

Case Notes 2025

PARLIAMENTARY OMBUDSMAN MALTA



OMBUDSMAN

FOR THE PERIOD
JANUARY - DECEMBER
2025

Edition 45

Case Notes 2025

PARLIAMENTARY OMBUDSMAN MALTA



OMBUDSMAN

**FOR THE PERIOD
JANUARY - DECEMBER
2025**

Edition 45



OMBUDSMAN

Address: 11/12, St Paul Street, Valletta, VLT1210

Email: office@ombudsman.org.mt

Tel: +356 2248 3200, 2248 3216

Office opens to the public as follows:

October – May 08:30am – 12:00pm

01:30pm – 03:00pm

June – September 08:30am – 12:30pm

Website: www.ombudsman.org.mt

Facebook: Ombudsman Malta

Foreword



This is the 45th edition of the Case Notes published by the Office of the Ombudsman since the institution was established by the Ombudsman Act (Act XXI of 1995 – Chapter 385 of the Laws of Malta).

The publication highlights the more important investigations carried out by the Office during 2025. The work is a select compendium of 38 cases that were investigated and concluded by the Ombudsman and by the three Commissioners. The compilation is intended to reach as wide a readership as possible and embraces a wide range of subjects and grievances that should be of interest to many, including public bodies.

The work contains a summary of the investigation, the core issues that were identified, and the outcome which is explained in a manner for all to understand and consider, including where recommendations were submitted.

The Case Notes help the reader value and appreciate better the need for good governance in public services and public administrative practices. Public bodies should find the Case Notes useful, including as a means to engage fairly and better with the public and to address effectively the concerns and grievances of the public.

The Case Notes help the public service and the public administration to strengthen their standards of good governance and enhance the quality of their services, including by improving their methodology and procedures.

I extend my gratitude to the Commissioners, Investigators and staff at the Office of the Ombudsman who were involved in the completion and publication of this edition of Case Notes.

Judge Joseph Zammit McKeon
Parliamentary Ombudsman

Note: Case notes offer a brief overview of the complaints reviewed by the Parliamentary Ombudsman and the Commissioners. They aim to highlight key principles or the Ombudsman's approach to specific cases.

The term 'he/she' does not indicate the complainant's gender. This wording is chosen to preserve the complainants' anonymity as much as possible.

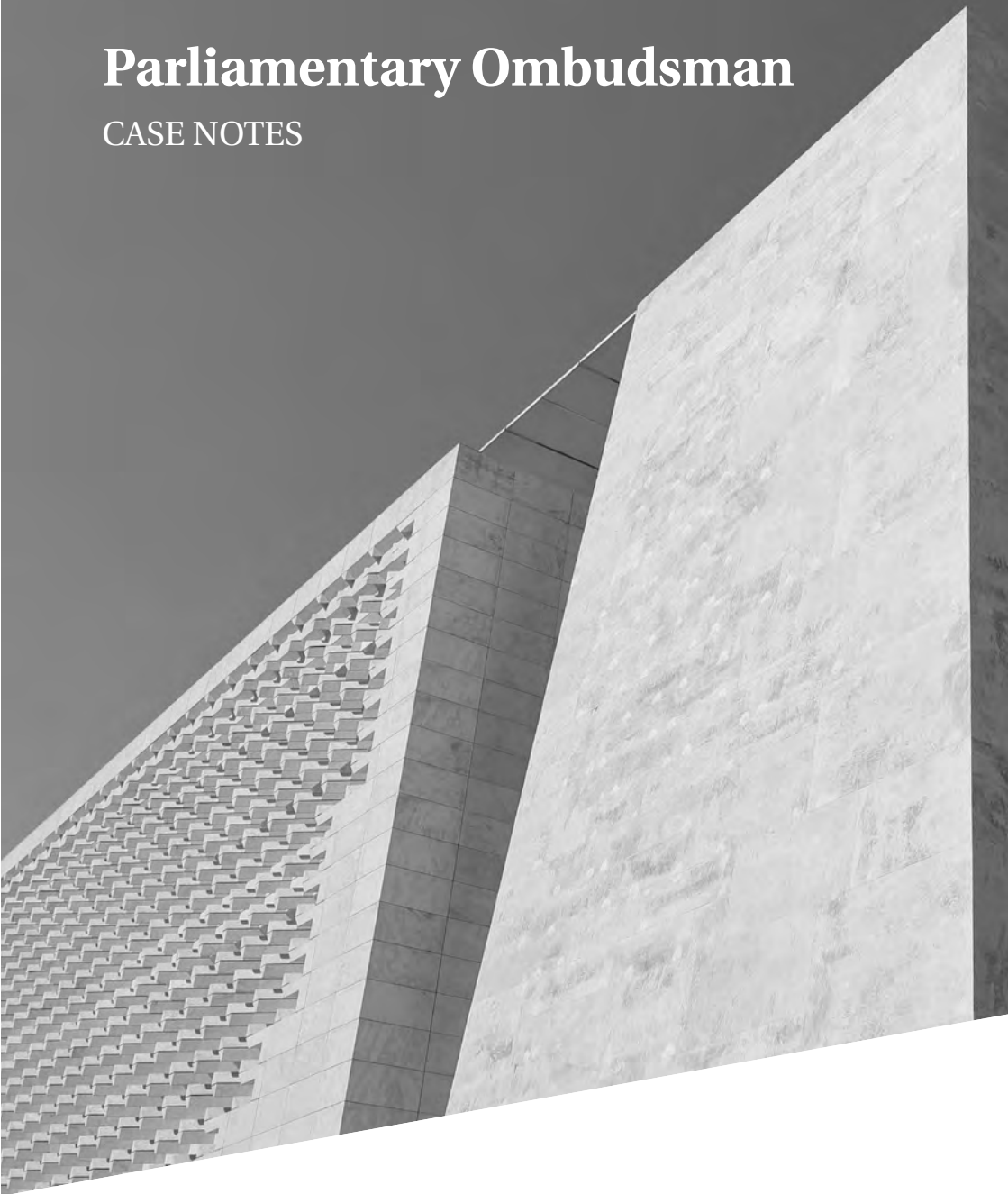
Contents

Foreword.....	3
Parliamentary Ombudsman.....	7
Alleged lack of legitimate interest to access Register of Beneficial Owners.....	8
Unfair request for refund of qualification allowance	11
Redeployment of an employee considered as erroneous	13
Alleged unfair application of the Schengen stay limitations	15
Complaint on fees paid to the Public Registry for searches carried out	17
Complaint regarding damage caused to a vehicle as a result of a pothole.....	20
Complaint regarding damage caused to a vehicle as a result of a pothole in the road	23
Allegation of unjust treatment not sustained	26
Excluded from the grant distributed for the publication of the Newspaper il-‘Lehen’	28
Public access to conditions for the sale of bottled LPG.....	31
Towing appeals process – delays and unclear messaging.....	35
Alleged lack of proper action by the Department for Industrial and Employment Relations	39
Waste truck allowed on ferry despite strong odour and hygiene concerns.....	42
Systemic failings at Corradino Correctional Facility	45
Commissioner for Education	51
Exclusion from sectoral agreement following administrative assimilation	52
Undisclosed allowance for ICT Lecturers at MCAST investigated by the Commissioner for Education	54
Unfair refusal to extend lecturer’s contract beyond retirement age.....	56
Parents at San Miguel Resource Centre denied representation and access to basic information.....	59
Supply Teacher paid less than peers despite equivalent duties.....	62

MATSEC's refusal to consider Late Examination Access Arrangements for a dyslexic student.....	65
Lack of engagement between Education Authorities and UPE leaves stated child without LSE support.....	68
Summer camp organiser placed in financial difficulty by flawed school rental process.....	70
One-to-One LSE supported student denied access to catch-up classes	72
Commissioner for Education upholds complaints on educators' freedom of expression.....	74
Commissioner for Environment and Planning	77
Planning fines adjustments	78
Failure to enforce condition for the opening of a new road	80
Longstanding Irregular Fixed Canopies at is-Suq tal-Belt, Valletta	82
Monitoring of works at St John's Co-Cathedral	84
Disclosure of the identity of Officers	86
Renewal of Y-Plate Operator's Licences	88
Exclusion of the Malta Chamber of Geologists from membership in the Building and Construction Consultative Council.....	91
Commissioner for Health	95
Lack of entitlement to medical treatment as the medical condition was not listed in the Social Security Act (Part II of the Schedule V)	96
Selection Process for Headship Position	98
Alleged inappropriate attitude of staff at Mater Dei Hospital	101
Resolution of Prosthetic Fitting.....	104
Replacement of item lost at Mater Dei Hospital.....	106
Rehabilitation Services for a patient who sustained major trauma.....	107

Parliamentary Ombudsman

CASE NOTES



Malta Business Registry

Alleged lack of legitimate interest to access Register of Beneficial Owners

The complaint

Complainant felt aggrieved by the stance taken by the Malta Business Registry to restrict access to the Register of Beneficial Owners to competent authorities and subject persons following the decision of the Court of Justice of the European Union (CJEU) in the Joint Cases C-37/20 and C-601/20 where the CJEU gave a preliminary ruling under Article 267 TFEU to the Luxembourg District Court in the case of WM and Sovim SA versus the Luxembourg Business Registers on the 22 November 2022.

The facts

Complainant stated that having been engaged by a third party for due diligence services, the Beneficial Owner Registrar at the Malta Business Registry (MBR) was asked for information. Complainant alleged that in spite of the fact that the *Companies Act (Register of Beneficial Owners) Regulations* (S.L. 386.19) requires information on the Beneficial Owner Registry to be accessible to the public, the MBR not only denied this access without providing a valid reason but unnecessarily delayed the process. He added that complainant's request for information by the MBR was denied because it had not been made by a subject person.

Following enquiries by this Office, the MBR started by informing complainant who had requested information asking for access “*to conduct due diligence on a client and identify owners within the client's structure*”. This request was brief and indicated that the complainant himself was not a subject person. The MBR observed that complainant did not specify the company on which information was being requested and, moreover, did not include the director or directors of this company. This last detail was important because the Registry cannot issue

an Ultimate Beneficial Owner (UBO) Certificate without at least the consent of a director of the company. It was explained to this Office that a UBO Certificate can only be issued following the knowledge and consent of the directors' and/or the beneficial owners themselves.

Complainant did not specifically indicate that the requested information was for the beneficial ownership of a company held by the Registry. He failed to provide sufficient explanation of what this request consisted of exactly. The MBR held, *inter alia*, that the request did not even include the beneficial owner criteria and the legal basis to enable complainant to obtain information on the beneficial owners. Therefore, access was denied.

The MBR countered complainant's contention that the Register was open to the general public or to anyone who asks for information. The MBR was following the *dicta* in Joint Cases C-37/20 and C-601/20, where the CJEU considered that since the Register of Beneficial Owners includes information on identified individuals, that is the beneficial owners of companies and other legal entities incorporated in the Member States, access of any member of the general public to this data would affect the fundamental right to respect for right of privacy of these individuals.

The Court opined that making personal data available to the general public in such a manner constitutes a serious interference with the fundamental rights enshrined in Articles 7 and 8 of the European Convention for Human Rights regardless of the subsequent use of the information communicated. The Court further required persons requesting information to have a "*legitimate interest*" before any access to the information on beneficial owners could be granted. The Member States had the right to lay down certain conditions for access and even to restrict access to the general public if necessary. Following this judgement and given that the CJEU declared Article 30(5)(c) of Directive (EU) 2024/1640 (public access to beneficial ownership information) invalid, the Registrar decided to restrict the Register's access to the general public. Any access by the general public necessitates "*legitimate interest*".

Following the judgement referenced above, the regime regulating public access to the beneficial ownership was restricted to those persons having a legitimate interest similar to what the Fourth Anti-Money Laundering Directive (Directive

(EU) 2015/849) contemplates. Though this latter directive does not have a definition of “*legitimate interest*”, the Directive leaves it up to the Member States to interpret and implement.

The MBR maintained that complainant did not satisfactorily provide the Registrar with a solid basis of having a legitimate interest to gain access to the Register of Beneficial Owners because he failed to:

- indicate specifically the name and registration number of the company on which he required beneficial ownership information.
- indicate his relationship with the entity which commissioned him to carry out this exercise;
- indicate the business relationship or point out the involved parties of the commissioning entity or even to link his “*legitimate interest*” to the beneficial owners and the prevention of money laundering and terrorist financing regime; and
- give assurances that the beneficial owners would not be exposed to harm or disproportionate risk.

Conclusion

The Ombudsman did not sustain this complaint. The Malta Business Registry acted correctly in not allowing access to the Register of Beneficial Owners. Complainant did not have a legitimate interest for this and did not provide the information necessary to garner this legitimate interest.

Ministry for The Economy, Enterprise and Strategic Projects

Unfair request for refund of qualification allowance

The complaint

A complaint was lodged with the Office of the Ombudsman's following the decision of the Ministry where the complainant worked, which demanded that he reimburse an amount paid to him representing the qualification allowance. The allowance had been initially approved by the Ministry's management, but later it was deemed to have been authorised erroneously leading to the request for repayment. He alleged that the Ministry's decision was unjust saying that the allowance had been duly approved and was paid to public officers in other grades.

Facts and circumstances

The complainant had tried to settle this matter by petitioning the One-Stop-Shop for Public Officers which referred the matter to the Grievance Board. The Board found that the allowance was due to postgraduate diploma if the entry requirement was a degree. Since the complainant did not have a postgraduate diploma, the allowance was not due and the request for the refund was justified.

The relevant Public Service regulations state that qualification allowances cease when a public officer is appointed to a grade in Salary Scale 4 or higher. The allowance is intended to encourage public officers to obtain qualifications relevant to their duties. Specific conditions apply as for instance an allowance being paid for the highest qualification and restrictions on the payment for allowances where the qualification is an eligibility requirement for the particular appointment. In the case of diplomas, only the postgraduates qualify if the entry requirement necessitates a first degree except for certain General Service grades.

The complainant was appointed as a Senior Manager. This necessitated a degree at MQF Level 6. He also had a Master's degree (MQF Level 7) which, being an eligibility requirement, attracted no qualification allowance. Neither did his diploma, an undergraduate qualification at MQF Level 5 attract any allowance. In this aspect, the Grievances Board had been correct in that he should not have been paid for the undergraduate diploma.

This error was discovered after an HR Compliance Assessment. The payment was stopped and the complaint requested to reimburse the amount on the strength of Section 1027 of the Civil Code which allows the recovery of undue payments within two years of discovery of the erroneous payment.

Considerations

The Ombudsman noted that the complainant had been misled by the Ministry which should have informed him that the allowance was not due under the applicable regulations. Since the complainant followed the correct application procedure, which was approved, he should not be held culpable for receiving an authorised allowance.

The Ombudsman emphasised that while the Ministry's recovery action was legally justified, it could be considered unreasonable, unfair and inequitable under principles of good administration which require decisions to be proportionate and just.

Conclusion and recommendation

The Ombudsman concluded that the Ministry's action for recovery of the allowance was unreasonable, unjust and wrong. He recommended that the Ministry withdraw its request for a refund of the claimed amount.

On 5 September 2025 the Ministry concerned informed the Ombudsman that his recommendation was accepted and will be implemented.

Housing Authority

Redeployment of an employee considered as erroneous

The complaint

The complainant worked at the Housing Authority and complained that the Authority had appointed an employee to the grade of Senior Officer without a formal call for applications. He argued that he was qualified to apply but was bypassed in favour of a person transferred from another public entity. He considered this to be unjust and discriminatory.

