



Office of the  
Principal Permanent Secretary

## **Directive No 9**

# **DELEGATION OF AUTHORITY TO CONDUCT SELECTION PROCESSES AND MAKE APPOINTMENTS IN THE MALTA PUBLIC SERVICE**

Issued on the 18<sup>th</sup> September 2015 by the Principal Permanent Secretary in terms of the Public Administration Act and in consultation with the Public Service Commission.

## **1. PURPOSE AND APPLICABILITY OF THIS DIRECTIVE**

1.1 The delegation of authority for the filling of vacancies in Public Sector Entities, introduced through Directive 7, is being extended to the Public Service. This Directive sets out, through the annexed Manual, the procedures which shall apply to selection processes and appointment under the authority of Permanent Secretaries in terms of the Instrument of Delegation approved by the Prime Minister for this purpose and the new Public Service Commission (PSC) Appointments Regulations.

1.2 This Directive, the annexed Manual, the Instrument of Delegation and the new PSC Appointments Regulations are intended to bring about the simplification of administrative processes and the reduction of bureaucracy through the elimination of the requirement to refer to the PSC as a matter of routine when establishing selection criteria, issuing selection results, making and postponing appointments and renewing fixed-term appointments to positions.

1.3 The delegated selection and appointment process, together with other measures, including the Fiscal Responsibility Act and the concept of forward HR planning, will contribute towards the attainment of the optimal size objective across the Public Service and the attainment of corporate or ministerial objectives to reach set goals and vision.

1.4 This Directive deals with the steps to be followed after the publication of a call for applications. The procedures that are followed prior to the publication of calls – that is to say those concerning the grant of approval for vacancies – have also been reviewed with the goal of simplification in mind. Instructions aimed at delegating authority to Permanent Secretaries in this area too are being issued separately. These instructions will deal with the approval of vacancies in the Public Service and will correspond to those dealing with Public Sector Entities that have been issued in the form of Directive 7.

1.5 PAHRO will act as one stop shop whenever any requisite approvals from other stakeholders are required on any issue (including Finance endorsements as regards departures from approved HR Plans) relating to the selection and appointment process.

1.6 This Directive applies to all Ministries and government departments and to their respective Permanent Secretaries.

## **2. DELEGATING THE AUTHORITY TO CONDUCT SELECTION PROCESSES AND MAKE APPOINTMENTS**

2.1. This Directive concerns the method to be adopted for conducting the selection process and for the filling of vacancies in any government department following a selection process undertaken on the basis of merit, where, without prejudice to the provisions of Article 86 of the Constitution, authority for the making of appointments has been delegated through an Instrument of Delegation in accordance with sub-article (1) of article 110 of the Constitution.

2.2. The method to be adopted for the making of appointments and renewals thereof following a selection process conducted by the Senior Appointments Advisory Committee (SAAC) does not fall under the provisions of this Directive.

2.3. By virtue of this Directive and with the approval of the Public Service Commission through the new PSC Appointment Regulations, Permanent Secretaries are empowered to approve selection criteria and weightings and to publish Selection Board results.

2.4. By virtue of the Instrument of Delegation approved by the Prime Minister for this purpose upon the recommendation of the Public Service Commission, the power to make any appointments and postponement thereof to public offices, following a competitive selection process, on the basis of a valid order of merit, is delegated to Permanent Secretaries. Likewise, the power to renew fixed-term contractual appointments for a second or subsequent term, is also delegated to Permanent Secretaries provided that the initial appointment was made on the basis of a competitive selection process.

2.5. The *Manual on the Selection and Appointment Process under Delegated Authority in the Malta Public Service*, attached to this Directive, is to be considered as Government's official document which regularises the delegated selection and appointment procedure in the Malta Public Service.

2.6. Permanent Secretaries are therefore bound to ensure that the procedures set out in the Manual, as well as any other directives and guiding principles issued from time to time by the Principal Permanent Secretary and/or by the Public Service Commission, are invariably and strictly adhered to. Failure on the part of a public officer to fulfil any obligations s/he may have under this Directive shall constitute misconduct in terms of the Disciplinary Regulations, without prejudice to any criminal or other action that may be taken according to law.

2.7. More information on the Manual and its application may be obtained from PAHRO.

2.8. PAHRO may issue updated versions of the Manual from time to time. Ministries and departments would be expected to follow the latest version of the Manual.

### **3. IMPLEMENTATION**

3.1. When making appointments under the delegated authority, Ministries and departments are to follow the selection and appointment procedure outlined in the Manual.

3.2. PAHRO shall retain its regulatory and monitoring function in so far as ensuring that the provisions of this Directive and the procedures outlined in the Manual as regards the appointments procedure are being adhered to. The Public Service Commission shall, additionally, exercise its regulatory function as regards the selection process, including inquiring into selection processes and taking remedial action, as provided in the PSC Appointments Regulations.

3.3. This Directive shall come into force on **1<sup>st</sup> February 2016**, and is indefinitely applicable unless otherwise withdrawn. The interim period from the date of issue of this Directive and its coming into effect will be a transition period from the current procedures to the new procedures as defined by means of this Directive.

Version 3.3 as on **25 January 2018**.

Version 3.1 as on **21 March 2017**.

Version 2 as on **1 February 2016**.

Version 1 as on **18 September 2015**.

Mario Cutajar  
Principal Permanent Secretary