

Report on Case No CEDUC-26-7250

The complaint and the investigation

1. The complainant applied for a full-time teaching post in Conservation – Restoration (Stone) at the Institute for the Creative Art of the Malta College of Art, Science and Technology (MCAST). The interviews for the post were held by the Selection Board on the 24th November 2025. On the 23rd December 2025 he was informed by email that he had passed the interview but that the post was being offered to another applicant who had attained a higher mark in the interviewing process.

2. In substance the complainant’s grievances are two: (i) that he was not provided in time with the necessary information to enable him to appeal the decision of the selection board; and (ii) that, given his curriculum vitae and track record in the subject of stone conservation and restoration, he was unfairly treated by the aforementioned Selection Board.

3. From the evidence – documentary, and verbal depositions – it transpires that, as aforesaid, the complainant was informed that he had passed the interview but had not been placed first (and that therefore the post was being offered to the first ranked) on the 23rd of December 2025. This communication was effected by email from a generic email account (an account which, according to the Deputy Director H.R. in her email to the complainant of the 26th January 2026, “*is a non-monitored account and should not be replied to*”.) In this communication no other indication was given as to the possibility of appealing from the decision of



the Selection Board, or of how to apply for further information regarding the complainant's performance in the *concoures* in the event of one wishing to appeal.

4. Clause 3.10.1 of the internal document "People Management Procedure" states that:

"Any candidate who feels aggrieved by the decision of the Interviewing Board shall have the right to lodge an appeal with regards to the selection process conducted by the Interviewing Board within ten (10) working days from the receipt of the results. Appeals are to be submitted to the MCAST Director of Human Resources."

5. Furthermore, according to Clause 3.10.2, the Director of H.R. cannot proceed to the signing of the employment contract with the selected candidate – in this case, the applicant ranked first – before the lapse of these 10 working days and provided that no appeal is filed in the meantime.

6. When on the 7th of January 2026, the complainant sought information as to his interview marks and ranking – clearly with a view to a possible appeal – he sought this information by replying to the "*non-monitored*" account. It was only days later – and after the lapse of the 10 working days – that this mistake was explained by the Deputy H.R. to the complainant, informing him at the same time that the time period for filing the appeal had lapsed! However, after this Office communicated – on 20th February 2026 – the complainant's grievances to MCAST, the College changed its view, informed the complainant that his appeal was to be examined, and that the appropriate Appeals Board had been set up (see email by Deputy Director H.R. of 25 February 2026 to the complainant) – and this notwithstanding that the employment contract with the first ranked had already been signed on the 13th of January 2026.



7. In effect, MCAST went into overdrive at damage control, and to try and patch up all loopholes. It is not clear from the evidence whether all the provisions of Clauses 3.10.3 *et seq.* of the abovementioned document were followed, but that is rather irrelevant at this point in time. The Appeals Board delivered its decision on the 9th March 2026, but this was only communicated to the complainant one month later – on the 9th of April 2026, and then only after the undersigned intervened directly pursuant to being informed by the complainant that he had as yet received no information as to the outcome of the proceedings before the Board of Appeal.

8. The Board of Appeal decided on two points – (1) whether the appeal was time-barred and (2) (to underscore the ‘damage control’ aspect of its work), whether, on the merits, the complainant’s grievance as to the marks he obtained and his ranking (second ranked) was justified. While the undersigned can subscribe to the decision as to the second issue – namely, that the Selection Board acted *rite et recte* in its assessment and conclusions as to the marks awarded and the ranking process – he cannot subscribe to the first point, namely that the appeal was time-barred, much less to reasoning leading to the conclusion on this point.

9. When a right of appeal from any administrative decision is granted – whether through a document having the force of law or through internal administrative procedures – that right must be a **practical and effective** right, and not a right that is merely theoretical or illusory. While the undersigned can understand and even subscribe to the very short ten working-days period mentioned in Clause 3.10.1, this short time frame must be counter-balanced by appropriate information as to how, when and to whom the appeal is to be made. MCAST’s communication (at the very start of the Christmas vacation period) contained no such information, and was sent via an email account to which one



could not properly reply. Is an application for a post with MCAST expected to know the details of all the internal administrative procedures for appealing selection boards' decisions? Compare, by way of contrast, the standard reply by the MFHEA to any request for qualification and recognition comparability: the reply includes not only details as to the appeal time-frame but also to whom one has to appeal (with email details, etc.). This practical and commonsense addendum was introduced by MFHEA some years back precisely to make the right of appeal practical and effective.

10. What is even more worrying is the following paragraph on page 2 of the decision of the Board of Appeal:

“The Board notes that the applicable procedure does not require a detailed submission in order to lodge an appeal; an appeal can be triggered simply by notifying the Director of Human Resources of the intention to appeal, including by means of a brief email. In these circumstances, the Board finds no convincing explanation which could justify the failure to submit the appeal within the prescribed timeframe.”

With all due respect to the members of the Board, the suggestion being made here verges on the irrational. It simply means that applicants for posts are being encouraged to trigger an appeal with the minimum of details or reasoning, with the would-be appellant then seeking more information about his marks and ranking at a later stage. Such a course of action would frustrate the recruitment process because of the provisions of Clause 3.10.2 already referred to.

11. As to the merits of the recruitment process and the allocation of marks and the raking of applicants, the undersigned, after a careful and exhaustive



examination of all the evidence, finds nothing in breach of Article 22(1) or (2) of the Ombudsman Act (Cap. 385).

Conclusion and recommendations

12. The undersigned, therefore, allows the complaint only to the extent that the method of communication of the results of the call for applications to the complainant effectively deprived him of his right to appeal because of the lack of proper information as above indicated, this shortfall being unreasonable, unjust and wrong in principle (Article 22(1)(a) and (d) of Cap. 385); and dismisses the remainder of the complaint.

13. The undersigned recommends that when applicants – whether successful or otherwise – are informed of the outcome of the *concours*, they should be clearly advised as to their right to appeal and to whom to apply or write to for more details (should they so require) in connection with their performance in the selection process. Moreover, given the one-month gap between the decision of the Board of Appeal and the communication of the same decision to the complainant, the undersigned also strongly recommends that the H.R. Department of MCAST undertake a serious review of its handling of email correspondence and communication.

Vincent A. De Geatano
Commissioner for Education

24 April 2026