Facts and circumstances

Following enquiries with the Housing Authority, the Chief Executive Officer at the time responded that the appointment was a “*redeployment*” authorised by the People and Standards Division at the Office of the Prime Minister. The transferred individual was in fact appointed without a call for applications because the position was not a new one but a transfer of an existing role.

The CEO explained that the transferred employee had prior experience in the role and that the complainant did not qualify for the position of Senior Officer. The redeployment was justified pursuant to Section 16 of the Employment and Training Services Act which allows transfers due to restructuring or reorganisation within public entities. Confidentiality requirements were also cited as a reason for not issuing the call for applications since the transferee started working in the CEO's office.

Considerations

The legal basis for the redeployment was scrutinised. Section 16(1) of the cited Act permits redeployment when the employee might lose his job due to restructuring or reorganisation. In this case, the transfer was initiated by the transferee's own request to leave the public entity where he was working which was in the throes of a restructuring. In fact, this public entity requested a replacement indicating that there was no job loss. Therefore, the redeployment did not meet the legal criteria under Section 16(1) of the Employment and Training Services Act.

Conclusion

The Ombudsman concluded that the Housing Authority caused an injustice by failing to issue a call for applications, denying the complainant and other employees the opportunity of advancement. The legal basis of the reemployment was incorrect as there was no restructuring or risk of job loss. The redeployed individual had voluntarily asked to go to the Authority and his wish was granted.

The appointment favoured an external individual over the Authority's employees, undermining fairness and transparency. Though the complainant requested back pay and pension adjustments, the Ombudsman could not support this because there was no guarantee that he would have been chosen if there had been a call for applications.

The Ombudsman concluded that the transferee who had been redeployed had enjoyed an unfair advantage over the Authority's regular employees and had undermined them.

Malta Immigration Police

Alleged unfair application of the Schengen stay limitations

The complaint

A German citizen lodged a complaint regarding the application of the Schengen stay limitations imposed by the Maltese Immigration Police on his British spouse despite their joint travel to Malta and his status as a German and European Union citizen residing in the United Kingdom with his spouse.

Facts and circumstances

The complaint referred to guidance given to him by the Europe Direct Contact Centre which advised that the so called 90-day within any 180-day Schengen stay limitation did not apply to family members of EU citizens when these travel together in a Schengen country other than that of the EU citizen's nationality. The Immigration Police allegedly did not accept this standpoint.

The Immigration Police, following the Ombudsman's enquiries, explained that UK nationals are considered third country nationals and thus subject to Schengen entry and exit rules including the 90/180-day limitation. The Police explained that complainant's wife could stay in Malta without a visa only if she did not exceed this period. Should she exceed this period she would require a visa unless she held a valid residence card as a family member of an EU citizen. The Police also noted the possibility of her applying for a residence card under Article 10 of Directive 2004/38/EC which would exempt her from visa requirements when accompanying the EU citizen, that is, her husband in this case.

Conclusion

The Ombudsman concluded that the Maltese Immigration Police acted correctly in advising of the consequences of exceeding the 90-day visa waiver stay limitation. UK nationals who are family members of EU citizens have the right to reside in another Member State for up to three months without formalities other than holding a valid passport or identity card, but this is subject to the requirement of an entry visa unless a valid residence card is held.

Identità

Complaint on fees paid to the Public Registry for searches carried out

The complaint

Complainant personally visited Identità's offices to order searches on deeds of redemption of ground rent relating to fifteen persons, with the aim of locating their contracts with the Housing Authority. Despite showing his own personal contract to explain what he was looking for, the outcome was not satisfactory. This was because no information was issued regarding ten of the persons identified by him, while the remaining five were not the persons about whom he had requested searches; moreover, documents that he had never requested were included. He therefore requested a refund, but his request was refused by the Agency.

The Agency's position

The Agency maintained that when complainant requested the searches in question, he was given a detailed explanation of the meaning of the search categories, a brief general explanation of what the documents involved, as well as other information related to the processing of the searches, and that he repeatedly confirmed that he wanted only Notes of Redemption (Noti ta' Fidi). He then signed the required documents, thereby confirming that his search orders covered only Notes of Redemption. When complainant lodged a complaint with the Agency, for the purpose of further verification the Agency reviewed and carefully examined each of the searches he had ordered. It emerged that only Notes of Redemption had been requested and that all of these had been issued to him. Subsequently, the Agency carried out a search under the heading 'Transfers', and from this the notes sought by complainant were identified.

According to the Agency, the searches were carried out exactly in accordance with the parameters indicated by complainant, and the contracts he was actually seeking fall under the category of Transfers, not Redemption.

Considerations

In his complaint to this Office, complainant stated that he had gone to the Agency in person precisely so that, by means of his personal contract, he could show exactly which searches he wished to be carried out, and that the notes and contracts he needed were later found by him at the Land Registry, for which he incurred additional expenses. On the other hand, according to the Agency, on the day complainant went to order the searches, he was given a detailed explanation regarding the searches, and it was he himself who ordered only Notes of Redemption.

From the investigation carried out by this Office, it appeared that what probably occurred when complainant ordered the searches from the Public Registry, Research Section, was the result of a misunderstanding between the parties: complainant showed his personal contract in order to clearly indicate what type of contracts he was looking for, but continued to refer to them as deeds of redemption of ground rent, whereas technically these fall under the category of 'Transfers'. The search was registered and processed under the category of Redemption, whereas in fact it should have been carried out under 'Transfers'.

Conclusion and recommendation

From the verifications carried out by the Agency after complainant raised his complaint with it, it emerged that the notes he was seeking were identified when the search was conducted under 'Transfers'. Therefore, had the initial search been carried out under this category, the result would have been as desired. However, it appeared that probably there was some form of misunderstanding on that day and that the search was carried out under the wrong category.

In view of the circumstances of the case, the complaint was upheld and a recommendation was made for the Agency to refund complainant the expenses paid by him for the searches in question, following verification of the amount against the receipts.

Outcome

On 17 March 2025, Identità informed this Office that it accepted its recommendation and has implemented it accordingly.

San Ġwann Local Council

Complaint regarding damage caused to a vehicle as a result of a pothole

The complaint

On 11 February 2023, complainant's vehicle tyre was damaged after hitting a deep pothole in Sliema Road, Kappara. Complainant claimed compensation from San Ġwann Local Council, which rejected the claim, attributing the pothole to severe weather beyond its control and stating it does not entertain such claims. Complainant argued the damage resulted from poor road maintenance, not bad weather.

San Ġwann Local Council's position

The Council acknowledged responsibility for the road but argued the pothole resulted from exceptional weather conditions following Storm Helios and severe flooding, denying negligence. It stated repairs were carried out promptly once conditions allowed and maintained it had fulfilled its obligations.

Considerations

After an investigation into a separate case involving the same Local Council, the Local Government Division issued a Circular on 2 April 2024 establishing a standardised procedure for all Local Councils to handle claims for redress in a consistent manner. The procedure requires that the complainant submits relevant documentation, including a police report and, where applicable, a medical report from a health centre, after which the Council reviews the evidence and makes a decision. Although this Circular was not yet in force when the case under examination occurred, earlier guidance had already been issued by the Local Governance Board for all Local Councils through a directive dated 25 February 2015. This provided guidelines on how claims for damages caused by the condition of the roads should be handled.

However, in the case at hand, San Gwann Local Council failed to provide Minutes showing that complainant's claim was properly discussed before rejection, later admitting it may have been handled informally. In fact, the claim was unilaterally refused by the Executive Secretary.

Regarding the driver's obligation to exercise due care when driving, this Office found no evidence of negligence or speeding on complainant's part. Complainant's claim was substantiated with photographs, a police report, a receipt, and a roadside assistance report, and she stated she was driving slowly and could not see or safely avoid the pothole due to low visibility.

Photographs indicated the pothole posed a safety risk and showed prior patching, suggesting inadequate maintenance or defective repairs. Even if rainfall contributed to the formation of the pothole, this could have been the result of substandard repairs, and responsibility remained with the Council. The Council's statement that it does "*not adhere to such requests for compensation*" suggested a blanket refusal policy, contrary to principles of good administration.

Conclusion and recommendations

The conclusion by this Office on this case was based on what it deemed to be fair and just. In the opinion of this Office, the incident was not caused by complainant's negligence, and the Council failed to properly assess the claim, unfairly attributing damage solely to weather conditions without examining all factors. The presence of the pothole was undisputed, and citizens have a legitimate and reasonable expectation that public roads are safely maintained. It is the responsibility of the Local Council to ensure that roads under its jurisdiction are safe and well-maintained. This responsibility is given primary importance in the Local Government Act. The Council cannot evade its responsibilities by asserting arguments in its own favour without properly considering the merits of the case, particularly given its legal duties and the trust placed in it by the local electorate.

The complaint was upheld, and this Office recommended that the San Gwann Local Council should:

- (i) assess damage claims on their own merits in line with established procedures and properly consider them with good judgement;
- (ii) adopt a more proactive approach by conducting regular inspections of roads, pavements, and passageways under its jurisdiction to ensure these are kept in a good state of repair, coupled with the timely repair of identified defects to prevent deterioration or risk to the public; and
- (iii) reimburse complainant for the cost of the replacement tyre.

Outcome

On 4 June 2025, San Gwann Local Council informed this Office that it did not agree with its recommendations. The Ombudsman brought the matter to the attention of the Prime Minister on 13 June 2025. In view that no reaction was received by this Office, on 5 August 2025, the Ombudsman sent his Final Opinion to the Speaker of the House for the attention of the House of Representatives.

Infrastructure Malta

Complaint regarding damage caused to a vehicle as a result of a pothole in the road

The complaint

While driving along Triq il-Missjunarji Maltin, Mosta, on 11 February 2023 at around 11:30 p.m., complainant drove into a pothole filled with rainwater which was not visible, causing damage to the rim and tyre of his vehicle. He requested reimbursement from Infrastructure Malta (the Agency), but the request was refused on the basis that “*the trench which caused the incident related to works conducted by a private entity for a private house connection*”. Complainant argued that the road is an arterial road and falls under the responsibility of the Agency, which therefore had a duty to ensure that any works were carried out in accordance with the required standards.

Infrastructure Malta's position

Infrastructure Malta stated that it is not responsible for issuing permits or supervising works on roads, as this falls under the responsibility of Transport Malta (TM/the Authority). The works in this case consisted of a trench for a private house connection, and TM confirmed that no permit had been issued, meaning that the works were carried out without authorisation. The Agency maintained that the works had not been ordered by it, and therefore it could neither compensate the complainant nor take action against the private entity – which in this case had not been identified – since it has no regulatory function.

TM confirmed that the works were carried out without a permit and that contractors registered with it have insurance cover and are subject to a €500 fine in cases of unauthorised works. However, in this case the road works were not noticed by TM nor reported to it, and TM was unable to identify who had carried them out. TM stated that “*the Authority's only awareness of this case is subject to and based solely on the present complaint*”.

Considerations

The Agency explained that claims for damages are discussed during a meeting of the Claims Committee and that the response is sent immediately to the applicant by email. This Office noted that, despite complainant's claim for compensation indicating that unauthorised works had been carried out on a road under its responsibility, the Agency took no further action apart from communicating its decision. This Office observed that it would have been more appropriate for the Agency to take the initiative to carry out further verifications in order to identify the private entity that had carried out the works without a permit. Even if it has no regulatory function, the Agency could have informed Transport Malta of the incident so that possible action could be examined, including by means of a report to the police. However, TM was not aware of the case and confirmed that it became aware of it through the complaint in this case.

With regard to the driver's responsibility, this Office acknowledged the general obligation of drivers to drive with reasonable care and diligence. However, in this particular case, complainant stated that he could not avoid the pothole because it was filled with rainwater and therefore not visible. It was also noted that the Agency never attributed any form of fault or negligence to the complainant in relation to the incident.

Conclusion and recommendations

The Agency never disputed the existence of the pothole nor alleged negligence on the part of the complainant. The pothole existed and could not be avoided because it was not visible at night and was covered with rainwater. In the opinion of this Office, the incident was not the result of carelessness or negligence on the part of the complainant. Anyone using public roads has a legitimate and reasonable expectation that roads are maintained in good condition and that their use does not result in unnecessary risk, expense, or inconvenience.

The road in question is an arterial road and falls under the responsibility of Infrastructure Malta, which remains responsible for its maintenance even when damage results from works carried out by third parties, whether such works are authorised or not. The Agency's decision not to compensate the complainant was not fair.

The complaint was upheld and it was recommended that Infrastructure Malta should: examine claims in light of the circumstances rather than transferring its responsibility to whoever carried out the works; seek to identify those who carry out unauthorised works; and reimburse complainant.

Outcome

On 27 May 2025, Infrastructure Malta informed this Office that all its recommendations were implemented: that complainant was reimbursed; that the Agency will remain committed to managing such cases with due care; and that it will continue to make use of all the tools available to it in order to establish the necessary facts.

Ministry for Public Works and Planning

Allegation of unjust treatment not sustained

The complaint

The complainant applied for the post of *Operations Manager* in a Government department. He failed the selection interview and alleged unfair treatment arguing that the low marks he obtained did not accurately represent his extensive experience and qualifications. He petitioned the Public Service Commission (PSC) which did not overturn the result of the selection board.

Facts and findings

The complainant maintained that the result did not reflect the significant contribution and responsibilities he had within the unit including managing working weekends and holidays. He argued that there was a discrepancy between the interview remarks and his performance appraisals which signalled a high level of performance at work. The PSC agreed with the selection board that the complainant did not demonstrate adequate knowledge or competence for the role.

The Ombudsman sought and was given comprehensive documentation including the board's criteria, marks, interview questions and notes. The board was unanimous in agreeing that the complainant did not meet the required level. It was true that the board's assessment had a significant level of subjectivity, but this was found to be based on preset criteria and was transparent and coherent.

Considerations

The Ombudsman emphasised that the role of the selection board was to assess candidates based on expertise and integrity, and its decisions could not be questioned without clear evidence of malpractice. Subjective criteria, whilst less transparent, are necessary for assessing leadership qualities. There was no evidence that the criteria were designed to favour any candidate or that the complainant's assessment was unfair and unbiased.

Conclusion

While the complainant disagreed with the marks, no objective evidence indicated irregularity, bias or malpractice. Consequently, the Ombudsman did not uphold the complaint and agreed with the integrity of the selection process.

Ministry for National Heritage, the Arts and Local Government

Excluded from the grant distributed for the publication of the Newspaper il-‘Lehen’

The complaint

Azzjoni Kattolika Maltija (AKM) lodged a complaint claiming that the Ministry for National Heritage, the Arts and Local Government disbursed grants to various media houses but excluded the newspaper ‘Il-Lehen’ published by the AKM. These grants were government aids intended to help newspaper publishers cover publication costs. AKM had previously tried to resolve this issue with the Ministry without success.

The facts of the case

Following the Ombudsman’s enquiries, the Ministry confirmed that it had paid grants to six media houses but not to the complainant. A formal agreement had been signed between these media houses and the Ministry. This agreement was meant to promote journalism, freedom of expression and defray the costs of print journalism. The Government committed the amount of €500,000 annually, distributed proportionate to printing costs and employee numbers.

The Ministry’s rationale for excluding the complainant was that the grant was reserved for media houses reporting current news and ‘Il-Lehen’ was not considered to publish current news but lifestyle and opinion articles. The Ministry did not consider the latter to be journalism. It also noted that ‘Il-Lehen’ is printed weekly on Sundays and did not thereby qualify as a newspaper publishing current news.

