

# PSC Disciplinary Regulations 2023

## Training on the New Provisions



# Objectives of Amendments



Simplification



Alignment with  
case law



Further delegation  
of procedures



Wellbeing of  
employees



Consolidation

# Regulation 17

---

# Early Resolution Meeting

- For a **first** or **second** minor case
- **3 working days** to register request
- The officer may be accompanied by a person of his/her choice
- **Mutual agreement** reached: the officer to indicate his/her agreement within **2 working days**.  
Decision may not be appealed with PSC
- **No mutual agreement** reached: the case is referred to a Disciplinary Board

# Fact-Finding

- To gather the necessary information and evidence on the case;
- To make recommendations
- Time-frame: **20 working days**
- Extension by the Permanent Secretary: **10 working days**
- Head of Department may consult with the Central Fact Finding Panel

# Professional Employee Support

- Opportunity for rehabilitation
- Officer is informed in writing
- **10 working days** for the officer to agree in writing
- Timeframes temporarily suspended
- Refusal to seek professional support / unsuccessful completion, the prescriptive period is re-activated.

# Interim Measures

---

# Summary Suspension & Forced Leave

- **Summary Suspension** has been eliminated
- **Forced Leave:** HoD may direct an officer to avail of forced leave for a period up to **80 hours**

# Precautionary Suspension

- ❑ Alleged serious disciplinary offence
- ❑ Further investigation is necessary
- ❑ Arraignment / police investigation / arrest

Precautionary suspension is NOT a disciplinary action and is only intended as an interim measure of precaution

# Precautionary Suspension

- To be imposed by the Head of Department (not PSC)
- Officer has 5 working days to appeal decision with PSC
- 80% of salary or rate of minimum wage whichever is the higher
- Periodical review by HoD
- Officer has the right to request review after 6 months
- Central Review Committee
- Officer does not need approval of HoD to travel outside Schengen area

# Precautionary Suspension Considerations for lifting

---

Nature of the offence

Any link/relevance to the public officer's duties

Whether the officer in question is a recidivist

Whether the criminal courts have already pronounced a verdict

How long the officer has been suspended for precautionary purposes

Detrimental impact on the reputation of the Public Administration

If matter is still pending court proceedings, the detrimental impact it may have on potential witnesses to the case and on alleged victim/s

# Criminal Proceedings

---

# Criminal Proceedings

- Criminal cases shall not be referred to the PSC when HoD becomes aware of the case
- **Acquittal** following criminal charges:
  - Precautionary suspension shall be lifted without delay
  - Refund of salary withheld, including additional earnings pro rata

# Criminal Proceedings

- Head of Department may refrain from referring Court findings to PSC:
  - Misconduct has no direct or indirect relation to the officer's duties;
  - Penalty imposed does not include a sentence of effective imprisonment or a suspended sentence or interdiction in terms of Criminal Code.
- **Conviction** after criminal charges:
  - When case is not referred to PSC precautionary suspension to be lifted and officer to be reimbursed the part salary withheld
  - If the case is referred to the PSC: the PSC shall make a recommendation on the penalty imposed (if any) and may recommend the lifting of precautionary suspension (if the penalty imposed is other than dismissal).

# Disciplinary Boards

---

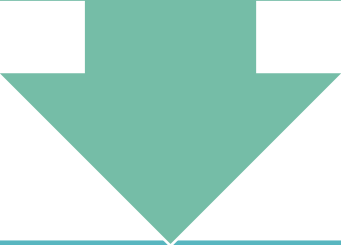
# Public Service Standing Disciplinary Panel

- One central Public Service Standing Disciplinary Panel composed of retired public officers
- A pool of public officers from across Ministries who may serve on disciplinary boards

# Composition of Disciplinary Boards

---

3 persons appointed by the  
Permanent Secretary responsible  
for the officer charged



## Chairperson:

not less than 2 Salary  
scales above the officer  
charged and not below  
Salary Scale 7

in Salary Scale 5 or  
higher if leading to  
dismissal

in Salary Scale 3 or  
higher if the officer  
charged is in Salary Scale  
3 or higher

# Composition of Disciplinary Boards

In **Minor Cases**: all members (including chairperson) may be appointed from the Public Service Standing Disciplinary Panel



**Members**: At least one salary scale above the officer charged



None of the members shall be employed within the same Ministry as the officer charged

# Powers and Functions of Disciplinary Boards

1<sup>st</sup> sitting to be convened by not later than 15 working days from date of appointment of Disciplinary Board



## Minor Cases:

conclusion within **20 working days**

Referred to the Permanent Secretary for **one** extension of **20 working days**

# Powers and Functions of Disciplinary Boards

- Serious / Serious leading to dismissal:
  - conclusion within **40 working days**
  - for serious and justifiable reasons the Board shall refer matter to PS for **one** extension of **40 working days**
- **In extenuating circumstances, the direction of the Head of the Public Service is to be sought**

# Other Amendments

## Retention period of penalties in Service and Leave Record Sheet:

- **Written warning -**  
6 months from date of penalty
- **Suspension without pay for a number of days –**  
The duration of the active period of suspension and then marked as ‘break in service’
- **Warning of dismissal for a number of years -**  
The duration of the period of the warning of dismissal

# Other Amendments

- Reg.7: When new evidence is presented, the Disciplinary Board / PSC shall decide whether the evidence is relevant to the case (not the HoD)
- Revised Instrument of Delegation
- Rulings requested by the Disciplinary Board to the PSC are to be communicated in writing to both parties

A large teal circle is centered on a white background. The word "Questions" is written in white, sans-serif font in the center of the circle. Below the word is a white horizontal line with a slightly wavy, hand-drawn appearance.

Questions

---



**One-Stop-Shop for Public Officers**

**People Relations Directorate**

**Tel: 2200 1225**

**E-mail: [one-stop-shop.psd@gov.mt](mailto:one-stop-shop.psd@gov.mt)**