

Directive 11 - General provisions governing Disciplinary Proceedings in the Malta Public Service

Office of the
Principal Permanent Secretary

Directive No 11

GENERAL PROVISIONS GOVERNING DISCIPLINARY PROCEEDINGS IN THE MALTA PUBLIC SERVICE

Issued on the 28 February 2017 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 This Directive sets out, through the annexed Manual, the procedures which shall apply to the PSC Disciplinary Regulations 2017.

1.2 This Directive deals with the steps to be followed for the implementation of disciplinary procedures and processing of disciplinary cases.

1.3 This Directive, the annexed Manual, and the new PSC Disciplinary Regulations, 2017, are intended to bring about the simplification of disciplinary processes with a view to limiting the length of the time required to conclude a disciplinary case.

1.4 This Directive applies to all Heads of Department as defined in Regulation 2 of the PSC Disciplinary Regulations, 2017.

2. AUTHORITY TO EXERCISE DISCIPLINARY AUTHORITY

2.1. This Directive concerns the processing of disciplinary and criminal cases within the public service, in accordance with the PSC Disciplinary Regulations 2017 and the Manual annexed to this directive.

2.2. The *Manual on Disciplinary Procedures in the Malta Public Service*, attached to this Directive, is to be considered as Government's official document which seeks to assist Heads of Department and other Public Officers in the processing of disciplinary or criminal cases.

2.3. Heads of Department 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 fulfill any obligations s/he may have under this Directive and the PSC Disciplinary Regulations, 2017, shall constitute misconduct in terms of the Disciplinary Regulations, without prejudice to any criminal or other action that may be taken according to law.

2.4. More information on the Manual and its application may be obtained from the People and Standards Division (P&SD).

2.5. P&SD may issue updated versions of the Manual from time to time, with the approval of the PSC. Ministries and departments are to follow the latest version of the Manual.

3. IMPLEMENTATION

3.1. When taking disciplinary action under the delegated authority, Ministries and departments shall follow the procedure outlined in the Manual and in the PSC Disciplinary Regulations, 2017.

3.2. P&SD shall retain its monitoring function in so far as ensuring that the provisions of this Directive and the procedures outlined in the Manual and the PSC Disciplinary Regulations, are being adhered to. P&SD shall also act as the focal point whenever any queries arise as regards the processing of the disciplinary cases.

3.3 The Public Service Commission shall additionally exercise its regulatory function as regards the interpretation and application of the PSC Disciplinary Regulations, 2017, and the making of recommendations, as provided in the same Regulations.

3.4. This Directive shall come into force on 1 March **2017**, 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.

Attached: Manual on Disciplinary Procedures in the Malta Public Service

Mario Cutajar
Principal Permanent Secretary