Considerations and comments

The Ombudsman acknowledged the Government's declared aim to assist media houses which is, admittedly, a useful and legitimate goal. However, the reasons given for excluding the complainant, namely that 'Il-Lehen' does not publish current news and is published weekly, could not be accepted. The Ombudsman noted that journalism is broader than just current news and that weekly newspapers even if limited in their current news content, still fall under 'journalism'. The agreement emphasises supporting media houses and, so, all media houses should be included.

The complainant's newspaper has been published since 1928 and is Catholic oriented. It is actually recognised by the Government as a *bona fide* newspaper. Freedom of expression, which the Government wanted to promote, should have been extended to this Catholic publication.

The Ombudsman noted that excluding this Catholic publication from government aid while supporting other media houses with little or no connection to the Catholic faith or Christian morality, raises concerns. The Constitutional protection against discrimination applies not only to individuals but also to legal entities like the AKM. The Government's refusal to provide financial support to AKM's publication was unjustified and discriminatory, lacking objective criteria for exclusion.

The Ministry's decision seems based on a narrow definition of journalism focused on current affairs excluding religious and spiritual content. This exclusion may seem to be a form of censorship limiting public access to religious and moral perspectives that are constitutionally recognised and of interest to the Maltese public.

Conclusion and recommendation

The Ombudsman concluded that the Government must respect freedom of expression and is therefore obliged to provide financial assistance to AKM's newspaper. AKM, as a registered non-profit organisation, faces significant publication costs that warrant support. The principle of equal treatment applied, and the Government should avoid creating anomalies or discriminatory effects.

The Ombudsman sustained this complaint and recommended that the Ministry provides financial aid to the complainant in line with the agreement signed with the other media houses.

Outcome

The Ministry did not implement this recommendation and consequently, the Ombudsman sent his report for the attention of the Prime Minister, but no action was taken on the part of Government. Subsequently, the Report was sent to Mr Speaker, and was laid on the Table of the House of Representatives on the 9th October 2025.

Regulator for Energy & Water Services

Public access to conditions for the sale of bottled LPG

The complaint

Complainant lives in the vicinity of a ground floor retail establishment which is also in the business of selling bottled LPG. Given the hazardous and volatile nature of LPG, complainant had significant health and safety concerns over this retail activity. As the activity is regulated by Regulator for Energy & Water Services (REWS), he wrote to the Regulator and:

- a. requested that he be given a copy of the permit granted to the retail establishment including the outcome of any case study; and
- b. requested an explanation as to why residents who are directly impacted by this activity were not informed that an application was submitted for the purposes of the issuance of a permit to sell bottled LPG.

As his email to REWS remained without a reply he proceeded to file a complaint with this Office wherein he requested that the Regulator provide a substantive reply.

Facts and findings

Following the intervention of this Office, complainant was provided with an official reply from REWS, where amongst other things he was informed that the business owner had an official Authorisation issued by the Regulator to sell LPG cylinders from a fixed point of retail. The Regulator elaborated that in order to obtain said Authorisation the applicant had to satisfy a number of conditions including filing technical reports, obtaining a planning permit, providing a bank guarantee, have insurance cover and submit a yearly report. Complainant was also provided with a copy of the *Specimen General Authorisation Conditions for the Activity of Retailing*

Cylinders Filled with LPG From a Fixed Point of Sale. Complainant was, however, dissatisfied with the reply and requested this Office to investigate the issues brought to light in the complaint.

The two most pressing areas of concern for complainant were that: a) there is no accessibility to the Authorisation conditions by the public; and b) the general public was not given the opportunity to make representations prior to an Authorisation being granted or renewed.

Authorisation

The retail of cylinders filled with LPG from a fixed point of sale requires an Authorisation. The provider in whose favour an Authorisation is granted must satisfy any conditions that are specified in the Authorisation itself as well as those found in the Liquified Petroleum Gas Market Regulations and any other laws. The law further requires the Regulator to impose further conditions on the provider including those relative to “*Suitability of the facility with regard to the safety, health, security, hazardous substances, environment, land use and planning requirements*”¹.

The Regulator informed this Office that the law did not require that Authorisation Conditions tied to a specific provider be made public – as such these were not accessible. It was further informed that should a member of the public wish to have access to the said conditions, a Freedom of Information (FOI) request would need to be made which would in turn be subject to GDPR considerations. This Office observes that whilst FOI requests are a means through which information may be obtained, they are hampered with significant limitations. The effectiveness of this tool may be compromised if subject to misuse.

This Office further notes, that whilst the authorised provider is accountable to the Regulator, the latter should, at least in theory be accountable to the public. It is imperative in the interest of transparency and peace of mind of the community and the public at large that the full Authorisation Conditions be made accessible to the public. One must also bear in mind the necessity of said accessibility if third parties, are to be in a position to report breaches and complaints. As things stand, any interested party, is left completely in the dark as regards the specific conditions

1 Regulations 10(2)(g) of the Liquified Petroleum Gas Market Regulations (S.L. 545.20).

(which are binding on authorised providers) governing the retail of this highly hazardous product.

As regards the issue of representations, in its replies to this Office, REWS referred to the planning permit procedures which allow for representations from persons or organisation at the time said permits are being processed. This Office notes that while there is some overlap between a planning permit and an Authorisation to sell LPG, the former is limited in scope with its primary purpose being to regulate the development. Due to the significant long-term impact of this event on the neighbourhood, the general public is given the opportunity to make representations. An Authorisation, on the other hand, seeks to regulate a continuous and hazardous activity which could also have a significant impact on the neighbourhood. The possibility by the general public to make representations both on the initial granting of the Authorisation and any subsequent renewal is equally, if not more pressing, for the community.

As part of its investigations this Office also noted that REWS had no dedicated complaint procedures for interested third parties who are not consumers - compounding the transparency and accountability issues. The Regulator's website catered for disputes between consumers and authorised providers but failed to consider the possibility of problems arising affecting third parties (such as complainant). The lack of proper complaint channels, results in the heightened risk of said complaints falling through the cracks - which is what happened in this instance.

Conclusions and recommendations

The retail of a highly volatile and hazardous substance such as LPG, albeit in a bottled format, brings with it heightened safety concerns especially where said retail activity is being carried out in a residential area. As such, transparency and accountability on how Authorisations are 'managed' (through their entire lifecycle) by the Regulator are of heightened importance especially to the immediate community. Unfortunately, this Office found the said management to be rather opaque, breaching not only the principles of good administration but also creating repercussions on the wellbeing of the said community. This Office also found

that REWS's approach to safety practices would benefit from a review. This Office, therefore, recommended that:

1. necessary legislative measures be taken to ensure that Authorisation Conditions be made accessible to the public;
2. the necessary legislative measures be taken to ensure that the public be given the opportunity to make representations every time an Authorisation is being assessed to be granted or renewed;
3. a clear and user-friendly complaints procedure be put in place for third parties not being 'consumers'; and
4. the Regulator carry out a comprehensive regulatory review of its practices and procedures, with the input of the Civil Protection Department, bearing in mind the obligations as set out in the Liquefied Petroleum Market Regulations and any other applicable law.

Outcome

Accessibility: this Office was informed that the REWS's Authorisation Application Form was modified to include a provision empowering REWS to disclose to third parties information and/or documents submitted as part of the application.

Representations: this Office was informed that there was agreement on this recommendation and that consultations with other entities were being conducted.

Complaint procedures: a complaint procedure for third parties not being customers was implemented.

Regulatory review: steps were being taken to implement said recommendation. In the meantime, the frequency of inspections implementing a more rigorous inspection regime was increased.

Local Enforcement Services Agency

Towing appeals process – delays and unclear messaging

The complaint

Complainant's vehicle was towed by LESA officials, in December 2023 without any prior notification shortly before she travelled overseas. On her return she made her way to the LESA Offices where she requested that she be shown the photos that clearly demonstrated that tow zone notices were put up in a visible location 48 hrs prior to the towing action. Her request was refused on the basis of GDPR considerations. She proceeded to pay the fine and file a petition before the Petitions Board. Whilst she received an acknowledgement from LESA the matter remained pending for over six months despite several follow ups. She was eventually informed that her appeal was rejected. She proceeded to file a complaint with this Office wherein she requested that the following be investigated:

- the lack of proper tow zone notices;
- no notification prior to the towing action;
- the refusal by the LESA official to provide her with photographic evidence showing that notices were indeed affixed in a prominent location 48 hours prior to the towing action;
- the lack of detailed information on the possibility of an appeal at the time of payment of the fine;
- the significant delay in providing complainant with a decision following the filing of the petition; and
- the lack of transparency in the appeals process. She argued that the decision lacked sufficient detail with no explanation being provided on how the decision was reached.

Notices

Complainant held that the fact that LESA officials did not contact her prior to towing the vehicle was unfair. This Office notes that the law places no obligations on enforcement entities (LESA, Local Councils, Transport Malta and the Police) to notify the owner of an obstructing vehicle before a towing action is taken. A quick perusal of the LESA website, will reveal that where a vehicle owner subscribes to the LESA e-services and provides a contact number, efforts will be made to contact said individual before the obstructing vehicle is towed. Again, there is no obligation on the part of LESA officials to do so.

A change of status of a parking zone to a 'no parking zone', requires that appropriate notices be affixed in a prominent position, 48 hours prior to the change of status at the location subject to the said change. Following enquiries made with regards to said notices, this Office was provided with three photographs. Two clearly showing the 'tow zone' notice affixed in a visible location but without a time stamp. The third time stamped photo was an image of a picture shown on mobile screen with a very darkened and unclear image of a tow zone notice. The details of said notice were illegible and the location of said notice could not be determined in any way. None of the photos therefore provided evidence that notices were put up in a visible location 48 hrs prior to the towing action. As the evidence quality was not an isolated issue, this Office as part of a separate investigation had put forward a number of recommendations² to rectify this which were implemented **after** the facts of this case.

Customer care and appeal

This Office was informed by LESA that as part of its processes its officials must provide photos to the registered vehicle owner upon request at 'Customer Review Stage' and through the towing appeals office request. Complainant, however, insisted that her requests were rejected. There was, therefore, a significant disconnection between what was meant to happen (photos provided on request) and what actually happened (categorical refusal). As regards the appeal process, this Office was informed that LESA officials are instructed to provide customers with details on how to lodge an appeal and are also to be provided with a leaflet

2 1) Photos must be clearly time stamped; 2) photos should include all the details of the notice which must be clearly visible and legible; and 3) photos of the notice must include the zone it is meant to cover.

indicating both an email address and postal address where said appeals may be lodged. Vehicle owners are also directed to the LESA website and its FAQs page where individuals may find details, including time limits within which to appeal, where to appeal and to whom it should be addressed. There appeared to be some confusion as to what remedy was available to complainant as she addressed her appeal to the Petitions Board (which is an independent appeal mechanism not affiliated with LESA) whilst using the LESA towing appeals email address. It is unclear if said confusion was the result of LESA customer care personnel not being properly informed, or if it was the result of unclear messaging on the part of the said personnel or complainant's misapprehension or a mixture of two or all scenarios. This confusion could have been easily clarified in subsequent correspondence with LESA. This Office notes that not only was this not done but complainant was left without substantive feedback on her case for months (despite following the matter on several occasions)³ on end in clear breach of Directive 4.2 *Standards For Service Of Excellence Offered By The Public Administration To The Public And to Public Employees* – which sets very strict deadlines within which the public administration must reply to queries made by the general public. These various failures indicated a clear issue in LESA's customer care relations.

As far as the rejection letter itself, complainant claimed that this was not sufficiently reasoned. The main focus of her appeal was the lack of proper tow zone notices affixed in a visible location. This Office notes that the notification letter fully addressed this point as it made specific reference to the notices and LESA's justification for the carrying out of the towing action.

As regards the LESA internal appeal mechanism itself, there was no publicly available information on how the process before the LESA Board is conducted, neither was there any information on its composition. This Office observed that the lack of transparency, could give rise to negative perceptions as to its fairness and effectiveness.

³ A total of 9 emails were sent by complainant with only two replies being received.

Conclusions and recommendations

Towing Action: this Office considered that the photos produced by LESA do not provide evidence that notices were put in a visible location 48 hrs prior to the towing action. The towing action was therefore unjustified and it, therefore, recommended that the €200 be refunded;

Customer Review Stage: This Office recommended that personnel be made aware of Directive 4.2 and that it be should abided by. Moreover, LESA must ensure that clear and consistent information is provided to vehicle owners wishing to challenge a towing action;

Appeal process: LESA's internal appeal mechanism was somewhat opaque and fails to provide the general public with the comfort that their case is being considered appropriately. This Office, therefore, recommended that information as to its composition and process adopted in examining an appeal be published on the LESA website.

Outcome

LESA provided the following feedback following the recommendations made:

Towing action: the recommendation was accepted and implemented with complainant receiving a €200 refund.

Customer review stage: The Agency acknowledged the recommendation of this Office. As regards the appeals process, the Agency had in fact developed a procedure, in printed form, which document is given to all clients upon paying the towing fine. In addition, the appeals process is also published on the Agency's website and found on its FAQs page. Moreover, the Agency has also adopted an immediate notification process, whereby clients who do not collect their vehicles within 8 days, are sent a letter to notify them of the action.

Appeal Process: The Agency acknowledged the recommendation. The process being adopted is already published, the Agency shall take the necessary steps to increase transparency and publish the composition of the board.

Department for Industrial and Employment Relations (DIER)

Alleged lack of proper action by the Department for Industrial and Employment Relations

The complaint

The complainant alleged that the Department for Industrial and Employment Relations (DIER) failed to properly investigate the claim he lodged on 17 May 2024. He stated that he had been employed as a lift attendant between 23 March and 25 April 2024 without a written contract. He claimed that he received two payments of €855 and €765 for the hours worked, while he was allegedly owed a further €1,400. He alleged that DIER delayed communication, undervalued his outstanding entitlements, failed to initiate criminal proceedings against his former employer in a timely manner, and did not protect him from alleged exploitation.

The investigation and findings

Following a request for comments on 20 August 2025, DIER replied on 28 August 2025 outlining the steps taken since the complaint was filed. DIER stated that it attempted to contact the complainant several times to schedule a meeting, but he remained unresponsive until December 2024. The complainant himself acknowledged delays caused by his relocation to the United States. During this period, DIER contacted the employer and obtained documentation confirming that the payments had already been made.

An online meeting was held on 9 January 2025, during which DIER reviewed the employer's documentation and calculated the complainant's outstanding entitlements. A Statement of Account (SOA) was prepared, indicating a remaining balance of €375.75, which the complainant agreed to and signed. DIER also advised him that additional claims, such as compensation, fell outside its remit under

the Employment and Industrial Relations Act (Chapter 452), and would require separate civil proceedings.

On 21 March 2025, DIER referred the case to the Malta Police, and criminal charges were subsequently issued. The complainant was informed of this on 26 March 2025. DIER later confirmed that the employer had not yet settled the outstanding amount. On 20 August 2025, the employer contacted DIER expressing willingness to settle the claim and sent a cheque addressed to the complainant. Due to the complainant's residence abroad, DIER attempted to persuade the employer to issue a bank transfer instead, which the employer agreed to effect on 22 August 2025. A court hearing was scheduled for 8 October 2025.

DIER stated that it intended to proceed unless proof of settlement was provided. It was noted that responsibility for notifying the parties rested with the Malta Police once charges were issued.

Upon reviewing the facts, this Office noted that DIER acknowledged the claim promptly and took reasonable investigative steps. While the complainant argued that DIER failed to take timely action, the delays were partly attributable to his own lack of responsiveness and logistical challenges. With respect to the DIER's lack of reply to the complainant's email of 25 June 2025, this Office observed that timely communication is an essential element of good administration. However, in the broader context of DIER's overall engagement, this omission did not amount to maladministration.

