The Ombudsman’s objective is to develop a public service culture characterised by fairness, dedication, commitment, openness, accountability and to promote the right to good public administration.

Chief Justice Emeritus, Joseph Said Pullicino
Parliamentary Ombudsman

1 Who is the Ombudsman?

The Ombudsman is an independent Officer of Parliament, appointed by the President of the Republic acting in accordance with a resolution of the House of Representatives supported by the votes of not less than two-thirds of all Members of the House.

The Ombudsman is not a Court of Law or Tribunal, he is not a ministry or government department, nor a pressure organisation or a non-profit organisation (NGO). He is a defender of the citizens right to good administration.
Who are the Commissioners for Administrative Investigations and what are their functions?

In 2010, the Ombudsman Act was amended to provide for the appointment of Commissioners for Administrative Investigations in specialised areas of the public administration.

Within the institutional framework of the Office of the Parliamentary Ombudsman, three Commissioners targeting health, environment and planning and education have been appointed. These Commissioners devote all their attention to the particular sector within their remit. These Commissioners are autonomous in the exercise of their respective powers and functions when investigating complaints within their jurisdiction.

They are however integrated for all other purposes in the existing structure in the Office of the Parliamentary Ombudsman. Complaints regarding these sectors must still be addressed to the Parliamentary Ombudsman who in terms of Law is empowered to assign complaints to the Commissioners.

What is the role of the Ombudsman?

In terms of the Ombudsman Act, the Ombudsman serves as a Commissioner for Administrative Investigations who is responsible for the investigation of complaints about any decision, action or lack of action, by public authorities such as government departments, statutory bodies, corporations, agencies and foundations, local councils, as well as partnerships and other bodies where the Government has an effective controlling interest in the exercise of their administrative functions on behalf of the Government. These complaints are submitted by members of the public who feel aggrieved and who believe that they suffered injustice, hardship or discrimination at the hands of government departments or other public bodies.

The Ombudsman conducts his investigation in a confidential manner and all the information provided to his Office is used only for investigation purposes. The Ombudsman charges no fees for his services and undertakes to conclude his investigations in the shortest possible time although this commitment does not in any way prejudice the quality of his work.

The Ombudsman is an Office of last resort however the filing of a complaint with the Office of the Ombudsman does not interrupt the running of any extinctive prescriptive period (prescription is the time frame within which one can institute judicial proceedings). Complainants are therefore advised to take appropriate legal measures to safeguard their rights at law, if they so wish.
4. Can the Ombudsman undertake Own Initiative Investigations?

Yes. In terms of Article 13(2) of the Ombudsman Act (Chapter 385 of the Laws of Malta), the Ombudsman may decide to commence an investigation on his own initiative although this, is as a rule, undertaken only when issues of substantial public interest and importance are concerned.

Furthermore, any Committee of the House of Representatives may refer to the Ombudsman for investigation any matter that is under consideration by the Committee. The Prime Minister may also refer any matter for investigation by the Ombudsman.

5. What type of complaints does the Ombudsman investigates?

The Ombudsman investigates complaints by those alleging that there has been an infringement of their economic, social and cultural rights arising from maladministration caused by involuntary or intentional mishandling of executive power or by improper, unreasonable or inadequate conduct on the part of the public authorities concerned.

6. What happens when a complaint reaches the Ombudsman?

The first thing that the Ombudsman does when he receives a complaint is to determine whether the complaint is admissible. If the Ombudsman decides that the complaint cannot be investigated, the complainant is informed that the Ombudsman will not be dealing with the case. If the Ombudsman decides that the complaint is admissible, investigations will be conducted into the case.

7. When can a complaint be submitted?

The Ombudsman is bound by Article 14(2) of the Ombudsman Act, not to accept a complaint that is submitted to him later than six months from the day on which the complainant first had knowledge of the matters complained about. However, the Ombudsman can use his discretion to conduct an investigation concerning a complaint that is not made within this period, if he considers that there are special circumstances which make it proper for him to do so.
On what grounds can the Ombudsman refuse to investigate a complaint?

