Maltese bank note issued in 1949 and imported by the complainant from the U.S.A.
Action taken and management comments	<p>The case concerned a complaint that the SCH incorrectly applied S.L. 35.03, charging an inspection fee for an imported banknote, which the complainant argued was neither a work of art nor an antique. The Ombudsman requested a legal explanation from SCH on the fee's applicability.</p> <p>SCH's legal advisor explained that the fee was based on the importer's declaration to Customs, indicating the item held cultural heritage value, leading to SCH's involvement. Following this clarification, the Ombudsman issued the final opinion and stated that he found no breach of legislation by SCH.</p> <p>Customs updated its website to clarify the inspection fee for cultural heritage imports, aligning with SCH's current information that such items are subject to a 5% examination fee.</p> <p>After verifying these updates, the Ombudsman's Office closed the case.</p>
Recommendation by Ombudsman	The Ombudsman recommended that the relevant authorities should establish a procedure to notify importers that when an item is selected for an inspection by the Customs Department, this inspection incurs a service fee of 5% of the item's value. This notification should clarify the fee requirement as part of the adopted inspection process.

Reply on behalf of the Prime Minister sent to the Ombudsman

Sector/Department	Local Councils (LC)
Ombudsman case reference	OMB-23-3539
Brief details of case	A complaint against the San Gwann LC in connection with a personal injury and damages suffered following a fall due to an alleged pavement defect.
Action taken and management comments	<p>The Ombudsman requested the LC's comments and relevant court judgements.</p> <p>The LC responded that, upon inspection, only a minor surface defect was found, not a pothole, which they deemed unlikely to have caused the fall. They noted that the complainant had only filed a police report a month after the alleged incident, following advice from the Ombudsman. The LC explained that it could not justify compensation based solely on an email and stressed that individuals are expected to exercise caution.</p> <p>The Ombudsman's Office requested additional information, including site photos, confirmation of LC responsibility for the area, and details of any repairs. The LC replied that no photos were taken but confirmed the area was under their jurisdiction and that minor defects were addressed.</p> <p>The Ombudsman issued a final opinion in October, recommending actions in line with the complainant's grievance. The LC disagreed, citing the following:</p> <ul style="list-style-type: none"> - Difficulty in confirming the defect as the cause of the alleged fall. - Limitations in resources and expertise to investigate claims fully. - The need for practical expectations, given LC's constrained budget for flawless road conditions. - Delay in filing the police report, weakening the claim. - Concerns over setting a precedent for claims without concrete evidence directly linking the defect to the incident. <p>The Ombudsman escalated the case, referring it to the Prime Minister in terms of Article 22(4) of the Ombudsman Act.</p>
Recommendation by Ombudsman	<p>In view of the fact that reasonable prevention of accidents of any nature should be a top priority for LCs, it was recommended that the San Gwann LC</p> <ol style="list-style-type: none"> 1) Properly considers, with good judgement, claims for reimbursement of damages allegedly caused by the bad state of repair of roads falling under its responsibility in terms of applicable legislation; and 2) As far as resources allow, be more pro-active by carrying out regular monitoring to ensure that the roads, pavements and passageways falling under its responsibility are kept in a state of good repair and maintenance. Moreover, where repairs are necessary these are to be carried out without delay.
Action following referral of the case in terms of Article 22(4) of the Ombudsman Act	<p>A meeting was held between all the stakeholders involved in the case. It was agreed that the Ministry for the National Heritage, the Arts, and Local Government would develop a Standard Operating Procedure for all Local Councils, serving as guidelines for handling similar complaints. Additionally, San Gwann LC agreed to reconsider its decision regarding reimbursement to the complainant.</p> <p>The Local Government Division issued Circular 3/2024 to all LCs, outlining the recommended actions to take upon receiving such complaints.</p> <p>The Local Government Division requested that San Gwann LC revisits its decision regarding reimbursement to the claimant.</p> <p>The San Gwann LC reviewed the compensation request but unanimously decided not to proceed with the reimbursement, upholding their initial stance.</p>

Cases pending at Ombudsman

Sector/Department	Local Councils (LC)
Ombudsman case reference	OMB-23-3499
Brief details of case	A complaint against the San Ġwann LC regarding a slashed tyre, allegedly due to a deep pothole.
Action taken and management comments	<p>The Office of the Ombudsman questioned why the Council did not consider the complainant's damage claim for a tyre replacement, as per a directive by the Local Governance Board on vehicle damages on council-managed roads. The Ombudsman also requested comments from the Council regarding the alleged pothole incident.</p> <p>San Ġwann LC explained that the incident occurred after a severe storm that caused widespread flooding and significant road damage. The Council's response to the complainant included an explanation, attributing the pothole damage to extraordinary weather conditions. While acknowledging that Sliema Road is within its jurisdiction, the Council emphasised that it could not be held liable for damages caused by uncontrollable events. Repairs were made as soon as conditions allowed.</p> <p>The Ombudsman then asked if the Council would consider compensating the complainant for the tyre replacement.</p> <p>The LC replied, reiterating that the pothole resulted from extreme weather affecting Malta and other regions. The Council maintained it was not attributed to negligence, as the pothole was repaired promptly after the storm.</p>