The allegation that DIER failed to initiate criminal proceedings was unfounded, as DIER referred the matter to the Police on 21 March 2025 and charges were issued. DIER correctly advised the complainant that civil law claims fell outside its remit and would require separate legal action. Regarding the valuation of the outstanding claim, DIER's assessment was based on documentation reviewed with the complainant, who signed a SOA. There is no evidence that DIER acted unreasonably or improperly in calculating the outstanding balance. This Office emphasised that its role is to assess the fairness of DIER's procedure, and not to recalculate the claim. Finally, DIER also continued to engage with the employer to facilitate payment, despite that it could not compel the employer to use a specific payment method.

Conclusion

The Ombudsman concluded that DIER made reasonable efforts to investigate the complainant's claim and appropriately referred the matter to the Police in accordance with Chapter 452. Therefore, the complaint was not justified.

Gozo Channel Company Limited and WasteServ Malta Ltd

Waste truck allowed on ferry despite strong odour and hygiene concerns

The complaint

The Ombudsman started an Own Initiative in terms of Art 13(2) of Chapter 385 on the transportation of waste trucks on board vessels of The Gozo Channel Company. He started the investigation after witnessing a WasteServ truck being carried on a Gozo Channel ferry in a visibly unclean state. The truck emitted a strong rubbish smell in the enclosed vehicle deck during a hot summer crossing. The Ombudsman considered this a public health and passenger comfort risk.

Facts and findings

In June 2025, the Ombudsman travelled on the ferry from Mgarr to Ċirkewwa. Boarding was still underway when he embarked. After arrival in Malta, he noticed that WasteServ truck WSM 061 had been allowed to board in a condition that caused an intense odour on the car deck.

The Office of the Ombudsman asked WasteServ and Gozo Channel whether they had standard procedures for allowing waste trucks to travel on ferries. It asked if checks take place before boarding to confirm that trucks are clean, disinfected, sealed, and safe to carry in a confined space.

WasteServ's Chief Executive Officer acknowledged the incident, expressed regret, and said the situation was not acceptable. WasteServ said it would introduce stricter controls. These included daily deep cleaning of waste trucks and a requirement for supervisory clearance before a truck leaves for the ferry terminal.

Gozo Channel said WasteServ has the duty to ensure trucks are clean before travelling on public roads and before boarding the ferry. Gozo Channel said unclean trucks should not be allowed to board. It said that an oversight by boarding staff likely led to this truck being accepted. Gozo Channel said it would remind staff of the expected standards and coordinate further with WasteServ.

The Ombudsman also noted that EU rules require waste transport to avoid risks to health and the environment, including nuisance from odours. These requirements form part of Maltese law.

Conclusions and recommendations

The Ombudsman recognised (not to repeat again) the commitments made by both entities. He still considered the incident a clear sign that controls and enforcement needed to improve.

The Ombudsman recommended that WasteServ:

- Ensure all waste trucks are cleaned and disinfected before boarding any Gozo Channel vessel.
- Ensure trucks board with hatches closed or properly covered.
- Use supervisory checks to confirm a truck is fit to travel before it goes to the ferry terminal.

The Ombudsman recommended that Gozo Channel:

- Carry out pre-boarding checks to confirm waste trucks meet basic public health and hygiene standards.
- Refuse boarding to any truck showing leakage, strong odour, or poor hygiene.
- Manage loading so that, where possible, waste trucks remain away from passenger movement areas on board.

To improve openness and accountability, the Ombudsman recommended that both entities:

- Publish their standard procedures for carrying waste trucks on passenger ferries.
- Provide an easy way for passengers to report similar incidents.
- Keep regular coordination between the two entities to prevent repeat cases.

Outcome

Gozo Channel informed the Office of the Ombudsman that it will implement the recommendations. It said it is preparing an official set of standard procedures on carrying waste trucks on passenger ferries. It confirmed it operates a customer care desk to receive complaints. It also said regular meetings are taking place between the two entities on the carriage of waste materials.

Corradino Correctional Facility and the Correctional Services Agency

Systemic failings at Corradino Correctional Facility

The complaint

The Ombudsman opened an own initiative investigation in 2021 following persistent media reports about conditions and practices at Corradino Correctional Facility. The NGO Moviment Graffiti also wrote to the Ombudsman and raised concerns about possible breaches of prison rules and basic rights.

The Ombudsman decided that the allegations were serious enough to warrant a systemic review, rather than a review limited to one incident. The investigation focused mainly on the period from July 2018, when Colonel Alexander Dalli was appointed Director of Prisons, to December 2021, when he left the post and was replaced by Mr Robert Brincau.

Facts and findings

The investigation gathered evidence from a wide range of sources. These included current and former inmates, uniformed and non-uniformed prison staff, and other witnesses called to give information.

Although the timeframe under review was July 2018 to December 2021, the investigation found that some problems had deeper roots. Three issues shaped many of the failures identified. These were the Director's approach towards certain inmates, an endemic drug problem inside the facility, and to a lesser extent, operational strain during the Covid 19 period.

On the evidence examined, the Office of the Ombudsman identified three main areas of maladministration.

Endemic dysfunctionality in prison management

The investigation found a prison administration that did not operate with the clarity and discipline expected in a closed environment where people are fully dependent on the State for safety, health, and basic standards.

The Office found a pervasive lack of clarity on who was responsible for what. The investigation also found a lack of Standard Operating Procedures. This meant staff lacked consistent guidance on how to act in routine situations and in high-risk situations.

The investigation found a poor understanding of inmates' rights and of the ways inmates could seek redress when rules were breached. This mattered because, in a prison setting, a person's ability to raise a concern safely depends on clear rules, records, and reliable channels.

The Office also found failures in basic record keeping. The investigation found that mandatory registers required by the Prisons Act and the Prisons Regulations were not being kept properly or were not produced when requested.

A key point was that this problem did not appear to be limited to one individual or one moment in time. The Director who succeeded Colonel Dalli, Mr Robert Brincau, was unable to provide copies of Standard Operating Procedures or the prescribed special registers when requested during the investigation.

The Office also referred to a report submitted to the responsible ministry on 9 December 2021 by Professor Anton Grech, Dr Gorg Grech, and Dr Janice Formosa Pace. Although that report was limited to mental health issues, it highlighted wider operational shortcomings in the facility and reinforced concerns about weak systems and weak safeguards.

Degrading treatment of prisoners

The investigation found evidence that some inmates were deliberately and repeatedly subjected to degrading treatment. The Office considered this to be a serious breach of the standards required by prison rules and by basic expectations of humane treatment.

The Ombudsman stressed that imprisonment means loss of liberty as ordered by a court. It must not become an additional punishment through dehumanising treatment. The investigation found that, in practice, the conditions and treatment of some inmates went beyond what was necessary for legitimate segregation or for maintaining security, order, and discipline.

Intimidation used as an operational tool

The investigation found that intimidation became a frequent method used to pursue specific goals inside the prison. The Office noted that goals like keeping discipline, preventing contraband, and protecting prison security are legitimate aims. The concern was the accepted approach to achieve these aims.

The Office found a mentality where staff treated harsh methods as acceptable if they delivered results. The investigation found that intimidation often led to, or was paired with, degrading treatment. This created an environment where fear could replace proper procedure, and where accountability became harder because people were less likely to speak up.

The Ombudsman also observed that some inmates with strong dependence on illicit substances appeared to tolerate, or even welcome, intimidation when it was tied to measures aimed at stopping drugs. The Ombudsman rejected the idea that this could justify unlawful or degrading practices.

Conclusions and recommendations

The Ombudsman set out a clear principle. A prison sentence removes liberty. It does not remove human dignity. A detainee must not face extra punishment through degrading treatment.

The Ombudsman also stressed that restrictions on inmates, whether convicted or on remand, must follow the law and must be strictly necessary for a democratic society. Restrictions must genuinely aim to achieve legitimate separation, security, order, and discipline. They must not become uncontrolled tools of punishment.

Based on the evidence, the investigation concluded that systemic maladministration occurred at Corradino under almost all headings set out in Article 22 of the Ombudsman Act, except one category.

The principal conclusions for the period under review were as follows:

- First, a systematic breach of prison regulations and basic administrative requirements. The investigation linked this to a dysfunctional administration, including the absence of Standard Operating Procedures, weak record keeping, and a culture where compliance with rules was not treated as essential.
- Second, ignorance of duties, combined with emulation of a tough approach. Many officials did not fully understand their roles or their obligations. In some instances, staff appeared to model their behaviour on the harsh stance adopted at leadership level. The Ombudsman considered this to have worsened maladministration and increased the risk of abuse.
- Third, a results first mentality. The Ombudsman recognised that the prison became less permeable to drugs during the period under review. The Ombudsman still concluded that legitimate ends cannot justify means that breach prison rules or undermine human dignity.

The Office of the Ombudsman found that the Moviment Graffiti report was substantially accurate.

On prison deaths and suicides during the period, the Ombudsman stated he was morally convinced that vulnerable inmates were negatively affected by harsh treatment on admission and after admission, and that this could have contributed to tragic outcomes. The Ombudsman stressed that this view did not replace the role of the courts in any pending or future criminal cases.

The Ombudsman also stated that it is not the function of the Office to decide political responsibility for what happened. That judgement falls to others.

Recommendations

The Ombudsman made recommendations aimed at rebuilding lawful governance, oversight, and trust inside the prison system.

- First, implement the National Audit Office recommendations on the Correctional Services Agency, particularly those identified as partly implemented or not implemented in the National Audit Office follow up report of November 2024. The Ombudsman highlighted the need for a formal staff performance assessment system, structured initial and ongoing training, more work

placements for inmates, and the urgent drafting and finalisation of policies and Standard Operating Procedures.

- Second, adopt the recommendations of the Grech Board of Inquiry. The Ombudsman endorsed the need to review the excessive concentration of power in the role of Director of Prisons, given the risk of abuse. The Ombudsman highlighted areas such as decisions on remission and the use of solitary confinement, where stronger safeguards and proper checks were needed.
- Third, strengthen scrutiny and transparency. The Ombudsman called for greater media access to places of confinement under a clear protocol. The protocol should avoid improper discrimination and should balance prison security and the privacy of inmates. The Ombudsman stated that routine visibility could have helped prevent or reduce some of the problems identified.
- Fourth, use existing safeguards on access to the prison. The Ombudsman noted that many officials were unfamiliar with the legal provisions that allow certain official visitors, including members of the judiciary, to enter the facility. The investigation also found that the official visitors book required by law was not available when requested. The Ombudsman urged better awareness and proper use of this safeguard.
- Fifth, introduce psychological assessments for key personnel. The Ombudsman recommended thorough assessments for staff appointed to the prison, particularly the Director of Prisons, who also acts as Chief Executive Officer of the Correctional Services Agency, and for senior prison officials. The Ombudsman considered this essential in a high stress environment where poor judgement can quickly lead to abuse and serious reputational damage for the State.
- Sixth, strengthen the role and perceived independence of the Commissioner for Prisoners' Welfare and Development. The Office of the Commissioner was created on 17 December 2021 following the Grech Board of Inquiry. The Ombudsman noted that this Office helped resolve many inmate complaints quickly, often through cooperation with the Office of the Ombudsman. At the same time, the Ombudsman noted that many inmates still viewed the Commissioner as part of the Ministry rather than as an independent safeguard. The Ombudsman recommended further measures so inmates feel safe to approach the Commissioner without fear of bias or reprisals.

Outcome

On 3 April 2025, Judge Joseph Zammit McKeon wrote to the Minister for Home Affairs, Security and Employment, Hon. Byron Camilleri. He requested a formal reply on whether the recommendations would be implemented and asked the Ministry to outline how it would implement them.

On 16 April 2025, the Minister replied in a detailed letter. He described an ongoing reform process at the Correctional Services Agency and referred to major changes introduced after the 2021 Grech Inquiry, which was also referenced in the Ombudsman's report. He referred to legal reforms, the creation of the Commissioner for Prisoners' Welfare and Development, infrastructure upgrades, investment in rehabilitation programmes, and stronger collaboration with civil society and international bodies.

The Office of the Ombudsman published the Ombudsman's letter and the Minister's reply in full as part of its commitment to transparency.

On 10 September 2025, the Ombudsman visited the Correctional Services Agency and the Corradino Correctional facility to follow up on the recommendations made in the own initiative investigation.

Commissioner for Education

CASE NOTES



Ministry for Education, Sport, Research and Innovation (MEYR)

Exclusion from sectoral agreement following administrative assimilation

The complaint

A complaint was lodged by the person heading a lifelong learning centre within the public education system. The complainant had occupied a senior administrative role for several years and had long held an indefinite appointment. While her core duties remained substantially unchanged over time, the scope of her responsibilities increased significantly.

In 2022, the complainant was informed that her designation had been administratively assimilated into another grade on a personal basis. This change was presented as a technical adjustment limited to nomenclature. The complainant alleged that this assimilation resulted in her exclusion from the latest collective agreement applicable to the education sector, placing her at a disadvantage when compared to other officials performing comparable functions who benefitted from improved grades and financial conditions.

Facts and findings

The investigation confirmed that when equivalent administrative posts were originally established within lifelong learning and vocational education centres, they were governed by identical calls, duties, salary scales, and conditions of employment. Over time, changes to structures and titles occurred, but these did not materially alter the nature of the roles.

During negotiations for the current sectoral agreement, the complainant's role was omitted from the grading structure. This was acknowledged by the Ministry responsible for Education, which confirmed that the complainant's designation did not fall within the scope of the agreement, while comparable roles had been assimilated into higher grades.

The Commissioner found that, through a series of administrative and nomenclature changes, the complainant had effectively been sidelined. Whether this resulted from oversight or from a conscious decision was considered immaterial. In either case, the Ministry failed to exercise due care. The omission resulted in financial loss and personal distress, particularly in light of the complainant's years of service in lifelong learning.

The investigation noted strong similarities with an earlier case decided by the Office of the Ombudsman, where comparable treatment was found to amount to unjust and improperly discriminatory conduct.

Conclusions and recommendations

The Commissioner for Education concluded that the complaint was fully justified and sustained. The treatment complained of was wrong in principle, unjust, and improperly discriminatory, in breach of the Ombudsman Act.

The Commissioner recommended that a further personal basis assimilation be carried out so that the complainant would fall within the appropriate grade under the current sectoral agreement, with effect from the date on which the agreement came into force.

Outcome

Following the issuance of the Final Opinion, the Commissioner for Education sought confirmation from the Ministry responsible for Education on whether the recommendation would be accepted. No reply was received within the stipulated timeframe, despite an extension having been requested.

The matter was subsequently brought to the attention of the Prime Minister in terms of the Ombudsman Act. As no action was taken, the report was forwarded to the Speaker of the House of Representatives to be tabled in Parliament.

Malta College of Arts, Science and Technology (MCAST)

Undisclosed allowance for ICT Lecturers at MCAST investigated by the Commissioner for Education

The complaint

On 20 June 2024, a teaching member of staff at the Malta College of Arts, Science and Technology (MCAST) lodged a complaint with the Office of the Ombudsman. The complainant alleged improper discrimination and lack of transparency in connection with a secret top-up allowance of €8,160 per year, reportedly awarded to a select group of ICT lecturers at MCAST. According to the complainant, access to this allowance was limited to staff who were personally approached to complete a short course, leaving other qualified lecturers unaware or excluded from the scheme.