The Ombudsman may refuse to investigate when:
- the complainant has not already tried to resolve the grievance directly with the public body concerned;
- the person submitting the grievance has a reasonable alternative remedy available at law;
- the issue raised in the complaint is considered to be trivial, frivolous or vexatious and not made in good faith; and
- the person submitting the grievance is considered to have insufficient personal interest in the complaint.

What procedures are followed in cases where the Ombudsman decides to initiate an investigation?

When the Ombudsman decides that a grievance that has been brought to his attention warrants an investigation, the complainant is informed of this decision and is given the name of the Investigating Officer who will be handling his case. The Office of the Ombudsman will at the same time contact the public body involved in the case to obtain all the necessary information and explanations regarding the facts referred to in the complaint. On the basis of this investigation, the Office will be able to reach an opinion.

How does the Ombudsman handle grievances and what can the Ombudsman do for the complainant?

In admissible cases, the Ombudsman first reviews the circumstances that gave rise to the complaint in order to establish the facts. On the basis of this investigation, the Ombudsman forms his independent opinion. When the Ombudsman concludes that a complaint is justified in whole or in part, he will submit his recommendations to the public body concerned on the manner in which the grievance may be resolved and the redress that should be provided.

In these cases the main aim of the Ombudsman is that a complainant should be restored to the position he or she would have been in before the occurrence of maladministration. Although the Ombudsman has no power to enforce his final opinions, these are generally accepted. Many complaints are resolved to everyone’s satisfaction before the need for a formal recommendation arises.
What happens if the recommendations of the Ombudsman are not honoured by the public authorities?

The Ombudsman Act states clearly that the Ombudsman cannot enforce his recommendations and that he cannot overrule the decisions and actions of public authorities in order to oblige them to comply with his final opinion and to provide a remedy. In terms of the Act where a complaint is sustained, the Ombudsman may request the public authorities involved to notify him, within a specified time, of the steps (if any) which they propose to take to give effect to his recommendations.

If the Ombudsman’s recommendations for the award of appropriate redress are left pending or else are not accepted, the Ombudsman may send a copy of his report and recommendations on the matter to the Prime Minister and to the House of Representatives. The Ombudsman may also publish reports on such cases in the local media.

If the Ombudsman’s recommendations are not binding and he cannot enforce them, what are the advantages of submitting a complaint?

Resort to the Ombudsman institution, however, offers various advantages arising from the fact that the Ombudsman:

- is fully independent of government and of the public authorities which he investigates;
- conducts his investigations in a confidential manner and does not reveal the names of complainants in his published final opinion;
- has access to all public files and documents and can summon any person including public officials to give evidence on the complaint;
- is impartial and listens to the views and considers the submissions of both the complainant and the respondent in a manner that is fair and equitable to all the parties concerned;
- makes no charge to complainants;
- adopts a non-adversarial approach;
- keeps complainants regularly informed of the progress of their complaints; and
- provides the complainant with full information on the handling of their case by the authorities.
How are complaints submitted to the Ombudsman?

Complaints can be lodged with the Office of the Ombudsman in the form of a letter, online, by email or by the appropriate complaint form, which provide all the necessary information.

Copies of correspondence and documents necessary to support the complaint and to show that the public body concerned has already been approached in order to provide redress should be made available by the complainant to the Office of the Ombudsman before an admissible complaint can be investigated any further.

If the complaint is lodged by email, or by the online complaint form, a printed and signed copy of the complaint together with all supporting documentation must be mailed to the Office of the Ombudsman at 11, St Paul Street, Valletta.

Does the Ombudsman accept anonymous complaints?

The Ombudsman does not accept anonymous complaints.

The Office of the Ombudsman is open to the public as follows:

October - May
08:30 - 12:00 hrs
13:30 - 15:00 hrs

June - September
08:30 - 12:30 hrs

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