Sector/Department	Local Councils (LC)
Ombudsman case reference	OMB-23-3736
Brief details of case	A complainant against the Floriana LC regarding damages caused to a vehicle allegedly due to a pothole/unlevelled drain/sewer cover.
Action taken and management comments	<p>The complainant sought compensation from the Floriana LC, which denied responsibility, stating it had no involvement in the incident.</p> <p>The Council's lawyer replied to the Ombudsman, explaining that the case was handled administratively rather than was not discussed in a Council meeting. The Council reported the issue to Infrastructure Malta, Transport Malta, and the Community Police. The Community Police coordinated with the Public Works Department, which agreed to address the issue under a memorandum of understanding with Local Councils.</p>

Sector/Department	Local Councils (LC)
Ombudsman case reference	OMB-23-4159
Brief details of case	A complaint regarding an alleged illegal and unjust penalty on a sea vessel.
Action taken and management comments	<p>The complainant's lawyer argued that Msida Local Council unfairly penalised their client for failing to remove a sea vessel, claiming it couldn't be moved due to required repairs and an obstacle making it unsafe.</p> <p>In response to the Local Government Division's inquiry, Msida LC confirmed that a permit was issued allowing the vessel to stay at Msida quay for 28 days. The permit terms, signed by the complainant, specified penalties for exceeding this period.</p> <p>Despite these terms, the complainant left the vessel in the area for 96 days. Msida LC sent multiple reminders but, with no resolution, imposed a monetary penalty.</p> <p>The Ombudsman's Office requested additional documentation, including the permit, signed declaration, and the legal basis for the penalties. Msida LC provided the documents to clarify its position and demonstrate compliance with relevant laws.</p>

Sector/Department	Local Councils (LC)
Ombudsman case reference	OMB-23-4171
Brief details of case	A complaint regarding damage caused to a vehicle in Swieqi, allegedly due to a pothole.
Action taken and management comments	<p>The complainant's request with the Swieqi LC for a reimbursement of a new tyre was not approved. The Swieqi LC explained that the road required full reconstruction, which fell under Infrastructure Malta's (IM) responsibility. The Council had reportedly alerted IM about the road's condition multiple times, stressing the need for comprehensive repairs.</p> <p>The Ombudsman's Office requested records of the Council's communications with IM, and the Swieqi LC provided the required documentation, confirming the Council's repeated notifications to IM.</p> <p>In a follow-up, the Ombudsman asked the Council for the last repair date on the road. The Swieqi LC clarified that they had managed temporary repairs to address immediate issues but reiterated that a full reconstruction by IM was essential for long-term improvement.</p>

Sector/Department	Local Government Division (LGD)
Ombudsman case reference	OMB-23-3820
Brief details of case	A complaint against the LGD in relation with Legal Notice 136/2023.
Action taken and management comments	<p>The Office of the Ombudsman proposed changes to the relevant regulation and requested input from the LGD. In response, the LGD, in collaboration with the Ministry for National Heritage, the Arts, and Local Government, amended S.L. 363.239 through L.N. 154 of 2024.</p> <p>Key changes included allowing users to notify and pay for a permit immediately without waiting for the local councils' approval. Additionally, the revised regulation introduced a reduced permit fee for applicants over 60.</p> <p>The Office of the Ombudsman has kept the case open for further review.</p>

MHAL COMMISSIONER FOR ENVIRONMENT AND PLANNING



Case closed without recommendation

Sector/Department	Local Councils (LC)
Ombudsman case reference	CEP-23-3566
Brief details of case	A complaint against the Hal Ghaxaq LC regarding a problem to access a garage.
Action taken and management comments	<p>The Commissioner for Environment and Planning (CEP) notified both the Ghaxaq LC and Transport Malta (TM) of a complaint regarding an approved double-yellow line in front of a garage under Article 77 of Subsidiary Legislation 65.11.</p> <p>Although TM had informed the LC of the approval months earlier, the lines had not yet been marked. The CEP requested feedback from both the LC and TM regarding the delay before issuing a Final Opinion.</p> <p>The LC responded, noting that the issue would be reviewed at their next council meeting and requested an extension, which the CEP granted.</p> <p>In his Final Opinion, the CEP clarified that the complainant should have initiated the application through the LC's Executive Secretary. If the request was denied, the complainant had the right to appeal. Additionally, the complainant could involve the police if access to the garage was obstructed.</p> <p>The Ombudsman closed the case, concluding that all necessary steps for resolution had been considered.</p>