Facts and findings

The investigation revealed that the top-up allowance was originally introduced in 2006, when Smart City Malta was in its early stages. A Cabinet Memorandum had expressed concerns that MCAST's ICT Institute was struggling to attract and retain qualified lecturers due to competition from the private sector. The allowance was intended as an incentive to align MCAST's academic salaries with industry standards and attract ICT graduates into teaching roles.

Although the allowance had official approval, it was never incorporated into any collective agreement and was subsequently absorbed into the administrative practices of the ICT Institute. MCAST itself confirmed that the allowance and eligibility criteria were known only within the ICT Institute and not among staff in other departments who taught similar ICT-related subjects. Crucially, the allowance was not included in publicly advertised vacancies, raising serious concerns about transparency.

The College maintained that ICT lecturers were informed of the allowance by internal email and during recruitment, but acknowledged that others were not made aware. The Commissioner noted that the secrecy surrounding the allowance -- whether deliberate or due to negligence -- had created an unfair and improperly discriminatory situation, depriving other lecturers of the opportunity to advocate for equal pay or make informed career decisions.

A 2023 decision of the Industrial Tribunal similarly criticised MCAST for continuing to award this allowance despite the original rationale for its introduction no longer applying, and apparently without renewed authorisation.

Conclusions and recommendations

The Commissioner for Education concluded that the complaint was justified and that the allegations were substantially proven. The practice of limiting knowledge of and access to the top-up allowance to a select group of lecturers amounted to maladministration under Article 22(1)(b) and (d) of the Ombudsman Act. The lack of transparency was deemed both improperly discriminatory and wrong in principle.

The Commissioner strongly recommended that MCAST immediately publish the details and eligibility criteria for this allowance on its website. Furthermore, in the interest of transparency and accountability, MCAST should disclose the number of lecturers who have received the allowance since its inception (without naming individuals) and the total amount disbursed over the years.

Outcome

Since MCAST did not implement the recommendations made by the Commissioner for Education, on 14 April 2025 the Parliamentary Ombudsman and the Commissioner sent the report to the Prime Minister. As no action was taken, the report was subsequently forwarded to the Speaker of the House of Representatives to be laid on the Table of the House.

Malta College of Arts, Science and Technology (MCAST)

Unfair refusal to extend lecturer's contract beyond retirement age

The complaint

The complainant was employed as a lecturer within the Institute of Engineering and Transport at MCAST for over twenty-three years. He reached the statutory retirement age of sixty-four in August 2024. MCAST granted him a one-year extension until August 2025.

When the complainant applied for a further extension beyond August 2025, MCAST refused the request. The refusal stated that extensions beyond retirement age were only granted in exceptional circumstances linked to operational needs. No specific reasons were provided.

The complainant alleged that the refusal was unfair and discriminatory. He claimed that other lecturers teaching in the same field, who were older than him, had their contracts extended. He also complained that MCAST failed to give valid reasons for rejecting his request.

Facts and findings

The Commissioner for Education opened an investigation and requested detailed explanations from MCAST. This included clarification on the exceptional circumstances relied upon, information on other lecturers in similar situations, and copies of any assessments or minutes relating to the decision.

MCAST confirmed that employment beyond retirement age was discretionary and linked to operational requirements. However, it failed to provide evidence of a

transparent or structured process governing this discretion. No published internal procedure existed for assessing requests for extensions beyond retirement age.

Despite repeated requests, MCAST did not produce any contemporaneous assessments showing how the complainant's request had been evaluated. Only after the Director of Human Resources was summoned to give evidence did MCAST submit brief documents purporting to justify the decision. These documents were not prepared at the time of the decision and appeared to have been created retrospectively.

The Commissioner found that the reasons given against the complainant were not credible. Allegations of lack of relevant skills and unsatisfactory performance were contradicted by the complainant's qualifications, long teaching history, and extensive involvement in major restoration projects. No evidence was produced to show who carried out the assessment or who was consulted.

The investigation established that the decision-making process lacked transparency, accountability, and procedural fairness. The complainant had no opportunity to know, challenge, or respond to negative comments that affected the outcome of his request.

Conclusions and recommendations

The Commissioner concluded that the complaint was fully justified. The refusal to extend the complainant's contract was unreasonable, unjust, based on irrelevant considerations, and it breached the principles of good administration.

Given the breakdown in trust between the complainant and the institute, the Commissioner did not recommend a reconsideration of the individual's request. Instead, the Commissioner recommended that MCAST urgently adopt a clear, transparent, and accountable procedure for handling all requests for contract extensions beyond retirement age.

The recommended procedure should require that full and truthful reasons for refusals should be given, and should also allow applicants to contest negative assessments that may influence the outcome of their requests.

Outcome

Following the Commissioner's final opinion, MCAST accepted the recommendation. While maintaining that it had objective grounds for its decision, MCAST committed to developing and implementing, by the end of the current academic year, a formal procedure governing employment contracts that reach retirement age.

The Commissioner for Education acknowledged this commitment and registered the complaint as sustained, with a recommendation made and accepted. MCAST was informed that the Office expects to be kept fully informed of the adoption of the new procedure, particularly as the decision was being published in the public interest under Article 29(2) of the Ombudsman Act.

Ministry for Education, Sport, Youth, Research and Innovation

Parents at San Miguel Resource Centre denied representation and access to basic information

The complaint

A group of six parents whose children attend the San Miguel Resource Centre lodged a complaint with the Office of the Ombudsman after encountering difficulties with the education authorities.

When these parents requested a meeting with the Director General for Educational Services, originally scheduled for 25 November 2025, they asked to be accompanied by two representatives of their choice, A.B. and C.B. These two individuals – husband and wife – had previously supported parents in similar matters and possessed extensive experience related to the education of children with special needs, having previously had a child attending a resource centre. The Director General refused the participation of couple A.B. and C.B., and when the parents insisted, the meeting was cancelled.

This complaint (together with a secondary complaint about the unavailability of a basic school time-table) was formally communicated to the Permanent Secretary at the Ministry responsible for Education in terms of Article 18(1) of the Ombudsman Act on 31 October 2025. No comments from the Office of the Permanent Secretary were received by the requested deadline.

Facts and findings

The Commissioner for Education found that education, especially concerning minors of compulsory school age, requires cooperation and open communication between parents and the education authorities. The Education Act (Cap. 605) establishes the right of parents to be fully informed about their child's education

and to express their views effectively. This includes the right to appoint persons of their choice to represent them in discussions with the authorities.

Restricting parents from being represented, particularly by individuals with relevant experience, was both unreasonable and administratively oppressive. The Commissioner also noted that representation is an important adjunct to freedom of association and freedom of expression. Parents cannot be compelled to rely solely on bodies such as the CRPD or the MFOPD for representation.

On the secondary issue of the time-table, the Commissioner examined the Head of School's justifications for withholding the timetable. While acknowledging the complexities of running a specialised school where flexibility is sometimes required, the Commissioner found no acceptable reason why a basic timetable could not be provided for full-time students.

The Commissioner stressed that denying a timetable undermines the parents' ability to understand and support their child's educational programme. Administrative inconvenience cannot be used as a blanket justification for withholding essential information.

Conclusions and recommendations

The Commissioner concluded that both elements of the complaint were justified.

The refusal to allow the parents' chosen representatives to attend the meeting with the Director General was deemed unreasonable, unjust, in breach of the law, and wrong in principle under Article 22(1) of the Ombudsman Act. The refusal to provide a basic timetable was likewise unreasonable.

The Commissioner recommended that:

1. The representatives A.B. and C.B. be allowed to attend and advocate for the parents at the rescheduled meeting on 2 December 2025.
2. The parents be provided, without further delay, with a basic timetable setting out their children's activities at the resource centre.

Outcome

On 13 November 2025, the Ministry for Education, through the Internal Audit and Compliance Office, informed the Commissioner that it did not intend to accept the recommendation related to parental representation. The Ministry presented several arguments concerning school operations and raised concerns about the individuals whom the parents had chosen as representatives.

On 25 November 2025, the Commissioner and the Ombudsman formally notified the Prime Minister of the Ministry's refusal, invoking Articles 17C(1) and 22(4) of the Ombudsman Act. The Commissioner expressed hope for a resolution without the need for further escalation.

Since no action was taken, on 5 December 2025, the Commissioner and the Ombudsman forwarded the report to the Speaker of the House of Representatives for tabling, in line with the Ombudsman Act.

Ministry for Education, Sport, Youth, Research and Innovation

Supply Teacher paid less than peers despite equivalent duties

The complaint

A graduate with a Bachelors (Hons.) degree in Business Management lodged a complaint with the Office of the Ombudsman on 26 August 2024. Having joined the public education sector in 2013 as a supply teacher, she was granted indefinite status in 2017. Over the past 12 years, she has been entrusted with teaching Accounts, Business Studies, and VET Retail in secondary schools. Throughout this time, her students consistently achieved high grades in their MATSEC examinations, a clear indication of her competence and commitment.

However, the complainant pointed out that despite carrying out the same duties and having the same responsibilities as regular teachers, she had been consistently paid less due to her designation as a “supply teacher”. Her complaint centred on the principle of equal pay for work of equal value.

Facts and findings

The Commissioner for Education, after a thorough investigation, established that the complainant had the same responsibilities, workload, and commitments as all regular teachers. There was no evidence to suggest that her performance was in any way inferior to that of regular teachers. In fact, her continued employment and the consistent academic performance of her students were a testament to that.

Historically, supply teachers were engaged temporarily to address specific shortfalls in teaching staff. However, systemic changes over decades and a persistent shortage of teachers led to supply teachers being employed on a long-term basis, often indefinitely, without the corresponding salary and benefits of regular teachers.

The investigation found that despite performing identical duties, supply teachers such as the complainant were excluded from certain allowances. The Ministry itself confirmed that her work and obligations were equivalent to those of regular teachers. The Commissioner referred to Article 27 of the Employment and Industrial Relations Act (Cap. 452), which affirms that employees in the same class of employment are entitled to the same rate of remuneration for work of equal value.

The Ministry did not offer a credible justification for the discrepancy in pay, and the creation of separate classifications or categories for supply teachers appeared to be a mechanism that circumvented the principles of fairness and equality embedded in the Ombudsman Act. Laws and collective agreements, the Commissioner emphasised, must be interpreted and applied in good faith, and the current system amounted to systemic discrimination and exploitation of supply teachers.

Conclusions and recommendations

The Commissioner for Education, in his Final Opinion of 30 May 2025, concluded that the complaint was justified. The continued payment of a lower salary to the complainant was unjust, improperly discriminatory, and wrong in principle in breach of Article 22(1)(b) and (d) of the Ombudsman Act. It was recommended that the complainant be paid the same class allowance and work resources as a teacher in Salary Scale 9 as per the current sectoral agreement. This adjustment should be backdated to 2 September 2024, the date on which the complaint was formally notified to the Ministry.

Outcome

On 10 July 2025, the Commissioner for Education informed the Prime Minister that the Ministry responsible for Education, through its Permanent Secretary, had formally indicated its refusal to implement the recommendations. As no action was taken in response, and in line with Article 22(4) of the Ombudsman Act, the report was laid on the Table of the House of Representatives for its attention.

Sequel

Following the laying of the report before the House of Representatives on the 22nd July 2025, the Principal Permanent Secretary within the Office of the Prime Minister wrote on 19 November 2025 reiterating the position of the public administration. The response maintained that regular teachers and supply teachers constitute two distinct categories under the applicable sectoral agreement and that this distinction does not, in their view, breach the principle of equal pay for work of equal value.

It argued that the allowances in question are linked to the possession of a formal teaching qualification and stated that supply teachers have opportunities to obtain such a qualification. The letter also indicated that the Ministry for Education would offer supply teachers the possibility to follow a teaching qualification course free of charge, with related fees absorbed by the Ministry.

In a reply dated 25 November 2025, the Commissioner for Education expressed regret that the position conveyed did not address the substance of the injustice identified in the Final Opinion. He stated that the response introduced no new elements that could alter the conclusions already reached and, instead, reinforced the concerns previously raised regarding the systemic nature of the disparity affecting the complainant and others in a similar position.

MATSEC

MATSEC’s refusal to consider Late Examination Access Arrangements for a dyslexic student

The complaint

A complaint was lodged by a mother on behalf of a student (her daughter) with dyslexia who had consistently been granted extra time during her Ordinary and Intermediate MATSEC examinations due to her condition. However, when applying for the 2025 first session ‘A’ Level MATSEC examinations, she omitted to separately request extra time, an omission only discovered upon receiving the examination timetable. As a result, the MATSEC Board refused to consider her late request for EAAs, which she argued amounted to an unjust and discriminatory practice.

Facts and findings

The investigation revealed that the student, who had always benefited from additional time (and other supportive measures) during previous examinations, filled in her online application for the ‘A’ Level exams and ticked the box indicating that an application for EAAs was to be submitted separately. Despite this, she failed to follow up on the EAA request—a lapse the Ombudsman found to be directly linked to her disability and her previous reliance on others to handle this aspect of the application.

Evidence included photographs and correspondence confirming that the student became aware of the missing EAA details only when the examination timetable was received by post on 26 February 2025. By the time the complainant and her daughter contacted MATSEC in the first week of March, the “late registration period,” which ended on 28 February 2025, had expired.

Furthermore, communication from MATSEC indicated that the Board's refusal to consider her late request was based on a rigid and inflexible application of policies. The rationale given was a fear that accepting late applications would set a precedent that might "*compromise preparations, planning, and operations*" for the forthcoming examination session, even though such a measure would not affect the integrity of the examinations. The Commissioner for Education noted that treating precedent as an insurmountable barrier is contrary to principles of justice and fairness.

Conclusions and recommendations

After careful consideration of all the circumstances, the Commissioner for Education found that MATSEC's refusal to entertain the student's late application for EAAs was unreasonable, unjust, and wrong in principle, particularly in light of Article 22(1)(b) and (d) of the Ombudsman Act.

The Commissioner recommended that MATSEC immediately consider the late request for EAAs (specifically extra time) and, if supported by appropriate certification or reports, take the necessary steps to implement the required arrangements for the upcoming examination session scheduled for late April through to early June 2025.

Outcome

On 20 March 2025, the MATSEC Department informed the Commissioner that they were not in a position to implement his recommendations. Consequently, after the report was sent to the Prime Minister and still no action was taken by MATSEC, the Ombudsman and the Commissioner for Education forwarded the Final Opinion to the Speaker of the House of Representatives for further consideration by the House.

Sequel

On 4 September 2025, the Principal Permanent Secretary at the Office of the Prime Minister informed the Ombudsman and the Commissioner for Education of concrete steps being proposed to prevent similar cases in the future. Following a meeting with MATSEC officials, a series of improvements to the online application system were agreed upon.

These measures include revising the wording on the application form to make instructions clearer, allowing students to register for special access arrangements as early as Form 2, and retaining a permanent record of applicants who have previously applied. From May 2026 onwards, applications will also be cross-checked against these records so that students are reminded about their eligibility to reapply.

Additional proposed initiatives include publishing a video with step-by-step guidance, introducing a chatbot on the portal, and providing a comprehensive FAQ section. A dedicated helpline will also continue to operate during application periods to support students in real time.

The Principal Permanent Secretary underlined that these measures are intended to ensure that the difficulties faced by the student in this case will not be replicated, and that students requiring special access arrangements will be better supported in the future.

Ministry for Education, Sport, Youth, Research and Innovation

Lack of engagement between Education Authorities and UPE leaves statemented child without LSE support

The complaint

A mother of a seven-year-old student with a statement of needs lodged a complaint with the Office of the Ombudsman after her son, who was assigned a one-to-one Learning Support Educator (LSE) at Sliema Primary School, had to remain at home for a not insubstantial period of time. This occurred after the assigned LSE went on long-term sick leave, and the Education Authorities were unable to find a replacement due to directives issued by the Union of Professional Educators (UPE).

While the complainant expressed her appreciation for the school and staff, she maintained that her son was deprived of his right to education and continuity of learning because of administrative inaction in resolving the ongoing dispute between the Education Authorities and the UPE.

The investigation

The Commissioner for Education noted that this was not an isolated complaint. Similar cases had reached the Ombudsman's Office, and there was also an ongoing own-initiative investigation concerning LSE waiting lists and the statementing process. The investigation focused on whether the Education Authorities were doing everything possible to resolve the industrial dispute that prevented the temporary replacement of absent LSEs.

It was established that the UPE had issued several directives beginning January 2024, restricting the reassignment of LSEs to cover colleagues on sick leave. The Education Authorities argued that the directives were unreasonable and disproportionate, and claimed that they had made efforts to address the issue. However, correspondence between the parties revealed entrenched positions, limited dialogue, and little progress toward resolution.

The Commissioner observed that while the UPE's actions were beyond his investigative remit, the Education Authorities had an overriding duty to protect the interests of students. The investigation also found that, despite ongoing communication, there had been no direct face-to-face meeting between the Ministry for Education and the UPE since May 2024, reflecting a lack of genuine engagement to resolve the matter.

Conclusion and recommendations

The Commissioner concluded that the Education Authorities' failure to take all reasonable measures to ensure that affected students received the necessary support constituted an omission that was '*wrong in principle*' under Article 22(1) (d) of the Ombudsman Act and a censurable omission under Article 22(2).

The Commissioner for Education recommended that the Education Authorities invite the UPE to engage in direct discussions without preconditions to address the ongoing industrial directives affecting students with special educational needs. The Office of the Ombudsman also offered to facilitate such meetings.

Outcome

After the Final Opinion was sent to the Ministry for Education on 17 September 2025, no reply or feedback was received on the implementation of the recommendations within the stipulated time. Consequently, on 2 October 2025, the Ombudsman and the Commissioner for Education referred the case to the Prime Minister, in accordance with Articles 17C(1) and 22(4) of the Ombudsman Act.

On 17 October 2025, the Ombudsman and the Commissioner forwarded the report to the Speaker of the House of Representatives under Article 22(4) for consideration by the House.

The Ministry for Education, Sport, Youth, Research and Innovation

Summer camp organiser placed in financial difficulty by flawed school rental process

The Complaint

In July 2025, a private organisation running an annual children's summer camp at Haž-Žebbuġ Primary School lodged a complaint with the Office of the Ombudsman. The organiser explained that after confirming the camp dates with the school in January, she was initially quoted around €1,067 to cover electricity costs. Based on this estimate, she prepared her budget and informed parents of the fees.

In March, she was advised that new rates had been introduced and the revised cost for the rental of the premises would be €2,650. This amount was again factored into her planning and communicated to parents. However, despite repeated efforts between April and June to finalise a rental contract, she was told that contracts were being revised and temporarily on hold.

On 26 June, less than three weeks before the camp was due to start, she received an invoice of €5,229 from the Head of College Network – nearly five times the original estimate. She argued that this lack of transparency placed her organisation in an impossible financial position, given her prior commitments to parents.

The Investigation

The Commissioner for Education, noted that the Permanent Secretary within the Ministry for Education was quick to recognise the maladministration. To mitigate the impact, the Ministry offered a 40% discount on the rental fee (excluding utilities) and agreed to apply 2024 rates rather than the 2025 ones.

The investigation revealed that in April 2024, the Ministry had issued a new Standard Operating Procedure (SOP) governing the use of school premises by third parties. However, this SOP was not effectively communicated to the relevant school officers. Although the SOP was '*re-circulated internally*' in February 2025, it created further uncertainty and confusion, leaving the school unable to provide the complainant with accurate guidance.

It also emerged that the newly established College Board at St Ignatius College only held its first meeting to evaluate rental requests on 25 June 2025 – just two weeks before the summer camp had to begin. This delay meant the complainant had no clear information until the very last moment. The Ombudsman further criticised the attitude of the College administration, which had implied that the complainant may have benefited from '*discounts*' in previous years, even though she had always paid the full invoiced amounts.

Conclusion

On 11 July 2025, a final contract was signed by all parties with the reduced rental fee applied. While the Education Authorities are entitled to set rental rates and conditions, the lack of clear communication and the late decisions created unnecessary uncertainty and financial pressure. This amounted to maladministration under Article 22(1)(a) and (d) of the Ombudsman Act.

The complaint was therefore upheld. Given the Ministry's prompt recognition of the maladministration and its corrective action, no recommendations were issued.

Ministry for Education, Sport, Youth, Research and Innovation (MEYR)

One-to-One LSE supported student denied access to catch-up classes

The complaint

On 15 July 2025, the mother of a young boy who receives one-to-one Learning Support Educator (LSE) assistance during the scholastic year lodged a complaint with the Office of the Ombudsman.

The complainant explained that in March she had applied for her son to attend summer catch-up classes in Rabat, Gozo, following a call for applications. Her application was acknowledged, and she was even sent a link to attend an online meeting for parents scheduled for 7 July 2025. To facilitate the transition, she transferred her son from his local SkolaSajf to the Rabat summer school.

However, during the online meeting, she learned for the first time that students with one-to-one LSE support – but not those with shared LSE support – were automatically excluded from the catch-up programme. The complainant, herself a warranted teacher, offered to forego her son's LSE support for the purposes of the classes, believing he could follow the programme independently. The education authorities nonetheless insisted that he was ineligible.

Facts and findings

The Commissioner for Education reviewed all available evidence, including the call for applications, correspondence between the complainant and the authorities, and the formal reply from the Ministry for Education, Sport, Youth, Research and Innovation (MEYR).

The investigation found:

- The education authorities applied a blanket prohibition excluding all one-to-one LSE supported students from attending the catch-up classes, without carrying out any individualised assessment of the complainant's son's suitability.
- Having received the boy's details in March, there was ample time to assess his case individually, yet no such evaluation appears to have been undertaken or communicated.
- The evidence confirmed reliance on long-standing eligibility criteria, but there was no evidence to show that the complainant's son's specific circumstances were considered.
- The reasoning given – that the catch-up programme's pace and intensity may not suit such students – was generic and unsupported by any personalised review of the child's needs.

The Commissioner concluded that this predetermined approach was wrong in principle under Article 22(1)(d) of the Ombudsman Act, as it contradicted inclusive education commitments, and amounted to maladministration under Article 22(2), given the lack of valid and cogent reasons provided by the Education authorities to the complainant.

Conclusion

The Commissioner found the complaint to be fully justified and sustained it.

The case highlights the importance of assessing each student's circumstances on their own merits, rather than relying on blanket exclusions that undermine inclusive education principles.

While no specific recommendations were made – as the maladministration was evident – the findings serve as a clear reminder to education authorities that discretionary powers must be exercised with fairness, transparency, and due regard to individual needs.

Ministry for Education, Sport, Youth, Research and Innovation (MEYR)

Commissioner for Education upholds complaints on educators' freedom of expression

The Commissioner for Education investigated two separate, but similar, complaints related to Directive DG DES 28/2024, which imposed restrictions on educators' participation in media. One complaint was filed by the Executive Head of the Union of Professional Educators (UPE), and the other by a Member of Parliament and a teacher in the public service. Both complainants raised concerns about the directive's impact on freedom of expression within the education sector.

The complaints

The Executive Head of the UPE filed the complaint both in his personal capacity and on behalf of the UPE, arguing that the directive would deter educators from engaging in public discourse aimed at improving the education system. The Member of Parliament similarly contended that the directive effectively silenced educators from expressing their views on the State education system and forced them to align themselves with official policy. Both complaints were formally communicated to the Permanent Secretary of the Ministry for Education, Sport, Youth, Research and Innovation (MEYR) in November 2024.

The facts and findings

Directive DG DES 28/2024 required educators to seek prior approval for media participation and stipulated that any public statements must reflect the Ministry's policies and objectives. While the directive claimed to encourage public debate, it simultaneously imposed conditions that restricted personal opinion and discouraged critical engagement.

The Commissioner noted that this constituted a form of “doublespeak” — outwardly promoting healthy dialogue while effectively demanding total conformity. Such a stance contradicted the provisions of Directive 5 issued by the then Principal Permanent Secretary on 24 February 2011, which allows public officers in certain grades to express personal opinions, as long as these are clearly personal and not official positions.

Furthermore, the requirement for prior approval from line managers and the Director General added another layer of administrative control, which could have a chilling effect on educators’ willingness to speak publicly.

Conclusions and recommendations

The Commissioner concluded that the directive was not a mere restatement of existing rules, as argued by MEYR, but introduced new constraints inconsistent with the principles of freedom of expression in a democratic society. In any case, even Directive 5 fell short of human rights standards in so far as it forbade all public officers, irrespective of grade “*from commenting on matters that pertain to their ministry and in particular their area of work, even if in a personal capacity.*”

Both complaints were upheld in terms of Article 22(1)(a), (b), and (d) of the Ombudsman Act (Cap. 385). The Commissioner recommended that MEYR issue revised guidelines ensuring that teachers and educators, particularly those not holding managerial roles, are free to express personal views on their work and the educational system without fear of disciplinary action.

Outcome

In response to the complaint by the Executive Head of the UPE, MEYR disputed UPE’s standing, stating that only the recognised majority union may address collective issues. Nevertheless, the Ministry reaffirmed its adherence to the Public Service Management Code (PSMC) in guiding its policies.

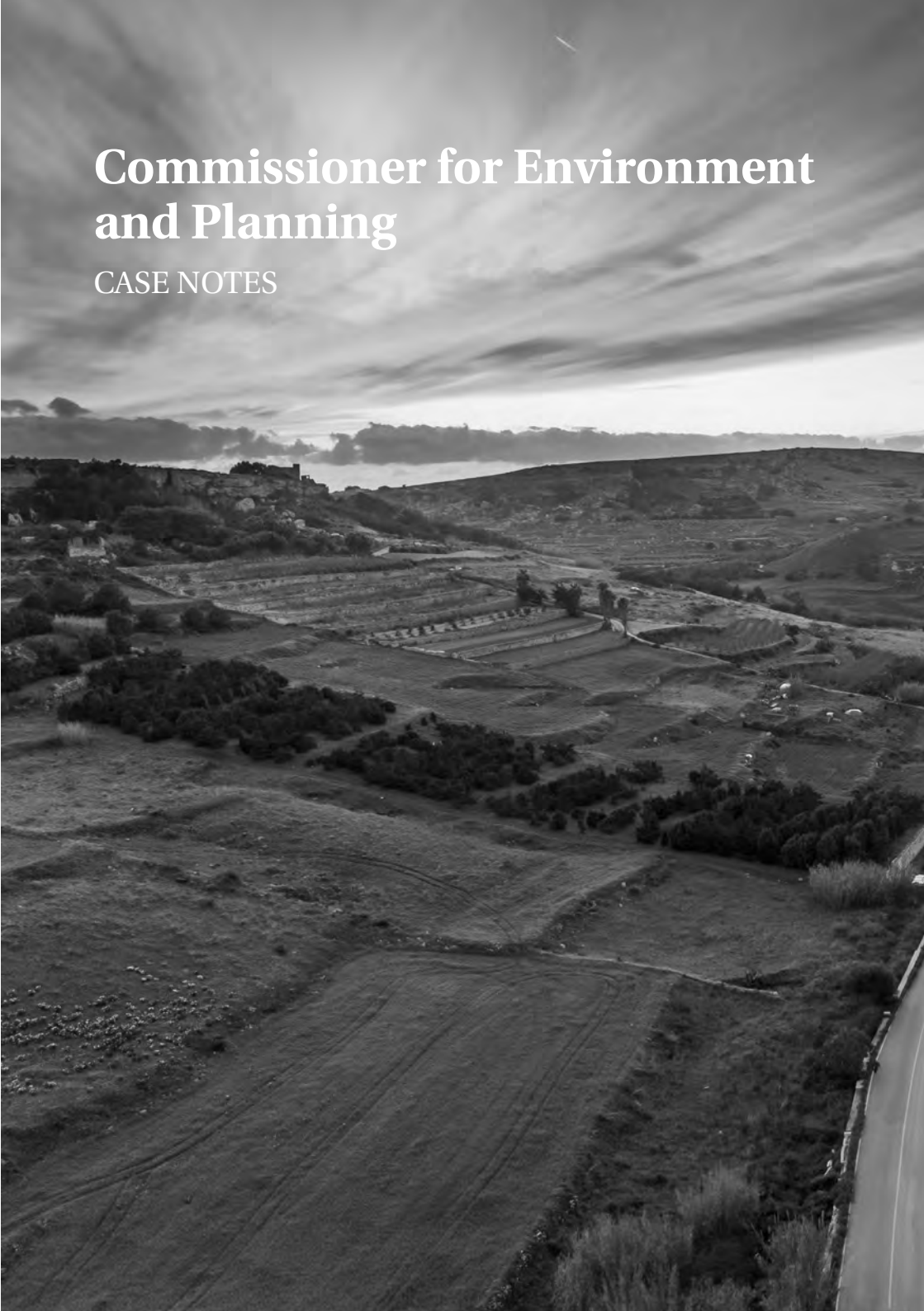
In reply to the Member of Parliament’s complaint, MEYR also cited the PSMC as its guiding document but did not address the substance of the Commissioner’s findings.

Sequel

Since the MEYR did not implement the recommendations, the Ombudsman and the Commissioner for Education referred both Final Opinions to the Prime Minister. As no action was taken, both reports were subsequently sent to the Speaker of the House of Representatives, tabled, and therefore made public.

Commissioner for Environment and Planning

CASE NOTES



Ministry for Gozo and Planning

Planning fines adjustments

The complaint

A complaint was received alleging the improper capping of the daily fine applied to a substantial irregular development. In response, the Commissioner for Environment and Planning launched an investigation into the adequacy of the existing regulations governing daily penalties and administrative fines.

The investigation

The investigation revealed that the current fines were established in 2012 and that the capped amount of €50,000 neither reflects present-day realities nor serves as an effective deterrent against large-scale or persistent irregular developments.

It was also found that the regulations inadequately address mobile irregular structures - such as kiosks, canopies, tables, and chairs - since their mobile nature allows for easy removal and reinstatement, limiting enforcement to mere warnings with limited practical effect.

Conclusions and recommendations

The Commissioner recommended that:

- The capped fine amount be increased from €50,000 to €100,000 to better reflect current conditions and strengthen deterrence.
- The regulations be amended to allow for the confiscation of mobile irregular structures, aligning enforcement with existing provisions under the Traffic Regulation Ordinance concerning the removal of encumbering objects.

Outcome

The recommendations were not implemented. Consequently, the case was referred to the Prime Minister and the House of Representatives in accordance with the provisions of the Ombudsman Act.

Planning Authority

Failure to enforce condition for the opening of a new road

The complaint

The complaint highlighted the fact that a development was allowed to commence and compliance certificates issued in clear breach of the permit condition which states that the road shall be opened prior to the commencement of any development on site.

The investigation

The Planning Authority imposed a bank guarantee to ensure that the schemed street bordering the site in question is opened. The imposition of this bank guarantee served as an interim solution for the issuance of compliance certificates addressing similar conditions that were imposed on all permits issued before the setting of the Planning Authority. This condition is no longer being imposed since the requirement to open and form a projected street fall within the remit of Transport Malta.