Case closed and recommendation implemented

Sector/Department	Local Councils (LC)
Ombudsman case reference	CEP-23-3528
Brief details of case	A complaint against the Mellieħa LC regarding the occupation of a footpath without the necessary permits and two pedestrian crossings that were installed without signs.
Action taken and management comments	<p>The Commissioner for Environment and Planning (CEP) initiated a case regarding footpath obstructions in Mellieħa, emphasising that any works impacting pedestrian pathways must follow proper permitting and enforcement protocols. The CEP forwarded four suggestions:</p> <ol style="list-style-type: none"> 1. All footpath obstructions require approval from Transport Malta (TM) per Article 42 of S.L. 499.57. 2. Temporary obstructions, as regulated by S.L. 623.08 and S.L. 441.04, should only apply to short-term issues, not long-term structures like boundary walls. 3. The ongoing construction of walls on footpaths without permits negatively impacts pedestrian access. 4. The Building and Construction Authority (BCA) should update its website to clearly reflect the need for a TM permit. <p>The CEP sought feedback from the Mellieħa LC, TM, and the BCA.</p> <p>Mellieħa LC commented that BCA should consult the LC on any temporary traffic arrangements that are considered necessary and that in such cases, the LC would then submit its views and seek TM's endorsement prior to the implementation of any arrangement on site by the developer. Communication on the official side is to be maintained in a direct manner, possibly through electronic means, on the same lines of the Trenching Permit System, which enables all entities concerned to air their views and where TM has the final say.</p> <p>The CEP closed the case after reviewing the feedback received by all three entities, and after confirming the following actions:</p> <ol style="list-style-type: none"> 1. The developer had regularised the Mellieħa site with appropriate signage and markings. 2. The BCA had updated its website 'Questions and Answers' section to clarify the TM permit requirement under S.L. 499.57. 3. TM had implemented a permit system to manage long-term footpath and road occupations for structures like boundary walls. <p>This resolution aims to improve the management of public pathways and enhance coordination among relevant authorities, ensuring better pedestrian access and adherence to regulations.</p>
Recommendation by Ombudsman	The LC and BCA were to guide developers and contractors accordingly whilst TM was to beef up enforcement with reference to the more than one hundred cases of construction works encumbering roads that had been exposed by the Office of the Ombudsman.

MHAL **PRE-2023 CASES**

(for further information on the case: Governance Action on the
Parliamentary Ombudsman Annual Report 2022)

Parliamentary Ombudsman

Case pending at Ombudsman

Sector/Department	Manoel Theatre
Ombudsman case reference	OMB-21-2385
Brief details of case	<p>A complaint concerning an alleged injustice, referring to Manoel Theatre's management and MHAL. The complainant alleged that:</p> <ul style="list-style-type: none"> • a number of hours of time off in lieu in 2019 and 2020 was cancelled; • they were compelled to take the annual and 'emergency' leave for 2020; • in May 2020, a deduction in salary was made, even though the complainant had correctly registered teleworking hours; • the belated appointment resulted in loss of income and reduction of pension rights.
Action taken and management comments	The Office of the Ombudsman confirmed that the case was still being investigated.
Status last year	Pending at Ombudsman



MINISTRY FOR TOURISM AND PUBLIC CLEANLINESS

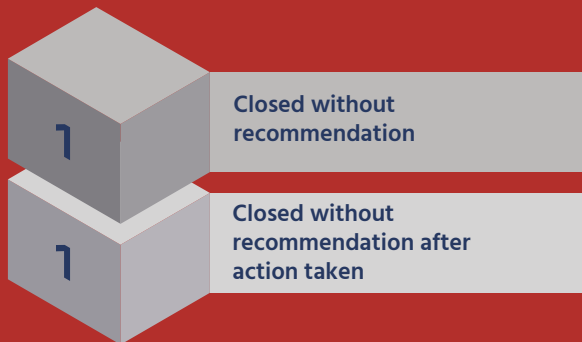
In 2023, two cases were referred by the Parliamentary Ombudsman to the Ministry for Tourism and Public Cleansing (MTP). One case was closed without any recommendation being made by the Ombudsman, and the other case was closed without recommendation after MTP took the necessary action.

The Commissioner for the Environment and Planning (CEP) referred one case to MTP, which was not upheld by the CEP.

MTP total cases 2023 - 3

MTP

PARLIAMENTARY OMBUDSMAN



COMMISSIONER FOR ENVIRONMENT AND PLANNING



Parliamentary Ombudsman

Case closed without recommendation

Sector/Department	Malta Tourism Authority (MTA)
Ombudsman case reference	OMB-23-3958
Brief details of case	A complaint regarding lack of response and cooperation when enquiring on the progress of the 2022 Diving Strategy.
Action taken and management comments	<p>MTA stated that to streamline communication and avoid delays, official announcements and updates on the progress of the strategy are made periodically in collaboration with other stakeholders. These updates would be shared exclusively through official channels to ensure the public receives accurate and comprehensive information.</p> <p>MTA also explained that although several entities were involved in the strategy's implementation, significant progress had been made over the past year. Some objectives had already been achieved, while work had begun on others. It was clarified that the strategy was not intended to be completed within a single year but was designed for gradual implementation.</p>

Case closed without recommendation after action taken

Sector/Department	Malta Film Commission (MFC)
Ombudsman case reference	OMB-23-3924
Brief details of case	Complainant alleged that despite receiving a scriptwriting grant, they were not paid immediately.
Action taken and management comments	<p>The MFC confirmed that the complainant had been awarded a €15,000 scriptwriting grant as part of the Creative Malta Scheme 2022-2023.</p> <p>MFC explained that an audit had been carried out and payment was subsequently issued by the MFC's accounts department.</p>