The condition stating that the road must be opened raises two notable issues. Firstly, this condition directly relates with the ownership of the road, and neither the applicant nor the Lands Authority have the right to occupy or perform works on third-party property. Secondly, any development authorized by the Planning Authority, including conditions attached to such permits, should be planning-related and site-specific. This particular condition was ultimately moved from the general conditions under the Planning Authority's oversight to the specific conditions imposed and enforced by other entities.

Transport Malta regulations state that no building abutting a new road in an inhabited area shall be erected until the road has been levelled and that if a road

is not formed, Infrastructure Malta may proceed to form the road at the expense of the person who was initially obliged to do so. Thus, while the Planning Authority is not empowered to impose or enforce these regulations, the same statute outlines a procedure for when this section is not fully complied with, a procedure that falls outside the Planning Authority's jurisdiction. While the complainant is correct in stating that the Planning Authority should have issued an enforcement notice for failing to commence works in accordance with the condition, this issue should have been raised at the appropriate time, not after the works have been completed.

The Planning Authority acted correctly when it imposed a bank guarantee addressing the same condition. This was necessary because it would not be fair to stall the use (the issuance of a compliance certificate) of a development when the condition was mistakenly imposed (as it does not fall within the Planning Authority's jurisdiction) and compliance with the condition does not lie entirely within the applicant's control since it concerns third-party property.

Conclusion

The complaint regarding the Planning Authority's failure to enforce the condition for opening a new road was determined to be unfounded.

Planning Authority

Longstanding Irregular Fixed Canopies at *is-Suq tal-Belt*, Valletta

The complaint

The Commissioner for Environment and Planning initiated an investigation into the longstanding, irregular, and extensive fixed canopies installed at *is-Suq tal-Belt*, Merchants Street, Valletta. These structures have been subject to an Enforcement Notice issued by the Planning Authority in 2019.

The investigation

The Commissioner found that the contravenor has paid approximately €7,000 out of the €46,000 daily fine imposed. The Planning Authority's decision to suspend direct action on the grounds of a pending application was deemed unjustified, as the application does not seek to sanction the canopies but rather proposes their replacement with umbrellas.

Furthermore, the Commissioner determined that an appeal against the enforcement notice should not delay its implementation - particularly considering the longstanding nature, high visibility, and scale of the illegal development. It was concluded that the canopies have been unlawfully and unjustifiably allowed to remain in place for over six years, in clear violation of the Development Planning Act and in disregard of Valletta's obligations as a UNESCO World Heritage Site.

Conclusions and recommendations

The Commissioner recommended that the Planning Authority proceed with immediate direct action to remove the illegal canopies at the contravenor's expense, irrespective of any pending appeals or other applications.

Outcome

The Planning Authority failed to respond to the Commissioner's recommendations. As a result, the case was referred to the Prime Minister and the House of Representatives in accordance with the provisions of the Ombudsman Act.

Superintendence of Cultural Heritage)

Monitoring of works at St John's Co-Cathedral

The complaint

The Commissioner for Environment and Planning has investigated claims made in an online article regarding damage to St. John's Co-Cathedral, specifically in the Bartolott Crypt. The article alleges that a newly installed floor collapsed, causing significant damage to the historic resting place of the Knights of the Order of St. John. Additionally, the report suggests that the raised flooring structure is too heavy for the underground chamber and that the issue remains unresolved.

The investigation

Although the complaint also named the St. John's Co-Cathedral Foundation and the Planning Authority, this investigation focused specifically on allegations of mismanagement by the Superintendence of Cultural Heritage. The complaint did not involve any breaches of the Development Planning Act, and the Foundation does not fall within the Ombudsman's jurisdiction. Nonetheless, the Foundation fully cooperated throughout the investigation.

An image accompanying the article shows a number of flagstones uplifted from the floor and resting against the raised floor steel frame structure. Another image shows three cracked flagstones in place under the steel frame. Heaps of gravel can also be seen on the sides adjoining the walls of the crypt.

This investigation included a site inspection in the Bartolott Crypt. During this inspection, the raised floor steel structure and all the flagstones were in place, and the sides were clean of any gravel. Neither the images in the news article, nor the investigation reveals any concerns that the new floor caved in, that any damage was caused to the underground chambers or that interventions are required to restore any damage. The installation of the raised floor followed surveys of the foundations and works methods specifically intended to prevent any damage.

The removal and reinstatement of the flagstones that had subsided was carried out in line with the approved Works Method Statement and all the flagstones that were reinstated were adequately recorded on plan for future reference.

The Superintendence of Cultural Heritage is properly and regularly monitoring the works in line with the permit conditions and there is no reason to doubt that the works that were carried out in the Bartolott Crypt at the St John's Co-Cathedral did in some way or another does not follow proper administrative procedures.

Conclusions

The complaint alleging damages to the Bartolott Crypt and contributions to the same by the Superintendence of Cultural Heritage are found not to be sustained.

Planning Authority

Disclosure of the identity of Officers

The complaint

The Commissioner for Environment and Planning investigated a complaint against the lack of disclosure by the Planning Authority of the identity of Officers processing summary development applications both at recommendation and decision phase. The complaint adds that one cannot question whether the Case Officer is related or has ties with the applicant or has a conflict of interest.

The investigation

The investigation found that this issue arises at both recommendation and decision phase whenever a Summary Procedure Application without representations is submitted whereas it only arises at recommendation stage when representations are received since decisions on these applications are taken publicly by the Planning Board or its delegate.

According to the Development Planning Act, meetings of the Planning Board when making decisions on development applications, must be open to the public. Therefore, it is reasonable to conclude that decisions made by delegates of the Planning Board should also be conducted in a public forum. This necessitates that not only the identity of the individual making the decision be disclosed, but that the decision itself is made publicly.

Regarding the identity of the individual preparing the recommendation, it is noted that the Planning Authority previously used to publish the names of Planning Officers (Case Officer and Endorsement Officer), but this practice has since been discontinued, resulting in a lack of transparency. The Development Planning Act mandates the disclosure of interests by Planning Officers and outlines the procedure for addressing potential conflicts of interest. By withholding the identities of the Officers from public knowledge, the Planning Authority retains exclusive control over this information, which ideally should be accessible to third parties, including the general public. Furthermore, it is essential to recognize that Planning Officers are classified as Public Officers under the Development Planning Act, hence calling for the identities of the Planning Officers responsible for preparing and endorsing recommendations to be made public. For effective and timely scrutiny, this information should be disclosed concurrently with the recommendation and endorsement, as well as at the time the relevant decision is made.

Conclusions and recommendations

The concerns raised regarding the Planning Authority's failure to disclose the identities of the Officers involved in processing Summary Development Applications during both the recommendation and decision phases are deemed valid. The Commissioner recommended that:

1. The identity of the individual responsible for making a decision on an application be publicly disclosed at the time the decision is rendered.
2. The decision-making process should be conducted in a public forum.
3. The identities of the Officers involved in preparing the recommendation, specifically the Case Officer and the Endorsing Officer, should also be made publicly available without delay.

Outcome

The Planning Authority did not accept any of these recommendations and the case was referred to the Prime Minister and to the House of Representatives in line with the Ombudsman Act.

Transport Malta

Renewal of Y-Plate Operator's Licences

The complaint

The Commissioner for Environment and Planning investigated a complaint highlighting significant legal anomalies and administrative irregularities surrounding the issuance and renewal of LPTS (Y-Plate) Operator's Licences. Essentially the complaint focuses on the introduction of stricter requirements for the submission of an Architect's report on an annual basis, which requirement led to the complainant's licence not being renewed.

The investigation

In 2020, the Light Passenger Transport Services and Vehicle Hire Services Regulations were introduced. These regulations stipulate that an operator's licence shall remain valid unless it is revoked, suspended or surrendered, provided that the operator submits to Transport Malta, within one month preceding the first year from the issue of the said licence, and every subsequent year, an application for renewal which shall include, amongst others, a report signed by a warranted Architect in relation to each garaging facility. The regulations provide that a development permit has to be provided in the case of an operator's licence for the registration of five or more vehicles.

The regulations define a ‘garaging facility’ as any off-street premises where the parking or garaging of motor vehicles is permitted by the relevant development permit. Hence, the provisions outlined in the regulations present several ambiguities that warrant clarification:

1. The regulations stipulate the requirement of a development permit for the registration of more than five vehicles, whereas the same requirement is not imposed for fewer vehicles against the Development Planning Act that does not differentiate between these scenarios.
2. There is a potential inconsistency in the role of the Architect since it is unclear how an Architect can provide a report for each garaging facility listed in the operator’s licence for new applications where the applicants do not hold an operator’s licence.
3. Similarly, the ability of an Architect to certify that the designated parking spaces are adequate for all LPTS vehicles registered under the operator’s licence is also questionable for new applications.

These points highlight the need for further clarification to ensure that the regulations are applied consistently and effectively.

Back in August 2024, the complainant was notified that the licence was set to expire and was instructed to submit “*a report issued and signed by a warranted Architect, confirming that the applicant has enough private garage parking space and, or private off-street parking space for his exclusive use where to park his vehicles while these are not in use.*” This is not what the regulations stipulate. The regulations state that the report, in relation to each garaging facility, should “*certify that these spaces are sufficient to park all light passenger transport vehicles that are registered under the operator’s licence.*” Once an operator’s licence was issued and this was neither revoked, nor suspended nor surrendered, Transport Malta should have informed the complainant accordingly. Additionally, in the event of a failure to submit the Architect’s report, Transport Malta should have proceeded with the renewal of the operator’s licence according to the transitory provision which allows licensed operators a twelve-month period (until October 2024) to comply.

The Commissioner believes that Transport Malta should grant an additional twelve-month extension to existing licence holders from the date of this Final Opinion to comply with this regulation. This recommendation arises from the fact that the difficulties related with the requirement for the Architect's report were only brought to light following the issuance of the relevant circular by the Chamber of Architects in June 2024 informing Architects about the requirement of a Development Permit regardless of the number of cars accommodated in a garaging facility.

Conclusions and recommendations

The complaint against Transport Malta regarding the non-renewal of a light passenger operator's licence due to the absence of an Architect's report is deemed valid.

The Commissioner for Environment and Planning recommended that:

1. Transport Malta should proceed with the renewal of the licence in question.
2. Transport Malta should also consider renewing all other operator licences that qualify under the transitory provisions of the regulations, as it is clear that additional operators are facing similar challenges and deadlocks.
3. Transport Malta is advised to recommend to the Minister an extension of the transition period by an additional twelve months, in light of the current impasse related to the Periti Act, which has arisen due to inconsistencies between the relevant regulations and the Development Planning Act.
4. Transport Malta should convene discussions with the Planning Authority, the Chamber of Architects, and the Operators to facilitate the necessary amendments to the regulations as outlined in this Final Opinion.

Sequel

After Transport Malta did not react, this Final Opinion was referred to the Prime Minister. Following this, Transport Malta replied and a meeting was held, but however Transport Malta insisted for a new declaration from the complainant that was introduced after the Final Opinion.

The case was then referred to the House of Representatives, although subsequent information from the media indicates that Transport Malta extended the transition period by six months until April 2025.

Building and Construction Consultative Council (BCCC)

Exclusion of the Malta Chamber of Geologists from membership in the Building and Construction Consultative Council

The complaint

The Commissioner for Environment and Planning investigated a complaint regarding the exclusion of the Malta Chamber of Geologists (MCG) from full membership in the Building and Construction Consultative Council (BCCC), a body established under the Building and Construction Authority Act (Chapter 623) to serve as a national advisory platform for the building and construction industry.

The complainant argued that the exclusion of the MCG, a registered professional organisation representing geologists in Malta, unjust and discriminatory. The complainant maintained that geologists play a crucial role in the construction sector, a fact clearly recognised in the Jean Paul Sofia Public Inquiry Report (2024), which recommended that geological expertise be made mandatory during building and excavation processes.

The BCCC and the Ministry for Justice and Reform of the Construction Sector (MJRC) informed the Chamber that it could only attend meetings as a 'guest member' when relevant topics were discussed. The MCG refused this status, insisting that the BCCC Regulations do not provide for guest members and that its role in safeguarding public safety warranted permanent representation.

Facts and findings

During the investigation, the Commissioner heard also submissions from the Chairman of the BCCC, and the Permanent Secretary at the MJRC. The Ministry stated that an internal review of the Council's composition and responsibilities was underway, suggesting that changes could be introduced at a later stage. The Commissioner, however, noted that the Ombudsman Act does not allow investigations to be suspended pending internal reviews.

Examination of the BCCC Regulations (Subsidiary Legislation 623.10) confirmed that while the Council may seek expert advice on specific matters, this does not equate to the creation of 'guest members.' The Commissioner also referred to the findings of the Jean Paul Sofia Inquiry Report, which underlined the essential contribution of geologists to public safety, particularly during excavation and demolition works. The Inquiry explicitly recommended that geological assessments form part of all method statements for development projects.

The Commissioner observed that the Regulations empower the Minister responsible to add other entities to the BCCC to broaden representation "*in the interest of enhancing participation of stakeholders.*" The Minister, therefore, retains discretion to appoint the MCG as a full member, irrespective of the BCCC's opinion.

Conclusions and recommendations

The Commissioner concluded that the complaint was justified. The exclusion of the MCG from full membership of the BCCC was found to be unreasonable and contrary to the objectives of the Building and Construction Authority Act, which aims to ensure comprehensive stakeholder representation within the construction industry.

It was therefore recommended that the Minister include the MCG as a full member of the BCCC without delay. Such inclusion, the Commissioner stated, would strengthen the Council's expertise and better align it with the public safety recommendations of the Jean Paul Sofia Inquiry.

Outcome

On 13 August 2025, the Ministry for Justice and Reform of the Construction Sector informed the Commissioner that while it appreciated the reasoning behind the recommendation, it would not implement it at this stage. The Ministry cited the ongoing internal review of the BCCC's structure and maintained that acting on the recommendation before its conclusion would be premature.