Commissioner for Environment and Planning

Complaint not upheld

Ombudsman case reference	Sector/ Department	Brief details of case
CEP-23-3802	Malta Tourism Authority (MTA)	<p>An alleged irregular no-objection issued for a proposed hotel in Sliema.</p> <p>An operator complained with the Ombudsman that the MTA should not have issued such no objection and requested the latter to retract the document. However, MTA confirmed that the proposal was within the stipulated parameters.</p>



MINISTRY FOR TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS

In 2023, the Parliamentary Ombudsman referred twelve cases to the Ministry for Transport, Infrastructure and Public Works (MTIP). Two cases were closed after the management replied to one request for information. Five cases were closed without any recommendation. One case was closed without any recommendation made by the Ombudsman but action was taken accordingly, whilst one case was closed with the recommendation being implemented. Two cases were pending at Ombudsman and one case was pending at Ministry.

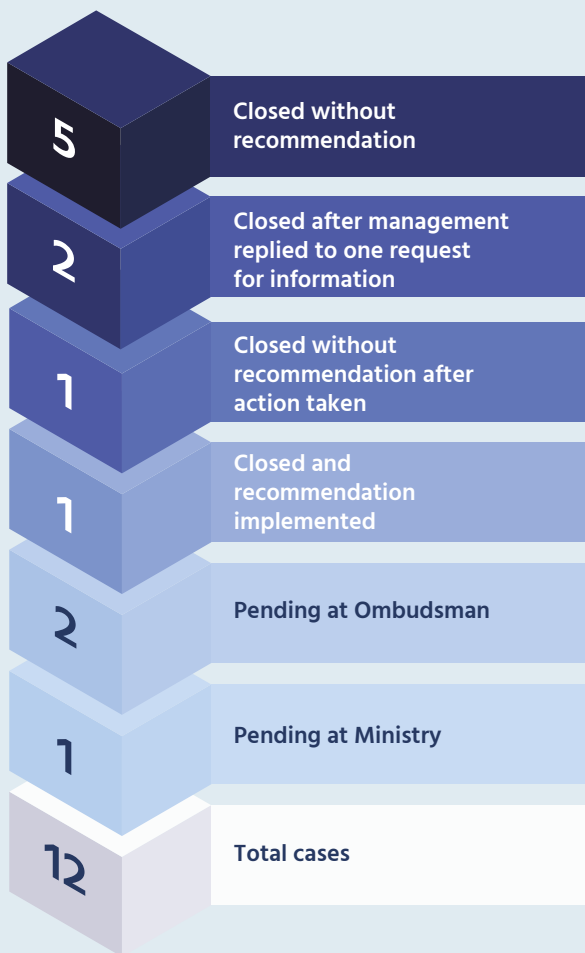
The Parliamentary Ombudsman had two cases which were forwarded from previous years. One case was closed without recommendation with the necessary action being taken, whilst the other case was closed with the recommendation being implemented.

The Commissioner for Environment and Planning (CEP) referred fifteen cases to the MTIP. Three cases were closed after the management replied to one request for information. Five cases were closed without a recommendation. Six cases were closed without recommendation but the necessary action was taken. One case was pending at the Ministry.

MTIP total cases 2023 - 27

MTIP

PARLIAMENTARY OMBUDSMAN



Cases closed without recommendation

Sector/Department	Ministry for Transport, Infrastructure and Public Works (MTIP)
Ombudsman case reference	OMB-23-3925
Brief details of case	A complaint by a public officer regarding their performance bonus.
Action taken and management comments	<p>The Ministry provided a justification for the rating provided to the complainant on a project-based performance bonus. The Ombudsman's Office requested further information and a meeting was set to discuss the case.</p> <p>After reviewing the details, the Ombudsman decided not to proceed further and closed the case.</p>
Sector/Department	Periti Warranting Board
Ombudsman case reference	OMB-23-4145
Brief details of case	A complaint in connection with an application for the 'Perit' Warrant.
Action taken and management comments	<p>The case involved a Hungarian national who applied for a Maltese Perit Arkitett warrant with a Serbian qualification. The Periti Warranting Board found the complainant's degree equivalent to MQF Level 6, below the required Level 7 (Master's level) under the Periti Act 622, making them ineligible for the standard examination process.</p> <p>During evaluation, the Board requested additional documents, including employment history (submitted in Serbian), recommendation letters (which lacked architectural references), and a transcript from the University of Belgrade. It was also noted that the complainant's Serbian Chamber of Engineers Licence was under review and was not listed in the Chamber's online register.</p> <p>Upon receiving a translated employment history, the Board confirmed that the claimant's Level 6 qualification did not meet the warrant's Level 7 requirement, which needs a five-year academic program in architecture or a four-year program with a two-year traineeship.</p> <p>After communicating its decision to the complainant, the Ombudsman deemed the case resolved and closed it.</p>
Sector/Department	Transport Malta (TM)
Ombudsman case reference	OMB-23-3916
Brief details of case	A complaint regarding disruption and an unresolved licence renewal.
Action taken and management comments	<p>The case involved a complaint regarding TM's requirement for medical documentation to renew the complainant's driving licence. TM explained that a follow-up from the complainant's psychiatrist was necessary, but the complainant refused, citing confidentiality concerns, and disputing the need to disclose medical conditions.</p> <p>TM reported that during a recent visit to its premises, the complainant caused a disturbance and was asked to leave due to disruptive behaviour, with Customer Care and Enforcement officers handling the situation professionally. TM also clarified that fines mentioned by the complainant were unrelated to the licence renewal and had been resolved. The licence renewal remained on hold, awaiting the required medical documentation.</p> <p>The Ombudsman subsequently closed the case.</p>

Sector/Department	Transport Malta (TM)
Ombudsman case reference	OMB-23-4042
Brief details of case	A complaint regarding the Plug-in Hybrid Electric Vehicles (PHEV) and Scrappage Grant.
Action taken and management comments	<p>Following the purchase of a new car, the complainant received confirmation of the €11,000 PHEV Grant, however they were not entitled to the scrappage grant.</p> <p>TM clarified that the PHEV scheme, which closed on 31 May 2022, was valid for vehicles ordered by that date. However, eligibility for the scrappage grant required a destruction certificate at the time of application. The complainant's PHEV application in June 2022 lacked scrappage information, and although the new vehicle was registered in July, the old vehicle was only transferred and scrapped in August 2022, with the destruction certificate issued afterwards.</p> <p>Based on this information, the complainant's claims were dismissed, and the Ombudsman's Office closed the case.</p>

Sector/Department	Transport Malta (TM)
Ombudsman case reference	OMB-23-4189
Brief details of case	A complaint regarding a registered vehicle bearing a Belgian registration number which was impounded and removed from the road by TM Enforcement Officers.
Action taken and management comments	<p>The Belgian-registered vehicle was driven by a Maltese resident with a residence document. TM referenced Article 2A of CAP 368, which allows non-registered vehicles or those without paid registration tax to be used on Maltese roads only if specific conditions are met, including the driver not holding Maltese identification, residing outside Malta, and using the vehicle temporarily.</p> <p>As the complainant did not meet these conditions, TM found the vehicle in violation of the law and confiscated it.</p> <p>The Ombudsman accepted TM's legal position and closed the case.</p>

Closed after the management replied to one request for information

Sector/Department	Transport Malta (TM)
Ombudsman case reference	OMB-23-3425
Brief details of case	<p>A complaint regarding the renewal of a driving licence.</p> <p>The case involved a complainant seeking to renew their driving licence. TM resolved the issue by reissuing the licence by post.</p>
Sector/Department	Transport Malta (TM)
Ombudsman case reference	OMB-23-3902
Brief details of case	<p>A complaint concerning a car not parked appropriately.</p> <p>TM informed the Ombudsman that the vehicle in question had been towed from the location and was being held at its Mosta compound.</p>

Case closed without recommendation after action taken

Sector/Department	Transport Malta (TM)
Ombudsman case reference	OMB-23-4146
Brief details of case	A complaint regarding the refusal of a Personalised Reserved Parking (PRP) bay.
Action taken and management comments	<p>Initially TM had refused the request for a PRP bay on the basis of a policy requiring that the applicant or representative to reside at the same address as the PRP recipient, which did not apply in this case.</p> <p>Following the Ombudsman's inquiry, TM engaged with the complainant's relative who had filed the request and who lived nearby. During an inspection, TM confirmed the relative's willingness to park in front of the complainant's residence if the PRP bay was approved. This arrangement led TM to issue an approval letter and a work order for the PRP bay.</p> <p>Once the complainant confirmed the installation, the Ombudsman's Office closed the case.</p>

Case closed and recommendation implemented

Sector/Department	Transport Malta (TM)
Ombudsman case reference	OMB-23-3766
Brief details of case	A complaint regarding the transfer of a car from one owner to another.
Action taken and management comments	<p>The case involved a complaint about a vehicle sold by the complainant but was never transferred to the buyer's name, leading to a court dispute.</p> <p>The complainant, who relied on the buyer to complete the transfer, was found guilty in Traffic Court for failing to register it, with a deadline and daily penalties imposed. Though not directly involved, the Authority provided a witness in court.</p> <p>Regulations allowed owners to declare a vehicle's unknown location to have it scrapped, requiring a sworn declaration from the buyer. The complainant, advised legally, did not pursue this as the buyer refused the declaration. This option expired in October 2022.</p> <p>Upon learning that the complainant had passed away in 2017, TM noted the vehicle's status to address it if the heirs contacted them. However, automated arrears notices continued. In May 2024, MTIP confirmed the Ombudsman's Final Opinion, with TM agreeing to let the complainant's heirs scrap the vehicle upon payment of administrative fees.</p> <p>The Ombudsman subsequently closed the case.</p>
Recommendation by Ombudsman	The Ombudsman recommended the complainant to be allowed to avail themselves of the terms of the Arrears of Motor Vehicles Licence Fees Regulations Scheme.