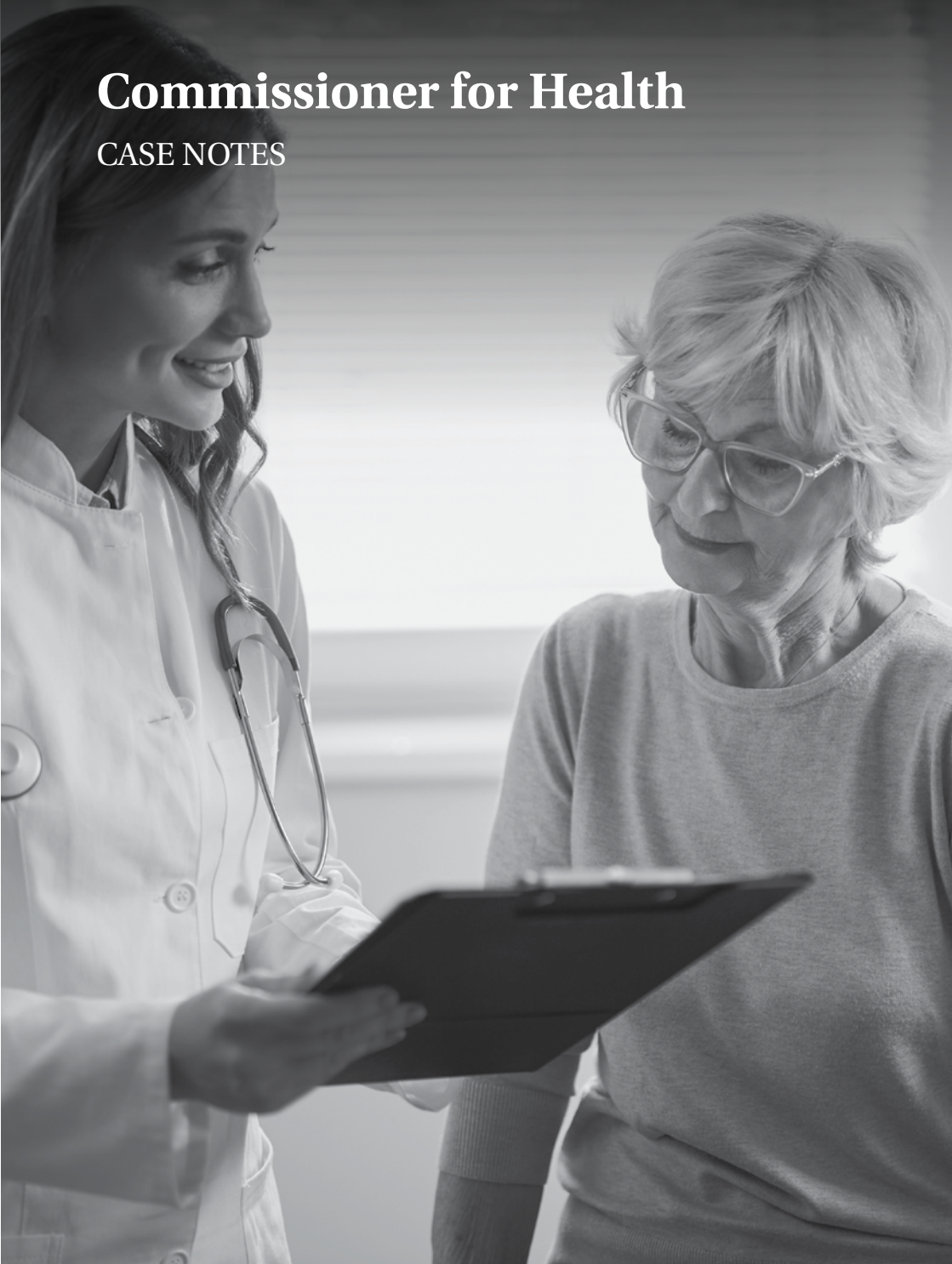
Given this response, on 21 August 2025, the Commissioner referred the matter to the Prime Minister in accordance with Articles 17C(1) and 22(4) of the Ombudsman Act.

On 19 September 2025, the Principal Permanent Secretary confirmed that the Ministry would not proceed with the inclusion of the Malta Chamber of Geologists at this stage, reiterating that the review process within the Ministry and the newly established Construction and Occupational Health & Safety Affairs Department was still ongoing.

As the recommendations were not implemented, the Ombudsman and the Commissioner for Environment and Planning forwarded the Final Opinion to the Speaker of the House of Representatives on 26 September 2025, in accordance with Article 22(4) of the Ombudsman Act, for the House's further consideration.

Commissioner for Health

CASE NOTES



Ministry for Health and Active Ageing

Lack of entitlement to medical treatment as the medical condition was not listed in the Social Security Act (Part II of the Schedule V).

The complaint

The complainants were several parents whose children suffered from a rare, severe and progressive genetic muscle-wasting disease. When their consultant applied for a specific medication for this condition, they were informed by the Ministry for Health and Active Ageing that their request could not be acceded to since this specific condition was not listed on the official Schedule V entitlement. Schedule V refers to the entitlement of free medicinal treatment by virtue of the Social Security Act (Cap. 318, Article 23), its subsequent amendments (Act No. I of 2012), and the Fifth Schedule of the same Act.

The investigation

The Ministry for Health and Active Ageing was informed of this case and a request for further information was made. The Ministry confirmed that this condition was not listed in the Social Security Act (Part II of the Schedule V) list of medical conditions. Consequently, patients suffering from this condition were not entitled to state-funded medicines for its treatment.

Considerations

This Office pointed out that the fact that these children were not entitled to the specific treatment for their severe medical condition just because this condition was not one of the medical conditions listed in the Social Security Act (Part II of the Schedule V) list was in fact discriminatory in their regards and should be rectified as soon as possible.

Including a new medical condition in the Schedule V list entails a complex process involving a substantial number of entities and Ministries. Notwithstanding these challenges, the process was successfully resolved and a Legal Notice was published in the *Government Gazette of Malta No. 21,551* on the 9th December 2025.

Recommendations

No further recommendation was deemed necessary, as the problem was adequately resolved by the Ministry and a solution was fully implemented.

Public Service Commission

Selection Process for Headship Position

The complaint

The complainant was a senior clinician working within Mater Dei Hospital. He applied for a headship position but was not selected. He subsequently filed a complaint with this Office regarding the selection process.

The investigation

After a meeting with the complainant, the Public Service Commission (PSC) was informed of the complaint and asked to comment on the case. A copy of the relevant selection file was also requested and reviewed.

Considerations

During the course of the investigation, it emerged that, according to this Office, the Selection Board was not constituted properly as specified in Section 2.2 of the *Manual on Industrial Relations and the Selection and Appointment Process under Delegated Authority in the Malta Public Service*, which states that a Selection Board for this post was to be composed as follows:

Chairperson:

DG Medical or CMO or Superintendent of Public Health.

Members:

- i. Medical Director of hospital or one of the above.*
- ii. Chairperson, preferably from another related department.*
- iii. CEO/COO/Senior public officer in HR of hospital or DG from MHA.*
- iv. Senior public officer not below DG external to MHA* (*People & Standards or related Ministry).*

The fourth member of the Selection Board, who was required to be a senior public officer not below the grade of Director General and **external** to the Ministry for Health and Active Ageing (MHA), was in fact a Director General **within** the MHA itself.

This Office also noted, that with regards to the assessment process, the marking structure did not sufficiently distinguish between a PhD qualification and publications in peer reviewed medical journals. Master's degrees were marked inconsistently, and short training certificates were overvalued when compared to higher-level qualifications.

Conclusions

This Office concluded that the Selection Board was not properly constituted, thus rendering the whole selection process invalid.

It was recommended that the selection framework was to be reviewed for future appointments to ensure academic fairness, consistency, and strict adherence to established rules.

Recommendations

This Office recommended that, since the Selection Board was not properly constituted, the whole selection process should be considered as flawed and should be deemed as invalid. It should be repeated once more with a properly constituted selection board. In the meantime the *Manual on Industrial Relations and the Selection and Appointment Process under Delegated Authority in the Malta Public Service* had been amended so as to justify the composition of the first Selection Board. This amendment occurred during the investigative process of this case.

Outcome

The Public Service Commission (PSC) disagreed with the recommendations made by this Office and maintained that the Selection Board was properly constituted and that the criteria were applied consistently. The PSC referred the points raised by this Office to the People and Standards Division and the Ministry for Health and Active Ageing for their consideration.

As no action was taken on our recommendations, the case was referred to the Prime Minister, and subsequently tabled before Parliament in terms of Article 22(4) of the *Ombudsman Act*.

Ministry for Health and Active Ageing

Alleged inappropriate attitude of staff at Mater Dei Hospital

The complaint

The complainant lodged a complaint with our Office regarding the way he and his relatives were treated by the hospital staff while their mother was an inpatient. In his complaint he also stated that the clinical information he was given regarding his mother's condition and eventually the way she was clinically managed, were, in his view, inappropriate.

The investigation

Following a meeting with the complainant, the Permanent Secretary within the Ministry for Health and Active Ageing was informed of the case and an official request was made for a copy of the medical file pertaining to the complainant's mother.

The complainant was basing his complaint on two issues;

1. The clinical, medical management of his mother,
2. The way in which he and his siblings were treated by staff at Mater Dei Hospital. They were stating that they were not allowed to remain with their terminally ill mother outside normal visiting hours, even though she had been administered the last rites.

An explanation for this was sought from the Ministry for Health and Active Ageing.

The complainant was informed that our Office was not in a position to investigate clinical management as he and his relatives had other means of redress if they felt that their relative did not receive the appropriate clinical treatment that she needed. The Ombudsman Act 385 in Art. 23 of the Subsidiary Legislation, specifically states that

“The Commissioner for Health shall not investigate any action taken by health care professionals in the exercise of their medical and clinical judgment for the diagnosis of illness or for the treatment of patients; nor shall he investigate any technical merits of decisions taken by health care professionals, unless there is in either case proof of maladministration by the person providing the health service in the exercise of his professional competence or professional discriminatory action.”

As regards the second complaint, the Ministry, through the Nursing Director, confirmed that the usual practice was to allow relatives of terminally ill patients to remain with the patient outside normal visiting hours. The Nursing Director organised a meeting with the Charge Nurses responsible for the particular ward involved in this case. The Charge Nurses explained the sequence of events that occurred on the two days that the patient was in their ward. The Director of Nursing was also requested to provide the official Mater Dei Hospital Standard Operating Procedure (SOP) document containing written instructions on how to deal with such situations. The Ministry informed this Office that such a document was revoked due to the Covid-19 pandemic and unfortunately, they could not provide a copy of such a document.

Conclusions

Following this investigation, it became evident that, in fact, the complainant and his relatives were restricted from staying with their terminally ill mother in the ward, outside normal visiting hours. It was impossible to confirm if the nurses' attitude was rude or abrasive because of conflicting evidence from the two parties concerned. However, it is clear that the time that the relatives were allowed to stay with their terminally ill mother who was administered the last rites, had been curtailed. The nurse blamed this on work exigencies, noting that they had to administer care to other patients who shared the room with the terminally ill patient. In this respect, the nurses have to run the ward efficiently, however they have also to bear in mind the stress that the relatives of such terminally ill patients would be under. Communication as always is crucial in such circumstances.

During the investigation, it also emerged that there was no current official policy within Mater Dei Hospital regarding the visiting hours of the relatives of terminally ill patients. Mater Dei management claimed that there was a written policy but then could not produce it when asked to. Such delicate situations have to be governed by an officially approved policy that is properly documented and disseminated to all the healthcare workers. A uniform policy would ensure that all wards would act in an identical way in such delicate situations. Otherwise, it is understandable that relatives may feel aggrieved when treated differently from one ward to another, as appears to have occurred in this case.

Recommendations

In order to avoid such unfortunate situations in the future, it was recommended that an officially approved policy governing such situations was to be immediately drawn up, published and circulated to all healthcare professionals. This policy or Standard Operating Procedure (SOP) should include all the stakeholders so that similar episodes do not recur. Once published, it is very important that all wards apply it in the same manner as otherwise unfortunate situations such as this will occur again.

Furthermore, patients and their relatives should be provided with means where they can appeal a nurse's decision. In this case, the Charge Nurses took a decision that the relatives did not agree with, but the relatives could not seek a review of that decision at the time. They had no possibility to appeal such a decision. In order to address such a situation, a senior management person should be available to review such cases promptly and take a decision. Relatives caught in such a situation should be made aware, that they can appeal the Charge Nurse decision, if necessary by the nurses themselves.

Outcome

All the recommendations were accepted by the Ministry for Health and Active Ageing. Within three months of the recommendations being made, an official SOP was published by Mater Dei Hospital Management.

Orthotic Prosthetic Unit

Resolution of Prosthetic Fitting

The complaint

The complainant was a father of a young patient who was having problems with her lower limb prosthesis. The complainant was alleging that the prosthesis that was fitted to his daughter was not fitting her properly and that his repeated attempts to address the issue with the service providers had been unsuccessful.

The investigation

After the initial meeting with the complainant, the Ministry for Health and Active Ageing was informed of this case and their comments were sought. A detailed prosthesis report was provided by the Orthotic Prosthetic Unit (OPU) at Karin Grech Hospital. An onsite visit of the facilities at OPU was carried out and the services offered there were explained. A meeting with the CEO was also held.

The investigations showed that the OPU were in fact trying to cater for the patients' needs, but there was an element of miscommunication between the service providers and the clients. A meeting between all the relevant stakeholders was held at our Office. During this meeting, it was clear that a certain element of mistrust had arisen. After discussing the issues at length this Office proposed a way forward with specific deliverables and a set time frame. Regular reports were to be issued and circulated to all stakeholders. This was agreed to by all present (including the clients and the service providers). During this meeting it was established that some equipment necessary for the manufacture of the artificial leg was needed.

Considerations

An official time frame was prepared by the OPU and was shared with the complainants after the meeting. The recommendation made by this Office for the procurement of the equipment necessary for the production of the prosthesis was accepted and the equipment was procured.

The patient was fitted with the new prosthesis and an improvement in her mobility was noted.

Recommendations

The recommendations made in this case were accepted and the case was resolved to the satisfaction of all concerned.

Mater Dei Hospital

Replacement of item lost at Mater Dei Hospital

The complaint

The complainant had suffered a stroke and was admitted to Mater Dei Hospital. During his transfer and subsequent hospital stay, his dentures were lost.

The investigation

The Ministry for Health and Active Ageing was informed of this case and their comments were sought. From the investigation it transpired that the complainant had written previously to Customer Care regarding this loss. The Ministry confirmed that the dentures were removed in the Emergency Department, but from then on, no further trace of the dentures could be found.

Considerations

The Ministry for Health and Active Ageing accepted responsibility for the fact that the dentures were lost within Mater Dei Hospital and agreed to replace them free of charge. It eventually became apparent that before replacing the lost dentures, the complainant needed some dental work. The necessary dental extractions were carried out and adequate time had to be given for the bone and gums to heal properly before the fitting of the new dentures.

Outcome

The complainant received the necessary dental work and was eventually provided with a new set of dentures.

Ministry for Health and Active Ageing

Rehabilitation Services for a patient who sustained major trauma

The complaint

The complainants in this case were the parents of a 15-year-old boy who sustained traumatic brain injury following a road traffic accident. As part of his rehabilitation process this young boy required treatment in a specialised rehabilitation centre abroad. This unfortunately did not materialise due to unforeseen circumstances.

The investigation

After a meeting with the complainants, the Ministry for Health and Active Ageing was asked to provide details regarding this case. The Ministry informed this Office that this patient was referred to a private centre in the UK via the Treatment Abroad Unit for further evaluation and management of his complex condition.

However, it transpired that the Treatment Abroad Unit did not have a legal framework that supports funding for treatment in the private sector in the UK. Furthermore, while Cross-Border Healthcare legislation allows for financial support for treatment at private centres, this legislation does not cover rehabilitation services and, following Brexit, is no longer applicable to the UK.

At that stage, it was pointed out that it was the responsibility of the healthcare providers, together with the relative Ministry for Health and Active Ageing officials to identify another equivalent centre that met the necessary criteria for the patient to receive the rehabilitation treatment his medical team deemed fit.

The Ministry agreed with this Office that the patient's need for rehabilitation was already established by his clinical team. The Ministry also agreed that such care should form part of the patient's ongoing treatment.

The Treatment Abroad Unit and the consultant in charge sought to identify a rehabilitation centre that could assist in this case. They managed to find a rehabilitation centre in Germany that could offer the rehabilitation that this young boy needed. A plan of action was worked out in conjunction with the German centre.

Considerations

The patient travelled to Germany and underwent a rehabilitation programme there. During the rehabilitation programme, the patient showed marked improvement so much so that the specialists at the German rehabilitation centre suggested that the patient undergoes another four weeks of rehabilitation. This has also been approved and the patient will be travelling again to Germany during 2026.

Recommendations

The recommendation made by this Office was accepted and implemented in the best interest of the complainant.