Cases pending at Ombudsman

Sector/Department	Infrastructure Malta (IM)
Ombudsman case reference	OMB-23-3594
Brief details of case	A complaint in connection with damages to a car due to a pothole.
Action taken and management comments	<p>The case involved a complainant regarding a trench created for a private house connection, with IM initially rejecting responsibility, stating the trench work was conducted by a private entity.</p> <p>The Ombudsman's Office requested information on the permit for the road works, its conditions, and why IM did not direct the claim to the responsible entity. IM clarified that it does not issue or oversee road work permits; this falls under Transport Malta's (TM) jurisdiction. Furthermore, no permit had been requested for these works. IM also noted it could not hold the private entity liable as the contractor's identity was unknown, potentially requiring police involvement. TM confirmed that contractors performing authorised road works are subject to bank guarantees, but action requires identifying the contractor responsible.</p> <p>IM informed the Ombudsman's Office that its 'Claims Committee' was finalising a response to the complainant.</p> <p>The case remained under review by the Ombudsman's Office.</p>

Sector/Department	Ministry for Transport, Infrastructure and Public Works (MTIP)
Ombudsman case reference	OMB-23-3558
Brief details of case	A complaint by two employees alleging discriminatory treatment when directed to revert from shift work to a standard five-day week.
Action taken and management comments	<p>The Ministry responded that the shift schedule had been temporary, clarifying that the employees' administrative roles did not require shift work, unlike the technical roles within the respective section.</p> <p>The Ministry also provided the Ombudsman with records, documentation, and other relevant details about the complainants' roles.</p> <p>The Ombudsman confirmed that the case was still being investigated.</p>

Case pending at Ministry

Sector/Department	Transport Malta (TM)
Ombudsman case reference	OMB-23-3494
Brief details of case	A complaint regarding the refusal to issue a Maltese driving licence to a foreign citizen living in Malta.
Action taken and management comments	<p>The case involved an Italian citizen with a driving licence originally issued in Brazil and reissued in Portugal, marked with Code 70. TM informed the complainant that their licence could not be exchanged for a Maltese licence, as exchanges are limited to licences from EU/EFTA countries or those with mutual recognition agreements with Malta.</p> <p>TM clarified that the Brazilian-origin licence did not meet exchange criteria. Referring to Directive 2006/126/EC and Maltese licencing standards under Subsidiary Legislation 65.18, TM explained that the complainant would need to pass a theory and a practical test to meet Maltese requirements, especially for Categories C and D, which cover heavier vehicles and passenger transport.</p> <p>TM committed to assisting the complainant by recommending registration for a theory test through an accredited motoring school, followed by a practical test. TM also offered translation support and an expedited process.</p> <p>The Office of the Ombudsman requested further review, and TM held an internal meeting to discuss additional actions and was awaiting legal counsel.</p>

MTIP

COMMISSIONER FOR ENVIRONMENT AND PLANNING



Cases closed without recommendation

Sector/Department	Infrastructure Malta (IM)
Ombudsman case reference	CEP-23-3553
Brief details of case	A complaint regarding the surfacing of a road in Mġarr.
Action taken and management comments	<p>The Mġarr Local Council had requested IM to resurface a disputed alley. However, IM issued a stop-work order after a legal notice highlighted ownership issues, with the alley's ownership contested between the Local Council and private landowners, despite its use as a public space with utilities.</p> <p>IM stated it could not proceed with resurfacing until ownership was clarified. The Commissioner for Environment and Planning concluded that IM was not obligated to resurface the road as it was classified as a private unscheduled road, officially closing the case.</p>
Sector/Department	Infrastructure Malta (IM)
Ombudsman case reference	CEP-23-3714
Brief details of case	A complaint regarding a private gate which was moved forward following roadworks carried out by IM.
Action taken and management comments	<p>The case involved a complaint about road works by IM carried out in front of a property. IM clarified that the work was conducted on public land for public use, after having assessed the project holistically to improve the road infrastructure. To prevent water damage from an overflow pipe positioned below road level, the pipe was relocated above the road level to align with engineering standards.</p> <p>IM also noted that it is normal practice for public services and house connections to pass through public sidewalks, dismissing claims of unfair impact on the complainant's property.</p> <p>After review, the Commissioner for Environment and Planning found no liability on IM's part and closed the case.</p>
Sector/Department	Infrastructure Malta (IM)
Ombudsman case reference	CEP-23-4192
Brief details of case	A complaint from a family regarding the restricted access to their field.
Action taken and management comments	<p>Complainant objected to road upgrades, including a cycle lane, which restricted access to the complainant's field, limiting the use of heavy machinery. IM initially found the complaint unclear, requesting a site plan and machinery specifications. IM noted that typical field access lanes match the width of the cycle lane and that no prior requests for heavy machinery access had been made.</p> <p>The Commissioner for Environment and Planning (CEP) informed the complainant of IM's request. IM later confirmed it would make necessary adjustments once the landowner approved an area for parking. Following on-site visits and agreements, IM completed remedial works to improve field access.</p> <p>CEP proceeded to close the case after the complainant confirmed satisfaction with the improved access.</p>

Sector/Department	Periti Warranting Board
Ombudsman case reference	CEP-23-3484
Brief details of case	A complaint regarding the delay in processing an application for a 'Perit' warrant.
Action taken and management comments	<p>The Ombudsman requested details on the timeline for the decision and inquired whether the Board would comply with Subsidiary Legislation 622.01.</p> <p>During a Board meeting, the applicant's qualifications were assessed against two qualifying pathways under Regulation 5(2):</p> <ol style="list-style-type: none"> 1. Pathway 5(2)(a): Requires five years of academic training in Malta (300 ECTS), with a primary focus on architecture to ensure comprehensive proficiency. 2. Pathway 5(2)(b): Allows for a four-year academic program (240 ECTS) combined with a two-year, full-time, supervised professional traineeship, including a year dedicated to professional practice skills. <p>The Board determined that the applicant's bachelor's degree did not meet these requirements, as it lacked the master's level (Level 7) training mandated under the Periti Act and relevant regulations.</p> <p>Following the Board's assessment, the Ombudsman's Office reviewed the findings and closed the case.</p>

Sector/Department	Transport Malta (TM)
Ombudsman case reference	CEP-23-3631
Brief details of case	A complaint regarding proposed mitigation measures to prevent damage to a balcony which were not accepted by TM.
Action taken and management comments	<p>The case involved a complaint about a balcony repeatedly struck by large vans navigating a narrow road, with risks heightened by a dropped pavement in front of a nearby garage, posing safety concerns for pedestrians.</p> <p>TM informed the Ombudsman that it had reviewed the case from a traffic management perspective and explained that its policy prohibits the installation of bollards or barriers on roads or footpaths narrower than the minimum width required to ensure the safe passage of pedestrians.</p> <p>The Ombudsman agreed with the above reasoning and closed the case, highlighting that although many Maltese pavements are narrower, further reduction is not allowed for safety. The Ombudsman remarked that driving onto the pavement is illegal, and such violations should be reported to the police.</p>

Cases closed after the management replied to one request for information

Sector/Department	Infrastructure Malta (IM)
Ombudsman case reference	CEP-23-3896
Brief details of case	<p>A complaint alleging delay in the reopening of the cycle lane at Marsa following a major oil spill.</p> <p>IM clarified that the lane had remained open, with only a temporary cleanup by the Cleansing and Maintenance Division following a spillage, after which no issues were reported.</p> <p>The Commissioner for Environment and Planning inspected the site, confirmed the lane was operational, and noted only minor peeling of green paint from the cleanup.</p>
Sector/Department	Infrastructure Malta (IM)
Ombudsman case reference	CEP-23-4001
Brief details of case	<p>A complaint regarding the cycle paths following works at St Andrew's Road, Swieqi.</p> <p>IM shared the layout with the Commissioner for Environment and Planning, explaining that St Andrew's Road, near Skola Sport is not wide enough for a segregated cycle path. Therefore, the route was designed to pass through residential streets in Pembroke, linking to St Andrew's Road and Triq Villa Rosa.</p>
Sector/Department	Transport Malta (TM)
Ombudsman case reference	CEP-23-3402
Brief details of case	<p>A complaint regarding road markings and signs allowing residents to park in front of private garages and car ports.</p> <p>The road markings and signs were initially implemented by another government entity. Upon receiving the complaint, TM investigated the case, promptly issued a work order, removed the markings, and repainted the lines as required.</p>

Cases closed without recommendation after action taken

Sector/Department	Infrastructure Malta (IM)
Ombudsman case reference	CEP-23-3565
Brief details of case	A complaint regarding service works conducted near the Mellieħa Primary School and Mellieħa home for the elderly.
Action taken and management comments	The case involved a complaint regarding street surfacing delays, causing dust and safety concerns for residents. The Commissioner for Environment and Planning (CEP) requested an update, and Enemalta confirmed that while their initial works were completed, some sections required redoing due to substandard reinstatement. CEP closed the case once the necessary works were completed.

Sector/Department	Infrastructure Malta (IM)
Ombudsman case reference	CEP-23-4223
Brief details of case	A complaint regarding the flooding of garages attributed to an unsurfaced road.
Action taken and management comments	IM confirmed that the street in question was nominated for resurfacing by the Local Council. IM added that no flooding issues had ever been reported in this particular street and it considered it unlikely that the problem was linked to the road's surfacing, as the road was fully formed. The resurfacing was completed in April 2024, the Commissioner for Environment and Planning (CEP) was informed accordingly. The CEP closed the case after verifying the completion of works.

Sector/Department	Transport Malta (TM)
Ombudsman case reference	CEP-23-3414
Brief details of case	The complaint revolved around the alleged occupation of public parking spaces by 'QZ' self-drive vehicles.
Action taken and management comments	The case involved an investigation into public parking spaces allegedly occupied by 'QZ' self-drive rental vehicles. TM responded by increasing enforcement, issuing fines for vehicles parked in violation. When unattended 'QZ' vehicles were found, TM contacted the owner for leasing contracts, and in cases where contracts were not provided, instructed the owner to remove the vehicle and imposed a fine. TM also advised the owner to take precautionary measures to prevent future violations. The Commissioner for Environment and Planning then closed the case.

Sector/Department	Transport Malta (TM)
Ombudsman case reference	CEP-23-3530
Brief details of case	A complaint regarding the need for an un/loading bay in Pietà.
Action taken and management comments	<p>The complainant had already obtained the necessary permits from TM for a loading and unloading bay in Pietà to facilitate heavy deliveries to their shop.</p> <p>TM conducted a site visit and agreed to adjust the layout of the loading bay and a nearby bus stop to resolve the issue. The required adjustments were completed shortly afterwards.</p> <p>The Commissioner for Environment and Planning confirmed the case closure once the work was completed.</p>
Sector/Department	Transport Malta (TM)
Ombudsman case reference	CEP-23-3699
Brief details of case	A complaint regarding the closure of Triq tal-Barrani towards Bir id-Deheb.
Action taken and management comments	<p>A traffic congestion was being created after buses stopped using Triq Tal-Barrani direction to Triq Bir id-Deheb. To mitigate the impact, the Commissioner for Environment and Planning (CEP) recommended restricting heavy vehicle access on the residential road Triq Il-Għadam. TM responded by installing “No Entry” signs and refreshing line markings, leading the CEP to close the case.</p> <p>The CEP later reopened the case to assess the enforcement of this restriction. Following an enforcement update, CEP closed the case again.</p>
Sector/Department	Transport Malta (TM)
Ombudsman case reference	CEP-23-3879
Brief details of case	A request for additional parking spaces in Mellieħa.
Action taken and management comments	<p>After investigating the Commissioner for Environment and Planning’s (CEP) proposal to add two more parking spaces in a particular spot in Mellieħa, TM agreed to increase the parking bays.</p> <p>CEP closed the case after the necessary works were carried out.</p>

Case pending at Ministry

Sector/Department	Infrastructure Malta (IM)
Ombudsman case reference	CEP-23-3858
Brief details of case	A complaint regarding damages to an arch forming part of the ceiling of an old reservoir during roadworks carried out by IM.
Action taken and management comments	<p>The Malta Industrial Heritage Association (MIHA) had previously notified IM of the reservoir's historical importance, alleging that IM had cast a concrete slab without adequate preservation measures.</p> <p>IM explained that limited data on the reservoir's specifications, such as its exact location, size, depth, and structural capacity had complicated efforts to work around the structure, resulting in a partial collapse of the arch.</p> <p>IM responded by redesigning the road layout to divert heavy vehicle traffic away from the reservoir and casting a protective slab to distribute loads and protect the heritage structure. Planned repairs include draining, cleaning, and scaffolding the reservoir, with oversight by an architect appointed by MIHA. However, IM opposed covering external architect fees in the absence of a formal agreement and proper adherence to the direct order protocols.</p> <p>The Commissioner for Environment and Planning kept the case open pending completion of the necessary repairs and recommended that IM consults the Restoration Directorate if further expertise was needed.</p> <p>Discussions on repair strategies were ongoing with all stakeholders to establish the most feasible way forward.</p>

MTIP

PRE-2023 CASES

(for further information on the case: Governance Action on the Parliamentary Ombudsman Annual Report 2022)

Parliamentary Ombudsman

Case closed without recommendation after action taken

Sector/Department	Infrastructure Malta (IM)
Ombudsman case reference	OMB-22-3332
Brief details of case	A review conducted by the Office of the Ombudsman, regarding damages to a property during a storm following the eruption of a stormwater culvert situated beneath the complainants' residence.
Action taken and management comments	<p>IM informed the Ombudsman's Office that, although the road in question is not under IM's responsibility, it had agreed, on humanitarian grounds, and without admitting liability or responsibility, to construct a new rainwater catchment system on an ex-gratia basis.</p> <p>A signed agreement was in place with all parties involved, and work was scheduled to start once final design drawings were received. IM finalised the design in consultation with the architect appointed by the complainants, with a contractor already engaged.</p> <p>On 26 March 2024, the Ombudsman's Office officially closed the case.</p>
Status last year	Pending at Ombudsman

Case closed and recommendation implemented

Sector/Department	Transport Malta (TM)
Ombudsman case reference	OMB-22-3208
Brief details of case	Ombudsman case involved the transfer of a temporary mooring permit upon transfer of boat ownership.
Action taken and management comments	<p>A complaint regarding the specifications and management of a boat, with TM providing details and specifications. Although the complaint was not upheld, the Ombudsman's Office issued general recommendations for TM to improve transparency and criteria regarding mooring and berthing transfers.</p> <p>By the end of September 2024, TM implemented these recommendations, publishing Notice 02/2024 with guidelines for transferring mooring/berthing permits on its website and social media. TM confirmed the implementation to the Ombudsman's Office, which acknowledged the actions and reconfirmed the case closure.</p>
Recommendation by Ombudsman	<p>The Ombudsman recommended that TM publish an updated notice on its website and social media to clarify procedures regarding mooring and buoy transfers. This notice should expand on the information published on September 2, 2022, by:</p> <ol style="list-style-type: none"> 1. Specifying the circumstances under which buoys and moorings can be transferred. 2. Clarifying that boats not eligible for transferable buoys or moorings must follow a waiting list process. 3. Outlining the protocol for boat owners with a valid Temporary Mooring Permit who wish to replace their boat while continuing to use the same mooring. <p>These clarifications aim to ensure greater transparency and guide boat owners through the proper procedures related to mooring and buoy management.</p>
Status last year	Pending at Ombudsman

